

PUBLIC MEETING NOTICE

SHIAWASSEE COUNTY APPORTIONMENT COMMISSION 2021

ORGANIZATIONAL MEETING

DATE: Tuesday, August 3, 2021

TIME: 9:00 a.m.

PLACE: Shiawassee County Surbeck Building
Board of Commissioners Chambers
201 North Shiawassee Street
Corunna, MI 48817
(989) 743-2233

POSTED BY: Caroline Wilson, Shiawassee County Clerk
Convening Member of Apportionment Commission

NOTICE BY E-MAIL ON: THURSDAY, JULY 22, 2021 TO:

Scott Koerner, Shiawassee County Prosecuting Attorney
Julie Sorenson, Shiawassee County Treasurer
Mary Nordbeck, Chairperson, Shiawassee County Republican Party
Mark Zacharda, Chairperson, Shiawassee County Democratic Party

NOTICE BY E-MAIL ON: THURSDAY, JULY 22, 2021 TO:

Shiawassee County Website – posted by Morgan Mowinski
All Shiawassee County Local Clerks in City/Township/Village Municipalities

SHIAWASSEE COUNTY APPORTIONMENT COMMITTEE

ORGANIZATIONAL MEETING 2021

Tuesday, August 3, 2021

Shiawassee County Surbeck Building

Board of Commissioners Chambers

201 N. Shiawassee Street

Corunna, MI 48817

(989)743-2233

The meeting was called to order at 9:02 AM by acting Chairperson, Caroline Wilson.

The Pledge of Allegiance was led by Caroline Wilson.

All members present:

Scott Koerner, Prosecuting Attorney

Caroline Wilson, County Clerk

Julie Sorenson, County Treasurer

Mary Nordbeck, Chair of Republican Party

Mark Zacharda, Chair of Democrat Party

Public present: Pat Skvarenina, Diane Krajcovic, Rick Ross, Ryan Painter, Dr. Brian Boggs, John Plowman, Greyson Steele and Karen Mead-Elford.

Materials were distributed by Caroline Wilson.

Julie Sorenson nominated Caroline Wilson as the Permanent Committee Chairperson. Mary Nordbeck seconded the nomination. Motion passed, all in favor.

Mary Nordbeck nominated Julie Sorenson for Secretary. Scott Koerner seconded. Motion passed, all in favor.

Chairperson, Caroline Wilson, moved to adopt the current version of Roberts Rule of Order. Mark Zacharda seconded. Motion passed, all in favor.

Guidelines for apportionments were discussed, per attached.

Discussion of Per Diem for meeting attendance. A rate of \$65.00 per meeting was discussed. Ryan Painter will look into legalities.

Future meeting dates were discussed. Census numbers should be available in September. Mary Nordbeck moved to live stream future meetings and save for one year. Julie Sorenson seconded the motion. Motion passed, all in favor.

Mark Zacharda moved to hold next meeting Monday, September 13, 2021 9:00 AM, in the Commissioners Chambers, at the Surbeck Building. Mary Nordbeck seconded the motion. Motion passed, all in favor.

Public Comment:

John Plowman shared the history of Commissioner Apportionment numbers, suggesting 7 is a good number, unless there is a big population change.

Mary Nordbeck moved to adjourn. Mark Zacharda seconded the motion. Motion passed, all in favor.

Meeting adjourned at 9:55.

Respectfully Submitted by,

A handwritten signature in blue ink that reads "Julie L. Sorenson". The signature is written in a cursive style with a large, looping initial "J".

Julie L. Sorenson, Secretary

**SHIAWASSEE COUNTY APPORTIONMENT
COMMITTEE
TIME FRAMES – 2021**

Key	Publication of Census Figures
15 days	Secretary of State furnishes numbers to County Clerk.
60 days	Days for County Apportionment Board to act.
60 days (not more than)	Committee is to file their plan with County Clerk.
30 (after plan is filed)	Days registered voter may petition the Court of Appeals to determine legalities.
90 + days	Days to appeal to the Supreme Court.
30 - 60 days	Days for Court of Appeals to grant more time.
30 - 60 days	Days if Apportionment Commission fails to submit, registered voter may submit a plan to be chosen and filed with the County Clerk.
30 days	Days after time for appeals is exhausted. Final apportionment until 2030.

SHIAWASSEE COUNTY GUIDELINES FOR APPORTIONMENTS 2021

1. All districts shall be single-member districts and as nearly of equal population as practicable.
2. All districts shall be contiguous
3. All districts shall be compact and of as nearly square shape as is practicable, depending on the geography of the county area involved.
4. No townships 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.
5. Townships, cities and villages shall generally be divided only in necessary to meet the population standard.
6. Precincts shall be divided only if necessary to meet population standard.
7. Districts shall not be drawn to effect partisan political advantage.
8. Residents of state institutions who cannot, by law, register in the county as electors shall be excluded from any consideration of representation.
9. Population – deviation permitted by court ruling:
 - Determine the number of Commissioner Districts and divide by total number of county residents submitted by Census Bureau. **This will be the average or median.**
 - Start putting together districts – taking into account the median number.
 - Multiply your median population by 1.0595. This will give you what your highest populated district should be: Median x 1.0595 = Highest population.
 - Multiply your median population by .9405. This will give you what your lowest populated district should be: Median x .9405 = Lowest population.
 - Tuscola County case established the 11.9% - Range of Deviation: 1.0595 - .9405 = 11.9%.

SHIAWASSEE COUNTY APPORTIONMENT BOARD

Members:

Prosecuting Attorney

Scott Koerner

County Clerk

Caroline Wilson

County Treasurer

Julie Sorenson

Republican Party Chairperson

Mary Nordbeck

Democratic Party Chairperson

Mark Zacharda

All acts subject to:

1. Freedom of Information
2. Open Meetings

Rules:

1. As adopted by Commission
 2. Majority vote
 3. Quorum is 3
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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.

The following opinion is presented on-line for informational use only and does not replace the official version. (Mich Dept of Attorney General Web Site - www.ag.state.mi.us)

STATE OF MICHIGAN
FRANK J. KELLEY, ATTORNEY GENERAL

Opinion No. 5906

May 13, 1981

INCOMPATIBILITY:

Member of county apportionment commission and member of county board of commissioners

The offices of member of the county apportionment commission and member of a county board of commissioners are incompatible and may not be simultaneously occupied by the same person.

