



HOUSE BILL No. 5275

October 25, 1995, Introduced by Reps. Brackenridge, Voorhees, Porreca, Geiger, Crissman, Hammerstrom and Dobronski and referred to the Committee on Local Government.

A bill 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.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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 consistent with the following
4 guidelines:

5 (a) The senate districts shall consist of 38 single-member
6 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 108.2% and not less than 91.8% 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 Sec. 2. Senate and house of representatives districts shall
8 be drawn in compliance with the requirements of section 2 of
9 title I of the voting rights act of 1965, Public Law 89-110,
10 42 U.S.C. 1973.

11 Sec. 3. Upon the application of an elector filed not later
12 than 60 days after the adoption of the enactment of a redistrict-
13 ing plan, the supreme court, exercising original jurisdiction
14 provided under section 6 of article IV of the state constitution
15 of 1963, may review any plan enacted by the legislature, and may
16 modify that plan or remand that plan to a special master for fur-
17 ther action if the plan fails to comply with sections 1 and 2.

18 Sec. 4. Unless legislation enacting a redistricting plan
19 for the house of representatives and senate is approved on or
20 before the deadline established in section 1, a political party,
21 the speaker of the house of representatives, the minority leader
22 of the house of representatives, the majority leader of the
23 senate, or the minority leader of the senate may file, on or
24 after November 2 immediately following the deadline established
25 in section 1, a petition or other pleadings or papers with the
26 supreme court requesting that the supreme court prepare a
27 redistricting plan for the senate and house of representatives in

1 compliance with the redistricting guidelines set in sections 1
2 and 2.

3 Sec. 5. If a petition for review is filed in the supreme
4 court under section 3 or 4, the supreme court shall do all of the
5 following:

6 (a) Exercising original jurisdiction provided under section
7 6 of article IV of the state constitution of 1963, or other
8 jurisdiction pursuant to Michigan court rule 7.301(A)(7) or any
9 successor court rule, undertake the preparation of a redistrict-
10 ing plan for the house of representatives and the senate.

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

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

17 (d) After hearing oral argument or appointing special
18 masters, propose 1 plan for the consideration of the parties and
19 the public, and make that plan available for public inspection at
20 least 30 days in advance of the time set for hearing in subdivi-
21 sion (f).

22 (e) Prescribe, by order or otherwise, the procedure for and
23 the deadlines pertaining to filing objections and rebuttal to the
24 proposed plan in advance of the hearing scheduled in subdivision
25 (f).

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

4 (g) In order to provide for the orderly election process and
5 for candidates to meet statutory deadlines for filing and resi-
6 dency, order a redistricting plan for the senate and house of
7 representatives not later than April 1 immediately following the
8 deadline established in section 1.

9 Sec. 6. If any portion of this act or application of any
10 portion of this act to any person or circumstance is found to be
11 invalid by a court, the invalidity shall not affect the remaining
12 portions or applications of this act that can be given effect
13 without the invalid portions or application, if the remaining
14 portions are not determined by the court to be inoperable, and to
15 this end this act is declared to be severable.