



Montana Districting and Apportionment Commission

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MINUTES

March 14, 2012
1:00 p.m.

Confederated Salish and Kootenai Tribal Council Chambers
Pablo, 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

00:00:01 Commissioner Regnier called the meeting to order at 1:00 p.m. The Secretary took roll, all Commissioners were present (Attachment 3).

WELCOME AND ANNOUNCEMENTS

00:01:52 Commissioner Regnier welcomed the public to meeting and thanked them for taking the time to participate in the districting process. The Commissioners introduced themselves and Commissioner Regnier introduced the staff.

OVERVIEW OF ADOPTED DISTRICTING CRITERIA, HEARING PURPOSE, AND PUBLIC COMMENT GUIDELINES

00:03:38 Commissioner Regnier reviewed the mandatory and discretionary criteria adopted by the Commission. He explained the purpose of the hearing and the meeting protocol to be followed. The Commissioners discussed a request by Rep. Rosendale to hold a districting hearing east of Miles City. It was agreed that sufficient hearings were already scheduled. Commissioner Regnier instructed staff to notify Rep. Rosendale of their decision.

PUBLIC COMMENT

00:13:08 **Jim Simpson, Polson, Lake County**, discussed the importance of following the lines of political boundaries and keeping communities of interest intact. He commented that most of the proposed maps frequently divide cities, towns, and school districts which, he said, leads to division in communities and a reduced ability to speak with a unified voice. Mr. Simpson urged the Commissioners to follow all adopted criteria in developing the final map and to pay particular attention to following political boundary lines and keeping communities of interest intact. Mr. Simpson submitted his statement into the record (EXHIBIT 1).

00:16:00 **Carole Lankford, Vice Chair, Confederated Salish and Kootenai Tribes**, presented testimony on behalf of the Confederated Salish and Kootenai Tribes which included the Tribes' support the Communities Plan, the Tribes' concerns about the other plans, and their relationship with the Blackfoot Tribe. Ms. Lankford submitted her statement into the record (EXHIBIT 2).

00:23:11 **Sen. Cliff Larsen, SD 50, Missoula County**, discussed a portion of SD 50 that encompasses HD 91, and how the Communities Plan would maintain the Indian communities of interest within his district. Sen. Larsen submitted his statement into the record (EXHIBIT 3).

00:25:57 **Rep. Joe Read, HD 15**, welcomed the Commissioners to his House district. He discussed the geographical impracticalities of HD 15 and said that he has no logical solutions but could offer several suggestions on different combinations that might be more workable and would create districts specifically for the Tribes. He discussed the sometimes contentious relationship between the Blackfeet and Salish and Kootenai communities and said even though there aren't problems between the tribal governments, there isn't a clear understanding among the

citizens of why they are grouped together for districting purposes, which has caused problems. Rep. Read discussed issues he has encountered running in HD 15 as a non tribal member but said his experience and family ties make him a good representative for the district. He commented on statements made the previous evening at the Missoula hearing regarding the advantages of the Communities Plan. He then discussed his opinion that the terminology in the Plan sounded nice but that the districts in Missoula County were not competitive and were designed to remain under the control of the Democratic Party. He said that the Communities Plan may work in some areas but that he feared that Republicans would be under-represented in Missoula County under that plan.

00:33:30 **Jason Smith, Confederated Salish Kootenai Tribal member**, spoke in support of the Communities Plan and the importance of protecting communities of interest and minority voting rights.

00:35:56 **Norman Johnson, Polson**, thanked the Salish and Kootenai Tribes for hosting the hearing and the Commission for their service. He discussed his objections to the Communities Plan and said that while it is the plan he favors, a number of changes need to be made before he would support it. He said if the changes are made, the plan has the potential to become the fairest of all proposed plans. Mr. Johnson submitted his testimony into the record (EXHIBIT 4).

00:39:49 **Rep. Dan Salomon, HD 12**, discussed how school districts intersect with legislative house districts and made the point that a "meat cleaver" approach was taken to Lake County under several of the plans. Rep. Salomon said that it is important for people to have a sense of community, which school districts provide, and that the plans do not support that. He said that contiguous districts are very important and allow a representative to have a sense of what the needs of the constituents are. He said that his district encompasses many local, county, state, tribal, and federal issues and that it would be difficult for a legislator from another area to truly understand the complex issues and needs of his community; and that it would be difficult for the people to know how to access and utilize their legislators under most of the plans. Rep. Salomon emphasized the need for contiguous districts and suggested that the Commissioners follow the adopted criteria, take politics out of the process, and to keep working to improve the maps in order to provide better local representation.

