UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD AGEE, JR., an individual, *et al.,*

Plaintiffs,

v.

JOCELYN BENSON, in her official capacity as the Secretary of State of Michigan, *et al.*;

Defendants.

Case No. 1:22-cv-00272

Three-Judge Panel Appointed Pursuant to 28 U.S.C. § 2284(a)

ORAL ARGUMENT REQUESTED

3 / $, 1 7 ,)) 6 **REPLY BRIEF IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT**

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I know that that's something that Dr. Handley is looking at and she and I will be talking about.
So to your point, I agree that that can be a very significant part of the analysis.
But that's part of the data that we talked about earlier that isn't here yet.
When it comes, great.
But also just keep in mind anecdotally in looking at voting act rights issues and ability to elect candidates of choice that often involves looking at what is the size of the minority age population is it 10%, 20%, 40%, 50%, the higher you go the likelier, the greater the opportunity for minority voters to be able to elect candidates of choice.
That all is part of Dr. Handley's analysis which we will then use in various ways but it's kind of a good thumbnail.
The smaller the population anecdotally for now is probably less likely that that population generally will be able to elect candidates of choice.
Thank you.
>> VICE CHAIR SZETELA: All right where to now Commissioner Clark?
>> COMMISSIONER CLARK: You want me to continue with this?
>> VICE CHAIR SZETELA: Yes.
>> COMMISSIONER CLARK: I didn't know if we were going to pass the baton.
That's what I was thinking Hillsdale is 45746 and Jackson is 16366.
Okay, so I want to get those two counties.
>> KIM BRACE: Hillsdale.
We will put this into District two.
>> COMMISSIONER CLARK: Yep.
>> KIM BRACE: Okay, and Jackson.
>> COMMISSIONER CLARK: Correct.
>> MS. SARAH REINHARDT: Commissioner Clark?
>> COMMISSIONER CLARK: Yes.
>> MS. SARAH REINHARDT: Can you clarify if you started drawing the second District? Is this the second District?
>> COMMISSIONER CLARK: It is.
>> VICE CHAIR SZETELA: It is.
>> MS. SARAH REINHARDT: Just to clarify and the Commission can proceed how it wants but the drawing of the second District the subsequent District would move on to the next person in alphabetical order.
>> VICE CHAIR SZETELA: So we will move on to Juanita? Juanita wants to pass, so that brings us to you, Commissioner Lett.
I know you only have ten more minutes left so you will have to be speedy, I guess.
>> COMMISSIONER LETT: Hillsdale and Jackson highlighted.
>> VICE CHAIR SZETELA: Microphone too.
>> VICE CHAIR SZETELA: Thank you.

EXHIBIT B

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But be able to display that data in addition to population to kind of gauge where the Commission is.

>> KIM BRACE: So what you have is on your spreadsheet your active matrix down there you have the racial and demographic characteristics and the overview tab.
And then the individual racial groups in the other tabs.
So if you wanted, again, it's the option of how you wanted to see race.
Remember what I've said before, so if you want to use a combo or the maximum it could be in terms of for example the African/American compared to the alone category of non-Hispanic African/American, here is where you start seeing the differences here.
So on the alone African/American is 2.7%.
In this District that you have drawn.
But in the combo, it's 3.86%.
So you see how the different definitions of your racial groups change.
And that's sometimes is important to recognize on that side.

>> COMMISSIONER CLARK: Can we get Lisa's assessment and then Bruce's assessment of this District?

>> KIM BRACE:

>> MS. JULIANNE PASTULA: Mr. Chair?

>> COMMISSIONER WITJES: General Counsel Pastula.

>> MS. JULIANNE PASTULA: And Mr. Brace has the racial census data displayed and the percentages that correspond to the draft District that's displayed.
The analysis from Dr. Handley and Mr. Adelson will, in fact, come later, after, again, I believe Dr. Handley is scheduled to give her presentation on September 2nd, which will be again a statewide look and then focusing in on the areas with significant minority population to analyze whether there is racially polarized voting in those areas.
So that data will come later.
I think one thing and I know Mr. Adelson has taken off his mask, the largest cue that someone wants to speak in these meetings, but I would also say that moving from the racial data aspect of it just momentarily is if the display if we could see the voting age population just of total population the voting age and some of the other categories for this proposed, this draft District excuse me the draft District that is displayed.
Thank you, Mr. Chair.

>> KIM BRACE: So in the voting age population you look at this one, voting age of alone is 2.67 and of voting age of combo for the African/American is 3.24.
So it's not as much of a difference on the voting age as it is in total population on that side.

>> VICE CHAIR SZETELA: Mr. Adelson?

>> I wanted to address Commissioner Clark's comments about the analysis.
Big part of the analysis is election results and analysis.
That's not here.

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EXHIBIT C

DISSENTING REPORT
Submitted by Commissioner Erin Wagner

This serves as my dissenting report for the Michigan Independent Citizens Redistricting Commission 2021 Final Proposed Maps.

From the start of my term on this commission, I have been interested in fair maps for ALL of Michigan's citizens, not just a few parties, or even the party that I affiliate with. I have read every public comment both on and off the portal and looked at every map submitted. At one point, I even asked General Counsel Pastula if the maps submitted by the citizens to the portal had been vetted by any of our "expert panel" of witnesses (specifically the Promote the Vote maps, in relation to VRA and the other criteria) so that I could use portions of those in relation to drawing my own and was told they had not been.

One of the main reasons I voted for EDS was because they offered to supply a QR code during the live mapping process where anyone could pull it up and see and comment upon exactly what we were doing at the time, yet when I brought that up, I was told that since MDOS had a contract with Professor Duchin, EDS would not be supplying a QR code.

I do not believe that these maps best serve the Citizens of Michigan and feel, as I stated a few times, that we should have spent more time than we allotted to come up with maps that were truly fair to everyone, while meeting all criteria. In my entire lifetime here in Michigan, we have been neither Red nor Blue, swinging between the two parties frequently in our voting decisions. To be fair is to slice up the "pie" so that everyone gets the same size piece. These maps do nothing of the kind. When we were mapping in relation to the importance of the criteria, I believe we were on the right path. When certain organizations started crying out about partisan fairness, I believe we then went off on a strictly partisan tangent and discounted most all the other work we had done, especially in relation to Communities of Interest (hereon referred to as COI's) as well as County boundaries.

When it came time to vote, we were forced to choose one of the subpar maps that were proposed. If we didn't agree that any of them be put forth to the public and the 45-day comment period, we should have been allowed to vote no confidence. I believe we should have taken more time, as numerous public commenters told us, to come up with maps that every Commissioner could confidently say were our best work.

Some examples as to why I voted against the proposed maps include, but are not limited to the following:

Chestnut:

Chestnut groups Grand Rapids with Grand Haven, Norton Shores and the like on the far west coast of Michigan, as well as extending into Muskegon. It divides three counties to make the 3rd Congressional

District and lumps different COI'S together. District 2 extends south beyond notable county boundaries to include 20 different counties, which are in NO way communities of interest. District 8 takes areas from five different counties to lump Midland with Bay City and Saginaw. District 7 includes six different counties encompassing rural areas such as Fowler, Charlotte, Olivet, Eaton Rapids, as well as Fowlerville, Howell and Brighton. Coming from this area, we have nothing in common with Howell, Brighton or the capitol of Lansing, aside from traveling there on occasion.

Linden:

The Linden map is laughable in that once again it groups rural areas with the capitol of Lansing in district 21 and places East Lansing, with rural Eagle, Westphalia and Williamston. Williamston and Webberville are a COI, yet it splits them to place Webberville in District 22 with Howell and Brighton. District 30 grabs from the west yet again. District 33 places northern areas, such as Baldwin and Sauble with areas such as Portland and Ionia which are in the middle of the State and much closer to Lansing, Grand Ledge and the like. Once again, Midland is grouped with Bay City and Saginaw, completely discounting a COI. Detroit areas seem to reach much farther north than Communities of Interest would warrant. Detroit's voice was by far the largest and loudest and yet we still seem to have allowed that voice to fall on deaf ears. District 36 extends from the Northeast tip of the lower peninsula down to the Huron Manistee National Forests on the Western side of the lower peninsula, dipping down to grab Pinconning in Bay County.

Hickory:

In the Hickory map, even though we heard numerous COI testimony to keep the Grosse Pointes in the same district as Harper Woods, Saint Clair Shores and nearby Detroit neighborhoods such as Morningside, East English Village, Jefferson-Chalmers, it slices Harper Woods from District 10 and includes it with District 11. Morningside is included in District 9, while District 10 extends beyond East Village to include everything southeast along the Detroit River and cuts off on the northeast side before St. Clair Shores.

Ann Arbor is split in to four districts, 47, 33, 23, and 49. Lansing's District 77 uses the Grand River along Moore's River Drive as most of its southern boundary, north to W. Cutler Road just north of Dewitt, then west and north again to include Westphalia and Eagle (areas which do not have the same interests as Lansing, and dips into Eaton County to grab Grand Ledge. District 76 includes the northeast tip of Eaton County, which is considered Lansing, grabs Vermontville (an area with a high concentration of Amish) yet leaves out Kalamo and Bellevue, with Bellevue being just west of Olivet about 5 minutes by car.

It splits Nashville, Hastings and Delton, all within Barry County into three separate districts and includes Bellevue in Eaton County with the Western portion of the State in District 43. Barry County is split three ways, and Eaton County is split in four ways.

As stated, these examples are not the ONLY problems I see in the proposed maps.

Another reason I dissented on these maps is because of the numerous times, as a Commissioner attending remotely, I watched the Commission take breaks and then come back to pass a motion regarding commission business, that was not part of the discussion that took place prior to said break and therefore remote Commissioners were not privy to any discussion. Unfortunately, this called into question the whole matter of “transparency “ for me.

I understand that we could not make everyone happy, however I believe had we spent more time in revising maps according to public comment, we could have done a much better job than what we put forth.

Sincerely,

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EXHIBIT D

Dissenting Report for Adopted Congressional, Senate and State House Maps

Commissioner Rhonda Lange

Michigan Independent Citizens Redistricting Commission

Abstract

This report is an evaluation and assessment of why I objected to the recently adopted plans and details not only my personal opinions on the plans' creation but facts on input that the public gave that were ignored. I will not go into detail as to why I voted for other maps such as the Lange Congressional and Senate plans as the short and direct answer is I was told I HAD to vote for one. My personal choice would have been to not vote for any or abstain from voting due to not believing that we had reached truly fair maps that represented the voices of the public that we heard from. My stance was and still is that the Commission should have taken more time to work on maps and that none of the maps were truly fair.

Dissenting Report for Adopted Congressional, Senate and State House Maps

Congressional Plan Chestnut

The Congressional Chestnut Plan does a complete disservice to parts of Northern and Central Michigan. For example, District 2 takes the west coast of the state and runs it over and down to within two counties of the southern border of the state, which clearly is not compact and splits a total of six counties unnecessarily, which also goes against the criteria of considering county and township lines. District 8, while splitting three counties, needlessly splits off a township in Tuscola to add it to District 8 while splitting off a small township in Genesee County, that is in District 8 and putting it in District 7, again discounting county lines. District 3 needlessly splits three counties and ignores input about communities of interest. Such is the case with Districts 4 and 5. I will say that the SE part of the state, including Districts 6, 10, 11, 12 and 13, while not perfect from a split point of view due to population, I have no issues with; however, from a COI, it is my opinion that the Commission failed, especially as it relates to the African American population.

Michigan Senate Linden

The Michigan Senate Linden Plan does a disservice to "some" citizens of Michigan. While in the Senate plan Northern Michigan is a little more compact, once you get to Districts 33, 34 and 31 multiple counties are needlessly split to make up districts. Districts 33 and 34 both have five county splits and consist mostly of rural areas that do not have high populations, so those splits are both unwarranted and unnecessary. While public comment about COIs for those areas was minimal due to a lack of outreach in my opinion, the comments that were received should have been taken into account. District 17 needlessly splits four counties in mostly rural areas and discounts the COI testimony given for those areas in my opinion. District 22 needlessly splits

five counties. As for districts 1-13, my opinion is the same as it was for the Congressional maps in that area. It is my thought that VRA could have been accomplished in conjunction with COI and I will expound on this in my conclusion. Allegan County is split needlessly three times and Ottawa County is split needlessly two times after hundreds of comments from its residents about the county being a COI and from what I saw maybe one or two (I distinctly remember one) views that felt otherwise, yet they were split, and it was said that was a "compromise" when there was no need for it. The Commission split up three counties so that 3 cities could be considered a COI in District 35. It can also be argued that District 15 could have been accomplished in one county without taking a chunk out of Lenawee.

State House Hickory Plan

State House plan "Hickory" is the worst offender of them all not only in my opinion disenfranchising African American voters but as well as rural voters and voters in Northern Michigan. The U.P. commented that their counties are their COI and not to split them. District 107 needlessly splits three counties. District 104 is one of the most egregious splits in Northern Michigan, splitting 6 counties and not in the name of COI! District 110 splits two counties. While I drew this district, upon going back and editing and reviewing COI, I found it could have been redrawn in a way that kept counties whole and still maintained COI and county boundaries. District 97 splits four counties. Jackson County was split four times, which is completely unacceptable, and their voices were ignored when they expressed that their county WAS/IS THEIR COI. Even if they were over population for one house district, every attempt should have been made to do the least number of splits to maintain their COI. District 28 goes into Monroe County and the voices of those from Monroe County were ignored. In looking at this district it

could have been maintained in Wayne County. District 43 splits four counties and is not compact. Lapeer County, which again is mostly rural, was split three times unnecessarily. Then we move into SE Michigan: Macomb, Oakland, and Wayne counties. We as a Commission failed this area horribly. It is my opinion that not only with the overwhelming amount of input from the citizens, especially the African American community but also the overwhelming call from the communities for us to keep drawing and have their voices better represented, we should have made additional changes. It's my opinion that doing mediocre work is not OK when that work will affect communities for 10 years.

Conclusion, Summary, Evaluation of Process including ranked criteria, public comment, etc., and my personal opinions on the work that got us to these maps.

It is my belief, based off just the minimal examples expressed in the body of this report, that the Commission failed in its duty to draw fair maps. It is also my belief based off not only what I saw but also heard, that there was a definite bias not only politically but also geographically and racially in the drawing of these maps both in favor and against. It is my belief that the Commission did not take into consideration all the ranked criteria when evaluating each criteria, making sure each was met simultaneously. While some criteria such as political fairness had to be evaluated once an entire map was completed, the others could have and should have been looked at sincerely after each district was drawn. The excuse that time was a factor when you have citizens from both sides of the aisle and all over the state saying that the maps needed more work is unacceptable. The citizens spoke and said they did not want these maps for the next 10 years and "we" ignored that because of time. It is my opinion that when the maps were being

drawn based on COIs, the Commission was doing a fairly good job, but once it got to political fairness things went off the track, by our own expert's opinion and court case evaluation. ACCEPTABLE measures would be:

Lopsided Margin: Less than 8%

Mean Median: Less than 5

Efficiency Gap: Less than 7%

The Commission took these numbers to an extreme at the cost of breaking up COIs and, in my opinion, intentionally diluted the votes of rural populations by combining them with heavily populated urban areas that voted in a distinct way. It was also stated openly in a meeting by a commissioner that Northern Michigan was mostly white and really didn't have any diversity. That statement showed, in my opinion, there was bias and discrimination toward people in Northern Michigan, which consists mostly of rural areas.

When looking at criteria for SE Michigan, particularly those in the Detroit area, of course, the first is VRA, which we were given guidance from Mr. Adelson. While I personally did not agree with his and Dr Handley's evaluation, I am not an expert and did not object either. Where I think the Commission failed in this aspect with the maps is that we should have not only considered VRA (or possibly gotten a second opinion) but combined it with COI. The citizens of Detroit, especially African American citizens, came out in strong numbers about their COI, even listing exact streets in some cases. I think these maps failed because we listened to our experts and a set of proposed numbers over the voices of the citizens of the state who were told they would get to pick their representatives by having their communities of interest kept intact. In using the term "cracking and packing" as it relates to VRA, packing is the "INTENTIONAL" act

of concentrating a group to reduce their voting power. I believe we as a Commission could have listened to the African American community and given them the districts that they asked for based off of the COI standpoint, regardless of if those districts were at 51% or even higher as long as it was what the community asked for, but we didn't.

This brings me back to criteria 3, COI. We as a Commission received a lot of public comments on what citizens saw as their COIs. I feel that in drawing these maps the Commission showed a serious lack of consistency in what they saw as being acceptable for COI and, in my opinion, treated different areas of the state in different ways. Maybe this was unintentional, but it happened. Point of fact: the Tri-Cities (Midland, Saginaw, Bay City). The Commission decided that three cities in three different counties was a COI and drew it to be such in two maps based off of one set of public comments for the area; Ottawa County literally had hundreds of comments, including a petition saying that the entire county was their COI, and gave examples of why, and the Commission intentionally split the county unnecessarily and then had a commissioner say it was a "compromise" when there was no need for compromise to the best of my knowledge. I only recall one written comment against the whole county being a COI. I drew maps that made Northern Michigan more compact and considered the COIs that were given for what I will call Central Northern Michigan and the Commission ignored what people in those areas said. A lot of the rural areas stated that their county is/was their COI and the Commission balked at that idea while saying that three cities in three different counties was a COI; again, there was a lack of consistency. I must agree with a lot of the public comment when they said their COI is their county, especially in rural areas where the population is not as condensed. It is my opinion that it is no different than saying, for an example, a five-block radius in Detroit that might hypothetically have 20,000 people is a COI because they have the same issues as far as

economics, environmental, etc. It is no different for a county that has 20,000 people; the issues may be different, but the community still exists.

As for the criteria of favoring or disfavoring an incumbent, while I cannot speak for anyone but myself on this particular criteria, I can say that I did not look at any incumbent data as far as who represented what district in the old plans, were incumbents drawn out of new plans, etc. To make sure of this, I asked that Mr. Woods, the Communications and Outreach Director, not to send me any newspaper articles, at the advice of Legal Counsel Pastula, as it was said articles were being published that talked about incumbents and the districts they were in. I cannot speak to what other commissioners have or have not done regarding this criteria.

Criteria 6: Districts shall reflect consideration of county, city and township boundaries. As described in the subsections of this report in regards to each set of maps, I think I have more than shown in the few examples given that as far as Criteria 6 is concerned, the Commission did an extremely poor job of considering this criteria, especially in rural areas where being split multiple times for no constructive reason negatively affects their representation, and again most rural areas came to this Commission and specifically stated that their county was/is their COI and their voices were blatantly ignored.

Last Criteria: Districts will be reasonably compact. Again, just by looking at the examples I gave for each map, it is easy to see that this criteria was not met. I did a map that outperformed all other maps, including the current Legislative maps, when it came to this criteria that could have at least been considered for certain areas.

In closing, I would like to give my final perspective and opinion as it relates to the process, the work performed, and the concerns I have that I think could have influenced the maps as they were adopted.

First is the outreach. I was very vocal throughout this process on how I feel the outreach for the rural communities was not given as much commitment, time, or funds as the urban and more populous parts of the state. I repeatedly asked our Communications and Outreach Director to reach out to certain areas or groups, to which he said he would but never produced. I was told that there were lots of town halls done in rural communities, yet when the list circulated it was shown not to be the case. It is my opinion that there was extreme bias in the outreach. When it came to public hearings, I feel it was always quickly recommended to cut potential rural venues even though having only two for all of Northern Michigan, including the U.P., would make it harder for people to participate in person, especially in areas where internet could be considered spotty at best, which also limited access to participating online. The Commission approved funds requested by the Communications Director to hire an "influencer" to get more people to the Flint hearing because he felt turnout the first time around wasn't great but did not give the same considerationto any other areas. It is my opinion that areas picked for public hearings were very politically biased and a better job could have been done to make sure it was more of an equal mix.

Next is transparency. I have grave concerns on this issue. It is my belief by things I saw, things I personally heard, and things that I read that transparency was lacking! I also believe the public comment portal was a mess. I asked repeatedly if there was a way to make it easier to navigate as a commissioner and print out public comment, and the use of "hashtags" to help search … really? If you don't know what the public is going to use for a hashtag for a particular area, how do you know what to search? Also, I had issues with not getting attachments that were uploaded to the portal in a timely fashion (I'm still waiting on recently uploaded material from January).

This whole process has honestly saddened me and proved to me what my concern was all along for this amendment and what is "fair." I would dare ask is it "fair" that the African American population came out in strong numbers and told us what they wanted, and we didn't provide that? Is it fair that rural communities came out and told us what they wanted (some driving long distance) and we ignored it? Is it fair that the only two considerations that were given to the U.P. were trying to combine two cities (again in different counties) to make a district and the second being looking to try not to split the Native American population — which don't get me wrong, I am fine with that — but in turn didn't listen to the other voices we heard from? Is it fair that organized groups' voices were heard louder and dare I say drowned out the voices of lone citizens who took time off from work or drove long distances and sat for hours just to be heard? The list goes on and on. I realize we absolutely couldn't make everyone happy but more serious and unbiased consideration should have been given to all.

While I think these maps are truly not representative of the entire state and the input we received, if anything good comes out of this I hope that future commissions really listen to the public not about politics but about the people's needs, their communities, their beliefs, and that they don't judge or show bias toward them for that because in the end I think all anybody really wants is to live their lives to the fullest the way they see fit.

This will conclude my report. While I can go on and on about my experiences and things I observed, heard, etc., this is not the place to do it, although on a personal privilege note, I know that commissioners do not particularly care for me and that's OK. I volunteered for this Commission to do a job and if I feel something isn't right I'm going to say it, regardless of if it goes against the views of others or the narrative, because I am a member of this Commission like it or not and my job was not to make the Commission happy and portray a narrative to the

media just to advance the career of someone or so some organization could win a Pulitzer or any of the other B.S. that was floated my way, stuff that I repeatedly said I could not care less about. The only reason I applied for this position was I wanted to make sure of two things and that was that the maps were fair for EVERYONE in the state from the very northern tip of the U.P. to the very SE corner of the Lower Peninsula and to make sure that everyone's voice was heard and considered EQUALLY! I feel that as a Commission we failed and for that I truly apologize to all the citizens of the State of Michigan.

