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SFA**BILL ANALYSIS**

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Senate Bill 811 (as passed by the Senate)
Sponsor: Senator Thaddeus G. McCotter
Committee: Reapportionment

Date Completed: 11-16-99

CONTENT

The bill would create a new act to do the following:

- Specify that the Supreme Court would have original and exclusive State jurisdiction to hear and decide any case or controversy involving a congressional redistricting plan.
- Allow an elector to apply to the Court for review of an enacted congressional redistricting plan.
- Allow a political party or a member of the U.S. House of Representatives to petition the Court to prepare a redistricting plan, if a plan were not enacted.
- Require the Court to follow prescribed procedures, which would include preparing a redistricting plan, providing for political parties and interveners to submit proposed plans, proposing a plan for consideration by the parties and the public, holding a hearing on the proposed plan, and ordering a plan.

Upon the application of an elector filed within 60 days after the enactment of a congressional redistricting plan, the Supreme Court, exercising original State jurisdiction, could review any congressional redistricting plan enacted by the Legislature, and modify it or remand the plan to a special master for further action if the plan failed to comply with the Congressional Redistricting Act.

Unless legislation enacting a congressional redistricting plan were approved by the deadline established in the Congressional Redistricting Act, a political party or a member of the U.S. House of Representatives, on or after November 1 immediately following that deadline, could petition or otherwise file pleadings or papers with the Supreme Court requesting that the Court prepare a congressional redistricting plan in compliance with the guidelines in the Congressional Redistricting Act.

If an application or petition for review were filed under these provisions, the Court would have to do all of the following:

- Undertake the preparation of a redistricting plan for congressional districts.
- Appoint and use a special master or masters as the Court considered necessary.
- Provide, by order, for the submission of proposed redistricting plans by political parties and other interested persons who had been allowed to intervene. (Political parties would have to be granted intervention as of right.)
- After hearing oral argument or appointing special masters, propose one plan for consideration of the parties and the public, and make that plan available for public inspection at least 30 days before the time set for hearing.
- Prescribe the procedure and deadlines for filing objections and rebuttal to the proposed plan in advance of the hearing.
- Hold a hearing on the proposed plan by March 1 immediately after the deadline established in the Congressional Redistricting Act.
- After making any revisions to the proposed plan that the Court considered necessary, order a congressional redistricting plan by March 31 immediately after the deadline set in the Congressional Redistricting Act.

If a case or controversy involved a congressional redistricting plan but an application or petition for review were not filed as provided in the bill, the Supreme Court could, but would not be obligated to, undertake all or some of the procedures described above.

The bill specifies that, if any portion of the proposed act or the application of any portion of it to any person or circumstance were 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 portion or application, if the remaining portions were not determined by the court to be inoperable. The provisions of the bill would be severable.

Legislative Analyst: S. Lowe

FISCAL IMPACT

Statutorily providing for the jurisdiction and process for the Supreme Court regarding congressional redistricting would result in administrative savings.

Fiscal Analyst: B. Bowerman