

HOUSE JOINT RESOLUTION CC

May 25, 2011, Introduced by Reps. Townsend, McCann, Irwin, Liss, Ananich, Melton, Brunner, Kandrevas, Lane, Rutledge and Switalski and referred to the Committee on Redistricting and Elections.

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 2, 3, and 6 of article IV, to modify congressional and legislative apportionment and districting.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to modify congressional and legislative apportionment and districting, is proposed, agreed to, and submitted to the people of the state:

ARTICLE IV

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor

1 for four-year terms concurrent with the term of office of the
2 governor.

3 ~~—— In districting the state for the purpose of electing senators~~
4 ~~after the official publication of the total population count of~~
5 ~~each federal decennial census, each county shall be assigned~~
6 ~~apportionment factors equal to the sum of its percentage of the~~
7 ~~state's population as shown by the last regular federal decennial~~
8 ~~census computed to the nearest one one hundredth of one percent~~
9 ~~multiplied by four and its percentage of the state's land area~~
10 ~~computed to the nearest one one hundredth of one percent.~~

11 ~~—— In arranging the state into senatorial districts, the~~
12 ~~apportionment commission shall be governed by the following rules:~~

13 ~~—— (1) Counties with 13 or more apportionment factors shall be~~
14 ~~entitled as a class to senators in the proportion that the total~~
15 ~~apportionment factors of such counties bear to the total~~
16 ~~apportionment factors of the state computed to the nearest whole~~
17 ~~number. After each such county has been allocated one senator, the~~
18 ~~remaining senators to which this class of counties is entitled~~
19 ~~shall be distributed among such counties by the method of equal~~
20 ~~proportions applied to the apportionment factors.~~

21 ~~—— (2) Counties having less than 13 apportionment factors shall~~
22 ~~be entitled as a class to senators in the proportion that the total~~
23 ~~apportionment factors of such counties bear to the total~~
24 ~~apportionment factors of the state computed to the nearest whole~~
25 ~~number. Such counties shall thereafter be arranged into senatorial~~
26 ~~districts that are compact, convenient, and contiguous by land, as~~
27 ~~rectangular in shape as possible, and having as nearly as possible~~

~~13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there is a failure to comply with the above standards.~~

~~—— (3) Counties entitled to two or more senators shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.~~

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

~~—— Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be~~

1 ~~entitled initially to one representative.~~

2 ~~—— After the assignment of one representative to each of the~~
3 ~~representative areas, the remaining house seats shall be~~
4 ~~apportioned among the representative areas on the basis of~~
5 ~~population by the method of equal proportions.~~

6 ~~—— Any county comprising a representative area entitled to two or~~
7 ~~more representatives shall be divided into single member~~
8 ~~representative districts as follows:~~

9 ~~—— (1) The population of such districts shall be as nearly equal~~
10 ~~as possible but shall not be less than 75 percent nor more than 125~~
11 ~~percent of a number determined by dividing the population of the~~
12 ~~representative area by the number of representatives to which it is~~
13 ~~entitled.~~

14 ~~—— (2) Such single member districts shall follow city and~~
15 ~~township boundaries where applicable and shall be composed of~~
16 ~~compact and contiguous territory as nearly square in shape as~~
17 ~~possible.~~

18 ~~—— Any representative area consisting of more than one county,~~
19 ~~entitled to more than one representative, shall be divided into~~
20 ~~single member districts as equal as possible in population,~~
21 ~~adhering to county lines.~~

22 Sec. 6. **A-~~THE REDISTRICTING~~** commission on legislative **AND**
23 **CONGRESSIONAL** apportionment is hereby established consisting of
24 ~~eight electors~~ **NINE MEMBERS, AS FOLLOWS:** four of whom shall be
25 ~~selected by the state organizations of each of the two political~~
26 ~~parties whose candidates for governor received the highest vote at~~
27 ~~the last general election at which a governor was elected preceding~~

