

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 813**

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9948) by adding section 216.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 216. (1) AS USED IN THIS SECTION, "ACCEPTABLE CENSUS
2 DATA" MEANS EITHER OF THE FOLLOWING:
3 (A) POPULATION DATA FROM THE UNITED STATES BUREAU OF THE
4 CENSUS IDENTICAL TO THOSE FROM THE ACTUAL ENUMERATION CONDUCTED
5 BY THE UNITED STATES BUREAU OF THE CENSUS FOR THE APPORTIONMENT
6 OF THE REPRESENTATIVES OF THE UNITED STATES HOUSE OF REPRESENTA-
7 TIVES IN THE UNITED STATES DECENNIAL CENSUS, EXCEPT THAT THE
8 APPORTIONMENT DATA FOR REDISTRICTING SHALL NOT INCLUDE ANY POPU-
9 LATION THAT IS NOT ALLOCATED TO SPECIFIC CENSUS BLOCKS WITHIN
10 THIS STATE, SUCH AS AMERICANS RESIDING OVERSEAS, EVEN IF THAT
11 POPULATION WAS LEGALLY INCLUDED IN THE APPORTIONMENT DATA OF THIS

1 STATE FOR THE PURPOSE OF ALLOCATING SEATS AMONG THE STATES.

2 OTHER GOVERNMENTAL CENSUS FIGURES OF TOTAL POPULATION MAY BE USED
3 IF TAKEN AFTER THE LATEST DECENNIAL UNITED STATES CENSUS AND THE
4 UNITED STATES CENSUS FIGURES ARE NOT ADEQUATE FOR THE PURPOSES OF
5 THIS ACT.

6 (B) POPULATION DATA FROM THE UNITED STATES BUREAU OF THE
7 CENSUS USING POPULATION COUNTS DERIVED BY THE BUREAU FROM STATIS-
8 TICAL METHODS TO ADJUST THE ACTUAL ENUMERATION OF THE LATEST
9 DECENNIAL CENSUS FOR ALLEGED OVERCOUNTS OR UNDERCOUNTS OF
10 POPULATION.

11 (2) IN AN APPROPRIATE PROCEEDING BEFORE THE SUPREME COURT, A
12 REDISTRICTING PLAN ESTABLISHING DISTRICT BOUNDARIES FOR CONGRES-
13 SIONAL DISTRICTS UNDER THE CONGRESSIONAL REDISTRICTING ACT OR FOR
14 LEGISLATIVE DISTRICTS UNDER SECTION 1 OF 1966 PA 463, MCL 4.261,
15 SHALL BE HELD INVALID BY THE COURT IF THE PLAN IS NOT BASED ON
16 ACCEPTABLE CENSUS DATA.

17 (3) IN AN APPROPRIATE PROCEEDING BEFORE THE SUPREME COURT,
18 COURT OF APPEALS, OR A TRIAL COURT, A REDISTRICTING PLAN ESTAB-
19 LISHING DISTRICT BOUNDARIES FOR THE COURT OF APPEALS UNDER SEC-
20 TION 8 OF ARTICLE VI OF THE STATE CONSTITUTION OF 1963 OR FOR
21 LOCAL ELECTION DISTRICTS UNDER SECTION 4 OF 1966 PA 261,
22 MCL 46.404, SECTION 5 OF 1966 PA 293, MCL 45.505, AND SECTION 27A
23 OF THE HOME RULE CITY ACT, 1909 PA 279, MCL 117.27A, SHALL BE
24 HELD INVALID BY THE COURT IF THE PLAN IS NOT BASED ON ACCEPTABLE
25 CENSUS DATA.