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MICRC

08/05/21 12:00 pm

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Michigan Independent Citizens Redistricting Commission. Please stand by, meeting will begin shortly.

...

(please stand by, meeting will begin shortly.)

...

>> Good afternoon. As --

...

>> How is that? (audio was echoing).

...

>> How's that? That wasn't good? Testing.
(audio echoing).

...

>> Test, test.

...

Testing.

(audio being adjusted).

...

>> One, two, test test.

I think that's all of the culprits.

>> Good afternoon. As chair of the litigation council committee I call this meeting of the Michigan Independent Citizens Redistricting Commission to order at 12:05 p.m.

This Zoom webinar is being live streamed on YouTube. For anyone in the public who would prefer to watch on a different platform than they're currently using, visit our social media @redistrictingMI to find a link for viewing on YouTube. Our live stream today includes closed captioning.

We have ASL interpretation available for this meeting.

Please email us at redistricting@michigan.gov for details how to access language translation services available for this meeting.

Translation services are available for Spanish, Bengali and Arabic. Email us and we'll provide a unique link and call-in information.

This meeting is being recorded and will be available at michigan.gov/MICRC for viewing at a later date. This meeting is also being transcribed and those transcriptions will be available along with public comment. Members of the media who have questions before, during or after the meeting, should direct those questions to Edward Woods, the communications and outreach director at woodse3@Michigan.gov or 517-331-6309.

For purposes of the public watching and the public record I will turn to the Department of State Staff to take note of the Commissioners' presence.

Ms. Reinhardt.

>> SARAH REINHARDT: Please say "present" when I call your name.

I will start with Doug Clark.

>> COMMISSIONER CLARK: Present.

>> SARAH REINHARDT: Juanita Curry.

>> COMMISSIONER CURRY: Present.

>> SARAH REINHARDT: Steve Lett.

>> COMMISSIONER LETT: Present.

>> SARAH REINHARDT: Dustin Witjes.

>> COMMISSIONER WITJES: Present.

>> SARAH REINHARDT: All committee members are present.

>> The agenda is present and presented to you and to the commission and if you'll take a moment to look at that. Are there any additions or deletions or corrections we need to be aware of? I would entertain a motion to adopt the agenda.

>> So moved.

>> Second.

>> Second.

>> Moved by Commissioner Witjes and seconded by Commissioner Clark. A few members about public comment for those joining us are for the first time. Individuals who have signed up and indicated they would like to provide in person public commentary to the commission will now be allowed to do so. We do not have any in-person public comment.

Remote -- without objection, we'll consider remote public comment. Hearing none, I would like to recognize -- excuse me, let me back up. Public comment will be limited to two minutes to address the commission. Once your name is called, the department of state will un-mute you and then you can make your public comment. You'll have two minutes in which to complete your public comment. Once the timer sounds you can finish the sentence which you're speaking to and then the microphone will be terminated.

Individuals who have signed up and indicated they would like to provide remote public comment will be allowed to do so now.

>> First participant is Mr. James Brant. Give us one minute to un-mute you.

>> Permission to speak, Mr. Chair.

>> Go ahead.

>> All right, James -- the county suicide prevention coalition and these are my opinions and I would like to -- there are a few rules of procedure for the decision making processes. Do the business on the agendas so, you know, the rules of procedure are always on the agenda and the agenda is always in the rules of procedure and I think I

found it read where all of this has begun and if you notice that your chair, Commissioner Lett has taken on the hearing no objections. Trying to normalize a hearing no objections, but what we found is that Commissioner Lett took it on himself the bylaws, in October and then met in closed session for two months with -- secret meetings with unknown people to come up with that draft. If you notice, the rules of procedure are written in the form of bylaws and they're synonymous -- with the bylaws with the execution and we have an article one and two to the execution, it's inappropriate for you to have the bylaws or constitution, it's considered a secret society within a society and the state of Michigan constitution creates the society and it's the processes and I ask you to please consider, because you're obviously following the attorneys you have online to consult your personal attorneys and I don't know how this committee got appointed or Commissioner Lett got to be the chair, but I have been looking back and all of the decisions are meant to be in the -- to be made in the public meetings and the decision for you and Mr. Woods to accept the email for the member when you approved the contract, you had a sidebar agreement that everyone would get an email to get the pre- the prerelease of any public notices out to the public from the communication director.

>> We have another remote public comment.

Allow the staff to un-mute you and then you can make the comment.

>> The 57th for the second round the public comment is Mr. James Gallant.

Please allow us one moment to un-mute you.

>> Permissions to speak, Mr. Chair.

>> Go ahead.

>> Why did you cut me off? You didn't let me finish my sentence. You keep doing it over and over.

And it goes to the reasonableness and the long list of things that are going to be addressed if we can get this into court someday, since you folks are uncooperative and, you know, continuing to -- along the process provided to you by the people of the state of Michigan and I would ask that you would consider you're going to do it again today. The nonprofit cheat sheet that you have instead of the rule book, nobody got the rule book, it's a violation of the fundamental principles of the parliamentary law in America. And said don't fill the agenda with reviews and discussion, don't do that. So you're absolutely not doing everything that's recommended to you and apparently Secretary Benson is all good with that and she's in direct supervision of all of the orientation materials and everything and I would ask you to consider voting as a commission, the attorney general is going to be the one that is going to have to defend the secretary of state. She's MIA, won't come to the meetings and if you look in the code of conduct, the rules of procedure says it's an officer of the commission, has to be there. And the third -- the second -- the third thing when they created the United States and the state of Michigan, the second thing, they created the position of the secretary of state.

The keeper of the record, the elected official and supposed to be here and that's a flaw in the system and I see Commissioner Lett trying to reset the rules and reboot the system as they say by doing this, the rules of procedure now and I heard there was some bylaws, a special meeting for bylaws and go over this from the beginning would be best. To show the intention of the members that you --

>> That concludes public comment.

>> Thank you.

>> We're up to new business and considering today the response to our RFP or litigation counsel and we have one response from a Baker Hostetler, a law firm primarily out of Washington D.C. but with several other offices around the United States.

I would open it up for any discussion regarding the RFP. I would note, I think they said it, we only had one response to the RFP. We did ask for some additional information which was provided yesterday and was -- was what I would consider responsive to our questions.

I'd open it up for discussion. Commissioner Clark.

>> COMMISSIONER CLARK: I've got a number of comments after reviewing the RFP response. Before I do that, I think it would be important if we ask our general counsel to highlight what we're asking for in this RFP.

(audio is echoing).

...

>> Mr. Chair.

>> Yes, general counsel.

>> Thank you very much. Commissioner Clark indicated the substance and what they asked was of the commission with this RFP and before you have the vendor valuation score sheet which goes through the key deliverables that were the focus of this RFP, I'm happy to walk through if the committee would like or just provide a brief summary.

>> I'm just looking for a brief summary.

>> Perfect.

>> Mainly for the purpose of the people listening in, that aren't here presently. So we understand what we're talking about.

>> Correct, for the benefit of the public, this is the second time the RFP for litigation counsel has been posted. The first time resulted in no responses of the second time the reporting timeframes were shortened and other modifications were made to the RFP and we received one bid response with this cycle. The key deliverables are the expertise, litigation expertise in state and federal court. U.S. Supreme Court if applicable and any work done on behalf of public agencies, or state boards or commissions and the commission also specifically asked about electronic discovery as any litigation in regard to redistricting is very volume-intensive.

The commission also requested redistricting experience. Information relative to litigation and election law expertise.

The second key deliverable focused on operational requirements of the vendor, which would be their motivation for responding to the RFP and partnering with and defending the Michigan Independent Citizens Redistricting Commission.

And also to outline the key personnel that would be assigned to this file and the MICRC file and have key responsibility for the deliverables in had the contract.

The third key deliverable dealt with conflicts and disclosures. This has been a strong focus of the commission in all hiring decisions in the past. Requesting disclosure of conflicts and lobbying efforts and the approach that the vendor would take in fulfilling the deliverables under the contract.

The fourth COVID relief deliverable would be the key personnel schedule. It speaks, excuse me, more in depth to the key personnel qualification, experience and the time they would be anticipated to spend on the MICRC file.

The organizational chart, any subcontractors should be disclosed in project management plans for the file.

Finally, there was a vendor question worksheet that asks numerous questions in regard to the entity and has also disclosures that fit into the procurement guidelines of the state of Michigan and used as a referral sheet and I hopes that helpful and each weighted with a different score and all five of the categories total 100.

>> Thank you.

I've got a number of comments I'm going to make on the RFP and I'll reference the page prior to doing that. Page 3. The partnerships and strategic relationships. In response, my opinion, was very good, and let me read the first sentence.

Baker Hostettler, political -- worked with the best data and map drawing experts in the feed of redistricting and who understands the complexities of the census 2020 and are in the forefront of the cutting edge map analysis techniques. And they've been significantly involved. On page 4, there was a disclosure of -- or asking the vendor to take liquidated damages and they've come back and indicated that they cannot agree to that.

And then I think we've got an additional response to that. If you could chime in, general counsel?

>> Through the chair, Commissioner Clark, the supplemental responses submitted by the bidder were received and distributed to the committee just before the meeting -- excuse me, this morning and they'll be posted on the commission's website. The bidder indicated that the insurance carrier and insurance coverage would present them -- prevent them from agreeing to a term regarding -- requiring liquidated damages.

>> Thank you. I didn't see that as a significant item, I think at some point, as we move forward and if we cut a purchase order that purchasing review that. On page 6, in the statement of work, we've asked them to describe a maximum five cases. Argued before the Michigan Supreme Court. They've listed a number of cases. Much more than five.

Dealing with redistricting and elections.

>> Commissioner Clark.

>> Yes.

>> You said Michigan Supreme Court, they haven't argued any cases in Michigan that I'm aware of.

>> No.

>> They have one pending, I think in the fourth district, federal district court on appeal. But most of their work has been done in Washington, Ohio or Virginia.

>> Correct.

>> Nothing in Michigan.

>> I stand corrected on that, but it's significant and they've been significantly involved in redistricting and election law.

On the key deliverables. On the third one, I felt that they complied and I didn't see an issue with any of that. As far as the contributions to the political parties, or political candidates, we got that data this morning and I've reviewed it.

The -- baker Hostetler has donated to bipartisan groups, however I felt after reviewing those, I felt they aligned more with the contributions to the Republican Party than the Democratic Party.

I didn't see that as a significant item at this point. The other item I had, um, dealt -- on page 21 -- with the prices that they paid, the rates for their attorneys and I felt that they were in line with a major law firm. That comes from a major city. And I didn't see where they were any significantly different than some of the other large law firms in the country that -- and those were my only comments on the requests -- or the responses for proposal.

I'll yield at this point.

>> Yes, chairman, I'd like to refer back to page 4. Where bidder, he does not agree with the attached contract terms. Will we still be able to, just for clarification, will we still be able to use them if they don't agree with our terms?

>> I'll leave it -- well, my opinion, yes, they would have to carve out that as part of the contract and we and they have negotiated that and we accept that on -- between the two of us.

>> Okay I don't see that as a state mandate somewhere. General counsel.

>> Thank you, Mr. Chair.

Commissioner Curry. The two exceptions they took to the standard contract terms and I would note they took did affirm agreement with all of the remaining terms and due to the insurance, they would be unable to do that, this is not uncommon, particularly in legal services where if you don't get the result your client was looking for, there could be some discussion there on that topic. The second one for disclosure of litigation or other proceedings, paragraph 27, the clarification email that was forwarded to the bidder by procurement staff requested -- this is an almost thousand-member firm with 17 offices across the United States. So the question that commission staff posed through procurement to the vendor was, will they agree that key personnel and any employees billing to the file will adhere to paragraph 627 and their supplemental response received this morning, indicated that the key personnel would, but did not mention the other employees billing to the file. They mentioned three attorneys identified as non-partisan that don't have a formal role in the RFP response, but may in fact do work in the future.

