APPORTIONMENT OF COUNTY BOARDS OF SUPERVISORS,

MICHIGAN AND OTHER STATES

CITIZENS RESEARCH COUNCIL OF MICHIGAN

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Michigan and Other States

In *Baker v. Carr* (1962), the United States Supreme Court ruled permissible the hearing by a Federal court of contentions that state legislative malapportionment could be a denial of the rights guaranteed under the equal protection clause of the Fourteenth Amendment to the United States Constitution. This decision provided the basis for the subsequent entertainment by the Supreme Court of the case of *Reynolds v. Sims* (1964). In this latter case, the Court held that both houses of state legislatures must be elected with equal representation of population as the prime consideration or be at odds with the equal protection clause. The Court said:

> We hold that, as a basic constitutional standard the Equal Protection clause requires that the seats in both houses of a bicameral legislature must be apportioned on a population basis. (84 S. Ct. Reporter, 1362, 1385.)

On June 23, 1964, five residents of the City of Grand Rapids brought the case of *Brouwer v. Bronkema* into the Kent County Circuit Court. Plaintiffs claimed that the apportionment of the Kent County Board of Supervisors was not on the basis of population,* and was, therefore, in violation of their right to the equal protection of the laws under the Fourteenth Amendment.

On September 11, 1964, the Circuit Court, guided by the Reynolds decision, held that the apportionment of seats on Michigan county boards of supervisors must also be governed by the "one-man-one vote" doctrine. The Court recognized that the vast majority of board members are not directly elected as county supervisors in Michigan, but concluded "that the fundamental right protected by the Fourteenth Amendment is the right to 'equal representation' upon the body that exercises legislative functions." Judge Fred N. Searl wrote:

> I, therefore, hold that the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution as interpreted by the United States Supreme Court, requires that the seats in the Board of Supervisors be apportioned on a population basis; that under the provisions of the Michigan Constitution and statutes it is not so apportioned; that such provisions are in conflict with the Constitution of the United States and that under the supremacy clause of that Constitution, such provisions are invalid.

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* E.g., the City of Grand Rapids has 54% of total county population, and 47% of total county board membership.

The Court retained jurisdiction but deferred any action "… until the 1965 Legislature has had an opportunity to remedy the deviations from constitutional standards in the present Michigan provisions providing for the membership of the County Board of Supervisors." Now on appeal to the Michigan Supreme Court, a ruling in the case is expected in the Fall, 1965 session.

In September, 1963, a year before the Kent County decision, the Muskegon Circuit Court decided a case involving city representation on the county board of supervisors (*Schaub v. Klevering*). The decision upheld the Michigan constitutional and statutory provisions. In this case, equal protection of the laws under the Fourteenth Amendment was not an issue. The issue was over which of two sections in the City Home Rule Act of 1909 determined county board representation for the City of Muskegon.

Circuit Judge Beers, after examining the original act and subsequent amendments, held that Muskegon could retain its 11 representatives, instead of the seven representatives authorized under the City Home Rule Act. This was because Muskegon had originally incorporated under a local act of the legislature. The Home Rule City Act, as amended, allows such cities to reincorporate under the 1909 law, yet retain the number of supervisorial seats provided for in the previous charter. This case is also on appeal to the state Supreme Court, and arguments are expected to be heard along with the Kent County appeal.

Another Michigan county board apportionment case is currently before the Circuit Court in Wexford County (*Powell and Devoe v. Wexford County Board of Supervisors*). Filed in September, 1964, the plaintiffs claimed that, on the basis of equal and proportionate representation, the City of Cadillac should have 12 instead of its present five representatives. The Court was asked to:

    a. Declare the legal provisions by which the Defendant Board is established to be in violation of Plaintiffs' federal constitutional rights, and thereby invalid and unenforceable;

    b. Enjoin all future action by the Defendant Board based upon present voting procedure, and direct that each member vote proportionately, that is when voting on matters before the Board that each member cast the total of votes which is equal to the number of persons residing in the area, district, or unit from which he was elected, according to the most recent population census;

    c. Direct that all members be elected "at large," on a county-wide basis in future elections until such time as a reapportionment of representative areas, districts, or units shall be accomplished providing for equality of representation, as nearly as practicable, for every citizen of Wexford County, upon the Defendant County Board.

