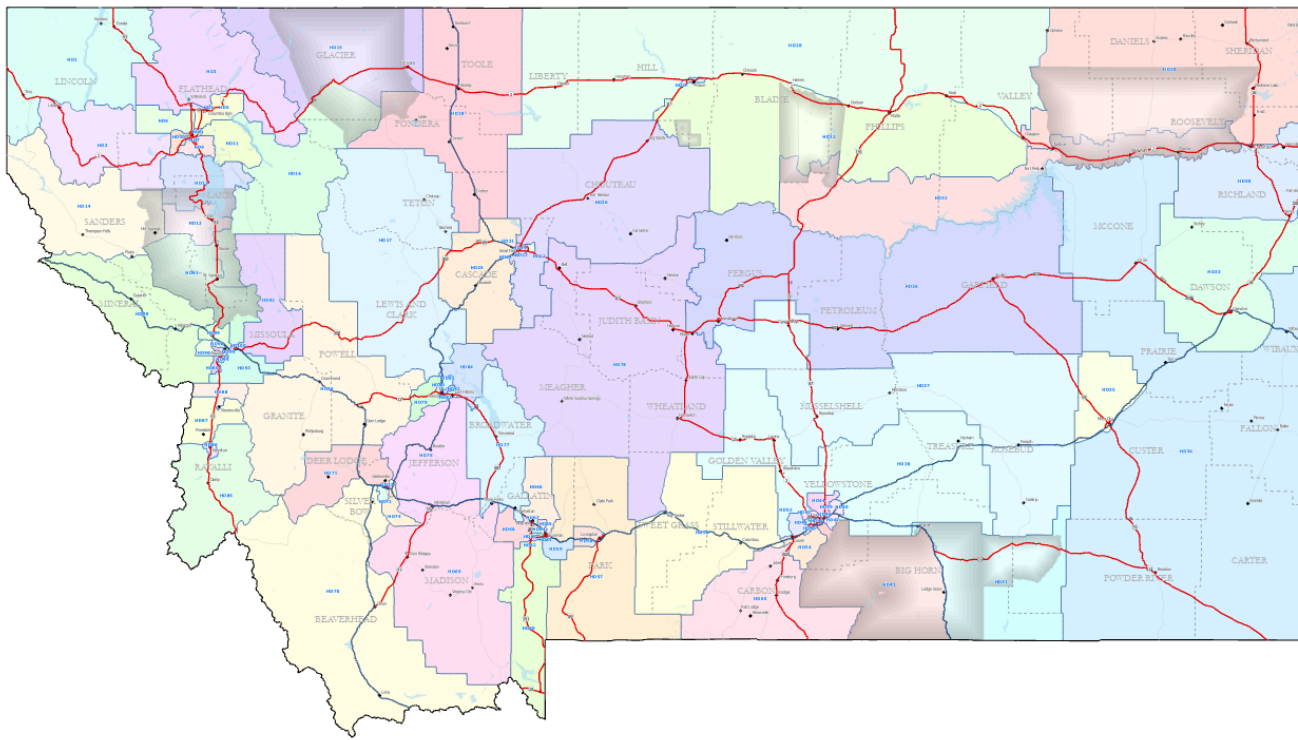


FINAL LEGISLATIVE REDISTRICTING PLAN – DRAFT – Based on the 2020 Census



Submitted to the Montana Secretary of State
by the Montana Districting and Apportionment Commission
in fulfillment of Article V, section 14, of the Montana Constitution
and section 5-1-109, MCA
February XX, 2023

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COMMISSIONERS

Maylinn Smith, Arlee
Presiding Officer

Appointed by the Montana Supreme Court, 2020

Jeff Essmann, Billings

Appointed by Senate Majority Leader Fred Thomas, 2019

Denise Juneau, Bozeman

Appointed by Senate Minority Leader Jill Cohenour, 2021

Dan Stusek, Helena

Appointed by House Majority Leader Brad Tschida, 2019

Kendra Miller, Bozeman

Appointed by House Minority Leader Casey Schreiner, 2019

Prior Commissioners

Sheila Stearns, Missoula, Presiding Officer, 2019-2020

Appointed by the Montana Supreme Court

Joe Lamson, Helena, 2019-2022

Appointed by Senate Minority Leader Jon Sesso

INTRODUCTION

This report details the process used by the Montana Districting and Apportionment Commission, which is authorized by Article V, section 14, of the Montana Constitution to revise congressional and legislative district lines after each federal decennial census. The commission was appointed in the spring of 2019 and served until February 2023 when the commission filed a final legislative redistricting plan with the Montana Secretary of State and dissolved.

Redistricting is a historic but difficult process, and the 2020 redistricting cycle was no different. Montana became the first state to regain a congressional seat after losing one in a prior reapportionment. In addition, the COVID-19 pandemic and associated challenges resulted in delays in the release of the detailed Census data needed to complete redistricting. However, the 2020 commission weathered the challenges thrown its way and became the first commission to take advantage of new technology that made videoconference meetings a practical option.

At each step of the process, the commission prioritized hearing from the public about their priorities, criteria, and draft maps and expanded the public's opportunity to participate by embracing improved mapping and meeting technology.

BUDGET

Commissioners are entitled to the same salary that legislators receive for each day they are engaged in commission business. They are also reimbursed for travel expenses.

The commission's budget is contained in two biennial budgets because of the four-year lifespan of the commission. In 2019, House Bill 776 appropriated \$150,000 to support the commission.¹ Of that \$150,000, half was earmarked for commissioner and staff training. The other half was for software for the commission's staff. The House Bill 2 budget in 2019 appropriated \$20,779 to cover the commission's personal services and operating costs.

The 2021 Legislature appropriated \$101,479 to support the commission's congressional and state legislative redistricting work through June 2023.

The Montana Legislative Services Division staff prepared this report in support of the commission, as required in section 5-1-106, MCA.

The vote records, draft maps, reports prepared for the commission, official audio minutes, summary minutes, copies of written public comment, and other commission materials are maintained on the commission's website: mtredistricting.gov.

¹ In addition to providing that appropriation, the bill also removed from law the requirement that the commissioners be appointed from specific regional designations.

MEMBERSHIP

Article V, section 14(2), of the Montana Constitution requires a five-member citizen commission to redistrict the state's congressional and state legislative districts. Commissioners are selected during the legislative session immediately prior to the decennial census.

