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Senate Bill 812 (Substitute S-3 as passed by the Senate)  
Sponsor: Senator Philip E. Hoffman  
Committee: Reapportionment

Date Completed: 11-16-99

## **CONTENT**

**The bill would amend Public Act 261 of 1966, which provides for the apportionment of county boards of commissioners, to revise the guidelines that a county apportionment commission must use in apportioning the county into commission districts.**

(Under the Act, within 60 days after the publication of the latest U.S. official decennial census figures, the county apportionment commission in each county must apportion the county into at least five but not more than 35 county commissioner districts. A county apportionment commission consists of the county clerk, the county treasurer, the prosecuting attorney, and the statutory county chairperson of each of the two political parties receiving the most votes cast for the office of Secretary of State in the last general election. If a county does not have a statutory chairperson of a political party, the two additional members must be a party representative from each of those two political parties, appointed by the chairperson of the parties' State central committee.)

Currently, the Act requires that all districts be as nearly of equal population as is practicable. The bill would require, instead, that all districts have a population not less than 95% or more than 105% of the ideal district size, unless the U.S. Supreme Court established a different range of allowable population divergence for county commissioner districts.

The bill provides that, "In order to continue the prior practice and not to change or alter the historic method by which county commissioner districts are determined," commissioner district boundaries would have to be determined by use of population data from the U.S. Census Bureau 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 this 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 statistical sampling to add or subtract population by inference.

Under the Act, the latest official published figures of the U.S. official census must be used in the determination of districts' population, except that an actual population count may be used to make a division in cases requiring division of official census units to meet the population standard. Other governmental census figures of total population may be used if taken subsequently to the last decennial U.S. census and the U.S. census figures are not adequate for the purposes of the Act. A contract may be entered into with the U.S. Census Bureau to make any special census if the latest U.S. decennial census figures are not adequate. Under the bill, a contract also could be entered into with any other governmental unit.

Currently, the Act requires that all districts be contiguous. The bill specifies that areas that met only at the points of adjoining corners would not be contiguous. The Act requires that all districts be as compact and as nearly square as is practicable. The bill describes how compactness would have to be determined.

The Act provides that no township or any part of a township may be combined with any city or part of a city for a single district, unless the combination is needed to meet the population standard. Under the bill, if such a combination were necessary, the fewest number of combinations would have to be used. The Act also provides that townships, villages, cities, and precincts may be divided only if necessary to meet the population standard.

Under the bill, if it were necessary to break township, village, city, or precinct lines to meet the population standard, the fewest number of lines would have to be broken.

The bill specifies that districts 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).

MCL 46.404 & 46.408

Legislative Analyst: S. Lowe

### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on county government. Potential costs related to a special census, if a future United State 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.