(See brief of plaintiff, p. 2.)

To date, no decision has been handed down in the Wexford County case.

History of County Government in Michigan

Organization of Michigan into counties and townships began with the Northwest Ordinance of 1787. During most of the time Michigan remained a territory, the principal officers were the county commissioners, appointed by the governor. In 1827, the Legislative Council of the Territory provided for a county governing body called the board of supervisors, on which each township was represented.

The Constitution of 1835 provided for the election of a number of county officers, but did not deal with either a county board of supervisors or county commissioners. The 1838 revision of state laws replaced the supervisorial system with that of the commissioner system, and commissioners were elected by a general county vote. An 1842 law abolished this system, and returned to the supervisors system.

The 1850 Constitution provided for a county board of supervisors consisting of one member from each township, and city representation according to legislative directive. The Constitutions of 1908 and 1963 contained substantially the same provision.

Present Selection and Representation Procedure in Michigan

Representation on Michigan county boards of supervisors is by unit of government rather than population. The board members represent cities or townships and generally serve also as city or township officials. This dual status of county board members is sometimes referred to as a system of "dual accountability" and is often found in federated systems of government.

Article VII, Section 7 of the 1963 Constitution reads:

> A board of supervisors shall be established in each organized county consisting of one member from each organized township and such representatives from cities as provided by law.

Township Representation. Pursuant to this article and applicable statutes, the elected township supervisor serves, ex officio, as the township representative on the county board of supervisors.

City Representation. As of January, 1965, there were 242 incorporated cities in Michigan. Classed according to the legislative act under which they are incorporated they fall into three categories: special charter cities (2), fourth class cities (26), home rule cities (210). There is also a special sub-category for home rule cities of the fifth class (4).

The two special charter cities are Mackinac Island and Menominee. The number of county board representatives allotted each of these cities is specified in the

legislative act authorizing incorporation. Mackinac Island has two supervisors and Menominee has eight supervisors.

The 26 cities incorporated under the Fourth Class City Act of 1895 are represented on the county board by one supervisor elected from each ward. The number of wards is determined by a population formula set forth in the law and is usually three or four.

County board representation for most home rule cities is governed by Section 27 of Public Act 279 of 1909, as amended (City Home Rule Act). This law establishes three scales, each of which contains population brackets with varying numbers of supervisors assigned to each bracket. Two of the scales contain total county population requirements which limit their current applicability to Wayne and Oakland counties respectively. The third scale applies to cities in the remaining 81 of Michigan's 83 counties. These three scales are set forth in Table I. (See page 5 for Table I.)

For representation purposes population may be determined in several ways: (1) by the last regular or special federal census, (2) by a census taken by the Michigan Secretary of State, upon resolution by the city legislative body or, (3) by a resolution ordering such an enumeration, submitted by initiatory petition in the same manner as charter amendment proposals. Although the law does not make reapportionment after each census mandatory, Michigan counties have traditionally reapportioned when population shifts or growths have made it necessary.

As Judge Beers noted in the Muskegon case, there are certain exceptions to the applicability of these scales. One is for home rule cities which originally incorporate under a different act, and then choose to reincorporate under the city home rule law. The City Home Rule Act specifies that the number of supervisors from such cities shall not be reduced unless the new charter expressly provides for such a reduction.

Another exception is that "… any city may provide in its charter for a number of representatives on the board of supervisors to a number equal to the representation of any city of less population in the county."[1]

The statute also specifies that in any county having over 2,000,000 population, any city having 53% or more of the total county population but less than 51% of the representation, shall automatically have not less than 53% of the total representation on the county board of supervisors.

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[1] M.S.A. 5.2106, 1963 Cumulative Supplement, p. 75.