Honorable Steve Andrews

State Representative

The Capitol

Lansing, Michigan

You have requested my opinion as to whether it is incompatible for a person to hold the elected office of county commissioner and simultaneously serve as a member of the county apportionment commission by virtue of that person being the county chairperson of a major political party.

1978 PA 566; MCLA 15.181 et seq; MSA 15.1120(121) et seq, prohibits the holding of incompatible offices and establishes the standards under which such incompatibility is to be determined. See OAG, 1979-1980, No 5626, p 537, (January 16, 1980) for discussion of the common law principles of incompatibility. Specifically, 1978 PA 566, Sec. 1; MCLA 15.181; MSA 15.1120(121), sets forth a definition of incompatible offices and provides:

'(b) 'Incompatible offices' means public offices held by a public official which, when the official is performing the duties of any of the public offices held by the official, results in any of the following with respect to those offices held:

'(i) The subordination of 1 public office to another.

'(ii) The supervision of 1 public office by another.

'(iii) A breach of duty of public office.'

Furthermore, 1978 PA 566, Sec. 1, supra, defines a public officer:

'(e) 'Public officer' means a person who is elected or appointed to any of the following:

'(i) An office established by the state constitution of 1963.

'(ii) A public office of a city, village, township, or county in this state.

'(iii) A department, board, agency, institution, commission, authority, division, council, college, university, school district, intermediate school district, special district, or other public entity of this state or a city, village, township, or county in this state.' (Emphasis supplied.)

Const 1963, art 7, Sec. 1, provides:

'Each organized county shall be a body corporate with powers and immunities provided by law.'

In addition, Const 1963, art 7, Sec. 8 provides:

'Board of supervisors shall have legislative, administrative and such other powers and duties as provided by law.'

1851 PA 156, as amended; MCLA 46.1 et seq; MSA 5.321 et seq, defines the powers and duties of county boards of commissioners (changed from boards of supervisors to board of commissioners by 1974 PA 87, Sec. 1) and confers upon them local, administrative and legislative powers.

In addition, 1966 PA 261, Sec. 3, as amended by 1977 PA 185; MCLA 46.403; MSA 5.359(3), provides in part:

'(1) 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. The clerk shall convene the apportionment commission and they shall adopt their rules of procedure. Three 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 Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

'(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 Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.'

The selection of a chairperson and other officers of a county political party committee as well as the filling of vacancies in these offices is provided for in the Michigan Election Law, 1954 PA 116, Sec. 599, as amended by 1977 PA 219, MCLA 168.599; MSA 6.1599.

There is little doubt that a person occupying the position of county commissioner is a public officer as recognized by 1978 PA 566, Sec. 1, supra. Thus, the determination must be made whether membership on a county apportionment commission is a public office.

The question of determining just what positions constitute public offices was addressed in OAG, 1975-1976, No 4969, p 352, 353 (March 24, 1976). This opinion dealt with the meaning of the terms 'office' and 'public office' and observed, in part:

'In the case of People v Freedland, 308 Mich 449; 14 NW2d 62 (1944), the Michigan Supreme Court considered the meaning of the terms 'office' and 'public office,' stating.

""A public office is the right, authority and duty, created and conferred by law, by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of the government, to be exercised by him for the benefit of the public. The individual so invested is a public officer.'

""We apprehend that the term 'office,' said the judges of the supreme court of Maine, 'implies a delegation of a portion of the sovereign power to, and the possession of it by, the person filling the office; and the exercise of such power within legal limits constitutes the correct discharge of the duties of such office. The power thus delegated and possessed may be a portion belonging sometimes to one of the three great departments and sometimes to another, still it is a legal power which may be rightfully exercised, and in its effects it will bind the rights of others, an be subject to revision and correction only according to the standing laws of the State.'"

In People v Freedland, supra, Kent County Register of Deeds v Kent County Pension Board, 342 Mich 548; 70 NW2d 765 (1955), Meiland v Wayne Probate Judge, 359 Mich 78; 101 NW2d 335 (1960), and Dearborn Fire Fighters v Dearborn, 394 Mich 229; 231 NW2d 226 (1975), the Supreme Court of Michigan set forth criteria for determining whether a position constitutes an office as follows:

""After an exhaustive examination of the authorities, we hold that five elements are indispensable in any position of public employment, in order to make it a public office of a civil nature: (1) It must be created by the Constitution or by the

legislature or created by a municipality or other body through authority conferred by the legislation; (2) it must possess a delegation of a portion of the sovereign power of government, to be exercised for the benefit of the public; (3) the powers conferred, and the duties to be discharged, must be defined, directly or impliedly, by the legislature or through legislative authority; (4) the duties must be performed independently and without control of a superior power other than the law, unless they be those of an inferior or subordinate office, created or authorized by the legislature, and by it placed under the general control of a superior office or body; (5) it must have some permanence and continuity, and not be only temporary or occasional." [People v Freedland, supra, pp 457-458 [Emphasis added.]

As provided for in 1966 PA 261, supra, the county apportionment commission has the responsibility to apportion the county into county commissioner districts of as nearly equal population as is practicable. In the case of In re Apportionment of Allegan County Board of Supervisors--1968, 13 Mich App 692, 695; 164 NW2d 665, 666 (1968), the Michigan Court of Appeals found that 'apportionment is essentially a local legislative obligation. . . .' Therefore, the county apportionment commission exercises a portion of the sovereign power of government. Applying the criteria set forth above to the position of member of the county apportionment commission, it is my opinion that such position is a public office and that the individual occupying a position on the commission is a public officer within the provisions of 1978 PA 566, Sec. 1, supra.

Having concluded that both the position of county commissioner and the position of member of a county apportionment commission are public offices, a determination must be made as to their compatibility.

The opinion addressed to Representative John M. Engler, dated February 8, 1971, concluding that absent a disqualifying provision the county chairman would not be precluded from serving upon the county apportionment commission by reason of holding the office of county commissioner, was in response to the question whether a conflict of interest resulted thereby. The opinion did not address the question of incompatibility of the offices and is, therefore, not controlling.

