



# **The Role of Communities of Interest in Michigan's New Approach to Redistricting: Recommendations to the Michigan Independent Citizens Redistricting Commission**

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## Foreword

The Center for Local, State, and Urban Policy (CLOSUP) was launched at the University of Michigan's Gerald R. Ford School of Public Policy in 2001 to provide public service to the people and communities of Michigan. Over the years, CLOSUP has approached that mission in a variety of ways, most fundamentally through the creation of the Michigan Public Policy Survey (MPPS) program, an ongoing survey of the state's local government leaders designed to increase government transparency and accountability and help improve policymaking in Michigan. The views of Michigan's local government leaders, collected through the MPPS, contribute to [the following report](#).

Now, as our state embarks on a new approach to drawing political districts through an Independent Citizens Redistricting Commission, we at CLOSUP saw a need and opportunity to address at least one major new criteria in that process: the issue of "Communities of Interest" (COIs). While COIs are included in redistricting approaches in other states, this is a new concept in Michigan, and nowhere else do COIs play as key a role as they will here. By design, Michigan's new redistricting approach makes COIs one of the highest priorities to be addressed by the Commission as it draws our new maps.

Since the COI concept is both new and so central to Michigan's new redistricting process, we launched the CLOSUP Michigan Redistricting project in partnership with the Michigan Department of State, to research best practices for how other states handle COIs in their redistricting efforts, to learn about the opportunities and potential challenges around these approaches, and to share these findings with Michigan's new Commission. This report presents the lessons we have uncovered for how to approach COIs in Michigan's case.

At CLOSUP we're grateful for the talented team of Ford School students who undertook this work, and for their dedicated project leader, Professor Emeritus John Chamberlin, who has spent a career working to improve the public sector in Michigan, and beyond. The students included Alissa Graff, Sarah Gruen, Safiya Merchant, Nick Najor, Gerson Ramirez, and James Vansteel. This team shared the common goal of helping make Michigan's new experience with redistricting as successful as possible. Our state is fortunate to have young leaders like these six students who wanted to help Michigan move toward a better future.

We're also grateful to Secretary of State Jocelyn Benson and her team at the Michigan Department of State, who were eager to leverage the Ford School's talent pool, and who we found to be equally dedicated to making sure Michigan's new approach to redistricting is successful.

Thomas Ivacko  
Executive Director, CLOSUP  
August 20, 2020

## Executive Summary

In November 2018 Michigan voters approved a constitutional amendment that made major changes to legislative redistricting in the state. Among the changes was the addition of a set of redistricting criteria to be followed in drawing new districts for Congress, the State Senate, and the State House of Representatives. One of these criteria concerns “communities of interest” (COIs) and it is the focus of this report. Section 13 (c) of the Amendment states:

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.

The COI criterion ranks high in the priority list of criteria, behind only compliance with federal law and a requirement that all districts be contiguous. Communities of interest have not been an important consideration in Michigan until now, and therefore will not be familiar to most Michiganders. The combination of not being familiar to the public and being assigned a high priority in the list of criteria presents a significant challenge and opportunity for the Commission to faithfully implement in the next round of redistricting.

What is a Community of Interest? Beyond the Amendment’s broad definition, the Independent Citizens Redistricting Commission (ICRC) is responsible for determining the meaning and application of COI to use in Michigan’s upcoming redistricting process. This report capitalizes “Community of Interest” to highlight the special usage of the term in the redistricting context.

We suggest the following list of characteristics of a COI as a starting point for the ICRC’s consideration:

- Communities of interest “may include, but shall not be limited to, populations that share cultural or historical characteristics or economic interests.”
- A Community of Interest is associated with a contiguous area on a map.
- The common bonds associated with a Community of Interest are linked to a set of

public policy issues that would be affected by legislation. These shared interests in legislation are likely to result in a desire to share the same legislative district in order to secure more effective representation.

### COIs as Basic Building Blocks of Legislative Districts.

The reasoning for COIs as one of the bases for redistricting is that it will lead to fairer and more effective representation. Most COIs will probably prefer to be kept intact in new districts rather than be split among several districts, since this will allow its members to elect representatives who will be attentive to their interests. Keeping a COI intact also promotes continuing interaction among community members so that they will be more active in the life of the communities in which they live.

Information about Communities of Interest provided by the public will help the ICRC draw lines that influence how a COI is represented and how responsive elected officials will be to the Community’s needs.

Outreach to the Public. In order for the ICRC to use the information about COIs in drawing maps it will be important for it to hear from the broadest possible range of members of the public, especially those most familiar with their communities. For this to happen, given the current lack of familiarity with COIs among Michiganders, the ICRC should consider an extensive outreach campaign that results in a large number of COIs participating in public hearings around the state and/or submitting written or digital information about themselves and how they would like to be treated in the design of new districts.

