

DISCLAIMER: This is NOT a certified or verbatim transcript, but rather represents only the context of the class or meeting, subject to the inherent limitations of realtime captioning. The primary focus of realtime captioning is general communication access and as such this document is not suitable, acceptable, nor is it intended for use in any type of legal proceeding.

MICRC

10/27/22 BOARD MEETING

Captioned by Q&A Reporting, Inc., www.qacaptions.com

[Please stand by for captioning]

>> CHAIR WITJES: Good morning, everybody.

As Chair of the Commission I call this meeting of the Michigan Independent Citizens Redistricting Commission to order at 10:00 a.m.

This Zoom webinar is live streamed on YouTube on the Michigan Independent Citizens Redistricting Commission's YouTube channel.

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.

Our live stream today includes closed captioning.

Closed captioning, ASL interpretation, and Spanish, Arabic, and Bengali translation services will be provided for effective participating in today's meeting.

E-mail us at Redistricting@Michigan.gov for additional viewing options or details on accessing language translation services for the meeting.

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

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

This meeting is also being transcribed and those closed-captioned transcriptions will be made available and posted on the Michigan.gov/MICRC website and written public comment submissions.

There is also a public comment portal that may be accessed via visitingMichigan.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, Executive

DISCLAIMER: This is NOT a certified or verbatim transcript, but rather represents only the context of the class or meeting, subject to the inherent limitations of realtime captioning. The primary focus of realtime captioning is general communication access and as such this document is not suitable, acceptable, nor is it intended for use in any type of legal proceeding.

Director of the Commission and at WoodsE3@Michigan.gov or 517-331-6309.

For the public watching and the public record I will turn to the Department of State to take note of the Commissioners present.

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

Please say present when I call your name.

As we are all attending the meeting remotely, if you could also please disclose you are attending remotely from by stating the Township, City, or County you are attending from when I call on you.

I will call on Commissioner in alphabetical order, starting with Doug Clark.

>> VICE CHAIR CLARK: Present and I am attending this morning from Huntington Beach, California.

>> MS. SARAH REINHARDT: Juanita Curry.

>> COMMISSIONER CURRY: Present and I am attending this meeting from Detroit, Michigan.

>> MS. SARAH REINHARDT: Anthony Eid.

>> COMMISSIONER EID: Good morning, Sarah.

Remotely attending from Oakland County, Michigan.

>> MS. SARAH REINHARDT: Brittini Kellom.

Rhonda Lange.

I believe Rhonda is by phone.

Rhonda, if you are speaking, we cannot hear you.

DISCLAIMER: This is NOT a certified or verbatim transcript, but rather represents only the context of the class or meeting, subject to the inherent limitations of realtime captioning. The primary focus of realtime captioning is general communication access and as such this document is not suitable, acceptable, nor is it intended for use in any type of legal proceeding.

>> COMMISSIONER LANGE: Present; attending remotely from Lake County, Michigan.

>> MS. SARAH REINHARDT: Thank you.

Steve Lett.

>> COMMISSIONER LETT: Present; attending from Grand Traverse County, Michigan.

>> MS. SARAH REINHARDT: Cynthia Orton.

>> COMMISSIONER ORTON: Present; attending remotely from Battlecreek, Michigan.

>> MS. SARAH REINHARDT: MC Rothhorn.

>> MEMBER ROTHORN: Present; attending from East Lansing, Michigan,

>> MS. SARAH REINHARDT: Rebecca Szetela.

>> COMMISSIONER SZETELA: Present; attending remotely from Wayne County, Michigan.

>> MS. SARAH REINHARDT: Janice Vallette.

>> COMMISSIONER VALLETTE: Present; attending remotely from Highland Township, Michigan.

>> MS. SARAH REINHARDT: Erin Wagner.

Richard Weiss.

>> COMMISSIONER WEISS: Present; attending remotely from Saganaw Township, Saganaw, Michigan

>> MS. SARAH REINHARDT: Dustin Witjes.

>> CHAIR WITJES: Present; attending remotely from Tuscola, Illinois.

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

>> CHAIR WITJES: Thank you.

As a reminder to the public watching you can view the agenda at www.Michigan.gov/MICRC.

I will now entertain a motion to approve the meeting agenda.

>> COMMISSIONER LETT: So moved.

>> CHAIR WITJES: Motion moved by Commissioner Lett and seconded by Commissioner Rothhorn.

Is there any discussion or debate on the motion? Hearing none, it is moved and seconded that the agenda be adopted.

All in favor, raise your hand and say "Aye."

All opposed raise your hand and say "Nay."

The ayes prevail and the motion is adopted.

Okay.

We now are moving onto Public Comment.

DISCLAIMER: This is NOT a certified or verbatim transcript, but rather represents only the context of the class or meeting, subject to the inherent limitations of realtime captioning. The primary focus of realtime captioning is general communication access and as such this document is not suitable, acceptable, nor is it intended for use in any type of legal proceeding.

So without objection, we will begin the Public Comment pertaining to the agenda topics portion of our meeting.

Hearing no objection, we will now proceed with Public Comment.

Individuals who have signed up and were indicated that they would like to provide live remote public commentary to the Commission will now be allowed to do so.

I will call on your name and the staff will unmute you.

If you are on a computer, you will be prompted by the Zoom app to unmute your microphone and speak.

If you on the phone, a voice will say that the host would like you to speak and prompt you to press star six to unmute yourself.

I will call on you by name or by the last four digits of your phone number.

Also please note if you experience technical or audio issues or we do not hear from you for 3-5 seconds, we will move on to the next person in line and then return to you after they are done speaking.

If your audio still does not work, you can e-mail Redistricting@michigan.gov and we will help you troubleshoot so you can participate during the next public comment period at a later meeting.

You will have two minutes to address the Commission.

Please conclude your remarks when you hear the timer.

First in line to provide public comment is Mr. Gallant.

>> MR. JAMES GALANT: Hello.

James Gallant, Marquette, and these are my opinions. And I would ask I gave written comment and I hope you got that but recapped it'll be to please reconsider your refusal to get a written, formal written opinion concerning the new standards that the Proposition 2 Constitutional amendment, uh, that was requested by Dr. Sam Wang and Princeton University in 2020.

And they requested that you get a written legal opinion concerning the, the - the new standards.

And it was found that the Commission on Legislative Apportionment, the statements are false statements in their report to this Commission and they

stated that this Commission itself, the Commission on Legislative Apportionment -- I wondered where you guys got this from -- that that itself, the Commission was found unconstitutional and it's in their report.

Now I see where you guys got that from.

You never even answered me on any of that.

But you didn't get a legal opinion, either.

And Princeton University, I'm going to find out which Attorney at Princeton reviewed this.

Well we know Mike Brady was supposed to review this and say hey, wait a minute, this is not good.

Because the House Fiscal Agency report and the constitutional -- uh, the Supreme Court in 1982 had already determined 19, uh, 2018 with the "Voters, Not Politicians" cross-complaint; right?

They were determined this was not a new Commission.

This was a reiteration of the former that's already in the Constitution so the Rules of Procedure were not struck down as unconstitutional for the former Commission on Legislative Apportionment.

So Dustin, I'm going to ask you to please, as the Chair, to help me to resolve these couple issues because this are our case and controversy that I'm going to go to the Supreme Court and get this determined.

Because we need a legal opinion.

Your lawyers are just going to have to answer my question anyway which is did the Constitutional Amendment, did that effectively, um, eliminate the rules and procedure that they had --

>> CHAIR WITJES: That concluding your public comment.

