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MICRC

06/15/21 1300 pm Meeting

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>> CHAIR KELLOM: Good afternoon.

As Chair of the Commission, I call this meeting of the Michigan Independent Citizens Redistricting Commission to order at 1:06 p.m.

This meeting is being live streamed at YouTube.

For anyone in the public watching who would prefer to watch via a different platform than they are currently using, please visit our social media at Redistricting MI to find the link for viewing on YouTube.

Our live stream today includes closed captioning. Closed captioning, ASL interpretation, and Spanish and Arabic translation services will be provided for effective participation in this meeting. E-mail us at Redistricting@Michigan.Gov for additional viewing options or details on accessing language translation services for this meeting.

People with disabilities or needing other specific accommodations should also contact Redistricting at Michigan.gov.

This meeting is being recorded and will be available at www.Michigan.gov/MICRC for viewing at a later date.

The meeting is also being transcribed, and those transcriptions will be made available and posted on Michigan.gov/MICRC along with the written public comment submissions.

There is also a public comment portal that may be accessed by visiting Michigan.gov/MICRC. This portal can be utilized to post maps and comments which can be viewed by Both the Commission and the public.

Members of the media who may have questions before, during or after the meeting should direct those questions to Edward Woods III, our Communications and Outreach Director for the Commission

He can be reached At WoodsE3@Michigan.gov.

For the purpose of the public watching and the public record, I will turn the floor over to department state Staff Who will take note of the Commissioners present.

>> MS. SARAH REINHARDT: Good afternoon, Commissioners.

Please say present when I call your name. If you are attending the meeting remotely, please announce during roll call that you are attending the meeting remotely. And unless your absence is due to military duty, announce your physical location by stating the county, city, Township or village and the state from which you are attending the meeting remotely. Technical difficulties.

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Were Commissioners joining virtually able to hear me? I will repeat that once more good afternoon Commissioners, again, please say present when I call your name, if you are attending the meeting remotely, please announce during roll call you are attending remotely and unless it's due to military duty state your location stating the state, city Township county or village from which you are attending remotely.

I'll start with Doug Clark.

>> COMMISSIONER CLARK: Present.

>> MS. SARAH REINHARDT: Juanita Curry.

>> COMMISSIONER CURRY: Present.

>> MS. SARAH REINHARDT: Anthony Eid?

>> COMMISSIONER EID: Present.

>> MS. SARAH REINHARDT: Brittini Kellom?

>> CHAIR KELLOM: Present.

>> MS. SARAH REINHARDT: Rhonda Lange?

>> COMMISSIONER LANGE: Present; attending remotely from Reed City, Michigan.

>> MS. SARAH REINHARDT: Steve Lett?

>> COMMISSIONER LETT: Present.

>> MS. SARAH REINHARDT: Cynthia Orton?

>> COMMISSIONER ORTON:

>> MS. SARAH REINHARDT: MC Rothhorn?

>> COMMISSIONER ROTHORN: Present.

>> MS. SARAH REINHARDT: Rebecca Szetela?

>> VICE CHAIR SZETELA: Present.

>> MS. SARAH REINHARDT: Janice Vallette.

>> COMMISSIONER VALLETTE: Present.

>> MS. SARAH REINHARDT: Erin Wagner?

>> COMMISSIONER WAGNER: Present; attending remotely from Charlotte, Michigan.

>> MS. SARAH REINHARDT: Richard Weiss?

>> COMMISSIONER WEISS: Present.

>> MS. SARAH REINHARDT: Dustin Witjes?

>> COMMISSIONER WITJES: Present.

>> MS. SARAH REINHARDT: 12 Commissioners are present and there is a quorum.

>> CHAIR KELLOM: Thank you Michigan Department of State staff.

As a reminder to the public watching as we move to the adoption of the agenda you can view agenda at WWW.MICRC and I will entertain a motion to approve the agenda.

>> COMMISSIONER WITJES: Motion.

>> CHAIR KELLOM: First made by Commissioner Witjes and second by Curry, any debate on the motion hearing none those in favor of adopting the agenda raise your hand and say aye.

>> Aye.

>> CHAIR KELLOM: All those opposed? The ayes have it the motion carries.

>> Moving to the review and approval of our minutes and we have quite a few.

The first being June 8, 2021, our public hearing in Novi I would entertain a motion to approve the motions from the June 8, 2021, public hearing in Novi which these minutes are also posted on www.Michigan.gov/MICRC.

>> So moved.

>> CHAIR KELLOM: Motion by Commissioner Lett and second by Witjes if there is no debate, hearing none, please raise your hand and say aye.

>> Aye.

>> CHAIR KELLOM: Those opposed raise your hand and say nay.

The ayes prevail the motion is adopted and the minutes are approved for the June 8, 2021, public hearing in Novi.

We will review and approve the minutes from the June 10, '2021 regular Commission meeting held in Pontiac and do you approve the minutes from the June 10, '2021 meeting which are posted on Michigan.gov/MICRC.

>> So moved.

>> CHAIR KELLOM: Motion made by Commissioner Rothhorn.

>> CHAIR KELLOM: Second by Commissioner Lett is there any discussion or debate on the motion? Hearing none all those in favor of adopting the minutes from the regular Commission meeting in Pontiac please raise your hand and say aye.

>> Aye.

>> CHAIR KELLOM: All those opposed raise your hand and say nay.

The ayes have it the motion carries we will view and approve the minutes from the June 10, '2021 public hearing in Pontiac and can I hear a motion to approve the motion from the June 10, '2021 hearing also posted and Michigan.gov/MICRC.

>> So moved.

>> CHAIR KELLOM: Motion by Commissioner Curry and second made by Commissioner Lett thank you Commissioner Lett all those in favor raise your hand and say aye.

All those opposed says your hand and say nay the ayes have it and the minutes from the June 10, '2021 public hearing in Pontiac are approved.

Without objection we will begin the public comment pertaining to agenda topics only. Hearing no objection we will proceed with comment pertaining to agenda topics and those who signed up and indicated they would like to provide in person public commentary to the Commission will now be all allowed to do so.

I think we have one virtual public comment and at this time when staff unmutes you and allow and if you are on the phone it will say the host would like you to speak and you can press star six to unmute yourself if you are on the computer you will be prompted but I the Zoom app to unmute your microphone and speak and if you experience technical or audio issues and we don't hear from you for three to five seconds we will move to the next person in line and return to you after they are done speaking but we only have one person today.

Your audio still does not work you can e-mail redistricting@Michigan.gov and we will help you trouble shoot so you can participate during the next public comment hearing at a later hearing or meeting and now I will turn to Department of State staff who will unmute you and allow our first person please introduce yourself to address the Commission.

>>>> Hello?

>> CHAIR KELLOM: Yes, we can hear you.

>> Are you there now?

Can you hear me?

Okay.

This is James.

Marquette Suicide Prevention Coalition, again.

You know, community of interest, the entire United States and its Constitution.

This is very interesting but during the opening statements and e-mail I got, there's no mention of signing up for a second public comment.

I wonder why you folks are not clearly notifying the public about this second opportunity for a public comment, two minutes, 100% more, after everybody else is done.

I don't understand why you folks are not making it clear to the public.

Somebody's got to fight you over it.

We have to fight you and win over it.

There's elderly people, people on disability, they are not going to fight.

You know that.

I think it's disingenuous of this Commission not to state that to the public.