Commissioner Rhonda Lange

EXHIBIT D

Dissenting Report for Adopted Congressional, Senate and State House Maps

Commissioner Rhonda Lange

Michigan Independent Citizens Redistricting Commission

Abstract

This report is an evaluation and assessment of why I objected to the recently adopted plans and details not only my personal opinions on the plans' creation but facts on input that the public gave that were ignored. I will not go into detail as to why I voted for other maps such as the Lange Congressional and Senate plans as the short and direct answer is I was told I HAD to vote for one. My personal choice would have been to not vote for any or abstain from voting due to not believing that we had reached truly fair maps that represented the voices of the public that we heard from. My stance was and still is that the Commission should have taken more time to work on maps and that none of the maps were truly fair.

Dissenting Report for Adopted Congressional, Senate and State House Maps

Congressional Plan Chestnut

The Congressional Chestnut Plan does a complete disservice to parts of Northern and Central Michigan. For example, District 2 takes the west coast of the state and runs it over and down to within two counties of the southern border of the state, which clearly is not compact and splits a total of six counties unnecessarily, which also goes against the criteria of considering county and township lines. District 8, while splitting three counties, needlessly splits off a township in Tuscola to add it to District 8 while splitting off a small township in Genesee County, that is in District 8 and putting it in District 7, again discounting county lines. District 3 needlessly splits three counties and ignores input about communities of interest. Such is the case with Districts 4 and 5. I will say that the SE part of the state, including Districts 6, 10, 11, 12 and 13, while not perfect from a split point of view due to population, I have no issues with; however, from a COI, it is my opinion that the Commission failed, especially as it relates to the African American population.

Michigan Senate Linden

The Michigan Senate Linden Plan does a disservice to "some" citizens of Michigan. While in the Senate plan Northern Michigan is a little more compact, once you get to Districts 33, 34 and 31 multiple counties are needlessly split to make up districts. Districts 33 and 34 both have five county splits and consist mostly of rural areas that do not have high populations, so those splits are both unwarranted and unnecessary. While public comment about COIs for those areas was minimal due to a lack of outreach in my opinion, the comments that were received should have been taken into account. District 17 needlessly splits four counties in mostly rural areas and discounts the COI testimony given for those areas in my opinion. District 22 needlessly splits

five counties. As for districts 1-13, my opinion is the same as it was for the Congressional maps in that area. It is my thought that VRA could have been accomplished in conjunction with COI and I will expound on this in my conclusion. Allegan County is split needlessly three times and Ottawa County is split needlessly two times after hundreds of comments from its residents about the county being a COI and from what I saw maybe one or two (I distinctly remember one) views that felt otherwise, yet they were split, and it was said that was a "compromise" when there was no need for it. The Commission split up three counties so that 3 cities could be considered a COI in District 35. It can also be argued that District 15 could have been accomplished in one county without taking a chunk out of Lenawee.

State House Hickory Plan

State House plan "Hickory" is the worst offender of them all not only in my opinion disenfranchising African American voters but as well as rural voters and voters in Northern Michigan. The U.P. commented that their counties are their COI and not to split them. District 107 needlessly splits three counties. District 104 is one of the most egregious splits in Northern Michigan, splitting 6 counties and not in the name of COI! District 110 splits two counties. While I drew this district, upon going back and editing and reviewing COI, I found it could have been redrawn in a way that kept counties whole and still maintained COI and county boundaries. District 97 splits four counties. Jackson County was split four times, which is completely unacceptable, and their voices were ignored when they expressed that their county WAS/IS THEIR COI. Even if they were over population for one house district, every attempt should have been made to do the least number of splits to maintain their COI. District 28 goes into Monroe County and the voices of those from Monroe County were ignored. In looking at this district it

could have been maintained in Wayne County. District 43 splits four counties and is not compact. Lapeer County, which again is mostly rural, was split three times unnecessarily. Then we move into SE Michigan: Macomb, Oakland, and Wayne counties. We as a Commission failed this area horribly. It is my opinion that not only with the overwhelming amount of input from the citizens, especially the African American community but also the overwhelming call from the communities for us to keep drawing and have their voices better represented, we should have made additional changes. It's my opinion that doing mediocre work is not OK when that work will affect communities for 10 years.

Conclusion, Summary, Evaluation of Process including ranked criteria, public comment, etc., and my personal opinions on the work that got us to these maps.

It is my belief, based off just the minimal examples expressed in the body of this report, that the Commission failed in its duty to draw fair maps. It is also my belief based off not only what I saw but also heard, that there was a definite bias not only politically but also geographically and racially in the drawing of these maps both in favor and against. It is my belief that the Commission did not take into consideration all the ranked criteria when evaluating each criteria, making sure each was met simultaneously. While some criteria such as political fairness had to be evaluated once an entire map was completed, the others could have and should have been looked at sincerely after each district was drawn. The excuse that time was a factor when you have citizens from both sides of the aisle and all over the state saying that the maps needed more work is unacceptable. The citizens spoke and said they did not want these maps for the next 10 years and "we" ignored that because of time. It is my opinion that when the maps were being

drawn based on COIs, the Commission was doing a fairly good job, but once it got to political fairness things went off the track, by our own expert's opinion and court case evaluation. ACCEPTABLE measures would be:

Lopsided Margin: Less than 8%

Mean Median: Less than 5

Efficiency Gap: Less than 7%

The Commission took these numbers to an extreme at the cost of breaking up COIs and, in my opinion, intentionally diluted the votes of rural populations by combining them with heavily populated urban areas that voted in a distinct way. It was also stated openly in a meeting by a commissioner that Northern Michigan was mostly white and really didn't have any diversity. That statement showed, in my opinion, there was bias and discrimination toward people in Northern Michigan, which consists mostly of rural areas.

When looking at criteria for SE Michigan, particularly those in the Detroit area, of course, the first is VRA, which we were given guidance from Mr. Adelson. While I personally did not agree with his and Dr Handley's evaluation, I am not an expert and did not object either. Where I think the Commission failed in this aspect with the maps is that we should have not only considered VRA (or possibly gotten a second opinion) but combined it with COI. The citizens of Detroit, especially African American citizens, came out in strong numbers about their COI, even listing exact streets in some cases. I think these maps failed because we listened to our experts and a set of proposed numbers over the voices of the citizens of the state who were told they would get to pick their representatives by having their communities of interest kept intact. In using the term "cracking and packing" as it relates to VRA, packing is the "INTENTIONAL" act

of concentrating a group to reduce their voting power. I believe we as a Commission could have listened to the African American community and given them the districts that they asked for based off of the COI standpoint, regardless of if those districts were at 51% or even higher as long as it was what the community asked for, but we didn't.

This brings me back to criteria 3, COI. We as a Commission received a lot of public comments on what citizens saw as their COIs. I feel that in drawing these maps the Commission showed a serious lack of consistency in what they saw as being acceptable for COI and, in my opinion, treated different areas of the state in different ways. Maybe this was unintentional, but it happened. Point of fact: the Tri-Cities (Midland, Saginaw, Bay City). The Commission decided that three cities in three different counties was a COI and drew it to be such in two maps based off of one set of public comments for the area; Ottawa County literally had hundreds of comments, including a petition saying that the entire county was their COI, and gave examples of why, and the Commission intentionally split the county unnecessarily and then had a commissioner say it was a "compromise" when there was no need for compromise to the best of my knowledge. I only recall one written comment against the whole county being a COI. I drew maps that made Northern Michigan more compact and considered the COIs that were given for what I will call Central Northern Michigan and the Commission ignored what people in those areas said. A lot of the rural areas stated that their county is/was their COI and the Commission balked at that idea while saying that three cities in three different counties was a COI; again, there was a lack of consistency. I must agree with a lot of the public comment when they said their COI is their county, especially in rural areas where the population is not as condensed. It is my opinion that it is no different than saying, for an example, a five-block radius in Detroit that might hypothetically have 20,000 people is a COI because they have the same issues as far as

economics, environmental, etc. It is no different for a county that has 20,000 people; the issues may be different, but the community still exists.

As for the criteria of favoring or disfavoring an incumbent, while I cannot speak for anyone but myself on this particular criteria, I can say that I did not look at any incumbent data as far as who represented what district in the old plans, were incumbents drawn out of new plans, etc. To make sure of this, I asked that Mr. Woods, the Communications and Outreach Director, not to send me any newspaper articles, at the advice of Legal Counsel Pastula, as it was said articles were being published that talked about incumbents and the districts they were in. I cannot speak to what other commissioners have or have not done regarding this criteria.

Criteria 6: Districts shall reflect consideration of county, city and township boundaries. As described in the subsections of this report in regards to each set of maps, I think I have more than shown in the few examples given that as far as Criteria 6 is concerned, the Commission did an extremely poor job of considering this criteria, especially in rural areas where being split multiple times for no constructive reason negatively affects their representation, and again most rural areas came to this Commission and specifically stated that their county was/is their COI and their voices were blatantly ignored.

Last Criteria: Districts will be reasonably compact. Again, just by looking at the examples I gave for each map, it is easy to see that this criteria was not met. I did a map that outperformed all other maps, including the current Legislative maps, when it came to this criteria that could have at least been considered for certain areas.

In closing, I would like to give my final perspective and opinion as it relates to the process, the work performed, and the concerns I have that I think could have influenced the maps as they were adopted.

First is the outreach. I was very vocal throughout this process on how I feel the outreach for the rural communities was not given as much commitment, time, or funds as the urban and more populous parts of the state. I repeatedly asked our Communications and Outreach Director to reach out to certain areas or groups, to which he said he would but never produced. I was told that there were lots of town halls done in rural communities, yet when the list circulated it was shown not to be the case. It is my opinion that there was extreme bias in the outreach. When it came to public hearings, I feel it was always quickly recommended to cut potential rural venues even though having only two for all of Northern Michigan, including the U.P., would make it harder for people to participate in person, especially in areas where internet could be considered spotty at best, which also limited access to participating online. The Commission approved funds requested by the Communications Director to hire an "influencer" to get more people to the Flint hearing because he felt turnout the first time around wasn't great but did not give the same considerationto any other areas. It is my opinion that areas picked for public hearings were very politically biased and a better job could have been done to make sure it was more of an equal mix.

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Commissioner Rhonda Lange

EXHIBIT E

Commissioners not pictured: Anthony Eid, Rhonda Lange, and Erin Wagner

LESSONS LEARNED & RECOMMENDATIONS

From the Inaugural Commission

October 2022

MICHIGAN INDEPENDENT CITIZENS REDISTRICTING COMMISSION

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COMMUNITIES OF INTEREST

One of the most complex and difficult challenges the MICRC faced during the map-making process was defining "communities of interest," which is the third-ranked priority in the state constitution preceded only by complying with federal population size and Voting Rights Act requirements and a directive to make districts geographically contiguous.

The guidance provided in the Michigan Constitution is as follows:

> **"Districts shall reflect the state's diverse population and communities of interest. Communities of interest may include, but shall not be limited to, populations that share cultural or historical characteristics or economic interests. Communities of interest do not include relationships with political parties, incumbents, or political candidates."**

MICRC members noted during interviews there is no definitive list of communities of interest in Michigan to draw from, and a community of interest is not a traditional city or county borders. In order to fulfill this criteria, the MICRC identified a communities of interest process.

This process included identifying characteristics of a COI to be:

- Self-defined by the local community members.
- Associated with a contiguous area on a map.
- Shared common bonds linked to public policy issues that would be affected by legislation, likely to result in a desire to share the same legislative district in order to secure more effective representation.

And defining "cultural," "historical" and "economic" characteristics as:

- **Cultural**: Artistic and intellectual pursuits/products, including the arts, letters, manners; ways of living transmitted from one generation to the next; a form or stage of civilization; behaviors and beliefs characteristic of a social, ethnic or age group.
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- **Economic**: The production, distribution and use of income, wealth and commodities; affecting or apt to affect the welfare of material resources; financial considerations; wealth and wage disparities.

Communities of interest could include places of worship, neighborhoods, ethnic communities, social service organizations, local historical societies, school districts, outdoor recreation areas, arts and cultural institutions or a group of vacation homeowners.

Communities that have a shared interest that makes them want to stay together in one district for purposes of political representation can tell MICRC where they want to be located geographically. MICRC did consider the maps it received from communities of interest when drawing the new congressional and legislative lines. However, it didn't consider COIs where citizens mentioned not wanting to be a part of a community.

While many states consider communities of interest, no other state assigns them such a high priority in its criteria for redrawing districts as Michigan. Redistricting experts interviewed for this report said making communities of interest a top priority was meant as a corrective to gerrymandered districts that split up communities in the past. Groups including Voters Not Politicians, the Michigan Nonprofit Association and the University of Michigan's Center for Local, State, and Urban Policy compiled resources to learn more about communities of interest and how to encourage public participation in the new redistricting process.

One of the main factors MICRC has to consider is keeping residents with similar interests together. Because the definition is so vague, Michigan citizens have a lot of leeway to help chart MICRC's course.

"It's very elastic," John Chamberlin, professor emeritus of political science and public policy at the University of Michigan's Ford School of Public Policy, told the MLive newspaper chain in a story published May 25, 2021. "As long as you're not a political party or a front group for a candidate, you could be a community of interest."

According to the National Conference of State Legislatures, 25 states, including Michigan, currently include communities of interest as a qualifying form of criteria in drawing state legislative maps, congressional maps or both. The most comparable system to Michigan's is the state of California, which also has an independent redistricting commission that relies in part on communities of interest.

The term itself isn't unusual for people who are familiar with the redistricting process, but for the average citizen it's nebulous, Chamberlin told MLive.

He and other researchers at the University of Michigan's Center for Local, State, and Urban Policy drew up a list of examples for MICRC review of what communities of interest could be after looking at various state organizations, associations and groups. They suggested communities of interest include populations sharing cultural or historical characteristics, economic interests or bonds through policy issues that would be affected by legislation.

"The fact that there's no exhaustive list of these things means that either communities of interest, on their own, need to decide, 'We are one and let's participate,' or some other group needs to get in touch with them to say, 'Have you thought about this? Here's how the process works,'" he told MLive.

In remaining steadfast and not disregarding the seven ranked redistricting criteria, the MICRC heard sentiments of former state Supreme Court Justice Stephen Markman. He teaches constitutional law at Hillsdale College, which commissioned him to write a report summarizing his concerns with the MICRC's definition of community of interest in forming district lines.

Markman urged the MICRC against using racial, ethnic or religious groups as a determiner of the state's new voting boundaries for the 2022 election. He also said a redistricting commission that prioritizes traditional municipal boundaries when redrawing voting maps should avoid using "'racial, ethnic and religious' calculations" as proxies for drawing maps that provided partisan advantage in the past.

Instead, Markman called on the commission to consider actual neighborhood and municipal boundaries when redrawing the state voting maps instead of more nebulous bonds such as shared concerns over the environment, creative arts communities, media markets or tax assessment districts — elements the University of Michigan study offered as examples of "communities of interest."

Here is a link to a July 7, 2021, story published by The Detroit News about Markman's views.

COMMUNITIES OF INTEREST: LESSONS LEARNED & RECOMMENDATIONS

A common critique on the MICRC's COI application from Markman, dissenting MICRC commissioners and some members of the public who submitted comments is that city/county lines were broken in pursuit of COIs and/or that certain cities/counties were not considered COIs.

The counterpoint to that sentiment is that the sixth-ranked criteria states, "Districts shall reflect consideration of county, city and township boundaries," which is lower than the third-ranked COI criteria.

The following content represents VNP's contribution to MICRC's Lessons Learned & Recommendations report. The findings and observations are based on VNP interviews with the leaders of 10 COI partner groups across Michigan that both the MICRC and VNP worked closely with during the inaugural redistricting cycle.

According to VNP, COI partners reported multiple challenges during the 2021-22 redistricting process, such as a lack of awareness among their members of the redistricting process in general. In addition, there was confusion as to what would or would not be considered a COI in MICRC's eyes and how MICRC would weigh submissions from a few motivated individuals as compared with large COIs. The COI partners recommended MICRC:

- Publicize and share widely a definition of "community of interest" and clearly and proactively explain how it will weigh different pieces of public input.
- Provide COI examples and counterexamples.
- Prioritize public education and presentations in more populous areas.
- Have adequate financing and staffing for its important public education role.

Public Comment on Improving the Process

"Earlier public education before public testimony begins would give more time for communities of interest to understand how they can participate in the process."

Susan Demeuse, Caledonia

"I believe I watched every meeting and hearing held by the MICRC, and if there was one takeaway I could offer by way of suggested process improvement, I believe greater clarification surrounding what constitutes a COI as it relates to mapping criteria priorities taken as a whole.

"For example, there were obvious tensions with which the commission struggled when it was necessary to weigh issues of partisan fairness against the interests of a COI."

Karen

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COMMUNITIES OF INTEREST: LESSONS LEARNED & RECOMMENDATIONS

A common critique on the MICRC's COI application from Markman, dissenting MICRC commissioners and some members of the public who submitted comments is that city/county lines were broken in pursuit of COIs and/or that certain cities/counties were not considered COIs.

The counterpoint to that sentiment is that the sixth-ranked criteria states, "Districts shall reflect consideration of county, city and township boundaries," which is lower than the third-ranked COI criteria.

The following content represents VNP's contribution to MICRC's Lessons Learned & Recommendations report. The findings and observations are based on VNP interviews with the leaders of 10 COI partner groups across Michigan that both the MICRC and VNP worked closely with during the inaugural redistricting cycle.

According to VNP, COI partners reported multiple challenges during the 2021-22 redistricting process, such as a lack of awareness among their members of the redistricting process in general. In addition, there was confusion as to what would or would not be considered a COI in MICRC's eyes and how MICRC would weigh submissions from a few motivated individuals as compared with large COIs. The COI partners recommended MICRC:

- Publicize and share widely a definition of "community of interest" and clearly and proactively explain how it will weigh different pieces of public input.
- Provide COI examples and counterexamples.
- Prioritize public education and presentations in more populous areas.
- Have adequate financing and staffing for its important public education role.

Public Comment on Improving the Process

"Earlier public education before public testimony begins would give more time for communities of interest to understand how they can participate in the process."

Susan Demeuse, Caledonia

"I believe I watched every meeting and hearing held by the MICRC, and if there was one takeaway I could offer by way of suggested process improvement, I believe greater clarification surrounding what constitutes a COI as it relates to mapping criteria priorities taken as a whole.

"For example, there were obvious tensions with which the commission struggled when it was necessary to weigh issues of partisan fairness against the interests of a COI."

Karen

EXHIBIT F

MEMORANDUM

To

Michigan Independent Citizens Redistricting Commission

From

Stephen Markman
Michigan Supreme Court Justice (retired)
Professor of Constitutional Law, Hillsdale College

Commissioned by Hillsdale College

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EXECUTIVE SUMMARY

This Memorandum addresses the Report of the Center for Local, State, and Urban Policy at the University of Michigan, offering "Recommendations to the Michigan Independent Citizens Redistricting Commission." The recommendations of the Report are neither in full accord with the language of the Amendment nor with the "common understanding" of the Amendment on the part of the people of Michigan who ratified it.

In particular, the concept of the "community of interest" has been significantly distorted from its previous legal usage. The Report fails to acknowledge what the term historically has meant in Michigan—electoral boundaries built upon counties, cities, and townships, the genuine communities of interest to which all citizens of our state equally belong. In its place, the Report would define the "community of interest" on the basis of groups in support of and in opposition to "public policy issues;" media markets and special assessment tax districts; "shared visions of the future" of communities; and by introducing into the Michigan Constitution for the first time express consideration of "race, ethnicity, and religion." As a result, what the people of Michigan wished to see ended by their ratification of the Amendment—a redistricting process characterized by partisanship, self-dealing, and gerrymandering—risks being reintroduced under a different name.

The Report's reinterpretation of the "communities of interest" concept is predicated upon what its author describes as a "new theory of representation." This "new theory" would replace the citizen as the core of the democratic process with the interest group; it would substitute for the ideal of equal citizenship favored and disfavored voting blocs; it would replace partisanship with ideology; it would enhance the role of "race, ethnicity, and religion" in the construction of electoral districts; and it seeks to build an electoral and political foundation upon the judgments of "experts" rather than those of ordinary citizens.

The new Commission has the opportunity either to separate or to unite—to separate our people as members of interest groups and identity categories or to unite them as equal citizens, entitled to an equal role in the electoral process. Furthermore, the Commission is positioned to influence similar amendments being considered by other states, which are now assessing the Michigan experience. This memorandum presumes that in ratifying the Amendment, the people were doing exactly what was heralded at the time: they were establishing a redistricting process at whose core would be "voters not politicians" and not "reimagining" their democracy or experimenting with "new theories of representation."

MEMORANDUM

To: Commission Members
From: Stephen Markman
Re: Role of the Commission

Hillsdale College

Hillsdale College is a private liberal arts college in Hillsdale, Michigan with a student body of approximately 1400. It was founded in 1844 by Free Will Baptist abolitionists and has long maintained a liberal arts curriculum grounded upon the institutions and values of Western culture and Judeo-Christian tradition. Since its inception, Hillsdale has been non-denominational and takes pride in having been the first American college to prohibit discrimination based upon race, religion, or sex in its official charter, becoming an early force in Michigan for the abolition of slavery. A higher percentage of Hillsdale students enlisted during the Civil War than from any other western college. Of its more than 400 students who fought for the Union, four earned the Congressional Medal of Honor, three became generals, many more served as regimental commanders, and sixty students gave their lives. Many notable speakers visited Hillsdale's campus during the Civil War era, including social reformer and abolitionist Frederick Douglass and the man whose remarks preceded those of Abraham Lincoln at Gettysburg, Edward Everett. Hillsdale College plays no partisan role in American politics.