Thus, such determination requires the application of the criteria set forth in 1978 PA 566, Sec. 1, supra. In OAG, 1979-1980, No 5626, supra, these criteria were discussed as follows:

'With respect to the first and second criteria of incompatibility at common law (the subordination of one public office to another, and its converse, the supervision of one public office by another) the statute recites these principles without definition. Thus, it must be assumed that the Legislature accepted the commonly-understood meanings of the terms 'subordination' and 'supervision.' Detroit Edison v Secretary of State, 281 Mich 428; 275 NW 196 (1937).

Where, however, incompatibility, arises only when the performance of the duties of the two offices results in a breach of duty of a public office, there is no incompatibility until the two public entities actually enter into contractual negotiations with each other. Also, in such cases, the public officer or employee may avoid breaching his or her duty of loyalty by abstaining from participating in the consideration of the contract.

'The incompatibility statute does not define the term 'breach of duty of public office'. Certainly, a public officer's failure to perform duties prescribed by statute would constitute a breach of duty. . . .

In addition to the duties expressly imposed upon public officials by statute, the common law has long recognized the fiduciary obligation a public official owes the public entity he or she serves. In People v Township Board of Overysssel, 11 Mich 222, 225 (1863), the Court stated:

". . . All public officers are agents, and their official powers are fiduciary. They are trusted with public functions for the good of the public; to protect, advance and promote its interests, and not their own. And, a greater necessity exists than in private life for removing from them every inducement to abuse the trust reposed in them, . . .'

'Thus, within the context of the incompatibility statute, a breach of duty would occur when the simultaneous holder of two public offices failed to protect, advance and promote the interests of both public offices.' (Emphasis supplied.)

It should be noted that 1966 PA 261, supra, provides that a county apportionment commission is composed of five members, that it conducts its business by majority vote and that it is responsible for apportioning the county into county commissioner districts. Thus, in the situation you present, a person who is a county commissioner would also be sitting as a voting member of the board which would be apportioning and redistricting his or her own district and the district of his or her colleagues. Unlike most public offices, the public office of member of the county apportionment commission has but one duty, the approval of a plan reapportioning the county commissioner districts. Measured against the definition of what constitutes a breach of duty found in Overysssel, supra, a person simultaneously holding office as a county commissioner and as a member of the county apportionment commission could not effectively protect, advance and promote the interests of each in voting upon a county apportionment plan. Further, abstention of the county apportionment commission member from voting upon a county apportionment plan, as required by 1966 PA 26, supra, Sec. 3, because the plan directly affects the commissioner district represented by the member would also constitute a breach of duty within the context of 1978 PA 566, supra, Sec. 1(b)(iii). OAG, 1979-1980, No 5626, supra.

It is my opinion, therefore, that the offices of county commissioner and a member of the county apportionment commission are incompatible and may not be simultaneously occupied by the same person.

Frank J. Kelley

Attorney General

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<http://U:/Apportionment/MCL/Opinion #5906.html>

State of Michigan, Department of Attorney General

Last Updated 03/16/2021 15:06:30<http://opinion/datafiles/1980s/op05906.htm>

State of Michigan, Department of Attorney General

Last Updated 11/10/2008 14:49:34

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STATE OF MICHIGAN

FRANK J. KELLEY, ATTORNEY GENERAL

Opinion No. 5922

June 17, 1981

COUNTIES:

Membership on county apportionment commission

A person occupying a county office and thereby serving as a member of the county apportionment commission is precluded from also serving as a chairperson of a county political party member of the county apportionment commission.

Mr. Wesley J. Nykamp

Prosecuting Attorney

Ottawa County

County Building

Grand Haven, Michigan

You have requested my opinion concerning a question which may be phrased as follows:

How is the county apportionment commission to be constituted when one of the elected county officers who is required by statute to be a member of the commission is also the chairperson of the county committee of one of the county's major political parties who is also required by statute to be a member of the commission?

1966 PA 261, as amended; MCLA 46.401 et seq; MSA 5.359(1) et seq, provides for the apportionment of county commissioner districts by a county apportionment commission. 1966 PA 261, Sec. 1, as last amended by 1970 PA 137; MCLA 46.401; MSA 5.359(1), in pertinent part, provides:

'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 35 county commissioner districts as nearly of equal population as is practicable and within the limitations of section 2. . . .'

In addition, 1966 PA 261, Sec. 3, as amended by 1977 PA 185; MCLA 46.403; MSA 5.359(3), provides in part:

'(1) 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. The clerk shall convene the apportionment commission and they shall adopt their rules of procedure. Three 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.'

The selection of a chairperson of a county political committee is provided in the Michigan Election Law, 1954 PA 116, Sec. 599, as amended by 1977 PA 219; MCLA 168.599; MSA 6.1599, which states in part:

'(3) Within 30 days following the convening of the fall county convention the executive committee, acting without the officers of the county committee who are not otherwise members of the executive committee, shall meet and select a temporary chairperson and temporary secretary. The temporary officers shall serve only during the selection of the officers of the executive committee for the 2 years commencing on January 1 next. The officers shall be a chairperson, a vice-chairperson who shall be of the opposite sex of the chairperson, a secretary, and a treasurer. Candidates for legislative offices consisting of more than 1 county may give a written proxy to other members of the executive committee.' (Emphasis added.)

Const 1963, art 7, Sec. 4 provides that in each organized county the people shall elect a sheriff, clerk, treasurer, register of deeds (unless combined with the office of clerk) and prosecuting attorney. The duties and responsibilities of these officials are established by statute. The offices of county clerk, county treasurer, and prosecuting attorney, whose occupants are by statute required to be members of the county apportionment commission, are constitutional public officers. OAG, 1979-1980, No 5587, p 454 (October 26, 1979).

Public officers are required to act in the public interest and within the authority granted to them. Veldman v Grand Rapids, 275 Mich 100; 265 NW 790 (1936). A public office is a public trust and a fiduciary standard is imposed on public officials. Barkey v Nick, 11 Mich App 381; 161 NW2d 445 (1968). Public officials have a duty to perform as required by the Constitution or statutes concerning the public.

It should also be noted that OAG, 1975-1976, No 4969, p 352 (March 24, 1976), concluded:

'A county political party executive committee treasurer does not hold a public office; it is therefore not incompatible for a person to simultaneously serve as sheriff and county political party executive committee treasurer.'