00:44:59 **Jeff Smith, owner of Kerr Radio and Anderson Broadcasting**, said it is difficult to cover election night and tough for candidates to campaign in strangely drawn districts. He said that said candidates should be able to get to their constituency through one media outlet and that he was not endorsing a particular plan but suggesting that districts be more contained within a local area.

00:46:33 **Darold Shaffer** said that he agreed with previous statements about the lack of compactness and contiguous districts in the proposed plans. He said that despite the criteria that race could not be considered as a predominant factor in drawing district lines, it was very obvious to him that race was used as a factor in several of the plans. He said that he was raised on the Flathead Reservation and has many friends who are tribal members but that he would like to see a district that

does not require the Blackfoot and Salish Kootenai Tribes to be combined. He said that such a district creates long travel distances for representatives, presents considerable geographical challenges, and that districts created for Native Americans makes the Caucasian voters the minority. Mr. Shaffer encouraged the Commissioners to look at Lake County and design districts that would not break it into so many districts combined with other counties. He thanked the Commissioners for their service and commended them for their work and dedication.

00:49:57 **Niki Zupanic, Public Policy Director, American Civil Liberties Union (ACLU)**, thanked the Commissioners for their work. She said that the ACLU is a nonpartisan organization and is predominately interested in ensuring compliance with the federal Voting Rights Act. She discussed the ACLU's historical involvement with Native American voting rights and the resulting Supreme Court decision that created the Act. She discussed the evolution of the Indian voting districts in Montana through the last several districting plans and the creation of the six Indian majority House districts and the three Indian majority Senate districts. Ms. Zupanic said that in 2004, Montana had largest number of American Indian legislators elected to a state legislature in the nation but even with that accomplishment threats still remain, such as attempts to restrict access to polls through restrictions of what types of identification may be used at polling places and census undercounting on reservations. She encouraged the Commission to remain mindful of the needs of Native American voters and to consider the comments of the tribal members in their deliberations.

00:55:34 **Greg Hertz, Polson, Lake County**, noted that he is a candidate for HD 11. He said that he disagrees with Ms. Zupanic's comments about the undercount of Native American voters on reservations and agrees with many of the comments made by Rep. Salomon. He said that a key criteria is compact and contiguous districts and benefits voters because it helps the representative have a better understanding of constituent needs. Mr. Hertz said that long and meandering districts indicate a possibility of gerrymandering, which should not be allowed in the process. Regarding Lake County, Mr. Hertz said the goal should be a solid two districts and that it makes sense to put Polson and the Upper Flathead Lake in one district and the southern half of the county in another district.

00:59:41 Commissioner Regnier recessed the hearing for 10 minute break at 2:05 p.m.

BREAK

01:10:24 Commissioner Regnier reconvened the hearing at 2:18 p.m.

01:10:59 **Rep. Janna Taylor, HD 11**, expressed surprise that one of the proposed plans was drawn by the Democratic Party and recalled that the Constitutional Convention members specifically did not give control of the districting process to the legislature because the concept was to make the process nonpartisan. She asked that the Commission come up with a nonpartisan map. She discussed the need to keep communities of interest together and agreed with Rep. Salomon's statements regarding using school districts as voting district boundaries. Rep. Taylor thanked the Commissioners for their work and thanked them for traveling

to Pablo to take public comments. She emphasized the need to make the districting process nonpartisan.

