



Montana Districting and Apportionment Commission

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MINUTES

April 12, 2012

Community Center
Lewistown, Montana

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select *Committees*, then *Interim*. Once on the page for *Interim Committees*, scroll down to the appropriate committee. The written minutes summary, along with the audio and video recordings, are listed by meeting date on the interim committee's web page. You must have Real Player to listen to the audio recording or to view the video.

Hard copies of the exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

COMMITTEE MEMBERS PRESENT

Jim Regnier, Presiding Officer
Jon Bennion
Joe Lamson
Pat Smith
Linda Vaughey

STAFF PRESENT

Rachel Weiss, Research Analyst
Joe Kolman, Research Analyst
Julianne Burkhardt, Attorney
Dawn Field, Secretary

AGENDA & VISITORS' LIST

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

CALL TO ORDER AND ROLL CALL

00:00:01 Commissioner Regnier called the meeting to order at 6:30 p.m. Commission members and Legislative Services Division staff introduced themselves. The Secretary noted the roll, all members were present (Attachment 3).

WELCOME, ANNOUNCEMENTS, AND OVERVIEW OF MATERIALS

00:03:46 Commissioner Regnier asked Rachel Weiss to review materials in meeting packets. **Rachel Weiss, Research Analyst, Legislative Services Division (LSD)**, said that materials included two sets of minutes for review and approval.

00:04:38 Commissioner Regnier reviewed the purpose of the meeting, meeting protocol to be followed, and the mandatory and discretionary criteria adopted by the Commission.

PUBLIC COMMENT

00:13:27 **Toni Gies** spoke in support of the Communities Plan, saying that she thought it was the most equitable of all of the proposed plans.

00:13:41 **Alice Works** spoke in support of the Communities Plan. She said it favors the most communities in the state.

00:14:02 **Katherine Close** spoke in support of the Communities Plan. She said it the best map.

00:14:13 **Mary Jones** spoke in support of the Communities Plan. She said that she agreed with the previous comments about the Plan.

00:14:27 **Jim Elliott, Trout Creek, Chair, Montana Democratic Party**, said that he was speaking both as the Democratic Party Chair and as a former legislator. He said that he supports the Communities Plan for two reasons: because it maintains competition amongst the parties and because it maintains diversity of districts.

00:16:20 **Jeannie Rickert** thanked the Commission for the opportunity to comment. She said that the Communities Plan looks "OK" but said that she is concerned about how it will divide counties. She said that she doesn't see how certain areas can possibly understand or relate to the needs of other parts of the state. She said Montana encompasses a very diverse geographical area. She asked if it would be possible to draw districts that would follow county lines.

00:17:56 **J.D. DeMars** said that he supports the Communities Plan and agrees with Mr. Elliott's comments.

00:18:22 **Scott Close** said that he agrees with Mr. Elliott's comments and supports the Communities Plan. He said that the Plan would create districts that would be competitive and healthy.

00:18:42 **Todd Lark** said that he agrees with Mr. Elliott and supports the Communities Plan. He said that Montana is a diversified people and having a multifaceted legislature is a good thing because it truly represents the people.

