



LIVINGSTON COUNTY APPORTIONMENT COMMISSION REGULAR MEETING

July 23, 2021

1:00 P.M.

Apportionment Commission Hybrid Meeting

Zoom Virtual Meeting ID: 399-700-0062/Password: LCBOC

<https://zoom.us/j/3997000062?pwd=SUdLYVFFcmozWnFxbm0vcHRjWkVIZz09>

304 E. Grand River Ave., Board Chambers, Howell, Michigan 48843

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL
4. CALL TO PUBLIC
5. INTRODUCTION OF COMMISSION MEMBERS
6. DISTRIBUTION OF MATERIALS
 - a. Michigan statutes - Mr. Dave Stoker
 - b. Relevant case law - Mr. Dave Stoker
7. ELECTION OF PERMANENT CHAIR
8. ADOPT RULES OF PROCEDURE
 - a. Review and make changes to Draft 2021 Rules of Procedure
9. DISCUSSION OF REDISTRICTING SOFTWARE OPTIONS
 - a. Livingston County GIS Presentation - Diane Gregor
 - b. Michigan Bureau of Elections - Information on Redistricting Tools

10. DISCUSSION AND POTENTIAL DETERMINATION OF NUMBER OF COUNTY COMMISSIONER DISTRICTS
11. DISCUSS FUTURE MEETING DATES
12. ADDITIONAL BUSINESS
13. ADJOURNMENT

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OF COUNSEL
RICHARD D McNULTY

July 19, 2021

Elizabeth Hundley
Livingston County Clerk
200 E. Grand River Ave.
Howell, MI 48843

Dear Ms. Hundley:

This is in response to your request for a summary of the procedures to be followed regarding the apportionment of County Commissioner districts.

Pursuant to 1966 PA 261, as amended, being MCL 46.401, *et seq.*, within sixty (60) days after the publication of the latest United States official decennial census figures, the County Apportionment Commission is required to apportion the County into not less than five (5) nor more than twenty-one (21) County Commissioner districts as nearly of equal population as is practicable, and within the limitations of MCL 46.402.¹

The County Apportionment Commission consists of the County Clerk, the County Treasurer, the Prosecuting Attorney and the statutory County Chairperson of each of the two political parties receiving the greatest number of votes cast for the office of Secretary of State in the last preceding general election. If a county does not have a statutory chairperson of a political party, the two additional members are required to be a party representative from each of the two political parties receiving the greatest number of votes cast for the office of Secretary of State in the last preceding general election, who are appointed by the chairperson of the State Central Committee for each of the political parties. MCL 46.403(1).

The County Clerk convenes the Apportionment Commission at which time the Apportionment Commission will adopt their rules of procedures. MCL 46.403(1). A majority of the members of the Apportionment Commission shall be a quorum sufficient to conduct its business. *Id.* All meetings are subject to the Open Meetings Act. MCL 46.403(2). The Apportionment Commission is also subject to the Freedom of Information Act. MCL 46.403(3).

MCL 46.404 provides various guidelines and procedures pertaining to the apportionment of the County, which are as follows:

¹MCL 46.402 provides that in counties (such as Livingston County) having a population of over 50,000, there shall not be more than twenty-one (21) commissioners.

- (a) All districts shall be single-member districts and as nearly of equal population as is practicable.
- (b) All districts shall be contiguous.
- (c) All districts shall be as compact and as nearly square shape as is practicable, depending on the geography of the County area involved.
- (d) No township or part thereof shall be combined with any City or part thereof for a single district, unless such combination is needed to meet the population standard.
- (e) Townships, villages and cities shall be divided only if necessary to meet the population standard.
- (f) Precincts shall be divided only if necessary to meet the population standard.
- (g) Residents of State institutions who cannot by law register as electors shall be excluded from any consideration of representation.
- (h) Districts shall not be drawn to effect partisan political advantage.

The Michigan Supreme Court, in *Appeal of Apportionment of Wayne County Board of Commissioners - 1982*, 413 Mich 224; 321 NW2d 615 (1982), interpreted the above guidelines.² The majority held the following:

- i. “As nearly equal population as is practicable” has been interpreted by the U.S. Supreme Court to mean a divergence of 11.9% pursuant to *Abate v Mundt*, 403 U.S. 182 (1971) for County Commissioner Apportionment.
- ii. The statutory criteria prohibiting combining and splitting townships, villages and cities embodies the Constitutional requirements set forth in Art. 7, Sec. 7 of the Michigan Constitution of 1963, which requirement has only been repealed to the extent necessary to meet the U.S. Constitution population standard.
- iii. Compactness and squareness are subsidiary criteria
 - a. Compactness: a district circumscribed by a circle containing the least land area is the most compact.
- iv. The “as nearly equal population as is practicable” does not mean mathematical equality.

