

# BACKGROUND BRIEF



## A BRIEF HISTORY OF LEGISLATIVE APPORTIONMENT IN MICHIGAN

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### FAST FACTS

- Redistricting determined by state and federal courts and their appointees in 1964, 1972, 1982, and 1992, when the Commission on Legislative Apportionment deadlocked (and after that commission was deemed invalid in 1982).
- Legislature determined redistricting in 2001 and 2011.
- Ballot Proposal 2 of 2018 is a constitutional amendment that would reinstate an apportionment commission responsible for determining State Senate, State House, and Congressional boundaries.

### INTRODUCTION

In 1787, the U.S. Constitution left the conduct of elections up to the states, merely instructing that “[t]he Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations...”<sup>1</sup> This rule endures, and it has resulted in divergent elections processes from state to state. In Michigan and many other states—32 total for state legislative districts and 34 total for congressional districts—the state legislature is charged with drawing election maps.<sup>2</sup> A map is adopted in Michigan if it is approved by a simple majority of both state houses (at least 56 in the House of Representatives and 20 in the Senate) and approved by the governor.

Currently, as long as a redistricting plan is drawn according to the following requirements, it is in compliance with federal law:

- Following the latest decennial census (conducted every 10 years, with the next to be conducted in 2020).
- Ensuring equal population in each district.
- In compliance with the Voting Rights Act of 1965, which prohibits racial discrimination in voting laws.

Unusually, the composition and function of the Commission on Legislative Apportionment described in Section 6 of Article IV of the Michigan Constitution does not represent current apportionment/redistricting practice. As described below, the process prescribed in the 1963 Constitution was deemed invalid by the Michigan Supreme Court in 1982, with the court finding that its weighted land/population formulae violated the “one person, one vote” equal protection guarantee. State and federal courts oversaw the redistricting process until it was resumed by the legislature for the latest two cycles, in 2001 and 2011.

### STATE HOUSE AND SENATE DISTRICTS

#### *Apportionment in Michigan 1835-1962*

Generally, the Michigan Constitutions of 1835, 1850, and 1908 stated that the legislature would apportion senators and representatives every ten years based on

<sup>1</sup> Article I, Section 4 of the U.S. Constitution.

<sup>2</sup> <https://www.brennancenter.org/analysis/who-draws-maps-states-redrawing-congressional-and-state-district-lines>

state and U.S. census results.<sup>3</sup> However, Senate district boundaries were based more on geography than on population. This was thought to reflect the federal model of representation, in which the Senate is based on governmental jurisdictions and the House is based on population. The resulting disparities among Senate districts troubled some. For instance, in the 1940s, the four westernmost Upper Peninsula counties composed a single state Senate district with a population of 72,350, while Wayne County's 18th Senate district had a population of 528,234.<sup>4</sup>

A 1952 amendment to the 1908 Constitution increased the number of state senators from 32 to 34, alleviating this concern somewhat, but also stated explicitly the boundaries of each district, thereby locking in place any disparities regardless of population and limiting the legislature's redistricting task to the state House.

### ***U.S. Supreme Court cases and the 1963 Constitution***

While the Constitutional Convention for Michigan's Constitution of 1963 was ongoing, the U.S. Supreme Court held in *Baker v Carr*<sup>5</sup> that federal courts could intervene in and decide redistricting cases. In light of *Baker*, the U.S. Supreme Court vacated a judgment rendered by the Michigan Supreme Court in *Scholle v Hare*<sup>6</sup> and remanded it back to that lower court. In *Scholle*, the plaintiff had petitioned the Michigan Supreme Court for a writ of mandamus to restrain the Secretary of State from conducting the upcoming state Senate election. Because the Senate districts were so unequal in population, the plaintiff argued, the 1952 amendment to the Michigan Constitution denied him equal protection of the laws and due process of law contrary to the Fourteenth Amendment to the U.S. Constitution. On remand,<sup>7</sup> the Michigan Supreme Court agreed, finding that "when any apportionment plan provides some elective districts having more than double the population of others, that plan cannot be sustained."

The Constitution of 1963 introduced a bipartisan Commission on Legislative Apportionment to draw the state's House and Senate districts, but retained the use of population and geography in apportioning legislative seats (using weighted land area/population formulae). The four Republicans and four Democrats on the commission (and, if a third party received more than 25% of the vote in the previous gubernatorial election, four members of that party) would adopt redistricting plans by a majority vote. If a majority of commission members could not agree, the Michigan Supreme Court was directed to choose a redistricting plan before the next election.

However, on June 15, 1964, the U.S. Supreme Court issued its landmark decision in *Reynolds v Sims* that all state legislative bodies had to apportion seats based on population (not a combination of population and geography, as was the case for Michigan Senate seats). Following the *Reynolds* decision, one justice of the Michigan Supreme Court in 1964, and another following the next census in 1972, expressed the view "that the commission and this Court's authority is limited to districting according to the apportionment rules prescribed in art 4 §§ 2-6, and that since those rules are no longer wholly valid neither the commission nor this Court can properly act at all."<sup>8</sup>

Regardless of those concerns, the Michigan Supreme Court approved apportionment plans after the apportionment commission deadlocked in both 1964 and 1972.

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<sup>3</sup> Of note, the Constitution of 1835 stated that the legislature would apportion "according to the number of white inhabitants," and the Constitution of 1850 stated that it would do so "exclusive of persons of Indian descent, who are not civilized or are members of any tribe."

<sup>4</sup> <http://annarborchronicle.com/wp-content/uploads/2011/02/Apol-history-of-Michigan-reapportionment.pdf>

<sup>5</sup> In *Baker v Carr*, 369 US 186 (1962)

<sup>6</sup> *Scholle v Hare*, 369 US 429 (1962)

<sup>7</sup> *Scholle v Hare*, 367 Mich 176, 116 NW2d 350 (Mich 1962)

<sup>8</sup> In *re Apportionment of State Legislature-1982*, 413 Mich 96; 321 NW 2d 565 (1982)

### **1982: Invalidation of apportionment commission**

In 1982, following another deadlock for the apportionment commission, the Michigan Supreme Court again considered the apportionment of state House and Senate seats. However, this time the court considered whether the procedure prescribed in the state Constitution was invalidated by the *Reynolds* decision.

Ultimately, the court declared the apportionment sections of the 1963 Constitution to be invalid, disbanded the apportionment commission, and authorized the legislature to once again take control of apportionment. The court held that provisions

... establishing weighted land area/population formulae taking into account land area as well as population (thereby apportioning to less populous areas a larger number of senators and representatives than would be apportioned thereto based on population alone), are invalid under the Equal Protection Clause of the United States Constitution as elucidated in *Reynolds v Sims*, and subsequent decisions of the United States Supreme Court.<sup>9</sup>

Finding that the legislative procedure for producing a plan would be too time-consuming in the 1980 cycle, especially given that two years had already passed since the 1980 census, the court directed the former Director of Elections Bernard Apol to produce a plan conforming to specific criteria set out by the court, including the following:

- The districts shall have a population not exceeding 108.2% and not less than 91.8% of the ideal district, which, based on the 1980 census, would contain 243,739 persons in the Senate and 84,201 persons in the House.
- The boundaries of the districts shall first be drawn to contain only whole counties to the extent this can be done within the 16.4% range of divergence and to minimize within that range the number of county lines which are broken.

After approving certain modifications to the Apol plan, the court approved the submission in May 1982.