You know, there's several issues here that are -- that are constitutional.

It's about the -- the process has to be transparent.

It shows signs of good government and all that stuff.

I forget what Dr. Wang, how she put it when she offered this amendment.

I think we are going to have to clear out the part about the Secretary of State being the Secretary of the Commission.

It states you have to have two officers, a chair and a secretary.

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That's the Secretary of State under the Constitution.

She is refusing to participate.

You have, what?

Staff making decisions.

Actually conducting the elections as an election official for the state.

This seems to be like getting muddy, muddy, muddy.

It will go around the United States.

Yeah, I see a guy on the internet saying people are trying to rewrite the rules and reboot the system.

I think that's exactly what some of you are trying to do.

I think some of you are trying to redefine what the rules mean.

You are saying you are following it, but you actually are not.

>> CHAIR KELLOM: Your allotted two minutes has ended.

>> Okay, well thank you.

>> CHAIR KELLOM: Thank you to all that contributed to our public comments pertaining to agenda topics only for today's meeting.

At this time, our public comment period is over for the meeting.

We have no other comments for this afternoon.

Moving to agenda item six, unfinished business.

The Commission, today, has no unfinished business.

We are moving on to new business.

We have new business item A, orientation with Bruce Adelson our Federal Compliance.

Without objection, I would like our Executive Director, Sue Hammersmith to introduce Bruce Adelson.

Hearing no objection, Sue Hammersmith, you have the floor.

>> MS. HAMMERSMITH: We are delighted to have Bruce Adelson here today.

He is going to be presenting on race and redistricting to the Commission and the public listening.

He has been hired by the Commission as the BRA legal counsel.

He will be advising the Commission along the way so the Commission complies with the law.

I'm happy to introduce Bruce.

>> MR. ADELSON: Thank you.

Thank you, Commission and Madam Chair, for inviting me here today, it's a pleasure.

We are going to talk about redistricting and race.

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I am going to be mentioning a lot of court cases, various cases, work cases and other situations.

They are really for illustration to give you a sense of what the process is as you turn the corner, so to speak, and the issue to deal with, how to deal with race and also how problematic situations may arise in ways that don't seem obvious.

I always like to ask my students in all the audiences I present to and my clients the question, what do you do?

Obviously, it's the first redistricting in Michigan.

Michigan is losing a congressional seat.

You have approximately 160 districts that you are going to be dealing with.

I think what you do is particularly appropriate question for redistricting going forward.

Let's start with something I think is a great historical nugget, if you will, to redistricting in general.

Redistricting has been part of the United States since the beginning of the republic.

As you can see, in the late 18th century, Patrick Henry opposed the new constitution, tried to draw district lines to deny a seat to the first Congress, James Madison.

He, of course, became one of our country's Presidents.

The constitution's primary author.

Henry ensured Madison's district was drawn to include counties politically opposed to Madison.

In one of the first attempts at some type of gerrymandering.

The attempt failed.

Madison was elected.

Redistricting had begun.

It's kind of a good jumping off point.

The topic of today's conversation is redistricting race.

Race has always been part of the redistricting process.

Being race conscious or aware is part of the process.

Not unusual.

It's not impermissible, it is part of the process.

Having compelling legally acceptable reasons for the use of race redistricting is compliance with the constitution, particularly in our context, 14th Amendment, the U.S.

Constitution and the Voting Rights Act.

The Supreme Court is clear in commenting these are areas where consideration of race and redistricting to comply with legal hurts not only part of the process but perfectly acceptable.

This is one of the issues we litigated ten years ago.

We were facing the 14th amendment, a vote challenge, the Supreme Court recognized the opinion upholding our plans that the commission had, in its record, clear evidence of what we were doing was to comply with the 14th amendment and voting rights.

This is a good quote from the Supreme Court that lays out where race fits in redistricting.

The court states we recognize the legislature is always aware of race when it draws district lines, just as it is aware of other factors, age, economic status, religious and political persuasion and a variety of other demographic factors.

That sort of race consciousness does not lead inevitably to impermissible race discrimination.

I think that's a very important threshold point.

Like I said, it is part of the process.

It is one of the factors to consider indeed if a redistricting body is not considering this, they are not starting off on a compliant foot, so to speak.

It is an expected necessary required part of the process.

Back about 100 years, the U.S. Constitution, according to the Supreme Court prohibits intentional government efforts to treat similarly situated people differently because of race or ethnicity.

Sometimes the reason for intentional discrimination is according to Loyola School of Law, old-fashioned racism or stereotype.

Singling out racial minorities for worse treatment because of the candidates or parties they prefer still involves singling them out for worse treatment and it still invites particularly close scrutiny under the constitution and Voting Rights Act.

Redistricting legislation typically, I don't mean the criteria, but enabling legislation to set up whatever body the commission, the legislature to do redistricting.

Typically doesn't have anything in it about race or talk about race.

When you read a statute like that, you might think race is not involved.

But, if the line-drawers as you can see in the second paragraph, intentionally drew the lines to harm residents, to discriminate against them specifically because of their race, according to Loyola, and I agree with this, it's almost always illegal and potentially unconstitutional.

I wanted to give you examples from other states, including Michigan of discrimination in the redistricting context based on race.

One comes from the city of Eastpointe.

U.S. Department of Justice, two years ago on June 5, 2019, issued this press release which, in part says, the department's complaint alleges the current method of election for the Eastpointe City Council results in Black citizens in Eastpointe having less opportunity than white citizens to participate in their political process and to elect candidates of their choice to the city council which, according to the Department of Justice, in violation of section 2 of the Voting Rights Act.

This case, as I recall, was having at large election rather than elections by district.

At large elections are often seen to be the root of the normal voting strength rather than have minorities vote or all citizens vote per district.

There are districts that are majority and minorities.

For examples, voters in those districts can elect candidates of choice.

That was the use of the department.

I found it very interesting in the court opinion of The Court publication that the city did not conceive liability.

Interestingly, if you read the second clause, the defendant acknowledges it would be reasonable for the courts to find the three preconditions established by the Supreme Court case.

Our President, but more importantly, under the totality of the circumstances the United States was wrong.

It's a clear indication that while the city may not have admitted liability, they were considering the case went to trial and the city would have lost.

The Court would have found or the jury would have found discrimination on race in violation of section 2 in Voting Rights Act.

This is a situation in Griffin, Georgia.

They sought to adopt a redistricting plan where two of the six single-member districts in this city elected by districts.

There was no at large election.

They had six districts.

In two, they would be majority Black, which was struck by some and they filed a lawsuit.

The city's Black population increased 8% from 42 to 50%.

Having only 2 of 6 districts as the majority-minority raised some concerns.

A lawsuit was filed in response to that, the city agreed to a new redistricting plan with three majority-minority districts instead of two.

In the next election, three African-American candidates won in those three majority-minority districts.

In the town of Delhi, Louisiana, they adopted a redistricting plan that made a big reduction in the Black voting age population in one of the town's wards.

DOJ, the U.S. Department of Justice, objected to the plan and found officials adopted the plan despite the availability of other, better plans using nondiscriminatory plans.

DOJ found evidence of discriminatory intent, which was a big deal, noting that the reduction was made despite a steady increase in the Black population over 30 years.

More to the point, they adopted the plan despite the town's demographer saying, don't do it.

This is discriminatory.

They did it anyway.

