




MEMORANDUM

TO: Michigan Independent Citizens Redistricting Commission (MICRC)

CC: MICRC & MDOS Staff

FROM: Julianne V. Pastula 
General Counsel, MICRC

DATE: January 10, 2022

RE: **Draft of Proposed Amendments to MICRC Rules of Procedure**

Based on the Michigan Independent Citizens Redistricting Commission (MICRC) meeting on Tuesday, December 28, 2021, proposed amendments to MICRC Rules of Procedure regarding the Open Meetings Act¹ and remote attendance have been drafted for the Commission's consideration.²

The proposed amendments are reflected in the attached redlined document titled *Draft 1 of Proposed Amendments*:

- Section 1.2: Definitions. Delete definition of Open Meetings Act.
- Section 3.4: Vacate Office. Replace reference to Open Meetings Act with Section 5.0 in subpart (E)(5)(b).
- Section 4.2: Minutes. Update specific reference to Michigan Constitution and add language regarding adoption and posting of minutes.
- Consistent with the court's opinion in *The Detroit News, Inc. v Independent Citizens Redistricting Commission*, ___ Mich ___ (2021) (Docket No. 163823), amend the provisions of Section 5.0: *Compliance with Open Meetings Act* to Section 5.0 *Conduct of Open Meetings*.
 - Section 5.1: Open Meetings. Remove Open Meetings Act language and add constitutional language.
 - Section 5.2: Location and Notice. Remove Open Meetings Act language and add posting requirement. Modification of notice timing to minimum of five (5) hours for discussion and potential upwards revision by the Commission.

¹ Public Act 267 of 1976, as amended, being MCL 15.261 *et seq.*

² Pursuant to Section 14 of its rules, the Commission may discuss, revise, and adopt modifications to its rules of procedure by majority vote.

- Section 5.3: Rescheduling of Meetings. Modification of notice timing to minimum of five (5) hours for discussion and potential upwards revision by the Commission.
 - Add Section 5.4: Cancellation of Meetings.
 - Add Section 5.5: Remote Attendance. The *Remote and Hybrid Meeting Policies and Procedures, Adopted and Effective April 8, 2021*, may be rescinded via resolution. Any relevant language from the policy has been incorporated into the proposed rules under this section.
- Section 6.2: Meetings. Remove Open Meetings Act references and modifications of provisions as follows:
 - 6.2.1, 6.2.2 and 6.2.3: remove Open Meetings Act references.
 - 6.2.4: modification of notice timing to minimum of five (5) hours for discussion and potential upwards revision by the Commission.
 - Remove 6.2.5 regarding emergency meetings.
- Section 6.3: Recessed Meetings. Modification of notice timing to minimum of five (5) hours for discussion and potential upwards revision by the Commission.
- Section 10.2: Appointment and Authority. Remove reference to Open Meetings Act and replace with reference to Section 5.0.
- Section 13.1: Commission Records. Remove references to Open Meetings Act and modification of language regarding minutes.
- Section 14.2: Amendments. Addition of language regarding posting to Commission website to satisfy notice requirements.