

# HOUSE JOINT RESOLUTION AA

August 18, 2015, Introduced by Reps. Hoadley, Moss, Smiley, Chang, Cochran, Greig, Chirkun, Wittenberg, Yanez, Byrd, Pagan, Gay-Dagnogo, Banks, Irwin, Darany, Faris, Schor, Geiss, Brinks, Hovey-Wright, Dianda, Brunner, Garrett, LaVoy, Driskell, Sarah Roberts, Kivela, Plawecki, Liberati, Townsend, Derek Miller, Singh, Love, Kosowski and Zemke and referred to the Committee on Elections.

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 and create a citizens redistricting commission.

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 and create a citizens redistricting commission, is proposed, agreed to, and submitted to the people of the state:

## ARTICLE IV

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor

1 for four-year terms concurrent with the term of office of the  
2 governor.

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

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

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

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

1 ~~entitled initially to one representative.~~

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

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

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

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

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

22       Sec. 6. **A-~~THE~~ CITIZENS REDISTRICTING** commission on legislative  
23 **AND CONGRESSIONAL** apportionment is hereby established consisting of  
24 ~~eight electors, four of whom~~ **FOURTEEN MEMBERS, AS FOLLOWS: FIVE**  
25 **MEMBERS EACH** shall be selected by the state organizations of each  
26 of the two political parties whose candidates for governor received  
27 the highest vote at the last general election at which a governor

1 was elected, ~~preceeding each apportionment. If a candidate for~~  
2 ~~governor of a third political party has received at such election~~  
3 ~~more than 25 percent of such gubernatorial vote, the commission~~  
4 ~~shall consist of 12 members, four of whom shall be selected by the~~  
5 ~~state organization of the third political party. One resident of~~  
6 ~~each of the following four regions shall be selected by each~~  
7 ~~political party organization: (1) the upper peninsula; (2) the~~  
8 ~~northern part of the lower peninsula, north of a line drawn along~~  
9 ~~the northern boundaries of the counties of Bay, Midland, Isabella,~~  
10 ~~Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those~~  
11 ~~counties south of region (2) and west of a line drawn along the~~  
12 ~~western boundaries of the counties of Bay, Saginaw, Shiawassee,~~  
13 ~~Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the~~  
14 ~~remaining counties of the state. AND FOUR MEMBERS WHO ARE NOT~~  
15 **AFFILIATED WITH EITHER OF THOSE TWO POLITICAL PARTIES CHOSEN AS**  
16 **PROVIDED BY LAW. EACH MEMBER OF THE COMMISSION SHALL BE AN ELECTOR**  
17 **OF THIS STATE. EACH MEMBER OF THE COMMISSION SHALL BE COMMITTED TO**  
18 **APPLYING THE PROVISIONS OF THIS SECTION IN AN IMPARTIAL MANNER THAT**  
19 **REINFORCES THE PUBLIC CONFIDENCE IN THE INTEGRITY OF THE**  
20 **REDISTRICTING AND APPORTIONMENT PROCESS.**

21 ~~No officers or employees of the federal, state or local~~  
22 ~~governments, excepting notaries public and members of the armed~~  
23 ~~forces reserve, shall be~~ **INDIVIDUALS WHO HAVE BEEN APPOINTED TO OR**  
24 **ELECTED TO OR ARE A CANDIDATE FOR ANY PUBLIC OFFICE OR THE OFFICE**  
25 **OF NOTARY PUBLIC, HAVE SERVED AS AN OFFICER OF A POLITICAL PARTY,**  
26 **HAVE RECEIVED COMPENSATION AS A REGISTERED LOBBYIST IN THE**  
27 **IMMEDIATELY PRECEDING TEN-YEAR PERIOD, OR ANY OTHER INDIVIDUALS AS**

1 **PROVIDED BY LAW ARE NOT** eligible for membership on the commission.  
2 Members of the commission ~~shall~~ **ARE** not be eligible for election to  
3 ~~the legislature~~ **OR APPOINTMENT TO PUBLIC OFFICE OR TO RECEIVE**  
4 **COMPENSATION AS A REGISTERED LOBBYIST** until ~~two~~ **FIVE** years after  
5 the apportionment in which they participated becomes effective.

6 The commission shall be appointed ~~immediately after the~~  
7 ~~adoption of this constitution~~ **NOT LATER THAN JANUARY 1 IN THE YEAR**  
8 **IMMEDIATELY FOLLOWING THE FEDERAL DECENNIAL CENSUS** and whenever  
9 apportionment or districting of the legislature is required by the  
10 provisions of this constitution. Members of the commission shall  
11 hold office until each apportionment or districting plan becomes  
12 effective. Vacancies shall be filled in the same manner as for  
13 original appointment.

