

HOUSE BILL No. 5914

March 2, 2010, Introduced by Rep. Meadows and referred to the Committee on Judiciary.

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 section 1 (MCL 4.261).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. (1) ~~By November 1, 2001, and every 10 years~~
- 2 ~~thereafter, the legislature shall enact a redistricting plan for~~
- 3 ~~the senate and house of representatives.~~ BEGINNING WITH THE 2010
- 4 FEDERAL DECENNIAL CENSUS, AND AFTER THE OFFICIAL TOTAL POPULATION
- 5 COUNT OF EACH FEDERAL DECENNIAL CENSUS OF THE STATE AND ITS
- 6 POLITICAL SUBDIVISIONS IS AVAILABLE, THE LEGISLATIVE SERVICE BUREAU
- 7 SHALL PROCEED TO DISTRICT AND APPORTION THE SENATE AND HOUSE OF

1 REPRESENTATIVES. NOT LATER THAN 180 DAYS AFTER THE OFFICIAL TOTAL
2 POPULATION COUNT IS AVAILABLE, THE LEGISLATIVE SERVICE BUREAU SHALL
3 PREPARE A LEGISLATIVE APPORTIONMENT AND REDISTRICTING PLAN AND
4 SHALL DELIVER THE PLAN TO THE SECRETARY OF THE SENATE AND THE CLERK
5 OF THE HOUSE OF REPRESENTATIVES. THE HOUSE OF REPRESENTATIVES AND
6 SENATE SHALL HAVE 60 DAYS AFTER THE LEGISLATIVE APPORTIONMENT AND
7 REDISTRICTING PLAN IS DELIVERED TO THE SECRETARY OF THE SENATE AND
8 THE CLERK OF THE HOUSE OF REPRESENTATIVES WITHIN WHICH TO REJECT
9 THE PLAN. REJECTION OF THE PLAN SHALL REQUIRE A 2/3 VOTE OF THE
10 MEMBERS ELECTED TO AND SERVING IN THE SENATE OR HOUSE OF
11 REPRESENTATIVES. A LEGISLATIVE APPORTIONMENT AND REDISTRICTING PLAN
12 IS NOT SUBJECT TO AMENDMENT BY THE HOUSE AND SENATE.

13 (2) IF THE LEGISLATIVE APPORTIONMENT AND REDISTRICTING PLAN
14 PREPARED BY THE LEGISLATIVE SERVICE BUREAU IS REJECTED BY EITHER
15 THE SENATE OR THE HOUSE OF REPRESENTATIVES, OR BOTH, THE SECRETARY
16 OF THE SENATE OR THE CLERK OF THE HOUSE OF REPRESENTATIVES, OR
17 BOTH, SHALL PROVIDE INFORMATION TO THE LEGISLATIVE SERVICE BUREAU
18 INDICATING WHY THE PLAN WAS REJECTED. THE LEGISLATIVE SERVICE
19 BUREAU SHALL THEN ADOPT THE CHANGES SUGGESTED BY EITHER THE SENATE
20 OR HOUSE OF REPRESENTATIVES, OR BOTH, AND, IF SO, THE PLAN IS
21 CONSIDERED ADOPTED. IF THE LEGISLATIVE SERVICE BUREAU DOES NOT
22 ADOPT ALL THE SUGGESTED CHANGES, THE LEGISLATIVE SERVICE BUREAU
23 SHALL PREPARE A SECOND PLAN CONSISTENT WITH THE REQUIREMENTS OF
24 LAW. THE SECOND PLAN SHALL BE DELIVERED TO THE SECRETARY OF THE
25 SENATE AND THE CLERK OF THE HOUSE OF REPRESENTATIVES NOT LATER THAN
26 30 DAYS AFTER THE DATE OF THE VOTE BY WHICH THE SENATE OR HOUSE OF
27 REPRESENTATIVES REJECTED THE FIRST PLAN. THE SECOND PLAN SHALL BE

1 VOTED UPON IN THE SAME MANNER PRESCRIBED FOR THE FIRST PLAN.

2 (3) IF THE SECOND LEGISLATIVE APPORTIONMENT AND REDISTRICTING
3 PLAN PREPARED BY THE LEGISLATIVE SERVICE BUREAU IS REJECTED, THE
4 SECRETARY OF THE SENATE OR THE CLERK OF THE HOUSE OF
5 REPRESENTATIVES, OR BOTH, SHALL PROVIDE INFORMATION TO THE
6 LEGISLATIVE SERVICE BUREAU INDICATING WHY THE SECOND PLAN WAS
7 REJECTED. IF THE LEGISLATIVE SERVICE BUREAU AGREES WITH THE
8 SUGGESTED CHANGES, IT SHALL PREPARE A THIRD PLAN WHICH SHALL BE
9 CONSIDERED ADOPTED. IF THE LEGISLATIVE SERVICE BUREAU DISAGREES
10 WITH THE SUGGESTED CHANGES, THE SECOND PLAN SHALL BE CONSIDERED
11 ADOPTED.

12 (4) Except as otherwise required by federal law for
13 legislative districts in this state, the ~~redistricting plan~~
14 LEGISLATIVE SERVICE BUREAU shall ~~be enacted~~ PREPARE THE LEGISLATIVE
15 APPORTIONMENT AND REDISTRICTING PLAN using only the following
16 guidelines:

17 (a) The senate districts shall consist of 38 single-member
18 districts.

19 (b) The house of representatives districts shall consist of
20 110 single-member districts.

