



# HOUSE BILL No. 5075

November 2, 1999, Introduced by Rep. Kuipers and referred to the Committee on Family and Civil Law.

A bill to amend 1966 PA 293, entitled

"An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive provisions of a charter; to provide for the exercise by a charter county of certain powers whether or not authorized by its charter; and to prescribe penalties and provide remedies,"

by amending section 5 (MCL 45.505), as amended by 1980 PA 7.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 5. (1) The resolution shall provide for a partisan  
2 election of a charter commission, for the nomination of candi-  
3 dates for the charter commission by petitioning or filing a fee,  
4 and for a primary election of charter commission candidates. A  
5 charter commission candidate who elects to pay a filing fee shall  
6 pay the fee not less than 3 days before the final day upon which  
7 petitions may be filed. The resolution shall provide for the

1 election of charter commissioners from districts established by  
2 the county apportionment commission. The county apportionment  
3 commission shall consist of the county clerk, the county treasur-  
4 er, the prosecuting attorney, and the statutory county chair-  
5 person of each of the 2 political parties receiving the greatest  
6 number of votes cast for the office of secretary of state in the  
7 last general election in which a secretary of state was elected.  
8 If a county does not have a statutory chairperson of a political  
9 party, the 2 additional members shall be a party representative  
10 from each of the 2 political parties receiving the greatest  
11 number of votes cast for the office of secretary of state in the  
12 last general election in which a secretary of state was elected  
13 and appointed by the chairperson of the state central committee  
14 for each of the political parties. The county clerk shall con-  
15 vene the county apportionment commission and the county appor-  
16 tionment commission shall adopt the rules of procedure. Three  
17 members of the county apportionment commission are a quorum suf-  
18 ficient to conduct its business. All action of the apportionment  
19 commission shall be by majority vote of the apportionment  
20 commission.

21 (2) The county apportionment commission, within 30 days  
22 after the adoption of the resolution by the county board of com-  
23 missioners, shall establish charter commission districts equal to  
24 the number of charter commissioners to be elected. ~~All dis-~~  
25 ~~tricts shall be single member districts and as equal in popula-~~  
26 ~~tion as practicable. The latest official published figures of~~  
27 ~~the United States official census shall be used in this~~

~~1 determination, except that in cases requiring a division of  
2 official census units to meet the population standard, an actual  
3 population count may be used to make the division. Other govern-  
4 mental census figures of total population may be used if taken  
5 after the last decennial United States census and the United  
6 States census figures are not adequate for the purposes of this  
7 act. The secretary of state shall furnish the latest official  
8 published figures to the county apportionment commission within  
9 15 days after publication of subsequent United States official  
10 census figures. A contract may be entered into with the United  
11 States census bureau to conduct a special census if the latest  
12 United States decennial census figures are not adequate. Each  
13 district shall be contiguous, compact, and as nearly square in  
14 shape as is practicable, depending on the geography of the county  
15 area involved, and shall be drawn without regard to partisan  
16 political advantage. Each city and township shall be apportioned  
17 so that it shall have the largest possible number of complete  
18 districts within its boundaries before any part of the city or  
19 township is joined to territory outside the boundaries of the  
20 city or township to form a district. Townships, villages,  
21 cities, and precincts shall be divided only if necessary to meet  
22 the population standard.~~

23       (3) IN ESTABLISHING THE DISTRICTS UNDER SUBSECTION (2), THE  
24 COUNTY APPORTIONMENT COMMISSION SHALL USE ONLY THE FOLLOWING  
25 GUIDELINES:

26       (A) ALL DISTRICTS SHALL BE SINGLE-MEMBER DISTRICTS AND HAVE  
27 A POPULATION NOT EXCEEDING 105% AND NOT LESS THAN 95% OF THE