So paragraph 27 in my estimation, if -- would be a piece that needed to be negotiated.

>> Thank you, general counsel.

>> But those two exceptions do not prohibit contracting with this bidder.

>> Thank you for the clarification.

>> Commissioner Clark?

>> COMMISSIONER CLARK: I think one of the key items we've got to think about this morning is we've only got one response back. And so that brings forward the question, do we need to look at others or try to get other people to respond, or accept this as a recommendation going back to the commission for approval. My personal opinion on it is that I don't have a problem bringing one individual or firm forward to the commission. We've attempted to get other responses and we've not seen the interest.

That we had expected. We previously did this when we hired or voting rights act attorney. We had two major candidates and we had -- than we had at the committee level and recommended only bringing one of them forward for approval.

And so the precedent was set to do that. And I don't have an issue with doing that. But I'd like to get the comments from the other commissioners on the committee. On what they're thoughts are, the approach.

>> Commissioner Witjes. Speak fast.

>> COMMISSIONER WITJES: So this is Commissioner Witjes. My only thought is that one official isn't really a choice. It's -- one official isn't really a choice, it's what we're going to take. And it's going to be a minute before we actually have any litigation, I would imagine. What would be the harm of trying to send out another RFP with a little bit laxer requirements to try and get another firm. Or asking the firms that were part of the VRA council to apply for the litigation counsel at this particular point.

>> Commissioner Curry.

>> COMMISSIONER CURRY: My concern is, is it normal at -- for one firm, of this nature to apply or something, or is this whole thing so tight that nobody wants to tackle it?

>> Evidently, the latter statement is more accurate than your first statement.
(Laughter).

I think there's several options that we -- several options that we could make a recommendation and accept the proposal and interview them and see what they can do. What are the other options, general counsel.

>> Thank you, Mr. Chair. In response to Commissioner Curry's question, because it's easier to answer, it's, generally, not normal to bid for legal services. Normally legal services are done by direct hire. I know the state process, an agency would go through the A.G.'s office and the A.G.'s office would hire and solicit. I'm not recommending that, of course, it's an option to the commission if they choose, but there's no requirement or necessity to utilize that process. It's identified, the options would be to be move forward with the one bid. Commissioner just expressed concern about only receiving one bid under this RFP. So this RFP cannot be reopened again to get mor bids, so other options that would exist for the -- more bids so other options that would exist for the commission would be -- the best practice is to directly hire legal services, expert witnesses and all of those things. In had the spirit of transparency, the commission has been posted it out for open bid. Another option, again, respecting that spirit of transparency, would be to do a hybrid approach, to determine the best fit for the MICRC. And I would recommend if that were taken that the commission direct general counsel to draft a two or three-page, maybe four, since I like to write a lot. Maybe a four-page RFP, shorter and more concise, that can be put through in the effort to obtain more bids. And again, recognizing -- I'll stop there, those are some of the options before the commission. It can move forward with the RFP, it could reissue an RFP in the same manner, but I would not recommend that based on the response or lack of responses to date. Certainly not saying anything against baker Hostettler. Their bid demonstrates they were very qualified and if it the commission wanted to interview, additional or receive presentations from additional officials a new process would have to be started.

>> Thank you, counsel.

>> Counsel, in we did a hybrid or another RFP, this RFP would be closed out and no longer be on the table and Baker could have to resubmit on whatever program we came up with.

>> That's correct, Mr. Chair. 9 procurement guidelines would need to be amended or suspended to facilitate that hybrid approach that would allow for, again, a -- a -- an approach different than just the RFP bid or the informal bid process of the informal bid process would not be appropriate in this instance.

>> Of course, Baker could determine they don't want to do that again and may end up with nobody.

>> That would be their prerogative, but again, I've not heard any commissioner on this committee indicate that there's any -- anything lacking in their bid or their experience or certainly their responsiveness. I know that the commission is grateful for the supplemental response, I was pleased to see it as well. And certainly their interest, hopefully if it was a reopen process, their interest would be maintained.

>> Commissioner Clark?

>> COMMISSIONER CLARK: Yes.

Um, I -- I personally feel that these -- this law firm is well qualified to do the job that we're looking for. Should we decide to go out and solicit other proposal responses, I think that's going to run us another month or two months, significant -- if we can even find anyone that's interested in doing it. I would recommend that since we have a well-qualified firm, that we recommend to the commission and that's our job, we're not here to decide to hire these people. We're here to bring it back to the commission for a vote and discussion.

Um, and also, the -- to bring in Baker for an Interview Like We've Done with the Candidates for the Other Positions and I Think That Would Give Us More Information Talking to Them. But again, that's up to the commission if they want to pursue that approach. But that's the recommendation I would like to see going forward at this point. We bring it to the commission. This sole response and recommend to them that's who we hire and get their input and discussion and bring the firm in for a 20-minute, 30-minute interview. I yield.

>> Any other comment? Commissioner Curry?

>> COMMISSIONER CURRY: I agree with Commissioner Clark.

>> Commissioner Witjes?

>> COMMISSIONER WITJES: The same.

>> Commissioner Clark, I would entertain a motion.

>> COMMISSIONER CLARK: I'd like to put a motion forward that we recommend to our commission that baker Hostettler be hired as our attorney firm and that we bring them forward for an interview if the commission so desires.

>> Can we -- can I suggest a slight modification of your motion, Commissioner Clark?

>> COMMISSIONER CLARK: Yes.

>> That we bring them in for an interview in front of the full commission and then make our decision to hire or not hire.

>> COMMISSIONER CLARK: Correct. That's acceptable.

>> I second the amended motion.

>> Is everybody clear on the motion? All in favor, say aye.
(Chorus of Ayes).

>> Opposed same sign.

>> We'll report back to the full commission this afternoon and ask if there are questions and then work forward with -- through executive director, legal counsel, whoever feels most appropriate to arrange an interview with. Baker Hostettler. The main attorneys on the case.

>> Yes, they've identified the individual.

>> I would assume by Zoom, we would be happy to have her here. Unless there's any further business, that takes care of this committee for the present time. Hearing none, I entertain a motion to adjourn the committee to the full commission meeting at 1:00.

>> So moved.

>> Second.

All in favor say aye.

(Chorus of Ayes).

>> We're adjourned to 1:00 for the full commission meeting.

>> The committee was -- adjourned at (indiscernible).

>> I'll believe you.

(adjourned).

...

(recess until 1:00).

....

...

>> VICE CHAIR SZETELA: As the vice chair of the commissioner I call this meeting of the Michigan Independent Citizens Redistricting Commission to order at 1:05 p.m.

This Zoom webinar is being live streamed on YouTube at www.YouTube.gov/MICH-office/videos.

For anyone in the public who would prefer to watch a different platform, visit social media @redistricting to find a link for viewing on YouTube.

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For purposes of the public watching and the public record I will turn to the Department of State Staff to take note of the Commissioners' presence.

>> SARAH REINHARDT: 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, please announce your physical location by stating the county, township or village, and the state from which you are attending the meeting remotely.

I will start with Doug Clark.

>> COMMISSIONER CLARK: Present.

>> SARAH REINHARDT: Juanita Curry.

>> COMMISSIONER CURRY: Present.

>> SARAH REINHARDT: Anthony Eid.

>> SARAH REINHARDT.

Rhonda Lange.

>> COMMISSIONER LANGE: Attending remotely from Reed County.

>> SARAH REINHARDT: M.C. Rothhorn.

>> COMMISSIONER ROTHORN: Present.

>> SARAH REINHARDT: Rebecca Szetela.

>> VICE CHAIR SZETELA: Present.

>> SARAH REINHARDT: Janice Vallette.

>> COMMISSIONER VALLETTE: Present.

>> SARAH REINHARDT: Erin Wagner.

>> COMMISSIONER WAGNER: Attending remotely.

>> SARAH REINHARDT: 11 commissioners are present and there's a quorum.

>> VICE CHAIR SZETELA: Thank you very much. You can view the agenda at michigan.gov/MICRC. And I'll entertain a motion to approve the meeting agenda.

>> So moved.

>> VICE CHAIR SZETELA: Motion made by Dustin Witjes. Any motion or debate on the motion?

>> I would like to request we move under new business, item B and D, interchange those. Item D is an item that needs to be voted on and I gave notice to the department of state and our Executive Director on July 29th I have to leave at 2:30 today. So since dollars an item that needs to be voted on, I hope that the commission would allow that could be interchanged with item B.

>> Second.

>> VICE CHAIR SZETELA: So I'm assuming that was a motion you made. Could you clarify for the record that was a motion Commissioner Lange.

>> I move.

>> VICE CHAIR SZETELA: Motion made to interchange item 6 new business, 6D with item 6B so that will come first. Seconded by Commissioner Witjes. All in favor of amending the agenda to interchange 6D with 6B so that 6D will come first and -- 2:30. All in favor, raise your hand and say aye.

(Chorus of Ayes).

>> Opposed say nay. The ayes have it. So the agenda is amended to switch. I had a motion -- Commissioner Witjes.

>> You have the main motion pending. Would be to approve the agenda as amended. It was moved Commissioner Witjes and seconded by Commissioner Lett.

>> VICE CHAIR SZETELA: Thank you very much. The any discussion object debate on adopting the agenda? Seeing none, let's move with a vote, all in favor of adopting the agenda as amended. Raise your hand.

(Chorus of Ayes).

>> Opposed, raise your hand and say nay. The ayes prevail and the agenda is adopted. Without objection we'll begin the public comment pertaining to agenda topics of the meeting. Hearing no objection, we'll proceed with topics pertaining to the agenda topics. I don't believe we have live in-person commentary, so instructions for the remote. Individuals who have signed up and indicated we would like to provide live public comment will be allowed to do so. I'll call your name and our staff will un-mute you. If you're on a computer, you'll be prompted to un-mute yourself and speak. If you're on a phone, the host will prompt you to press star 6 to un-mute. If we don't hear from you in had three to five seconds, we'll move on to the next person in line. If your audio still does not work, you can email us at redistricting@michigan.gov so we can help you troubleshoot. You'll have two minute, conclude your remarks when you hear the timer. First in line to provide public comment is Mr. James Gallant.

>> Thank you, can you hear me.

>> VICE CHAIR SZETELA: Yes sir.

>> These are my opinions and pledge to allegiance to the flag. Getting farther and farther away from the fundamental principles of parliamentary law in America. Hey!

This is the way we do it and that's the way it is and like you're creating a new society, changing the rules and rebooting the system and all. When at the committee meeting this morning, Commissioner Lett thought he would straw poll everybody and we already went through the straw poll and only one sentence in that paragraph, like out of order, violate everybody's rights. And after -- it violates everybody's rights and I appreciate Commissioner Curry participated in the committee meeting but I believe that Commissioner Curry truly doesn't understand the rules and taking everybody's word for it, but I encourage her to read the book and get real training in parliamentary law. And Robert's rules and where's the secretary of the state.

Keeper of. Records, and the secretary of state is the secretary without a vote and supposed to keep track of the rules and motions and everything. I would ask you to consider scheduling a special meeting concerning the bylaws and people were not -- the bylaws and he you don't have a copy of the rules book and I don't believe that Madame Chair has a copy. We were talking and it was like, don't know what I don't know, except you folks do know what you don't know, you know that you don't know the rules and not looking it up. You can have it available and doing something else. That shows a willful intention to circumvent the Constitution and it's concerning at this point.

>> VICE CHAIR SZETELA: Thank you for addressing the commission. For individuals who have signed up and like to provide a second live remote public comment, first in line to provide public comment is Mr. James Gallant. You're invited to address the commission.

>> Can you hear me, Madame Chair?

