



MONTANA DISTRICTING AND APPORTIONMENT COMMISSION

67th Montana Legislature

PUBLIC MEMBERS

Commissioner Jeff Essmann
Commissioner Joe Lamson
Commissioner Kendra Miller
Commissioner Maylinn Smith
Commissioner Dan Stusek

COMMITTEE STAFF

K.V. Aldrich - Attorney
Joe Kolman - Research Analyst
Laura Sherley - Secretary
Rachel Weiss - Research Analyst

MINUTES LOG

November 09, 2021
State Capitol Building, Room 172
Helena, Montana

Please note: This document is a Minutes Log and provides annotation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video recording of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of the meeting activities. The 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 <https://leg.mt.gov>. From the home page, select the "Committees" drop down menu at the top, then select Administrative or Interim, and the appropriate committee. The written minutes log can be located by expanding the accordion menu for the date of the meeting. Links to the audio/video files can be located by selecting the Video/Audio button on the same page, then the "past/current recordings" button. From there, use the calendar to select the date of the meeting you wish to view/listen to. The written Minutes Log, along with links to the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the Exhibits is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed. Please contact the Legislative Services Division at 406-444-3064 for more information.

MEMBERS PRESENT:

Commissioner Maylinn Smith, Presiding Officer
Commissioner Jeff Essmann
Commissioner Joe Lamson
Commissioner Kendra Miller
Commissioner Dan Stusek

STAFF PRESENT:

K.V. Aldrich, Attorney
Joe Kolman, Research Analyst
Nadine Spencer, Secretary
Rachel Weiss, Research Analyst

AGENDA ([Attachment 1](#))

VISITORS' LIST ([Attachment 2](#))

COMMITTEE ACTION

The Montana Districting and Apportionment Commission:

- Approved the letter to Legislative Council asking for additional money to hire outside technical assistance for prisoner reallocation and expert assistance to conduct a racial bloc voting analysis;
- Voted to adopt congressional map CP-12 as amended and move it forward for public comment.

CALL TO ORDER/ROLL CALL

09:30:06 Commissioner Smith called the meeting to order at 9:30 AM. The committee secretary took roll.

Welcome and Opening Remarks

09:30:32 Commissioner Smith said she has received complaints from people who want more time to provide public comment. She said the commission is limited by the 90-day timeframe imposed by the Montana Constitution. She commented on trying to reach consensus on a final congressional map and said not everyone will be happy with the final decision.

PUBLIC COMMENT ON PROPOSED CONGRESSIONAL MAP CP 12

09:32:26 Don Lepinsky
09:34:15 Judith Mortensen
09:37:01 Linda Madsen, Great Falls
09:38:15 Susan Smith, Helena
09:39:30 Ellen Gayle Clifford, Three Forks
09:41:54 Michael Wells, Helena
09:43:48 Carl Malesich, Dillon
09:45:06 J.S. Turner, Dillon
09:45:55 Darin Gaub, Helena
09:46:49 Rep. Mary Ann Dunwell, HD 84
09:48:47 Lane Smyth, Lakeside
09:50:26 Sharon Nason
09:52:35 Elizabeth Hale
09:53:15 Donna Elford
09:54:23 Joanne Gores
09:56:49 Shaun Pandina
09:57:50 Eileen Guthrie, Gallatin Valley
09:59:51 Barbara Calahan
10:02:13 Wayne Beckman, Helena
10:02:37 Amy Peacock
10:03:12 Ruth Rater, Helena
10:04:32 Alex Newby
10:07:22 Tracy Sharp
10:09:40 David Ingram, Kalispell

