

SENATE BILL No. 811

(As amended October 27, 1999)

October 14, 1999, Introduced by Senators MC COTTER, SCHUETTE and SIKKEMA and referred to the Committee on Reapportionment.

A bill to confer original jurisdiction on the supreme court to hear and decide cases on congressional redistricting; and to allow the supreme court to review and order congressional redistricting plans.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. The supreme court has original and exclusive state
2 juris-
3 diction to hear and decide any case or controversy involving a
4 congressional redistricting plan. A case or controversy involv-
5 ing a congressional redistricting plan shall not be commenced or
6 heard in the state court of appeals or any state trial court. If a
7 case or
8 controversy involves a congressional redistricting plan but an
9 application or petition for review was not filed under section 2
or 3, the supreme court may, but is not obligated to, undertake
all or a portion of the procedures described in section 4.

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1 Sec. 2. Upon the application of an elector filed not later
2 than 60 days after the adoption of the enactment of a
3 congressional redistricting plan, the supreme court, exercising
4 original state jurisdiction may review any congressional
5 redistricting plan enacted by the legislature, and may modify that plan or
6 remand that plan to a special master for further action if the
7 plan fails to comply with the congressional redistricting act.

8 Sec. 3. Unless legislation enacting a redistricting plan
9 for congressional districts is approved on or before the deadline
10 established in the congressional redistricting act, a political
11 party, or a member of the United States house of representatives
12 on or after November 1 immediately following the deadline estab-
13 lished in the congressional redistricting act, may petition or
14 otherwise file pleadings or papers with the supreme court
15 requesting that the supreme court prepare a redistricting plan
16 for congressional districts in compliance with the redistricting
17 guidelines provided in the congressional redistricting act.

18 Sec. 4. If an application or petition for review is filed
19 in the supreme court under section 2 or 3, the supreme court
20 shall do all of the following:

21 (a) Exercising original state jurisdiction or other
jurisdiction
22 pursuant to Michigan court rule 7.301(A)(7) or any successor
23 court rule, undertake the preparation of a redistricting plan for
24 congressional districts.

25 (b) Appoint and utilize a special master or masters as the
26 court considers necessary.

1 (c) Provide, by order, for the submission of proposed
2 redistricting plans by political parties and other interested
3 persons who have been allowed to intervene. Political parties
4 shall be granted intervention as of right.

5 (d) After hearing oral argument or appointing special
6 masters, propose 1 plan for consideration of the parties and the
7 public, and make that plan available for public inspection at
8 least 30 days before the time set for hearing in subdivision
9 (f).

10 (e) Prescribe, by order or otherwise, the procedure for and
11 the deadlines pertaining to filing objections and rebuttal to the
12 proposed plan in advance of the hearing scheduled in subdivision
13 (f).

14 (f) Hold a hearing on the proposed plan at a time determined
15 by the court but not later than March 1 immediately following the
16 deadline established in the congressional redistricting act.

17 (g) In order to provide for the orderly election process and
18 for candidates to meet statutory deadlines for filing and resi-
19 dency, and after making any revisions to the proposed plan that
20 the supreme court considers necessary, order a redistricting plan
21 for congressional districts not later than March 31 immediately
22 following the deadline established in the congressional redis-
23 tracting act.

24 Sec. 5. If any portion of this act or application of any
25 portion of this act to any person or circumstance is found to be
26 invalid by a court, the invalidity shall not affect the remaining
27 portions or applications of this act that can be given effect

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1 without the invalid portions or application if the remaining
2 portions are not determined by the court to be inoperable. The
3 provisions of this act are severable.