The majority and minority leaders of the Montana Legislature in the appropriate session select the first four commissioners. Those four commissioners have 20 days to select the fifth member, who will serve as the commission's presiding officer. If the first four commissioners are unable to reach an agreement, the Montana Supreme Court shall select the presiding officer.

Because Montana holds biennial sessions in odd-numbered years, the commissioners were initially appointed in 2019. The Senate majority leader appointed Jeff Essmann of Billings. The Senate minority leader selected Joe Lamson of Helena. The House majority leader selected Dan Stusek, then of Billings and now of Helena. The House minority leader selected Kendra Miller of Bozeman. The first four commissioners failed to agree on a presiding officer, so in June 2019, the Montana Supreme Court selected Sheila Stearns of Missoula to serve as the commission's presiding officer.

When Commissioner Stearns resigned in December 2020, the Montana Supreme Court selected Maylinn Smith of Arlee to replace her as presiding officer. When Commissioner Lamson resigned in October 2022, he was replaced by Denise Juneau of Bozeman.

CENSUS DATA

By law, the U.S. Census Bureau must deliver Census data to the states for use in redistricting. The dataset, called P.L. 94-171 data, contains total population data, as well as racial and ethnic data on the populations of various levels of Census geography (block, census place, block group, tract, county, etc.).

The commission adopted operating procedures that required publicly submitted plans to be based on Census geography and use P.L. 94-171 data to ensure that the plans matched the information commissioners used.

The U.S. Census Bureau released the P.L. 94-171 data to the states on August 12, 2021, several months later than usual. The commission received updated data from its software provider, Maptitude by Caliper, on August 17, 2021.

CONGRESSIONAL REDISTRICTING

When the U.S. Census Bureau delivered the apportionment results to the U.S. Secretary of Commerce, the President of the United States, and the U.S. Congress on April 26, 2021, it marked the first time since the 1990s that Montana would have two representatives in the U.S. House of Representatives. The apportionment results do not include the specific Census block level data needed for redistricting, so the state's 90-day deadline for the commission to draw U.S. House districts started on August 17, 2021. Because of an unusual two-stage release process of the P.L. 94-171 data, the commissioners adopted a metric to guide when the 90-day process would start:

The Montana Districting and Apportionment Commission will start its 90-day time period to complete Congressional redistricting on the date that the official final decennial census figures are available. The commission determines that the date the official final decennial census figures are available is the date that the data is usable by the general public. For the purposes of the deadline, "usable to the general public" means that the commission's software provider has formatted and delivered the P.L. 94-171 redistricting data to the commission in a software update.

The commission bases its timeline in subsection (1) on the assumption that the U.S. Census Bureau will not alter the P.L. 94-171 data beyond the format used to deliver the data. The commission reserves the right to move the deadline if there are changes to the underlying population data that would affect redistricting.

Taking advantage of technology advances that allowed people online access to Census data and mapping software, the commissioners encouraged the public to submit congressional map proposals. The public responded and submitted 76 unique maps. After taking comments on the publicly submitted maps, individual commissioners proposed 9 maps to use for public hearings and discussion.

Commissioners met 9 times from August 17, 2021, to November 12, 2021. In all, the commissioners heard at least 430 in-person comments during those meetings and received more than 3,960 emails, 5 letters, and 3,480 comments on interactive online maps used by the commission to gather location-targeted comments. On November 12, 2021, the commission adopted a final map, which it submitted to the Montana Secretary of State.

The final map adopted by the commissioners split one county, Pondera County, and divided the state's population into two nearly equal districts: District 1 had 542,112 people and District 2 had 542,113.

LEGISLATIVE REDISTRICTING PROCESS

According to the 2020 Census, Montana's population was 1,084,225 on April 1, 2020. The U.S. Census Bureau released the results in mid-August 2021, several months later than its planned spring 2021 release. The delays were due to data collection complications related to the COVID-19 pandemic.

While waiting for the data necessary for redistricting, the commissioners focused on planning. In May and June 2021, the commissioners took public comment on the redistricting criteria and goals they proposed to guide the state legislative and congressional line drawing.

Commissioners heard public comment from multiple stakeholders about the importance of reallocating state prisoners from the prison address at which they are counted for Census purposes to the prisoners' last-known addresses prior to incarceration. Stakeholders encouraged the commission to gather address data for the prisoners in state facilities on Census Day and to adjust the Census data to count those individuals at that last-known address.

With assistance from the Legislative Council, which granted the commission \$10,000 from the council's emerging issues fund, the commission hired a contractor to process address data from the Montana Department of Corrections and adjust the Census data to reallocate prisoners to their last-known home addresses. Prisoners whose last-known address could not be used or was not available were removed from the overall population count. The completion of the reallocation work in early 2022 marked the first time the state adjusted Census data to account for prisoners' home addresses.

About half of the state prisoners had usable prior address data. The rest of the prisoners were subtracted from the total state population. After these adjustments, the population of Montana for redistricting purposes is 1,082,671.

The commission also hired a consultant to perform a racial bloc voting analysis to ensure compliance with Section 2 of the Voting Rights Act. The commission received \$50,000 for this work from the Legislative Council's emerging issues and general program support funds.

Because the Montana House of Representatives has 100 representatives, each of the 100 districts must have approximately 10,827 people in it. The Montana Constitution requires Senate districts to be composed of two contiguous House districts. Each of the 50 Senate districts must contain approximately 21,654 people.

In an August 2022 meeting, four of the commissioners proposed House district maps to solicit public comment during a series of in-person and online public hearings that autumn.

From late August to mid-September 2022, the commission held nine public hearings on these four maps. Six public hearings were held in person, one each in Missoula, Bozeman, Great Falls, Billings, Crow Agency, and Pablo. Three hearings were conducted entirely on Zoom.

The commissioners met in late November and early December to craft a tentative House district proposal. On December 10, the commissioners heard public comment on this tentative proposal, including how the House districts could pair to form Senate districts. On December 15 and 19, the commissioners adjusted the House districts to respond to public comments, selected the Senate pairs, and assigned the holdover senators. Holdover senators were elected in 2022 to four-year terms. They serve the first two years of their

terms in the districts to which they were elected. During the final two years of their terms they serve in the districts drawn by the commission.