However, there is no indication that the Legislature intended that a member of the county apportionment commission may serve in multiple capacities on that body or exercise more than one vote. Therefore, an individual who is the county political party chairperson and an elected county official, required to serve on the county apportionment commission by virtue of his or her county office, must fulfill the duties of the public office of county clerk member of the apportionment commission and may not simultaneously serve on the apportionment commission in the capacity of chairperson of a political party. The Legislature has made no provision for a political party vice-chairperson to serve in such instance and the statute may not be rewritten to so provide.

Because the elected county official is, therefore, ineligible to serve as the statutory county political party chairperson for the purposes of 1966 PA 261, Sec. 3, supra, the state central committee of the political party is authorized to appoint a person, otherwise qualified, to serve as that political party's representative on the county apportionment commission. OAG, 1981-1982, No 5906, p 185 (May 13, 1981).

It is my opinion, therefore, that the county clerk, county treasurer and prosecuting attorney must sit on the county apportionment commission only in the official capacity in which they were duly elected by the people. It is further my opinion that a person may not sit on the county apportionment commission in the dual role of elected officer of the county and as chairperson of a county political otherwise qualified, to serve as that political party's representative on the county apportionment commission. The Legislature is free to amend the statute to provide for another method of selection of the county political party representative.

Frank J. Kelley

Attorney General

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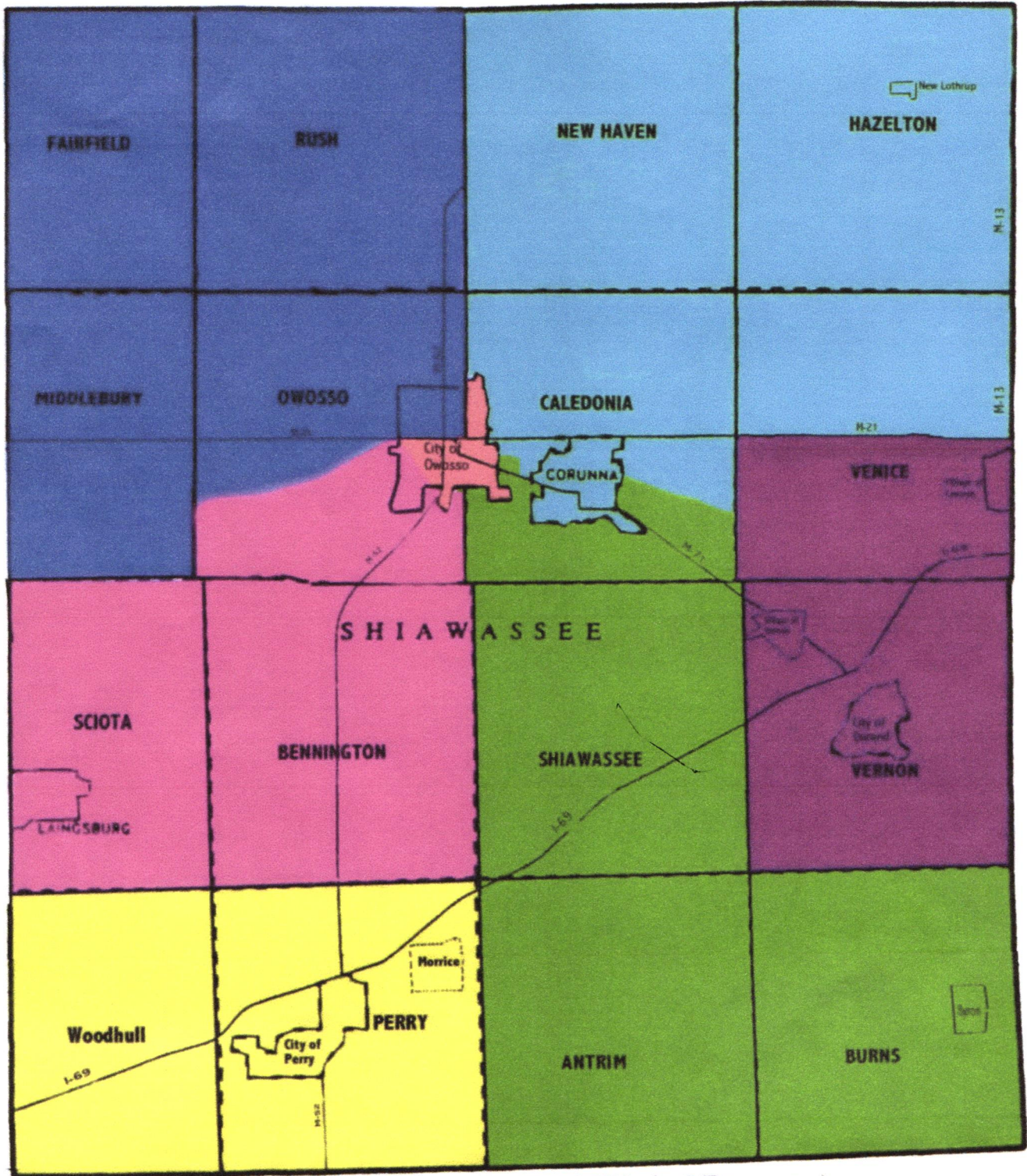
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**HOW THE PERCENTAGE OF DEVIATION IS
DETERMINED – COMMISSIONER APPORTIONMENT**
*(Committee is formed by statute after Census is taken – consists of Prosecutor, Clerk,
Treasurer, Chair of Republican Party and Chair of Democratic Party)*

1. Determine the number of Commissioner Districts and divide by total number of county residents submitted by Census Bureau. **This will be the average or median.**
 2. Start putting together districts – taking into account the median number.
 3. Multiply your median population by 1.0595. This will give you what your highest populated district should be:
Median x 1.0595 = Highest population.
 4. Multiply your median population by .9405. This will give you what your lowest populated district should be:
Median x .9405 = Lowest population.
 5. Tuscola County case established the 11.9% - Range of Deviation: 1.0595 - .9405 = 11.9%.
-

