

# **DISTRICTING & APPORTIONMENT COMMISSION**

**APRIL 8, 2010**

**PUBLIC COMMENT**

## Weiss, Rachel

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**From:** Matt Singer [montuckyliberal@gmail.com]  
**Sent:** Tuesday, April 06, 2010 10:39 AM  
**To:** Weiss, Rachel; Smith, Pat; Lamson, Joe (D&A Commission)  
**Subject:** Redistricting Criteria Comment

Gentlemen,

I'm unfortunately unlikely to be able to attend the Missoula hearing on redistricting. That same evening is likely to see a highly contentious city council meeting regarding whether discrimination against Queer Montanans should remain legal in our city. As such, I've chosen to offer the following written comment:

- Population Equality. I believe myself to be a strong defender of democracy and the electoral process, but demanding narrow precision to population equality alone would be a mistake. I think a looser restriction that allows for other criteria to be examined -- communities of interest, geographic boundaries, and a competitive political environment -- are all more important. Additionally, I'm curious to know where the current districts end their life cycle. Population is clearly not a fixed thing. Sticking to a 1% rule based on initial census data will no doubt still result in wildly differently sized districts down the line.
- Compactness. There may be a sensible rule here, although most of the important stuff can probably be handled under contiguity. Drainages and county lines, both of which create clear communities of interest, don't always allow for compact districts. A fundamental issue in the West is that we had square states drawn by Easterners who didn't understand the importance of geography in our region. It would be a mistake for a local commission to repeat that error.
- Contiguity. Obviously, districts should be contiguous.
- Existing Political Boundaries. I'd give these less of a priority than many other factors, but they are a useful tie-breaker, especially because of the benefits to county governments preparing ballots and drawing precinct lines.
- Geographic boundaries. As mentioned above, I think geographic boundaries can be important in determining communities of interest.
- Communities of Interest. This is a hugely important criteria that allows the imaginary lines of the political world align with far more important lines regarding access to information, whether Reservation boundaries, urban/rural divides, or media markets that allow for easier access to information for voters.
- Starting Point. Utilizing the existing districts as a starting point seems like the most natural option.
- Political Competitiveness. Montana's electoral system has genuinely benefited over the past ten years by an intense level of political competition, most recently evidenced by record numbers of candidates filing for office. Additionally, legislative election outcomes have tracked closely with voter preferences, instead of resulting in wild, erratic swings in legislative power every cycle. Competitive elections empower citizens and should be a priority for the commission.
- Incumbency Protection. I personally favor giving no consideration to incumbents -- they can work for their jobs just like the rest of us.
- Voting Rights Act. Saving the most important for last -- the Voting Rights Act isn't just the law, it is also a good idea. Follow it, please.

Thanks to you and your colleagues for your hard work.

Matt Singer  
525 Tremont St  
Missoula, MT 59801  
406-544-0211 (cell)

April 6, 2010

Districting & Apportionment Commission,

My name is Shelley Vance and I was the Clerk and Recorder in Gallatin County from 1989-2006. I offer my comments not only from my professional experience, but also as a citizen of Montana.

Population Deviation

I fully embrace the “one person, one vote” philosophy and therefore suggest that high emphasis should be placed on the lowest population deviation possible (1-2%).

Geographic Boundaries

Consideration should be given to commuting (travel) patterns of people. Lines should be drawn along established roads and streets where possible. Lines should not cut over mountain divides, or cut through rivers and lakes.

Community Interests

Municipal boundary lines should be followed where possible to acknowledge interests of both rural and urban citizens.

By keeping deviation numbers small and recognizing commuting (travel) patterns of people I believe the committee will have a better chance of keeping community interests intact.

I recognize the difficulty you will have in drawing legislative boundaries. I thank you for the opportunity to offer suggestions.

Shelley Vance  
305 Stillwater Ave  
Bozeman, MT 59718  
(406) 587-8608

223 South Rodney Street  
Helena MT 59601  
April 7, 2010

Montana Districting and Apportionment Commission  
C/O Legislative Services Division  
State Capitol  
Helena, Montana  
via Email

RE: Comments on Districting and Apportionment Criteria

Dear Commission Members:

Please accept this letter in lieu of oral comments at your meeting scheduled for April 8, 2010. I apologize for being unable to attend in person.

