

HOUSE JOINT RESOLUTION S

May 11, 2022, Introduced by Reps. LaFave, Berman and Markkanen and referred to the Committee on Elections and Ethics.

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 1 of article IV, sections 1, 2, and 4 of article V, and sections 1 and 4 of article VI; adding sections 6a and 6b to article IV; and repealing section 6 of article IV, to abolish the independent citizens redistricting commission and provide for redistricting by the legislature.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to abolish the independent citizens redistricting commission and provide for redistricting by the

legislature, is proposed, agreed to, and submitted to the people of the state:

ARTICLE IV

Sec. 1. ~~Except to the extent limited or abrogated by article IV, section 6 or article V, section 2, the~~ **The** legislative power of the State of Michigan is vested in a senate and a house of representatives.

~~Sec. 6. (1) An independent citizens redistricting commission for state legislative and congressional districts (hereinafter, the "commission") is hereby established as a permanent commission in the legislative branch. The commission shall consist of 13 commissioners. The commission shall adopt a redistricting plan for each of the following types of districts: state senate districts, state house of representative districts, and congressional districts. Each commissioner shall:~~

~~(a) Be registered and eligible to vote in the State of Michigan;~~

~~(b) Not currently be or in the past 6 years have been any of the following:~~

~~(i) A declared candidate for partisan federal, state, or local office;~~

~~(ii) An elected official to partisan federal, state, or local office;~~

~~(iii) An officer or member of the governing body of a national, state, or local political party;~~

~~(iv) A paid consultant or employee of a federal, state, or local elected official or political candidate, of a federal, state, or local political candidate's campaign, or of a political action committee;~~

~~(v) An employee of the legislature;~~

~~(vi) Any person who is registered as a lobbyist agent with the Michigan bureau of elections, or any employee of such person; or~~

~~(vii) An unclassified state employee who is exempt from classification in state civil service pursuant to article XI, section 5, except for employees of courts of record, employees of the state institutions of higher education, and persons in the armed forces of the state;~~

~~(c) Not be a parent, stepparent, child, stepchild, or spouse of any individual disqualified under part (1) (b) of this section; or~~

~~(d) Not be otherwise disqualified for appointed or elected office by this constitution.~~

~~(e) For five years after the date of appointment, a commissioner is ineligible to hold a partisan elective office at the state, county, city, village, or township level in Michigan.~~

~~(2) Commissioners shall be selected through the following process:~~

~~(a) The secretary of state shall do all of the following:~~

~~(i) Make applications for commissioner available to the general public not later than January 1 of the year of the federal decennial census. The secretary of state shall circulate the applications in a manner that invites wide public participation from different regions of the state. The secretary of state shall also mail applications for commissioner to ten thousand Michigan registered voters, selected at random, by January 1 of the year of the federal decennial census.~~

~~(ii) Require applicants to provide a completed application.~~

~~(iii) Require applicants to attest under oath that they meet~~

~~the qualifications set forth in this section; and either that they affiliate with one of the two political parties with the largest representation in the legislature (hereinafter, "major parties"), and if so, identify the party with which they affiliate, or that they do not affiliate with either of the major parties.~~

~~(b) Subject to part (2)(c) of this section, the secretary of state shall mail additional applications for commissioner to Michigan registered voters selected at random until 30 qualifying applicants that affiliate with one of the two major parties have submitted applications, 30 qualifying applicants that identify that they affiliate with the other of the two major parties have submitted applications, and 40 qualifying applicants that identify that they do not affiliate with either of the two major parties have submitted applications, each in response to the mailings.~~

~~(c) The secretary of state shall accept applications for commissioner until June 1 of the year of the federal decennial census.~~

~~(d) By July 1 of the year of the federal decennial census, from all of the applications submitted, the secretary of state shall:~~

~~(i) Eliminate incomplete applications and applications of applicants who do not meet the qualifications in parts (1)(a) through (1)(d) of this section based solely on the information contained in the applications;~~

~~(ii) Randomly select 60 applicants from each pool of affiliating applicants and 80 applicants from the pool of non-affiliating applicants. 50% of each pool shall be populated from the qualifying applicants to such pool who returned an application mailed pursuant to part 2(a) or 2(b) of this section, provided,~~