10:10:54 Fred Van Valkenburg, Missoula
 10:13:24 Bart Crabtree, Montana State Council on Judicial Accountability
 10:14:53 Graham Allingham
 10:17:17 Nancy Leifer, League of Women Voters of Montana
 10:19:33 Deborah Wilson
 10:20:50 David August, Flathead
 10:21:25 Charles Hall, Polson
 10:22:28 Maryanne Campbell, Park County
 10:23:53 Christina Granrud
 10:26:13 Mary Westwood
 10:28:17 Bill South, Sheridan
 10:29:27 Carol Gruetter, Gallatin County
 10:31:02 Connie Ciabaton, Big Fork
 10:32:35 Minh-Ha Trieu
 10:33:57 Tammi Baer, Ronan
 10:35:52 Annie Thomas
 10:37:50 Courtenay Sprunger
 10:39:19 Leonard Falk
 10:40:34 Lyle Schwabauer
 10:41:01 Mr. Pandina
 10:41:55 Mr. Smyth

Additional public comment received (Exhibit [A](#); [B](#); [C](#); [D](#); [E](#); [F](#); [G](#); [H](#); [I](#))

10:42:44 Recess
 10:58:07 Reconvene

COMMISSION WORK SESSION

Review RFI Results, Discuss, Direct Staff on Next Steps

10:58:53 Commissioner Smith said the commission did not receive any responses to the request for information (RFI) for prisoner reallocation or racial bloc voting analysis. She asked for suggestions from the commissioners on how to proceed.

10:59:18 Commissioner Essmann asked staff if feedback was received from people who do the studies. He asked if they are too busy finishing responses from other states and if waiting until December when they are done would increase prospects.

11:00:10 Commissioner Miller said she recommends moving forward and putting out the request for proposal (RFP) based on the information from the National Conference of State Legislatures (NCSL) and other vendors.

11:01:19 Commissioner Smith asked Commissioner Miller if there is enough information to put a dollar amount.

11:01:44 Ms. Weiss said no feedback was received and she did not know whether more time would help. She said the best information available was provided at the commission meeting in August. She said Ms. Aldrich prepared a decision matrix

with choices the commission needs to make if it decides to move forward with the RFPs.

- 11:02:25 Ms. Weiss discussed a draft letter to Legislative Council asking for additional money to hire outside technical assistance for prisoner reallocation and expert assistance to conduct a racial bloc voting analysis. She said the Legislative Council meeting is being rescheduled and she did know when the commission's request would be considered. **(Exhibit 1)**
- 11:02:59 Ms. Weiss provided copies of the decision matrix. **(Exhibit 2)**
- 11:04:15 Commissioner Lamson said he met with Susan Fox, executive director, Legislative Services Division, in order to get an idea of possible funding sources. He said Ms. Fox provided a spreadsheet of overall LSD funding that may be available.

PUBLIC COMMENT ON RFI RESULTS AND POTENTIAL RFP LANGUAGE FOR PRISONER REALLOCATION AND RACIAL BLOC VOTING ANALYSIS

None

PUBLIC COMMENT ON ANY TOPIC UNDER THE COMMISSION'S JURISDICTION BUT NOT ON THIS AGENDA

None

Commission work session continued

- 11:08:19 Commissioner Smith opened discussion on the decision matrix and asked about selecting members to serve on the selection committee.
- 11:08:40 Commissioner Essmann
- 11:09:09 Commissioner Smith
- 11:09:28 Commissioner Miller
- 11:10:15 Commissioner Smith appointed Commissioner Stusek and Commissioner Miller to the racial bloc voting selection committee and Commissioner Essmann and Commissioner Miller to the prisoner reallocation selection committee.
- 11:10:55 Commissioner Smith said the commission will wait to discuss how long the RFPs will remain open.
- 11:11:10 The commission discussed whether offers will be required to complete an oral interview.
- 11:17:56 The commission discussed how costs will be presented.
- 11:20:13 Commissioner Miller asked Ms. Weiss about the costs. **(Exhibit 3)**
- 11:24:50 Ms. Aldrich said she wants to confirm with the contracting officers that the commission can ask for additional information in the RFP. She said she will send an email to the commissioners after she receives the information.
- 11:26:14 Commissioner Miller said she recommends getting a total project cost with an itemized budget rather than the hourly rate.
- 11:26:34 The commission discussed the budget for each RFP.
- 11:31:34 Commissioner Smith said she will put \$40,000 for racial block voting and \$10,000 for prisoner reallocation.
- 11:32:13 The commission discussed when the work needs to be completed. The commission set the date as April 1, 2022.
- 11:32:48 The commission discussed how often to pay the contractor and if it will be based on the percentage of work completed.

