

HOUSE BILL NO. 6171

November 26, 2024, Introduced by Reps. Skaggs, Tsernoglou, Xiong, Arbit and Andrews and referred to the Committee on Local Government and Municipal Finance.

A bill to amend 1966 PA 261, entitled

"An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,"

by amending sections 1, 2, 3, 4, 6, and 8 (MCL 46.401, 46.402, 46.403, 46.404, 46.406, and 46.408), sections 1, 2, and 3 as amended by 2011 PA 280.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) Within 60 days after the publication of the latest

1 ~~United States~~ official decennial census figures **by the United**
 2 **States Census Bureau**, the county apportionment commission in each
 3 county of this state shall apportion the county into ~~not less than~~
 4 ~~5 nor more than 21~~ county commissioner districts as ~~nearly of equal~~
 5 ~~population as is practicable and within the limitations of section~~
 6 ~~2.~~ **under this act.**

7 ~~(2) If a county is not in compliance with section 2 on the~~
 8 ~~effective date of the amendatory act that added this subsection,~~
 9 ~~the county apportionment commission of that county shall, within 30~~
 10 ~~days of the effective date of the amendatory act that added this~~
 11 ~~subsection, apportion the county in compliance with section 2. For~~
 12 ~~subsequent apportionments in a county that is apportioned under~~
 13 ~~this subsection, the county apportionment commission of that county~~
 14 ~~shall comply with the provisions of subsection (1).~~

15 **(2) As used in this act, "major political party" means each of**
 16 **the 2 political parties receiving the greatest number of votes cast**
 17 **for the office of secretary of state in the most recent preceding**
 18 **general election.**

19 **Sec. 2. The county apportionment commission shall use the**
 20 **following population ranges when determining the number of**
 21 **districts:**

22	County Population	Number of Commissioners
23	Under 5,001 50,000	Not more than 7 fewer than 5 or
24		more than 7
25	5,001 50,000 to	Not fewer than 7 or more than 10 9
26	10,000 100,000	
27	10,001 100,001 to	Not fewer than 9 or more than
28	50,000 250,000	15 13
29	250,001 to 500,000	Not fewer than 11 or more than 15

1
2 Over ~~50,000~~**500,001**

Not **fewer than 15** or more than 21

3 Sec. 3. (1) Except as otherwise provided in this subsection,
4 the county apportionment commission ~~shall consist~~**consists** of the
5 county clerk, ~~the county treasurer, the prosecuting attorney, and~~
6 the statutory county chairperson of each of the 2 **major** political
7 parties, ~~receiving the greatest number of votes cast for the office~~
8 ~~of secretary of state in the last preceding general election. and 1~~
9 **additional member from each major political party chosen by the**
10 **county board of commissioners from a list of 3 individuals**
11 **submitted by the statutory county chairperson of each major**
12 **political party.** If a county does not have a statutory **county**
13 chairperson of a **major** political party, the ~~2 additional members~~
14 ~~shall be a party representative from each of the 2 political~~
15 ~~parties receiving the greatest number of votes cast for the office~~
16 ~~of secretary of state in the last preceding general election and~~
17 ~~appointed by the chairperson of the state central committee for~~
18 ~~each of the political parties. In a county with a population of~~
19 ~~1,000,000 or more that has adopted an optional unified form of~~
20 ~~county government under 1973 PA 139, MCL 45.551 to 45.573, with an~~
21 ~~elected county executive, the county apportionment commission shall~~
22 ~~be the county board of commissioners. The clerk shall convene the~~
23 ~~apportionment commission and they shall adopt their rules of~~
24 ~~procedure. A majority of the members of the apportionment~~
25 ~~commission shall be a quorum sufficient to conduct its business.~~
26 **chairperson of the major political party's state central committee**
27 **shall appoint a statutory county chairperson to perform the duties**
28 **required under this act. The county clerk shall convene the county**
29 **apportionment commission, and the commission shall adopt rules of**

1 procedure. A majority of the members of the commission is a quorum
 2 sufficient to conduct the commission's business. All action of the
 3 county apportionment commission shall ~~must~~ be by majority vote of
 4 the commission.

5 (2) If the apportionment of a county into county commissioner
 6 districts is not finalized within the 60-day time limit under
 7 section 1, a panel of 3 judges who are selected as provided in this
 8 subsection shall apportion the county into county commissioner
 9 districts. Five judges from the court of appeals in this state must
 10 be randomly selected. The statutory county chairperson of each of
 11 the 2 major political parties shall each strike 1 of the 5 selected
 12 judges, and the remaining 3 judges constitute the panel under this
 13 subsection. When apportioning a county into county commissioner
 14 districts, the panel of 3 judges must follow the guidelines under
 15 section 4.