>> VICE CHAIR SZETELA: Yes, sir.

>> Market suicide prevention coalition still. These are my opinions. And, yes, that's exactly what is going on here, moving on to whatever you want to do next and it's not fundamentally according to the rules and Commissioner Lett originally with these bylaws he's the one it was in October, said bylaws and future agenda items and then in closed meetings with unknown people came up with these draft bylaws and they weren't even like let's propose a change, it was like this is what we're doing, let's lock it in. I'm here to say it's my motion to make sure you don't get away with it and like I said, I'm making a documentary movie how to prevent people from circumventing the Constitution like this. Everybody has a right to know what you're talking about first, before you start the conversation. With clear testimony from your colleagues and why are we talking about a policy when we haven't discussed a process yet. When you open up the discussion for one thing, facilitate the dialogue, and then lock it in, there's the same breaches over and over, that's a willful subsequent. We can -- I can see your alternate rules that you agreed to outside of the meeting and that's what we did before, gerrymandering, this is gerrymandering the rules and I believe to benefit the Democratic Party. Because I'm reading in the paper, Michigan -- the University of Michigan, in their column said, we have Democrats here and Republicans here, yet that haven't been

verified and the commissioners seem to be content not verifying stuff. You're going to say that these people said something and, therefore, you're going to do that and I think that's been worked out and, the definition of community of interest yet, if you use it, you should probably define it, okay?

>> VICE CHAIR SZETELA: Thank you for addressing the commission, your two minutes has ended. That concludes our public comment. We'll move on to unfinished business item 5A, discuss, and assess commissioner experimental plans for state of thumb. I'll ask for the facilitation of that discussion. Please proceed, Mr. Brace.

>> KIM BRACE: It's good to be request you and if it you could see my screen, I'm playing two parts trying to understand what is going on. The census bureau as we speak are making announcements. I've been told they haven't said it yet, but they're supposed to release today, the news that the data will be coming early.

It will probably be coming -- I'm hearing it will be August 12th instead of August 16th when the data will be coming. So that would be next Thursday.

On that side. That announcement is supposed to come at the table of this press conference they're doing right now. So just wanted to give you some advance words on that side knowing where things are going.

I've also been told one of the things that they're seeing in terms of the data will be of interest to all of us and for the demographers amongst us and those who think they are, whatever, what they're seeing in the data is a great deal more "some other race" category. If you recall, in my presentation before we have six races. One of which is "some other race" and they're seeing a very significant increase in people saying some other race or some combinations, more combinations of race.

And so it will be interesting to see what we have and what we can experiment with. But it's likely to be the case that it will be a little bit harder to create districts specifically for one group because now things are getting much more muddled in the process. So it's something that we'll continue to be monitoring and I wanted to let everybody know on that side.

We have a bunch of different circumstances that we have. All of you have been hard at work from what I understand making alternatives and plans for the state of thumb, as I now call it, if you recall, we're looking at just a given subregion of the state. And having you draw 15 districts in that subregion. So that you can experiment and see how the software might work. And the other key is that those 15 districts are designed to be not compatible with statehouse, state senate or congressional districts. We didn't want to get confused by the circumstance of drawing the same population in the pseudo-thumb that you might be creating elsewhere in had the state or the whole state. So we purposely made it a little bit smaller in terms of your districts.

The whole goal was to give you some experience on that side.

I have heard from a number of you. I've -- we've tried to make sure that your systems are working. And so part of what I would want to start off with is a report from

each of you in terms of the ease or the difficulty in, one, getting on to the system, and two, using the system to draw districts. Did you experience problems with it? I know we had John Morgan of our staff was here over the weekend and met with some of you so that we could end up working with you for the purposes of making sure your machines were working on that front.

I will also tell you that we're likely to be getting an update to the software coming up probably next Tuesday. From city gate GIS. And need to end up working with the state in terms of getting an update on to your system. Both from the software and then later on with the dataset itself. On that side.

So we're moving into a multiple phase and it's something that sue and -- Sue and I have talked about and both polling out our hairs with the state on that side, in terms of trying to get them to understand that we can't sit there and wait for them to approve software installer, reinstall and database, you know, in another three months or whatever they're coming up with.

So it's a circumstance that's going to be a process that we'll have to work through the mix. But certainly for all of you, be cognizant that we're likely to look toward updating the software and then updating the database and then in probably a week to two weeks, when the new data, the PO data comes out, we'll be updating the dataset again on that front. With real live census data. If you recall, part of my goal in all of this is to, while we're in the process of processing the data, that's a fairly hefty run, in order to get it all into a database for use in the software, at the same time, we're going to be doing quick extracts of the data as soon as it comes out so that we'll be able to see what is the population of each and every county in the state of Michigan. What is the population of each state senate, each statehouse and each congressional district as reported by the census bureau.

That is not to say that that is the beginning point or that we're starting with those districts. But from the standpoint of redistricting, you need to be cognizant of what is the population in the current set of districts. You're always looking at what was the benchmark, before we got to the stage of drawing districts ourselves, what was the demographic in the populations of the existing districts and that's particularly of concern in terms of like the voting rights act as Julia will tell you. It's keeping that in mind and being aware of what the starting point of that data is.

Is what we'll try to tease out from the data as quickly as we could get a digest on the 12th, if that's going to be the date it comes out.

That kind of gives you an overview of where we're going to be going over the next couple of weeks. It will be fast and furious. Having done this a number of times. And so between now and next week, get plenty of sleep, (chuckling) because you may need it before we get finished with all of this, so be cognizant of that fact.

So what I wanted to do is try to let each of you talk about what you saw. How well the software worked. Did it work? Did you have problems with getting it to work? I

know we dealt with some of you to try and make sure that that was the case. And you could work with it. But we want to hear how that went.

And then we want to hear from you in terms of the ease of use of the software, problems that you had with the software. Trying to understand, could you figure out what you were tasked to do?

Or was it too difficult or what?

So I'm real interested in getting people's viewpoints and thoughts as we move forward.

So -- Doug.

>> COMMISSIONER CLARK: Could you give us a quick update how the interface with moon and her data is going?

>> KIM BRACE: We're still waiting for data on that side. I tried reaching out to her last week and we were unable to connect. So we're still trying to get that set.

>> COMMISSIONER CLARK: Any expectation when that will take place?

>> KIM BRACE: Time hoping it will come quick -- I'm hoping it will come quick, because she's indicating there's shake file that we can grab and take in. That's our intent.

>> Other questions yes. I find that program fascinating.

I would say I learned a lot, but I would say it's a drop in the bucket. I was able to complete a couple of maps, simply matching population, getting it within a deviation. I don't -- I don't understand how we're going to be able to do that as well as all of the other criteria. I can't comprehend that yet. I've had a little trouble with it crashing and closing itself randomly when I'm working quite a few times, I don't know.

>> One of the things I'll pass on to all of you is that Fred has said that he's been doing a lot of observing of people and how they're working.

And they've been making some changes in the code. One of the things they observed was that people seem to be double -- do double-clicks. You're supposed to click once in terms of the sign, but people were fast on the trigger in double-clicking and it sends it into a loop of what do I do with this? So certainly as you work through the process, be cognizant of that.

In this new version of the software we'll be getting, there are traps for that so that it doesn't bail you out on that side, but that was the one thing that was mentioned to me over the weekend.

>> Otherwise, I think if we -- I just think time, you know, practice. That's a good point and an important point. It does take time. Having done it a whole bunch of times, it's a learning experience in terms of software, it's a learning experience in terms of the data and understanding that. And it's a learning experience in terms of looking at multiple data at the same time. You know, as you said, you were balancing population, but, you know, you also need to be looking at race and probably need to be looking at

the political and, you know, all of those sudden things are suddenly complicating the process an awful lot.

That's what happens in redistricting.

So part of our experiment with you all was to see if you saw that. I'm glad to see you did.

(chuckles). Others?

M.C.

>> I feel like I've benefited from doing it and with John, next to me, that was helpful and I then sort of was able to apply the different methods. I learned math is important, and trying to be as efficient as possible. I learned from my teammate, about save, save, save. And I feel like -- I guess as I was learning and again, humbling, I'm recognizing that I'm -- pan because we've moved our agenda, we have this consideration of the calendar, August 24th on the agenda coming up. I want to acknowledge as I went through this, I also realize that the process is important and I recognize there's a lot of administration on your end, Kim, that -- with moon and the state, it feels important and I'm recognizing as I was mapping and understood the technical skills and the number of people's computers that still don't work and will have that and continue to have that, but I feel we need to start talking about breaking up the team, so to speak and recognizing that for me, I'm not going to be able to actually map well and I feel like I want to represent the premium and innovative process and understand the people's comments and public comments and frankly be with my commissioners and I think we have different skill levels and in summary, and it will come up more when we talk about the calendar, but this week, after doing this, oh, I think I have to stop practicing, state of thumb is done for me, I feel good about it and feel honored to be with people like y'all who will help us, right, and not do it for us, and help us, and I appreciate you're clear on that and it's excellent and we haven't figured out how do it yet with the people's public comment yet. I feel like there's difficulty and need to go to plan B starting today, and I guess I'm saying this all because it did come to a head while I was mapping with colleagues and myself and with John, it feels really important to recognize because of the mapping and because of this practice, holey moley, I'm ready for the real thing.

>> Good. Other people, Juanita?

>> COMMISSIONER CURRY: I want to say kudos to John.

(Laughter).

He was a good teacher. An excellent teacher and he got me kind of on track so much so until I felt confident what I was doing and I got excited because I was finally understanding how this procedure goes and I'm not there yet. Somewhat like Cynthia. I think the more I study, I'll be better, but I was excited. Really enjoying making a map.

>> Great.

>> COMMISSIONER CURRY: That's my take.

>> Other commissioners? Doug.

>> COMMISSIONER CLARK: Yeah, I would like to also give John a tremendous amount of credit for the patience he has, with myself, as we -- as we go through this. I struggled with the mapping and John gave me good tips on how to navigate through the system. I just need more practice. And to get that -- Cynthia.

I also learned from John, and the work that I did independently, that there's three ways to approach this, the first one is, take the population, the counties that meet the population requirement. The two counties that add up to the population requirement shall get them done and then go to the cities and I'll use the example of Flint. And bring Flint up on the screen as a city and see how you can adjust it. When I did it, I had Flint four districts, because I did it the opposite way and I think that would be helpful to take that approach with the larger cities and then you have the residual left, the rural counties and you can play around in getting those. So I'm going to look at using that approach, those approaches as I move forward with this.

So that's been my experience and again, I want to thank John for his help. It's been very significant.

>> Good.

Janice.

>> COMMISSIONER VALLETTE: I too would like to thank John.

>> Thank you, everyone. I appreciate the thanks.

>> COMMISSIONER VALLETTE: It was incredible. He came to my house and showed me so many different way to look at it. He was great.

>> Good.

Very good.

>> I was going to make that observation for the record. Everyone's appreciation for John, those were all individual meetings.

(Laughter).

There was not a scheduled MICRC meeting that -- this was not an MICRC meeting. Thank you.

>> I will say I found using the software tedious. Uh-huh.

>> And made me realize how much more complicated this was going to be, than I think we all think it is. But other than that, the more I practiced with it, the easier it became, but the big point was what Dustin said, save, save, save. I at one point, I had drawn almost all of my districts in one map and it crashed. None of it saved and -- no! I had to go back and redo it, I was moving faster, but seems there's a steep learning curve how to draw things and things I don't know how to do. But I almost feel like in terms of the actual drawing, I think it's better left to the experts. I think I would rather tell you where I think the law should be drawn then try to draw it myself, but that's my personal opinion. I could be wrong.

>> Others? Rhonda, how are you doing up there?