TABLE I

County Board Representation for Home Rule Cities in Michigan

	City Population	Number of Supervisors
A. For cities in those counties having a total county population of more than 500,000 but less than 1,000,000 (Oakland County)	0 - 7,500	1
	7,501 - 15,000	2
	15,001 - 22,500	3
	22,501 - 32,500	4
	32,501 - 50,000	5
	50,001 - 74,999	6
	75,000 - over	6 — plus one for each additional 25,000 or fraction thereof.
B. For cities in those counties having a total county population of 2,000,000 or more, where such cities are entitled to 75 or more supervisors under the provisions of scale "C" below. (Wayne County)	0 - 24,999	1
	25,000 - 40,000	2
	40,001 - 70,000	3
	70,001 - over	3 – plus one for each additional 30,000 or major fraction thereof.
C. For cities in those counties having a total county population under 500,000	0 - 749	1
	750 - 3,000	2
	3,001 - 4,000	3
	4,001 - 9,000	4
	9,001 - 25,000	5
	25,001 - 35,000	6
	35,001 - 49,000	7
	49,001 - 65,000	8
	65,001 - 80,000	9
	80,001 - 100,000	10
	100,001 - 500,000	12 – plus one for each additional 10,000 or fraction thereof.
	500,001 - over	12—plus one for each additional 40,000 or fraction thereof.

In Michigan, villages are not represented on the county board of supervisors. The City Home Rule Act, however, does allow those villages which meet certain population and area requirements, or lie in more than one township in the same county, or villages in which the county seat is located to incorporate as home rule cities of the fifth class. There are four such cities, Homer in Calhoun County, Luther in Lake County, Newberry in Luce County, and Roscommon in Roscommon County.

Except in the case of fifth class cities, municipalities which adopt charters under the home rule act may provide in that charter for the election, appointment, or ex officio service of their county supervisors. For fifth class cities, the law establishes a list of city officials from which the city legislative body must choose at least one of its representatives.

This system of representing local governments on the county board of supervisors sometimes gives equal representation to units having widely disparate population figures, As Table II indicates, examples of such disparities between population and representation may be found among townships, among cities and townships, and among cities.

TABLE II

County Board Representation of Selected Michigan Townships and Cities

County	Population (1960 Federal Census)	Board Representation
<u>Wayne</u>		
Canton Township	5,313	1
Nankin Township	81,149	1
Belleville	1,921	1
Wayne	19,071	1
<u>Macomb</u>		
Lake Township	109	1
Clinton Township	25,688	1
Center Line	10,164	5
Mt. Clemens	21,016	5
<u>Muskegon</u>		
Whitehall Township	496	1
Norton Township	17,816	1
Montague	2,366	2
Muskegon Heights	19,552	5
<u>Bay</u>		
Mt. Forest Township	920	1
Bangor Township	11,686	1
Pinconning	1,329	2
Essexville	4,590	4
<u>Alpena</u>		
Wellington Township	344	1
Alpena Township	6,616	1
Alpena	14,682	8
(No other cities)		
<u>Calhoun</u>		
Convis Township	1,068	1
Battle Creek Township	19,010	1
Albion	12,749	5
Battle Creek	48,774	7

Michigan In Comparison with Other States

County government is found in all states — except Connecticut and Rhode Island, but does not exist in some portions of 13 other states.

Type of Governing Board. Table III, Item 2 shows that the Michigan system of county government, wherein township and city officials serve as representatives to and comprise the county governing body, is shared by four other states (a total of 299 counties). These are Illinois, New York, Wisconsin, and New Jersey (four of its 21 counties). Table III, Item 1 also shows that county governing bodies in the majority of the other states are composed of members whose principal function is service on the county board (a total of 2,084).

TABLE III

Types of County Governing Boards in the U.S.

	States*	Counties
1. County boards of commissioners or supervisors, with members whose principal function is service on the county governing body.	42	2,084
2. Boards of county supervisors with members who are officials of township and municipal govern-ments, and who also serve as county governing board members.	5	299
3. Judges and justices of the peace boards, with members who serve both as judicial officials and county board members.	4	299
4. Judge and commissioner boards, consisting of a judicial officer who also presides over the county board and others who function only as members of the county governing body.	4	322
5. Other	4	45

* Totals 59, because some states have more than one system of county government.

Source: U.S. Department of Commerce, Bureau of the Census, Governing Boards of County Governments: 1965, G-55-No. 49.

Method of Se1ection. Table IV, item 1 shows that in the majority of all counties in the U.S., board members are popularly elected representatives of districts or areas within their respective counties. Item 1-c, "Township and/or city," refers to the Michigan method of selection, but does not reflect the fact of appointee and ex officio service in counties using this system.

TABLE IV

Selection of Governing Board Members in the U.S.