~~each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.~~ **ONE MEMBER SELECTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, ONE MEMBER SELECTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, ONE MEMBER SELECTED BY THE MAJORITY LEADER OF THE SENATE, ONE MEMBER SELECTED BY THE MINORITY LEADER OF THE SENATE, AND FIVE MEMBERS SELECTED BY THE AUDITOR GENERAL. EACH MEMBER OF THE COMMISSION SHALL BE AN ELECTOR OF THIS STATE.**

~~No officers or employees of the federal, state or local governments, excepting notaries public and members of the armed forces reserve, shall be~~ **AN INDIVIDUAL WHO HAS BEEN APPOINTED TO OR ELECTED TO ANY PUBLIC OFFICE, HAS BEEN EMPLOYED BY A POLITICAL PARTY OR A POLITICAL PARTY CAUCUS IN THE IMMEDIATELY PRECEDING FIVE-YEAR PERIOD, HAS RECEIVED COMPENSATION AS A REGISTERED LOBBYIST IN THE IMMEDIATELY PRECEDING FIVE-YEAR PERIOD, IS EMPLOYED BY AN ORGANIZATION FROM WHICH MEMBERS OF THE COMMISSION ARE**

1 PROHIBITED FROM RECEIVING GIFTS OR LOANS, OR HAS ENTERED INTO A
 2 CONTRACT WITH THIS STATE OR IS EMPLOYED BY A PERSON WHO HAS ENTERED
 3 INTO A CONTRACT WITH THIS STATE IS NOT eligible for membership on
 4 the commission. Members of the commission shall not be eligible for
 5 election ~~to the legislature~~ OR APPOINTMENT TO PUBLIC OFFICE until
 6 ~~two~~ TEN years after the apportionment in which they participated
 7 becomes effective.

8 The commission shall be appointed ~~immediately after the~~
 9 ~~adoption of this constitution~~ NOT LATER THAN JULY 1 IN THE YEAR THE
 10 FEDERAL DECENNIAL CENSUS IS CONDUCTED and whenever apportionment or
 11 districting of the legislature is required by the provisions of
 12 this constitution. Members of the commission shall hold office
 13 until DECEMBER 1 IN THE YEAR IMMEDIATELY FOLLOWING THE YEAR each
 14 apportionment or districting plan becomes effective. Vacancies
 15 shall be filled in the same manner as for original appointment.

16 The secretary of state shall be secretary of the commission
 17 without vote, and in that capacity shall furnish, under the
 18 direction of the commission, all necessary technical services. The
 19 commission shall elect its own ~~chairman~~, CHAIRPERSON FROM THE
 20 MEMBERS APPOINTED BY THE AUDITOR GENERAL AND shall make its own
 21 rules of procedure. ~~, and shall receive compensation provided by~~
 22 ~~law.~~ MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT COMPENSATION.
 23 HOWEVER, MEMBERS OF THE COMMISSION SHALL BE REIMBURSED FOR THEIR
 24 ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR
 25 OFFICIAL DUTIES AS MEMBERS OF THE COMMISSION. The legislature shall
 26 appropriate funds to enable the commission to carry out its
 27 activities. A MEMBER SHALL NOT SOLICIT OR ACCEPT A GIFT OR LOAN

1 FROM A REGISTERED LOBBYIST, A UNION, A BUSINESS REGISTERED WITH
2 THIS STATE, A POLITICAL ACTION COMMITTEE, A NONPROFIT ORGANIZATION,
3 OR AN ORGANIZATION ORGANIZED UNDER SECTION 501(C) OR 527 OF THE
4 INTERNAL REVENUE CODE, 26 USC 501 AND 527.

