

SENATE BILL No. 814

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

A bill to amend 1996 PA 463, entitled

"An act to establish guidelines for the decennial adoption of redistricting plans for the senate and house of representatives; to provide original jurisdiction to the supreme court to review redistricting plans enacted by the legislature for compliance with those guidelines; and to provide a procedure for the supreme court to use to redistrict the senate and house of representatives under certain circumstances,"

by amending sections 1, 2, and 4 (MCL 4.261, 4.262, and 4.264).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. By November 1, 2001, and every 10 years thereafter,
2 the legislature shall enact a redistricting plan for the senate
3 and house of representatives. Except as otherwise required by
4 federal law for legislative districts in this state, the redis-
5 tricting plan shall be enacted using only the following
6 guidelines:

7 (a) The senate districts shall consist of 38 single-member
8 districts.

1 (b) The house of representatives districts shall consist of
2 110 single-member districts.

3 (c) Senate and house of representatives districts shall be
4 areas of convenient territory contiguous by land. Areas that
5 meet only at the points of adjoining corners are not contiguous.

6 (d) Senate and house of representatives districts shall have
7 a population not exceeding 105% and not less than 95% of the
8 ideal district size for the senate or the house of representa-
9 tives unless and until the United States supreme court estab-
10 lishes a different range of allowable population divergence for
11 state legislative districts.

12 (e) Senate and house of representatives district lines shall
13 preserve county lines with the least cost to the principle of
14 equality of population provided for in subdivision (d).

15 (f) If it is necessary to break county lines to stay within
16 the range of allowable population divergence provided for in sub-
17 division (d), the fewest whole cities or whole townships neces-
18 sary shall be shifted. Between 2 cities or townships, both of
19 which will bring the districts into compliance with subdivisions
20 (d) and (h), the city or township with the lesser population
21 shall be shifted.

22 (g) Within those counties to which there is apportioned more
23 than 1 senate district or house of representatives district, dis-
24 trict lines shall be drawn on city and township lines with the
25 least cost to the principle of equality of population between
26 election districts consistent with the maximum preservation of

1 city and township lines and without exceeding the range of
2 allowable divergence provided for in subdivision (d).

3 (h) If it is necessary to break city or township lines to
4 stay within the range of allowable divergence provided for in
5 subdivision (d), the number of people necessary to achieve popu-
6 lation equality shall be shifted between the 2 districts affected
7 by the shift, except that in lieu of absolute equality the lines
8 may be drawn along the closest street or comparable boundary.

9 (i) Within a city or township to which there is apportioned
10 more than 1 senate district or house of representatives district,
11 district lines shall be drawn to achieve the maximum compactness
12 possible within a population range of 98% to 102% of absolute
13 equality between districts within that city or township.

14 (j) Compactness shall be determined by circumscribing each
15 district within a circle of minimum radius and measuring the
16 area, not part of the Great Lakes and not part of another state,
17 inside the circle but not inside the district.

18 (k) If a discontinuous township island exists within an
19 incorporated city or discontinuous portions of townships are
20 split by an incorporated city, the splitting of the township
21 shall not be considered a split if any of the following circum-
22 stances exist:

23 (i) The city must be split to stay within the range of
24 allowable divergence provided for in subdivision (d) and it is
25 practicable to keep the township together within 1 district.

1 (ii) A township island is contained within a whole city and
 2 a split of the city would be required to keep the township
 3 intact.

4 (iii) The discontinuous portion of a township cannot be
 5 included in the same district with another portion of the same
 6 township without creating a noncontiguous district.

7 (l) SENATE AND HOUSE OF REPRESENTATIVES DISTRICT BOUNDARIES
 8 SHALL BE DETERMINED BY USING POPULATION DATA FROM THE UNITED
 9 STATES BUREAU OF THE CENSUS IDENTICAL TO THOSE FROM THE ACTUAL
 10 ENUMERATION CONDUCTED BY THE UNITED STATES BUREAU OF THE CENSUS
 11 FOR THE APPORTIONMENT OF THE REPRESENTATIVES OF THE UNITED STATES
 12 HOUSE OF REPRESENTATIVES IN THE UNITED STATES DECENNIAL CENSUS.
 13 DISTRICT BOUNDARIES SHALL NOT BE DETERMINED BY USING CENSUS
 14 BUREAU POPULATION COUNTS DERIVED FROM ANY OTHER MEANS, INCLUDING,
 15 BUT NOT LIMITED TO, THE USE OF STATISTICAL SAMPLING TO ADD OR
 16 SUBTRACT POPULATION BY INFERENCE.

