

# HOUSE BILL No. 4557

April 14, 2011, Introduced by Reps. Byrum, Lindberg, Hovey-Wright, Bauer, Townsend, Brown, Santana, Cavanagh, Dillon, Switalski, Ananich, Melton, Smiley, Brunner, Stanley, Slavens, Meadows, McCann and Nathan and referred to the Committee on Redistricting and Elections.

A bill to amend 1996 PA 463, entitled

"An act to establish guidelines for the decennial adoption of redistricting plans for the senate and house of representatives; to provide original jurisdiction to the supreme court to review redistricting plans enacted by the legislature for compliance with those guidelines; and to provide a procedure for the supreme court to use to redistrict the senate and house of representatives under certain circumstances,"

by amending section 1 (MCL 4.261).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. (1) By November 1, 2001, and every 10 years  
2       thereafter, the legislature shall enact a redistricting plan for  
3       the senate and house of representatives. **BEFORE ENACTING ANY**  
4       **REDISTRICTING PLAN UNDER THIS ACT AND AT LEAST 45 DAYS AFTER THE**  
5       **OFFICIAL TOTAL POPULATION COUNT OF THE FEDERAL DECENNIAL CENSUS IS**  
6       **AVAILABLE, THE LEGISLATURE SHALL HOLD AT LEAST 6 PUBLIC HEARINGS ON**  
7       **ANY LEGISLATIVE REDISTRICTING PLAN. AT LEAST 1 OF THE HEARINGS**

1 REQUIRED UNDER THIS SUBSECTION SHALL TAKE PLACE IN EACH OF THE  
2 FOLLOWING LOCATIONS IN THIS STATE:

3 (A) THE UPPER PENINSULA.

4 (B) THE NORTHERN PART OF THE LOWER PENINSULA, NORTH OF A LINE  
5 DRAWN ALONG THE NORTHERN BOUNDARIES OF THE COUNTIES OF BAY,  
6 MIDLAND, ISABELLA, MECOSTA, NEWAYGO, AND OCEANA.

7 (C) SOUTHWESTERN MICHIGAN, THOSE COUNTIES SOUTH OF THE REGION  
8 DESCRIBED IN SUBDIVISION (B) AND WEST OF A LINE DRAWN ALONG THE  
9 WESTERN BOUNDARIES OF THE COUNTIES OF BAY, SAGINAW, SHIAWASSEE,  
10 INGHAM, JACKSON, AND HILLSDALE.

11 (D) SOUTHEASTERN MICHIGAN, THE REMAINING COUNTIES OF THE  
12 STATE.

13 (2) THE LEGISLATURE SHALL NOT REPORT ANY REDISTRICTING PLAN  
14 FROM COMMITTEE UNTIL AT LEAST 30 DAYS AFTER THE HEARINGS IN  
15 SUBSECTION (1) ARE HELD. Except as otherwise required by federal  
16 law for legislative districts in this state, the redistricting plan  
17 shall be enacted using only the following guidelines:

18 (a) The senate districts shall consist of 38 single-member  
19 districts.

20 (b) The house of representatives districts shall consist of  
21 110 single-member districts.

22 (c) Senate and house of representatives districts shall be  
23 areas of convenient territory contiguous by land. Areas that meet  
24 only at the points of adjoining corners are not contiguous.

25 (d) Senate and house of representatives districts shall have a  
26 population not exceeding 105% and not less than 95% of the ideal  
27 district size for the senate or the house of representatives unless

1 and until the United States supreme court establishes a different  
2 range of allowable population divergence for state legislative  
3 districts.

4 (e) Senate and house of representatives district lines shall  
5 preserve county lines with the least cost to the principle of  
6 equality of population provided for in subdivision (d).

7 (f) If it is necessary to break county lines to stay within  
8 the range of allowable population divergence provided for in  
9 subdivision (d), the fewest whole cities or whole townships  
10 necessary shall be shifted. Between 2 cities or townships, both of  
11 which will bring the districts into compliance with subdivisions  
12 (d) and (h), the city or township with the lesser population shall  
13 be shifted.

14 (g) Within those counties to which there is apportioned more  
15 than 1 senate district or house of representatives district,  
16 district lines shall be drawn on city and township lines with the  
17 least cost to the principle of equality of population between  
18 election districts consistent with the maximum preservation of city  
19 and township lines and without exceeding the range of allowable  
20 divergence provided for in subdivision (d).

21 (h) If it is necessary to break city or township lines to stay  
22 within the range of allowable divergence provided for in  
23 subdivision (d), the number of people necessary to achieve  
24 population equality shall be shifted between the 2 districts  
25 affected by the shift, except that in lieu of absolute equality the  
26 lines may be drawn along the closest street or comparable boundary.

27 (i) Within a city or township to which there is apportioned

1 more than 1 senate district or house of representatives district,  
2 district lines shall be drawn to achieve the maximum compactness  
3 possible within a population range of 98% to 102% of absolute  
4 equality between districts within that city or township.

5 (j) Compactness shall be determined by circumscribing each  
6 district within a circle of minimum radius and measuring the area,  
7 not part of the Great Lakes and not part of another state, inside  
8 the circle but not inside the district.

9 (k) If a discontinuous township island exists within an  
10 incorporated city or discontinuous portions of townships are split  
11 by an incorporated city, the splitting of the township shall not be  
12 considered a split if any of the following circumstances exist:

13 (i) The city must be split to stay within the range of  
14 allowable divergence provided for in subdivision (d) and it is  
15 practicable to keep the township together within 1 district.

16 (ii) A township island is contained within a whole city and a  
17 split of the city would be required to keep the township intact.

18 (iii) The discontinuous portion of a township cannot be included  
19 in the same district with another portion of the same township  
20 without creating a noncontiguous district.

21 (l) Senate and house districts shall not violate the precedents  
22 established in Miller v Johnson, 115 S Ct 2475; 132 L Ed 2d 762  
23 (1995); Bush v Vera, 116 S Ct 1941; 135 L Ed 2d 248 (1996); and,  
24 Shaw v Hunt, 116 S Ct 1894; 135 L Ed 2d 207 (1996).