5 Within 30 days after ~~the adoption of this constitution, and~~
6 ~~after the official total population count of each federal decennial~~
7 ~~census of the state and its political subdivisions is available,~~
8 the secretary of state shall issue a call convening the commission
9 not less than 30 nor more than 45 days thereafter. The commission
10 shall complete its work ~~within 180 days after all necessary census~~
11 ~~information is available~~ **NOT LATER THAN NOVEMBER 1 IN THE YEAR**
12 **IMMEDIATELY FOLLOWING THE FEDERAL DECENNIAL CENSUS.** The commission
13 shall proceed to district and apportion the senate and house of
14 representatives **AND CONGRESSIONAL REPRESENTATION** according to the
15 provisions of this constitution. All final decisions shall require
16 the concurrence of a majority of the members of the commission. The
17 commission shall hold public hearings as may be provided by law **AND**
18 **SHALL ALLOW MEMBERS OF THE PUBLIC TO SUBMIT THEIR OWN PLANS.**

19 Each final apportionment and districting plan shall be
20 published as provided by law within 30 days from the date of its
21 adoption and shall become law 60 days after publication. The
22 secretary of state shall keep a public record of all the
23 proceedings of the commission and shall be responsible for the
24 publication and distribution of each plan.

25 If a majority of the commission cannot agree on a plan, each
26 member of the commission, individually or jointly with other
27 members, may submit a proposed plan to the supreme court. The

1 supreme court shall determine which plan complies most accurately
2 with the constitutional requirements and shall direct that it be
3 adopted by the commission and published as provided in this
4 section.

5 **THE BUSINESS THAT THE COMMISSION MAY PERFORM SHALL BE**
6 **CONDUCTED AT A PUBLIC MEETING OF THE COMMISSION HELD IN COMPLIANCE**
7 **WITH THE OPEN MEETINGS ACT, 1976 PA 267. A WRITING PREPARED, OWNED,**
8 **USED, IN THE POSSESSION OF, OR RETAINED BY THE COMMISSION IN THE**
9 **PERFORMANCE OF AN OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF**
10 **INFORMATION ACT, 1976 PA 442.**

11 Upon the application of any elector filed not later than 60
12 days after final publication of the plan, the supreme court, in the
13 exercise of original jurisdiction, shall direct the secretary of
14 state or the commission to perform their duties, may review any
15 final plan adopted by the commission, and shall remand such plan to
16 the commission for further action if it fails to comply with the
17 requirements of this constitution.

18 **IN ARRANGING THIS STATE INTO CONGRESSIONAL, HOUSE, AND SENATE**
19 **DISTRICTS, THE REDISTRICTING COMMISSION SHALL BE GOVERNED BY THE**
20 **FOLLOWING RULES:**

21 **(A) EACH CONGRESSIONAL DISTRICT SHALL ACHIEVE PRECISE**
22 **MATHEMATICAL EQUALITY OF POPULATION IN EACH DISTRICT.**

23 **(B) EACH CONGRESSIONAL DISTRICT SHALL BE ENTITLED TO ELECT A**
24 **SINGLE MEMBER.**

25 **(C) EACH CONGRESSIONAL DISTRICT SHALL NOT VIOLATE SECTION 2 OF**
26 **TITLE I OF THE VOTING RIGHTS ACT OF 1965, PUBLIC LAW 89-110.**

27 **(D) EACH CONGRESSIONAL DISTRICT SHALL CONSIST OF AREAS OF**

1 CONVENIENT TERRITORY CONTIGUOUS BY LAND. AREAS THAT MEET ONLY AT
2 POINTS OF ADJOINING CORNERS ARE NOT CONTIGUOUS.

3 (E) CONGRESSIONAL DISTRICT LINES SHALL BREAK AS FEW COUNTY
4 BOUNDARIES AS IS REASONABLY POSSIBLE.

5 (F) IF IT IS NECESSARY TO BREAK COUNTY LINES TO ACHIEVE
6 EQUALITY OF POPULATION BETWEEN CONGRESSIONAL DISTRICTS, THE NUMBER
7 OF PEOPLE NECESSARY TO ACHIEVE POPULATION EQUALITY SHALL BE SHIFTED
8 BETWEEN THE TWO DISTRICTS AFFECTED BY THE SHIFT.

9 (G) CONGRESSIONAL DISTRICT LINES SHALL BREAK AS FEW CITY AND
10 TOWNSHIP BOUNDARIES AS IS REASONABLY POSSIBLE.