² This case involved challenges of two (2) separate 1981 apportionment appeals, being that of Wayne County, for which the case is entitled, as well as a challenge involving the 1981 Ingham County apportionment.

- v. The inter-relationship of the criteria under majority opinion: “Commissioner district lines [must] be drawn to preserve township, village, city, and precinct lines to the extent this can be done without exceeding the range of allowable divergence under the federal constitution (11.9% [94.5% to 105.95%] until the United States Supreme Court declares otherwise) at the least cost to the federal principle of equal population between election districts consistent with the maximum preservation of such lines. Between two or more alternate plans, which comply with that standard, compactness and squareness in shape to the extent practicable shall govern.” *Wayne County*, 413 Mich at 263- 264.

The Equal Protection Clause of the Fourteenth Amendment requires election districts or voting units for local governmental offices to be as equal in population as possible. The issue of whether there is a violation of the Equal Protection Clause depends on the circumstances of the particular case. Mathematical equality among districts, while certainly desirable and the ultimate objective, is not absolutely required. See *Gaffney v Cummings*, 412 US 735, 745; 93 S Ct 2321, 2327; 37 L Ed 2d 298 (1973). However, there is no fixed percentage deviation demarcating the *de minimis* from the unconstitutional, *Kirkpatrick v Preisler*, 394 US 526, 530-31; 89 S Ct 1225, 1228-29; 22 L Ed 2d 519 (1969); each deviation must be examined on a case-by-case basis. Violations of the Fourteenth Amendment do not hinge purely on numerical percentages. Each case must be examined “on the particular circumstances of the case.” *Reynolds v Sims*, 377 US 533, 578; 84 S Ct 1362, 1390; 12 L Ed2d 506 (1964).

As stated in *Evenwel v Abbott*, 578 US ___; 136 S Ct. 1120, 1124; 194 L Ed 2d 291 (2016):

[W]hen drawing state and local legislative districts, jurisdictions are permitted to deviate somewhat from perfect population equality to accommodate traditional districting objectives, among them, preserving the integrity of political subdivisions, maintaining communities of interest, and creating geographic compactness. See *Brown v. Thomson*, 462 U.S. 835, 842–843, 103 S.Ct. 2690, 77 L.Ed.2d 214 (1983). Where the maximum population deviation between the largest and smallest district is less than 10%, the Court has held, a state or local legislative map presumptively complies with the one-person, one-vote rule. *Ibid.* Maximum deviations above 10% are presumptively impermissible. *Ibid.* See also *Mahan v. Howell*, 410 U.S. 315, 329, 93 S.Ct. 979, 35 L.Ed.2d 320 (1973) (approving a state-legislative map with maximum population deviation of 16% to accommodate the State's interest in “maintaining the integrity of political subdivision lines,” but cautioning that this deviation “may well approach tolerable limits”). (Footnote omitted).

The Apportionment Commission should strive to select a plan that meets all relevant statutory criteria. The Apportionment Commission may select any plan that meets the standards set forth above, particularly the population equalization, within the 10.0% presumptive constitutional deviation, but no greater than the 11.9% deviation standard that has been determined by the Michigan Supreme Court to be constitutionally acceptable.³ The Courts on

³ The 11.9% acceptable deviation in population does not require the deviation be equidistant of 5.95% between the largest and the smallest in variation from the average population level, but rather the overall deviation shall not

review will not attempt to second-guess the Apportionment Commission's political and legislative process, and reject a valid plan, by making a distinction between marginally different plans in an effort to ascertain the "best plan" under such standards. *In re Apportionment of Clinton County-1991*, 193 Mich App 231; 483 NW2d 448 (1992), *lv den* 439 Mich 981; 483 NW2d 863 (1992).

Pursuant to MCL 46.405, the apportionment plan approved by the Commission shall be filed with the County Clerk, at which time it shall become effective, and copies of its shall be forwarded by the County Clerk to the Secretary of State for filing, and shall be made available at cost to any registered voter of the County. A draft of a proposed Resolution approving the apportionment plan is attached.

Within 30 days after the filing of the plan, any registered voter of the County may petition the Court of Appeals to review the plan to determine if the plan meets the requirements of the law. MCL 46.406.