First Round of Public Hearings. The ICRC is committed by the Constitution to hold at least ten initial public hearings to gather public input about new districts. In planning these hearings, the Commission should consider locations around the state, being attentive to factors that will facilitate broad participation. The Commission should also consider contingency plans based on the status of the coronavirus pandemic at the close of 2020, including virtual opportunities for public input if in-person meetings are not possible. The Appendix to this report contains suggestions for a template that a COI could use to guide its testimony at



public hearings and its written/digital submissions to the ICRC.

Developing New Districts. Once the initial round of public hearings is underway, the ICRC will begin to work with its staff and consultants on designing new congressional and state legislative districts. Once the US Census data are released on July 31, 2021, the Commissioners will develop districting plans using Census data, data on counties, cities, and townships, data on recent voting patterns, and other important statistical features of Michigan. Plans may be proposed by individual Commissioners or by a group of Commissioners. After plans have been proposed for each legislative body, the Constitution requires that the Commission publish the proposed plans and any data and supporting materials used to develop the plans.

Second Round of Public Hearings. The Amendment requires that the Commission hold at least five public hearings throughout the state for the purpose of soliciting comment from the public about the proposed plans.

Final Adoption of the Three Redistricting Plans. By November 1, 2021, the Commission will adopt new district maps for Congress, the State Senate, and the State House, using the procedures specified in Section 14 of the Amendment. Within 30 days of adopting a plan, the Commission will publish the plan and their supporting materials as specified in Sections 15 and 16 of the Amendment. A plan will become law 60 days after its publication.

## Section 1: Communities of Interest in the New Redistricting Process

When voters amended Michigan's Constitution by passing Proposal 18-2 in November 2018, they removed responsibility for redistricting from the legislature and placed it in the hands of an Independent Citizens Redistricting Commission, imposed strong transparency and public participation requirements, specified a set of criteria to be used in drawing new district maps, and provided procedures to be used by the ICRC in adopting maps for Congress, the State Senate, and the State House of Representatives.

Section 13 of the Amendment specifies the criteria to be used in drawing maps:<sup>1</sup>

The Commission shall abide by the following criteria in proposing and adopting each plan, in order of priority:

- (a) Districts shall be of equal population as mandated by the United States Constitution, and shall comply with the voting rights act and other federal laws.
- (b) Districts shall be geographically contiguous. Island areas are considered to be contiguous by land to the county of which they are a part.
- (c) **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.**
- (d) Districts shall not provide a disproportionate advantage to any political party. A disproportionate advantage to a political party shall be determined using accepted measures of partisan fairness.
- (e) Districts shall not favor or disfavor an incumbent elected official or a candidate.
- (f) Districts shall reflect consideration of county, city, and township boundaries.
- (g) Districts shall be reasonably compact.

The principal focus of this report is the criterion in bold concerning "communities of interest," which ranks high in the list of criteria. This concept is not new to the practice of redistricting nationwide. Until now, however, it was not a feature of redistricting in

Michigan. Because it is new here, most Michiganders are unfamiliar with it. The combination of being both unfamiliar and playing a very significant role in future redistricting creates a challenge if the Amendment is to be faithfully implemented when the new Independent Citizens Redistricting Commission (ICRC) approves new congressional and state legislative districts for Michigan in 2021.

Once members of the ICRC are selected and begin their work, the Commissioners will need to make some key decisions concerning communities of interest (COIs). According to the Constitution, the Commission must hold at least ten public hearings around the state to allow communities of interest (and others) to express their views about how they would like to be treated when new districts are drawn. In addition to public hearings, there will be opportunities to submit written or digital materials for the Commission to consider. Information on COIs that choose to participate in one of these ways, along with data on the state's population, and its local political jurisdictions, and voting patterns in previous elections, will provide the building blocks for new district maps for the congressional delegation, the State Senate, and the State House.

Information on Michigan's population, its local political jurisdictions, and voting patterns are relatively easy to compile and make available to the ICRC. The same is not true for communities of interest. There is no comprehensive definition of a COI beyond the words in the Constitution, and as a result there is no compilation of information about the state's COIs.

The Commission will plan the series of public hearings beginning in the Fall of 2020. Depending on the status of the coronavirus pandemic when the hearings are scheduled, it may not be possible to carry them out in-person. Planning will need to establish alternative formats for the hearings and inform the public about how public testimony will be handled. In any case, communities of interest (and others) will be able to communicate with the Commission in writing or by sending digital documents.





## Section 2: What is a Community of Interest?

The concept of a COI is subjective and in no state is it well-defined. Examples are usually included in states’ constitutions or legislation, but they are not intended to exhaust the types of communities that fit the definition. For example:

- Michigan: “Communities of interest may include, but shall not be limited to, populations that share cultural or historical characteristics or economic interests.”<sup>ii</sup>
- California: “A community of interest is a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation.”<sup>iii</sup>
- Colorado: “... communities of interest, including ethnic, cultural, economic, trade area, geographic, and demographic factors, shall be preserved within a single [legislative] district wherever possible.”<sup>iv</sup>

And from two election-related organizations:

- The Brennan Center for Justice: “A community of interest is defined as an area with recognized similarities of interests, including but not limited to racial, ethnic, economic, social, cultural, geographic, or historic identities.”<sup>v</sup>
- Ballotpedia.org: “A community of interest refers to a group of people with a common set of concerns that may be affected by legislation. Examples of communities of interest include ethnic, racial, and economic groups. Some states require that the preservation of communities of interest be taken in[to] account when drawing electoral districts in an effort to enable these communities to elect representatives whose platforms or policy proposals align with their interests.”<sup>vi</sup>

Among the types of Communities of interest that have been mentioned in these various definitions as being relevant to redistricting are:

- |                          |                          |
|--------------------------|--------------------------|
| • Historical communities | • Religious communities  |
| • Economic communities   | • Immigrant communities  |
| • Racial communities     | • Language communities   |
| • Ethnic communities     | • Geographic communities |
| • Cultural communities   |                          |

- |                              |  |
|------------------------------|--|
| • Neighborhoods              | • Communities defined by natural resource features |
| • Economic opportunity zones | • Creative arts communities                        |
| • Tourism Areas              | • Media markets                                    |
| • School districts           |  |
| • Outdoor recreation areas   |  |

The Michigan ICRC is responsible for articulating the definition of a COI that will be used in Michigan’s upcoming redistricting. This document capitalizes “Community of Interest” to highlight the special usage of the term in the redistricting process.

We suggest the following list of characteristics of a COI as a starting point for the ICRC’s consideration:

- A Community of Interest is a group of individuals who share common bonds (economic, ethnic, cultural, etc.).
- A Community of Interest is associated with a contiguous area on a map. It needn’t be the case that 100% of the population within the boundaries of the Community of Interest share the bonds of the Community of Interest. It is possible for Communities of Interest to overlap.
- The common bonds associated with a Community of Interest are linked to a set of public policy issues that may reasonably be expected to be affected by legislation. In most cases, these shared interests in legislation lead the community to wish to remain intact in legislative districts in order to secure more effective representation rather than be split across two or more districts.
- A Community of Interest is not a political party or a group affiliated or acting on behalf of a party, an incumbent, or a political candidate.
- A Community of Interest is not a political jurisdiction (in Michigan, a county, city, village, or township), since they are considered in a separate section of the Amendment.

These characteristics of Communities of Interest reflect the approach to representation imbedded in the Amendment. The focus is on groups of individuals who live in proximity with one another and who share common bonds and interests in legislation and public

policy. The ties that might bind them together are illustrated by the list above. These communities are basic building blocks of new districts in Michigan's new redistricting process.

The population of Communities of Interest is varied and potentially vast. They vary in size, location, the nature of their shared interests/bonds, the extent to which they are formally organized, and other attributes. It will be extremely important that the ICRC articulate a clear definition of a COI as they begin their work, since that definition will have a significant effect on who ends up participating in the public hearings, which will in turn influence the information the ICRC will use to draw new legislative districts. If the ICRC fails to hear from COIs in certain parts of the state or to hear from COIs that have certain kinds of bonds or certain kinds of policy interests, the public participation process will make it extremely difficult for new districts to be drawn that "reflect the state's diverse population and communities of interest" as prescribed in the Constitution.

There is no directory of Communities of Interest that can be consulted to ascertain which Communities do or don't participate. Contrast this situation with determining whether parts of the state are over- or underrepresented in the pool of citizens who apply to serve on the ICRC. When the Michigan Department of State randomly selected members of the ICRC, it used statistical weighting to correct for over- and underrepresentation of areas and groups of citizens within the state, as called for in the Amendment. This is possible because the census provides extensive demographic data on each area. When it comes to Communities of Interest, there is no comparable database, so the ICRC cannot know for certain if the Communities of Interest that participate in public hearings are representative of the population of Communities of Interest in the state.

Thus, absent an extensive outreach campaign to encourage participation by Communities of Interest, the ICRC will very likely hear from a biased selection of Communities of Interest, with the bias favoring economic Communities of Interest, well-organized and well-resourced Communities of Interest, and Communities of Interest that regularly engage in policy advocacy and lobbying on behalf of their members.

### Recommendations for the Commission:

- Articulate a clear definition of Communities of Interest early in the ICRC's work.
- Begin planning an outreach campaign early to encourage participation by Communities of Interest. The plan should include options if in-person public hearings are unable to be scheduled because of the continuing coronavirus pandemic.



## Section 3: Using Communities of Interest as Building Blocks for Legislative Districts

The basic building blocks of new districts are Communities of Interest, local political jurisdictions, voting patterns in past elections, and information from the census and other sources about Michigan's diverse population. Because COIs are assigned high priority by the Amendment, they play a leading role in the process. The argument in favor of COIs being the basic building blocks of legislative districts is that it will lead to fairer and more effective representation. Information about Communities of Interest will help the ICRC draw lines that influence how well a community is represented and how responsive elected officials will be to the Community's needs.