16 (3) ~~(2)~~ The business ~~which~~ that the county apportionment
 17 commission may perform shall be conducted at a public meeting held
 18 in compliance with the open meetings act, 1976 PA 267, MCL 15.261
 19 to 15.275. ~~Public notice of the time, date, and place of the~~
 20 ~~meeting shall be given in the manner required by the open meetings~~
 21 ~~act, 1976 PA 267, MCL 15.261 to 15.275.~~ Except for a meeting or part
 22 of a meeting held in closed session, a meeting of the county
 23 apportionment commission must be transcribed or video recorded with
 24 sound and picture and be made available to the public.

25 (4) ~~(3)~~ A writing prepared, owned, used, in the possession of,
 26 or retained by the county apportionment commission ~~in the~~
 27 ~~performance of an official function shall~~ or the commission's
 28 members, staff, or consultants related to the work of the
 29 commission must be made available to the public in compliance with

1 the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

2 (5) If the county apportionment commission is for a county
3 with a population greater than 250,000, the commission shall hold
4 at least 3 public hearings to inform the public about the
5 apportionment process and standards before preparing, considering,
6 or adopting an apportionment plan. The hearings must be held on 3
7 different dates at 3 different locations within the county.

8 (6) A county apportionment committee shall not adopt an
9 apportionment plan at the meeting in which the plan was proposed.
10 Subject to subsection (5), before a proposed apportionment plan may
11 be adopted, the proposed apportionment plan must be published for
12 public review and available to the public for at least 7 days after
13 the plan was proposed.

14 Sec. 4. (1) In apportioning the county into commissioner
15 districts, the county apportionment commission ~~shall be~~ is governed
16 by the following guidelines in the stated order of importance so
17 that higher ranked guidelines must be satisfied before lower ranked
18 guidelines may be considered:

19 (a) The plan and all districts must follow all applicable
20 federal laws, including, but not limited to, the voting rights act
21 of 1965, Public Law 89-110.

22 (b) ~~(a)~~ All districts ~~shall~~ must be single-member districts
23 and ~~as nearly of equal population as is practicable.~~ contiguous by
24 land. An island is considered contiguous to the city or township of
25 which the island is a part. If an island constitutes its own city
26 or township, the island is considered contiguous to the nearest
27 city or township. Areas that meet only at the points of adjoining
28 corners are not contiguous.

29 (c) A district's population must not exceed a 5% deviation

1 from the target population, and the difference in population
 2 between the most and least populous districts must not exceed 10%
 3 of the target population. ~~The latest official published figures of~~
 4 ~~the United States official census shall be used in this~~
 5 ~~determination, except that in cases requiring division of official~~
 6 ~~census units to meet the population standard, an actual population~~
 7 ~~count may be used to make such division. Other governmental census~~
 8 ~~figures of total population may be used if taken subsequent to the~~
 9 ~~last decennial United States census and the United States census~~
 10 ~~figures are not adequate for the purposes of this act. The~~
 11 secretary of state shall furnish **to each county apportionment**
 12 **commission** the latest official published figures ~~to the county~~
 13 ~~apportionment commissions forthwith upon this act taking effect,~~
 14 ~~and within no later than~~ 15 days after publication of subsequent ~~by~~
 15 **the** United States official census figures. ~~A contract may be entered~~
 16 ~~into with the United States census bureau to make any special~~
 17 ~~census if the latest United States decennial census figures are not~~
 18 ~~adequate.~~ **Census Bureau. As used in this subsection, "target**
 19 **population" means the sum of the individuals counted in the United**
 20 **States Census for the county divided by the total number of**
 21 **districts in the county.**

22 ~~(b) All districts shall be contiguous.~~

23 ~~(c) All districts shall be as compact and of as nearly square~~
 24 ~~shape as is practicable, depending on the geography of the county~~
 25 ~~area involved.~~

26 ~~(d) No township or part thereof shall be combined with any~~
 27 ~~city or part thereof for a single district, unless such combination~~
 28 ~~is needed to meet the population standard.~~

29 ~~(e) Townships, villages and cities shall be divided only if~~

1 ~~necessary to meet the population standard.~~

2 ~~(f) Precincts shall be divided only if necessary to meet the~~
3 ~~population standard.~~

4 ~~(g) Residents of state institutions who cannot by law register~~
5 ~~in the county as electors shall be excluded from any consideration~~
6 ~~of representation.~~

7 ~~(h) Districts shall not be drawn to effect partisan political~~
8 ~~advantage.~~

9 (d) The apportionment of a county into commissioner districts
10 must not provide a partisan advantage to any major political party.
11 If the county apportionment commission determines that it is not
12 possible to apportion the county into commissioner districts
13 without providing a partisan advantage to any political party, the
14 county apportionment commission shall apportion the county into
15 commissioner districts in such a way as to provide the least degree
16 possible of partisan advantage without violating subdivision (a),
17 (b), or (c).