Please feel free to email public comments to the Commission at Redistricting@Michigan.gov

We appreciate everyone who offers public comment in whatever manner that you choose and invite you to keep sharing your thoughts, especially in ways that the MICRC processes or procedures are good or could have been more effective.

DISCLAIMER: This is NOT a certified or verbatim transcript, but rather represents only the context of the class or meeting, subject to the inherent limitations of realtime captioning. The primary focus of realtime captioning is general communication access and as such this document is not suitable, acceptable, nor is it intended for use in any type of legal proceeding.

Next we will be moving onto Unfinished Business.

Which is item 5A for our current pending court cases.

Without objection, I will ask Commissioner Lett and our Legal – sorry.

Our legal liaison to introduce Mr. David Fink and Mr. Nathan Fink, our local counsel from Fink Bressack, to present these items.

Hearing no objection, please proceed, Commissioner Lett.

>> COMMISSIONER LETT: Thank you, Dustin.

>> CHAIR WITJES: You're welcome.

>> COMMISSIONER LETT: We've had some conversation and this would be in regards to the current pending AG case and Banerian case.

Banerian is in front of the U.S. Supreme Court.

Briefing has been completed on that, I believe.

The plaintiffs I think filed their last response brief and is it's now sitting in front of the Supreme Court, U.S. Supreme Court, for them to take whatever action they determine to take.

One of several things they could do would be to do nothing.

Another would be to send it back.

Another would be to determine that either side wins and we doable believe that that will necessarily occur at this time.

So basically we're waiting.

The other case AG is in front of the prejudice panel in western District and it has not had any action on it as of recent and so it's just sitting there right now.

Nate, do you have anything to add?

>> NATE FINK: No.

DISCLAIMER: This is NOT a certified or verbatim transcript, but rather represents only the context of the class or meeting, subject to the inherent limitations of realtime captioning. The primary focus of realtime captioning is general communication access and as such this document is not suitable, acceptable, nor is it intended for use in any type of legal proceeding.

And thank you.

Good morning, everyone.

I hope you're doing well.

Commissioner Lett you summed it up well and I'll add a couple of comments for each case.

The Banerian case is fully briefed before the Supreme Court of the United States.

We sent along an update recently to the Commission and it's possible we could have a ruling from the court as soon as November 7th.

The Court hold conferences and considers the pending matters that are before the Court to decide what it's going to do with it.

Whether it's going to schedule oral argument on the case and ask for additional briefing or possibly just dismiss, essentially dismiss the appeal and the case would then go back down to the western District of Michigan.

There are subsequent conferences after that so it's possible it could be considered at the November 10th conference and orders from that issue on November 14th.

So that's where we are on Banerian.

On the AG case, there have not been any substantive developments on the case; however, there have been procedural happenings.

This past Monday the court held a scheduling rule 16 conference with counsel for the parties in Kalamazoo.

While it's a three-judge panel Judge Maloney was deputized by his colleagues to hold it without them and held it Monday and talked through procedural matters.

Discovery and the timing for discovery in this matter.

Prior to the hearing the parties had agreed on a proposed schedule which laid out the -- again, some of the proposed sequencing for discovery such as when discovery would conclude, when the parties would exchange witness lists, both related to what we call lay witnesses and expert witnesses.

Also timing of when motions could be filed by any party.

We anticipate that both sides will file what are called Motions for Summary Judgment at the conclusion of discovery which is where any party in the Court can ask the court to rule in their favor before the trial.

And those motions will be filed into next year.

We anticipate that the Court would schedule oral argument on those anticipates motions sometime in the late Summer or early Fall.

It's hard to predict exactly where that might fall.

At the scheduling conference Judge Maloney indicated he would approve the proposed schedule.

He asked a question about whether the parties thought that the six-month timeline would be sufficient for discovery.

In response the plaintiffs actually attempted to argue the merits of the case a little bit and laid out a very brief summary of what they laid out in their, uh, in their complaint.

And in response, one of the Attorneys from Baker, Erika Prouty, who was there on behalf of the Commission with me and Dima Atila [sic], she stated disagreement as to the substantive point.

It was pretty clear that I don't think the Court was interested in having any sort of substantive arguments at this procedural scheduling conference and we focused on the Court's question on who the parties would be able to meet the discovery proposed schedule.

And we, of course, said yes.

Judge Maloney also asked counsel of the Secretary of State about the relevant deadlines of the 2024 Elections, indicating to us the Court is aware of the potential impact that any decision may have on the State's election process.

But beyond that, there was really nothing more that was discussed.

We have not yet received the actual signed order from the Court laying out the scheduling and procedural deadlines, but we anticipate receiving that very soon.

Again, that will establish the fact and expert discovery sequencing over the next six months.

DISCLAIMER: This is NOT a certified or verbatim transcript, but rather represents only the context of the class or meeting, subject to the inherent limitations of realtime captioning. The primary focus of realtime captioning is general communication access and as such this document is not suitable, acceptable, nor is it intended for use in any type of legal proceeding.

The next step for the legal team will be to prepare what are called initial disclosures of witnesses and documents that we may use to support our positions in the case.

The other side will also be doing their own disclosures of, that layout their documents and witnesses that they intend to rely on.

We anticipate that the plaintiffs will be seeking discovery soon making document requests, requests for written admissions and interrogatories and down the road depositions of relevant witnesses including we anticipate, Commissioners.

We will then, of course, in turn seek discovery from the plaintiffs.

The expert reports will be due early 2023.

We will be beginning that process and we meaning the legal team.

Baker of course is leading on the front.

Attaining expert witnesses so they have time to complete their work on the scheduling order.

After discovery closes in April of 2023, it's anticipated that both sides would file these motions for summary judgment.

The court did not set a trial date at the scheduling conference.

It's likely that the Court will wait to hear argument on those motions and perhaps have some kind of check in at some point and determine whether to set a trial date, should a trial become necessary.

So that's the sort of summary of what transpired at the scheduling conference and what we anticipate going forward on the AG case.

On both Banerian and AG, I know that it's been our understanding that the Commission has been advised that it's important to, of course, preserve the record from the Commission's work.

But I wanted to take this opportunity to remind and reiterate the importance of that time we ask that you please preserve all files, including anything in your custody or control.

That also relates to any information on the website.

We shouldn't be deleting anything from the website at this time.

I don't think that that's happening at all but I just wanted to reiterate that point.

It's just important to keep in mind that you don't want to delete or alter anything that was created during the map drawing process.

And I had communicated with the baker Attorneys about that and they advised that I would be providing an update to the Commission and they asked that I please provide that comment to the Commission.

So with that, I think that sums up where we are on both the Banerian and AG cases at this time.

>> CHAIR WITJES: Thank you Mr. Fink.

Questions, comments, concerns from Fellow Commissioners? Commissioner Szetela?

>> COMMISSIONER SZETELA: Any ball park or anticipation as to when adoptions are going to occur? Happening after the beginning of the year or expecting them sooner rather than later?

>> NATHAN FINK: We haven't talked about deposition schedules and I expect schedule of written discovery first and as you know, Commissioner Szetela, it's hard to predict how discovery will play out.

Given the relatively tight timeline of six months that all parties indicated they intend to meet, I think they will move perhaps quicker than in some other cases but I think it's likely to take a couple of months to get the document productions and writing exchanges of discovery completed.

It's possible they ask for deposition sooner than that but if I were to guess, I would say it's perhaps early next year.