Purpose

Hillsdale College commissioned retired Justice of the Michigan Supreme Court Stephen Markman to review the Report of the Center for Local, State, and Urban Policy at the University of Michigan ["Report"] issued last August. This Report proposes "Recommendations to the Michigan Independent Citizens Redistricting Commission" ["Commission"] in implementing a state redistricting plan in accordance with the constitutional amendment ["Amendment"] ratified by the people by initiative in 2018. While the Report and its recommendations are thoughtful in many ways, its conclusions and recommendations, in our judgment, are fundamentally mistaken. The purpose of this Memorandum is to highlight the Report's deficiencies and to offer an alternative view that more closely adheres to the principles of American constitutionalism and incorporates more fully the legal and constitutional history of redistricting in Michigan. Specifically, this Memorandum offers thoughts and recommendations in support of what we believe to be the common interest of Michigan citizens that our public institutions uphold principles fundamental to our State constitution: the principles of representative self-government.

Formative Role

The present thirteen Commissioners comprise the Commission's formative membership and, as a result, your policies and procedures will come to define the work of this new institution. These policies and procedures will continue to define the Commission as new members join it, as new political balances arise in Michigan, and as new public policy controversies and partisan disputes come to the fore. Your legacy of

public service will determine the extent to which the Commission endures as an institution and its reforms become permanent. Each of you has been afforded a rare opportunity to help construct the constitutional course of our state. As with the best of public servants, you must rise to this occasion.

Absence of Perspective

A threshold concern with the Center for Local, State, and Urban Policy's Report is the absence of historical and constitutional perspective. Of particular concern is the Report's failure to take into adequate consideration in its Recommendations aspects of our federal and state constitutional systems that may be relevant in effectively and responsibly implementing the new Amendment. While the Amendment has removed our state redistricting process from within the traditional purview of the legislative power, it has not removed this process from within the purview of our Constitution. State constitutional principles and values remain applicable to the work of the Commission, including that of judicial review, as do all federal constitutional and legal principles and values. These may include, for example, the guarantee to every state of a "republican form of government;" norms of democratic electoral participation; recognition of our nation as a continuing experiment in self-government; and such fundamental precepts as federalism, equal protection, due process, equal suffrage, checks and balances, and governmental transparency. In other words, the Commission, as with *all* public bodies, does not stand *outside* the "supreme law" of our federal and state constitutions. For that reason, debates and discussions within the Commission that proceed without reference to any value of government larger than how best to define a "community of interest," or that reflect little historical or constitutional perspective, are likely to prove shallow, sterile, and stunted.

Oath of Office

As Commissioners, you must bear in mind the oath you have each taken, affirming support for the "Constitution of the United States and the Constitution of this state" and vowing to "faithfully discharge the duties of [your] office according to the best of [your] ability." Const 1963, art 11, § 2. While you will exercise your own best judgments in satisfying these obligations, as with all who exercise public authority, you must each familiarize yourself with our federal and state constitutions, just as you have familiarized yourselves with Michigan's redistricting process and the new Amendment.

Apol Standards

As just one illustration, there is an absence in the UM Report of even a single mention of the "Apol standards" which have guided our state's redistricting process for at least forty years in *name* and for far longer *in practice*. Named after Bernard Apol, a former State Director of Elections, and prepared under the leadership of Michigan Supreme Court Justice Charles Levin, these standards can offer practical guidance to the Commission in understanding and implementing the present Amendment. The Supreme Court has summarized these standards as follows:

1. The Senate consists of 38 districts.

2. The House consists of 110 districts.

3. All districts shall be contiguous, single-member districts.

4. The districts shall have a population not exceeding 108.2% and not less than 91.8% of the ideal district which, based on the 1980 census, would contain 243,739 persons in the Senate and 84,201 persons in the House.

5. The boundaries of the districts shall first be drawn to contain only whole counties to the extent this can be done within the 16.4% range of divergence and to minimize within that range the number of county lines which are broken.

6. If a county line is broken, the fewest cities or townships necessary to reduce the divergence to within 16.4% shall be shifted; between two cities or townships, both of which will bring the district within the range, the city or township with the least population shall be shifted.

7. Between two plans with the same number of county line breaks, the one that shifts the fewest cities and townships statewide shall be selected; if more than one plan shifts the same number of cities and townships statewide, the plan that shifts the fewest people in the aggregate statewide to election districts that break county lines shall be selected.

8. In a county which has more than one senator or representative, the boundaries of the districts shall first be drawn to contain only whole cities and townships to the extent this can be done within the 16.4% range of divergence and to minimize within that range the number of city and township lines that are broken.

9. If a city or township line is broken, there shall be shifted the number of people necessary to achieve population equality between the two election districts affected by the shift, except that, in lieu of absolute equality, the lines may be drawn along the closest street or comparable boundary; between alternate plans, shifting the necessary number of people, the plan which is more compact is to be selected.

10. Between two plans, both of which have the same number of city and township breaks within a particular county, the one that minimizes the population divergence in districts across the county is to be selected.

11. Within a city or township that is apportioned more than one senator or representative, election district lines shall be drawn to achieve the maximum compactness possible within a population range of 98%–102% of absolute equality between districts within that city or township.

12. Compactness shall be determined by circumscribing each district within a circle of minimum radius and measuring the area, not part of the Great Lakes and not part of another state, inside the circle but not inside the district. The plan to be selected is the plan with the least area within all the circles not within the district circumscribed by the circle. *In re Apportionment State Legislature-1992,* 439 Mich 715, 720-22.

Particular attention should be given to standards 5-10, each of which in some manner gives significant regard to counties and municipalities in Michigan's redistricting process. The Apol standards are emphasized because: (a) they offer useful perspective to the Commission that is missing from the Report; (b) the Michigan Supreme Court has observed that these standards are

compatible with the state *constitutional* value of "autonomy of local governmental subdivisions," a value that also goes unmentioned in the Report; and (c) these standards are fair-minded, neutral and non-partisan, and unrelated in any way to the public concerns that led to the present Amendment. Those concerns—partisanship, self-dealing, and gerrymandering—are in no way related to or attributable to the Apol standards.

The Law

The provision central to the UM Report, as well as to this Memorandum, is Const 1963, art 4, § 6, 13 (c), which states in relevant part,

> Districts shall reflect the state's diverse population and communities of interest. Communities of interest may include, but shall not be limited to, populations that share cultural or historical characteristics or economic interests.

Communities of Interest

The UM Report makes clear its sense of the importance of the "communities of interest" concept to the implementation of the new Amendment, at least as the Report understands this concept. While recognizing that the concept is "subjective" and "not well-defined," the Report nonetheless proceeds to explain its own very broad understanding of this new political foundation upon which our governmental system allegedly now rests. "Communities of interest" comprise the new "building blocks" of our democracy; "communities of interest" will determine "how well a community is represented;" representatives will be assessed by how responsive they are to the 'community [of interest's] needs;" representatives will be "attentive" to "members [of the "communities of interest"]; "communities of interest" will play a "leading role in the process;" "[t]o be an effective representative, a legislator must represent a district that has reasonable homogeneity of needs and interests;" "'communities of interest' can pick up the texture of bonds and interests within a political jurisdiction;" "'communities of interest' can capture the current patterns of community life;" and "'communities of interest' are "primary elements of the new redistricting process," whose recognition by the Commission "will lead to fairer and more effective representation." Although the term is not well defined in the Amendment (the Amendment largely sets forth examples or illustrations of what "may be included" within the term), the "community of interest" is enthusiastically embraced by the Report as the dominant institution mediating between voters and their elected officials.

The Citizen (1)

While the Report has much to say concerning "communities of interest," it has little to say concerning the American political system's *genuine* "building block," the citizen. Each citizen participates in the electoral process, not as a component of vaguely defined interest groups accredited by a governmental commission, but by casting his or her vote in accord with individual judgment and personal conscience. Yes, the citizen is a part of a community. But it is not a community arbitrarily cobbled together by a public commission and its "experts" and legitimated only after a majority vote has been cast following months of public hearings and lobbying. And it is not a community to which only *some* citizens belong or a community in which its supposed members may not even have *known* of their affiliation until after the community had been officially endorsed by the Commission. Rather, the citizen belongs

to a *genuine* "community of interest," one to which *all* citizens belong *equally* and in which all share a common interest and influence. And it is one whose definition requires no prolonged hearings or votes or expert consultations. It is *this* "community of interest" that has always served as the foundation of our electoral process, the community to which each of us belongs and is actually *from*, the community that most embodies our status as free and independent citizens, the community we each call *home*.

The Citizen (2)

To the extent American citizens are defined and officially separated by governmental agencies on the basis of their membership in arbitrarily-defined "communities of interest"—"communities" defined by "interest, identity and affinity" groupings, as the Report proposes—we are stereotyped and divided as a people. If we must be defined in collective terms, it should only be as part of "we the people," in whose name our constitutions were ratified, not compartmentalized in the most fundamental sphere of our citizenship on the basis of considerations such as race, nationality, ethnicity, religion, or skin color. The first obligation of the Commission is to ensure the enactment of a fair-minded, neutral, and non-partisan redistricting process—what would be a remarkable contribution to good government if it could be achieved. It is not an obligation, as the Report instead recommends, to assemble an electoral checkerboard upon which "interest, identity, and affinity" groups can compete for electoral advantage. Such a system would depart drastically from the fundamental principles of the consent of the governed and the equality of all under the law, as it inevitably would elevate some groups of citizens, but not others, to a privileged status.

Duties of Commission

The Report appears to view the lack of clarity and the obscurity of definition of the "community of interest" concept as presenting an *opportunity*, empowering the Commission, with the assistance of the "philanthropic and non-profit sectors" and the "print and broadcast media," to fill an empty constitutional vessel as the Commission sees fit. Operating in accordance with the Report, the Commission is to be occupied in doing at least the following: (a) examining the qualifications of "interest, identity, and affinity" groups to determine which should be favored in the redistricting process as "communities of interest;" (b) assessing which of the resulting "communities of interest" should be "linked" or not "linked" with other "interest, identity, and affinity" groups, both within and across electoral districts, to establish larger "communities of interest;" and (c) deciding under which circumstances "communities of interest" should be concentrated within a single district in order that the "community" be capable of electing a member of that "community" as its representative, or dispersed among districts in order that the "influence" of that "community" be more broadly felt. Such a process is a zero-sum game in which there are winners *and* losers. The latter will be comprised not only of "interest, identity and affinity" groups rejected as "communities of interest," but also ordinary Michigan citizens, not belonging to any such "community," and who might not have appreciated that such affiliation was a prerequisite for their full exercise of equal suffrage rights in the redistricting process.

Rule of Law

What is perhaps *most* troubling about this decision-making process imposed upon the

Commission is that it is an essentially standardless process. The rule of law—to which the Commission, as with all public bodies, must adhere—is all about standards: the setting of rules, criteria and procedures that are defined in *advance* of a decision and applied in an equal and consistent manner. Standards lie at the core of public decision-making, for these ensure that the law is applied today as it was yesterday, and as it will be tomorrow. The constitutional guarantees of both due process and equal protection, for example, are heavily dependent upon the government establishing and abiding by standards. As this pertains to "communities of interest"—which the Report describes as our new "building blocks" of democracy—these standards must ultimately be derived from our constitutions and laws, taking into account their language, structure, history, and purpose. In particular, the language of Michigan's constitution must be understood in the "sense most obvious to the common understanding . . . as reasonable minds, the great mass of the people themselves, would give it." *Traverse City Sch Dist v Att'y Gen*, 384 Mich 390, 405 (1971), quoting Thomas Cooley, Constitutional Limitations. In other words, vagueness and unclear language in the Amendment does not warrant the Commission 'making up' the law, acting in an arbitrary fashion, exercising merely personal discretion, or formulating rules and procedures on a case-by-case basis. This is not how the rule of law operates, particularly where the most fundamental institutions of our representative architecture are being constructed.

"Subjective" & "Not Well-Defined"

What makes the meaning of "communities of interest" in Const 1963, art IV, § 6, 13(c), so challenging is not only the potentially *boundless* implications of the "may include, but are not limited to" language, but also the potential breadth of other critical terms such as "diversity," "cultural," "historical," and "economic." For these reasons, the term "communities of interest" is correctly characterized by the Report as not only being "subjective" and "not well-defined," but as "opaque at best" in a recent article, Liscombe & Rucker, *Redistricting in Michigan*, Mich Bar J, Aug 2020. The Report further summarizes a survey of local officials responding to questions on the meaning and implications of "communities of interest." Significant numbers of these officials responded that "there were no significant local COIs" in their jurisdictions, that the matter was "inapplicable to their jurisdiction," that they "didn't understand what was being asked," or that the new constitutional provision was "not legitimate." In consequence, the Report describes the tenor of these responses as evidencing "uncertainty or skepticism," or, perhaps better put, "uncertainty and utter confusion." Despite this, the Report proceeds to give even the most obscure language of the Amendment meaning, its *own* meaning.

Compounding the Confusion

Consider, for example, the threshold question of giving proper meaning to the term "community of interest." The definition in the Amendment is already highly confusing, stating merely that the term "may include, but are not limited to" populations that "share cultural or historical characteristics or economic interests." The Report then proceeds to *compound* what is confusing about the Amendment by introducing a host of additional and equally amorphous concepts, including: "racial, ethnic, and religious identities"; "common bonds"; "link[age] to a set of public policy

issues that are affected by legislation"; "shared vision[s] of the future of a community"; "communities concerned about environmental hazards"; "media markets"; "affinity groups among neighboring jurisdictions"; "invisible ["communities of interest"]; "like-minded nearby communities"; "shared identities"; "what binds [the] community together"; "how the community currently engages with the political process"; "particular governmental policies that are high priority"; "nearby areas whose inclusion . . . would strengthen . . . and weaken representation for your community of interest"; and "metrics to transform [the term] 'reflect' into a clear measure of compliance with [the Amendment's redistricting] criteria." All of this occurs with little explanation or analysis, and with no reference whatsoever to Michigan's constitutional history. Of course, such complexity and convolution would be unnecessary if the Report viewed the Commission's work as "merely" redistricting Michigan in a "fair-minded, neutral, and non-partisan" way. But far more is required if the "building block" of our democracy is to be reconfigured in pursuit of a reimagined "theory of representation."

Reflections on Report

It is not entirely the fault of the Report's authors for promoting an incorrect understanding of "communities of interest" because this term, as used in the Amendment, is defined inadequately and confusingly. Nonetheless, the Report is deeply flawed, and there is a far more reasonable understanding of "communities of interest" that should guide the work of the Commission, not only to render its efforts in better accord with our Constitution, but also to render this work more broadly unifying. The following are several specific observations in this regard:

1. The Report asserts that "communities of interest" must be somehow "linked" to a "public policy issue that [is] affected by legislation." Why must this be so? What if a "community" is simply distinguished by the warmth and neighborliness of its people; by people with a common love for the outdoors and who revel in local recreational opportunities; by people enamored with the peace and quiet of the community; by people who relish the quality of local schools, libraries, shops or restaurants; or by people who simply appreciate its proximity to their place of work or to family members, or its affordability? What, of course, is logically implicit but unstated in the Report's assertion is that there must also be some common point-of-view on the "public policy issue that [is] affected by legislation," lest the "community of interest" join people among whom there is actually an absence of agreement on the "public policy issues." And if there must be a common point-of-view on a "public policy issue that [is] affected by legislation," how is this consideration any different from the partisan considerations that were meant to be precluded by the Amendment in the first place? After all, attitudes toward "public policy issues that [are] affected by legislation" are exactly what characterizes American political parties. They are not fraternities or sororities, social clubs, or charitable societies, but rather groupings of citizens, broadly sharing "common points-of-view" on the role and responsibilities of government, and separated from other groupings of citizens, broadly sharing "contrary points-of-view." Indeed, by the Report's own understanding, the political

party itself might be defined as a "community of interest," except that it was a dominant purpose of the Amendment to reduce partisan influence within the redistricting process, not to heighten it.

2. Furthermore, the Report's "linkage" requirement, apparently encompassing those with common "racial, ethnic, and religious identities," is seemingly in tension with its own definition of "communities of interest." Is the premise of the Report that those possessing common "racial, ethnic, and religious" identities will also tend to possess common attitudes on "public policy issues?" Or is its premise that "communities of interest" should be defined along more narrow, but also more politicized, lines such as, joining together "Asian-American communities favoring globalist and international perspectives," "Hispanic communities with liberal points-of-view," or "Christian communities with socially conservative attitudes?" In either case, the "linkage" requirement is inexplicable in both its rationale and its requirements.

3. The Report enumerates a variety of "geographically-oriented" groupings that "may" give rise to "communities of interest," including those predicated upon common "media markets," "enterprise zones," "special assessment tax districts," and "transportation districts". The Commission should bear in mind that recommendations of this sort are intended to preclude the Commission from treating actual communities—counties, cities, townships, and villages—as "communities of interest." Moreover, are any of the examples set forth by the Report indicative in any way of a bona fide community? Is there a single citizen of Michigan with an allegiance to his or her NBC media market? Or a felt sense of attachment to his or her local "enterprise zone?" Or a kinship with fellow-citizens within his or her "transportation district?" Or a bond with his or her "special assessment tax district?" Are these the types of "building blocks" of a democracy to which a free citizenry would profess their sense of community? If so, what about such "communities of interest" as those based upon sewer districts, subdivisions, apartment complexes, zoning categories, health care centers, tourist areas, policing, firefighting and 911 precincts, downtown development districts, parks and recreational areas, zip-codes, nursing homes, strip malls, and internet protocol addresses? All this to avoid giving consideration to the most genuine of our "communities of interest"—counties, cities and townships, the places where people actually live their lives.

4. The Report specifies shared "racial, ethnic, or religious identities" as potential "communities of interest" in the redistricting process, while excluding without explanation other standard civil rights categories, including nationality, age, alienage, citizenship, gender, sexual preference, and handicap. The Report specifically offers "racial, ethnic, or religious identities" under the "may include" language of the Amendment, rather than under its "diverse population" language, perhaps because it recognizes that Michiganders are "diverse" in many ways that have nothing to do with identity considerations. However, the truly overarching question is one the Report neither asks nor answers: did the people of Michigan who ratified this Amendment

share a "common understanding" that, for the first time in Michigan's history, its Constitution would impose an affirmative obligation upon the state to take "race, ethnicity, and religion" into account in setting public policy even though that dictate, and those terms, nowhere appear in the Amendment? And did these same people also share a "common understanding" that, for the first time in Michigan's history, its Constitution would impose an affirmative obligation upon the state to arrange and configure electoral districts and political influence on the basis of express calculations of "race, ethnicity, and religion?"

5. And in this same regard, what is the relevance of Const 1963, art I, § 2? ("No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin.") Is the redistricting process not a zero-sum process, in which advantages accorded to one "community of interest" on the basis of "race, ethnicity, or religion" come necessarily at the expense of other "communities of interest," and other individuals? Moreover, what is the relevance of Const 1963, art I, § 26, enacted by an earlier constitutional initiative of the people in 2006, in supplying evidence of the people's "common understanding" of the present Amendment? The 2006 provision forbids the state—including expressly the "University of Michigan," the sponsors of the Report in question—from "discriminating against, or granting preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin," in the realms of "public employment, public education, and public contracting." Are these two express constitutional provisions relevant in affording some understanding of what the people meant, and did not mean, in 2018 in ratifying the present Amendment?

6. The Report states that, "communities concerned about environmental hazards" "may" also be designated as "communities of interest." What about communities concerned about the adequacy of policing or firefighting resources; communities concerned about the quality of local education; communities concerned about road infrastructure; or even communities concerned about levels of property taxation resulting from the policies favored by communities concerned about environmental hazards? Does this singular and specific recommendation of the Report, not offered as an illustration but as a formal recommendation, strike the Commissioners as satisfying the standards of "fair-mindedness, neutrality, and non-partisanship," to which the Commission itself is constitutionally obligated?

7. The Report observes that communities with a "shared vision of the future of a community" may also be designated as "communities of interest" (16). Does this really describe an inquiry of the sort that the Commission wishes to undertake, to distinguish between communities with and without a "shared vision" of the future and then to ascertain which specific "shared visions" should be given priority as "communities of interest?" The Commission should reject this invitation to serve as the "Planning Commission for the 21st Century" or as Michigan's

philosopher-kings. Still, let us ask the obvious: what evidence of consensus would conceivably demonstrate a "shared community vision?" How would this be demonstrated in the course of the Commission's hearings? What would define a sufficiently ennobling "vision" to warrant recognition as a "community of interest?" That the schools of the community might some day provide a quality education for every student without regard to race, ethnicity, or religion? That the community might remain peaceable and responsibly policed? That a supportive ethic among neighbors might arise and be sustained? That small businesses might prosper? Perhaps relevant to these inquiries, the Hillsdale College community of more than 6000 people also harbor what it believes to be a shared, and deeply-held, educational and moral vision for the future of the College, and it has adhered to this vision for 175 years. Doubtless, it is a distinctive vision from that of the University of Michigan, but it is no less of a vision and each of our institutions, and our student bodies, are enhanced by these visions. No public body, however capable and enlightened its members might be, should be engaged in comparing and ranking community "visions." The Commission would be acting wisely and responsibly in rejecting this recommendation.

8. Finally, by the sheer breadth and invented character of its recommendations, the Report defines for the Commission a mission that extends well beyond eliminating partisan advantage, ending legislative self-dealing, and curtailing gerrymandering in the redistricting process. For the Commission to succumb to this mission would constitute grievous error and a lost opportunity to bring the people of our state together in the contentious process of redistricting rather than dividing them further. The Commission of thirteen engaged and public-spirited citizens should instead operate faithfully within its charter, act with energy and integrity in pursuit of its constitutional purpose, and define a responsible and lasting legacy for the generations of Commissioners who will follow in the years ahead.

Analysis: Counties

What follows is an analysis concerning how the Commission should give reasonable and faithful meaning to the concept of "communities of interest" in Const 1963, art 4, § 6, 13 (c). Just as there is no reference in the Report to the Apol standards that have long guided the redistricting process in Michigan, there is also no reference to relevant decisions of the Michigan Supreme Court—the highest tribunal of our state and a court possessing the authority to review the legal determinations of the Commission. Const 1963, art 4, § 6, 18-20. There is an utter absence of historical memory in the Report. In 1982, in the course of reviewing the state's proposed redistricting plan, the Michigan Supreme Court unanimously held,

> We see in the *constitutional* history of this state dominant commitments to . . . single-member districts drawn along boundary lines of local units of government . . . Michigan has a consistent *constitutional history* of combining less populous counties and subdividing populous counties to form election districts. As a result, county lines have remained inviolate. The reason for following county lines was not the "political unit" theory of representation,

> but rather that each Michigan Constitution has required preservation of the *electoral autonomy* of the counties. *In re Apportionment-1982*, 413 Mich 149, 187 (1982) (emphasis added).

