

## SENATE RESOLUTION NO. 2

INTRODUCED BY G. BARKUS

BY REQUEST OF THE JOINT SELECT COMMITTEE ON DISTRICTING AND APPORTIONMENT

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA REJECTING THE LEGISLATIVE PLAN THAT THE MONTANA DISTRICTING AND APPORTIONMENT COMMISSION SUBMITTED TO THE LEGISLATURE.

WHEREAS, the Montana Districting and Apportionment Commission submitted its legislative redistricting plan to the Legislature on January 6, 2003, as required by Article V, section 14, of the Montana Constitution; and

WHEREAS, the Joint Select Committee on Districting and Apportionment has received and considered testimony on the plan; and

WHEREAS, the Senate contends that the 5% population deviation allowance contained in the plan was used for partisan gain, that the Constitution is clear in language that the districts "shall be as nearly equal in population as is practicable", and that a 1% population deviation, or less, is both practical and possible; and

WHEREAS, the Senate contends that the majority of the Commission ignored the mandatory, constitutional criterion of "compact" districts in creating several House and Senate Districts that are over 200 miles from one end to the other; and

WHEREAS, the Senate contends that the American Indians have been isolated and that other minority groups were ignored when several districts in Montana were established; and

WHEREAS, the Senate contends that race was used as the predominant criterion in tentatively establishing six House Districts and three Senate Districts in blatant violation of the mandatory criterion that race may not be the predominant factor to which the traditional discretionary criteria are subordinated; and

WHEREAS, the Commission failed to adopt a criterion of consideration of existing district lines as the previous Commission had adopted; and

WHEREAS, the Commission has disregarded, in several instances, the discretionary criteria adopted by the Commission on April 18, 2001, by dividing many towns, cities, and counties, while giving little or no regard to keeping communities of interest intact; and

WHEREAS, the arbitrary assignment of holdover Senators to districts that did not elect them is at best wrong, blatantly unethical, and simply unfair to the electors; and

WHEREAS, the Legislature is required to return the plan to the Commission with its recommendations

on or before February 5, 2003.

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

That the Senate rejects the Legislative Redistricting Plan for the reasons stated above, requests that the Commission reconvene and adopt a plan that conforms to the mandatory and discretionary criteria as set forth by the 1972 Constitutional Convention and state and federal law, and contends that the majority of the Commission has performed a constitutional injustice to the electorate and the elected legislators of Montana, that the plan has been conceived in a mean-spirited, partisan fashion that disregards the mandatory criteria as set forth by the 1972 Constitutional Convention and the discretionary criteria adopted by the Commission itself, that the Commission's exercise in political gerrymandering is unacceptable to the citizens of the state of Montana, and that the legislative redistricting plan must be redone.

BE IT FURTHER RESOLVED, that copies of the following documents be attached to this resolution:

- (1) the tapes of the hearings of the Joint Select Committee on Districting and Apportionment held on January 20, 21, and 24, 2003;
- (2) written testimony submitted on January 20, 21, and 24, 2003; and
- (3) a minority report from the members of the Joint Select Committee on Districting and Apportionment who support the plan.

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.

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