MCL 46.407 provides that, if the Apportionment Commission fails to submit a plan for its County within sixty (60) days but not less than thirty (30) days after the latest official published census figures are available, or within such additional time as may be granted by the Court of Appeals for good cause shown on petition from the Apportionment Commission, any registered voter of the County may submit a plan to the Commission for approval. The Commission then must choose from among those plans submitted to it which meet the requirements of the statute, and file the plan with the County Clerk.

Once an apportionment plan has been found constitutional and established according to the provisions of law, and all appeals have been exhausted, or if no appeal is taken, when the time for appeal has expired, that plan shall be the official apportionment plan for the County until the next United States official decennial census figures are available. MCL 46.408.

Do not hesitate to contact this office if you have any additional questions.

Sincerely,

COHL, STOKER & TOSKEY, P.C.

/s/ David G. Stoker

DGS/gmk

cc: Livingston County Apportionment Commission

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APPORTIONMENT OF COUNTY BOARDS OF COMMISSIONERS
Act 261 of 1966

AN ACT to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.

History: 1966, Act 261, Eff. Mar. 10, 1967;—Am. 1968, Act 153, Imd. Eff. June 13, 1968;—Am. 1969, Act 137, Eff. Mar. 20, 1970;—Am. 1998, Act 203, Eff. Mar. 23, 1999.

The People of the State of Michigan enact:

46.401 County apportionment commission; apportionment of county into county commissioner districts.

Sec. 1. (1) Within 60 days after the publication of the latest United States official decennial census figures, the county apportionment commission in each county of this state shall apportion the county into not less than 5 nor more than 21 county commissioner districts as nearly of equal population as is practicable and within the limitations of section 2.

(2) If a county is not in compliance with section 2 on the effective date of the amendatory act that added this subsection, the county apportionment commission of that county shall, within 30 days of the effective date of the amendatory act that added this subsection, apportion the county in compliance with section 2. For subsequent apportionments in a county that is apportioned under this subsection, the county apportionment commission of that county shall comply with the provisions of subsection (1).

History: 1966, Act 261, Eff. Mar. 10, 1967;—Am. 1968, Act 153, Imd. Eff. June 13, 1968;—Am. 1969, Act 137, Eff. Mar. 20, 1970;—Am. 2011, Act 280, Eff. Mar. 28, 2012.

Constitutionality: The Michigan Supreme Court reversed a Court of Appeals ruling which held that the first sentence in section 1(2) of 2011 PA 280, MCL 46.401, violates section 29 of article IV of the state constitution of 1963. The Court of Appeals ruled that the provision constituted an improperly enacted local act and should be stricken from the act (Frank Houston et al. v Governor and Oakland County Board of Commissioners, Nos. 308724 and 308725). The Michigan Supreme Court, in its holding that the law is constitutional, stated that while the law may apply only to Oakland county immediately, the law could apply to any county in the future that meets the population requirements.

46.402 Number of county commissioners based on county population.

Sec. 2.

County Population	Number of Commissioners
Under 5,001	Not more than 7
5,001 to 10,000	Not more than 10
10,001 to 50,000	Not more than 15
Over 50,000	Not more than 21

History: 1966, Act 261, Eff. Mar. 10, 1967;—Am. 1969, Act 137, Eff. Mar. 20, 1970;—Am. 2004, Act 369, Imd. Eff. Oct. 11, 2004;—Am. 2011, Act 280, Eff. Mar. 28, 2012.

46.403 County apportionment commission; membership; convening apportionment commission; adopting rules of procedure; quorum; action by majority vote; conducting business at public meeting; notice of meeting; availability of certain writings to public.

Sec. 3. (1) Except as otherwise provided in this subsection, the county apportionment commission shall consist of the county clerk, the county treasurer, the prosecuting attorney, and the statutory county chairperson of each of the 2 political parties receiving the greatest number of votes cast for the office of secretary of state in the last preceding general election. If a county does not have a statutory chairperson of a political party, the 2 additional members shall be a party representative from each of the 2 political parties receiving the greatest number of votes cast for the office of secretary of state in the last preceding general election and appointed by the chairperson of the state central committee for each of the political parties. In a county with a population of 1,000,000 or more that has adopted an optional unified form of county government under 1973 PA 139, MCL 45.551 to 45.573, with an elected county executive, the county apportionment commission shall be the county board of commissioners. The clerk shall convene the apportionment commission and they shall adopt their rules of procedure. A majority of the members of the apportionment commission shall be a quorum sufficient to conduct its business. All action of the apportionment commission shall be by majority vote of the commission.