I haven't spoken with the Baker folks about a specific timeline on that.

It's possible it would be earlier than that but I think that's a fair assumption.

>> COMMISSIONER SZETELA: Thank you.

DISCLAIMER: This is NOT a certified or verbatim transcript, but rather represents only the context of the class or meeting, subject to the inherent limitations of realtime captioning. The primary focus of realtime captioning is general communication access and as such this document is not suitable, acceptable, nor is it intended for use in any type of legal proceeding.

>> CHAIR WITJES: Anybody else? Okay.

Well Nate, David, thank you so much for everything you folks are doing for us.

I appreciate it.

Moving on, next on our agenda is unfinished item 5b, Fiscal Year 23 Budget update.

Without objection I will ask Executive Director Woods followed by Commissioner Lett to present this item.

Hearing no objection, take it away Executive Director Woods.

You're muted, sir.

>> EDWARD WOODS III: Are you able to see my screen?

>> CHAIR WITJES: Sure can.

>> EDWARD WOODS III: Great.

Let me go ahead and get started.

Thank you.

Our Fiscal Year '23 budget year process, just to kind of explain a little thing to the public, is that we are a part of the Legislative Branch.

We are not a part of the Executive Branch; so therefore, we do not have a schedule like the Executive Branch does in terms of reporting to subcommittees and what have you, in terms of proposing a budget and what we would like to have.

Because our language is a boilerplate language in the Constitution with regard to how the Commission is funded.

Once again, we do not follow the rules of the Executive Branch.

We are a part of the Legislative Branch.

One again, part of the Legislative Branch.

And we have boilerplate language in the Constitution.

You can go to our website and see the Constitution, but the Constitutional requirements -- and this is what it states -- beginning no later than December 1 of the year preceding the federal decennial census, and continuing each year in which the Commission operates, the Legislature shall appropriate funds sufficient to compensate the Commissioners and to enable the Commission to carry out its functions, operations, and activities, which activities include retaining independent nonpartisan subject matter experts and legal counsel, conducting hearings, publishing notices and maintaining a record of the Commission's proceedings and any other activity necessary for the Commission to conduct its business, at an amount equal to not less than 25% of the general fund/general purpose budget for the Secretary of State for that Fiscal Year.

Within six months after the conclusion of each Fiscal Year, the Commission shall return to the state treasury all money he unexpended for that Fiscal Year.

The physician shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided bylaw.

Each Commissioner shall receive compensation at least equal to 25% of the governor's salary.

The State of Michigan shall indemnify Commissioners for costs incurred if the legislature does not appropriate sufficient funds to cover such costs.

Here is another constitutional requirement:

The Commission shall have legal standing to prosecute and action regarding the quays of resources provided for the operation of the Commission and to defend any action regarding an adopted plan.

The Commission shall inform the legislature if the Commission determines that funds or the other resources provided for operation of the Commission are not adequate.

The legislature shall provide adequate funding to allow the Commission to defend any action regarding an adopted plan.

And the other constitutional requirement:

The terms of the Commissioner shall expire once the Commission has completed its obligations for a census cycle but not before any judicial review of the redistricting plan is complete.

As it relates to the fiscal 23 Budget process, we sent to the appropriation Chair August 18th and again October 4 and we received a reply to our October 4 letter on October 12th that was discovered to be released to the press and then we sent a letter on October 13th and we haven't received a reply yet.

For the record I would like to show the letters so that everyone can see what I'm referring to on the screen.

Are you able to see my screen? This letter is dated August 18th and it was sent to the appropriate committee on the senate side and the appropriations subcommittee on the house side, Senator Stamas and Representative Albert and it discusses the action the Commission took are wards to budget.

As you know, we did get a supplemental request and as a result the supplemental request is different than the boilerplate language.

If you remember on the supplemental request, Sub-commissioner Rothorn who was the Chair at the time and myself went before the committee because it was a supplemental request and not a part of the boiler language.

We needed additional money because we believed they were not going to have enough money appropriated to the Commission. The appropriation represents 25% of the Michigan Department of State general fund general purpose.

We did a supplemental request for 2.2 million and we received that.

We talked about our two pending cases and how we would go into the Fiscal Year '23 because we were never included as part of the boilerplate language -- want to be clear to include that again -- as part of the boilerplate language for the Fiscal Year '23.

Commission had money for '20 as a result of the Commission.

'21 as a result of the boilerplate language and nothing was done by the Commission.

And '22 as a result of the boilerplate language.

This was the letter sent August 18th.

We followed up October 4th where we reiterated what I shared with regard to the Constitution.

Once again, for the public, we will post or letters on the website so that he can see these as well.

This is why regards toddler sent October 4th.

And then we received a letter from the legislature on October 12th acknowledging set of the letter, talking about the budget request on August 18th.

Talking about the history perspective in terms of what took place there.

And, again, this letter was released by the senate office.

Not by our Staff or myself in particular but it was released to the press.

I did receive a call and responded to the press as it relates to this particular letter that was released and they stated -- their standpoint with regard to that and then as you already know, there's a belief that we have 1.7 million not spent and not realizing that the Constitution requires us to send back unexpended funds.

As a result, we provided that clarification in the letter dated October 13th.

And so we just wanted to share what happened with regard to that.

The press did ask after the letter was released on October 12th for our letters on October 4th as well as the letter October 13th which they received.

We have received, I repeat we have received no response to our letter dated October 13th whatsoever.

I'm going to go back to the PowerPoint so bear with me.

Are you able to see that? Perfect.

So this provides the following concerns -- as we already know, more than 61% of the voters as it relates to proposal 21802 votes for ordinary citizens and not the legislature to have responsibility for redistricting.

It was photo'd that we would be independent nonpartisan.

So as a result you don't see us arguing back and forth or inserting ourselves in partisan debate but standing on the Constitution.

The part of the Constitution was a part of the ballot proposal so when people went to the polls they went with the understanding that the legislator shall appropriate funds for the operation of the Commission.

And so here one of the concerns was that we had a proposal that passed by more than 60%.

DISCLAIMER: This is NOT a certified or verbatim transcript, but rather represents only the context of the class or meeting, subject to the inherent limitations of realtime captioning. The primary focus of realtime captioning is general communication access and as such this document is not suitable, acceptable, nor is it intended for use in any type of legal proceeding.

The voter intent was clear but yet, we did not have our boilerplate language which is in the Constitution followed by the legislature as relates to giving us funds for Fiscal Year 23.

We are in operations because we do did have two pending lawsuits as was previously stated and shared by our Legal Liaison, Commissioner Lett and our two Attorneys, Attorney David Fink and Nathan Fink.

We outlines the Constitutional requirement and what was shared.

And whether or not the Constitution as we all believe should be followed. We do our best, you know, to follow the Constitution as has been raised throughout the process with regard to constitutional requirements.

Our concern is that the constitutional requirements are being ignored.

Last but not least, the democracy -- we have to have the ability to defend our maps.

The maps have gone into law and previous legislative redistricting bodies also had funds to defend their maps.

So we should also have funds to defend our maps as a way to ensuring democracy.

As you know, the Commission's mission was to draw fair maps with citizens' input from Michigan Congressional, Michigan State Senate, and Michigan house.

These are the concerns of the constitutional requirements not being fulfilled that I want to present to you before the Commission so that we have a foundation before the discussion and at the present time Commissioner Witjes, I will turn it over to Commissioner Lett and Attorneys and talk about possible next steps.