Most COIs will prefer to be kept intact in new districts rather than be split among several districts. Keeping a COI intact in a new district allows its members to combine their votes to help elect representatives who will be attentive to their interests. Keeping a COI intact also promotes continuing interaction among community members so that they will be more active in the life of the communities in which they live. At the same time, this facilitates the job of elected representatives. As Judge Posner wrote in *Prosser v. Elections Board*: "To be an effective representative, a legislator must represent a district that has a reasonable homogeneity of needs and interests; otherwise the policies he supports will not represent the preferences of most of his constituents."<sup>vii</sup>

Although COIs may not be contained within individual political jurisdictions, they nonetheless can pick up the texture of bonds and interests within a political jurisdiction such as a county or city. COIs can capture the current patterns of community life on a smaller scale than traditional political jurisdictions, whose boundaries might be a century old. If jurisdictional boundaries must be broken in designing new districts to achieve equal population or compliance with the Voting Rights Act, information about COIs will allow this to be done without sacrificing effective representation for members of COIs. This information is likely to be particularly helpful in larger cities (where COIs often reflect neighborhoods) and in sparsely populated counties that might need to be divided between districts.

If the purpose of keeping a COI intact is to avoid diluting the voting power of its members, then placing the

COI in a district with substantially similar interests will also avoid vote dilution and improve the effectiveness of its representation. Even small COIs benefit when paired with like-minded Communities. The goal of promoting the quality of a COI's representation could be advanced by soliciting information about:

- Nearby Communities of interest that the COI would like to have included in its district.
- Nearby Communities of Interest that the COI would NOT like to have included in its district.
- A rough outline of the district the COI would prefer as its district for Congress, the State Senate, and the State House.

This same information would be relevant for local political jurisdictions. They are not COIs in the sense used in the Amendment, but they are important communities for their citizens and they should have the opportunity to indicate their preferences concerning what other political jurisdictions they would like to see included in (or excluded from) their districts because they share (or don't share) interests and histories of interaction. In addition to hearing the views of counties, cities, and townships, the Commission is likely to hear from villages as well.

### Recommendations for the Commission:

- Communities of Interest are primary elements of the new redistricting process, as are local political jurisdictions (counties, cities, and townships). The new redistricting criteria elevate COIs above local political jurisdictions, which will have an impact on how district lines are drawn. Both sets of communities are geographically defined and will be among the most important factors in the new redistricting process. The public hearings and other opportunities for these communities to communicate their views to the Commission are of prime importance and this should be reflected in the Commission's planning.
- When gathering input from COIs, the ICRC should ask not just about the COIs' boundaries, but also about other COIs they would like included in (or excluded from) their district.

## Section 4: Outreach to Communities of Interest

In order for the Commission to use the information about COIs in drawing maps it will be important for it to hear from the broadest possible range of members of the public, especially those most familiar with their communities. For this to happen, an extensive outreach campaign will be required that results in a large number of COIs participating in public hearings around the state and/or submitting written or digital information about themselves and how they would like to be treated in the design of new districts.

In prior rounds of redistricting in Michigan, COIs played no part. The new Amendment makes members of the public key participants in the process for the first time. Most Michiganders will not be familiar with the term COI and many communities that would fit the definition will be unaware that they do. On the other hand, many others will be existing organizations that are well-resourced, with paid staff, and a history of engagement with politics and the political process. They are likely to be well-prepared to participate.

Recent [findings](#) from CLOSUP's [2020 Michigan Public Policy Survey](#) of the state's local government leaders demonstrates the challenges the ICRC will face in trying to expand understanding of COIs and their role in the state's new redistricting approach, and in actually identifying COIs across the state.

A total of 1,342 jurisdictions participated in the spring 2020 MPPS, including leaders from 59 counties, 216 cities, 163 villages, and 904 townships. These local officials, who should be among the most informed local actors when it comes to the range of COIs in Michigan communities, were asked how familiar they were with the state's new approach to redistricting via the ICRC, as well as being asked to identify COIs in their communities. The survey found:

- **Familiarity with the Independent Citizens Redistricting Commission itself, even among local community leaders, is not high across the state.** Well more than a third (41%) of local officials statewide say they are either somewhat unfamiliar (29%), completely unfamiliar (6%), or don't know (6%) about the Commission, even when prompted with a description of 2018's Proposal 2. By contrast, just under half (49%) are somewhat familiar—they “have heard of it, and

understand it fairly well, but don't know many details”—while 9% say they are very familiar and know a great deal about the Commission.

- **For many, reaction to the concept of COIs is uncertainty or skepticism.** Over 480 local leaders wrote in answers to the question regarding COIs in their areas. Of those written responses, nearly half (46%) indicated the local official believed either that there were no significant local COIs, that the question was not applicable to their jurisdiction, that they didn't understand what the question was asking, or that COIs and/or the new redistricting process were not legitimate.
- **For those who did identify local COIs, they often reflect examples from the list provided earlier in this report.** Few identified *specific* groups of citizens or organizations that could be easily contacted by the ICRC and encouraged to participate in public hearings or to otherwise submit testimony to the Commission. Meanwhile, among the most commonly mentioned types of interests, 16% of local leaders described COIs based on economic communities as diverse as manufacturing, lumber, real estate, tourism, agriculture, and downtown development, among others. Many also mention shared public service areas such as fire fighting, policing, or other interlocal agreements. Another 10% specifically describe rural or urban identities that they believe are shared in their area. In addition, around 6% mention geographic features (particularly linked coastal communities) or shared outdoor recreational areas as local COIs.
- **When asked about COIs, local officials often defend current municipal or jurisdictional boundaries, or identify affinity groups among neighboring jurisdictions.** Among the open end responses on COIs, 14% of local leaders specifically asked to preserve current township, city, or county boundary lines, or to redraw lines that currently split the township or city, so that they can instead be together within a single district. Also, in thinking about COIs, local leaders are clearly thinking about ties among their neighboring units of government.<sup>viii</sup>