	Number of Counties
1. All members elected--	
a. At large	533
b. At large with local area residence requirement	560
c. By local area	
Township and/or city	298
Other	889
2. Presiding officer elected at large and other members elected—	
a. At large with local area residence requirement	40
b. By local area	666
3. Appointed	12
4. Other	31

Source: U.S. Department of Commerce, Bureau of the Census, Governing Boards of County Government: 1965, G-55-No. 49.

Board Size. Table V illustrates the range of county board size in the U.S., showing that 77 percent of the counties are governed by a body consisting of five or fewer members. In Michigan there is an average of 26.8 members per board. Nationally, county governing bodies average 7.9 members per board.

TABLE V

Size of Governing Boards in the U.S. and Michigan

| | Number of Counties | |
Membership	U.S.	Michigan
1- 5	2,346	3
6- 9	220	3
10-14	92	9
15-19	79	13
20-24	76	23
25-29	61	11
30-39	76	8
40~49	48	6
50-59	31	2
60-99	18	4
100 or more	2	1

Source: U.S. Department of Commerce, Bureau of the Census, Governing Boards of County Government: 1965, G-55-No. 49.

<u>Court Action on Apportionment</u>. Apportionment of county governing bodies in other states appears to be a problem of increasing concern. For example:

In August of 1963, the California State Supreme Court ordered the Supervisors of the County of Monterey to reapportion according to population, in accordance with the Court's interpretation of Section 25001 of the California Government Code.[1]

On January 5, 1965, the Wisconsin Supreme Court invalidated the 1849 statute which was the basis for the governmental unit system of county board representation in that state. The Court found the law to be in conflict with the equal protection clause of the Fourteenth Amendment.[2] The Court dealt with the argument that the statutory origin of county powers and duties would exempt it from the principle of equal representation by saying:

> Since the composition of the legislature must conform to the principle of equal representation, it is logical that the arm or political subdivision of such legislature enacting legislation should be governed by the same principle of equal representation.

In April 1965, the legislature of Wisconsin passed a bill providing for the reapportionment of county boards. Counties were classified into population groups, and a maximum size for county boards in each class of counties was set. The law calls for districts equal in population, and provides that the districts be established by the county board in each county.[3]

On February 1, 1965, a federal court in New York held that the New York system of governmental unit representation was in conflict with the equal protection clause of the Fourteenth Amendment. The court did not direct the state legislature to enact corrective statutes, but did retain jurisdiction, and granted the plaintiff the right to return if the situation was not corrected. The timing of such correction and by whom it should be accomplished, were not stated.

As of July 15, 1965, Governor Rockefeller had not yet signed a bill which would allow counties to redistrict on a population basis. There has been some question of the constitutionality of .the measure, since it apparently provides for partial legislative, partial county board jurisdiction over reapportionment.

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[1] *Griffin v. Board of Supervisors of the County of Monterey.*

[2] State ex. rel. *Sonneborn v. Sylvester.*

[3] Arthur W. Bromage, "Reapportionment of County Boards." Speech given before Regional Meeting, Michigan Municipal League, April 29, 1965.

There are two cases pending in the federal courts in Louisiana. *Simon v. the Parish of Lafayette*, and *J. C. Collins v. the Parish of Morehouse*. Instituted one year ago, no decision has been reached as yet in either case. In both instances, plaintiffs claim a violation of their rights under the equal protection clause.

In Illinois, legislation has been proposed which would abolish the governmental unit basis of county board representation, replacing this arrangement with a system of supervisorial districts.[1] The bills were tabled after the first reading.

<u>Alternatives to the Present Michigan System of County Board Representation</u>

Should the Michigan Supreme Court uphold the Kent County decision, a number of questions will present themselves.

1. If population rather than governmental unit becomes the basis of representation, must township and city boundaries be ignored in any equal apportionment scheme proposed?

2. What deviation in population between representative districts will be acceptable? ·

3. Must each member of the county board be directly elected to his post?

4. What kind of districting and redistricting machinery should be established?

5. Who should be responsible for districting and redistricting?

6. What enforcement provisions should be provided?

7. What should.be done to prevent gerrymandering?

To date, the only standard set by the U.S. Supreme Court has been the general rule that apportionment shall be substantially on the basis of population. Working in a case-by-case manner, the Court has handed down no specific guidelines by which to determine, a priori, the acceptability of proposed remedial plans. The word "substantially" provides no clue as to the fate of local government boundaries and, whether they are observed or disregarded, leaves as an unknown the permissible population discrepancy between representative units. It would seem, then, that most of the questions above will remain unanswered until a specific apportionment plan has been proposed for Michigan county boards of supervisors and has faced court scrutiny.