FOR SHIAWASSEE COUNTY

January 1, 2013 thru December 31, 2022



- | | |
|---|--|
| <ul style="list-style-type: none"> District 1 (Pop. 9,870) District 2 (Pop. 9,875) District 3 (Pop. 10,246) District 4 (Pop. 9,864) | <ul style="list-style-type: none"> District 5 (Pop. 10,358) District 6 (Pop. 10,110) District 7 (Pop. 10,325) |
|---|--|

**SHIAWASSEE COUNTY
2011 APPORTIONMENT PLAN**

District 1	Middlebury Twp, Fairfield Twp, Rush Twp, Owosso Twp Pcts 1 & 2, Owosso City 1-1	9,870 -222
District 2	Owosso City Pcts 2-1, 2-2, 2-3 and 2-4	9,875 -217
District 3	Hazelton Twp, New Haven Twp, Corunna City, Caledonia Twp (new pct 1 -2,575), Venice Twp (new pct 1 - 772) <i>only Inow</i>	10,246 +154
District 4	Vernon Twp, Durand City Venice Twp (new pct 2 - 1,806) - dissolved pct. 2	9,864 -228
District 5	Burns Twp, Antrim, Twp, Shiawassee Twp, Caledonia Twp (new pct 2 - 1,900)	10,358 +266
District 6	Bennington Twp, Sciota Twp, Laingsburg City Owosso Twp Pct 3, Owosso City 6-1 <i>combined 1+3</i>	10,110 +18
District 7	Perry Twp, Perry City, Woodhull Twp.	10,325 +233

Total Population 70,648
7 equal districts = 10,092

$$10,092 \times 1.0595 = 10,692 = \text{Highest}$$

$$10,092 \times .9405 = 9,492 = \text{Lowest}$$

**SHIAWASSEE COUNTY
2011 APPORTIONMENT PLAN**

- District 1** **Middlebury Twp, Fairfield Twp, Rush Twp,
Owosso Twp (pcts 1 & 2), Owosso City 1-1** **9,870 -222**
- Beginning at the southwest corner of Middlebury Township proceed north along the county line to Johnstone Road (north county line) east to M-52 south along Rush Township line to the Owosso City limit, west to Adams Street south to King Street, then west to M-52 proceed south to M-21, then west to the City limits. Following the City limits south to Krouse Road, then west including both sides of Krouse Road to Baldwin Road south to Hibbard Road west to the County Line and point of beginning.
- District 2** **Owosso City Precincts 2-1, 2-2, 2-3 and 2-4** **9,875 -217**
- Beginning at the corner of M-21 and Shiawassee Street going west to Chipman Street, then south on Chipman to Stewart, then east to Cedar Street, then south to the City limits then east to Aiken Road, then north following City limits to North Street, then west to Adams Street, south to King Street then west to Shiawassee Street south to point of beginning.
- District 3** **Hazelton Twp, New Haven Twp, Corunna City,
Caledonia Twp (new pct 1 -2,575), Venice Twp (new pct 1 - 772)** **10,246 +154**
- Beginning at the corner of Sheridan Road and Johnstone Road proceed west to M-52 go south following the Township line to Hickory Road to Owosso City limits east on North Street to Gould Street south to the north bank of the Shiawassee River east to Homestead Drive then southeast to Union Avenue, south on Union Avenue to Corunna Avenue, then east on Corunna Avenue to Corunna City limits following the south side of the City limits around to the Northbank of the Shiawassee River on the east side of the City limits then going east along the Northbank of the Shiawassee River to Geeck Road then north on Geeck Road to M-21 east to Sheridan Road, north to Johnstone Road.
- District 4** **Vernon Twp, Durand City
Venice Twp (new pct 2 - 1,806)** **9,864 -228**
- Beginning at the corner of Miller and Sheridan Roads go north to M-21, then west on M-21 to Geeck Road, then south to Miller Road, then east to Sheridan Road.

District 5 **Burns Twp, Antrim, Twp, Shiawassee Twp,** **10,358** **+266**
Caledonia Twp (new pct 2 - 1,900)

Beginning at the corner of Miller Road and Sheridan Road south to Lovejoy Road, then west to Cork Road, then north to Cook Road continuing north to the Owosso City limits. Follow the City limits around on the east side of the City to Corunna Avenue, then Corunna Avenue east to the Corunna City limits following the City limit boundary line on the south side around to the southbank of the Shiawassee River on the east side of the City limits then east on the southbank of the Shiawassee River to Geeck Road, south to Miller Road, then east to Sheridan Road.

District 6 **Bennington Twp, Sciota Twp, Laingsburg City** **10,110** **+18**
Owosso Twp (pct 3), **Owosso City 6-1**

