

COURT OF APPEALS REDISTRICTING

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House Bill 5160

Sponsor: Rep. Pete Lund

Committee: Redistricting and Elections

First Analysis (12-1-11)

BRIEF SUMMARY: The bill would reconfigure Michigan's four Court of Appeals districts, changing the assignment of 20 of Michigan's counties to new districts, in order to better equalize the number of Michigan citizens residing in each of the four districts.

FISCAL IMPACT: This proposal would not have a direct fiscal impact on state or local governments. Some Court of Appeals districts may face increased or decreased caseloads as a result of this redistricting. As the State of Michigan pays all costs related to the Court of Appeals, any shifts in caseload between courts would not alter who is responsible for caseload-related costs. However, overall costs may decrease if the proposed jurisdictions distribute the Court of Appeals caseload more efficiently than current jurisdictions. The actual amount saved due to this change in efficiency is indeterminate.

THE APPARENT PROBLEM:

The Michigan Court of Appeals is an "intermediate" appellate court between the Supreme Court and the Michigan trial courts. Final decisions resulting from a circuit or probate court hearing may be appealed to the Court of Appeals.

There are 26 Court of Appeals judges who are elected to six-year terms from four geographic districts. See map in [Background Information](#). The District I office is located in Detroit; the District II office in Troy; the District III office in Grand Rapids; and the District IV office in Lansing.

The Court of Appeals hearings, however, are held in Detroit, Grand Rapids, Lansing, and Marquette. Hearings are held before a panel of three Court of Appeals judges, and at least two of the three judges must agree on any ruling. The panels are frequently rotated so that a variety of judicial opinions is considered. The decision of the panel is final except for those cases which the Michigan Supreme Court reviews. See [Background Information](#).

The Michigan Constitution at Article VI, Section 8 requires the creation of a Court of Appeals "*who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law.*" The section continues: "*The supreme court may prescribe by rule that the court of appeals sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges*

comprising the court of appeals may be increased, and the districts form which they are election may be changed by law."

Every 10 years following the U.S. decennial census, congressional and state legislative districts are redrawn. The release of the new census data by the U.S. Bureau of the Census also provides an opportunity to redraw the four Michigan Court of Appeal districts.

When re-forming Court of Appeals districts, those drawing new maps must follow the scant provisions (italicized above) of the Michigan Constitution, and also the U.S. Constitution and the federal Voting Rights Act of 1965, which mandate equal representation among districts (affirming "one person, one vote"), and require that states provide minority groups an equal opportunity to elect candidates of their choice. Therefore, chief among the map-drawers aims is to assure that each district has about the same number of people. With this goal in mind, they work to avoid a substantial population variance above or below the ideal district size. That way, the services of the court are delivered more equitably, and in a timely manner.

While there has been a slight decrease in Michigan's overall population during the past decade, there has been a significant shift in where people live. Consequently, there is now a considerable deviation between the Court of Appeals district having the most people, and the district with the least. Indeed, according to committee testimony, the deviation in population now stands at about 385,000 people.

Legislation has been introduced to reconfigure the four Court of Appeals districts, so the number of people living in each is more nearly the same. The bill that is proposed would reduce the deviation in population between the most highly populated district and the least densely populated district from about 385,000 people to 5,622--or .05 percent of the total population.

THE CONTENT OF THE BILL:

House Bill 5160 would amend the Revised Judicature Act (MCL 600.302) to reconfigure Michigan's four Court of Appeals districts, changing the assignment of 20 of Michigan's counties to new appeals court districts. A more detailed explanation of the bill follows.

Now under the law, each of Michigan's 83 counties is assigned to one of four Court of Appeals districts. Under the bill, 20 Michigan counties would be assigned to new Court of Appeals districts, as follows:

- Reassigned from district 3 to district 1: Barry and Jackson counties
- Reassigned from district 2 to district 4: Shiawassee county
- Reassigned from district 3 to district 4: Washtenaw county
- Reassigned from district 4 to district 3: Benzie, Clare, Crawford, Gladwin, Isabella, Kalkaska, Lake, Manistee, Mason, Mecosta, Missaukee, Montcalm, Oceana, Ogemaw, Osceola, and Roscommon counties

The following table lists the counties now assigned to each Court of Appeals district, and the counties that are proposed to be assigned to each district under House Bill 5160.

Current COA Districts

Proposed COA Districts

District 1

Calhoun, Hillsdale, Lenawee,
Monroe, Wayne

Barry, Calhoun, Hillsdale, Jackson
Lenawee, Monroe, Wayne

District 2

Genesee, Macomb, Oakland
Shiawassee

Genesee, Macomb, Oakland

District 3

Allegan, Barry, Berrien, Branch
Cass, Eaton, Ionia, Jackson,
Kalamazoo, Kent, Muskegon
Newaygo, Ottawa, St. Joseph,
Van Buren, Washtenaw

Allegan, Benzie, Berrien, Branch,
Cass, Clare, Crawford, Eaton,
Gladwin, Ionia, Isabella, Kalamazoo,
Kalkaska, Kent, Lake, Manistee,
Mason, Mecosta, Missaukee, Mont-
Calm, Muskegon, Newaygo, Oceana,
Ogemaw, Osceola, Ottawa, Ros-
common, St. Joseph, VanBuren