The commission met on December 21 to hear public comment on the House and Senate districts and holdover senator assignments. The hearing fulfills the requirement in section 5-1-108, MCA, that the commission hold at least one public hearing on the entire legislative plan at the State Capitol.

From 2019 to December 2022, the commission met on 49 days to propose and adopt congressional districts and propose legislative districts. Of those, seven days were related solely to congressional redistricting while 42 days were related all or in part to state legislative redistricting.

Montanans took advantage of their opportunity to have their voices heard about redistricting and their communities. In total, the commissioners:

- heard from more than 400 Montanans during the in-person and Zoom autumn hearings;
- listened to 102 speakers during the December 10 public hearing and 47 at the December 21 public hearing;
- received more than 1,050 written comments by midnight on December 20;
- viewed at least 70 comments submitted on the interactive online maps; and
- received 17 regional or statewide maps submitted by members of the public, some of which were used as the basis for district proposals made by commissioners.

On December 21, the commission finalized its proposal and submitted the plan to the 68th Legislature on January 6, 2023, in fulfillment of the constitutional and statutory requirements.

RECOMMENDATIONS FROM THE 68TH LEGISLATURE

The 68th Legislature had 30 days from the date of submission to provide recommendations to the commission. After receiving the recommendations, legislative leaders formed a joint special select committee of Senate and House members to review the plan and propose a response.

To provide the Legislature's response, Senate President Jason Ellsworth requested Senate Joint Resolution 8 (SJ 8). After holding a public hearing on the resolution and speaking with the commission's presiding officer, Maylinn Smith, the joint select committee proposed SJ 8 be adopted with several amendments. Joint legislative rules required that the joint select committee make recommendations to legislative standing committees, which were then authorized to take executive action on the recommendations.

After the Senate State Administration Committee accepted the joint select committee's recommendations and amended SJ 8, it proceeded through the Senate to the House State Administration Committee and the full House. The resolution was signed by the president and speaker of the house on February 2, 2023. The full text of SJ 8 is in Appendix B.

The commission reassembled on February 10 to speak with legislative leaders and hear additional comments on the plan and the legislative recommendations. On February 11, 2023, the commission
[will be updated after the February 11 meeting]

CONGRESSIONAL AND LEGISLATIVE DISTRICTING CRITERIA AND GOALS

CONGRESSIONAL DISTRICT CRITERIA AND GOALS

On July 9, 2021, the commission adopted four mandatory criteria and four goals for congressional redistricting. See Appendix A for the full list of mandatory criteria and goals.

STATE LEGISLATIVE DISTRICT CRITERIA AND GOALS

On July 20, 2021, the commission adopted four mandatory criteria and five goals for state legislative districts. The mandatory criteria are generally similar to those adopted by prior commissions. One difference is the commission chose to use a 1% deviation for districts, with exceptions allowed up to the federally allowable 5% deviation if needed to comply with the Voting Rights Act, to maintain political subdivisions, or to comply with other constitutionally mandated criteria. The commission assigned itself a maximum deviation range of +/- 1% for all House districts.

For the first time since the 1990s redistricting cycle, the commission adopted a goal to draw districts that do not unduly favor a political party. Also for the first time, the commission adopted goals related to competitiveness and to assign holdover senators to the districts that contain the greatest number of residents of their prior districts when possible. See Appendix A for the full list of mandatory criteria and goals.

On June 3, 2022, the commission defined a competitive district using a metric of 10 statewide elections for which results were available on a popular, public redistricting site, Dave's Redistricting App.

The metric is as follows:

Using the 10 races available publicly on Dave's Redistricting App, a competitive district is one in which both major parties won at least 30% of the time (or 3 of the 10 races).

- The 10 races are:
 - o 2016 Presidential
 - o 2016 Governor
 - o 2016 Attorney General
 - o 2018 U.S. Senate
 - o 2020 Presidential
 - o 2020 U.S. Senate
 - o 2020 Governor
 - o 2020 Attorney General
 - o 2020 Secretary of State
 - o 2020 Auditor

LEGISLATIVE REDISTRICTING PLAN²

INFORMATION WILL BE REVISED AFTER THE ADOPTION OF THE FINAL PLAN

Population of Montana:

Adjusted³ Population of Montana:

Data on House Districts in Legislative Plan

Number of House Districts: 100

Ideal District Size: 10,827

Mean Deviation: 0.86% (approximately 93 people)
Standard Deviation: 138 people

Largest District: 11,064 people (2.19% deviation)
Smallest District: 10,288 people (-4.98% deviation)

Overall Range: 7.17% (776 people)

Counties split between House Districts: 31

Data on Senate Districts in Legislative Plans

Number of Senate Districts: 50

Ideal District Size: 10,827

Mean Deviation: 0.75% (approximately 163 people)
Standard Deviation: 263 people

Largest District: 22,095 people (2.04% deviation)
Smallest District: 20,583 people (-4.95% deviation)

Overall Range: 6.98% (1,512 people)

Counties split between Senate Districts: 26

² The plan adopted by the commission to submit to the 68th Legislature is subject to change until the plan is submitted to the Montana Secretary of State in early 2023.

³ Population of the state after the prisoner reallocation data adjustments described on page 4.

HOUSE DISTRICT POPULATION SUMMARY

	Population	Percent Deviation	Population Deviation
Largest District	11,064	2.19%	237 Persons
Smallest District	10,288	-4.98%	-539 Persons
Overall Range		7.17%	776 Persons
Mean Deviation		0.86%	93 Persons
Standard Deviation		136	137.69 Persons
Ideal District	10,827		

House District	Population	Deviation	% Deviation	Indian Population	Indian 18+ Population	% Indian 18+ Population
1	10,823	-4	-0.04%	119	98	0.91%
2	10,884	57	0.53%	120	97	0.89%
3	10,764	-63	-0.58%	80	68	0.63%
4	10,774	-53	-0.49%	107	89	0.83%
5	10,919	92	0.85%	110	85	0.78%
6	10,934	107	0.99%	66	43	0.39%
7	10,736	-91	-0.84%	162	128	1.19%
8	10,727	-100	-0.92%	141	110	1.03%
9	10,893	66	0.61%	111	91	0.84%
10	10,780	-47	-0.43%	104	82	0.76%
11	10,901	74	0.68%	63	43	0.39%
12	10,783	-44	-0.41%	625	420	3.9%
13	10,846	19	0.18%	1,685	1,137	10.48%
14	10,735	-92	-0.85%	240	188	1.75%
15	10,932	105	0.97%	6,622	4,392	40.18%
16	10,906	79	0.73%	6,283	3,952	36.24%
17	10,768	-59	-0.54%	181	150	1.39%
18	10,933	106	0.98%	443	350	3.2%
19	10,918	91	0.84%	1,294	909	8.33%
20	10,730	-97	-0.90%	487	378	3.52%
21	10,934	107	0.99%	346	225	2.06%
22	10,862	35	0.32%	284	178	1.64%
23	10,930	103	0.95%	602	420	3.84%
24	10,893	66	0.61%	504	345	3.17%
25	10,910	83	0.77%	376	294	2.69%
26	10,829	2	0.02%	217	157	1.45%
27	10,731	-96	-0.89%	1,408	904	8.42%