Thank you and if there are questions in regards to the presentation, I can take those indict any questions for Mr. Woods?

>> COMMISSIONER LANGE: I have a question.

>> CHAIR WITJES: Go ahead.

>> COMMISSIONER LANGE: Was that directed at me?

>> CHAIR WITJES: Yes Commissioner Lange, go ahead.

>> COMMISSIONER LANGE: Thank you.

The reading of the Constitution states that Commissioners will receive a minimum of 25% of the governor's salary and that we have more than surpassed that so that it could be read that basically we did fulfill our duties and the pay that was granted to us in the Constitution.

So I would like feedback on that since it was stated by Secretary of State Attorney Mike Brady.

>> EDWARD WOODS III: Commissioner Witjes, I'm sure Mr. Brady - but I want to make sure our focus is the budget.

As it relates to the compensation I'm sure Mr. Brady can address that.

I want to ensure the focus is why the Commission does not have funding for 2023.

>> COMMISSIONER LANGE: Point of order, this does relate directly to the funding in the 2023 Budget.

So I just want to put that out there because I think the two could correlate together.

>> CHAIR WITJES: Commissioner Lange? I'm sorry.

Mr. Brady.

>> MR. MIKE BRADY: Good morning, can you hear me? Good morning to you all.

I note that you have your legal counsel on this call.

I think the question is raised by Commissioner just now is in line with the language in the Constitution.

The questions we had on this point and also aligned with the publicly released memo from your lawyers and I will note that the Constitution provides a guaranteed minimum and so in that respect, I think the question is accurate, that the minimum has been achieved.

I will note that it's a minimum and not a maximum.

And as I've noted previously, I don't see -- I'm not aware of anything that is prohibiting the Commission from acting the way that it is.

Again, it's a minimum.

You've achieved the minimum but it's just that.

It's a floor, it's not a ceiling.

There's nothing in the constitutional language that was referenced that prohibits the Commission so long as you have lawsuits pending, at the very least, while you continue to operate to defend those lawsuits.

I think the language in the Constitution is consistent with your lawyer's legal counsel has been publicly discussed and released.

I'm not sure if there are additional questions on those points or if either Mr. [indistinct] would like to speak to that.

I hope that was helpful.

Thank you.

>> DAVID FINK: I'm happy to speak to it briefly.

>> CHAIR WITJES: It is all related to the same question, question is, go ahead, Mr. Fink and then I will get to you, Commissioner Szetela.

>> DAVID FINK: I agree with what Mr. Brady has indicated.

The fact that the 25th% has been met does not affect the Commission's authority to budget and expend more than the 25%.

And the issue of -- but most importantly for purposes of today's discussion.

The issue of that 25% standard, if you will, for compensation for Commissioners has not been raised to my knowledge by any of either of the appropriations committees or by the state budget Director.

It just has not been an issue and we don't expect it to be an issue.

So I don't think we have to be concerned about that in terms of today's question.

If there's further questions on that, of course, we'll look into it for you.

>> CHAIR WITJES: Commissioner Szetela.

>> COMMISSIONER SZETELA: I think the issue of salaries is a bit of a moot point.

Even if we were to remove salaries from the budget the reality is we will have a budget because the bulk of our budget are legal fees and there are other ancillary costs that we have for cell phones and computer support and the cost of translators to be at these meetings and the ability to have these meetings and there are other expenses other than salaries and I'm worrying about salaries is a moot point and a red herring and it doesn't folk you go on the point that we don't have the budget that's required by the Constitution.

That's the issue to be resolved.

I would like to make a motion to empower our Director to take all steps necessary to resolve this budget issue with the state legislature.

>> CHAIR WITJES: Okay.

So we have a motion made by Commissioner Szetela and seconded by Commissioner Lett to allow the Executive Director and our legal team to empower them to do whatever is necessary to fix this budget issue up to and including litigation.

Did I summarize that correctly, Commissioner Szetela?

>> COMMISSIONER SZETELA: Yes.

>> CHAIR WITJES: Any discussion or debate on said motion? Hearing none
-

>> COMMISSIONER LETT: Well, I guess I got to comment.

>> CHAIR WITJES: Go ahead, Commissioner Lett.

>> COMMISSIONER LETT: First off, it's not anything that Edward has said other than he continues to refer to the appropriation as boilerplate language.

And while that's true, it is boilerplate language, it is also true that it is a constitutional mandate.

It's not just pure boilerplate language which the lawyers would throw in somewhere that the language regarding the budget and the amount of funds that are to be received, obviously, was put in by the drafters of the constitutional amendment because they could see, looking down the road, that if the legislature didn't like what we were doing or what we did, they could try to choke us off by cutting off the funding.

So that would be, that's just my observation.

We have -- we, being Executive Director Woods and myself and Mr. S Finks have discussed the possibility of trying to resolve this.

The letter writing campaign has obviously been shown.

We have reached out personally to some of the Attorneys that the Fink firm knows and has worked with before to see what else could be done.

But, in fact, if nothing occurs, then the discussion is to file an appropriate action to request the court to order the legislature to follow the Constitution.

That's a very brief summary of what we've discussed and I think, I think if you look at the letter back from the appropriation committees, that joint letter, I think that they are looking at it, we appropriated 2.2 or whatever they did, you still have 1.7.

I think that's down to about 1.4 now -- what are you talking about? You've got money? Well, we have not received legal opinions that we, in fact, do have that money.

We have received opinions from the budget office that we can't use it onto pay bills that accrued prior to the end of the 2022 Budget year, which we have done and continue to use some of that money for payment right now of expenses that occurred prior to the end of the budget year such as legal bills, video work, the translators, et cetera.

Those are legitimate and we have been paying them.

That's the end of the rope.

So we're not asking the motion does not say go file a lawsuit right now.

But it does say hey, if that's what it takes, we would like permission to do that.

And move forward.

Obviously, we can't sit here forever.

And further, obviously, there's nothing going to happen before the election.

I mean, they are not here.

They are not coming back.

And so, we're kind of stuck until the election is over.

Other than that, I would ask David or Nate if they have anything to add.

I think that sums up a very thumbnail sketch of our discussion.

But they may have something or Edward may have something.

David.

>> DAVID FINK: I don't have anything to add.

I think that was stated very clearly.

I do believe that there's a misunderstanding.

I think that when the appropriations committees understand that the remaining funds, the -- apparently it's a million, four, that's unexpended from the last Fiscal Year, that those remaining funds cannot be spent and must be returned six months after the Fiscal Year.

I think when they understand that, at a minimum, those funds will be applied to the next budget year along with what the other needs are as the Constitution directs.

I don't -- from reading their letter, I did not come away with the belief that there was any malice there.

I think it is the letter arises out of a misunderstanding of the immediate of the Commission.

They make a reference to the existence of exigent circumstances.

I'm quite confident they will do the right thing.

If not, we appreciate that the Commission, if it acts today, to authorize litigation if, and only if, it's necessary.

It will be unnecessary to have another Commission doing this to go forward and do what has to be done.

>> CHAIR WITJES: Commissioner Clark.

>> VICE CHAIR CLARK: I would like to request that we have the motion read again so we know the exact language, please?

>> CHAIR WITJES: Go ahead Commissioner, Szetela.

>> COMMISSIONER SZETELA: I move to authorize our Executive Director to take whatever steps necessary up to and including litigation to resolve the current budget dispute.

>> CHAIR WITJES: Any further discussion on the motion? Okay.

