



## Michigan ELECTION WATCH

March 2, 1992

### State Legislative Reapportionment: Comments on the Special Masters' Plan

by Craig Ruff

*Reapportionment must follow each decennial U.S. census. A state supreme court panel on February 20 unveiled redrawn boundaries for the state Senate and House of Representatives. This Michigan Election Watch weighs the effect of these plans on incumbents, the racial and gender makeup of the legislature, and political parties. We have focused primarily on the House because there will be House of Representatives elections in 1992 and the Senate is not up for election until 1994.*

#### TWO REAPPORTIONMENT PROCESSES

It is important to note that state legislative redistricting, the subject of this *Michigan Election Watch*, is handled separately from U.S. congressional redistricting. A three-member federal court panel will be issuing a plan in early March for new congressional districts.

#### THE ORIGIN OF THE SPECIAL MASTERS' PLAN

Last year, the state supreme court gave the legislature and governor until January 15, 1992, to reapportion the state Senate and House of Representatives, or the court itself would set the new boundaries. The court gave to three people the task of redrawing districts or adopting a plan submitted by a political party or other plaintiff. These three, the so-called special masters, are Appeals Court Judge Harold Hood, former Appeals Court Judge T. John Lesinski, and Otsego County Circuit Judge William Porter.

January 15 came and went without legislative action. The Democratic and Republican parties submitted plans. The special masters found flaws in the parties' plans. On February 20, the special masters submitted their own plan to the state supreme court. I believe the flaws of the parties' proposals pale in comparison to the outrageously high population variance and paucity of minority representation found in the special masters' maps.

#### WHEN WILL REAPPORTIONMENT PLANS BE FINAL?

The special masters' plan is not a final plan but a recommendation to the state supreme court. It is subject to revision by that court and to legal challenges by aggrieved groups both before that court and the federal judiciary. While unlikely, the legislature and governor still could adopt their own plan statutorily.

The special masters' plan faces review into mid-March by the state supreme court, which will accept comments and briefs by March 2 from political parties and interested groups and will hold a hearing on March 4. Even if the plan wins adoption by the court, it faces challenge in federal court on at least two grounds.

One challenge could argue that the special masters did not follow closely enough the federal Voting Rights Act (VRA). That act requires that redistricting assure that members of a minority group can elect legislators

of their choice; for example, an area having a solid concentration of black or Hispanic residents could not be divided into several districts with white majorities. The simplest means of testing compliance with the VRA is to look at the number of districts where minority residents comprise 60 percent or more of the population ("minority majority" districts).

The special masters created twelve minority majority districts in the state House of Representatives; another has a 57.1 percent minority majority. In the state Senate, they created four such districts and another that has a 54.8 percent minority majority. A Democratic party plan created fifteen minority House districts and five minority Senate districts. A Republican party plan created seventeen minority House districts and six minority Senate districts. If partisan plans, with all their other less-than-noble objectives (namely, purely political gain), could accommodate more minority districts, surely the special masters, free of partisan or incumbency consideration, could have created more such districts.

The special masters packed very high numbers of minority residents into several Senate and House districts in Detroit and thereby passed over opportunities to create additional seats where minorities would comprise a majority, albeit a smaller majority in each. For example, in one Detroit Senate district, blacks comprise 84.8 percent of residents, and in three others, about 70 percent each. In three Detroit House districts, blacks comprise 90 percent or more of residents; in four others, they comprise between 80 and 90 percent. "Packing" minority groups in such a way can be interpreted, particularly in federal courts, as an unjustifiable limitation on minority groups' representation. Certainly, one Senate and two or three additional House seats could have contained majorities of blacks had the special masters drawn the maps differently.

A second challenge could arise out of the enormous population variance tolerated by the special masters. In the Senate plan, the variance is 15.81 percent; the population in District 20 in Michigan's southwest corner totals 264,304—almost 39,000 more than in District 28 (in the lower Thumb). In the House of Representatives plan, the variance is 16.13 percent; the population in District 29 (Warren and Sterling Heights) is 91,368—almost 14,000 more than in District 65 (Jackson County). Such variance would never be tolerated in U.S. congressional districts.

The special masters let one criterion—county boundaries—dominate their map making. Other important criteria, such as the requirements of the VRA, equality of population, and compactness, suffered as a result.

