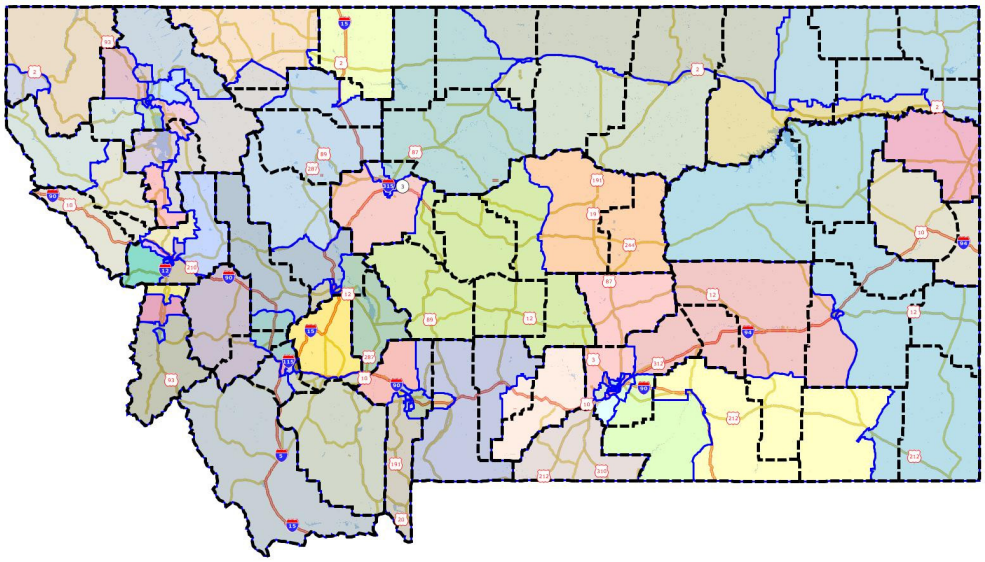
Final Legislative Redistricting Plan

Based on the 2010 Census



As Submitted to the Montana Secretary of State
by the Montana Districting and Apportionment Commission
in fulfillment of Article V, section 14, of the Montana Constitution

February 12, 2013

Document date: October 2013

Montana Districting and Apportionment Commission

Commissioners

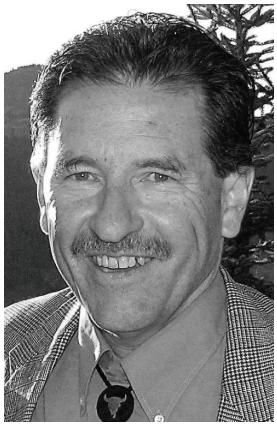
	Jim Regnier, Lakeside Presiding Officer		Linda Vaughey, Helena Appointed by Senate Majority Leader Jim Peterson
	Joe Lamson, Helena Appointed by House Majority Leader Margarett Campbell		Carol Williams, Missoula Appointed by Senate Minority Leader Jon Sesso Replaces Pat Smith who resigned in 2013
	Jon Bennion, Clancy Appointed by House Minority Leader Scott Sales		Pat Smith, Arlee Appointed by Senate Majority Leader Carol Williams in 2009 Resigned from the Commission in January 2013

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Table of Contents

Introduction 1

Membership 3

Congressional Apportionment and Redistricting 5

Legislative Redistricting Process 6

Census Data 11

Congressional and Legislative Districting Criteria 13

Legislative Redistricting Plan 15
- House Districts 16
- Senate Districts and Assignment of Holdover Senators 21
- Indian-Majority Districts 23

Litigation 24

Appendices

- A: Written District Deviation Justifications - Commissioners Lamson and Williams A-1
- B: Written District Deviation Justifications - Commissioners Bennion and Vaughey B-1
- C: Senate Resolution No. 3 . . . . . C-1
- D: House Resolution No. 2 . . . . . D-1

"The conception of political equality from the Declaration of Independence, to Lincoln's Gettysburg Address, to the Fifteenth, Seventeenth, and Nineteenth Amendments can mean only one thing -- one person, one vote."

Justice Douglas, writing for the majority in Gray v. Sanders, 372 U.S. 368, 381 (1963)

Introduction

This report provides background on the work of the Montana Districting and Apportionment Commission, which was appointed in the spring of 2009 and continued its work through early 2013. The commission is authorized in Article V, section 14, of the Montana Constitution to adjust congressional and legislative district lines after each federal decennial census.

The Districting and Apportionment Commission is authorized by the Montana Constitution to adjust congressional and legislative district lines after each federal decennial census.

Montana is one of only a few states that use a citizen commission to perform the redistricting function. Until the 1970s, Montana was among the many states that leave redistricting to the state legislature. At the 1971-1972 Constitutional Convention, delegates debated about the complex and highly political nature of redistricting and eventually chose to create a five-member citizen commission to redistrict.

Although drawing political district lines and apportioning representatives among those districts have been happening since the beginning of our nation, it is only recently that these tasks were performed routinely. For decades, state and federal district lines were adjusted only periodically. Over time, as the United States experienced both population growth and the shift from a rural, agrarian society, to an urban, industrial one, political districts became badly malapportioned. Rural districts in Montana were granted more representation in the state Legislature than their population would otherwise dictate. And Montana was not alone; most states in the nation experienced similar shifts in population.

In the 1960s, the Judicial Branch entered the "political thicket" of redistricting that it had long avoided. In a series of cases in that decade, the U.S. Supreme Court set out constitutional requirements for representation and redistricting. Foremost among these was that voters

were to be treated equally no matter where they lived. These rulings outlined the concept that most Americans today identify as a cornerstone of our democracy: "one person, one vote".

Accordingly, the 1972 Montana Constitution requires that Montana legislative districts must be "as nearly equal in population as practicable". This report details the process used by the 2010 Montana Districting and Apportionment Commission to adjust Montana's congressional and legislative districts based on the 2010 U.S. Census.

The Montana Legislative Services Division staff prepared this report in support of the commission, as required in section 5-1-106, MCA.

The U.S. Supreme Court rulings outlined the concept that most Americans today identify as a cornerstone of our democracy: "one person, one vote".