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[1] House Bills Nos. 621, 622, 623, and 624, 1965—74th General Assembly.

The discussion of the following alternative methods for achieving county board representation may help in the consideration of these problems. A number of systems are available; (1) the multiple vote, (2) the variable population ratio, (3) the fixed board size system, (4) supervisorial districts, and (5) election at-large.

Multiple Vote. This method is also known as "weighted voting." Basically, the multiple vote system seeks to avoid the alteration of the areal or unit basis of representation on the governing board, as well as to prevent the enlargement of that body's membership. In the case of Michigan counties, it would leave intact the boundaries of the cities and townships represented but would weight the vote of each supervisor according to the population of the unit he represents.

In its simplest form, each unit of government is granted a vote count or "weight" equal to its population—in Wayne County, the City of Detroit would have 1,670,144 votes on the county board of supervisors and the City of Belleville 1,921 votes, representing their respective 1960 population. There would be a total of 2,666,297 votes in the Wayne County board of supervisors, the 1960 population of the County. Two methods could be used to cut down the number of votes involved:

1. Multiply the population of each unit by some decimal figure (.01 or .001, for example) to reduce size. This; would give Belleville 19.2 or 1.9 votes and Detroit 16,701.4 or 1,670.1 votes, depending on which decimal multiplier is used.

2. The population of each city and township in the county could be divided by some figure such as the population of the least populous unit—in Wayne County, Belleville, with 1,921 people, would be entitled to one vote and the City of Detroit would be entitled to 869 (l,670,144 ÷ 1921) votes.

Both of these methods of attempting to reduce the number of "weighted" votes will result in fractional numbers of votes. In a county with a wide population disparity among units, the weighted vote method would result in either a large number of total votes or in some units have only a fraction of one vote. While it would be possible to round fractional votes to the nearest whole number, this would introduce an element of representation discrepancy which might not be acceptable to the courts (i.e., 1.49 would become 1 and 1.51 would become 2, which would produce an almost 2 to 1 population discrepancy).

While the weighted voting method solves the problem of assigning proportionate voting strength to units of disparate population it does not itself solve the problem of representation on the board, and it is subject to certain mechanical problems.

The biggest problem of representation is determining who shall cast the vote on the board for the unit of government. For example, if one individual casts all of the votes for his unit, in a number of counties that one individual would have a majority of the votes on the board of supervisors. If more than one individual casts the votes for each unit then it would be necessary to provide a method of apportioning votes within the unit; e.g., districting within a unit. Other problems of representation under the weighted vote method include, (1) representation of minorities within units of government having multiple votes and one or a small number of representatives casting those votes; (2) the stifling of intra- or inter-party competition; and (3) minimizing the influence of a representative who exhibits qualities of leadership, but whose vote strength is weak.

Some of the mechanical difficulties raised by weighted or multiple voting are (1) accurate tabulation, especially if large or fractional numbers are included; (2) agreement on the mechanism for assignment and continued equal distribution of vote strength; and (3) development of a mechanism for voting in committee, especially in cases where committee recommendations may be tantamount to a final decision.

Those in favor of multiple vote proposals point out several major advantages. In the first place, it provides equality of representation according to population; secondly, representation of the smaller local governments is continued without an adverse effect on county board size, and, thirdly, the continued integrity of local government boundaries removes gerrymander attempts.

It might be noted that the constitutionality of weighted voting for state legislatures has been subject to question. In 1963, the New Mexico state legislature passed a weighted voting law for the New Mexico House of Representatives. The New Mexico Supreme Court found this act to be in violation of the Fourteenth Amendment. Subsequent to this decision there is now proposed for a vote on September 28, 1965, an amendment to the New Mexico constitution which would permit weighted voting in the New Mexico Senate. The New Mexico Supreme Court has declined to rule on weighted voting in the Senate until after this vote of the people. A related bill passed by both houses of the legislature directs the state attorney general to appeal to the U.S. Supreme Court should the state Supreme Court rule against the multiple vote plan for the New Mexico upper house.