11 (H) IF IT IS NECESSARY TO BREAK CITY OR TOWNSHIP LINES TO
12 ACHIEVE EQUALITY OF POPULATION BETWEEN CONGRESSIONAL DISTRICTS, THE
13 NUMBER OF PEOPLE NECESSARY TO ACHIEVE POPULATION EQUALITY SHALL BE
14 SHIFTED BETWEEN THE TWO DISTRICTS AFFECTED BY THE SHIFT.

15 (I) WITHIN A CITY OR TOWNSHIP TO WHICH THERE IS APPORTIONED
16 MORE THAN ONE CONGRESSIONAL DISTRICT, DISTRICT LINES SHALL BE DRAWN
17 TO ACHIEVE THE MAXIMUM COMPACTNESS POSSIBLE.

18 (J) COMPACTNESS SHALL BE DETERMINED BY CIRCUMSCRIBING EACH
19 DISTRICT WITHIN A CIRCLE OF MINIMUM RADIUS AND MEASURING THE AREA,
20 NOT PART OF THE GREAT LAKES AND NOT PART OF ANOTHER STATE, INSIDE
21 THE CIRCLE BUT NOT INSIDE THE DISTRICT.

22 (K) IF A DISCONTIGUOUS TOWNSHIP ISLAND EXISTS WITHIN AN
23 INCORPORATED CITY OR DISCONTIGUOUS PORTIONS OF TOWNSHIPS ARE SPLIT
24 BY AN INCORPORATED CITY, THE SPLITTING OF THE TOWNSHIP SHALL NOT BE
25 CONSIDERED A SPLIT IF ANY OF THE FOLLOWING CIRCUMSTANCES EXIST:

26 (i) THE CITY MUST BE SPLIT TO ACHIEVE EQUALITY OF POPULATION
27 BETWEEN CONGRESSIONAL DISTRICTS AND IT IS PRACTICABLE TO KEEP THE

1 TOWNSHIP TOGETHER WITHIN ONE DISTRICT.

2 (ii) A TOWNSHIP ISLAND IS CONTAINED WITHIN A WHOLE CITY AND A
3 SPLIT OF THE CITY WOULD BE REQUIRED TO KEEP THE TOWNSHIP INTACT.

4 (iii) THE DISCONTIGUOUS PORTION OF A TOWNSHIP CANNOT BE INCLUDED
5 IN THE SAME DISTRICT WITH ANOTHER PORTION OF THE SAME TOWNSHIP
6 WITHOUT CREATING A NONCONTIGUOUS DISTRICT.

7 (l) SENATE OR HOUSE OF REPRESENTATIVES DISTRICTS SHALL BE AREAS
8 OF CONVENIENT TERRITORY CONTIGUOUS BY LAND. AREAS THAT MEET ONLY AT
9 THE POINTS OF ADJOINING CORNERS ARE NOT CONTIGUOUS.

10 (M) SENATE OR HOUSE OF REPRESENTATIVES DISTRICTS SHALL HAVE A
11 POPULATION NOT EXCEEDING 105 PERCENT AND NOT LESS THAN 95 PERCENT
12 OF THE IDEAL DISTRICT SIZE FOR THE SENATE OR THE HOUSE OF
13 REPRESENTATIVES UNLESS AND UNTIL THE UNITED STATES SUPREME COURT
14 ESTABLISHES A DIFFERENT RANGE OF ALLOWABLE POPULATION DIVERGENCE
15 FOR STATE LEGISLATIVE DISTRICTS.

16 (N) DISTRICT LINES SHALL PRESERVE COUNTY LINES WITH THE LEAST
17 COST TO THE PRINCIPLE OF EQUALITY OF POPULATION.

18 (O) IF IT IS NECESSARY TO BREAK COUNTY LINES TO STAY WITHIN
19 THE RANGE OF ALLOWABLE POPULATION DIVERGENCE, THE FEWEST WHOLE
20 CITIES OR WHOLE TOWNSHIPS NECESSARY SHALL BE SHIFTED. BETWEEN TWO
21 CITIES OR TOWNSHIPS, EITHER OF WHICH WILL BRING THE DISTRICTS INTO
22 COMPLIANCE WITH SUBDIVISION (M), THE CITY OR TOWNSHIP WITH THE
23 LESSER POPULATION SHALL BE SHIFTED.

