



# HOUSE BILL No. 5018

October 20, 1999, Introduced by Rep. Kuipers and referred to the Committee on Family and Civil Law.

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 sections 1, 2, and 4 (MCL 4.261, 4.262, and 4.264).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

HOUSE BILL No. 5018

1       Sec. 1. By November 1, 2001, and every 10 years thereafter,  
2 the legislature shall enact a redistricting plan for the senate  
3 and house of representatives. Except as otherwise required by  
4 federal law for legislative districts in this state, the redistricting  
5 plan shall be enacted using only the following  
6 guidelines:

7       (a) The senate districts shall consist of 38 single-member  
8 districts.

1 (b) The house of representatives districts shall consist of  
2 110 single-member districts.

3 (c) Senate and house of representatives districts shall be  
4 areas of convenient territory contiguous by land. Areas that  
5 meet only at the points of adjoining corners are not contiguous.

6 (d) Senate and house of representatives districts shall have  
7 a population not exceeding 105% and not less than 95% of the  
8 ideal district size for the senate or the house of representa-  
9 tives unless and until the United States supreme court estab-  
10 lishes a different range of allowable population divergence for  
11 state legislative districts.

12 (e) Senate and house of representatives district lines shall  
13 preserve county lines with the least cost to the principle of  
14 equality of population provided for in subdivision (d).

15 (f) If it is necessary to break county lines to stay within  
16 the range of allowable population divergence provided for in sub-  
17 division (d), the fewest whole cities or whole townships neces-  
18 sary shall be shifted. Between 2 cities or townships, both of  
19 which will bring the districts into compliance with subdivisions  
20 (d) and (h), the city or township with the lesser population  
21 shall be shifted.

22 (g) Within those counties to which there is apportioned more  
23 than 1 senate district or house of representatives district, dis-  
24 trict lines shall be drawn on city and township lines with the  
25 least cost to the principle of equality of population between  
26 election districts consistent with the maximum preservation of

1 city and township lines and without exceeding the range of  
2 allowable divergence provided for in subdivision (d).

3 (h) If it is necessary to break city or township lines to  
4 stay within the range of allowable divergence provided for in  
5 subdivision (d), the number of people necessary to achieve popu-  
6 lation equality shall be shifted between the 2 districts affected  
7 by the shift, except that in lieu of absolute equality the lines  
8 may be drawn along the closest street or comparable boundary.

9 (i) Within a city or township to which there is apportioned  
10 more than 1 senate district or house of representatives district,  
11 district lines shall be drawn to achieve the maximum compactness  
12 possible within a population range of 98% to 102% of absolute  
13 equality between districts within that city or township.

14 (j) Compactness shall be determined by circumscribing each  
15 district within a circle of minimum radius and measuring the  
16 area, not part of the Great Lakes and not part of another state,  
17 inside the circle but not inside the district.

18 (k) If a discontinuous township island exists within an  
19 incorporated city or discontinuous portions of townships are  
20 split by an incorporated city, the splitting of the township  
21 shall not be considered a split if any of the following circum-  
22 stances exist:

23 (i) The city must be split to stay within the range of  
24 allowable divergence provided for in subdivision (d) and it is  
25 practicable to keep the township together within 1 district.

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

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

7           (1) SENATE AND HOUSE OF REPRESENTATIVES DISTRICT BOUNDARIES  
8 SHALL BE DETERMINED BY USING POPULATION DATA FROM THE UNITED  
9 STATES BUREAU OF THE CENSUS IDENTICAL TO THOSE FROM THE ACTUAL  
10 ENUMERATION CONDUCTED BY THE UNITED STATES BUREAU OF THE CENSUS  
11 FOR THE APPORTIONMENT OF THE REPRESENTATIVES OF THE UNITED STATES  
12 HOUSE OF REPRESENTATIVES IN THE UNITED STATES DECENNIAL CENSUS.  
13 DISTRICT BOUNDARIES SHALL NOT BE DETERMINED BY USING CENSUS  
14 BUREAU POPULATION COUNTS DERIVED FROM ANY OTHER MEANS, INCLUDING,  
15 BUT NOT LIMITED TO, THE USE OF STATISTICAL SAMPLING TO ADD OR  
16 SUBTRACT POPULATION BY INFERENCE. OTHER GOVERNMENTAL CENSUS FIG-  
17 URES OF TOTAL POPULATION MAY BE USED IF TAKEN SUBSEQUENT TO THE  
18 LAST DECENNIAL UNITED STATES CENSUS AND THE UNITED STATES CENSUS  
19 FIGURES ARE NOT ADEQUATE FOR THE PURPOSES OF THIS ACT. A CON-  
20 TRACT MAY BE ENTERED INTO WITH THE UNITED STATES CENSUS BUREAU OR  
21 ANY OTHER GOVERNMENTAL UNIT TO MAKE ANY SPECIAL CENSUS IF THE  
22 LATEST UNITED STATES DECENNIAL CENSUS FIGURES ARE NOT ADEQUATE  
23 FOR THE PURPOSES OF THIS ACT.