28	10,803	-24	-0.22%	432	260	2.41%
29	10,930	103	0.95%	442	285	2.61%
30	10,933	106	0.98%	254	172	1.57%
31	10,304	-523	-4.83%	6,915	4,399	42.69%
32	10,342	-485	-4.48%	6,921	4,293	41.51%
33	10,772	-55	-0.51%	156	112	1.04%
34	10,878	51	0.47%	117	84	0.77%
35	10,853	26	0.24%	180	124	1.14%
36	10,901	74	0.68%	131	102	0.94%
37	10,810	-17	-0.16%	436	275	2.54%
38	10,866	39	0.36%	200	123	1.13%
39	10,721	-106	-0.98%	477	301	2.81%
40	10,780	-47	-0.43%	517	293	2.72%
41	10,288	-539	-4.98%	6,879	4,137	40.21%
42	10,295	-532	-4.91%	5,211	3,235	31.42%
43	10,813	-14	-0.13%	589	347	3.21%
44	10,814	-13	-0.12%	320	190	1.76%
45	10,869	42	0.39%	542	398	3.66%
46	10,917	90	0.83%	402	272	2.49%
47	10,760	-67	-0.62%	979	725	6.74%
48	10,887	60	0.55%	692	419	3.85%
49	10,787	-40	-0.37%	493	306	2.84%
50	10,932	105	0.97%	411	247	2.26%
51	10,811	-16	-0.15%	365	237	2.19%
52	10,862	35	0.32%	131	93	0.86%
53	10,784	-43	-0.40%	224	143	1.33%
54	10,816	-11	-0.10%	246	162	1.5%
55	10,476	-351	-3.24%	111	83	0.79%
56	10,733	-94	-0.87%	95	61	0.57%
57	10,924	97	0.90%	85	61	0.56%
58	10,830	3	0.03%	108	71	0.66%
59	10,725	-102	-0.94%	34	28	0.26%
60	10,746	-81	-0.75%	48	38	0.35%
61	10,863	36	0.33%	245	174	1.6%
62	10,742	-85	-0.79%	107	73	0.68%
63	10,843	16	0.15%	61	53	0.49%
64	10,772	-55	-0.51%	75	57	0.53%
65	10,859	32	0.30%	100	86	0.79%
66	10,918	91	0.84%	100	70	0.64%
67	10,860	33	0.30%	125	84	0.77%
68	10,887	60	0.55%	80	52	0.48%

69	10,923	96	0.89%	64	54	0.49%
70	10,893	66	0.61%	143	87	0.8%
71	10,888	61	0.56%	254	227	2.08%
72	10,774	-53	-0.49%	213	167	1.55%
73	10,763	-64	-0.59%	252	212	1.97%
74	10,722	-105	-0.97%	91	75	0.7%
75	10,917	90	0.83%	146	109	1%
76	10,921	94	0.87%	152	119	1.09%
77	10,860	33	0.30%	78	67	0.62%
78	10,934	107	0.99%	63	29	0.27%
79	10,930	103	0.95%	154	105	0.96%
80	10,932	105	0.97%	184	143	1.31%
81	10,927	100	0.92%	217	156	1.43%
82	10,932	105	0.97%	339	249	2.28%
83	10,933	106	0.98%	236	159	1.45%
84	10,924	97	0.90%	162	130	1.19%
85	11,064	237	2.19%	87	60	0.54%
86	11,029	202	1.87%	80	61	0.55%
87	11,058	231	2.13%	82	68	0.61%
88	11,037	210	1.94%	122	94	0.85%
89	10,872	45	0.42%	240	160	1.47%
90	10,825	-2	-0.02%	172	141	1.3%
91	10,920	93	0.86%	2,389	1,640	15.02%
92	10,909	82	0.76%	278	196	1.8%
93	10,802	-25	-0.23%	279	195	1.81%
94	10,926	99	0.91%	206	121	1.11%
95	10,740	-87	-0.80%	249	189	1.76%
96	10,773	-54	-0.50%	349	243	2.26%
97	10,784	-43	-0.40%	355	249	2.31%
98	10,855	28	0.26%	327	274	2.52%
99	10,720	-107	-0.99%	174	139	1.3%
100	10,749	-78	-0.72%	374	273	2.54%

SENATE DISTRICTS AND ASSIGNMENT OF HOLDOVER SENATORS

Holdover Senator	SD for 2023-2024	Location of Current District (by County)	Commission-Assigned District for 2025-2026	Location of Assigned District (by County)
Mike Cuffe	1	Lincoln	1	Flathead, Lincoln
John Fuller	4	Flathead	4	Flathead
Mark Noland	5	Flathead, Lake	6	Flathead, Lake
Susan Webber	8	Flathead, Lake, Glacier, Pondera	8	Flathead, Lake, Glacier, Pondera
Bruce Gillespie	9	Glacier, Pondera, Toole, Teton, Lewis and Clark	9	Pondera, Toole, Teton, Lewis and Clark
Daniel Emrich	11	Cascade	11	Cascade
Wendy McKamey	12	Cascade	12	Cascade
Jeremy Trebas	13	Cascade	10	Cascade
Russel Tempel	14	Cascade, Chouteau, Liberty, Hill	14	Blaine, Hill, Liberty, Phillips, Valley
Kenneth Bogner	19	McCone, Garfield, Prairie, Custer, Fallon, Carter, Powder River	18	Custer, Fergus, Garfield, Petroleum
Barry Usher	20	Custer, Rosebud, Big Horn, Yellowstone, Musselshell	19	Big Horn, Fergus, Golden Valley, Musselshell, Rosebud, Treasure, Yellowstone
Daniel Zolnikov	22	Yellowstone	22	Yellowstone
Kathy Kelker	24	Yellowstone	23	Yellowstone
Dennis Lenz	27	Yellowstone	25	Yellowstone
Forrest Mandeville	29	Carbon, Stillwater, Sweet Grass	28	Carbon, Stillwater, Sweet Grass
John Esp	30	Sweet Grass, Park, Gallatin	29	Gallatin, Park
Pat Flowers	32	Gallatin	31	Gallatin
Denise Hayman	33	Gallatin	32	Gallatin
Shelley Vance	34	Gallatin	34	Gallatin
Janet Ellis	41	Lewis and Clark	41	Lewis and Clark
Mary Ann Dunwell	42	Lewis and Clark	42	Lewis and Clark, Broadwater
Jason Ellsworth	43	Ravalli	43	Ravalli
Shane Morigeau	48	Missoula	50	Missoula
Willis Curdy	49	Missoula	49	Missoula
Andrea Olsen	50	Missoula	48	Missoula

