



Montana Districting and Apportionment Commission

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MINUTES

March 13, 2012

University of Montana School of Law, Room 101
Missoula, 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.

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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, Staff Attorney
Dawn Field, Secretary

AGENDA & VISITORS' LIST

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

CALL TO ORDER AND ROLL CALL

- 00:00:10 Commissioner Regnier called the meeting to order at 7:00 p.m. The Secretary took roll, all members were present (Attachment 3). Commissioner Regnier welcomed the public and introduced staff.
- 00:02:55 **Rachel Weiss, Research Analyst, Legislative Services Division (LSD)**, reviewed meeting materials, noting that the Commissioners have copies of the Communities Plan report (EXHIBIT 1) and a request from Rep. Matt Rosendale to hold a districting hearing east of Miles City (EXHIBIT 2).
- 00:03:55 Commissioner Regnier said the Commissioners would take Rep. Rosendale's request under consideration. He reviewed the mandatory and discretionary criteria adopted by the Commissioners (EXHIBIT 3) and thanked the staff for their work in producing the maps.
- 00:06:54 Commissioner Regnier briefly reviewed the four maps developed by staff (Existing, Suburban, Urban Rural, and Deviation Plans) and the Communities Plan, developed by Commissioners Lamson and Smith.
- 00:08:18 Commissioner Regnier reviewed the purpose of the hearing and meeting protocol to be followed.

PUBLIC COMMENT

- 00:11:18 **Fred Thomas, Stevensville**, said that as a former Senate Majority Leader, he led efforts to stop the last districting plans. He discussed several important elements necessary for fair and impartial districting. He encouraged the Commissioners to use growth as another criteria, since certain areas of Montana are experiencing very high percentages of population growth and others are seeing either no growth or losses in population. He also asked that the districts keep rural areas together and urban with urban. He asked the Missoula County not be divided into the "pinwheel" as it was in the last districting cycle and that Ravalli County be kept together. He said the authors of the districting process adopted at the 1972 Constitutional Convention wanted to keep politics out of the process and that it is incumbent upon the Commissioners to prove them right and to create districts that are compact, contiguous, and as equal as possible.
- 00:14:13 **Sen. Bob Lake, SD 44**, thanked the Commissioners for their work. He said he and others have worked with the local clerk and recorder to create a map which better suits his area and maintains more commonality between districts (EXHIBIT 4) and that he hoped the Commissioners would give the map consideration. He discussed the example of the Pinesdale community and its strange placement in the Commission's maps, saying it has nothing in common with the district it was placed in but does have strong ties to Hamilton and Corvallis.
- 00:16:58 **Rep. Tim Furey, HD 91, Missoula**, said that he represents a unique district with an interesting combination of communities but one that has worked well, in his

opinion. He said he supports the Communities Plan because it communities together. He said that the other plans split his district and that he hopes the Communities Plan will be seriously considered.

- 00:19:18 **Rep. Dick Barrett, HD 93, Missoula**, thanked the Commissioners for their work. He suggested that competitiveness in districts should be one additional criteria because competition makes for better candidates and better legislators. He said an additional benefit of competitive districts is that minority party voters don't become disenfranchised and that both parties have to work harder at recruiting strong candidates. He urged the Commissioners to analyze and evaluate each district in terms of making each as competitive as possible.
- 00:23:24 **Willis Purdy, Big Flat/Missoula Valley resident**, discussed the lack of commonality within his current district and spoke in support of the Communities Plan, saying it would provide a means to tie Big Flat and Blue Mountain residents with whom they have a common interest. Mr. Purdy submitted written testimony (EXHIBIT 5).
- 00:26:21 **Linda Frey** thanked the Commissioners for their service and for the opportunity to testify. She said she feels strongly that boundaries of any district should be set not to weaken, but to strengthen both democratic accountability and the democratic system. She said that the Communities Plan would undermine both and would breed disillusionment and cynicism. She compared voting to Missoula to placing bets in a rigged casino game and discussed the "wagon wheel effect" of the current districts. She said that the question to be asked is, whose interests are being served - the citizens or political parties. She said she would hope that political considerations of either side would receive no consideration in the mapping process and asked the Commissioners to remember that the goal is to represent citizens, not to re-elect or protect incumbents; and to draw lines that will represent natural constituencies and strengthen the democratic process.
- 00:29:58 **Jason Wiener, Ward 1, Missoula**, spoke in support of the Communities Plan and said he agrees with comments made by Rep. Barrett regarding the need for competitive districts.
- 00:32:56 **Dave Severson, retired government teacher**, spoke in favor of the Communities Plan because it is the least gerrymandered of all plans. He said the Communities Plan keeps communities intact, follows geographic boundaries and keeps communities of interest together. He discussed the other plans and the weaknesses he sees in them.
- 00:35:10 **Rep. Carolyn Squires, HD 91**, thanked the Commissioners for the opportunity to testify and for the choices in plans, particularly in consideration of Native American voters. Rep. Squires discussed the maps requested and how they should be considered as legislation, and be given careful scrutiny and consideration for all criteria. Rep. Squires discussed her districts and her experience as a legislator having an opponent in each re-election cycle. She said that she appreciates that because it keeps her in touch with her constituents and their needs. She discussed a low income school in her district and how it is the