1 IDEAL DISTRICT SIZE UNLESS THE UNITED STATES SUPREME COURT  
2 ESTABLISHES A DIFFERENT RANGE OF ALLOWABLE POPULATION DIVERGENCE  
3 FOR COUNTY COMMISSIONER DISTRICTS. IN ORDER TO CONTINUE THE  
4 PRIOR PRACTICE AND NOT TO CHANGE OR ALTER THE HISTORIC METHOD BY  
5 WHICH CHARTER COUNTY COMMISSION DISTRICTS ARE DETERMINED, THE  
6 DISTRICT BOUNDARIES SHALL BE DETERMINED BY USING POPULATION DATA  
7 FROM THE UNITED STATES CENSUS BUREAU OF THE CENSUS IDENTICAL TO  
8 THOSE FROM THE ACTUAL ENUMERATION CONDUCTED BY THE UNITED STATES  
9 BUREAU OF THE CENSUS FOR THE APPORTIONMENT OF THE REPRESENTATIVES  
10 OF THE UNITED STATES HOUSE OF REPRESENTATIVES IN THE UNITED  
11 STATES DECENNIAL CENSUS, EXCEPT THAT THE APPORTIONMENT DATA FOR  
12 REDISTRICTING SHALL NOT INCLUDE ANY POPULATION THAT IS NOT ALLO-  
13 CATED TO SPECIFIC CENSUS BLOCKS WITHIN THIS STATE, SUCH AS  
14 AMERICANS RESIDING OVERSEAS, EVEN IF THAT POPULATION WAS LEGALLY  
15 INCLUDED IN THE APPORTIONMENT DATA OF THIS STATE FOR THE PURPOSE  
16 OF ALLOCATING SEATS AMONG THE STATES. DISTRICT BOUNDARIES SHALL  
17 NOT BE DETERMINED BY USING CENSUS BUREAU POPULATION COUNTS  
18 DERIVED FROM ANY OTHER MEANS, INCLUDING, BUT NOT LIMITED TO, THE  
19 USE OF STATISTICAL SAMPLING TO ADD OR SUBTRACT POPULATION BY  
20 INFERENCE. THE LATEST OFFICIAL PUBLISHED FIGURES OF THE UNITED  
21 STATES OFFICIAL CENSUS SHALL BE USED IN THIS DETERMINATION,  
22 EXCEPT THAT IN CASES REQUIRING DIVISION OF OFFICIAL CENSUS UNITS  
23 TO MEET THE POPULATION STANDARD, AN ACTUAL POPULATION COUNT MAY  
24 BE USED TO MAKE THE DIVISION. OTHER GOVERNMENTAL CENSUS FIGURES  
25 OF TOTAL POPULATION MAY BE USED IF TAKEN SUBSEQUENT TO THE LAST  
26 DECENNIAL UNITED STATES CENSUS AND THE UNITED STATES CENSUS  
27 FIGURES ARE NOT ADEQUATE FOR THE PURPOSES OF THIS ACT. THE

1 SECRETARY OF STATE SHALL FURNISH THE LATEST UNITED STATES  
2 OFFICIAL CENSUS FIGURES TO THE COUNTY APPORTIONMENT COMMISSIONS  
3 WITHIN 15 DAYS AFTER PUBLICATION OF THE FIGURES. A CONTRACT MAY  
4 BE ENTERED INTO WITH THE UNITED STATES CENSUS BUREAU OR ANY OTHER  
5 GOVERNMENTAL UNIT TO MAKE ANY SPECIAL CENSUS IF THE LATEST UNITED  
6 STATES DECENNIAL CENSUS FIGURES ARE NOT ADEQUATE FOR THIS ACT.

7 (B) ALL DISTRICTS SHALL BE CONTIGUOUS. AREAS THAT MEET ONLY  
8 AT THE POINTS OF ADJOINING CORNERS ARE NOT CONTIGUOUS.

9 (C) ALL DISTRICTS SHALL BE AS COMPACT AND AS NEARLY SQUARE  
10 SHAPE AS IS PRACTICABLE, DEPENDING ON THE GEOGRAPHY OF THE COUNTY  
11 AREA INVOLVED. COMPACTNESS SHALL BE DETERMINED BY CIRCUMSCRIBING  
12 EACH DISTRICT WITHIN A CIRCLE OF MINIMUM AREA, NOT PART OF THE  
13 GREAT LAKES AND NOT PART OF ANOTHER COUNTY, INSIDE THE CIRCLE BUT  
14 NOT INSIDE THE DISTRICT.

15 (D) A TOWNSHIP OR ANY PART OF A TOWNSHIP SHALL NOT BE COM-  
16 BINED WITH ANY CITY OR ANY PART OF A CITY FOR A SINGLE DISTRICT,  
17 UNLESS THE COMBINATION IS NEEDED TO MEET THE POPULATION  
18 STANDARD. IF IT IS NECESSARY TO COMBINE A TOWNSHIP OR ANY PART  
19 OF A TOWNSHIP WITH ANY CITY OR ANY PART OF A CITY TO MEET THE  
20 POPULATION STANDARD, THE FEWEST NUMBER OF COMBINATIONS SHALL BE  
21 UTILIZED.

