

KENT COUNTY APPORTIONMENT COMMISSION

Wednesday, October 20, 2021

Room 310 - County Administration Building

The meeting of the Kent County Apportionment Commission was held on Wednesday, October 20, at 9:00 a.m. in Room 310, County Administration Building.

Members Present: Chris Becker, Kent County Prosecutor
Lisa Posthumus Lyons, Kent County Clerk
Peter MacGregor, Kent County Treasurer
Bill Saxton, Chair, Kent County Democratic Party
Rob VerHeulen, Chair, Kent County Republican Party

Also Present: Troy Cumings, Warner Norcross + Judd; Outside Legal Counsel
Robert Macomber, Chief Deputy County Clerk

Handouts: 1) Meeting agenda; 2) Minutes of October 6, 2021 Meeting

The meeting was called to order by Chairman Becker at 9:02 a.m.

Motion by Ms. Lyons, supported by Mr. MacGregor to adopt the minutes of the October 6, 2021 Meeting.

Motion carried unanimously.

Motion by Ms. Lyons, supported by Chair Becker, to move Public Comment from the last item on the agenda to prior to New Business so that any member of the public may address the committee prior to map adoption.

Motion carried unanimously.

Chair Becker: Called for Public Comment.

Micah Perkins, Michigan Building Trades Representative: Thanked the commission for their time and attention to the unique process. Expressed desire that whatever plan adopted reflects the continuing growth of Kent County.

Chair Becker: Called for further Public Comment; none was offered.

Chair Becker: Proceeded to New Business – Map Adoption – and offered Mr. Saxton and Mr. VerHeulen opportunities to make final arguments for their maps.

Ms. Lyons: Asked whether a motion was needed to accept Mr. Saxton's amendments to his previous submission.

Mr. Saxton: Stated that he was comfortable without a motion to adopt so long as it is understood that his most recent submission, Saxton Plan B, is the plan currently under consideration.

All members agreed to this understanding.

Mr. VerHeulen: Stated that he designed his map to follow the guidelines set forth in statute (MCL 46.404) in the stated order of importance; the first and most important is that the districts be as near to equal as possible – the most important to uphold one person/one vote concept. His plan presents a deviation of 6.43% and the Saxton Plan is just shy of 11%. The third guideline is that districts be as compact as practical, and under both analyses offered on DavesRedistricting his plan is the more compact plan. The fourth guideline is to avoid combining townships and cities – his plan contains five such combinations and Mr. Saxton’s plan contains six. Additionally, at a previous meeting former commissioner Jim Talen encouraged the commission to keep neighborhood associations within the City of Grand Rapids together in single districts, and his plan has done so, with 65% of neighborhood associations remaining intact. He believes his plan is the superior plan by those standards, it creates two minority-majority districts (#20, #17) and he requests adoption.

Mr. Saxton: Stated that there is no superiority when it comes to the concept of population variance, and that the guidance received by counsel Linda Howell stated that any variance under 11.9% is acceptable. There are huge differences in how each proposed map adheres to the list of criteria in statute; stated criteria (e) that townships, village, and cities only be divided if necessary to meet the population standard, and that the VerHeulen plan makes ten such breaks and the Saxton Plan B has five - the minimum number possible. The VerHeulen Plan makes unnecessary breaks in violation of statute. Criteria (h) states that districts shall not be drawn to reflect partisan political advantage, and his analysis using the Campaign Legal Center website tool shows Saxton Plan B has a partisan leaning of 1.6% towards Republicans and the VerHeulen Plan has a partisan leaning of 5.5% towards Republicans – three times that of the Saxton Plan B, which also has an efficiency gap of just 1.1% to the VerHeulen Plan’s 4.4%. He stated that the commission cannot adopt a plan like the VerHeulen Plan, which has unnecessary breaks and extreme partisan bias; encouraged adoption of Saxton Plan B.

Chair Becker: Opened the floor to discussion by other members.

Mr. MacGregor: Pointed out that the guidelines in statute are listed in order of importance; A is more important than H, etc, and asked for confirmation from counsel.

Mr. Cumings: Stated that is correct, courts have ruled that the guidelines are listed in order of importance.

Ms. Lyons: Asked for Mr. VerHeulen to repeat the information he shared earlier relevant to his map and Mr. Talen’s recommendation about neighborhoods within Grand Rapids.

Mr. VerHeulen: He used a resource offered by Grand Valley State University to identify the

neighborhood associations within the city, and reported that 65% of associations are wholly-contained within a single district, and that only 35% of associations are split among multiple districts.

Mr. Lyons: Asked Mr. Saxton for clarification on the precise total population deviation for his proposal.

Mr. Saxton: Stated that he could not provide that exact figure but noted that it is below the required threshold to comply with statute.

Chair Becker: Asked for additional questions or comments and hearing none, asked for a motion from the commission.

Mr. Saxton moved the adoption of Saxton Plan B.

Motion died for a lack of support.

Motion by Mr. VerHeulen, supported by Mr. MacGregor, that the VerHeulen Apportionment Plan for Kent County, Michigan, be adopted.

Chair Becker asked for discussion.

Mr. MacGregor: Stated his belief that the VerHeulen plan is the better plan as it adheres to the statute, in order of importance.

Ms. Lyons: Echoed Mr. MacGregor's statement.

Chair Becker: Stated that the number one criterion is (a) in the statute, that each district shall have as close to equal population as practical. Under Mr. Saxton's Plan B, the population deviation are much higher (6.9%, 6.5%, 4.7%, 3.9%, 3.6%), whereas the highest deviation in the VerHeulen Plan is 3.17% - more inline with the one person, one vote ideal; Additionally, he stated that the commission heard public concerns about splitting up Plainfield Township in the VerHeulen Plan, but it also heard public concerns about splitting up Gaines Township in the Saxton Plan; he repeated his problem with District 4 in Mr. Saxton's Plan B - while it may be technically acceptable, there are other ways to make it more contiguous, which is the next most important criteria on the list.

Chair Becker called the vote on the VerHeulen motion.

Motion carried by voice vote, the VerHeulen Plan was adopted.

Chair Becker asked if there was additional public comment, none was heard.

Ms. Lyons: Thanked Mr. Saxton and Mr. VerHeulen for submitting plans for the commission to

consider, the public for their participation in the process, staff who carried out the commissioners wish for a transparent process using the Apportionment Commission website, managing the email address to collect feedback, and livestreaming meetings; she thanked the Commission for their deliberative work and conducting itself in a manner that is a good example for public discourse.

Chair Becker: Asked about next steps and submission to the state.

Ms. Lyons: By law, the Clerk is required to submit the Apportionment Plan to the Secretary of State, and that will be done as soon as possible.

Adjournment

Motion by Ms. Lyons, supported by Mr. MacGregor, to adjourn the meeting at 9:21 a.m.

Motion carried unanimously.

A handwritten signature in black ink that reads "Lisa Posthumus Lyons". The signature is written in a cursive, flowing style.

Lisa Posthumus Lyons, Secretary
Kent County Apportionment Commission

*** While not formally adopted by the Commission following its final meeting, these minutes were shared with members to confirm accuracy before the Clerk's signature and submission to the record.*