hub of her district, saying that her point is that commonality is most important thing in districts.

- 00:40:19 **Chris Schipp, UM law student**, thanked the Commissioners for meeting with the law school students in advance of the public hearing. He discussed the proposed maps and the needs of the university district. He said that the Communities Plan does not represent the university district and that students would be much better served if they were in a single district, rather than being split.
- 00:41:52 **Rep. Patrick Connell, HD 87, Ravalli County and Pinesdale**, discussed the "donut hole" in his district which isolates the residents and creates a lop-sided population. He said that it is important to look at where the people live and the geographical boundaries that dictate that, and that while he is honored to represent Pinesdale, he doesn't think they get the best representation in their current district. Rep. Connell discussed the social, economic, and cultural connections of Pinesdale and asked that maps be drawn to better reflect the unique needs of the people.
- 00:46:25 **Rep. Sue Malek, HD 98, Missoula**, spoke in support of the Communities Plan and the strengths of diverse districts. She discussed her plans to walk her district in order to meet the constituents in an effort to properly represent them. She said that as an elected official, she will work to maintain close working relationship with county commissioners and others to advocate for the needs of her district. She urged adoption of the Communities Plan.
- 00:50:03 **Ben Darrow, Missoula**, spoke in support of the Communities Plan and the need for competitive districts. Mr. Darrow referred to previous testimony about keeping the university district in one legislative district and stated that dividing the students into different districts would increase their voice and strengthen their vote because they would have more than one representative. He also discussed Whitefish and discouraged it being divided.
- 00:52:35 **Rep. Pat Ingraham, HD 13**, commended the Legislative Services Division staff for their nonpartisan and professional work. She spoke in support of the Subdivision Plan for Sanders County, saying that it follows communities of interest and political subdivisions. She encouraged the Commissioners to consider that and said it makes the most sense to keep these groups together. Rep. Ingraham said that she likes the Communities Plan the least because it would cut her district into pieces and isolate communities from others with which they share much in common. She discussed other objections to the Communities Plan.
- 00:56:46 **Rep. Bryce Bennett, HD 92**, spoke in support of the Communities Plan. He said he loves his district because is it diverse and competitive. He said that the Communities Plan keeps small towns together but combines urban and rural areas who interact with one another. He said it would also promote very competitive districts which is good for the process. He said that even though Montana voters have very diverse interests and needs, they also share many of

the same priorities and values; and that the Communities Plan would best fit all needs.

