



# Montana Districting and Apportionment Commission

## Commission members:

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Linda Vaughey  
2505 Southridge Drive  
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## Staff:

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

## MINUTES

October 25, 2012  
10:00 a.m.

Room 172, State Capitol  
Helena, 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.

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 (via polycom)  
Jon Bennion (in person)  
Joe Lamson (in person)  
Pat Smith (via polycom)  
Linda Vaughey (via polycom)

### **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.

## **COMMITTEE ACTION**

The Districting and Apportionment Commission:

- approved amendment s4\_0912 for Ravalli and Silver Bow Counties;
- approved amendment s3\_0912, Option 1 for Yellowstone County ;
- approved a motion to have legislators and public suggest senate pairings at the November 15 hearing, with Commissioner senate pairing proposals due by 5 p.m. on Wednesday, November 21, 2012; and
- approved meeting dates and times for the November 30 and December 19 meetings.

**Note: Throughout the meeting, the commissioners viewed maps on a screen in the meeting room and discussed district lines. To view the official record of the meeting (the audio/video recordings) please visit [leg.mt.gov/districting](http://leg.mt.gov/districting).**

## **CALL TO ORDER AND ROLL CALL**

00:00:12 Commissioner Regnier called the meeting to order via polycom at 10:00 a.m. The Secretary called roll, all members were in attendance: Commissioners Bennion and Lamson in the room and Commissioners Smith, Vaughey, and Regnier via polycom telephone (Attachment #3). Commissioner Regnier reviewed the purpose of the meeting and agenda items.

## **ADOPTION OF TECHNICAL AMENDMENTS TO THE TENTATIVE COMMISSION PLAN**

00:02:27 **Rachel Weiss, Research Analyst, Legislative Services Division (LSD)**, said that the Commission needed to take action to correct small discrepancies in the Tentative Commission Plan that were discovered after the August Commission meetings. She discussed amendment s4\_0912 (EXHIBIT 1) to correct unintended splits in Ravalli and Silver Bow Counties. **Commissioner Vaughey moved to approve amendment s4\_0912. The motion passed on a unanimous voice vote.**

00:03:55 Ms. Weiss discussed amendment s3\_0912 to address a noncontiguous portion of HD 50 in Yellowstone County (EXHIBIT 2), which included two options for dealing with the problem.

00:05:52 Commissioner Lamson state that he did not have a strong preference but thought that Option 1 looked simpler than Option 2. Commissioner Bennion and Commissioner Smith concurred.

00:06:58 **Commissioner Vaughey moved to approve Option 1 in amendment s3\_0912. The motion passed on a unanimous voice vote.**

## **DISCUSS PROCESS FOR SENATE PAIRINGS/ASSIGNMENT OF HOLDOVER SENATORS**

00:08:07 Commissioner Regnier said the meeting is currently scheduled for November 15, 2012, at 6:30 p.m. He asked if staff thought senators would be in attendance. Ms. Weiss said the Thursday evening hearing should dovetail with the Legislator Orientation scheduled during the day and that she did expect senators to attend.

00:09:14 Commissioner Lamson suggested having the senators discuss their own ideas for senate pairings. He said that having the senators at the meeting would be helpful because the Commissioners could get direct input from them. He

suggested that the Commissioners hold off on presenting their own pairing proposals until after the Nov. 15 hearing for the Nov. 30 hearing.

- 00:11:00 Commissioner Bennion said that the hearing is for the public also and he thought it would helpful for them to have actual proposals to consider and comment on.
- 00:12:14 Commissioner Regnier said that both suggestions have merit but that he would prefer to have the senators comment at the November 15 hearing and set a deadline of one week after that for the Commissioners to submit their own pairing plans. He said that would allow ample time for the information to be posted on the website in advance of the November 30 meeting.
- 00:14:26 Commissioner Lamson and Commissioner Smith spoke in support of that plan.
- 00:16:07 Commissioner Vaughney asked if would public comment would be taken before the final decisions are made at the November 30th meeting. Commissioner Regnier said it would be.
- 00:18:53 Commissioner Bennion said that while he did not have strong feelings about the process, his preference would be to have pairing proposals available for public comment at the November 15 hearing. He predicted that the Commissioners already have fairly clear ideas on what they plan to propose and that he didn't see what would be wrong with putting those ideas out at the beginning of the process.
- 00:20:04 Commissioner Vaughney commented that it may make it easier for the public to provide input if there were actual proposals available.
- 00:22:03 Commissioner Lamson said that he has heard strong support for the Tentative Commission Plan and predicted that the senate pairings process will be easier than expected. He said that there will still be plenty of time for disagreements and changes before the November 30 meeting.
- 00:25:12 **Commissioner Lamson moved that at the November 15, 2012, meeting on senate pairings, comment be taken from the public and senators; and that there be a deadline of 5 p.m. on November 21 set for Commissioner senate pairing plans to be submitted to staff. The motion passed on a 4-1 voice vote, Commissioner Bennion voted no.**
- 00:27:43 Commissioner Regnier asked when the November 30 meeting should begin. After discussion, it was agreed that it would be better to begin the meeting in the morning.
- 00:30:46 Commissioner Regnier asked what time of day the December 19, 2012, hearing should be held. Ms. Weiss suggested that it be scheduled during the day in order to allow for time to deal with amendments or other issues that may come up.
- 00:32:28 Commissioner Bennion said that if amendments are going to be discussed, he thought they should be presented at the November 30 meeting. He said it would

be too late to begin dealing with amendments at the December 19 meeting. Commissioner Regnier agreed and suggested a December 19 meeting time of 2:00 p.m.