I think that's where they found discriminatory intent.

Those are all real-life, true examples.

There are a lot more than those of problematic issues, discriminatory issues involving race and redistricting.

There is a lot, as you realize, in the process.

A lot of details and digging down pretty far.

I had thought a really good example, just from the descriptive standpoint was DOJ and actually, my team, when I was with justice, issued a voting rights act Arizona's legislative redistricting plan.

There are, as I said earlier, some of the cases and situations are somewhat different.

This is an example of the law we are facing.

The issues are the same.

What I think is really interesting here, which is something I suspect you may be feeling with all the 160 districts, there may be districts that you combine.

There may be districts you eliminate.

There may be pieces of one district you put in three other districts, which is what Arizona did 19 years ago.

What's interesting is, let's look at, in this particular district, Arizona broke down district 22.

Under their proposal, they would split that district between two new districts, 13 and 14.

Now, the Hispanic voting age in the original district was 65%, which is relatively high.

But it dropped between 15 and 14 points, approximately in these two districts.

It suggested to us, at the time, this might be problematic.

It's such a big drop and may affect the ability of Hispanic voters to elect their candidates of choice.

In all the analysis we did, we determined that historically, the legislative district in Arizona with a Hispanic voting age percentage of these levels, 51.2 and 50.6, Hispanics can elect candidates of their choice.

That becomes a problem with the Voting Rights Act.

That involves something we'll talk about later on, racially polarized voting and racially bloc voting.

That was part of the objection.

That's something, when we think about it.

They took one district, tore it apart, broke it into two, but didn't keep the population the same.

They reduced it.

That's where the problem came in.

This is another example.

District 23 was the starting point district.

74% of the -- I'm sorry, of the new district, 23 was created out of parts of six other districts.

One of them was district 7.

So, 74% of the new district came from district 7.

District 7 had this very interesting, historical record of electing candidates of choice.

Look at that number, 30%.

It is very unusual in the presence of racially polarized voting here for a minority group to elect at that low an amount.

Frankly, that's something I was skeptical about initially, but the people that lived in that district and their elected representatives, the state legislature, particularly the state senator, told me over and over again, provided information and data that even though I disagreed with them initially, we changed our mind, in part because of the information they gave us.

They directed us where to look.

When we see each other, which we did a few months ago, we still talk.

He still reminds me, I told you, you should have listened to me, instead of taking all that time for me to convince you.

He was right.

What is interesting here is, if you look at the topic, towns of San Manuel and Oracle were historically Hispanic with a history of participation in the electoral process.

They were taken out of the new district, which raised concerns for us.

They were replaced by two cities, Casa Grande and Apache Junction.

It is very different.

As you can see Apache Junction has about an 88% white population, very different from San Manuel and Oracle.

We kept asking Arizona, why did you do this?

Can you show us it is nondiscriminatory.

They were not able to do that.

We objected to this district and we noted at the bottom, the removal of these towns, San Manuel and Oracle with a 14-15% drop raised concerns with the Arizona redistricting Commission to establish doing this did not discriminate.

They couldn't prove that.

We asked them and tried to help them getting information to us that we needed.

Never got it.

So, we objected.

I'm going talk about the Voting Rights Act of 1965, have a little flashback in history.

Several of these slides are attributable to DOJ, Library of Congress or other systems or sources.

As you can see, by 1965, efforts to break the group of state disenfranchisement had been under way for some time and achieved only modest success overall and in some areas had proved almost entirely ineffectual.

The murder of voting rights activists in Philadelphia, Mississippi gained national attention along with other acts of violence and terrorism in this context.

The DOJ's efforts to eliminate discriminatory election practices at the time by litigation on a case-by-case basis had been unsuccessful in opening up the registration process.

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As soon as one discriminatory practice or procedure was proven to be unconstitutional a new one would come up and DOJ would start the litigation cycle.

Finally, the unprovoked attack on March 7, 1965, by Alabama state troopers on peaceful marchers crossing the Edmund Pettus Bridge in Selma, Alabama enroute to the state capitol in Montgomery persuaded President Johnson and Congress to overcome southern legislatures resistance to effective voting rights legislation. President Johnson issued a call for strong voting rights law, hearings began. It didn't take that long.

The Voting Rights Act was passed and signed into law.

Just to give you more of a flavor of what the Voting Rights Act has done according to the Library of Congress, it created a significant change in the status of African-Americans throughout the south.

The Voting Rights Act prohibited states from using literacy tests and other methods of excluding African-Americans from voting.

Before this, only 23% of voting age Blacks were registered nationally.

By 1969, four years after the law had passed, the number jumped to 61%.

The number jumped almost three times.

I found this statement very interesting from Professor Gilda Daniels Esquire, University of Baltimore School of Law.

Blacks have been in this country for over 400 years and have only been voting post-Jim Crow 56.

This is a testament of the power of the Voting Rights Act.

It removed barriers such as literacy tests, poll taxes and other disenfranchising mechanisms.

According to Georgetown University Law Center, the Voting Rights Act removed the barriers after it was signed into law, it was amended five more times to expand protections.

One of the things that I notice as I have been watching the hearings and meetings, you translate information into other languages, Spanish, and Arabic.

That's the Voting Rights Act.

That's part of one of the amendments after 1965 to bring in minority groups and limited people.

This law has been called frequently one of the most effective pieces of Civil Rights and legislation in American history.

Now, with a little information about the Voting Rights Act, let's talk about the devices that are used in redistricting and ongoing that are discriminatory.

One of them is known as cracking.

Cracking is breaking minority populations into smaller groups and spreading them across other districts.

We kind of saw that in the Arizona situation where they broke a historically powerful district, a strong district into two, then made it weaker.

That's cracking.

Packing is the obvious.

We will see an example of that shortly.

We put as many minority as possible into a few super concentrated districts to prevent the population from, perhaps, having the ability to elect candidates of choice in other districts.

The packing number often would be 75, 80, 85, 90%, maybe even 65%.

That's why this case, I think, is so interesting.

This is from 2015.

This is part of the last redistricting cycle in Alabama.

This particular district, District 26, had about 73% Black population.

You might think that's already pretty high.

Perhaps you don't need to add to the Black population from a Civil Rights constitutional perspective to prevent discrimination.

Interestingly, according to the Supreme Court, Alabama added almost 16,000 new people to the district.

Virtually all of them were black.

If the population began at 72.75, imagine what it became.

It likely was, I don't recall what the court said, over 80%.

I think that's a really good example of packing.

This one, I think these comments from the Supreme Court are particularly informative.

Having so-called mechanical racial tolerance, which is what Alabama did and saying we want to have all the majority-minority districts, 75%.

You notice that's not based on any kind of analysis.

I'm just arbitrarily saying 75%.

That would likely raise a packing issue.

None of it is based on analysis.

Everything about redistricting is based on analysis, based on data, rather than doing what Alabama did and setting arbitrary numbers.

When you set arbitrary numbers by race, that raises more significant issues under the constitution and the Voting Rights Act.

It's stressed in the second paragraph, relying heavily upon a mechanically numerical view to what counts as illegal instead of doing the work and having what the court said in the last paragraph, a strong basis in evidence.

Here, the court said, this is a good illustration of the nuance in redistricting.

The first quote, how can we maintain present minority percentages in majority-minority districts?

Meaning we have the figures.

How do we do that?

How do we keep the 75%?