The vote record, draft maps, official audio minutes, summary minutes, copies of public comment, and other meeting materials and reports are available in the files of the Legislative Services Division and are also maintained on the Legislature's website, www.leg.mt.gov.

Membership

Article V, Section 14(2), of the Montana Constitution provides that redistricting will be carried out by a commission consisting of five citizens. Commissioners are selected in the session immediately before a federal census; the majority and minority leaders of the Montana Legislature in the appropriate session make the first four appointments. After the first four commissioners have been selected, they have 20 days to select a fifth member, who will serve as the commission's presiding officer. If the four commissioners are unable to agree, the Montana Supreme Court will select the presiding officer.

The Montana Districting and Apportionment Commission responsible for redistricting after the 2010 Census was appointed in 2009. The first four commissioners were chosen by legislative leadership on April 17, 2009. Those four met three times that spring but were unable to agree on a presiding officer. The Montana Supreme Court selected former Montana Supreme Court Justice Jim Regnier in a unanimous vote on May 22, 2009.

- Senate Majority Leader Jim Peterson appointed Linda Vaughey, Helena.

- House Majority Leader Margarett Campbell appointed Joe Lamson, Helena.

- Senate Minority Leader Carol Williams appointed Pat Smith, Arlee.*

- House Minority Leader Scott Sales appointed Jon Bennion, Clancy.

- The Montana Supreme Court appointed Jim Regnier, Lakeside.

*Pat Smith resigned on January 24, 2013, and Senate Minority Leader Jon Sesso appointed Carol Williams to replace him for the commission's final meeting.

Congressional Apportionment and Redistricting

On January 12, 2011, Karen L. Haas, Clerk of the United States House of Representatives, certified to Governor Brian Schweitzer that Montana would continue to receive only one representative in the House. Montana lost its second representative after the 1990 Census.

The congressional redistricting plan confirmed that the State of Montana, in it entirety, composes one congressional district.

On March 15, 2011, the Montana Legislative Services Division received the P.L. 94-171 final census population data. This data file is compiled by the United States Census Bureau of the United States Department of Commerce and distributed to the states for use in redistricting. The receipt of the data triggered a 90-day period for the commission to complete a congressional redistricting plan and file the plan with the Montana Secretary of State. On May 16, 2011, the commissioners held a public hearing on the plan and then voted to file it with Secretary of State Linda McCulloch. The plan confirmed that the State of Montana, in its entirety, composes one congressional district.

Legislative Redistricting Process

According to the 2010 Census, Montana has a population of 989,415 people. Because the Montana House of Representatives currently has 100 representatives, each of the 100 districts must have approximately 9,894 people in it. Senate districts are required by the Montana Constitution to be composed of two contiguous House districts. Each of the 50 Senate districts must contain approximately 19,788 people.

Individual commissioners spent numerous hours on the road visiting with Montanans about the redistricting.

The process to divide the population into these 100 House and 50 Senate districts started in September 2009, when the commission adopted a work plan and voted to hold public hearings before adopting the mandatory and discretionary criteria it would use to guide its line drawing. The commission held three public hearings in 2010 to gather input on the criteria. The commission met in Helena, Missoula, and Billings and used videoconferences to link to Great Falls, Havre, Kalispell, and Miles City. Hearings were noticed as widely as possible in advance, and the commission also issued an op-ed piece to encourage Montanans to attend the hearings or to submit written testimony. After considering the comments, the commission met in May 2010 to adopt the criteria it would use in the next 3 years.

After receiving Census data in 2011, the commission instructed staff to visit or notify election administrators, legislators, tribal officials, political party members, local officials, and other interested parties of the redistricting process and solicit local ideas for how district lines might be shifted or redrawn to accommodate the new population figures. Staff conducted these visits during the summer and fall of 2011 and also tried to attend conferences of election administrators and local officials to increase knowledge of and participation in the process. Individual commissioners also spent numerous hours on the road visiting with Montanans about the redistricting.

At an organizational meeting in July 2011, the commissioners directed staff to create up to five draft statewide maps of 100 House districts. This decision marked a change in direction from previous commissions. In the past, commissions redistricted on a regional basis, holding public hearings and tentatively adopting maps for one large region of Montana before moving to another region and performing a similar function. The 2010 commission adopted a "statewide" approach, meaning it wanted to consider maps and solicit public comment on those maps from the whole state at the same time.

At this July meeting, commissioners also provided staff with several "themes" to use to develop different maps for consideration. The maps, along with any complete maps submitted by individual commissioners or members of the public, would be used to gather public comment through the spring and summer of 2012. The themes were:

- emphasize clear lines between population centers and rural areas;
- use the existing district lines as a starting point for new lines;
- emphasize the districting criterion on relative population equality between districts; and
- attempt to keep political subdivisions intact when possible.

The commission stressed to staff that regardless of theme, each draft plan should attempt to preserve existing American Indian majority-minority districts if possible given the various demographic and population changes reflected in the 2010 Census.

Draft maps were presented to the commission at a February 2012 meeting. In total, the commission used five maps to gather public comment during the first half of 2012. Maps drafted according to the commissioners' themes were accompanied by a statewide map submitted to the commission by Commissioners Joe Lamson and Pat Smith.

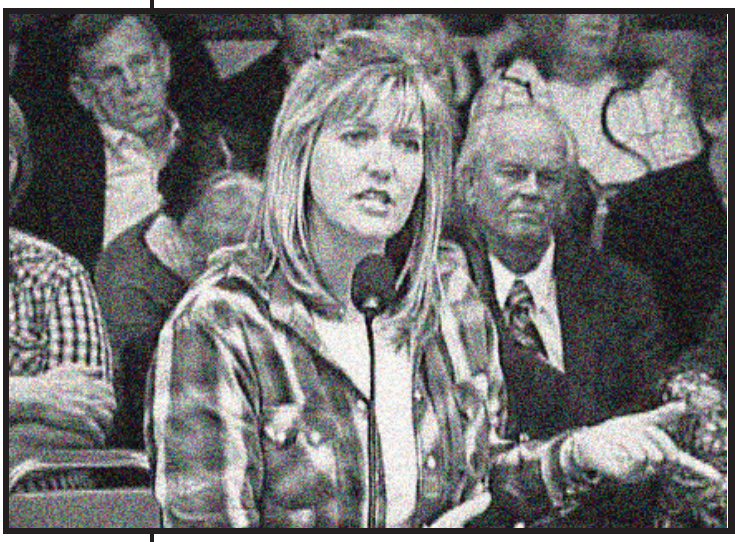
From March to May 2012, the 5 commissioners held 14 public hearings across the state, from Kalispell to Missoula to Miles City to Crow Agency and Wolf Point. The commissioners tried to strike a balance between large population centers and more rural areas, as well as visiting several reservations or areas with sizable populations of American Indians. The hearings were generally held in evenings, though some afternoon hearings were held to allow the commissioners to have two hearings in a single day.

