

SUBSTITUTE FOR  
SENATE BILL NO. 812

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 4 and 8 (MCL 46.404 and 46.408).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 4. In apportioning the county into commissioner dis-  
2 tricts, the county apportionment commission shall ~~be governed~~  
3 ~~by~~ USE ONLY the following guidelines: ~~in the stated order of~~  
4 ~~importance.~~

5       (a) All districts shall be single-member districts and ~~as~~  
6 ~~nearly of equal population as is practicable~~ HAVE A POPULATION  
7 NOT EXCEEDING 105% AND NOT LESS THAN 95% OF THE IDEAL DISTRICT  
8 SIZE UNLESS THE UNITED STATES SUPREME COURT ESTABLISHES A

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1 DIFFERENT RANGE OF ALLOWABLE POPULATION DIVERGENCE FOR COUNTY  
2 COMMISSIONER DISTRICTS. IN ORDER TO CONTINUE THE PRIOR PRACTICE  
3 AND NOT TO CHANGE OR ALTER THE HISTORIC METHOD BY WHICH COUNTY  
4 COMMISSIONER DISTRICTS ARE DETERMINED, THE DISTRICT BOUNDARIES  
5 SHALL BE DETERMINED BY USING POPULATION DATA FROM THE UNITED  
6 STATES CENSUS BUREAU OF THE CENSUS IDENTICAL TO THOSE FROM THE  
7 ACTUAL ENUMERATION CONDUCTED BY THE UNITED STATES BUREAU OF THE  
8 CENSUS FOR THE APPORTIONMENT OF THE REPRESENTATIVES OF THE UNITED  
9 STATES HOUSE OF REPRESENTATIVES IN THE UNITED STATES DECENNIAL  
10 CENSUS, EXCEPT THAT THE APPORTIONMENT DATA FOR REDISTRICTING  
11 SHALL NOT INCLUDE ANY POPULATION THAT IS NOT ALLOCATED TO SPE-  
12 CIFIC CENSUS BLOCKS WITHIN THIS STATE, SUCH AS AMERICANS RESIDING  
13 OVERSEAS, EVEN IF THAT POPULATION WAS LEGALLY INCLUDED IN THE  
14 APPORTIONMENT DATA OF THIS STATE FOR THE PURPOSE OF ALLOCATING  
15 SEATS AMONG THE STATES. DISTRICT BOUNDARIES SHALL NOT BE DETER-  
16 MINED BY USING CENSUS BUREAU POPULATION COUNTS DERIVED FROM ANY  
17 OTHER MEANS, INCLUDING, BUT NOT LIMITED TO, THE USE OF STATISTI-  
18 CAL SAMPLING TO ADD OR SUBTRACT POPULATION BY INFERENCE. The  
19 latest official published figures of the United States official  
20 census shall be used in this determination, except that in cases  
21 requiring division of official census units to meet the popula-  
22 tion standard, an actual population count may be used to make  
23 ~~such~~ THE division. Other governmental census figures of total  
24 population may be used if taken subsequent to the last decennial  
25 United States census and the United States census figures are not  
26 adequate for the purposes of this act. The secretary of state  
27 shall furnish the latest ~~official published~~ UNITED STATES

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1 OFFICIAL CENSUS figures to the county apportionment commissions  
2 ~~forthwith upon this act taking effect, and~~ within 15 days after  
3 publication of ~~subsequent United States official census~~ THE  
4 figures. A contract may be entered into with the United States  
5 census bureau OR ANY OTHER GOVERNMENTAL UNIT to make any special  
6 census if the latest United States decennial census figures are  
7 not adequate FOR THIS ACT.

8 (b) All districts shall be contiguous. AREAS THAT MEET ONLY  
9 AT THE POINTS OF ADJOINING CORNERS ARE NOT CONTIGUOUS.

10 (c) All districts shall be as compact and ~~of~~ as nearly  
11 square shape as is practicable, depending on the geography of the  
12 county area involved. COMPACTNESS SHALL BE DETERMINED BY CIRCUM-  
13 SCRIBING EACH DISTRICT WITHIN A CIRCLE OF MINIMUM AREA, NOT PART  
14 OF THE GREAT LAKES AND NOT PART OF ANOTHER COUNTY, INSIDE THE  
15 CIRCLE BUT NOT INSIDE THE DISTRICT.

16 (d) ~~No~~ A township or ANY part ~~thereof~~ OF A TOWNSHIP  
17 shall NOT be combined with any city or ANY part ~~thereof~~ OF A  
18 CITY for a single district, unless ~~such~~ THE combination is  
19 needed to meet the population standard. IF IT IS NECESSARY TO  
20 COMBINE A TOWNSHIP OR ANY PART OF A TOWNSHIP WITH ANY CITY OR ANY  
21 PART OF A CITY TO MEET THE POPULATION STANDARD, THE FEWEST NUMBER  
22 OF COMBINATIONS SHALL BE UTILIZED.

23 (e) Townships, villages, and cities shall be divided only if  
24 necessary to meet the population standard. IF IT IS NECESSARY TO  
25 BREAK TOWNSHIP, VILLAGE, AND CITY LINES TO MEET THE POPULATION  
26 STANDARD, THE FEWEST NUMBER OF LINES SHALL BE BROKEN.

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1 (f) Precincts shall be divided only if necessary to meet the  
2 population standard. IF IT IS NECESSARY TO BREAK PRECINCT LINES  
3 TO MEET THE POPULATION STANDARD, THE FEWEST NUMBER OF LINES SHALL  
4 BE BROKEN.

5 (g) Residents of state institutions who cannot by law regis-  
6 ter in the county as electors shall be excluded from any consid-  
7 eration of representation.

8 (h) Districts shall not be drawn to effect partisan politi-  
9 cal advantage.

10 (I) DISTRICTS SHALL NOT VIOLATE SECTION 2 OF TITLE I OF THE  
11 VOTING RIGHTS ACT OF 1965, PUBLIC LAW 89-110, 42 U.S.C. 1973.

12 Sec. 8. Once an apportionment plan has been found  
13 ~~constitutional and according to the provisions of~~ TO BE IN COM-  
14 PLIANCE WITH this act and all appeals have been exhausted, or if  
15 no appeal is taken, when the time for appeal has expired, that  
16 plan shall be the official apportionment plan for the county  
17 until the next United States official decennial census figures  
18 are available.