DISTRICT POPULATION BY COUNTY REPORTS FOR HOUSE AND SENATE DISTRICTS

**House Whole County:
House County Splits:**

**25
31***

**Senate Whole County:
Senate County Splits:**

**30
26****

House District	County	Population	% Population
1	Lincoln	10,823	54.96%
2	Flathead	2,016	1.93%
2	Lincoln	8,868	45.04%
3	Flathead	10,764	10.31%
4	Flathead	10,774	10.32%
5	Flathead	10,919	10.46%
6	Flathead	10,934	10.47%
7	Flathead	10,736	10.28%
8	Flathead	10,727	10.27%
9	Flathead	10,893	10.43%
10	Flathead	10,780	10.32%
11	Flathead	10,901	10.44%
12	Flathead	4,994	4.78%
12	Lake	5,789	18.56%
13	Lake	10,846	34.77%
14	Sanders	10,735	86.52%
15	Glacier	10,932	79.30%
16	Flathead	0	0.00%
16	Glacier	2,853	20.70%
16	Lake	7,278	23.33%
16	Pondera	775	13.13%
17	Lewis & Clark	5,973	8.40%
17	Teton	4,795	76.99%
18	Pondera	5,126	86.87%
18	Teton	1,433	23.01%
18	Toole	4,374	100.00%
19	Cascade	10,918	12.93%
20	Cascade	10,730	12.71%
21	Cascade	10,934	12.95%
22	Cascade	10,862	12.86%
23	Cascade	10,930	12.94%
24	Cascade	10,893	12.90%
25	Cascade	10,910	12.92%
26	Cascade	6,305	7.47%
26	Chouteau	4,524	76.72%
27	Hill	10,731	65.72%

Senate District	County	Population	% Population
1	Flathead	2,016	1.93%
1	Lincoln	19,691	100.00%
2	Flathead	21,538	20.62%
3	Flathead	21,853	20.92%
4	Flathead	21,463	20.55%
5	Flathead	21,673	20.75%
6	Flathead	15,895	15.22%
6	Lake	5,789	18.56%
7	Lake	10,846	34.77%
7	Sanders	10,735	86.52%
8	Flathead	0	0.00%
8	Glacier	13,785	100.00%
8	Lake	7,278	23.33%
8	Pondera	775	13.13%
9	Lewis & Clark	5,973	8.40%
9	Pondera	5,126	86.87%
9	Teton	6,228	100.00%
9	Toole	4,374	100.00%
10	Cascade	21,648	25.63%
11	Cascade	21,796	25.81%
12	Cascade	21,823	25.84%
13	Cascade	17,215	20.38%
13	Chouteau	4,524	76.72%
14	Blaine	2,133	30.26%
14	Hill	13,158	80.59%
14	Liberty	1,960	100.00%
14	Phillips	2,979	70.64%
14	Valley	1,304	17.20%
15	Daniels	1,661	100.00%
15	Richland	9,538	82.93%
15	Roosevelt	2,458	22.77%
15	Sheridan	3,539	100.00%
15	Valley	4,667	61.57%
16	Blaine	4,917	69.74%
16	Chouteau	1,373	23.28%
16	Hill	3,170	19.41%

28	Blaine	2,133	30.26%
28	Hill	2,427	14.86%
28	Liberty	1,960	100.00%
28	Phillips	2,979	70.64%
28	Valley	1,304	17.20%
29	Daniels	1,661	100.00%
29	Roosevelt	1,063	9.85%
29	Sheridan	3,539	100.00%
29	Valley	4,667	61.57%
30	Richland	9,538	82.93%
30	Roosevelt	1,395	12.92%
31	Blaine	400	5.67%
31	Phillips	299	7.09%
31	Roosevelt	8,339	77.23%
31	Valley	1,266	16.70%
32	Blaine	4,517	64.07%
32	Chouteau	1,373	23.28%
32	Hill	3,170	19.41%
32	Phillips	939	22.27%
32	Valley	343	4.53%
33	Dawson	8,809	100.00%
33	Richland	1,963	17.07%
34	Carter	1,415	100.00%
34	Custer	960	8.13%
34	Fallon	3,051	100.00%
34	McCone	1,730	100.00%
34	Powder River	1,695	100.00%
34	Prairie	1,089	100.00%
34	Wibaux	938	100.00%
35	Custer	10,853	91.87%
36	Fergus	9,231	80.57%
36	Garfield	1,174	100.00%
36	Petroleum	496	100.00%
37	Fergus	1,204	10.51%
37	Musselshell	4,554	96.16%
37	Rosebud	5,052	60.60%
38	Big Horn	519	3.95%
38	Golden Valley	823	100.00%
38	Musselshell	182	3.84%
38	Treasure	762	100.00%
38	Yellowstone	8,580	5.21%
39	Yellowstone	10,721	6.50%
40	Yellowstone	10,780	6.54%
41	Big Horn	7,004	53.33%