From March to May 2012, the 5 commissioners held 14 public hearings across the state, from Kalispell to Missoula to Miles City to Crow Agency and Wolf Point.

During this time, the commissioners also accepted pages upon pages of written public testimony on the various plans. They also received several regional maps, including maps developed in Gallatin, Yellowstone, Broadwater, Jefferson, Ravalli, and Cascade Counties. All maps, whether developed by staff, commissioners, or the public, were made available for all to view on the commission's website. Maps included PDF copies of smaller areas, as well as files allowing the public to use Google Earth and Google Maps to view more detailed versions of the statewide maps.

The commission met for a week in August 2012 to debate and adopt lines for a statewide map. Late on Friday, August 17, the commission voted 5-0 to tentatively adopt what became known as the Tentative Commission Plan, which included 100 House districts. Throughout the fall, the commission continued to take public comment on the Tentative Commission Plan.

After the 2012 general election, the commission held another public hearing to solicit comments about how it should pair House districts to create 50 Senate districts and assign the 25 "holdover" senators to new districts. (Holdover senators were elected in November 2012 to 4-year terms. They serve the first 2 years of their terms in the districts to which they were elected in 2012. The final 2 years of their term, they serve in districts drawn by the commission.)



From 2009 to February 2013, the commission held 30 separate meetings and hearings to perform its redistricting task.

The commission adopted Senate districts and holdover senator assignments on November 30. During a December 6 executive session, the commissioners revised the lines of the Tentative Commission Plan and voted to use the complete plan of 100 House districts, 50 Senate districts, and 25 holdover senator assignments to gather public comments at a December 19 public hearing. Section 5-1-108, MCA, requires the commission to hold at least one public hearing on the entire proposed legislative redistricting plan at the State Capitol. The December 19 hearing satisfied that requirement.

From 2009 to February 2013, the commission held 30 separate meetings and hearings to perform its redistricting task. This includes the 5-day August 2012 meeting at which the commission considered, debated, and tentatively adopted the 100 House districts that formed the core of the commission's legislative redistricting plan.

At the December 19 meeting, the commission adopted the Tentative Commission Plan to submit to the 63rd Legislature. The commission submitted the plan on January 8, 2013, in fulfillment of the constitutional and statutory requirements that the plan be submitted to the Legislature before the 10th legislative day. The Legislature had 30 days from the date of submission to provide recommendations to the commission.

Presiding Officer Regnier gave an overview of the submitted plan and the commission's work to a joint session of the House and Senate on January 11, 2013.

On February 12, 2013, the commission amended the legislative redistricting plan and then voted to submit it to the Montana Secretary of State.

After receiving the submitted plan, the House and Senate each adopted simple resolutions to provide recommendations to the commission. House Resolution No. 2 provided the House recommendations and was adopted on February 4, 2013. Senate Resolution No. 3 provided the Senate recommendations and was adopted on February 7, 2013.

Copies of the resolutions can be found in the appendices to this report. Meeting minutes and audio files for hearings held on each resolution can be accessed at the website of the Montana Legislature: www.leg.mt.gov.

On February 12, 2013, the commission amended the legislative redistricting plan and then voted to submit it to the Montana Secretary of State. Upon filing the plan with the Secretary of State, the commission was dissolved.

Census Data

By law, the U.S. Census Bureau must provide to the states official data to use in redistricting. The data, called P.L. 94-171 data, contains total population data, as well as racial and ethnic data on the populations of various levels of census geography (block, census place, block group, tract, county, etc.).

The commission adopted operating guidelines on July 12, 2011. The guidelines stated the commission would use the P.L. 94-171 data to complete its legislative redistricting task. To comply with the Voting Rights Act, especially Section 2, the commission decided to use the racial and ethnic data contained in the P.L. 94-171 dataset.

By law, the U.S. Census Bureau must provide to the states official data to use in redistricting.

According to the 2010 Census, the predominant racial minority in Montana is included in the American Indian and Alaska Native race category. Because the Census allows respondents to select the category of race and ethnicity that best matches each respondent's individual situation, the data contains multiple categories for race and ethnicity. The commission chose to aggregate these multi-race categories according to the prescriptions provided in Part II of the Office of Management and Budget (OMB) Bulletin No. 00-02.[1] For example, a person who chose American Indian or American Indian plus White would be allocated to the American Indian category for the purposes of compliance with the Voting Rights Act. A person who chose American Indian plus Black would be allocated to the American Indian population unless the number of American Indian and Black responses each totaled more than 1% of the district's population, in which case the response would be analyzed as assigned to one race category and then the other.

[1] The OMB bulletin can be accessed at http://www.whitehouse.gov/omb/bulletins_b00-02

In the single race category for American Indian and Alaska Native, 62,555 people were reported in Montana for the 2010 Census. This number is slightly more than 6% of Montana's total population. When all the categories that contain American Indian and Alaska Native in combination with one or more other races were summed, there are 78,601 people in Montana who are wholly or partially American Indian or Alaska Native as of the 2010 Census. This number is nearly 8% of Montana's total population.

Congressional and Legislative Districting Criteria

On May 28, 2010, the Montana Districting and Apportionment Commission adopted four mandatory and three discretionary criteria to use when drawing new state district lines. The criteria were similar to criteria adopted by previous commissions. One change was that after considering testimony gathered during the April 2010 hearings, the commission voted to use a 3% deviation from the ideal district population. The previous commission used a 5% deviation, as is allowed in federal redistricting case law.

