

09/25/2020

SECRETARY OF STATE

JOCELYN BENSON

INDEPENDENT CITIZEN'S REDISTRICTING COMMISSION VIRTUAL

MEETING

MORNING SESSION

FRIDAY, SEPTEMBER 25, 2020

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IN RE: The Recorded Remote Meeting,  
Transcribed by April A. Kurtz, CSR-7347.

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1 Remote meeting

2 Held on September 25, 2020

3 Morning Session

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5 COMMISSIONER LETT: Good morning, everyone. I  
6 call this meeting of the Michigan Independent Citizens  
7 Redistricting Commission to order.

8 This Zoom webinar meeting is being live-  
9 streamed Zoomed to Facebook and to YouTube. For anyone  
10 in the public watching who would prefer to watch via a  
11 different platform than they are currently using, please  
12 visit our [socialmedia@Redistricting.mi](mailto:socialmedia@Redistricting.mi) to find the link  
13 for either viewing on YouTube or Facebook.

14 Our live stream today includes closed  
15 captioning. We would like to welcome everybody and say  
16 hello and hope that you enjoy watching us as much as we  
17 enjoy doing our job.

18 We have ALS interpretation available for this  
19 meeting. If you're a member of the public watching, who  
20 would like easier viewing options for the ALS  
21 interpreter on your screen, please email us  
22 [redistricting@michigan.gov](mailto:redistricting@michigan.gov) and we will provide you with  
23 additional viewing options.

24 Similarly, members of the public, who would  
25 like to access translat -- translation services during

1 the webinar can email us at [redistricting@Michigan.gov](mailto:redistricting@Michigan.gov)  
2 for details on how to access translation services  
3 available for this meeting.

4 Translation services are available in both  
5 Spanish and Arabic. Please email us and we will provide  
6 you with the unique link and call-in information.

7 This meeting is being recorded, as are all of  
8 our meetings, and will be available at  
9 [redistrictingmich.org](http://redistrictingmich.org) for viewing at a later date.

10 This meeting is being transcribed and those  
11 transcriptions will be made available and posted on  
12 [redistrictingmichigan.org](http://redistrictingmichigan.org), along with written public  
13 comment submissions, of which we've had several thus  
14 far.

15 Members of the media who may have questions  
16 before, during or after this meeting should direct those  
17 questions to Tracy Wimmer, Media Relations Director at  
18 the Department of State. Members of the media should  
19 have her contact information.

20 For the purpose of the public watching and the  
21 public record, I will turn to the Department of State's  
22 staff to take note of the commissioners' present.

23 Sally, would you call the roll, please?

24 MS. MARSH: Yes, I will.

25 Commissioners, please unmute yourself and say

1 present when I call your names.

2 MS. MARSH: Anthony Eid?

3 COMMISSIONER EID: Present.

4 MS. MARSH: Brittni Kellom?

5 COMMISSIONER KELLOM: Present.

6 MS. MARSH: Cynthia Orton?

7 COMMISSIONER ORTON: Present.

8 MS. MARSH: Doug Clark?

9 COMMISSIONER CLARK: Present.

10 MS. MARSH: Dustin Witjes?

11 COMMISSIONER WITJES: Present.

12 MS. MARSH: Erin Wagner?

13 COMMISSIONER WAGNER: Present.

14 MS. MARSH: Janice Vallette?

15 COMMISSIONER VALLETTE: Present.

16 MS. MARSH: Juanita Curry?

17 COMMISSIONER CURRY: Present.

18 MS. MARSH: MC Rothhorn?

19 COMMISSIONER ROTHORN: Present.

20 MS. MARSH: Rhonda Lange?

21 COMMISSIONER LANGE: Present.

22 MS. MARSH: Richard Weiss?

23 COMMISSIONER WEISS: Present.

24 MS. MARSH: Steve Lett?

25 COMMISSIONER LETT: Present.

1 MS. MARSH: 12 commissioners are present. And  
2 hopefully, Commissioner Glenn Shaw will be joining us  
3 any moment.

4 COMMISSIONER LETT: The agenda -- is that  
5 going to be posted on the screen?

6 MS. MARSH: Cathleen, I don't think -- yeah,  
7 now we can see your slides. Thanks, Cathleen.

8 COMMISSIONER LETT: Okay. The agenda is on  
9 the screen and we would entertain a motion to adopt this  
10 as the agenda.

11 I guess, first, are there any additions or  
12 corrections to the agenda that any commissioner wants to  
13 bring to the fore?

14 Hearing none, if you would adopt this agenda,  
15 please --

16 COMMISSIONER EID: I move to -- to adopt the  
17 agenda.

18 COMMISSIONER LETT: Second?

19 COMMISSIONER MALE SPEAKER: Second.

20 COMMISSIONER LETT: All in favor, raise your  
21 hand.

22 All opposed, raise your hand.

23 The agenda is adopted.

24 MR. BRADY: Clarification?

25 COMMISSIONER LETT: Yes.

1 MR. BRADY: Good morning. I -- for the  
2 record, I -- this is Mike Brady. I heard, I think,  
3 Commissioner Eid's motion, but I didn't catch who --

4 COMMISSIONER WITJES: I was the second.

5 MR. BRADY: Okay. Thank you.

6 COMMISSIONER LETT: Now, we'll move on to the  
7 meeting minutes from last week, and those cover Thursday  
8 and Friday.

9 Are there any corrections to those minutes or  
10 any additions?

11 Doug?

12 COMMISSIONER CLARK: Yes, going to Friday  
13 afternoon's session, under Item 4, hiring of staff, I  
14 believe in addition to getting job descriptions for the  
15 executive director, we also discussed getting job  
16 descriptions for general counsel. And -- and I'm not a  
17 hundred percent sure, but also an outside counsel that  
18 dealt with the Voting Rights Act and -- and be able to  
19 assist us in that as we go through this process.

20 So I think that needs to be added. That's one  
21 item that I saw.

22 COMMISSIONER LETT: And going back, looking at  
23 my notes, anyone else have a comment?

24 MS. MARSH: This is Sally Marsh from the  
25 Department of State. I just wanted to briefly kind of

1 talk about, at a high level, what is included in the  
2 minutes is really decisions and motions.

3 So if it was a discussion point that  
4 particularly -- you know, but -- but no action was taken  
5 on it -- and Mike, I see, has his camera on and might  
6 want to add more clarity here, but that might address  
7 what you just raised, Doug.

8 COMMISSIONER CLARK: Yeah, and the reason I  
9 raised it is because the attachments that got mailed to  
10 us last night had a -- had the job description for  
11 general counsel, I believe. You know, so that's --  
12 that's why I brought that up.

13 MR. BRADY: This is Mike Brady. Thank you,  
14 Doug. We -- that was definitely part of the discussion  
15 from last Friday, and that's why we took the steps that  
16 we did to kind of understanding, at least informally,  
17 that that was in the interest of, you know, maybe the  
18 commission, at the very least, some of the  
19 commissioners, so that's why we sent that information  
20 along.

21 I think we were preparing the minutes, it was  
22 really being more mindful of the formal action that was  
23 actually taken by the commission. So when we wrote up,  
24 you know, what the motions were, we tried to be, you  
25 know, adhere as closely as possible to the -- the

1 language that was actually offered by -- by each of you.  
2 So we noted it was a formal action when you formally  
3 requested something of us.

4 But we also noted, practically speaking, you  
5 know, we're not trying to be bureaucratic about this.  
6 But we do wanna make -- make a distinction between the  
7 official record of what the commission actually moved  
8 and voted on and formally requested us to do, but then,  
9 practically speaking, also note those questions and the  
10 other things that you all asked for, or at least  
11 discussed. And so we tried to, you know -- and I think  
12 the general counsel's description is -- is a great  
13 example of that.

14 And so, in any event, I -- I hear -- I don't  
15 know if you want to amend the minutes or not, but just  
16 to let you know what our thought process was in creating  
17 that. That's what it was.

18 COMMISSIONER LETT: Any further comment, Doug?

19 COMMISSIONER CLARK: No, none, not at all.

20 COMMISSIONER LETT: Anybody else? Anything  
21 for the minutes?

22 COMMISSIONER EID: I'll move to approve the  
23 minutes.

24 COMMISSIONER LETT: Before we do that, I've  
25 got a couple of just typo-type corrections I want to get



1 in.

2 On page 7 -- go ahead, whoever said something.

3 On page 7 --

4 Acknowledging that -- (choppy audio).

5 COMMISSIONER LETT: You're breaking up and I  
6 couldn't understand what you said.

7 COMMISSIONER ORTON: I had had my hand up, but  
8 I think you probably caught the same typo -- typos I  
9 did.

10 COMMISSIONER LETT: I'll take yours.

11 COMMISSIONER ORTON: Okay. I just noticed, I  
12 think it was page 3, and it happened to be your name  
13 spelled wrong with (inaudible) last name.

14 COMMISSIONER LETT: I saw my name spelled  
15 wrong somewhere, but it wasn't on -- where is it on page  
16 3?

17 COMMISSIONER ORTON: Let me look real quick.

18 COMMISSIONER ROTHORN: second paragraph, it  
19 says Steve Letter in bold.

20 COMMISSIONER LETT: I saw that one, also.

21 That needs to be corrected. Make that  
22 correction, please.

23 Any others?

24 COMMISSIONER ORTON: That was what I found.

25 COMMISSIONER LETT: Okay. On page 2, motion

1 for structure, it says sold at four candidates and then  
2 it repeats that. We just need to cross out the second  
3 sold at four candidates.

4 On page 5, at the top, motion recess meeting  
5 until -- it says 2:00 p.m., that should be 9:00 a.m.

6 On page 7, the last full paragraph, it says  
7 Commissioner Clark to -- it says in state, I think it  
8 means institute. However, I'm open to further  
9 definition.

10 On page 10 under the -- next to the last  
11 paragraph, third line, MDOS staff clarified that --  
12 there's a second that, cross out one of those.

13 And that's it, that I have found.

14 Unless there are others, I would entertain a  
15 motion to approve the minutes as corrected.

16 COMMISSIONER WITJES: So moved.

17 Dustin moved. A second?

18 MC seconds.

19 COMMISSIONER LETT: All in favor, raise your  
20 hand.

21 All opposed?

22 Brittni, since you are not visible, do you  
23 approve the minutes?

24 COMMISSIONER KELLOM: Yes, I do, Steve.

25 COMMISSIONER LETT: Thank you.

1 COMMISSIONER KELLOM: No problem.

2 COMMISSIONER LETT: We will now approve -- we  
3 did that.

4 Approve motion minutes, we did that.

5 Public comment.

6 We'll now move on -- we're going -- Sally,  
7 we're doing public comment now, first thing?

8 MS. MARSH: Yes. Although, chairman, there is  
9 no public comment submissions for live public comment  
10 today.

11 COMMISSIONER LETT: All right. I'll make a  
12 little bit of a speech here regarding how we're gonna do  
13 it and then we'll move on.

14 In order to have public comment, if you want  
15 to do that at the appropriate time in our meetings, you  
16 need to sign up prior to the meeting. And there is a  
17 procedure to do that through the  
18 [redistricting@michigan.gov](mailto:redistricting@michigan.gov). And it operates on a first  
19 come, first serve basis. So if you sign up, you're  
20 number one, you'll be first on the meeting schedule for  
21 public comment.

22 You will have 90 seconds to present whatever  
23 your comment is. And we normally allot a half hour for  
24 public comments.

25 COMMISSIONER BRADY: Steve?

1 COMMISSIONER LETT: Yes?

2 COMMISSIONER BRADY: Hi, Mike Brady. I was  
3 just gonna clarify for the public, or anyone watching,  
4 that the reason that people would need to sign up in  
5 advance is solely a technological reason because this is  
6 a Zoom webinar. Normally, if we were in person, there  
7 would not be a requirement for people to sign up in  
8 advance. And so that's something that is necessary and  
9 allowed because of, you know, this being a Zoom webinar  
10 and just technological things that flow from that.

11 And -- and, in turn, is authorized by the  
12 emergency order or executive order that allows, you  
13 know, this public meeting to be happening virtually.

14 So just clarifying that in case anyone is  
15 wondering about that at home. Thanks.

16 COMMISSIONER LETT: Thanks, Mike. And we're  
17 not trying to stifle public comment. I wanna make that  
18 very clear. We're are very open to having public  
19 comment. And, as Mike said, under these circumstances  
20 where we're using technology and virtual meetings,  
21 the -- the method and the procedure has to be just  
22 slightly different than simply walking up to the  
23 microphone, introducing yourself and speaking. So  
24 that's the reason for that.

25 Do we have our new commissioner yet?

1 MS. MARSH: We do not have him yet. We are  
2 working with him off-line, but we seem to be having an  
3 email issue, so we're -- we still haven't gotten him on.

4 COMMISSIONER LETT: All right. Thank you.  
5 We'll set aside that page.

6 I think that we're at the point where we were  
7 going to introduce ourselves. I am hoping that we will  
8 get the new commissioner, Mr. Shaw, Glenn Shaw, here,  
9 and then do that so that, number one, the public can  
10 meet him at the same time that we meet him and he can  
11 meet us.

12 So I'm going to move on at this time to old  
13 business.

14 MS. MARSH: Chairman Lett?

15 COMMISSIONER LETT: Yeah?

16 MS. MARSH: I think we just now have Glenn  
17 Shaw just in time on the line here. He just was  
18 promoted to be -- to be part of the meeting.

19 COMMISSIONER LETT: Good. Ah-ha. Mr. Shaw?  
20 Take -- unmute yourself so you can talk at us.

21 There you go.

22 COMMISSIONER SHAW: I'm unmuted. Okay. Thank  
23 you.

24 COMMISSIONER LETT: Good morning.

25 COMMISSIONER SHAW: That's me. Good morning.

1 COMMISSIONER LETT: Welcome. We are --

2 COMMISSIONER SHAW: Do you want me to do -- do  
3 you want me to do the oath of office?

4 COMMISSIONER LETT: We're gonna get there,  
5 just hang tight with us.

6 COMMISSIONER SHAW: Okay. All right. Okay.

7 COMMISSIONER LETT: All right. Oath of  
8 office. We're going to have Sal -- who is gonna do the  
9 oath of office, Sally?

10 MS. MARSH: Chairman, either you or -- or Mike  
11 Brady can administer the oath.

12 COMMISSIONER LETT: Well, we'll like Mike do  
13 it. He needs something to do this morning.

14 COMMISSIONER BRADY: Happy to.

15 Good morning. And good morning, Mr. Shaw.

16 Welcome to the commission.

17 Before we do the oath of office, I don't know  
18 if -- just for people in the public, just to acknowledge  
19 that Mr. Decker, who had been randomly selected at -- to  
20 serve on the commission and participate in last week's  
21 meeting, he resigned from the commission and contacted  
22 us on Sunday just to let him -- let us know that he  
23 would not be able to serve.

24 In turn, per the rules in the Constitution,  
25 another random selection was undertaken by the

1 Department of State on Wednesday morning. That was  
2 Wednesday, September 23rd.

3 And, as a result of that random selection,  
4 Mr. Shaw, Glenn Shaw, is now on the commission as an  
5 unaffiliated commissioner.

6 Mr. Shaw, I'll administer the oath of office  
7 for you. In order to administer the oath remotely, I  
8 will ask you to unmute your microphone, which I think  
9 you have, raise your right hand and repeat after me.

10 The oath should also be on your screen.

11 I do solemnly swear or affirm.

12 COMMISSIONER SHAW: I do solemnly swear or  
13 affirm.

14 COMMISSIONER BRADY: That I will support the  
15 Constitution of the United States.

16 COMMISSIONER SHAW: That I will support the  
17 Constitution of the United States.

18 COMMISSIONER BRADY: And the Constitution of  
19 this state.

20 COMMISSIONER SHAW: And the Constitution of  
21 this state.

22 COMMISSIONER BRADY: And that I will  
23 faithfully discharge the duties.

24 COMMISSIONER SHAW: And that I will faithfully  
25 discharge the duties.

1 COMMISSIONER BRADY: Of the Office of  
2 Commissioner.

3 COMMISSIONER SHAW: Of the Office of  
4 Commissioner.

5 COMMISSIONER BRADY: Of the Michigan  
6 Independent Citizens Redistricting Commission.

7 COMMISSIONER SHAW: Of the Michigan  
8 Independent Citizens Redistricting Commission.

9 COMMISSIONER BRADY: According to the best of  
10 my ability.

11 COMMISSIONER SHAW: According to the best of  
12 my ability.

13 COMMISSIONER BRADY: Congratulations,  
14 Mr. Shaw.

15 Steve, I turn it back over to you.

16 COMMISSIONER LETT: Thank you, Mike.

17 Once again, Mr. Shaw -- and I assume that we  
18 can call you Glenn?

19 You have to keep yourself unmuted for a while.  
20 We're gonna be doing some stuff here.

21 COMMISSIONER SHAW: Yes, you may call me  
22 Glenn.

23 COMMISSIONER LETT: Thank you. Since we have  
24 a new commissioner joining us, and likely members of the  
25 public joining the meeting for the first time, we will



1 do a round of introductions before going into our  
2 discussion items.

3           Simply state your name, where you're from,  
4 past or current professional or life experience, what  
5 you like to do in your spare time or a fun fact about  
6 you, any reflection, what brings you here. In other  
7 words, why did you apply? What is something you learned  
8 or are excited about after last week's meeting?

9           And for this and other discussion items, we'll  
10 have our vice chair, Brittni Kellom, call on the  
11 commissioners to ensure everyone has a chance to speak.

12           And during discussions, she will keep track of  
13 the order of speakers and call on those present who have  
14 raised their hands to speak.

15           Vice Chair, you're good with that today,  
16 Brittni?

17           COMMISSIONER KELLOM: I am, absolutely. Thank  
18 you, Chair.

19           As Steve has said, I will call on  
20 commissioners in alphabetical order by first name to  
21 unmute and introduce yourself.

22           We'll start this morning with Anthony.

23           COMMISSIONER EID: Hello, everyone. My name  
24 is Anthony Eid. I'm from Orchard Lake, Michigan and I  
25 currently split time between there and Midtown Detroit.

1 28 years old.

2 I got a -- I got two undergrad -- graduate  
3 degrees, one in biology and one in psychology. Then, I  
4 got a master's degree in medical science. And, since  
5 then, I've completed two years of medical school.

6 My ultimate goal, one day, is to become an  
7 orthopedic surgeon, so, hopefully, that works out.

8 I got involved in politics and advocacy when I  
9 was an undergrad. I was the student body president of  
10 Wayne State. And through there, I kind of got, you  
11 know, involved in this process. I thought joining this  
12 commission would be a good way to -- to further that, as  
13 well as give back to the people of our state.

14 In our -- in my spare time, I like to watch  
15 sports. I like to workout. I'm also kind of a nerd. I  
16 like video games and technology, and stuff like that. I  
17 also like to volunteer quite a bit, especially with our  
18 homeless community here in the city.

19 Since -- since the last meeting, it has been  
20 an exciting time. I've been spending a lot of time  
21 really going over all of our materials again. And I'm  
22 excited, really, just to get started and start getting  
23 our business done.

24 Thank you.

25 COMMISSIONER KELLOM: Thank you, Anthony.

1           And good morning, everyone. My name is  
2   Brittini Kellom. I am from Detroit. I'm a native  
3   Detroiter. 34 years old. And, currently, I am an  
4   advocate for a survivor law clinic, so working with  
5   survivors of violent crimes and helping them navigate  
6   through the -- the legal system, which can be tough,  
7   especially when you're in crisis.

8           I am a trauma practitioner and executive  
9   director and founder of just Speak, which -- which is a  
10  trauma advocacy for ages 3 through -- I'm sorry -- 17.  
11  And I also do private consulting work to help adults who  
12  work alongside children and to bring trauma informed  
13  practices into professional spaces.

14           So my work has always, you know, been centered  
15  around advocacy and getting folks to have the  
16  opportunity to share their voice in a safe space. And  
17  what better way to bring that experience and that  
18  passion than into the redistricting commission?

19           So it's truly, truly a pleasure, and it's been  
20  fun to see how those worlds collide, as well as have the  
21  opportunity to learn more about the great State of  
22  Michigan, which I'm proud to be from.

23           That's a little bit of why I'm here, but I  
24  wanted to just do further service for my community and  
25  the state. And I believe in -- in, you know, equitable

1 and -- and fair processes.

2           Something that I have learned or I'm excited  
3 about since last meeting, I think still the motivation  
4 to do the work and to get going doing the work, having  
5 had the experience of learning a little bit more each  
6 time we convene, and from the presentations has been  
7 most helpful.

8           In my spare time, I love music. I love my  
9 dog, Hendrix. I am a lover of my family and my  
10 significant other and my friends and culture.

11           So I think that is my introduction as Brittni  
12 Kellom.

13           Next, we'll have Cynthia.

14           COMMISSIONER ORTON: Hi. I'm Cynthia Orton.  
15 I'm not going to state my age, but you can look it up  
16 because it was published.

17           So I am originally from Oregon, but I've lived  
18 in Michigan about 16 years in total. And I've lived in  
19 several different towns and cities all across the  
20 southern part of the lower peninsula.

21           And I -- let's see. I'm a college student  
22 right now, online college student. I'm majoring in  
23 administrative assistance. And I have lived in the  
24 Netherlands and Japan, so I speak Dutch and Japanese.  
25 And I love traveling and interacting with other

1 cultures, learning about other cultures.

2           Something that I've learned -- one of the  
3 prompts is something that I've learned or I'm excited  
4 about since last week's meeting. I just have to say  
5 that when we were first sent materials to go over and  
6 study, it was all very foreign to me. I didn't really  
7 understand much when I read through it. But since our  
8 meetings and the great presenters that taught us things  
9 last week in our two-day meeting, I think I understand a  
10 lot. And when I read through our materials, it makes a  
11 lot more sense to me and that's very exciting. It's an  
12 exciting way for us to get to doing our work that we've  
13 been asked to do. And I think this is a great group of  
14 people. I'm excited to be part of the team.

15           Thank you.

16           COMMISSIONER KELLOM: Thank you, Cynthia. I'm  
17 excited you're a part of our team, too.

18           Next, Doug. Hi, Doug. Your turn.

19           COMMISSIONER CLARK: Good morning. Good  
20 morning, Brittni.

21           My name is Douglas Clark. And first of all, I  
22 would like to welcome Glenn to the team. I think he'll  
23 enjoy it. It's a good group and we're happy to have you  
24 with us.

25           I currently live in Rochester Hills, Michigan.

1 I've lived here for a number of years. And I have got a  
2 master's degree in the computer systems and management  
3 information systems. And I spent four years in the  
4 military in the late 60s and early 70s, and left the  
5 military as a captain after those four years.

6 And I hired into General Motors and worked at  
7 General Motors, electronic data systems and Hewlett  
8 Packard over the years in management positions.