16	Phillips	1,238	29.36%
16	Roosevelt	8,339	77.23%
16	Valley	1,609	21.23%
17	Carter	1,415	100.00%
17	Custer	960	8.13%
17	Dawson	8,809	100.00%
17	Fallon	3,051	100.00%
17	McCone	1,730	100.00%
17	Powder River	1,695	100.00%
17	Prairie	1,089	100.00%
17	Richland	1,963	17.07%
17	Wibaux	938	100.00%
18	Custer	10,853	91.87%
18	Fergus	9,231	80.57%
18	Garfield	1,174	100.00%
18	Petroleum	496	100.00%
19	Big Horn	519	3.95%
19	Fergus	1,204	10.51%
19	Golden Valley	823	100.00%
19	Musselshell	4,736	100.00%
19	Rosebud	5,052	60.60%
19	Treasure	762	100.00%
19	Yellowstone	8,580	5.21%
20	Yellowstone	21,501	13.05%
21	Big Horn	12,614	96.05%
21	Rosebud	3,284	39.40%
21	Yellowstone	4,685	2.84%
22	Yellowstone	21,627	13.12%
23	Yellowstone	21,786	13.22%
24	Yellowstone	21,647	13.13%
25	Yellowstone	21,719	13.18%
26	Yellowstone	21,673	13.15%
27	Yellowstone	21,600	13.11%
28	Carbon	10,476	100.00%
28	Stillwater	8,969	100.00%
28	Sweet Grass	1,764	47.93%
29	Gallatin	4,556	3.83%
29	Park	17,198	100.00%
30	Gallatin	20,958	17.61%
30	Madison	513	5.95%
31	Gallatin	21,605	18.15%
32	Gallatin	21,615	18.16%
33	Gallatin	21,777	18.30%
34	Gallatin	21,747	18.27%

41	Rosebud	3,284	39.40%
42	Big Horn	5,610	42.72%
42	Yellowstone	4,685	2.84%
43	Yellowstone	10,813	6.56%
44	Yellowstone	10,814	6.56%
45	Yellowstone	10,869	6.59%
46	Yellowstone	10,917	6.62%
47	Yellowstone	10,760	6.53%
48	Yellowstone	10,887	6.61%
49	Yellowstone	10,787	6.54%
50	Yellowstone	10,932	6.63%
51	Yellowstone	10,811	6.56%
52	Yellowstone	10,862	6.59%
53	Yellowstone	10,784	6.54%
54	Yellowstone	10,816	6.56%
55	Carbon	10,476	100.00%
56	Stillwater	8,969	100.00%
56	Sweet Grass	1,764	47.93%
57	Gallatin	4,556	3.83%
57	Park	6,368	37.03%
58	Park	10,830	62.97%
59	Gallatin	10,725	9.01%
60	Gallatin	10,233	8.60%
60	Madison	513	5.95%
61	Gallatin	10,863	9.13%
62	Gallatin	10,742	9.03%
63	Gallatin	10,843	9.11%
64	Gallatin	10,772	9.05%
65	Gallatin	10,859	9.12%
66	Gallatin	10,918	9.17%
67	Gallatin	10,860	9.13%
68	Gallatin	10,887	9.15%
69	Gallatin	2,242	1.88%
69	Jefferson	570	4.72%
69	Madison	8,111	94.05%
70	Beaverhead	9,375	100.00%
70	Silver Bow	1,518	4.31%
71	Deer Lodge	9,432	100.00%
71	Silver Bow	1,456	4.13%
72	Silver Bow	10,774	30.58%
73	Silver Bow	10,763	30.55%
74	Silver Bow	10,722	30.43%
75	Jefferson	10,917	90.45%

35	Beaverhead	9,375	100.00%
35	Gallatin	2,242	1.88%
35	Jefferson	570	4.72%
35	Madison	8,111	94.05%
35	Silver Bow	1,518	4.31%
36	Deer Lodge	9,432	100.00%
36	Silver Bow	12,230	34.71%
37	Silver Bow	21,485	60.98%
38	Granite	3,312	100.00%
38	Jefferson	10,917	90.45%
38	Lewis & Clark	594	0.84%
38	Missoula	1,682	1.42%
38	Powell	5,333	100.00%
39	Broadwater	6,349	93.64%
39	Cascade	1,972	2.33%
39	Fergus	1,022	8.92%
39	Gallatin	4,511	3.79%
39	Judith Basin	2,024	100.00%
39	Meagher	1,931	100.00%
39	Sweet Grass	1,916	52.07%
39	Wheatland	2,069	100.00%
40	Jefferson	582	4.82%
40	Lewis & Clark	21,280	29.92%
41	Lewis & Clark	21,859	30.73%
42	Broadwater	431	6.36%
42	Lewis & Clark	21,426	30.12%
43	Ravalli	22,093	50.00%
44	Ravalli	22,095	50.00%
45	Mineral	4,536	100.00%
45	Missoula	16,224	13.74%
45	Sanders	937	7.55%
46	Lake	7,278	23.33%
46	Missoula	13,816	11.70%
46	Sanders	735	5.92%
47	Missoula	21,728	18.40%
48	Missoula	21,513	18.22%
49	Missoula	21,639	18.33%
50	Missoula	21,469	18.18%

76	Granite	3,312	100.00%
76	Lewis & Clark	594	0.84%
76	Missoula	1,682	1.42%
76	Powell	5,333	100.00%
77	Broadwater	6,349	93.64%
77	Gallatin	4,511	3.79%
78	Cascade	1,972	2.33%
78	Fergus	1,022	8.92%
78	Judith Basin	2,024	100.00%
78	Meagher	1,931	100.00%
78	Sweet Grass	1,916	52.07%
78	Wheatland	2,069	100.00%
79	Jefferson	582	4.82%
79	Lewis & Clark	10,348	14.55%
80	Lewis & Clark	10,932	15.37%
81	Lewis & Clark	10,927	15.36%
82	Lewis & Clark	10,932	15.37%
83	Lewis & Clark	10,933	15.37%
84	Broadwater	431	6.36%
84	Lewis & Clark	10,493	14.75%
85	Ravalli	11,064	25.04%
86	Ravalli	11,029	24.96%
87	Ravalli	11,058	25.02%
88	Ravalli	11,037	24.98%
89	Missoula	10,872	9.21%
90	Mineral	4,536	100.00%
90	Missoula	5,352	4.53%
90	Sanders	937	7.55%
91	Lake	7,278	23.33%
91	Missoula	2,907	2.46%
91	Sanders	735	5.92%
92	Missoula	10,909	9.24%
93	Missoula	10,802	9.15%
94	Missoula	10,926	9.25%
95	Missoula	10,740	9.10%
96	Missoula	10,773	9.12%
97	Missoula	10,784	9.13%
98	Missoula	10,855	9.19%
99	Missoula	10,720	9.08%
100	Missoula	10,749	9.10%

