

COMMUNICATIONS WITH THE PUBLIC

STATE OF MICHIGAN CONSTITUTION – ARTICLE IV § 6, SUBSECTION 11



What does Subsection 11 of Art. IV § 6 of the Michigan Constitution prohibit?

Unless the communication occurs during an open meeting of the MICRC, its individual members, staff, attorneys and consultants are prohibited from discussing redistricting matters with members of the public.

What does it cover?

Subsection 11 creates a “redistricting bubble” around the MICRC, its staff, attorneys and consultants. It covers communications regarding redistricting matters between individuals within the “bubble” and anyone outside it.

What is a “redistricting matter”?

It is not defined in the Michigan Constitution. Common definitions are:

- “Redistrict” means “to divide anew into districts” and “to revise legislative districts.”
- “Reapportionment” means “the reassignment of representatives proportionally among the states in accordance with changes in population distribution.”

The Constitution does not limit the time or scope of “redistricting matters,” so it refers to any matter on the subject of redistricting as well as the reapportionment activities of the Commission.

Is there an exception to this prohibition? It seems very broad and I would like to communicate with certain Commissioners and let them know my personal opinions on redistricting.

This is a very broad prohibition; however, there is an important exception. Individual Commissioners may communicate about redistricting matters with members of the public to:

- Gain information relevant to the performance of his or her duties” ONLY IF
- The communication between an individual Commissioner and a member of the public occurs:
 - » In writing (such as a letter or email); or
 - » At a previously publicly noticed forum or town hall open to the general public.

What is NOT a “redistricting matter”?

Organizational or administrative topics such as how officers were selected, dates/times of future meetings and questions regarding the process to submit public comment.

What does Subsection 11 accomplish?

In a practical sense, the exception permits an individual Commissioner to communicate with a member of the public to receive information from that member of the public regarding redistricting matters. The information received by the Commissioner must be relevant to the performance of their duties, and since the communication of information is occurring outside of an open meeting of the Commission, it must be “in writing” or made “at a previously publicly noticed forum or town hall open to the general public.”

Subsection 11 is important because it reinforces the MICRC’s commitment to transparency, integrity and impartiality while inviting meaningful public participation in its meetings and ensuring the public’s access to information is maintained throughout the redistricting process.