

SENATE BILL No. 206

March 1, 2017, Introduced by Senators BIEDA, ANANICH, HOPGOOD, GREGORY, YOUNG, CONYERS and HERTEL and referred to the Committee on Government Operations.

A bill to amend 1999 PA 221, entitled
"Congressional redistricting act,"
by amending sections 2 and 3 (MCL 3.62 and 3.63).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) THE CONGRESSIONAL REDISTRICTING COMMISSION IS
2 CREATED WITHIN THE DEPARTMENT OF STATE.

3 (2) THE CONGRESSIONAL REDISTRICTING COMMISSION SHALL CONSIST
4 OF 9 MEMBERS, APPOINTED AS FOLLOWS:

5 (A) FOUR MEMBERS APPOINTED BY THE POLITICAL PARTY WHOSE
6 CANDIDATE FOR THE OFFICE OF GOVERNOR RECEIVED THE HIGHEST NUMBER OF
7 VOTES AT THE LAST GENERAL ELECTION IN WHICH A GOVERNOR WAS ELECTED
8 PRECEDING REDISTRICTING.

9 (B) FOUR MEMBERS APPOINTED BY THE POLITICAL PARTY WHOSE
10 CANDIDATE FOR THE OFFICE OF GOVERNOR RECEIVED THE SECOND HIGHEST
11 NUMBER OF VOTES AT THE LAST GENERAL ELECTION IN WHICH A GOVERNOR

1 WAS ELECTED PRECEDING REDISTRICTING.

2 (C) ONE MEMBER, WHO SHALL SERVE AS CHAIRPERSON OF THE
3 COMMISSION, APPOINTED BY THE AUDITOR GENERAL.

4 (3) A LOBBYIST, OR AN OFFICER OR EMPLOYEE OF THE FEDERAL OR
5 STATE GOVERNMENT, UNLESS THE OFFICER OR EMPLOYEE IS THE MEMBER
6 APPOINTED BY THE AUDITOR GENERAL, IS NOT ELIGIBLE TO SERVE ON THE
7 COMMISSION.

8 (4) THE MEMBERS FIRST APPOINTED TO THE CONGRESSIONAL
9 REDISTRICTING COMMISSION SHALL BE APPOINTED WITHIN 30 DAYS AFTER
10 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
11 SUBSECTION.

12 (5) A MEMBER OF THE CONGRESSIONAL REDISTRICTING COMMISSION
13 SHALL SERVE FOR A TERM OF 2 YEARS OR UNTIL A SUCCESSOR IS
14 APPOINTED, WHICHEVER IS LATER.

15 (6) IF A VACANCY OCCURS ON THE CONGRESSIONAL REDISTRICTING
16 COMMISSION, THE PARTY OR OFFICER WHO APPOINTED THAT MEMBER UNDER
17 SUBSECTION (2) SHALL MAKE AN APPOINTMENT FOR THE UNEXPIRED TERM.

18 (7) THE FIRST MEETING OF THE COMMISSION SHALL BE CALLED BY THE
19 CHAIRPERSON. AFTER THE FIRST MEETING, THE COMMISSION SHALL MEET AT
20 LEAST QUARTERLY, OR MORE FREQUENTLY AT THE CALL OF THE CHAIRPERSON
21 OR IF REQUESTED BY 5 OR MORE MEMBERS.

22 (8) A MAJORITY OF THE MEMBERS OF THE COMMISSION CONSTITUTE A
23 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE
24 COMMISSION. SUBJECT TO SUBSECTION (15), A MAJORITY OF THE MEMBERS
25 PRESENT AND SERVING ARE REQUIRED FOR OFFICIAL ACTION OF THE
26 COMMISSION.

27 (9) THE BUSINESS THAT THE COMMISSION PERFORMS MUST BE

1 CONDUCTED AT A PUBLIC MEETING OF THE COMMISSION HELD IN COMPLIANCE
2 WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

3 (10) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
4 RETAINED BY THE COMMISSION IN THE PERFORMANCE OF AN OFFICIAL
5 FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442,
6 MCL 15.231 TO 15.246.

