

History of Legislative Districting Criteria in Montana, 1974-2000

Commission Year	Starting Point	Mandatory Criteria	Discretionary Criteria	Ideal HD Size	# of Counties Below Ideal	Range of Deviation	Mean Deviation	Other Notes
1974	<ul style="list-style-type: none"> Commission recommended using "the periphery of the state" because the various borders limit the options for districts "first districts drawn were rural and toward the boundaries of the state" "last districts drawn were urban and well within the state" 	<ul style="list-style-type: none"> "substantial equality" of population/one man one vote 	<ul style="list-style-type: none"> keeping counties intact maintaining communities of interest considering on "a case by case basis" the following factors: "geography, trade areas, county lines, minorities, economic interests, rural-urban interest, district homogeneity" 	6,944	32 ¹	<p><u>HD:</u> Overall: 15.48% Max: +7.83% Min: -7.65%</p> <p><u>SD:</u> Overall: 13.08% Max: +6.33% Min: -6.75%</p>	<p><u>HD:</u> ± 3.43%</p> <p><u>SD:</u> ± 2.94%</p>	<ul style="list-style-type: none"> The Commission originally directed staff to split existing multi-member districts into single-member districts that had no more than a 10.9 percent deviation. This approach was abandoned after it created more problems than it solved.
1980	<ul style="list-style-type: none"> The Commission's report suggested starting in the rural, border areas, as had been done by the 1974 Commission. 	<ul style="list-style-type: none"> population equality, which the Commission established as an overall relative range of 10% or ± 5% from ideal average district population compactness contiguity 	<ul style="list-style-type: none"> consideration of existing governmental lines respect for geographic boundaries, especially the Continental Divide and the Missouri River consideration to existing legislative district boundaries, when practical senate district boundaries to follow congressional district division when possible consider communities of interest and defined communities of interest 	7,866.9		<p><u>HD:</u> Overall: 10.94% Max: +5.78% Min: -5.16%</p> <p><u>SD:</u> Overall: 10.18% Max: +5.14% Min: -5.04%</p>		<ul style="list-style-type: none"> Commission abandoned criterion to have senate district boundaries follow congressional district boundary: impractical and "did not serve in the effectuation of a rational state policy." Discretionary criteria not prioritized. Included 6 House and 3 Senate districts in excess of the ± 5% deviation (upheld by a federal District Court in <u>McBride v. Mahoney</u>.²)

¹ Gregory Petesch, The State of the Montana Constitution (Turkey Feathers on the Constitutional Eagle), 64 Mont. L. Rev. 23 (2003).

²Report of the Montana Districting and Apportionment Commission, December 1992, page 15.

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1990	Northwest corner of the state with the end point in Yellowstone County.	<ul style="list-style-type: none"> ▶ compactness and contiguity ▶ population equality ▶ maximum population deviation - relative population deviation from ideal population for an individual district may not exceed $\pm 5\%$ ▶ final results of the 1990 census must be used to form plan ▶ protection of minority rights (may not dilute voting strength of racial or language minorities, compliance with section 2 of VRA) 	<ul style="list-style-type: none"> ▶ consideration to local government boundaries ▶ consideration when practical to existing voting precinct lines ▶ consideration when practical to school district lines ▶ preserve communities of interest when possible ▶ respect geographical boundaries to the extent possible ▶ consideration to existing districts when practical ▶ political fairness, ie, districts may not be drawn for the purpose of favoring a political party or defeating an incumbent legislator 	7,990.65	31 ³	<u>HD:</u> Overall: 9.96% Max: +4.99% Min: -4.97% <u>SD:</u> Overall: Max: Min:	<u>HD:</u> $\pm 2.6\%$	<ul style="list-style-type: none"> ▶ Discretionary criteria were not prioritized. ▶ Staff used ARC/INFO software from ESRI.

³Montana Counties and County Seats 1990 Census of Population, U.S. Bureau of the Census, March 1993.

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2000	<ul style="list-style-type: none"> ▶ Glacier County (and adjacent Flathead and Lake Counties, as necessary) ▶ proceeded in clockwise motion around the state 	<ul style="list-style-type: none"> ▶ population equality and maximum population deviation (+/- 5%) ▶ compact, contiguous districts ▶ protection of minority voting rights and compliance with VRA ▶ race cannot be the predominant factor to which traditional redistricting criteria are subordinated 	<ul style="list-style-type: none"> ▶ following lines of political units ▶ following geographic boundaries ▶ keeping communities of interest intact 	9,022	31 ⁴	<u>HD:</u> Overall: 9.85% Max: 4.98% Min: -4.88% <u>SD:</u> Overall: Max: Min:	<u>HD:</u> ± 3.5%	<ul style="list-style-type: none"> ▶ Held 16 public hearings, including mandatory one in Helena. ▶ Staff used autoBound software from Citygate.

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⁴Gregory Petesch, The State of the Montana Constitution (Turkey Feathers on the Constitutional Eagle), 64 Mont. L. Rev. 23 (2003).