

HOUSE JOINT RESOLUTION I

February 6, 2013, Introduced by Reps. Townsend, Irwin, Cavanagh, Slavens, Schor, Lane and McCann and referred to the Committee on Elections and Ethics.

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 for four-year terms concurrent with the term of office of the

1 governor .

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

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

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

20 ~~—— (2) Counties having less than 13 apportionment factors shall~~
21 ~~be entitled as a class to senators in the proportion that the total~~
22 ~~apportionment factors of such counties bear to the total~~
23 ~~apportionment factors of the state computed to the nearest whole~~
24 ~~number. Such counties shall thereafter be arranged into senatorial~~
25 ~~districts that are compact, convenient, and contiguous by land, as~~
26 ~~rectangular in shape as possible, and having as nearly as possible~~
27 ~~13 apportionment factors, but in no event less than 10 or more than~~

1 ~~16. Insofar as possible, existing senatorial districts at the time~~
2 ~~of reapportionment shall not be altered unless there is a failure~~
3 ~~to comply with the above standards.~~

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

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

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

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

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

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

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

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

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

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

19 ~~No officers or employees of the federal, state or local~~
20 ~~governments, excepting notaries public and members of the armed~~
21 ~~forces reserve, shall be AN INDIVIDUAL WHO HAS BEEN APPOINTED TO OR~~
22 ~~ELECTED TO ANY PUBLIC OFFICE, HAS BEEN EMPLOYED BY A POLITICAL~~
23 ~~PARTY OR A POLITICAL PARTY CAUCUS IN THE IMMEDIATELY PRECEDING~~
24 ~~FIVE-YEAR PERIOD, HAS RECEIVED COMPENSATION AS A REGISTERED~~
25 ~~LOBBYIST IN THE IMMEDIATELY PRECEDING FIVE-YEAR PERIOD, IS EMPLOYED~~
26 ~~BY AN ORGANIZATION FROM WHICH MEMBERS OF THE COMMISSION ARE~~
27 ~~PROHIBITED FROM RECEIVING GIFTS OR LOANS, OR HAS ENTERED INTO A~~

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

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

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

1 THIS STATE, A POLITICAL ACTION COMMITTEE, A NONPROFIT ORGANIZATION,
2 OR AN ORGANIZATION ORGANIZED UNDER SECTION 501(C) OR 527 OF THE
3 INTERNAL REVENUE CODE OF 1986, 26 USC 501 AND 527.

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

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

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

1 with the constitutional requirements and shall direct that it be
2 adopted by the commission and published as provided in this
3 section.

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

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

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

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

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

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

26 (D) EACH CONGRESSIONAL DISTRICT SHALL CONSIST OF AREAS OF
27 CONVENIENT TERRITORY CONTIGUOUS BY LAND. AREAS THAT MEET ONLY AT

1 POINTS OF ADJOINING CORNERS ARE NOT CONTIGUOUS.

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

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

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

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

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

17 (J) 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 (K) IF A DISCONTIGUOUS TOWNSHIP ISLAND EXISTS WITHIN AN
22 INCORPORATED CITY OR DISCONTIGUOUS 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 (i) THE CITY MUST BE SPLIT TO ACHIEVE EQUALITY OF POPULATION
26 BETWEEN CONGRESSIONAL DISTRICTS AND IT IS PRACTICABLE TO KEEP THE
27 TOWNSHIP TOGETHER WITHIN ONE DISTRICT.

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

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

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

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

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

1 AND TOWNSHIP LINES AND WITHOUT EXCEEDING THE RANGE OF ALLOWABLE
2 DIVERGENCE.

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

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

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

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

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

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

27 (iii) THE DISCONTIGUOUS PORTION OF A TOWNSHIP CANNOT BE INCLUDED

1 IN THE SAME DISTRICT WITH ANOTHER PORTION OF THE SAME TOWNSHIP
2 WITHOUT CREATING A NONCONTIGUOUS DISTRICT.

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