All in favor of approving the motion as presented by Commissioner Szetela, raise your hand and say "aye."

>> "Aye." [in unison]

>> CHAIR WITJES: All opposed raise your hand and say "nay."

Ayes prevail and the motion is adopted.

Anything else in regards to budget? Okay.

Okay.

We'll move on.

Next item on our agenda is item 5c, draft lessons learned video.

And without objection, I will ask Executive Director Edward Woods III to present this item.

Hearing no objection, Mr. Woods, the floor is yours.

>> EDWARD WOODS III: Thank you.

Commissioners, we have had this video reviewed by our legal counsel and we will play it for consideration for your action after it's completed.

Let me set that up for you.

[Video]

>> Politics in Michigan wasn't working for people for different reasons but they all kind of had the same root problem which is that our politicians in Michigan weren't listening to voters and why they weren't listening is because they didn't have to.

Politicians because the gerrymandering got to draw their own Districts and choose their own voters as opposed to the other way around.

>> EDWARD WOODS III: In 2018 Michigan voters took fate in their own hands and by more than 61% they decided to have every day citizens to draw the maps versus politician and that acronym fate set the foundation.

>> Tomorrow the Michigan Redistricting Commission will start the process of voting on new congressional Districts.

There's a controversy with the vent proposals with some Detroit leaders claiming the new maps will not represent them.

>> Utilizing the general election is the wrong data to use.

>> COMMISSIONER SZETELA: I think the media struggled with covering this because it's very complicated.

The recorders would say that to me and others that how can I boil this down and get it into hey 30 second clip?

>> EDWARD WOODS III: When we look at the Constitution, Communities of Interest is defined as the third ranked criteria in the redistricting process and it actually says reflects the state's diverse and the Communities of Interest.

And it also said that Communities of Interest did not represent a political party.

So the Commission was very clear about not looking at municipal and Township boundaries of Communities of Interest.

>> Communities of Interest are classifications that fall outside of census classifications.

It flies a group of people geographically cohesive and they share some interest that makes them feel that they have a stake in legislation that affects them.

So one thing you might want to watch out for is to make sure they are not used to some pretext you'll basis to justify a map a map drawer wants to use for other purposes.

>> We identified over 1200 community groups of all kinds.

>> The state Supreme Court will not grant a deadline extension to the Commission in charge of drawing legislative and Congressional maps in the state.

They want the deadline bumped to the 25th but the court says there is not a sufficient reason to extended deadline.

>> COMMISSIONER SZETELA: The pandemic definitely affected our process and the ability to draw maps.

The census data was delayed and there were questions about the accuracy and the reliability of the census data because of the pandemic.

Was the conscientious us a complete count?

>> COMMISSIONER LETT: One of the problems to start with is we were meeting by Zoom because of the pandemic.

It's hard to make -- to build that camaraderie over a Zoom meeting.

So once we went in to in person meetings, then we developed a good camaraderie.

>> COMMISSIONER ORTON: Meeting in person was definitely I key part of the bonding, the teamwork.

We got to build relationships of trust and when we were, working together and long days and stressful, we were getting pressure from all sides.

We could trust the process that we were all going through together and know that we all have the same goal of creating good, fair maps.

>> MEMBER ROTHORN: It was like our coming-of-age process.

We got to know each other and her the public and hear each other and how we were processing what we were hearing from the public.

The mapping part that happened after the first round of Public Hearings was influenced a great deal because of that.

For our process and what we did, I'm very proud it.

>> One of the terrific thing that's this Commission did was adapted to impact of the COVID-19 pandemic.

The Commission did a good job of providing a range of outreach to try to inform citizens about their opportunities to engage and I think that paid off and we saw it with the turnout at public meetings.

>> They made a public portal available and held Zoom webinars as well as in person meetings and they really invited everyone in and everyone got to see what a complicated process redistricting is.

>> COMMISSIONER SZETELA: We received 30,000 Public Comments.

I read every single one of them.

I listened to every single one of them.

But for me to say as an individual that I can accurately categorize or put them on a shelf where they go, that's not realistic for any person.

While I did my best and others did as well, we could have helped ourselves by having a tracking system for the comments.

>> MEMBER ROTHORN: We had more participation from the suburban areas and less in the rural areas.

We had a solid message that was hard to not hear.

>> COMMISSIONER LETT: It was all open.

There weren't any secret meetings other than the one which, as they say, the defecation indication hit the ventilation on that.

>> The Commission are defending them going into a Closed Session.

>> The Commission which has made a point of being transparent throughout the process voted 11 to 2 to temporarily going into the Closed Session triggers backlash from Democrats and Republicans align.

>> The meeting was to discuss things that have Attorney client pre guide the deadline is the same and we are committing to drawing fair maps with public engagement.

>> COMMISSIONER ORTON: There were people skeptical but I just wish everyone could see that they were totally transparent.

We did not discuss anything if it wasn't in an open meeting.

>> Michigan's independent Redistricting Commission is being hit with a lawsuit a group of state lawmakers made the announcement today.

The state alleged the Commission is in violation of the Voter Rights act.

>> The Commission purported that there would be an opportunity for African American leadership and that it wouldn't change because even though these Districts were not majority African American, that if the best candidate was an African American and had showed promise, good political capital, demonstrated themselves, that they would prevail.

Our Primary Election, 2022 shows us that that didn't happen.

>> COMMISSIONER LETT: The training regimen was disjointed in my mind because nobody knew what they were doing and probably nobody knew about the Voting Rights Act.

>> There are lots of things this Commission has learn and it could communicate more proactively with the public and could explain this is what the Voter Rights act means and this is what the analysis acquires.

>> COMMISSIONER SZETELA: The think the Commission definitely received tension in terms of advice we were receiving from counsel.

>> MEMBER ROTHORN: I would definitely make sure we had more Staff, numbers of people to do the numbers of hours required.

There could be minutes or transcripts uploaded quicker.

>> There was not enough data about minority candidates and election outcomes from the primaries over the last decade.

This is important data for the next Commission to be able to understand how their maps protect minority voter rights according to the Voter Rights act.

I think we have to say, would a different approach have produced better maps? Not necessarily.

>> I would say Michigan did quite well and it's a promising sign that the very first time out of the gate Michigan drew pretty fair maps both Congressional and Legislative.

>> I think this Commission did its job and did it well.

They did the job of drawing fair and impartial Districts in a transparent process and some of the fairest in the country.

>> I would absolutely disagree with that in terms of Southeastern Michigan and how the lines have been drawn for communities that African Americans reside.

In we believed that this was going to be an opportunity to have some fair maps but now we have a situation where there is not likely to be Black representation for Michigan in Congress.

>> COMMISSIONER ORTON: One thing I would recommend that the mutual Commission do is start hiring Staff immediately.

We were months before we had Staff and luckily the Secretary of State's office provided Staff for us, support Staff.

And they were wonderful and they really, really helped.

But it was different than having our own Staff.

And I really think that that needs -- needs to happen from the get go.

DISCLAIMER: This is NOT a certified or verbatim transcript, but rather represents only the context of the class or meeting, subject to the inherent limitations of realtime captioning. The primary focus of realtime captioning is general communication access and as such this document is not suitable, acceptable, nor is it intended for use in any type of legal proceeding.

>> EDWARD WOODS III: I would probably have a budget Analyst because -
- or a financial Analyst to track the money.

You know, going in, coming out.

Doing the bidding.

You know the procurement process.

The Michigan Department of State procurement department was phenomenal.