And two Justices, Levin and Fitzgerald, in a bipartisan concurrence, separately wrote in this same regard,

> The "*constitutional* requirements" concerning county, city and township lines, which preserve the *autonomy of local government subdivisions* . . . were not part of the political compromise reflected in the weighted land area/population formulae. [Rather,] they are [among] separate requirements which carry forward provisions and concepts which extend back over 100 years from the Constitution of 1850 through the Constitution of 1908 and the 1952 amendment thereto. *In re Apportionment-1982*, 413 Mich 96, 139n24 (1982) (emphasis added).

And the Court unanimously reiterated this same constitutional understanding in assessing Michigan's 1992 redistricting,

> Recognizing the importance of local communities, and the harm that would result from splitting the political influence of these communities, each of [our past] *constitutions* explicitly protected jurisdictional lines . . . For instance, the 1835 constitution said that no county line could be broken in apportioning the Senate. Const. 1835, art. 4, § 6. The 1850 constitution repeated that rule and added that no city or township could be divided in forming a representative's district. Const. 1850, art. 4, §§ 2-3. [And as] originally enacted, the 1908 constitution continued those rules, though it permitted municipalities to be broken where they crossed county lines. Const. 1908, art. 5, §§ 2-3. *In re Apportionment-1992*, 486 Mich 715, 716, 716 n 6 (1992).

Although without the slightest doubt, our Constitution can be changed or altered by amendment, as it has been here, a responsible assessment of new constitutional language would take into account the interpretive counsel that might be derived from past constitutional provisions and court decisions. And in that regard, what the above decisions indicate is that, *at least* through 2018, "preservation of the electoral autonomy of the counties" was viewed by the highest court of this state as a substantial *constitutional* value, and reflected in our state's redistricting processes in 1982 and 1992 (and since) by the application of the Apol standards upholding where reasonably possible the integrity of county and municipal boundaries. Moreover, in assessing the "common understanding" of the people who ratified the Amendment in 2018, and in reviewing the language of the Amendment itself, we see no evidence that this constitutional value has been repudiated.

Analysis: Judicial Use of "Communities of Interest"

The Report incorrectly states that the concept of "communities of interest" is an entirely "new" concept in Michigan law. It is not. For example, in the course of a unanimous decision of the Michigan Supreme Court addressing the 1982 redistricting process, the following observations were made in a full concurrence to that decision by Justices Levin and Fitzgerald,

> The Court considered whether, when cities or townships must be shifted, there should be shifted (i) the number of cities or townships necessary to equalize the population of the two districts, or (ii) only the number of cities or townships necessary to bring the districts within the range of allowable divergence. The Court concluded that the concept of minimizing the breaking of county lines extended to the shifting of cities and townships. A county is kept more intact as a *community of interest*, and fewer special election districts must be created, when the minimum necessary number of cities or townships are shifted. *In re Apportionment of State Legislature*- 1982, 413 Mich 149, 155n 8 (1982).
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> * * *
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> There remained the possibility that two sets of cities or townships might satisfy the above rule; for example, each of two townships might contain the population required to be shifted. The Court again concluded that the concept of preserving counties as *communities of interest* to the fullest extent possible required that the township or set of townships with the fewest people necessary should be shifted. *In re Apportionment of State Legislature*- 1982, 413 Mich 149, 155n 8 (1982).
>
> * * *
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> The flaw in this method [of redistricting] is that it artificially divides the counties into two groups, treating one group differently than another . . . The historical [redistricting] practice of following county lines never rose to a level of a principle of justice, [but] it has always been simply a device for controlling gerrymandering, facilitating elections and preserving *communities of interest*. Once the rule of following county boundary lines yielded to the principle of 'entitlement', the Court could not pretend to have a neutral and objective set of guidelines. *In re Apportionment of State Legislature*- 1982, 413 Mich 149, 193-5 (1982).

Each of these judicial excerpts employs "communities of interest" in a context referring to municipal boundaries and each was specifically made in the course of assessing the 'Apol standards,' with its emphasis upon preserving such boundaries wherever reasonably possible. The Supreme Court in the 1992 redistricting process again addressed the term and similarly observed,

> The Masters determined that none of the plans submitted to them was satisfactory. They stated that these plans 'either fail to comply with the 1982 [Apol] criteria or do so only facially.' Further, the plans exhibited 'a disregard of some specific criteria, such as *community of interest*. . . . Thus the Masters drew their own plan. In doing so, they followed the same criteria used by Mr. Apol in 1982 *In re Apportionment of State Legislature*-1992, 437 Mich 715, 724 (1992).
>
> * * *
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> A legislator [can represent his constituents] only if there is some real *community of interest* among the represented group — without that, the legislator cannot speak effectively on the group's behalf. When a small portion of a jurisdiction is split from the remaining body and affixed to another governmental entity in order to reduce population divergence, the shifted area is likely to lose a great portion of its political

> influence. For that compelling reason, grounded in sound public policy, all four Michigan Constitutions have provided that jurisdictional lines, particularly county lines, are to be honored in the apportionment process. Id. at 732-33.
>
> * * *
>
> Nor did the parties' proofs sufficiently demonstrate
> a *community of interest* between and among the voter populations of Oakland County and the voter populations of the City of Detroit and Wayne County. Id. at 737 n 50.

There is, of course, additional language within Const 1963, art IV, § 6, 13(c), that must also be taken into consideration in giving meaning to "communities of interest" in the new Amendment. By these excerpts, however, it is clear that the slate is not quite as blank concerning the meaning of "communities of interest" as the Report would suggest. Especially in the context of an Amendment focused upon redistricting, and in which the critical term has been asserted by the Report to be "new," it might be thought that clarifying language from Michigan's highest court in the *two most significant redistricting decisions of the past half-century* would be welcomed and closely considered. And it is clear that the term has specifically been understood to refer to municipal communities and their boundaries.

Analysis: § 13(c)

Next, with regard to the language of the Amendment itself, the first sentence of § 13(c) specifies that the *only* entities that "shall" or "must" be reflected within an electoral district are "communities of interest," and the "state's diverse population." However, the second sentence of § 13(c) does not set forth anything that "shall" or "must" be designated as a "community of interest" and thus, by cross reference, also does not set forth anything within the first sentence that "shall" or "must" be reflected within an electoral district. Instead, the second sentence communicates only that certain groups "may" be included as a "community of interest" and that a "community of interest" is not "limited to" such groups. It defines nothing that "shall" or "must" be treated as such a community. As a result, when viewed together, the operative language of the Amendment, the first sentence of § 13(c), provides only that communities of interest "shall" be reflected in the redistricting process but only *if* they have been designated in the first place. The problem in focusing upon § 13(c), without also assessing § 13 as a *whole*, is that there may be *no* designated "communities of interest" that "shall" or "must" be reflected within electoral districts, despite an obvious intention that there be such communities.

Analysis: § 13(f)

While the conundrum posed in the previous paragraph—that there may be *no* "community of interest" at all to be considered in the redistricting process—reflects one *conceivable* understanding of § 13(c), it is not the most *reasonable* understanding. Rather, a more reasonable understanding of § 13(c), would be to read § 13 as a whole, and to include as "communities of interest" *precisely* the entities described in § 13(f): the "counties, cities, and townships," whose boundaries "*shall*" be reflected in the redistricting process. Indeed, these are the *only* entities in the Amendment whose relevance in the redistricting process is made constitutionally *mandatory* and not merely a product of the Commission's *discretion,* thus avoiding any possibility that the consideration of

"communities of interest" in the process is rendered a nullity by the absence of any "community of interest" being *designated* pursuant to the second sentence of § 13(c). This understanding is made even more compelling by the fact that such "counties, cities, and townships" are reasonably understood as the *actual* "communities of interest" referred to in the first sentence of § 13(c). As result, an understanding of § 13 that harmonizes its subsections (c) and (f), which is the obligation of any interpreter of a provision of law, not only offers a more reasonable understanding of § 13(c) by filling in its gaps, but it is an understanding in closest accord with the genuine meaning of the term "community of interest" in Michigan redistricting law and history.

Analysis: Priorities

The Report not only fails to harmonize § 13(c) and § 13(f), but seeks to "deprioritize" the latter provision (requiring the consideration of "counties, cities, and townships") on the grounds of its relative "order of priority within § 13." While such an "order of priority" makes sense in defining the organization or sequence of the process by which electoral districts are to be constructed, it runs the risk—one the Report seems content to run—that such an "order of priority" will effectively read out of the Constitution, or nullify, express constitutional provisions, in this instance, § 13(f) and its *exclusive* requirement that "counties, cities, and townships" "*shall*" be considered in the redistricting process. To understand this concern, we must again review decisions of the Michigan Supreme Court:

> [The challenged law in issue] provides for the establishment of a county apportionment commission and that such a commission "shall be governed by the following guidelines in the stated order of importance: "The stated order is: (a) equality of population as nearly as is practicable; (b) contiguity; (c) compact and as nearly square in shape as is practicable; (d, e, f) not joining townships with cities and not dividing townships, villages, cities or precincts unless necessary to meet the population standard; (g) not counting residents of state institutions who cannot vote; and (h) that the district lines not be drawn to effect partisan political advantage.
>
> If the stated order requires exhaustive compliance with each criterion before turning to a succeeding criterion, then criteria (a) through (c) alone would be determinative and criteria (d) through (f) could not be given any effect.
>
> There are an endless number of ways in which one could construct the district lines consistent with criterion (a), equality of population, and criterion (b), contiguity. Criterion (c) requires that all districts shall be as compact and as nearly square in shape as is practicable, depending on the geography of the county area involved. Read literally and given an absolute priority, that criterion would require that the district lines be drawn *without regard* to township, village, city or precinct lines. The apportionment of a county would [then] be a mechanical task.
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> * * *
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> We reject such a rigid reading of "stated order" because so read:
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> * * *

> (c) It would give no effect whatsoever to criteria (d) through (f) concerning the preservation of township, city, village and precinct lines, and thereby make meaningless those provisions. It is our duty to read the statute as a whole and to avoid a construction which renders meaningless provisions that clearly were to have effect. *Appeal of Apportionment of Wayne County-1982*, 413 Mich 224, 258-59 (1982); see also *In re Apportionment of State Legislature*-1992, 439 Mich 715, 742n 65 (1992).

In sum, the UM Report seeks, first, to exclude "counties, cities, and townships" from within the purview of the "community of interest"; second, to elevate the role of its own preferred "communities of interest" by giving emphasis to the "may include, but are not limited to" language of the Amendment; and, third, to "deprioritize" and thereby "preempt" from any material role in the redistricting process "counties, cities, and townships." None of these approaches—by concocting creative and dubious "communities of interest" one the one hand, and by excluding the most obvious and historically-grounded "communities of interest" on the other—constitute a fair or reasonable way of understanding the Amendment.

Analysis: Home

"Counties, cities, and townships" are not only reasonably understood as our fundamental "communities of interest" on the basis of judicial decisions and historical practice, as well as a close analysis of the Amendment itself, but also in terms of how the ordinary citizen would understand this concept. Such communities are where the people reside; where they sleep, play, relax, worship, and mix with families, friends and neighbors; where their children attend schools, make and play with friends, compete in sports, participate in extracurricular activities, and grow to maturity; where they work, shop, dine, and participate in acts of charity; where their taxes are paid, votes cast, and library books borrowed; and where their police and firefighters serve and protect. In short, these places are meaningful to every Michigander, for they serve to define what we call "home" and they signify to the rest of the world where we are "from." Nonetheless, with no explanation or analysis, the Report summarily and confidently assures the Commission that a "community of interest is not a political jurisdiction."

Analysis: Fairness

The Report defines "communities of interest" on the basis of "race, ethnicity, and religion;" "media markets;" "environmental hazards;" "creative arts;" "shared visions of the future;" "immigrant communities;" and "linkages to a set of public policy issues that are affected by legislation"—*none* of which is found anywhere within the law, except that each fits, as would *any other* conceivable entity, within the "may include, but are not limited to" language of § 13(c). Yet, the most obvious and genuine "communities of interest"—the "counties, cities, and townships" of Michigan, the *only* entitles that *"shall"* be given consideration in the redistricting process under the Amendment—are to be *excluded* from the term. This is done without the slightest consideration for what may be the *greatest* strength of treating our "counties, cities, townships" as "communities of interests"—namely, that every Michigan citizen is an equal part of *this* "community of interest" and there is no other "community of interest" whose establishment would be more "fair-minded, neutral, and non-partisan." That is, the definition proposed here—"communities of

interest" based upon "communities" of "interest"—has at least the minor virtue of enabling the Commission to avoid struggling with the impossible, and inapt, question, "which citizens should count, and which should count more and which should count less?"

Analysis: Gerrymandering

The Amendment was popularly headlined as an "anti-gerrymandering" measure in such media as the *Detroit Free Press* (November 7, 2018). Yet the Report, in its disdain for municipal "communities of interest", and in its preference for the dislocated and erratic boundaries of interest and identity groups, is far more likely to give rise to districts that are truly gerrymandered, albeit in different ways than they may sometimes have been gerrymandered in the past. Relying upon county, city, and township lines is simply the most certain and fair-minded way of avoiding gerrymandering altogether, for there is no more neutral and established boundary, with almost all of these having been created either pre-statehood (as with Wayne County in 1796) or shortly thereafter. District maps produced in accordance with the Report will not only appear oddly-shaped and irregular, but they will appear to be so precisely because they will have been constructed in pursuit of traditional gerrymandering considerations, dividing our citizens into winners and losers.

Analysis: "A New Theory of Representation"

In a press release from the University of Michigan, the author of the Report has stated that the Report's recommendations offer a "new theory of representation." (closup.umich.edu/policy-reports/18/the-role-of-communities-of-interest-in-michigans-new-approach-to-redistricting-recommendations, Aug 31, 2020.) While its theory is indeed new to the history of American constitutionalism, it is foreign to it as well. It is a "new theory" that replaces the citizen with the interest group as the core of the democratic process; a "new theory" that enhances the role of race, ethnicity, and religion in the construction of electoral districts; a "new theory" that substitutes for the ideal of equal citizenship that of favored and disfavored voting blocs; a "new theory" that replaces partisanship with ideology; a "new theory" that seeks to build a new political foundation upon the judgments of 'experts' rather than those of ordinary citizens. Although the author's assertion that his Report's recommendations are "unique and interesting" may be also correct, these do not have much to do with the intentions of several million citizens who cast their votes for Proposition 2.

Analysis: Summary

In summary, regarding the threshold policy question that must be addressed by the Commission—the meaning of the "community of interest"—the Report essentially asserts that almost any entity, any asserted "community," can be included within the "may include, but are not limited to" language of § 13(c) and thus be considered as a "community of interest," with the singular and remarkable *exception* of the most genuine of these communities, our "counties, cities, and townships." These are to be excluded, despite the fact:

- That "counties, cities, and townships" are by any reasonable and ordinary definition of the term *actual* "communities of interest;"

- That "communities of interests" has been defined in Michigan Supreme Court decisions to refer principally to "counties, cities, and townships;"

- That such Michigan Supreme Court decisions have pertained specifically and directly to the state's redistricting process;

- That "communities of interest," understood in the context of the 'Apol standards,' which have guided Michigan redistricting since at least 1982, have also been understood in terms of "counties, cities, and townships; "

- That "counties, cities, and townships" are the only entities that "shall" be reflected in the redistricting process and there is no alternative definition in the Amendment of what "shall" be considered a 'community of interest;"

- That "counties, cities, and townships," as with every other entity the Report would include within "communities of interests" on the basis of the "may include, but are not limited to" language of § 13(c), obviously could also be included on this same basis;

- That "counties, cities, and townships" would seem to be the most obvious "communities" for inclusion within the Amendment's undefined and discretionary "community of interest" categories of "shared cultural characteristics," "shared historical characteristics," and "shared economic interests;" and

- That the most reasonable and harmonized understanding of § 13 of the Amendment strongly suggests that the "counties, cities and townships" referred to in § 13(f) are precisely the "communities of interests" referenced in the first sentence of § 13(c).

Authority of the People

In response to this Memorandum, the authors of the Report may contend that the people of Michigan through their constitutional amendment process are entitled to repudiate the Apol standards, the decisions of the Michigan Supreme Court, and historical redistricting practices. This Memorandum would not dispute such an assertion, only that this is not what the people have, *done* by the present Amendment. While the law of Michigan has been modified in important regards—most significantly, by conferring the authority to administer the redistricting process upon the Commission instead of the Legislature—what the people have *not* done is enact *obligatory* changes in what is meant by the "community of interest." While the term has been made subject to change at the *discretion* of the Commission, the standards, decisions, and practices addressed in this Memorandum largely pertain to the *mandatory* obligations of the Commission in giving meaning to the "community of interest." ("Districts *shall* reflect consideration of county, city, and township boundaries.") In other words, while the Commission may possess the *discretion* to redefine the "community of interest," it also possesses the *obligation* to consider geographic "communities of interest. The Commission should act to carry out its *obligations* under the Amendment while at the same time exercising its *discretion* not to act *beyond* those obligations in designating "communities of interest." This would constitute the wisest and most responsible exercise of authority by the Commission and nothing in the debate over Proposition 2 or in

the assessment of the people's "common understanding" or in the language of the Amendment compels any different result.

Conclusion

Districts should be drawn according to the proposition that each voter should be rendered as equal as possible in his or her participation and influence in the democratic process and as individual citizens, rather than as members of interest groups, and that districts should be drawn with a view to uniting rather than dividing society. The guiding ideal should be that the purpose of government is to secure the rights of individual citizens, their common good, and the strengthening of the right of all of our people to pursue happiness under our federal and state constitutions. The best way for the Commission to accomplish this is to rely upon the longstanding definition of "communities of interest" as being primarily "counties, cities, and townships."

COMMISSIONER RECOMMENDATIONS

Respectfully, the Independent Citizens Redistricting Commission should consider the following recommendations in carrying out its responsibilities under the Amendment:

1. The Commissioners should seek in their decisions to act in a fair-minded, neutral, and non-partisan manner, in accordance with their responsibilities under the Constitution and in accordance with "common understandings" of the Amendment by the people of our state.

2. The Commissioners should work to secure an understanding and perspective, not only of the Amendment and our state's redistricting process, but of the principles and values underlying our two constitutions. You should be guided in this process by your own best judgments as independent citizens and by the legal framework to which "we the people" have assented, not by the judgments of unelected 'experts.'

3. The Commissioners should take care in the redistricting process to maintain and preserve the greatest institution of our people, representative self-government under constitutional rules and principles.

4. The Commissioners should bear in mind that as formative members of the Commission, your decisions and judgments will continue to guide the Commission in the years ahead as partisan majorities, political incumbents, and legislative debates ebb and flow. Your legacy will far outlast your public service, and so requires wisdom and foresight.

5. The Commissioners should show modesty in carrying out their mission. What the people of Michigan understand most clearly of your work is that you have replaced the Legislature in the decennial process of reconstructing our electoral districts. Do not succumb to the invitations of "experts" to broaden what is already a substantial and daunting mission. As with all responsible public servants, you must act within your authority and not within your power.

6. The Commissioners should show humility in recognizing that, however capable and committed each of you might be, you are nonetheless in the unusual position of exercising crucial public responsibilities without ever having been elected or confirmed to your position by a democratic vote of those whom you now represent.

7. The Commissioners should avoid becoming enmeshed or embedded within factions or coalitions on the Commission. You are a single Commission representing a single people.

8. The Commissioners should act as nonpartisans, not bipartisan. Although the presence of independent members of the Commission is one important means of achieving a nonpartisan process, so too are members of the Commission with partisan backgrounds who respect that their constitutional obligation is to avoid a "disproportionate advantage to a political party." Each of you thus constitutes your own personal "check and balance" upon the Commission to ensure that it acts in the necessary manner.

9. The Commissioners must subordinate their individual attitudes and allegiances to the requirements of the law. As with all public officers, your personal codes and consciences must conform to the rule of law.

10. The Commissioners should maintain their independence from political parties, incumbents, blocs, experts, interest groups, aspirant 'communities of interest,' and even from one another, but you cannot be independent of the people or their laws and constitutions.

11. The Commissioners should not seek or accept outside funding, or enter into partnerships, or engage in outreach with businesses, foundations, philanthropic organizations, non-profits, or educational institutions, as has been urged upon you. Yours is an *independent citizens* commission, and the only reason these actions would be necessary would be if you were to expand upon your mission. Do not leave as your legacy one more expensive governmental bureaucracy and carefully consider how dispiriting it would be to the people of this state if *this* Commission was to abuse its power and position.

REDISTRICTING RECOMMENDATIONS

1. Consider carefully the Apol standards and its variations. Do not assume that these standards were repudiated in 2018 or that they contributed in any way to partisanship, legislative self-interest and self-dealing, or gerrymandering in the redistricting process. Do not close yourself to learning from past practice and historical experience. Although with exceptions, the history of Michigan has, by and large, been one of honest and responsible government.

2. Consider defining "communities of interest" exclusively on the basis of fair-minded, neutral, and non-partisan applications of "county, city, and township" boundaries. Every Michigan citizen is equally a member of such "communities of interest." Once you begin to exercise increasingly broad discretion in defining and creating new "communities of interests," you will inevitably begin to pit citizens and interests against each other. Resolving these disputes will inevitably place yourselves and the Commission into the type of political process the Commission was meant to transcend.

3. Consider carefully whether you wish to introduce explicit considerations of "race, ethnicity, and religion" into the redistricting process. Not only will such considerations come at the expense of other "races, ethnicities, and religions," but such policies implicate our nation's most profound and divisive issues. To paraphrase former U.S. Supreme Court Justice William O. Douglas, "When such lines are drawn by the State, the diverse communities that our Constitution seeks to weld together become separated, and antagonisms are generated that relate to 'race, ethnicity, and religion,' rather than to political issues." A unifying legacy on the part of the Commission would be a momentous legacy.