### **1992: Redistricting by special masters**

When the legislature failed to act following the 1990 census, the Michigan Supreme Court appointed three special masters to consider plans submitted by several sources, including the major political parties. Finding that none of the plans conformed to the 1982 criteria, or that they did so only facially, the masters drew their own plan. They noted that, as in 1982, the political parties stipulated that 16.4 percentage points was the maximum allowable population divergence, and continued,

The one thing that has become clear as this panel reviewed the submittals and set about its own task, was that there should be no absolute hierarchy of criteria. While counties may be the building blocks of our apportionment system (1982, 413 Mich. [at] 125 [321 N.W.2d 565]), county lines were ‘broken’ when necessary to achieve acceptable population divergence; flexibility in population divergence was employed to maintain minority electoral participation already realized; VRA [Voting Rights Act of 1965] interests were recognized and followed, but not to the exclusion of concerns of integrity of existing boundary lines, communities of interest, compactness and contiguity.<sup>10</sup>

The special masters’ plan was adopted following public hearing. In response to concerns that the masters drew districts into which an excessive number of black persons were concentrated, the court determined that the masters had succeeded in “spreading the black population of Wayne County to a greater extent than was the case under the 1982

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<sup>9</sup> *Id.*

<sup>10</sup> *In re Apportionment, State Legislature-1992*, 439 Mich 715 (1992)

apportionment.” The court pointed to the fact that the masters reduced the number of districts with over 90 percent black persons from five to three, and “reduced the number of arguably packed (over 80 percent black) districts from nine to seven.”<sup>11</sup>

### ***1996: The legislature resumes redistricting responsibility***

In 1996, the Michigan Legislature enacted Public Act 463 (House Bill 5275), establishing statutory standards for redistricting that closely aligned with the Apol standards developed in 1982. According to the House Fiscal Agency analysis for that bill, codification of the standards was intended to “provide institutional memory that otherwise will be lacking, particularly since the advent of term limits means that no one in the state House now will be serving there when the next redistricting plan will be developed.”<sup>12</sup> These latest statutory guidelines allowed population deviation between districts of up to 10%, or 5% higher or lower than the state average.

### ***2001 and 2011: Legislative redistricting***

In Public Act 116 of 2001 (House Bill 4965)<sup>13</sup> and Public Act 129 of 2011 (Senate Bill 498),<sup>14</sup> the legislature determined the redistricting of legislative seats. Because the House, Senate, and Governor’s office were controlled by the same political party, this process was comparatively uneventful.

## **CONGRESSIONAL DISTRICTS**

### ***1972-1992: U.S. District Court-ordered maps***

Following the 1970, 1980, and 1990 censuses, during which time the number of Michigan congressional seats fell from 19 to 16,<sup>15</sup> the legislature failed to establish congressional district maps. (The legislature did pass House Bill 4020 in 1982, which would have established a plan for that cycle, but the bill was vetoed by Governor William G. Milliken as being unfair.) In each case, plaintiffs brought suit in U.S. District Court, arguing that the existing plans were unconstitutional given population shifts and reductions resulting in unequal districts.

In 1972, the court ordered adoption of the plan submitted by one of the intervening plaintiffs, as it met the criteria set out in other court cases on congressional apportionment: “(1) population variances among the districts were minimal, thereby preserving the ‘one man, one vote’ standard; (2) the districts were contiguous; (3) the districts were reasonably compact; and (4) political subdivisions in the district were maintained intact insofar as possible.”<sup>16</sup>

In 1982, the court ordered adoption of what it called Democratic Plan A, with modifications submitted by the Republican Party. In 1992, the court instructed both sets of plaintiffs—one group representing the Republican Party, and one representing the Democratic Party—to submit districting plans, which they did, but the court instead adopted its own plan. Neither side objected to the plan within the eight days allowed by the court, and the court adopted the plan on April 6, 1992.<sup>17</sup>

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<sup>11</sup> *Id.*

<sup>12</sup> House Legislative Analysis Section analysis: <http://www.legislature.mi.gov/documents/1995-1996/billanalysis/House/pdf/1995-HLA-5275-B.pdf>

<sup>13</sup> <http://legislature.mi.gov/doc.aspx?2001-HB-4965>

<sup>14</sup> <http://legislature.mi.gov/doc.aspx?2011-SB-0498>

<sup>15</sup> Michigan had 19 seats from 1965 to 1983; 18 seats from 1983 to 1993; 16 seats from 1993 to 2003; 15 seats from 2003 to 2013; and currently has 14 seats. The state is expected to have 13 seats following the 2020 census. <https://crcmich.org/2020-census-likely-to-rob-michigan-of-another-congressional-seat-rural-reps-get-ready-for-more-driving/>

<sup>16</sup> *Dunnell v Austin*, 344 F Supp 210 (E D Mich. 1972)

<sup>17</sup> See <http://www.legislature.mi.gov/documents/2001-2002/michiganmanual/2001-mm-p0656-p0670.pdf>

### **1999: Congressional Redistricting Act**

Prior to the 2000 decennial census, the Michigan legislature enacted Public Act 221 of 1999 (Senate Bill 801)<sup>18</sup> to apply the Apol standards established for state House and Senate redistricting in Public Act 463 of 1996 to congressional redistricting as well.

### **2001 and 2011: Redistricting returns to the legislature**

As with the state House and Senate district plans, the legislature resumed control of the congressional redistricting process following the 2000 census cycle. In 2001, the legislature amended for the first time the congressional apportionment act enacted in 1964 (which was intended to be amended following each decennial census).<sup>19</sup> Public Act 115 of 2001 reflected the reduction in congressional seats from 19 to 15 in the intervening 47 years, and stated the intention that it comply with the Voting Rights Act of 1965 and the Equal Protection Clause and subsequent cases concerning racial gerrymandering. It went on to say:

In light of these dual obligations, the plan avoids any practice or district lines that result in the denial of any racial or ethnic group's equal opportunity to elect a representative of its choice and, at the same time, does not subordinate traditional redistricting principles for the purpose of accomplishing a racial gerrymander or creating a majority-minority district. As a consequence, the plan does not result in a retrogression or dilution of minority voting strength... [h]owever, the plan does not sacrifice traditional neutral principles, such as, most importantly, preservation of county and municipal boundaries, for the purpose of engaging in a gerrymander that unnecessarily favors 1 racial group over others.

Despite a series of challenges to the 2001 redistricting, the Michigan Supreme Court found that the legislature was not bound by the redistricting guidelines it had enacted two years earlier, as Public Act 221 of 1999.<sup>20</sup> Instead, the court found, one public act functionally overturned the other.

The 2010 census further reduced the number of Michigan's congressional seats from 15 to 14. With the House, Senate, and Governor's office controlled by the same political party, the legislature's redistricting proceeded without gridlock.<sup>21</sup>

## **BALLOT PROPOSAL 2 OF 2018**

Proposal 2, which Michigan voters will consider at the November 2018 general election, would effectively reinstate a version of the Commission on Legislative Apportionment described in Article IV, Section 6 of the Michigan Constitution of 1963. The commission has not been operational since it was deemed invalid by the Michigan Supreme Court in 1982. Proposal 2 would revise the makeup of the state's apportionment commission from eight members representing the two main political parties to 13 members, with eight members representing those parties and five who self-identify as unaffiliated. It would also introduce criteria for constructing redistricting plans and revise the process by which the commission would decide on the ultimate plans.