9 In my spare time, I like to golf, I like to  
10 travel throughout the U.S. And, occasionally, I like to  
11 get involved in the stock market and so forth.

12 What brings me here is that I want to try and  
13 make a difference and -- and help get the redistricting  
14 process down and -- and get the redistricting so that  
15 it's equitable throughout the -- throughout the state.

16 And this past meeting was great. The last --  
17 actually, the last two meetings that we had, which were  
18 last week, absolutely great. It was a good start. I  
19 think we got a -- a foundation that we began to build  
20 on, and I'm looking forward to continuing that as -- as  
21 we move forward.

22 COMMISSIONER KELLOM: Thank you, Doug.

23 Dustin?

24 COMMISSIONER WITJES: Good morning, everybody.

25 My name is Dustin Witjes. I currently reside in

1 Ypsilanti, Michigan, where I am attending Eastern  
2 Michigan University for a master's. I'm currently at  
3 Thomason(ph) Broiders(ph). I work in payroll, setting  
4 up new payroll accounts for clients either starting or  
5 moving over to us.

6 I thought of two interesting facts that I  
7 didn't share last time. I have a very, very, very large  
8 board game collection, and it's something that I like to  
9 do in my spare time.

10 I also mentioned last week that I am -- or  
11 hold a pilot's license. And one fun fact is that I have  
12 actually flown to more unique places in Michigan than I  
13 have driven to, either by myself or with friends.

14 As far as last meeting goes, just -- just  
15 hearing everything that -- that we're about to be  
16 involved in and hearing from all the panelists that came  
17 from California and Arizona, those people basically shed  
18 a lot of light into what we're gonna be doing. I no  
19 longer feel as nervous, as you can probably tell by the  
20 tone of my voice. Last week when I did an introduction,  
21 I was stuttering all over my words.

22 And I'm -- I'm very excited to be here. I  
23 look forward to working with every single one of you  
24 and -- and -- and getting all of our work done.

25 That is -- that is about it for me at this

1 point. So thank you and thanks for being here to all  
2 the public that are watching.

3 COMMISSIONER KELLOM: Thank you, Dustin. I'm  
4 glad that you're less nervous as well.

5 Erin, your turn.

6 COMMISSIONER WAGNER: Good morning. My name  
7 is Erin Wagner. I am from Charlotte, Michigan, which is  
8 around here, just south of Lansing. I don't know if you  
9 can see my hand. I am a wife and a mother of six. I  
10 read a lot in my spare time. I research a lot in my  
11 spare time. And I just happen to belong -- I belong to  
12 a volunteer group on Facebook, who had said there wasn't  
13 a whole lot of applicants for the redistricting  
14 commission, so I threw my hat into the ring, so to  
15 speak, and was extremely surprised to have been picked  
16 each and every time.

17 And I think Sally had mentioned maybe, or  
18 somebody had mentioned, maybe we should play the  
19 lottery, but I don't do that. So that was my one big  
20 win.

21 I am looking forward to doing this for the  
22 State of Michigan. And one thing, I guess, I was  
23 excited to learn that there were other commissions that  
24 have gone before us. So we can always look to their  
25 experiences and adjust those experiences to our citizens



1 here in Michigan.

2 So thank you very much. And, Glenn, welcome  
3 to the commission.

4 COMMISSIONER KELLOM: Thank you, Erin.

5 And speaking of Glenn, welcome. It is your  
6 turn to introduce yourself.

7 COMMISSIONER SHAW: Good morning, everybody.  
8 Glenn Shaw from Van Buren Township. That's what the --  
9 the -- it used to be called Bellville, but the Van,  
10 that's the town -- the township of Van Buren Township,  
11 said, hey, your post office building in is our township,  
12 so the post office changed its name. So it's now Van  
13 Buren Township, but it's the same ZIP code.

14 I'm working as an inspector with the FAA, the  
15 -- the Federal Aviation Administration. I go into -- I  
16 go into the office at the Willow Run Airport about once  
17 a month. And I'm encouraged to work from home with my  
18 laptop, so that's what I've been doing since the  
19 Coronavirus thing hit.

20 Excuse me. And I've been staying with family  
21 in Battle Creek, thinking that if somebody caught the  
22 Coronavirus, I could help take care of them. But,  
23 fortunately, everybody's been washing their hands and  
24 wearing masks, and nobody's come down with the  
25 coronavirus. So that -- that's a good thing. So

1 I've -- I'm a pilot. I fly airplanes and helicopters.

2 One of the -- one of the things that I'm --  
3 I'm interested in is trying to learn to play golf. I've  
4 been taking lessons and I played a couple days ago with  
5 my -- with my best friend up in Au Gres, and he's pretty  
6 funny. He -- he had a lot of funny comments about my  
7 golfing.

8 So what brings me to this, a -- a desire to  
9 make the voting process more fair. For years, I've  
10 been -- I've noticed the gerrymandering that seems to  
11 happen. One party is in power, they gerrymander things  
12 to their liking and when another party is in power, they  
13 gerrymander things to their liking, and so I think the  
14 commission is a good thing and I'm proud to be on it.

15 I -- I -- I, also, am a little nervous, but I  
16 wanna put in my best effort. And since I just started,  
17 I've been trying to watch some of the videos of what you  
18 guys did before, but I haven't -- haven't had a chance  
19 to look over everything. So I'm -- so I haven't learned  
20 anything yet. I'm sorry. But -- but I am excited to be  
21 on the commission.

22 COMMISSIONER KELLOM: Thank you, Glenn. All  
23 we need is your excitement, and that was a wonderful  
24 introduction. We're so happy to have you. And when  
25 things clear up, you and Dustin can take us out on a --

1 on a flight.

2 Next, we have Janice.

3 COMMISSIONER VALLETTE: Hi. My name is Janice  
4 Vallette. I'm from Highland Township. I was born in  
5 Detroit. I've lived all my life in Michigan. I worked  
6 for 20 years in the banking industry until I retired. I  
7 like to travel. I like to do crafts and do-it-yourself  
8 things in my spare time.

9 I applied because I thought it seemed like it  
10 would be very interesting, I'd learn a lot of things. I  
11 also wanted to make the voting process as fair as  
12 possible. I'm excited about working with this very  
13 diverse group of people. I'm excited to get moving on  
14 this project.

15 That's it.

16 COMMISSIONER KELLOM: Thank you so much,  
17 Janice.

18 Juanita?

19 COMMISSIONER LETT: Unmute yourself, Juanita.

20 COMMISSIONER CURRY: Hi. My name is Juanita  
21 Curry. I'm from Detroit, Michigan. I've been here all  
22 of my life. My current professional or life experience  
23 has been a tremendous one. I was a specialized foster  
24 parent, as I stated before, and I have raised over 30  
25 children, taught, licensed and prepared foster parents

1 for their license and training. Also adopted four  
2 children, which are grown now.

3 I attended Wayne County Community College and  
4 got my associates. Went on to Wayne State and did eight  
5 years studying public relation and journalism. And  
6 probably just two strikes from either one of them having  
7 a degree.

8 And my reflections, what brings me here, I  
9 just wanted to be busy, do something I hadn't done  
10 before. One reason I applied. I didn't really know  
11 what it was all about, but I'm learning, and I think  
12 this is gonna be an exciting and enjoyable job that  
13 we're doing, service that we're doing for the state.

14 What is something that I've learned or are  
15 excited about from the last meeting? Well, that it  
16 takes a lot of reading over and over to get this down in  
17 my spirit, so I'm learning it and trying to take in  
18 everything so that I can be one of the best.

19 Glenn, we welcome you to our commission.  
20 Bless you.

21 COMMISSIONER KELLOM: That was a warm welcome,  
22 Juanita. I'm excited, too, and I'm glad to hear that  
23 we're committed to learning as much as we can. So,  
24 Glenn, see, you're in good company.

25 And next we have MC.

1 COMMISSIONER ROTHORN: Good morning,  
2 everyone. My name is MC. I'm from Ann Arbor. I  
3 live in Lansing and I moved here -- I came to Michigan  
4 State, met my spouse and, yeah, we've been here ever  
5 since. We've -- we've traveled about five out of the 48  
6 years that I've been alive, internationally, and that  
7 includes Germany.

8 I am the first born in the United States.  
9 Both my mom and my dad are from Germany. MC is not a  
10 German name. And I work as a -- an accountant and in a  
11 -- I work in a cooperative property management company.  
12 And it's -- so I do a lot of -- so I have similar  
13 banking and payroll, I do payroll stuff, similar to  
14 Dustin and -- and Janice. And the spin is that I -- I  
15 work in -- in -- in a democratic institution where --  
16 it's one of the reasons I'm -- I'm here, too, is that I  
17 do spend a lot of my spare time on, I guess, sort of  
18 working committees or understanding, you know, the  
19 school -- just on school committees, for example, where  
20 I have -- I have two daughters with my spouse.

21 And so I do volunteer on democratic  
22 institutions, and this is one of those moments when I'm  
23 pretty happy to be experiencing the democratic process.  
24 It's one of the reasons I'm excited here. Yeah, I think  
25 I'm definitely gonna learn a lot of facilitation and,

1 gosh, Robert's Rules of Order, if nothing else.

2           And I'm -- I'm feeling, you know, like -- like  
3 Cynthia and Juanita said, it takes a while for me to  
4 like, feel like I know it enough. I'm -- I'm still --  
5 honestly, Dustin, I'm still a little bit nervous. And  
6 we'll -- we'll get through it. I do feel -- I'm real  
7 proud of our team, also, like many of you have said. And  
8 I'm -- yeah, I'm excited to be here and, yeah, and  
9 welcome you too, Glenn.

10           COMMISSIONER KELLOM: Thank you, MC.

11           Rhonda, introduce yourself.

12           COMMISSIONER LANGE: Good morning. My name is  
13 Rhonda Lange. I'm from Reed City. I'm currently a  
14 licensed real estate broker. Past professions have been  
15 everything from restaurant, factory, medical. So I've  
16 kind of done a whole array of jobs in my lifetime.

17           Spare time, I like doing things outdoors,  
18 camping, fishing, hunting, gardening.

19           Let's see. What did I learn or am I excited  
20 about after last week's meeting? Last week, I was  
21 nervous, I've got to admit. Meeting new people, and  
22 plus doing it online is a whole nother world for me.  
23 But, at the end of the meetings, I felt more comfortable  
24 with everybody. And I'm really looking forward to  
25 getting to work and getting our job done in a timely,

1 efficient and independent manner.

2 That's it.

3 COMMISSIONER KELLOM: Great, Rhonda. Thank  
4 you.

5 Richard, you're up next.

6 COMMISSIONER WEISS: Good morning, everyone,  
7 especially Glenn, it's nice to have you here.

8 My name is Richard Weiss. I live in Saginaw,  
9 Michigan. I served two years in the service. I worked  
10 30 years for General Motors; retired. Kind of spare  
11 time, I do a little gardening here and there. Probably  
12 the big thing I do spare time is make some wine,  
13 homemade wine, which is pretty good.

14 I also do like handyman work and stuff for  
15 individuals, friends of mine, individuals. Whatever  
16 needs to be fixed, I'll take a look at it and see if I  
17 can make it better.

18 I guess my reason to be here is a chance to be  
19 able to help with the redistricting, kind of maybe like  
20 my duty to do this. What I've learned is what's  
21 involved in redistricting is a little complicated, it  
22 sounds.

23 So, other than that, it's about it. Thank  
24 you.

25 COMMISSIONER KELLOM: Thank you, Richard.

1 And circling back to our chair, Steve.

2 COMMISSIONER LETT: Once again, good morning,  
3 everyone. My name is Steve Lett and I am currently  
4 from Interlochen, Michigan. However, I was born and  
5 raised in Lansing and spent my entire working career  
6 there.

7 I'm an attorney. I don't have an active  
8 practice, other than as a mediator and arbitrator, and  
9 that's -- and, obviously, my new career in -- as a  
10 commissioner for the Independent Citizens Redistricting  
11 Commission, which is gonna take up a lot of time for the  
12 next (silence) -- I always like to say, I started out in  
13 banking. And after that, I went to law. And after  
14 that, I said I -- I was -- well, before that, I went  
15 into the -- the car business in management and sales and  
16 then into law. And I said, that was it. I wasn't  
17 going -- I wasn't gonna go any further down. I had  
18 already gotten to the low rung, with the exception of  
19 politics and I broke my word, and here I am.

20 What brings me here is, as I thought it would  
21 be extremely exciting and interesting to be a member of  
22 the commission, if I were fortunate to be chosen, and  
23 certainly as others have said, I -- I never expected to  
24 be chosen.

25 Last week's meeting was very informative in



1 the -- from the presentations that we had, as well as  
2 meeting the people who will -- who we will, obviously,  
3 become fast friends for life.

4 With that, I think we've run through all the  
5 introductions.

6 Brittni?

7 All right. We'll go to old business.

8 First up for old business is a report from  
9 staff, the Department of State, the items we referred to  
10 them and discussed last week. Sally and Mike will be  
11 bringing us up to date.

12 Who is going first?

13 COMMISSIONER BRADY: Good morning, again.  
14 Let's see. Some of the items -- pulling up the agenda  
15 and make sure I've got them in the right spot.

16 So I wanted to provide an update on this  
17 Friday and just some of the -- the progress that's, you  
18 know, been made on them.

19 Mainly, it involved outreach to the  
20 legislative counsel. We wanna thank the support from  
21 the quadrant leaders. These would be the -- the four  
22 leaders of the legislature, the majority and minority  
23 leader of the Senate, as well as the Speaker of the  
24 House and the minority leader in the House.

25 I've been working closely with their legal

1 counsel to find -- or, you know, to work out what it  
2 would take to get the support of -- I think I mentioned  
3 this last week. There's a -- a body within the  
4 legislature called the legislative council. It is a  
5 strictly non-partisan body that provides, you know,  
6 different kinds of support to members of both parties  
7 and -- and whatnot.

8           They facilitated that connection for me. And  
9 I made connection -- or I -- I was able to connect with  
10 the administrator there, a woman named Jennifer  
11 Detloff(ph) this week. Raised the questions that this  
12 commission had put to me last week. And -- and so she  
13 started that process and got back to me close of  
14 business yesterday with the status of her outreach  
15 and -- and whatnot on the different topics. So I, you  
16 know, wanna walk through each of those.

17           It might actually be in -- the order on the  
18 agenda -- well, in any event, one of the questions that  
19 came up was government emails. Those are in process.  
20 They're working on them. They're not yet available, you  
21 know, at this point. As soon as they do become  
22 available and they're created, then, you know, we'll be  
23 reaching out to you. And that doesn't need to happen in  
24 a public meeting, that will just be individual outreach  
25 to each of you with, you know, your instructions and how

1 you can log in and access that.

2           The email address we're looking at, there  
3 would basically be -- and again, I'll confirm once this  
4 is actually the case, but consistent with the standard,  
5 you know, within state government, it would be something  
6 along the lines of first initial of your first name and  
7 then your last name @ -- I believe we're going with  
8 ICRC.michigan.gov. And so -- you can look for  
9 correspondence on that. I don't know if that's going to  
10 happen today or if that's gonna happen next week. That  
11 involves a different agency called Department of  
12 Technology and Management Budget, so I spare you the,  
13 you know, inside baseball, if you will, on that. Just  
14 know that, you know, working through these  
15 relationships, working through some of the -- the  
16 internal processes for setting those up. And that's  
17 well underway.

18           The same thing actually with phones. There  
19 was a question raised by the commission on Friday as to  
20 whether, you know, we would get a set of phones for you  
21 all. And, you know, that question is also going to  
22 be (inaudible), so we're gonna be able -- so just to say  
23 like, at this point, build a relationship, building the  
24 new relationship, making that outreach. That request  
25 has been put in, and so that's underway, and that's the

1 basic status update there.

2           There was a question about budgeting  
3 compensation. And one of the points, I think it was  
4 really a question of options for payroll and whether  
5 that would be biweekly or monthly. The legislative  
6 council told me that they work -- had existing  
7 relationships with different staffing agencies that they  
8 work with and existing contracts. And so they'd be able  
9 to, they think, you know, easily put us in contact with  
10 the staffing agency or -- that -- that they use for some  
11 of their, you know, different staff, some of the  
12 different, you know, needs they have along those lines  
13 in the legislature. And -- or at least at the  
14 legislative council. And so it sounds like there's  
15 gonna be a fair amount of flexibility. And so if you  
16 all wanted to have it be done on a biweekly basis, it  
17 sounds like that's going to be possible. If you want to  
18 be on a monthly basis, or some other basis, it sounds  
19 like that will be possible as well.

20           And so I haven't received a point of contact  
21 of the staffing agency that they use, nor have I  
22 received any other contracts, other documents that would  
23 speak to, you know, fees there would be for  
24 administering that. As soon as we get those, we'll  
25 certainly pass those along. This may very well be

1 something that -- I know there was some discussion last  
2 week regarding, I think, an initial proposal of doing it  
3 by the month, a different proposal doing it every other  
4 week. And then, if I recall correctly, it may have been  
5 ultimately kind of asking us to gather more information.  
6 It sounds like the staffing agency will be able to  
7 accommodate whatever you all want.

8 At some point today, I think further on the  
9 agenda, there's an opportunity for you all to decide how  
10 you'd actually like us, you know, to proceed on that.  
11 Again, the caveat of just once we get more information  
12 on the specifics there, you know, the specifics of what,  
13 you know, the fees, what would be involved, we'll relay  
14 those along.

15 And then the -- the last piece I had in my  
16 notes on this was some draft job descriptions and hiring  
17 materials. Those, I think, have been shared with you.  
18 I'll note Doug's point that you all had asked about, you  
19 know, potential legal RP, including, you know, in-house  
20 general counsel role, and, you know, included a -- a  
21 draft job description there as well.

22 Of course, just to be clear -- I say this more  
23 for members of the public than -- than for you all,  
24 because I think it's clear, but just to say the  
25 Department of State, you know, these are just drafts.

1 These are drafts based on, you know, some other drafts  
2 we looked and found for what a job posting may be. And  
3 they're offered simply to facilitate you all having a  
4 conversation about whatever you wanna do with these  
5 positions. And so doing it at your request and just to  
6 facilitate your conversation.

7 I don't know if have any questions for me  
8 about any of that. Again, on all those fronts as we get  
9 more information, you know, on the email, on the cell  
10 phones, you know, et cetera, et cetera, you know, we  
11 will relay that along.

12 And again, I think some of those things, like  
13 email, like phone -- a cell phone, I don't think that  
14 those are things that would require us to wait until the  
15 next meeting. As soon as those come forward and -- and,  
16 frankly, even the compensation as well -- well, sorry.  
17 Just thinking out loud -- this -- because there are  
18 likely going to be some kind of, you know, fees or other  
19 things involved in a staffing agency setting that up,  
20 that may very well require a distinct, you know,  
21 approval from this commission to -- to actually enter  
22 into some kind of, you know, agreement to pay whatever  
23 that is to the staffing agency. But, otherwise, once we  
24 get the email, once we get the phone -- cell phones, you  
25 know, we'll certainly be contacting you individually,

1 because I don't see any reason to wait for those things  
2 to happen in a public meeting.

3 COMMISSIONER LETT: All right. Thank you,  
4 Mike.

5 Are there any questions for Mike from the  
6 commissioners at this time?

7 MS. MARSH: The only thing I would just add  
8 briefly to add to what Mike was saying is on the draft  
9 job description and RFP front, we know that there are  
10 other positions and requests for proposal drafts that  
11 you're looking for. We're in the process of -- of  
12 making those and, you know, just wanted to make sure you  
13 all are aware that we don't think that it ends with the  
14 executive director and the general counsel, but that's  
15 what we were able to draft to start your conversation  
16 today.

17 So that -- those descriptions and -- and RFP  
18 requests for proposals to evaluate and determine can all  
19 be part of a future conversations and -- and future work  
20 that you ask us to do.

21 COMMISSIONER LETT: All right. Sally, did you  
22 have anything you were going to add in addition to Mike?

23 MS. MARSH: That's it. Thank you, Chair.

24 COMMISSIONER LETT: Okay. Any questions at  
25 this time from anybody?

1 I want to move on to a break. We're set for  
2 five minutes. It is now 10:06 on my clock, so we'll be  
3 back at 10:11. Five-minute break, everybody.

4 (Meeting break)

5 COMMISSIONER LETT: Okay. It looks like  
6 everybody's back.

7 Brittni, are you there?

8 COMMISSIONER KELLOM: Yes, I am.

9 COMMISSIONER LETT: And the next item on our  
10 agenda is a discussion of approval or edit of the  
11 executive director job description. You have that in  
12 your packet. I'm assuming everybody got it and has --  
13 have had a chance to at least somewhat look it over.

14 Brittni, I would turn this over to you to lead  
15 the discussion on the executive director job  
16 description, et cetera.

17 COMMISSIONER KELLOM: So I'm gonna just open  
18 the floor for our discussion about the description, our  
19 thoughts on it. And I encourage everyone to share their  
20 thoughts and ask questions.

21 Doug, I see you have your hand raised, so why  
22 don't you start us off.

23 COMMISSIONER CLARK: Okay, yeah. I -- I've  
24 got a number of comments as we go through the -- first  
25 one is really a question to Sally or Mike.



1           Is what we're looking at, is this the -- the  
2           standard State of Michigan job posting format that we're  
3           gonna deal with or is this gonna get formatted into some  
4           standard job posting format you have?

5           And maybe you're not with us.

6           MR. BRADY: Hey, Doug. Can you hear me now?

7           COMMISSIONER CLARK: I can hear you now.

8           Great. Thank you.

9           MR. BRADY: I was coming off mute. That's  
10          not -- there's a distinct website that the State of  
11          Michigan -- at least, again, in the executive branch  
12          that we would use that would have -- I mean, I can send  
13          over a version of that. So if you wanted to go through  
14          there, and I'm not sure exactly if this -- if this can  
15          go through there because that's controlled by the civil  
16          service and there's standards and other sorts of codes  
17          and things that have to, you know, be done.

18          So it does look different, but I don't believe  
19          that's actually -- I don't know if it's necessarily even  
20          possible, but it certainly wouldn't be my  
21          recommendation, because this commission is not bound by  
22          those rules.

23          And so, ultimately, whatever you all want to,  
24          you know, have this look like in terms of formatting and  
25          otherwise, you know, we anticipated -- this might be

1 jumping slightly ahead in the conversation -- we  
2 anticipated that I -- you know, there are various ways  
3 to post job descriptions, and many of you, through your  
4 own work, whether, you know, in business or non-profits,  
5 or otherwise, you know, there are websites that post job  
6 descriptions. You can also post -- we certainly would  
7 post it consistent with everything else at  
8 redistrictingmichigan. -- dot org. And the Department  
9 of State websites and, you know, other places just to  
10 get it out there and send it to list serves, et cetera,  
11 et cetera.

