



**House
Legislative
Analysis
Section**

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LEGISLATIVE REDISTRICTING

House Bill 5275

**Sponsor: Rep. Robert Brackenridge
Committee: Local Government**

Complete to 10-30-95

A SUMMARY OF HOUSE BILL 5275 AS INTRODUCED 10-25-95

The bill would create a new act to establish a process for drawing up redistricting plans for the state House of Representatives and state Senate and to provide guidelines for redistricting plans. Generally, the bill calls for the legislature to enact a redistricting plan by November 1, beginning in 2001. If that plan was sent for review to the Michigan Supreme Court or if the court developed a plan because the legislature had not enacted one, the court's plan would have to be provided by April 1.

Redistricting Process. Under the bill, the legislature would have to enact a redistricting plan by November 1, 2001 and every 10 years thereafter. Upon the application of an elector filed not later than 60 days after the enactment of a plan, the supreme court, exercising original jurisdiction provided under Section 6 of Article IV of the state constitution, could review the legislative plan and could modify the plan or remand it to a special master for further action, if it failed to meet specified guidelines.

If a legislatively developed plan for the House and Senate was not approved by the deadline, a number of parties could file a petition or other pleadings or papers requesting that the supreme court prepare a plan. Those who could file a petition would be: a political party, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, or the Minority Leader of the Senate.

If the petition for review was filed with the court, the court would have to:

- undertake the preparation of a redistricting plan;
- appoint and utilize a special master or masters as the court considers necessary;
- provide, by order, for the submission of proposed redistricting plans by political parties and other interested persons who have been allowed to intervene. (Political parties would be granted intervention as of right.)
- after hearing oral argument or appointing special masters, propose one plan for the consideration of the parties and the public and make the plan available for public inspection at least 30 days in advance of the time set for a hearing on the proposed plan;
- prescribe, by order or otherwise, the procedure for and deadlines pertaining to filing objections and rebuttal to the proposed plan in advance of the hearing;

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-- hold a hearing on the proposed plan no later than March 10 immediately following the November 1 deadline for the plan; and

-- order a redistricting plan not later than April 1 (in order to provide for the orderly election process and for candidates to meet statutory deadlines for filing and residency).

Guidelines for Redistricting Plans. Districts would have to be drawn in compliance with the requirements of Section 2 of Title 1 of the Voting Rights Act of 1965. The Senate districts would consist of 38 single-member districts and the House districts of 110 single-member districts; the bill requires that the districts be areas of convenient territory contiguous by land. Areas that meet only at the points of adjoining corners would not be considered contiguous. Other guidelines include the following.

-- Districts would have to contain populations not exceeding 108.2 percent and not less than 91.8 percent of the ideal district size unless and until the United States Supreme Court established a different range of allowable population divergence.

-- Districts would preserve county lines with the least cost to the principle of equality of population.

-- If it was necessary to break county lines to stay within the range of allowable population divergence, the fewest whole cities or whole townships necessary would be shifted. Between two cities or townships, both of which would bring the districts into compliance, the one with the lesser population would have to be shifted.

-- Within counties to which there was apportioned more than one Senate district or House district, district lines would be drawn on city or township lines with least cost to the principle of equality of population between election districts consistent with the maximum preservation of city and township lines and without exceeding the range of allowable divergence.

-- If it was necessary to break city or township lines to stay within the range of allowable divergence, the number of people necessary to achieve population equality would be shifted between the two districts affected, except that in lieu of absolute equality, the lines could be drawn along the closest street or comparable boundary.

-- Within a city or township to which there was apportioned more than one House or Senate district, district lines would be drawn to achieve the maximum compactness possible within a range of 98 percent to 102 percent of absolute equality between districts within the city or township.

-- Compactness would be determined by circumscribing each district with 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.

-- If a discontinuous township island existed within an incorporated city or discontinuous portions of townships were split by an incorporated city, the splitting of the township would not be considered a split if: 1) the city must be split to stay within the range of allowable

divergence and it is practicable to keep the township together within one district; 2) a township island was contained within a whole city and a split of the city would be required to keep the township intact; or 3) the discontinuous portion of a township cannot be included in the same district with another portion of the same township without creating a noncontiguous district.

The bill specifies that if any portion of the act or application of any portion of the act to any person or circumstance was found to be invalid by a court, the invalidity would not affect the remaining portions or applications that could be given effect without the invalid portions or application, if the remaining portions were not determined by the court to be inoperable. The bill says, "to this end this act is declared to be severable."

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.