- 00:19:16 **Jeff Sheldon, Lewistown**, said that he agrees with Mr. Elliott's comments, with the exception of splitting Lewistown into three districts. He said that he would like to see urban and rural, and suburban areas combined into all voting districts.
- 00:20:29 **Marie Anderson, Lewistown**, said that she supports the Communities Plan for all of the reasons previously stated.
- 00:21:06 **Sen. Jim Peterson, Buffalo, SD 15**, said that he represents the largest legislative district in the state, which encompasses parts of six counties. Sen. Peterson discussed his main concern that rural areas not be made irrelevant in the redistricting process by being combined with urban districts. He asked that the Commissioners consider that when finalizing the legislative districts. He submitted his comments into the record (EXHIBIT 1).
- 00:28:21 **Rep. Bill Harris, HD 30**, said that he represents the largest house district in the state. He said what is really at stake in this process is the future of Montana and its people, as the state's most important asset. He said that the rural background of the state is what makes Montana so great and it will be up to the Commission to decide if it wants Montana to survive as Montana has been, or not. He said that the needs of rural Montana have largely been ignored, particularly since the 1972 Constitutional Convention. He said it is the responsibility of the Commission to give serious consideration to these issues when drawing district lines.
- 00:32:28 **Jerry Van Haur** said that he agrees with the statements made by Sen. Peterson and Rep. Harris. He said that he was not aware of the hearing until he saw the notice in today's paper. He noted that very few rural people were present at the hearing and that he is concerned that people in rural areas won't know what is going on and won't have a say in the districting process. Commissioner Regnier asked Mr. Vanhaur to let interested people know that they can submit public comment to the Commission.
- 00:33:52 **Lonny Bergstrom** urged the Commission to consider trade areas when planning district lines. He said that he doesn't like the Communities Plan but does like the Urban Rural Plan because it offers a balanced mix. He asked that odd-shaped districts be avoided and to create logical districts, and that the Commissioners not consider politics at all when drawing district lines.
- 00:35:01 **Chuck LaFountain** said that he agrees with the statements made by the last four people regarding concerns that the voice of rural people has been diminished. He said they need to have their say like other citizens do.
- 00:35:39 **Rep. Ryan Osmundson, HD 29**, said that he was speaking for himself and not as a legislator. He thanked the Commissioners for their work and said that it must be a very challenging job. He agreed with Mr. Bergstrom that it is important to be aware of trade areas important and asked the Commissioners to be aware of where people do business. He said that in looking at the maps, it appears to him that he would be representing areas where he rarely goes and has little in common with.

- 00:37:55 Mr. Vanhaur asked if Missouri River goes through middle of districts in the Communities Plan of district. He said that having the river divide the district would present an insurmountable natural barrier.
- 00:38:50 **Shelly Van Haur** said that this situation reminded her of a situation in Madison County where a once-convenient Natural Resources and Conservation Services (NRCS) Office in Madison County was moved to Sheridan, which made it over an 80-mile drive, which is very inconvenient and bothersome for users. She said that being part of a community means being able to participate and that geographical barriers and long distances prevent citizens from that. She said that under certain plans, including the Communities Plan, she fears that participation will greatly decrease due to barriers and long travel distances, and that legislators will not be interested in visiting remote areas of their district.
- 00:42:23 **Kevin Myhre, City Manager, Lewistown**, said that the current districts created a boundary down the center of Main Street. He said that he is not supporting a particular map but is asking that Lewistown be kept intact and as a complete unit. He said he would support whatever map does that.
- 00:43:37 **Rachel Stanberry** said that she agrees with Mr. Myhre's comments about not splitting Lewistown.
- 00:44:10 **Newell Roche, Lewiston**, said that he also agrees that Lewistown should be kept intact. He said that he doesn't believe that Lewistown gets fair representation being split and that he would like to return to one district.
- 00:44:52 **Dan Bartel** said that he agrees with the previous comments made regarding the importance of considering community interests when making boundaries, as well as geographic and county lines. He said that politics should not be involved at all. He asked the Commissioners to keep Lewistown whole.
- 00:45:52 **Kurt Eastman** said that he found a statement written by someone else that accurately reflected his opinion and that he would like to read it into the record. The statement urged the Commission not to use political data and election results to draw district lines, that political parties should not manipulate boundaries to maximize the number of seats to be won in elections, and that the last map was a result of heavy reliance on political data and served the Democratic Party. He said that maps submitted by local governments should be carefully considered because they know the needs of their community. He said that he was sure that the Communities Plan is gerrymandered and asked the Commission not consider it. He said that all he wants is a fair process that allows equal votes.
- 00:48:48 **Burl Wright, Lewistown**, said that he agrees with comments made about not dividing Lewistown and that it does a great injustice to the community by separating communities of interest. He said that he would support the Communities Plan, so long as Lewistown is kept whole. He said that he supports a competitive elections process.

