



# AN ANALYSIS of the PROPOSED CONSTITUTION

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## APPORTIONMENT OF THE LEGISLATURE

### Senate

- The number of senators is increased from 34 to 38 and the term of office is increased from two years to four.
- Senate districts will be reapportioned every ten years. Present senate districts are frozen permanently in the constitution.
- Senators will be apportioned among the counties on the basis of a combination population-area factor (80% population, 20% area). The present senate district boundaries are fixed in the constitution.

### House

- The size of the house is fixed at 110 members. The present provision requires "not more than 110 members." The present two-year term of office is continued.
- All representatives will be elected from single-member districts while at present as many as five representatives can be elected from a single district.
- The house will continue to be apportioned among the counties on the basis of population, but the minimum requirement for a house seat for any county or group of counties will be raised from the present one-half of one per cent of the total state population to seven-tenths of one per cent. The method of equal proportions will be used to allot additional house seats among counties or groups of counties.
- Districting within counties will be done by the legislative apportionment commission, rather than by the county board of supervisors.

### Apportionment Commission

- The proposed constitution establishes a legislative apportionment commission repre-

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senting the major political parties and geographic regions of the state.

- The commission is responsible for reapportioning both the senate and the house, with the supreme court authorized to review any apportionment plan.
- Both the house and senate are to be reapportioned each ten years immediately after the results of the federal decennial census are available.

## SENATE

The proposed constitution increases the number of senators from 34 to 38, lengthens the term of office from two years to four, and continues the present requirement of election from single-member districts. While in the present constitution the senate district boundaries are spelled out and frozen permanently, the proposed constitution provides for reapportionment of the senate every ten years, on the basis of a formula which includes both population and area factors (80% population and 20% area). The proposed constitution provides a detailed method for dividing the state into 38 single-member districts following each federal decennial census.

### Computation of Apportionment Factors

Each county is to be assigned an apportionment factor computed by dividing its population by the total state population and its land area by the total state land area. The percentage of total state population in the county is to be multiplied by four and then added to the county's percentage of total state land area to determine the apportionment factor for the county. This gives population four times as much weight as land area in the apportionment factor. For all counties in the state together there are a total of 500 apportionment factors, 400 or 80% based on population and 100 or 20% based on land area.

### Arranging the Counties into Districts

The counties are to be separated into two groups: 1) counties having 13 or more apportionment factors; and, 2) counties having less than 13 factors. The 38 senate seats are to be allocated between these two groups of counties in the proportion that the total number of apportionment factors of the counties in each group bears to the total number of apportionment factors in the state, rounded to the nearest whole number. There is a different procedure for arranging senatorial districts within each of these groups.

**Counties with 13 or More Apportionment Factors.** After the total number of senators assigned to the group of counties with 13 or more apportionment factors has been determined, the proposed constitution provides that the senate seats be apportioned among the counties in the group as follows:

1. Each of the counties is entitled to at least one senator;
2. The remaining senators allocated to the group are to be distributed among the counties by the method of equal proportions applied to the apportionment factors.

The method of equal proportions is a mathematical formula which is to be applied to the apportionment factor of each county in this class to determine how the additional seats are

to be allocated. The method of equal proportions involves the use of a complex mathematical formula to develop a priority list used to determine which county is most entitled to each of the additional seats to be allocated.

**Counties With Less Than 13 Apportionment Factors.** The counties with less than 13 apportionment factors must also be arranged into single-member senatorial districts. The proposed constitution provides that these counties be arranged into senate districts that meet the following requirements:

1. Districts are to have as nearly as may be possible 13 apportionment factors, with no less than 10 factors and no more than 16 factors;
2. Districts are to be compact, convenient, and contiguous by land;
3. Districts are to be as rectangular in shape as possible; and,
4. Existing senatorial district lines shall be followed to the extent possible if other requirements are met.

The present constitution contains no similar requirements inasmuch as it lists the counties which are to be included in each senate district. Under the proposed constitution the legislative apportionment commission will arrange the counties into senatorial districts each ten years.

**Districting Within a County.** Since the proposed constitution provides for the election of senators from single-member districts, counties entitled to two or more senators must be divided into districts. The populations of such districts are to be as nearly equal as possible, but not less than 75% nor more than 125% of a ratio computed by dividing the total population of the county by the number of senators to which it is entitled. The proposed constitution further provides that districts shall follow city and township boundaries to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible. The requirements that populations of the district fall within a 75-125% range and that districts be compact and uniform in shape are new requirements not presently provided for. Districting within a county will be done by the legislative apportionment commission.

## HOUSE OF REPRESENTATIVES

In the proposed constitution the size of the house is fixed at 110 members (which at present is the maximum) elected for two-year terms. Representatives are to be elected from single-member districts, while at present there can be as many as five representatives elected from a district. Districts are to consist of compact and convenient territory contiguous by land. Under the present constitution districts are required to consist of convenient and contiguous territory, and counties can be “contiguous” by water.

### Apportionment of Seats Among the Counties

While both the present and proposed constitutions utilize population as the basis of apportionment of house seats among the counties, there are several significant differences in the methods used. Under the proposed constitution the house seats are to be apportioned

among the counties on the basis of population. Any county or group of counties having seven tenths of one percent of the state population is to be made a representative area and entitled to one member (the present ratio of five tenths of one per cent is increased to seven tenths of one per cent). The proposed constitution provides that after the state has been apportioned into representative areas, each of which receives one representative, the remaining seats are to be apportioned among these areas on the basis of population by the method of equal proportions. At present, each county or group of counties with more than five tenths of one per cent of the state population is entitled to an additional seat for each additional one per cent of the state population. Use of the method of equal proportions will achieve the most equitable distribution of the additional seats among the previously established areas as measured by the relative differences in the average population per representative district and in the individual share in a representative per district. Equal proportions is the method used in allocating seats in the U. S. House of Representatives among the states.