4. Consider *not* exercising the Commission's apparently limitless discretion to create new "communities of interests" under its "may include, but are not limited to" authority in § 13(c). This is truly the broadest-possible and most standardless delegation of power ever placed into our Constitution. The language does not reflect well upon the rule of law; do not let it also reflect poorly upon the Commission.

5. Consider carefully the wide variety of means, direct and indirect, obvious and subtle, by which legislators and political strategists have sometimes placed partisan and 'self-interested' thumbs on the scales of redistricting justice. For Members of the Commission to do the same would be no step forward in the pursuit of good government. Avoid doing acts of partisanship, as well as acts that are *tantamount* or *equivalent* to partisanship.

6. Consider carefully the regularity of shape of the districts you construct. "Gerrymanders" are not simply oddly shaped districts, but encompass also districts of a more regular character, but with erratic and 'squiggly' indentations and protrusions undertaken largely to achieve political or partisan purposes.

7. Consider carefully before you add to the complexity of the redistricting process by the adoption of new legal concepts, new statistical measurements, novel types of "communities of interests," amorphous political science terms, new 'metrics,' and pseudo-scientific concepts of redistricting. None of this complexity and convolution will be necessary if the Commission views its responsibilities simply as the preparation of a "fair-minded, neutral, and non-partisan" redistricting plan, rather than as "reimagining" representative government for Michigan.

8. Consider carefully the risk of nullifying or distorting express provisions of the Amendment, and thereby rewriting the Amendment, by an overly rigid application of the "order" of provisions, by reviewing Michigan Supreme Court decisions in this regard. See "Analysis: Priorities."

9. Consider carefully whether the phrases and concepts you will hear from the 'experts,' such as "common bonds," "affinities," "shared characteristics, "communities," "identities," and "like-mindedness" are largely employed to divide and separate people, rather than to join them together and unify.

10. Consider carefully whether "communities," "identities" "interests," "groups," or "populations" are more strengthened in the political process where their members are consolidated within districts or dispersed among districts. Then, consider carefully whether endless calculations of this sort are part of the proper and "common understanding" of the Commission's work by the people of Michigan who ratified the Amendment.

♦ This Memorandum was commissioned by Hillsdale College and authored by Stephen Markman, a retired Justice of the Michigan Supreme Court and a Professor of Constitutional Law at the College for 28 years.

EXHIBIT F

MEMORANDUM

To

Michigan Independent Citizens Redistricting Commission

From

Stephen Markman
Michigan Supreme Court Justice (retired)
Professor of Constitutional Law, Hillsdale College

Commissioned by Hillsdale College

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EXECUTIVE SUMMARY

This Memorandum addresses the Report of the Center for Local, State, and Urban Policy at the University of Michigan, offering "Recommendations to the Michigan Independent Citizens Redistricting Commission." The recommendations of the Report are neither in full accord with the language of the Amendment nor with the "common understanding" of the Amendment on the part of the people of Michigan who ratified it.

In particular, the concept of the "community of interest" has been significantly distorted from its previous legal usage. The Report fails to acknowledge what the term historically has meant in Michigan—electoral boundaries built upon counties, cities, and townships, the genuine communities of interest to which all citizens of our state equally belong. In its place, the Report would define the "community of interest" on the basis of groups in support of and in opposition to "public policy issues;" media markets and special assessment tax districts; "shared visions of the future" of communities; and by introducing into the Michigan Constitution for the first time express consideration of "race, ethnicity, and religion." As a result, what the people of Michigan wished to see ended by their ratification of the Amendment—a redistricting process characterized by partisanship, self-dealing, and gerrymandering—risks being reintroduced under a different name.

The Report's reinterpretation of the "communities of interest" concept is predicated upon what its author describes as a "new theory of representation." This "new theory" would replace the citizen as the core of the democratic process with the interest group; it would substitute for the ideal of equal citizenship favored and disfavored voting blocs; it would replace partisanship with ideology; it would enhance the role of "race, ethnicity, and religion" in the construction of electoral districts; and it seeks to build an electoral and political foundation upon the judgments of "experts" rather than those of ordinary citizens.

The new Commission has the opportunity either to separate or to unite—to separate our people as members of interest groups and identity categories or to unite them as equal citizens, entitled to an equal role in the electoral process. Furthermore, the Commission is positioned to influence similar amendments being considered by other states, which are now assessing the Michigan experience. This memorandum presumes that in ratifying the Amendment, the people were doing exactly what was heralded at the time: they were establishing a redistricting process at whose core would be "voters not politicians" and not "reimagining" their democracy or experimenting with "new theories of representation."

MEMORANDUM

To: Commission Members
From: Stephen Markman
Re: Role of the Commission

Hillsdale College

Hillsdale College is a private liberal arts college in Hillsdale, Michigan with a student body of approximately 1400. It was founded in 1844 by Free Will Baptist abolitionists and has long maintained a liberal arts curriculum grounded upon the institutions and values of Western culture and Judeo-Christian tradition. Since its inception, Hillsdale has been non-denominational and takes pride in having been the first American college to prohibit discrimination based upon race, religion, or sex in its official charter, becoming an early force in Michigan for the abolition of slavery. A higher percentage of Hillsdale students enlisted during the Civil War than from any other western college. Of its more than 400 students who fought for the Union, four earned the Congressional Medal of Honor, three became generals, many more served as regimental commanders, and sixty students gave their lives. Many notable speakers visited Hillsdale's campus during the Civil War era, including social reformer and abolitionist Frederick Douglass and the man whose remarks preceded those of Abraham Lincoln at Gettysburg, Edward Everett. Hillsdale College plays no partisan role in American politics.

Purpose

Hillsdale College commissioned retired Justice of the Michigan Supreme Court Stephen Markman to review the Report of the Center for Local, State, and Urban Policy at the University of Michigan ["Report"] issued last August. This Report proposes "Recommendations to the Michigan Independent Citizens Redistricting Commission" ["Commission"] in implementing a state redistricting plan in accordance with the constitutional amendment ["Amendment"] ratified by the people by initiative in 2018. While the Report and its recommendations are thoughtful in many ways, its conclusions and recommendations, in our judgment, are fundamentally mistaken. The purpose of this Memorandum is to highlight the Report's deficiencies and to offer an alternative view that more closely adheres to the principles of American constitutionalism and incorporates more fully the legal and constitutional history of redistricting in Michigan. Specifically, this Memorandum offers thoughts and recommendations in support of what we believe to be the common interest of Michigan citizens that our public institutions uphold principles fundamental to our State constitution: the principles of representative self-government.

Formative Role

The present thirteen Commissioners comprise the Commission's formative membership and, as a result, your policies and procedures will come to define the work of this new institution. These policies and procedures will continue to define the Commission as new members join it, as new political balances arise in Michigan, and as new public policy controversies and partisan disputes come to the fore. Your legacy of

public service will determine the extent to which the Commission endures as an institution and its reforms become permanent. Each of you has been afforded a rare opportunity to help construct the constitutional course of our state. As with the best of public servants, you must rise to this occasion.

Absence of Perspective

A threshold concern with the Center for Local, State, and Urban Policy's Report is the absence of historical and constitutional perspective. Of particular concern is the Report's failure to take into adequate consideration in its Recommendations aspects of our federal and state constitutional systems that may be relevant in effectively and responsibly implementing the new Amendment. While the Amendment has removed our state redistricting process from within the traditional purview of the legislative power, it has not removed this process from within the purview of our Constitution. State constitutional principles and values remain applicable to the work of the Commission, including that of judicial review, as do all federal constitutional and legal principles and values. These may include, for example, the guarantee to every state of a "republican form of government;" norms of democratic electoral participation; recognition of our nation as a continuing experiment in self-government; and such fundamental precepts as federalism, equal protection, due process, equal suffrage, checks and balances, and governmental transparency. In other words, the Commission, as with *all* public bodies, does not stand *outside* the "supreme law" of our federal and state constitutions. For that reason, debates and discussions within the Commission that proceed without reference to any value of government larger than how best to define a "community of interest," or that reflect little historical or constitutional perspective, are likely to prove shallow, sterile, and stunted.

Oath of Office

As Commissioners, you must bear in mind the oath you have each taken, affirming support for the "Constitution of the United States and the Constitution of this state" and vowing to "faithfully discharge the duties of [your] office according to the best of [your] ability." Const 1963, art 11, § 2. While you will exercise your own best judgments in satisfying these obligations, as with all who exercise public authority, you must each familiarize yourself with our federal and state constitutions, just as you have familiarized yourselves with Michigan's redistricting process and the new Amendment.

Apol Standards

As just one illustration, there is an absence in the UM Report of even a single mention of the "Apol standards" which have guided our state's redistricting process for at least forty years in *name* and for far longer *in practice*. Named after Bernard Apol, a former State Director of Elections, and prepared under the leadership of Michigan Supreme Court Justice Charles Levin, these standards can offer practical guidance to the Commission in understanding and implementing the present Amendment. The Supreme Court has summarized these standards as follows:

1. The Senate consists of 38 districts.

2. The House consists of 110 districts.

3. All districts shall be contiguous, single-member districts.

4. The districts shall have a population not exceeding 108.2% and not less than 91.8% of the ideal district which, based on the 1980 census, would contain 243,739 persons in the Senate and 84,201 persons in the House.

5. The boundaries of the districts shall first be drawn to contain only whole counties to the extent this can be done within the 16.4% range of divergence and to minimize within that range the number of county lines which are broken.

6. If a county line is broken, the fewest cities or townships necessary to reduce the divergence to within 16.4% shall be shifted; between two cities or townships, both of which will bring the district within the range, the city or township with the least population shall be shifted.

7. Between two plans with the same number of county line breaks, the one that shifts the fewest cities and townships statewide shall be selected; if more than one plan shifts the same number of cities and townships statewide, the plan that shifts the fewest people in the aggregate statewide to election districts that break county lines shall be selected.

8. In a county which has more than one senator or representative, the boundaries of the districts shall first be drawn to contain only whole cities and townships to the extent this can be done within the 16.4% range of divergence and to minimize within that range the number of city and township lines that are broken.

9. If a city or township line is broken, there shall be shifted the number of people necessary to achieve population equality between the two election districts affected by the shift, except that, in lieu of absolute equality, the lines may be drawn along the closest street or comparable boundary; between alternate plans, shifting the necessary number of people, the plan which is more compact is to be selected.

10. Between two plans, both of which have the same number of city and township breaks within a particular county, the one that minimizes the population divergence in districts across the county is to be selected.

11. Within a city or township that is apportioned more than one senator or representative, election district lines shall be drawn to achieve the maximum compactness possible within a population range of 98%–102% of absolute equality between districts within that city or township.

12. Compactness shall be determined by circumscribing each district within a circle of minimum radius and measuring the area, not part of the Great Lakes and not part of another state, inside the circle but not inside the district. The plan to be selected is the plan with the least area within all the circles not within the district circumscribed by the circle. *In re Apportionment State Legislature-1992,* 439 Mich 715, 720-22.

Particular attention should be given to standards 5-10, each of which in some manner gives significant regard to counties and municipalities in Michigan's redistricting process. The Apol standards are emphasized because: (a) they offer useful perspective to the Commission that is missing from the Report; (b) the Michigan Supreme Court has observed that these standards are

compatible with the state *constitutional* value of "autonomy of local governmental subdivisions," a value that also goes unmentioned in the Report; and (c) these standards are fair-minded, neutral and non-partisan, and unrelated in any way to the public concerns that led to the present Amendment. Those concerns—partisanship, self-dealing, and gerrymandering—are in no way related to or attributable to the Apol standards.

The Law

The provision central to the UM Report, as well as to this Memorandum, is Const 1963, art 4, § 6, 13 (c), which states in relevant part,

> Districts shall reflect the state's diverse population and communities of interest. Communities of interest may include, but shall not be limited to, populations that share cultural or historical characteristics or economic interests.

Communities of Interest

The UM Report makes clear its sense of the importance of the "communities of interest" concept to the implementation of the new Amendment, at least as the Report understands this concept. While recognizing that the concept is "subjective" and "not well-defined," the Report nonetheless proceeds to explain its own very broad understanding of this new political foundation upon which our governmental system allegedly now rests. "Communities of interest" comprise the new "building blocks" of our democracy; "communities of interest" will determine "how well a community is represented;" representatives will be assessed by how responsive they are to the 'community [of interest's] needs;" representatives will be "attentive" to "members [of the "communities of interest"]; "communities of interest" will play a "leading role in the process;" "[t]o be an effective representative, a legislator must represent a district that has reasonable homogeneity of needs and interests;" "'communities of interest' can pick up the texture of bonds and interests within a political jurisdiction;" "'communities of interest' can capture the current patterns of community life;" and "'communities of interest' are "primary elements of the new redistricting process," whose recognition by the Commission "will lead to fairer and more effective representation." Although the term is not well defined in the Amendment (the Amendment largely sets forth examples or illustrations of what "may be included" within the term), the "community of interest" is enthusiastically embraced by the Report as the dominant institution mediating between voters and their elected officials.

The Citizen (1)

While the Report has much to say concerning "communities of interest," it has little to say concerning the American political system's *genuine* "building block," the citizen. Each citizen participates in the electoral process, not as a component of vaguely defined interest groups accredited by a governmental commission, but by casting his or her vote in accord with individual judgment and personal conscience. Yes, the citizen is a part of a community. But it is not a community arbitrarily cobbled together by a public commission and its "experts" and legitimated only after a majority vote has been cast following months of public hearings and lobbying. And it is not a community to which only *some* citizens belong or a community in which its supposed members may not even have *known* of their affiliation until after the community had been officially endorsed by the Commission. Rather, the citizen belongs

to a *genuine* "community of interest," one to which *all* citizens belong *equally* and in which all share a common interest and influence. And it is one whose definition requires no prolonged hearings or votes or expert consultations. It is *this* "community of interest" that has always served as the foundation of our electoral process, the community to which each of us belongs and is actually *from*, the community that most embodies our status as free and independent citizens, the community we each call *home*.

The Citizen (2)

To the extent American citizens are defined and officially separated by governmental agencies on the basis of their membership in arbitrarily-defined "communities of interest"—"communities" defined by "interest, identity and affinity" groupings, as the Report proposes—we are stereotyped and divided as a people. If we must be defined in collective terms, it should only be as part of "we the people," in whose name our constitutions were ratified, not compartmentalized in the most fundamental sphere of our citizenship on the basis of considerations such as race, nationality, ethnicity, religion, or skin color. The first obligation of the Commission is to ensure the enactment of a fair-minded, neutral, and non-partisan redistricting process—what would be a remarkable contribution to good government if it could be achieved. It is not an obligation, as the Report instead recommends, to assemble an electoral checkerboard upon which "interest, identity, and affinity" groups can compete for electoral advantage. Such a system would depart drastically from the fundamental principles of the consent of the governed and the equality of all under the law, as it inevitably would elevate some groups of citizens, but not others, to a privileged status.

Duties of Commission

The Report appears to view the lack of clarity and the obscurity of definition of the "community of interest" concept as presenting an *opportunity*, empowering the Commission, with the assistance of the "philanthropic and non-profit sectors" and the "print and broadcast media," to fill an empty constitutional vessel as the Commission sees fit. Operating in accordance with the Report, the Commission is to be occupied in doing at least the following: (a) examining the qualifications of "interest, identity, and affinity" groups to determine which should be favored in the redistricting process as "communities of interest;" (b) assessing which of the resulting "communities of interest" should be "linked" or not "linked" with other "interest, identity, and affinity" groups, both within and across electoral districts, to establish larger "communities of interest;" and (c) deciding under which circumstances "communities of interest" should be concentrated within a single district in order that the "community" be capable of electing a member of that "community" as its representative, or dispersed among districts in order that the "influence" of that "community" be more broadly felt. Such a process is a zero-sum game in which there are winners *and* losers. The latter will be comprised not only of "interest, identity and affinity" groups rejected as "communities of interest," but also ordinary Michigan citizens, not belonging to any such "community," and who might not have appreciated that such affiliation was a prerequisite for their full exercise of equal suffrage rights in the redistricting process.

Rule of Law

What is perhaps *most* troubling about this decision-making process imposed upon the

Commission is that it is an essentially standardless process. The rule of law—to which the Commission, as with all public bodies, must adhere—is all about standards: the setting of rules, criteria and procedures that are defined in *advance* of a decision and applied in an equal and consistent manner. Standards lie at the core of public decision-making, for these ensure that the law is applied today as it was yesterday, and as it will be tomorrow. The constitutional guarantees of both due process and equal protection, for example, are heavily dependent upon the government establishing and abiding by standards. As this pertains to "communities of interest"—which the Report describes as our new "building blocks" of democracy—these standards must ultimately be derived from our constitutions and laws, taking into account their language, structure, history, and purpose. In particular, the language of Michigan's constitution must be understood in the "sense most obvious to the common understanding . . . as reasonable minds, the great mass of the people themselves, would give it." *Traverse City Sch Dist v Att'y Gen*, 384 Mich 390, 405 (1971), quoting Thomas Cooley, Constitutional Limitations. In other words, vagueness and unclear language in the Amendment does not warrant the Commission 'making up' the law, acting in an arbitrary fashion, exercising merely personal discretion, or formulating rules and procedures on a case-by-case basis. This is not how the rule of law operates, particularly where the most fundamental institutions of our representative architecture are being constructed.

"Subjective" & "Not Well-Defined"

What makes the meaning of "communities of interest" in Const 1963, art IV, § 6, 13(c), so challenging is not only the potentially *boundless* implications of the "may include, but are not limited to" language, but also the potential breadth of other critical terms such as "diversity," "cultural," "historical," and "economic." For these reasons, the term "communities of interest" is correctly characterized by the Report as not only being "subjective" and "not well-defined," but as "opaque at best" in a recent article, Liscombe & Rucker, *Redistricting in Michigan*, Mich Bar J, Aug 2020. The Report further summarizes a survey of local officials responding to questions on the meaning and implications of "communities of interest." Significant numbers of these officials responded that "there were no significant local COIs" in their jurisdictions, that the matter was "inapplicable to their jurisdiction," that they "didn't understand what was being asked," or that the new constitutional provision was "not legitimate." In consequence, the Report describes the tenor of these responses as evidencing "uncertainty or skepticism," or, perhaps better put, "uncertainty and utter confusion." Despite this, the Report proceeds to give even the most obscure language of the Amendment meaning, its *own* meaning.

Compounding the Confusion

Consider, for example, the threshold question of giving proper meaning to the term "community of interest." The definition in the Amendment is already highly confusing, stating merely that the term "may include, but are not limited to" populations that "share cultural or historical characteristics or economic interests." The Report then proceeds to *compound* what is confusing about the Amendment by introducing a host of additional and equally amorphous concepts, including: "racial, ethnic, and religious identities"; "common bonds"; "link[age] to a set of public policy

issues that are affected by legislation"; "shared vision[s] of the future of a community"; "communities concerned about environmental hazards"; "media markets"; "affinity groups among neighboring jurisdictions"; "invisible ["communities of interest"]; "like-minded nearby communities"; "shared identities"; "what binds [the] community together"; "how the community currently engages with the political process"; "particular governmental policies that are high priority"; "nearby areas whose inclusion . . . would strengthen . . . and weaken representation for your community of interest"; and "metrics to transform [the term] 'reflect' into a clear measure of compliance with [the Amendment's redistricting] criteria." All of this occurs with little explanation or analysis, and with no reference whatsoever to Michigan's constitutional history. Of course, such complexity and convolution would be unnecessary if the Report viewed the Commission's work as "merely" redistricting Michigan in a "fair-minded, neutral, and non-partisan" way. But far more is required if the "building block" of our democracy is to be reconfigured in pursuit of a reimagined "theory of representation."

Reflections on Report

It is not entirely the fault of the Report's authors for promoting an incorrect understanding of "communities of interest" because this term, as used in the Amendment, is defined inadequately and confusingly. Nonetheless, the Report is deeply flawed, and there is a far more reasonable understanding of "communities of interest" that should guide the work of the Commission, not only to render its efforts in better accord with our Constitution, but also to render this work more broadly unifying. The following are several specific observations in this regard:

1. The Report asserts that "communities of interest" must be somehow "linked" to a "public policy issue that [is] affected by legislation." Why must this be so? What if a "community" is simply distinguished by the warmth and neighborliness of its people; by people with a common love for the outdoors and who revel in local recreational opportunities; by people enamored with the peace and quiet of the community; by people who relish the quality of local schools, libraries, shops or restaurants; or by people who simply appreciate its proximity to their place of work or to family members, or its affordability? What, of course, is logically implicit but unstated in the Report's assertion is that there must also be some common point-of-view on the "public policy issue that [is] affected by legislation," lest the "community of interest" join people among whom there is actually an absence of agreement on the "public policy issues." And if there must be a common point-of-view on a "public policy issue that [is] affected by legislation," how is this consideration any different from the partisan considerations that were meant to be precluded by the Amendment in the first place? After all, attitudes toward "public policy issues that [are] affected by legislation" are exactly what characterizes American political parties. They are not fraternities or sororities, social clubs, or charitable societies, but rather groupings of citizens, broadly sharing "common points-of-view" on the role and responsibilities of government, and separated from other groupings of citizens, broadly sharing "contrary points-of-view." Indeed, by the Report's own understanding, the political

party itself might be defined as a "community of interest," except that it was a dominant purpose of the Amendment to reduce partisan influence within the redistricting process, not to heighten it.

2. Furthermore, the Report's "linkage" requirement, apparently encompassing those with common "racial, ethnic, and religious identities," is seemingly in tension with its own definition of "communities of interest." Is the premise of the Report that those possessing common "racial, ethnic, and religious" identities will also tend to possess common attitudes on "public policy issues?" Or is its premise that "communities of interest" should be defined along more narrow, but also more politicized, lines such as, joining together "Asian-American communities favoring globalist and international perspectives," "Hispanic communities with liberal points-of-view," or "Christian communities with socially conservative attitudes?" In either case, the "linkage" requirement is inexplicable in both its rationale and its requirements.