12 So there are various ways for this for the  
13 public to be put out there, but I'm not -- if it's even  
14 possible to put it through the -- the formal civil  
15 service, you know, controlled standards for everything  
16 else in the executive branch at least of the state  
17 government.

18 COMMISSIONER CLARK: Yeah. I mean, I don't  
19 wanna infer that we want to reinvent the wheel. I just  
20 wanted to ensure that we had all the necessary  
21 components. You've got this broken down into background  
22 and general descriptions and so forth. I just wanted to  
23 ensure that we have that, that was required. And it --  
24 it appears from your comments that we probably --

25 So my first comment -- and some of these are

1 small things. But on the first page under the general  
2 position description of responsibilities, the second  
3 sentence says: The executive director's responsible for  
4 staffing and administrative activities supporting the  
5 work of the commission.

6 See, the way I looked at it is they are  
7 responsible for staffing, but not all of staffing. And  
8 I would like to get people's comments. I mean, if when  
9 we staff the commission with an outside attorney or we  
10 staff it with a -- a redistricting match -- mapping  
11 expert or whatever, I think that responsibility is ours  
12 and -- and not his. So I -- I -- I kind of looked at  
13 his as administrative staffing rather than entire  
14 staffing.

15 And I'd -- I'd like to get some comments from  
16 the other commissioners on that.

17 COMMISSIONER KELLOM: Do you think -- and  
18 then, Dustin, just a quick thought -- it would be better  
19 if it said as dictated by the commission or alongside,  
20 something, just a quick phrasing to clarify that it's in  
21 part their responsibility and we're kind of overseeing  
22 it, we may have suggestions, or are you thinking of  
23 something a little deeper?

24 COMMISSIONER CLARK: Yeah. I mean, I agree  
25 with what you're saying. But then he's going to do some

1 staffing administratively that I don't think we wanna  
2 get involved with, you know, background sort of  
3 things.

4 COMMISSIONER WITJES: My -- my thought on that  
5 was similar to yours, Doug. But my -- my -- my  
6 understanding was that the executive director was more  
7 like a -- an -- like advisory role. This is -- this is  
8 what we would need. And then if he comes forth or she  
9 comes forth with like positions that, you know, we would  
10 want to consider hiring the -- we -- we would be the --  
11 the final decider on -- on who actually gets the  
12 position and what would be necessary.

13 COMMISSIONER CLARK: That's my -- that's my  
14 opinion, too, but he'd have to administrate the hiring  
15 because that individual would have to get paid through  
16 the state and so forth.

17 COMMISSIONER WITJES: Sure.

18 COMMISSIONER CLARK: But I don't think he'd be  
19 responsible for the staffing. I think we are.

20 COMMISSIONER WITJES: Correct. Yeah, that's  
21 my understanding as well.

22 COMMISSIONER CLARK: Yeah. So I would -- I  
23 would suggest that we change the wording, something  
24 similar to what Brittni had just indicated. You know,  
25 you know, something maybe like responsible for staffing

1 as directed by the commissioners and -- and  
2 administrative activities. I would suggest something  
3 like that to make a change.

4 COMMISSIONER WITJES: Yeah. I mean, that's  
5 definitely a good point. But do we all have the  
6 knowledge and expertise to be able to do that particular  
7 staffing? Like I'm -- I'd be -- I'd be happy with  
8 say -- or if they would come forth and say, you know,  
9 these are ideas for people, here are some -- some  
10 particular candidates. We would be the ones that would  
11 decide if that particular office or position gets --  
12 gets, you know, hired or appointed.

13 COMMISSIONER CLARK: Correct. I agree.

14 COMMISSIONER KELLOM: MC?

15 COMMISSIONER ROTHORN: I think that a part  
16 that I'm -- I'm okay with the -- the -- the modifying  
17 the language. I guess my concern is that we stay at the  
18 governance and the oversight level, and we remain  
19 decision-makers and get -- remain less involved in  
20 administration, which, I think is what you two are  
21 getting at. And so I'm -- I guess I want to make  
22 sure -- I don't have a problem with changing the  
23 language. I just want to make sure that -- that our  
24 roles as commissioners stays at the decision-making and  
25 that we can -- we don't get bogged down with

1 administrative duties.

2           And I like the idea of having sort of a clear  
3 staff person, an executive director, that we oversee,  
4 who then, right, as far as -- I'm -- I'm using my hands  
5 as like an organizational chart. So if we're the board,  
6 right, we delegate the responsibility and authority to  
7 one individual who then hires and does it. And so that  
8 -- and that feels clean to me. And I think that gets  
9 back to some of the conversations we were having about  
10 not having a rotating chair, right, just trying to  
11 appear as clean -- and -- and understandable to the  
12 public, as well as for our -- for our -- yeah.

13           COMMISSIONER CLARK: My opinion would be,  
14 yeah. He's the one that has to hire them, but we're the  
15 one that decides whose gonna get hired. And I'm not  
16 talking about the administrative types of things. I'm  
17 talking about when we got to get the Voting Rights Act  
18 experts in, or that sort of thing.

19           COMMISSIONER KELLUM: Yeah. I think we're all  
20 saying the same thing, we would like to have input but  
21 not have sole responsibility. So not complete -- like a  
22 hybrid. But our eyes are the last -- are the last ones  
23 to kind of say yay or nay, or say we're looking for this  
24 particular quality.

25           And I know that some -- some of us have

1 expressed wanting to have a little bit more interest,  
2 so, I mean, you can't see my facial expression, but weak  
3 -- those people can take an extended look of a resume or  
4 whatever it is, because I understand. I don't want --  
5 and I think we've all expressed, at some point, wanting  
6 to be as involved as possible in terms of who we're  
7 working alongside for trust reasons, information data,  
8 all those responsibilities. At the same time, wanting  
9 to give that person autonomy and trusting that we are in  
10 fact hiring somebody that can do the job.

11 Juanita, did you have thoughts?

12 COMMISSIONER CURRY: Yeah, I had a thought.  
13 My thought was, will we be knowledgeable enough to know  
14 when we've got the right person?

15 COMMISSIONER CLARK: Yeah, yeah. I think so.  
16 That's our job.

17 COMMISSIONER KELLOM: Okay. Okay. It's  
18 instinct. It's instinct. It's the -- the culture that  
19 we want to create, like our working style. It's literal  
20 hard skills.

21 COMMISSIONER CURRY: Okay.

22 COMMISSIONER KELLOM: And I think we can also  
23 refer back to some folks that we've been exposed to thus  
24 far to not necessarily be -- because we can't discuss  
25 business -- but ask the questions, hey, if you were

1 hiring so and so, or this type of person, what would you  
2 be looking for? But I definitely think we have enough  
3 leadership skills amongst this team to figure out what  
4 we're looking for and how that will go about.

5 I'm confident that we can interview a person.  
6 We are -- we're competent, we are empowered, we can do  
7 that.

8 COMMISSIONER CLARK: I've done that over the  
9 years. I would recommend, Brittni, changing the  
10 verbiage on this.

11 COMMISSIONER KELLOM: Okay. Would someone  
12 like to make a motion?

13 COMMISSIONER CLARK: I -- I gotta think, in my  
14 mind, exactly how I would want to phrase it.

15 COMMISSIONER KELLOM: That's the only reason  
16 why I didn't jump in, because the phrasing is what --

17 COMMISSIONER CLARK: How about -- how about  
18 here's a motion to change the verbiage to be the  
19 executive director is responsible for staffing under the  
20 direction of the commissioners and administration  
21 activities supporting the work of the commission, and so  
22 forth?

23 COMMISSIONER WITJES: I will second that  
24 motion.

25 MALE COMMISSIONER: Looks like Mike might have



1 some input.

2 COMMISSIONER KELLOM: Yes. Go ahead, Mike.  
3 I'm sorry I missed you.

4 MR. BRADY: No worries at all. Sorry to  
5 interrupt the -- the flow of the conversation.

6 I just wanted to flag to say this, I think, is  
7 the first edit maybe that's being proposed here. And  
8 anticipating that there -- there may very well be  
9 additional edits and, you know, and certainly, you know,  
10 the board should -- or the commission should, you know,  
11 be actively looking at the rest of the job description,  
12 just anticipating, you know, what the next minutes could  
13 look like.

14 COMMISSIONER KELLOM: Yeah, maybe we should  
15 wait.

16 MR. BRADY: I don't know that necessarily  
17 there needs to be a motion for every edit. It could be  
18 just collective, like, hey, people okay with this,  
19 people okay with that. And then, at the end of it all,  
20 there could be a single motion that says, are we good,  
21 collectively, with where we've landed on this? Because,  
22 otherwise, again, you know, Doug spoke first, and this  
23 is only the first topic, the first edit that he's asking  
24 for. But, I mean, there could be 20 other edits.

25 COMMISSIONER KELLOM: No, that's very true.

1 MR. BRADY: So just, you know, I don't know  
2 that you need 20 motions is my point. That's all.

3 COMMISSIONER KELLOM: Mike, I agree. I  
4 appreciate that feedback. Thank you for jumping in.

5 So let's proceed with that suggestion.

6 And, Sally, yes.

7 MS. MARSH: Commissioners, it would be  
8 helpful -- I can share my screen and make the edits and  
9 tracked changes so you can see it as you discuss. I  
10 just wanted to offer that.

11 COMMISSIONER KELLOM: Good idea. I accept it.

12 COMMISSIONER CLARK: Yeah, that will be  
13 useful. Do you want me to move on to the next item that  
14 I have?

15 COMMISSIONER KELLOM: Yes, yes, yes, please  
16 do.

17 COMMISSIONER CLARK: Next, this is a real  
18 nit, but on the second page, the second paragraph down  
19 says as a key point of contact between the commission  
20 and its other skilled staffers. The responsibility of  
21 the executive director will include the following.

22 And I would suggest that after -- we should  
23 say executive director will include and then comma, but  
24 not limited to the following.

25 I've -- I've had instances in the past where

1 I've hired people and they take the job posting per the  
2 way -- per the way it's written and don't wanna deviate  
3 with it and it be -- becomes an issue. But I just want  
4 to add that for flexibility purposes.

5 COMMISSIONER KELLOM: No, that's fair.

6 Did anyone else have suggestions off the first  
7 page while we're still kind of -- no?

8 Okay.

9 COMMISSIONER CLARK: Any comments on that?  
10 Reasonable?

11 COMMISSIONER ORTON: I agree.

12 COMMISSIONER CLARK: Okay. I have a  
13 comment -- this is another nit -- on the last page on  
14 work location. And this -- this probably needs some  
15 discussion.

16 I -- in my opinion, this individual -- if we  
17 went back to normal operations where everybody was back  
18 in the office, this individual, in my opinion, should be  
19 in Lansing, and I think that should be stated. But  
20 others may have a different opinion, because, of course,  
21 none of us are in Lansing. Maybe one of us. And so I  
22 was thinking that -- because this is really structured  
23 toward the COVID pandemic, eventually, we're gonna come  
24 out of that, and I -- I think maybe we should indicate  
25 where we expect this individual to be at physically.

1           And my -- my recommendation would be Lansing,  
2     because I see this person as a linking pin between us  
3     and the rest of the state organizations to get things  
4     done for us. And that -- that's where most of the state  
5     organizations are located. So that was another  
6     recommendation.

7           Any comments on that?

8           COMMISSIONER KELLOM: Yeah, I have a comment,  
9     but I'm gonna let Anthony speak first.

10          COMMISSIONER EID: I think that's, you know, a  
11     very astute point. And it kind of brings the -- this  
12     other issue to the table on be -- before we decide where  
13     we want this individual to be, we might wanna decide  
14     where we are going to be, you know, once this pandemic  
15     is over. Because I would want this individual, whoever  
16     it may be, to, you know, report to us and be with us,  
17     you know, whether it's on -- on Zoom or in-person in  
18     Lansing, or wherever -- wherever we wanna meet and have  
19     these meetings once this pandemic is over, which will  
20     hopefully be soon, let's all pray. But I think that is  
21     something we should consider as well.

22          COMMISSIONER KELLOM: Thank you.

23          COMMISSIONER CLARK: Yeah, I agree, yeah.

24          COMMISSIONER KELLOM: I think my thoughts are  
25     maybe a little different. Bowing to people's schedule

1 and flexibility and making sure that this is an open  
2 position.

3 I know that previously we talked about wanting  
4 to be unbiased in our language, which includes referring  
5 to this person as a he or she, or kind of dictating  
6 where they're from.

7 I -- I do understand Doug and Anthony, what  
8 you're saying. I just don't think we should limit  
9 ourselves, because we don't know -- I mean, to be on the  
10 commission, they've been extremely flexible with us in  
11 terms of our work schedule and how we're meeting. So it  
12 seems a bit unfair to do that to a prospective person,  
13 because them being in Lansing could also have no effect  
14 if things continue as they are. We have a pretty  
15 limited contact with -- I mean, I -- I get the contact  
16 that they could have.

17 But I think, as a whole, the commission has  
18 kind of like an extended relationship in that way. I  
19 don't know if that will make the difference, but that's  
20 just my opinion.

21 COMMISSIONER CLARK: I kind of agree with what  
22 Anthony said. My opinion is that eventually we're gonna  
23 have to get off of space. Particularly, when we start  
24 doing mapping. And this individual -- and more than  
25 likely, that's gonna be where most of the state offices

1 are, where there's vacant office space in Lansing. My  
2 opinion is, like Anthony said, we want this person next  
3 to us, you know, we want him working with us on a  
4 day-to-day basis. So that's why I brought that up.

5 I don't know if anybody else has comments on  
6 that.

7 COMMISSIONER KELLOM: It says frequent travel,  
8 but Sally has a hand raised, and then Dustin, and then  
9 Rhonda.

10 MS. MARSH: Hi, everyone. I just wanted to  
11 jump in -- sorry to interrupt the conversation -- with  
12 two points of context that might be helpful.

13 One is that, you know, it's very common for  
14 people who work in state government, even if the main  
15 central office of the state government is in Lansing, to  
16 commute. Just for reference in our Secretary of State's  
17 office, at our -- you know, with -- with -- with our  
18 senior level team, people commute from Detroit, Ann  
19 Arbor, Grand Rapids.

20 Mike Brady, right now, is in our office in  
21 Detroit at Cadillac Place taking this meeting from. So  
22 just to put it out there for all of you that even if the  
23 executive director ends up, you know, primarily working  
24 in Lansing, that that person might not reside in Lansing  
25 or could be from other places.

1           And then, the thing to remind all of you of  
2   is -- is what we talked about last week in terms of the  
3   commission has to meet in locations all over the state.  
4   And every meeting in which you discuss redistricting has  
5   to be open to the public. So if you were to meet in  
6   person, that in-person location has to be accessible to  
7   the public and all of the things that -- that goes along  
8   with that.

9           So I just wanted to offer those two points of  
10   context for you all.

11           COMMISSIONER CLARK: Yeah. Yeah, I didn't  
12   realize that's how the state operated, so it kind of  
13   changes my mind a little on -- but, however, maybe we  
14   should change it rather than for Lansing to close  
15   proximity to Lansing so somebody's not up in the UP, up  
16   in Marquette, and have to commute. I don't know. Or we  
17   just leave it like it is. I mean, I'd be fine leaving  
18   it like it is, given what Sally just talked about.

19           COMMISSIONER KELLOM: I think we should leave  
20   it. That's just -- just my opinion.

21           COMMISSIONER CLARK: Yeah.

22           (Multiple speakers)

23           COMMISSIONER CLARK: Flexibility, again, a  
24   good person, just because they're not in Lansing, you  
25   know?

1 COMMISSIONER KELLOM: Yeah.

2 COMMISSIONER CLARK: Well, maybe we should  
3 just leave it like it is, if anything.

4 COMMISSIONER KELLOM: Steve, come on, Chair.

5 COMMISSIONER LETT: Sure. The comment I would  
6 make, and it kind of goes along with the Upper Peninsula  
7 person, we're -- we're doing all our meetings by Zoom  
8 now because of particular circumstances of COVID.  
9 However, that doesn't mean that we couldn't have an  
10 executive director from Iron Mountain to make it extreme  
11 participating by Zoom. Lots of meetings now go by Zoom  
12 regardless of whether or not you're capable of meeting  
13 together.

14 So I think that the -- the necessity of having  
15 a physical office and having everybody there is no  
16 longer in play in these days and times. So I would  
17 certainly think that the language that we have there  
18 would be appropriate.

19 I mean, if you're looking at where everybody  
20 is, most of you all are in southeast Michigan. So, you  
21 know, kind of the perfect place would be Brighton for  
22 everybody but me. And you oughta come up here because  
23 it's a lot nicer.

24 COMMISSIONER CLARK: I don't know. We kind of  
25 like it down here. Yeah. Okay. Then I agree with you.



1 Maybe we oughta state that the individual should be a  
2 resident of Michigan.

3 COMMISSIONER KELLOM: Okay. Wait one minute.  
4 I wanna make sure that Dustin, that you still had an  
5 opportunity to speak.

6 COMMISSIONER CLARK: Oh, I'm sorry.

7 COMMISSIONER KELLOM: I know I called on you,  
8 but I want to make sure. Oh, you had your hand raised.  
9 I wanted to make sure you were able to speak.

10 No? At one point, you had your hand raised.  
11 Did you all still have a comment?

12 Dustin? Rhonda?

13 COMMISSIONER ROTHORN: I think Dustin may  
14 have had to reboot his computer. He mentioned that  
15 earlier.

16 COMMISSIONER KELLOM: So it's Rhonda, yeah.

17 Do you want to share?

18 COMMISSIONER LANGE: I was just gonna say that  
19 I agreed with your first statement. I don't think we  
20 should limit people to being in the Lansing area, as  
21 everybody else is saying now, because none of us are  
22 from that area. We're going to have to commute for  
23 meetings. I don't want to limit our pool by saying  
24 somebody has to be in a specific area for the job, so I  
25 guess I'm just agreeing. I think we're all getting on

1 the same page right now, so I'm just agreeing to that.

2 I wanted to make sure.

3 COMMISSIONER KELLOM: All right. Thank you.

4 I just wanted to be sure.

5 MC?

6 COMMISSIONER ROTHORN: I would add that we  
7 may actually be more frugal in and spending taxpayer  
8 dollars better the more that we Zoom, right? We reduce  
9 our travel costs and may be helping our budget if we  
10 continue to do this. I'm not suggesting that it's --  
11 that we don't meet in office, and I think we have to be  
12 inclusive. I just recognize that if we continue this,  
13 even if COVID ends and we open it up, we may actually  
14 use our, yeah, budget wisely by continuing this method.  
15 And it -- and it may be more inclusive for people, too.

16 COMMISSIONER UNIDENTIFIED: I agree.

17 COMMISSIONER KELLOM: That's an interesting  
18 comment. I also think it's -- in terms of us doing like  
19 field work, we think about community engagement, those  
20 will be the -- the most -- the moments I'm more  
21 concerned with. Not these meetings, are, of course,  
22 important, but in terms of us traveling, being mobile  
23 and available.

24 Okay. (Inaudible).

25 COMMISSIONER CLARK: Based on the discussion,

1 I would recommend that we just leave the verbiage as is  
2 and the work location.

3 COMMISSIONER KELLOM: Okay.

4 COMMISSIONER CLARK: Yeah.

5 COMMISSIONER KELLOM: I think everybody is in  
6 agreement.

7 COMMISSIONER CLARK: That was a good  
8 discussion. I have one last point.

9 COMMISSIONER KELLOM: Okay.

10 COMMISSIONER CLARK: We're gonna have to get  
11 Mike or Sally on this one. There's a salary range that  
12 is indicated. Is that a state salary range? Or where  
13 did those numbers come from?

14 MS. MARSH: Yes, that is a salary range for a  
15 senior level executive in the State of Michigan. And  
16 the link that's there links to the full document of --  
17 of different pay ranges based on different roles and  
18 classifications.

19 COMMISSIONER CLARK: Okay. So we would be  
20 able to use that range and we, as a commission, would  
21 determine what the salary was, within that range, his or  
22 hers?

23 COMMISSIONER KELLOM: Thank you for fixing  
24 that, Doug.

25 COMMISSIONER CLARK: Okay. All right.

1 COMMISSIONER KELLOM: I think Rhonda has a  
2 question.

3 Yes, Rhonda?

4 COMMISSIONER LANGE: One more quick question,  
5 looking at it for the salary range. Now, is that salary  
6 range per year? For the two-year term? Or how is that  
7 put on there?

8 COMMISSIONER KELLOM: That's a good question.

9 COMMISSIONER CLARK: Yeah, that is.

10 MR. BRADY: I think -- and again, Sally can  
11 certainly speak to this. She pulled the background  
12 information on that. I think because it says salary is  
13 that salary just, you know, with employment law context  
14 and, you know, assuming we've got folks on this call who  
15 have significant expertise there. But we know someone  
16 says salary, you know, salary on an annual basis versus,  
17 you know, a contract term.

18 And there may be that you get an individual  
19 person who says, look, you know, I don't need -- you  
20 know, maybe there's an individual person who wants to  
21 negotiate something with you, maybe they have health  
22 benefits some other way or whatever else. And so, for  
23 them, you know, they're not looking for, you know, a  
24 salaried position, they're looking for some kind of  
25 contract or whatever else.

1           That's certainly something I don't think this  
2 job description limits you on. You know, this is  
3 providing the broad strokes -- or, I mean, not too  
4 broad, but providing a -- a good sense of what you all  
5 are thinking to be able to put it out there. You can  
6 get any responses and people can look at it, and say is  
7 this something I'm interested in and something I think I  
8 can do? Do I think I -- I meet the criteria, do I  
9 think I'm competitive for it before they -- you know,  
10 before they respond.

11           And so, yeah, so, I mean, the way I read this,  
12 if I was an applicant or just, frankly, as a lawyer,  
13 it's a salary range. I'm thinking salary, I'm thinking  
14 that's on an annual basis.

15           COMMISSIONER KELLOM: Thank you, Mike.

16           Yes, Anthony?

17           COMMISSIONER EID: I'm just wondering, do we  
18 want to include any sort of, like educational  
19 requirement or something like that in here? I do not  
20 see one.

21           COMMISSIONER KELLOM: I personally don't have  
22 that as a demand as much as who they are and their  
23 experience. That's my personal take. I don't think  
24 that education always dictates your capacity or  
25 capability.

1 COMMISSIONER EID: I would agree with that and  
2 ask you, Anthony, is there a reason you think it might  
3 be wise for us to include it?

4 MR. BRADY: I was just honestly wondering your  
5 opinions. I think having, you know -- if they have a  
6 degree, it's gonna be on their application anyway, so  
7 we're gonna going to see it. I mean, there are good  
8 things that come with having a degree. It shows that,  
9 you know, you had a formal education in this topic. For  
10 example, if we had a -- you know, someone apply to this  
11 with a political science degree, I at least would --  
12 that would at least make me feel a little bit more  
13 comfortable in knowing that they know, you know, more  
14 than me about this at least.