- 00:59:39 **Terry Nelson, Ravalli County**, thanked the Commissioners for their work. He discussed why the Existing, Communities, and Deviation Plans would not be good for his county. He said that the Montana Constitution stipulates that districts be compact and contiguous and that he would like the commissioners to focus on that. Mr. Nelson said that he likes both the Urban Rural Plan and the Subdivision Plan, but prefers the Subdivision. Mr. Nelson presented a map of Ravalli County (EXHIBIT 6) with districts drawn in the shape of party symbols as a reminder to keep politics out of the process.
- 01:02:40 Commissioner Regnier recessed the hearing for a 10-minute break at 8 p.m.
BREAK
Commissioner Regnier called the hearing back to order at 8:15 p.m.
- 01:12:22 **Ross Proserpi** spoke in favor of the Communities Plan. He said that it keeps the most communities intact and makes sense to divide the communities as it does. He said that it would offer a varied constituency for legislators and that varied districts prevents consolidation of votes in a single district.
- 01:14:19 **Ann Marcoccio, Missoula**, said that she works with young voters and that her interest is in getting the best long-term decision possible. She spoke in support of the Communities Plan, saying that it will keep small towns and school districts together. She said that legislative districts are a part of a political system so they need to be competitive and makes people talk to each other and work through their differences. She said that if people are placed into small little silos of similar interests, no information or new ideas would be exchanged.
- 01:16:20 **Pam Walzer, Missoula**, said that as a former city council member and local government study commission member, she appreciates the work required of the commissioners. Ms. Walzer said that she would like to point out that the staff plans were designed according to direction but that certain elements were missed, such as consideration of what communities' needs are. She said the most stark example of how the staff maps err is the Urban Rural Plan and explained her position. Ms. Walzer said that she supports the Communities Plan because it understands that Montana is not simply an urban or a rural area.
- 01:21:09 **Hollis Poe, citizen and business owner, Ravalli County**, said that his house district is a perfect example of gerrymandering and he urged the Commissioners to keep politics out of the mapping process. He said that the Commissioners would do a tremendous service to the people of Montana if they follow the districting criteria and requirements set forth in the Montana Constitution.
- 01:23:04 **Daniel Kemmis, Missoula**, read a letter into the record (EXHIBIT 7) outlining the gravely important task of redistricting, considering the increasing role of partisanship in government. Mr. Kemmis said that people care more about where they live than they do politics, and that the Commissioners have the opportunity to shape the maps to reflect real places as much as possible. He said that none

of the current maps are ideal but that the Urban Rural Plan comes closest to reflecting real places, with the Subdivision Plan next best. He said that the "slices of pie" maps don't achieve this. Mr. Kemmis urged the Commissioners to focus on creating districts that look like places that the people know and inhabit.

- 01:29:54 **Dustin Hankinson** spoke in support of the Urban Rural Plan.
- 01:34:26 **Rep. Michelle Reinhart, HD 97, Missoula**, spoke in support of the Communities Plan, saying that the other plans would allow legislators to become rigid and single minded. Diverse districts, she said, will force legislators to reconcile and balance many interests and needs, and become better listeners and problem solvers. Rep. Reinhart submitted written testimony into the record (EXHIBIT 8).
- 01:37:38 **Maureen Connor, Granite County Commissioner**, submitted a map and written testimony into the record (EXHIBIT 9) in support of the Subdivision Plan. Ms. Connor discussed several reasons why Granite and Powell Counties support the plan and thanked the Commissioners for their time and efforts devoted to the districting process.
- 01:39:25 **Rep. Mike Miller, HD 84, Helmville**, said that his district is a good example of what not to do this time around. Rep. Miller submitted a letter into the record outlining his opinion of each proposed plan and stated his support for the Subdivision Plan (EXHIBIT 10).
- 01:40:43 **Jon Meakin, Stevensville, Ravalli County**, spoke in support of the Communities Plan, saying that it preserves the county seat in one district and protects communities of interest. He said that Subdivision Plan would be bad for Ravalli County because it would divide Hamilton in half.
- 01:45:00 **Ed Lord, Philipsburg**, said that he strongly favors the Subdivision Plan because it fits the mandatory and discretionary criteria perfectly. He said he agrees with the testimony given by Maureen Connor and Rep. Mike Miller.
- 01:45:53 **Connie Lord, Philipsburg**, said that she supports the Subdivision Plan and agrees with the testimony given by Maureen Connor, Rep. Mike Miller, and Ed Lord.
- 01:46:40 **Rep. Tom Facey, HD 95**, said that he even though he was elected to represent House District 95, he strives to represent Missoula County as a whole. He asked the Commissioners to consider school districts as a political subdivision in the mapping process.
- 01:47:57 **Gene Williams, Hamilton**, spoke in favor of the Subdivision Plan, saying it preserves the commonality of the area and keeps it contiguous. He said he agreed with the comments made about keeping partisan politics out of the process. He thanked the Commissioners for their work and said he wished them well in their endeavors.