APPENDIX A: Mandatory Criteria and Goals for Congressional and State Legislative Districts

Mandatory Criteria for Congressional Districts

- Districts must be as equal in population as is practicable (Article 1, Section 2, U.S. Constitution).
- Protection of minority voting rights are guaranteed in Article II, Section 4 of the Montana Constitution and through compliance with the Voting Rights Act. No district, plan, or proposal for a plan is acceptable if it affords members of a racial or language minority group “less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.” (42 U.S.C. 1973). Race cannot be the predominant factor to which traditional redistricting criteria are subordinated. (Shaw v. Reno, 509 U.S. 630 1993).
- Each district shall consist of compact territory. (Article 5, Section 14 of the Montana Constitution). The Commission shall consider the district’s functional compactness in terms of travel and transportation, communication, and geography.
- Each district shall be contiguous, meaning that a district must be in one piece. (Article 5, Section 14 of the Montana Constitution). Areas that meet only at points of adjoining corners shall not be considered contiguous. Areas separated by natural geographical or artificial barriers that prevent transportation by vehicle on a maintained road shall be avoided when not in conflict with the commission's adopted criteria and goals.

Goals for Congressional Districts

- No plan may be drawn to unduly favor a political party.
- The commission shall attempt to minimize dividing cities, towns, counties and federal reservations between two districts when possible.
- Keeping communities of interest intact. The Commission may consider keeping communities of interest intact. Communities of interest can be based on Indian reservations, urban interests, suburban interests, rural interests, tribal interests, neighborhoods, trade areas, geographic location, demographics, communication and transportation networks, social, cultural, historic, and economic interests and

connections, or occupations and lifestyles.

- The commission may consider competitiveness of districts when drawing plans.

Mandatory Criteria for State Legislative Districts

- Legislative districts must be as equal in population as is practicable. The commission shall remain within plus or minus 1% deviation, to be exceeded within federally allowable standards only for purposes of complying with the Voting Rights Act, maintaining political subdivisions, or other constitutionally mandatory criteria. The maximum average deviation of all House districts shall be no more than plus or minus 1% deviation. The commission may adjust this deviation if undercount analysis from the U.S. Census Bureau demonstrates that systematic undercounting occurred among identified geographic or demographic groups.
- Protection of minority voting rights are guaranteed in Article II, Section 4 of the Montana Constitution and through compliance with the Voting Rights Act. No district, plan, or proposal for a plan is acceptable if it affords members of a racial or language minority group “less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.” (42 U.S.C. 1973). Race cannot be the predominant factor to which traditional redistricting criteria are subordinated. (Shaw v. Reno, 509 U.S. 630 1993).
- Each district shall consist of compact territory. (Article 5, Section 14 of the Montana Constitution). The Commission shall consider the district’s functional compactness in terms of travel and transportation, communication, and geography.
- Each district shall be contiguous, meaning that a district must be in one piece. (Article 5, Section 14 of the Montana Constitution). Areas that meet only at points of adjoining corners shall not be considered contiguous. Areas separated by natural geographical or artificial barriers that prevent transportation by vehicle on a maintained road shall be avoided when not in conflict with the commission's adopted criteria and goals.

Goals for State Legislative Districts

- No plan may be drawn to unduly favor a political party.
- The commission shall attempt to minimize dividing cities, towns, counties and federal reservations when possible.
- Keeping communities of interest intact. The Commission may consider keeping communities of interest intact. Communities of interest can be based on Indian reservations; urban interests, suburban interests, rural interests, including

elementary and high school districts; tribal interests; neighborhoods; trade areas; geographic location; demographics; communication and transportation networks; social, cultural, historic, and economic interests and connections; or occupations and lifestyles.

- The commission may consider competitiveness of districts when drawing plans.
- The commission shall consider assigning holdover senators to the Senate District which contains the greatest number of residents of the district from which they were previously elected when possible.

APPENDIX B: Recommendations from the 68th Legislature

68th Legislature - 2023

SJ0008



A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA PROVIDING RECOMMENDATIONS ON THE LEGISLATIVE REDISTRICTING PLAN TO THE MONTANA DISTRICTING AND APPORTIONMENT COMMISSION.

WHEREAS, the Montana Districting and Apportionment Commission submitted its legislative redistricting plan to the Legislature on January 6, 2023, as required by Article V, section 14, of the Montana Constitution; and

WHEREAS, the Montana Constitution requires the Commission to submit a proposed plan to the Legislature for recommendations to alter the proposal; and

WHEREAS, the Montana Constitution mandates that districts must be as equal in population as is practicable; and

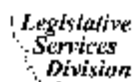
WHEREAS, the Montana Constitution requires districts to protect minority voting rights; and

WHEREAS, the Montana Constitution further mandates districts be compact and contiguous; and

WHEREAS, the Montana Districting and Apportionment Commission adopted additional discretionary criteria to guide its redistricting plan, including preventing favoritism toward political parties, minimizing the division of cities, towns, counties, and federal reservations, and keeping communities of interest intact.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

In an era of significant political division, Montana's elected representatives still believe in working together. After evaluating the public comments and reviewing the proposal of the Montana Districting and Apportionment Commission, the bipartisan members of the Legislature agree to the following changes to the Commission's tentative map:



- 1 -

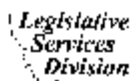
Authorized Print Version – SJ 8

ENROLLED BILL

- (1) redraw as necessary to keep Broadwater County whole;
- (2) redraw as necessary to keep Musselshell County whole;
- (3) in the greater Pablo area, include in House District 11 the area south of Pablo Road West and north of Carbine Road with Montana Avenue as the eastern boundary;
- (4) redraw as necessary to keep Georgetown Lake with Granite and Powell Counties;
- (5) redraw as necessary to keep House District 84 wholly contained within Lewis and Clark County; and
- (6) redraw House District 41 to include 22 Upper Road, Hardin, and House District 91 to include 35566 Terrace Lake Road, Ronan.