The House Fiscal Agency's analysis of Proposal 2 can be found here:

[http://www.house.mi.gov/hfa/PDF/TestPDF/Ballot\\_Proposal\\_2018-2\\_VNP\\_Redistricting.pdf](http://www.house.mi.gov/hfa/PDF/TestPDF/Ballot_Proposal_2018-2_VNP_Redistricting.pdf)

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<sup>18</sup> House Legislative Analysis Section analysis of PA 221 of 1999 (SB 810):

<http://www.legislature.mi.gov/documents/1999-2000/billanalysis/House/pdf/1999-HLA-0810-A.pdf>

<sup>19</sup> Public Act 115 of 2001 (Senate Bill 546): <http://legislature.mi.gov/doc.aspx?2001-SB-0546>

<sup>20</sup> *Michigan's Apportionment Puzzle*, Legislative Research Division, Michigan Legislative Service Bureau, Research Report Vol 19, No 2 (Revised January 2003); *LeRoux v Secretary of State*, 465 Mich 594, 640 NW2d 849 (2002)

<sup>21</sup> Public Act 128 of 2011 (House Bill 4780): <http://legislature.mi.gov/doc.aspx?2011-HB-4780>



# Ballot Proposal 2 of 2018



## **“VOTERS NOT POLITICIANS” PETITION/ INDEPENDENT REDISTRICTING COMMISSION**

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**Proposed Constitutional Initiative  
November 6, 2018 General Election  
Placed on the ballot by petition  
Complete to 10-16-18**

Analysis available at  
<http://www.legislature.mi.gov>

### **BRIEF SUMMARY OF THE BALLOT PROPOSAL:**

If approved by a majority of voters, Proposal 18-2 would primarily amend Article IV (Legislative Branch) of the Michigan Constitution of 1963 by changing the composition of the commission charged with redistricting following each decennial census. Articles V (Executive Branch) and VI (Judicial Branch) of the Constitution would also incorporate those changes.

Generally, the amendment would replace the current method of determining the boundaries of congressional, state Senate, and state House districts—namely, governed by the legislature—with a process led by an Independent Citizens Redistricting Commission created under the amendment.

Following each decennial census, 13 commissioners, largely determined by random draw but representing the two main political parties (referred to as Democrats and Republicans for the purposes of this analysis) and political independents, would adopt redistricting plans using specified criteria as to population, geographic contiguousness, and demographic representation, among other considerations. Following public hearings, a period for public comment, and testing of proposed plans by appropriate technology, the commission would adopt the plan supported by a majority of members, including at least two Republicans, two Democrats, and two independents.

The amendment would also “[e]liminate legislative oversight over the independent commission, vest original jurisdiction in the [Michigan] Supreme Court regarding challenges related to the independent commission and create an exception in the power of the executive branch to the extent limited or abrogated by the independent commission.”<sup>1</sup>

Unusually, the composition and function of the commission on legislative apportionment described in Section 6 of Article IV of the Constitution does not represent current apportionment/redistricting practice. The process prescribed in the 1963 Constitution was deemed invalid by the Michigan Supreme Court in 1982, with the court finding that its weighted land/population formulae violated the “one person, one vote” equal protection guarantee. State and federal courts oversaw the redistricting process until it was resumed by the legislature for the latest two cycles, in 2001 and 2011.

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<sup>1</sup> *Citizens Protecting Michigan’s Constitution v Secretary of State*, Mich App No 343517 (2018).  
[http://publicdocs.courts.mi.gov/OPINIONS/FINAL/COA/20180607\\_C343517\\_53\\_343517.OPN.PDF](http://publicdocs.courts.mi.gov/OPINIONS/FINAL/COA/20180607_C343517_53_343517.OPN.PDF)

The following is the official language as it will appear on the November 2018 general election ballot:

Proposal 18-2

**A proposed constitutional amendment to establish a commission of citizens with exclusive authority to adopt district boundaries for the Michigan Senate, Michigan House of Representatives and U.S. Congress, every 10 years**

This proposed constitutional amendment would:

- Create a commission of 13 registered voters randomly selected by the Secretary of State:
  - 4 each who self-identify as affiliated with the 2 major political parties; and
  - 5 who self-identify as unaffiliated with major political parties.
- Prohibit partisan officeholders and candidates, their employees, certain relatives, and lobbyists from serving as commissioners.
- Establish new redistricting criteria including geographically compact and contiguous districts of equal population, reflecting Michigan's diverse population and communities of interest. Districts shall not provide disproportionate advantage to political parties or candidates.
- Require an appropriation of funds for commission operations and commissioner compensation.

Should this proposal be adopted?

[ ] YES

[ ] NO

The full text of the proposal as it appeared on the circulated petition can be found here:  
[https://www.michigan.gov/documents/sos/Voters\\_Not\\_Pol\\_p\\_598255\\_7.pdf](https://www.michigan.gov/documents/sos/Voters_Not_Pol_p_598255_7.pdf)

**DETAILED SUMMARY:**

**Eligibility for the commission**

The amendment would establish an Independent Citizens Redistricting Commission, consisting of 13 commissioners, as a permanent body in the legislative branch. With certain exceptions, registered and eligible Michigan voters could serve on the commission unless they were current or former lobbyists, elected officials or candidates for partisan federal, state, or local offices, or a close relative of anyone disqualified under those criteria. Commissioners would be ineligible to hold a partisan elective office at the state, county, city, village, or township level in Michigan for five years following the date of appointment to the commission.

**Application process**

No later than **January 1** in years when the decennial census is being conducted (e.g., 2020, 2030, 2040), the Secretary of State (SOS) would make applications for membership on the commission generally available, and would also mail applications to 10,000 randomly selected Michigan voters. Applicants would need to provide a completed application and attest under oath that they meet the requisite qualifications under the amendment.

Additionally, until **June 1** of that year, the SOS would mail applications to randomly selected Michigan voters until qualifying applications were received in response to the mailing for 30 Democrats, 30 Republicans, and 40 unaffiliated applicants.

#### **Selection to the commission**

By **July 1** of that year, the SOS would eliminate any incomplete or nonqualifying applications, and then randomly select 60 people from the Democratic pool, 60 from the Republican, and 80 from the independents. Half of each pool (so 100 people total) would have to come from the second group that had been randomly mailed applications. If any pool were too small to yield the requisite number, the remainder would come from the balance of qualifying applicants to that pool. The random selection process used by the SOS would have to use accepted statistical weighting methods to ensure that the pools mirror the geographic and demographic makeup of the state as closely as possible.

By **August 1** of that year, the party leaders of both houses (the minority and majority leaders in the Senate and the Speaker of the House and minority leader in the House) could each strike five applicants from any pool, for a potential total of 20 strikes.

By **September 1** of that year, from the remaining population of 180 to 200 across the three pools, depending on the number of strikes used, the SOS would select four Democrats, four Republicans, and five independents. Seats that become vacant would be filled by random selection by the SOS from the remaining applicants in the applicable pool.

#### **Functioning of the commission**

The SOS would be secretary of the commission and would furnish all necessary technical services as directed by the commission. The commission would have procurement and contracting authority and could hire staff and consultants. By **December 1** of the year preceding the census and while the commission operates, the legislature would have to appropriate funds sufficient to compensate the commissioners and to enable the commission to function, amounting to at least 25% of the general fund/general purpose budget for the SOS for that fiscal year. From that amount, each of the 13 commissioners would receive compensation equal to at least 25% of the governor's salary (which was \$159,300 in 2018, so commissioners would receive at least \$39,825).

The SOS would convene the commission by **October 15** of the census year. Before drafting any plan, the commission would have to hold at least 10 public meetings throughout the state and accept written submissions from any member of the public. After developing at least one proposed plan for each type of district, the commission would publish the proposed plans and any supporting materials. Each commissioner could propose only one plan for each type of district.

The following would be required for each proposed plan:

- Any census data necessary to describe the plan accurately and verify the population of each district.
- A map and legal description that include the political subdivisions (such as counties, cities, and townships), human-made features (such as streets, roads, highways, and



railroads), and natural features (such as waterways) that form the boundaries of the proposed districts.

Then, the commission would have to hold at least five public meetings to receive comments about the proposed plans.

