STATE ADMINISTRATION

Exhibit No. 10

Date 1/19/09

Bill No. SB 187

Hello, Sen. Balyeat:

I have a couple of questions regarding LC-0884, which has the short title "Limit districting to 1% deviation," which I presume means plus or minus one percent of the mean district population instead of the plus or minus five percent that was used for the 2004 plan.

(1) Is that narrow a deviation practical? What difference would it make?

(2) Should the distribution of deviations from the population mean approximate a standard Gaussian distribution (the distribution for 2004 was bimodal)? Are there any distributions that should be prohibited?

(3) Should the most populous districts be in regions of the state experiencing the slowest population growth?

Thank you for your time.

Best regards,

James Conner

James,

Your questions are all questions and criticisms which I raised regarding the last redistricting plan.
1) Yes, it's easily practical with new computerized population and redistricting programs, according to our own resident national redistricting expert, [She Who Shall Not Be Named], who is now the non-partisan head of MT legislative services. . But more obviously, the point you raise in question (2) proves the answer to question (1). The last redistricting plan was mostly within a 1% deviation... It's just that the redistricting mastermind set the deviation in most Bull Moose leaning districts to between minus 4 to 5 percent of mean population, and set most Whig leaning districts to between plus 4 to 5 percent of mean population. Hence, your bi-modal curve. The net effect is that Whig districts have roughly 10% more people crammed in them than Bull Moose districts. This spreads out Bull Moose legislative representation to roughly 10% more districts than it would otherwise have, given a fair or random distribution of district population deviations. This results in roughly 5 extra house seats for Bull Mooses (and 2-3 extra Senate seats)-- which has been the balance of power in the MT House. This is why the MT House keeps getting split about 50-50 even though MT voters cast between15,000 to 20,000 more votes for Whig legislators than Bull Mooses each election cycle. This is tragic for several reasons -- A) it violates our constitutional right of 1 person, 1 vote. If you happen to be unlucky enough to live in a Whig district, it's now "1 person, 9/10ths of a vote." This is true even if you are a Bull Moose, a Native American, a Whig, or any other minority... 10% of your vote is stolen from you for purely partisan political gain. B) Its patent voter fraud, which undermines the very credibility and legitimacy of MT's government. Many Montanans, aware of this illegitimacy, no longer respect MT's government, it's laws or it's taxes. Why should honest citizens pay taxes or allegiance to an illegitimate government with no more validity than the worst third world dictatorial phony "democracy"?
C) It thwarts the very political will of the people of MT; who, as I've pointed out, vote for a Whig controlled legislature in overwhelming numbers. Montanans apparently like their legislature to be Whig controlled, even when supporting a Bull Moose executive branch. Yet in each of the three sessions since redistricting, the Bull Moose reapportionment scheme has handed Montana a gridlocked legislature, which has grown government by enormous percentage increases.

Your second question under #1 was, "What difference would it make?" It would make all the difference in the world. At 1% deviation max, gaming the system could at most provide a 1 legislative seat swing, as opposed to the current 5 seat swing. With only 1 seat to be gained, it simply wouldn't be worth all the gerrymandering effort, especially when considering the political backlash from such obvious partisan voter fraud.

#2) Courts have ruled that the allowed population deviations must only be used to deal with "communities of common interest", geographic barriers", and "political boundaries". In plain English, don't force 50 people in one town into a district with 9450 people from another town. Don't force 50 people from one side of a mountain range or from another county into a district with 9450 from across the mountains, or in the next county. Instead, just have 50 fewer people in that district (a deviation from the average).

The fact that the plus/minus variances between Whig districts and Bull Moose districts weren't random (Gaussian) proves that the Bull Moose 2004 plan did not utilize deviations for the three legitimate allowable purposes. If they had, the distribution of plus Bull Moose districts, plus Whig districts, and minus Bull Moose districts and minus Whig districts would've been random (bell-shaped), rather than bi-modal as you point out.

In addition to the tragic consequences I've already outlined in part 1), this second issue also leads to another major negative consequence of the partisan 2004 scheme --- because they used the plus/minus 5% deviation for partisan gain, rather than for it's legitimate 3 purposes, this left nothing to cover those 3 legitimate issues. That's why they ended up with outrageous districts - My district spans not one, but two, mountain ranges. Several small towns which could've easily fit one district were split right down the middle. There are many instances where a small population from one county is forced into a district which is overwhelmingly controlled by a neighboring county. And, of course, the 300+ mile long gerrymandered monstrosity districts are already legendary throughout the US.

#3) I pointed this very issue out to reporters on numerous occasions. Because suburban districts are growing rapidly, and inner city districts have absolutely nowhere to grow, a truly fair plan ought to perhaps underpopulate the suburban districts and overpopulate the inner city districts. Thus, 10 years down the road, prior to the next redistricting, those district populations would be closer to even. But, precisely because suburban districts often lean Whig, and inner city districts lean Bull Moose, the 04 mastermind did just the opposite -- under populating inner city districts while overpopulating suburb districts. Before the next redistricting this will result in grossly unfair districts. Prior to the 04 redistricting, for instance, my suburban House district had over 13,000 people, while many inner Bozeman districts had half that -- 6,000+. This fact pattern was also true in the heavily Whig Bitteroot, Flathead suburbs, etc.

The greater tragedy of the 04 plan was the partisan complicity of MT's courts in the scheme (from appointing an admitted hard-core Bull Moose partisan as the vote-tying chairman of the committee, to throwing out each and every attempt to bring some balance back into the plan). This only adds to the appearance of illegitimacy for MT government, and will only increase the numbers of those jaded citizens, normally honest, who no longer see any reason to vote in fraudulent elections, obey its regulations, and pay its taxes.

Truthfully, I'm not really much of a Whig partisan. I just believe we should do everything we can to make things fair and legitimate for both parties, and all voters. I would despise a Whig-controlled scam like this every bit as much as the Bull Moose one. I think my approach to remove much of the incentive by a 1% deviation limit helps significantly. I've also considered legislation to bar the redistricting commission from using any partisan voting data in their analysis. Without one person- one vote, civility and democracy degenerate quickly. So time is of the essence.