

## Proposal for Metric for Competitiveness

This proposal brought to the Montana Districting and Apportionment Commission by the Republican Members of the Commission is based on three principles that we believe should apply in this situation:

1. The members of the Commission and the public must be reminded that the language that was adopted by the Commission to be included in the discretionary criteria or “goals” section reads as follows: “The Commission may consider the competitiveness of districts when drawing plans.”

We emphasize this point because we opposed including competitiveness as a discretionary criteria for purposes of legislative redistricting due to our fear that its inclusion would lead to its misuse. Our fears were well taken as many members of the public attempted to elevate this discretionary criterion to the status of a mandatory criterion during Congressional districting public comment periods. It is our hope that the Chair will emphasize that competitiveness is merely a discretionary goal and that it should not be the primary focus or consideration for this Commission. There are only four mandatory criteria that courts will review our decisions by, namely: Compactness, Contiguity, Compliance with the Voting Rights Act, and Equality of population. All other criteria are considerations but not commandments.

2. Any competitiveness metric adopted for the use of the Commission as a lesser discretionary criteria should be easily accessible and useable by the members of the public.

We feel that transparency in this measure as well as all other processes used by the Commission will lead to better understanding and, just as importantly, acceptance by the public of the work of the Commission.

3. Any standard of competitiveness that is used for discretionary review by the Commission and the public should be simple and uniform in its application.

Since this criterion is discretionary and not mandatory in nature, a single, long-standing, publicly available standard of competitiveness should be used in order to avoid either belaboring or manipulating the process.

Proposal: Therefore, we propose that the discretionary standard of competitiveness to be used by the Commission shall include the following 6 races using the default composite rating on the publicly available Dave’s Redistricting App:

2016 Presidential  
2020 Presidential  
2018 Senate  
2020 Senate  
2020 Governor  
2020 Attorney General

Dave’s Redistricting rates districts as competitive if they fall within plus or minus 5% of 50% as measured by the two party candidate vote. The plus or minus 5% measure is also used by the publicly available District Builder app. This is a widely accepted discretionary competitiveness standard that should be followed by our Commission as well.