A second notable change was that the commission voted to require a written justification for any deviations from the ideal district size. The justification would be made part of the written record that accompanies the district description in the commission's report.

Mandatory Criteria for Congressional Districts

1. Population equality. All congressional districts shall be as nearly equal in population as is practicable. (Article 1, Section 2, of the U.S. Constitution, U.S. Supreme Court cases).

Mandatory Criteria for Legislative Districts

1. Population equality and maximum population deviation. Each legislative district shall be as nearly equal in population as is practicable. (MT Constitution). It is the goal of the commission that each district have a population of 9,894 people for each House district and 19,788 people for each Senate district. Any deviation may not exceed plus or minus 3% from this ideal population. Each deviation will be accompanied by an explanation of the mandatory or discretionary criteria justifying such deviation. An explanation for the deviation shall be articulated and made part of the written record that accompanies each district description in the Commission report.

2. Compact and contiguous districts. Each district shall consist of compact and contiguous territory. (MT Constitution). The commission may use, but not be limited to, a general appearance test regarding compactness of the district and consider the district's functional compactness in terms of travel and transportation, communication, and geography.

3 Protection of minority voting rights and compliance with the Voting Rights Act. No district, plan, or proposal for a plan is acceptable if it affords members of a racial or language minority group "less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice." (42 U.S.C. 1973).

4. Race cannot be the predominant factor to which the traditional discretionary criteria are subordinated. (Shaw v. Reno, 509 U.S. 630 (1993)).

Discretionary Criteria for Legislative Districts

1. Following the lines of political units. The commission will consider the boundary lines of counties, cities, towns, school districts, Indian reservations, neighborhood commissions, and other political units.

2. Following geographic boundaries. District lines will be drawn to follow geographic boundaries as provided in the TIGER/Line files of the U.S. Bureau of the Census.

3. Keeping communities of interest intact. The commission will consider keeping communities of interest intact. Communities of interest can be based on Indian reservations, urban interests, suburban interests, rural interests, neighborhoods, trade areas, geographic location, communication and transportation networks, media markets, social, cultural, and economic interests, or occupations and lifestyles.

Data on House Districts in Legislative Plan

Number of House Districts: 100

Ideal District Size: 9,894 people

Mean Deviation: 0.91% (approximately 90 people)
Standard Deviation: 121 people

Largest District: 10,136 people (2.45%)
Smallest District: 9,598 people (-2.99%)

Overall Range: 5.44% (538 people)

Data on Senate Districts in Legislative Plan

Number of Senate Districts: 50

Ideal District Size: 19,788 people

Mean Deviation: 0.76% (approximately 151 people)
Standard Deviation: 207 people

Largest District: 20,240 people (2.28%)
Smallest District: 19,199 people (-2.98%)

House Districts

House District	2010 Total Population	% Deviation from Ideal	2010 Total Population - American Indian/Alaska Native	Voting Age Percentage - American Indian/Alaska Native
1	9,838	-0.57	264	2.52
2	9,849	-0.45	221	2.13
3	9,981	0.88	323	3.07
4	9,915	0.21	250	2.27
5	9,869	-0.25	168	1.40
6	9,953	0.60	169	1.58
7	9,955	0.62	346	3.01
8	9,989	0.96	254	2.28
9	9,999	1.06	325	2.78
10	9,890	-0.04	171	1.64
11	9,988	0.95	147	1.45
12	9,886	-0.08	1,899	15.61
13	9,987	0.94	238	2.18
14	9,981	0.88	780	7.06
15	9,600	-2.97	6,159	58.59
16	9,604	-2.93	6,808	67.04
17	9,901	0.07	390	3.83
18	9,903	0.09	768	6.86
19	9,919	0.25	400	3.82
20	9,956	0.63	266	2.28
21	9,894	0.00	563	4.94
22	9,859	-0.35	773	6.73

House District	2010 Total Population	% Deviation from Ideal	2010 Total Population - American Indian/Alaska Native	Voting Age Percentage - American Indian/Alaska Native
23	9,868	-0.26	982	7.93
24	9,791	-1.04	864	6.97
25	9,834	-0.61	722	6.24
26	10,076	1.84	623	5.86
27	9,900	0.06	207	1.59
28	9,975	0.82	1,587	12.31
29	10,029	1.36	219	2.17
30	9,957	0.64	164	1.52
31	9,837	-0.58	6,845	62.47
32	9,800	-0.95	6,731	62.95
33	9,766	-1.29	786	6.89
34	9,882	-0.12	558	4.39
35	9,746	-1.50	277	2.36
36	9,983	0.90	266	2.27
37	10,131	2.40	125	0.86
38	9,890	-0.04	289	2.41
39	9,960	0.67	355	2.68
40	9,909	0.15	318	2.52
41	9,598	-2.99	6,098	56.81
42	9,601	-2.96	5,913	54.82
43	9,833	-0.62	488	3.79
44	9,873	-0.21	535	4.18
45	9,865	-0.29	521	4.24
46	9,873	-0.21	178	1.43
47	9,826	-0.69	772	6.26

House District	2010 Total Population	% Deviation from Ideal	2010 Total Population - American Indian/Alaska Native	Voting Age Percentage - American Indian/Alaska Native
48	9,751	-1.45	491	3.88
49	9,734	-1.62	973	8.64
50	9,846	-0.49	597	4.90
51	9,844	-0.51	922	7.49
52	9,832	-0.63	850	6.37
53	9,898	0.04	165	1.46
54	9,904	0.10	235	1.96
55	9,875	-0.19	309	2.31
56	9,894	0.00	570	4.40
57	9,636	-2.61	154	1.42
58	10,078	1.86	152	1.30
59	9,632	-2.65	132	1.26
60	9,666	-2.30	199	1.92
61	9,829	-0.66	89	0.80
62	9,908	0.14	79	0.87
63	9,896	0.02	393	3.18
64	9,924	0.30	160	1.59
65	9,815	-0.80	160	1.47
66	9,727	-1.69	150	1.33
67	9,952	0.59	177	1.67
68	9,958	0.65	171	1.39
69	9,974	0.81	111	1.08
70	9,934	0.40	275	2.33
71	10,104	2.12	163	1.43
72	10,136	2.45	228	1.91