If state legislative reapportionment lingers in state or federal courts, Michigan legislators, voters, clerks, and local candidates face great confusion. Some legislators, whose district boundaries are dramatically changed, may search for residences in new districts only to find that they should have stayed put. Precinct maps cannot be redrawn until congressional lines are set, and hence, at election time many voters may find that they have shown up at their customary but now the wrong polling place. If the final outcome is delayed long, county clerks must wrestle with changed precinct and voting district lines on a very fast track. Under state law, candidates for precinct delegate must file nominating petitions by May 5; given the current situation, they may not know by then the precinct in which they reside. Finally, candidates for other offices, such as state representative, must file nominating petitions by May 12; again, that deadline may come and go without final maps. Michigan and other states' courts, confronted by reapportionment in previous decades, have moved forward filing deadlines and even elections. It is possible, for example, to delay the August 4 primary election.

In short, Michigan is one step closer to new state legislative maps, but reapportionment is by no means settled.

## EFFECTS ON INCUMBENTS

About forty incumbent state legislators are paired to challenge colleagues under the special masters' plan. Half or more of these can avoid a battle against a peer by moving their residences into a neighboring district. (Unlike members of the U.S. House of Representatives, state legislators must reside in their district.) If they wish to stay in office, they may have to take uncommon steps; a few legislators may choose to retire.

In the end, if the special masters' plan becomes the final one, expect about five party primaries that pit incumbent state representatives against one another (two or three for each party) and perhaps only two general election battles (one in a new district in Washtenaw and Monroe counties in which reside Republican Margaret O'Connor and Democrats Jerry Bartnik and Lynn Owen and another in a Genesee County district that contains both Democrat Tom Scott and Republican David Robertson).

The lawmakers in the state House of Representatives *potentially* facing contested races against fellow incumbents are Democrats Lewis Dodak (the Speaker) and Roland Niederstadt; Richard Young and John Bennett; Alma Stallworth, Burton Leland, and Michael Bennane; Carolyn Kilpatrick and Raymond Murphy; and Ted Wallace and Nelson Saunders. Republicans in similar straits are Ken Sikkema and Jack Horton; Carl Gnodtke and Bob Brackenridge; Lynn Bankes and Georgina Goss; Tom Middleton and Willis Bullard; Keith Muxlow and John Strand; Ralph Ostling and John Gernaat; and Al Hoekman and Jessie Dalman.

Come November, probably fewer than a half-dozen state representatives will give up their seats because of incumbent/incumbent challenges. Ten or twelve others are more vulnerable to challenge from outsiders because of redrawn maps.

The district map for the state Senate, not up for reelection until 1994, is changed only slightly. If the special masters' plan prevails, Democrat Jack Faxon likely will move into a new district; on the Republican side, senators Jack Welborn and Paul Wartner will find themselves residents of the same Kalamazoo County district.

## EFFECTS ON MINORITIES

Currently, eleven members of the state House of Representatives (a twelfth, Teola Hunter, recently resigned) and three members of the state Senate are black. The special masters' plan, as mentioned earlier, creates twelve house and four Senate districts in which minorities comprise at least 60 percent of residents. Also, as mentioned earlier, both political parties proposed more minority districts than did the special masters. Today, only one black legislator, Charlie Harrison (D-Pontiac), represents a district with more white voters than black, evidence that minority candidates face uphill fights in areas where minority voters do not comprise a majority.

If the special masters' proposal becomes the final plan, minority representation in the state legislature likely will not change very much. Perhaps one more black will be elected to the state House this year and one to the state Senate in 1994.

## EFFECTS ON WOMEN

Some believe that incumbent women legislators are discriminated against, consciously or unconsciously, in reapportionment. The special masters' proposal pits two women against each other—Republicans Lynn Bankes and Georgina Goss—in the state House. It also places representatives O'Connor, Kilpatrick, Stallworth, and Dalman in districts where they may face other incumbents.

## EFFECTS ON PARTISAN FORTUNES

Both parties hail the political neutrality of the special masters' plan, even as they mourn for individual legislators affected. Partisan leanings of a district can be overcome by the special strengths of candidates (personality, money, and campaign effort). Long-term incumbents who survive in unfriendly partisan territory include state representatives Michael Griffin (D-Jackson), Thomas Mathieu (D-Grand Rapids), Shirley Johnson (R-Royal Oak), and Mickey Knight (R-Muskegon).

Currently in the state House, there are sixty Democrats, 49 Republicans, and one vacancy in a heavily Democratic district. Population movement out of Wayne County and growth outstate cost the Democrats four seats in reapportionment. Detroit lost two seats, as did the rest of Wayne County. The four new seats are in Republican areas: in rural Ingham and Livingston counties, Clinton and Ionia counties, Oakland County, and Grand Rapids.