A weighted voting plan for the New Jersey state legislature was struck down by the state Supreme Court in December of 1964. The court did not rule directly on the constitutionality of the scheme, saying that the procedure for adoption was invalid. The Chief Justice did, however, make an oral statement concerning this matter at the time the opinion was delivered. He indicated that while some members of the court expressed doubt about the constitutionality of the plan, a majority of the court (5 to 4) felt that it did not wish to rule on the question at that time.

<u>Variable Population Ratio</u>. The variable population ratio provides another approach to the problem of large population discrepancies between governmental jurisdictions. It establishes a minimum population or "base unit" figure. Cities or townships with that figure would be allotted one representative. Those with populations below the base number would be combined for the purpose of representation on the board; those with a higher population would receive an additional representative for each multiple (or major fraction) of the base figure. Since the populations of units of government of the county are not direct multiples of any base unit which might be selected, the variable population ratio method can result in fractional remainders which, if rounded to the nearest whole number, can produce districts with significant population discrepancies.

In Monroe County, this system would increase the size of the board by 27; with a base of 2,000, 16 jurisdictions would elect 49 representatives, with no need for combination.

In a county such as Wayne, having one unit (Detroit) with a relatively much larger population, the number arrive at by the above process might possibly represent voting strength, rather than representatives seated. The purpose would be to reduce board size which otherwise might continue at or go beyond its current size of 122. For example, if the base unit for Wayne were set at 20,000, Detroit would be entitled to over 80 representatives. The other jurisdictions above 20,000 in population would add over 40 more seats. Such a base unit would also necessitate the combining of the 24 units having population below the base mark.

<u>Fixed Board Size</u>. Under the fixed board size method, the number of seats on the county governing board is a set figure, by which the total county population is divided to arrive at a ratio of representation. Each supervisor would then represent that number of people. Districts would be arranged with as close regard as possible to local government boundary lines. But when necessary these units would be grouped or split to arrive at the appropriate number of equally populated districts.

The use of this method would allow the setting of a maximum board, size, and could possibly permit the continuation of the traditionally larger larger-than-average county board in Michigan. And, assuming some freedom in choosing board size, adoption of this system might also permit individual counties to adjust to their particular population level and density patterns, helping to limit the amount of splitting or combining of governmental units.

<u>Supervisorial Districts</u>. Using the supervisorial district method, each county would be split into a number of equally populated districts, each of which elects one supervisor to the board. Basically a very simple process, the crux of it lies in the machinery for establishing and maintaining districts of equal population. A difficulty, as noted by the Supreme Court in the Reynolds decision, is the possibility

the gerrymander if local boundaries are completely ignored. And, as a Wisconsin study noted:

> The problems of legislative apportionment at the state level are basically political. Establishing a new set of districts (county supervisor districts) might bring similar political problems to the county level.[1]

Election at-large. This system in its simplest form would seem to meet the "one man-one vote" principle without question, i.e., at-large nomination and election, with the top vote-getters receiving the allotted number of seats on the board. Variations on this method include nomination at-large and election by governmental unit; nomination by governmental unit and election at-large; nomination at-large and election of some seats at-large, the remainder by governmental unit.

Proponents see the principle behind an at-large election as the selection of a governing body which is county-oriented. And, apart from possible questions of political feasibility, this method is perhaps the least difficult to implement, since it requires no apportionment machinery in its basic form. On the other hand, at-large elections could raise problems of ballot length and residence requirements and problems of representation of diverse geographical and political interests in the county.

Developments in County Apportionment

With the exception of the at-large nomination-election system, implementation of each arrangement described above involves the completion of several tasks: the setting of standards of apportionment, providing for periodic adjustments, and the establishment of secondary or "back up" means of periodic adjustment should the first effort fail to achieve its purpose.

Perhaps a discussion of existing and proposed arrangements in other states would best outline alternative ways of meeting these problems.

California. In California, state law requires that each county be divided into five supervisorial districts. One supervisor is elected from each district every four years on a non-partisan basis.

Voter passage of "Proposition 9" in the 1964 California general election established the following procedure for adjusting the boundaries of supervisorial districts.[2]

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[1] Bureau of Government, the University of Wisconsin, Equal Representation on Wisconsin County Boards, February, 1963.

