

SENATE BILL No. 302

March 24, 2011, Introduced by Senators BIEDA, WHITMER, SMITH, HUNTER, ANDERSON, GREGORY, JOHNSON, GLEASON, WARREN and YOUNG and referred to the Committee on Government Operations.

A bill to amend 1999 PA 221, entitled
"Congressional redistricting act,"
by amending sections 2 and 3 (MCL 3.62 and 3.63).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) THE CONGRESSIONAL REDISTRICTING COMMISSION IS
2 CREATED WITHIN THE DEPARTMENT OF STATE.

3 (2) THE CONGRESSIONAL REDISTRICTING COMMISSION SHALL CONSIST
4 OF 9 MEMBERS, APPOINTED AS FOLLOWS:

5 (A) FOUR MEMBERS APPOINTED BY THE POLITICAL PARTY WHOSE
6 CANDIDATE FOR THE OFFICE OF GOVERNOR RECEIVED THE HIGHEST NUMBER OF
7 VOTES AT THE LAST GENERAL ELECTION IN WHICH A GOVERNOR WAS ELECTED
8 PRECEDING REDISTRICTING.

9 (B) FOUR MEMBERS APPOINTED BY THE POLITICAL PARTY WHOSE
10 CANDIDATE FOR THE OFFICE OF GOVERNOR RECEIVED THE SECOND HIGHEST

1 NUMBER OF VOTES AT THE LAST GENERAL ELECTION IN WHICH A GOVERNOR
2 WAS ELECTED PRECEDING REDISTRICTING.

3 (C) ONE MEMBER, WHO SHALL SERVE AS CHAIRPERSON OF THE
4 COMMISSION, APPOINTED BY THE AUDITOR GENERAL.

5 (3) THE MEMBERS FIRST APPOINTED TO THE CONGRESSIONAL
6 REDISTRICTING COMMISSION SHALL BE APPOINTED WITHIN 30 DAYS AFTER
7 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
8 SUBSECTION.

9 (4) A MEMBER OF THE CONGRESSIONAL REDISTRICTING COMMISSION
10 SHALL SERVE FOR A TERM OF 2 YEARS OR UNTIL A SUCCESSOR IS
11 APPOINTED, WHICHEVER IS LATER.

12 (5) IF A VACANCY OCCURS ON THE CONGRESSIONAL REDISTRICTING
13 COMMISSION, THE PARTY OR INDIVIDUAL WHO APPOINTED THAT MEMBER UNDER
14 SUBSECTION (2) SHALL MAKE AN APPOINTMENT FOR THE UNEXPIRED TERM.

15 (6) THE FIRST MEETING OF THE COMMISSION SHALL BE CALLED BY THE
16 CHAIRPERSON. AFTER THE FIRST MEETING, THE COMMISSION SHALL MEET AT
17 LEAST QUARTERLY, OR MORE FREQUENTLY AT THE CALL OF THE CHAIRPERSON
18 OR IF REQUESTED BY 5 OR MORE MEMBERS. THE COMMISSION SHALL HOLD AT
19 LEAST 6 PUBLIC HEARINGS BEFORE VOTING ON ANY CONGRESSIONAL
20 REDISTRICTING PLAN. AT LEAST 1 OF THE HEARINGS REQUIRED UNDER THIS
21 SUBSECTION SHALL TAKE PLACE IN EACH OF THE FOLLOWING LOCATIONS IN
22 THIS STATE:

23 (A) THE UPPER PENINSULA.

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

27 (C) SOUTHWESTERN MICHIGAN, THOSE COUNTIES SOUTH OF THE REGION

1 DESCRIBED IN SUBDIVISION (B) AND WEST OF A LINE DRAWN ALONG THE
2 WESTERN BOUNDARIES OF THE COUNTIES OF BAY, SAGINAW, SHIAWASSEE,
3 INGHAM, JACKSON, AND HILLSDALE.

4 (D) SOUTHEASTERN MICHIGAN, THE REMAINING COUNTIES OF THIS
5 STATE.

