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Senate Bill 814 (Substitute S-4 as passed by the Senate)
Sponsor: Senator Bill Schuette
Committee: Reapportionment

Date Completed: 11-16-99

CONTENT

The bill would amend Public Act 463 of 1996, which provides for legislative redistricting plans, to require the use of data from the actual enumeration conducted by the U.S. Census Bureau, for determining Senate and House district boundaries; provide that districts could not violate the Federal Voting Rights Act; and specify that the Supreme Court would have exclusive State jurisdiction to hear all cases or controversies involving a redistricting plan under Public Act 463.

The bill provides that, "In order to continue the prior practice and not to change or alter the historic method by which state legislative districts are determined," Senate and House of Representatives district boundaries would have to be determined by use of population data from the United States Bureau of the Census identical to those from the actual enumeration conducted by the Census Bureau for the apportionment of the Representatives of the U.S. House of Representatives in the U.S. decennial census. The apportionment data for redistricting, however, could not include any population that was not allocated to specific census blocks within the State, such as Americans residing overseas, even if that population were legally included in the State's apportionment data for the purpose of allocating seats among the states.

District boundaries could not be determined by use of Census Bureau population counts derived from any other means, including the use of statistical sampling to add or subtract population by inference. Other governmental census figures of total population could be used if taken after the last decennial U.S. census and the U.S. census figures were not adequate for the purposes of the Act. A contract could be entered into with the U.S. Census Bureau or any other governmental unit to make any special census if the latest U.S. decennial census figures were not adequate for the Act's purposes.

Senate and House districts could not violate Section 2 of Title I of the Federal Voting Rights Act, which provides that no voting qualification or prerequisite to voting or standard, practice, or procedure may be imposed or applied by any state or political subdivision in a manner that results in a denial or abridgment of the right of any U.S. citizen to vote on account of race, color, or membership in a language minority group (42 USC 1973).

The Supreme Court would have exclusive and original State jurisdiction to hear all cases or controversies involving a redistricting plan under Public Act 463. A case or controversy involving a redistricting plan could not be heard or received by the State Court of Appeals or any State trial court. If an application or petition for review had not been filed under the Act, the Supreme Court could, but would not be required to, follow all or a portion of the procedures described in the Act.

MCL 4.261 et al.

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State government. Potential costs related to a special census, if a future United State decennial census were determined to be inadequate, would depend on the scope of the special census.

Statutorily providing that the Supreme Court has exclusive and original State jurisdiction to hear all controversies regarding redistricting plans under the Act would result in administrative savings.

Fiscal Analyst: B. Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.