The commission would have to abide by the following criteria in proposing and adopting each plan, in order of priority:

1. Districts must be of equal population as mandated by the U.S. Constitution and must comply with the Voting Rights Act and other federal laws.
2. Districts must be geographically contiguous. Island areas are considered to be contiguous to the county of which they are a part.
3. Districts must reflect the state's diverse population and communities of interest. Communities of interest may include populations that share cultural or historical characteristics or economic interests, and do not include relationships with political parties, incumbents, or political candidates.
4. Districts must not provide a disproportionate advantage to any political party. A disproportionate advantage will be determined using accepted measures of partisan fairness.
5. Districts must not favor or disfavor an incumbent elected official or a candidate.
6. Districts must reflect consideration of county, city, and township boundaries.
7. Districts must be reasonably compact.

#### **Adopting redistricting plans**

The commission would adopt redistricting plans for the state Senate, state House, and congressional districts by **November 1** of the year following the census. Before doing so, the commission would need to test the plan, using appropriate technology, for compliance with the criteria above. The commission would also have to provide public notice of each plan under consideration and provide at least 45 days for public comment.

The commission would adopt plans supported by a majority (at least seven) of the commissioners, including at least two Democrats, two Republicans, and two independents. If no plan met this requirement for a type of district, the commission would use ranked voting, as follows:

- Each commissioner could submit one proposed plan for each type of district to the full commission.
- Each commissioner would rank the submitted plans according to preference, with point values assigned to each.
- The commission would adopt the plan with the highest total points that is also ranked among the top half of plans by at least two commissioners not affiliated with the party of the commissioner submitting the plan.

If plans were tied for the highest point total, the SOS would randomly select the final plan from those plans. If no plan met the requirements described above, the SOS would randomly select the final plan from among all plans submitted under the first bullet point.

### **Procedure following adoption of plans**

Within 30 days after adopting a plan, the commission would publish the plan and material reports, reference materials, and data used in drawing it. It would also issue a report explaining the basis for the decision. (Commissioners dissenting with the adopted plan could submit dissenting reports).

An adopted plan would become law 60 days after its publication. Commissioners' terms would expire once the commission completed its obligations, but not before any judicial review of the plans were complete. The Michigan Supreme Court would have original jurisdiction over challenges to the plans and could remand a plan to the commission for further action if any plan failed to comply with the requirements of the Michigan Constitution, U.S. Constitution, or superseding federal law. In no event would any body except the Independent Citizens Redistricting Commission promulgate and adopt a redistricting plan for the state.

Finally, the proposed amendment states that no additional legislation is necessary to implement the commission, and that any section held invalid would be severable from the remaining sections. By approving the amendment, the people would declare that the functions of the commission are not subject to the control or approval of the legislature.

### **BACKGROUND INFORMATION:**

According to the Michigan Constitution of 1963, a proposed amendment to the Constitution must be accompanied by the signatures of 10% or more of the number of votes cast for all candidates in the last gubernatorial election in order to go before the electorate.<sup>2</sup> 3,156,531 votes<sup>3</sup> were cast in the gubernatorial race in 2014, meaning that a constitutional amendment initiative requires 315,654 signatures. Those signatures must be collected within 180 days, submitted to the Secretary of State at least 120 days prior to the election, and verified as valid by the Board of State Canvassers.

On December 18, 2017, Voters Not Politicians (VNP) submitted the petition along with approximately 425,000 signatures. Another ballot question committee, Citizens Protecting Michigan's Constitution (CMPC), sent a letter to Michigan's Secretary of State calling for rejection of the petition based on the argument that it would constitute a *revision* of the Constitution rather than an *amendment* to it.<sup>4</sup> VNP then sent a letter to the Board requesting that it certify the petition, as it had submitted the requisite number of signatures by the deadline and the validity of the signatures had been established by sampling.

On May 22, 2018, the Bureau of Elections released its staff report recommending that the Board certify the petition.

CMPC then sought a writ of mandamus from the Michigan Court of Appeals that would order the SOS and the Board to reject the VNP petition. VNP filed a cross-complaint,

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<sup>2</sup> Michigan Constitution of 1963, Article XII, Section 2. <http://legislature.mi.gov/doc.aspx?mcl-Article-XII-2>

<sup>3</sup> <https://miboecfr.nictusa.com/election/results/14GEN/>

<sup>4</sup> [http://publicdocs.courts.mi.gov/OPINIONS/FINAL/COA/20180607\\_C343517\\_53\\_343517.OPN.PDF](http://publicdocs.courts.mi.gov/OPINIONS/FINAL/COA/20180607_C343517_53_343517.OPN.PDF)

asking the court to order those parties to execute their legal duties and certify the petition. In its order granting VNP's cross-complaint (and directing the Board to take the necessary steps to place the petition on the ballot), the court found that, while the proposal is "undeniably detailed...it is targeted to achieve a single, specific purpose."<sup>5</sup> It found that the amendment would merely change the method by which commissioners would be chosen and add unaffiliated voters to the (albeit inactive) commission described in the Constitution currently. Thus, it found that the VNP petition would constitute an amendment rather than a general revision.

On July 31, 2018, the Michigan Supreme Court affirmed the judgment of the Court of Appeals that the VNP initiative is a permissible voter-initiated constitutional amendment.<sup>6</sup>

The Board certified that the petition contained a sufficient number of valid signatures on June 20, 2018.<sup>7</sup> The SOS published the 100-word description of the petition as it will appear on the ballot on August 30, 2018. (That description is included on the second page of this analysis.)

## **FISCAL IMPACT:**

The proposed constitutional amendment would result in increased costs to the state related to funding the Independent Citizens Redistricting Commission, administrative costs to the Department of State (DOS), and likely litigation costs stemming from defending challenges to the commission's redistricting plans. Based on estimates of each of these cost factors, a total estimate of increased costs to the state is approximately \$6.3 million over the duration of each decennial redistricting period. The operations for each redistricting period would likely cover three fiscal years. Details of the estimate are provided below.

### **Independent Citizens Redistricting Commission**

The proposal would require the legislature to appropriate funds sufficient to compensate commissioners and for the commission to carry out its operations and activities. The required amount is to be at least 25% of the amount of General Fund/General Purpose (GF/GP) funds appropriated to the Department of State (DOS). The amendment also states that all unexpended funds remaining at the end of the fiscal year must be returned to the general fund. Considering that the DOS's GF/GP appropriation fluctuates from one fiscal year to the next, the average of the GF/GP amounts appropriated in the three most recent fiscal years is used to estimate the annual appropriation to the commission at approximately \$5.4 million. From each annual appropriation, commissioners are to receive compensation equal to at least 25% of the governor's salary. This would result in an annual compensation of \$39,825 for each commissioner, and \$517,725 for all 13 commissioners, leaving just under \$4.9 million for the commission's operations and activities.

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<sup>5</sup> *Citizens* at 20.

<sup>6</sup> [http://publicdocs.courts.mi.gov/OPINIONS/FINAL/COA/20180607\\_C343517\\_53\\_343517.OPN.PDF](http://publicdocs.courts.mi.gov/OPINIONS/FINAL/COA/20180607_C343517_53_343517.OPN.PDF)

<sup>7</sup> [http://publicdocs.courts.mi.gov/OPINIONS/FINAL/SCT/157925\\_86\\_01.pdf](http://publicdocs.courts.mi.gov/OPINIONS/FINAL/SCT/157925_86_01.pdf)

<sup>7</sup> [https://www.michigan.gov/documents/sos/Bal\\_Prop\\_Status\\_560960\\_7.pdf](https://www.michigan.gov/documents/sos/Bal_Prop_Status_560960_7.pdf)

Section 6(5) of the amendment states that the legislature must make the first appropriation for the commission no later than December 1 of the year preceding the federal decennial census, or FY 2019-20. The commission is expected to continue its activities until late 2021, or early FY 2021-22. This time span would cover three fiscal years and require three appropriations as described above, resulting in a total of \$16.2 million GF/GP in authorized spending from FY 2019-20 to FY 2021-22. *However, the commission is not obligated, or likely, to expend the full spending authorization in every fiscal year.*

The final selection of commissioners will not be complete until nearly the end of FY 2019-20, and the commission is not required to convene until after the beginning of FY 2020-21. It is likely, then, that little will be expended from the FY 2019-20 appropriation and that the authorized funds will lapse back to the general fund. Based on spending patterns from similar redistricting commissions in California,<sup>8</sup> Arizona,<sup>9</sup> and Washington,<sup>10</sup> it is predicted that the commission will not utilize its full spending authority in either FY 2020-21 or FY 2021-22. Not counting subsequent legal costs, California spent approximately \$8.6 million over two years for its 2010 decennial census redistricting commission. Washington's budget for its commission's 2010 redistricting was \$2.7 million over two fiscal years. Arizona spent approximately \$2.3 million to establish its commission, before appropriating approximately \$12.0 million to support litigation costs over the following six years. Considering Michigan's population, and that this would be the commission's first decennial redistricting operation, it is estimated that operations and activities will cost approximately \$3.5 million in FY 2020-21 and \$1.5 million in FY 2021-22.