15 But I suppose you guys are right. It doesn't  
16 really need to be a requirement.

17 COMMISSIONER CLARK: I think we're gonna see  
18 it in the resumes once they apply. I agree. And that's  
19 part of our criteria for deciding who is the best  
20 person.

21 COMMISSIONER KELLOM: Any other thoughts on  
22 the document or description?

23 COMMISSIONER CLARK: One other item. Where  
24 are the inquiries going to be sent to XX, who is XX  
25 gonna be?

1 COMMISSIONER ROTHORN: That was where I --  
2 that was gonna be where my question was going to be,  
3 too, Doug. I was going to ask if we need to determine  
4 that in order to approve this or do we have to -- yeah,  
5 can we -- can we kick that down the road?

6 COMMISSIONER KELLOM: It would seem to me that  
7 that would be a down the road thing. It's just about  
8 maybe there's a piece where they have to figure out who  
9 would be accepting these types of inquiries.

10 But, Sally or Mike, do you have any ideas on  
11 that?

12 Sally's got her hand raised.

13 MS. MARSH: Hi, commissioners. So I -- I  
14 intentionally left that there to be able to -- to raise  
15 to all of you that if you would like the Department of  
16 State to collect -- you know, to post and then collect  
17 the responses from individuals, we can certainly do  
18 that. But that is something that's -- that's up to your  
19 sort of discretion. And it's -- it's something that you  
20 should formally decide to do.

21 If you'd like us to kind of be the collector  
22 of the applicants and -- and help answer any initial  
23 inquiries they might have.

24 COMMISSIONER KELLOM: Thank you for that  
25 clarification. I think it's important for you all to be

1 the collector, but I'll let my peers help me decide  
2 that.

3 COMMISSIONER LETT: Well, since we don't have  
4 an office and we don't have a mailbox and we don't have  
5 an address, I guess the Department of State would be a  
6 good idea.

7 You know, I would make the motion that they do  
8 that, as well as make the motion, unless there's some  
9 further discussion that we post this as it's been  
10 amended.

11 COMMISSIONER ORTON: I second that.

12 COMMISSIONER UNIDENTIFIED FEMALE: Second.

13 COMMISSIONER ROTHORN: I'm wondering about  
14 the idea of a committee or subcommittee before --  
15 because I'm not sure that -- I don't want to go back to  
16 the discussion, I'm just wondering, before we approve  
17 this amendment -- or excuse me, and the motion is on the  
18 table, so I'm gonna to withdraw what I'm saying.

19 COMMISSIONER KELLOM: We're getting to that  
20 next, MC.

21 COMMISSIONER ROTHORN: Okay.

22 COMMISSIONER KELLOM: Richard? If you unmute  
23 yourself and please do share.

24 COMMISSIONER WEISS: Yeah, I just got one  
25 question. I -- I'm -- am I to understand that the



1 individual has to come from Michigan? And if it's that  
2 way, than I guess that's fine. But would we be limiting  
3 our list of talent, maybe? And since we're doing this  
4 through Zoom, and it may be that way for a while, I  
5 guess maybe a person from another state in the union who  
6 could be very qualified might not have a chance. Just a  
7 thought.

8 COMMISSIONER KELLOM: Good thought.

9 Erin? Unmute yourself.

10 COMMISSIONER WAGNER: I'm sorry. I thought I  
11 did.

12 COMMISSIONER KELLOM: No, you're okay.

13 COMMISSIONER WAGNER: I was just going to say,  
14 in regards to Sally's draft of the potential -- Sally, I  
15 don't know if you could pull that back up, where -- the  
16 first one where you said under the direction of the  
17 commissioner, if that should read commissioners or  
18 commission as opposed to one commissioner. That was my  
19 only thing.

20 COMMISSIONER ROTHORN: I like Erin's  
21 suggestion of having the commission that we would act as  
22 one voice and not potentially -- I like the idea of  
23 acting as a voice. And so I would approve and second  
24 that idea, the commission. And I know we've got a  
25 motion on the table, so I'm not sure exactly how to do

1 this Robert's Rules stuff.

2 COMMISSIONER LETT: The motion was -- or the  
3 suggestion came from Doug. Would you accept that as a  
4 friendly amendment?

5 COMMISSIONER CLARK: Yeah, absolutely.

6 COMMISSIONER LETT: Okay. So we're back to  
7 the motion as seconded.

8 COMMISSIONER CLARK: The motion -- the motion  
9 being to accept all the changes?

10 COMMISSIONER LETT: Accept the posting as  
11 amended and that the Secretary of State will collect the  
12 apps.

13 COMMISSIONER CLARK: Richard's question about  
14 out of state people.

15 COMMISSIONER LETT: Well, that can come -- in  
16 my opinion would be that comes later.

17 COMMISSIONER CLARK: Okay. All right.

18 COMMISSIONER UNIDENTIFIED MALE: Sorry, I -- I  
19 am still waiting for my computer to complete updating  
20 and I missed a little bit. I'm assuming that we're  
21 still going to be reviewing all the apps and voting on  
22 as a whole commission to whom the executive director  
23 were to suggest for a particular position?

24 COMMISSIONER LETT: That's correct.

25 COMMISSIONER UNIDENTIFIED MALE: Okay. Thank

1 you.

2 COMMISSIONER UNIDENTIFIED FEMALE: Who made  
3 the second, the motion? Who made the second?

4 COMMISSIONER UNIDENTIFIED FEMALE: Cynthia  
5 did.

6 COMMISSIONER ROTHORN: Are we ready to vote?

7 COMMISSIONER LETT: Any further discussion?

8 COMMISSIONER KELLOM: Glenn has a question.

9 COMMISSIONER SHAW: I thought -- I thought we  
10 were going to wait until we got all these things worked  
11 through and then we were gonna make a motion and then we  
12 were gonna vote?

13 COMMISSIONER LETT: Well, I made the motion  
14 and I guess I thought we were through.

15 COMMISSIONER KELLOM: So, yeah, I think,  
16 Steve, you're correct. We didn't have any more  
17 amendments to the description. And we talked about NDLS  
18 posting on our behalf and collecting the applicants and  
19 everyone agreed. I heard someone make the motion. I  
20 heard someone second the motion.

21 So, Steve, I was waiting the -- you know, the  
22 so-moved -- it's been so moved and then second.

23 COMMISSIONER LETT: Okay. That was my motion.  
24 Unless there's further discussion, I think we're ready  
25 to vote.

1 Rhonda?

2 COMMISSIONER LANGE: Sorry, just one last  
3 quick thing, everybody.

4 Are we voting then -- are we set on the pay  
5 scale that was provided to us or do we want to do a  
6 little more research as to the pay scale? Because when  
7 I got these papers, I went online and used different --  
8 Zip Recruit -- Zip Recruiter, salary.com, payscale.com,  
9 to kind of add to the pay scales and I'm showing they're  
10 kinda high. And I'm just looking it as a financial and  
11 saving as much money. I understand it's a -- for the  
12 amount of responsibility it -- you know, they should be  
13 well-compensated.

14 But I'm just wondering, you know, should we  
15 look at the pay scale a little bit closer before we  
16 agree to it?

17 COMMISSIONER CLARK: My opinion, Rhonda, is  
18 that this is a standard State of Michigan pay range.  
19 And we should -- I think we should be consistent with  
20 that because this person is gonna get hired by the State  
21 of Michigan.

22 COMMISSIONER LANGE: Okay.

23 COMMISSIONER CLARK: That's my opinion of it.

24 COMMISSIONER KELLOM: MC?

25 COMMISSIONER ROTHORN: The other reason I

1 would recommend that we go with it is because my -- my  
2 memory of the -- the panelists who told us that there  
3 are few very qualified people who do this around the  
4 country, and -- and they all get snapped up right around  
5 now. That if -- that we may be able to negotiate later,  
6 right, I think Mike mentioned that, right, that they may  
7 not need a salary, they may want a contract package. So  
8 we may be able to negotiate later. And because it's  
9 higher, we may actually get the talent and the  
10 qualifications that seem to be relatively limited across  
11 the nation.

12 COMMISSIONER KELLOM: I would have to agree  
13 with that, MC.

14 I also believe that folks should be able to  
15 have, you know, flexibility, like the best work  
16 conditions possible. So I think the salary would both  
17 allow for expertise and be competitive and, you know,  
18 speak to the work that is required to -- to do this.

19 But I think, Rhonda, that was an excellent  
20 point to raise, for sure.

21 COMMISSIONER CLARK: Yeah, I do, too.

22 COMMISSIONER CURRY: And I agree with that,  
23 Vice Chair, on that statement.

24 COMMISSIONER LETT: Glenn, go ahead.

25 COMMISSIONER SHAW: Is there -- is there

1 something in here that says it's limited to -- it's --  
2 it's for -- for a certain term, it's not a career  
3 position?

4 COMMISSIONER CLARK: I believe it said two  
5 years.

6 COMMISSIONER SHAW: Okay.

7 COMMISSIONER CLARK: Somewhere in there.

8 COMMISSIONER SHAW: Okay. Thank you.

9 COMMISSIONER CLARK: I believe. See if I can  
10 find it real quick.

11 COMMISSIONER SHAW: Yeah, I think I saw that.  
12 Right. So we're -- we're not speaking to -- must be a  
13 resident of Michigan, we're -- we're -- we're -- we're  
14 being -- we're not saying anything like that? Is  
15 that -- is that everybody's opinion?

16 COMMISSIONER CLARK: Correct.

17 COMMISSIONER KELLOM: Correct.

18 Steve, do you think we're ready to have a  
19 discussion on a possible subcommittee?

20 COMMISSIONER LETT: I think we have a motion  
21 in front of us that we need to deal with first.

22 COMMISSIONER KELLOM: That's -- okay. I'm  
23 confused. I'm like, it's -- you made the motion it's  
24 been -- I -- okay.

25 COMMISSIONER LETT: To restate -- I'll restate

1 my motion. My motion is to accept the executive  
2 director posting as amended, and that the Secretary of  
3 State will post it appropriately and collect the  
4 applications. And then we can move on to establishing a  
5 committee, if that's what we wanna do. Let's get it out  
6 there and get it back.

7 COMMISSIONER CLARK: I second that.

8 COMMISSIONER LETT: It's already been  
9 seconded. I just restated it. That's all.

10 COMMISSIONER ROTHORN: So we just need to  
11 call the question, is that true?

12 COMMISSIONER LETT: Well, let's just have the  
13 vote, unless there's further discussion.

14 All in favor, raise your hand or signify by  
15 saying aye.

16 (Chorus of ayes)

17 COMMISSIONER LETT: All opposed?

18 Passes unanimously.

19 Okay. Brittni, you're still up.

20 COMMISSIONER KELLUM: Technically, you're  
21 supposed to intro, but that's fine.

22 So, hello, fellow commissioners -- now it's  
23 our -- it came up already, but this is the time where we  
24 can speak to and discuss whether or not we want to have  
25 a subcommittee to review the executive director

1 applicants and then recommend finalists to the larger  
2 commission, which I think I heard -- yep, Dustin.

3 COMMISSIONER WITJES: (Inaudible).

4 COMMISSIONER KELLOM: Dustin says something --  
5 yep. Doug's hand is creeping in. So let's just get the  
6 discussion going.

7 Doug, go ahead.

8 COMMISSIONER CLARK: Yeah, I've got a -- I've  
9 got a comment on that. And it really gets back to  
10 something that Sally and Mike are probably gonna have to  
11 address, is that if we create a subcommittee, and the  
12 subcommittee is like a work group and they go away and  
13 do work together, does that have to be a public meeting  
14 or can we just do that on our own and come back and have  
15 the public portion of it when the recommendations come  
16 back to the committee -- to the commission as a whole?

17 COMMISSIONER KELLOM: I think I remember Mike  
18 saying that each committee we create becomes its own  
19 like its own ecosystem that needs to be approved, have  
20 another public meeting. Like, they essentially then  
21 embody the same rules that we have. So while it could  
22 be functional, it would create some extra steps in some  
23 areas. And he can correct me if that's incorrect.

24 I was thinking of some light mixture of that,  
25 some way that we can get the results of having eyes on



1 it, but not necessarily having a subcommittee. And that  
2 might be having a larger discussion.

3 But, Mike Brady, please take it away. Go  
4 ahead.

5 MR. BRADY: Thank you, Brittni.

6 So yeah, you're absolutely correct. If a  
7 subcommittee is created, it's a public body (inaudible)  
8 Open Meetings Act. And -- you know, and in turn, the  
9 obligation is to provide notice, the obligation is to,  
10 again -- it's not just about making decisions in the  
11 public. It is actually just as much in the Open  
12 Meetings Act about making sure that the actual dialogue  
13 and deliberation of the public body is done in -- in  
14 public.

15 So, again, stepping back just, you know, from  
16 this specific topic to say, you know, there's a concern  
17 from folks, you know, (inaudible) and all over the place  
18 on different topics, that, you know, perhaps, you know,  
19 the real deal, the real discussion is dealt with behind  
20 closed doors is a concern that we've all heard before.  
21 And that, you know, once the public body comes into  
22 public, then the -- the conversation is, you know, real  
23 brief. Not -- it's not about whether it's brief or not.  
24 It's some questions are actually, you know, just not --  
25 not super involved. But just to say, you know, did they

1 really just hire an executive director after five  
2 minutes of conversation here? Like, that doesn't seem  
3 like what you would do.

4 And then sometimes -- again, this would be an  
5 allegation in other public body's lawsuits filed against  
6 other public bodies, is that -- that, you know, perhaps  
7 the -- the deal's cut or whatever it is, you know,  
8 otherwise and that somebody's just coming in and rubber-  
9 stamping it in public. That's not enough. The Open  
10 Meetings Act requires the discussion to happen.

11 Now, the -- under Open Meetings Act, there is  
12 a way in which -- there are -- there is something called  
13 closed session, and there are specific exemptions that  
14 exist in the law for those topics of conversation that  
15 can be discussed, not decided, but discussed behind  
16 closed doors. And so it would not be a public meeting.

17 That said, you know, as we have spoken about  
18 before as well, you all, though you are bound by the  
19 Open Meetings Act, you're also bound by distinct  
20 constitutional language that requires your -- you know,  
21 certain parts of your business or perhaps, you know,  
22 maybe most or all of your business to be done in public  
23 that goes above and beyond the Open Meetings Act, as we  
24 talked about last time.

25 So for you all, that puts you in a different

1 place potentially than every other public body, because  
2 your -- you know, both the Open Meetings Act, you also  
3 -- there's also this constitutional requirement as well.

4 The other thing that I'll describe for you is  
5 that even if -- and you can certainly give this a closer  
6 review. Though, again, I note, you know, again to you  
7 all and for the public, that I'm not actually your legal  
8 counsel, just a lawyer who works for the -- you know, in  
9 the government and has experience on this topic.

10 But I'll say, you know, you can certainly  
11 review that again and see whether the language in the  
12 Constitution obliges all of your meetings to be in  
13 public or whether it simply provides -- you know,  
14 requires that any discussion about redistricting be in  
15 public.

16 And -- and then, you know, the additional  
17 question would be and whether your hiring of an  
18 executive director, you know, maybe the argument could  
19 be made that that doesn't fall under the, you know,  
20 redistricting conversation itself. But I think given  
21 some of the other things we heard from California and  
22 some of the things that are in your job description, it  
23 may be hard to have a conversation about somebody's  
24 experience and qualifications to be executive director  
25 without getting into conversations about redistricting.

1 Maybe, maybe not, I don't know.

2 But I will say that just a -- a general note  
3 to beware, because the hiring of executive directors by  
4 public bodies and tripping up unin -- very much  
5 unintentionally, I'll say, is one of -- it's -- it can  
6 be dangerous for public bodies, even those that really  
7 want to follow the rules, once they split off into a  
8 committee, it's not the committee, but once they split  
9 into a committee and whether they can go, you know, to  
10 discuss certain things and when they can and when they  
11 can't, that's -- you have to be very, very mindful of  
12 that because there -- there's a bit of a cottage  
13 industry, you know, for some folks who, you know, have  
14 filed lawsuits against public bodies, who, otherwise,  
15 were taking a lot of precautions to make sure they were  
16 complying with the Open Meetings Act and nonetheless got  
17 those lawsuits.

18 So that's not a reason to not necessarily do  
19 it. You know, again, there are several caveats to -- to  
20 what I just said in terms of the constitutional  
21 language, looking at it, whether, you know, that applies  
22 to the executive director or not. Even if you could do  
23 it, I would encourage you just to be very careful and  
24 very cautious, because there is actually a cottage  
25 industry of a couple attorneys that I know of who have

1 -- you know, regularly sue public bodies exactly when  
2 they're in the process of hiring executive directors.

3 COMMISSIONER KELLOM: Thank you, Mike.

4 I saw Erin with your hand up and then Steve.

5 COMMISSIONER WAGNER: Well, one consideration  
6 we might wanna think about with what Mike just said, if,  
7 at that point, would the applicants' names and et cetera  
8 have to be diclosed(sic) -- disclosed during an open  
9 public meeting or how would that work, and should that  
10 also be rendered on the draft as well that that is an  
11 option for them to consider?

12 MR. BRADY: Happy to respond to that, Erin.  
13 That's a very good question.

14 That's exactly why -- that's, I don't know,  
15 perhaps part of the tension that exists between the  
16 practical reality for public bodies who are trying to  
17 hire executive directors in particular, because, again,  
18 a lot of other roles would have to be approved by the  
19 board, but the actual hiring would happen at, you know,  
20 frankly, by the executive director, you know, again, the  
21 board would approve that and say I want you to hire a  
22 secretary and they say okay. You know, they just hire  
23 the secretary, for example, or whatever the role is.

24 With the executive director, that's a --  
25 that's a -- a position that I think in almost every

1 instance would have to be hired by the board or the  
2 commission itself.

3           And so there's a -- there's a -- I would  
4 describe it as being perhaps just a practical reality  
5 there and, you know, perhaps a bit of tension that  
6 exists in the law that, on the one hand, wanting to  
7 have -- you know, as they say, there's daylight into the  
8 process and observations and making sure this is  
9 actually a fair and open process, and that everybody  
10 knows, you know, who -- who applied and everybody can  
11 see that it wasn't a done deal and it wasn't, you know,  
12 something untoward and it wasn't given to somebody who  
13 wasn't -- you know, is a friend of so and so, or, you  
14 know, somebody who wasn't qualified, right? I mean,  
15 we've all heard those very concerns, you know, at least  
16 raises allegations, you know, by somebody against  
17 somebody else. So that's a big part of why the Open  
18 Meetings Act exists, is to provide daylight into the  
19 whole process and so everybody can see that.

20           On the other hand, from a very practical  
21 perspective, if -- you know, I'm -- I'm sure everybody  
22 on -- you know, who is -- you know, all of us and all  
23 the people who are watching, we've all been in the  
24 position where we've changed jobs or we've thought about  
25 changing jobs. And it's not the sort of thing we

1 usually announce to the world that you applied for a  
2 different job. You usually wait until you get the job  
3 to announce that for lots -- lots of very good, basic  
4 reasons. And all that makes complete sense. There's  
5 nothing wrong with that at all.

6 And so, on the one hand, you know, it's one  
7 thing to post this position. I'm sure that people of  
8 all political stripes and of no political stripes will  
9 be very interested in this role. It is really, you  
10 know, a tremendous opportunity to serve their state and  
11 serve the public, you know, and all sorts, you know,  
12 different things. Perhaps, you know, the same  
13 motivations that inspired all of you to apply, and  
14 frankly, inspired Sally and I and Sarah to apply to the  
15 positions that we're in, because we knew we'd have an  
16 opportunity to work on and support this commission.  
17 That's all for the good.

18 That said, you know, the -- it's one thing  
19 just to apply, it's another thing to have that be, you  
20 know, public. And so the way the Open Meetings Act  
21 handles that is that, again, other commissions -- let's  
22 say, generally speaking, public bodies are allowed to go  
23 into executive session to have certain types of  
24 deliberation, not decision-making, but certain types of  
25 deliberation to review, you know, certain parts of

1 resumes or the application process. But then,  
2 ultimately, bringing out -- or kind of, you know, trying  
3 to see different things.

4 One way or the other, one thing that's  
5 definitely true for every public body is that the actual  
6 interviews, so once it's been narrowed down, the actual  
7 interviews have to be done in a public meeting. So, at  
8 that point, you know, if you're applying kind of that  
9 high level position, you just need to understand -- you  
10 know, with the government, with the public body -- you  
11 need to understand that you're giving up a certain  
12 amount of privacy just in the application. And that  
13 usually it doesn't, you know, kind of become public  
14 until you're one of, you know, two or three or maybe  
15 even five finalists.

16 And then, at that point, everybody -- it's  
17 just an open meeting, the interview happens there in,  
18 frankly, a meeting just like this. But, again, this --  
19 this commission is different, because, again, you're  
20 taking your cues from the Constitution and just a  
21 general -- you know, you're doing this for the first  
22 time in our state.

23 And so that's part of the practical reality  
24 there, that, I think, you have to balance out as well.  
25 It may very well be that this commission is a special



1 enough thing -- and I think this is, you know, certainly  
2 the case -- that there will be people who will apply  
3 and, you know, be happy and proud to put their name in  
4 the pool and do so publicly right up front. And, I  
5 mean -- and, I mean, folks of top caliber across  
6 political differences and also, you know, with -- with  
7 no political affiliations as well.

8 So that's -- you know, it's a great question  
9 to raise, Erin, and I don't think there's a super clear  
10 answer for you at -- at this point, but it's something  
11 you should -- you know, you're right to be mindful of.

12 It looks like Brittni may have -- yeah, gone,  
13 left.

14 COMMISSIONER LETT: A couple of comments.  
15 First, probably Sally, and then Mike and Sarah have now  
16 regretted their decision to work with us, but we'll hope  
17 they'll get over that.

18 I think in having observed a number of hirings  
19 from the University of Michigan, Michigan State, and  
20 even up here in Traverse City School District, that  
21 people who are now applying for these high level types  
22 of positions -- and I'm not claiming that the executive  
23 director of this commission is that high level. But,  
24 certainly, in today's atmosphere, the expectation, I  
25 believe, of these people is if I'm going to apply for

1 this, my name is going to get out somehow. So I don't  
2 think that that's even a problem. If they're going --  
3 if the person is applying, they should expect that their  
4 name is going to be out in the public, especially with  
5 this commission.

6 The other thing I would think we could do is  
7 to -- to give us a time and --and move this over to the  
8 next session before making a decision, we're not gonna  
9 to have any applications coming in. We don't have  
10 anything posted yet for -- and I'm sure it's not going  
11 to be out tomorrow since that's Saturday. But we can  
12 look through the Constitution, and I certainly am more  
13 than happy to do that and have some further discussion  
14 once we've kind of given some thought to the open  
15 meetings, the Constitution, and -- and how we wanna do  
16 it.