Comments here address the questions presented by the Commission on its document, "Legislative Redistricting Criteria Considerations" as posted on the Commission website.

**1. Population Equality – What should the deviation be?**

My view is that the deviation should be as small as it can be, within the limitations of the data reported by the U. S. Census.

- a. First of all, this is the clear requirement of the Montana Constitution as it nearly quotes the language of *Reynolds v. Sims* that the districts be "as nearly equal of population as practicable". Understood in the context of its adoption in 1972, a strict interpretation on first impression is not only reasonable; it is essential.
- b. Past Commissions adopted the looser overall criterion of a 10% overall deviation allowed states in various reviews over the years. Some of this allowance was no doubt due to the nature of Census geography. Montana data used to be reported for most of the state in a unit called an enumeration district. There were a number of cases in rural Montana where the population of an enumeration district approached the population involved in a fairly large deviation for a legislative district. Given the nature of the data available, a reasonable argument could be made that large population deviations met the nearly as equal as practicable criterion.

With census data now reported at block level for the entire state, a large deviation like 10% no longer has any justification on the basis of the data. When the reason changes, the rule must likewise change.

- c. Montana statute law now includes a provision limiting overall legislative district deviations to 1%. I suspect that Ms Jackson's observations (in her memo, "Where to Draw the Line: Criteria for Redistricting in Montana", April 2010) regarding the constitutionality of this provision is correct, however, I think it best for the Commission to presume the constitutionality of the statute. The 1% deviation limitation may in fact be arbitrary and too large or too small to be consistent with the practicability requirement.

A violation of this limit, if required, should be based upon a factual assessment of what is practicable; likewise this limit should not be approached if unnecessary.

- d. So, the best approach is to achieve "near precision" in population equality and specifically justify variations where precision cannot be achieved.

## **2. Compactness – how should districts look?**

Given the limitations of geographic boundaries and barriers, districts should look fairly regular with relatively smooth edges. The attempted statutory standard is naïve, but trends in the right direction. The commission should solicit expert testimony on possible objective means to document achievement of this constitutional criterion. Long skinny or badly convoluted districts must be regarded as suspect until it is proven that population equality and contiguity cannot be otherwise achieved.

## **3. Contiguity – What should be considered contiguous?**

Aside from anything else, contiguity assures some level of geographic integrity as it relates to normal means of transportation. For better or worse, the automobile is the current standard of transportation in most of Montana. Barriers such as roadless wilderness, bridgeless river reaches, and the like if ignored break any real notion of contiguity.

On the positive side, recognizing the practical considerations of contiguity will emphasize communities of interest like cities, neighborhoods, tribes, and even drainages where there are natural patterns of travel, commerce, or affinity. Districts truly contiguous in this sense will support a more intimate and natural affinity between the population and an elected legislator.

## **4. As to the balance of the criteria – discretionary criteria as they are called – most will be largely moot if the required criteria are taken seriously as they should be.**

Existing political boundaries, especially as those relate to appropriate principles of effective election administration may well find meritorious application.

Attempts to predetermine the outcome of elections by consideration of historic voting patterns or incumbent security are beyond the pale – those are the reasons the Legislature can't do this job for itself and the reason the Districting and Apportionment Commission exists to do it on behalf of the Constitution and the people.

Thank you for this opportunity for public involvement. May you have success in conducting your difficult work with wisdom and good will. You cannot prevent a legal challenge to your work, but you can do a great deal to make it really difficult to mount a meritorious challenge, and that you should do.

Sincerely,

Robert B. Person

406-443-4678  
[thepersons@mcn.net](mailto:thepersons@mcn.net)

**Weiss, Rachel**

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**From:** Albert.Garver@blab.afcent.af.mil  
**Sent:** Wednesday, April 07, 2010 11:21 PM  
**To:** Weiss, Rachel  
**Subject:** Redistricting Process

I'm a Montanan serving on active duty in Iraq, but would like to comment on the redistricting process. I believe the current districts should not be used as a starting point for the new districts. There are too many population disparities, problems with compactness, and not enough attention was paid to communities of interest and traditional neighborhoods. I'm hoping the process this time around will be fair and non-partisan. Even though I'm serving over here, I care deeply about what's going on in my home state. Thanks.