[2] With the exception of the City and County of San Francisco, which has a charter providing for an eleven-man board of supervisors, all other chartered counties are bound by Proposition 9.

1. Before the first day of October following the taking of each decennial Federal census, and using it as a basis, the county board of supervisors must adjust the boundaries of any or all of the districts to make each of the five as nearly equal in population as possible. The population of any one district when added to the population of any other two districts must equal at least 50% of the total county population.

2. In establishing boundaries, the county board may consider the following factors: topography, geography, cohesiveness, contiguity, integrity and compactness of territory, and community of interests.

3. If the board fails to reapportion in the allotted time, a Supervisorial Redistricting Commission must do so before December 31 of that year. Boundaries so redrawn will have the effect of a board ordinance.

4. The Supervisorial Redistricting Commission will be composed of the county assessor, district attorney, clerk, if elected, or if not, the county school supervisor, if elected, or if not, the county sheriff.

5. The term of office of any supervisor who has been elected and whose term of office has not expired is not affected by any changes in his district's boundaries.

6. The division of incorporated areas to meet the requirements of equal apportionment is not prohibited.

Illinois. Several bills have been introduced in the Illinois General Assembly aimed at establishing county supervisorial districts in each county having a township form of government and less than one million inhabitants. The chief provisions are:

1. The county board will redistrict before January 1966, according to the 1960 Federal census, and in 1973, and every again 10 years thereafter.

2. A supervisor will be elected from each district every four years on a partisan basis.

3. The number of districts is to be determined by the following schedule:

Population	Number of Districts
800,000 - 1,000,000	15
600,000 - 800,000	13
400,000 - 600,000	11
200,000 - 400,000	9
100,000 - 200,000	7
25,000 - 100,000	5
— - 25,000	3

4. Districts must be of compact and contiguous territory, bounded by precinct lines, and as nearly equal in population as possible.

Indiana. A law enacted in Indiana, this year contains the following provisions for counties having more than 650,000 in population. (Ind. Act 1965, ch. 436). This Act applies currently to Marion County (Indianapolis)—

1. Each Board of County Commissioners, prior to January, 1966, must divide its county into either 3, 5, or 7 councilmanic districts, from each of which one councilman shall be elected.

2. The Board of County Commissioners may provide for the election of up to three of the total board membership on an at-large basis.

3. Districts in each county must be as nearly equal in population as possible; provision is made for the splitting of townships into two or more districts.

4. The boundaries of such districts may be changed by the board of county commissioners not more than once in 10 years and then only when necessary to correct an inequality between the population of one district and the population of another district or districts.

Minnesota. Counties are divided into five districts from which one commissioner is elected every four years on a non-partisan basis. The changing of commissioner district lines is timed with every federal or state census which shows 30 per cent of a county's population to be residing in one district. In such an event:

1. The County Board of Commissioners has the option of redrawing lines, or submitting the question of redistricting to the voters of that county. If the majority of those voting on the question approve, the County Board of Commissioners must proceed to redistrict. Otherwise, it need not do so.

2. The County Board of Commissioners may not redistrict so as to include 2nd, 3rd, or 4th class cities in more than two districts in any one county.

3. Districts must be bounded by town, village, or precinct lines, and be composed of contiguous territory.

Exception is made for several larger or more populous counties which have seven commissioners.

<u>Wisconsin</u>. The bill passed by the Wisconsin Legislature in April, 1965, applies to counties having a population of less than 500,000 and more than one town. Such counties are entitled to a maximum number of county supervisors as follows:

County Population	No. of Supervisors
100,000 - 499,999	no more than 47
50,000 - 99,999	no more than 39
25,000 - 49,999	no more than 31
24,000 and below, and more than one town	no more than 21

1. After a public hearing, the county board in each county must establish supervisory districts in a number corresponding with the table above.

2. Districts should represent as nearly as possible equal numbers of people, but consideration may also be given to such factors as continuity of interest, compactness and contiguity of existing town, village, and city line. More than one municipality may be placed in any district, and more than one district may be formed within a municipality.

3. Whenever conditions arise where creation of a supervisory district based primarily on population cannot be achieved without violating municipal boundary lines, but where a combination of two or more municipalities could be established creating a supervisory district of approximately double the population average of the other supervisory districts, the county board may create such a supervisory district and designate that two supervisors be elected from such district.

