

# HOUSE JOINT RESOLUTION K

May 24, 2005, Introduced by Reps. Anderson, Sheltroun, Byrnes, Kathleen Law, Whitmer, Hunter, Brown, Gillard, Clack, Sak, Donigan, Byrum, Farrah, Espinoza, Polidori, Alma Smith, Gleason, McDowell, Waters, Zelenko, Williams, Phillips, Meisner, Murphy, Adamini, Plakas, McConico, Bennett, Bieda, Condino, Tobocman, Lipsey, Kolb, Dillon, Cushingberry, Kehrl, Gonzales, Virgil Smith, Accavitti, Lemmons, Jr., Wojno and Lemmons, III and referred to the Committee on House Oversight, Elections, and Ethics.

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 2, 3, and 6 of article IV, to modify congressional and legislative apportionment and districting.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to modify congressional and legislative apportionment and districting, is proposed, agreed to, and submitted to the people of the state:

## ARTICLE IV

1       Sec. 2. The senate shall consist of 38 members to be elected  
2 from single member districts at the same election as the governor  
3 for four-year terms concurrent with the term of office of the  
4 governor.

5 ~~—— In districting the state for the purpose of electing senators~~  
6 ~~after the official publication of the total population count of~~  
7 ~~each federal decennial census, each county shall be assigned~~  
8 ~~apportionment factors equal to the sum of its percentage of the~~  
9 ~~state's population as shown by the last regular federal decennial~~  
10 ~~census computed to the nearest one-one hundredth of one percent~~  
11 ~~multiplied by four and its percentage of the state's land area~~  
12 ~~computed to the nearest one-one hundredth of one percent.~~

13 ~~—— In arranging the state into senatorial districts, the~~  
14 ~~apportionment commission shall be governed by the following rules:~~

15 ~~—— (1) Counties with 13 or more apportionment factors shall be~~  
16 ~~entitled as a class to senators in the proportion that the total~~  
17 ~~apportionment factors of such counties bear to the total~~  
18 ~~apportionment factors of the state computed to the nearest whole~~  
19 ~~number. After each such county has been allocated one senator, the~~  
20 ~~remaining senators to which this class of counties is entitled~~  
21 ~~shall be distributed among such counties by the method of equal~~  
22 ~~proportions applied to the apportionment factors.~~

23 ~~—— (2) Counties having less than 13 apportionment factors shall~~  
24 ~~be entitled as a class to senators in the proportion that the total~~  
25 ~~apportionment factors of such counties bear to the total~~  
26 ~~apportionment factors of the state computed to the nearest whole~~  
27 ~~number. Such counties shall thereafter be arranged into senatorial~~

~~districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there is a failure to comply with the above standards.~~

~~—— (3) Counties entitled to two or more senators shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.~~

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

~~—— Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with~~

~~that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.~~

~~After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.~~

~~Any county comprising a representative area entitled to two or more representatives shall be divided into single member representative districts as follows:~~

~~(1) The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.~~

~~(2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.~~

~~Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population, adhering to county lines.~~

Sec. 6. ~~A~~ **THE INDEPENDENT REDISTRICTING** commission on legislative **AND CONGRESSIONAL** apportionment is hereby established consisting of ~~eight electors~~ **NINE MEMBERS, AS FOLLOWS:** four ~~of whom~~ **MEMBERS** shall be selected by the state organizations of each

1 of the two political parties whose candidates for governor received  
2 the highest vote at the last general election at which a governor  
3 was elected, ~~preceeding each apportionment. If a candidate for~~  
4 ~~governor of a third political party has received at such election~~  
5 ~~more than 25 percent of such gubernatorial vote, the commission~~  
6 ~~shall consist of 12 members, four of whom shall be selected by the~~  
7 ~~state organization of the third political party. One resident of~~  
8 ~~each of the following four regions shall be selected by each~~  
9 ~~political party organization: (1) the upper peninsula; (2) the~~  
10 ~~northern part of the lower peninsula, north of a line drawn along~~  
11 ~~the northern boundaries of the counties of Bay, Midland, Isabella,~~  
12 ~~Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those~~  
13 ~~counties south of region (2) and west of a line drawn along the~~  
14 ~~western boundaries of the counties of Bay, Saginaw, Shiawassee,~~  
15 ~~Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the~~  
16 ~~remaining counties of the state.~~ ONE MEMBER SHALL BE SELECTED BY  
17 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, ONE MEMBER SHALL BE  
18 SELECTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES,  
19 ONE MEMBER SHALL BE SELECTED BY THE MAJORITY LEADER OF THE SENATE,  
20 ONE MEMBER SHALL BE SELECTED BY THE MINORITY LEADER OF THE SENATE,  
21 AND ONE MEMBER SHALL BE SELECTED BY THE EIGHT OTHER MEMBERS OF THE  
22 COMMISSION. EACH MEMBER OF THE COMMISSION SHALL BE AN ELECTOR OF  
23 THIS STATE. EACH MEMBER OF THE COMMISSION SHALL BE COMMITTED TO  
24 APPLYING THE PROVISIONS OF THIS SECTION IN AN HONEST, INDEPENDENT,  
25 AND IMPARTIAL MANNER AND TO UPHOLDING THE PUBLIC CONFIDENCE IN THE  
26 INTEGRITY OF THE REDISTRICTING AND APPORTIONMENT PROCESS.