Rather than asking, to what extent must we preserve existing minority percentages in order to maintain the minority's present ability to elect.

That's analysis.

My analysis shows in District 25, the majority Black population can elect candidates of choice with 55%.

Then why would I have 80%?

75%?

70%?

That's not because of one person, one vote.

That's a red flag.

All the redistricting plans I have seen, reviewed involved with numbers that high always suggest potential discrimination and potential problems.

That's what the Supreme Court said here, it's a very strong opinion.

Let's talk about the types of districts.

There's a lot of terminology like majority-minority.

Are you required to draw districts that are less than 50% minority?

Section 2 of the Voting Rights Act requires drawing new and preserving existing majority-minority districts when possible, under one person, one vote.

Does that require the creation of districts that are less than 50% minority?

If you have a minority population where you draw a district of minority population that is majority over 50%, then you typically have to.

If the minority population is 45%, 38%, 42, no, you are not required to do that.

Whether you choose to do that is another issue.

That's a policy choice.

It's not required by Section 2.

There have been a lot of litigation.

The Supreme Court is not requiring the creation of districts beyond this.

Majority-minority, if a minority group can be a majority, yes, you need to draw majority-minority districts.

Otherwise, it's a policy choice.

As you can see, the Voting Rights Act doesn't prevent you or prohibit you from drawing those districts, you are just not required to.

I think the last paragraph is important.

Drawing the districts we'll talk about may well recognize the minority population.

>> CHAIR KELLOM: We have a question.

>> The last slide we were talking 50%.

The analysis we are trying to use, are there approved statistical, relevant, current data to understand the 50%?

Do we have to wait?

>> MR. ADELSON: There are.

We'll talk about the analysis.

It is waiting on the census.

It's all population based.

We'll touch a little bit on the type of analysis needed.

The last paragraph I think is important is because it recognizes growth.

Remember, we saw this earlier where the Black population had grown significantly in Georgia.

The redistricters didn't account for that.

This is a policy issue of accounting for population growth, which, of course, we won't know about until August.

We won't know if there are populations in Michigan that have grown, minority populations.

It all comes out in the census.

This is a Supreme Court case, again, Thornburg v. Gingles, which we'll talk about more as the process goes along.

Nixon versus Kent County, which is the U.S. Court of Appeals in the 6th circuit, deciding in Michigan redistricting.

These are the factors that you evaluate to determine whether or not the majority-minority district is required.

The first, if the minority group is large enough to be a majority.

The second is, political cohesiveness.

Does this group vote in the same way.

Is there cohesiveness among the people in this group to support, essentially, the same or similar?

The last one, whether the white majority voters are sufficient as a bloc historically to enable it in specific circumstances to defeat the minority's preferred candidate.

You can see at the bottom, the second and third are preconditioned.

That's racial -- voting as a bloc to elect.

Voting as a bloc to block another group from electing candidates of choice.

These are racial bloc voting, standard analysis in voting.

In fact, before I came here, I was communicating with one of my redistricting lines in another part of the country.

She asked this, specifically, do we have to do this?

My response was yes because in order to get the Voting Rights Act check off, signed off, noted you are compliant, yes, you need the analysis to answer the questions of the Voting Rights Act essentially.

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This is one of those terms, minority-coalition district.

It's a type of majority-minority district but more than one group making up that majority. We say coalition.

You have here in this example, African-American, Latinos and Asian-Americans constituting a majority, but neither has a majority by itself.

The Supreme Court has not ruled whether you have to do this.

As I said earlier, this is a policy choice.

You are not demanded to do it or required to do it.

That's something that is a policy issue as you go forward and may be informed by the state's population.

The population has grown, where is the growth, where is the decline?

Crossover districts are another example.

Minorities do not form a numerical majority but can still reliably control the outcome of an election with some non-minority voters "crossing over" to vote with the minority group.

This is true in Arizona.

You can have, just like the district I mentioned before with 30% Hispanic population, that's a crossover district.

It was not a coalition district because there wasn't enough minority population to form a majority.

In that district, Hispanics and whites, a percentage of whites work together to elect the candidates population.

Here, too, the Supreme Court held in 2019, that Voting Rights Act does not require these districts.

You don't have to do this.

It's a policy choice.

It's something to evaluate as you go forward.

This is where there's a large number of minority voters, but fewer than would allow the minority group voters to control the election meaning they can elect their candidates of choice.

Arguably, they can influence the outcome, depending on various factors and whether or not if you decide, again, from a policy standpoint, if you want to influence districts, the number necessary to allow the group to influence or shape the election is determined by elections.

Remember, I told you one of the things that did justice with Arizona was determined, historically at what rate Hispanics elect candidates of choice.

We had determined that number was around 65%.

That's part of what's done in the analysis we are referring to.

Right on queue.

Election analysis required by the Voting Rights Act.

Rational Bloc or racially polarized voting analysis.

I took a slide from your voting act.

A presentation gave to the state legislatures.

I think the questions were poll questions.

It's exactly what the analysis is.

You analyze voting patterns by race or ethnicity to determine if voting is polarized by race.

If proposed districts offer minorities the opportunity to elect candidates of choice, which is the Voting Rights Act.

Why do you do it?

To ensure compliance with the Voting Rights Act.

How is the analysis conducted?

Statistical analysis of voting patterns we'll talk a little bit about.

I'm sure you will be hearing a lot from Dr. Handley and Kim about exactly what this is.

When should the analysis be conducted?

Certainly prior to a final redistricting plan being adopted.

I recommend during a racially polarized voting process relatively early.

That kind of inform is where you want to get.

It gives you a sense of where is the state is, generally, as far a racially polarized potential areas of the state to look at.

Doing it relatively early in the process is always a good idea.

This is a quote from Dr. Jonathan Katz from Cal Tech, a voting expert.

The key statistical analysis needed to comply with the Federal Voting Rights Act is to estimate the voting behavior of various racial and/or ethnic groups from aggregate election results to see if there is racially polarized voting.

If you look at election results in Michigan in 2018, for example, at the state level and congressional level, that's an aggregate, you know the winners of all the elections.

Looking at whether they had racially polarized voting involves digging deeper that we talked about earlier.

That's getting into the nitty gritty and doing the statistical analysis that I mentioned.

Just knowing the winner of the election doesn't tell you anything other than who won.

Getting beyond that is the key to redistricting.

Not only compliance with the Voting Rights Act but the 14th Amendment as well.

This is a good quote from Professor Crum.

Racial bloc voting need not occur in every election in the district and the victory of a minority candidate in a particular election doesn't mean there is no racially polarized voting.

One of the things we did in Arizona, we looked at the election of the lower level of the county, whether a school district or community college just to give us answer to the questions.

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Where you may have a minority candidate winning, that doesn't necessarily mean there's no racially polarized voting.

You need to do the analysis to see, was this the preferred candidate of choice of the relevant minority community.

As I said, we did robust election analysis.

We kept looking at election results relatively close to the time the commission developed the plan just to ease uncertainties to cross all the I's.

I'm a firm believer of doing that.

We always had a ton of analysis at our disposal.

It informs us, I love this.

I looked for as many pictures I could find of Commissions doing this.

This is like the only one I found.

This is from Arizona ten years ago.

It shows you what happens in a real town.

Not only are you deciding where to put the lines of the cities but you have people in the audience giving their thoughts.

You have the lawyers.

You have your experts, you have the map.