(2) The business which the apportionment commission may perform shall be conducted at a public meeting

held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(3) A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

History: 1966, Act 261, Eff. Mar. 10, 1967;—Am. 1977, Act 185, Imd. Eff. Nov. 17, 1977;—Am. 2011, Act 280, Eff. Mar. 28, 2012.

46.404 County commissioner districts; guidelines for apportionment.

Sec. 4. In apportioning the county into commissioner districts, the county apportionment commission shall be governed by the following guidelines in the stated order of importance:

(a) All districts shall be single-member districts and as nearly of equal population as is practicable. The latest official published figures of the United States official census shall be used in this determination, except that in cases requiring division of official census units to meet the population standard, an actual population count may be used to make such division. Other governmental census figures of total population may be used if taken subsequent to the last decennial United States census and the United States census figures are not adequate for the purposes of this act. The secretary of state shall furnish the latest official published figures to the county apportionment commissions forthwith upon this act taking effect, and within 15 days after publication of subsequent United States official census figures.

A contract may be entered into with the United States census bureau to make any special census if the latest United States decennial census figures are not adequate.

(b) All districts shall be contiguous.

(c) All districts shall be as compact and of as nearly square shape as is practicable, depending on the geography of the county area involved.

(d) No township or part thereof shall be combined with any city or part thereof for a single district, unless such combination is needed to meet the population standard.

(e) Townships, villages and cities shall be divided only if necessary to meet the population standard.

(f) Precincts shall be divided only if necessary to meet the population standard.

(g) Residents of state institutions who cannot by law register in the county as electors shall be excluded from any consideration of representation.

(h) Districts shall not be drawn to effect partisan political advantage.

History: 1966, Act 261, Eff. Mar. 10, 1967;—Am. 1969, Act 137, Eff. Mar. 20, 1970.

46.405 Apportionment plan; filing by county apportionment commission; access.

Sec. 5. The apportionment plan approved by the commission shall be filed in the office of the county clerk at which time it shall become effective, and copies of it shall be forthwith forwarded by the county clerk to the secretary of state for filing and shall be made available at cost to any registered voter of the county.

History: 1966, Act 261, Eff. Mar. 10, 1967.

46.406 Apportionment plan; petition for review.

Sec. 6. Any registered voter of the county within 30 days after the filing of the plan for his county may petition the court of appeals to review such plan to determine if the plan meets the requirements of the laws of this state. Any findings of the court of appeals may be appealed to the supreme court of the state as provided by law.

History: 1966, Act 261, Eff. Mar. 10, 1967.

46.407 Apportionment plan; failure of apportionment commission to submit; submission by registered voter.

Sec. 7. If the apportionment commission has failed to submit a plan for its county within 60 days but not less than 30 days after the latest official published census figures are available or within such additional time as may be granted by the court of appeals for good cause shown on petition from the apportionment commission, any registered voter of the county may submit a plan to the commission for approval. The commission shall choose from among those submitted to it a plan meeting the requirements of the laws of this state and file such plan in the office of the county clerk as set forth in section 5 within 30 days after the deadline for the filing of the commission's own plan or any extension granted thereon.

History: 1966, Act 261, Eff. Mar. 10, 1967.

46.408 Official apportionment plan.

Sec. 8. Once an apportionment plan has been found constitutional and according to the provisions of this act and all appeals have been exhausted, or if no appeal is taken, when the time for appeal has expired, that plan shall be the official apportionment plan for the county until the next United States official decennial census figures are available.

History: 1966, Act 261, Eff. Mar. 10, 1967.

46.409 County board of commissioners; number per district; prohibited representation.

Sec. 9. The electors of each district established in accordance with this act shall elect 1 county commissioner to the county board of commissioners. There shall be no representation on the county board of commissioners other than that set forth by the provisions of this act.

History: 1966, Act 261, Eff. Mar. 10, 1967;—Am. 1969, Act 137, Eff. Mar. 20, 1970.

46.410 County commissioners; terms.

Sec. 10. The term of each commissioner shall be concurrent with that of state representatives as specified in article 4, section 3 of the state constitution.

History: 1966, Act 261, Eff. Mar. 10, 1967;—Am. 1969, Act 137, Eff. Mar. 20, 1970.