22 (E) TOWNSHIPS, VILLAGES, AND CITIES SHALL BE DIVIDED ONLY IF  
23 NECESSARY TO MEET THE POPULATION STANDARD. IF IT IS NECESSARY TO  
24 BREAK TOWNSHIP, VILLAGE, AND CITY LINES TO MEET THE POPULATION  
25 STANDARD, THE FEWEST NUMBER OF LINES SHALL BE BROKEN.

26 (F) PRECINCTS SHALL BE DIVIDED ONLY IF NECESSARY TO MEET THE  
27 POPULATION STANDARD. IF IT IS NECESSARY TO BREAK PRECINCT LINES

1 TO MEET THE POPULATION STANDARD, THE FEWEST NUMBER OF LINES SHALL  
2 BE BROKEN.

3 (G) RESIDENTS OF STATE INSTITUTIONS WHO CANNOT BY LAW REGIS-  
4 TER IN THE COUNTY AS ELECTORS SHALL BE EXCLUDED FROM ANY CONSID-  
5 ERATION OF REPRESENTATION.

6 (H) DISTRICTS SHALL NOT BE DRAWN TO EFFECT PARTISAN POLITI-  
7 CAL ADVANTAGE.

8 (I) DISTRICTS SHALL NOT VIOLATE SECTION 2 OF TITLE I OF THE  
9 VOTING RIGHTS ACT OF 1965, PUBLIC LAW 89-110, 42 U.S.C. 1973.

10 (4) ~~-(3)-~~ In a county having a population of less than  
11 1,500,000, the date of the primary election for charter commis-  
12 sioners may be the same as the date for the ~~submission~~  
13 SUBMISSION of the question as provided in section 3. Otherwise,  
14 the date of the primary election for charter commissioners shall  
15 be the same as the date for the submission of the question as  
16 provided in section 3. The election of the charter commission  
17 shall be at the next primary or general election occurring not  
18 less than 60 days after the primary election for charter  
19 commissioners. If a regular primary or general election does not  
20 occur within 180 days after the date of the primary, the county  
21 board of commissioners shall provide, in the resolution, for a  
22 date on which the final election of the commission shall be  
23 held.

24 (5) ~~-(4)-~~ The apportionment plan approved by the apportion-  
25 ment commission shall be filed in the office of the county clerk  
26 at which time the plan shall become effective, and copies of the  
27 plan immediately shall be forwarded by the county clerk to the

1 secretary of state for filing. The plan shall be made available  
2 at cost to any registered voter of the county.

3 (6) ~~—(5) Any~~ A registered voter of the county, within 30  
4 days after the filing of the plan for his or her county, may  
5 petition the court of appeals to review the plan to determine if  
6 the plan meets the requirements of the laws of this state. A  
7 finding of the court of appeals may be appealed to the supreme  
8 court of this state as provided by law.

9 (7) ~~—(6)—~~ If the apportionment commission has failed to  
10 submit a plan for its county within 60 days but not less than 30  
11 days after the latest official published census figures are  
12 available or within an additional time as may be granted by the  
13 court of appeals for good cause shown on petition from the appor-  
14 tionment commission, any registered voter of the county may  
15 submit a plan to the commission for approval. The apportionment  
16 commission shall choose, from among those plans submitted, a plan  
17 meeting the requirements of the laws of this state and shall file  
18 the plan in the office of the county clerk as provided in this  
19 section within 30 days after the deadline for filing of the  
20 apportionment commission's own plan or any extension granted on  
21 the filing of the plan.

22 (8) ~~—(7)—~~ Once an apportionment plan has been found consti-  
23 tutional and not in violation of this act and all appeals have  
24 been exhausted or, if an appeal has not been taken, when the time  
25 for appeal has expired, that plan shall be the official appor-  
26 tionment plan for the county until the next United States  
27 official decennial census figures are available. When the next

1 United States official decennial census figures are available, a  
2 new apportionment plan under this act shall be established by the  
3 county apportionment commission.

4       (9) ~~—(8)—~~ The electors of each district established  
5 ~~—pursuant to—~~ UNDER this act shall elect 1 charter commissioner.  
6 There shall not be representation other than that set forth by  
7 this act.