~~that if fewer than 30 qualifying applicants affiliated with a major party or fewer than 40 qualifying non-affiliating applicants have applied to serve on the commission in response to the random mailing, the balance of the pool shall be populated from the balance of qualifying applicants to that pool. The random selection process used by the secretary of state to fill the selection pools shall use accepted statistical weighting methods to ensure that the pools, as closely as possible, mirror the geographic and demographic makeup of the state; and~~

~~(iii) Submit the randomly-selected applications to the majority leader and the minority leader of the senate, and the speaker of the house of representatives and the minority leader of the house of representatives.~~

~~(e) By August 1 of the year of the federal decennial census, the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives may each strike five applicants from any pool or pools, up to a maximum of 20 total strikes by the four legislative leaders.~~

~~(f) By September 1 of the year of the federal decennial census, the secretary of state shall randomly draw the names of four commissioners from each of the two pools of remaining applicants affiliating with a major party, and five commissioners from the pool of remaining non-affiliating applicants.~~

~~(3) Except as provided below, commissioners shall hold office for the term set forth in part (18) of this section. If a commissioner's seat becomes vacant for any reason, the secretary of state shall fill the vacancy by randomly drawing a name from the remaining qualifying applicants in the selection pool from which~~

~~the original commissioner was selected. A commissioner's office shall become vacant upon the occurrence of any of the following:~~

~~(a) Death or mental incapacity of the commissioner;~~

~~(b) The secretary of state's receipt of the commissioner's written resignation;~~

~~(c) The commissioner's disqualification for election or appointment or employment pursuant to article XI, section 8;~~

~~(d) The commissioner ceases to be qualified to serve as a commissioner under part (1) of this section; or~~

~~(e) After written notice and an opportunity for the commissioner to respond, a vote of 10 of the commissioners finding substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office.~~

~~(4) The secretary of state shall be secretary of the commission without vote, and in that capacity shall furnish, under the direction of the commission, all technical services that the commission deems necessary. The commission shall elect its own chairperson. The commission has the sole power to make its own rules of procedure. The commission shall have procurement and contracting authority and may hire staff and consultants for the purposes of this section, including legal representation.~~

~~(5) Beginning no later than December 1 of the year preceding the federal decennial census, and continuing each year in which the commission operates, the legislature shall appropriate funds sufficient to compensate the commissioners and to enable the commission to carry out its functions, operations and activities, which activities include retaining independent, nonpartisan subject-matter experts and legal counsel, conducting hearings, publishing notices and maintaining a record of the commission's~~

~~proceedings, and any other activity necessary for the commission to conduct its business, at an amount equal to not less than 25 percent of the general fund/general purpose budget for the secretary of state for that fiscal year. Within six months after the conclusion of each fiscal year, the commission shall return to the state treasury all moneys unexpended for that fiscal year. The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law. Each commissioner shall receive compensation at least equal to 25 percent of the governor's salary. The State of Michigan shall indemnify commissioners for costs incurred if the legislature does not appropriate sufficient funds to cover such costs.~~

~~(6) The commission shall have legal standing to prosecute an action regarding the adequacy of resources provided for the operation of the commission, and to defend any action regarding an adopted plan. The commission shall inform the legislature if the commission determines that funds or other resources provided for operation of the commission are not adequate. The legislature shall provide adequate funding to allow the commission to defend any action regarding an adopted plan.~~

~~(7) The secretary of state shall issue a call convening the commission by October 15 in the year of the federal decennial census. Not later than November 1 in the year immediately following the federal decennial census, the commission shall adopt a redistricting plan under this section for each of the following types of districts: state senate districts, state house of representative districts, and congressional districts.~~

~~(8) Before commissioners draft any plan, the commission shall~~

~~1 hold at least ten public hearings throughout the state for the
2 purpose of informing the public about the redistricting process and
3 the purpose and responsibilities of the commission and soliciting
4 information from the public about potential plans. The commission
5 shall receive for consideration written submissions of proposed
6 redistricting plans and any supporting materials, including
7 underlying data, from any member of the public. These written
8 submissions are public records.~~

