

Legislative Analysis



8TH JUDICIAL DISTRICT: ELECTION DIVISIONS

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Senate Bill 193 as passed by the Senate

Sponsor: Sen. Tom George

House Committee: Judiciary

Senate Committee: Judiciary

First Analysis (6-22-05)

BRIEF SUMMARY: The bill would eliminate the three election divisions in the Eighth Judicial District, which consists of Kalamazoo County.

FISCAL IMPACT: The bill would have no fiscal impact on state or local government.

THE APPARENT PROBLEM:

There are currently seven district court judges that serve the 8th Judicial District, which consists of Kalamazoo County. However, there are three election divisions. The first division consists of the City of Kalamazoo and has four judges, the second division consists of the City of Portage and has one judge, and the third division consists of the rest of Kalamazoo County and has two judges.

Reportedly, having one judicial district but three election divisions is causing confusion among voters as to which voters are entitled to participate in which judicial elections. And, though the seven district judges have equal jurisdiction over cases filed in the court, some voters seem to think that a particular judge can only hear cases involving residents of his or her election division.

To resolve the confusion, the district judges in Kalamazoo have initiated legislation to eliminate the election divisions and instead have all judges elected on a county-wide basis.

THE CONTENT OF THE BILL:

Currently, the 8th Judicial District's first election division consists of the City of Kalamazoo and has four of the district's seven judges. The second division consists of the City of Portage and has one judge. The third division consists of the County of Kalamazoo, other than the Cities of Kalamazoo and Portage, and has two judges.

The bill would amend the Revised Judicature Act (MCL 600.8117) to eliminate the three election divisions in the 8th Judicial District.

The bill would take effect January 2, 2007.

BACKGROUND INFORMATION:

The bill is virtually identical to Senate Bill 1463 of 2003-2004. That bill was passed by both the Senate and the House but did not go into effect because of a "pocket veto." Under the State Constitution, if the governor does not sign a bill within 14 days after it is presented, and the legislature finally adjourns the session at which the bill was passed, the bill does not become law.

The following background information was supplied by the Senate Fiscal Agency:

From the time the District Court was created in 1969 until January 1, 1999, Kalamazoo County was divided into two judicial districts: The 8th District consisted of Kalamazoo County, except for the Cities of Kalamazoo and Portage, while the 9th District consisted of those cities and was divided into two election divisions. Public Act 161 of 1997 amended the Revised Judicature Act to eliminate the 9th District Court and reorganize the 8th District Court.

Under Public Act 161, since January 1, 1999, the 8th District has consisted of all of Kalamazoo County, but has been divided into three election divisions. All parties involved – the cities, the county, the county's townships, and the courts – supported the consolidation of Kalamazoo County's district courts, combining their venue as well as their administrative, business, and technology functions.

ARGUMENTS:

For:

Six years have passed since the consolidation of judicial districts took effect under Public Act 161 of 1997. In that time, voters residing in the 8th Judicial District have faced confusion over eligibility to vote in judicial elections, as residents of Kalamazoo elect four judges, residents of Portage elect one, and the rest of the county residents elect two. Yet, a judge elected from any of the three divisions can hear cases originating anywhere in the county. The judges of the 8th Judicial District, along with many other supporters, would like to have the three election divisions eliminated so that judgeships could be decided at an election by all eligible voters residing in the county.

For:

In written testimony submitted to the Senate Judiciary Committee, the Chief Judge of the 8th District Court cited the possible development of a concurrent jurisdiction plan for the district, probate, and circuit courts in Kalamazoo County. Under this type of plan, district, probate, and circuit judges typically hear cases from all three of those courts. In Kalamazoo County, both probate and circuit court judges are elected on a countywide ballot. Before a concurrent jurisdiction plan was implemented, district court judges should also be elected on a countywide basis. Having separate election divisions within the county for one of the three courts would be inconsistent with the concept of shared jurisdiction among the countywide courts and could lead to the same type of confusion in

circuit and probate court matters that has been experienced in the district court in Kalamazoo County.

For:

Judicial resources are reallocated periodically, which means that on occasion, a judicial district may have a judgeship added or eliminated. Under the current system, if the 8th Judicial District was faced with either situation, contention could, and most probably would, arise over which election division would lose one of their judges or which would get an additional one. A better solution would be to eliminate the three different election divisions and go to a countywide election system.

Against:

In testimony before the House Judiciary Committee, opponents of the bill said that there is "tremendous opposition" to the bill. Reportedly, many residents of the City of Kalamazoo feel disenfranchised, and that feeling could be increased if the bill were passed. By comparison, the current system allows voters to feel closer to their local government.

After all, the City of Kalamazoo has the highest population within the county, the highest crime rate, and the highest number of cases; therefore, it is appropriate that city residents be able to elect the majority of the judges serving in the district court. Changing to a county-wide system would ignore the diversity of the county and, for urban dwellers, reduce the likelihood of appearing before a judge sensitive to urban issues. It is better to keep the current mix of rural and city judges and for each election division to retain its own representation.

Response:

The same argument could be made currently for rural voters. According to the 2000 U.S. Census, Kalamazoo was home to 77,145 people, or less than one-third of the county's population of 238,603, yet it is a separate election division with four of the 8th District's seven judgeships. Therefore, a voter living in a rural community can elect two of the judges serving the court, but wouldn't necessarily come before them in a trial; they would have a greater chance of having the case assigned to one of the city-elected judges. Also, a resident of Kalamazoo or Portage currently can have a case assigned to one of the rural judges anyway. It needs to be remembered that judges are to administer and interpret the law fairly. A good judge will make good judicial decisions regardless of being from the city or the country.

Against:

Reportedly, one of the reasons that the governor did not approve Senate Bill 1463 last year was that the issue of election divisions should be addressed on a statewide basis. Senate Bill 193, once again, addresses only Kalamazoo County's 8th Judicial District.

Response:

Retaining or eliminating district court election divisions is an issue of local preference, and each situation should be considered separately. The 70th Judicial District (Saginaw County) is the only other single-county, countywide district in Michigan that includes election divisions, but that district should not have to give them up just because the

divisions in Kalamazoo County were eliminated. By the same token, voters in the 8th Judicial District should not be deprived of countywide judicial elections just because similar election divisions exist in another county.

POSITIONS:

The Chief District Judge, Kalamazoo 8th District Court testified in support of the bill. (6-22-05)

The State Bar of Michigan supports the bill in principle, which means it supports the legislation but the bill is not the subject of an active lobbying effort. (5-10-05)

A representative of the State Court Administrative Office (SCAO) indicated support for the bill. (6-22-05)

The Kalamazoo County Board of Commissioners adopted a resolution in support of the bill. (4-5-05)

The mayor of the City of Kalamazoo testified in opposition to the bill. (6-22-05)

A representative of the Kalamazoo Neighborhoods Coalition testified in opposition to the bill. (6-22-05)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.