House District	2010 Total Population	% Deviation from Ideal	2010 Total Population - American Indian/Alaska Native	Voting Age Percentage - American Indian/Alaska Native
73	10,049	1.57	287	2.42
74	10,048	1.56	575	5.16
75	9,887	-0.07	291	2.60
76	10,056	1.64	162	1.25
77	10,058	1.66	304	2.68
78	10,049	1.57	597	6.10
79	9,914	0.20	318	2.74
80	9,893	-0.01	253	2.49
81	9,866	-0.28	307	2.86
82	9,882	-0.12	385	3.69
83	9,911	0.17	451	3.71
84	9,918	0.24	464	3.61
85	10,063	1.71	226	1.85
86	10,042	1.50	203	1.63
87	10,057	1.65	239	2.21
88	10,050	1.58	188	1.79
89	9,869	-0.25	300	2.82
90	9,845	-0.50	416	3.28
91	9,722	-1.74	220	2.16
92	10,121	2.29	373	3.00
93	9,904	0.10	2,852	25.06
94	9,821	-0.74	771	6.48
95	9,708	-1.88	683	5.98
96	9,976	0.83	315	2.65
97	9,979	0.86	285	2.44

House District	2010 Total Population	% Deviation from Ideal	2010 Total Population - American Indian/Alaska Native	Voting Age Percentage - American Indian/Alaska Native
98	9,819	-0.76	437	3.64
99	9,845	-0.50	310	2.64
100	9,797	-0.98	379	3.29

Senate Districts and Assignment of Holdover Senators

Senate District	House Districts	Counties	Holdover Senator
1	1 & 2	Lincoln	
2	3 & 4	Flathead	Dee Brown
3	5 & 6	Flathead	Tutvedt
4	7 & 8	Flathead	
5	9 & 10	Flathead/Lake	
6	11 & 12	Flathead/Lake	Janna Taylor
7	13 & 14	Flathead/Sanders/Mineral/Missoula	Fielder
8	15 & 16	Flathead/Lake/Glacier/Pondera	
9	17 & 18	Lewis and Clark/Teton/Pondera/Toole/Glacier	
10	19 & 20	Cascade	Ripley
11	21 & 22	Cascade	
12	23 & 24	Cascade	
13	25 & 26	Cascade	
14	27 & 28	Cascade/Chouteau/Liberty/Hill	
15	29 & 30	Petroleum/Fergus/Golden Valley/Wheatland/Meagher/Judith Basin/Cascade	Hamlett
16	31 & 32	Roosevelt/Valley/Phillips/Blaine/Hill/Chouteau	Windy Boy
17	33 & 34	Hill/Blaine/Phillips/Valley/Roosevelt/Daniels/ Sheridan	Brendan
18	35 & 36	Richland/Dawson/Wibaux	Rosendale
19	37 & 38	McCone/Garfield/Prairie/Custer/Fallon/Carter/ Powder River	
20	39 & 40	Custer/Rosebud/Treasure/Yellowstone/Musselshell	
21	41 & 42	Powder River/Rosebud/Big Horn/Yellowstone	Stewart-Peregoy
22	43 & 44	Yellowstone	
23	45 & 46	Yellowstone	Webb

24	47 & 48	Yellowstone	
25	49 & 50	Yellowstone	Driscoll
26	51 & 52	Yellowstone	Arntzen
27	53 & 54	Yellowstone	
28	55 & 56	Yellowstone	Taylor Brown
29	57 & 58	Carbon/Stillwater/Sweet Grass	
30	59 & 60	Sweet Grass/Park/Gallatin	
31	61 & 62	Gallatin	Phillips
32	63 & 64	Gallatin	
33	65 & 66	Gallatin	
34	67 & 68	Gallatin	
35	69 & 70	Gallatin/Broadwater/Lewis and Clark	Sales
36	71 & 72	Madison/Beaverhead/Silver Bow/Jefferson	Debby Barrett
37	73 & 74	Silver Bow	Sesso
38	75 & 76	Silver Bow/Jefferson	Keane
39	77 & 78	Granite/Deer Lodge/Silver Bow/Powell	Vuckovich
40	79 & 80	Powell/Lewis and Clark	Kaufmann
41	81 & 82	Lewis and Clark	
42	83 & 84	Lewis and Clark	
43	85 & 86	Ravalli	
44	87 & 88	Ravalli	Thomas
45	89 & 90	Missoula	Dick Barrett
46	91 & 92	Missoula	Malek
47	93 & 94	Missoula/Lake	Larson
48	95 & 96	Missoula	
49	97 & 98	Missoula	
50	99 & 100	Missoula	

Indian-Majority Districts

2010 District	Total Population	% Deviation	Any Part Indian Population	Percentage of Population	Voting Age Indian Population	Percentage of Voting Age Population	Percentage of Voting Age Population for 2000 District
15	9,600	-2.97	6,159	64.16	3,821	58.59	51.92
16	9,604	-2.93	6,808	70.89	4,408	67.04	65.74
31	9,837	-0.58	6,845	69.58	4,140	62.47	59.56
32	9,800	-0.95	6,731	68.68	4,057	62.95	55.76
41	9,598	-2.99	6,098	63.53	3,606	56.81	57.30
42	9,601	-2.96	5,913	61.59	3,589	54.82	55.20

Litigation

On March 14, 2013, a challenge to a portion of the redistricting plan was filed in Montana's 14th Judicial District (Wheatland County). The challenge is *Willems v. Montana* (No. DV-13-07). The complaint asks the court to invalidate changes the commission made to the assignments of holdover senators during the final meeting on February 12, 2013.

Related documents and updates on the litigation will be posted at www.leg.mt.gov/districting as they become available.

Cl0429 3170rwnb.