~~9 (9) After developing at least one proposed redistricting plan
10 for each type of district, the commission shall publish the
11 proposed redistricting plans and any data and supporting materials
12 used to develop the plans. Each commissioner may only propose one
13 redistricting plan for each type of district. The commission shall
14 hold at least five public hearings throughout the state for the
15 purpose of soliciting comment from the public about the proposed
16 plans. Each of the proposed plans shall include such census data as
17 is necessary to accurately describe the plan and verify the
18 population of each district, and a map and legal description that
19 include the political subdivisions, such as counties, cities, and
20 townships; man-made features, such as streets, roads, highways, and
21 railroads; and natural features, such as waterways, which form the
22 boundaries of the districts.~~

~~23 (10) Each commissioner shall perform his or her duties in a
24 manner that is impartial and reinforces public confidence in the
25 integrity of the redistricting process. The commission shall
26 conduct all of its business at open meetings. Nine commissioners,
27 including at least one commissioner from each selection pool shall
28 constitute a quorum, and all meetings shall require a quorum. The
29 commission shall provide advance public notice of its meetings and~~

1 ~~hearings. The commission shall conduct its hearings in a manner~~
2 ~~that invites wide public participation throughout the state. The~~
3 ~~commission shall use technology to provide contemporaneous public~~
4 ~~observation and meaningful public participation in the~~
5 ~~redistricting process during all meetings and hearings.~~

6 ~~(11) The commission, its members, staff, attorneys, and~~
7 ~~consultants shall not discuss redistricting matters with members of~~
8 ~~the public outside of an open meeting of the commission, except~~
9 ~~that a commissioner may communicate about redistricting matters~~
10 ~~with members of the public to gain information relevant to the~~
11 ~~performance of his or her duties if such communication occurs (a)~~
12 ~~in writing or (b) at a previously publicly noticed forum or town~~
13 ~~hall open to the general public.~~

14 ~~The commission, its members, staff, attorneys, experts, and~~
15 ~~consultants may not directly or indirectly solicit or accept any~~
16 ~~gift or loan of money, goods, services, or other thing of value~~
17 ~~greater than \$20 for the benefit of any person or organization,~~
18 ~~which may influence the manner in which the commissioner, staff,~~
19 ~~attorney, expert, or consultant performs his or her duties.~~

20 ~~(12) Except as provided in part (14) of this section, a final~~
21 ~~decision of the commission requires the concurrence of a majority~~
22 ~~of the commissioners. A decision on the dismissal or retention of~~
23 ~~paid staff or consultants requires the vote of at least one~~
24 ~~commissioner affiliating with each of the major parties and one~~
25 ~~non-affiliating commissioner. All decisions of the commission shall~~
26 ~~be recorded, and the record of its decisions shall be readily~~
27 ~~available to any member of the public without charge.~~

28 ~~(13) The commission shall abide by the following criteria in~~
29 ~~proposing and adopting each plan, in order of priority:~~

~~(a) Districts shall be of equal population as mandated by the United States constitution, and shall comply with the voting rights act and other federal laws.~~

~~(b) Districts shall be geographically contiguous. Island areas are considered to be contiguous by land to the county of which they are a part.~~

~~(c) Districts shall reflect the state's diverse population and communities of interest. Communities of interest may include, but shall not be limited to, populations that share cultural or historical characteristics or economic interests. Communities of interest do not include relationships with political parties, incumbents, or political candidates.~~

~~(d) Districts shall not provide a disproportionate advantage to any political party. A disproportionate advantage to a political party shall be determined using accepted measures of partisan fairness.~~

~~(e) Districts shall not favor or disfavor an incumbent elected official or a candidate.~~

~~(f) Districts shall reflect consideration of county, city, and township boundaries.~~

~~(g) Districts shall be reasonably compact.~~

~~(14) The commission shall follow the following procedure in adopting a plan:~~

~~(a) Before voting to adopt a plan, the commission shall ensure that the plan is tested, using appropriate technology, for compliance with the criteria described above.~~