3. The Report enumerates a variety of "geographically-oriented" groupings that "may" give rise to "communities of interest," including those predicated upon common "media markets," "enterprise zones," "special assessment tax districts," and "transportation districts". The Commission should bear in mind that recommendations of this sort are intended to preclude the Commission from treating actual communities—counties, cities, townships, and villages—as "communities of interest." Moreover, are any of the examples set forth by the Report indicative in any way of a bona fide community? Is there a single citizen of Michigan with an allegiance to his or her NBC media market? Or a felt sense of attachment to his or her local "enterprise zone?" Or a kinship with fellow-citizens within his or her "transportation district?" Or a bond with his or her "special assessment tax district?" Are these the types of "building blocks" of a democracy to which a free citizenry would profess their sense of community? If so, what about such "communities of interest" as those based upon sewer districts, subdivisions, apartment complexes, zoning categories, health care centers, tourist areas, policing, firefighting and 911 precincts, downtown development districts, parks and recreational areas, zip-codes, nursing homes, strip malls, and internet protocol addresses? All this to avoid giving consideration to the most genuine of our "communities of interest"—counties, cities and townships, the places where people actually live their lives.

4. The Report specifies shared "racial, ethnic, or religious identities" as potential "communities of interest" in the redistricting process, while excluding without explanation other standard civil rights categories, including nationality, age, alienage, citizenship, gender, sexual preference, and handicap. The Report specifically offers "racial, ethnic, or religious identities" under the "may include" language of the Amendment, rather than under its "diverse population" language, perhaps because it recognizes that Michiganders are "diverse" in many ways that have nothing to do with identity considerations. However, the truly overarching question is one the Report neither asks nor answers: did the people of Michigan who ratified this Amendment

share a "common understanding" that, for the first time in Michigan's history, its Constitution would impose an affirmative obligation upon the state to take "race, ethnicity, and religion" into account in setting public policy even though that dictate, and those terms, nowhere appear in the Amendment? And did these same people also share a "common understanding" that, for the first time in Michigan's history, its Constitution would impose an affirmative obligation upon the state to arrange and configure electoral districts and political influence on the basis of express calculations of "race, ethnicity, and religion?"

5. And in this same regard, what is the relevance of Const 1963, art I, § 2? ("No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin.") Is the redistricting process not a zero-sum process, in which advantages accorded to one "community of interest" on the basis of "race, ethnicity, or religion" come necessarily at the expense of other "communities of interest," and other individuals? Moreover, what is the relevance of Const 1963, art I, § 26, enacted by an earlier constitutional initiative of the people in 2006, in supplying evidence of the people's "common understanding" of the present Amendment? The 2006 provision forbids the state—including expressly the "University of Michigan," the sponsors of the Report in question—from "discriminating against, or granting preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin," in the realms of "public employment, public education, and public contracting." Are these two express constitutional provisions relevant in affording some understanding of what the people meant, and did not mean, in 2018 in ratifying the present Amendment?

6. The Report states that, "communities concerned about environmental hazards" "may" also be designated as "communities of interest." What about communities concerned about the adequacy of policing or firefighting resources; communities concerned about the quality of local education; communities concerned about road infrastructure; or even communities concerned about levels of property taxation resulting from the policies favored by communities concerned about environmental hazards? Does this singular and specific recommendation of the Report, not offered as an illustration but as a formal recommendation, strike the Commissioners as satisfying the standards of "fair-mindedness, neutrality, and non-partisanship," to which the Commission itself is constitutionally obligated?

7. The Report observes that communities with a "shared vision of the future of a community" may also be designated as "communities of interest" (16). Does this really describe an inquiry of the sort that the Commission wishes to undertake, to distinguish between communities with and without a "shared vision" of the future and then to ascertain which specific "shared visions" should be given priority as "communities of interest?" The Commission should reject this invitation to serve as the "Planning Commission for the 21st Century" or as Michigan's

philosopher-kings. Still, let us ask the obvious: what evidence of consensus would conceivably demonstrate a "shared community vision?" How would this be demonstrated in the course of the Commission's hearings? What would define a sufficiently ennobling "vision" to warrant recognition as a "community of interest?" That the schools of the community might some day provide a quality education for every student without regard to race, ethnicity, or religion? That the community might remain peaceable and responsibly policed? That a supportive ethic among neighbors might arise and be sustained? That small businesses might prosper? Perhaps relevant to these inquiries, the Hillsdale College community of more than 6000 people also harbor what it believes to be a shared, and deeply-held, educational and moral vision for the future of the College, and it has adhered to this vision for 175 years. Doubtless, it is a distinctive vision from that of the University of Michigan, but it is no less of a vision and each of our institutions, and our student bodies, are enhanced by these visions. No public body, however capable and enlightened its members might be, should be engaged in comparing and ranking community "visions." The Commission would be acting wisely and responsibly in rejecting this recommendation.

8. Finally, by the sheer breadth and invented character of its recommendations, the Report defines for the Commission a mission that extends well beyond eliminating partisan advantage, ending legislative self-dealing, and curtailing gerrymandering in the redistricting process. For the Commission to succumb to this mission would constitute grievous error and a lost opportunity to bring the people of our state together in the contentious process of redistricting rather than dividing them further. The Commission of thirteen engaged and public-spirited citizens should instead operate faithfully within its charter, act with energy and integrity in pursuit of its constitutional purpose, and define a responsible and lasting legacy for the generations of Commissioners who will follow in the years ahead.

Analysis: Counties

What follows is an analysis concerning how the Commission should give reasonable and faithful meaning to the concept of "communities of interest" in Const 1963, art 4, § 6, 13 (c). Just as there is no reference in the Report to the Apol standards that have long guided the redistricting process in Michigan, there is also no reference to relevant decisions of the Michigan Supreme Court—the highest tribunal of our state and a court possessing the authority to review the legal determinations of the Commission. Const 1963, art 4, § 6, 18-20. There is an utter absence of historical memory in the Report. In 1982, in the course of reviewing the state's proposed redistricting plan, the Michigan Supreme Court unanimously held,

> We see in the *constitutional* history of this state dominant commitments to . . . single-member districts drawn along boundary lines of local units of government . . . Michigan has a consistent *constitutional history* of combining less populous counties and subdividing populous counties to form election districts. As a result, county lines have remained inviolate. The reason for following county lines was not the "political unit" theory of representation,

> but rather that each Michigan Constitution has required preservation of the *electoral autonomy* of the counties. *In re Apportionment-1982*, 413 Mich 149, 187 (1982) (emphasis added).

And two Justices, Levin and Fitzgerald, in a bipartisan concurrence, separately wrote in this same regard,

> The "*constitutional* requirements" concerning county, city and township lines, which preserve the *autonomy of local government subdivisions* . . . were not part of the political compromise reflected in the weighted land area/population formulae. [Rather,] they are [among] separate requirements which carry forward provisions and concepts which extend back over 100 years from the Constitution of 1850 through the Constitution of 1908 and the 1952 amendment thereto. *In re Apportionment-1982*, 413 Mich 96, 139n24 (1982) (emphasis added).

And the Court unanimously reiterated this same constitutional understanding in assessing Michigan's 1992 redistricting,

> Recognizing the importance of local communities, and the harm that would result from splitting the political influence of these communities, each of [our past] *constitutions* explicitly protected jurisdictional lines . . . For instance, the 1835 constitution said that no county line could be broken in apportioning the Senate. Const. 1835, art. 4, § 6. The 1850 constitution repeated that rule and added that no city or township could be divided in forming a representative's district. Const. 1850, art. 4, §§ 2-3. [And as] originally enacted, the 1908 constitution continued those rules, though it permitted municipalities to be broken where they crossed county lines. Const. 1908, art. 5, §§ 2-3. *In re Apportionment-1992*, 486 Mich 715, 716, 716 n 6 (1992).

Although without the slightest doubt, our Constitution can be changed or altered by amendment, as it has been here, a responsible assessment of new constitutional language would take into account the interpretive counsel that might be derived from past constitutional provisions and court decisions. And in that regard, what the above decisions indicate is that, *at least* through 2018, "preservation of the electoral autonomy of the counties" was viewed by the highest court of this state as a substantial *constitutional* value, and reflected in our state's redistricting processes in 1982 and 1992 (and since) by the application of the Apol standards upholding where reasonably possible the integrity of county and municipal boundaries. Moreover, in assessing the "common understanding" of the people who ratified the Amendment in 2018, and in reviewing the language of the Amendment itself, we see no evidence that this constitutional value has been repudiated.

Analysis: Judicial Use of "Communities of Interest"

The Report incorrectly states that the concept of "communities of interest" is an entirely "new" concept in Michigan law. It is not. For example, in the course of a unanimous decision of the Michigan Supreme Court addressing the 1982 redistricting process, the following observations were made in a full concurrence to that decision by Justices Levin and Fitzgerald,

> The Court considered whether, when cities or townships must be shifted, there should be shifted (i) the number of cities or townships necessary to equalize the population of the two districts, or (ii) only the number of cities or townships necessary to bring the districts within the range of allowable divergence. The Court concluded that the concept of minimizing the breaking of county lines extended to the shifting of cities and townships. A county is kept more intact as a *community of interest*, and fewer special election districts must be created, when the minimum necessary number of cities or townships are shifted. *In re Apportionment of State Legislature*- 1982, 413 Mich 149, 155n 8 (1982).
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> There remained the possibility that two sets of cities or townships might satisfy the above rule; for example, each of two townships might contain the population required to be shifted. The Court again concluded that the concept of preserving counties as *communities of interest* to the fullest extent possible required that the township or set of townships with the fewest people necessary should be shifted. *In re Apportionment of State Legislature*- 1982, 413 Mich 149, 155n 8 (1982).
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> The flaw in this method [of redistricting] is that it artificially divides the counties into two groups, treating one group differently than another . . . The historical [redistricting] practice of following county lines never rose to a level of a principle of justice, [but] it has always been simply a device for controlling gerrymandering, facilitating elections and preserving *communities of interest*. Once the rule of following county boundary lines yielded to the principle of 'entitlement', the Court could not pretend to have a neutral and objective set of guidelines. *In re Apportionment of State Legislature*- 1982, 413 Mich 149, 193-5 (1982).

Each of these judicial excerpts employs "communities of interest" in a context referring to municipal boundaries and each was specifically made in the course of assessing the 'Apol standards,' with its emphasis upon preserving such boundaries wherever reasonably possible. The Supreme Court in the 1992 redistricting process again addressed the term and similarly observed,

> The Masters determined that none of the plans submitted to them was satisfactory. They stated that these plans 'either fail to comply with the 1982 [Apol] criteria or do so only facially.' Further, the plans exhibited 'a disregard of some specific criteria, such as *community of interest*. . . . Thus the Masters drew their own plan. In doing so, they followed the same criteria used by Mr. Apol in 1982 *In re Apportionment of State Legislature*-1992, 437 Mich 715, 724 (1992).
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> A legislator [can represent his constituents] only if there is some real *community of interest* among the represented group — without that, the legislator cannot speak effectively on the group's behalf. When a small portion of a jurisdiction is split from the remaining body and affixed to another governmental entity in order to reduce population divergence, the shifted area is likely to lose a great portion of its political

> influence. For that compelling reason, grounded in sound public policy, all four Michigan Constitutions have provided that jurisdictional lines, particularly county lines, are to be honored in the apportionment process. Id. at 732-33.
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> Nor did the parties' proofs sufficiently demonstrate
> a *community of interest* between and among the voter populations of Oakland County and the voter populations of the City of Detroit and Wayne County. Id. at 737 n 50.

There is, of course, additional language within Const 1963, art IV, § 6, 13(c), that must also be taken into consideration in giving meaning to "communities of interest" in the new Amendment. By these excerpts, however, it is clear that the slate is not quite as blank concerning the meaning of "communities of interest" as the Report would suggest. Especially in the context of an Amendment focused upon redistricting, and in which the critical term has been asserted by the Report to be "new," it might be thought that clarifying language from Michigan's highest court in the *two most significant redistricting decisions of the past half-century* would be welcomed and closely considered. And it is clear that the term has specifically been understood to refer to municipal communities and their boundaries.

Analysis: § 13(c)

Next, with regard to the language of the Amendment itself, the first sentence of § 13(c) specifies that the *only* entities that "shall" or "must" be reflected within an electoral district are "communities of interest," and the "state's diverse population." However, the second sentence of § 13(c) does not set forth anything that "shall" or "must" be designated as a "community of interest" and thus, by cross reference, also does not set forth anything within the first sentence that "shall" or "must" be reflected within an electoral district. Instead, the second sentence communicates only that certain groups "may" be included as a "community of interest" and that a "community of interest" is not "limited to" such groups. It defines nothing that "shall" or "must" be treated as such a community. As a result, when viewed together, the operative language of the Amendment, the first sentence of § 13(c), provides only that communities of interest "shall" be reflected in the redistricting process but only *if* they have been designated in the first place. The problem in focusing upon § 13(c), without also assessing § 13 as a *whole*, is that there may be *no* designated "communities of interest" that "shall" or "must" be reflected within electoral districts, despite an obvious intention that there be such communities.

Analysis: § 13(f)

While the conundrum posed in the previous paragraph—that there may be *no* "community of interest" at all to be considered in the redistricting process—reflects one *conceivable* understanding of § 13(c), it is not the most *reasonable* understanding. Rather, a more reasonable understanding of § 13(c), would be to read § 13 as a whole, and to include as "communities of interest" *precisely* the entities described in § 13(f): the "counties, cities, and townships," whose boundaries "*shall*" be reflected in the redistricting process. Indeed, these are the *only* entities in the Amendment whose relevance in the redistricting process is made constitutionally *mandatory* and not merely a product of the Commission's *discretion,* thus avoiding any possibility that the consideration of

"communities of interest" in the process is rendered a nullity by the absence of any "community of interest" being *designated* pursuant to the second sentence of § 13(c). This understanding is made even more compelling by the fact that such "counties, cities, and townships" are reasonably understood as the *actual* "communities of interest" referred to in the first sentence of § 13(c). As result, an understanding of § 13 that harmonizes its subsections (c) and (f), which is the obligation of any interpreter of a provision of law, not only offers a more reasonable understanding of § 13(c) by filling in its gaps, but it is an understanding in closest accord with the genuine meaning of the term "community of interest" in Michigan redistricting law and history.

Analysis: Priorities

The Report not only fails to harmonize § 13(c) and § 13(f), but seeks to "deprioritize" the latter provision (requiring the consideration of "counties, cities, and townships") on the grounds of its relative "order of priority within § 13." While such an "order of priority" makes sense in defining the organization or sequence of the process by which electoral districts are to be constructed, it runs the risk—one the Report seems content to run—that such an "order of priority" will effectively read out of the Constitution, or nullify, express constitutional provisions, in this instance, § 13(f) and its *exclusive* requirement that "counties, cities, and townships" "*shall*" be considered in the redistricting process. To understand this concern, we must again review decisions of the Michigan Supreme Court:

> [The challenged law in issue] provides for the establishment of a county apportionment commission and that such a commission "shall be governed by the following guidelines in the stated order of importance: "The stated order is: (a) equality of population as nearly as is practicable; (b) contiguity; (c) compact and as nearly square in shape as is practicable; (d, e, f) not joining townships with cities and not dividing townships, villages, cities or precincts unless necessary to meet the population standard; (g) not counting residents of state institutions who cannot vote; and (h) that the district lines not be drawn to effect partisan political advantage.
>
> If the stated order requires exhaustive compliance with each criterion before turning to a succeeding criterion, then criteria (a) through (c) alone would be determinative and criteria (d) through (f) could not be given any effect.
>
> There are an endless number of ways in which one could construct the district lines consistent with criterion (a), equality of population, and criterion (b), contiguity. Criterion (c) requires that all districts shall be as compact and as nearly square in shape as is practicable, depending on the geography of the county area involved. Read literally and given an absolute priority, that criterion would require that the district lines be drawn *without regard* to township, village, city or precinct lines. The apportionment of a county would [then] be a mechanical task.
>
> * * *
>
> We reject such a rigid reading of "stated order" because so read:
>
> * * *

> (c) It would give no effect whatsoever to criteria (d) through (f) concerning the preservation of township, city, village and precinct lines, and thereby make meaningless those provisions. It is our duty to read the statute as a whole and to avoid a construction which renders meaningless provisions that clearly were to have effect. *Appeal of Apportionment of Wayne County-1982*, 413 Mich 224, 258-59 (1982); see also *In re Apportionment of State Legislature*-1992, 439 Mich 715, 742n 65 (1992).

In sum, the UM Report seeks, first, to exclude "counties, cities, and townships" from within the purview of the "community of interest"; second, to elevate the role of its own preferred "communities of interest" by giving emphasis to the "may include, but are not limited to" language of the Amendment; and, third, to "deprioritize" and thereby "preempt" from any material role in the redistricting process "counties, cities, and townships." None of these approaches—by concocting creative and dubious "communities of interest" one the one hand, and by excluding the most obvious and historically-grounded "communities of interest" on the other—constitute a fair or reasonable way of understanding the Amendment.

Analysis: Home

"Counties, cities, and townships" are not only reasonably understood as our fundamental "communities of interest" on the basis of judicial decisions and historical practice, as well as a close analysis of the Amendment itself, but also in terms of how the ordinary citizen would understand this concept. Such communities are where the people reside; where they sleep, play, relax, worship, and mix with families, friends and neighbors; where their children attend schools, make and play with friends, compete in sports, participate in extracurricular activities, and grow to maturity; where they work, shop, dine, and participate in acts of charity; where their taxes are paid, votes cast, and library books borrowed; and where their police and firefighters serve and protect. In short, these places are meaningful to every Michigander, for they serve to define what we call "home" and they signify to the rest of the world where we are "from." Nonetheless, with no explanation or analysis, the Report summarily and confidently assures the Commission that a "community of interest is not a political jurisdiction."

Analysis: Fairness

The Report defines "communities of interest" on the basis of "race, ethnicity, and religion;" "media markets;" "environmental hazards;" "creative arts;" "shared visions of the future;" "immigrant communities;" and "linkages to a set of public policy issues that are affected by legislation"—*none* of which is found anywhere within the law, except that each fits, as would *any other* conceivable entity, within the "may include, but are not limited to" language of § 13(c). Yet, the most obvious and genuine "communities of interest"—the "counties, cities, and townships" of Michigan, the *only* entitles that *"shall"* be given consideration in the redistricting process under the Amendment—are to be *excluded* from the term. This is done without the slightest consideration for what may be the *greatest* strength of treating our "counties, cities, townships" as "communities of interests"—namely, that every Michigan citizen is an equal part of *this* "community of interest" and there is no other "community of interest" whose establishment would be more "fair-minded, neutral, and non-partisan." That is, the definition proposed here—"communities of

interest" based upon "communities" of "interest"—has at least the minor virtue of enabling the Commission to avoid struggling with the impossible, and inapt, question, "which citizens should count, and which should count more and which should count less?"

Analysis: Gerrymandering

The Amendment was popularly headlined as an "anti-gerrymandering" measure in such media as the *Detroit Free Press* (November 7, 2018). Yet the Report, in its disdain for municipal "communities of interest", and in its preference for the dislocated and erratic boundaries of interest and identity groups, is far more likely to give rise to districts that are truly gerrymandered, albeit in different ways than they may sometimes have been gerrymandered in the past. Relying upon county, city, and township lines is simply the most certain and fair-minded way of avoiding gerrymandering altogether, for there is no more neutral and established boundary, with almost all of these having been created either pre-statehood (as with Wayne County in 1796) or shortly thereafter. District maps produced in accordance with the Report will not only appear oddly-shaped and irregular, but they will appear to be so precisely because they will have been constructed in pursuit of traditional gerrymandering considerations, dividing our citizens into winners and losers.

Analysis: "A New Theory of Representation"

In a press release from the University of Michigan, the author of the Report has stated that the Report's recommendations offer a "new theory of representation." (closup.umich.edu/policy-reports/18/the-role-of-communities-of-interest-in-michigans-new-approach-to-redistricting-recommendations, Aug 31, 2020.) While its theory is indeed new to the history of American constitutionalism, it is foreign to it as well. It is a "new theory" that replaces the citizen with the interest group as the core of the democratic process; a "new theory" that enhances the role of race, ethnicity, and religion in the construction of electoral districts; a "new theory" that substitutes for the ideal of equal citizenship that of favored and disfavored voting blocs; a "new theory" that replaces partisanship with ideology; a "new theory" that seeks to build a new political foundation upon the judgments of 'experts' rather than those of ordinary citizens. Although the author's assertion that his Report's recommendations are "unique and interesting" may be also correct, these do not have much to do with the intentions of several million citizens who cast their votes for Proposition 2.

Analysis: Summary

In summary, regarding the threshold policy question that must be addressed by the Commission—the meaning of the "community of interest"—the Report essentially asserts that almost any entity, any asserted "community," can be included within the "may include, but are not limited to" language of § 13(c) and thus be considered as a "community of interest," with the singular and remarkable *exception* of the most genuine of these communities, our "counties, cities, and townships." These are to be excluded, despite the fact:

- That "counties, cities, and townships" are by any reasonable and ordinary definition of the term *actual* "communities of interest;"

- That "communities of interests" has been defined in Michigan Supreme Court decisions to refer principally to "counties, cities, and townships;"

- That such Michigan Supreme Court decisions have pertained specifically and directly to the state's redistricting process;

- That "communities of interest," understood in the context of the 'Apol standards,' which have guided Michigan redistricting since at least 1982, have also been understood in terms of "counties, cities, and townships; "

- That "counties, cities, and townships" are the only entities that "shall" be reflected in the redistricting process and there is no alternative definition in the Amendment of what "shall" be considered a 'community of interest;"

- That "counties, cities, and townships," as with every other entity the Report would include within "communities of interests" on the basis of the "may include, but are not limited to" language of § 13(c), obviously could also be included on this same basis;

- That "counties, cities, and townships" would seem to be the most obvious "communities" for inclusion within the Amendment's undefined and discretionary "community of interest" categories of "shared cultural characteristics," "shared historical characteristics," and "shared economic interests;" and

- That the most reasonable and harmonized understanding of § 13 of the Amendment strongly suggests that the "counties, cities and townships" referred to in § 13(f) are precisely the "communities of interests" referenced in the first sentence of § 13(c).

