

MTB REMARKS FOR 5/11/11 APPORTIONMENT COM'N MTG

I think it's time to say some things very candidly about this process.

The 5 of us are obliged to redraw the lines for CC districts – new district lines that will last for the next 10 years.

The factors that we must apply are set forth in statutes, and in case law interpreting those statutes. We have talked about those factors in prior meetings, and how we must balance them in good faith.

One factor is that we are NOT to draw districts “to effect a partisan advantage.”

Now that factor is one that I am particularly sensitive to – not surprisingly – as the R Party Chair in a County that is 2/3 Democrat; that holds only 3 of 11 CC seats currently; and where I am the lone R on this apportionment commission.

So, while I am not in any position to draw districts to effect a “partisan advantage,” I am acutely aware that my colleagues up here could do so – IF they chose to. Now, I have given everyone the benefit of the doubt, and generally I think we're all working to apply the statutory factors. So, I do not mean to impugn anyone, but I must describe what has recently transpired.

Let me step back for a moment, though, to put things in context. At the outset of this process, it was suggested that certain numbers of districts would work better than others – multiples of 3; like 9 and 12, because AA City was 1/3 of the total county population, and it would keep the City of Ann Arbor distinct. On its face, that argument had some appeal; it seemed logical.

But from the very first meeting, I and others on the commission also were interested in exploring whether there was a way to resolve the issues of islands located within the City of AA – that is, portions of townships that were within the City limits -- islands that caused split precincts – something that we are obliged to avoid if possible, and something that makes great sense from an election administration standpoint.

Now, we were told from the outset that there was no way to resolve all of the island issues. But I continued to ask for the data – as to where the islands were located – so that I could assess that for myself. And it was several weeks before I was finally given that island data – but I finally got it.

And I have since determined that, in fact, it IS possible, with a variety of plans, to resolve ALL of the island issues, and to eliminate ALL of those split precincts.

Now, let's fast forward. The first plan that was submitted was a 12-Plan. It did not seek to resolve the island issues, but rather kept AA City as 4 distinct precincts.

The 12, of course, would be an increase (of 1) from our current CC makeup. And the fact is that the district lines in this plan were drawn so as to put each of the 11 current CC's in his/her own

district, even though, as I have learned as a result of this process, 3 of them live within a stone's throw of each other.

Now I appreciate the pressure that some of us must be under -- from CC's generally -- to keep them all happy. And I understand that 10 years ago -- when the CC dropped from 15 to 11 -- there was a lot of discontent among the then-current CC's over the reduction in #s. In fact, I believe that Mr. K himself was a casualty of the redistricting plan that year.

Now, although we are NOT here to draw 10-year district lines in a way that will protect the current incumbents, I was willing to consider that plan, but with some modifications. The primary concern that I had with the original 12-Plan was that it unnecessarily split certain geographic areas so as to make one particular district likely to be more D than it currently is -- and it just so happened to be the very district where a R defeated a D incumbent in the last election. Whether by intent or by effect, that struck me as drawing district lines "to effect a partisan advantage" -- that is, for the Ds to gain back the district that the voters took away from them last year at the polls. To me, that was not right.

So, I proposed for consideration a modified 12-Plan that addressed features of the original plan that I thought needed fixing. My modified 12-Plan continues to be the only 12 Plan that has been posted on the County's website.

But then a further revised 12-Plan emerged, and it did a couple of noteworthy and, I believe, unnecessary and inappropriate, things. First, it not only split York Township (which might be ok), but it split 2 *precincts* in York Township for no reason other than to shore up that district for a particular D incumbent, to keep him within that district (barely); and to also more likely make the seat unwinnable for the Rs, for the next 10 years. Second, it joined *one* northern AA precinct with AA Twp, in order to make the new 12th district also more likely to be unwinnable for the Rs, for the next 10 years.

What began as an incumbency protection plan (except for the one R seat that appeared targeted) became a plan to also limit R representation on the CC.

Rs in Wash. Cty likely would be limited to a maximum of 3 CC seats -- out of 12 -- for the next 10 years. That is R representation of only 25% -- at most -- in a county where Rs comprise well over 1/3 of the voters.

Over this past weekend, I came to understand that certain incumbent D CC's were upset with me for not signing on quickly enough to this further revised 12-Plan. And they threatened to turn up the heat.

Then on Monday, a new proposed 5-district Plan was circulated. Now, I don't know whether the proponent of that plan is serious about it, but it fails every test of the statute except for population variance. In my opinion, it would never pass muster in any court. It was sent as a message to me that I had better "play ball" with the interested Ds, or risk losing Rs on the CC.

That is improper.

So I have a couple of messages I would like to deliver:

(1) to those who would employ such tactics, be careful. There is no surer way to cause this County, and the TAXpayers of this County (and perhaps the D party) a lot of money in attorneys' fees litigating a plan in the Court of Appeals;

(2) to those current incumbents who would place undue pressure on apportionment commission members – or have their proxies on this board do so – if you would like to make public comment, please do so. Otherwise, please BUTT OUT. We have a solemn duty to perform, and it does NOT involve drawing district lines either to keep you in a safe district OR to try to oust you from the board. Let us do our job.

Finally, I now have submitted to the Clerk's office the following additional plans for our consideration:

- an 8-Plan
- a 9-Plan
- a 10-Plan
- an 11-Plan

ALL of which FULLY resolve ALL of the island/split precinct issues. The population variances on these plans range from only 5% (9-Plan) to 8.2%, all well within the allowable range.

I would encourage our serious consideration of these proposals.

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