SMSgt Al Garver  
332d Air Expeditionary Wing  
Joint Base Balad, Iraq  
[Home of record: Billings, MT]

**Weiss, Rachel**

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**From:** HD81\_Jim Stewart [jimformthd81@hotmail.com]  
**Sent:** Thursday, April 08, 2010 8:04 AM  
**To:** Weiss, Rachel  
**Subject:** redistricting

Good Morning!

I hope that I can attend the hearing this evening, although my last appointment may run long.

Please know that I am concerned about the way the districts in Helena have been slanted in past years, allowing for a mostly-Democrat area to contain fewer citizens, thus making it easier to sway an election. This is SHADY and morally-wrong.

Please urge Montana decision-makers to BE ABOVE this type of bad dealing. It is this type of thing (politics as usual) that causes people to be fed-up with politics. Let Montanans have "politics as UNusual" by founding every decision on pillars of Virtue.

Thank you so Much,

Jim Stewart  
406.465.4899

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## Weiss, Rachel

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**From:** Nick Mahan [nickmahan@bridgeband.com]  
**Sent:** Thursday, April 08, 2010 11:53 AM  
**To:** Weiss, Rachel; Bennion, Jon  
**Subject:** Discretionary districting criteria

To the Apportionment Commission,

First off, thank you for the work that you are doing in preparation for the upcoming redistricting of the state of Montana. This letter is written to encourage you to not follow the example of the last committee that redistricted the state from the last census.

I have been a candidate in the past and currently am a candidate for the state legislature. I have been able to walk many districts in the Gallatin County helping with other races as well as my own. I feel very comfortable in addressing the issues that are present in the district that I am running in this cycle. These issues are present in one degree or another in several of the districts in Gallatin County.

The biggest issue that I have come across in my travels around my county has been the difference in population in each district. This discrepancy appears to have been exaggerated by the plus or minus 5% deviation when the district was drawn. It was further expanded by the growth that our county and state has encountered over the last 10 years or so.

Districts that were in and around cities with little chance or ability to grow in population were made smaller. Those districts have a smaller population than a district that has room to grow. District 65 is in the city of Bozeman and has had little growth; district 67 is in the rural areas of the county and has had tremendous growth. I was not able to find the current population for the two districts but did get the number of registered voters as of 4/9/2010. District 65 has 6046 registered voters and 67 has 9039 registered voters. That is a tremendous difference in the representation of the voters in those districts. The power that a voter has in district 65 is a third greater than that of district 67. This is a direct example of voter disenfranchisement; the representation of the voters in just these two districts is extremely unbalanced.

Districts that cross county lines leads to voter's disenfranchisement. District 67 crosses from Gallatin county into Broadwater county. The registered voters in that district as of 4/9/2010 are 4611 from Gallatin county and 2715 from Broadwater county. Gallatin County has a 40% hedge over Broadwater County and to my knowledge no one from Broadwater County has ever won that seat. Gallatin County has the population lead in registered voters and dictates the people of Broadwater County to just go along with Gallatin County. Broadwater voters are not being represented by someone that shares their issues, they have different county taxes and regulations.

One other problem is keeping a neighborhood in the same district. Gallatin County has several districts that are split up. District 65 has a horse shoe shaped neighborhood that I have walked for the last 2 election cycles. The people in the inside of the horse shoe are in 65 and the people on the same street but on the outside of the horse shoe are in 63. Voters on the same street should be in the same district whenever possible. Populated districts in cities are an example of voters being on the same street and not in the same district. I understand that that may have to happen sometimes, but in this particular example the voters on the outside of the horse shoe street have open unpopulated vacant land behind them.

I hope that you take these issues into consideration during your listening sessions across the state. It is my opinion that greater care could have been taken when the last maps were made. It is my hope that an equal representation for each voter in Montana is the ultimate goal of the commission. Please use these examples to formulate a plan that will keep voters in mind not a majority in the House or Senate.

Thank you again,

Nick Mahan

35 W. Julie Ct.  
Bozeman, MT 59718  
406-581-1212

[nick@nickmahan.com](mailto:nick@nickmahan.com)