Authority of the People

In response to this Memorandum, the authors of the Report may contend that the people of Michigan through their constitutional amendment process are entitled to repudiate the Apol standards, the decisions of the Michigan Supreme Court, and historical redistricting practices. This Memorandum would not dispute such an assertion, only that this is not what the people have, *done* by the present Amendment. While the law of Michigan has been modified in important regards—most significantly, by conferring the authority to administer the redistricting process upon the Commission instead of the Legislature—what the people have *not* done is enact *obligatory* changes in what is meant by the "community of interest." While the term has been made subject to change at the *discretion* of the Commission, the standards, decisions, and practices addressed in this Memorandum largely pertain to the *mandatory* obligations of the Commission in giving meaning to the "community of interest." ("Districts *shall* reflect consideration of county, city, and township boundaries.") In other words, while the Commission may possess the *discretion* to redefine the "community of interest," it also possesses the *obligation* to consider geographic "communities of interest. The Commission should act to carry out its *obligations* under the Amendment while at the same time exercising its *discretion* not to act *beyond* those obligations in designating "communities of interest." This would constitute the wisest and most responsible exercise of authority by the Commission and nothing in the debate over Proposition 2 or in

the assessment of the people's "common understanding" or in the language of the Amendment compels any different result.

Conclusion

Districts should be drawn according to the proposition that each voter should be rendered as equal as possible in his or her participation and influence in the democratic process and as individual citizens, rather than as members of interest groups, and that districts should be drawn with a view to uniting rather than dividing society. The guiding ideal should be that the purpose of government is to secure the rights of individual citizens, their common good, and the strengthening of the right of all of our people to pursue happiness under our federal and state constitutions. The best way for the Commission to accomplish this is to rely upon the longstanding definition of "communities of interest" as being primarily "counties, cities, and townships."

COMMISSIONER RECOMMENDATIONS

Respectfully, the Independent Citizens Redistricting Commission should consider the following recommendations in carrying out its responsibilities under the Amendment:

1. The Commissioners should seek in their decisions to act in a fair-minded, neutral, and non-partisan manner, in accordance with their responsibilities under the Constitution and in accordance with "common understandings" of the Amendment by the people of our state.

2. The Commissioners should work to secure an understanding and perspective, not only of the Amendment and our state's redistricting process, but of the principles and values underlying our two constitutions. You should be guided in this process by your own best judgments as independent citizens and by the legal framework to which "we the people" have assented, not by the judgments of unelected 'experts.'

3. The Commissioners should take care in the redistricting process to maintain and preserve the greatest institution of our people, representative self-government under constitutional rules and principles.

4. The Commissioners should bear in mind that as formative members of the Commission, your decisions and judgments will continue to guide the Commission in the years ahead as partisan majorities, political incumbents, and legislative debates ebb and flow. Your legacy will far outlast your public service, and so requires wisdom and foresight.

5. The Commissioners should show modesty in carrying out their mission. What the people of Michigan understand most clearly of your work is that you have replaced the Legislature in the decennial process of reconstructing our electoral districts. Do not succumb to the invitations of "experts" to broaden what is already a substantial and daunting mission. As with all responsible public servants, you must act within your authority and not within your power.

6. The Commissioners should show humility in recognizing that, however capable and committed each of you might be, you are nonetheless in the unusual position of exercising crucial public responsibilities without ever having been elected or confirmed to your position by a democratic vote of those whom you now represent.

7. The Commissioners should avoid becoming enmeshed or embedded within factions or coalitions on the Commission. You are a single Commission representing a single people.

8. The Commissioners should act as nonpartisans, not bipartisan. Although the presence of independent members of the Commission is one important means of achieving a nonpartisan process, so too are members of the Commission with partisan backgrounds who respect that their constitutional obligation is to avoid a "disproportionate advantage to a political party." Each of you thus constitutes your own personal "check and balance" upon the Commission to ensure that it acts in the necessary manner.

9. The Commissioners must subordinate their individual attitudes and allegiances to the requirements of the law. As with all public officers, your personal codes and consciences must conform to the rule of law.

10. The Commissioners should maintain their independence from political parties, incumbents, blocs, experts, interest groups, aspirant 'communities of interest,' and even from one another, but you cannot be independent of the people or their laws and constitutions.

11. The Commissioners should not seek or accept outside funding, or enter into partnerships, or engage in outreach with businesses, foundations, philanthropic organizations, non-profits, or educational institutions, as has been urged upon you. Yours is an *independent citizens* commission, and the only reason these actions would be necessary would be if you were to expand upon your mission. Do not leave as your legacy one more expensive governmental bureaucracy and carefully consider how dispiriting it would be to the people of this state if *this* Commission was to abuse its power and position.

REDISTRICTING RECOMMENDATIONS

1. Consider carefully the Apol standards and its variations. Do not assume that these standards were repudiated in 2018 or that they contributed in any way to partisanship, legislative self-interest and self-dealing, or gerrymandering in the redistricting process. Do not close yourself to learning from past practice and historical experience. Although with exceptions, the history of Michigan has, by and large, been one of honest and responsible government.

2. Consider defining "communities of interest" exclusively on the basis of fair-minded, neutral, and non-partisan applications of "county, city, and township" boundaries. Every Michigan citizen is equally a member of such "communities of interest." Once you begin to exercise increasingly broad discretion in defining and creating new "communities of interests," you will inevitably begin to pit citizens and interests against each other. Resolving these disputes will inevitably place yourselves and the Commission into the type of political process the Commission was meant to transcend.

3. Consider carefully whether you wish to introduce explicit considerations of "race, ethnicity, and religion" into the redistricting process. Not only will such considerations come at the expense of other "races, ethnicities, and religions," but such policies implicate our nation's most profound and divisive issues. To paraphrase former U.S. Supreme Court Justice William O. Douglas, "When such lines are drawn by the State, the diverse communities that our Constitution seeks to weld together become separated, and antagonisms are generated that relate to 'race, ethnicity, and religion,' rather than to political issues." A unifying legacy on the part of the Commission would be a momentous legacy.

4. Consider *not* exercising the Commission's apparently limitless discretion to create new "communities of interests" under its "may include, but are not limited to" authority in § 13(c). This is truly the broadest-possible and most standardless delegation of power ever placed into our Constitution. The language does not reflect well upon the rule of law; do not let it also reflect poorly upon the Commission.

5. Consider carefully the wide variety of means, direct and indirect, obvious and subtle, by which legislators and political strategists have sometimes placed partisan and 'self-interested' thumbs on the scales of redistricting justice. For Members of the Commission to do the same would be no step forward in the pursuit of good government. Avoid doing acts of partisanship, as well as acts that are *tantamount* or *equivalent* to partisanship.

6. Consider carefully the regularity of shape of the districts you construct. "Gerrymanders" are not simply oddly shaped districts, but encompass also districts of a more regular character, but with erratic and 'squiggly' indentations and protrusions undertaken largely to achieve political or partisan purposes.

7. Consider carefully before you add to the complexity of the redistricting process by the adoption of new legal concepts, new statistical measurements, novel types of "communities of interests," amorphous political science terms, new 'metrics,' and pseudo-scientific concepts of redistricting. None of this complexity and convolution will be necessary if the Commission views its responsibilities simply as the preparation of a "fair-minded, neutral, and non-partisan" redistricting plan, rather than as "reimagining" representative government for Michigan.

8. Consider carefully the risk of nullifying or distorting express provisions of the Amendment, and thereby rewriting the Amendment, by an overly rigid application of the "order" of provisions, by reviewing Michigan Supreme Court decisions in this regard. See "Analysis: Priorities."

9. Consider carefully whether the phrases and concepts you will hear from the 'experts,' such as "common bonds," "affinities," "shared characteristics, "communities," "identities," and "like-mindedness" are largely employed to divide and separate people, rather than to join them together and unify.

10. Consider carefully whether "communities," "identities" "interests," "groups," or "populations" are more strengthened in the political process where their members are consolidated within districts or dispersed among districts. Then, consider carefully whether endless calculations of this sort are part of the proper and "common understanding" of the Commission's work by the people of Michigan who ratified the Amendment.

♦ This Memorandum was commissioned by Hillsdale College and authored by Stephen Markman, a retired Justice of the Michigan Supreme Court and a Professor of Constitutional Law at the College for 28 years.

EXHIBIT G

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Michigan Committee Statement Summary Page

- **Committee Name:** MALLORY MCMORROW FOR MICHIGAN
- **Statement Type:** POST-PRIMARY CS
- **Statement Year:** 2022

« Back to statement details

		This Period		Cumulative This Election Cycle
RECEIPTS				
3. Contributions				
a. Itemized Contributions	(3a.)	$13,442.99		
b. Unitemized	(3b.)	$0.00		
c. Subtotal of Contributions	(3c.)	$13,442.99	(18.)	$662,358.26
4. Other Receipts	(4.)	$0.00	(19.)	$330.95
5. Total Contributions and Other Receipts	(5.)	$13,442.99	(19.)	$662,689.21

		This Period		Cumulative This Election Cycle
IN-KIND CONTRIBUTIONS AND EXPENDITURES				
6. In-Kind Contributions	(6.)	$0.00	(21.)	$910.15
7. In-Kind Expenditures	(7.)	$0.00	(22.)	$0.00
EXPENDITURES				
8. Expenditures				
a. Itemized	(8a.)	$58,260.39		
b. Itemized GOTV	(8b.)	$0.00		
c. Unitemized	(8c.)	$0.00		
9. Total Expenditures	(9.)	$58,260.39	(23.)	$394,805.64
INCIDENTAL EXPENSE DISBURSEMENTS				
10. Disbursements				
a. Itemized	(10a.)	$0.00		
b. Unitemized	(10b.)	$0.00		
11. Total Incidental Expenditure Disbursements	(11.)	$0.00	(24.)	$225.00
DEBTS AND OBLIGATIONS				
12. Debts and Obligations				
a. Owed by the Committee	(12a.)	$0.00		

		This Period	Cumulative This Election Cycle
b. Owed to the Committee	(12b.)	$0.00	
BALANCE STATEMENT			
13. Ending Balance of last report filed	(13.)	$356,186.63	
14. Amount received during reporting period	(14.)	$13,442.99	
15. Subtotal	(15.)	$369,629.62	
16. Amount Expended during reporting period	(16.)	$58,260.39	
17. ENDING BALANCE	(17.)	**$311,369.23**	

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Michigan Committee Statement Summary Page

- **Committee Name:** MALLORY MCMORROW FOR MICHIGAN
- **Statement Type:** POST-PRIMARY CS
- **Statement Year:** 2022

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		This Period		Cumulative This Election Cycle
IN-KIND CONTRIBUTIONS AND EXPENDITURES				
6. In-Kind Contributions	(6.)	$0.00	(21.)	$910.15
7. In-Kind Expenditures	(7.)	$0.00	(22.)	$0.00
EXPENDITURES				
8. Expenditures				
a. Itemized	(8a.)	$58,260.39		
b. Itemized GOTV	(8b.)	$0.00		
c. Unitemized	(8c.)	$0.00		
9. Total Expenditures	(9.)	$58,260.39	(23.)	$394,805.64
INCIDENTAL EXPENSE DISBURSEMENTS				
10. Disbursements				
a. Itemized	(10a.)	$0.00		
b. Unitemized	(10b.)	$0.00		
11. Total Incidental Expenditure Disbursements	(11.)	$0.00	(24.)	$225.00
DEBTS AND OBLIGATIONS				
12. Debts and Obligations				
a. Owed by the Committee	(12a.)	$0.00		

		This Period	Cumulative This Election Cycle
b. Owed to the Committee	(12b.)	$0.00	
BALANCE STATEMENT			
13. Ending Balance of last report filed	(13.)	$356,186.63	
14. Amount received during reporting period	(14.)	$13,442.99	
15. Subtotal	(15.)	$369,629.62	
16. Amount Expended during reporting period	(16.)	$58,260.39	
17. ENDING BALANCE	(17.)	**$311,369.23**	

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Michigan Committee Statement Summary Page

- **Committee Name:** MALLORY MCMORROW FOR MICHIGAN
- **Statement Type:** ANNUAL CS
- **Statement Year:** 2022

« Back to statement details

		This Period		Cumulative This Election Cycle
RECEIPTS				
3. Contributions				
a. Itemized Contributions	(3a.)	$44,696.94		
b. Unitemized	(3b.)	$0.00		
c. Subtotal of Contributions	(3c.)	$44,696.94	(18.)	$185,606.45
4. Other Receipts	(4.)	$0.00	(19.)	$330.95
5. Total Contributions and Other Receipts	(5.)	$44,696.94	(19.)	$185,937.40

		This Period		Cumulative This Election Cycle
IN-KIND CONTRIBUTIONS AND EXPENDITURES				
6. In-Kind Contributions	(6.)	$663.04	(21.)	$910.15
7. In-Kind Expenditures	(7.)	$0.00	(22.)	$0.00
EXPENDITURES				
8. Expenditures				
a. Itemized	(8a.)	$10,310.93		
b. Itemized GOTV	(8b.)	$0.00		
c. Unitemized	(8c.)	$0.00		
9. Total Expenditures	(9.)	$10,310.93	(23.)	$124,818.75
INCIDENTAL EXPENSE DISBURSEMENTS				
10. Disbursements				
a. Itemized	(10a.)	$0.00		
b. Unitemized	(10b.)	$0.00		
11. Total Incidental Expenditure Disbursements	(11.)	$0.00	(24.)	$225.00
DEBTS AND OBLIGATIONS				
12. Debts and Obligations				
a. Owed by the Committee	(12a.)	$0.00		

		This Period	Cumulative This Election Cycle
b. Owed to the Committee	(12b.)	$0.00	
BALANCE STATEMENT			
13. Ending Balance of last report filed	(13.)	$70,218.30	
14. Amount received during reporting period	(14.)	$44,696.94	
15. Subtotal	(15.)	$114,915.24	
16. Amount Expended during reporting period	(16.)	$10,310.93	
17. ENDING BALANCE	(17.)	**$104,604.31**	

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Michigan Committee Statement Summary Page

- **Committee Name:** MALLORY MCMORROW FOR MICHIGAN
- **Statement Type:** ANNUAL CS
- **Statement Year:** 2022

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		This Period		Cumulative This Election Cycle
RECEIPTS				
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		This Period		Cumulative This Election Cycle
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7. In-Kind Expenditures	(7.)	$0.00	(22.)	$0.00
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8. Expenditures				
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c. Unitemized	(8c.)	$0.00		
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10. Disbursements				
a. Itemized	(10a.)	$0.00		
b. Unitemized	(10b.)	$0.00		
11. Total Incidental Expenditure Disbursements	(11.)	$0.00	(24.)	$225.00
DEBTS AND OBLIGATIONS				
12. Debts and Obligations				
a. Owed by the Committee	(12a.)	$0.00		

		This Period	Cumulative This Election Cycle
b. Owed to the Committee	(12b.)	$0.00	
BALANCE STATEMENT			
13. Ending Balance of last report filed	(13.)	$70,218.30	
14. Amount received during reporting period	(14.)	$44,696.94	
15. Subtotal	(15.)	$114,915.24	
16. Amount Expended during reporting period	(16.)	$10,310.93	
17. ENDING BALANCE	(17.)	**$104,604.31**	

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Michigan Committee Statement Contributions

- **Committee Name:** MALLORY MCMORROW FOR MICHIGAN
- **Statement Type:** PRE-PRIMARY CS
- **Statement Year:** 2022
- **Schedule:** ITEMIZED DIRECT CONTRIBUTIONS

« Back to statement details

Matches 9451 - 9451 of 9451

« **Previous 50 matches**

Result #9451

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

CYRUS NAHEEDY
500 SNYDER AVE

City State Zip
ANN ARBOR
MI 48103-5553

Date
02/21/2022

Amount
$1.00

Cummul
$16.00

Matches 9451 - 9451 of 9451

« **Previous 50 matches**

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Michigan.gov

The Office of

Secretary of State Jocelyn Benson

SOS / Elections

Michigan Committee Statement Contributions

- **Committee Name:** MALLORY MCMORROW FOR MICHIGAN
- **Statement Type:** POST-PRIMARY CS
- **Statement Year:** 2022
- **Schedule:** ITEMIZED DIRECT CONTRIBUTIONS

« Back to statement details

Matches 251 - 296 of 296

« Previous 50 matches

Result #251
Receiving Committee MALLORY MCMORROW FOR MICHIGAN
Committee ID-Type 518210 – CAN
Schedule Type DIRECT
Description
Received From

CHRIS OMEARA DIETRICH
PO BOX 1379

City State Zip

CAMPBELL
CA 95009-1379

Date

07/20/2022

Amount

$5.00

Cummul

$20.00

Result #252

Receiving Committee

MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type

518210 – CAN

Schedule Type

DIRECT

Description

Received From

ED MOEHAGEN
10 BRIDGEWATER AVE

City State Zip

CHIPPEWA FALLS
WI 54729-1305

Date

07/20/2022

Amount

$5.00

Cummul

$20.00

Result #253

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
ED MOEHAGEN
10 BRIDGEWATER AVE

City State Zip
CHIPPEWA FALLS
WI 54729-1305

Date
08/20/2022

Amount
$5.00

Cummul
$25.00

Result #254

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

MAXINE MONDSHINE
30685 WOODGATE DR

City State Zip
SOUTHFIELD
MI 48076-5387

Date
07/24/2022

Amount
$5.00

Cummul
$70.00

Result #255

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
HARSHAD SHAH
4866 MENDOTA ST

City State Zip
UNION CITY
CA 94587-5554

Date
08/10/2022

Amount
$5.00

Cummul
$30.00

Result #256

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
ROB LEATHERWOOD
1800 POST RD APT 1215

City State Zip
SAN MARCOS
TX 78666-3845

Date
07/20/2022

Amount
$5.00

Cummul
$20.00

Result #257

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

JOSEPH RUTTER
310 W 3RD AVE

City State Zip
COLUMBUS
OH 43201-3316

Date
08/19/2022

Amount
$5.00

Cummul
$25.00

Result #258

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
PATRICIA O'BOYLE
26871 SPIRAL RD

City State Zip
RICHLAND CENTER
WI 53581-4404

Date
07/22/2022

Amount
$5.00

Cummul
$20.00

Result #259

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
CHIA YUAN HUNG
279 PROSPECT AVE APT 2D

City State Zip
BROOKLYN
NY 11215-8425

Date
07/20/2022

Amount
$5.00

Cummul
$20.00

Result #260

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

DAVID ARMER
379 CASTLE ST

City State Zip
GENEVA
NY 14456-1509

Date
08/20/2022

Amount
$5.00

Cummul
$25.00

Result #261

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
CHRIS OMEARA DIETRICH
PO BOX 1379

City State Zip
CAMPBELL
CA 95009-1379

Date
08/20/2022

Amount
$5.00

Cummul
$25.00

Result #262

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
IRINA KOGEL
405 N MAIN ST

City State Zip
DAVIDSON
NC 28036-9405

Date
07/19/2022

Amount
$5.00

Cummul
$20.00

Result #263

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

IRINA KOGEL
405 N MAIN ST

City State Zip
DAVIDSON
NC 28036-9405

Date
08/19/2022

Amount
$5.00

Cummul
$25.00

Result #264

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
KEVIN RAINES
934 PLUM ST APT 6

City State Zip
WENATCHEE
WA 98801-2792

Date
07/25/2022

Amount
$5.00

Cummul
$20.00

Result #265

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
ROB LEATHERWOOD
1800 POST RD APT 1215

City State Zip
SAN MARCOS
TX 78666-3845

Date
08/20/2022

Amount
$5.00

Cummul
$25.00

Result #266

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

VICTORIA WALDRON
9525 CRUMPS MILL RD

City State Zip
QUINTON
VA 23141-2619

Date
08/21/2022

Amount
$5.00

Cummul
$25.00

Result #267

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
LISA WASCHKA
1409 MEDFORD DR

City State Zip
BEDFORD
TX 76021-2457

Date
08/06/2022

Amount
$5.00

Cummul
$30.00

Result #268

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
KATHY MCGLYNN
2301 SUNNYSIDE AVE

City State Zip
LANSING
MI 48910-3576

Date
08/20/2022

Amount
$5.00

Cummul
$25.00

Result #269

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

CHERYL HARRIS
1660 N MOON SHADOW RD

City State Zip
CHINO VALLEY
AZ 86323-4551

Date
07/19/2022

Amount
$5.00

Cummul
$40.00

Result #270

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
LESLIE BAEHRE
1678 PEPPER RIDGE DR

City State Zip
HASLETT
MI 48840-8216

Date
07/20/2022

Amount
$5.00

Cummul
$20.00

Result #271

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
SARAH MOZAL
1744 N WILTON PL

City State Zip
LOS ANGELES
CA 90028-5709

Date
08/19/2022

Amount
$5.00

Cummul
$25.00

Result #272

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

JOE ROMO
149 WHITNEY AVE

City State Zip
MANCHESTER
NH 03104-1572

Date
08/09/2022

Amount
$5.00

Cummul
$5.00

Result #273

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
RAE GROSS
53 PALOMA AVE APT 2

City State Zip
VENICE
CA 90291-8739

Date
08/06/2022

Amount
$5.00

Cummul
$80.00

Result #274

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
ROBERT BECKWITH
4400 CENTRE AVE

City State Zip
PITTSBURGH
PA 15213-1455

Date
08/06/2022

Amount
$3.00

Cummul
$17.00

Result #275

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

SUHAIL BANISTER
2686 WOODINGTON CT

City State Zip
CANTON
MI 48188-2625

Date
07/23/2022

Amount
$3.00

Cummul
$12.00

Result #276

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
DAVID PILEWSKIE
1823 EL PARQUE CT APT A

City State Zip
SAN MATEO
CA 94403-2043

Date
08/19/2022

Amount
$3.00

Cummul
$15.00

Result #277

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
DAVID PILEWSKIE
1823 EL PARQUE CT APT A

City State Zip
SAN MATEO
CA 94403-2043

Date
07/19/2022

Amount
$3.00

Cummul
$12.00

Result #278

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

JOHN ROBINSON
650 EASTVIEW CT NE

City State Zip
GRAND RAPIDS
MI 49525-3359

Date
08/21/2022

Amount
$3.00

Cummul
$15.00

Result #279

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
JOHN ROBINSON
650 EASTVIEW CT NE