17 I think for -- for executive director, for  
18 in-house counsel, for outside counsel on the Voting  
19 Rights Act, those types of position, I don't think we  
20 need to have a subcommittee. I think the committee --  
21 the whole -- those positions are so important and so  
22 crucial that the committee, as a whole, should deal with  
23 those as one body.

24 Thank you.

25 COMMISSIONER KELLUM: Glenn, you have your

1 hand up.

2 COMMISSIONER SHAW: I agree with Steve. I  
3 also think that these decisions should be made by the --  
4 by the whole commission.

5 COMMISSIONER KELLOM: Doug?

6 COMMISSIONER CLARK: Yeah, I -- I agree. The  
7 decision should be made by the whole commission, but  
8 the -- the comment Steve made about not having  
9 subcommittees for like legal counsel and our mapping  
10 experts, I -- I think we should have subcommittees or  
11 committees dealing with that. And then bringing the  
12 recommendation back to all the commissioners for the  
13 final decision. Only because I think you get into a lot  
14 of time and detail, and I don't think you wanna tie up  
15 13 people's time to do the due diligence for all those  
16 postings that we're going to end up doing. It's  
17 probably gonna be four or five of them.

18 So that's my opinion on it, so...

19 COMMISSIONER KELLOM: Steve?

20 COMMISSIONER LETT: I think -- I want -- I  
21 wanna make a motion that we table this -- this  
22 discussion until our next meeting to allow Mike -- and  
23 I'll take it on myself -- to review the Open Meetings  
24 and the Constitution amendment that we're operating  
25 under and bring back an opinion as to what we feel we

1 can do and then have -- continue this discussion. I'm  
2 not disagreeing with Doug. In fact, my preference would  
3 be we have a subcommittee. But if we feel that it --  
4 based upon the law, that it would be more problem than  
5 it's worth, I'd -- I'd like to have that discussion  
6 before we go down this -- this rabbit hole.

7 So I move that we table this and come back  
8 next week with a report on what we feel -- what Mike and  
9 I feel would be more appropriate -- or as the most  
10 appropriate, let's put it that way.

11 COMMISSIONER CLARK: Are -- are you tabling  
12 the -- the discussion on the -- how we're dealing with  
13 the Open Meeting Act or are you tabling the discussion  
14 on establishing a subcommittee for the applicant?

15 COMMISSIONER LETT: Both.

16 COMMISSIONER CLARK: I would second that, we  
17 need to get more information at this point in time.

18 COMMISSIONER KELLOM: Mike?

19 MR. BRADY: Thank you. Just to clarify.

20 This is entirely separate from the prior, I  
21 think, voted -- moved and voted out request that we post  
22 the amended executive director position and, you know,  
23 handle the responses as they come in?

24 COMMISSIONER LETT: That's correct.

25 MR. BRADY: Okay.

1           And one last thing, the only thing I would add  
2    is I think it definitely makes sense to have that  
3    additional analysis that -- that Steve's asked for and  
4    that, you know, looking forward to working with him on.

5           The -- I think the question about how this  
6    commission complies with the Open Meetings Act, frankly,  
7    it stands whether there's a committee or there's not a  
8    subcommittee. Because, you know, if you do it through  
9    the committee as a whole, it's done in an open meeting.  
10   If you do it through a subcommittee, it's done in an  
11   open meeting.

12           For me, the real question is, would this --  
13   would this commission be allowed to use the exemption  
14   that exists in the Open Meetings Act to go into closed  
15   session for the specific question of vetting executive  
16   director job descriptions? And that's absolutely right.  
17   That's something you all need to review that more  
18   closely.

19           And along those lines, I'm going to reach out  
20   to the AG's office, as -- that's the Attorney General's  
21   Office, as part of my own due diligence. Just mindful  
22   that I'm not actually an attorney for you all. And so  
23   my communications to you will not be privileged. But I  
24   will raise this with the AG's office and see -- again,  
25   they represent the official attorney of record for the

1 State of Michigan, and to see what they'll be able to  
2 and not do in order to support this commission.

3 Is that -- could I get a motion to support  
4 that outreach to the AG's office, just for kind of good  
5 order?

6 COMMISSIONER UNIDENTIFIED: So moved.

7 COMMISSIONER UNIDENTIFIED: Second.

8 COMMISSIONER LETT: We've got a motion that  
9 Mike will reach out to the AG. It's been seconded.

10 All in favor, raise your hand or say aye.

11 (Chorus of ayes)

12 COMMISSIONER LETT: That brings us back to  
13 the -- my motion, which, basically, is to table this  
14 question regarding a subcommittee to allow myself and  
15 Mike to do a little legal research and come back next  
16 week with some more explanation.

17 Is there any further discussion?

18 Hearing none, all in favor, raise your hand or  
19 say aye.

20 All opposed?

21 COMMISSIONER UNIDENTIFIED FEMALE: Aye.

22 COMMISSIONER LETT: All opposed, the same  
23 sign.

24 All right.

25 COMMISSIONER UNIDENTIFIED FEMALE: Who moved

1 the motion for Mike to go to the AG?

2 COMMISSIONER UNIDENTIFIED: I did, Steve, and  
3 MC seconded it.

4 Okay. That brings us up, I believe, to thank  
5 you notes. Who wants to talk about thank you notes?

6 COMMISSIONER ROTHORN: It's -- I -- I think  
7 it could be relatively quick. I wanna offer to do it,  
8 but I want to offer that the idea that we each -- I was  
9 trying to imagine all these people who have given us  
10 insight and -- and -- and volunteering some of their --  
11 volunteering some of their time. And I was imagining  
12 sending a thank you note. And then I thought, oh, maybe  
13 if everyone's gonna send a thank you note, and I thought  
14 this could be an opportunity for us, as a commission, to  
15 sort of thank the people who have -- are -- who are --  
16 who are helping us sort of get up to speed and thank  
17 them on behalf of the commission.

18 So I guess I was just thinking that it might  
19 be wise or could be helpful or courteous to just send a  
20 thank you note on behalf of the commissioner rather than  
21 as individuals. And it seemed like it could -- doesn't  
22 have to be discussion, if y'all are okay with it, I'd  
23 be happy -- yeah. That was -- that was the thought.

24 COMMISSIONER KELLOM: I think that's a  
25 wonderful idea. It could build community and

1 connections and rapport.

2 Doug, I saw a hand.

3 COMMISSIONER CLARK: Yep. Yeah, I think it  
4 helps. I wanted to make a comment. I think it builds a  
5 relationship with these people, because we may have to  
6 depend on them for answers and some guidance in the  
7 future. So I think it's a I think it's a good approach.

8 COMMISSIONER ROTHORN: Would you all mind if  
9 I volunteered to do that or are there other people who  
10 would like to do that? Are there any suggestions on  
11 electronic thank you notes, sort of like with an e-card  
12 where we can all sign it or mail card? Any strong  
13 feelings on how it could be done?

14 COMMISSIONER KELLOM: I think maybe if we  
15 could get a letterhead somehow and sign it that way, it  
16 would be great. Because I'm sure it would be a template  
17 for folks so we continue to interact with. I think that  
18 would be a good -- a good tag and staple of the  
19 commission.

20 Rhonda, go for it.

21 COMMISSIONER LANGE: Just a silly question,  
22 maybe. Do any of these thank you notes have to be part  
23 of public record, too? I mean, are you gonna have to do  
24 copies of every one since it's supposed to be a  
25 completely open -- I gotta ask.



1           COMMISSIONER LETT: Well, my answer -- my  
2 answer is yes. It's -- it's part of the public record.  
3 I don't think there's any question about that. I don't  
4 think there's any problem with it, quite frankly. And  
5 if MC wants to do that, I think we should all approve  
6 that.

7           COMMISSIONER KELLOM: I agree, Steve. I think  
8 it's the perfect person for it.

9           COMMISSIONER LETT: So anybody that objects,  
10 say I wanna do it. Takes care of that, MC.

11           COMMISSIONER ROTHORN: So I will create a  
12 draft letterhead or ask -- yeah, I'm -- I'm not thinking  
13 it has to be too formal, but I'll make something, I'll  
14 share it with y'all -- share it with the Secretary of  
15 State staff, who can share it out with y'all, and I'll  
16 try to get this done, yeah, before we meet again so we  
17 have something to -- to send out. And I'll ask the  
18 Secretary of State to actually help me reach those  
19 people.

20           COMMISSIONER LETT: I got a question for you,  
21 MC. When you send out the thank you note, are you gonna  
22 send them a loaf of bread?

23           COMMISSIONER ROTHORN: I have been --

24           COMMISSIONER UNIDENTIFIED: Send us bread  
25 first.

1 COMMISSIONER ROTHORN: I do remember that  
2 Dustin asked for a -- a starter and I'm trying to figure  
3 out how I'm gonna get him that starter. I haven't  
4 decided yet.

5 COMMISSIONER LETT: Okay.

6 COMMISSIONER KELLOM: Sally -- I saw Sally pop  
7 on the screen. I didn't know if her or Mike had  
8 something to add maybe quickly to the thank you note  
9 conversation.

10 Sorry, Steve.

11 MS. MARSH: I was gonna confirm for MC that we  
12 can absolutely help him distribute that to the group.  
13 And -- and, of course, with the contact information for  
14 the people who spoke to all of you.

15 COMMISSIONER LETT: You're talking about the  
16 bread, right? Fine.

17 I -- I have -- I do have a question, Sally.  
18 Maybe MC is gonna do this anyway. I don't know that we  
19 have any letterhead.

20 MC, can you develop your own letterhead for us  
21 or do you want Sally and -- and her minions to do that?

22 Maybe you already have it, Sally, I don't  
23 know.

24 COMMISSIONER ROTHORN: I'm imagining trying  
25 to take a little -- small load off of their busy life,

1 and so I'm gonna offer something and they'll just sort  
2 of maybe clean it up. But that's -- that's my  
3 intention, is to, yeah, try to help create something.

4 COMMISSIONER CLARK: Yeah, I think there was  
5 some type of logo that was on one of the documents that  
6 got distributed last night that you might want to use.

7 MS. MARSH: Yes, and we're happy to -- MC,  
8 take what you develop, and then we can even provide the  
9 commission with a couple of options based on that as  
10 well.

11 COMMISSIONER LETT: Okay. We're actually a  
12 few minutes ahead of the game for lunch break, which is  
13 only half an hour.

14 Are there any other comments, questions,  
15 anything before we break for lunch?

16 Hearing none, I would entertain a motion to  
17 break for lunch and supposedly a half hour would bring  
18 us back here about 10 minutes to noon.

19 Anthony, you're gonna make that motion?

20 COMMISSIONER EID: I had a -- I actually had a  
21 comment, but it can wait.

22 COMMISSIONER LETT: Go ahead, go ahead.

23 COMMISSIONER EID: I just had a -- a question  
24 for Sarah, and we -- it was something we touched on  
25 earlier about where -- like what we're gonna do once,

1 you know, this pandemic is over.

2 I believe that the reason we're allowed to  
3 have this meeting, and any other meeting that is subject  
4 to the Open Meetings Act on Zoom is due to an executive  
5 order that the Governor passed.

6 So my question is: Whenever that order  
7 expires, if there's not a new one, will this commission  
8 be required to meet in person or not?

9 UNIDENTIFIED MALE SPEAKER: Yes. Yes, it  
10 will.

11 COMMISSIONER EID: Okay. Thank you.

12 COMMISSIONER LETT: Doug?

13 COMMISSIONER CLARK: Yeah, I had one question.  
14 Sally may have to answer -- help answer this one.

15 Last night, when I got the documents, they  
16 were all in MS -- Microsoft Word format, and I don't use  
17 Microsoft Word. So sometimes -- if they came across as  
18 PDFs, that would be fine. It's something that we can --  
19 I think we gotta think about. I don't know what  
20 everybody else uses. I know it's the standard, and I  
21 may have to conform to the standard and buy it.

22 COMMISSIONER LETT: What do you use, Doc?

23 COMMISSIONER KELLOM: Page, or what do you  
24 have, Keynote?

25 COMMISSIONER LETT: Doug?

1 COMMISSIONER CLARK: I'm sorry, I didn't hear  
2 what you said.

3 COMMISSIONER LETT: What -- what do you use?

4 COMMISSIONER CLARK: I -- I was able to open  
5 them, but I can't edit them if I ever have to edit them.

6 My -- my question is, what program -- what  
7 word program do you use?

8 COMMISSIONER CLARK: Oh, I use the Apple  
9 Pages.

10 COMMISSIONER KELLOM: Yeah, that's what I was  
11 asking.

12 COMMISSIONER CLARK: Yeah, instead of using  
13 Excel, I use Numbers.

14 MS. MARSH: Doug, we can certainly -- we have  
15 to convert it, most of these documents to a PDF in order  
16 to put them on the website. Originally, I believe you  
17 view it that way. We typically do it that way so we can  
18 certainly distribute a PDF. But, you know, part of, I  
19 think, your question is maybe something to remember when  
20 you all start to think about, you know, do you wanna  
21 purchase additional technology, like, when you start to  
22 use your email and -- and things like that, you know, if  
23 you -- if you -- you know, it's always the option to  
24 kind of figure out what you all are going to use.

25 But, in the short term, we can absolutely

1 facilitate PDF for you.

2 COMMISSIONER CLARK: It's up on the website as  
3 PDF file.

4 COMMISSIONER KELLOM: Yep, I was going to flag  
5 that Sarah included a link in the chat.

6 COMMISSIONER CLARK: I -- I can deal with  
7 that. If I have to, I'll buy MS Word. Okay. Sounds  
8 good.

9 COMMISSIONER LETT: And I -- I feel your pain,  
10 Doug, because I, as a lawyer -- all the lawyers, back in  
11 the day, started out with Word Perfect and then it  
12 slowly switched over to MS Word. And I -- I finally had  
13 to go that way.

14 COMMISSIONER CLARK: Yeah. Well, Word Perfect  
15 was the standard at that time.

16 COMMISSIONER LETT: Yep. For the legal  
17 community, yeah.

18 COMMISSIONER CLARK: It's just what you get  
19 used to, yeah.

20 COMMISSIONER KELLOM: I remember Word Perfect  
21 even though I'm a youngster. I think -- I think that  
22 raises the point that it might be the -- for privacy and  
23 other reasons to have work computers. I know we're not  
24 there yet, but just in keeping things separate. But I  
25 know that we were preparing for a break.

1 So, Steve, take it away.

2 COMMISSIONER LETT: Oh, no. We've got a  
3 little bit of a time. But we're going to extend it to  
4 noon.

5 Anything else, anybody?

6 I always figured Doug is a Lotus 123 man.

7 Okay. Anthony, make us a motion.

8 COMMISSIONER EID: Okay. I'll motion to  
9 adjourn for lunch until --

10 COMMISSIONER LETT: Cynthia, second it.

11 COMMISSIONER ORTON: I second it.

12 COMMISSIONER LETT: All in favor, leave for  
13 lunch, all in -- opposed, say I will go get Subway and  
14 deliver it to everybody.

15 See you back at noon, 12:00.

16 COMMISSIONER LETT: Okay. I think everybody  
17 is back. And we are at the location of new business.

18 Next on our agenda is a run-through of the  
19 schedule that the state -- Secretary of State's office  
20 has sent. It's a draft scheduled meeting for the fall  
21 of 2020. Everybody should have received a copy of this.  
22 It is on the screen. Staff is going to run through that  
23 with us. I assume it's going to be Sally.

24 Is that correct, Sally?

25 MS. MARSH: Hello. Yes. Just really briefly,

1 I can -- I can run through it with you all. And, Sarah,  
2 if you could zoom in, I think it would be great.

3 So just to kind of talk through the structure  
4 of this and then I'll leave you all to discuss and --  
5 and react.

6 Again, this is a draft, just meant as a  
7 starting place. So just to kind of walk you through,  
8 the dates that are indicated with a yellow box, so that  
9 would be Friday, September 25th, Thursday, October 1st,  
10 then the week of Tuesday, October 13th, Friday,  
11 October 16th, Saturday, October 17th, then into  
12 November, the 12th, the 19th and the 20th. And then,  
13 again, into December, the 4th, the 10th and the 17th.  
14 Those are dates that would be proposed meeting dates.  
15 And if you were to agree to this schedule or a schedule,  
16 you know, slightly modified, those would be when you  
17 would meet.

18 On the document, you can see suggested time  
19 frames. I hope I included all of your availability in  
20 here. I think I captured it all, put suggested time  
21 frames to give some variety so that people aren't always  
22 taking the exact same time frame out of their day for  
23 the remainder of the fall.

24 And what you really see in this -- in this  
25 meeting schedule, I think, is an emphasis on hiring your



1 key staff and really spending a lot of time doing that  
2 before you dig into a lot of the other things that you  
3 all are going to need to address in the longer term.

4 So this schedule has you all deciding on an  
5 executive director, earliest, and ideally, by  
6 October 17th, and then gives the executive director some  
7 time to get on board before you hire and -- and begin to  
8 implement other staff and do things like, you know,  
9 other kind of structural business or outstanding  
10 business before the -- the end of the calendar year.

11 I'll also just briefly note, and -- and you  
12 all can talk about this later, but just to explain, the  
13 final column on this document suggests some times at  
14 which you could have additional panel expert  
15 presentations as was outlined in your orientation  
16 materials. So this is the schedule, that's kind of the  
17 thought process behind it, but I leave it all to you to  
18 discuss and react and -- and determine.

19 So if there are any questions on how it's laid  
20 out, you know, please feel free to let me know.

21 COMMISSIONER LETT: And -- any questions for  
22 Sally?

23 Rhonda?

24 COMMISSIONER LANGE: I'm assuming these dates,  
25 too, we're still basing it off of Zoom meetings? So it

1 could be subject to change then, I'm assuming, if the  
2 executive order is lifted and we have to meet in person?

3 MS. MARSH: Yes, Rhonda. Great point. I did  
4 not clarify that I -- these are based on the assumption  
5 that the dates would be -- that -- that the meetings  
6 would all be remote through the end of the year.

7 Of course, like you said, that could change.

8 COMMISSIONER LETT: Doug?

9 COMMISSIONER CLARK: Yeah, I have a -- I have  
10 a comment. I see some big gaps in time here, like from  
11 October 1 till the 13th, we don't meet. On October 17th  
12 to November 12th, we don't meet. November, we get  
13 Thanksgiving. I see those two big gaps in time. I  
14 would almost think we should have some meetings in there  
15 or scheduled time in there in case we need to do some  
16 additional work. We just don't know what's in front of  
17 us.

18 COMMISSIONER LETT: Sally?

19 MS. MARSH: Just to -- just to quickly provide  
20 additional context, Doug, I forgot to directly address  
21 that, so thank you for raising it.

22 You know, part of the reasoning there -- and,  
23 you know, of course, again, just a starting point for  
24 you all in your discussion, is that it -- it's kind of  
25 that concept of going slow to go fast. I think there's

1 a substantial amount of work here outlined in order to  
2 hire an executive director and begin hiring the staff  
3 that you need. But, basically, the idea that you want  
4 to do those initial things right and -- and do it in a  
5 timeframe in which you can attract the applicants that  
6 you need.

7 That said, of course the schedule, if you were  
8 to agree to it, would it actually limit you to these  
9 meetings if there was a need for you all to call another  
10 meeting, that's always an option for you. So, again,  
11 you know, and I'm -- I see Mike's hopping on, so I'll  
12 let him take away. But just wanted to mention that you  
13 wouldn't necessarily be limited by these dates.

14 MR. BRADY: Hi. The one thing I was gonna  
15 flag in terms of one limit to it, and Sally's absolutely  
16 right, you wouldn't be limited by these dates. As noted  
17 by last week, the Michigan Department of State and,  
18 frankly, the people who are staffing you, including  
19 myself and Sally and Sarah, are all also actively  
20 involved in the preparation for an administration of the  
21 upcoming November presidential election.

22 And so, you know, that doesn't address all of  
23 the -- the timing, but that is a very practical timing  
24 consideration. And so, you know, have to just to be up  
25 front and clear about that in terms of the -- you know,

1 doing everything we can, wanting to support you all as  
2 actively as possible, but also wanting to make sure that  
3 we provide you the -- the level of support that we think  
4 you both deserve and also reflects well on the standards  
5 we otherwise bring to our work.

6 But then, at the same time, having to, you  
7 know, balance out the other demands of the Department of  
8 State, particularly, in this -- in this moment with the  
9 election.

10 COMMISSIONER LETT: I'm assuming, Sally or  
11 Mike, that if something were to arise between these set  
12 dates, that we could, with proper notice, schedule  
13 another meeting?

14 MS. MARSH: Absolutely.

15 COMMISSIONER LETT: Of course, that would be  
16 somewhat contingent what the meeting would be about and  
17 what your availability, the -- your staffing  
18 availability would be, correct?

19 MS. MARSH: Correct. But absolutely any dates  
20 that you decide on today are not the sealing, they're  
21 sort of what you for sure -- you know, it would be kind  
22 of setting out your -- your meetings that you're  
23 planning on, and then if you were to need an additional  
24 meeting, you could, of course, you know, schedule that,  
25 like you said, with the proper notice, Steve.

1 COMMISSIONER LETT: And likewise, if we set  
2 this meeting -- set this schedule and publish it, we  
3 also can adjourn those dates pursuant to the Open  
4 Meetings Act, as has been previously discussed with  
5 proper rescheduling notices?

6 MR. BRADY: Correct.

7 COMMISSIONER LETT: Cynthia?

8 COMMISSIONER ORTON: So I -- just getting used  
9 to all this meetings, it just seems, like -- like Doug  
10 said, there's large gaps where we aren't meeting with  
11 each other. And since, really, we only can communicate  
12 when we're in open meetings about things, I'm wondering  
13 how would we even be able to communicate that we need  
14 another meeting? I just don't know how this is gonna  
15 work?

16 COMMISSIONER KELLOM: I think my first thought  
17 would be we could communicate that to Sally if we needed  
18 to schedule something else or make any changes. I --  
19 the thing that I could also maybe say is -- I mean, I  
20 see the gaps, but I think I relate to Sally's thought of  
21 going slow to fast and making sure we're doing thorough  
22 work. I don't know. Maybe this is just me, but back-  
23 to-back meetings seem like a lot of hustle and bustle,  
24 and maybe might lend toward more talk time and doing  
25 time. It might take us some time to do the things that

1 are listed here or time for them to come to pass if it's  
2 not something that we're actively doing. That's my  
3 first thought.

4 I also enjoy the flexibility of afternoon  
5 versus morning, thinking about people's school and work  
6 schedules, and then personal lives.

