

HOUSE BILL No. 5161

November 10, 2011, Introduced by Rep. Lund and referred to the Committee on Redistricting and Elections.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 301 and 302 (MCL 600.301 and 600.302), section
301 as amended by 1993 PA 190 and section 302 as amended by 2001 PA
117, and by adding section 303a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 301. ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,**
2 **THE** court of appeals consists of 28 judges and is a court of
3 record. **BEGINNING ON THE DATE AS DETERMINED UNDER SECTION 303A, THE**
4 **COURT OF APPEALS CONSISTS OF 24 JUDGES.**

5 Sec. 302. (1) The state is divided into 4 judicial districts
6 for the election of judges of the court of appeals. ~~Each~~ **EXCEPT AS**
7 **OTHERWISE PROVIDED IN THIS SECTION, EACH** district is entitled to 7
8 judges. ~~The~~ **BEGINNING ON THE DATE AS DETERMINED UNDER SECTION 303A,**
9 **EACH DISTRICT IS ENTITLED TO 6 JUDGES. EXCEPT AS OTHERWISE PROVIDED**

1 **IN SUBSECTION (2), THE** districts are constituted and numbered as
2 follows:

3 (a) District 1 consists of the counties of Calhoun, Hillsdale,
4 Lenawee, Monroe, and Wayne.

5 (b) District 2 consists of the counties of Genesee, Macomb,
6 Oakland, and Shiawassee.

7 (c) District 3 consists of the counties of Allegan, Barry,
8 Berrien, Branch, Cass, Eaton, Ionia, Jackson, Kalamazoo, Kent,
9 Muskegon, Newaygo, Ottawa, St. Joseph, Van Buren, and Washtenaw.

10 (d) District 4 consists of the counties of Alcona, Alger,
11 Alpena, Antrim, Arenac, Baraga, Bay, Benzie, Charlevoix, Cheboygan,
12 Chippewa, Clare, Clinton, Crawford, Delta, Dickinson, Emmet,
13 Gladwin, Gogebic, Grand Traverse, Gratiot, Houghton, Huron, Ingham,
14 Iosco, Iron, Isabella, Kalkaska, Keweenaw, Lake, Lapeer, Leelanau,
15 Livingston, Luce, Mackinac, Manistee, Marquette, Mason, Mecosta,
16 Menominee, Midland, Missaukee, Montcalm, Montmorency, Oceana,
17 Ogemaw, Ontonagon, Osceola, Oscoda, Otsego, Presque Isle,
18 Roscommon, Saginaw, Sanilac, Schoolcraft, St. Clair, Tuscola, and
19 Wexford.

20 **(2) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT**
21 **ADDED THIS SUBSECTION, THE DISTRICTS ARE CONSTITUTED AND NUMBERED**
22 **AS FOLLOWS:**

23 **(A) DISTRICT 1 CONSISTS OF THE COUNTIES OF BARRY, CALHOUN,**
24 **HILLSDALE, JACKSON, LENAWEE, MONROE, AND WAYNE.**

25 **(B) DISTRICT 2 CONSISTS OF THE COUNTIES OF GENESEE, MACOMB,**
26 **AND OAKLAND.**

27 **(C) DISTRICT 3 CONSISTS OF THE COUNTIES OF ALLEGAN, BENZIE,**

1 BERRIEN, BRANCH, CASS, CLARE, CRAWFORD, EATON, GLADWIN, IONIA,
2 ISABELLA, KALAMAZOO, KALKASKA, KENT, LAKE, MANISTEE, MASON,
3 MECOSTA, MISSAUKEE, MONTCALM, MUSKEGON, NEWAGO, OCEANA, OGEMAW,
4 OSCEOLA, OTTAWA, ROSCOMMON, ST. JOSEPH, AND VAN BUREN.

5 (D) DISTRICT 4 CONSISTS OF THE COUNTIES OF ALCONA, ALGER,
6 ALPENA, ANTRIM, ARENAC, BARAGA, BAY, CHARLEVOIX, CHEBOYGAN,
7 CHIPPEWA, CLINTON, DELTA, DICKINSON, EMMET, GOGEBIC, GRAND
8 TRAVERSE, GRATIOT, HOUGHTON, HURON, INGHAM, IOSCO, IRON, KEWEENAW,
9 LAPEER, LEELANAU, LIVINGSTON, LUCE, MACKINAC, MARQUETTE, MENOMINEE,
10 MIDLAND, MONTMORENCY, ONTONAGON, OSCODA, OTSEGO, PRESQUE ISLE,
11 SAGINAW, SANILAC, SCHOOLCRAFT, SHIAWASSEE, ST. CLAIR, TUSCOLA,
12 WASHTENAW, AND WEXFORD.

13 SEC. 303A. TO EFFECTUATE THE TRANSITION TO 6 JUDGES IN EACH
14 DISTRICT, EACH DISTRICT IS ENTITLED TO 6 JUDGES AS FOLLOWS:

15 (A) IF THERE ARE NOT MORE THAN 6 INCUMBENT COURT OF APPEALS
16 JUDGES IN A DISTRICT ON THE EFFECTIVE DATE OF THE AMENDATORY ACT
17 THAT ADDED THIS SECTION, THE NUMBER OF JUDGESHIPS IN THAT DISTRICT
18 SHALL REMAIN AT 6.

19 (B) IF THERE ARE MORE THAN 6 COURT OF APPEALS JUDGESHIPS IN A
20 DISTRICT ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
21 THIS SECTION AND 1 OF THOSE JUDGESHIPS IS VACANT, THAT JUDGESHIP IS
22 ELIMINATED. IF MORE THAN 1 OF THE JUDGESHIPS IN THAT DISTRICT IS
23 VACANT, ONLY THE VACANT JUDGESHIP WITH THE SHORTEST REMAINING TERM
24 IS ELIMINATED. IF THE ELIMINATION OF A JUDGESHIP RESULTS IN 6
25 INCUMBENT COURT OF APPEALS JUDGES IN THAT DISTRICT, THE NUMBER OF
26 JUDGESHIPS IN THAT DISTRICT SHALL REMAIN AT 6.

27 (C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, IF THERE

1 ARE MORE THAN 6 COURT OF APPEALS JUDGESHIIPS IN A DISTRICT ON THE
2 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION AND
3 THERE ARE NO JUDGESHIIPS TO BE ELIMINATED UNDER SUBDIVISION (B), 1
4 JUDGESHIP SHALL BE ELIMINATED FROM THE DISTRICT AT THE END OF THE
5 TERM FOR WHICH AN INCUMBENT JUDGE OF THE COURT OF APPEALS NO LONGER
6 SEEKS ELECTION OR REELECTION TO THAT OFFICE UNTIL THERE ARE 6
7 INCUMBENT JUDGES IN THAT DISTRICT. THEREAFTER, THE NUMBER OF
8 JUDGESHIIPS IN THE DISTRICT SHALL REMAIN AT 6. HOWEVER, A JUDGESHIP
9 HELD BY AN INCUMBENT JUDGE WHO IS SERVING BY APPOINTMENT OF THE
10 GOVERNOR SHALL NOT BE ELIMINATED UNDER THIS SUBDIVISION.