4. Following each decennial federal census, and not more than one year after receiving a certification of population from the secretary of state based on that census, the county board shall apportion the county on the basis of the scales above, providing a copy of, such plan to the secretary of state.

5. Each supervisor shall be elected for a term of two years and must have resided in the district he represents at least 10 days prior to the earliest commencement of nomination petition circulation.

Summary

The apportionment of county governing bodies in Michigan and elsewhere has been a subject of increasing concern as a result of the court rulings directing equal representation on county boards on the basis of population,

These rulings, however, do not comprise the whole answer to the over-all problem of reapportioning county boards. To date the courts have not provided a full definition of the term "equal representation." There are, therefore, no generally applicable guidelines regarding the sanctity of local government boundaries, acceptable population deviations, the acceptability of ex officio and appointed supervisors, the redistricting machinery, and so on.

As a further consequence, discussion of the various apportionment schemes must be largely descriptive, listing the characteristics of each plan. To suggest that all aspects of any of the several methods constitute an acceptable solution is to presume guide lines from the U.S. Supreme Court which have so far been lacking.

It may be possible to approach the question of "what kind of plan will be acceptable?", by examining areas where court action has been absent, rather than attempting to explore a series of separate decisions. Viewed in this manner, it would appear that those states with some form of county representation districts, or those which provide for the at-large election of the county governing body, have had fewer problems with regard to county apportionment.

One thing is definite; those states sharing the Michigan pattern of representation are all experiencing either legislative or judicial scrutiny, or both.

APPENDIX

Total Number of Michigan Township and City Supervisors
by County as of January, 1965
(Source: Michigan Municipal League)

County	Total Number Supervisors	Number Supervisors from Townships	Number Supervisors from Cities
Alcona	14	11	3
Alger	12	8	4
Allegan	38	24	14
Alpena	16	6	8
Antrim	15	15	No Cities
Arenac	17	17	5
Baraga	5	5	No Cities
Barry	20	16	4
Bay	45	14	31
Benzie	14	12	2
Berrien	47	22	25
Branch	22	16	6
Calhoun	41	20	21
Cass	19	15	4
Charlevoix	25	15	10
Cheboygan	25	19	6
Chippewa	25	16	9
Clare	23	16	7
Clinton	20	16	4
Crawford	8	6	2
Delta	27	14	13
Dickinson	19	7	12
Eaton	32	16	16
Emmet	22	16	6
Genesee	60	18	42
Gladwin	23	16	7
Gogebic	23	6	17
Grand Traverse	18	13	5
Gratiot	26	16	10
Hillsdale	23	18	5
Houghton	18	14	4
Huron	30	28	2
Ingham	42	16	26
Ionia	24	16	8
Iosco	19	11	8

County	Total Number Supervisors	Number Supervisors from Townships	Number Supervisors from Cities
Iron	20	7	13
Isabella	21	16	5
Jackson	0.27	19	8
Kalamazoo	37	15	22
Kalkaska	12	12	No Cities
Kent	73	22	51
Keweenaw	5	5	No Cities
Lake	16	15	1
Lapeer	22	18	4
Leelanau	11	11	No Cities
Lenawee	35	22	13
Livingston	22	16	6
Luce	5	4	1
Mackinac	17	11	6
Macomb	69	13	56
Manistee	24	14	10
Marquette	44	19	25
Mason	22	15	7
Mecosta	21	16	5
Menominee	22	14	8
Midland	25	16	9
Missaukee	17	15	2
Monroe	22	15	7
Montcalm	28	20	8
Montmorency	6	6	No Cities
Muskegon	41	17	24
Newaygo	30	24	6
Oakland	86	24	62
Oceana	18	16	2
Ogemaw	18	14	4
Ontonagon	11	11	No Cities
Osceola	21	16	5
Oscoda	6	6	No Cities
Otsego	12	9	3
Ottawa	35	17	18
Presque Isle	22	14	8
Roscommon	12	11	1
Saginaw	54	26	28
St. Clair·	54	23	31
St. Joseph	24	16	8
Sanilac	29	26	3
Schoolcraft	13	8	5
Shiawassee	29	16	13
Tuscola	25	23	2
Van Buren	24	18	6
Washtenaw	37	20	17
Wayne	122	14	108
Wexford	23	16	7