City State Zip
GRAND RAPIDS
MI 49525-3359

Date
07/21/2022

Amount
$3.00

Cummul
$12.00

Result #280

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
MATT BARNETT
265 E 237TH ST # 22

City State Zip
BRONX
NY 10470-2069

Date
08/02/2022

Amount
$2.50

Cummul
$2.50

Result #281

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

JOSEPH MAJESKE
100 S 4TH AVE

City State Zip
HIGHLAND PARK
NJ 08904-2623

Date
08/21/2022

Amount
$2.08

Cummul
$8.32

Result #282

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
DENNIS GREENIA
4514 KESWICK RD
HR DIRECTOR
GREEN AMERICA

City State Zip
BALTIMORE
MD 21210-2515

Date
08/20/2022

Amount
$2.08

Cummul

$135.40

Result #283

Receiving Committee

MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type

518210 – CAN

Schedule Type

DIRECT

Description

Received From

DENNIS GREENIA
4514 KESWICK RD
HR DIRECTOR
GREEN AMERICA

City State Zip

BALTIMORE
MD 21210-2515

Date

07/20/2022

Amount

$2.08

Cummul

$108.32

Result #284

Receiving Committee

MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type

518210 – CAN

Schedule Type

DIRECT

Description

Received From

RAYA SAMET
25960 STRATFORD PL

City State Zip

OAK PARK
MI 48237-1028

Date

07/30/2022

Amount

$2.00

Cummul

$21.00

Result #285

Receiving Committee

MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type

518210 – CAN

Schedule Type

DIRECT

Description

Received From

JACKI ELLENBERGER
813 PHEASANT CT

City State Zip

HUMMELSTOWN
PA 17036-8838

Date

08/20/2022

Amount

$2.00

Cummul

$10.00

Result #286

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
RICK DUVALL
313 S NINA PL

City State Zip
ANAHEIM
CA 92804-2628

Date
08/16/2022

Amount
$2.00

Cummul
$2.00

Result #287

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

JOSEPH SACHTER
6010 FIELDSTON RD

City State Zip
BRONX
NY 10471-1804

Date
08/19/2022

Amount
$2.00

Cummul
$13.00

Result #288

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
PATRICIA JANENKO
773 NW 13TH ST APT 502

City State Zip
GRESHAM
OR 97030-5575

Date
07/26/2022

Amount
$2.00

Cummul
$8.00

Result #289

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
JOSEPH SACHTER
6010 FIELDSTON RD

City State Zip
BRONX
NY 10471-1804

Date
07/19/2022

Amount
$2.00

Cummul
$11.00

Result #290

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

JACKI ELLENBERGER
813 PHEASANT CT

City State Zip
HUMMELSTOWN
PA 17036-8838

Date
07/20/2022

Amount
$2.00

Cummul
$8.00

Result #291

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
JASON PELLERIN
2328 HAISLEY DR

City State Zip
ANN ARBOR
MI 48103-3404

Date
07/23/2022

Amount
$1.67

Cummul
$30.06

Result #292

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
NASTASSJA CHERNOFF
1705 N AVENUE 55

City State Zip
LOS ANGELES
CA 90042-1108

Date
07/24/2022

Amount
$1.50

Cummul
$7.50

Result #293

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

CYRUS NAHEEDY
500 SNYDER AVE

City State Zip
ANN ARBOR
MI 48103-5553

Date
07/21/2022

Amount
$1.00

Cummul
$21.00

Result #294

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
KARYSA KWASNIEWSKI
2482 WICKFIELD RD

City State Zip
WEST BLOOMFIELD
MI 48323-3269

Date
07/18/2022

Amount
$1.00

Cummul
$12.00

Result #295

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
CYRUS NAHEEDY
500 SNYDER AVE

City State Zip
ANN ARBOR
MI 48103-5553

Date
08/21/2022

Amount
$1.00

Cummul
$22.00

Result #296

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

ROGER HELDER
1203 E PARIS AVE SE

City State Zip
GRAND RAPIDS
MI 49546-6279

Date
07/24/2022

Amount
$1.00

Cummul
$19.00

Matches 251 - 296 of 296

« **Previous 50 matches**

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EXHIBIT I

Michigan.gov

The Office of

Secretary of State Jocelyn Benson

SOS / Elections

Michigan Committee Statement Contributions

- **Committee Name:** MALLORY MCMORROW FOR MICHIGAN
- **Statement Type:** PRE-PRIMARY CS
- **Statement Year:** 2022
- **Schedule:** ITEMIZED DIRECT CONTRIBUTIONS

« Back to statement details

Matches 9451 - 9451 of 9451

« **Previous 50 matches**

Result #9451

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

CYRUS NAHEEDY
500 SNYDER AVE

City State Zip
ANN ARBOR
MI 48103-5553

Date
02/21/2022

Amount
$1.00

Cummul
$16.00

Matches 9451 - 9451 of 9451

« **Previous 50 matches**

Michigan.gov

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Michigan.gov

The Office of

Secretary of State Jocelyn Benson

SOS / Elections

Michigan Committee Statement Contributions

- **Committee Name:** MALLORY MCMORROW FOR MICHIGAN
- **Statement Type:** POST-PRIMARY CS
- **Statement Year:** 2022
- **Schedule:** ITEMIZED DIRECT CONTRIBUTIONS

« Back to statement details

Matches 251 - 296 of 296

« Previous 50 matches

Result #251
Receiving Committee MALLORY MCMORROW FOR MICHIGAN
Committee ID-Type 518210 – CAN
Schedule Type DIRECT
Description
Received From

CHRIS OMEARA DIETRICH
PO BOX 1379

City State Zip

CAMPBELL
CA 95009-1379

Date

07/20/2022

Amount

$5.00

Cummul

$20.00

Result #252

Receiving Committee

MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type

518210 – CAN

Schedule Type

DIRECT

Description

Received From

ED MOEHAGEN
10 BRIDGEWATER AVE

City State Zip

CHIPPEWA FALLS
WI 54729-1305

Date

07/20/2022

Amount

$5.00

Cummul

$20.00

Result #253

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
ED MOEHAGEN
10 BRIDGEWATER AVE

City State Zip
CHIPPEWA FALLS
WI 54729-1305

Date
08/20/2022

Amount
$5.00

Cummul
$25.00

Result #254

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

MAXINE MONDSHINE
30685 WOODGATE DR

City State Zip
SOUTHFIELD
MI 48076-5387

Date
07/24/2022

Amount
$5.00

Cummul
$70.00

Result #255

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
HARSHAD SHAH
4866 MENDOTA ST

City State Zip
UNION CITY
CA 94587-5554

Date
08/10/2022

Amount
$5.00

Cummul
$30.00

Result #256

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
ROB LEATHERWOOD
1800 POST RD APT 1215

City State Zip
SAN MARCOS
TX 78666-3845

Date
07/20/2022

Amount
$5.00

Cummul
$20.00

Result #257

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

JOSEPH RUTTER
310 W 3RD AVE

City State Zip
COLUMBUS
OH 43201-3316

Date
08/19/2022

Amount
$5.00

Cummul
$25.00

Result #258

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
PATRICIA O'BOYLE
26871 SPIRAL RD

City State Zip
RICHLAND CENTER
WI 53581-4404

Date
07/22/2022

Amount
$5.00

Cummul
$20.00

Result #259

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
CHIA YUAN HUNG
279 PROSPECT AVE APT 2D

City State Zip
BROOKLYN
NY 11215-8425

Date
07/20/2022

Amount
$5.00

Cummul
$20.00

Result #260

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

DAVID ARMER
379 CASTLE ST

City State Zip
GENEVA
NY 14456-1509

Date
08/20/2022

Amount
$5.00

Cummul
$25.00

Result #261

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
CHRIS OMEARA DIETRICH
PO BOX 1379

City State Zip
CAMPBELL
CA 95009-1379

Date
08/20/2022

Amount
$5.00

Cummul
$25.00

Result #262

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
IRINA KOGEL
405 N MAIN ST

City State Zip
DAVIDSON
NC 28036-9405

Date
07/19/2022

Amount
$5.00

Cummul
$20.00

Result #263

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

IRINA KOGEL
405 N MAIN ST

City State Zip
DAVIDSON
NC 28036-9405

Date
08/19/2022

Amount
$5.00

Cummul
$25.00

Result #264

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
KEVIN RAINES
934 PLUM ST APT 6

City State Zip
WENATCHEE
WA 98801-2792

Date
07/25/2022

Amount
$5.00

Cummul
$20.00

Result #265

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
ROB LEATHERWOOD
1800 POST RD APT 1215

City State Zip
SAN MARCOS
TX 78666-3845

Date
08/20/2022

Amount
$5.00

Cummul
$25.00

Result #266

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

VICTORIA WALDRON
9525 CRUMPS MILL RD

City State Zip
QUINTON
VA 23141-2619

Date
08/21/2022

Amount
$5.00

Cummul
$25.00

Result #267

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
LISA WASCHKA
1409 MEDFORD DR

City State Zip
BEDFORD
TX 76021-2457

Date
08/06/2022

Amount
$5.00

Cummul
$30.00

Result #268

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
KATHY MCGLYNN
2301 SUNNYSIDE AVE

City State Zip
LANSING
MI 48910-3576

Date
08/20/2022

Amount
$5.00

Cummul
$25.00

Result #269

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

CHERYL HARRIS
1660 N MOON SHADOW RD

City State Zip
CHINO VALLEY
AZ 86323-4551

Date
07/19/2022

Amount
$5.00

Cummul
$40.00

Result #270

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
LESLIE BAEHRE
1678 PEPPER RIDGE DR

City State Zip
HASLETT
MI 48840-8216

Date
07/20/2022

Amount
$5.00

Cummul
$20.00

Result #271

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
SARAH MOZAL
1744 N WILTON PL

City State Zip
LOS ANGELES
CA 90028-5709

Date
08/19/2022

Amount
$5.00

Cummul
$25.00

Result #272

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

JOE ROMO
149 WHITNEY AVE

City State Zip
MANCHESTER
NH 03104-1572

Date
08/09/2022

Amount
$5.00

Cummul
$5.00

Result #273

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
RAE GROSS
53 PALOMA AVE APT 2

City State Zip
VENICE
CA 90291-8739

Date
08/06/2022

Amount
$5.00

Cummul
$80.00

Result #274

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
ROBERT BECKWITH
4400 CENTRE AVE

City State Zip
PITTSBURGH
PA 15213-1455

Date
08/06/2022

Amount
$3.00

Cummul
$17.00

Result #275

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

SUHAIL BANISTER
2686 WOODINGTON CT

City State Zip
CANTON
MI 48188-2625

Date
07/23/2022

Amount
$3.00

Cummul
$12.00

Result #276

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
DAVID PILEWSKIE
1823 EL PARQUE CT APT A

City State Zip
SAN MATEO
CA 94403-2043

Date
08/19/2022

Amount
$3.00

Cummul
$15.00

Result #277

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
DAVID PILEWSKIE
1823 EL PARQUE CT APT A

City State Zip
SAN MATEO
CA 94403-2043

Date
07/19/2022

Amount
$3.00

Cummul
$12.00

Result #278

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

JOHN ROBINSON
650 EASTVIEW CT NE

City State Zip
GRAND RAPIDS
MI 49525-3359

Date
08/21/2022

Amount
$3.00

Cummul
$15.00

Result #279

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
JOHN ROBINSON
650 EASTVIEW CT NE

City State Zip
GRAND RAPIDS
MI 49525-3359

Date
07/21/2022

Amount
$3.00

Cummul
$12.00

Result #280

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
MATT BARNETT
265 E 237TH ST # 22

City State Zip
BRONX
NY 10470-2069

Date
08/02/2022

Amount
$2.50

Cummul
$2.50

Result #281

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

JOSEPH MAJESKE
100 S 4TH AVE

City State Zip
HIGHLAND PARK
NJ 08904-2623

Date
08/21/2022

Amount
$2.08

Cummul
$8.32

Result #282

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
DENNIS GREENIA
4514 KESWICK RD
HR DIRECTOR
GREEN AMERICA

City State Zip
BALTIMORE
MD 21210-2515

Date
08/20/2022

Amount
$2.08

Cummul

$135.40

Result #283

Receiving Committee

MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type

518210 – CAN

Schedule Type

DIRECT

Description

Received From

DENNIS GREENIA
4514 KESWICK RD
HR DIRECTOR
GREEN AMERICA

City State Zip

BALTIMORE
MD 21210-2515

Date

07/20/2022

Amount

$2.08

Cummul

$108.32

Result #284

Receiving Committee

MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type

518210 – CAN

Schedule Type

DIRECT

Description

Received From

RAYA SAMET
25960 STRATFORD PL

City State Zip

OAK PARK
MI 48237-1028

Date

07/30/2022

Amount

$2.00

Cummul

$21.00

Result #285

Receiving Committee

MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type

518210 – CAN

Schedule Type

DIRECT

Description

Received From

JACKI ELLENBERGER
813 PHEASANT CT

City State Zip

HUMMELSTOWN
PA 17036-8838

Date

08/20/2022

Amount

$2.00

Cummul

$10.00

Result #286

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
RICK DUVALL
313 S NINA PL

City State Zip
ANAHEIM
CA 92804-2628

Date
08/16/2022

Amount
$2.00

Cummul
$2.00

Result #287

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

JOSEPH SACHTER
6010 FIELDSTON RD

City State Zip
BRONX
NY 10471-1804

Date
08/19/2022

Amount
$2.00

Cummul
$13.00

Result #288

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
PATRICIA JANENKO
773 NW 13TH ST APT 502

City State Zip
GRESHAM
OR 97030-5575

Date
07/26/2022

Amount
$2.00

Cummul
$8.00

Result #289

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
JOSEPH SACHTER
6010 FIELDSTON RD

City State Zip
BRONX
NY 10471-1804

Date
07/19/2022

Amount
$2.00

Cummul
$11.00

Result #290

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

JACKI ELLENBERGER
813 PHEASANT CT

City State Zip
HUMMELSTOWN
PA 17036-8838

Date
07/20/2022

Amount
$2.00

Cummul
$8.00

Result #291

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
JASON PELLERIN
2328 HAISLEY DR

City State Zip
ANN ARBOR
MI 48103-3404

Date
07/23/2022

Amount
$1.67

Cummul
$30.06

Result #292

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
NASTASSJA CHERNOFF
1705 N AVENUE 55

City State Zip
LOS ANGELES
CA 90042-1108

Date
07/24/2022

Amount
$1.50

Cummul
$7.50

Result #293

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

CYRUS NAHEEDY
500 SNYDER AVE

City State Zip
ANN ARBOR
MI 48103-5553

Date
07/21/2022

Amount
$1.00

Cummul
$21.00

Result #294

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
KARYSA KWASNIEWSKI
2482 WICKFIELD RD

City State Zip
WEST BLOOMFIELD
MI 48323-3269

Date
07/18/2022

Amount
$1.00

Cummul
$12.00

Result #295

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From
CYRUS NAHEEDY
500 SNYDER AVE

City State Zip
ANN ARBOR
MI 48103-5553

Date
08/21/2022

Amount
$1.00

Cummul
$22.00

Result #296

Receiving Committee
MALLORY MCMORROW FOR MICHIGAN

Committee ID-Type
518210 – CAN

Schedule Type
DIRECT

Description

Received From

ROGER HELDER
1203 E PARIS AVE SE

City State Zip
GRAND RAPIDS
MI 49546-6279

Date
07/24/2022

Amount
$1.00

Cummul
$19.00

Matches 251 - 296 of 296

« **Previous 50 matches**

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EXHIBIT J

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD AGEE, JR., an individual, *et al.*, Plaintiffs, v. JOCELYN BENSON, in her official capacity as the Secretary of State of Michigan, *et al.*; Defendants.	Case No. 1:22-cv-00272 **Three-Judge Panel Appointed Pursuant to 28 U.S.C. § 2284(a)**

AFFIDAVIT OF LAMAR LEMMONS III

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

I, LaMar Lemmons III, having been first duly sworn, deposes and states as follows:

1. I have personal knowledge concerning the statements contained in this Affidavit, and if called to testify, can testify competently to the facts stated in this Affidavit.

2. I executed an Affidavit in above captioned case on March 28, 2023. The contents of that Affidavit are incorporated by reference as if fully restated herein.

3. I have been married to Georgia Mae Lemmons ("Georgia") for roughly 34 years. Georgia is a Black woman, community educator and leader, and current resident of the City of Detroit, Michigan. In addition, Georgia has a Master of Education (M. Ed.) degree from Wayne State University.

4. Georgia was an at-large member of the Detroit Public Schools Board of Education, serving from 2017 to 2022. Georgia was also a certified teacher in the Detroit public school system for roughly 30 years and is now retired

5. Georgia and I have called the City of Detroit home for over 40 years and reside within the recently apportioned House District 13 and Senate District 10.

6. Under the previous district maps Georgia and I resided in Senate District 2, which was a Black-majority district. Our residence remains the same.

7. The recently apportioned district maps divided the previous Senate District 2 Black-majority across several new districts with a lower Black voting age population ("BVAP") than Senate District 2, including Senate District 10.

8. On April 19, 2022, Georgia filed paperwork to seek the Democratic Party nomination for the office of Michigan State Senator for District 10.

9. Relative to this election, I was Georgia's campaign manager, chief/main advisor, and was present for the entirety of her campaign and all major events.

10. Soon after Georgia filed paperwork to run for Senate District 10, a sitting Democratic Senator involved in the Senate Democratic leadership pressured me to have Georgia withdraw. At that time, I was the Chief of Staff to Democratic State Senator Betty Jean Alexander. This Senator was ranked higher in the party leadership than Senator Alexander, which only increased the pressure.

11. This pressure stemmed from the fact that due to the recent district reapportionments, incumbent Senator Paul Wojno would also be running in Senate District 10. Senator Wojno is a white man and was an incumbent Democratic Senator, whose previous Senate District boundary was in a predominately suburban, white area.

12. The Senator that pressured me indicated that if Georgia ran, the Democratic Party would support Senator Wojno and put the full weight of its resources behind him. The Democratic powers-at-be clearly wanted to protect Senator Wojno and ensure he ran unopposed in the 2022 Democratic Primary Election, as it typically remains neutral and does weigh in on primary races.

13. Due to this exerted pressure and because Senate District 10 featured a Black voting age population ("BVAP") of approximately only 40.4%, I advised Georgia to withdraw her candidacy.

14. Based on my personal experience and knowledge of the area's racially polarized voting patterns in Democratic primary elections, the BVAP in Senate District 10 was not high enough for Georgia to prevail in the 2022 Democratic Primary Election against Senator Wojno and/or other potential white candidates.

15. After reviewing this evidence and based on my advice as her campaign manager and advisor, Georgia ultimately withdrew her candidacy.

16. Georgia's withdrawal guaranteed that a Senate seat previously held by a Black Senator would be eliminated, as she was the only Black candidate for Senate District 10. Senator Wojno ran unopposed in the 2022 Democratic Primary Election and prevailed in the general election.

17. A similar situation from the 2022 election cycle can be found in the 2022 Democratic Primary Election for Senate District 11, which has a BVAP of only 19.2%. In that race Veronica Klinefeldt, a White council woman from Eastpointe and the clear White candidate of choice, defeated Monique Owens, a Black woman and first African American Mayor of Eastpointe. The Democratic Party supported and extended considerable financial resources toward Veronica Klinefeldt to defeat the Black candidate, despite not being an incumbent.

18. Both instances highlight the financial and incumbency disadvantages exacerbated by the Linden Plan that dissuade Black candidates from running for office.

19. These examples also illustrate that the BVAPs for those Senate Districts in the Detroit Metropolitan Area are far too low. As a result, the Linden Plan will and continue to prevent Black candidates of choice from prevailing in future elections, splinter Black communities of interest, dilute Black voting power, discourage Black candidates from running for office, and destroy the Detroit Democratic Black Caucus

20. If Senate District 10 had a BVAP above 50%, I would not have advised Georgia to withdraw her candidacy and I am certain she would have stayed in the race.

FURTHER AFFIANT SAYETH NOT.

I DECLARE THE ABOVE STATEMENTS TO BE TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

LaMar Lemmons III

Dated: June 16, 2023

Subscribed and sworn to before me
this 16th day of June, 2023.

Mary M. LaCroix, Notary Public
Macomb County, Michigan.
My Commission Expires: March 19, 2029
Acting in the county of: Wayne

MARY M. LACROIX
NOTARY PUBLIC, STATE OF MI
COUNTY OF MACOMB
MY COMMISSION EXPIRES Mar 19, 2029
ACTING IN COUNTY OF Wayne

EXHIBIT J

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD AGEE, JR., an individual, *et al.*, Plaintiffs, v. JOCELYN BENSON, in her official capacity as the Secretary of State of Michigan, *et al.*; Defendants.	Case No. 1:22-cv-00272 **Three-Judge Panel Appointed Pursuant to 28 U.S.C. § 2284(a)**

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) ss.
COUNTY OF WAYNE)

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16. Georgia's withdrawal guaranteed that a Senate seat previously held by a Black Senator would be eliminated, as she was the only Black candidate for Senate District 10. Senator Wojno ran unopposed in the 2022 Democratic Primary Election and prevailed in the general election.

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18. Both instances highlight the financial and incumbency disadvantages exacerbated by the Linden Plan that dissuade Black candidates from running for office.

19. These examples also illustrate that the BVAPs for those Senate Districts in the Detroit Metropolitan Area are far too low. As a result, the Linden Plan will and continue to prevent Black candidates of choice from prevailing in future elections, splinter Black communities of interest, dilute Black voting power, discourage Black candidates from running for office, and destroy the Detroit Democratic Black Caucus

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FURTHER AFFIANT SAYETH NOT.

I DECLARE THE ABOVE STATEMENTS TO BE TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

LaMar Lemmons III

Dated: June 16, 2023

Subscribed and sworn to before me
this 16th day of June, 2023.

Mary M. LaCroix, Notary Public
Macomb County, Michigan.
My Commission Expires: March 19, 2029
Acting in the county of: Wayne

MARY M. LACROIX
NOTARY PUBLIC, STATE OF MI
COUNTY OF MACOMB
MY COMMISSION EXPIRES Mar 19, 2029
ACTING IN COUNTY OF Wayne