>> COMMISSIONER LANGE: I think I did okay, considering I had to miss the meeting and went back and watched the meeting and was able to do the districts on my own and figured out -- I probably don't know the all of the tricks that John was able to show everybody, but I was able to navigate through this fairly easily. I think I'll be okay.

>> Great.

Erin, you're out in the ether lands also.

>> COMMISSIONER WAGNER: I apparently need a rebuild of their computer because it's not working properly so I was unable to complete that and I need to get ahold of them about my computer.

>> I understand that Anthony is in the same boat, I think, in terms of his computer, too.

>> You know what, Kim? Mine stopped right after I was getting excited. It went totally out.

>> Really?

>> And tried to get it back and won't start.

>> You're in the same boat.

>> Can I interrupt for a second. To acknowledge that our chair Brittini Kellom has arrived at the meeting.

>> Madame Chair, we haven't met. I see you on the screen all the time.

(Laughter).

Good.

Okay.

From the standpoint of -- do any of you -- are your plans to the stage you're willing to share them?

>> I want to acknowledge, if some of our commissioners feel they need to share the plans, I'm okay with that. But I think we may have learned we have commissioners who haven't been able to do it, and if we're going to try and do something together, like the 13 of us and knowing we have great uncertainty and that we will never have all of the pieces that we need, altogether, at the right time. What I mean, we have to deal with this complexity and I guess I want to offer, instead of reviewing, if it's okay with folks, I'd like to talk about process, we have 45 minutes for this, and feels like y'all -- we need to not do what we did last week. We have one interpreter. Thank you, interpreters for doing this.

>> I say one, we have many, but one for each language and feels like it's important. We have to understand how we're going to help -- document this process for the public. Show the public we're creating maps with them in mind, right? And, of course, doing it with us. What I mean, during this time, I'd like to take what we learned and how to we process it? You have ideas and I'm guessing many of us versus ideas and I humbly request that we try and wrap our heads around how it's going to work.

>> That's a good point. It's an important point to seek to comprehend at this point in time.

So I'm more than happy to accommodate that sort of thing.

And so I guess for the benefit of some of the people that didn't have John hand-holding this week, I probably would like to let John do a little bit of what he talked with everybody about so that everybody has the benefit of some of that. I also have Kent Stigall here. And he's a map drawer here. And he's been involved with the state of Virginia for three decades now, and done their redistricting with their legislative service Brewer and now retired and, you know, working with us in terms of this. So I wanted to bring to you those experiences also to help out and that's what we're trying to do with each of you.

So John, if you want to give kind of an overview and a -- in a couple of minutes of what you were telling people on that side.

>> JOHN: Sure, I tried to be helpful with the individual commissioners I met with and addressed their concerns, finding something in the software, sometimes it was while -- I know my way around the software, but keep clicking on this thing and it doesn't do what I expect. One of the things, I've said this before, the un-do button is your friend and made as much as possible to be clear, if you try something and doesn't do what you expected, use the un-do button and go back to where you were and look at it again.

And in this process, you get a long way down the road and then you realize that maybe I don't have the right amount of population left in the right place and it's shocking. You're like, wow! What do I do now? This district is way out of population and I wasn't expecting. I would try to get people to pull back and look at the overall picture again. You have this county that has a certain amount of population, is it exactly the right amount for a district? Too much? Too little? It's too much. It has 20,000 more than a fictional region we're drawing in the state of thumb.

And I would say, where did you put that fraction? You have one whole district you want to keep together. You think in terms of fractions. Someone said earlier, there's a lot of math in this. But there is, but sometimes it's fractions, percentages and I would encourage people to pull back and look at the big picture and if they were busy clicking, very little changes to one district, you get lost and focused on a very small area and I would say, well, let's look -- let's take one step out and see what township you're in and do you want to keep taking from that township, look at another township? And I think that was advice to each commissioner, it was kind of eye-opening.

I've seen this before, but once you get there and realize, oh, I could do something else, or I'm looking at too fine of a detail. That was one general thing I tried to get everyone to consider.

And then I would also get people to try and use what's called a temporary district to test something out. You have 15 districts so basically 15 buckets you were trying to fill. It's okay to over-fill one and under-fill another and test it out and if I take the

overflow from this and put it in the adjacent district, it works or descent work and creates another problem somewhere else. I like testing things out. Temporary holds places.

Let's see, what else did I have specifically with people?

Um, once you finish a plan, you want to perfect it. I'm done. I finished the plan, 15 districts in the green zone, I'm happy and take a look, oh, I didn't realize I did this or oh, I could do it better. And that's one of the difficult things with this process. You always have an opportunity to make improvements until you don't.

And then there's a time where you're going to run out of time. So the more time you do to test things out, the more efficient you'll be when the clock is really running fast. Hopefully that gives general comments of if there's anything that any specific commissioner had a problem with that wasn't answered, let me know and I'll be happy to try and work on that.

>> I just remembered Washburn of the things that I forgot to look for, but meant to, but forgot because I was overwhelmed, but looking at adding the software, they haven't been added yet that's correct, not in there yet.

>> It was so helpful and it's going to take time. Clearly everything takes more time than we think. That's part of what I'm asking, somehow we need an administrator almost full time, we've got three of you and somehow that -- that -- got to find a way to get there.

>> Uh-huh.

>> If we don't, we need to find a plan B, maybe there's more math involved. We can't -- I'll say more math. Less right click the button and the math is done for us and we're using data that's not legitimate yet. It's the best we've got and feels like it's important to have to somehow -- right, all of the things we've learned and I also learned what we want, and don't have it and trying to figure out how can we -- right? When is it too late? I wasn't thinking about that John.

>> Hm.

>> Feels like it might be getting too late.

I don't want to rush. We want to make good maps and do this as a public process, so they can engage, but if we don't give them predictability and help them -- do the best we can and still engage, feels like we're falling short and we're running out of time and may run out of time and not engage in the public, because we didn't have time, pull can the trigger so to speak.

>> Let me ask you all a question.

You have got a plan or a couple of plans done.

I'm assuming that you were seeking to get equal-sized districts. And so population, total population was kind of your focal point in that regard? Did anyone look at the racial data -- did anyone look at the racial data that was there? And what did you find when you started looking at that? How did that change your thought process?

>> I guess it meant that I had to draw -- I wanted to go back and draw again looking just at the racial data, not the other Washburn. Started to draw it with that in mind and then ran out of time.

>> Yeah. That's a key observation, I wanted to make sure that you all understood that's the likelihood that you -- as you're dealing with, it's a multi-dimensional chess game. And you're playing at all of those layers all at the same time and trying to balance not just one, but a whole bunch of layers on that side. Let me add to that, this is where it just -- don't be afraid to try something. Especially when to go work on your own. You just want to try something, try it and see what you see about it, it's just an idea.

>> Right.

>> For what it's worth, that's what I did with mine. I could keep playing and there wasn't a wrong way.

>> No, there's never a wrong way.

>> But there's a wrong way, that's what we learned and to me, the wrong way is that we go through this without a public process. That would be the wrong way to do it.

>> Yeah, yeah.

Kent, from your experience on your side, what would you say in terms of making people aware of the line drawing.

>> KENT: We know for a fact, there's tens of thousands of ways of doing any of these maps. You could sit there, the computer could generate them, you could have tens -- it's infinite. So there's no -- I guess you can't say you're absolutely sure every single census block is in the perfect district. Ideally, you might try that. It -- cut yourself some slack. You're going to get criticized for how you do it. Be easy on yourself.

>> What I've been advised, if everyone is equally unhappy, then we've done the right thing.

(Laughter).

Doug.

>> COMMISSIONER CLARK: Let me give you a hypothetical situation and tell you what's in my mind how we deal with it. We've got 13 different maps. But our objective is to -- for this region, our objective is to have one.

>> One.

>> COMMISSIONER CLARK: So somehow we've got to integrate the ideas of 13 people. So when we get into our meeting, the way I envision this is that we would have a map drawer, an expert map drawer, one of your staff, and we would have our maps drawn on our computers, or our ideas or whatever. And then we would get into a conversation like I may say I think we should do this in part and Steve may say no, I think it's better we do it this way and this is the reason why. And your staff would make

the adjustments and we could look at it and say, as a commission, yeah, let's do it that way. The way Steve presented it. And then we'll move forward from there.

Do you see that as a good approach?

>> It is a valuable approach. I think the key right now for everybody is get yourself comfortable enough that you can make that presentation. That you can do that, and that's why we want you to draw, you know, lots of different ways and lots of different scenarios, because part of the key on redistricting is not only technically being able to do it, but to start having enough knowledge of the area to do it. Excuse me, Mr. Brace as a commission, we need a sort of process discussion, maybe next week or the week after, how we're going to direct our support staff in terms of drawing the maps, but I feel that's probably not a conversation we need to have today, give it thought and maybe delve into it, but the key at this point is to become familiar with the software so we can have substitutions and we have five minutes left on Mr. Brace's segment of the meeting, Commissioner Lange needs to leave at 2:30 and don't want to push into that time.

>> Thank you, briefly, trying to jump in, particularly on the process discussion, the only thing I would add, the map drawing is going to occur in public meetings, that's at the forefront of the commission's directive by the Constitution and the voters of Michigan so that that's going to be upheld and uplifted certainly, I don't want to cut into the time either, because I know there's quite a bit to cover before Commissioner Lange needs to depart.

>> Let's move ahead in the agenda, of course, that's the case. We'll move forward to agenda item 6A, report from the litigation counsel committee. Without objection, I'll ask Commissioner Lett, sitting to my left, to report on the meeting.

>> Hearing no objection, please proceed, Commissioner Lett.

>> COMMISSIONER LETT: Thank you, Madame Chair.

We met at 1:00 and discussed the RFP we received. The response to from Baker firm. And what -- number one, the firm is certainly a well-qualified firm and involved in a number of voting rights act-type litigation in a number of states, none of which are in Michigan, however, but they're an approximately thousand-member firm whose main office is located in Washington D.C., as well as having several other offices around the United States.

Having said that, they clearly are well qualified to handle any litigation that we might have. What we have suggested that the commission consider is to invite Baker in for an interview. And after that interview, then to have further discussion as to whether or not to retain them.

They are the only firm that has replied to our RFP and I believe we've had two RFPs out there. So it's not like people are beating down our door to work with us. So -- That's the recommendation.

From the committee. And since it comes interest the committee, it does not need a motion, just needs voted on.

>> Commissioner Lett, do you have a preference how you want the vote to be done?

>> COMMISSIONER LETT: I would open it up for any substitution and answer questions if there are any from the other commissioners.

>> SARAH REINHARDT: Commissioner Rothhorn, go ahead.

>> COMMMISSIONER ROTHORN: It would be useful to me, and I guess we have multiple lawyers under us and I feel like legal counsel, right, it would help me -- I don't need a sort of organizational chart, but help me understand how Bruce, Lisa, this firm, we're talking about litigation and litigation only, I believe. And feels like there's another -- is there a way you can help me conceptualize how this litigation committee -- not the committee, right litigation counsel, sorry, it's a whole firm. How -- like they're going to represent us. In litigation, and we've got other lawyers helping us substantiate what's being litigated so I imagine you're going to help them weave into our process, or are they not going to weave into our process and it's just Bruce, Lisa and Julianne.

>> VICE CHAIR SZETELA: Go ahead.

>> As your general counsel, I coordinate all of your legal representation and all of your -- all of it.

And so what we have is the RFP, we're seeking litigation counsel to be part of your legal team that's coordinated by me. So you have the -- the way I see it with particularly with Mr. Adelson's expertise in the VRA and expert need the crafting of the maps, legally defensible and legally sufficient and adhering to the constitutional criteria in the ranked order set forth. All of these things that the legal team will be helping with. The litigation counsel will be responsible for defending any challenges to the maps. So I would encourage the commission -- I'd certainly as general counsel would not view them as oh, they're at the end. That we would be called upon maybe even sooner than -- then after the plans are adopted to provide litigation support. But their role would be litigation to represent the commission in court to defend the commission's actions. Is that helpful to you, Commissioner Rothhorn? So I would encourage you not to think of your legal team as independent islands. If -- that I'm the contact person for the legal team and coordinating all of those activities at the direction of the commission. So we're -- I direct the activities of the legal team based on the direction of the commission and your litigation counsel would operate in the same manner.

