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SFA**BILL ANALYSIS**

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Senate Bill 810 (Substitute S-6 as passed by the Senate)
Sponsor: Senator Bill Schuette
Committee: Reapportionment

Date Completed: 11-16-99

CONTENT

The bill would create the “Congressional Redistricting Act” to require the Legislature to enact a redistricting plan for congressional districts apportioned to Michigan. A plan would have to be enacted by November 1, 2001, and every 10 years thereafter. Except as otherwise required by Federal law for congressional districts in Michigan, the plan could be enacted using only the guidelines contained in the bill in the order of priority described below.

The constitutional guideline would be that each congressional district would have to achieve precise mathematical equality of population in each district. “In order to continue the prior practice and not to change or alter the historic method by which congressional districts are determined,” the district boundaries would have to be determined by use of population data from the United States Bureau of the Census identical to those from the actual enumeration conducted by the Census Bureau for the apportionment of the Representatives of the U.S. House of Representatives in the U.S. decennial census. The apportionment data for redistricting, however, could not include any population that was not allocated to specific census blocks within the State, such as Americans residing overseas, even if that population were legally included in the State’s apportionment data for the purpose of allocating seats among the states. District boundaries could not be determined by use of Census Bureau population counts derived from any other means, including the use of statistical sampling to add or subtract population by inference. Other governmental census figures of total population could be used if taken after the last decennial U.S. census and the U.S. census figures were not adequate for the purposes of the bill. A contract could be entered into with the U.S. Census Bureau or any other governmental unit to make any special census if the latest U.S. decennial census figures were not adequate for the bill’s purposes.

The Federal statutory guidelines, in no order of priority, would be as follows:

- Each congressional district would be entitled to elect a single member.
- Each district could not violate Section 2 of Title I of the Federal Voting Rights Act, which provides that no voting qualification or prerequisite to voting or standard, practice, or procedure may be imposed or applied by any state or political subdivision in a manner that results in a denial or abridgment of the right of any U.S. citizen to vote on account of race, color, or membership in a language minority group (42 USC 1973).

The secondary guidelines, in no order of priority, would require each district to consist of areas of convenient territory contiguous by land; require district lines to preserve county lines with the least cost to the principal of equality of population; provide that, if city or township lines had to be broken to achieve equality of population, the number of people necessary to achieve population equality would have to be shifted between the two affected districts; require that, within a city or township to which more than one district was apportioned, district lines be drawn to achieve the maximum compactness possible; describe how compactness would have to be determined; provide that, if a discontinuous township island existed within an incorporated city or discontinuous portions of townships were split by an incorporated city, the splitting of the township could not be considered a split under circumstances specified in the bill; and require each district to be numbered in a regular series.

If any portion of the proposed Act or the application of the Act to any person or circumstance were found to be invalid by a court, the invalidity could not affect the remaining portions or applications of the Act that could be

given effect without the invalid portion or application. The provisions of the Act would be severable.

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State government. Potential costs related to a special census, if a future United States decennial census were determined to be inadequate, would depend on the scope of the special census.

Fiscal Analyst: B. Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.