7 (11) A MEMBER OF THE COMMISSION SHALL NOT SOLICIT OR ACCEPT A
8 GIFT OR LOAN OF MONEY, GOODS, SERVICES, OR OTHER THING OF VALUE
9 FROM A LOBBYIST, AN INDIVIDUAL WHO HOLDS AN ELECTIVE OFFICE, A
10 STATE OR FEDERAL EMPLOYEE, OR A 501 OR 527 ORGANIZATION.

11 (12) A MEMBER OF THE CONGRESSIONAL REDISTRICTING COMMISSION
12 SHALL SERVE WITHOUT COMPENSATION. HOWEVER, A MEMBER OF THE
13 COMMISSION MAY BE REIMBURSED FOR HIS OR HER ACTUAL AND NECESSARY
14 EXPENSES INCURRED IN THE PERFORMANCE OF OFFICIAL DUTIES AS A MEMBER
15 OF THE COMMISSION.

16 (13) THE COMMISSION SHALL HOLD AT LEAST 6 PUBLIC HEARINGS
17 BEFORE VOTING ON ANY CONGRESSIONAL REDISTRICTING PLAN. AT LEAST 1
18 OF THE HEARINGS REQUIRED UNDER THIS SUBSECTION SHALL TAKE PLACE IN
19 EACH OF THE FOLLOWING LOCATIONS IN THIS STATE:

20 (A) THE UPPER PENINSULA.

21 (B) THE NORTHERN PART OF THE LOWER PENINSULA, NORTH OF A LINE
22 DRAWN ALONG THE NORTHERN BOUNDARIES OF THE COUNTIES OF BAY,
23 MIDLAND, ISABELLA, MECOSTA, NEWAYGO, AND OCEANA.

24 (C) SOUTHWESTERN MICHIGAN, THOSE COUNTIES SOUTH OF THE REGION
25 DESCRIBED IN SUBDIVISION (B) AND WEST OF A LINE DRAWN ALONG THE
26 WESTERN BOUNDARIES OF THE COUNTIES OF BAY, SAGINAW, SHIAWASSEE,
27 INGHAM, JACKSON, AND HILLSDALE.

1 (D) SOUTHEASTERN MICHIGAN, THE REMAINING COUNTIES OF THIS
2 STATE NOT INCLUDED IN SUBDIVISIONS (A) TO (C).

3 (14) THE COMMISSION SHALL ESTABLISH A PUBLICLY ACCESSIBLE
4 WEBSITE AND POST ANY REDISTRICTING PLAN ON THE WEBSITE AT LEAST 72
5 HOURS BEFORE VOTING ON THE PLAN. THE COMMISSION SHALL NOT CHANGE A
6 REDISTRICTING PLAN UNLESS THOSE CHANGES HAVE BEEN POSTED ON THE
7 WEBSITE FOR AT LEAST 72 HOURS.

8 (15) BY SEPTEMBER 1, 2021, AND EVERY 10 YEARS THEREAFTER, THE
9 CONGRESSIONAL REDISTRICTING COMMISSION SHALL PREPARE A
10 CONGRESSIONAL REDISTRICTING PLAN AND SHALL DELIVER THAT PLAN TO THE
11 LEGISLATURE. IF 6 MEMBERS OF THE CONGRESSIONAL REDISTRICTING
12 COMMISSION CANNOT AGREE ON A PLAN, THE MEMBERS APPOINTED UNDER
13 SUBSECTION (2) (A) SHALL SUBMIT A PROPOSED PLAN TO THE LEGISLATURE
14 AND THE MEMBERS APPOINTED UNDER SUBSECTION (2) (B) SHALL SUBMIT A
15 PROPOSED PLAN TO THE LEGISLATURE BY SEPTEMBER 15. A CONGRESSIONAL
16 REDISTRICTING PLAN SUBMITTED TO THE LEGISLATURE UNDER THIS
17 SUBSECTION SHALL BE VOTED UPON BY THE LEGISLATURE BEFORE ANY OTHER
18 REDISTRICTING PLAN IS ENACTED. Not later than November 1, ~~2001~~
19 2021, and every 10 years thereafter, the legislature shall enact a
20 redistricting plan for congressional districts apportioned to
21 Michigan.