>> COMMISSIONER SZETELA: One of the suggestions early on from one of the Commissioners and other states was that we Staff two Attorneys and we elected not to do that and in hindsight I think that was a mistake.

I think we should have had either two neutral Attorneys or maybe a Republican and Democratic Attorney.

I think we should have had two voices in our General Counsel office.

>> For the Commission to do its work it's going to need at least enough money to have good legal counsel, good data counsel, and enough money was to public meetings across the state.

And, of course, enough money to pay the Commissioners who are dropping their everyday lives in order to go Redistricting Commissioners.

>> The only thing I would change about election process for the Commission is more public education.

There were people thinking that there should be a certain number of either racial groups or either geographic distribution on the Commission.

But I think overall is what we ended up with is exactly what you would hope to have with citizen run organization of Michiganders.

>> COMMISSIONER SZETELA: Spend the time working to learn what you have to do and have the confidence in your own decision making and the Commissioners need to have the strength to say okay, we're making this

decision. Here is why we're making it and here is what we're going to do and stand behind that.

>> There's no magic formula.

All you have to do is listen to community Members all across the state who are going to come and talk with you and their goal is just going to be to educate you.

This is why it should be considered a community of people that want our interests represented in government.

All do you have is listen.

And gain all of that education and this redistricting process is something that we will all do together CEO, Latino it may be the hardest thing that you'll do.

There will be pressure from all sides.

But it's important and really fulfilling to take part.

And just do so honorably and with no agenda, except for creating the best maps that you can create and working as a team.

And it's great to see government by the people for the people.

[Music]

[Video concludes]

>> CHAIR WITJES: Bravo.

>> EDWARD WOODS III: Commissioner Witjes, we need approval.

>> CHAIR WITJES: Okay.

Commissioner Rothhorn?

DISCLAIMER: This is NOT a certified or verbatim transcript, but rather represents only the context of the class or meeting, subject to the inherent limitations of realtime captioning. The primary focus of realtime captioning is general communication access and as such this document is not suitable, acceptable, nor is it intended for use in any type of legal proceeding.

>> MEMBER ROTHORN: Sorry.

I was trying to make a clap but it didn't work.

>> CHAIR WITJES: Okay.

All right.

As this was a draft, it looks like we need to approve this going out and approve the actual video.

Commissioner Clark? You're muted.

>> VICE CHAIR CLARK: Sorry about that.

I would like to put a motion forward that we approve this as the official lessons learned video for the Commission.

>> CHAIR WITJES: Seconded by Commissioner Szetela.

Okay.

So the motion has been introduced and seconded by Commissioner Clark and Commissioner Szetela to approve the draft lessons learned video.

Any debate or discussion on the motion as it stands? Commissioner Eid?

>> COMMISSIONER EID: Well done.

The only thing I would perhaps add or change -- and I don't know if it was in there at the end but on that last, on that last second, the blue page that had all of our pictures on it, I'm not sure if I saw Sue's or Julie Ann's.

They were here for pretty much the entire process.

You know, we might want to put them on there too.

Besides that, I think it's a great video.

>> EDWARD WOODS III: Commissioner Eid -- Commissioner Witjes.

DISCLAIMER: This is NOT a certified or verbatim transcript, but rather represents only the context of the class or meeting, subject to the inherent limitations of realtime captioning. The primary focus of realtime captioning is general communication access and as such this document is not suitable, acceptable, nor is it intended for use in any type of legal proceeding.

There's credits where we're recognizing them and the organizations that helps us get our 30,000 comments.

It's just not there.

>> CHAIR WITJES: Any other comments or questions on the motion?
Okay.

Let's take a vote.

All in favor to approve the draft lessons learned video please raise your hand and say "aye".

>> "AYE." [multiple voices]

>> CHAIR WITJES: All opposed raise your hand and say "nay".

>> COMMISSIONER LANGE: Nay.

>> EDWARD WOODS III: I think Commissioner Clark, Commissioner Witjes is frozen.

>> VICE CHAIR CLARK: I'm Commissioner Clark, the Vice Chair and I'll take over until Commissioner Witjes can get back online.

He has some video and audio problems.

Can we -- I think we have a count of ayes over nays.

I think there was one nay.

So the ayes prevail and the motion is adopted.

And I think we need to move onto the next item on the agenda which is our New Business.

Next on the agenda is New Business item number 6a, September Financial Report.

DISCLAIMER: This is NOT a certified or verbatim transcript, but rather represents only the context of the class or meeting, subject to the inherent limitations of realtime captioning. The primary focus of realtime captioning is general communication access and as such this document is not suitable, acceptable, nor is it intended for use in any type of legal proceeding.

Without objection, I will ask Mr. Woods to present this item.

Hearing no objection, please proceed, Mr. Woods.

>> EDWARD WOODS III: All right.

Are you able to see my screen?

>> VICE CHAIR CLARK: Yes.

>> EDWARD WOODS III: Perfect.

Thank you.

This is the financial statement for September 30th, 2022.

Once again, this is a preliminary.

Once again, this is a preliminary financial statement.

As you know, our Fiscal Year starts from October 12021 to September 30, 2022.

Once again, one again, this is our preliminary, our preliminary statement as it relates to September 30th.

If you take a look at what we have -- salaries, \$6 \$3,729.60.

Travel costs.

Meeting cost.

Technology costs.

Advertising costs.

The consultants is –

>> MS. SARAH REINHARDT: Pardon for the interruption Edward.

I just want to note for the report that Commissioner Witjes has rejoined.

>> EDWARD WOODS III: Thank you.

DISCLAIMER: This is NOT a certified or verbatim transcript, but rather represents only the context of the class or meeting, subject to the inherent limitations of realtime captioning. The primary focus of realtime captioning is general communication access and as such this document is not suitable, acceptable, nor is it intended for use in any type of legal proceeding.

Our consultant cost for the month of September -- and the office support refers to our Zoom account and with use for meetings.

This is preliminary report for September not a final report.

All of our bills are still coming in and I just want to make sure we're clear as it relates to that.

If there's any questions, take them at this time.

>> VICE CHAIR CLARK: Do any of the Commissioners have a question? I see no reason for a motion since this is preliminary.

We'll wait until the final to approve it.

Great.

Commissioner Witjes, do you want me to turn this back over to you or continue on?

>> CHAIR WITJES: I think it's your turn to continue on for your first little meeting run if that's okay with you.

We're critiquing you hard.

>> VICE CHAIR CLARK: That's no problem.

Let's move onto the next agenda item which is the approval of the minutes from the August 18th meeting.

These draft minutes have been provided to the Commission before the meeting and are posted on the website.

Are there any edits to these meetings? Commissioner Orton.

>> COMMISSIONER ORTON: There's just a -- the time is wrong.

Sorry.

I can't get the word out.

DISCLAIMER: This is NOT a certified or verbatim transcript, but rather represents only the context of the class or meeting, subject to the inherent limitations of realtime captioning. The primary focus of realtime captioning is general communication access and as such this document is not suitable, acceptable, nor is it intended for use in any type of legal proceeding.

At the beginning it says the beginning went from 10:02 a.m. to 12:21 p.m. but down at the do the it says the meeting was Adjourned at 11:21 a.m. or 12:21 p.m.

That needs to be corrected.

>> VICE CHAIR CLARK: I don't know which is the correct time to turn it to. I'm going to assume without looking at the tape that it was 11:21.

>> COMMISSIONER ORTON: I believe that it was as well.