18 (e) All districts must not be drawn to favor an incumbent
19 elected official or candidate.

20 (f) The commission may consider the compactness of districts
21 and the boundaries of cities and townships in preparing districts.

22 (2) Except as otherwise provided in subsection (3), partisan
23 advantage must be determined in the following manner:

24 (a) The difference between the actual number of minority party
25 districts and the target number of minority party districts must
26 not exceed 1.

27 (b) The proportional number of minority party districts must
28 be determined by multiplying the minority party vote share in the
29 county by the number of districts in the county and must be rounded

1 to the nearest whole number.

2 (c) If at least 1 member of the county apportionment
3 commission demonstrates that it is possible to draw the
4 proportional number of minority party districts while complying
5 with the higher ranked criteria, the target number of minority
6 party districts is equal to the proportional number of minority
7 districts. If no member demonstrates that it is possible to draw
8 the proportional number of minority party districts while complying
9 with the higher ranked criteria, the target number of minority
10 party districts is the maximum number of demonstrably possible
11 minority party districts that comply with the higher ranked
12 criteria.

13 (3) In a county where the proportionality criterion results in
14 an apportionment plan that gives a major political party a 1- or 2-
15 seat majority, partisan advantage must be determined by the mean-
16 median difference. The apportionment plan resulting in a mean-
17 median difference with an absolute value closest to zero is the
18 best map under this criterion.

19 (4) The mean-median difference under subsection (3) must be
20 calculated in the following manner:

21 (a) Sum the votes cast for each major political party's
22 candidate for state board of education within each district for the
23 2 most recent general elections in which county commissioners were
24 elected, excluding special elections for partial terms.

25 (b) Find the district-level vote share in each district by
26 dividing the total votes cast for candidates of 1 major political
27 party in the district by the summed votes for both major political
28 parties in the district.

29 (c) Calculate the mean of the district-level vote share by

1 summing the district-level vote shares for all districts in the
 2 county and dividing by the number of districts in the county. The
 3 district-level vote share must be calculated in the following
 4 manner:

5 (i) First, sort the district vote shares from lowest to
 6 highest.

7 (ii) If the number of districts is odd, the median is the vote
 8 share of the middle district.

9 (iii) If the number of districts is even, the median is the
 10 average of the 2 middle district vote shares.

11 (d) Subtract the mean from the median.

12 (5) As used in this section:

13 (a) "Minority party" means the major political party receiving
 14 the second highest number of total votes cast for the party's
 15 candidates for state board of education in the 2 most recent
 16 general elections in which county commissioners were elected,
 17 excluding any special elections for partial terms.

18 (b) "Minority party district" means a district in which total
 19 number of votes cast for the minority party's candidates for state
 20 board of education in the 2 most recent general elections in which
 21 county commissioners were elected, excluding any special elections
 22 for partial terms, exceeds the total number of votes cast for the
 23 other major political party's candidates in the same elections.

24 Sec. 6. (1) Any registered voter of the county within 30 days
 25 after the filing of the plan for ~~his~~**the registered voter's** county
 26 may petition the court of appeals to review ~~such~~**the** plan to
 27 determine if the plan meets the requirements of ~~the laws of this~~
 28 ~~state.~~**this act.** Any ~~findings~~**decisions** of the court of appeals may
 29 be appealed to the supreme court of ~~the~~**this** state. ~~as provided by~~

1 ~~law.~~

2 (2) A reviewing court shall review de novo the following
3 county apportionment commission actions and decisions:

4 (a) The decisions as to how many districts a county has under
5 section 2.

6 (b) Compliance with section 3.

7 (c) The adopted plan's compliance with section 4.

8 (3) The county apportionment commission has the burden of
9 proof on the issues to be considered under subsection (2).

10 (4) Except for federal court decisions concerning questions of
11 federal law, a reviewing court shall not use or apply any standard
12 of review, test, or analysis taken from, based on, or derived from
13 a judicial decision made before the effective date of the
14 amendatory act that added this subsection.

15 Sec. 8. Once an apportionment plan has been found
16 ~~constitutional and adopted~~ according to the provisions of this act
17 and all appeals have been exhausted, or if no appeal is taken, when
18 the time for appeal has expired, that plan ~~shall be~~ **is** the official
19 apportionment plan for the county until the next ~~United States~~
20 official decennial census figures **by the United States Census**
21 **Bureau** are available.