For the COI criterion of the Amendment to be successfully implemented, a broad outreach program must allow groups to understand what a COI is, whether they qualify as a COI, how to participate in the public hearings or to submit materials, and what the ICRC would like to know about them. The outreach program must find ways to ensure that COIs that might otherwise remain “invisible” end up participating in the process.

In 2011 in California their commission did not have time and resources to undertake outreach on their own. The Irvine Foundation provided \$6 million to groups to undertake outreach and to assist COIs in preparing to participate in public hearings. In addition, a sizable number of nonprofit organizations played important roles in these efforts.

To generate widespread awareness of the role COIs will play in the upcoming redistricting, the ICRC might seek partners in the philanthropic and nonprofit sectors and in print and broadcast media around the state. A number of organizations have been active in urging residents to respond to the 2020 Census. Some of them might be willing to promote participation in the public hearings on redistricting. The Commission might also enlist partners among public and college/university libraries, where members of the public could access ICRC documents and archives. Online workshops, informative videos, and a short, well-designed information card would help the public to do research and communicate with the Commission. The outreach program might also actively promote the use of social media to inform Michiganders about the new redistricting process and the vital role that COIs play in the process.

The outreach campaign might focus on several key issues:

- What is a COI? This will explain the concept of a COI and help citizens to understand whether they are a member of one or more COIs.
- How can a COI apply to participate in public hearings?
- What does the ICRC want to know about a COI in its public testimony?
- Who else may participate in the public hearings?
- How will the ICRC use information provided by COIs when they begin designing new districts?

### Recommendations for the Commission:

- Dedicate considerable time and resources to outreach for soliciting information on COI.
- If the ICRC budget is not adequate, consider seeking additional funds (including from foundations) to promote COI outreach and education on how to participate.
- Consider seeking partners for the outreach campaign including foundations, nonprofits, media (print, broadcast, social), libraries, etc.
- Consider promoting online workshops, videos, information cards, etc., as part of the outreach campaign.

## Section 5: Public Hearings

Section 8 of the Amendment states:

Before commissioners draft any plan, the commission shall hold at least ten public hearings throughout the state for the purpose of informing the public about the redistricting process and the purpose and responsibilities of the commission and soliciting information from the public about potential plans. The commission shall receive for consideration written submissions of proposed redistricting plans and any supporting materials, including underlying data, from any member of the public. These written submissions are public records.

The ICRC is committed by the amendment to holding at least ten public hearings, but it has the option of holding additional meetings, an option it might consider early in its tenure so that planning and logistics can get underway. The distance members of the public would have to travel to speak at a hearing would most likely affect how many do so, particularly if winter weather affects travel. Other factors that could affect participation rates include scheduling (daytime or evening meetings, weekend meetings) and the availability of translation services. The Commission might divide the state into regions and hold hearings in each region, with an eye toward travel time within the regions. This would allow the public to know where they should attend to make a presentation at a hearing. The fact that about two-thirds of Michigan's population is in Southeast Michigan would be another factor in designing regions for these hearings. This might be addressed by holding several days of hearings in regions with large populations and only a single day in less populous regions.

At the same time, the Commission will need to formulate contingency plans that are feasible based on the status of the coronavirus pandemic at the close of 2020, including virtual opportunities for public input.

It is difficult to estimate in advance how much interest there will be in testifying at public hearings or submitting written or digital materials. As a point of reference, California's commission held 34 public hearings, at which 2,700 people provided in-person testimony. In addition, members of the public submitted over 20,000 written comments. The sheer volume of this

participation revealed a tension between the capacity of the Commission to appropriately consider testimony and the need to hear from the public.

To comply with the Amendment's commitment to openness and transparency, the Commission will want to archive and index the proceedings of its meetings, testimony at public hearings, and submissions to the Commission. This will allow commissioners to consult the record as they draw district lines and will allow the public to follow the Commission's work. Commissioners will have the opportunity to hear (and watch on video) testimony offered at the hearings. They might consider ways that will allow them to become equally familiar with written and digital submissions.

The second sentence in Section 8 focuses on written submissions of proposed districting plans. It is silent on what members of the public may include in their testimony at public hearings, or how long each individual testimony can be. The ICRC can help itself and members of the public by clarifying these matters. To the extent that the ICRC chooses to do so, doing this prior to the launch of an outreach campaign would allow prospective participants to be aware of the ICRC's rules and expectations.