~~(b) Before voting to adopt a plan, the commission shall provide public notice of each plan that will be voted on and provide at least 45 days for public comment on the proposed plan or~~

1 ~~plans. Each plan that will be voted on shall include such census~~
2 ~~data as is necessary to accurately describe the plan and verify the~~
3 ~~population of each district, and shall include the map and legal~~
4 ~~description required in part (9) of this section.~~

5 ~~(c) A final decision of the commission to adopt a~~
6 ~~redistricting plan requires a majority vote of the commission,~~
7 ~~including at least two commissioners who affiliate with each major~~
8 ~~party, and at least two commissioners who do not affiliate with~~
9 ~~either major party. If no plan satisfies this requirement for a~~
10 ~~type of district, the commission shall use the following procedure~~
11 ~~to adopt a plan for that type of district:~~

12 ~~(i) Each commissioner may submit one proposed plan for each~~
13 ~~type of district to the full commission for consideration.~~

14 ~~(ii) Each commissioner shall rank the plans submitted~~
15 ~~according to preference. Each plan shall be assigned a point value~~
16 ~~inverse to its ranking among the number of choices, giving the~~
17 ~~lowest ranked plan one point and the highest ranked plan a point~~
18 ~~value equal to the number of plans submitted.~~

19 ~~(iii) The commission shall adopt the plan receiving the~~
20 ~~highest total points, that is also ranked among the top half of~~
21 ~~plans by at least two commissioners not affiliated with the party~~
22 ~~of the commissioner submitting the plan, or in the case of a plan~~
23 ~~submitted by non-affiliated commissioners, is ranked among the top~~
24 ~~half of plans by at least two commissioners affiliated with a major~~
25 ~~party. If plans are tied for the highest point total, the secretary~~
26 ~~of state shall randomly select the final plan from those plans. If~~
27 ~~no plan meets the requirements of this subparagraph, the secretary~~
28 ~~of state shall randomly select the final plan from among all~~
29 ~~submitted plans pursuant to part (14)(c)(i).~~

1 ~~(15) Within 30 days after adopting a plan, the commission~~
2 ~~shall publish the plan and the material reports, reference~~
3 ~~materials, and data used in drawing it, including any programming~~
4 ~~information used to produce and test the plan. The published~~
5 ~~materials shall be such that an independent person is able to~~
6 ~~replicate the conclusion without any modification of any of the~~
7 ~~published materials.~~

8 ~~(16) For each adopted plan, the commission shall issue a~~
9 ~~report that explains the basis on which the commission made its~~
10 ~~decisions in achieving compliance with plan requirements and shall~~
11 ~~include the map and legal description required in part (9) of this~~
12 ~~section. A commissioner who votes against a redistricting plan may~~
13 ~~submit a dissenting report which shall be issued with the~~
14 ~~commission's report.~~

15 ~~(17) An adopted redistricting plan shall become law 60 days~~
16 ~~after its publication. The secretary of state shall keep a public~~
17 ~~record of all proceedings of the commission and shall publish and~~
18 ~~distribute each plan and required documentation.~~

19 ~~(18) The terms of the commissioners shall expire once the~~
20 ~~commission has completed its obligations for a census cycle but not~~
21 ~~before any judicial review of the redistricting plan is complete.~~

22 ~~(19) The supreme court, in the exercise of original~~
23 ~~jurisdiction, shall direct the secretary of state or the commission~~
24 ~~to perform their respective duties, may review a challenge to any~~
25 ~~plan adopted by the commission, and shall remand a plan to the~~
26 ~~commission for further action if the plan fails to comply with the~~
27 ~~requirements of this constitution, the constitution of the United~~
28 ~~States or superseding federal law. In no event shall any body,~~
29 ~~except the independent citizens redistricting commission acting~~

1 ~~pursuant to this section, promulgate and adopt a redistricting plan~~
2 ~~or plans for this state.~~

3 ~~(20) This section is self-executing. If a final court decision~~
4 ~~holds any part or parts of this section to be in conflict with the~~
5 ~~United States constitution or federal law, the section shall be~~
6 ~~implemented to the maximum extent that the United States~~
7 ~~constitution and federal law permit. Any provision held invalid is~~
8 ~~severable from the remaining portions of this section.~~