24 (P) WITHIN THOSE COUNTIES TO WHICH THERE IS APPORTIONED MORE
25 THAN ONE SENATE DISTRICT OR HOUSE OF REPRESENTATIVES DISTRICT,
26 DISTRICT LINES SHALL BE DRAWN ON CITY AND TOWNSHIP LINES WITH THE
27 LEAST COST TO THE PRINCIPLE OF EQUALITY OF POPULATION BETWEEN

1 ELECTION DISTRICTS CONSISTENT WITH THE MAXIMUM PRESERVATION OF CITY
2 AND TOWNSHIP LINES AND WITHOUT EXCEEDING THE RANGE OF ALLOWABLE
3 DIVERGENCE.

4 (Q) IF IT IS NECESSARY TO BREAK CITY OR TOWNSHIP LINES TO STAY
5 WITHIN THE RANGE OF ALLOWABLE DIVERGENCE, THE NUMBER OF PEOPLE
6 NECESSARY TO ACHIEVE POPULATION EQUALITY SHALL BE SHIFTED BETWEEN
7 THE TWO DISTRICTS AFFECTED BY THE SHIFT, EXCEPT THAT IN LIEU OF
8 ABSOLUTE EQUALITY THE LINES MAY BE DRAWN ALONG THE CLOSEST STREET
9 OR COMPARABLE BOUNDARY.

10 (R) WITHIN A CITY OR TOWNSHIP TO WHICH THERE IS APPORTIONED
11 MORE THAN ONE SENATE DISTRICT OR HOUSE OF REPRESENTATIVES DISTRICT,
12 DISTRICT LINES SHALL BE DRAWN TO ACHIEVE THE MAXIMUM COMPACTNESS
13 POSSIBLE WITHIN A POPULATION RANGE OF 98 PERCENT TO 102 PERCENT OF
14 ABSOLUTE EQUALITY BETWEEN DISTRICTS WITHIN THAT CITY OR TOWNSHIP.

15 (S) COMPACTNESS SHALL BE DETERMINED BY CIRCUMSCRIBING EACH
16 DISTRICT WITHIN A CIRCLE OF MINIMUM RADIUS AND MEASURING THE AREA,
17 NOT PART OF THE GREAT LAKES AND NOT PART OF ANOTHER STATE, INSIDE
18 THE CIRCLE BUT NOT INSIDE THE DISTRICT.

19 (T) IF A DISCONTIGUOUS TOWNSHIP ISLAND EXISTS WITHIN AN
20 INCORPORATED CITY OR DISCONTIGUOUS PORTIONS OF TOWNSHIPS ARE SPLIT
21 BY AN INCORPORATED CITY, THE SPLITTING OF THE TOWNSHIP SHALL NOT BE
22 CONSIDERED A SPLIT IF ANY OF THE FOLLOWING CIRCUMSTANCES EXIST:

23 (i) THE CITY MUST BE SPLIT TO STAY WITHIN THE RANGE OF
24 ALLOWABLE DIVERGENCE AND IT IS PRACTICABLE TO KEEP THE TOWNSHIP
25 TOGETHER WITHIN ONE DISTRICT.

26 (ii) A TOWNSHIP ISLAND IS CONTAINED WITHIN A WHOLE CITY AND A
27 SPLIT OF THE CITY WOULD BE REQUIRED TO KEEP THE TOWNSHIP INTACT.

1 (iii) THE DISCONTIGUOUS PORTION OF A TOWNSHIP CANNOT BE INCLUDED
2 IN THE SAME DISTRICT WITH ANOTHER PORTION OF THE SAME TOWNSHIP
3 WITHOUT CREATING A NONCONTIGUOUS DISTRICT.

4 Resolved further, That the foregoing amendment shall be
5 submitted to the people of the state at the next general election
6 in the manner provided by law.