27 ~~No officers or employees of the federal, state or local~~

1 ~~governments~~ INDIVIDUALS WHO HAVE BEEN APPOINTED TO OR ELECTED TO,  
 2 OR A CANDIDATE FOR ANY PUBLIC OFFICE, excepting ~~notaries public~~  
 3 ~~and members of the armed forces reserve, shall be~~ THE OFFICE OF  
 4 NOTARY PUBLIC, HAVE SERVED AS AN OFFICER OF A POLITICAL PARTY, OR  
 5 HAVE RECEIVED COMPENSATION AS A REGISTERED LOBBYIST IN THE  
 6 IMMEDIATELY PRECEDING THREE-YEAR PERIOD ARE NOT eligible for  
 7 membership on the commission. Members of the commission shall not  
 8 be eligible for election to ~~the legislature~~ OR APPOINTMENT TO  
 9 PUBLIC OFFICE OR TO RECEIVE COMPENSATION AS A REGISTERED LOBBYIST  
 10 until ~~two~~ THREE years after the apportionment in which they  
 11 participated becomes effective.

12 The commission shall be appointed ~~immediately after the~~  
 13 ~~adoption of this constitution~~ NOT LATER THAN FEBRUARY 1, IN THE  
 14 YEAR IMMEDIATELY FOLLOWING THE FEDERAL DECENNIAL CENSUS and  
 15 whenever apportionment or districting of the legislature is  
 16 required by the provisions of this constitution. Members of the  
 17 commission shall hold office until each apportionment or  
 18 districting plan becomes effective. Vacancies shall be filled in  
 19 the same manner as for original appointment.

20 The secretary of state shall be secretary of the commission  
 21 without vote, and in that capacity shall furnish, under the  
 22 direction of the commission, all necessary technical services. The  
 23 commission shall elect its own ~~chairman,~~ CHAIRPERSON AND VICE-  
 24 CHAIRPERSON, WHO SHALL NOT BE MEMBERS OF THE SAME POLITICAL PARTY,  
 25 AND shall make its own rules of procedure. ~~—, and shall receive~~  
 26 ~~compensation provided by law.~~ MEMBERS OF THE COMMISSION SHALL  
 27 SERVE WITHOUT COMPENSATION. HOWEVER, MEMBERS OF THE COMMISSION

1 **SHALL BE REIMBURSED FOR THEIR ACTUAL AND NECESSARY EXPENSES**  
2 **INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS MEMBERS OF**  
3 **THE COMMISSION.** The legislature shall appropriate funds to enable  
4 the commission to carry out its activities.

5 ~~Within 30 days after the adoption of this constitution, and~~  
6 ~~after the official total population count of each federal decennial~~  
7 ~~census of the state and its political subdivisions is available,~~  
8 ~~the~~ **THE** secretary of state shall issue a call convening the  
9 commission not ~~less than 30 nor more than 45 days thereafter~~

10 **LATER THAN MARCH 1, IN THE YEAR IMMEDIATELY FOLLOWING THE FEDERAL**  
11 **DECENNIAL CENSUS.** The commission shall complete its work ~~within~~  
12 ~~180 days after all necessary census information is available~~ **NOT**  
13 **LATER THAN NOVEMBER 1, IN THE YEAR IMMEDIATELY FOLLOWING THE**  
14 **FEDERAL DECENNIAL CENSUS.** The commission shall proceed to district  
15 and apportion the senate and house of representatives **AND**  
16 **CONGRESSIONAL REPRESENTATION** according to the provisions of this  
17 constitution. All final decisions shall require the concurrence of  
18 a **TWO-THIRDS** majority of the members of the commission. The  
19 commission shall hold public hearings ~~as may be provided by law~~  
20 **AND CONDUCT ALL ITS BUSINESS IN COMPLIANCE WITH THE OPEN MEETINGS**  
21 **ACT.**

22 ~~Each final apportionment and districting plan shall be~~  
23 ~~published as provided by law within 30 days from the date of its~~  
24 ~~adoption and shall become law 60 days after publication.~~ **NOT LESS**  
25 **THAN 30 DAYS BEFORE THE ADOPTION OF AN APPORTIONMENT AND**  
26 **DISTRICTING PLAN, THE COMMISSION SHALL PUBLISH AND DISTRIBUTE A**  
27 **DRAFT APPOINTMENT AND REDISTRICTING PLAN OF CONGRESSIONAL AND**

1 LEGISLATIVE DISTRICTS AND RECEIVE PUBLIC COMMENT. EACH HOUSE OF THE  
2 LEGISLATURE MAY MAKE RECOMMENDATIONS TO THE COMMISSION DURING THIS  
3 30-DAY COMMENT PERIOD. The secretary of state shall keep a public  
4 record of all the proceedings of the commission and shall be  
5 responsible for the publication and distribution of each plan.

