

FISCAL AWARENESS SERVICE

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MEMO TO: Subscribers and Interested Persons

SUBJECT: LEGISLATIVE REAPPORTIONMENT

FROM: Gerald A. Faverman and Cheryl Parish

Tuesday, June 19, the Michigan Supreme Court found unconstitutional the December 1983 reapportionment law, generating great confusion among state politicians and local election officials. In an unusual action, the Court vacated the June 5 primary election results to fill the empty seat left by the death of 21st district Representative Richard Sullivan. The action resurrects the "Apol" plan designed by the Court and used in 1982 legislative races. Republicans were deemed the beneficiaries of the Apol plan and are therefore pleased about the court action.

The consequences and implications of the court action extend far beyond the boundary lines of a particular legislative district, however, and merit highlighting:

...This year, the reapportionment ruling affects only the House; Senators are not up for reelection until 1986. It is unlikely House primary elections, scheduled for August 7, can be held on schedule as the Court moved the candidate filing deadline from June 5 to July 10. If the filing deadline is moved to an earlier date, the primaries could be held on schedule.

...House Republicans are now talking optimistically about getting the nine seats in November needed to win control of the House, something they haven't done since 1967. Such an event might have more to do with the quality of candidates or a hoped-for Reagan landslide than with the redistricting plan. The Apol plan was not that helpful to House Republicans in 1982. Seven Democrats--DeBeaussiaert, Evans, Fitzpatrick, Gagliardi, Jondahl, Parrott, and Sietsema--find themselves in somewhat less Democratic districts, while six Republicans--Gilmer, Johnson, Knight, Mueller, Runco, and Strand--are in a similar predicament.

...If the Apol plan remains in effect for the 1986 and 1990 Michigan Senate elections, chances for continued GOP control are enhanced for the rest of the decade. Several GOP seats are made more Republican by the Apol plan, and GOP Senators Alan Cropsey and William Sederburg would be placed in separate districts, eliminating the possibility they would confront each other in the primary election. Several Democratic seats, such as those of Irwin and Pollack, are made more marginal. The GOP does well in targeting close, marginal districts.

...The unanimous Michigan Supreme Court ruling indicated that the Court judged the issue strictly on its technical merits, helping to repair the Court's tarnished, partisan image. This should particularly benefit Justices Kavanagh, Brickley, and Boyle, who are up for election this year.

...The Court ruled that the reapportionment act was invalid because the redistricting plan was substituted into a bill originally designed to eliminate obsolete language from the election laws governing city income tax votes (House Bill 4481). Its ruling indirectly challenges the validity of other state laws in which the enacted language differs from the original purpose of the bills. Lawsuits may be filed questioning the validity of scores of other statutes contingent upon how strictly the not-yet-released, detailed Supreme Court decision construes the Constitutional requirement that the purpose of a bill be unchanged in the legislative process.

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