BE IT FURTHER RESOLVED, that the Republican majority finds that:

- (1) after inspecting the map and receiving substantial public comment in opposition, the current proposal does not follow the constitutional requirements. The Commission did not consistently or fairly apply the discretionary criteria regarding communities of interest. Furthermore, the Commission often sacrificed constitutionally mandatory compactness for discretionary competitiveness.
- (2) the Commission's failure to prioritize the Constitution's mandates created districts that are neither visually nor functionally compact. The Joint Select Committee on Redistricting heard substantial testimony from legislators and citizens about how this lack of compactness will impact voters. Commenters pointed out that several proposed districts extend hundreds of miles across county lines and geographic boundaries. Other commenters mentioned that some districts are connected by roads that are either closed or unreliable in winter. Creating districts that neither pass the eye test for compactness nor allow elected leaders and voters to travel the district is contrary to the requirements set forth in the Constitution.
- (3) the Commission's discretionary criteria were not consistently applied. The Commission aimed to keep towns and cities intact where possible but divided communities unnecessarily in the name of proportionality. Additionally, the Commission's criteria prioritized keeping rural, suburban, and urban interests in the same district, but frequently drew urban areas into rural ones to create more competitive districts by splitting voting blocs. The mixing and dividing of Montana's communities of interest created districts where the representative will likely have little knowledge of the areas beyond his or her own front door.
- (4) although the Commission adopted criteria that no district should be drawn to unduly favor a



single political party, in the urban areas, this proposed map does exactly that. In Gallatin County, 45% of voters are Republican, but only two of the county's 11 seats lean Republican. Republican voters in Missoula and Lewis and Clark Counties are also underrepresented. The Commission's discretionary competitiveness criterion, which has no basis in the Constitution, was prioritized to favor the representation of Democrats in urban areas at the expense of the compactness mandated in the Constitution.

(5) for example, in Lewis and Clark County, the Commission disregarded city boundaries and drew multiple districts that crossed city boundaries to capture territory in the Helena Valley. Additionally, in Gallatin County, the Commission drew a district running from Gardiner into the center of Bozeman.

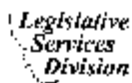
(6) many other states do not have statutory or constitutional directives requiring districts to be compact and contiguous, and, for those states that do have directives, many qualify the requirement with language saying that it must be done only "to the extent practicable". Montana's constitutional imperative for compact and contiguous districts is not diluted with this type of exception.

(7) it cannot endorse the proposed map as it exists today. To remedy the proposal's lack of constitutionally mandated compactness and reintegrate the communities of interest that were impermissibly divided in the name of proportionality, the majority recommends the following alterations:

(a) redraw House Districts 3, 4, 5, and 6 to make the communities of Whitefish and Columbia Falls whole. House District 4 on the existing map was drawn specifically to create a Democratic House seat and a Senate seat that leans Democratic. It ignores the distinct Whitefish and Columbia Falls communities of interest and unduly favors the Democratic Party to carve out seats based on the partisan makeup of the districts. The Commission must redraw these seats to reflect functional compactness and to recognize unique communities of interest.

(b) redraw House Districts 65 and 66 to create a more urban district in Bozeman proper and a suburban rural district. As drawn, these districts give Democrats two safe House seats while ignoring the constitutionally mandated compactness requirement. To create these safe Democratic seats, the Commission included rural portions of Gallatin County with the urban core of Bozeman. In addition to clearly violating the Constitution's compactness requirement, the districts blatantly disregard communities of interest.

(c) redraw the entire Gallatin County area with the constitutional requirement of compactness in mind instead of unduly favoring the Democratic Party. There are numerous changes that could be made in



Bozeman and the surrounding area to ensure that the Commission respects compactness and better reflects communities of interest. For example, House Districts 62, 63, and 64 are elongated districts that could be made much more compact and keep communities of interest together. Three different House districts that all go west of Jackrabbit Lane, as well as into Bozeman city limits, cannot be considered functionally compact, much less represent communities of interest.

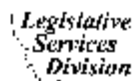
(d) redraw House District 57 in a more compact fashion as required by the Montana Constitution. This district was drawn to unduly favor the Democratic Party. It is an egregious violation of the compactness requirement to have a large portion of Main Street Bozeman in the same House district as rural Park County, Cooke City, and Clyde Park and completely ignores communities of interest.

(e) redraw House Districts 79 and 80 to meet compactness requirements. As currently drawn, House District 79 borders House District 80 on its north, south, and western boundaries, as well as going farther east than all of House District 80. Again, these districts were drawn to create safe Democratic seats at the expense of compactness.

(f) redraw House Districts 81 and 82 to prioritize compact districts instead of unduly favoring the Democratic Party. These districts are drawn to create two Democratic safe seats while sacrificing compactness. This is a simple fix. The Commission can create an urban Helena district and a suburban/rural district that goes into the Helena Valley. This will create two districts that are much more compact and better reflect communities of interest.

(g) redraw the boundaries of House Districts 91 and 99 to make them more functionally compact by consolidating the Rattlesnake area with portions of the Northside. Again, these districts were drawn to unduly favor the Democratic Party and give them two safe seats. Ronan and the Rattlesnake portion of Missoula are combined with rural areas of western Montana to create a single House district that has many disparate communities of interest and flagrantly violates the Constitution's compactness requirement.

(h) redraw the boundaries of House Districts 89 and 94 to make these districts more functionally compact and better reflective of communities of interest by making House District 94 a more urban district in southern Missoula and making a more suburban/rural district that goes south and includes the greater Lolo area. This will also require population shifts with House District 93, which, as drawn now, combines the urban University District with the rural areas surrounding Clinton and Turah. These districts completely ignore



compactness and communities of interest for the sake of unduly favoring the Democratic Party.

(i) redraw House District 42. As currently drawn, the district is not compact and combines different urban and rural communities. House District 42 should not go into the urban core of Billings and take in portions of the south side. The south side portion of House District 42 can be combined with other Billings urban districts with House District 42 picking up urban portions of House Districts 54 and 55.

(j) redraw House Districts 36, 37, 38, 60, and 41 to reflect the House District Proposal 4; and

(k) keep established communities of interest intact by reconfiguring House pairings to Senate seats.

BE IT FURTHER RESOLVED, that a copy of this resolution be kept on file with the Secretary of State and that copies be sent by the Secretary of State to the presiding officer and each member of the Montana Districting and Apportionment Commission.

- END -

I hereby certify that the within bill,
SJ 8, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2023.