The hearings clearly seem intended for Communities of Interest to indicate to the Commission the nature of their community and how they would like to be treated in the upcoming redistricting. Other types of organizations might wish to offer testimony as well and the Commission can decide how to include them. These include:

- Counties, Cities, and Townships, which are included in the list of redistricting criteria in the Amendment
- Statewide organizations with local affiliates, such as the Chamber of Commerce, the League of Women Voters, the NAACP, the Sierra Club, etc.
- Statewide organizations without local affiliates, such as the Citizen's Research Council of Michigan, Michigan League of Conservation Voters, Michigan League for Public Policy, etc.
- Community-based, regional grassroots organizations





- Individuals
- Political parties
- Elected officials
- Candidates for public office

All of these seem entitled by the language of the Amendment to submit proposed districting plans. The Commission could adopt a policy that these organizations and individuals could submit other materials if they wished. It could also set a policy that addresses who can participate in the public hearings and who can submit only written or digital material. Such decisions may be important in allocating speaking time in the public hearings.

On the question of submitting proposed maps, it is important to keep in mind that during the first round of public hearings members of the public will not have access to the 2020 census information or to information about the array of COIs that might participate in the public phase of the process.

The Commission should keep in mind that a disproportionate share of complete maps submitted early in the process are likely to come from well-resourced organizations that have the capacity and resources to devote to this complex task. The Commission may still benefit from seeing an array of plans that might be submitted, but it might consider asking that, whenever possible, those submitting maps wait until a specific date to submit them, base them on the most recent data on population, and use counties, cities, and townships as the building blocks for their districts, forgoing details based on smaller areas such as precincts and census blocks.

*Recommendations for the Commission:*

- Consider holding more than the minimum number (10) of public hearings.
- Consider days/times for hearing that will maximize public participation.
- Consider geographic coverage of hearings by region, and consider holding more hearings in areas of greater population density.
- Consider how to archive and index the proceedings of commission meetings, testimony at public hearings, and submissions to the Commission.

- Consider defining what members of the public may include in their testimony, then disseminate these rules well in advance of public hearings, as part of the outreach campaign.
- Consider deciding if, and how, other types of communities or groups could offer testimony, such as local governments, statewide organizations, individuals, etc.
- Be aware that COI and other groups participating initially may represent a biased sample of better-resourced groups and individuals, and that smaller, less sophisticated or resourced groups may be less likely to know of the ICRC and the public hearings without significant effort and outreach.
- For the first round of public hearings before 2020 Census data have been released, consider requiring that submitted maps be based on the most recent data on population and use counties, cities, and townships as the building blocks for their districts, forgoing details at the census block level in pursuit of population equality.
- Prepare alternate options to in-person public hearings in case these turn out to be impossible because of the coronavirus pandemic.

## Section 6: Templates for COIs and Others to Use in Applying to Participate in Public Hearings or to Submit Materials to the Commission

We include in an Appendix some suggestions for the content of a template that a COI could use to guide testimony at public hearings and submit written/digital submissions to the ICRC. In California, a significant challenge was not just the volume of submissions but also their varied nature. Thus, a template or streamlined submission criteria could be very helpful in organizing the submissions to the ICRC. The Commission should consider developing several versions of the template that could be used by members of the public who wish to participate as individuals, as representatives of corporations or interest groups, or as representatives of counties, cities, townships, etc. The information from these templates would be archived, made available to the public, and used later when district lines are being drawn.

### Recommendations for the Commission:

- Establish and adopt templates for COIs and others to guide testimony at public hearings or written or digital submissions.
- Disseminate these templates as part of the outreach campaign.
- Archive all submitted templates for public access and for subsequent use by the Commission.





## Section 7: Drawing New Districts

Once the initial round of public hearings is underway, the ICRC will begin to work with its hired staff and consultants on designing new congressional and state legislative districts. The testimony and written submissions from COIs, testimony from local political jurisdictions and other members of the public, data on voting patterns in recent elections, and additional supplementary data on the state will form the raw material for designing districts. It would probably be best if the data do not include the home addresses of incumbents and active political candidates.

The ICRC will eventually choose a districting plan for Congress, the State Senate, and the State House. It seems likely that Michigan will lose one of its current 14 congressional seats. The population of Michigan in mid-July 2019 was estimated to be 9,986,856. Using that estimate, the congressional map will have 13 districts (with an average size of 768,200), the senate map 38 districts (with an average size of 262,800), and the house map 110 districts (with an average size of 90,790).

### Clarifying Some Redistricting Criteria

Section 14(a) of the Amendment reads: “Before voting to adopt a plan, the Commission shall ensure that the plan is tested, using appropriate technology, for compliance with the criteria described above [in Section 13].” In order to do this, the Commission will need to decide on a way to test a plan on each of the criteria. Contiguity is the only criterion that is straightforward.

The criterion that focuses on COIs says: “Districts shall reflect the state’s diverse population and communities of interest.” Similarly, the criterion that focuses on local political jurisdictions says “Districts shall reflect consideration of county, city, and township boundaries.” The Commission and its consultants should consider designing a metric to transform “reflect” into a clear measure of compliance with these criteria.