### **Legal costs**

Costs to defend redistricting plans in subsequent litigation battles have been a significant source of expense in Arizona and California. Section 6(6) of the amendment states that the legislature shall provide "adequate funding to allow the commission to defend any action regarding an adopted plan." California spent over \$1.8 million in legal costs following its 2010 decennial census redistricting<sup>11</sup> and is recommending over \$3.0 million to be budgeted for the upcoming 2020 decennial census redistricting to cover post-deliberation litigation costs.<sup>12</sup> As mentioned previously, Arizona appropriated over \$12.0 million in litigation costs over the course of six years. Michigan should anticipate some potential legal costs related to the commission's redistricting plans. It is therefore estimated that an additional \$2.0 million could be expended from the FY 2021-22 appropriation, with additional costs possible in the subsequent years.

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<sup>8</sup> [https://wedrawthelines.ca.gov/wp-content/uploads/sites/64/2012/06/handouts\\_20120605\\_crc\\_costreport.pdf](https://wedrawthelines.ca.gov/wp-content/uploads/sites/64/2012/06/handouts_20120605_crc_costreport.pdf)

<sup>9</sup> [https://www.azauditor.gov/sites/default/files/IRC\\_2012.pdf](https://www.azauditor.gov/sites/default/files/IRC_2012.pdf)

<sup>10</sup> [http://www.redistricting.wa.gov/assets/Agendas/Minutes\\_20110712.pdf](http://www.redistricting.wa.gov/assets/Agendas/Minutes_20110712.pdf)

<sup>11</sup> [https://wedrawthelines.ca.gov/wp-content/uploads/sites/64/2012/06/handouts\\_20120605\\_crc\\_costreport.pdf](https://wedrawthelines.ca.gov/wp-content/uploads/sites/64/2012/06/handouts_20120605_crc_costreport.pdf)

<sup>12</sup> Sonenshein, Raphael J., "When the People Draw the Lines: An Examination of the California Citizens Redistricting Commission," League of Women Voters of California, 2013.  
<https://cavotes.org/sites/default/files/jobs/RedistrictingCommission%20Report6122013.pdf>

### **Department of State administration**

The proposal would require increased responsibilities from the DOS in administering the redistricting process, but does not require any appropriation to support the associated costs. The commission's required appropriation would be appropriated to the budget for the legislature, where the commission will be housed. The DOS estimates that the cost of printing and mailing information and applications to voters will cost 55 cents per item. The proposal requires that 10,000 mailings be sent, and that mailings continue to be sent until a certain number of applicants are obtained. This results in a number of possible mailings as large as the number of eligible voters in Michigan. However, assuming that the required number of applicants is obtained after 20,000 mailings, the cost to the DOS will be \$11,000.

Furthermore, in order to fulfil the administrative role of being secretary of the commission and responsible for "all technical services that the commission deems necessary" given to the DOS in the amendment, the DOS may need to hire an additional temporary FTE employee. Using the average Michigan Civil Service employee salary,<sup>13</sup> it is estimated that an additional \$107,000 would be needed to cover the cost of an additional FTE in each year the commission operates.

### **Total estimated increased costs**

The legislature appropriated \$878,000 for the 2010 reapportionment in Public Act 193 of 2010. Adjusted for inflation, this amount would be equal to just over \$1.0 million in 2018. Adding the costs estimated above, as shown in Table 1, below, the proposal's total estimated increased cost to the state for each decennial redistricting commission would be \$6.3 million.

**Table 1: Summary of Total Estimated Increased Costs**

<u>Budget</u>	<u>FY 2019-20</u>	<u>FY 2020-21</u>	<u>FY 2021-22</u>	<u>Total</u>
Legislature	\$0	\$3,500,000	\$3,500,000	\$7,000,000
Dept. of State	\$118,000	\$118,000	\$118,000	\$354,000
Total	\$118,000	\$3,618,000	\$3,618,000	\$7,354,000
Current Costs				(\$1,005,200)
Total Estimated Increased Costs				<b>\$6,348,800</b>

Legislative Analyst: Jenny McInerney  
Fiscal Analyst: Michael Cnossen

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

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<sup>13</sup> State of Michigan Civil Service Commission, "Thirty-eighth Annual Workforce Report, Fiscal Year 2016-17."

**MICHIGAN ELECTION LAW (EXCERPT)**  
**Act 116 of 1954**

**168.486 Certifying and transmitting language of constitutional amendment or legislation initiated by petition.**

Sec. 486. If the qualified electors of this state approve a constitutional amendment or legislation initiated by petition, the board of state canvassers shall certify to the secretary of state the language of the amendment or legislation. The secretary of state shall transmit the language of the amendment or legislation to the director of the department of management and budget.

**History:** Add. 1978, Act 482, Imd. Eff. Nov. 30, 1978.

**Popular name:** Election Code



Michigan Historical Commission  
State Archives

LOCATION GUIDE

Location  
R5-U17-S2,3 (Mss bxs)  
Worktable Box 42  
(Maps 1; 5, 1-7)  
Top R8-U22 (Maps)  
  
Total Quantity  
17 Mss boxes  
90 Tape recordings  
5 photographs  
5 cartographic items  
(9 ft., 3 in.)

Accession No.  
68-4-A  
  
Lot No.  
1  
  
Received By  
Disposal  
approved March 5, 1968  
  
Date Received  
1/12/1968  
  
Date Prepared  
3/28/1968

Agency APPORTIONMENT COMMISSION

Division Executive Secretary

Container No.	Description of Archival Items	Inclusive Dates of Records	Comment
	ADMINISTRATIVE RECORDS ACCUMULATED BY EXECUTIVE SECRETARY	1963-1966	
Box 1	Acts relating to Apportionment Commission, 1963		
	Correspondence		
	Court Case, 1964		
	Finance		
	General Information		
2	Minutes of the Commission, Aug. 30, 1963 - May 28, 1964		
3	" " " " June 19, 1964 - Dec. 23, 1965		
4	" " " " Dec. 29-31, 1965		
	Letter of transmittal to Supreme Court, 1966		
	Opinions		
	Orders		
	Petitions		
5	Petitions		
	Plans		
	Proposals		
	Public Hearings		
6	Public Hearings - Testimony Heard, 1963		
	Reference File		
	Releases to News Media		
	Report - Apportionment & Districting Plan, 1964		
	Rules		
	Statements		
	Statistics		
	Workpapers - General		
7	Workpapers - Specific Plans		
8	Newspaper Clippings October 1963 - May 1964		