6 (7) THE COMMISSION SHALL ESTABLISH A WEBSITE AND POST ANY
7 REDISTRICTING PLAN ON THE WEBSITE 72 HOURS BEFORE VOTING ON THE
8 PLAN. THE COMMISSION SHALL NOT CHANGE A REDISTRICTING PLAN UNLESS
9 THOSE CHANGES HAVE BEEN POSTED ON THE WEBSITE FOR 72 HOURS.

10 (8) A LOBBYIST, OR AN OFFICER OR EMPLOYEE OF THE FEDERAL OR
11 STATE GOVERNMENT, UNLESS THE OFFICER OR EMPLOYEE IS THE MEMBER
12 APPOINTED BY THE AUDITOR GENERAL, IS NOT ELIGIBLE TO SERVE ON THE
13 COMMISSION.

14 (9) A MAJORITY OF THE MEMBERS OF THE COMMISSION CONSTITUTE A
15 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE
16 COMMISSION. A MAJORITY OF THE MEMBERS PRESENT AND SERVING ARE
17 REQUIRED FOR OFFICIAL ACTION OF THE COMMISSION.

18 (10) THE BUSINESS THAT THE COMMISSION MAY PERFORM SHALL BE
19 CONDUCTED AT A PUBLIC MEETING OF THE COMMISSION HELD IN COMPLIANCE
20 WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

21 (11) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
22 RETAINED BY THE COMMISSION IN THE PERFORMANCE OF AN OFFICIAL
23 FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442,
24 MCL 15.231 TO 15.246.

25 (12) A MEMBER OF THE COMMISSION SHALL NOT SOLICIT OR ACCEPT A
26 GIFT OR LOAN OF MONEY, GOODS, SERVICES, OR OTHER THING OF VALUE
27 FROM A LOBBYIST, AN INDIVIDUAL WHO HOLDS AN ELECTIVE OFFICE, A

1 STATE OR FEDERAL EMPLOYEE, OR A 501 OR 527 ORGANIZATION.

2 (13) A MEMBER OF THE CONGRESSIONAL REDISTRICTING COMMISSION
3 SHALL SERVE WITHOUT COMPENSATION. HOWEVER, A MEMBER OF THE
4 CONGRESSIONAL REDISTRICTING COMMISSION MAY BE REIMBURSED FOR HIS OR
5 HER ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF
6 OFFICIAL DUTIES AS A MEMBER OF THE COMMISSION.

7 (14) BY SEPTEMBER 1, 2011, AND EVERY 10 YEARS THEREAFTER, THE
8 CONGRESSIONAL REDISTRICTING COMMISSION SHALL PREPARE A
9 CONGRESSIONAL REDISTRICTING PLAN AND SHALL DELIVER THAT PLAN TO THE
10 LEGISLATURE. IF 6 MEMBERS OF THE CONGRESSIONAL REDISTRICTING
11 COMMISSION CANNOT AGREE ON A PLAN, THE MEMBERS APPOINTED UNDER
12 SUBSECTION (2) (A) SHALL SUBMIT A PROPOSED PLAN TO THE LEGISLATURE
13 AND THE MEMBERS APPOINTED UNDER SUBSECTION (2) (B) SHALL SUBMIT A
14 PROPOSED PLAN TO THE LEGISLATURE BY SEPTEMBER 15. A CONGRESSIONAL
15 REDISTRICTING PLAN SUBMITTED TO THE LEGISLATURE UNDER THIS
16 SUBSECTION SHALL BE VOTED UPON BY THE LEGISLATURE BEFORE ANY OTHER
17 REDISTRICTING PLAN IS ENACTED. Not later than November 1, 2001, and
18 every 10 years thereafter, the legislature shall enact a
19 redistricting plan for congressional districts apportioned to
20 Michigan.

21 (15) AS USED IN THIS SECTION:

22 (A) "COMMISSION" MEANS THE CONGRESSIONAL REDISTRICTING
23 COMMISSION CREATED IN SUBSECTION (1).