By my calculations and considering the advantages of incumbents, the new maps create 49 House districts that should be carried by Democrats, 46 by Republicans, and 15 that could go either way. The slender edge by Democrats, with so many swing districts, means that this fall's all important contest for control of the state House of Representatives is very much up for grabs. Either party could lose seats viewed as relatively safe because of a partisan landslide, the retirement of certain incumbents (such as Griffin, Mathieu, Johnson, or Knight), primary election upsets, or serious campaign mistakes. The key to House control, however, will rest on outcomes in the fifteen swing districts. Each is viewed as marginal because of redistricting, the incumbent's weakness, expectation of a strong challenge, or a combination thereof.

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District	Incumbent (if any)	Area
15	Dobronski (D)	Dearborn
26	Yokich (D)	Southeast Macomb
30	No incumbent or Rocca (D)*	Sterling Heights
31	Gire (D)	Mt. Clemens
33	DeBeaussaert (D)	Northeast Macomb
50 or 51	Scott (D)/Robertson (R)**	Genesee
52	Bullard (D)***	Ann Arbor
55	Bartnik (D), Owen (D), O'Connor (R)	Washtenaw/Monroe
77	No incumbent	Grand Rapids
81	London (R)	Port Huron
91	Baade (D)	Muskegon
92	Knight (R)	Muskegon
96	No incumbent	Saginaw/Bay
106	Bodem (R)	Alpena to Charlevoix
110	Dresch (R)	Western U.P.

\*The district has no incumbent, but Representative Rocca likely will move into the area.

\*\*Scott and Robertson live in the new 50th district, which tilts Democratic and contains more people who have been represented by Scott. Robertson could challenge Scott, and the outcome could be close, or Robertson could move west, into the 51st district, with no incumbent and with a fairly close partisan division.

\*\*\*Ann Arbor has been divided into two districts. The 52nd, in which Representative Bullard lives, takes in a number of Republican townships. Bullard could challenge in this district, but it would be competitive; he could move south into the 53rd district, which is more heavily Democratic; or, as frequently mentioned, he may decline a reelection bid and seek one of several local judicial posts.

Beyond these fifteen districts, several others could switch from one party to the other. Every election brings a surprise or two, which makes prophesy this early in the year particularly chancy.

State senators bypass 1992 and face voters next in 1994. The special masters' plan gives either party a reasonable chance of winning the necessary twenty seats to control the upper chamber. The GOP now holds twenty seats; the Democrats hold eighteen.

Under the special masters' plan, Republican John Pridnia (R-Hubbard Lake) will give up solidly Republican territory in the Lower Peninsula for somewhat Democratic areas of the eastern Upper Peninsula. As mentioned earlier, Republicans Paul Wartner and Jack Welborn find themselves in the same Kalamazoo County district. Democrat Jack Faxon (D-Farmington Hills) will have to move east to run in a new, heavily Democratic district. Democrats William Faust (D-Westland) and Chris Dingell (D-Trenton) are residents of the same, new district, but Dingell is likely to move east and back into most of the area he has represented.

## CONCLUSION

The special masters, in letting one factor (county boundaries) override all other criteria, have created a plan flawed by an excessive variance in population and paucity of minority majority districts. To their credit, they did not exhibit any favoritism toward incumbents or political parties.

Under their plan each party is given a respectable opportunity to gain control of the legislative chambers. The key question in 1992 will be whether the Democrats will hold the state House of Representatives. Primarily because of incumbency, Democrats enter the 1992 races with a slight edge, perhaps three seats. The quality of the candidates, their campaign funds and campaigning abilities, local issues, the vicissitudes of the presidential race, and the relative standing of the two parties come November will be the deciding factors.

## STATE HOUSE OF REPRESENTATIVES

## CURRENT HOUSE

Area	Total Seats	Partisan Composition	
		Democrats	Republicans
Detroit	15	15*	0
Out-Wayne	14	11	3
Macomb	8	7	1
Oakland	12	4	8
1-75/Thumb	13	8	5
South	17	6	11
West	12	2	10
Central	10	4	6
North Lower Peninsula	5	1	4
Upper Peninsula	4	3	1
TOTAL	110	61	49