Michigan Historical Commission  
State ArchivesPage 3 of RG-68-4-A

## LOCATION GUIDE TO RECORDS - (Continuation Sheet)

Agency APPORTIONMENT COMMISSION

Container No.	Description of Archival Items	Inclusive Dates of Records	Comment
	Magnetic Tape Recordings		
Box 13	December 3, 1963 (2)		
	December 4 (3)		
	December 5 (4)		
	December 6 (2)		
	December 13 (1)		
	December 20 (2)		
14	January 3, 1964 (2)		
	January 10 (2)		
	January 17 (2)		
	January 24 (2)		
	January 31 (4)		
	February 7 (1)		
	May 28 (1)		
15	June 19, 1964 (3)		
	June 23, 1964 (1)		
	Sept. 24, 1965 (2)		
	Nov. 12, 1965 (3)		
	Nov. 19, 1965 (2)		
	Dec. 3, 1965 (3)		
16	Dec. 10, 1965 (2)		
	Dec. 16, 1965 (4)		
	Dec. 17 (2)		
	Dec. 22 (2)		
	Dec. 23 (3)		
17	Dec. 30, 1965 (2)		
	Dec. 29, 1965 (2)		
	Dec. 31, 1965 (2)		
	ICONOGRAPHIC RECORDS		
Worktable By 42 F7	Map 1 - City of Grand Rapids, Precinct map of	Rev. 10/1/65	



## EDUCATION GUIDE TO RECORDS - (Continuation Sheet)

Agency APPORTIONMENT COMMISSION

[illegible]

RECORDS OF THE APPORTIONMENT COMMISSION

1963-1966

RG 68-4

Lot 1

ADMINISTRATIVE RECORDS OF THE APPORTIONMENT COMMISSION ACCUMULATED BY THE EXECUTIVE SECRETARY, BERNARD J. APOL. 1963-1966. 1  
6 ft., 5 in.; 90 magnetic tape recordings; 5 cartographic items.

Acts; correspondence; lists of members and staff; opinions; statements of general information; official minutes with copies of items distributed to members, August 30, 1963 - June 22, 1964 and November 12, 1965 - December 31, 1965; plans submitted for examination and consideration; proposals from political parties and other legislators; reference file of printed source materials; testimony taken at public hearings, December 2-6, 1963; workpapers; releases to news media; clippings; report, May 28 and June 23, 1964; certificate of closing, December 31, 1965; magnetic tape recordings of hearings and meetings; projections used on public hearings; and photographs of committee members. Includes typed letter signed by James M. Hare, Secretary of State, to clerk of Supreme Court, dated Lansing, Michigan, January 14, 1966, transmitting this record series to the court, and the charge from the order from the Supreme Court, November 2, 1966. See Appendix I for detail of cartographic items.

RECORDS RELATING TO ELECTION SUB-COMMITTEE ON CONSTITUTIONAL IMPLEMENTATION. (H.B. 600). 1963. 3 in. 2

Minutes, July 1, 1963 - September 24, 1963; schedules and reports; proposed legislation; and workpapers accumulated by Bernard J. Apol as assistant director of Elections Division, Secretary of State, a member of the sub-committee.

SUMMARY OF RETURNS IN DETROIT AND WAYNE COUNTY FOR PRIMARY ELECTION, AUGUST 2, 1960, COMPILED BY THE BOARD OF COUNTY CANVASSERS. 1960. 3  
2 vols. (2 in.)

Offers ward, number of votes given for governor, lieutenant governor, United States senator and other elected officials of Republican and Democratic parties.



Appendix I

Cartographic Records

Map 1 - City of Grand Rapids, precinct map of, revised October 1, 1965. n. pl., n.d.

Whiteprint

No scale

23" x 32"

Map 2 - Map of Michigan Senate Districts, U.S. (Department of Commerce, Bureau of Census.)

Insets of Wayne and Oakland counties and the City of Detroit.

Whiteprint

1960

54" x 63"

Map 3 - Map of Michigan House Districts, U.S. (Department of Commerce, Bureau of Census.)

Insets of cities of Kalamazoo, Flint, Grand Rapids, Detroit; and Genesee, Kalamazoo, Kent, Saginaw, Ingham, Macomb, Oakland, Muskegon, Bay, Wayne, Calhoun and Monroe counties.

1960

54" x 63"

Map 4 - Map of Michigan. Published by National Map Company, Indianapolis, Indiana, Edition 1192.

Insets of distance chart; explanation of land survey and numbering system, index to place names and locations according to 1920 census. Shows counties, townships, cities, villages, post offices, steam and electric railways, with stations and distances between stations.

C1925

48" x 48"

Scale: 1 in. = 10 miles



Map 5 - Original and photostatic copies of plans for apportionment.

- (1) Senate Plan #1, as amended  
Royal Oak area.  $13\frac{3}{4}'' \times 20''$ .
- (2) Northeastern Detroit.  $17\frac{1}{2}'' \times 13\frac{1}{4}''$ .
- (3) Statewide plan.  $17\frac{1}{4}'' \times 23\frac{3}{4}''$ .
- (4) Reduction of No. 3
- (5) Whiteprint of No. 1
- (6) " " No. 2
- (7) " " No. 3
- (8) Original artwork of Nos. 1, 2, 3.  
No. 1 and 2 same size  
State wide plan  $36'' \times 79''$ . Scale: 1 in. = 10 miles.
- (9) Senate Plan #2.  
Detroit and adjacent area. 1 negative and 1 positive.  
 $20'' \times 14''$ .
- (10) Senate Plan #3.  
General statewide.  $17\frac{3}{4}'' \times 23\frac{3}{4}''$ .  
Northeast Detroit.  $18'' \times 13\frac{1}{2}''$ .  
Detroit area.  $20'' \times 13\frac{3}{4}''$ .
- (11) Senate #3 Statewide.  
General statewide.  $17\frac{1}{4}'' \times 23\frac{3}{4}''$ .  
Northeast Detroit.  $18'' \times 13\frac{1}{2}''$ .  
Detroit area.  $20'' \times 13\frac{3}{4}''$ .  
Reduction of General Statewide.
- (12) House Plan #4. Prepared by Ivan Brown.  
Outlines,  $17\frac{1}{2}'' \times 21\frac{1}{2}''$ ;  $23\frac{3}{4}'' \times 17\frac{1}{2}''$ ;  $17\frac{1}{2}'' \times 24''$
- (13) House Plan #8.  
General statewide.  $17\frac{1}{2}'' \times 23''$ .

Michigan Historical Commission  
State Archives

## LOCATION GUIDE

Location

R5-U17-S4 2

Accession No.

68-26-A

Lot No.

2

Received By

Di sposa l

Total Quantity

2 Mss boxes  
(10 in.)

Date Received \_\_\_\_\_

Feb. 20, 1968

Date Prepared

April 4, 1968

Agency APPORTIONMENT COMMISSION

Division Secretary, James M. Hare

[illegible]



RECORDS OF THE APPORTIONMENT COMMISSION

1962-1966

RG 68-26

Lot 2

ADMINISTRATIVE RECORDS OF THE APPORTIONMENT COMMISSION ACCUMULATED  
BY THE SECRETARY, JAMES M. HARE. 1962-1966. 10 in. 1

Mainly nearprint and original copy of releases to news media, and workpapers, 1963. Includes acts; correspondence; lists of members; opinions; statements of general information; ribbon copy of official minutes, August 30, 1963 - February 7, 1964, signed by the secretary; court papers relating to apportionment case, 1962; Supreme Court case in the matter of apportionment of the Michigan Legislature, 1964-66; oaths of office; minutes and plans distributed to members for discussion.

See Appendix I for list of members and staff; and Appendix II for rules of the Commission. See also RG 68-4.