24           (M) ~~(I)~~ Senate and house districts shall not violate  
25 SECTION 2 OF TITLE I OF THE VOTING RIGHTS ACT OF 1965, PUBLIC LAW  
26 89-110, 42 U.S.C. 1973, OR the precedents established in Miller v  
27 Johnson, 115 S Ct 2475; 132 L Ed 2d 762 (1995); Bush v Vera, 116



1 S Ct 1941; 135 L Ed 2d 248 (1996); and, Shaw v Hunt, 116 S Ct  
2 1894; 135 L Ed 2d 207 (1996).

3       Sec. 2. (1) THE SUPREME COURT SHALL HAVE EXCLUSIVE AND  
4 ORIGINAL JURISDICTION TO HEAR ALL CASES OR CONTROVERSIES INVOLV-  
5 ING A REDISTRICTING PLAN UNDER THIS ACT. A CASE OR CONTROVERSY  
6 INVOLVING A REDISTRICTING PLAN SHALL NOT BE HEARD OR DECIDED BY  
7 THE COURT OF APPEALS OR ANY TRIAL COURT.

8       (2) IF AN APPLICATION OR PETITION FOR REVIEW HAS NOT BEEN  
9 FILED UNDER SUBSECTION (3) OR SECTION 3, THE SUPREME COURT MAY,  
10 BUT IS NOT REQUIRED TO, HEAR ALL OR A PORTION OF THE PROCEDURES  
11 DESCRIBED IN SECTION 4.

12       (3) Upon the application of an elector filed not later than  
13 60 days after the adoption of the enactment of a redistricting  
14 plan, the supreme court, exercising original jurisdiction pro-  
15 vided under section 6 of article IV of the state constitution of  
16 1963, may review any plan enacted by the legislature, and may  
17 modify that plan or remand that plan to a special master for fur-  
18 ther action if the plan fails to comply with section 1.

19       Sec. 4. If a petition for review is filed in the supreme  
20 court under section 2 or 3, the supreme court shall do all of the  
21 following:

22       (a) Exercising original jurisdiction provided under section  
23 6 of article IV of the state constitution of 1963, or other  
24 jurisdiction ~~pursuant to~~ UNDER Michigan court rule 7.301(A)(7)  
25 or any successor court rule, undertake the preparation of a  
26 redistricting plan for the house of representatives and the  
27 senate.

1 (b) Appoint and utilize a special master or masters as the  
2 court considers necessary.

3 (c) Provide, by order, for the submission of proposed redis-  
4 tricting plans by political parties and other interested persons  
5 who have been allowed to intervene. Political parties shall be  
6 granted intervention as of right.

7 (d) After hearing oral argument or appointing special  
8 masters, propose 1 plan for the consideration of the parties and  
9 the public, and make that plan available for public inspection at  
10 least 30 days in advance of the time set for hearing in subdivi-  
11 sion (f).

12 (e) Prescribe, by order or otherwise, the procedure for and  
13 the deadlines pertaining to filing objections and rebuttal to the  
14 proposed plan in advance of the hearing scheduled in subdivision  
15 (f).

16 (f) Hold a hearing on the proposed plan at a time determined  
17 by the court but not later than March 10 immediately following  
18 the deadline established in section 1.

19 (g) In order to provide for the orderly election process and  
20 for candidates to meet statutory deadlines for filing and resi-  
21 dency, AND AFTER MAKING ANY REVISIONS TO THE PROPOSED PLAN THAT  
22 THE SUPREME COURT CONSIDERS NECESSARY, order a redistricting plan  
23 for the senate and house of representatives not later than April  
24 1 immediately following the deadline established in section 1.