14 The secretary of state shall be secretary of the commission  
15 without vote, and in that capacity shall furnish, under the  
16 direction of the commission, all necessary technical services. The  
17 commission shall elect its own ~~chairman,~~ **CHAIRPERSON AND** shall make  
18 its own rules of procedure, and shall receive compensation provided  
19 by law. The legislature shall appropriate funds to enable the  
20 commission to carry out its activities.

21 ~~Within 30 days after the adoption of this constitution, and~~  
22 ~~after the official total population count of each federal decennial~~  
23 ~~census of the state and its political subdivisions is available,~~  
24 ~~the~~ **THE** secretary of state shall issue a call convening the  
25 commission ~~not less than 30 nor more than 45 days thereafter.~~ **BY**  
26 **MARCH 1 OR ONE MONTH AFTER CENSUS DATA IS RELEASED, WHICHEVER IS**  
27 **LATER, IN THE YEAR IMMEDIATELY FOLLOWING THE FEDERAL DECENNIAL**

1 CENSUS. The commission shall complete its work ~~within 180 days~~  
2 ~~after all necessary census information is available~~ **NOT LATER THAN**  
3 **SEPTEMBER 15 IN THE YEAR IMMEDIATELY FOLLOWING THE FEDERAL**  
4 **DECENNIAL CENSUS.** The commission shall proceed to district and  
5 apportion the senate and house of representatives **AND CONGRESSIONAL**  
6 **REPRESENTATION** according to the provisions of this constitution.  
7 All final decisions shall require the concurrence of ~~a majority of~~  
8 ~~the~~ **AT LEAST NINE** members of the commission, **INCLUDING AT LEAST**  
9 **THREE MEMBERS OF THE POLITICAL PARTY WHOSE CANDIDATE FOR GOVERNOR**  
10 **RECEIVED THE HIGHEST VOTE AT THE LAST GENERAL ELECTION, THREE**  
11 **MEMBERS OF THE POLITICAL PARTY WHOSE CANDIDATE FOR GOVERNOR**  
12 **RECEIVED THE SECOND HIGHEST VOTE AT THE LAST GENERAL ELECTION, AND**  
13 **THREE MEMBERS WHO ARE NOT AFFILIATED WITH EITHER OF THOSE TWO**  
14 **POLITICAL PARTIES.** The commission shall hold public hearings **AND**  
15 **CONDUCT ALL ITS BUSINESS AT OPEN MEETINGS** ~~as may be provided by~~  
16 law.

17 Each final apportionment and districting plan shall be  
18 published as provided by law within 30 days from the date of its  
19 adoption and shall become law 60 days after publication. The  
20 secretary of state shall keep a public record of all the  
21 proceedings of the commission and shall be responsible for the  
22 publication and distribution of each plan.

23 ~~—— If a majority of the commission cannot agree on a plan, each~~  
24 ~~member of the commission, individually or jointly with other~~  
25 ~~members, may submit a proposed plan to the supreme court. The~~  
26 ~~supreme court shall determine which plan complies most accurately~~  
27 ~~with the constitutional requirements and shall direct that it be~~

~~adopted by the commission and published as provided in this section.~~

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

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

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

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

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

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

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

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

1           (7) EACH REPRESENTATIVE DISTRICT SHALL BE WHOLLY INCLUDED  
2     WITHIN A SINGLE SENATORIAL DISTRICT AND, SO FAR AS POSSIBLE, EACH  
3     REPRESENTATIVE AND EACH SENATORIAL DISTRICT SHALL BE INCLUDED  
4     WITHIN A SINGLE CONGRESSIONAL DISTRICT. THE REQUIREMENTS THAT  
5     DISTRICTS BE COMPACT, BE CONTIGUOUS, RESPECT COMMUNITIES OF  
6     INTEREST, BE OF EQUAL POPULATION, AND USE VISIBLE GEOGRAPHIC  
7     FEATURES SHALL TAKE PRECEDENCE OVER THIS RULE.

8           THE SUPREME COURT SHALL HAVE ORIGINAL AND EXCLUSIVE  
9     JURISDICTION TO HEAR AND DECIDE ALL CASES INVOLVING CONGRESSIONAL  
10    AND LEGISLATIVE REDISTRICTING. IF THE COMMISSION DOES NOT ADOPT A  
11    REDISTRICTING PLAN BY THE ESTABLISHED DEADLINE, THE SUPREME COURT  
12    MAY BE PETITIONED, REQUESTING THAT THE COURT PREPARE A  
13    REDISTRICTING PLAN IN COMPLIANCE WITH THIS CONSTITUTION.

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