

SENATE JOINT RESOLUTION R

March 23, 2016, Introduced by Senator BIEDA and referred to the Committee on Government Operations.

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 2 and 3 of article IV, to revise the procedure for filling a vacancy in the office of state senator or state representative under certain circumstances.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to revise the procedure for filling a vacancy in the office of state senator or state representative under certain circumstances, is proposed, agreed to, and submitted to the people of the state:

ARTICLE IV

1 Sec. 2. ~~THE~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE**
2 senate shall consist of 38 members to be elected from single member
3 districts at the same election as the governor for four-year terms
4 concurrent with the term of office of the 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.~~

IF A VACANCY OCCURS IN THE OFFICE OF STATE SENATOR DURING THE LAST YEAR OF THE SENATOR'S TERM OF OFFICE AND THE GOVERNOR DIRECTS THAT THE VACANCY BE FILLED AT THE NEXT GENERAL NOVEMBER ELECTION, THEN BOTH OF THE FOLLOWING APPLY:

(A) A SEPARATE ELECTION TO FILL THAT VACANCY IN THE OFFICE OF STATE SENATOR SHALL NOT BE HELD.

(B) FOR THE INDIVIDUAL ELECTED AT THE GENERAL NOVEMBER ELECTION FOR THE NEXT TERM OF OFFICE IN THAT SENATE DISTRICT WHERE A VACANCY EXISTS, HIS OR HER TERM OF OFFICE SHALL COMMENCE IMMEDIATELY UPON CERTIFICATION OF THE ELECTION RESULTS AND HIS OR HER TAKING AND SUBSCRIBING TO THE OATH OF OFFICE AS PROVIDED IN SECTION 1 OF ARTICLE XI. THE INDIVIDUAL SHALL SERVE FOR THE REMAINDER OF THE VACANT TERM OF OFFICE IN THAT SENATE DISTRICT AND

1 SHALL SERVE FOR THE NEXT TERM OF OFFICE IN THAT SENATE DISTRICT FOR
2 WHICH HE OR SHE WAS ELECTED.

3 AS USED IN THIS SECTION, "GENERAL NOVEMBER ELECTION" MEANS THE
4 ELECTION HELD ON THE NOVEMBER REGULAR ELECTION DATE IN AN EVEN
5 NUMBERED YEAR.

6 Sec. 3. ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE
7 house of representatives shall consist of 110 members elected for
8 two-year terms from single member districts. ~~apportioned on a basis~~
9 ~~of population as provided in this article.~~ The districts shall
10 consist of compact and convenient territory contiguous by land.
11 ~~Each county which has a population of not less than seven~~
12 ~~tenths of one percent of the population of the state shall~~
13 ~~constitute a separate representative area. Each county having less~~
14 ~~than seven tenths of one percent of the population of the state~~
15 ~~shall be combined with another county or counties to form a~~
16 ~~representative area of not less than seven tenths of one percent of~~
17 ~~the population of the state. Any county which is isolated under the~~
18 ~~initial allocation as provided in this section shall be joined with~~
19 ~~that contiguous representative area having the smallest percentage~~
20 ~~of the state's population. Each such representative area shall be~~
21 ~~entitled initially to one representative.~~

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

26 ~~Any county comprising a representative area entitled to two or~~
27 ~~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.~~

IF A VACANCY OCCURS IN THE OFFICE OF STATE REPRESENTATIVE AND THE GOVERNOR DIRECTS THAT THE VACANCY BE FILLED AT THE NEXT GENERAL NOVEMBER ELECTION, THEN BOTH OF THE FOLLOWING APPLY:

(A) A SEPARATE ELECTION TO FILL THAT VACANCY IN THE OFFICE OF STATE REPRESENTATIVE SHALL NOT BE HELD.

(B) FOR THE INDIVIDUAL ELECTED AT THE GENERAL NOVEMBER ELECTION FOR THE NEXT TERM OF OFFICE IN THAT HOUSE OF REPRESENTATIVES DISTRICT WHERE A VACANCY EXISTS, HIS OR HER TERM OF OFFICE SHALL COMMENCE IMMEDIATELY UPON CERTIFICATION OF THE ELECTION RESULTS AND HIS OR HER TAKING AND SUBSCRIBING TO THE OATH OF OFFICE AS PROVIDED IN SECTION 1 OF ARTICLE XI. THE INDIVIDUAL SHALL SERVE FOR THE REMAINDER OF THE VACANT TERM OF OFFICE IN THAT HOUSE OF REPRESENTATIVES DISTRICT AND SHALL SERVE FOR THE NEXT TERM

1 OF OFFICE IN THAT HOUSE OF REPRESENTATIVES DISTRICT FOR WHICH HE OR
2 SHE WAS ELECTED.

3 AS USED IN THIS SECTION, "GENERAL NOVEMBER ELECTION" MEANS THE
4 ELECTION HELD ON THE NOVEMBER REGULAR ELECTION DATE IN AN EVEN
5 NUMBERED YEAR.

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