00:34:18 **Commissioner Lamson moved that the Districting and Apportionment Commission convene on November 30, 2012, at 9:00 a.m. and meet on December 19, at 2:00 p.m. The motion passed on a unanimous voice vote.**

00:35:33 Commissioner Smith asked that any amendments to be considered at the November 30 meeting be submitted well in advance of that meeting in order to allow other commissioners and the public time to consider them. The commissioners discussed setting a deadline but declined to do so.

#### **DISCUSS PROCESS TO CREATE AND ADOPT WRITTEN JUSTIFICATION**

00:38:17 Commissioner Regnier said that when the Commissioners adopted the wording in their criteria, it may have inadvertently made their work harder. He asked Ms. Weiss what the overall deviation of the Tentative Commission Plan is. Ms. Weiss said the mean deviation is 1.22%. Commissioner Lamson said he also has given this issue some thought and said that his position is that the Commission has met its Constitutional and statutory duty and that because of technical reasons and accommodation of discretionary criteria, not all districts will achieve a 0% deviation. He said those are factual reasons for the minor deviations and that he is comfortable with stating that for each instance or district.

00:42:49 Commissioner Bennion discussed his opinion that it was too early to begin dealing with the justification issue because he thought that more improvements could be made. He suggested that the issue be revisited after the November 30 meeting and he volunteered to work with staff on the issue. He suggested that the Commission wait to adopt justifications until the December 19 meeting.

00:43:48 Commissioner Smith suggested that it may be useful to see how past Commissions dealt with this issue.

00:44:30 Commissioner Vaughney recalled Commission discussion about this particular decision early in the districting process and said that her recollection was that this Commission wanted, for the sake of full disclosure to the public, to have an explanation of why decisions were made the way they were. She said that generic statements would probably work for many of the districts but that she believed that the Commission should hold off on this decision until later in the process.

00:46:16 Commissioner Regnier agreed that it would be best to wait. He said that the Commission could consider generic language for districts with a deviation below a set deviation but have specific explanations for districts with deviations over the set deviations.

00:47:07 Commissioner Lamson said that he agreed with Commissioner Regnier's suggestion to have a threshold for a justification explanation. It was agreed by all that a decision on this issue would be postponed.

## **PRESENTATION OF FINAL REPORT TO THE 2013 LEGISLATURE**

- 00:48:09 Commissioner Regnier discussed presentation of the Commission's Final Report to the 2013 Legislature and said that it is clear that the Commission is responsible for submitting its Plan by the 10th day of the session. Ms. Weiss referred to her October 11, 2012, research memo on submission of the redistricting plan to the legislature (EXHIBIT 3) and said that the latest the Commission could submit its Final Report is January 16, 2013. Commissioner Lamson strongly urged submittal by the first or second day of the session. Commissioner Bennion suggested discussing it with leadership to get their preference on when they would like the report to come before the Legislature. After additional discussion, Commissioner Regnier asked the members to think about it and that a decision would be made later. He said that he does think there is a benefit to submitting the plan earlier, rather than later.
- 00:52:21 The Commissioners and staff discussed options for submittal of the report. Ms. Weiss said that staff would have a draft report hopefully prepared at the November meeting and that she would work with the LSD IT staff to develop supplemental materials for the legislators, including DVDs and maps for each district.
- 00:58:11 Commissioner Regnier asked staff to have paper copies as well as display copies of maps available for the public. Ms. Weiss said that the large display copies of all maps and the interactive SmartBoard would be used in all remaining meetings and that staff could provide small (business or legal) size paper maps for the public. She said that part of public noticing process is making people aware of the information available online.
- 01:00:31 Commissioner Lamson said he thought that staff has done an excellent job of making information available to the public on the website.

## **PUBLIC COMMENT**

- 01:02:24 **Leonard Wortman, Jefferson County Commissioner**, said that he thought the commissioners did a good job and on behalf of Jefferson County, thanked them for their work. Commissioner Lamson thanked Commissioner Wortman for his input during the process.

## **ADJOURN**

- 01:02:58 Commissioner Vaughey moved to adjourn the meeting. Commissioner Regnier adjourned the meeting at 11:05 a.m. The Districting and Apportionment Commission will meet next on Thursday, November 15, 2012, at 6:30 p.m. in Room 303, State Capitol Building, Helena, Montana.

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