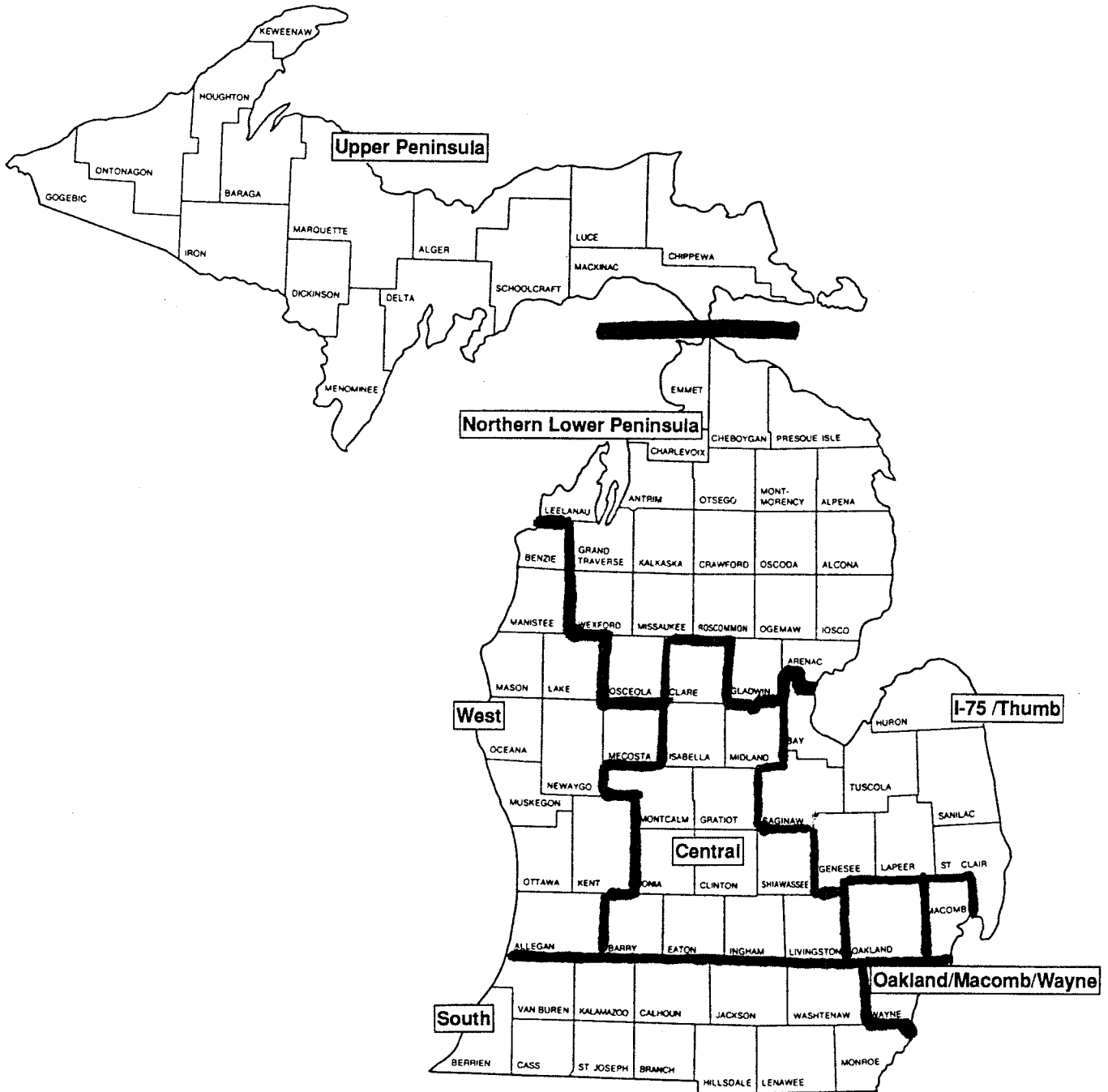
\*One Democratic seat is vacant.

## HOUSE UNDER THE SPECIAL MASTERS' PLAN

Area	Total Seats	Partisan Composition**		
		Democrats	Republicans	Swing
Detroit	13 (-2)	13	0	0
Out-Wayne	12 (-2)	8	3	1
Macomb	8	3	1	4
Oakland	13 (+1)	4	9	0
1-75/Thumb	13	7	3	3
South	17	5	10	2
West	13 (+1)	1	9	3
Central	12 (+2)	4	8	0
North Lower Peninsula	5	1	3	1
Upper Peninsula	4	3	0	1
TOTAL	110	49	46	15

\*\*The strength of current incumbents is considered.

# STATE GEOGRAPHICAL AREAS



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