

Overview: Michigan Redistricting Reform Proposal (VNP Ballot Initiative)

Summary

A citizen-led organization called [Voters Not Politicians](#) has filed a ballot initiative that would create a thirteen member citizens' redistricting commission to draw the state's congressional and legislative boundaries. If approved by voters, a citizens' commission would draw districts starting in 2021. Here is an overview of the proposal.

Overview of Key Features

What Maps the Commission Will Draw

Congressional and state legislative districts

Commission Size

Thirteen members (4 Democrats, 4 Republicans, 5 unaffiliated or affiliated with a minor party)

How Commissioners are Selected

Michigan's secretary of state (SOS) would be responsible for circulating applications for the commission in various regions of the state and mailing applications to 10,000 registered voters selected at random. The secretary of state must continue to mail applications until thirty individuals from each of the two largest parties in the state and forty individuals affiliated with neither of the two largest parties have responded to the mailings. Applicants must attest under oath their partisan affiliation or non-affiliation, and confirm they meet the necessary qualifications.

The secretary of state would then review the applications received to verify applicants' eligibility to serve on the commission and their partisan affiliation, if any. By July 1, the secretary of state will eliminate any applicants that do not meet the necessary qualifications, and divide the remaining applicants into three pools by partisan affiliation (sixty Democrats, sixty Republicans, and eighty unaffiliated applicants). Half of the pools must be comprised of applicants who responded to the mailings. If fewer than thirty applicants from each party and forty unaffiliated applicants respond to the random mailings, the pool will be populated by the remaining qualified

applicants. The secretary of state must use accepted statistical weighting methods to ensure that the pools mirror the demographic and geographic makeup of the state. The randomly selected pools will be presented to the majority and minority legislative leaders of each chamber of the Michigan Legislature, who each may strike up to five applicants, for a maximum of twenty strikes total. From the remaining pool of applicants, the secretary of state will randomly draw the names of four Democrats, four Republicans, and five independent or third-party members.

Who is Eligible to Be a Commissioner

Commissioners must be registered and eligible to vote in Michigan.

The proposal would impose several restrictions on who can serve on the commission which would also apply to relatives, eliminating potential conflicts of interest of those that might have a vested interest in the process from serving on the commission. Within six years prior to their appointment, commissioners may not have been:

- Declared candidates for or elected officials to partisan state, federal, or local office;
- Officers of or members of the governing body of a national, state, or local political party;
- Paid consultants or employees of a federal, state, or local elected official or political candidate, of a federal, state, or local political candidate's campaign, or of a political action committee;
- Employees of the legislature;
- A registered lobbyist with the Michigan Bureau of Elections or an employee of a registered lobbyist, or;
- An unclassified state employee who is exempt from classification in state civil service except for employees of courts of record, employees of the state institutions of higher education, and persons in the armed forces of the state.

Parents, stepparents, children, stepchildren, or spouses of any of the individuals disqualified from the above section and individuals disqualified for appointed or elected office by the state constitution are also ineligible to serve on the commission.

Commissioners are ineligible from holding partisan elective office at the state, county, city, village, or township level five years after serving on the commission.

How a Map Gets Approved

A majority vote of the commission is required to approve a plan, which must include at least two commissioners affiliated with each major political party, and two commissioners affiliated with neither party.

If no plan receives the required majority vote, each commissioner may submit a proposed plan to the commission for consideration. Each commissioner shall rank each plan according to her/his preference. The commission will adopt the plan receiving the highest points that is also ranked among the top half of plans by at least two commissioners not affiliated with the party of the

commissioner submitting the plan, or by at least two commissioners affiliated with a major party, in the case of plans submitted by a non-affiliated commissioner. In the event of a tie, all plans are submitted to the secretary of state who will select a plan at random.

All final decisions regarding other commission proceedings must be made with a majority of commission members, with the exception of the firing or retention of professional staff, consultants, or experts, which requires approval from at least one commissioner from each of the two largest parties and one commissioner affiliated with neither party.

All final decisions are recorded and the record must be made available to the public upon request.

The Rules That Must Be Followed in Drawing a Map

The commission must use the following criteria in drawing maps in the order of priority listed:

1. Districts shall be of equal population, mandated by the U.S. Constitution and must comply with the Voting Rights Act and other federal laws.
2. Districts shall be geographically contiguous districts. Islands are considered contiguous by land to the county of which they are a part.
3. Districts shall reflect the state's diverse population and respect communities of interest.
4. Districts may not provide a disproportionate advantage to any political party, determined by using accepted measures of partisan fairness.
5. Districts may not be drawn to (dis)favor any candidate or incumbent.
6. Districts shall reflect county, city, and township boundaries.
7. Districts shall be compact.

Communities of interest are defined as, but not limited to, populations with shared cultural or historic characteristics or economic interests. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

Before voting on a map, the commission must test the map using the appropriate technology to determine compliance with the goals and rules listed above. The commission must publish the results of those tests and any computer source code used to conduct the test in advance of the meeting to vote on the proposed maps.

Public Input and Transparency

Nine members, including one from each subpool, constitutes a quorum, and all commission meetings require a quorum. Commission meetings are open to the public, and the commission is required to hold at least ten public hearings to solicit input both before, and five public hearings after drawing proposed maps in different geographic locations across the state. The commission must provide advanced notice of all its meetings. Commission meetings must also use technology to provide a method for the public to watch hearings and submit comments in real time.

The commission, its staff, attorneys, and consultants may not discuss redistricting matters outside of public hearings unless the communication occurs in writing or at a previously public forum and will help the commissioner gain information relevant to the performance of their duties.

The public may also submit plans and any other supporting materials, including any underlying data, for the commission to consider.

The commission must publish the proposed plans and allow at least forty-five days for public comment.

Within thirty days of adopting a final plan, the commission must publish the plans, and issue a public report, including an explanation for their decisions and the materials used to draw the plans.

Timing

- By January 1, 2020 and every census year thereafter: The secretary of state will publish and mail applications.
- June 1, 2020: Deadline for applications to serve on commission.
- July 1, 2020: The secretary of state will eliminate any applicants that do not meet the necessary qualifications, separate the remaining applicants into three pools, and submit the pools to the legislative leaders.
- August 1, 2020: The legislative leaders may make up to five strikes, or twenty strikes total.
- September 1, 2020: The secretary of state will randomly select the thirteen members of the commission.
- November 1, 2021: Final redistricting plans must be adopted. A redistricting plan becomes law sixty days after publication.



Terms of Office

The terms of the commissioners expire once the commission completes drawing maps, but not before completion of any judicial review.

Funding

The proposal mandates that the Michigan Legislature appropriate sufficient funds to enable the commission to carry out its activities at an amount equal to but not less than twenty-five percent of the general fund for the secretary of state for that fiscal year. These required appropriations include funds adequate to pay each commissioner a stipend of at least twenty-five percent of the governor's salary, retain independent legal and technical experts, conduct meetings, and maintain records.

A copy of the ballot proposal can be found [here](#).

This proposal overview is informational and does not imply endorsement by the Brennan Center for Justice.