District 4

Alcona, Alger, Alpena, Antrim
Arenac, Baraga, Bay, Benzie,
Charlevoix, Cheboygan,
Chippewa, Clare, Clinton,
Crawford, Delta, Dickinson,
Emmet, Gladwin, Gogebic,
Grand Traverse, Gratiot,
Houghton, Huron, Ingham,
Iosco, Iron, Isabella, Kalkaska,
Keweenaw, Lake, Lapeer, Leelanau,
Livingston, Luce, Mackinac, Manistee,
Marquette, Mason, Mecosta,
Menominee, Midland, Missaukee,
Montcalm, Montmorency, Oceana,
Ogemaw, Ontonagon, Osceola, Oscoda,
Otsego, Presque Isle, Roscommon,
Saginaw, Sanilac, Schoolcraft,
St. Clair, Tuscola, Wexford

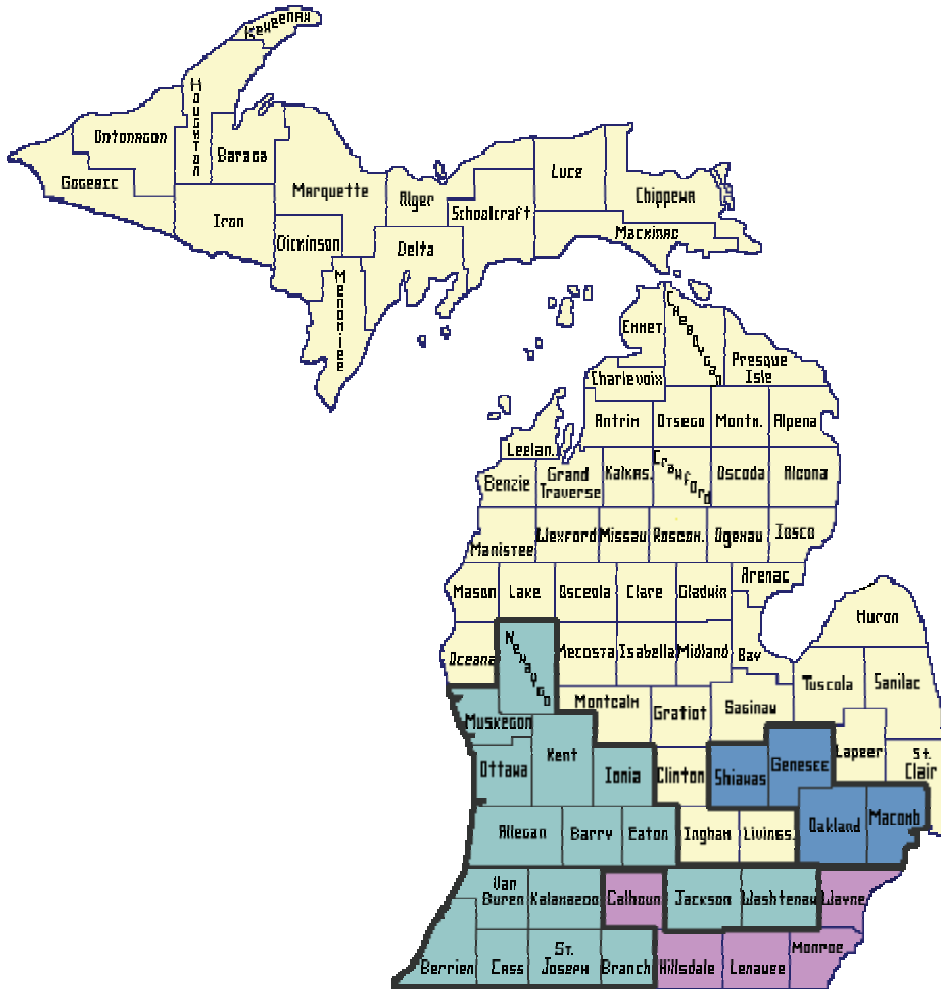
Alcona, Alger, Alpena, Antrim,
Arenac, Baraga, Bay, Charlevoix,
Cheboygan, Chippewa, Clinton,
Delta, Dickinson, Emmet, Gogebic,
Grand Traverse, Gratiot, Houghton,
Huron, Ingham, Iosco, Iron,
Keweenaw, Lapeer, Leelanau,
Livingston, Luce, Mackinac,
Marquette, Menominee, Midland,
Montmorency, Ontonagon, Oscoda,
Otsego, Presque Isle, Saginaw,
Sanilac, Schoolcraft, Shiawassee,
St. Clair, Tuscola, Washtenaw,
Wexford

BACKGROUND INFORMATION:

For more information about the Michigan Court of Appeals, visit the court's website at <http://coa.courts.mi.gov>

Current Court of Appeals Election District Map

Effective March 22, 2002, various counties were reassigned from one Court of Appeals district to another. See MCL 600.302. The map on this page reflects the counties from which each district's judges are elected. This map does not necessarily reflect the district offices in which appeals files are stored. To facilitate long-standing, geographically close, access to public case files, the Court continues to maintain all files (pending and new) in the district office to which the originating counties were assigned before March 22, 2002. For a map reflecting the Court of Appeals districts in which the case files are stored, click [here](#).



ARGUMENTS:

For:

This bill redraws Michigan's four Court of Appeals election districts so that each district has about the same number of people. The current configuration of the four districts (see map, above) has been used for nearly a decade. During that time, there has been a slight decrease in Michigan's overall population but a significant shift in where people live. Consequently, there is now a considerable deviation--nearly 385,000 people-- between the Court of Appeals district having the most people and that district having the fewest. A population variance of this size jeopardizes the fair and timely manner in which the court's services must be delivered.

The bill reconfigures the four Court of Appeals districts, so the number of people living in each is more nearly the same, reducing the deviation in population between the most highly populated district and the least densely populated district from about 385,000 people to 5,622--or .05 percent of the total population.

POSITIONS:

No positions were advanced during the public hearing. 11-29-11

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.