### **Districting Within a Representative Area**

Any county comprising a representative area entitled to two or more representatives is to be divided by the apportionment commission into single-member districts each of which shall contain not less than 75 per cent nor more than 125 per cent of a ratio of representation determined by dividing the population of the county by the number of seats to which it is entitled. These districts are to follow city and township boundaries when possible and are to be compact, contiguous and as nearly square in shape as possible.

A representative area consisting of more than one county which is entitled to two or more representatives shall be divided into single-member districts. The districts shall follow county boundary lines and shall be as equal as possible in population.

### **APPORTIONMENT COMMISSION**

Under the present constitution the legislature is responsible for the apportionment of the house seats among the counties in the third year following each decennial census (1953, 1963, etc.) and if it fails to act, the board of state canvassers is to make the reapportionment. In any county entitled to two or more senators or representatives the county board of supervisors has the responsibility of districting within the county.

Under the proposed constitution both the house and senate are to be reapportioned following the publication of each decennial census by a commission on legislative apportionment. The commission is to consist of eight members, with the state organizations of the two major political parties each selecting four members. One member from each party is to come from each of four regions of the state—1) upper peninsula, 2) northern half of lower peninsula, 3) western half of southern lower peninsula, and 4) eastern half of southern lower peninsula. If a third party polled more than 25 per cent of the votes for governor it would also be entitled to four members, and the size of the commission would be increased to 12 members. The secretary of state shall be secretary of the commission and furnish technical services.

The commission shall convene 60-75 days after the adoption of the constitution and after the results of each decennial census are available and shall complete its work within 180

days. The commission shall reapportion and redistrict house and senate seats in accordance with the provisions of the constitution. A plan approved by a majority of the members shall become law. If a majority of the members of the commission cannot agree on a plan, then any member or group of members may submit plans to the supreme court. The supreme court shall determine which plan is to be adopted.

Upon the application of any elector the supreme court may compel the performance of duties imposed in this section and may review any plan adopted by the apportionment commission and remand such plan to the commission for further action if it fails to comply with the requirements of the constitution.

### **COMPARISON OF APPORTIONMENTS**

In order to compare the results of the apportionment processes provided for in the proposed constitution with the present apportionment of the house and senate, illustrative apportionment plans were prepared by the Citizens Research Council. While the proposed constitution provides comparatively detailed apportionment procedures to reduce the amount of discretion in the apportionment process, there are still several alternate ways in which counties could be combined into senate districts or representative areas. Because of this, the illustrative apportionment used in this Analysis is shown only by major regions of the state rather than by individual district.

The comparisons of apportionment are shown for the senate and house. It should be noted in the tables that "1/2" of a senate or house seat is used when a district consists of counties which are not all in the same region (e.g., if there are two counties in a district, one of which is in region 3 and the other in region 4, each region is shown with 1/2 seat).

#### **Comparison of Senate Apportionments by Region**

<b>Region</b>	<b>Number of Senate Seats</b>		
	<b>Present Constitution</b>	<b>Proposed Constitution</b>	<b>Change</b>
1. Upper Peninsula	3	3	—
2. Northern Lower Peninsula	3½	3	-½
3. South West Michigan	9½	8	-1½
4. South East Michigan	9	9	—
5. Wayne, Oakland, & Macomb	9	15	+6
Total	34	38	+4

The four additional seats resulting from the increase in total membership to 38 will all go to Wayne, Oakland and Macomb counties and two present seats will be shifted to them from the Northern Lower Peninsula and Southwestern Michigan. Of these six seats Wayne will gain three, Oakland two, and Macomb one.

The present house apportionment was made in 1953 on the basis of the 1950 census of population and the present constitution provides that the house is to be reapportioned in 1963 on the basis of the 1960 census. Thus, a comparison of the apportionment under the proposed constitution with the present (1953) apportionment would reflect not only changes resulting from the changes in the apportionment formula, but also a decade of

population change. Consequently, the comparison shows the results of apportionment under the present constitutional provision based on both the 1950 census and the 1960 census and shows the apportionment under the proposed constitution based on the 1960 census.

### Comparison of House Apportionments by Region

Region	Number of House Seats			
	Present Constitution 1950 Census	1960 Census	Proposed 1960 Census	Change, Present to Proposed Provision 1960 Census
	1. Upper Peninsula	7	6	5
2. Northern Lower Peninsula	8½	7½	5½	-2
3. South West Michigan	25	25	23	-2
4. South East Michigan	22½	23½	24½	+1
5. Wayne, Oakland, & Macomb	47	48	52	+4
Total.	110	110	110	—

Under the present constitution the reapportionment of the house on the basis of the 1960 census will cause a net loss of one seat each in the upper peninsula and the northern lower peninsula. The southeastern Michigan region and the Wayne, Oakland and Macomb region will each gain one seat. Apportionment under the provisions of the proposed constitution would result in a further shift of seats. The change in the apportionment formula would remove one additional seat from the upper peninsula and two additional seats from the northern lower peninsula. The southwestern region would lose two seats. These seats would be gained in the southeastern region (one seat) and in the Wayne, Oakland and Macomb region (four seats).