Secretary of State James M. Hare, Secretary

Mr. Bernard A. Apple, Executive Director

Mr. Lora N. Johnston, Secretary-Receptionist

Mr. Margery Archer, Republican Secretary

Mr. Louis Friedman, Democratic Research Analyst

Mr. William H. Jones, Democratic Secretary

Mr. Edwin W. Swearingen, Republican Research Analyst

## Appendix I

### Commission on Legislative Apportionment

#### Commission Members

Mr. Richard H. Austin, Democrat, 3374 Oakman Blvd., Detroit  
Mr. Ivan Brown, Democrat, 632 Woodward, Iron Mountain  
Hon. Wilber M. Brucker, Republican, 2200 Penobscot Building, Detroit  
Mr. Henry J. Dongvillo, Democrat, Route No. 1, Fountain  
Mr. William Hanna, Republican, 5120 Gay St., Muskegon  
Mr. Ralph Huhtala, Republican, 400 Hamilton, Kingsford  
Mr. A. Robert Kleiner, Democrat, 1134 Idema Dr., S.E., East Grand Rapids  
Mr. Alfred O. LaPorte, Republican, Standish.

#### Staff Members:

Secretary of State James M. Hare, Secretary  
Mr. Bernard J. Apol, Executive Director  
Mrs. Lois H. Tomlinson, Secretary-Receptionist

Mrs. Margery Archer, Republican Secretary  
Dr. Louis Friedland, Democratic Research Analyst  
Mrs. Lillian Kline, Democratic Secretary  
Mr. Eldon W. Sneeringer, Republican Research Analyst



## Appendix II

### Rules of the Commission on Legislative Apportionment

The Commission on Legislative Apportionment shall be organized by electing two co-chairmen, one from each Party's Commissioners, and the chairmanship be rotated with one co-chairman presiding for one day and the other co-chairman presiding the next day. Each member of the Commission shall be entitled to one vote, including the presiding officer. Absent chairman can designate a member to act in his stead.

The Commission on Legislative Apportionment shall have as its official meeting place the City of Lansing, Michigan, except as otherwise designated by the majority of the Commission.

The regularly scheduled meetings of the Commission on Legislative Apportionment shall be on Friday at 9:30 A.M. The Commission may determine to hold meetings on other days, notice thereof to be given one week in advance.

Additional meetings of the Commission on Legislative Apportionment shall be called by the Secretary upon written request of the co-chairmen (or upon written request of any four members of the Commission.)

A quorum of the Commission on Legislative Apportionment shall consist of five members. (A number less than five can adjourn a meeting if a quorum is not present within a reasonable time.)

Tentative action may be taken by a majority of the members present and voting upon any question.

Roberts Rules of Order shall be used with the exception that no second shall be required on any motion.

Each political party represented shall have the right to choose its own staff consisting of a research person and one secretary.

The Secretary shall have one general assistant and one secretarial employee.

Staff members shall be paid on a rate comparable to rates fixed by the Civil Service Commission.

Space shall be furnished for one meeting room, one general staff room, and one caucus room for each political party.

All meetings of the Commission on Legislative Apportionment shall be open to the press and public. A specific time shall be allocated for the public to ask questions and present ideas to the Commission. Specific proposals by the public shall be given to the Commission in writing in advance of oral presentation.

The Secretary shall furnish to the Commission on Legislative Apportionment the latest official 1960 decennial census figures, and the same shall govern the actions of the Commission. The Secretary shall furnish to the Commission the land area figures for each county from the official land surveys of the state, and the same shall govern the actions of the Commission.

A schedule for the work of the Commission on Legislative Apportionment shall be as follows:

- a. Tentative deadline for submission of plans by members of the Commission by November 15, 1963.
- b. Tentative deadline for agreement for tentative plans to be published on December 1, 1963.
- c. Completion of work on plan or plans by January 1, 1964.

The Commission on Legislative Apportionment agrees that the question of constitutionality of the apportionment provisions of the Revised Constitution of 1963 shall be left to the courts.

Proceedings of all Commission meetings shall be recorded by means of tapes. These tapes shall be maintained by the Executive Director and shall be available to Commission members for listening and duplicating. Tapes shall not be released to anyone without the consent of the Commission unless the Executive Director deems it necessary on matters of business of the Commission. Tapes shall not be removed from the premises of the Commission without the consent of the Commission.



Michigan History Division  
State Archives

## LOCATION GUIDE

Location

Accession No.

72-149

Lot No.

76

Received By

R & D approved Jan 16, 1973  
(one-time disposal)

Total Quantity

17 mss boxes  
(7 ft. 3 in.)Date Received  
Jan. 1973Date Prepared  
Feb. 1974

Agency Department of State

Division Elections-Legislative Apportionment

Container No.	Description of Archival Items	Inclusive Dates of Records	Comments
1	PUBLIC HEARINGS	1971-1972	1 52 casset 2 reels 3 folders
2	MINUTES OF THE LEGISLATIVE APPORTIONMENT COMMISSION	April 23, 1971- May 24, 1972	2
3	11-19-71 -- 1-28-72		
4	1-28-72 (cont.) -- 5-24-72		
	GENERAL ADMINISTRATIVE RECORDS...	1971-1972	3
	Plan submitted by Commissioner Heck	1-28-72	
	Order Promulgating Procedures		
	Re: Petitions		
	Petitions to Supreme Court		
5	Petitions		
	Petition of Objection		
	Supreme Court Opinions		
	Budgetary Material		
	Budget Expenditure Reports	March-May, 1972	
	Census Tract Data & Procedural Information		
	Census Changes--U.S. Bureau of Census		
	Districting Plan-H.R. May 12, 1972		
	"Trends in State Constitution Making,"		





RECORDS OF THE DEPARTMENT OF STATE

RG 72-149  
Lot 76

Elections Division

Legislative Apportionment Commission

The Legislative Apportionment Commission was created by authority of Act 42, MPA 1963, and transferred by Act 380, MPA 1965 to the jurisdiction of the Department of State. See Michigan Compiled Laws 1970, 4.11-4.21.

PUBLIC HEARINGS, 1971-72. 52 cassettes; 2 reels; 3 folders 5 in.  
Tape recordings of public hearings on reapportionment, required under Act 42, MPA 1963. Quality varies from medium to poor. Also includes a small amount of written material related to hearings--letters, speeches, attendance forms, news clippings, summaries.

MINUTES OF THE LEGISLATIVE APPORTIONMENT COMMISSION, 1971-72  
1 ft. 7 in.

Official minutes of the regular meetings of the Commission, signed by the Secretary of State, with exhibits including rules, agendas, maps, printed articles, correspondence between the Secretary of State and the chairman of the Commission, budgetary material, drafts of apportionment plans.

GENERAL ADMINISTRATIVE RECORDS OF THE LEGISLATIVE APPORTIONMENT COMMISSION, 1971-1972. 5 ft., 3 in.

Petitions to the Supreme Court of apportionment plans by members of the Commission, and petition of objection; budget information; correspondence; census data; printed articles; attorney general opinions; elections information; news releases and clippings; miscellaneous reports and bibliographies; drafts or nearprint final copies of proposed representative and senatorial district reapportionment plans. Also includes original city and county detail maps (arranged alphabetically by county) indicating 1960 apportionment districts and census information, used for reference.

Department of State  
Bureau of History  
State Archives

**LOCATION GUIDE**

Location

10/13/2-3  
24/2/18

Accession No.

RG 82-95

Lot No.

122

Received By

D.T.

Date Received

9-9-82

Date Prepared

5-22-91

Total Quantity 1 sol. box  
12 mss. boxes  
(7 cu. ft.)