### Getting Down to the Work of Drawing Districts

After the first round of public hearings and the collection of data on counties, cities, and townships, data on recent voting patterns, and other important statistical features of Michigan, the ICRC will begin the process

of developing plans, scoring them on their compliance with the redistricting criteria, and producing maps. The Amendment allows each commissioner to propose a plan for each of the bodies being redistricted. This could mean as many as 39 plans in all. There is no requirement that a commissioner who proposes a plan accompany it with the reasoning that led to it being proposed, but commissioners should probably have that option.

New districting plans will need to comply with the standards listed in Section 13 of the Amendment. The Commission should consider beginning by consulting their attorneys about areas of the state that may fall under the Voting Rights Act, since compliance with the VRA, along with complying with equal population standards, is assigned the highest priority among the criteria.

If, as expected, most COIs wish to be kept intact in new districts, the next step in drafting districting plans should seek to keep COIs intact to the extent possible, even if doing so requires that a county, city, or township boundary must be crossed. The Commission should also consider whether proposed district lines reinforce the effectiveness of representation for COIs. Small COIs in particular would benefit from being placed in districts with like-minded nearby communities.

A strategy for proceeding might be to begin with Congress, move to the Senate, and finish with the House, for these reasons:

- The VRA will have a smaller impact on the congressional districts and will make it easier to accommodate the expressed desires of COIs.
- The larger the district, the greater the opportunities are to include like-minded communities in a common district.
- The larger the district, the greater the likelihood that jurisdictional boundaries of counties, cities, and township can be honored.

A similar argument can be made for starting in each plan with the areas where population density is low and moving to areas with greater population density. In practice, this would mean beginning with the Upper

Peninsula, moving downstate from there, and finishing with Southeast Michigan. The Commission could also start in Southeast Michigan and move north.

*Recommendations for the Commission:*

- Consider requiring that when beginning to draw its own maps, that the data used not include the home addresses of incumbents, active political candidates, or the current boundaries of congressional and state legislative districts.
- Consider challenges concerning the redistricting criteria in Section 13 of the Amendment. The Commission might want to address these challenges early in its tenure so that members of the

public will be aware of how the Commission will implement the criteria. The challenges include: population equality, requirements in the Voting Rights Act, no advantage by the district design to be conferred to any political party, incumbent, or candidate, and the requirement that districts be reasonably compact.

- When drawing draft maps, consider starting with the Congress, then the Michigan Senate, and then the Michigan House of Representatives; also, starting geographically in the U.P. and moving down toward Southeast Michigan (and its particularly high population density), or the reverse.



## Section 8: The Second Round of Public Hearings

Section 9 of the Amendment includes:

After developing at least one proposed redistricting plan for each type of district, the commission shall publish the proposed redistricting plans and any data and supporting materials used to develop the plans. ... The commission shall hold at least five public hearings throughout the state for the purpose of soliciting comment from the public about the proposed plans.

The ICRC should publish the proposed plans and supporting materials on its website and invite written and electronic comments as well as in-person testimony at the public meetings. The Commission should schedule its public hearings and devise ways to process written and digital comments in a way that the Commission can take them into consideration as it begins to weigh the proposals on the table.

If the California experience provides a useful indication of the public's interest in commenting on the proposed plans, there will be an outpouring of public comments. The experience in California was that once members of the public had an opportunity to see a concrete proposal showing district boundaries, they had plenty to say, even if they hadn't availed themselves of earlier opportunities.

### Recommendations for the Commission:

- Publish the proposed plans for each type of district, including maps and supporting material on the ICRC's website and inviting written/digital comments, in addition to in-person testimony.
- Consider holding more than the required number of public hearings (5) to receive input on the proposed plans.
- Decide how to test a proposed plan on each of the redistricting criteria.
- Release the results of these tests to the public so they can refer to them in the public hearings or written testimony.
- Prepare plans for soliciting public comment should the coronavirus pandemic make in-person public hearings impossible.

## APPENDIX

### Draft Template for a Community of Interest to request to participate in a public hearing of the ICRC or to submit written or digital materials for the Commission's consideration

#### COVER PAGE

The new redistricting amendment in Michigan assigns a high priority to the desires of communities of interest in the composition of their districts for Congress, the State Senate, and the State House:

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

The amendment also mandates that the Independent Citizens Redistricting Commission hold at least ten public hearings around the state to receive testimony from communities of interest about the desired composition of their districts. This document provides a definition of a Community of Interest and allows them to register to participate in a public hearing or to submit written or digital material to the Commission to be considered in drawing new district maps.