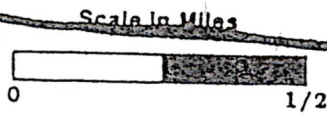
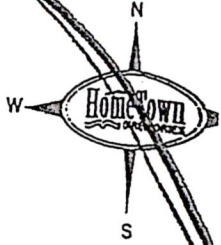
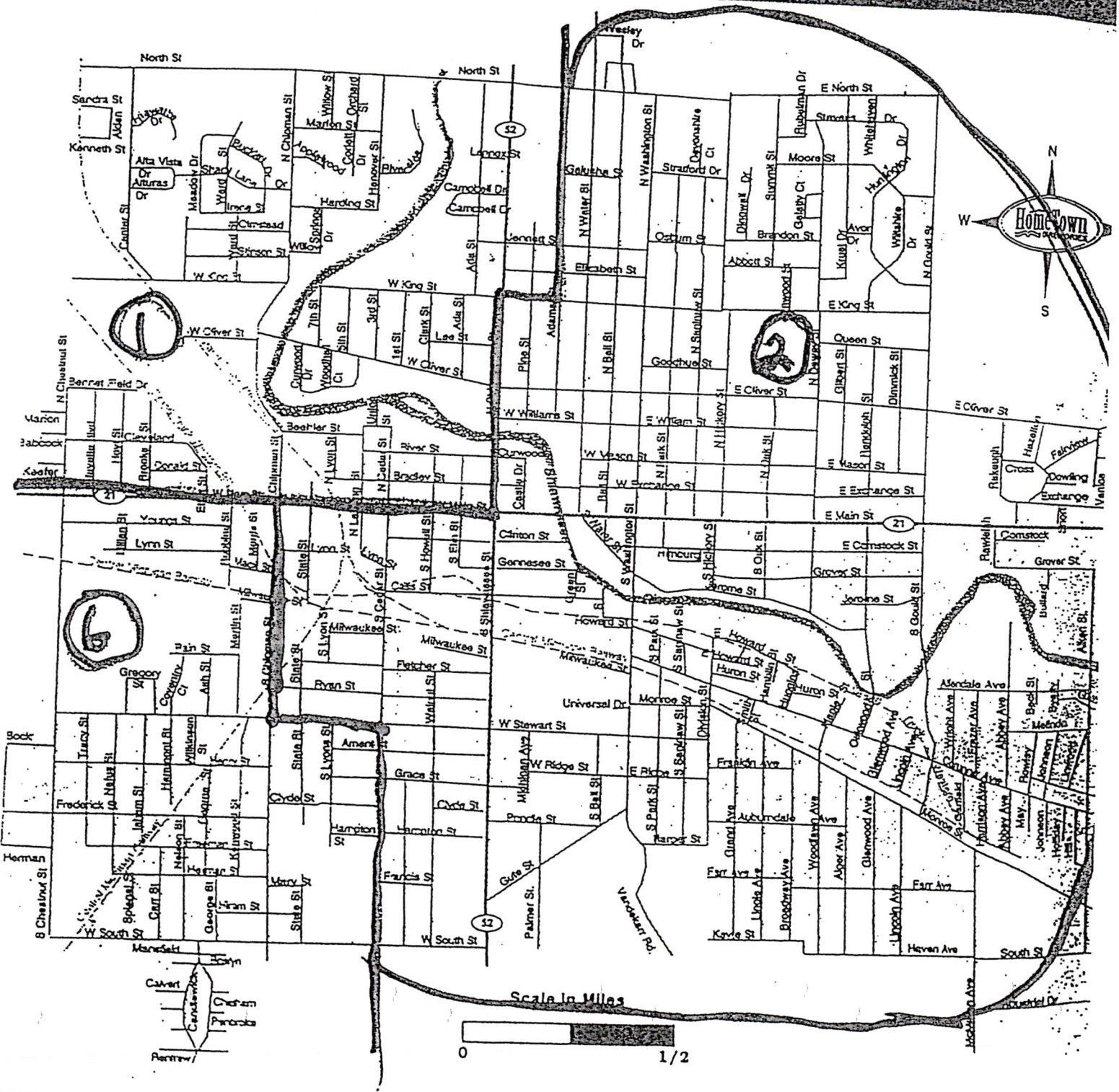
Beginning at the corner of Hibbard Road and Meridian Road east to Baldwin Road, north to south of the south side of Krouse Road, east to Chestnut Street, north to M-21 east to Chipman Street, south to Stewart Street, east to Cedar Street, south to south of the south side of Krouse Road east to Cook Road, south to Miller Road west to the County line, north to Hibbard Road.

District 7 **Perry Twp, Perry City, Woodhull Twp.** **10,325** **+233**

Beginning at the northwest corner of Woodhull Township proceed along the Woodhull Township line to Miller Road including only the south side of Miller Road to the eastern Perry Township line then south to Lovejoy Road, then west on Lovejoy Road to Meridian Road, then north to the point of beginning.