24 (B) "ELECTIVE OFFICE" MEANS A PUBLIC OFFICE FILLED BY AN
25 ELECTION.

26 (C) "LOBBYIST" MEANS A LOBBYIST OR LOBBYIST AGENT REGISTERED
27 UNDER 1978 PA 472, MCL 4.411 TO 4.431.

1 (D) "STATE EMPLOYEE" MEANS A CLASSIFIED MEMBER OF THE STATE
2 CIVIL SERVICE OR AN UNCLASSIFIED EMPLOYEE OF THE EXECUTIVE,
3 LEGISLATIVE, OR JUDICIAL BRANCH OF STATE GOVERNMENT.

4 (E) "501 OR 527 ORGANIZATION" MEANS AN ORGANIZATION THAT IS
5 EXEMPT FROM FEDERAL INCOME TAX PURSUANT TO SECTION 501 OR 527 OF
6 THE INTERNAL REVENUE CODE OF 1986, 26 USC 501 OR 527.

7 Sec. 3. Except as otherwise required by federal law for
8 congressional districts in this state, the CONGRESSIONAL
9 REDISTRICTING COMMISSION OR LEGISLATURE SHALL PREPARE THE
10 redistricting plan ~~shall be enacted~~ using only these guidelines in
11 the following order of priority:

12 (a) The constitutional guideline is that each congressional
13 district shall achieve precise mathematical equality of population
14 in each district.

15 (b) The federal statutory guidelines in no order of priority
16 are as follows:

17 (i) Each congressional district shall be entitled to elect a
18 single member.

19 (ii) Each congressional district shall not violate section 2 of
20 title I of the voting rights act of 1965, ~~Public Law 89-110, 42~~
21 ~~U.S.C. USC~~ 1973.

22 (c) The secondary guidelines in order of priority are as
23 follows:

24 (i) Each congressional district shall consist of areas of
25 convenient territory contiguous by land. Areas that meet only at
26 points of adjoining corners are not contiguous.

27 (ii) Congressional district lines shall break as few county

1 boundaries as is reasonably possible.

2 (iii) If it is necessary to break county lines to achieve
3 equality of population between congressional districts as provided
4 in subdivision (a), the number of people necessary to achieve
5 population equality shall be shifted between the 2 districts
6 affected by the shift.

7 (iv) Congressional district lines shall break as few city and
8 township boundaries as is reasonably possible.

9 (v) If it is necessary to break city or township lines to
10 achieve equality of population between congressional districts as
11 provided in subdivision (a), the number of people necessary to
12 achieve population equality shall be shifted between the 2
13 districts affected by the shift.

14 (vi) Within a city or township to which there is apportioned
15 more than 1 congressional district, district lines shall be drawn
16 to achieve the maximum compactness possible.

17 (vii) Compactness shall be determined by circumscribing each
18 district within a circle of minimum radius and measuring the area,
19 not part of the Great Lakes and not part of another state, inside
20 the circle but not inside the district.

21 (viii) If a discontinuous township island exists within an
22 incorporated city or discontinuous portions of townships are split
23 by an incorporated city, the splitting of the township shall not be
24 considered a split if any of the following circumstances exist:

25 (A) The city must be split to achieve equality of population
26 between congressional districts as provided in subdivision (a) and
27 it is practicable to keep the township together within 1 district.

1 (B) A township island is contained within a whole city and a
2 split of the city would be required to keep the township intact.

3 (C) The discontinuous portion of a township cannot be included
4 in the same district with another portion of the same township
5 without creating a noncontiguous district.

6 (ix) Each congressional district shall be numbered in a regular
7 series, beginning with congressional district 1 in the northwest
8 corner of the state and ending with the highest numbered district
9 in the southeast corner of the state.

10 Enacting section 1. This amendatory act does not take effect
11 unless Senate Bill No.____ or House Bill No.____ (request no.
12 00871'11 a) of the 96th Legislature is enacted into law.