7 COMMISSIONER ROTHORN: I have a thought on  
8 the gaps that might allow us to respect the -- the needs  
9 for the staff to -- to engage in their other duties  
10 besides us that, I don't know if it's appropriate now,  
11 but what I'm thinking about is our continued training  
12 and how we might fill in some of those gaps and do  
13 webinars and some of the other things that -- that may  
14 require less staff, may -- maybe require them to help us  
15 set it up and reach out. But it might -- we might be  
16 able to train ourselves. And I -- and I keep thinking  
17 that maybe we can, yeah, take more of the education of  
18 ourselves. We might be able to try to propose something  
19 to -- to fill in those gaps if we feel like we wanna  
20 keep working without neglecting, let's say, the -- the  
21 focus on hiring our staff and not diverting our  
22 attention. We're still learning and catching up and  
23 coming up to speed, but not, let's say, actively  
24 deliberating and making a decision. We're teaching  
25 ourselves and potentially, I think, opening it up,

1 because it's going to be an open meeting anyways, during  
2 that training, we could potentially be training some of  
3 the other citizens who are coming along for the ride.

4 COMMISSIONER LETT: Cynthia?

5 COMMISSIONER ORTON: Yeah, that's kind of what  
6 I was thinking about, as far as I feel like there's only  
7 so much I can read over and study myself. I feel like  
8 it was really helpful last week when we had presenters  
9 come and teach things and present information. And if  
10 we can only do that when we're all together in a public  
11 meeting, it seems like we're kind of putting that off a  
12 little bit. I'd rather be learning more up front.

13 COMMISSIONER LETT: Mike -- excuse me. Mike  
14 or Sally, your thoughts on this train of thought here?

15 MR. BRADY: This is Mike. I wanted to respond  
16 to a specific question.

17 Cynthia, forgive me, it may have been your  
18 question, which is a question of how would do we -- or  
19 how would you all convene or at least even kind of  
20 clarify that you want another meeting if, you know,  
21 you're not to talk with each other outside -- you know,  
22 outside of a public meeting. I think Brittni's response  
23 certainly works, that you can let -- either you can  
24 contact Sarah or Sally or myself, and let us know that  
25 you'd like us to look at another meeting and see about

1 availability of at least a quorum, you know, for -- in  
2 the absence of, you know, bylaws, or just other things,  
3 just to be able to ask that question. We could  
4 certainly, you know, put that out to folks.

5 I think, you know, being mindful as well,  
6 thinking about the language that's in the Constitution.  
7 You know, we've -- you know, we've talked about -- you  
8 recall, hopefully, on a slide from -- from last week and  
9 it's in your -- in your information and your packet that  
10 talks -- what does it say? It says that commissioners  
11 are not to -- are not to talk about redistricting. And  
12 I don't have it in front of me. I'm not quoting it.  
13 But, you know, redistricting and, you know, the work of  
14 the commission outside of a public meeting -- or outside  
15 of the commission's public meeting with two exceptions.  
16 One of the exceptions was in writing, and the other  
17 exception was at, you know, someone else's noticed  
18 public meeting.

19 So I'm not sure that the -- you know, the  
20 second exception applies. But the -- the first  
21 exception actually potentially may, and that, you know,  
22 to the degree that you all, as part of your own  
23 education, wanted to be sending -- and I -- I offer this  
24 realizing perhaps some of the limitation of what I'm  
25 about to say, but just trying to work within the



1 language, as I see it, in the Constitution, I think that  
2 each of you is -- is allowed, by the language in the  
3 Constitution, to send an email to any of the people or  
4 dare to say, all of the people, and, you know, to ask  
5 them, you know, questions or, you know, whatever else.

6           And so to the degree that, you, you know,  
7 individually -- you know, one of you had a -- a question  
8 for, you know, one of the -- law professors, perhaps  
9 Professor Katz or, you know, for Justin Levitt, who, I  
10 think, is from Loyola Law School, or any of them. We, I  
11 believe provided the conduct (inaudible), and we'd be  
12 happy to do that again. And if you wanted to send them  
13 an email and say, hey, you know, I really appreciated  
14 that thing you mentioned, you know, you talked about  
15 such and such, you know, obviously you're just  
16 scratching the surface, are there any additional  
17 resources you could provide or even, you know, do you  
18 have a lecture that you're giving on this topic? Maybe  
19 you already have it in video form or you have it coming  
20 up in your class, because you're a professor, that I  
21 could watch? Now, you can't discuss that because the  
22 Constitution says you can't discuss redistricting. But  
23 you can watch a lecture that if a professor allowed you,  
24 as an individual, to stream into their classroom, that's  
25 something that I think is absolutely part of your

1 education and it is not, as I read it, you know,  
2 assuming it's not exact, you're not making any  
3 decisions, you're not deliberating with the other, you  
4 know, any of you plus 12, right, are the people who are  
5 the subject of the deliberation or decision-making.

6           The Constitution talks about any discussion on  
7 the topic. But if you're just sitting and watching, you  
8 know, a great law professor, or whoever, give some -- so  
9 much or they refer you to some other speech they gave on  
10 the topic, you know, some other state, frankly, I mean,  
11 these things are questions of federal law.

12           It seems like there are actually a number of  
13 things there, and, you know, if we hadn't put, you know,  
14 that fine a point on it, you're allowed to do that in  
15 writing. And I would certainly encourage you to do  
16 that, because I think the people who drafted this wanted  
17 you to be able to reach out, wanted the public to be  
18 able to reach out to you even. But they're so  
19 distrustful of politicians, frankly, and I'm not saying  
20 anything that isn't new, that they wanted to have all  
21 those things in writing. So that's what it's about more  
22 than anything else. It's not to try to stifle your  
23 education or your responsiveness to the public, it's  
24 about trying to make sure that there's some kind of  
25 record of it because they -- you know, voters are not

1 politicians, they're very mindful of, you know, abuses,  
2 sometimes real, sometimes perceived by those, you know,  
3 who are in power and don't have that accountability.

4 Again, those are my thoughts to it. I'm just  
5 referring back to, you know, the things that I saw the  
6 people who moved forward in this particular proposal.  
7 And (inaudible). So I hope that answers the question.

8 Some of that -- I guess the mix of the topic  
9 about what you might be doing in the interim and then  
10 the specific question of, you know, do you want to have  
11 another meeting, by all means, we can certainly schedule  
12 additional meetings, and, you know, think some of those  
13 things through as well.

14 And I will say that if it is paramount for  
15 this commission, the Department of State will look and  
16 see any staff we can find to be able to get up to speed  
17 and (inaudible) staff you for any meeting, you know,  
18 that said, it's a bit of all hands on deck for us with  
19 something like a presidential election. This is --  
20 that's certainly one of the biggest things that our  
21 office does, as you can well imagine, in any four-year  
22 period of time. And so, I mean, it's not just the three  
23 of us, it really kind of uses the full bench all the  
24 way.

25 MS. MARSH: And if I could just quickly add on

1 to everything that Mike just said there.

2           You know, to your point, Cynthia, about  
3 additional education and really wanting to wrap your  
4 hands around everything that you all are going to need  
5 to do, sort of two things on that point. One is that,  
6 you know, as -- as we mentioned in the orientation  
7 materials, there are kind of additional subject areas  
8 and groups of experts that we would be happy to reach  
9 out to. And this is the next item on the -- on the  
10 agenda for you all to discuss in relationship to  
11 these -- you know, to your future meetings, but happy to  
12 reach out to them and -- and schedule people to come  
13 present to all of you.

14           In addition to that, I know that the people,  
15 as they mentioned when they spoke to you last week, many  
16 of the experts who you heard from last week would be  
17 happy to provide you additional information in writing.  
18 And so -- but in my -- you know, as I was thinking about  
19 how you all would -- would approach basically the  
20 remaining 12 weeks of this calendar year, in a way, the  
21 educational aspect, which is so important, is -- is  
22 somewhat distinct from the administrative aspect that  
23 you all, you know, will need to do.

24           And you've already identified, right, hiring  
25 that executive director. And then, you know, getting

1 that person on board so they can help you do the other  
2 things that you need to do administratively. So I -- I  
3 don't think they're in conflict, but I just want to  
4 point out that the way I was thinking about it as I  
5 drafted this, again, not at all controlling of what you  
6 do. But the way that I was thinking of it in drafting  
7 this is that there's sort of two tracks and you can do  
8 them at the same time. But you can also do them in such  
9 a way that you're sort of spacing out both parts. You  
10 don't have to be drinking from a fire hose at every  
11 moment.

12 COMMISSIONER LETT: Any other comments on  
13 the -- on the schedule? And keeping in mind we're gonna  
14 talk about webinars and further educational items after  
15 we finish with the schedule.

16 COMMISSIONER ROTHORN: I think I'm okay with  
17 the schedule as -- as presented.

18 COMMISSIONER LETT: Is that a motion?

19 COMMISSIONER ROTHORN: I -- I not yet.

20 COMMISSIONER LETT: Okay. You realize we can  
21 have further discussion after you make a motion, right?

22 COMMISSIONER ROTHORN: I do.

23 I see Glenn's hand. Sorry.

24 COMMISSIONER SHAW: Hi. I heard -- I thought  
25 I heard somebody say after the Governor's order was

1 lifted, we were not allowed to do Zoom meetings. And  
2 did I hear that right?

3 COMMISSIONER LETT: Well, I think what you  
4 heard, and Mike can jump in any time, is that once the  
5 order is lifted, then we are supposed to have in-person  
6 meetings and certainly with the public comment meetings.  
7 In other words, the 10 meetings that were going out  
8 around the state would be in -- in-person at those state  
9 -- at those places, wherever we decide those to be. And  
10 we're not limited to 10, for sure.

11 I guess -- I guess I don't know that -- I'll  
12 leave -- I'll -- I'll ask Mike to respond is -- whether  
13 or not should we choose to have additional Zoom meetings  
14 once the order is lifted, if that would be permissible.  
15 It seems rather odd in today's -- today's market that we  
16 wouldn't be able to have a Zoom meeting in addition to  
17 an in-person meeting.

18 Mike?

19 MR. BRADY: All right. Just turning off mute.  
20 Thank you for the question.

21 Glenn, you did hear -- I think, you know, what  
22 you said back was in fact what I think I said to Anthony  
23 earlier when he asked a question. You know, the -- you  
24 know, our ability to conduct this meeting will resume is  
25 being done pursuant to an -- the governor's executive

1 order, specifically for those of you keeping score at  
2 home, it's Executive Order 2020-154. And that -- I  
3 didn't find an, you know, expiration date on them.

4 You know, at different times, they've been  
5 amended or, you know, re-issued. So, in any event, you  
6 know, if and when, you know, some day, you know, at some  
7 point, there won't be a state of emergency. And so if  
8 and when these -- this specific executive order that  
9 allows for the temporary suspension of strict compliance  
10 of Section 3 of the Open Meetings Act specifically is  
11 what it does, which requires a meeting to be held in  
12 person.

13 And so there are other things that would allow  
14 or, frankly, control individual public bodies to  
15 sometimes supplement and allow commissioners or other,  
16 you know, folks, members to participate at a distance  
17 subject to, you know, other requirements in law. But  
18 the Open Meetings Act requires there to be a, you know,  
19 meeting in person that the public can attend and that is  
20 what this will revert back to.

21 I'll say that there's -- I'm aware of legal  
22 arguments and questions raised from attorneys, you know,  
23 who practice in this area as to whether the Open  
24 Meetings Act would allow this without the executive  
25 order. But I'll tell you that I think (inaudible) the

1 majority of opinion of lawyers that practice in this  
2 area is that this executive order was necessary, which  
3 is why she issued it, and has been re-issued it, you  
4 know, over last, you know, five, six months. Because,  
5 otherwise, some public bodies are very concerned about  
6 violations of the Open Meetings Act unless they were in  
7 person and they couldn't get quorum because folks were  
8 concerned about coming out because of COVID-19 and --  
9 and all of that. So that's why the executive order  
10 exists, because there's, at best, an argument that you  
11 don't need it, but, otherwise, lots of arguments that  
12 you would need to have a meeting in person.

13 And so, again, it doesn't have an expiration.  
14 We don't know, you know, when that will expire or, you  
15 know, otherwise be rescinded by -- by the governor.

16 Forgive me, Steve, I note Erin is raising her  
17 hand. I don't know if that's in response to -- to what  
18 I'm saying now.

19 COMMISSIONER WAGNER: I just have one  
20 question.

21 If, when that executive order potentially is  
22 lifted, it does not limit the public into not having  
23 Zoom meetings on those open meetings, does it, Mike, so  
24 that we could afford them another avenue to be present  
25 besides being physically present?



1 MR. BRADY: I appreciate that. That's a --  
2 that's a great question.

3 So on the lifting of the executive order -- so  
4 what the executive order does is it allows the public  
5 body to meet virtually, whereas the default is the  
6 public body meets in person. And there's not a  
7 requirement in the Open Meetings Act. And again, Open  
8 Meetings Act, the way I think of it is as a floor, not a  
9 ceiling. It's a basic thing you have to do, not this is  
10 all you have to do, you're not allowed to do more. You  
11 can always do more to support and facilitate and  
12 encourage the public to participate. That's there  
13 clearly in the law as well.

14 So most public bodies -- I don't know if most,  
15 but many public bodies, you know, videotape their  
16 proceedings. Many public bodies do not in live -- you  
17 know, and you can't watch the proceedings live while  
18 it's going on. And for my city council, you can. For  
19 maybe some of yours or your township board, you can do  
20 those sorts of things. For some of them, you can't.  
21 And that's -- that's fine because it's not required by  
22 the Open Meetings Act.

23 For this topic, and again, great question,  
24 Erin, I refer you back to the Constitution, which, once  
25 again, is going above and beyond the requirements of the

1 Open Meetings Act to say -- help me out, Sally, if  
2 you've got the section at hand.

3 MS. MARSH: I do. It is Section 10 of Article  
4 4, Section 6.

5 And -- and go -- go for it, Mike.

6 MR. BRADY: I think it's the last two  
7 sentences there.

8 Thank you, Sally.

9 It says that the commission shall conduct its  
10 hearings in a manner that invites wide public  
11 participation throughout the state. The commission  
12 shall use technology to provide contemporaneous public  
13 observation and meaningful public participation in the  
14 redistricting process during all meetings and hearings.

15 So if -- if there was no Coronavirus, we'd all  
16 probably be in person in Lansing somewhere, you know,  
17 wherever, and -- and we would have -- say we'd still be  
18 streaming this live on Facebook or YouTube, or whatever  
19 else we're doing, because -- not because the Open  
20 Meetings Act requires that, but because this here again,  
21 the language in the Constitution is an example where you  
22 all have a higher obligation than the standard Open  
23 Meetings Act because of that language I just read in the  
24 Constitution.

25 Erin?

1 COMMISSIONER WAGNER: Will that dictate the  
2 public comments? I know we had that little notice on  
3 the thing that says due to the virtual meeting, public  
4 comments need to be taken beforehand. Will that still  
5 be an option for those that can't attend publicly and,  
6 you know, physically in public?

7 MR. BRADY: Great question.

8 If -- if and when, again -- the real question  
9 is like, if this happens during the next year when this  
10 commission is mainly active, right? And, you know, of  
11 course everybody in the world is hoping that it does,  
12 but if there was a, you know, return to normal and we  
13 can meet each other in person and, you know, whatever,  
14 then the way the public comment would change would be to  
15 add the ability of any person to walk into your meeting  
16 and to just raise their hand and -- and stand up at  
17 public comment and to address this commission.

18 So, you know, the ability to submit written  
19 public comment will still stand. The ability for  
20 somebody virtually, so to speak, to, you know, to speak  
21 -- to address this commission in the way that they have  
22 thus far, that will also continue per the language I  
23 read in the Constitution.

24 But the -- there will be another option, which  
25 is, frankly, like the more basic kind of traditional

1 option, which somebody can drive in person and you can,  
2 you know, see them on the other side of the table and  
3 they can stand up and speak to you for a couple minutes.

4 COMMISSIONER LETT: Any further questions?

5 MR. BRADY: Anthony?

6 COMMISSIONER EID: It's not really a question,  
7 but it harps back onto what Glenn was saying. Even if  
8 we approve the schedule and if, you know,  
9 hypothetically, if we are meeting in person, this  
10 commission can still -- we can call whatever meeting we  
11 wanna call, you know, as long as we give the Secretary  
12 of State enough time to make a declaration of a public  
13 hearing, you know, it's in our power to do that. So we  
14 can totally add to the schedule, really, whenever we  
15 want.

16 COMMISSIONER LETT: That's my understanding,  
17 yes, that we can add additional -- subject to the  
18 appropriate notice provisions. And, of course, subject  
19 to the staff being able to do what we are requesting  
20 they do.

21 COMMISSIONER EID: So, with that said, I'd  
22 like to motion to adopt this proposed meeting schedule  
23 for fall of 2020.

24 COMMISSIONER WAGNER: I second.

25 COMMISSIONER LETT: Okay. Anthony made the

1 motion to accept -- or adopt this draft proposal as our  
2 meeting schedule tentatively and Erin seconded it.

3 Any further discussion?

4 Hearing none, all in favor, say aye or raise  
5 your hand.

6 (Chorus of ayes)

7 COMMISSIONER LETT: All opposed, the same  
8 sign.

9 It's adopted unanimously.

10 Okay. So we have a meeting schedule.

11 Next -- since we just got back, I think I  
12 wanna talk about the webinars, unless everybody -- does  
13 anybody want to take break right now? It's a little  
14 early. We just kind of got back, so...

15 Okay. We'll move the break.

16 Sally, where did you go? There you are.  
17 There you are. Man, this thing jumps around. I can't  
18 believe it.

19 Webinars, talk to us about webinars.

20 MS. MARSH: Yes. Thank you, Chair.

21 So I'm quickly flipping to this page in your  
22 orientation materials. It starts on page 16 for those  
23 of you who might have it available.

24 And to the public watching, just a reminder  
25 that these orientation materials and the other materials

1 that are discussed today are all available on the  
2 website, on redistrictingmichigan.org.

3 So what you see listed, starting on page 16 of  
4 the orientation materials, are some additional areas of  
5 potential education and conversation that you all might  
6 want to have with other expert -- with experts. And so  
7 just to kind of walk through what they are, Michigan  
8 demographics and the census, there are people in the  
9 State of Michigan who are experts on both, you know,  
10 Michigan demographics, census, changes over time.  
11 Namely, of course, the demographer for the State of  
12 Michigan, but others listed there as well.

13 More conversation about public hearings,  
14 outreach, taking testimony, communities of interest.  
15 More opportunity to -- to talk about those options, talk  
16 about what other commissions have done or what you all  
17 might do. Again, the Voting Rights Act and racial  
18 gerrymandering.

19 There is a lot to unpack there. You've got  
20 a -- a brief kind of introduction to it last week, but  
21 there are more experts, more people that you all could  
22 inquire to hear from.

23 Mapping software, options for the commission,  
24 for the software that you all would utilize. And then  
25 public facing mapping tools, which sometimes are the

1 same thing and sometimes there are additional things as  
2 well. And there are people who, again, are experts in  
3 that department. There's actually an enhanced  
4 redistricting data access program within the State of  
5 Michigan that has existed for several years and -- and  
6 is responsible -- it's a bipartisan group of  
7 representatives who are responsible for updating census  
8 and electoral data so you, you know, could certainly and  
9 -- and probably hear from them.

10 And then the -- the last one that's mentioned  
11 here, and this is not at all an exhaustive list. It's  
12 more, again, a starting point -- is redistricting's  
13 relationship with map and data. There is more to unpack  
14 there. And so there are, again, people who spend a lot  
15 of time thinking about those connections and that  
16 relationship and could talk to you all about the  
17 decisions you're going to have to make.

18 So, again, this is another example of a  
19 starting place, something for you all to consider. But  
20 these are the kinds of things if you wanted us to -- to  
21 ask these experts or other experts to come in front of  
22 you and -- and talk about these issues, we are happy to  
23 help facilitate that, just need -- you know, need you  
24 all to actually want us to do that.

25 COMMISSIONER LETT: Okay. Thank you, Sally.

1 So there were several items on our schedule  
2 that had highlighted just as a place to do webinars.

3 So we'll open the floor up for any discussion  
4 and, Brittni, would you help lead us, please?

5 COMMISSIONER KELLOM: Absolutely. I don't  
6 wanna be the one to share the first thought, so I invite  
7 us all to kind of have some thoughts about what Sally  
8 just shared and the materials that are listed in our  
9 manual.

10 Dustin, you can -- oh, Doug. Come on, Doug.

11 COMMISSIONER CLARK: Yeah, my opinion on it is  
12 the more education we get on the subject -- on these  
13 subjects, the better off we're going to be.

14 COMMISSIONER KELLOM: Absolutely.

15 COMMISSIONER UNIDENTIFIED MALE: I agree.

16 COMMISSIONER CLARK: I would seriously  
17 recommend that we go through these, every one that's  
18 available to us that -- that sally has just talked  
19 about.

20 COMMISSIONER KELLOM: I totally agree, Doug.

21 MC?

22 COMMISSIONER ROTHORN: I really like the idea  
23 that we've got a process. This is the -- we're the  
24 first commission, and because we have so many  
25 Michiganders who are trying to figure out what their



1 role in this public process is. It feels like it's --  
2 we have a real opportunity -- I mean, I think we're  
3 doing open meetings, so there's kind of education by  
4 default if -- if the public is sort of watching  
5 everything that we do. But I'm wondering if there's way  
6 for us to leverage this, like, as we educate ourselves,  
7 right, that we -- and ask the Secretary of State to  
8 coordinate this. Part of me is thinking, like, I wonder  
9 if we could have some way -- I don't wanna make -- I  
10 don't wanna conflate too many things, but I feel like we  
11 could leverage this and educate the public in a, let's  
12 say, I don't know, a course that we also take.

13 And so there's -- there's a part of me -- I'm  
14 not sure exactly what I'm asking, but I know that it's  
15 -- it feels like a good opportunity.

16 COMMISSIONER KELLOM: MC, I think what I hear  
17 you saying is you want to be able to translate what  
18 we're learning in a way that gives the public more  
19 awareness and information, so maybe creating  
20 conversations and facilitating or holding space for --

21 COMMISSIONER ROTHORN: Okay.

22 COMMISSIONER KELLOM: You might have thoughts,  
23 let's say, after we finish the first one, about whatever  
24 we decide to do as a group, right? And so if we have to  
25 have public hearings or, you know, these public forums,

1 that might be a way to introduce the information in a  
2 shared learning kind of conversational space. Get folks  
3 to kind of talk about it in -- in that way as opposed --  
4 as opposed to us standing as the experts. Because I  
5 feel like what we learn here might change all the time  
6 and how we feel about it. But that's just my first  
7 thought. I'm not sure if that's what you were saying.