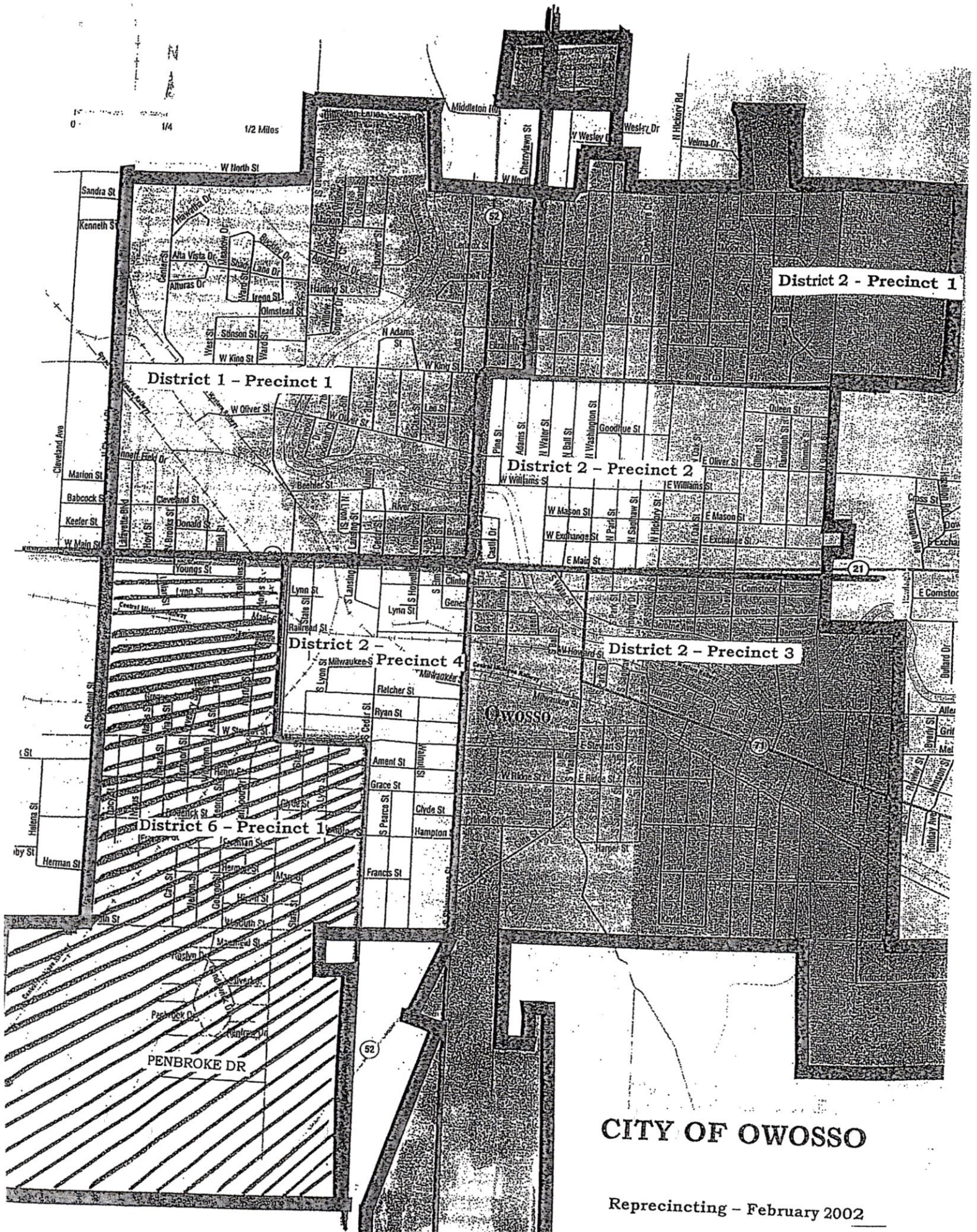
PLAN E

OWOSSO MAP



N

0 1/4 1/2 Miles



District 2 - Precinct 1

District 1 - Precinct 1

District 2 - Precinct 2

District 2 - Precinct 4

District 2 - Precinct 3

District 6 - Precinct 1

PENBROKE DR

CITY OF OWOSSO

Reprecincting - February 2002

District 1 - Precinct 1

(County Commissioner District No. 1)

Begin on West North Street at the West Corporate Limits, East along the North Corporate Limits to Chipman Street, North on Chipman Street 525.84' to the North Corporate Limits, East along North Corporate Limits to the Shiawassee River, South along the Shiawassee River to the North Corporate Limits, East along the North Corporate Limits to Adams Street, South on Adams Street to King Street, West on King Street to Shiawassee Street, South on Shiawassee Street to Main Street, West on Main Street to West Corporate Limits, North along the West Corporate Limits to the Point of Beginning, also including 1464 and 1466 North M-52.

District 2 - Precinct 1

(County Commissioner District No. 2)

Begin on North Street at Adams Street, East along the North Corporate Limits to the East Corporate Limits (Gould Street), South along the East Corporate Limits to King Street, West on King Street to Shiawassee Street, North on Shiawassee Street to North Street, East on North Street to the Point of Beginning, also including 202 West North Street.

District 2 - Precinct 2

(County Commissioner District No. 2)

Begin on King Street at Shiawassee Street, East along King Street to Gould Street, South on Gould Street to Main Street, West on Main Street to Shiawassee Street, North on Shiawassee Street to Point of Beginning.

District 2 - Precinct 3

(County Commissioner District No. 2)

Begin on Main Street at Shiawassee Street, East along Main Street to Gould Street, South on Gould Street to the Shiawassee River, Easterly along the Shiawassee River to the East Corporate Limits, South on the East Corporate Limits to South Street, East on South Street to the East Corporate Limits, South along the East Corporate Limits to the South Corporate Limits, West along the South Corporate Limits to Palmer Street, South on Palmer Street to South Corporate Limits, West on South Corporate Limits to Corporate Limits, North on the Corporate Limits to Shiawassee Street, North on Shiawassee Street to Point of Beginning, also including 1500-1507 Palmer Street.

District 2 - Precinct 4



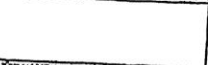



(County Commissioner District No. 2)

Begin on Main Street at Chipman Street, East on Main Street to Shiawassee Street, South on Shiawassee Street to South Street, West on South Street to Cedar Street, North on Cedar Street to Stewart Street, West on Stewart Street to Chipman Street, North on Chipman Street to Point of Beginning.

District 6 - Precinct 1

(County Commissioner District No. 6)

Begin on Main Street at West Corporate Limits, East on Main Street to Chipman Street, South on Chipman Street to Stewart Street, East on Stewart Street to Cedar Street, South on Cedar Street to South Street, West along South Street to a point 264' West of Chipman Street, thence South on Corporate Limits 330', thence East on Corporate Limits to Chipman Street, South on Chipman Street to South Corporate Limits, thence West along South Corporate Limits to West Corporate Limits, North along West Corporate Limits to South Street, East on South Street to Chestnut Street, North on Chestnut Street to Point of Beginning.

Color Key	District / Precinct	Polling Place	# of Registered Voters
	1-1	Central School	2103
	2-1	Emerson School	1616
	2-2	Emerson School	1685
	2-3	Washington School	2354
	2-4	Bryant School	929
	6-1	Bryant School	1742

How are county commissioner districts created?

John Amrhein & Eric Walcott, Michigan State University Extension - June 2, 2021

Updated from an original article written by John Amrhein, Michigan State University Extension.

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The county apportionment process takes place every 10 years following the census, to draw county commission districts.

County commissioners serve districts where they live, geographic boundaries meant to ensure that the residents of each county have equal representation on their county board. There are currently 622 county commissioners serving Michigan's 83 counties. The process of drawing county commissioner districts, called apportionment, takes place every 10 years following the census. Since 2020 was a census year, the apportionment process will take place this year in all 83 Michigan counties.

In all but one of Michigan's 83 counties, the districts are designed, or apportioned, by the apportionment commission. In counties that have adopted the optional unified form of county government and has an elected county executive, the apportionment commission is the county board of commissioners. Oakland County is the only county currently fitting that description.

Michigan law, MCL 46.403, defines the apportionment process. The apportionment commission is made up of the county clerk, the county treasurer, the county prosecuting attorney, and the county chairpersons of the two political parties receiving the greatest number of votes cast for secretary of state in the last preceding general election. Since this law was written in 1966, following the U.S. Supreme Court's "one person, one vote" ruling, that has always been the Republican and Democratic parties.

Michigan law charges the apportionment commission with determining the number of districts within ranges prescribed in the law. The number of commissioners in each county ranges from 5-21, with the maximum number set for counties based on their total population, in MCL 46.402. The law also charges the commission to do their work within 60 days of the publication of the latest United States decennial census.

MCL 46.404 defines eight guidelines for apportionment and lists them in order of importance. The guidelines are:

1. Single member districts of "...as nearly of equal population as practicable."
2. Contiguous - a district must be entirely connected
3. Compact and "...as nearly square shape as is practicable."
4. Can't combine parts of a township and parts of a city unless "...needed to meet the population standard."
5. Can't divide townships, cities, or villages unless "...necessary to meet the population standard."
6. Voting precincts can only be divided if "...necessary to meet the population standard."
7. Residents of state institutions who can't register to vote are not to be included in the count.
8. "Districts shall not be drawn to effect partisan political advantage."