21 (c) Senate and house of representatives districts shall be
22 areas of ~~convenient~~ CONTIGUOUS territory ~~contiguous~~ by land. Areas
23 that meet only at the points of adjoining corners are not
24 contiguous.

25 (d) Senate and house of representatives districts shall have a
26 population not exceeding 105% and not less than 95% of the ideal
27 district size for the senate or the house of representatives unless

1 and until the United States supreme court establishes a different
2 range of allowable population divergence for state legislative
3 districts.

4 (e) ~~Senate~~ **THE MAJORITY OF THE POPULATION OF EACH SENATE** and
5 house of representatives district ~~lines shall preserve~~ **LIE WITHIN A**
6 **SINGLE** county ~~lines with the least cost~~ **AND REASONABLY ADHERE** to
7 the principle of equality of population provided for in subdivision
8 (d).

9 (f) If it is necessary to ~~break county lines~~ **DISREGARD THE**
10 **PROVISIONS OF SUBDIVISION (E) IN ORDER** to stay within the ~~range~~
11 **PRINCIPLE** of ~~allowable~~ **EQUALITY OF** population ~~divergence~~ provided
12 for in subdivision (d), the fewest whole cities or whole townships
13 necessary shall be ~~shifted~~ **INCLUDED IN THE DISTRICT**. Between 2
14 cities or townships, both of which will bring the ~~districts~~
15 **DISTRICT** into compliance with subdivisions (d) and (h), the city or
16 township with the lesser population shall be ~~shifted~~ **INCLUDED IN**
17 **THE DISTRICT**.

18 (g) Within those counties to which there is apportioned more
19 than 1 senate district or house of representatives district,
20 district lines shall be drawn ~~on~~ **TO INCLUDE ENTIRE** city and
21 township lines ~~with the least cost~~ **WHILE REASONABLY ADHERING** to the
22 principle of equality of population ~~between election districts~~
23 ~~consistent with the maximum preservation of city and township lines~~
24 ~~and without exceeding the range of allowable divergence provided~~
25 ~~for~~ **SET FORTH** in subdivision (d).

26 (h) If it is necessary to ~~break~~ **DIVIDE A** city or township
27 ~~lines~~ **BETWEEN DISTRICTS IN ORDER** to stay within the ~~range of~~

~~allowable divergence~~ **PRINCIPLE OF EQUALITY OF POPULATION** provided for in subdivision (d), ~~the number of people necessary to achieve population equality shall be shifted between the 2 districts affected by the shift, except that in lieu of absolute equality the~~ **COMPLIANCE WITH SUBDIVISION (D), DISTRICT BOUNDARY** lines may be drawn along the closest street or comparable boundary.

(i) Within a city or township to which there is apportioned more than 1 senate district or house of representatives district, district lines shall be drawn to achieve the maximum compactness **OF THE GEOGRAPHIC AREA** possible within a population range of 98% to 102% of ~~absolute equality between districts within that city or township.~~

~~—— (j) Compactness shall be determined by circumscribing each district within a circle of minimum radius and measuring the~~ **PRINCIPLE OF EQUALITY OF POPULATION SET FORTH IN SUBDIVISION (D) AND SHALL BE DETERMINED BY THAT** area, not part of the Great Lakes and not part of another state. ~~, inside the circle but not inside the district.~~

(J) ~~(k) If a discontinuous township island exists~~ **IN THOSE CIRCUMSTANCES IN WHICH A PORTION OF A TOWNSHIP LIES** within an incorporated city or ~~discontinuous portions of townships are split~~ **A TOWNSHIP ARE SEPARATED** by an incorporated city, the ~~splitting of the township shall not be considered a split if any of the following circumstances exist~~ **AS A WHOLE FOR THE PURPOSES OF THE PRINCIPLE OF EQUALITY OF POPULATION SET FORTH IN SUBDIVISION (D), EXCEPT AS FOLLOWS:**

(i) The city must be ~~split to stay within the range of~~

~~allowable divergence~~ **DIVIDED IN ORDER TO COMPLY WITH THE PRINCIPLE**
OF EQUALITY OF POPULATION provided for in subdivision (d) and it is
~~practicable~~ **IMPRACTICABLE** to keep the township together within 1
 district.

(ii) ~~A PART OF A township island is contained within a whole~~
SURROUNDED BY AN INCORPORATED city and ~~a split~~ **DIVISION** of the city
BETWEEN 2 DISTRICTS would be required to keep the township intact.

(iii) ~~The discontiguous portion of a~~ **ENTIRE** township cannot be
 included in ~~the same~~ **A** district with another portion of the same
 township without creating a noncontiguous district.

(K) ~~(I)~~ Senate and house districts shall ~~not violate the~~
~~precedents established in Miller v Johnson, 115 S Ct 2475; 132 L Ed~~
~~2d 762 (1995); Bush v Vera, 116 S Ct 1941; 135 L Ed 2d 248 (1996);~~
~~and, Shaw v Hunt, 116 S Ct 1894; 135 L Ed 2d 207 (1996)~~ **COMPLY WITH**
ALL FEDERAL STATUTES AND CASE LAW.

(I) **THE LEGISLATIVE SERVICE BUREAU SHALL NOT USE OR CONSIDER**
VOTING HISTORY DATA, PAST ELECTION RESULTS, OR INCUMBENT ADDRESSES
DURING THE PREPARATION OR ADOPTION OF THE APPORTIONMENT AND
REDISTRICTING PLAN.