



Montana Districting and Apportionment Commission

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MINUTES

April 30, 2009

Room 335, State Capitol
Helena, Montana

Please note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Committee tapes are on file in the offices of the Legislative Services Division. **Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.**

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. The minutes are accompanied by an audio recording. For each action listed, the minutes indicate the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time may be used to locate the activity on the audio recording.

An electronic copy of these minutes and the audio recording may be accessed from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side column of the home page, select *Committees*, then *Interim*, and then the appropriate committee.

To view the minutes, locate the meeting date and click on minutes. To hear the audio recording, click on the Real Player icon. Note: You must have Real Player to listen to the audio recording.

COMMITTEE MEMBERS PRESENT

All Commission members (Bennion, Lamson, Smith, and Vaughey) participated in the meeting via teleconference.

STAFF PRESENT

Susan Byorth Fox, Executive Director, Legislative Services Division (LSD)
Rachel Weiss, Research Analyst, LSD
Lisa Mecklenberg Jackson, Attorney, LSD
Dawn Field, Commission Secretary

AGENDA & VISITORS' LIST

Agenda, Attachment #1.
Visitors' list, Attachment #2.

COMMITTEE ACTION

The Districting and Apportionment Commission:

- approved using *Mason's Manual of Legislative Procedure* as its official procedural guide for its deliberations; and
- agreed to meet via teleconference at 9 a.m. on Thursday, May 7, 2009.

CALL TO ORDER AND ROLL CALL

- 00:00:02 Commissioners Bennion, Vaughey, Lamson, and Smith joined the meeting via teleconference.
- 00:01:34 **Susan Fox, Executive Director, Legislative Services Division (LSD)**, declared all members present and ready for business. She stated, for the record, that the meeting was being held in Room 335 of the State Capital, in Helena, Montana. Staff members introduced themselves as being present. Visitors and interested persons identified themselves: Jorge Quintana, representative of the Secretary of State's Office; Amy Cannaca, representing the American Civil Liberties Union (ACLU); Bob Person, applicant for presiding officer; Gayle Shirley, Legislation Information Officer, LSD; Brooke Boone, media representative from NBC; and Jackie Yamanaka, media representative from Yellowstone Public Radio.
- 00:03:29 **Commissioner Joe Lamson** reported that he and fellow Commissioner Pat Smith had interviewed all of the candidates nominated at the April 23, 2009, meeting. He said that he and Commissioner Smith were impressed by the caliber of all the candidates and had considered the strengths and experience of each one. He said, regarding the selection of a commission chair, that the most important criteria is that the person has the respect and confidence of the other commission members. He said the chair must be able to deal with controversial issues while working toward solutions. For that reason, Commissioner Lamson said, both he and Commissioner Smith still placed Holly Kaleczyc as their first choice for commission chair.
- 00:05:53 **Commissioner Pat Smith** said that he enjoyed all of the interviews and agreed that the candidate field was strong, but agreed that Ms. Kaleczyc remained his first choice for commission chair.
- 00:06:58 **Commissioner Linda Vaughey** said that she and Commissioner Jon Bennion spent hours discussing the qualities that will be needed by the chair and reiterated that their criteria was based on the need for unity of purpose, not for partisan gain.
- 00:08:34 Commissioner Vaughey commented on her working relationship and personal friendship with Ms. Kaleczyc and agreed that she is an outstanding individual. She said that she has worked closely with Ms. Kaleczyc on a number of endeavors and that her accomplishments are many. She said that even though Ms. Kaleczyc is accomplished in many areas, her intrinsic partisanship will present problems in the districting and apportionment process. She said she meant that not as a criticism, but as a factual comment, and noted that Ms. Kaleczyc has actively supported not only the Democratic Party but specifically,

several individual candidates. Commissioner Vaughey said that she values Ms. Kaleczyc's friendship and attributes, but both she and Commissioner Bennion feel they must reject her nomination because it is imperative that the chair not be identified as a political person. She urged Commissioners Lamson and Smith to strongly consider the remaining nominees and select a chairperson who will not be perceived as seeking political advantage and one who will foster the process.

