

SB389 1% District Population Variances (Sen. Joe Balyeat)

SB389 is a constitutional referendum to let the people decide. Should we limit legislative district population variances to +/-1%?

Last session this was of course a hot political potato because of redistricting and attempts were made to apply 1% variances retroactively to under the work of the redistricting commission. It became a divisive partisan issue for obvious reasons. But now that the dust has settled and we're living with the results, I think we need to seriously re-visit the issue without the partisan divisiveness.

Why should we pass this referendum? Five very good reasons:

- 1) The Montana Constitution mandates it. Article 5 Section 14 – “All districts shall be as nearly equal in size as is practical.” +/-5% does not meet that constitutional mandate.
- 2) It clearly is very practically do-able. Susan Fox is our resident expert. Here's what she says <quote>.
- 3) The federal constitution mandates it – one person. One vote. Current law permits one person, 9/10ths of a vote. If you're unlucky enough to be stuck in a district that is 5% over average; your vote only counts 90% of that for a person who lives in a district that is 5% under average. And this is true whether you're a Democrat, Republican, Native American, or whatever. Please recognize that fact. This should no longer be a partisan issue.
- 4) It's a fairness issue. Why should people in Jim Shockley's district be represented by 10% less of a Senator than people in Jim Ellingson's district?
- 5) The 10% variance is exacerbated over 10 years' time due to growth patterns. Sales, Shockley, Balyeat. 1,2,3. By the end of the last 10 year cycle, we had districts which were between 2 and 3 times as large as some inner city districts.
- 6) This is my last and far and away the biggest reason. Changing the variance to +/-1% will remove most of the partisan bickering from the redistricting process. The first rule of economics is “Incentives matter”. If we remove most of the incentive to engage in population gerrymandering, it will no longer be a partisan football. Under current law, when you can gain as many as 5 House seats and 2 or 3 Senate seats simply through manipulation of district population sizes, it can potentially change control of the entire legislature. But if we let the people make this change, population gerrymandering will only gain you a potential of one single House seat. It will no longer be worth all the political dog-fighting for one lousy House seat.

In the interests of a short hearing, I'm going to stop right there. I'd love someone to ask me a question later about the difference between traditional gerrymandering and population gerrymandering.