

REPRESENTATIVE AND SENATORIAL DISTRICTS (EXCERPT)
Act 116 of 2001

4.2005a Redistricting plans; principles.

Sec. 5a. All of the following apply to the redistricting plans in sections 1a and 2a:

(a) The number of county breaks in the redistricting plans is determined by the following principles:

(i) Breaking a county line means assigning part of the population of a county to 1 or more counties in the formation of a district.

(ii) If population is shifted from a county to a single election district, including a district from 2 geographically separate whole cities or whole townships, there is 1 break. Except as provided in subparagraph (iii), if population from a county is shifted to 2 or more election districts, there are 2 or more breaks.

(iii) If 1 part of a county is shifted to a district and the rest of the county is shifted to another district, there is 1 break.

(b) The number of municipal breaks in the redistricting plans is determined by the following principles:

(i) Breaking a municipal line means assigning part of the population of a municipality to 1 or more municipalities or counties in the formation of a district.

(ii) If population is shifted from a municipality to a single election district, there is 1 break. Except as provided in subparagraph (iii), if population from a municipality is shifted to 2 or more election districts, there are 2 or more breaks.

(iii) If 1 part of a municipality is shifted to a district and the rest of the municipality is shifted to another district, there is 1 break.

(iv) If the boundary of a city, which is located in more than 1 county, is broken in order to preserve a county boundary, that does not count as a municipal break.

(c) The redistricting plans were designed to comply fully with both section 2 of the voting rights act of 1965, 42 USC 1973, and the requirements of the equal protection clause of amendment XIV of the constitution of the United States, as set forth in *Shaw v Reno*, 509 US 630 (1993), and subsequent cases concerning racial gerrymandering. In light of these dual obligations, the plans avoid any practice or district lines that result in the denial of any racial or ethnic group's equal opportunity to elect a representative of its choice and, at the same time, does not subordinate traditional redistricting principles for the purpose of accomplishing a racial gerrymander or creating a majority-minority district. As a consequence, the plans do not result in retrogression or dilution of minority voting strength, particularly in light of the demographic limitations caused by relative population losses and the neutral criteria set forth in section 1 of 1996 PA 463, MCL 4.261. However, the plans do not sacrifice traditional neutral principles, such as, most importantly, the Michigan constitutional principles of preservation of county and municipal boundaries, for the purpose of engaging in a gerrymander that unnecessarily favors 1 racial group over others.

(d) The plans further the underlying purpose of the state constitution of 1963 by facilitating effective representation in the legislature where elected representatives can advance the shared interests of unified municipalities or counties. They do so without sacrificing voting rights act of 1965 principles, equal electoral opportunities, or racial fairness.

(e) The redistricting plan for the house of representatives consists of 110 single-member districts composed of convenient territories contiguous by land.

(f) The redistricting plan for the senate consists of 38 single-member districts composed of convenient territories contiguous by land.

History: Add. 2011, Act 129, Eff. Mar. 28, 2012.