2010 House District Population Deviatian Justifications
Submitted by Commissioners Carol Williams and Joe Lamson
February 12, 2013

HD	House District Deviatian Justifications
1	County line, communities of interest, geographic boundary, not practicable to go lower
2	County lines, communities of interest, geographic boundary, not practicable to go lower
3	County lines, geographic boundary, communities of interest, school district lines, major roads, not practicable to go lower
4	Major roads, geographic boundary, not practicable to go lower, community of interest
5	Not practicable to go lower, community of interest, major roads
6	County line, major roads, communities of interest, school district lines, not practicable to go lower
7	Major roads, community of interest, not practicable to go lower
8	Major roads, community of interest, school district lines, not practicable to go lower
9	Major roads, geographic boundary, community of interest
10	Geographic boundaries, not practicable to go lower, communities of interest
11	Geographic boundary, county line, communities of interest, not practicable to go lower
12	County line, geographic boundary, not practicable to go lower, communities of interest
13	County lines, communities of interest, school district lines, not practicable to go lower
14	County lines, communities of interest, not practicable to go lower, reservation boundary
15	Voting Rights Act, reservation boundaries, county lines, city limits, communities of interest, major roads
16	Voting Rights Act, reservation boundaries, county lines, communities of interest, major roads
17	County lines, geographic boundaries, not practicable to go lower, major roads, communities of interest
18	County lines, communities of interest, not practicable to go lower, reservation boundary
19	County lines, not practicable to go lower, geographic boundary, communities of interest, major roads, school district lines
20	Geographic boundary, community of interest, not practicable to go lower, major roads
21	No justification needed
22	Geographic boundary, major roads, communities of interest, county line, not practicable to go lower
23	Not practicable to go lower, geographic boundary, major roads, community of interest
24	Major roads, community of interest
25	Major roads, community of interest, not practicable to go lower
26	Geographic boundary, keeping Malmstrom whole, major roads, communities of interest
27	County lines, reservation boundary, geographic boundaries, not practicable to go lower, communities of interest
28	Major roads, community of interest, not practicable to go lower, city limits
29	County lines, communities of interest, city limits, major roads, trade area
30	County lines, communities of interest, trade areas, not practicable to go lower
31	Voting Rights Act, county lines, reservation boundary, geographic boundaries, communities of interest, not practicable to go lower
32	Voting Rights Act, county lines, reservation boundaries, geographic boundaries, communities of interest, not practicable to go lower, major roads

2010 House District Population Deviatian Justifications
Submitted by Commissioners Carol Williams and Joe Lamson
February 12, 2013

HD	House District Deviatian Justifications
33	Geographic boundary, major roads, communities of interest
34	County line, geographic boundary, major road, not practicable to go lower, communities of interest
35	County lines
36	County lines
37	County lines, communities of interest, major roads, geographic boundaries
38	Not practicable to go lower, geographic boundaries, major roads, community of interest
39	County lines, not practicable to go lower, school district lines, major roads, communities of interest, trade area
40	County lines, communities of interest, not practicable to go lower, trade area, school district lines
41	Voting Rights Act, county lines, communities of interest, reservation boundary, major roads
42	Voting Rights Act, county lines, communities of interest, reservation boundaries, major roads
43	Geographic boundary, school district lines, community of interest, major roads, not practicable to go lower
44	Community of interest, not practicable to go lower, major roads
45	Not practicable to go lower, community of interest, major roads
46	School district lines, community of interest, not practicable to go lower, major roads
47	Major roads, geographic boundary, community of interest, not practicable to go lower
48	Major roads, community of interest
49	Geographic boundary, major roads, community of interest
50	Not practicable to go lower, community of interest, major roads
51	Geographic boundary, major roads, not practicable to go lower, community of interest, school district lines
52	Major roads, community of interest, school district line, not practicable to go lower
53	Not practicable to go lower, community of interest, major roads
54	Major roads, community of interest, not practicable to go lower, geographic boundary
55	Geographic boundary, city limits, county lines, community of interest, not practicable to go lower, major roads
56	No justification needed
57	County lines, communities of interest, school district lines
58	County lines
59	County lines, communities of interest, school district lines
60	County line, geographic boundary, community of interest, major roads
61	County line, school district lines, community of interest, not practicable to go lower, major roads
62	Not practicable to go lower, community of interest, major roads
63	Not practicable to go lower, schoo district lines, major roads, community of interest
64	County lines, geographic boundaries, communities of interest, not practicable to go lower, school district lines

2010 House District Population Deviatian Justifications
Submitted by Commissioners Carol Williams and Joe Lamson
February 12, 2013

HD	House District Deviatian Justifications
65	Major roads, community of interest, not practicable to go lower
66	Major Roads, community of interest
67	Not practicable to go lower, community of interest, major roads, geographic boundary
68	Not practicable to go lower, community of interest, major roads, geographic boundary
69	County lines, communities of interest, not practicable to go lower, geographic boundaries
70	County lines, major roads, geographic boundary, not practicable to go lower, communities of interest
71	County lines, major road, communities of interest
72	County lines, major roads, communities of interest
73	Community of interest, major roads
74	Community of interest, major roads
75	County lines, major road, communities of interest, not practicable to go lower, city limits
76	Community of interest, county line, major roads
77	County lines, major roads, communities of interest
78	County lines, major roads, communities of interest
79	County lines, not practicable to go lower, community of interest, major roads
80	Not practicable to go lower, county lines, major roads, communities of interest
81	Not practicable to go lower, major roads, community of interest
82	Not practicable to go lower, major roads, geographic boundary, community of interest
83	Not practicable to go lower, major roads, community of interest
84	County line, city limits, not practicable to go lower, community of interest
85	County lines, school district lines, communities of interest
86	School district lines, major roads, community of interest
87	County lines, school district lines, communities of interest
88	County lines, school district lines, communities of interest
89	Geographic boundaries, community of interest, county lines, not practicable to go lower, major roads
90	Not practicable to go lower, community of interest, major roads
91	Community of interest, school district lines, geographic boundary
92	City limits, county lines, communities of interest, geographic boundary, major roads
93	County lines, Voting Rights Act, not practicable to go lower, city limits, communities of interest
94	Major Roads, county line, school district lines, reservation boundary, communities of interest, not practicable to go lower
95	Geographic boundary, major roads, school district lines, community of interest
96	School district lines, major roads, community of interest, not practicable to go lower