46.411 Candidate for office of county commissioner; qualifications; nomination; filing fee; eligibility.

Sec. 11. A candidate for the office of county commissioner shall be a resident and registered voter of the district that he or she seeks to represent and shall remain a resident and registered voter to hold his or her office, if elected. Nominations and elections for commissioners shall be by partisan elections. In order for the name of a candidate for nomination for the office of county commissioner to appear on the official primary ballot, a nominating petition or \$100.00 filing fee shall be filed with the county clerk. The nominating petition shall have been signed by a number of qualified and registered electors residing within the district as determined under section 544f of the Michigan election law, 1954 PA 116, MCL 168.544f. The deadline for filing nomination petitions or filing fees is the same as for a candidate for state representative. A person who has been convicted of a violation of section 12a(1) of 1941 PA 370, MCL 38.412a, is not eligible to be a county commissioner for 20 years after the conviction.

History: 1966, Act 261, Eff. Mar. 10, 1967;—Am. 1969, Act 137, Eff. Mar. 20, 1970;—Am. 1982, Act 504, Eff. Mar. 30, 1983;—Am. 2002, Act 158, Eff. Jan. 1, 2003.

46.411a County board of commissioners; candidates for office, filing fees, returns and forfeitures.

Sec. 11a. For candidates paying a filing fee in lieu of filing petitions under section 11, the filing fees shall be returned to all such candidates who shall be nominated and to a like number of candidates who are next highest in order thereto in the number of votes received in the primary election; and in case 2 or more candidates shall tie in having the lowest number of votes allowing a refund hereunder, the sum of \$100.00 shall be divided or prorated among them. The deposits of all other defeated candidates, as well as the deposits of all candidates who may withdraw or be disqualified, shall be forfeited and the candidates shall be notified of the forfeitures.

History: Add. 1969, Act 284, Eff. Mar. 20, 1970.

46.411b Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.

Sec. 11b. A petition under section 11, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: Add. 1998, Act 203, Eff. Mar. 23, 1999.

46.412 Vacancy in office of commissioner; appointment; special election.

Sec. 12. (1) When a vacancy occurs in the office of commissioner by death, resignation, removal from the district, or removal from office, the vacancy shall be filled by appointment within 30 days by the county board of commissioners of a resident and registered voter of that district. A person who has been convicted of a violation of section 12a(1) of 1941 PA 370, MCL 38.412a, shall not be eligible for appointment to the office of county commissioner for a period of 20 years after conviction. Subject to subsection (2), the person appointed to fill a vacancy shall serve for the remainder of the unexpired term.

(2) A special election scheduled for August 6, 2013 by a county board of commissioners to fill a vacancy

in the office of commissioner that occurred in 2013 before the effective date of the amendatory act that added this subsection shall be held, and the person elected at the special election held on August 6, 2013 to fill the vacancy in the office of commissioner shall serve for the remainder of the unexpired term.

History: 1966, Act 261, Eff. Mar. 10, 1967;—Am. 1969, Act 137, Eff. Mar. 20, 1970;—Am. 1972, Act 180, Imd. Eff. June 17, 1972;—Am. 1978, Act 18, Imd. Eff. Feb. 15, 1978;—Am. 1982, Act 504, Eff. Mar. 30, 1983;—Am. 2013, Act 84, Imd. Eff. June 28, 2013.

46.413 Failure to fill vacancy; special election.

Sec. 13. (1) If the county board of commissioners does not fill a vacancy in the office of commissioner as provided in section 12 within 30 days, that vacancy shall be filled by a special election. The special election shall be called by the county board of commissioners.

(2) The person elected at the special election to fill the vacancy in the office of commissioner shall serve for the remainder of the unexpired term.

History: Add. 2013, Act 84, Imd. Eff. June 28, 2013.

46.414 Repeal; effective date; validity of actions.

Sec. 14. Section 27 of Act No. 279 of the Public Acts of 1909, as amended, being section 117.27 of the Compiled Laws of 1948, is repealed. This section shall become effective in any county upon taking office of supervisors elected pursuant to this act. Any action taken by any board of supervisors shall not be invalid solely due to the provisions of this section.

History: 1966, Act 261, Eff. Mar. 10, 1967;—Am. 1968, Act 153, Imd. Eff. June 13, 1968.

46.415 County board of commissioners; compensation and mileage reimbursement of members.

Sec. 15. (1) A member of the county board of commissioners shall receive the compensation and mileage reimbursement fixed by resolution of the county board of commissioners or for a county which has a county officers compensation commission, fixed by a determination of the county officers compensation commission which is not rejected.