8 COMMISSIONER ROTHORN: I like it. And I -- I  
9 feel like we've had people, public universities in the  
10 State of Michigan that might have coursework like this,  
11 right? So it could be uniquely Michigan, rather than,  
12 yeah, something that's -- because we've learned from  
13 other states, but I'm just -- I'm curious about some of  
14 the -- there was public comment that we got from UP and  
15 there was -- there were people that essentially --  
16 right, let's make sure that we include everyone if we  
17 can, yeah. And, specifically, like make it Michigan,  
18 make it ours.

19 I like the idea of the public universities in  
20 Michigan, the State of Michigan, potentially -- yeah, I  
21 think the public comment was from an indigenous tribe  
22 member -- or, excuse me, I don't know if it's from a  
23 tribe member, but I know that it -- it was recognized.  
24 And, Erin, I see you shaking your head, nodding your  
25 head. It was a young person. 16-year-old. Yeah.

1           So I just -- this -- it feels like it could be  
2   -- we might have expertise in our public universities to  
3   help us set up something in addition to what the  
4   Secretary of State is even offering here, so...

5           COMMISSIONER WITJES: I -- I agree. But, I  
6   mean, I don't think we need -- we need to go out and  
7   find courses that we can then present to people. I  
8   mean, we can -- we can find things to present to us and  
9   make our job easier and better. But like going out and  
10   say, hey, this course that we found, let's bring it on  
11   so that we can educate the masses of Michigan, I don't  
12   think that's something that would be the best use of our  
13   time.

14          COMMISSIONER KELLOM: No, I don't think so. I  
15   don't think that's what -- that wasn't what I was  
16   saying.

17          Cynthia?

18          COMMISSIONER ORTON: Well, I think just doing  
19   it the way we have been doing it and that we have done  
20   it. The public will be able to join as we're learning.  
21   They'll be able to learn along with us, so I  
22   think (Technical difficulty).

23          COMMISSIONER ROTHORN: I'll just offer, I  
24   think the reason I'm considering the universities is  
25   because I'm recognizing the staff at the Secretary of

1 State may be required to do a lot of extra work to help  
2 us set these things up. And so I'm imagining trying to  
3 figure out a way to do something different.

4 So, again, why I brought in the universities,  
5 I'm trying to figure out a way of -- of us asking them  
6 to delegate, for example, for our education. That may  
7 not be appropriate, but I'm -- that's the idea I'm  
8 playing with, to help get the education we need, open it  
9 up, and help them run a presidential election; them  
10 being the Secretary of State's office.

11 COMMISSIONER KELLOM: Sally, go ahead.

12 MS. MARSH: I can just quickly -- I -- I  
13 appreciate that thought, MC.

14 You all might have noticed that your  
15 orientation materials, on the front page, it indicates  
16 that the University of Michigan and Michigan State  
17 University played a really active role in helping  
18 assemble the information to provide to all of you and --  
19 and providing that expertise.

20 I -- we would certainly be looking to them to,  
21 you know, advise us and you all on who are the right  
22 people. They helped compile this list of topic areas,  
23 along with the Princeton gerrymandering project. So  
24 absolutely, I think it wouldn't be the Secretary of  
25 State's office, of course, doing that work, it would

1 really be those public institutions and involving other  
2 public institutions in the State of Michigan as well.

3 COMMISSIONER ROTHORN: Thanks for that  
4 clarification.

5 COMMISSIONER LETT: Well, I don't think -- my  
6 comments would be we've got spots for, theoretically,  
7 five webinars, seminars, what -- whatever. I would  
8 encourage us, I guess, to think about setting a schedule  
9 of the ones that we would be most interested in hearing  
10 to start with.

11 And just my own personal opinion would be  
12 the -- the demographics and the cen -- census, since,  
13 number one, the census is in the news, obviously. And  
14 demographics is one of the things that we haven't really  
15 talked about all that much yet. And so that's one of  
16 the keys that we need to think about. So I'd like to  
17 get that in and then move on to another area, such as  
18 mapping.

19 So those are just my observations. And,  
20 clearly, MSU and U of M and, you know, other  
21 universities have expertise that we can tap into. And I  
22 am sure they would be more than happy to help us out.

23 COMMISSIONER ROTHORN: I'd like to offer that  
24 there are public universities up in the UP that we might  
25 want to just try to mention or try to keep in mind as we

1 go forward. Northern Michigan in particular.

2 COMMISSIONER LETT: Well, let's not ignore  
3 Michigan Tech and --

4 COMMISSIONER ROTHORN: Sorry.

5 COMMISSIONER LETT: Lake Superior. You gotta  
6 be careful, now.

7 COMMISSIONER ROTHORN: That's true.

8 COMMISSIONER LETT: It would look pretty bad.

9 COMMISSIONER ROTHORN: I appreciate that.  
10 Thank you very much. I just don't know my way around up  
11 there very well.

12 COMMISSIONER LETT: Then we got to go to Wayne  
13 State and Mercy and U of D, so...

14 Okay. Anybody else?

15 COMMISSIONER EID: I would just say I agree --  
16 sorry, Cynthia, you had your hand up. Go ahead.

17 COMMISSIONER ORTON: I was just gonna say, I  
18 think that's great place to start. And I -- I learned a  
19 lot the way that the -- the other panels were set up,  
20 where we had several different people, but were all  
21 talking kind of same basic topic.

22 COMMISSIONER LETT: Anthony, you're muted.

23 COMMISSIONER EID: I agree. I was just gonna  
24 say I echo the comments that I think that as many of  
25 these people as we can get in front of us, the better it

1 will be.

2 COMMISSIONER LETT: I have a question for,  
3 evidently, Sally. What is the lead time on setting  
4 these up?

5 MS. MARSH: I think certainly at least a week,  
6 if not -- I think what we -- what I proposed on your  
7 schedule is that they begin in mid-October, these  
8 additional sessions, just so that we can kind of  
9 assemble people, make sure they're all available for the  
10 time that you all are meeting.

11 COMMISSIONER LETT: So if we're going to -- if  
12 we're going to set five, it would be -- behoove us today  
13 to kind of pick out what the schedule is going to be so  
14 that would give you plenty of time to line these people  
15 up. Question mark.

16 MS. MARSH: Absolutely. And another option  
17 would be, too, if you chose the one you want to hear  
18 from first and then I could see what availability is  
19 from experts on the following dates that you all have  
20 available, right, so I can -- you know, I can -- Sarah  
21 and I can work to schedule them with people for when the  
22 experts are available. That's another option.

23 COMMISSIONER LETT: It sounds like a good  
24 option, too.

25 Any motions? Anybody?

1           COMMISSIONER ORTON: I motion that we -- I'm  
2 not sure exactly how to say what I'm -- what we need to  
3 motion, but that we move forward with the Michigan  
4 demographics and census panel, and with those listed in  
5 our materials, and ask the Secretary of State's office  
6 to set that up at a -- at the earliest convenience.

7           COMMISSIONER LETT: Motion by Cynthia. Is  
8 there a second?

9           COMMISSIONER KELLOM: Can I make a small  
10 amendment? It's not gonna severely change the motion.  
11 But I would like to also propose that we essentially go  
12 in the order as presented, not list as presented, and  
13 make that the order, because just kind of glancing at  
14 it, it seems, to me -- this could be -- that would be a  
15 good flow, understanding the material, the way it's  
16 written on pages 16 and 17 of our materials.

17           COMMISSIONER LETT: Could you state those for  
18 us, please, just the order you're talking about? I  
19 understand --

20           COMMISSIONER KELLOM: Oh, I'm sorry. So first  
21 being the Michigan demographics and the census like  
22 first, like you said, Steve. And then, second, public  
23 hearings, outreach, taking testimony, and communities of  
24 interest, and then voting rights at requirement and  
25 racial gerrymandering, followed by map software options



1 and public facing mapping schools, and finally  
2 explaining redistricting's relationship with map and  
3 data, or data, however you prefer to say that.

4 COMMISSIONER LETT: Okay. One thing I would  
5 suggest. And it's, you know, you can make your motion,  
6 but Sally has indicated that she would like some  
7 flexibility in case she couldn't get everybody in the  
8 exact order. Would that be acceptable in your motion?

9 COMMISSIONER KELLOM: Yes.

10 COMMISSIONER LETT: Okay. So there's two  
11 motions going on here. Let's take the first one.

12 Cynthia has moved that we have demographics  
13 and census as our first webinar. I did not hear a  
14 second yet.

15 Second by MC.

16 Any further discussion?

17 All in favor, raise your hand or say aye.

18 All opposed, same sign.

19 It passes.

20 The second motion in front of us is to take  
21 the topics in the order presented with some flexibility  
22 by the Secretary of State's staff in case we need to  
23 make a change to accommodate the presenters.

24 That's a motion by Brittni. Is there a second  
25 to that motion?

1 Second by Dustin.

2 Any discussion on that motion?

3 Hearing none, all in favor of that motion,  
4 raise your hand or say aye.

5 (Chorus of ayes)

6 COMMISSIONER LETT: Any opposed, same sign.

7 That passes unanimously.

8 So where we're at is we have demographics and  
9 census coming up on Saturday, October 17th, hopefully.  
10 And then the remainder of four topics in November and  
11 December, subject to any necessary requirements by the  
12 presenters being available.

13 Okay. Now we're at the point of a break, and  
14 that's relatively close to where we're supposed to be.  
15 So when we come back, we'll talk about general counsel,  
16 I guess.

17 So this is 10 minutes. We'll take a break  
18 until 1:05. See everybody back here at 1:05.

19 (Meeting break)

20 COMMISSIONER LETT: All right. It looks like  
21 everybody's back and Glenn will be -- at least you can  
22 hear us.

23 Okay.

24 COMMISSIONER SHAW: Yes, I can hear you.

25 COMMISSIONER LETT: Okay. We can see you, so

1 if -- if -- if we need, I'll just have you nod or say  
2 something. So you're not excluded, you're here.

3 We are up to discussion of general counsel,  
4 which would be a significant hire, should we choose to  
5 do so. And we are at the point of having a draft, which  
6 was passed out or sent to us.

7 And I would note that on the -- not the one  
8 from California, but on the plain paper that -- from the  
9 Secretary of State's staff, down under general position,  
10 that first paragraph, it says: Voting Right -- Rights  
11 Act of 1965, it has an AN after it, just cross that off,  
12 a typo.

13 And it says, in the next paragraph, in the --  
14 right at the end of the second sentence, it says: A,  
15 the direct report of the commission and the executive  
16 director. I would think would mean that at the  
17 direction of the commission and the executive director,  
18 the general counsel will serve as primary legal counsel.  
19 So I would cross out at the direct report and make it at  
20 the direction of. It makes more sense, unless somebody  
21 has something easier than that.

22 I would note on the second page under  
23 knowledge, skills and abilities, it says: Active  
24 membership in the State Bar of Michigan. If we're going  
25 outside of Michigan, should we find someone that

1 applies, I think we should put active membership is  
2 required in the State Bar of Michigan. And depending on  
3 where they come from, it might not be hard, and it might  
4 be real hard to get that.

5 So I would note, quite frankly, that probably  
6 for in-house counsel, it isn't required. Maybe Mike's  
7 got a different take on that than I do, wherever he is.

8 MR. BRADY: Hey, Steve. So I'd say the way  
9 that I've seen this played out is usually if it's  
10 actually going to be an in-house counsel, that it would  
11 be someone -- you know, just requiring that they be an  
12 active member of the State Bar and in good standing with  
13 the State Bar.

14 One of the reasons there, of course, is that  
15 you're not simply looking for the legal -- the legal  
16 mind, if you will, and the legal education, but also the  
17 importance -- as -- as you certainly know, and perhaps  
18 others on the commission know as well -- of the  
19 attorney/client privilege and just making sure that, you  
20 know, you've got the full value that come with an  
21 attorney. So I -- that's what I've always seen.

22 And the way that in any job posting, here in  
23 my current role and prior roles, where we are, in fact,  
24 hiring an attorney and where we find it necessarily that  
25 the person actually be an attorney, to say that they're

1 either active and in good standing at the State Bar in  
2 Michigan or will become one within, you know, a short  
3 period of time of kind of some sort of flexibility  
4 there. So if somebody were to move here from another  
5 state, you know, the offer would be contingent on them  
6 being able to become an active member.

7 And, Steve, as you're aware, and others may  
8 not be, and we don't have to go in all the detail here,  
9 but in -- there are different -- sometimes someone's  
10 been practicing long enough in a different state,  
11 they're able to waive in. So I don't think we need to  
12 offer that minutia in that job description, but I do  
13 appreciate those points that you raised.

14 COMMISSIONER LETT: I had a question regarding  
15 this.

16 Was -- was there ever any discussion about  
17 having someone from the AG's office assigned into this  
18 position?

19 COMMISSIONER WITJES: Wouldn't that be a  
20 conflict of interest?

21 COMMISSIONER LETT: Mike?

22 MR. BRADY: Yeah, to Steve's question first.

23 I did not think about that. I can certainly  
24 add it. You know, I'm already going to be reaching out  
25 to the AG's office on the other question of the Open

1 Meetings Act. And I can certainly, you know, raise this  
2 with them.

3 I think, Dustin, if I, you know, recognize the  
4 voice correctly, had just raised a question whether  
5 there'd be a conflict of interest. I'm not sure, from  
6 my vantage point, that it would be a conflict of  
7 interest. If it were -- if -- if the AG's office were  
8 able to provide counsel to you all and there were a  
9 possibility of a conflict of interest, I will say that  
10 they have long-standing procedures and -- that they can  
11 put in place to address any potential conflicts.

12 So, you know, for example, being at the  
13 Department of State, the Attorney General's Office  
14 represents us and every other department in court. And,  
15 you know, officially, the attorney of record for -- for  
16 all the different state departments. And so, you know,  
17 there could be situations where there could actually be  
18 a split between, you know, different governmental  
19 agencies, and the AG would be -- you know, would be  
20 obligated to make sure that everybody -- everybody got  
21 appropriate legal counsel.

22 So sometimes they can address that through  
23 creating what's known as a firewall and having different  
24 teams of attorneys take on one client versus a different  
25 team of attorneys taking on a -- on a separate client.

1           On this particular matter, I'm not -- I'm not  
2 seeing the conflict itself, and it doesn't mean it's  
3 there. In any event, I'm happy to raise all that, just  
4 ask questions for the -- you know, to the AG's office  
5 and report back whatever they -- you know, they say.

6           Thank you.

7           COMMISSIONER LETT: Thank you.

8           And with that, I would open it up for  
9 discussion.

10          Brittni?

11          COMMISSIONER KELLOM: I think Rhonda had a  
12 comment.

13          COMMISSIONER LANGE: Go right ahead, Brittni,  
14 take over.

15          COMMISSIONER KELLOM: Her hand was raised,  
16 that's why I --

17          COMMISSIONER LETT: Rhonda?

18          COMMISSIONER LANGE: You were opening it up to  
19 comment. So I just wanted to make a comment about the  
20 Attorney General's Office.

21          I think, in my opinion, that the perception  
22 the public might get if we brought in the Attorney  
23 General's Office for our counsel, they might think there  
24 could be some bias. So I don't know if maybe that's  
25 what Dustin was thinking of the perception where, you

1 know, we're trying to keep everything truly unbiased and  
2 do everything as independently as we can. So I think  
3 hiring an outside counsel would probably be in our best  
4 interest as far as public view, too.

5 COMMISSIONER LETT: Doug has had his hand up  
6 for a minute.

7 COMMISSIONER CLARK: Yeah, I -- I fully  
8 support what Rhonda just said. Actually, that's the  
9 exact same comment I was gonna make.

10 It's the perception to the public,  
11 particularly when you've got an elected Democrat. And  
12 if she was a Republican, it would be the same issue.  
13 And you pull in somebody from their office, the  
14 perception is there's some influence. And I think what  
15 we wanna do is avoid the influence. And I think the  
16 better approach is outside counsel.

17 MR. BRADY: Duly noted. I'll strike that from  
18 the meeting with the AG's office about Open Meetings  
19 Act.

20 COMMISSIONER LETT: And just kind of to  
21 clarify my position, I really -- I wasn't advocating for  
22 bringing somebody over from the AG's office, but I was  
23 curious as to whether or not when they were setting all  
24 of these up that we got Secretary of State staff, et  
25 cetera, if there had been any discussion regarding



1 having counsel from the AG's office. But, clearly,  
2 that's not something we wanna do. And I don't have a  
3 problem with that. We'll get our own. Fine with me.  
4 I'll volunteer. Oh, no, I can't. I'm on the committee.  
5 Shoot. I'd make a lot more money.

6 COMMISSIONER KELLOM: Glenn has a hand up.

7 COMMISSIONER SHAW: Yeah, I see a -- a  
8 conflict here. It says this skill set may include,  
9 active membership is required. So which is it? Is  
10 it -- is it may or is it a requirement?

11 COMMISSIONER LETT: Well, I -- I guess my  
12 humble opinion would be as part of the may require is  
13 that active membership is -- is required. So there's --  
14 there are may's and then there are required's. And I  
15 certainly don't want general counsel in here that isn't  
16 a member -- active member of the State Bar of Michigan.

17 COMMISSIONER SHAW: Does that mean that the  
18 rest of them are desired, but not required?

19 COMMISSIONER LETT: I think there -- there  
20 certainly could be some that that would be true of, yes.  
21 That would be up to us as a committee, as a commission.

22 COMMISSIONER SHAW: Okay. If you strike the  
23 word may, the scope that includes, and so forth. It  
24 doesn't say things other than being in the State Bar.  
25 It doesn't say at what level. That's what we have to

1 determine when we interview the person.

2 COMMISSIONER UNIDENTIFIED MALE: I like it.

3 COMMISSIONER KELLOM: Erin? Sorry.

4 COMMISSIONER WAGNER: One thing, and I just  
5 need a clarification from either Mike or Sally.

6 Under background on both the general counsel  
7 and the ED position, it says final maps must be  
8 completed and approved by November 1st, 2021. But under  
9 additional information, it says after the completion of  
10 the mapping process in the year 2022. Is that error or  
11 am I understanding it incorrectly?

12 COMMISSIONER LETT: That will probably be when  
13 all the lawsuits are finally settled.

14 MR. BRADY: It's close. So there's -- this is  
15 Mike again. Good question, Erin.

16 So, per the constitution, the November 1st,  
17 2021 date is right out of the Constitution itself. And  
18 that's a date where you will finish and you're obligated  
19 to have a map that you approve at that time.

20 You know, the lawsuits may start before that,  
21 but, at the very least, you know, likely to start  
22 (inaudible) realistic right then, if they hadn't  
23 already. And those would be lawsuits challenging it.

24 At -- at the same time or kind of in parallel,  
25 there's -- there's an extensive process that happens

1 from -- involving, among other things, the Bureau of  
2 Elections and the various clerks throughout the state to  
3 update what's known -- I believe I'm saying this  
4 correctly -- but updated -- the Qualified Voter File, so  
5 that each -- so the lines that are drawn are -- for the  
6 current districts, will be redrawn. And then individual  
7 voters, when they look to see, you know, which district  
8 do they fall in, they'll -- you know, people are  
9 required to get updated voter information cards and  
10 other things. So that all needs to happen -- that needs  
11 to happen before -- or that actually happens like in  
12 early 2022.

13 And then the filing deadline for candidates  
14 who wanna run for office in those districts, because,  
15 remember, we'll be back into this. There will be a  
16 November general election in November '22, there will be  
17 an August primary in August of '22.

18 And then in order to have your name up for  
19 consideration in the August primary, you know, the law  
20 says, you know, a certain number -- there might be like  
21 12 Tuesdays, or whatever it is, before that election in  
22 August, it usually ends up being in early May, roughly.  
23 So you're gonna, you know, broad strokes. You're  
24 looking at early May when somebody, as a candidate for  
25 office, would have to submit the requisite number of

1 petitions, signatures, and, you know, whatever else they  
2 have to do for whatever they're running for.

3 And so before somebody can figure out which  
4 district they're running for and get signatures of  
5 electors in that district, all the other background  
6 information that people -- you know, most voters are  
7 just not -- the real infrastructure of elections, that  
8 needs to be updated. And that's what was updated in  
9 early 2022, and you have to, you know, approve this map.

10 So that's where constitutionally November 1  
11 came from and why the drafters of the Constitution  
12 picked November 1st versus 22. Because it actually  
13 takes time to -- to update those lines.

14 Point of -- I don't know, point order, or  
15 something, I appreciate the edit on the skill set  
16 include. One of the things that -- that crossed my  
17 mind, as you were discussing that, was that I'm not sure  
18 that active membership is itself either knowledge, skill  
19 or ability. It strikes me as just almost you could  
20 create a separate category just to say requirements as  
21 opposed to -- and I've seen that in some other job  
22 descriptions as well, where you have one section that  
23 says knowledge, skills and abilities, and skills might  
24 be like, you know, you're a good public speaker. Skills  
25 might be you're a good writer. Those are things that,

1 you know, a lawyer should -- you know, should have just  
2 from the general practice of law anyways.

3 And versus, you know, formal requirements.

4 You know, we're not even considering you unless you have  
5 this. You have to have a J.D., you have to be an active  
6 member of the State Bar of Michigan. You have to, I  
7 don't know, whatever else. It says, for example,  
8 minimum 10 years' experience. 10 years' experience  
9 sounds like it's actually -- the way it's written -- is  
10 a formal requirement there versus, you know, 10 years'  
11 experience, you know, is that knowledge, is that skills,  
12 is that ability?

13 So apologies to someone who follows the  
14 drafting of this, that we didn't, you know, flag this  
15 earlier. But I wanted to just raise it earlier as a way  
16 that some other job descriptions handle things like  
17 that. And then you have the opportunity to say  
18 preferences, something like we prefer somebody with  
19 experience in the public sector, but, you know, it's not  
20 required or we prefer -- I don't know, whatever --  
21 whatever you wanna do.

22 COMMISSIONER KELLOM: Thank you, Mike.

23 Dustin?

24 COMMISSIONER WITJES: I'm -- I'm kind of  
25 piggybacking off something Steve said, like when you --

1 when you said that have we considered the AG's office,  
2 because I'm assuming there's more than one person in the  
3 AG's office. Have we considered retaining a firm as  
4 opposed to just one particular individual? Because I  
5 don't know what the workload would be, you know, too  
6 much for one particular person to handle. Or could we  
7 consider retaining a firm, I should say, as opposed to  
8 just one particular individual?

9 COMMISSIONER LETT: Mike, go ahead.

10 MR. BRADY: We did consider that, and I think,  
11 you know, along those lines, some of the materials that  
12 we sent over to you, you know, reflected that.

13 For a couple reasons. One, based on some of  
14 our experience and based on some of the feedback we were  
15 hearing from some of the other commissioners. You  
16 should definitely engage a law firm to support the  
17 operations -- that -- that -- that is our strong  
18 recommendation, put it that way. Because of the  
19 specialized expertise that is, you know, undoubtedly  
20 going to be necessary with the lawsuits that will come  
21 regarding kind of the core operation of drawing a map.