17 (M) ~~—(l)—~~ OTHER GOVERNMENTAL CENSUS FIGURES OF TOTAL POPULA-
 18 TION MAY BE USED IF TAKEN SUBSEQUENT TO THE LAST DECENNIAL UNITED
 19 STATES CENSUS AND THE UNITED STATES CENSUS FIGURES ARE NOT ADE-
 20 QUATE FOR THE PURPOSES OF THIS ACT. A CONTRACT MAY BE ENTERED
 21 INTO WITH THE UNITED STATES CENSUS BUREAU OR ANY OTHER GOVERNMEN-
 22 TAL UNIT TO MAKE ANY SPECIAL CENSUS IF THE LATEST UNITED STATES
 23 DECENNIAL CENSUS FIGURES ARE NOT ADEQUATE FOR THE PURPOSES OF
 24 THIS ACT. Senate and house districts shall not violate SECTION 2
 25 OF TITLE I OF THE VOTING RIGHTS ACT OF 1965, PUBLIC LAW 89-110,
 26 42 U.S.C. 1973, OR the precedents established in Miller v
 27 Johnson, 115 S Ct 2475; 132 L Ed 2d 762 (1995); Bush v Vera, 116

1 S Ct 1941; 135 L Ed 2d 248 (1996); and, Shaw v Hunt, 116 S Ct
2 1894; 135 L Ed 2d 207 (1996).

3 Sec. 2. (1) THE SUPREME COURT SHALL HAVE EXCLUSIVE AND
4 ORIGINAL JURISDICTION TO HEAR ALL CASES OR CONTROVERSIES INVOLV-
5 ING A REDISTRICTING PLAN UNDER THIS ACT. A CASE OR CONTROVERSY
6 INVOLVING A REDISTRICTING PLAN SHALL NOT BE HEARD OR DECIDED BY
7 THE COURT OF APPEALS OR ANY TRIAL COURT.

8 (2) IF AN APPLICATION OR PETITION FOR REVIEW HAS NOT BEEN
9 FILED UNDER SUBSECTION (3) OR SECTION 3, THE SUPREME COURT MAY,
10 BUT IS NOT REQUIRED TO, HEAR ALL OR A PORTION OF THE PROCEDURES
11 DESCRIBED IN SECTION 4.

12 (3) Upon the application of an elector filed not later than
13 60 days after the adoption of the enactment of a redistricting
14 plan, the supreme court, exercising original jurisdiction pro-
15 vided under section 6 of article IV of the state constitution of
16 1963, may review any plan enacted by the legislature, and may
17 modify that plan or remand that plan to a special master for fur-
18 ther action if the plan fails to comply with section 1.

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

22 (a) Exercising original jurisdiction provided under section
23 6 of article IV of the state constitution of 1963, or other
24 jurisdiction ~~pursuant to~~ UNDER Michigan court rule 7.301(A)(7)
25 or any successor court rule, undertake the preparation of a
26 redistricting plan for the house of representatives and the
27 senate.

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

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

7 (d) After hearing oral argument or appointing special
8 masters, propose 1 plan for the consideration of the parties and
9 the public, and make that plan available for public inspection at
10 least 30 days in advance of the time set for hearing in subdivi-
11 sion (f).

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

16 (f) Hold a hearing on the proposed plan at a time determined
17 by the court but not later than March 10 immediately following
18 the deadline established in section 1.

19 (g) In order to provide for the orderly election process and
20 for candidates to meet statutory deadlines for filing and resi-
21 dency, AND AFTER MAKING ANY REVISIONS TO THE PROPOSED PLAN THAT
22 THE SUPREME COURT CONSIDERS NECESSARY, order a redistricting plan
23 for the senate and house of representatives not later than April
24 1 immediately following the deadline established in section 1.