

# HOUSE BILL No. 6566

December 4, 2018, Introduced by Reps. LaGrand, Rabhi, Ellison, Moss, Anthony, Dianda, Zemke, Brinks, Elder, Peterson, Cochran, Robinson and Sabo and referred to the Committee on Elections and Ethics.

A bill to amend 1966 PA 261, entitled

"An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,"

by amending sections 1, 2, 3, and 4 (MCL 46.401, 46.402, 46.403, and 46.404), sections 1, 2, and 3 as amended by 2011 PA 280.

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

HOUSE BILL No. 6566

1           Sec. 1. ~~(1)~~ Within 60 days after the publication of the latest  
2 ~~United States~~ official decennial census figures **BY THE UNITED**  
3 **STATES CENSUS**, the county apportionment commission in each county  
4 of this state shall apportion the county into ~~not less than 5 nor~~  
5 ~~more than 21~~ county commissioner districts **THAT ARE** as nearly of  
6 equal population as is practicable and **THAT ARE** within the

1 limitations of section 2.

2 ~~—— (2) If a county is not in compliance with section 2 on the~~  
 3 ~~effective date of the amendatory act that added this subsection,~~  
 4 ~~the county apportionment commission of that county shall, within 30~~  
 5 ~~days of the effective date of the amendatory act that added this~~  
 6 ~~subsection, apportion the county in compliance with section 2. For~~  
 7 ~~subsequent apportionments in a county that is apportioned under~~  
 8 ~~this subsection, the county apportionment commission of that county~~  
 9 ~~shall comply with the provisions of subsection (1).~~

10 Sec. 2.

11	County Population	Number of Commissioners
12	Under 5,001	Not <b>FEWER THAN 5 OR</b>
13		more than 7
14	5,001 to 10,000	Not <b>FEWER THAN 5 OR</b>
15		more than 10
16	10,001 to <del>50,000</del> <b>100,000</b>	Not <b>FEWER THAN 7 OR</b>
17		more than 15
18	<b>100,001 TO 500,000</b>	<b>NOT FEWER THAN 11 OR</b>
19		<b>MORE THAN 21</b>
20	Over <del>50,000</del> <b>500,000</b>	Not <b>FEWER THAN 13 OR</b>
21		more than <del>21</del> <b>25</b>

22 Sec. 3. (1) ~~Except as otherwise provided in this subsection,~~  
 23 ~~the~~**THE** county apportionment commission shall consist of the county  
 24 clerk, the county treasurer, the prosecuting attorney, and the  
 25 statutory county chairperson of each of the 2 political parties  
 26 receiving the greatest number of votes cast for the office of  
 27 secretary of state in the last preceding general election. If a

1 ~~county does not have a statutory chairperson of a political party,~~  
2 ~~the 2 additional members shall be a party representative from each~~  
3 ~~of the 2 political parties receiving the greatest number of votes~~  
4 ~~cast for the office of secretary of state in the last preceding~~  
5 ~~general election and appointed by the chairperson of the state~~  
6 ~~central committee for each of the political parties. In a county~~  
7 ~~with a population of 1,000,000 or more that has adopted an optional~~  
8 ~~unified form of county government under 1973 PA 139, MCL 45.551 to~~  
9 ~~45.573, with an elected county executive, the county apportionment~~  
10 ~~commission shall be the county board of commissioners. **FOR EACH**~~  
11 **COUNTY CONSISTS OF 3 JUDGES WHO ARE SELECTED AS PROVIDED IN THIS**  
12 **SUBSECTION. EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, 5**  
13 **JUDGES FROM THE CIRCUIT COURT AND DISTRICT COURTS LOCATED IN OR**  
14 **SERVING THE COUNTY SHALL BE RANDOMLY SELECTED. THE STATUTORY COUNTY**  
15 **CHAIRPERSON OF EACH OF THE 2 POLITICAL PARTIES RECEIVING THE**  
16 **GREATEST NUMBER OF VOTES CAST FOR THE OFFICE OF SECRETARY OF STATE**  
17 **IN THE LAST PRECEDING GENERAL ELECTION SHALL STRIKE 1 OF THE 5**  
18 **SELECTED JUDGES, AND THE REMAINING 3 JUDGES CONSTITUTE THE COUNTY**  
19 **APPORTIONMENT COMMISSION. IF A COUNTY DOES NOT HAVE 5 JUDGES FROM**  
20 **THE CIRCUIT COURT AND DISTRICT COURTS LOCATED IN OR SERVING THAT**  
21 **COUNTY, THE JUDGES FROM THE CIRCUIT COURT AND DISTRICT COURTS**  
22 **LOCATED IN THE CLOSEST CONTIGUOUS OR NEIGHBORING COUNTIES TO THAT**  
23 **COUNTY ARE ELIGIBLE TO SERVE ON THE COUNTY APPORTIONMENT**  
24 **COMMISSION.** The **COUNTY** clerk shall convene the **COUNTY** apportionment  
25 commission and ~~they~~ **THE COMMISSION** shall adopt their rules of  
26 procedure. **THE COUNTY CLERK SHALL SERVE AS STAFF FOR THE COUNTY**  
27 **APPORTIONMENT COMMISSION.** A majority of the members of the **COUNTY**