One of the things we would do, if, for example, the man in the yellow hat wanted to keep where he is pointing, that little district, if there was a large minority population, we would ask the map maker to pull up the election results.

We show on the right side of the screen.

Show us the winning candidates by party.

Show us the registration by party.

Arizona has a political competitiveness requirement.

That would all scroll down on the right.

That is helpful in realtime to see if the commission does this, this will be the result.

This population would change.

This level of competitiveness will change.

We would also, often have representation of districts like this showing total population, breakdown by race on the right voter registration by party.

This is a district with a 9% democratic voter registration.

That's something to look at from a competitive standpoint.

Racial information is important.

Voter Rights Act and the 14th Amendment.

I think one of the last points I wanted to make, this is the point about race.

The one person, one vote requires absolute numerical quality amongst congressional districts.

That is not the same for state legislative districts.

You have a little room to maneuver, up to 10% deviation.

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So, The Court here agreed with the United States.

The United States argument one person, one vote standard is way above everything. Everything is informed by that.

It's not something to look at, like it's compactness.

The Voting Rights Act being just below that.

I wanted to mention an equal population.

Yes, the congressional district is as close to equal as possible for the state districts, not so much.

If you want equal population, that didn't interfere with Voting Rights Act issues, that's also a policy choice.

That will be determined as we move forward, you have the data and the analysis.

To close, I love this, one of the issues with using race is race cannot dominate.

Like Alabama, you can't say, hey, we want 75%.

Clearly, race is predominant.

75%, in my example means predominantly the Black population.

Just saying 75%, that's what we want to see.

That's where issues of race can dominate that is unconstitutional.

Looking at the issue of race, in particular, think about driving a car.

It's important we all drive cars.

Keep to the speed limit.

If you obsess about your speed and stare only at the speedometer, you are going to get in an accident.

If you pay attention to everything, the road, traffic, directions, signaling when you change lanes, car temperature, gas you have, the weather, what music you are listening to and occasionally look at your speed, then attention to speed does not predominate.

If you look at race, as we discussed, as part of what the Supreme Court states is one of many factors, we are likely not going to have race predominance.

That is my presentation today.

I hope this has been helpful.

I will be here all day.

I'm not going home until tomorrow.

I hope we have the opportunity to chat.

Are there any questions?

>> COMMISSIONER SZETELA: Bear with me for a second.

This is something I'm struggling with in Wayne County in terms of where we draw the lines.

We are hearing lots of feedback from people on two points, one, urban wants to stay with urban and two, people want compact districts that don't cross county municipal whatever lines.

So, when I look at the population in the Detroit area, you know, you have roughly 700,000 people, 800,000 people.

The population itself is maybe 70%-80% African-American.

I think, on one hand you could make the argument that would be easy and logical to draw the city of Detroit as one district.

Then, what I'm understanding from this, it would be 70% to 80% African-American district where we could branch across and go across Macomb County, Wayne County and Oakland and have maybe 55% African-American and is more balanced but still giving that minority a chance.

I'm trying to understand, if we end up saying keep Detroit together, is that packing?

The reason it's packed is because there's a preference for people to live in a particular community versus should the goal be let's worry less about staying within one county and worry more about making balanced districts?

Where do we draw the line with that?

I'm really struggling with it.

>> MR. ADELSON: That's a great point.

I understand that.

That's one of the things we'll have to see what the census data shows, but I think that's consideration.

I know there's often people expressing the importance of keeping counties together, towns and cities together.

That's also, I think, at the bottom of the redistricting criteria.

The issue of one person, one vote in the Voting Rights Act are superior, legally.

You know, as I said earlier, I really think this is important to stress, where you put counties, cities, lines impact everything as far as race.

So, I could draw a district as Arizona did that is a majority-minority district but I have added to that.

88% majority white.

That is experiencing a rapid population growth.

That will likely dilute, to some degree, the majority population, whether Black here or Hispanic in Arizona.

That's why I mentioned the one person, one vote.

You have some play at the state level.

Congress, although, I think drawing congressional districts is relatively not as complicated as state districts because they are so big.

That is definitely to your point.

That is something I would recommend looking at because the issue of packing is, as you have seen, can be relatively obvious to spot whether or not there's legal packing meaning illegally cognizant packing.

You have to wait to do the analysis.

Populations at 75-80% always raises red flags as potential discriminatory.

>> COMMISSIONER SZETELA: Thank you.

>> CHAIR KELLOM: I'll have Commissioner Clark then Commissioner Rothhorn.

>> COMMISSIONER CLARK: Yes, I had the same question that Rebecca did, so I'll yield back.

>> CHAIR KELLOM: Thank you, Commissioner Clark.
Commissioner Rothhorn?

>> COMMISSIONER ROTHORN: Building on that, the idea that we could potentially draw maps now, not now because we are waiting until the end of our public hearings, as we approach July, we have the census data.

To Rebecca and Doug's question, if we can do analysis, the question is, can we do analysis to understand the pros and cons of that or do we really have to wait until the census data to actually have true analysis?

Are there other methods?

>> MR. ADELSON: You can do some level of estimating.

The state of Illinois recently adopted a redistricting plan based on the American community survey.

It is not a per person count.

They were sued.

There's one -- there's a difference between making estimates and having discussions based on the American community survey data and extrapolated data.

It's another thing to draw redistricting lines based on that, I have never done that.

Illinois is one of the first I have ever seen.

Racially polarized voting analysis can start -- that doesn't need to wait for census data.

You have election results.

You can get them from Secretary of State, the county, precinct and voter registration to begin to understand where is racially polarized voting in Michigan?

I think the DOJ settlement said there had to be racially polarized voting there.

The larger studies statewide or in particular areas like Detroit and Wayne County, Lansing, potentially, Flint, for example, Saginaw, that might be helpful.

That will inform what you can do in some of these areas.

I think, also, having policy discussions, as you said, and as Rebecca said, if you have 80% majority-minority district there are options.

Can you do something else?

Can you still have a strong majority-minority district?

If the minority group can elect candidate of choice while creating another district that perhaps has a lower majority population but still able to elect candidates of choice.

>> COMMISSIONER ROTHORN: That would be understanding through analysis whether it's a crossover or influence district?

Is that accurate?

>> MR. ADELSON: Potentially.

One of the issues with where has population declined in Michigan?

Where are the biggest areas of loss?

What area may be at target of losing a congressional seat?

That has to.

Knowing before, where is racial bloc voting?

Where has it occurred?

I don't have the answer to that.

I have never seen any statewide analysis to give me an answer.

Having that information will help form a discussion on what you have.

Policy conversations as you suggest.

>> CHAIR KELLOM: Thank you so much.

We have a question from commissioner Eid.

>> COMMISSIONER EID: Thank you for that presentation.

I learned a lot.

You touched on this one point in your presentation.

Say we want to create a majority-minority district where majority-minority was not just one race, but it still overtook the percentage of, I guess, the white population in that district.

Would that count as the majority-minority?

>> MR. ADELSON: The law is pretty clear.

It's clear from remember the Nixon vs. Kent County?

It was in response to a challenge of – redistricting from ten years ago did not create a majority-minority district.

The Plaintiff wanted, I believe a majority-minority -- the Court said that's not what the Supreme Court allows.

There are some parts of the country, not in Michigan, where you can have majority-minority district of more than one minority group.

The Sixth Circuit case says no.