- 01:13:12 **Frank Delgado, St. Ignatius, business owner**, said that he wished to express the bewilderment of his neighbors and friends about how towns and neighborhoods were being split in the districting process. He said that St. Ignatius, for example, was split in half by Highway 93. He said this creates a lack of unity and that the people in a community want and need one person to go to with their problems. He said that he realizes that the process is a difficult one but that he hopes that a more reasonable map can be drawn.
- 01:15:22 **Mauri Morin, Ronan**, said that he agrees with Rep. Salomon's and Mr. Hertz's comments and said that using Highway 93 to split his district makes no sense. He said that until Joe Read was elected, it was very difficult to get their legislator to attend to their needs. He asked that his community not be cut up.
- 01:17:38 **Kerwin Werner** rebutted comments made about the need for a single representative for a community and said that under the circumstances, it is unreasonable to expect Lake County to be in one or even two districts. He spoke in support of the Communities Plan and said that it best addressed the needs of his district.
- 01:19:53 **Rob Ricketts** noted that he is the Vice President of the College Republicans at Montana State University but that he was representing only himself at the hearing. He thanked the Commissioners and staff for their work but said that he was deeply disappointed with the proposed maps and that none are acceptable to him because they all divide Lake County. He suggested that more people would be able to attend the hearings if they were held later in the day.
- 01:21:38 **Caryn Kallay, Chair, Lake County Democrats, Salish Kootenai tribal member, and Montana Indian Democrat Council representative**, said that she has studied all of the plans and supports the Communities Plan. She said it best encompasses lake County and works well for all of the people in the surrounding area.
- 01:22:32 **Carolyn Beecher, resident of HD 15**, said she is comfortable with the lines and that while there are challenges in providing representation, the tribal voices need good representation. She said that the Communities Plan offers many benefits and that she agrees with the comments made by Mr. Kerwin.
- 01:26:11 **Dayna McClure, Polson**, said that she supports the Communities Plan because it keeps small communities intact and also honors the federal Voting Rights Act.
- 01:27:07 **Craig McClure, Polson**, discussed voting in Lake County and the competitive arena. He said that if a candidate from either party is willing to work hard, it is possible for them to be elected and for that reason, he supports the Communities Plan. He said it also offers good opportunities to Native American candidates, which is important to Lake County and the state.

- 01:28:45 **Jamie Hamel, Salish and Kootenai tribal member**, reiterated Vice Chair Lankford's testimony on the importance of the lawsuit that resulted in the Indian majority voting districts in Montana and the relationship between the Salish and Kootenai and Blackfeet Tribes in ensuring the power of the Native American vote.
- 01:30:31 **Sheila Bell** said that she agrees with the previous comments made in support of the Communities Plan. She said the tribes allow many to live on their lands and that their voices need to be heard in a proportionate and equal way, as ensured by the federal Voting Rights Act.
- 01:31:55 **Bill Howell, Ronan**, said that he grew up in other part of the Unites States and that he is a Montana by choice, and appreciates being able to live on the reservation. He said the Communities Plan meets the requirements of the Voting Rights Act and also provides for very competitive districts. He notes that he has had representatives from several different parties and that he has been able to communicate his opinions and needs to all of them. He asked that the Commission maintain this and not return to the 1990s when one party dominated the legislature and the process.
- 01:34:40 **Bill Barron, Lake County Commissioner**, said that the Commissioners support the comments made by Rep. Janna Taylor, Mr. Simpson, Rep. Joe Read, and Rep. Dan Salomon. He said he believes that Lake County should have at least two representatives and that highways should bring people together, not divide them. He said that the Commissioners do not support any of the proposed plans at this time. Mr Barron said that speaking as an individual, he thinks that each tribe, as a recognized sovereign nation, is entitled to their own representative. He discussed his idea and said that it would make districting much easier.

COMMISSIONER COMMENTS

- 01:37:45 Commissioner Bennion thanked all for coming and for offering their perspective. He said that while districting is a partisan process, the more people involved, the better the outcome will be. He asked that those who don't like the maps to please submit their ideas and proposals to the Commission.
- 01:38:40 Commissioner Smith thanked the Confederated Salish and Kootenai Tribes for the use of their Council Chamber and thanked all for attending. He emphasized that the hearing process will be open for public comment for quite some time and that the Commissioners want public input.
- 01:39:24 Commissioner Vaughey thanked the Tribes for hosting the hearing. She said, regarding the comments about splitting Lake County, that she would like more input. She asked those who commented to submit suggestions for where boundary lines should be placed.
- 01:41:06 Commissioner Lamson thanked everyone for attending and for their comments. He said that one comment he heard several times was that none of the plans were suitable but said that there are reasons, such as provisions in the Voting

Rights Act and population numbers, that necessitated some of the district lines to be drawn as they were.

01:42:58 Commissioner Regnier thanked all for their participation. He said the comments were well received and were articulate and well-thought out. He advised the public that the rule of one person, one vote must be applied to all and that drawing equal districts will be a challenge to the Commission, considering the population changes in the state.

ADJOURNMENT

01:44:28 With no further business before the Districting and Apportionment Commission, Commissioner Regnier adjourned the hearing at 2:52 p.m. The Commissioner will meet next on April 14, 2012, in Kalispell.

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