- 01:50:41 **Harris Himes, Hamilton**, said he was amazed that citizens testified that it was alright to split some communities but not others. He said it is important to note that since the process is supposed to be nonpartisan, it is very clear that the Communities Plan was put forth by the Democrats and that the Democrats present have all endorsed the Communities Plan, with the exception of Mr. Kemmis. He said that the constitutional requirement for compact and contiguous districts must be followed and that the Subdivision Plan does the best job of meeting that criteria.
- 01:52:22 **Rep. Champ Edmunds, HD 100, Missoula**, thanked the Commissioners and staff for their work. He said that about 40% of people in Missoula vote Republican but that he is the only elected Republican legislator. Rep. Edmunds said that the Communities Plan would perpetuate that and does not take into consideration the criteria set by the Constitution. He said the Urban Rural Plan best follows the requirements of the Constitution.
- 01:53:22 **Will Deschamps, Missoula**, thanked the Commissioners for the opportunity to testify. He noted that he is the Chair of the Republican Party but was not representing the Party at the hearing. Mr. Deschamps discussed the election results from the last four cycles and the domination of the Democratic party in Missoula County. He said he agreed with Rep. Edmund's comments about the Communities Plan and said that he would support either the Deviation Plan or the Urban Rural Plan.
- 01:55:24 **Sen. Jim Shockley, SD 45, Ravalli County**, said that he was not present to endorse a map but to discuss his district and the importance of a common sense approach in laying out districts.
- 01:58:29 **Dan Stusek, UM law student, Missoula**, spoke about the need for consistency in the mapping process. He said that the Communities Plan very closely resembles the current district and that competitiveness was not adopted as a criteria and should not be used as one.
- 02:00:54 **Coy Harwood, Missoula**, thanked the Commissioners for their time and hard work and asked that they honor the importance and history of American Indians in designing the districts, and to protect their voice by adopting the Communities Plan. He said it is the only plan that protects minority voting rights and creates fair districts throughout state.
- 02:02:30 **Dave Kendall, Missoula**, spoke in support of the Communities Plan. He said that he resides in House District 92 and that while his district has an odd makeup, he now understands the logic behind it. He said that while competitiveness is not an adopted criteria, it is an important factor and should be considered. He said that charges of gerrymandering are unfounded and that he hopes they will not get in the way of the Commissioners doing their job.
- 02:04:17 **Alex Beal, attorney, Lolo**, discussed the need for the Commissioners to maintain a certain level of neutrality in the districting process and that the measure of success in developing plans should be the level of clarity and ease of

which citizens are able to assimilate and understand them. He said the plans must make sense and be workable to be average Montanan.

- 02:07:29
BREAK
- 02:14:40 Commissioner Regnier recessed the hearing for a five-minute break at 9:05 p.m.
- 02:14:40 Commissioner Regnier called the hearing back to order at 9:10 p.m.
- 02:14:54 **William Menager, west of Hamilton**, said that as a rural resident, he speaks for those who live in rural areas and who feel they have lost their voice by being combined with urban areas.
- 02:16:04 **Suzanna Purylon, Florence**, referred to Article 5, section 14 of the Constitution requiring districts to be compact and contiguous.
- 02:16:41 **Mya Fadely, Stevensville**, said that she wants all legislative processes, including the districting process, to adhere to the requirements in the Constitution.
- 02:17:39 **Keven, Fadely, Stevensville**, spoke in support of the Subdivision Plan, saying that it follows the mandates set by the Constitution.
- 02:18:01 **Karla Wallace** said that she participated in election campaigns in Ravalli County in the last election cycle and found the district lines to be confusing and difficult to work with. She said that simplicity and clarity are superior to division and confusion and to please consider that when drawing the new district lines.
- 02:19:01 **Larry Anderson, Missoula**, said that as a local politician, his opinion is that people with little in common don't want to be in a district together. He said that the Subdivision Plan is good because it would keep school districts and other communities of interest in place. He said he opposes the Communities Plan because, for example, it would break up a number of neighborhood council districts in Missoula. He said to use the Subdivision or Urban Rural Plans as a start.
- 02:21:09 **Bruceen Fleenor** said that she agrees with the comments made by Terry Johnson, Ravalli County, regarding the need to closely follow the mandates of the Constitution.
- 02:21:43 **Valerie Stamey, Victor**, said that she lives in Victor but works in Missoula and that her opinion is that just because one travels through or works in an area doesn't mean that a commonality exists. She said that she would like her representative to be able to represent her interests and that her interests not be watered down by others with different needs. She said if the goal is to be diverse, then districts should not be watered down to make them all look the same.
- 02:24:01 **Adam Hertz, Missoula City Council, Ward 2**, asked the Commissioners to honor their constitutional commitment to an impartial redistricting process. He said that several House districts in Missoula are neither compact nor contiguous as required by the state constitution. He said that these districts run from the

most densely populated areas of Missoula out to suburban and rural areas, and that suburban and rural voters are overwhelmed by urban voters. He urged the Commissioners to adopt the Urban Rural or Subdivision Plans because they would create competitive, compact, contiguous, and fair districts. Mr. Hertz said that the worst possible outcome would be adoption of the Communities Plan and that Missoula County representatives ought to be able to say they represent a particular area without having to refer to a map.