>> VICE CHAIR SZETELA: Thank you, general counsel. Commissioner Lett.

>> COMMISSIONER LETT: Just so that everybody is clear, we're not asking for a vote to hire Baker at this point in time. Only asking to proceed with the process which would be the next step. To invite them in for a presentation and after we hear that, then we would come back and determine whether or not going to offer them a contract.

>> VICE CHAIR SZETELA: Michigan department state Sarah Reinhardt, we have a -- can we have a roll call vote. I would entertain a motion regarding Commissioner Lett's discussion to invite the bidder to make a presentation.

>> One of things -- I'm asking myself is we need litigation counsel. We need them. We know that. And we have one person and so I want to go through a process that helps us to understand -- each of us understand it and I also recognize somehow we're -- yeah, I guess I'm open to trying to understand if we need -- we need to interview them or if there's a way for our chief counsel to sort of help us understand how this works.

>> I can respond if you would like.

>> Yes.

>> I think we definitely need an interview processes. We've had interview processes with Mr. Brace and he impressed us mightily and here he is. Each had our interview processes and they've not impressed us and they're not here and the committee felt the interview process was part and parcel and something that was required in order to take a final -- be able to make a final decision that was fair to us and fair to the -- fair to the firm.

>> Madame Chair.

>> VICE CHAIR SZETELA: General counsel.

>> I would highly recommend that the commission interview any prospective candidates, agreeing with Commissioner Lett. There was in the committee discussion, there were questions about other options or if people weren't comfortable with one respondent, but believe the recommendation from the committee was to invite the bidder to -- for an interview and move forward at that point.

>> My apologies, I've here in the notes it's a possible presentation.

>> COMMISSIONER CLARK: I would like us to bring in Baker Hostettler for an interview.

>> VICE CHAIR SZETELA: I have a motion by Commissioner Clark, is there a second.

>> Second.

>> Second by (indiscernible). Any discussion or debate on the motion?
Michigan department of state staff, roll call vote.

>> SARAH REINHARDT: Please skate your support of the motion with a vote of yes or no. Starting with Brittini Kellom.

>> Yes.

>> SARAH REINHARDT: Rhonda Lange.

>> Yes.

>> SARAH REINHARDT: Steven Lett.

>> Yes.

>> SARAH REINHARDT: Cynthia Orton.

>> Yes.

>> SARAH REINHARDT: M.C. Rothhorn.

>> Yes.

>> SARAH REINHARDT: Rebecca Szetela.

>> Yes.

>> SARAH REINHARDT: Janice Vallette.

>> Yes.

>> Richard Weiss.

>> Yes.

>> SARAH REINHARDT: Dustin Witjes.

>> Yes.

>> SARAH REINHARDT: Douglas Clark.

>> Yes.

>> SARAH REINHARDT: Juanita Curry Commissioner Curry yes.

>> SARAH REINHARDT: With 12 votes for yes, the ayes have it.

>> VICE CHAIR SZETELA: Thank you, Michigan state defendant state staff.

We'll move to be to new business, agenda item D, considerations for the calendar, beginning August 24th.

What was the -- sorry, I was trying to figure out how to understand that, we'll move on to considerations for the calendar, beginning August 24th.

And we'll have our Executive Director Sue Hammersmith lead that discussion if there are no objections. Hearing no objections. Director Hammersmith. You have the floor.

>> SUE HAMMERSMITH THANK YOU VERY MUCH, chair, for the commission's consideration today, I have three recommendations coming from staff.

The first is on August 24th, that meeting is scheduled to go from 12:00 to 7:00. That prevents us from being in a state facility so we recommend that the meeting run from 12:00 to 5:00 and recommend adding an afternoon meeting on the 26th that would make up for these hours lost. So the recommendation is to add a 1:00 to 4:00 p.m. meeting on August 26th.

And then starting August (indiscernible) through September 28th, the meetings are scheduled on Mondays and Tuesdays until 7:00 p.m. So we're asking the commission to end the Monday and Tuesday meetings at 5:00 p.m. to enable the use of state facilities at no charge and I did note four hours were added on the Thursday afternoons of those weeks. So those are the three recommendations brought to the commission today to update the calendar.

Are there questions on those?

>> (inaudible).

August 24th and the meeting at -- end the meeting at 5:00 instead of 7:00. August 26th, add 1:00 to 4:00 p.m.

And starting August 30th, through September 28th, that Monday and Tuesday meetings would end at 5:00 instead of 7:00 p.m.

>> CHAIR KELLOM: Commissioner Clark.

>> COMMISSIONER CLARK: As I think about that, the main reason we're doing this is so we don't get charged money. That's why we're reducing the money.

>> SUE HAMMERSMITH: It's if we're not in a state -- state facility, it requires time for the A.V. to set up. If they're setting up a facility, they ask to give them until noon on the first day. The second day we've been starting the meetings earlier. In September, we're starting at 10:00 on the Tuesdays.

>> COMMISSIONER CLARK: The reason I look at this change, is not the money, but now we get into the busy time, as Kim mentioned before. We're going to get really busy on the redistricting and I think that's the trade-off. Whether we want to save money or cut into our redistricting time as we move forward. I'd like comments from the people on that.

>> CHAIR KELLOM: Commissioner Rothhorn.

>> COMMISSIONER ROTHORN: I have a similar concern to Commissioner Clark. We might want to begin to talk about process, we will work smarter and it's finding venues that will be able to host us and potentially deal with the COVID. We don't know if a COVID outbreak is going to happen again, we have a lot of uncertainty and seems we have the most flexibility if we stay within the state in state buildings, seems like the staff can actually create an many options as possible, with the Internet and all of other stuff and if we can keep the total number you have hours that we have and also talk about process, I want to use the word "efficiency," but I realize this is an inefficient process period. Everything we're doing is inefficient and it's human and we're trying to make it as inclusive as possible, which is essentially inefficient. If we can keep the total number of hours recommended in that week and just make sure that we -- yeah, talk about process, I feel okay with the recommendations.

>> CHAIR KELLOM: Commissioner Lett.

>> COMMISSIONER LETT: Are we able to stay in state offices past 5:00 now?

>> CHAIR KELLOM: You have to be out of door by 5:30 at the latest in any state facility. So we've been booking those meetings until 5:00 to try and get -- make sure we get the business done and if we go over a tiny bit, we can, but the doors lock at 5:30.

>> We can always add additional meetings if we go the first week and find we don't have enough time. If we need more time, we have to add on another day of meetings and we'll deal with that when we close the bridge.

>> CHAIR KELLOM: Commissioner Witjes.

>> COMMISSIONER WEISS: Why do we have to be out at 5:30 at the latest. We're inside, if we're meeting in a state facility, why can't we stay in a state facility. Yes, they close the doors, just don't leave. I don't understand that, it's not like we're hiring

and staying at an event setting. We're in a state building to do state work, why can't we stay as long as we need to.

>> SARAH REINHARDT: With is Sarah Reinhardt with the department of state. We're required to be out prior to 5:30 because the building contracts with security and the security hours for the building are very much set and not flexible. And (indiscernible) as well.

>> CHAIR KELLOM: Commissioner Lange.

>> COMMISSIONER LANGE: But we change the schedule every other workweek, some people do work and it's making it hard on them. I know that for a fact and I know we agreed to do this job, but we need some type of stability here and make a decision and stick to it. We've changed the schedule three times in the last three weeks, I think. Whatever decision this commission makes can he with make sure there's due diligence unless there's an unforeseen thing and find we need more time and stick is to that decision. So that people can coordinate their schedules as needed. That's all I ask.

>> CHAIR KELLOM: Thank you, Commissioner Lange. Any thoughts commissioners.

>> I'll Sunday that request.

>> CHAIR KELLOM: Thank you.

>> COMMISSIONER ROTHORN: If we start next week, we only have eight weeks until October 4th, which is too part of the substitution we're looking at today. I don't want to get there yet, but I have thoughts on process and I know we have to respect the time so we can get this as efficient as possible. So I'm going to pause and see if we can deal with just this one and maybe get process and thoughts on calendaring next.

I guess I'll -- maybe I'll make a motion we accept the suggestions for the --

>> CHAIR KELLOM: Resolution?

>> COMMISSIONER ROTHORN: Yeah, is there a resolution? The resolution includes both. If it's more efficient, I can -- yeah, what's the pleasure of the chair. I move to adopt recommendations 1 through 3.

>> I second that.

>> CHAIR KELLOM: Motion by Commissioner Rothorn and second by Commissioner Vallette. Any debate on the actual motion? Hearing none, all those in favor of the resolution 20 -- you're right. Thank you.

All in favor of the motion as stated, please raise your hand and say aye.
(Chorus of Ayes).

All those opposed, please raise your hand and say nay.

>> Nay.

>> Madame Chair. I apologize, I did not see Commissioner Wagner's vote.

>> CHAIR KELLOM: Commissioner Wagner, what is your vote?

>> COMMISSIONER WAGNER: I was looking for what recommendation 1 through 3 is. So -- I guess I'll vote yes.

>> CHAIR KELLOM: General counsel? Okay.

The motion carries. The ayes prevail and we will move to -- the second part of October considerations more calendaring. Any discussion, commissioners, on that?

>> Looking at the considerations, I appreciate you putting this together, Sue Hammersmith, and it speaks to what Rhonda is asking for and how I would like to engage the public, somehow recognizing we've agreed on 10 regions, working with 10 regions and it's not clear yet how we're going to be able to work with the channels we have. Things aren't going to work. I feel like we have to work with a plan B and the simplest plan, right, if we're going to start in October, October 4th, with sort of having -- regions, not regions, sorry, but draft maps prepared for the public, the second round the public comment, starting on October 4th as noted in had part 1 for consideration, October, it's the sixth attachment in today's packet.

If we're going to start there, if we start next week, we only have eight weeks, if we start next week with region 1 or 2 of those 10. And so if we -- yeah, part of me wants to think, okay, if we give each region one week, knowing in each week we'll potentially be creating three maps with each draft map, again, proposed map, it's challenging, but potentially could start October 18 and then have a full 10 weeks and there's other things I want to talk about, but I feel it's so important to stay focused and I do want to reach out to each commissioner and feels like we have to create some sort of schedule to help the public understand, not just the commissioners, if they're part of a region, hey, we're going to be talking to you. This is pre-public comment, you know, second round. This is sort of like getting the draft maps to be as inclusive as possible. Recognizing that we 'as commissioners could be bringing all of the public comment, we're aware of to bear in the meetings when we're meeting. I'm trying to speak into the mic.

So again without being too wordy and too much into the process, I want to offer that October 4th, only gives eight weeks if we start next week. October 18th gives us a full 10 weeks, if we start next week, and I know that feels like pressure, but it feels like it's important to recognize again so we can accommodate the commissioners' schedules and the rest of our lives and give the public enough notice and even work with drafts of drafts so that we can actually collect ourselves as commissioner to even wrap our heads around the region and all of the public comment and just find can the public comments we've been given about a region. And so forth and I'll make that observation and call it part of the process.

>> CHAIR KELLOM: Commissioner Witjes and then Commissioner Clark.

>> COMMISSIONER WITJES: If we're only meeting two days a week here, anyone think that's not enough time to meet when we're drawing maps here? We need to meet more than two days a week, I don't care how much it costs, if we have to leave and come back another day.