>> VICE CHAIR CLARK: I think we need to get that verified prior to making the change.

>> EDWARD WOODS III: Excuse me Commissioner Clark that is correct. I'll make the change.

>> VICE CHAIR CLARK: I appreciate that.
May I have a motion to approve the meeting minutes.

>> COMMISSIONER LETT: So move.

>> COMMISSIONER ORTON: Second with the connection.

>> VICE CHAIR CLARK: With that correction, correct.

Motion has been committed by Commissioner Lett and seconded by Commissioner Orton.

All in favor raise your hand and say aye.

>> CHAIR WITJES: Commissioner Curry had a question.

>> VICE CHAIR CLARK: I'm sorry.

Commissioner Curry, would you like to speak.

>> COMMISSIONER CURRY: It wasn't a question.

We were speaking of the last meeting and I see where I was reading the minutes that it has where I was absent and I want to correct that that I was not absent.

>> VICE CHAIR CLARK: We're going to get to the last meeting next.

So we will move forward with the August meeting and then move onto September.

So let's have a revote on that.

All in favor, please raise your hand and say "aye" please.

>> "Aye." [in unison]

>> VICE CHAIR CLARK: All opposed raise your hand and say "nay".

The ayes prevail and the minutes are approved.

Next on the agenda is the approval of the minutes of the September 29 meeting.

These draft minutes are provided to the Commission before the meeting and posted ologist website.

Are there any edits to these minutes? Juanita, I believe this is what you were references.

>> COMMISSIONER CURRY: That's what I was references, yes.

>> VICE CHAIR CLARK: Could you repeat your concern?

>> COMMISSIONER CURRY: My concern is that I was present but it was not documented.

>> VICE CHAIR CLARK: Okay.

Commissioner Orton.

>> COMMISSIONER ORTON: I show on the September 29th meeting, is that the one that you're referring to.

That shows that you're remotely from Detroit, Michigan.

So I think this was the previous one maybe that you saw.

>> COMMISSIONER CURRY: I was having trouble with my -- the computer was not operating correctly and I could hear you guys but I guess you all couldn't hear me and I did speak with Edward on that.

But I guess it wasn't corrected.

>> COMMISSIONER ORTON: I show that you're present.

>> VICE CHAIR CLARK: Let me -- I'm taking a look at both of the minutes and let's back up back to the August 18th one that we just approved.

Juanita's name was not on as present but was on as absent in August.

But the September meeting you were present.

Does that reflect what was appropriate?

>> COMMISSIONER CURRY: I should have been present at both of them.

>> VICE CHAIR CLARK: All right.

Mr. Woods, could you look at the video and make the appropriate adjustment on the August 18th meeting?

>> EDWARD WOODS III: Ms. Reinhardt has her hand up.

>> MS. SARAH REINHARDT: Thank you Vice Chair.

I appreciate Commissioner Curry's comment and we have spoken about the computer difficulties.

Unfortunately, if a Commissioner is experiencing technical difficulties and precludes them from being able to participate in a meeting fully and being unable to indicate their presence in Roll Call or votes it does mean the record would reflect that they were absent during that meeting.

I'll also note that if you experience computer difficulties each Commissioner does have the option to dial into the meeting to fully participate and Commissioner Curry was not able to do that.

>> COMMISSIONER CURRY: I dialed in.

>> MS. SARAH REINHARDT: There's an option to dial in and you can notify me to request to be unmuted.

That's what Commissioner Lange is currently doing and dialed in by phone and let me know in advance and we are able to indicate her presence during Roll Call.

If that happens again I would advise that you let me know and contact me and I'm able to unmute you.

As the record reflects because you were not able to participate in that meeting fully because of your computer difficulties, it does reflect that you would be absent from that meeting.

>> COMMISSIONER CURRY: I understand exactly what you're saying but if I'm not mistaken, it was you or Edward that dialed me in and I could hear you guys but you all couldn't hear me.

In fact, MC, the Chairperson said that he could hear me but no one acknowledges it.

>> VICE CHAIR CLARK: We'll go by the procedure that's indicated and we have already approved the August 18th meeting with the exception of the time change that Edward is going to make and so we'll leave that as is –

>> MS. SARAH REINHARDT: Mr. Vice Chair if I may say one more thing. There have been Commissioners in the past who experienced something similar and who were unable to fully participate and dialed in and so this approach that I described is consistent with what has been done in the past with other Commissioners as well.

>> VICE CHAIR CLARK: Correct and we'll want consistency as we move forward.

>> EDWARD WOODS III: Commissioner Clark?

>> VICE CHAIR CLARK: Yes.

>> EDWARD WOODS III: I want to reiterate there were other Commissioners and I want to share this with Commissioner Curry is we made a note of that on the report.

She was able to listen in on a three way call and it was not reported on the minutes.

There were other Commissioners as it relates.

As our Commissioner attendance we have made a note of that on the document and although it may not be on the record there were technical difficulties so that it is known the Commissioners take their job seriously.

Even though not able to talk it is noted there are challenges and did engage.

DISCLAIMER: This is NOT a certified or verbatim transcript, but rather represents only the context of the class or meeting, subject to the inherent limitations of realtime captioning. The primary focus of realtime captioning is general communication access and as such this document is not suitable, acceptable, nor is it intended for use in any type of legal proceeding.

Not for one Commissioner and for all the Commissioners who have had technical difficulties.

I shared that with Commissioner Curry and acknowledge that to the public and see that the commitment of the Commissioners is unwavering in the task giving to them.

Thank you so much.

>> VICE CHAIR CLARK: Thank you Mr. Woods and I thoroughly agree that we should stay consistent with how we are doing things so we'll move forward.

Let's move back to the accepted 29th discussion.

Are there any comments on that? Okay.

Do I have a motion to approve those minutes.

>> COMMISSIONER LETT: So moved.

>> CHAIR WITJES: Second.

>> VICE CHAIR CLARK: I have a motion by Commissioner Lett to approve.

And a second by Commissioner Witjes.

All in favor, raise your hand and say "aye".

>> "Aye." [in unison]

>> VICE CHAIR CLARK: All opposed raise your hand and say "nay".

The ayes prevail and the minutes are approved.

Let's move onto the Executive Director Report.

Without objection, I will ask Executive Director Woods to provide his report.

Please proceed, Mr. Woods.

>> EDWARD WOODS III: Thank you very much and I will put this up on the screen.

If you're able to see my screen could you please reply yes because the video is off and I can't see you.

>> VICE CHAIR CLARK: I can see it.

>> EDWARD WOODS III: Perfect.

Thank you very much.

Highlights.

September website.

I want to thank Nelson from MDOS and he provides our website stats.

Final and District maps, 68%.

District maps by County, 13%.

We notice that people are coming to our website.

A little over 22,000 people are visiting in that particular month and this is where they are going, in light of what our Attorneys are say, in doing a website review and making sure all the information is linked there and properly linked for the record and wanting to make sure the website is reviewed and making sure the links work so there are no challenges.

State archives, just want to let you know we have date of birthed off our Commission report as well as the maps and it's officially at the state archives and I personally dropped it off myself.

And they were really appreciative of having the original copies and they were engaged in looking through them and seeing the work of this outstanding Commission and the work it has done as a great effort in Michigan and that can be a model for the country.

I just want to legislative let you know it's in the archives.

great help as they are closing out our Fiscal Year.