1 apportionment commission ~~shall be~~ **IS** a quorum sufficient to conduct  
2 its business. All action of the **COUNTY** apportionment commission  
3 ~~shall~~ **MUST** be by majority vote of the commission.

4 (2) The business ~~which~~ **THAT** the **COUNTY** apportionment  
5 commission may perform ~~shall~~ **MUST** be conducted at a public meeting  
6 held in compliance with the open meetings act, 1976 PA 267, MCL  
7 15.261 to 15.275. Public notice of the time, date, and place of the  
8 meeting ~~shall~~ **MUST** be given in the manner required by the open  
9 meetings act, 1976 PA 267, MCL 15.261 to 15.275.

10 (3) A writing prepared, owned, used, in the possession of, or  
11 retained by the commission in the performance of an official  
12 function ~~shall~~ **MUST** be made available to the public in compliance  
13 with the freedom of information act, 1976 PA 442, MCL 15.231 to  
14 15.246.

15 Sec. 4. **(1)** In apportioning the county into commissioner  
16 districts, the county apportionment commission ~~shall be~~ **IS** governed  
17 by the following guidelines in the stated order of importance:

18 (a) All districts ~~shall~~ **MUST** be single-member districts and as  
19 nearly of equal population as is practicable. **A DISTRICT MUST NOT**  
20 **EXCEED A 5% DEVIATION FROM THE TARGET POPULATION, AND THE AVERAGE**  
21 **DEVIATION OF ALL DISTRICTS IN THE COUNTY MUST NOT EXCEED 3% OF THE**  
22 **TARGET POPULATION.** The latest official published figures of the  
23 United States ~~official census~~ ~~shall~~ **CENSUS MUST** be used in this  
24 determination, except that in cases requiring division of official  
25 census units to meet the population standard, an actual population  
26 count may be used to make ~~such~~ **THE** division. Other governmental  
27 census figures of total population may be used if taken subsequent

1 to the last decennial United States ~~census~~**CENSUS** and the United  
 2 States ~~census~~**CENSUS** figures are not adequate for the purposes of  
 3 this act. The secretary of state shall furnish the latest official  
 4 published figures to the county apportionment commissions forthwith  
 5 upon this act taking effect, and within 15 days after publication  
 6 of subsequent **OFFICIAL** United States ~~official census~~**CENSUS**  
 7 figures. A contract may be entered into with the United States  
 8 ~~census bureau~~**CENSUS BUREAU** to make any special census if the  
 9 latest United States decennial census figures are not adequate.

10 (b) All districts ~~shall~~**MUST** be contiguous.

11 (c) All districts ~~shall~~**MUST** be as compact and of as nearly  
 12 square shape as is practicable, depending on the geography of the  
 13 county area involved.

14 (d) ~~No~~**A** township or part thereof ~~OF A TOWNSHIP~~ shall **NOT** be  
 15 combined with any city or part thereof ~~OF A CITY~~ for a single  
 16 district, unless ~~such~~**THE** combination is needed to meet the  
 17 population standard.

18 (e) Townships, villages, and cities shall be divided only if  
 19 necessary to meet the population standard.

20 **(F) CITY WARDS SHALL BE DIVIDED ONLY IF NECESSARY TO MEET THE**  
 21 **POPULATION STANDARD.**

22 **(G)** ~~(f)~~ Precincts shall be divided only if necessary to meet  
 23 the population standard.

24 **(H)** ~~(g)~~ Residents of state institutions who cannot by law  
 25 register in the county as electors ~~shall~~**MUST** be excluded from any  
 26 consideration of representation.

27 **(I)** ~~(h)~~ Districts ~~shall~~**MUST** not be drawn to effect partisan

1 political advantage.

2           (2) AS USED IN THIS SECTION, "TARGET POPULATION" MEANS THE SUM  
3 OF THE INDIVIDUALS COUNTED IN THE UNITED STATES CENSUS FOR THE  
4 COUNTY DIVIDED BY THE TOTAL NUMBER OF DISTRICTS IN THE COUNTY.