If we're waiting two -- meeting two days a week and find out we need to meet another day a week, that particular week, that leaves Friday open because of the open meetings act requirements for announcements of meetings. How are we going to had been that, if we run out of time because it's going to happen.

>> I'm hesitant to propose a process. I want comments and I agree, that is the same feeling and because we've got a team, yes, and in -- Kim, please, these are open suggestions, these are not proposals or whatever. The idea that like Kim can keep working on the administration, making sure that all of the stuff needs to happen, not to mention, working with Sue, and we've got Kent, a seasoned professional also independent on the team. I like the optics, each commissioner prepares for three days, so to speak, with a draft that may come, I don't know about a draft, but something we're working from and come to the meeting and we've got some draft of the region we're talking about. That's what I'm looking at and seeing some negatives already so I'll stop.

>> CHAIR KELLUM: I want to get Commissioner Clark and Commissioner Witjes.

>> COMMISSIONER CLARK: I'm going to ask Ken's advice on something. September 30th, we get the final release of the data.

We have to reload that into the database and then validate what we've done to that point is correct. Do we not and it takes time to load it into the database.

>> KEN: What we're going to end up doing, we've been told which the Brewer that the file that come -- by the bureau that the file that comes on the August 16th, 12th, whatever day they're going to release it, that's an access database and that file will be there for us to load in and get processed and all of that. On September 30th, the CDs they'll be sending out to each state and the drives and the other documents on that CD, part of that CD is the same dataset that they release and put up on the web on August 12th or 16th. Because of that, we could end up then doing a compare and we don't really have to reload the database on the 30th, because in theory, it's already there.

>> Okay.

>> KEN: When we get the data and suddenly discover there's X's instead of Y's or something like that. Yes, you're right. Potentially have to reload. But hopefully we would not have to reload off the September 30th data.

>> So we're going to go through the assumption we won't have to reload.

>> KEN: As of right now, that's what we're told. I would support what Dustin said, we need more meetings to get this done. Even if we have to work Saturdays and Sundays. That's my opinion.

>> Madame Chair.

>> CHAIR KELLUM: General counsel.

>> I have two observations to build on what Mr. Brace said of the legacy data was always the intent of the commission to begin its work, using the legacy data

process which the consultants, EDS, excuse me. And the reconciliation is anticipated not to have issues, but it's a critical piece of the work, to again, reconcile the data with the data release on September 30th of the only other observation I wanted to highlight for the commission at this time, June 27, the commission voted to adopt not only a regional approach to drawing, but that the commission would begin with the state senate districts. So I wanted to make sure -- districts and wanted to make that clear the and to highlight for the benefit of the public all of this will be occurring in open meetings with the ability for the public to provide public comment. Thank you.

>> CHAIR KELLOM: Thank you, general counsel. Vice Chair Szetela, Commissioner Lange and then --

>> (inaudible).

>> CHAIR KELLOM: Commissioner Witjes and then Commissioner Lange, her hand has been up for a while.

>> COMMISSIONER WITJES: This in response to M.C. I don't know what you meant by administrative work, but as far as it goes, loading the data or anything into -- anything other than loading the data into the software by EDS should not be done outside of the open meetings whatsoever because that would have optics, but that could be seen as doing something with the maps and as far as loading the data into it, and that's why we need more time. What else was I going to say?

As far as jobs go in regard to -- to redistricting and the schedule, this is what we signed up for and it's going to take time. So, unfortunately, this should come before any other job, of like it was for me months ago, I asked, work on a Saturday. No, we can't, we work on Tuesdays and Thursdays, which are my busiest days to work on and now we're getting into the busiest work and now people are saying, well, we have jobs. I don't buy it one bit. This is definitely going to be the most important part of the work we do and we need to do everything in our power to do this and what needs to be done and done correctly.

>> CHAIR KELLOM: Commissioner Lange and then -- Commissioner Lange and then Vice Chair Szetela.

>> COMMISSIONER LANGE: We're talking about October, now, right? For clarification?

>> CHAIR KELLOM: Yes, for consideration. We're just talking about --

>> COMMISSIONER LANGE: Mr. Woods, my question to you, how much notice do you need to coordinate the public hearings? I know the majority -- the biggest amount time possible is the best for you, but realistically how much time do you need to get those coordinated.

>> It depends on the dates and whether or not the facilities are in use. The better lead time, the better chance we have as it relates to the date to use the facility for the public hearing would be my response.

So if it's available, we could turn around in a couple of days, it's not something that I would advertise, because it doesn't give you enough time to publish and promote the date and make sure that the public's aware. Obvious the more time we have the better, but if we have several dates we're working with we can check with the facility and see if they're flexible on those particular dates. Thank you.

>> COMMISSIONER LANGE: I would move we table the October discussion until we've got a better idea where we're going to be in the map making process.

>> COMMISSIONER LANGE: R Commissioner Lange, is there a second.

>> COMMISSIONER WITJES: Second.

>> SPEAKER: Second by Commissioner Witjes. Is it there any discussion or debate on an actual motion. Hearing none, we'll vote on the motion to postpone the consideration for October.

Commissioners, all in favor, raise your hand and say aye.

(Chorus of Ayes).

Opposed, raise your hand and say nay. The ayes have it and we have postponed considerations for October.

Caveats. Moving on to caveats required to obtain Quickbooks. That discussion will be led by Executive Director Hammersmith. Hearing no objection, please proceed. Director Hammersmith.

>> SUE HAMMERSMITH: Thank you. We've been in the process of trying to obtain Quickbooks for accounting, the level of the budget detail we provide to you, does not come to us, from prosecute the legislative services bureau when they do payroll and invoices and it requires a great deal of work and I've been using the Excel spreadsheets which are not the most efficient way to handle your budget so asked the state to use Quickbooks. It's on the state-approved list of the Department of Labor and economic opportunity do use Quickbooks so there's another state organization using it.

However, to use it, you have to agree to aye exemptions and caveats. Just like we have to do with our mapping software. So the list of caveats is exactly the same as what this commission did approve for software. There are some other items further down the email that I sent to you in the identified risks. In that situation, the mappers and specifically Autobahn edge agreed to address a lot of these, when dealing with a company such as Quickbooks, they're not going to negotiate with us on risk or the risks that are listed so asking the commissioners to -- the commission to approve obtaining Quickbooks that will be much easier to process budgets and expenditures and anticipated expenditures for this commission.

If we're at -- we're at a critical point with the fiscal year ending September 30th, so would like to get this achieved as quickly as possible and provided a resolution and also the exemptions that are attached to that resolution which general counsel Pastula drafted for you, if there's questions, I would be happy to entertain them.

>> CHAIR KELLOM: Vice Chair Szetela.

>> VICE CHAIR SZETELA: Move to adopt resolution 2021.0801 approve Quickbooks purchase.

>> Second.

>> CHAIR KELLOM: Motion by Vice Chair Szetela, second by Commissioner Witjes. Okay. Any debate or questions on the vote Commissioner Lett?

>> COMMISSIONER LETT: How much is Quickbooks.

>> Around \$400.

>> CHAIR KELLOM: Other questions or -- all in favor, raise your hand and say aye.

(Chorus of Ayes).

All opposed raise your hand and say nay.

The eyes have it. The motion across the area -- the eyes have it and the motion carries. To approve the purchase of Quickbooks.

Moving on to the notice and report on July 29th and formal contract. We'll have our director -- executive director Sue Hammersmith in the discussion, without objection hearing none, please proceed, director Hammersmith.

>> SUE HAMMERSMITH: Thank you. In order to have -- we needed to make a procurement, it was possible to make this in the under-5,000 category, an informal contract so I initiated that contract. The total amount was \$4,382.30. Also, though, when in an informal contract is engaged in, I have to report that to the commission within two weeks, so this is the report that is provided and I've provided the quote we received for the work that was provided and if it's fine with the commission, then this report can be received and filed and it would be included in the public record.

>> Seems that people are agreeing that the report can be submitted. I see nodding heads.

>> SUE HAMMERSMITH: Thank you very much.

>> CHAIR KELLOM: You're welcome.

Okay, commissioners at this point, we will --

>> Madame Chair.

>> CHAIR KELLOM: General counsel.

>> Did one of your colleagues move to file the report?

>> I move to receive and file the report.

>> CHAIR KELLOM: Motion by Commissioner Rothorn and second by Commissioner Witjes. Is there any discussion or debate on the actual motion? All in favor, please raise your hand and say aye.

(Chorus of Ayes).

Opposed raise your hand and say nay. The eyes have it and the report is approved. Thank you, general counsel.

Without objection, we'll recess for 10 minutes.

Hearing no objection, we'll stand in recess until 2:44.

(in recess).

>> CHAIR KELLOM: All right, commissioners. If we can settle down? A lot of excitement.

Commissioners, if we could put ourselves, our bodies in chairs.

I call this meeting of Michigan Independent Citizens Redistricting Commission back to order at 2:53 p.m. Will the Michigan department of the staff call the roll.

>> SARAH REINHARDT: Happy to, Madame Chair. If you're attending the meeting remotely, state the county, city, township or village and state from which you're attending the meeting, starting with Doug Clark.

>> Present.

>> SARAH REINHARDT: Juanita Curry.

>> Present.

>> SARAH REINHARDT: Anthony Eid.

>> Present.

>> SARAH REINHARDT: Brittini Kellom.

>> Present.

>> SARAH REINHARDT: Rhonda Lange.

Steven Lett.

>> Present.

>> SARAH REINHARDT: Cynthia Orton.

>> Present.

>> SARAH REINHARDT: M.C. Rothhorn.

>> Present.

>> SARAH REINHARDT: Rebecca Szetela.

>> Present.

>> SARAH REINHARDT: Janice Vallette.

>> Present.

>> SARAH REINHARDT: Erin Wagner. I think you're still muted.

>> Present and attending remotely from Charlotte, Michigan.

>> SARAH REINHARDT: Richard Weiss.

>> Present.

>> SARAH REINHARDT: Dustin Witjes.

>> Present.

>> SARAH REINHARDT: There's a forum.

>> CHAIR KELLOM: We're at item 7, review and approval of minutes.

>> Madame Chair, excuse me, sorry to interrupt you. Before we move on the agenda, I'd like to circle back to agenda item 5A, discuss and assess commissioner experimental plans for the state of the thumb assignment.

If that's okay.

>> CHAIR KELLOM: Please proceed, Commissioner Eid.

>> COMMISSIONER EID: While we were discussing this, I was upstairs trying to get my state computer fixed, but yesterday I was able to draw a map with the assistance of Commissioner Rothhorn and Cynthia. Where is Cynthia? There you are, hi. And I'd like to put it off and get advice on it and figure out what y'all think.

and, yeah, so I'd like to do that.

>> CHAIR KELLOM: Commissioner Eid, you'd like to do that now?

>> COMMISSIONER EID: Yeah, I'd like to do that now.

>> CHAIR KELLOM: Okay.

>> COMMISSIONER EID: If that's okay with the rest of y'all.

>> I guess I'd rather get through the agenda and if we have time at the end of that.

>> CHAIR KELLOM: Yeah.

>> COMMISSIONER EID: Yeah, he could come back too to, I wanted to make sure we use this time with our vendors officially and while we're drawing these maps over the next couple weeks, we know what we're doing, but yeah, we can totally come back to it at the end.

>> CHAIR KELLOM: Is the will of the entire -- okay.

>> We'll be around all afternoon, so after you adjourn at 3:45, we'll be here and plan to work with all of you.

>> CHAIR KELLOM: General counsel, please.

(Laughter).

>> After the meeting adjourns, there's no meeting of any quorum of the commission, certainly, again, everyone was so appreciative to Mr. Morgan and Mr. Brace and the rest of team for the one-on-one assistance, that that would be continuing or available to continue if individual commissioners wanted to avail themselves of that.

>> That's what I meant, thank you.

(Laughter).