9 ~~(21) Notwithstanding any other provision of law, no employer~~
10 ~~shall discharge, threaten to discharge, intimidate, coerce, or~~
11 ~~retaliate against any employee because of the employee's membership~~
12 ~~on the commission or attendance or scheduled attendance at any~~
13 ~~meeting of the commission.~~

14 ~~(22) Notwithstanding any other provision of this constitution,~~
15 ~~or any prior judicial decision, as of the effective date of the~~
16 ~~constitutional amendment adding this provision, which amends~~
17 ~~article IV, sections 1 through 6, article V, sections 1, 2 and 4,~~
18 ~~and article VI, sections 1 and 4, including this provision, for~~
19 ~~purposes of interpreting this constitutional amendment the people~~
20 ~~declare that the powers granted to the commission are legislative~~
21 ~~functions not subject to the control or approval of the~~
22 ~~legislature, and are exclusively reserved to the commission. The~~
23 ~~commission, and all of its responsibilities, operations, functions,~~
24 ~~contractors, consultants and employees are not subject to change,~~
25 ~~transfer, reorganization, or reassignment, and shall not be altered~~
26 ~~or abrogated in any manner whatsoever, by the legislature. No other~~
27 ~~body shall be established by law to perform functions that are the~~
28 ~~same or similar to those granted to the commission in this section.~~

29 **Sec. 6a. (1) By November 1, 2031, and every 10 years**

1 thereafter, the legislature shall adopt a redistricting plan for
2 state senate districts and state house of representative districts.
3 A redistricting plan must be adopted by the legislature by a
4 resolution concurred in by two thirds of the members elected to and
5 serving in each house of the legislature.

6 (2) In determining a redistricting plan under subsection (1),
7 the legislature shall hold open meetings as required by law.

8 (3) A redistricting plan described in subsection (1) must be
9 enacted using only these guidelines in the following order of
10 priority:

11 (a) Districts must consist of areas of convenient territory
12 contiguous by land. Areas that meet only at points of adjoining
13 corners are not contiguous.

14 (b) Districts must have a population not exceeding 105 percent
15 and not less than 95 percent of the ideal district size for the
16 district.

17 (c) District lines must preserve county lines with the least
18 cost to the principle of equality of population provided for in
19 subdivision (b).

20 (d) If it is necessary to break county lines to stay within
21 the range of allowable population divergence provided for in
22 subdivision (b), the fewest whole cities or whole townships
23 necessary must be shifted. Between two cities or townships, both of
24 which will bring the districts into compliance with subdivisions
25 (b) and (f), the city or township with the lesser population must
26 be shifted.

27 (e) Within those counties to which there is apportioned more
28 than one district, district lines must be drawn on city and
29 township lines with the least cost to the principle of equality of

1 population between election districts consistent with the maximum
2 preservation of city and township lines and without exceeding the
3 range of allowable population divergence provided for in
4 subdivision (b).

5 (f) If it is necessary to break city or township lines to stay
6 within the range of allowable population divergence provided for in
7 subdivision (b), the number of people necessary to achieve
8 population equality must be shifted between the two districts
9 affected by the shift, except that in lieu of absolute equality the
10 lines may be drawn along the closest street or comparable boundary.

11 (g) Within a city or township to which there is apportioned
12 more than one district, district lines must be drawn to achieve the
13 maximum compactness possible within a population range of 98
14 percent to 102 percent of absolute equality between districts
15 within that city or township.

16 (h) Compactness must be determined by circumscribing each
17 district within a circle of minimum radius and measuring the area,
18 not part of the Great Lakes and not part of another state, inside
19 the circle but not inside the district.

20 (i) If a discontinuous township island exists within an
21 incorporated city or discontinuous portions of townships are split
22 by an incorporated city, the splitting of the township is not
23 considered a split if any of the following circumstances exist:

24 (i) The city must be split to stay within the range of
25 allowable population divergence provided for in subdivision (b) and
26 it is practicable to keep the township together within one
27 district.