22 And so the ability to find, you know, that is  
23 -- again, that is the more specialized thing. Somebody  
24 on this call, maybe MC, referred to that earlier, about  
25 how Judge Levitt said it last week, the Loyola law

1 professor that, you know, their -- the same, you know,  
2 specialists -- they're gonna -- certain number of  
3 specialists truly in those areas of -- of the law and  
4 the VRA and -- and the like. And, you know, every 10  
5 years, all the states are engaging in them.

6 So that kind of thing makes a lot of sense.  
7 And, you know, there's a lot of, you know, value there.

8 In terms of -- I'll just say, it's a very sort  
9 of skill set. The more -- you know, also important,  
10 but, you know, more -- different kind of law. For  
11 example, of -- of public bodies here in Michigan. So if  
12 you have a question with MVRA, you should definitely go  
13 first and foremost to someone like Professor Katz or  
14 Professor Levitt, who spoke last week, or someone who  
15 spent their career, you know, working on those very  
16 things.

17 If you have a question about Michigan FOIA,  
18 they're not gonna be the best lawyers for you; they're  
19 not. They'll be the first to tell you that. You have a  
20 question about the Open Meetings Act in Michigan,  
21 they'll say the same thing. You have a question about  
22 -- you know, if you have an HR issue with your executive  
23 director, that's not gonna be the sort of thing.  
24 Contract, leasing, data disclosure, data retention, some  
25 of the other things that come up, that's not gonna be --

1 you know, again, different skill sets. Yes, they're all  
2 lawyers, but you're looking for a distinct skill set.  
3 So that's, I think, the -- the rationale behind perhaps  
4 having somebody in-house. Maybe there are enough -- if  
5 you have like small, but important issues that you want  
6 to make sure you're taking care of. That doesn't  
7 necessarily have to be in-house. There are smaller  
8 firms that you might be able to engage with, as many  
9 public bodies do, and they work, you know, with somebody  
10 who is not actually in-house but they have a retainer  
11 with them or, you know, there's various ways to  
12 structure that.

13 So it's a good question, but I -- the way that  
14 I see it is not necessarily in-house versus a big firm,  
15 but rather there's different kinds of skills and  
16 different kinds of needs that you have, and you should  
17 keep that in mind that it's at least two different types  
18 of needs there.

19 COMMISSIONER WITJES: Then I would say that  
20 just -- based off what you just said, Mike, one person  
21 may not be able to have all the skill sets required that  
22 we would require for what we were going to be doing. I  
23 -- I would imagine that we would need more than one  
24 particular person that has -- I mean, everyone  
25 specializes in something, right? So -- so one person



1 may not necessarily be the best course of action, in my  
2 opinion.

3 COMMISSIONER LETT: I can throw in my two  
4 cents as a -- as an attorney. One of -- one of the  
5 things that -- there's a couple things going on. If  
6 you -- if you hire an in-house counsel, depending on,  
7 you know, what -- what their background is and what  
8 their knowledge set is, certainly, as Mike has said,  
9 they will be able to answer probably the majority of  
10 our -- any of our questions regarding open meetings,  
11 FOIA, the amendment, the -- the general everyday things  
12 that come up that -- that we've seen here already that  
13 we've asked Mike.

14 In addition, we -- I would anticipate that we  
15 and -- and they would have some contacts with law firms  
16 that we could use to ask a -- specific questions.

17 When we get down the road and we're dealing  
18 with -- get to the end, which we've all been told we're  
19 gonna get sued, we certainly don't want our in-house  
20 counsel handling the lawsuit. There's one -- one  
21 person. We don't have a legal staff. And when you get  
22 sued, and especially in this arena, you're going to need  
23 a firm that knows what -- number one, what they're  
24 doing, and, number two, has the staff that they can put  
25 together the response to the complaint, however it's

1 filed. You know, it will be in the Michigan Supreme  
2 Court. They will have the associates that they can put  
3 to work on it. They will have the support staff that  
4 they can put to work on it. It will be a big deal. So  
5 those are two things we need.

6 Now, whether or not you can find, also, a law  
7 firm that would -- we could use for general everyday  
8 stuff, you're gonna need -- you're gonna need two. I  
9 would find it to be unusual to find a -- a law firm that  
10 deals in the voting rights area, districting area;  
11 that's not what we would call a boutique firm, that  
12 that's their main gig, without going to a super large,  
13 you know, Miller Canfield, Dickinson Wright, some of the  
14 biggies, which we may end up there anyway.

15 But I would certainly support having an  
16 in-house counsel that we could -- we could look to and  
17 say, we need more information on this FOIA question that  
18 we're getting or we need some more information on Open  
19 Meetings Act that we're getting, and things like that.  
20 We'll be able to keep them busy; there ain't no doubt  
21 about that.

22 But I -- so, I guess, I don't know if that  
23 provided more information for you, Dustin, but that's  
24 kind of where -- where I see it going -- having been in  
25 the business for 30 years or plus. I won't tell you how

1 many pluses. And I -- I've handled cases, not in the  
2 voting rights area, but I've certainly handled cases  
3 that required where, as an attorney, I told my client,  
4 hey, this is way beyond what I can do simply because  
5 this is more complicated and it needs bigger staff and  
6 more -- more people to work on it.

7 So that's where -- that's -- that's my  
8 comments.

9 COMMISSIONER WITJES: Thanks for shedding some  
10 light. I think I might have misunderstood what we were  
11 actually looking for, so...

12 COMMISSIONER LETT: So in looking at the  
13 requirements, I certainly agree that we need to put in  
14 there requirements would be a J.D. and admission to the  
15 State Bar of Michigan and in good standing, because they  
16 could be admitted and not in good standing, quite  
17 frankly.

18 But moving along those lines, I might also  
19 suggest under knowledge and skills, a skill set -- I  
20 would propose to keep the skill set may include, but not  
21 be limited to, as Doug has suggested in another portion  
22 of our meeting, we may think of something else that we  
23 wanna ask the person.

24 COMMISSIONER CLARK: And I -- I would agree  
25 with that, particularly since we're separating the

1 required part out of this. Yeah, I would -- I would  
2 think that would be a reasonable thing to do.

3 COMMISSIONER LETT: Now, other than that, I  
4 would say that the -- the job posting, assuming the  
5 person can walk on water, this is probably pretty good.

6 COMMISSIONER WITJES: Should we add that as a  
7 requirement?

8 COMMISSIONER LETT: Always -- always love  
9 these. You know, you -- you get something in there  
10 that, you know, we want this person to know everything  
11 about everything, and then it just doesn't happen.

12 Yeah, Doug?

13 COMMISSIONER CLARK: Yeah, a couple more  
14 comments.

15 This is stuff we talked about this morning.  
16 Anyways, on the last page, our contact information, I  
17 think, should go back to the Department of State, like  
18 we talked about this morning.

19 COMMISSIONER LETT: Yeah, I would -- I would  
20 assume that that's --

21 COMMISSIONER CLARK: I want to make that  
22 change. And then I have a question about the salaries.  
23 And I'm assuming it's the same answer.

24 Is this a salary range of the State of  
25 Michigan for -- for an attorney? Mike -- Mike and/or

1 Sally have to answer that. It is.

2 COMMISSIONER LETT: Mike probably doesn't  
3 wanna answer that.

4 COMMISSIONER CLARK: Is it for a senior  
5 attorney or -- what's the range for? What job  
6 classification?

7 MS. MARSH: It is. If you give me a moment, I  
8 can look up the specific range.

9 COMMISSIONER LETT: While she's doing that, I  
10 will say that for the job posting and the requirements  
11 are the suggested attributes that this person will have,  
12 that's a cheap range for an attorney.

13 COMMISSIONER CLARK: Yeah, I agree. If we  
14 have to pay by the hour, it would be significantly more.

15 That's true.

16 COMMISSIONER LETT: But then they wouldn't get  
17 to work with us.

18 COMMISSIONER CLARK: That's true. I know what  
19 I've paid for attorneys before and it's not cheap.

20 That's a good one.

21 MS. MARSH: Yes, so I just pulled up the --  
22 the document that's linked in that description next to  
23 the salary range. So that is the salary range for  
24 what's classified as a Senior Deputy Director in  
25 Michigan State Government. And that's the

1 classification that chief legal counsel -- that I've  
2 been advised chief legal counsel within departments  
3 would be paid.

4 COMMISSIONER LETT: Well, I would say we're  
5 getting good value for our money then.

6 Oh, Glenn?

7 COMMISSIONER SHAW: What are we going --  
8 weren't we -- weren't we going to move the 10 years'  
9 experience up to -- up to the other thing, the  
10 requirements?

11 COMMISSIONER LETT: I -- I -- my own personal  
12 opinion would be no. There are -- there are -- there  
13 will be people -- at least there are attorneys that I  
14 personally know that don't have five -- or 10 years' of  
15 experience that may very well fill the bill for what  
16 we're looking for. They've -- they've had -- they've  
17 been at firms. Typically. They will come out of a  
18 larger firm and they will have had a lot of experience  
19 in a lot of areas and we would not want to exclude  
20 consideration of those people simply because they  
21 haven't gotten 10 years under their belt.

22 I would say that I would be suspect of someone  
23 rolling in here with less than five years.

24 COMMISSIONER SHAW: Okay. Thanks.

25 COMMISSIONER LETT: Mike?

1 MR. BRADY: Steve, I think that that makes a  
2 lot of sense. One of the things that you might consider  
3 doing is if you're thinking, you know, based on what you  
4 just said, if you wanted to pick a date to say like five  
5 years required, ten years preferred and, I don't know,  
6 whatever years you want to put in, one of the things I'm  
7 thinking about, on the one hand, this is laying out your  
8 expectations in a certain regard for yourself. But, you  
9 know, you all are, you know, not bound by whatever you  
10 say today. You all can, you know, do this and later on  
11 you get an application back in and then you can decide.  
12 You know, actually, you think it's a really strong  
13 person, they only have four years, they only have nine  
14 years, or whatever it is.

15 So, again, your own rules don't limit you if  
16 you've got, you know, a majority vote to be able to --  
17 to proceed. Instead, I'm thinking about a different  
18 sort of dynamic, which would be, we can certainly  
19 relay -- and we will relay -- all of the resumes we get.

20 One of the things that -- that we find when we  
21 post for positions is that we might post -- you know,  
22 you've got one spot here, right? Without -- frankly,  
23 it -- it doesn't sound like much expectation, you know,  
24 you may hire a firm for specialized things, but you're  
25 not planning on having a team of attorneys on staff.

1           And so along those lines, you post this, given  
2 the high profile of this commission, you could receive  
3 100 or mul -- you know, many hundreds of applications.  
4 In then at a certain regard, we may report back and say,  
5 well, where do you want us to dump your 300  
6 applications? And then you could say, oh, gosh. You  
7 know, maybe you say, well, you know, could we see an  
8 initial cut? Could you give us everything that had at  
9 least -- you know, actually met the criteria, because if  
10 you say they have to, you know, have active membership  
11 or whatever, a way to think about this is not just to  
12 set the expectation. Because people apply for things  
13 that they're not actually qualified for. And given the  
14 role that we have to you all, I don't know that I -- I'm  
15 not gonna feel comfortable not giving it to you,  
16 assuming we're acknowledging that, because we're doing  
17 this at your request, at your direction.

18           But, instead, anticipating that you may have a  
19 huge interest -- and, frankly, even if you had 50 -- 50  
20 applications, that's a lot. And so to the degree that  
21 there were some either requirements or things that were  
22 clearly identified as being preferenced that we could  
23 then actually say, well, you know, here's the 50 or  
24 here's the 200, and these top 20 are not all a ranking  
25 of who we think are better, these top 20 are the ones



1 that actually meet both your requirements and your  
2 preference. The next 20 are ones that meet your  
3 requirements, but they don't meet all your preferences.  
4 And then the following batch don't actually meet your  
5 requirements. And then you all do with it what you  
6 will. And then, again, that initial sorting by itself  
7 is something we can only do if we've got clear  
8 parameters for what you are requiring and what you are  
9 preferring, and that kind of staff support is something,  
10 which we'd be happy to -- and I think that's an  
11 important type of assistance if you want it.

12 But in order for us to be able to do that, we  
13 need that clarity, requirement, preference, et cetera.

14 COMMISSIONER LETT: Any comments?

15 I think that's a good idea that Mike has. And  
16 I guess I would encourage us to give that some serious  
17 consideration. It doesn't eliminate anybody, but it  
18 certainly may focus our attention on the right people to  
19 start with.

20 So I think where we're at is, without any  
21 further discussion, I guess, is that the -- the posting  
22 job requirements, we are evidently in agreement with  
23 them, unless somebody brings up something else and that  
24 the -- we would expect -- request the Secretary of  
25 State's office to post this in the appropriate places,

1 social media, wherever we're gonna post it.

2 I would suggest, Sally and Mike, that the  
3 Lawyers Weekly would be another place to put it. They  
4 have a job section there, also, so people would be  
5 looking.

6 I guess we're at the point of entertaining a  
7 motion that the job requirements, as presented, are  
8 acceptable and that the Secretary of State's office will  
9 post those and bring back to us any and all applications  
10 ranked, as Mike has suggested following his -- his  
11 rankings, if everybody remembers what they were, I would  
12 entertain that motion.

13 COMMISSIONER WITJES: Hold on. Before that's  
14 done, since we were talking originally about potentially  
15 having committees among ourselves, I would suggest that  
16 we move the knowledge of the Open Meetings Act  
17 requirements in -- into the required section.

18 COMMISSIONER LETT: Any discussion?

19 You want that added as a skill set?

20 COMMISSIONER WITJES: Well, as a -- as a  
21 requirement, the -- the knowledge of the Open Meetings  
22 Act.

23 COMMISSIONER ROTHORN: Okay. We can do that,  
24 and it is knowledge, skill or ability. The -- I think  
25 we move -- the -- the other one was just -- the reason

1 we created the requirements was because J.D. and active  
2 membership isn't knowledge, skill or ability, it's --  
3 it's a -- it's -- it's something a little bit different.

4 COMMISSIONER WITJES: That's a good point.  
5 That's a good point.

6 COMMISSIONER ROTHORN: It's still there,  
7 yeah, I just wouldn't -- yeah.

8 COMMISSIONER WITJES: All right. Never mind.

9 COMMISSIONER LETT: Okay. Mike?

10 MR. BRADY: If -- I mean, just in response to  
11 Dustin's comments.

12 I -- and I think, you know, if you wanna do  
13 that, you can just change the language and knowledge to  
14 say -- even at the end, you could say comma required,  
15 versus something like, you know, preferred.

16 The -- I'll say the Open Meetings Act is -- is  
17 something that I think, you know, folks can definitely  
18 learn. You know, it's kind of a whole practice of law,  
19 but, again, assuming something -- I would think anybody  
20 who is satisfying the other things that are flagged here  
21 and that you're asking for, I would fully expect them to  
22 be able to get up to speed with the Open Meetings Act.

23 It's definitely important because if you don't  
24 follow it, it certainly affects the public's ability to  
25 engage, and it affects their perception of you. And

1 there is also distinct cottage industry of, you know, a  
2 couple folks who file lawsuits against people who  
3 violate the Open Meetings Act. Assuming you don't want  
4 to be doing those things for all sorts of different  
5 reasons. So that makes sense.

6 The -- I just note the first bullet in that  
7 knowledge, skills and abilities, Steve, you had  
8 mentioned that you -- you know, and, again, there wasn't  
9 a formal motion. I don't know that there needs to be a  
10 formal motion, but you had discussed, you know, reducing  
11 the minimum with five years, with ten -- at least ten  
12 being preferred, and that's not what that actually says.  
13 So I don't know if you actually wanted to do that and  
14 other commissioners want to do that as well. I'll just  
15 note there was some conversation there and it wasn't  
16 made.

17 And so I don't know if it makes sense to look  
18 through and see, are there other things in here where  
19 you would make it as, you know --

20 COMMISSIONER LETT: Well, my -- my personal  
21 preference in having dealt with this in the employment  
22 arena for a lot of years would be to make it five years.  
23 We get a 10-year person, that -- that's fine. But I --  
24 five years, I think, will -- will serve us well.

25 So, with that, if that meets with everybody's

1 approval as -- as you're seeing it on the screen, five  
2 years, ten years preferred, I'm good with that.

3 Glenn, you got a comment?

4 COMMISSIONER SHAW: I was agreeing.

5 COMMISSIONER LETT: Okay. Motion? Entertain  
6 a motion to accept the job description as amended, as  
7 we're seeing it here, and to have the Secretary of  
8 State's staff post and return applications to us.

9 COMMISSIONER WITJES: So moved.

10 Subject to the ranking as presented by Mike.

11 COMMISSIONER WITJES: So moved.

12 COMMISSIONER LETT: Dustin moved.

13 Second?

14 Erin second.

15 Any further discussion?

16 All in favor, raise your hand or say aye.

17 COMMISSIONER KELLOM: Aye.

18 COMMISSIONER LETT: All opposed, say I will go  
19 find somebody myself.

20 Hearing none, we've adopted it unanimously.

21 Okay. Last on our agenda, as I see it, is  
22 discuss the next meeting's agenda. And it says  
23 Department of State staff.

24 Staff, where did you go?

25 MS. MARSH: Hello, commissioners. Before you

1 all adjourn, I wanted to kind of ask what you would like  
2 your agenda items to be for the upcoming meeting. Of  
3 course, sort of in the same structure of old business  
4 and new business, we can continue that way with the  
5 agenda.

6 But what I have in my notes, and I just wanted  
7 to make sure this is representative of all of you in --  
8 in preparing the agenda for the next meeting, is  
9 continued staff discussions. I know there have been  
10 other positions, other, you know, requests for  
11 proposals, things like that, requested, so we can  
12 continue having those discussions.

13 Further updates on emails, phones,  
14 compensation, the stuff Mike talked about much earlier  
15 with the legislative council, continued conversation  
16 about subcommittees, both for the executive director and  
17 then potentially even more broadly, so we can have that  
18 conversation as well.

19 That's what I have in my notes. I also would  
20 put forward that something in your orientation materials  
21 was a code of conduct and potentially bylaws, so that  
22 could be a new item as well. But I am -- I just wanna  
23 make sure we are capturing everything you all wanna  
24 cover in your next meeting.

25 COMMISSIONER LETT: In addition -- well, let

1 me ask a question.

2 Is there any prohibition from us individual  
3 members sending you, Sally, suggestions for items to  
4 discuss, agenda items?

5 MS. MARSH: I don't believe so, no.

6 COMMISSIONER LETT: Okay. So, secondly, I  
7 assume that we're going to get a pro forma set of bylaws  
8 that you guys already have in your bag of tricks.

9 MS. MARSH: We can do that. We can -- we can  
10 base it -- for bylaws, we can base it off of kind of  
11 existing bylaws of other commissions.

12 The code of conduct, there's already a draft  
13 in your orientation materials. So I would -- I would  
14 suggest and recommend that that is where you all start.

15 The bylaws, we can certainly work on, but also  
16 might be something that you wanna work on with your  
17 staff, as well with your executive director or others.

18 So I would -- I would recommend -- I would  
19 highly recommend that you start with the code of  
20 conduct.

21 COMMISSIONER LETT: You're not -- you're not  
22 referring to the California piece you just sent us or  
23 are you?

24 MS. MARSH: No.

25 COMMISSIONER ROTHORN: Page 36 in our

1 orientation manual.

2 COMMISSIONER LETT: Okay. Okay. I have  
3 nothing further.

4 Anybody else got anything? Now is the time.

5 COMMISSIONER ROTHORN: I like the suggestion.  
6 And I will -- I don't know if it needs to be on the  
7 agenda, but I'll present something or have something  
8 about the thank you note. So that should be probably  
9 there.

10 COMMISSIONER LETT: That should be, yeah.

11 MS. MARSH: That will be part of our old  
12 business. Thanks, MC.

13 COMMISSIONER LETT: Okay. Richard, you got  
14 anything for the good of the group?

15 Glenn, anything for the good of the group?

16 Juanita, anything for the good of the group?

17 Rhonda, anything for the good of the group?

18 Janice, anything for the good of the group?

19 COMMISSIONER VALLETTE: Not yet.

20 COMMISSIONER LETT: Cynthia, anything for the  
21 good of the group?

22 Doug, anything for the good of the group?

23 COMMISSIONER CLARK: No.

24 COMMISSIONER LETT: Dustin, anything for the  
25 good of the group?



1 COMMISSIONER WITJES: Have a great weekend.

2 COMMISSIONER LETT: Erin, anything for the  
3 good of the group?

4 COMMISSIONER WAGNER: No, not at --

5 COMMISSIONER LETT: Brittini, anything for the  
6 good of the group?

7 COMMISSIONER KELLOM: No. I enjoyed you all  
8 today, though.

9 COMMISSIONER LETT: MC, anything for the good  
10 of the group?

11 COMMISSIONER ROTHORN: Just a lot of  
12 gratitude for y'all. Thanks. I had a good time today.

13 COMMISSIONER LETT: You've got my address,  
14 right, for the shipment -- overnight the bread. Don't  
15 -- don't do the Postal Service. We all know what's the  
16 problem with them.

17 Anthony, anything for the good of the group?

18 COMMISSIONER EID: Yes, actually. I just want  
19 to remind everybody to be safe out there. Make sure to  
20 wash your hands, practice social distancing. Sooner  
21 everyone in our state does that, the sooner we can  
22 hopefully all meet in person.

23 COMMISSIONER LETT: All right. Sally,  
24 anything you want to add at this time?

25 MS. MARSH: Nope.

1 COMMISSIONER LETT: Mike, anything you want to  
2 add?

3 MR. BRADY: No. Thank you.

4 COMMISSIONER LETT: Sarah, anything you want  
5 to add?

6 MS. REINHARDT: No, all good. Thanks, Steve.

7 COMMISSIONER LETT: All right. I would  
8 entertain a motion to adjourn.

9 COMMISSIONER EID: So moved.

10 COMMISSIONER LETT: Anthony moved to adjourn.

11 COMMISSIONER WAGNER: Second.

12 COMMISSIONER LETT: Seconded by Erin.

13 All in favor, raise your hand or say aye.

14 COMMISSIONER KELLOM: Aye.

15 COMMISSIONER LETT: All opposed, stay where  
16 you are and have a good time. We'll see everybody on  
17 Thursday, October 1, 9:00.

18 (The meeting adjourned at 1:53 p.m.)

19 \* \* \* \* \*

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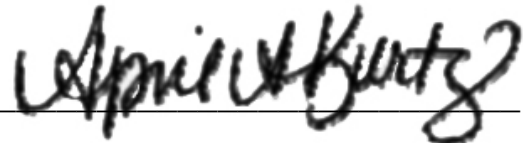
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APRIL A. KURTZ, CSR-7347

Notary Public,

Macomb County, Michigan

My Commission expires: July 5, 2027

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