If I can make also one comment or additional announcement. The census bureau just announced that the data will be out on the 12th, that is next Thursday, at 1:00 p.m.

Is when the data will be upload-able from their website. In legacy format.

>> CHAIR KELLOM: Okay.

Let's get --

>> I have a question.

>> CHAIR KELLOM: Commissioner Lett.

>> COMMISSIONER LETT: What does that mean, exactly?

(Laughter).

>> It means that I probably won't get any sleep on the evening of the 12th. On that side.

We'll end up downloading that data and we'll start looking at the information, we have a processing step that is going to go through and basically build the database off that. So all of the different geographic levels that you have in why your mapping system, they'll get built with all of the properly allocated data coming off that.

And then at the same time, as that processing takes place, and that will probably take a day or two for building the new dataset, at the same time, we will be pulling off different layers of the data that is going to be there in the PL file and we'll be able to start analyzing and presenting reports that we're formatting and be able to give you and produce maps from it. So that we'll be able to -- similar to what we had done before of the ACS data and the ESRI data in terms of population and all of that. We'll regenerate that with the PL file so we'll know the minority concentrations in each instance in all of the geographic levels and we'll end up doing a county level report, a township level report for the state. And we will generate a deviation report for the statehouse, state senate and congressional districts.

The existing districts currently in place.

>> Is that going down to the precinct level?

>> It -- that would probably be the next level after we do the counties, the townships and then do the precinct level report, yes.

...

And then if you want to thank someone for a township. Interview, what have you, a batch of 10 with regard to the thank you cards available as well. They should be there for you, judge and please take a look so we can talk about it tomorrow.

>> CHAIR KELLOM: Thank you, anyone for Edward. Thank you, Michigan department of state staff for our lanyards and official gear.

>> Cynthia and MC and myself did a presentation with the Lansing Chamber of Commerce and we had a new power that had a video in it and that went very well. And everybody in the video looked good with the exception of M.C.

(Laughter).

>> CHAIR KELLOM: That's enough.

(Laughter).

>> I liked that Janice finished it with a nice smile at the end.

>> CHAIR KELLOM: It was cute. And super personality. Thank you Commissioner Lett for highlighting and thank you again, Edward, for all of the work that you do. Now, without objection, I'll ask Sarah Reinhardt from the department of state staff to provide a report if she has any. Hearing no objection. Please proceed, Ms. Reinhardt.

>> SARAH REINHARDT: Thank you, all of that buildup and I have nothing to report.

(Laughter).

>> CHAIR KELLOM: All right, thank you. We're moving on to correspondence. The commission received correspondences from James Whitehorne outlining the 70s bureau released data with no change to the September 30th release of the 2020 data. In I questions regarding this correspondences? Hearing none, we'll move on in the agenda to future agenda items. Without objection, I'll add, Executive Director Hammersmith to share about future agenda items. Hearing no objection, please proceed, director Hammersmith.

>> SUE HAMMERSMITH: Again we anticipate doing mapping with the commission and discussing the process and plan for the mapping to assure we have a timetable that Commissioner Rothhorn talked about a little bit, but to make sure we have a timetable in place and goals in place so we're looking at where we'll be mapping and when.

>> CHAIR KELLOM: Thank you. Commissioner Clark?

>> COMMISSIONER CLARK: On a future agenda, can we get the interview with Baker Hostettler.

>> CHAIR KELLOM: Absolutely, we'll make a request to work that into one of the days next week.

>> I have -- at the risk of it feels like it might be wise for staff and the department of state to try and find a five-day-a week schedule just in case, the worst case scenario, we have to start next week, five days a week, it would be important to try and put that on a future agenda and see if we have to go there, but it's good to be prepared somehow.

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

>> COMMISSIONER LETT: We're meeting then pursuant to the schedule in the bottom of our agenda, which is August 12, 13, and 19 and 20 in Lansing, is that the plan.

>> CHAIR KELLOM: That's the plan that the commission has adopted at this point in time with the three recommendations made today, slight adjustments in time.

>> COMMISSIONER LETT: Thank you. Just wanted to know where to show up.

>> CHAIR KELLOM: Thank you, Commissioner Lett. Anyone else? Moving on to the announcements, if there are any announcements. Anything anyone wants to share for the good of the order?

Nothing? Okay.

At this time, we don't have the anymore items on the agenda and the commission has no further business. So I would entertain a motion to adjourn.

Oh, thank you.

>> (indiscernible) remind me.

(Laughter).

>> Thank you, Commissioner Lett. At this time, because we have the business on the agenda is -- we'll go back to Commissioner Eid's discussion of mapping that occurred further up the agenda.

Plans for the state of thumb assignment. Commissioner Eid, you have the floor to share your mapping practice.

>> COMMISSIONER EID: Thank you, Madame Chair, as I was saying, yesterday, Commissioner Rothhorn and Commissioner Orton and I kind of -- you know, my software wasn't working so I was borrowing some of their equipment to draw maps and we were able to learn quite a bit from each other and I would like to learn from y'all and see what you think about this practice we're doing. I think it's a good exercise, learning not only how to use the software, but making sure we're using it correctly. So I also want the public to see the practice that we're doing in case they have advice on, you know, how they're looking at the practice they're doing so they can go and submit advice on to the public portal. With that, I'll share my screen and would like to hear what you have to think.

>> COMMISSIONER ROTHORN: At the risk of it feels like it might be wise for Staff and the Department of State to try to find a five day a week schedule just in case. So sort of worst case scenario we start next week five days a week it might be important to put that on a Future Agenda.

If we have to go there it would be good to be prepared somehow.

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

>> COMMISSIONER LETT: We're meeting them pursuant to the schedule in the bottom of our agenda which is August 12, 13, 20, 19 in Lansing. Is that the plan?

>> CHAIR KELLOM: That is the plan the Commission adopted at this point in time with the recommendations made today with slight adjustments to time.

>> COMMISSIONER LETT: Thank you. I just wanted to know where to show up.

>> CHAIR KELLOM: Thank you, Commissioner Lett.

Moving on to Announcements.

Anything anyone wants to share for the good of the order? Okay.

We don't have any more items on the agenda and the Commission has no further business, so I would entertain a motion to adjourn.

>> COMMISSIONER LETT: We knew it was coming, remind me.

>> CHAIR KELLOM: Thank you, Commissioner Lett.

At this time because we have the business on the agenda is completed.

We'll go back to Commissioner Eid's discussion of mapping the further agenda.

Commissioner Eid, you have the floor to share your mapping practice.

>> COMMISSIONER EID: Thank you, Madame Chair.

Yeah, as I was saying, yes Commissioner Rothorn and Commissioner Orton and I kind of, you know, my software wasn't working so I was borrowing some of their equipment to draw maps and we were able to learn quite a bit from each other and I would like to learn from you all and see what you think about this practice we're doing.

I think it's a good exercise in learning not only how to use the software but making sure we're using it correctly.

I also want the public to see the practice that we're doing in case they have any advice on how they're looking at the practice that we're doing so that they can go and submit advice onto the public portal.

With that said, I'm going to share my screen momentarily and I would like to go through it and hear what y'all have to think.

Okay.

So here's what I came up with.

Now again just for, you know, public record, this wasn't really taking anything into effect other than making sure the populations were relatively equal throughout these practice 15 Districts that we've split this area into.

That number to make equal population which is the first criteria that we have under the Michigan Constitution is 71,175 and all of these 15 Districts get pretty close.

They all have the green checkmark there which means they're within the deviation which needs to be accepted.

I have District 15 which is the one I like least I might add of the ones I drew. The L-shaped District composed of the suburbs of Flint offer here has a few less.

Its deviation is 4.66% which puts the whole plan deviation up here up to six had the 93% which is higher than I want to end up with eventually but, again, this is just practice.

So how I did it is I kind of went through it mathematically and I was able to look at the -- they put labels up and I want to thank M.C. and Cynthia for showing me how to do this because it's actually quite easy to use once you get the hang of it.

But you can -- there we go.

If we put the population up on any of these it should give you the Township population when I do that, but it doesn't look like it did it.

>> Zoom? A little bit, I think.

>> COMMISSIONER EID: There we go.

We have Genesee County.

It has way more people than the amount of people that can fit into one District, which means we're going to have to split it up in some way or another.

So I went through and looked at the counties and townships that had about the population that we needed.

Training and experience, Shiawassee County is quite close to our 71,000 benchmark in residents.

To get there you have to decide which other Townships to add and to me it made sense to add these two here.

And then so I kind of went through that to make each of these Districts.

What was nice is that in the thumb area Huron County and this county over here, Sanilac. If you combine them, they make about the amount of people needed for one county.

So that was one.

Then went over here into the Midland area and it was, again, around the same number of people needed to have a full district.

So we were -- I was able to do that.

The went through did the best that I could to come up with something that looked okay and had an equal population. I'm wondering what our vendors think about a map like this and what each of y'all think about a map like this.

And for the public, I'm particularly interested in how the public sees Flint being split up. We're going to have to split up Flint eventually because will population is too large.

On this practice map I did it east to west to make these three different areas one that's comprised of Western Flint and Eastern Flint and one this has Davidson and Richfield and this suburb area in it making up District 12.

That worked out okay which left me with this area in purple which I don't particularly like, but that's kind of what I was left with and that's a struggle that I had.

I would love to open the floor and here what y'all have to say about this and hear what y'all thought about when doing your maps if y'all had the same experiences that I did.

>> When you did Flint, did you select the whole city and then reduce it to two districts based on population?

>> I started with the whole county, actually, and then reduced it based on the number of people in the county to know how many splits we would have to make within the county.

>> Okay.

I got it in four Districts.

The example of what not to do.

>> Well, I mean, I think if you take the total population, it has enough population to fit 4.25 of these practice districts in there.

Now, this number is just the -- 71,000 number is for our purposes in practicing, but it's a good exercise because it shows how we might go about splitting communities in the future that have a population too big to fit into one particular House District.

>> KIM BRACE: If I can make a couple of observations for you and for everybody on that side?

If you zoom into this view that you're on right now, a little bit further so that you're showing this purple district that you have there, because what I ended up seeing is that you notice you have two labels for the District 2.

Okay? Behind the 15 there, there is a 2.

So what that's telling me is that you have a piece of geography there that has been probably accidentally put into District 2.

Because you've got a label on that piece of geography as well as the large part of District 2 on the other side.

So that's a clue that if you start seeing labels in different places and seeing multiple labels, what you have is you've got little tiny pieces there.

That's really easy to do and particularly when you start going down to the block level, you'll end up having little slivers here or slivers there that suddenly, you know, have gotten assigned for some odd reason, but the labeling of the polygon that is being done is that clue of what is maybe happening.

>> COMMISSIONER EID: I actually had a question about that because that might be what's going on, but to me it seems like for some reason, even when I unassign that county to number 15, it's still showing up as number 2, almost like they're being layered on top of each other and I couldn't do anything to get rid of that being two. But in the Excel style in the matrix.

>> Uh-huh.

>> COMMISSIONER EID: It's only having an effect on 15.

It's not having an effect on 2.

>> Okay.

>> Can I ask a question?

If you do that analysis, scroll down complete and click on that.

>> On analysis.

>> If you do the rebuild plan under analysis.

>> COMMISSIONER EID: I didn't.

Let me do that.

>> Click on analysis and rebuild plan.

>> Before you would do that rebuild plan.

>> Then it splits.

>> Check your plan errors.

See that halfway down in the analysis one.

Check plan errors.

What that does is it will go through and find where you have something noncontiguous. You've got different pockets.

So now you've checked for contiguity and you have 19 pieces misassigned and if you click on District 2, you have two different parts there.

See the two parts? They're highlighted in yellow.

So you can go and do Part 1, the left hand.

And Part 2 is the right hand one.

What it's telling you is you've got something over there.