2010 House District Population Deviatian Justifications
Submitted by Commissioners Carol Williams and Joe Lamson
February 12, 2013

HD	House District Deviatian Justifications
97	Communities of interest, county lines, not practicable to go lower, school district lines
98	Geographic boundaries, community of interest, not practicable to go lower
99	Not practicable to go lower, community of interest, geographic boundary, major roads
100	Community of interest, major roads, not practicable to go lower

Bennion/Vaughey Deviation Justifications 2010 Legislative Districts (2/12/13)	HD
Two districts fit in the county lines within permissible deviation	1
Two districts fit in the county lines within permissible deviation	2
Keeping the town of Columbia Falls whole, geographic boundary, Flathead County line, political subdivision	3
Major roads, geographic boundary, staying out of Columbia Falls, not practicable to go lower	4
Keeping the town of Whitefish whole, not practicable to go lower	5
County line, major roads, community of interest, political subdivision	6
Major roads, community of interest	7
Major roads, community of interest	8
Major roads, community of interest, geographic boundary	9
Geographic boundary, Not practicable to go lower	10
Geographic boundary, County line	11
Lake County line, keeping Polson together, not practicable to go lower, geographic boundary	12
County Lines, community of interest	13
County Lines, community of interest	14
Voting Rights Act, Reservation boundaries, county lines	15
Voting Rights Act, Reservation boundaries, county lines	16
County Lines, geographic boundaries, not practicable to go lower	17
Toole County line, Conrad city limit boundary, communities of interest, not practicable to go lower	18
Not practicable to go lower	19
Geographic boundary, community of interest, staying out of smaller towns	20
No justification needed	21
Geographic boundary, community of interest, county line, not practicable to go lower	22
Not practicable to go lower	23
	24
	25
Keeping Malmstrom together, major roads, geographic boundary	26
County lines, geographic boundaries, not practicable to go lower, reservation lines	27
Havre city limit boundaries, community of interest, not practicable to go lower	28
County lines, community of interest, Keeping all of Lewistown together	29
County lines, community of interest, trade areas	30
Voting Right Act, county lines, geographic boundaries, communities of interest	31
Voting Right Act, county lines, geographic boundaries, communities of interest	32
Geographic boundary, major highway, community of interest, not practicable to go lower, keeping most of Glasgow together	33

County lines, Missouri River geographic boundary, major road, not practicable to go lower	34
County line of Richland	35
County lines of Dawson and Wibaux County	36
County lines, rural community of interest, geographic boundaries	37
Miles City city limit boundary, community of interest, not practicable to go lower	38
County lines, not practicable to go lower	39
County line, community of interest, not practicable to go lower	40
Voting Right Act, county lines, communities of interest	41
Voting Right Act, county lines, communities of interest	42
School district lines, community of interest, major roads	43
Heights Community of interest, not practicable to go lower	44
Not practicable to go lower, community of interest	45
School district lines, community of interest, not practicable to go lower	46
	47
	48
	49
Not practicable to go lower	50
Geographic boundary, major roads, not practicable to go lower	51
	52
Not practicable to go lower	53
Major roads, growth area community of interest, not practicable to go lower	54
Laurel city limit boundary, geographic boundary, community of interest, not practicable to go lower	55
No justification needed	56
Stillwater county line, Yellowstone River Valley community of interest, political subdivision	57
Carbon County line	58
County lines, Yellowstone River Valley communities of interest	59
Keeping Livingstone whole, geographic boundary, county line	60
Gallatin County line,	61
Not practicable to go lower	62
Not practicable to go lower	63
Gallatin County line, major roads, geographic boundaries, community of interest, not practicable to go lower	64
	65
	66
Belgrade city limits boundary, not practicable to go lower	67

Suburban Community of Interest, staying out of most of Belgrade	68
Gallatin County line, community of interest	69
Broadwater County line, major roads, geographic boundary, not practicable to go lower	70
Madison County line, major highway, community of interest, trade area	71
Beaverhead County line, major highway, community of interest, trade area	72
Community of interest, major roads	73
Community of interest, major roads	74
Jefferson County line, major roads, communities of interest, not practicable to go lower	75
Community of interest, county line, major roads	76
County lines, keeping most of Anaconda together	77
Keeping community of Walkerville together, county line, staying out of Anaconda as much as possible	78
Not practicable to go lower	79
Not practicable to go lower	80
Not practicable to go lower	81
Not practicable to go lower	82
Not practicable to go lower	83
East Helena city limit boundary, not practicable to go lower	84
Four districts fit in the county lines within permissible deviation	85
Four districts fit in the county lines within permissible deviation	86
Four districts fit in the county lines within permissible deviation	87
Four districts fit in the county lines within permissible deviation	88
Geographic boundary, county line, not practicable to go lower	89
Not practicable to go lower	90
Rattlesnake community of interest, political subdivision	91
Keeping East Missoula whole, county line, community of interest	92
Lake County line, Voting Rights Act, not practicable to go lower	93
	94
	95
	96
Community of interest, county line	97
Geographic boundary, keeping community of Orchard Homes/Target Range whole	98
Not practicable to go lower	99
Community of interest, major roads	100

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA PROVIDING RECOMMENDATIONS ON THE LEGISLATIVE REDISTRICTING PLAN TO THE MONTANA DISTRICTING AND APPORTIONMENT COMMISSION.