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

1 (iii) The discontinuous portion of a township cannot be included
2 in the same district with another portion of the same township
3 without creating a discontinuous district.

4 (j) Each district must be numbered in a regular series,
5 beginning with district one in the northwest corner of the state
6 and ending with the highest numbered district in the southeast
7 corner of the state.

8 (4) The supreme court, in the exercise of original
9 jurisdiction, may review a challenge to any redistricting plan
10 adopted by the legislature, and shall remand a redistricting plan
11 to the legislature for further action if the redistricting plan
12 fails to comply with the requirements of this constitution, the
13 United States Constitution, or superseding federal law. In no event
14 shall any body, except the legislature acting pursuant to this
15 section, promulgate and adopt a redistricting plan or plans for
16 this state.

17 (5) This section is self-executing. If a final court decision
18 holds any part or parts of this section to be in conflict with the
19 United States Constitution or federal law, the section shall be
20 implemented to the maximum extent that the United States
21 Constitution and federal law permit. Any provision held invalid is
22 severable from the remaining portions of this section.

23 Sec. 6b. (1) By November 1, 2031, and every 10 years
24 thereafter, the legislature shall adopt a redistricting plan for
25 congressional districts. A redistricting plan must be adopted by
26 the legislature by a resolution concurred in by two thirds of the
27 members elected to and serving in each house of the legislature.

28 (2) In determining a redistricting plan under subsection (1),
29 the legislature shall hold open meetings as required by law.

1 (3) Except as otherwise required by federal law for
2 congressional districts in this state, a redistricting plan under
3 subsection (1) must be enacted using only these guidelines in the
4 following order of priority:

5 (a) The constitutional guideline is that each congressional
6 district must achieve precise mathematical equality of population
7 in each district.

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

10 (i) Each congressional district is entitled to elect a single
11 member.

12 (ii) Each congressional district must not violate the federal
13 voting rights act or other superseding federal laws.

14 (c) The secondary guidelines in order of priority are as
15 follows:

16 (i) Each congressional district must consist of areas of
17 convenient territory contiguous by land. Areas that meet only at
18 points of adjoining corners are not contiguous.

19 (ii) Congressional district lines must break as few county
20 boundaries as is reasonably possible.

21 (iii) If it is necessary to break county lines to achieve
22 equality of population between congressional districts as provided
23 in subdivision (a), the number of people necessary to achieve
24 population equality must be shifted between the two congressional
25 districts affected by the shift.

26 (iv) Congressional district lines must break as few city and
27 township boundaries as is reasonably possible.

28 (v) If it is necessary to break city or township lines to
29 achieve equality of population between congressional districts as

1 provided in subdivision (a), the number of people necessary to
2 achieve population equality must be shifted between the two
3 congressional districts affected by the shift.

4 (vi) Within a city or township to which there is apportioned
5 more than one congressional district, district lines must be drawn
6 to achieve the maximum compactness possible.

7 (vii) Compactness must be determined by circumscribing each
8 district within a circle of minimum radius and measuring the area,
9 not part of the Great Lakes and not part of another state, inside
10 the circle but not inside the congressional district.

11 (viii) If a discontinuous township island exists within an
12 incorporated city or discontinuous portions of townships are split
13 by an incorporated city, the splitting of the township must not be
14 considered a split if any of the following circumstances exist:

15 (A) The city must be split to achieve equality of population
16 between congressional districts as provided in subdivision (a) and
17 it is practicable to keep the township together within one
18 congressional district.

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

21 (C) The discontinuous portion of a township cannot be included
22 in the same congressional district with another portion of the same
23 township without creating a discontinuous congressional district.

24 (ix) Each congressional district must be numbered in a regular
25 series, beginning with congressional district one in the northwest
26 corner of the state and ending with the highest numbered
27 congressional district in the southeast corner of the state.

28 (4) The supreme court, in the exercise of original
29 jurisdiction, may review a challenge to any redistricting plan

1 adopted by the legislature, and shall remand a redistricting plan
 2 to the legislature for further action if the redistricting plan
 3 fails to comply with the requirements of this constitution, the
 4 United States Constitution, or superseding federal law. In no event
 5 shall any body, except the legislature acting pursuant to this
 6 section, promulgate and adopt a redistricting plan or plans for
 7 this state.

