

Redistricting in the MDN States

Justin Levitt

**MICHIGAN
(status quo)**



KEY POINTS:

The state legislature currently draws both congressional and state legislative districts, subject to a few self-imposed constraints comporting with Michigan’s “constitutional history,” and subject to federal constitutional and statutory limitations.

Article IV of the Michigan Constitution governed redistricting until the pertinent provisions were struck down by the courts; now, sections 3.61-64 and 4.261-263 of the Michigan Statutes control, subject to the courts’ commands to abide by Michigan’s “constitutional history.” In the 2001 cycle, redistricting was subject to unified Republican control.

PROCESS:

Congressional and state legislative districts are currently drawn by the state legislature. Plans must be adopted by November 1, 2011.

- **Independence from Legislators:** None.
- **Partisan Balance:** The process has only as much partisan balance as the legislature itself. It is possible each house will be controlled by a different party, or that the governor will be of a different party than a united legislature, but it is also possible that there will be unified party control.
- **Minority Participation:** The process will feature as much diversity as the legislature itself, but the body’s substantial size makes such diversity relatively more feasible.
- **Public Input:** There are no specific provisions for the public to present or comment on plans.
- **Timing:** There is no binding prohibition on redrawing either state legislative or congressional districts more than once per decade.

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CRITERIA:

Because all of Michigan’s redistricting criteria are set by statute, they may also be adjusted by the legislature, subject to the courts’ concern that districts be drawn in keeping with Michigan’s “constitutional history.”

Congressional and state legislative districts must be contiguous, and follow the federal standard of equal population. At present, the Michigan legislature has determined that state legislative districts must also fall within 5% above or below the mean population.

The legislature has determined that both congressional and state legislative districts should also preserve whole political units -- counties, cities, and townships, in that order – where feasible. If there is more than one district within a city or township, those districts must be maximally compact, measured by drawing a circle around the district, and taking the area within the circle but outside the district lines. (For state legislative districts, the legislature requires districts to be populated within 2% above or below the mean population, to keep population pockets of equal size together even if the districts are less compact as a result.)

- **Population Equality:** The current criteria allow substantial population disparity, with tighter bounds for multiple districts within a city or township. As a result, some residents’ votes may be more valuable than others. On the other hand, the tighter bounds for city districts may limit flexibility to create minority opportunity districts pursuant to the Voting Rights Act. There is also no express provision to determine whether the state must rely on the count conducted by the federal census (which counts incarcerated persons where they are incarcerated).
- **Minority Rights:** There are no provisions for minority rights other than federal law. Two Michigan townships (Clyde and Buena Vista) must “preclear” changes to election rules, including district lines within those townships, to ensure that minority rights are not diluted under the Voting Rights Act.
- **Compactness:** The legislature has required that districts be reasonably compact, and sets a particular formula of compactness for multiple districts within a city or township. To the extent that real communities of common interest are represented within cities or townships in less compact geographic patterns, the compactness threshold might limit the opportunity to represent those communities.
- **District Competition:** There is no provision encouraging or discouraging competition within a district.
- **Statewide Partisan Balance:** If there exists unified partisan control of the legislature and governor’s mansion, that party will have the ability to drive statewide results favorable to itself. There is no provision otherwise encouraging or discouraging statewide partisan balance.
- **Preservation of Political Boundaries:** The legislature has emphasized the preservation of political units, and particularly the minimal division of counties, cities, and townships. To the extent that communities of interest bridge political boundaries, this may limit the opportunity to accommodate such communities.
- **Communities of Interest:** There is no provision expressly concerning communities of interest.
- **Nesting:** There is no provision requiring that House districts be nested in Senate districts.
- **Incumbent Residence:** The current criteria do not prohibit those drawing the lines from considering the residences of incumbents, allowing intentional harm (or benefit) to individual legislators, but also reducing the likelihood of unintentional impact on incumbents.