I think that was 1996.

Whether or not there were other plaintiffs that bring other challenges, there's no way of knowing that.

Right now, the Sixth Circuit decision is consistent with the Supreme Court case that majority-minority is one group.

>> COMMISSIONER EID: Gotcha.

Does that number have to get to the 50% threshold or would it be enough to have minority?

>> MR. ADELSON: Let's assume that you can create two minority-majorities that exist today that are of one minority group.

If you decide, as a policyholder to create however many districts of 45%, 48%, 49%, or even 50 with more than one minority group is coalition.

There may be some legalities.

The first question is, has population decline affected the two existing majority-minority districts?

Has there been growth?

I'm presuming there has been among other groups.

Perhaps you could get a little majority-minority district, 45% majority-minority district with two groups.

Perhaps.

That's, as I said, that's a policy choice.

There are legal issues we'll talk about.

That is a policy.

>> COMMISSIONER EID? Thank you.

>> CHAIR KELLOM: Commissioner Rothhorn?

>> COMMISSIONER ROTHORN: We know in Dearborn we heard they had to check the census data as white.

Thinking about statistical analysis, are there -- do you know of data that is more or less allows us to substantiate breaking down Dearborn and understanding it as nonwhite?

It's not census data.

How do we tease that out?

>> MR. ADELSON: That's a great point.

I watched that.

That's one thing I was thinking about.

I think in part, that's something I would respectfully—I think there are--

>> Excuse me, I apologize for interrupting.

Could you speak into the microphone more directly so the viewing audience may hear you?

>> MR. ADELSON: I'm sorry.

As I said, I'm going to leave that to Dr. Handley.

I think there are sources of information.

Since they will be doing the analysis --

>> CHAIR KELLOM: Any other questions for Bruce?

Or comments?

Commissioner Eid?

>> COMMISSIONER EID: This might be getting into the weeds a little bit, but can you tell us a little about the statistical analysis, measures?

>> MR. ADELSON: You mean how they do them?

>> COMMISSIONER EID: Yea.

>> MR. ADELSON: I went to law school because I'm not good in math.

This involved a lot of statistics.

If you look at it in very basic way, taking any election, getting precinct level information about how each precinct voted and the registered voters per precinct, then analyzing the performance by precinct and then, of course, by voters to arrive at the conclusion.

That's how you determine racially polarized voting.

Arizona, for example, since the largest minority group is Spanish, an evaluative tool that allows the analyst to extrapolate from voter registration and determine the percentage of Hispanics who turned out to vote and voted for which ever candidate.

That's an extrapolation.

No one can say absolutely how I voted, how you voted.

That's a part of the statistical, analytical tool that is used.

These are all analysis that are well accepted for decades.

The Supreme Court recognizes them.

Everybody recognizes them.

Using terms like regression and influence, they are two primary analyses.

I know there is somewhat of a debate in the community about which is preferred, which is not.

I use both of them.

They are both in, to me, reliable for what I needed.

I know there are some strong opinions about which is preferred.

I'm sure that's a conversation you will have to discuss these.

They can because Lisa's math ability is better than mine.

She is crunching the numbers and doing the analysis.

I don't want to take anything away from her.

I'm going to leave that to her.

She is very capable of addressing this and explaining it in ways that will allow you.

>> CHAIR KELLOM: Any other questions or comments for Bruce?
Thank you so much for your presentation and spending time with us.
That was very informative.
We are glad you are sticking around for a bit so we can continue to ask questions and talk with you.

>> MR. ADELSON: Thank you so much, madam chair.
It was my pleasure.

>> CHAIR KELLOM: You're welcome.
Item 7B Communities and Outreach from the Communications and Outreach update from Edward Woods, III.
If there are no objections.
Edward Woods, III, you have the floor for your communications and outreach report.

>> Just a reminder to turn on your microphone.

>> MR. WOODS: Can you hear me now?

>> CHAIR KELLOM: Yes, we can hear you.

>> MR. WOODS: All right.
Let me get my presentation on the screen.
Okay.
I want to provide an update with regards to the actual -- our communication plan focuses on families, awareness, transparency and engagement.
One of the things I want to present to you today so we can talk more about it next week just to kind of set the stage because we know we have additional things on the agenda.
When we talk about share fairness in the redistricting process, one of the things we have done is share the makeup of the Commission and the process for hiring and adopting maps to request Michigan residents provide public comment and talk about how to address gerrymandering through the redistricting criteria.
One of the things we, as the Commission, need to talk ability and prioritize for the next session or the meeting next week is how we identify and prioritize communities of interest to ensure fairness.
When I attend the presentation where you present remotely or in person, it is a question that continues to come up over and over again with regards to how we will prioritize, identify and prioritize communities of interest to ensure fairness.

Second thing is awareness.

We want to heighten awareness in the redistricting process.

We have had outstanding media coverage across the state that has gone extremely well with regards to the media coverage.

We have stellar partnerships with statewide organizations and continue to recruit those statewide organizations.

As you know, we have added a toll-free number, 1-833-you-draw.
1-833-you-draw.

In addition we have billboards, radio ads and print ads.

Some of the concern when we go place-to-place is how are we ensuring the John and Jane Doe on the street, whether in a rural, urban or suburban area, what are we doing to ensure they know about Michigan's new redistricting process?

Currently, we are working with the University of Michigan and practical political consulting to identify voters where internet access is low for a direct mail campaign in July.

We also need to identify and recruit credible influencers that reflect Michigan's diversity. That is something we are really trying to key in on and focus because that's something that we think we could do a better job.

Transparency, model transparency in the redistricting process is another one of our goals.

What we have done is have public hearings, weekly meetings, a robust website with
>> MS. SARAH REINHARDT: And the team Nelson that continue to update the website and make it more user friendly and the constitution.

It's something that keeps coming up in our communication outreach effort, how to incorporate all public comments whether remotely or done in person in the redistricting process.

It's a question that keeps coming up with the communication outreach.

This is something I thought you might be interested in.

At the eight-week mark, in Novi, we have had a total of 881 people in attendance.
411 in-person comments.

21 remote comments.

And a total of 432 public comments.

Whereas the virtual public comments that come in, these are numbers on a weekly basis are 329.

We have a lot of, we need to invest and put more work into the virtual public comments. We can talk about that more on the next slide.

We have the town hall forum and presentation.

We have a partnership with Michigan 2-1-1.

One of the things that came out last night where we had commissioner Anthony Eid, Juanita Curry and MC Rothhorn is to ensure the language relates and engages each audience.

What you use in one audience might not work for another audience.

The incentive to participate may be different from one target to another.

Residents know how to use the public comment portal is something we really, really want to key in on.

If you look at the slide from before, most of the public comments are coming in-person versus virtual.

I can take any questions or, at this time, if there are questions, I would definitely like to give you time to think about it.

I'll send you the presentation to discuss more later.

Thank you, madam chairperson.

>> CHAIR KELLOM: Commissioner Eid.

>> COMMISSIONER EID: I think that's defined for us.
A list of priorities.

>> Commissioner Eid, could you speak directly into the microphone?

>> COMMISSIONER EID: Is that better?
To prioritize communities of interest, it's clear in the constitution that we are going to have to prioritize them quite highly.
It's the third ranked order thing listed on there.
I guess I'm a little confused on why that needs to be a question.