DISCLAIMER: This is NOT a certified or verbatim transcript, but rather represents only the context of the class or meeting, subject to the inherent limitations of realtime captioning. The primary focus of realtime captioning is general communication access and as such this document is not suitable, acceptable, nor is it intended for use in any type of legal proceeding.

I want to ensure I said earlier we're still in the process of closing out and we're still in the preliminary report.

A lot of the requests that we are getting from the Commission is dealing with how we have done the maps.

People are asking for history information like data.

And are going to our website.

So you might be able to get some calls with regards to presenting as it relates to the website.

So I just want to make sure that you are aware, if you can share those with us.

I know Commissioner Eid was at the Menlo college -- was it Commissioner Eid that you presented?

>> COMMISSIONER EID: Yes.

Menlo college.

>> EDWARD WOODS III: Menlo college.

Commissioner Szetela in San Francisco redistricting.

Not just statewide.

I shared with you the Article in Los Angeles and I just want you to know and expect that you will have a microphone and not even know that you're being recorded.

So be careful you know with regard to that.

As it related to that information with regard to requests and if you can have those requests funneled my way so that I can make sure that things are going well.

I see Ms. Reinhardt has her hand.

>> VICE CHAIR CLARK: Ms. Reinhardt that you have the floor.

>> MS. SARAH REINHARDT: I want to note for the record that Commissioner Kellom has joined at 11:10.

>> EDWARD WOODS III: Thank you.

In addition to our Commission request, I want to thank MDOS.

As everyone knows I would be remiss if I didn't thank Mike Brady and Sarah Reinhardt for facilitating and I want to express my appreciation to them.

If there are questions with regard to highlights or things that have been worked on, I want it say thank you for your feedback.

I have contacted you all individually about our situation and you have given me feedback and I appreciate that and I hope you see the results of your feedback being carried out knowing that the Commission speaks in one voice and I just want to thank you for the support during the challenging times that we will get through because we have a Constitution on our side.

Once again, thank you for the support.

And once again, thanks to Mr. Brady and Ms. Reinhardt at MDOS and all of those here supporting the meeting so that we have not missed a beat.

Thank you again.

>> VICE CHAIR CLARK: Any comments for Mr. Woods? Given none, we'll move onto the next agenda items.

The MDOS Updates.

Without objection I will ask Mike Brady or Ms. Reinhardt.

>> MS. SARAH REINHARDT: Thank you.

We have no update today.

>> VICE CHAIR CLARK: Thank you.

DISCLAIMER: This is NOT a certified or verbatim transcript, but rather represents only the context of the class or meeting, subject to the inherent limitations of realtime captioning. The primary focus of realtime captioning is general communication access and as such this document is not suitable, acceptable, nor is it intended for use in any type of legal proceeding.

We'll move onto the next item which is Correspondence. Correspondence received in advance of our meeting today was provided along with the written Public Comments to Commissioners in our meeting materials.

And we'll move onto the next agent assignment which is Future Agenda Items.

Are interest any agenda items the Commissioners would like to have added to Future Agendas? Ms. Szetela?

>> COMMISSIONER SZETELA: Thank you Commissioner Clark.

I have two things I would like to add to a Future Agenda.

One is we received an email about split precincts and this isn't the first time.

Apparently there were precincts that split because of the way our mapping software divided precincts.

I would like to put that on the agenda whether there's anything we can do or want to do and just a general discussion around that.

The second one I want to address in a later Commissioner meeting as well is will we be receiving a data upload from Kim Brace and friends for the election updates so that we can look at the performance of our maps before having deposition in court cases and I think that would be helpful for us unless our lawyers don't think it's a good idea.

I think that's something we should talk about as well at a future meeting.

The next thing is we have an election next week and I encourage everybody to go out and photo.

>> VICE CHAIR CLARK: Thank you.

Commissioner Lett, you have a comment?

>> COMMISSIONER LETT: Just a follow-up on Rebecca wanting the data upload.

I know that not all of us are data savvy and I would request that once we see what -- once the election is over and Mr. Brace or whomever had a

chance to look that that we get them back and have a little breakout or review of how things went.

>> VICE CHAIR CLARK: We'll get that on the next agenda.

Mr. Fink?

>> DAVID FINK: I want to say I appreciate the question regarding the election results.

But I don't want any Commissioners to feel that they have a duty to or a need to review the election results.

I'm sure you will be interested in them and want to look at them in context of what you understand of what occurred.

But you're not going to be deposed on experts on the outcome of the election and obviously, the election results were not known to you at the time that you undertook your task at the time of redistricting and I don't want you to feel that it's any of your responsibility to testify to -- I'm not sure what the right term is.

But it's not really going to be your responsibility to justify or defend your efforts based on the ultimate result of the election.

It's not your responsibility.

Don't feel intimidated by that.

If you want to look at the results, certainly, you should.

But don't feel that's a requirement to be deposed.

In the depositions you're not going to be asked to explain in detail the outcome.

Election and if you are, it's certainly not relevant.

I'll leaving it to the Baker lawyers to prepare you for the depositions but for now I don't want you to feel the need to justify what you did in the past and you did what was right at the time you did it and that's what you will be testifying about.

>> VICE CHAIR CLARK: Thank you for your advice.

Any other comments? Mr. Woods?

>> EDWARD WOODS III: Thank you.

Commissioner Clark, I just want to let the Commission know I will reach out and invite Mr. Brace to the meeting and we can have a full report at the next meeting.

>> VICE CHAIR CLARK: Great.

Let's get that as a Future Agenda item for next month, for our next meeting.

Are there any other comments? Okay.

Our next –

>> EDWARD WOODS III: Commissioner Rothhorn? Sorry, Commissioner Clark.

I want to confirm that November -- I'm confirming that we will meet in November and we should plan to meet in November.

Knowing what it took to get this meeting in October put together and I'm just making sure that that is at least scheduled and that I should plan on it.

>> VICE CHAIR CLARK: I believe it's still scheduled and also one scheduled in December.

>> MEMBER ROTHORN: Okay.

>> VICE CHAIR CLARK: Okay.

Any other questions? Commissioner Lange, I can't see your hand because you're on the phone.

Any other questions or comments?

DISCLAIMER: This is NOT a certified or verbatim transcript, but rather represents only the context of the class or meeting, subject to the inherent limitations of realtime captioning. The primary focus of realtime captioning is general communication access and as such this document is not suitable, acceptable, nor is it intended for use in any type of legal proceeding.

>> COMMISSIONER LANGE: No questions.

>> VICE CHAIR CLARK: Thank you.

Next agenda item -- Announcements.

Are there any Announcements from any Commissioner? Given none we'll move to the last agenda item which is Adjournment.

As the items on the agenda is complete and the Commission has no further business, a motion to Adjourn is in order.

May I have a motion to Adjourn?

>> CHAIR WITJES: So moved.

>> VICE CHAIR CLARK: Okay.

Is there a second?

>> COMMISSIONER ORTON: Second.

>> VICE CHAIR CLARK: The motion by Commissioner Witjes and a second by Commissioner Orton.

All in favor, raise your hand and say "aye".

>> "Aye." [in unison]

>> VICE CHAIR CLARK: All opposes say "nay".

The ayes prevail.

The meeting is Adjourned at 11:30 a.m.

Thank you.

[Meeting concludes]

DISCLAIMER: This is NOT a certified or verbatim transcript, but rather represents only the context of the class or meeting, subject to the inherent limitations of realtime captioning. The primary focus of realtime captioning is general communication access and as such this document is not suitable, acceptable, nor is it intended for use in any type of legal proceeding.