

Legislative Analysis



LEGISLATIVE REDISTRICTING PLAN TO BE PREPARED BY LEG. SERVICE BUREAU

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House Bill 5914
Sponsor: Rep. Mark Meadows
Committee: Judiciary

Complete to 4-12-10

A SUMMARY OF HOUSE BILL 5914 AS INTRODUCED 3-2-10

The bill would require that redistricting plans for the State Legislature be developed by the Legislative Service Bureau, beginning in 2010. Currently, the redistricting plans are developed by the State Legislature. The bill would apply beginning with the redistricting that follows the 2010 federal decennial census.

House Bill 5914 would amend Public Act 463 of 1996 (MCL 4.261, et al.), which is the act that establishes guidelines for the decennial adoption of redistricting plans for the state House of Representatives and Senate.

Process for Approving Plans

Under the bill, the LSB would prepare an apportionment and redistricting plan for the State Legislature and deliver them to the Clerk of the State House of Representatives and the Secretary of the Senate. The deadline for this would be 180 days after the official total population count was available. The House and the Senate would have 60 days after delivery to reject the plan. Rejection would require a two-thirds vote of members elected and serving in the House or Senate. An apportionment and redistricting plan would not be subject to amendment.

If the plan was rejected by either the Senate or the House of Representatives (or both), then the Secretary of the Senate or the Clerk of the House (or both), would have to provide information to the LSB indicating why the plan was rejected. The bureau would then be required to adopt the changes suggested by either the Senate or House, (or both) and if the bureau did so, then the plan would be considered to be adopted. However, if the bureau did not choose to adopt all the suggested changes, then the bureau would instead prepare a second plan consistent with the requirements of law.

The second plan would be delivered to the Secretary of the Senate and the Clerk of the House not later than 30 days after the date of the vote rejecting the first plan. The second plan would then be voted upon in the same manner prescribed for the first plan.

If the second plan was rejected, then the Secretary of the Senate or the Clerk of the House (or both) would provide information to the LSB indicating why the plan was rejected. If the bureau agreed with the suggested changes, it would prepare a third plan, which would

be considered to be adopted. If the LSB disagreed with the suggested changes, the second plan would be considered to be adopted.

Guidelines for Plans Redistricting the State Legislature

Currently under the law, there are 12 guidelines (A-L) that must be followed when developing a legislative redistricting plan. The bill would modify these guidelines (collapsing two of them into one) and add a new guideline. The existing guidelines are described below, with the proposed changes following in italics.

(A) Senate districts consist of 38 single-member districts.

(B) House districts consist of 110 single-member districts.

(C) Current: Districts be areas of convenient territory contiguous by land.

(C) New: *Districts be areas of contiguous territory by land.*

(D) Districts have a population not exceeding 105 percent and not less than 95 percent of the ideal district size until the United States Supreme Court establishes a different range of allowable population divergence for state legislative districts.

(E) Current: District lines preserve county lines with the least cost to the principle of equality of population (as specified in the paragraph above).

(E) New: *The majority of the population of each Senate and House district lie within a single county and reasonably adhere to the principle of equality of population (as specified in the paragraph D).*

(F) Current: When it is necessary to break county lines to stay within the range of allowable population divergence, then shifting the fewest whole cities or whole townships (and shifting those having the least population first).

(F) New: *When it is necessary to disregard [paragraph E] in order to stay within the principle of equality of population, then shifting the fewest whole cities or whole townships (and shifting those having the least population first).*

(G) Current: Within counties having more than one Senate or House district, drawing district lines on city and township lines with the least cost to the principle of equality of population between election districts consistent with the maximum preservation of city and township lines and without exceeding the range of allowable divergence in paragraph (D).

(G) New: *Within counties having more than one Senate or House district, drawing district lines on city and township lines while reasonably adhering to the principle of equality of population.*

(H) Current: When it is necessary to break a city or township to stay with the range of allowable divergence, the number of people necessary to achieve population equality shall be shifted between the two districts affected by the shift,

except that in lieu of absolute equality, lines may be drawn along the closest street or a comparable boundary.

(H) New: *When it is necessary to divide a city or township between districts to stay within the principle of equality of population (provided in guideline D), district boundary lines may be drawn along the closest street or a comparable boundary.*

(I) Current: Within a city or township having more than one Senate or House district, drawing district lines to achieve the maximum compactness possible within a population range of 98 percent to 102 percent.

(I) New: *Within a city or township having more than one Senate or House district, drawing district lines to achieve the maximum compactness of the geographic area possible within a population range of 98 percent to 102 percent of the principle of equality of population set forth in [paragraph D] and determined by that area.*

(J) Current: Determining compactness by circumscribing each district within a circle of minimum radius and measuring the area, not part of the Great Lakes and not part of another state, inside the circle but not inside the district.

(K) Current: When a discontinuous township island exists within a city or discontinuous portions of townships are split by a city, the splitting of the township shall not be considered a split if (1) the city must be split to stay within the range of allowable divergence and it is practicable to keep the township together within one district; (2) a township island is contained within a whole city and a split of the city would be required to keep the township intact; or (3) the discontinuous portion of a township cannot be included in the same district with another portion of the same township without creating a noncontiguous district.

(J) New: The bill collapses the two paragraphs above into one new (J), as follows:

In those circumstances in which a portion of a township lies within a city or portions of a township are separated by a city, the township shall be considered as a whole for the purposes of the principle of equality of population set forth [in paragraph D], except as follows (1) the city must be divided in order to comply with the principle of equality of population and it is impracticable to keep the township together within one district; (2) a part of a township surrounded by an incorporated city and a division of the city between two districts would be required to keep the township intact; or (3) the entire township cannot be included a district without creating a noncontiguous district.

(L) Current: Senate and House districts not violate the precedents established in *Miller v Johnson*, *Bush v Vera*, and *Shaw v Hunt*.

(L) New: *Senate and House districts shall comply with all federal statutes and case law. (This becomes guideline (K)).*

The bill would also add a new guideline (L), as follows:

The Legislative Service Bureau shall not use or consider voting history data, past election results, or incumbent addresses during the preparation or adopting of the apportionment and redistricting plan.

FISCAL IMPACT:

Based on costs for prior decennial redistricting projects, the estimated cost of redistricting would be \$1.0 million. This funding would cover the following costs: contract costs; technical staff time (i.e., preparation of election geography, absentee geography equivalency, demographics, precinct material research and validation, and creation of boundaries); equipment, to include computers, plotters, data access software, query software, and redistricting software, and hardware; maintenance and upgrades to servers; training; and other support and supplies. This fiscal estimate will be updated if additional information becomes available.

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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.