- 00:12:12 **Commissioner Joe Bennion** agreed, saying that Ms. Kaleczyc's strong association with the Democratic Party is not acceptable and that he hoped Commissioners Lamson and Smith would consider one of the remaining candidates as Commission Chair.
- 00:13:40 Commissioner Lamson responded that he did not think the partisan issue should automatically disqualify Ms. Kaleczyc as a candidate. He referred to the 1990 Commission Chair Jean Fallon Barrett, saying that she was considered very partisan but was also a very fair and excellent chair. He said he was not ready to close the door on any of the candidates at this time.
- 00:15:54 Commissioner Smith agreed that no candidate should be disqualified at this time. He said that Ms. Kaleczyc would be fair, collaborative, and would not make decisions on a partisan basis.
- 00:17:12 Commissioner Bennion asked, if Ms. Kaleczyc did not meet his or Commissioner Vaughey's criteria, if the other Commissioners could accept other candidates for consideration. Commissioner Smith said he planned to interview Mr. Person and is open to further evaluation of the other candidates.
- 00:19:21 Commissioner Lamson said he would keep an open mind and would not shut any candidate out at this time. He said he is also open to consideration of new candidates.
- 00:20:04 Commissioner Bennion asked if Commissioners Lamson and Smith would submit names of other candidates who meet the criteria who would not be considered to be as partisan as Ms. Kaleczyc.
- 00:20:39 Commissioner Lamson said he would consider that but believed that Ms. Kaleczyc fit the criteria.
- 00:21:14 Commissioner Vaughey asked Commissioner Lamson to review his selection criteria. Commissioner Lamson said that he and Commissioner Smith think that experience with the issue, the ability to work collaboratively, the ability to compromise, and a commitment to an open process are the most important qualities to consider. He said that he considers Ms. Kaleczyc to possess all of those qualities.
- 00:22:58 Commissioner Vaughey said that some of the selection criteria she and Commissioner Bennion considered very important are existing knowledge, experience with the process, and respect from both political parties. She said that partisanship should not necessarily be a breaking point, but that there is a difference

between an individual with strong political feelings versus one who has been very politically active.

- 00:25:37 Commissioner Lamson said that, in his interviewing of the candidates offered by Commissioners Vaughey and Bennion, while all were willing to learn, none of them appeared to have a strong knowledge base. However, he said, NCSL and LSD staff knowledge and resources are extensive, so that may not be an issue. He said that a good working relationship on both sides is very important, and that Ms. Kaleczyc had provided a list of prominent Republicans with whom she has a strong working relationship.
- 00:27:47 Commissioner Bennion said it is understood that Ms. Kaleczyc is the top candidate from the Democrat Commission members but said he would respectfully request that they offer more than one choice. He said that having a pool of candidates from each party would allow more room for compromise. He suggested having each party put forth its top three choices.
- 00:28:53 Commissioner Smith said that he doesn't have another name to submit but would take the request under consideration.
- 00:29:21 Ms. Fox asked when the Commissioners wished to hold their next meeting.
- 00:29:37 After a brief discussion, the Commissioners agreed to meet via teleconference at 9 a.m. on May 7, 2009. Ms. Fox said she would issue notice to the public and make the arrangements.
- 00:32:32 Commissioner Lamson asked Mr. Person to provide his contact information. Mr. Person said his telephone number is (406) 443-4678.
- 00:33:23 Ms. Fox said the members would be receiving payroll information soon and that any Commission correspondence would be forwarded to them.
- 00:34:00 Commissioner Vaughey **moved** to adopt *Mason's Manual of Legislative Procedure* as the Commission's official procedural guide. The **motion passed** on a unanimous voice vote. The meeting was adjourned.

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