Once the apportionment commission adopts a map, it is filed with the county clerk, forwarded to the Secretary of State, and made available to voters at no cost. The law gives registered voters the right to petition the court of appeals to review the plan to determine if it meets the requirements, and the findings of the appeals court may also be appealed first to the Court of Appeals, and if necessary, to the Michigan Supreme Court.

As a public body, meetings of the Apportionment Commission are subject to the Open Meetings Act, and residents have a right to attend meetings and provide public comment.

Residents interested in following the progress of their county apportionment process should visit their county website for more information.

The newly drawn districts will be used for commissioner elections in 2022 through 2030, when the results of the 2030 census will be used to create new districts.

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Coming this Fall: Free County Commissioner Redistricting Tool

In order to assist counties in drawing their county commissioner districts more quickly and efficiently, BOE is working with the Michigan Center for Shared Solutions (CSS), the state agency that maintains geographic information systems (GIS) for the state of Michigan, to create a web-based reapportionment application for County Commissioner Districts (CCD). Counties will be able to utilize this tool free of charge in their reapportionment process. This may assist counties that might otherwise need to purchase additional software or programs for county commissioner district reapportionment. BOE's goal is to have this tool available for county use on September 1, 2021. For more information on the redistricting process, see the following article.

The web-based CCD tool will contain the following:

- 2020 Census Blocks and demographic data.
- Ability to create multiple plans for evaluation purposes with population and other evaluation criteria.
- Ability to finalize plan and create descriptions and maps needed for final reporting.
- Ability to export final shapefile for use in other applications and maps.

Census Data, Redistricting, and 2022 Statewide Elections

Under Proposal 2018-2, Michigan's U.S. House of Representatives, State Senate, and State House districts will be drawn by an Independent Citizens Redistricting Commission (ICRC). Because the United States Census Bureau has announced that redistricting data, which normally would have been available in March 2021, will not be available until September 2021, the ICRC and the Secretary of State have filed a lawsuit in the Michigan Supreme Court requesting that the deadlines for finalizing districts be extended from the current Fall 2021 deadline to January 2022.

January districts will accelerate the timeline under which new districts must be incorporated into the Qualified Voter File (QVF) so that all voters are properly reassigned and given the proper ballots for the August and November 2022 elections. After new districts for State House, State Senate, and U.S. House of Representatives are established, the Bureau of Elections (BOE) must update the voter registration records for any registered voters who have moved into a different district. Although only the three categories of districts listed above are drawn by the ICRC, the process for drawing other districts is also affected by the Census delay.

Counties can begin drawing commissioner districts as soon as they receive the Census redistricting data in September 2021. However, until after state legislative and

congressional districts are finalized counties will not be able to ensure they draw county commission districts that are wholly contained within a single state legislative or congressional district.

Additionally, precincts can be established before state legislative and congressional districts are drawn (they must be established by April 4, 2022, MCL 168.661), but doing so before other districts are drawn does not allow municipalities to avoid “precinct splits” – to the extent possible, voters in the precinct should receive the same ballot style with the same races, as opposed to a “split” precinct where voters may get different ballot styles.

Municipalities may have requirements in their city or township charter that requires municipal districts to be drawn subject to earlier deadlines that may be affected, directly or indirectly, by the delay of the Census redistricting data from March to September. Local clerks should consult with their local counsel on how to address these deadlines given Census delays. The ICRC’s lawsuit may be a helpful point of reference in this discussion.

The BOE completes the process of reassigning voters to new districts using the QVF and the QVF Street Index, which includes registration records for all registered voters and the list of addresses with registered voters. After BOE receives the new district lines, it must move any voter whose district has changed into the new district in the voter’s QVF record. Many moves can be completed using a “global” or “batch” software command process, in which a set of addresses in a given area can all be moved at once. However, a significant number of registrations need to be adjusted or reviewed manually. This is particularly likely to be the case when district lines cut through municipalities or street segments. Some registrations need to be moved manually, one address or street segment at a time.

Although the 2022 State Primary election does not occur until August 2, 2022, voters must be assigned to new state legislative and Congressional districts no later than April 19, 2022, which is the statutory filing deadline for candidates running for this office. This is because, in order to sign a candidate petition, a petition signer must live in the district, and the QVF is used to determine whether voters live in the district when reviewing petition signatures.

After districts are drawn, the Bureau of Elections plans to start with the largest districts – Congressional, State Senate, then State House – in reassigning address through the QVF. As these districts are added and voters are reassigned, BOE will work with local election clerks to verify that the district information is correct. To do this, BOE will provide the changes to the Street Index that have been made for each clerk’s jurisdiction and ask the clerk to review the changes. If clerks identify any errors, either in the district lines that have been added to the street index or the specific assignments of any voter registration records to the new districts, BOE will review these changes and make any needed corrections.

In adding county and municipal boundaries to the Street Index and reassigning voters, BOE will work with county and local clerks to review the boundaries and voter reassignments. County clerks will review county commission district reassignments, and city or township clerks will review precinct boundary changes and other municipal districts if applicable.

Precinct boundary reassignment and review takes multiple months. To avoid disrupting clerks with May 2022 elections, BOE will start with jurisdictions that do not have a May 2022 election and complete precinct reassignments for jurisdictions with May elections after the May election is complete. Precinct boundaries do not need to be completed before candidate filing deadlines, which do not depend on knowing a petition-signer's precinct, but they do need to be completed before ballots are printed and mailed in June 2022.

Historically, the process of reassigning districts in QVF takes approximately six months. The greatest amount of time is attributable to the manual adjustments of addresses into new districts and manual review; even if this is a minority of addresses, it could still number in the hundreds of thousands needing manual review. The manual process is critical to ensure that every voter gets the correct ballot.

BOE will make a free county commissioner district redistricting tool to streamline that aspect of the process (for more information, see above). BOE is also currently evaluating ways to speed up the timeline during which it incorporates district boundaries and reassigns districts to voters. At this time, BOE does not yet know the extent to which these changes will be possible and the extent to which they may speed up the timeline.