Agency \_\_\_\_\_ State \_\_\_\_\_ Division \_\_\_\_\_ Apportionment Commission \_\_\_\_\_

Container No.	Description of Archival Items	Inclusive Dates of Records	Comment
	REAPPORTIONMENT FILES	1963 - 1982	Series 1
Box 1	Apportionment Figures	1965 - 1970	
	Apportionment Plans	1981 - 1982	
	Democratic	1981 - 1982	
	House	1981 - 1982	
	Brouillette	1981 - 1982	
	Analysis	1982	
	Audits	1982	
	Maps	1981	
	Other	ca. 1982	
	Kleiner	1981 - 1982	
	Analysis	1982	
	Audits	1982	
	Maps	1981	
	Other	1981 - 1982	
	Lurvey	1981 - 1982	
	Analysis	ca. 1981	
	Audits	1981	
	Maps	1981	
	Other	1981 - 1982	
	Other	1981	
Box 2	Senate	1981 - 1982	
	Brouillette	1981 - 1982	



## LOCATION GUIDE TO RECORDS — (Continuation Sheet)

Agency

State

Container No.	Description of Archival Items	Inclusive Dates of Records	Comment
Box 2	Apportionment Plans (continued)		
	Democratic (continued)		
	Senate (continued)		
	Brouillette (continued)		
	Analysis	1982	
	Audits	1981 - 1982	
	Maps	1981	
	Other	1981	
	Kleiner	1981 - 1982	
	Analysis	1982	
	Audits	1982	
	Maps	1981	
	Other	ca. 1981	
	Other	1981	
	Federal	1981 - 1982	
	Republican	1981 - 1982	
	House	1981 - 1982	
	Plan 1	1981	
	Plan 2	1981	
	Sanderson, et al.	1981 - 1982	
	Audits	1982	
Box 3	District Descriptions	ca. 1981	
	Maps	1981	
	Other	ca. 1981	
	Other	1982	

## LOCATION GUIDE TO RECORDS — (Continuation Sheet)

Agency \_\_\_\_\_ State \_\_\_\_\_

Container No.	Description of Archival Items	Inclusive Dates of Records	Comment
Box 3	Apportionment Plans (continued)	1971	
	Republican (continued)	1971	
	Senate (continued)	1967 - 1982	
	Plan 1	1981	
Box 3 Sol 1	Plan 2	1981	1 folder 1 sol folder
Box 3	Plan 5	1982	
	Sanderson, et al.	1981 - 1982	
	Other	1981 - 1982	
	Attorney General Opinions	1966 - 1981	
Box 4	Auditing Process	1981 - 1982	
	Budget	1971 - 1972	
	Census (Federal)	1979 - 1982	
	Correspondence	n.d., 1980-1982	3 folders
	County Clerks, Materials Sent to	1981	
	Court Opinions	1980	
	Population Tables	1981	7 folders
	Alcona-Jackson	1981	
Box 5	Kalkaska-Wayne	1981	
	Summary Counts	1981	7 folders
	Alcona-Eaton	1981	
Box 6	Emmett-Wexford	1981	
Box 7	Other	1979 - 1981	
	Commission Minutes	1981 - 1982	
Boxes 7-8	Paper	1981 - 1982	23 folders
Box 9	Tapes	1981 - 1982	
Box 8	Commission Rules	1963 - 1981	



## LOCATION GUIDE TO RECORDS — (Continuation Sheet)

Agency \_\_\_\_\_ State \_\_\_\_\_

Container No.	Description of Archival Items	Inclusive Dates of Records	Comment
Box 8	Computer Assistance	1971	
	Computer Manual	1981	
	County Apportionment	1967 - 1982	
	County Population Summaries	1981	6 folders
	Alcona-Cheboygan	1981	
Box 10	Chippewa-Wexford	1981	
	Court Case	1967 - 1972	
	Legislation	1963 - 1971	
	Maps	1969 - 1982	
	County Maps	1970	1 folder
	Allegan	1970	
	Antrim	1970	
	Arenac	1970	
	Barry	1970	
	Bay	1970	
	Benzie	1970	
	Calhoun	1970	
	Clinton	1970	
	Ionia	1970	
	Kalamazoo	1970	
	Kent	1970	
	Lake	1970	
	Livingston	1970	
	Macomb	1970	
	Manistee	1970	
	Monroe	1970	

## LOCATION GUIDE TO RECORDS — (Continuation Sheet)

Agency \_\_\_\_\_ State \_\_\_\_\_

Container No.	Description of Archival Items	Inclusive Dates of Records	Comment
	Maps (continued)		
Box 10	County Maps (continued)	1970	
	Newaygo	1970	
	Oakland	1970	
	Saginaw	1970	
	Sanilac	1970	
	Shiawassee	1970	
	Van Buren	1970	
	Washtenaw	1970	
	Wayne	1970	
Sol. 1	Greater Detroit	n.d., 1971	Sol. folder
Box 10	Minor Civil Division	1970 - 1972	
	Counties	1970 - 1972	
Box 11	Townships (by County)	1971 - 1972	
	Alcona-Chippewa	1971 - 1972	
	Clare-Huron	1971 - 1972	
	Ingham-Livingston	1971 - 1972	
	Luce-Oakland	1971 - 1972	
	Oceana-Van Buren	1971 - 1972	
	Washtenaw-Wexford	1971 - 1972	
	Miscellaneous	ca. 1980	
Sol. 1	Republican Response to House District	1980 - 1982	
Sol. 1	St. Clair County	1969	
Box 12	Petitions filed, Michigan Supreme Court	1982	
	Democratic	1982	
	Republican	1982	



Agency \_\_\_\_\_ State \_\_\_\_\_

[illegible]

# STATE ARCHIVES OF MICHIGAN

RG 82-95      State, Department of  
 Lot 122      Apportionment Commission  
              Reapportionment files, 1963-1982  
              Cubic feet: 7

REAPPORTIONMENT FILES, 1963-1982.      7 cu. ft.      1

Documents the reapportionment of state representative, state senate, and congressional districts as the result of the 1980 federal census. The record consists mainly of census data, maps of various districts and possible changes in districts, and plans prepared by both parties for state and federal reapportionment. Also includes papers concerning the process by which the various plans were audited, and the administration of commission business.

Arranged alphabetically.

10/20/2021

TO: **Sarah Reinhardt**

Departmental Analyst, Michigan Department of State

Secretary of State Jocelyn Benson

[ReinhardtS@Michigan.gov](mailto:ReinhardtS@Michigan.gov)

FROM: Dennis Quehl

[REDACTED]

Midland, MI 48642

[REDACTED]

RE: Map #187 ruled "non-compliant" by Commission's attorney

Sarah,

It is my understanding that as of Monday 10/11/2021, the day prior to the originally set date of the Tuesday commissioners voting, that congressional map #187 was ruled "non-compliant" by the commissioner's attorney.

To this date there have been many maps put up on the web portal and I am unaware that any of them have been ruled as "non-compliant".

As you can see in the previous email string you had sent me an email requesting some further information and details on a map and comments that were no longer on the web map portal. This had been brought up at a open public forum for public comment at a commissioners meeting. Thank you for both your interest as well as your efforts on that matter.

I decided to send you an email requesting some information on map #187 because in your role as department analyst you were most likely the person in charge of oversight regarding all the maps that have entered the web portal. I made that assumption based on the fact that you looked into the previous map irregularity. If there is someone else that I should be contacting for this matter, could you kindly refer this onto that person, and cc a copy of the email to me. If you are unable to find out whom this should go to could you please send an email to me giving me an update.

I am trying to get information of the policy and processes in which maps are first submitted to be placed on the web portal, and when the maps are officially viewed and then determined by the attorney to be compliant or non-compliant. Because I am not aware of the processes in place, I am not sure if all maps go through the same process as a matter of protocol.

I would also like to see the policy, factors, and documentation that are utilized to rule on each map that is submitted. This way I will have an understanding on what deems a map compliant.

Thank you again for your interest and help previously and for whatever assistance/guidance you can give me in this matter.

Respectfully Submitted,

Dennis Quehl