The basic features of a community of interest are:

- It is a group of individuals who share common bonds. Such groups include (but are not limited to) groups with cultural or historical bonds, shared economic interests, shared racial, ethnic or religious identities, neighborhoods, enterprise zones, school districts, media markets, transportation districts, special assessment tax districts, communities concerned about environmental hazards, or a shared vision of the future of a community.
- It is a contiguous area that can be identified on a map. It needn't be the case that 100% of the population within the geographical boundaries of the community of interest share the bonds of the community of interest. It is possible for communities of Interest to overlap.
- The common bonds that define a community of interest are linked to a set of public policy issues that are affected by legislation. In most cases, these shared interests in legislation lead the community to wish to remain intact in legislative districts, rather than be split across two or more districts, in order to secure more effective representation.
- It is not a group affiliated or acting on behalf of a party, an incumbent, or a political candidate.
- It is not a local political jurisdiction (a county, city, or township), since they are considered in a separate section of the amendment.

#### DRAFT TEMPLATE FOR PUBLIC PARTICIPATION

Please answer the following questions about your community (or communities) of interest, which will help the Commission understand why and how it should be considered when drafting Michigan's districting maps for Congress, the State Senate, and the State House.

How would you like to participate in the information gathering phase of the redistricting process? (You may check as many options as you like):

- offer testimony at a public hearing
- submit written materials for the consideration by the Commission
- submit digital materials for consideration by the Commission



1. In order to access your comments in the future, we need to attach a name to your community of interest. How would you like it to be identified?
2. One of the primary functions of this application is to understand the geographic scope of your community of interest. What are the geographic boundaries of your COI? Please indicate these boundaries on a map of your local area. This can be a computer-generated map or a paper map.
3. What binds your Community together or creates its shared identity? An identity can include the types of shared histories, values, and interests included in the list above, as well as others. You may include demographic data about the residents of the community, information about the community's history, and how this community currently engages with the political process.
4. Are there particular governmental policies that are high priorities for your community? If so, what are they?
5. In what ways would keeping your community intact in new district maps enhance the quality of its representation in Congress or the Michigan legislature?
6. Are there nearby areas whose inclusion in your district would strengthen representation for your COI? Are there any areas whose inclusion in your district would weaken representation for your COI?
7. You may include a rough sketch of the district you would prefer your community to be in for Congress, the State Senate, and the State House.
8. Roughly estimate the population size of your COI:
9. If you wish to include additional comments for consideration by the Commission, add them here:

## Contact Information

The Commission needs contact information for your COI so that it can be in touch with you if the need arises.

### Personal Contact Information

1. Your name (first and last name):

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2. Personal address (street, city, state, zip code):

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3. Personal phone number and/or email:

phone: 

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email: 

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4. What is your role in this community or your relationship to this COI? (ex: community member, leader, new resident, etc.):

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## Endnotes

- <sup>i</sup> Constitution of Michigan of 1963, Article IV, § 6, Section 13.  
<http://www.legislature.mi.gov/documents/mcl/pdf/mcl-chap1.pdf>
- <sup>ii</sup> Constitution of Michigan of 1963, Article IV, § 6, Section 13 (c).  
<http://www.legislature.mi.gov/documents/mcl/pdf/mcl-chap1.pdf>
- <sup>iii</sup> California Constitution, Article XXI, Section 2(4).  
[https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=CONS&division=&title=&part=&chapter=&article=XXI#:~:text=Congressional%20districts%20shall%20achieve%20population,federal%20Voting%20Rights%20Act%20or](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=CONS&division=&title=&part=&chapter=&article=XXI#:~:text=Congressional%20districts%20shall%20achieve%20population,federal%20Voting%20Rights%20Act%20or)
- <sup>iv</sup> Constitution of the State of Colorado, Article V, Section 47(3).  
[https://www.sos.state.co.us/pubs/info\\_center/laws/COConstitution/ColoradoConstitution.pdf](https://www.sos.state.co.us/pubs/info_center/laws/COConstitution/ColoradoConstitution.pdf)
- <sup>v</sup> Brennan Center for Justice: “Creating Strong Rules for Drawing Maps,” January 29, 2020.  
<https://www.brennancenter.org/our-work/policy-solutions/creating-strong-rules-drawing-maps>
- <sup>vi</sup> Brennan Center for Justice: “Creating Strong Rules for Drawing Maps,” January 29, 2020.  
<https://www.brennancenter.org/our-work/policy-solutions/creating-strong-rules-drawing-maps>
- <sup>vii</sup> Prosser v. Elections Board (793 F. Supp. 859 (W.D. Wis. 1992), p. 864.  
<https://law.justia.com/cases/federal/district-courts/FSupp/793/859/1369102/>
- <sup>viii</sup> Center for Local, State, and Urban Policy, Gerald R. Ford School of Public Policy, University of Michigan: “Initial Findings on Communities of Interest from the Spring 2020 Michigan Public Policy Survey,” August 24, 2020. <http://myumi.ch/Nxzdy>

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The **Center for Local, State, and Urban Policy (CLOSUP)**, housed at the University of Michigan's Gerald R. Ford School of Public Policy, conducts and supports applied policy research designed to inform state, local, and urban policy issues. Through integrated research, teaching, and outreach involving academic researchers, students, policymakers and practitioners, CLOSUP seeks to foster understanding of today's state and local policy problems, and to find effective solutions to those problems.

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