(2) The per mile mileage reimbursement fixed by the county board of commissioners or the county officers compensation commission shall not exceed the mileage reimbursement set for state officers as determined by the state officers compensation commission.

(3) Except as provided under subsection (5), changes in compensation shall become effective only after the time members of the county board of commissioners commence their terms of office after a general election, provided that it is voted upon before the commencement of the new terms of office, or for a county which has a county officers compensation commission, after the beginning of the first odd numbered year after the determination is made by the county officers compensation commission and is not rejected.

(4) This section shall not be construed to prohibit a structured change in compensation implemented in phases over the term of office.

(5) A change in compensation under subsections (1) and (3) may be made in 2005 to be effective on or after January 1, 2006.

(6) As used in this section, "compensation" shall not include mileage reimbursement.

History: 1966, Act 261, Eff. Mar. 10, 1967;—Am. 1968, Act 153, Imd. Eff. June 13, 1968;—Am. 1969, Act 137, Eff. Mar. 20, 1970;—Am. 1975, Act 207, Imd. Eff. Aug. 21, 1975;—Am. 1978, Act 476, Eff. Dec. 1, 1978;—Am. 1980, Act 187, Imd. Eff. July 3, 1980;—Am. 2005, Act 20, Imd. Eff. May 5, 2005.

46.416 References to county supervisors deemed to mean county commissioners.

Sec. 16. All references to county supervisors or county boards of supervisors in any other act shall be deemed to mean county commissioners and county boards of commissioners as established by this act and such county boards of commissioners shall be the county board of supervisors referred to in article 7 of the state constitution.

History: Add. 1969, Act 137, Eff. Mar. 20, 1970.

LEGAL GUIDELINES FOR APPORTIONMENT
(Listed in order of importance)

Population:

Number of Commissioners:

Over 50,000

Not less than 5 and not more than 21

1. All districts shall be single-member districts and as nearly of equal population as is practicable. MCL 46.404(a)
2. All districts shall be contiguous. MCL 46.404(b)
3. All districts shall be as compact and of as nearly square shape as is practicable, depending on the geography of the county area involved. MCL 46.404(c)
4. No township or part thereof shall be combined with any city or part thereof for a single district, unless such combination is needed to meet the population standard. MCL 46.404(d)
5. Townships, villages and cities shall be divided only if necessary to meet the population standard. MCL 46.404(e)
6. Precincts shall be divided only if necessary to meet the population standard. MCL 46.404(f)
7. Residents of state institutions who cannot by law register in the county as electors shall be excluded from any consideration of representation. MCL 46.404(g)
8. Districts shall not be drawn to effect partisan political advantage. MCL 46.404(h)

LIVINGSTON COUNTY APPORTIONMENT COMMISSION

2021 RULES OF PROCEDURE

1. In accordance with the law, three (3) or more members of the Commission represents a quorum at any meeting. A majority vote of the commission is required to take action. MCL 46.403
2. All meetings of the Apportionment Commission shall be held in compliance with the Open Meetings Act, 1976 PA 267. Public notice of time, date, and place of meeting shall be given as required by such act. MCL 46.403(2)
3. Any writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be available to the public in compliance the freedom of information act, 1976 PA 442. MCL 46.403(3)
4. Robert's Rules of Order shall apply when these Rules of Procedure do not address an issue.
5. In apportioning the county into commission districts, the Commission shall be governed by the guidelines in MCL 46.404, sec. 4 and any pertinent federal and state court rulings.
6. Public comment shall be limited to no more than three (3) minutes per individual and at the time designated in the Agenda.
7. Proposed apportionment maps and plans may be submitted by members of the Apportionment Commission.
8. Any plan submitted shall include at least seven (7) copies of the proposed map and a general description of the proposed districts.
9. The County Clerk shall deliver to each Apportionment Commissioner all census information received from the Secretary of State of Michigan within 7 days of receiving such information. Maps and plans must be submitted within _____ days of County Clerk sending Apportionment Commissioners all census information received from the Secretary of State of Michigan.
10. A final plan shall be verified and approved by the Commission within 60 days after the publication of the 2020 United States official decennial census figures. MCL 46.401(1)
11. Any technology resources at the disposal of the Commission for the purpose of assisting in the redistricting process shall be available to individual members of the Commission upon their request to the chair of the Commission.
12. Meetings of the Commission shall be called as follows:
 - a. Upon call of the Chairperson.
 - b. Upon a signed, written request to the Chairperson by three members.
 - c. By majority vote of the members present at the meeting.