- 02:25:41 **Nancy Wilson, candidate for HD 97, Missoula**, said that she is speaking only from a Missoula perspective and that the Communities Plan is the only plan that will serve her community's needs in the next ten years. She said that the population in the urban core will become even more dense in the next decade and that she fears that citizens will be under-represented if the Communities Plan is not adopted.
- 02:26:48 **Lily McAlister**, spoke in support of the Urban Rural Plan because it would keep communities together.
- 02:27:09 **Josh Hennes, candidate for HD 89, Ravalli County**, asked that the Commissioners reject the Communities and Existing Plans and said that he would accept any of the three remaining plans. He asked that the constitutional requirements be adhered to and to avoid social engineering by placing rural and urban voters together.
- 02:28:04 **Sen. Carol Williams, SD 46, Missoula**, said she thinks Missoula's elected officials do think more broadly and inclusively than some of the previous testimony would suggest. She said she was disappointed with the comments about gerrymandering and said that her concern is that it leaves the impression that plans are presented with ulterior motives. She said that she does not believe that is the case or that the Commissioners don't know what their constitutional responsibilities are. She said the districting process is a huge challenge and that she appreciates the Commissioners' willingness to take it on. Sen. Williams said that while she appreciates the good work of the Legislative Services Division staff, it is based on what they are given and that three of the staff-prepared maps were based on Republican-directed plans. She said that the staff did a great job but that it shouldn't be forgotten that just because the plan came from Legislative Services, that it isn't partisan. Sen. Williams said that she supports the Communities Plan because of the low deviation and that she was delighted that so many people showed up to offer comment.
- 02:31:29 **Sen. Ron Erickson, SD 47, Missoula**, thanked the Commissioners for their service. He discussed his former House district and current Senate district and said that he appreciates the diversity of both districts and the challenge of representing the constituents. Sen. Erickson said that he supports the Communities Plan because it will continue to combine different types of people and needs. He said it makes him a better legislator when he has to represent a diverse group of people.

- 02:35:03 **Ron Hallock, East Corvallis**, said that he supports the Subdivision Plan because of the relationships between Corvallis and Pinesdale and other small communities. He said that families are separated under other plans. Mr. Hallock submitted written testimony for the record (EXHIBIT 11).
- 02:36:47 **Wesley Ediger, Stevensville**, agreed with previous comments made about lumping small communities in with larger areas. He said they are separate identities and need to be represented as such. He said he would like the districting process to be nonpolitical.
- 02:38:13 **Jonathon Dunbar**, thanked the Commissioners for their work. He said that he supports the Communities Plan and asked that as the work goes forward and plans change, that the Native American voting strength be maintained. He asked that the constitutional needs be met in order to allow Montana to move forward without the need for litigation.
- 02:39:36 **Ada Reep, Evaro**, thanked the Commissioners for the opportunity to testify and said that she strongly supports the Communities Plan and that she agrees with the previous testimony given in support of the Community Plan.
- 02:41:07 **Charlie Olinger, Chair, Missoula County Central Republican Committee**, said that he supports the Subdivision and Rural Urban Plans. He encouraged the Commissioners to follow the Constitutional requirements in the districting process.
- 02:41:34 **Clancy Kenck, Missoula**, said he wants a representative who will represent his community's needs and not have to be concerned about other communities.

COMMISSIONER COMMENTS

- 02:42:46 Commissioner Vaughney thanked the citizens for coming to share their thoughts and opinions. He asked them to continue to communicate with the Commissioners and said that contact information is available on the Districting website.
- 02:43:26 Commissioner Smith thanked everyone for the comments. He said that he took careful notes and that he would give each careful consideration.
- 02:43:44 Commissioner Lamson thanked the public for their participation and said that he appreciated the civility and thoughts brought to the hearing. He said he especially appreciated those who made the effort to travel from out of town to testify.
- 02:44:30 Commissioner Bennion said he too was very appreciative of the comments and that he believes that the more people are involved, the better the outcome will be. He urged citizens to submit additional comments and specific information to back up their comment.
- 02:45:21 Commissioner Regnier thanked everyone for their participation and comments.

ADJOURNMENT

02:45:42 With no further business before the Districting and Apportionment Commission, the meeting was adjourned at 9:45 p.m. The Commission will meet next on April 14, 2012, in Pablo, Montana.

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