WHEREAS, the Montana Districting and Apportionment Commission submitted its legislative redistricting plan to the Legislature on January 8, 2013, as required by Article V, section 14, of the Montana Constitution; and

WHEREAS, the Commission adopted criteria to guide the drawing of district lines that preserve the principle of "one person, one vote"; and

WHEREAS, the Senate recognizes that the Commission established a maximum 3% population deviation, which surpasses the standard of a 5% population deviation, and commends the Commission for accomplishing a deviation of less than 1% for both House and Senate Districts; and

WHEREAS, the Commission formed districts that successfully comply with all requirements of the federal Voting Rights Act and that protect the voting rights of minority populations; and

WHEREAS, the Senate contends that criteria directing the creation of compact and contiguous districts that preserve communities of interest and, when possible, follow the lines of political and geographic boundaries have not been satisfactorily adhered to; and

WHEREAS, the Senate contends that pairings of House Districts made to form Senate Districts fracture communities of interest, particularly the assignments of House Districts 73, 74, 75, 76, 77, and 79 in Deer Lodge, Jefferson, and Silver Bow Counties; and

WHEREAS, pairing House Districts 75 and 78 results in a Senate District that is primarily rural in nature and pairing House Districts 73 and 76 and House Districts 74 and 77 results in two Senate Districts that are tied together by common interests, including the historical copper mining industry; and

WHEREAS, the Senate contends that the Commission split Lake County into four different Senate Districts, ignoring communities of interest and county political boundaries; and

WHEREAS, the Senate contends that holdover Senator Webb has been assigned to a Senate District predominantly composed of citizens who have never had the opportunity to vote for him, when it is possible to

assign him to a district that includes more than 80% of the population from his original Senate District; and

WHEREAS, the Legislature is required to return the plan to the Commission with its recommendations on or before February 7, 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate urges the passage of amendments necessary for the Legislative Redistricting Plan to conform to the Commission's established criteria. To this end, the Senate recommends that the Commission consider the following amendments:

(1) preserve both compactness and communities of interest by reassigning the following House Districts into Senate District pairings: House Districts 73 and 76, House Districts 74 and 77, and House Districts 75 and 78. The House District lines for Districts 74 and 77 should be moved together in order to meet the contiguous standard in the Commission's criteria.

(2) reassign Senator Webb from Senate District 23 to Senate District 22, which includes the communities from which he was originally elected.

BE IT FURTHER RESOLVED, that a copy of this resolution be kept on file by the Secretary of State and that copies be sent by the Secretary of State to the presiding officer and each member of the Montana Districting and Apportionment Commission.

- END -

I hereby certify that the within resolution,

SR 0003, originated in the Senate.

_____

Secretary of the Senate

_____

President of the Senate

Signed this_____day

of_____, 2013.

SENATE RESOLUTION NO. 3

INTRODUCED BY J. ESSMANN

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA PROVIDING RECOMMENDATIONS ON THE LEGISLATIVE REDISTRICTING PLAN TO THE MONTANA DISTRICTING AND APPORTIONMENT COMMISSION.

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA PROVIDING RECOMMENDATIONS ON THE LEGISLATIVE REDISTRICTING PLAN TO THE MONTANA DISTRICTING AND APPORTIONMENT COMMISSION.

WHEREAS, the Montana Districting and Apportionment Commission submitted its legislative redistricting plan to the Legislature on January 8, 2013, as required by Article V, section 14, of the Montana Constitution; and

WHEREAS, the Commission adopted criteria to guide the drawing of district lines that preserve the principle of "one person, one vote"; and

WHEREAS, the House of Representatives commends the Commission for establishing a maximum 3% population deviation, which surpasses the standard of a 5% population deviation; and

WHEREAS, the Commission formed districts that successfully comply with all requirements of the federal Voting Rights Act and that protect the voting rights of minority populations; and

WHEREAS, the House of Representatives contends that criteria directing the creation of compact and contiguous districts that preserve communities of interest and, when possible, follow the lines of political and geographic boundaries have not been satisfactorily adhered to; and

WHEREAS, the House of Representatives contends that the proposed plan does not pass a general appearance test regarding compactness in numerous instances, particularly House Districts 23 and 24 in Cascade County, House Districts 47, 48, 49, and 50 in Yellowstone County, House District 66 in Gallatin County, House District 81 in Lewis and Clark County, and House District 96 in Missoula County; and

WHEREAS, the House of Representatives contends that the proposed plan fractures communities of interest in House Districts 21, 23, 77, 78, 82, and 84; and

WHEREAS, the House of Representatives contends that pairings of House Districts made to form Senate Districts fracture communities of interest, particularly the assignments of House Districts 73, 74, 75, 76, 77, and 79 in Deer Lodge, Jefferson, and Silver Bow Counties; and

WHEREAS, the House of Representatives contends that holdover Senator Webb is assigned to a Senate District predominantly composed of citizens who have never had the opportunity to vote for him, when it is

possible to assign him to a district that includes significant populations from his original Senate District; and

WHEREAS, the Legislature is required to return the plan to the Commission with its recommendations on or before February 7, 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the House of Representatives urges the passage of amendments necessary for the Legislative Redistricting Plan to conform to the Commission's established criteria. To this end, the House of Representatives recommends that the Commission consider the following amendments:

(1) redraw House Districts 21 and 23 in Cascade County, House Districts 47, 48, 49, and 50 in Yellowstone County, House District 66 in Gallatin County, House Districts 82 and 84 in Lewis and Clark County, and House District 96 in Missoula County to better meet the standard of a general appearance test regarding compactness. A compact district would be more square-like, as opposed to a long rectangle.

(2) preserve both compactness and communities of interest by reassigning the following House Districts into Senate District pairings: House Districts 73 and 76, House Districts 74 and 77, and House Districts 75 and 78. The House District lines for Districts 74 and 77 should be moved together in order to meet the contiguous standard in the Commission's criteria.

(3) redraw House Districts 77 and 78 to keep the town of Anaconda whole; and

(4) reassign Senator Webb from Senate District 23 to Senate District 22.

BE IT FURTHER RESOLVED, that a copy of this resolution be kept on file by the Secretary of State and that copies be sent by the Secretary of State to the presiding officer and each member of the Montana Districting and Apportionment Commission.

- END -

I hereby certify that the within resolution,

HR 0002, originated in the House.

_____

Chief Clerk of the House

_____

Speaker of the House

Signed this_____day

of_____, 2013.

HOUSE RESOLUTION NO. 2

INTRODUCED BY L. RANDALL

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA PROVIDING RECOMMENDATIONS ON THE LEGISLATIVE REDISTRICTING PLAN TO THE MONTANA DISTRICTING AND APPORTIONMENT COMMISSION.