>> MR. WOODS: When you have competing communities of interest, which has the higher priority because so often some people felt left out of the process when they did speak up, their community of interest or their interests were ignored.
Will that happen again in a new process or what steps will be taken to ensure it doesn't happen.

>> COMMISSIONER EID: I see.
Thank you for that clarification.

>> CHAIR KELLOM: Commissioner Rothhorn?

>> COMMISSIONER ROTHORN: Thank you.
Could you go back and put the slide up again?

I like to see the number in attendance.

881.

That speaks to the idea people are listening to us.

They are getting that education.

The outreach engagement you are doing, people who attend maybe choose not to speak, but also are listening and coming away more educated.

I don't think it's just the public comments, but the 881 thought it was important.

I guess it's the in-person attendance I should be looking at.

Is that 411?

>> MR. WOODS: 411 in-person comments.

>> COMMISSIONER ROTHORN: The total in-person attendance is 881?

>> MR. WOODS: Correct.

>> COMMISSIONER ROTHORN: Thank you.

>> MR. WOODS: It's great to celebrate small victories.

We have a ways to go in terms of making sure every stone is unturned to increasing awareness but also engagement in the new redistricting process.

This is the halfway mark in terms of where we are.

As we acknowledge what has been going well, I also want to make sure we are realistic that we have a long ways to go.

>> CHAIR KELLOM: Commissioner -- oh --

>> MR. WOODS: One thing I like to recognize is the idea that came from commissioner Lange.

It's going to county fairs or unique spots in different communities across the state.

We have purchased tablecloths.

We have for the display booth.

We are working with M-dot to work with the pop-up banner and working with our consultants to developing one-pagers that will have a shelf life after the public hearings.

If anyone is interested in following what commissioner Lange is doing in their perspective areas of interest, let me know.

This is an opportunity available to all the commissioners to ensure we are looking at the festivals, the fairs, the unique things that take place that make a village or town special are also great places to go. Many hands make work light.

We would love to have anything that you think is unique in the community you live or where you may have grown up in Michigan to be a part of that process.

>> CHAIR KELLOM: Thank you.

Juanita did you have --

>> COMMISSIONER CURRY: I heard Rhonda speak of the rural areas that did not have internet service or ways of hearing of the commissioners redistricting plans.

We were at a place yesterday where the 417 ZIP codes have not been able, some are not able to hear about the redistricting plans.

I'm wondering if there's some way we can send some kind of mail to them to certain ZIP codes so they can get this information so they will know what to do.

>> MR. WOODS: Absolutely commissioner curry.

One thing is working with p University of Michigan.

We are identifying voters.

It's not just limited to rural areas but urban and suburban to identify a list and get a credible list and engage in a direct mail campaign which was approved by the commission and suggested by commissioner Erin Wagner.

That would include that area.

>> CHAIR KELLOM: Thank you Edward and Commissioner Rothhorn.

>> COMMISSIONER ROTHORN: I want to sign up.

Thank you.

>> CHAIR KELLOM: Any other comments or questions regarding the update from communications and outreach?

Hearing none, we thank you, Edward Woods, III, for providing that update and continuing to do outstanding work to make sure folks hear ability the MICRC and our endeavors.

The next item on the agenda is the budget update as of May 31, 2021.

That will come to us from Sue Hammersmith.

If there are no objections?

Hearing no objections, Sue Hammersmith, you have the floor to talk to us about the money.

>> MS. HAMMERSMITH: Thank you, Chair Kellom.

An updated budget was provided.

At the May 6 meeting, we amended the budget.

That is the approved budget as amended that is presented.

Very quickly, I will go over one of the line items so you can see exactly how this budget works.

The first line under expenses happens to be commissioner salaries.

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The first column lists what has already been spent year-to-date.

That is the fiscal year through September 30th.

The next column shows the confirmed, that is the amount that will be spent through the end of the fiscal year.

The third column then is the total expended plus confirmed.

If there would be additional projected expenditures, those would appear in the next column.

This would add up to the total approved budget.

There are also some notes in the notes column that further explain each detail.

There's also, at the very end, an estimated services provided by MDOS.

I just want to report that I took the end of January expenses and doubled them because those were four months out.

I added an additional four months to approximate what the totals are as of May 31st.

I think we need to recognize that in excess of \$700,000 will be provided to this commission by the Michigan Department of State.

We appreciate that support both in persons because we get a lot of support from the people at MDOT but also the financial benefit they provide to this commission.

Without them, our budget could not be balanced.

I would entertain any questions you might have on the budget.

>> CHAIR KELLOM: Commissioner Clark.

>> COMMISSIONER CLARK: I have a couple questions.

First one is to sue.

You said additional \$742,000 from MDOT.

You are talking \$742,000 –

>> MS. HAMMERSMITH: Some are dollar expenditures.

Some are services.

Some involve staffing.

Some involve the procurement of public comment tool.

Those are the services provided, yes.

>> COMMISSIONER CLARK: Okay, great.

Let me use the line-item public hearings as an example.

Through May 31st, we spent \$57,000.

Is that \$57,000, is that paying facilities up front or -- because we never had any public hearings until June.

Or, do we still owe the money?

>> MS. HAMMERSMITH: We started May 11 in Jackson.

The first public hearings were the week of May 11.

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There are some deposits venues require to pay to secure the facilities.

Some of the bills have been paid in full.

This includes AV costs.

For example, we had to purchase security separate from the facility in Jackson.

I will tell you, the bills lag.

There's very little of the bills paid at this point because we are waiting on invoicing to come in from most of the public hearings.

>> COMMISSIONER CLARK: That lag leads me to the next question.

What I don't think we want to get ourselves in a position of, I don't know how we manage this, we get down toward the end of the fiscal year which is three months away and still have -- now all of a sudden, those expenses flow into the budget.

We have to pay them off this year's budget.

How do you feel -- or how do you think we should manage that?

>> MS. HAMMERSMITH: Yeah, your staff will make every human effort to make sure any expense that has been incurred is spent within this fiscal year or shortly thereafter. If the service occurs on September 29th and the fiscal year ends September 30th, the legislative services will allow us to pay some of those bills a couple weeks into October because they are truly expenses from the previous fiscal year.

>> COMMISSIONER CLARK: So we have a couple weeks leeway?

>> MS. HAMMERSMITH: We will.

>> COMMISSIONER CLARK: I don't want to see it --

>> MS. HAMMERSMITH: We don't either.

>> COMMISSIONER CLARK: On the next page we have a similar -- we do.

We have a significant amount of that that's been confirmed.

We have committed over \$200,000 of that budget with current contracts.

A lot of those contracts are going to be spent within the next three months.

I'm confident that's a pretty accurate number.

>> COMMISSIONER CLARK: I just want to make sure we manage it the way of the other line item.

Okay.

I yield back.

>> CHAIR KELLOM: Thank you Commissioner Clark and thank you sue for being so diligent.

I have a question from Commissioner Lange.
Commissioner Lange.

>> COMMISSIONER LANGE: I have a hypothetical question, if the supreme court turns down the request for an extension, that means we have to have those additional hearings in this financial year and not the next.

So what I'm wondering is, are things being done, plans being made in case if that happens to know if we have the money since it was not budgeted for this fiscal year?

>> MS. HAMMERSMITH: I anticipate it will be the work of the commission this fiscal year regardless of the Michigan Supreme Court decision.

We have to continue to do our work regardless.

May we speed up some of the work ever so slightly, that's possible.