6 ~~If a majority of the commission cannot agree on a plan, each~~  
7 ~~member of the commission, individually or jointly with other~~  
8 ~~members, may submit a proposed plan to the supreme court. The~~  
9 ~~supreme court shall determine which plan complies most accurately~~  
10 ~~with the constitutional requirements and shall direct that it be~~  
11 ~~adopted by the commission and published as provided in this~~  
12 ~~section.~~

13 ~~Upon the application of any elector filed not later than 60~~  
14 ~~days after final publication of the plan, the supreme court, in the~~  
15 ~~exercise of original jurisdiction, shall direct the secretary of~~  
16 ~~state or the commission to perform their duties, may review any~~  
17 ~~final plan adopted by the commission, and shall remand such plan to~~  
18 ~~the commission for further action if it fails to comply with the~~  
19 ~~requirements of this constitution.~~

20 IN ARRANGING THIS STATE INTO CONGRESSIONAL, HOUSE, AND SENATE  
21 DISTRICTS, THE INDEPENDENT REDISTRICTING COMMISSION SHALL BE  
22 GOVERNED BY THE FOLLOWING RULES:

23 (1) DISTRICTS SHALL NOT BE DRAWN FOR THE PURPOSE OF FAVORING A  
24 POLITICAL PARTY, INCUMBENT LEGISLATOR OR MEMBER OF CONGRESS, OR  
25 OTHER PERSON OR FOR THE PURPOSE OF AUGMENTING OR DILUTING THE  
26 VOTING STRENGTH OF A COMMUNITY OF INTEREST.

27 (2) DISTRICTS SHALL BE OF EQUAL POPULATION TO THE EXTENT

1 PRACTICABLE.

2 (3) DISTRICTS SHALL COMPLY WITH THE UNITED STATES CONSTITUTION  
3 AND FEDERAL LAW.

4 (4) DISTRICTS SHALL BE GEOGRAPHICALLY COMPACT AND CONTIGUOUS  
5 TO THE EXTENT PRACTICABLE.

6 (5) DISTRICT BOUNDARIES SHALL RESPECT COMMUNITIES OF INTEREST  
7 TO THE EXTENT PRACTICABLE.

8 (6) DISTRICTS SHALL USE VISIBLE GEOGRAPHIC FEATURES, CITY,  
9 TOWN, AND COUNTY BOUNDARIES, AND UNDIVIDED TRACTS TO THE EXTENT  
10 PRACTICABLE.

11 (7) EACH REPRESENTATIVE DISTRICT SHALL BE WHOLLY INCLUDED  
12 WITHIN A SINGLE SENATORIAL DISTRICT AND, SO FAR AS POSSIBLE, EACH  
13 REPRESENTATIVE AND EACH SENATORIAL DISTRICT SHALL BE INCLUDED  
14 WITHIN A SINGLE CONGRESSIONAL DISTRICT. THE REQUIREMENTS THAT  
15 DISTRICTS BE COMPACT, BE CONTIGUOUS, RESPECT COMMUNITIES OF  
16 INTEREST, BE OF EQUAL POPULATION, AND USE VISIBLE GEOGRAPHIC  
17 FEATURES SHALL TAKE PRECEDENCE OVER THIS RULE.

18 (8) THE INDEPENDENT REDISTRICTING COMMISSION SHALL NOT USE OR  
19 CONSIDER VOTING HISTORY DATA, PAST ELECTION RESULTS, OR INCUMBENT  
20 ADDRESSES DURING THE PREPARATION OR ADOPTION OF THE APPORTIONMENT  
21 AND DISTRICTING PLAN.

22 THE SUPREME COURT SHALL HAVE ORIGINAL AND EXCLUSIVE  
23 JURISDICTION TO HEAR AND DECIDE ALL CASES INVOLVING CONGRESSIONAL  
24 AND LEGISLATIVE REDISTRICTING. IF THE COMMISSION DOES NOT ADOPT A  
25 REDISTRICTING PLAN BY THE ESTABLISHED DEADLINE, THE SUPREME COURT  
26 MAY BE PETITIONED, REQUESTING THAT THE COURT PREPARE A  
27 REDISTRICTING PLAN IN COMPLIANCE WITH THIS CONSTITUTION.

1        Resolved further, That the foregoing amendment shall be  
2 submitted to the people of the state at the next general election  
3 in the manner provided by law.