8 (5) This section is self-executing. If a final court decision
 9 holds any part or parts of this section to be in conflict with the
 10 United States Constitution or federal law, the section shall be
 11 implemented to the maximum extent that the United States
 12 Constitution and federal law permit. Any provision held invalid is
 13 severable from the remaining portions of this section.

14 ARTICLE V

15 Sec. 1. ~~Except to the extent limited or abrogated by article~~
 16 ~~V, section 2, or article IV, section 6, the~~ **The** executive power is
 17 vested in the governor.

18 Sec. 2. All executive and administrative offices, agencies and
 19 instrumentalities of the executive branch of state government and
 20 their respective functions, powers and duties, except for the
 21 office of governor and lieutenant governor, and the governing
 22 bodies of institutions of higher education provided for in this
 23 constitution, shall be allocated by law among and within not more
 24 than 20 principal departments. They shall be grouped as far as
 25 practicable according to major purposes.

26 Subsequent to the initial allocation, the governor may make
 27 changes in the organization of the executive branch or in the
 28 assignment of functions among its units which he considers
 29 necessary for efficient administration. Where these changes require

1 the force of law, they shall be set forth in executive orders and
 2 submitted to the legislature. Thereafter the legislature shall have
 3 60 calendar days of a regular session, or a full regular session if
 4 of shorter duration, to disapprove each executive order. Unless
 5 disapproved in both houses by a resolution concurred in by a
 6 majority of the members elected to and serving in each house, each
 7 order shall become effective at a date thereafter to be designated
 8 by the governor.

9 ~~Notwithstanding any other provision of this constitution or~~
 10 ~~any prior judicial decision, as of the effective date of the~~
 11 ~~constitutional amendment adding this provision, which amends~~
 12 ~~article IV, sections 1 through 6, article V, sections 1, 2 and 4,~~
 13 ~~and article VI, sections 1 and 4, including this provision, for~~
 14 ~~purposes of interpreting this constitutional amendment the people~~
 15 ~~declare that the powers granted to independent citizens~~
 16 ~~redistricting commission for state and congressional districts~~
 17 ~~(hereinafter, "commission") are legislative functions not subject~~
 18 ~~to the control or approval of the governor, and are exclusively~~
 19 ~~reserved to the commission. The commission, and all of its~~
 20 ~~responsibilities, operations, functions, contractors, consultants~~
 21 ~~and employees are not subject to change, transfer, reorganization,~~
 22 ~~or reassignment, and shall not be altered or abrogated in any~~
 23 ~~manner whatsoever, by the governor. No other body shall be~~
 24 ~~established by law to perform functions that are the same or~~
 25 ~~similar to those granted to the commission in article IV, section~~
 26 ~~6.~~

27 Sec. 4. ~~Except to the extent limited or abrogated by article~~
 28 ~~V, section 2 or article IV, section 6, temporary~~ **Temporary**
 29 commissions or agencies for special purposes with a life of no more

1 than two years may be established by law and need not be allocated
2 within a principal department.

3 ARTICLE VI

4 Sec. 1. ~~Except to the extent limited or abrogated by article~~
5 ~~IV, section 6, or article V, section 2, the~~ **The** judicial power of
6 the state is vested exclusively in one court of justice which shall
7 be divided into one supreme court, one court of appeals, one trial
8 court of general jurisdiction known as the circuit court, one
9 probate court, and courts of limited jurisdiction that the
10 legislature may establish by a two-thirds vote of the members
11 elected to and serving in each house.

12 Sec. 4. ~~Except to the extent limited or abrogated by article~~
13 ~~IV, section 6, or article V, section 2, the~~ **The** supreme court shall
14 have general superintending control over all courts; power to
15 issue, hear and determine prerogative and remedial writs; and
16 appellate jurisdiction as provided by rules of the supreme court.
17 The supreme court shall not have the power to remove a judge.

18 Resolved further, That the foregoing amendment shall be
19 submitted to the people of the state at the next general election
20 in the manner provided by law.