We have a commitment.

We have a timetable with the mappers and with our consultants.

Those are the largest costs.

I'm assuming this is a pretty accurate budget for this fiscal year.

>> COMMISSIONER LANGE: Okay.

I'm talking about the hearings that need to be done after the draw the maps.

If I'm understanding correct, those are not budgeted yet?

Am I wrong?

>> MS. HAMMERSMITH: I don't know how we conduct hearings when we haven't received census data.

I don't think there's any way for this commission to humanly have maps ready on September 17.

I do believe those expenses will ends up in the next fiscal year.

>> COMMISSIONER LANGE: Okay.

I'm going to yield back.

That doesn't really answer my question because if the supreme court turns down our quest, then constitutionally, we have to have them done by a certain date.

That's what I'm asking, I guess.

Hypothetically, if our request is turned down.

Obviously, we are going to keep doing the work.

We are bound to do the work and we are devoted.

I just want to know, are any steps being made just in case this happens?

I guess.

I'll yield back.

>> MS. HAMMERSMITH: I would still tell you, it really is humanly impossible to do a good job of drawing the maps until we have the data.

If the Supreme Court should turn this commission down, I'm assuming the Commission is going to do its utmost to do as much work as possible in a timely manner.

However, I believe this commission will have to wait until they receive the census data to finalize the maps.

>> CHAIR KELLOM: Commissioner Wagner?

>> COMMISSIONER WAGNER: What she is asking is you have the money budgeted for those hearings after the time we draw the maps.

Theoretically, if it does not pass, is the money already budgeted or money we have to go looking somewhere for?

It's not a case of drawing the maps, is the money available or has it been budgeted for those meetings for after the public hearings after we draw the maps.

Has that money been budgeted or do we need to hit the streets?

>> MS. HAMMERSMITH: The second round of public hearing money would be budgeted in the next fiscal year.

We have \$165,000 that is unspent in this fiscal year.

It's not allocated to anything specific.

I mean there are moneys available should the timetable need to be accelerated significantly.

>> COMMISSIONER WAGNER: Does that answer your question, Rhonda?

Thank you.

>> CHAIR KELLOM: Thank you, commissioners.

Thank you, Executive Director Sue Hammersmith.

Are there any other comments?

Okay.

Hearing none, let's move to new business item 7D.

I believe that will, that discussion will be to commissioner Clark to redistricting process committee and commissioner Lange, I'll give you the floor.

>> COMMISSIONER LANGE: Okay.

I'll be really quick on this one.

Very passionate about coming up with the process to work with our vendors.

He's put a lot of thought into it when he brought the motion up last week and I feel he's got a lot of experience when it comes to processes.

Since the Commission has allowed four members to be on some committees and recent subcommittees, I would like to move to expand the membership of the redistricting committee to add Commissioner Clark as a fourth member.

>> COMMISSIONER LETT: Second.

>> CHAIR KELLOM: Motion made by Commissioner Lange, second by Commissioner Lett.

Any discussion on the actual motion?

>> Does Commissioner Clark accept this request that he be appointed?

>> CHAIR KELLOM: Commissioner Clark, do you have any thoughts?

I hate to call you out but it involves you.

Would you like to be part of the committee.

>> COMMISSIONER CLARK: I will accept it.

>> CHAIR KELLOM: Once again, motion made by Commissioner Lange and seconded by Commissioner Lett.

Commissioner Clark has agreed to be part of the committee.

Are you ready to vote commissioners?

I all those in favor of adding Commissioner Clark to the committee.

Sorry, Commissioner Wagner, please share.

>> COMMISSIONER WAGNER: I was ready.

>> CHAIR KELLOM: You were excited.

All those in favor to add Commissioner Clark to the committee, signify with raising your hand and saying aye.

>> Aye.

>> CHAIR KELLOM: Opposed raise your hand and say nay.

The ayes have it.

The motion carries.

Commissioner Clark you are officially part of the committee for the redistricting process.

It makes sense and you will definitely play an important part.

Commissioner Lange, thanks so much for getting that on the agenda.

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Moving to the future agenda items.

If there is no objection, I will have the Executive Director Sue Hammersmith come to us and talk to us about future agenda items.

Hearing no objections, sue you have the floor.

>> MS. HAMMERSMITH: Thank you Commissioner Kellom.

Just letting you know that next Thursday, as in two days from now, Kim will be back to do his second session on the -- he'll be with us four weeks on Thursdays.

I'm hoping to have discussion with the commission about your reflections on this listening tour.

I will have discussion questions ready for you.

Then, next week, again, Kim will be back.

I want to talk about fairness and decision making and consensus decision making.

Those are things we are thinking about for the future agenda items, as we commence or business now on Tuesdays and Thursdays.

Thank you.

>> CHAIR KELLOM: Thank you, Sue.
Commissioner Clark?

>> COMMISSIONER CLARK: Could I suggest we give Kim additional time since he didn't have his full-time last week?

>> MS. HAMMERSMITH: Yes, he was on finished business for 15 minutes and another 16 for this presentation.

Yes.

We are working with him.

>> CHAIR KELLOM: Thank you, Commissioner Clark.

Any other thoughts?

All right.

We are going move further down the agenda.

If there are no other future agenda items or discussion to announcements.

Any announcements for the good of the order?

Commissioner Eid?

>> COMMISSIONER EID: This is neither here nor there.

The current congressional map and we are right on --

>> Commissioner Eid could you please speak directly into the microphone.

>> COMMISSIONER EID: Sorry.

This is neither here or there, but I was looking at the current congressional map where we are located today at Fellowship Chapel and seems like we are right on the border. I can't even tell if we are in 13 or 14.

We are in one of them, I just found that rather interesting and something we should keep in mind for later tonight.

>> CHAIR KELLOM: Thank you, Commissioner Eid.
Sue, looked like you had something to add.

>> MS. HAMMERSMITH: I wanted to mention tentatively, we are working with the redistricting process committee to see if it can be held on July 8 for a full day. That would be a 9:00 to 4:00 meeting.

We would allow a break for lunch but it would be a long workday and we would work with EDS and RPD analyst and VRA legal counsel, all those consultants on that day and work through process questions so we have a clear understanding of how we are going to work together going forward.

That would be in lieu of our regular meeting we would have been hosting on July 8. At this point in time, there's no more capacity to add meetings between now and the end of public hearings.

>> CHAIR KELLOM: We crammed it all in.
That's a good thing, I guess.
Edward Woods, III?

>> MR. WOODS: Just an announcement.
The meeting in Benton Harbor on July 15, will be 5:00 to 8:00.
The meeting in Traverse City on Thursday will be 5:00 to 8:00 and all the meetings on the college campuses in September will be 5:00 to 8:00.
Just want to make sure that is clear for the record.
Thank you for providing flexibility at the last meeting.

>> CHAIR KELLOM: Thank you community and Outreach Director, Edward Woods, III.
Are there any other announcements?
Hearing none, is all the agenda items are complete and the Commission has no further business I would like to have a motion for adjournment.

>> So moved.

>> CHAIR KELLOM: Motion made by Commissioner Lett.
Second by Commissioner Curry.

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All in favor signify with an aye and raised hand.

>> Aye.

>> CHAIR KELLOM: opposed pleased raise your hand and signify with a nay.

Motion carries.

Meeting has been adjourned at 2:50.

Thank you.