22 (16) AS USED IN THIS SECTION:

23 (A) "COMMISSION" MEANS THE CONGRESSIONAL REDISTRICTING
24 COMMISSION CREATED IN SUBSECTION (1).

25 (B) "ELECTIVE OFFICE" MEANS A PUBLIC OFFICE FILLED BY AN
26 ELECTION.

27 (C) "LOBBYIST" MEANS A LOBBYIST OR LOBBYIST AGENT REGISTERED

1 UNDER 1978 PA 472, MCL 4.411 TO 4.431.

2 (D) "STATE EMPLOYEE" MEANS A CLASSIFIED MEMBER OF THE STATE
3 CIVIL SERVICE OR AN UNCLASSIFIED EMPLOYEE OF THE EXECUTIVE,
4 LEGISLATIVE, OR JUDICIAL BRANCH OF STATE GOVERNMENT.

5 (E) "501 OR 527 ORGANIZATION" MEANS AN ORGANIZATION THAT IS
6 EXEMPT FROM FEDERAL INCOME TAX PURSUANT TO SECTION 501 OR 527 OF
7 THE INTERNAL REVENUE CODE OF 1986, 26 USC 501 OR 527.

8 Sec. 3. Except as otherwise required by federal law for
9 congressional districts in this state, the **CONGRESSIONAL**
10 **REDISTRICTING COMMISSION OR LEGISLATURE SHALL PREPARE THE**
11 redistricting plan ~~shall be enacted~~ using only these guidelines in
12 the following order of priority:

13 (a) The constitutional guideline is that each congressional
14 district shall achieve precise mathematical equality of population
15 in each district.

16 (b) The federal statutory guidelines in no order of priority
17 are as follows:

18 (i) Each congressional district ~~shall be~~ **IS** entitled to elect
19 a single member.

20 (ii) Each congressional district shall not violate section 2
21 of title I of the voting rights act of 1965, ~~Public Law 89-110, 42~~
22 ~~U.S.C. USC~~ 1973.

23 (c) The secondary guidelines in order of priority are as
24 follows:

25 (i) Each congressional district ~~shall~~ **MUST** consist of areas of
26 convenient territory contiguous by land. Areas that meet only at
27 points of adjoining corners are not contiguous.

1 (ii) Congressional district lines ~~shall~~**MUST** break as few
2 county boundaries as is reasonably possible.

3 (iii) If it is necessary to break county lines to achieve
4 equality of population between congressional districts as provided
5 in subdivision (a), the number of people necessary to achieve
6 population equality ~~shall~~**MUST** be shifted between the 2 districts
7 affected by the shift.

8 (iv) Congressional district lines ~~shall~~**MUST** break as few city
9 and township boundaries as is reasonably possible.

10 (v) If it is necessary to break city or township lines to
11 achieve equality of population between congressional districts as
12 provided in subdivision (a), the number of people necessary to
13 achieve population equality ~~shall~~**MUST** be shifted between the 2
14 districts affected by the shift.

15 (vi) Within a city or township to which there is apportioned
16 more than 1 congressional district, district lines ~~shall~~**MUST** be
17 drawn to achieve the maximum compactness possible.

18 (vii) Compactness ~~shall~~**MUST** be determined by circumscribing
19 each district within a circle of minimum radius and measuring the
20 area, not part of the Great Lakes and not part of another state,
21 inside the circle but not inside the district.

22 (viii) If a discontinuous township island exists within an
23 incorporated city or discontinuous portions of townships are split
24 by an incorporated city, the splitting of the township ~~shall~~**MUST**
25 not be considered a split if any of the following circumstances
26 exist:

27 (A) The city must be split to achieve equality of population

1 between congressional districts as provided in subdivision (a) and
2 it is practicable to keep the township together within 1 district.

3 (B) A township island is contained within a whole city and a
4 split of the city would be required to keep the township intact.

5 (C) The discontinuous portion of a township cannot be included
6 in the same district with another portion of the same township
7 without creating a noncontiguous district.

8 (ix) Each congressional district ~~shall~~**MUST** be numbered in a
9 regular series, beginning with congressional district 1 in the
10 northwest corner of the state and ending with the highest numbered
11 district in the southeast corner of the state.