- 00:50:01 **Don Otis** said that he supports the comments made by Sen. Peterson, Rep. Harris and Rep. Osmundson. He said that he likes the idea of dividing Lewistown because it gives Lewistown two votes and greater representation.
- 00:51:39 **Bruce Williams** thanked the Commissioners for their service to Montana. He said that using geographic boundaries as district lines make the most sense, that he supports keeping Lewistown whole, and that he doesn't want politics in the process. He said that he agrees with the comments made by Rep. Osmundson and Sen. Peterson and that he would like the nonpartisan maps drawn by staff to be used as starting points.
- 00:53:07 **Mr. Torgerson** said that he agrees with the comments made by Sen. Peterson, Rep. Harris and Rep. Osmundson. He said he though it was very important that the rural people have equal input, that trade areas and natural boundaries must be considered in drawing district lines.
- 00:54:00 **Jerry Gill** said that there is a difference between a politician and a statesman and that his hope is that the Commissioners act as statesmen and not politicians. He asked that they work for Montana and not the political parties.
- 00:54:45 **Charlotte Morr** said that she supports the Communities Plan and that keeping Lewistown in a single district would result in enormous districts for the surrounding area.

COMMISSIONER COMMENTS

- 00:56:24 Commissioner Regnier said that each Commissioner would have the opportunity to respond to comments. He said that he would like to make clear that the public comment period continues until early August, when the Commission will meet to begin drafting a plan. He said the Commissioners are eager to hear from the public.
- 00:57:14 Ms. Weiss said that contact information is being displayed on the projector screen and that paper copies are available in the meeting room. She said that staff is available for questions any time and welcomes inquiries.
- 00:58:14 Commissioner Lamson thanked the citizens for taking the time to travel to the hearing. He discussed his role in the last districting cycle and why Lewistown was split into two districts, which fairly balanced the needs of rural citizens and urban citizens. He said that all of the plans will be considered, that many changes will be made before the process is complete, and that public input is very important.
- 01:00:09 Commissioner Vaughey thanked everyone for attending the hearing. She said that she wanted everyone to be clear that the maps, at this point, are just starting points and meant to start discussion about what will be best for each area. She said that Commissioners will continue to take ideas and suggestions on how to amend the maps over the next several months and she encouraged everyone to continue to communicate with the Commission.

- 01:02:13 Commissioner Bennion thanked everyone for their comments and participation, saying that public involvement is essential to creating maps that look like Montana. He echoed Commissioner Vaughey's comments that the maps are just starting points and reiterated that the Commission wants to hear from local communities.
- 01:03:15 Commissioner Smith thanked the public for their comments also and said that many good points were made. He encouraged them to continue to submit their thoughts and ideas and said that there is a great deal of interesting information on the Districting and Apportionment webpages.
- 01:04:13 Commissioner Regnier said that the most important rule of redistricting is often overlooked, which is that the United States Supreme Court ruling provided "one person, one vote" as the hallmark of our democracy and that all votes should have the same weight. He said that the current Commission adopted a more stringent population deviation criteria in order to avoid dilution of votes. He discussed the dramatic population shifts that occurred in Montana in the last census and said that it will be a daunting task for the Commission to draw 100 districts with same number of people in each district. Commissioner Regnier said that all of the Commissioners are very cognizant of the importance of the rural vote and that the Commission will comply to the mandatory criteria to the best of its ability, but that Montana has certain issues to deal with that other states do not, such as certain geographical barriers, trade areas, and communities of interest. He said as a former Montana Supreme Court Justice and attorney for over forty years, he wants to be very sure that the Commission follows the districting requirements set forth in both the state and national constitutional constitutions.

ADJOURNMENT

- 01:08:58 With no further business before the Commission, Chair Regnier adjourned the hearing at 7:40 p.m. The Commission will meet next in Bozeman on April 13, 2012.

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