What you probably want to do is on that District 2 part, click on your adjacent districts down there where you see -- no.

Keep it on two, on the right-hand side, recommended corrections.

See on the green box over here?

>> COMMISSIONER EID: Oh; okay.

>> Okay? So what it's saying is that piece, they're recommending that you do it to District 12 which is the purple parts, I think, right? So go ahead and assign that. Hit the assign.

And it clears that up.

>> Also, while you're doing this, you know, you're using a utility in the software that's analyzing the entire plan for errors -- not errors but discontinuity -- and that's useful.

You can be guided by what you see on your screen, and in that case, you saw the labels overlapping which is an indicator that there might be a problem interest.

There's two ways to do this.

By what you see as you do it and you can also check the plan as it's completed or partially completed.

>> You always or whenever you think you're finished or want to stop, you always run and check your plan for errors.

Because you can get at a point where if there's errors in a plan and you're flying along, now you have to go back and reassign these numbers, this unassigned area and now you have to redo your whole region area.

So you're always checking your plan under analysis.

Do it regularly because it stinks to miss a couple of thousand people and then find out today, oops.

This plan isn't good.

>> KIN BRACE: You don't want to at the tail end of the process do the checks and say, oh my God.

I've got 3,000 people here and how am I going to snake that population through the mix that didn't get assigned, or that sort of thing.

So checking planned contiguity and check that analysis is a good practice to get into and looking for those sorts of things.

>> CHAIR KELLUM: Thank you. We have two questions. Commissioner Curry and Commissioner Orton.

>> COMMISSIONER ORTON: I don't know who -- Kim answered my questions because I thought that it should have been incorrect and it kind of was.

So because John taught me so well in what he was doing for my computer.

So we had talked about that part.

>> You'll find where you get these kind of things happen is as you get down to making the fine number adjustments, especially in an urban area where it's, you know,

one census block or piece of a precinct and you really move things around and you left a census block assigned to the wrong district.

But it can happen anywhere.

Allens.

One apartment building with a thousand people in it.

You moved everything around it but you didn't move that.

That's why when possible work with the largest geographic features you can because as you get down to the smaller areas it's easy to make a mistake or leave something behind or dwell down too deep.

>> When I did a presentation earlier, I talked about bricks and chisels and at some point you may use certain sized bricks, Townships. But at some point you may break it down to smaller units like the precinct or block.

There may be some discontinuities not due to clicking something but the townships have discontinuities where you have a city or township right next door there's discontinuity and the city has annexed parts that are not contiguous.

Even though you select by township, the township is not contiguous.

>> CHAIR KELLOM: General Counsel?

>> MS. JULIANNE PASTULA: Thank you, Madame Chair.

I want for the public to indicate that this is not a Commissioned map of any proposed district.

This is an exercise in the software only.

This map only looks at population.

There's no considerations for Voting Rights Act, racially polarized voting, communities of interest, diversity.

We're working our way down all of our criteria.

So this exercise that Commissioner Eid is showing the map was strictly for familiarity with the software only.

Not as a mapping exercise for to produce any ending map.

[Audio buffering]

>> MS. JULIANNE PASTULA: As far as anybody knows.

It's fictitious.

But please always do your analysis and check for errors as work.

Otherwise it's going to be very frustrating.

>> CHAIR KELLOM: Almost like an auto save or refresh.

>> Yes.

>> The other thing I would point out -- is what Commissioner Eid has done is you can look at his District 10 and District --

>> KIM BRACE: You just lost my spreadsheet on your screen.

On your active matrix.

There you go.

District 10 and District 13.

You'll notice those two are showing more than 50% minority population in those. So starting to recognize where those minority concentrations are is important to do. And that's part of what you'll see and as you draw your districts and experiment around, you'll start seeing where the concentrations are and what could be done. But certainly keeping an eye on that when you're looking at and looking at that racial data besides the total population. You'll start getting some clues on what's possible.

>> COMMISSIONER EID: For the practice I was able to make a few that had over 50% minority and this spread sheet is using like we just said, data that isn't accurate to what we're going to be doing when the census data comes out in a couple weeks.

But there were three here that I was able to make with minority districts.

One at 51%, one at 52%.

Another at 51%.

However, I believe those are all combining all the minorities and not just one minority such as the African American population or the Indian population -- I'm sorry. Native American population or any particular group.

That brings back the idea of what we talked about earlier as far as coalition districts. That's something we're going to have to think about down the line when we're deciding and when we get the population data and how many A Districts we're going to decide to have.

>> KIM BRACE: It is an important distinction and it is to understand that and understand what the Courts have said on that side, too.

>> On that note, the 50% -- and I know that's a practice exercise for the software - - but you can achieve those District levels.

The 50% is not the hard and fast rule so when the real data gets imported and those analysis can start being made, the Commission will be able to react to it then, particularly the racially polarized voting analysis.

So that will be really, really, really exciting as Kim has highlighted.

Thank you.

>> CHAIR KELLUM: Thank you, General Counsel.

Any other thoughts or discussion before we wrap? Kim, please?

>> KIM BRACE: I would like to point out and John mentioned there's features here where townships are in two different parts.

Where they process the data, it's going to be one number.

Those two features are joined together.

Even though they're not connected, logically they're joined.

If you assign this little piece to District 9, this big piece is going to go to District 9.

Part of the processing of the data that we do is you're going to have and Township XYZ and there are two different numbers so you can assign parts of a township to one District and the main township to another.

You'll have that with localities.

Townships and precincts but all of that is taken care of so when you see Township X1 and Township X2, they're two separate features.

In here right now they're one feature.

I don't want to get bogged down with technicalities but that's the kind of stuff we have to deal with.

>> CHAIR KELLOM: Thank you.

Commissioner Rothhorn?

>> COMMISSIONER ROTHORN: I'm going to try to bring this back to processing again.

Anthony, can you zoom into the airport? On 14? And what I'm thinking about in terms of process is how we might and Julie I'm looking for help here.

What I'm trying to do is see if there's a way, before we propose a draft map in the next eight to ten weeks before we go on the road again for Round 2. If we have a map like Anthony is suggesting and say that's part of a Township and it sure looks like it's funny. Is there a way for us, in terms of process, to get back to the people and ask -- and I'm going to say the people because it feels general but we have to define who the people are and how -- it matters but in terms of social media, can we actually -- create a process [audio buffering] that will allow us to -- we decide -- excuse me, of course we will decide.

We are the ones -- I want to be clear about that.

And to somehow have it -- we substantiate our decision because we do have input from the people and it really has to be some sort of give and take and I'm trying to wrap my head around how might that process look and I'm asking the question knowing that it's complicated.

>> MS. JULIANNE PASTULA: Very straightforward.

Public meetings.

This all will occur at public meetings.

The public has the opportunity to weigh in at the meetings in person or remotely.

The Public Comment portal is still live.

This environment that the Commission is operating in practicing right now is a closed environment.

So when these -- when the when we transition out of the practice environment and the Commission's work product after it ends in its map drawing -- and open processes will be available to the public to comment on.

And so the public will be able to weigh in.

One caution I will give the Commission and the public is that the public engagement is critical.

The identifying the regions that are going to be worked at and publicizing that is going to be important.

But you will run into situations where public opinion, Commission opinion, legal opinions, and the legal requirements may not align.

And those legal requirements can be through the Constitution or the case law that -- or that we can't say, well, what the public wants because that might not always align with what is required by the Constitution.

So certainly their engagement and input is critical as is working through the process in a public fashion so that they have that opportunity for the Commission to take their advice and their opinions into consideration when drawing the maps.

Is that responsive, Commissioner Rothhorn? Thank you.

>> KIM BRACE: And I would add before Anthony moves from that image, part of the element that will help inform you is to understand in this little piece coming out here, what is the population of that? You know, that maybe it's connecting to the airport. There's nobody there.

Okay.

That may change your decision point of do I recognize that as part of the city and I'm trying to keep the city whole or if it's a zero population, maybe it's not as important. But keep in mind that you also have to realize that your District is going to be sitting around there for ten years.

And if indeed there's nobody there today, but say a developer wants to develop some of that property right around there, and suddenly that becomes populated, there are people there and therefore, for the elected official, they have to recognize that that's part of the city.

They can vote in the city elections, even though today there is nobody there.

>> Some of the parameters you have to keep in mind on that side.

>> In this case, this is specifically the Reservoir for the City of Flint.

In that case it's part of the city.

If you were to say, gee, that makes my district look funny and I look at the compactness scores you can now publicly say there's a reason for this and I think that's what Commissioner Rothhorn was talking about.

>> In fact if you think all of this District will look ugly if we do that, the real trouble is going to be when you make it nice and neat and he did zoom?

There are people in that area.

If a registrar has to set up a precinct for 14 people to vote in the split vote with the numbers listed there, it's more of a problem.

The appearance doesn't look good.

>> Doesn't look good, yes.

>> CHAIR KELLOM: Thank you.

I don't know in Commissioner Eid has any final thoughts.

But I think your presentation as well as your practice and the commentary from Eid's has been really thoughtful and I've learned things in this presentation and we can be here all day talking about the ins and outs of this and we have truly moved to the end of our agenda.

I would entertain for an adjournment.

>> COMMISSIONER EID: Madame Chair, I do have one more thing, actually.

I think someone else is controlling my screen.

Or something.

Something is going on with the zoom.

But, you know, I would really actually like to hear about the challenges that some of my fellow Commissioners have had during this practice process to see if it's similar to, you know, what I've experienced.

This is what we're here for.

We're only going to be as good as what we practice.

You know? I don't want to go all -- here but.

>> CHAIR KELLOM: I understand, but it's unfortunate you missed that part of the meeting.

>> COMMISSIONER EID: I know.

But we have until 4:00 o'clock on the agenda and we're not there yet, so I really want to challenge each of us.

I'm wondering, have you all made any maps and if you have, what efforts have the challenges been and what do you think of the map that I just put up now for practice? I would really like to hear from some of y'all.

>> CHAIR KELLOM: Commissioner Eid is trying to pull something out of us, so if you have something to say.

>> VICE CHAIR SZETELA: I feel like we've talked about this and you can watch the video on what we commented on and we've discussed this at length, and frankly, I'm not interested in talking about a practice map.

Nobody presented their maps and asked for comments on it.

I realize you would like to stay until 4:00, but personally I would like to head home.

>> COMMISSIONER EID: I'm just wondering -- and I will go back and watch, you know, the hour or so that I missed earlier.

Why aren't we commenting on the practice maps? Why aren't we commenting on each other's practice maps?

This is supposed to be a process it's a process we should go through organically as a Commission.

>> CHAIR KELLOM: I think what you said kind of hit the nail on the head.

It has to happen organically, so I would assume if the discussion did not take place earlier, maybe there weren't that many thoughts and I would think we're still learning and -- so that's that part of my thought but, General Counsel?

>> MS. JULIANNE PASTULA: I don't speak from any individual Commissioner but based on the feedback that occurred when the discussion happened earlier about challenges that were software based, and I think Mr. Stigall accurately highlighted that the data that the Commission is working with the fact data that has value, but it's not the final additional asset and it doesn't have the breadth and fullness of the data needed for drawing maps. So my feeling is that the practice maps were for using the software and for where the lines are and shows kinds of things and the rationale of putting lines together with the data for the Commission right now is not necessary.

>> CHAIR KELLUM: Are there any other thoughts or? I would entertain a motion for adjournment.

>> COMMISSIONER LETT: So moved.

>> CHAIR KELLUM: Motion made by Commissioner Lett.

Second?

>> COMMISSIONER EID: Second.

CHAIR KELLUM: Seconded by Commissioner Eid.

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

>> Aye, [in unison].

>> CHAIR KELLUM: All those opposed, say "Nay."

The Ayes have it.

Meeting Adjourned at 3:40 p.m.