11:39:04 The commission discussed whether consultations with the commission will be limited to Zoom or if the commission will pay travel expenses to the state capitol.

11:40:03 The commission discussed how prisoners with no prior address will be reallocated.

11:43:36 Commissioner Smith asked Ms. Aldrich if any other additional information was needed.

11:44:19 The commission discussed the letter to Legislative Council. ([see exhibit 1](#))

11:45:20 Commissioner Essmann said he recommends asking for the specific amount, that was discussed earlier, for each project. Ms. Weiss said the amount was \$40,000 for racial bloc voting analysis and \$10,000 for prisoner reallocation.

11:46:46 Commissioner Miller said she thought the rest of the letter looked good.

11:47:13 Commissioner Stusek said he recommends adding "However," at the beginning of the first sentence in the second paragraph.

Motion/Vote

11:48:15 Commissioner Essmann moved to approve the letter and send it to Legislative Council. The motion carried unanimously by voice vote.

11:48:31 Ms. Aldrich asked how long the RFPs should remain open. Commissioner Essmann said he recommends January 18.

11:49:27 Commissioner Smith said without objection from the commission the RFPs will remain open until January 18, 2022.

11:49:40 Commissioner Smith asked Ms. Aldrich about next steps.

11:50:26 Commissioner Lamson asked about the next meeting date. Mr. Kolman said Legislative Council is tentatively scheduled to meet December 6.

Discuss, Revise, Adopt Congressional Map

11:51:50 Commissioner Smith opened the discussion.

11:52:05 Commissioner Miller discussed an amendment to map CP-12. ([Exhibit 4](#))

Motion

11:58:03 Commissioner Miller moved to amend map CP-12.

Discussion on the Motion

11:58:11 Commissioner Stusek

12:00:24 Commissioner Miller

12:00:50 Commissioner Essmann

12:01:04 Commissioner Miller

12:01:21 Commissioner Smith

12:01:35 Commissioner Miller

12:01:56 Commissioner Stusek

12:02:31 Commissioner Miller

12:06:11 Commissioner Stusek

12:07:52 Commissioner Miller

12:08:21 Commissioner Stusek

12:08:59 Commissioner Smith

12:09:09 Ms. Aldrich
12:10:47 Commissioner Essmann

Vote

12:12:50 The motion carried 3-2 by voice vote. Commissioner Essmann and Commissioner Stusek voted no.

Motion

12:14:48 Commissioner Essmann moved to adopt map CP-12 as amended.

Discussion on the Motion

12:15:30 Commissioner Miller
12:24:12 Commissioner Lamson
12:34:13 Commissioner Stusek
12:36:47 Commissioner Essmann
12:40:35 Commissioner Miller
12:40:47 Commissioner Smith

Vote

12:41:54 The motion carried 3-2 by voice vote. Commissioner Lamson and Commissioner Miller voted no.

Next Steps in Drawing State Legislative Districts

12:42:47 Commissioner Smith opened discussion on how to proceed with drawing state legislative districts.
12:43:04 Ms. Weiss said the RFPs need to be completed before the districts can be drawn. She discussed potential timelines for the process. **(Exhibit 5)**
12:46:41 Commissioner Lamson provided information on the process and how it was done in the past.
12:50:46 Commissioner Essmann said he agreed with the timeline proposed by Commissioner Lamson and that he would like to get feedback from previous commissioners. He said he would like the commission to decide on a formal process for receiving public input on maps.
12:52:32 Commissioner Lamson said he recommends beginning in late spring and early summer.
12:53:30 Commissioner Smith said meetings can be conducted via Zoom. She said the commission is already receiving maps and recommended providing guidance to the public on submitting maps
12:54:20 Commissioner Lamson said he recommends the public look at the criteria the commission set as guidance.
12:54:44 Commissioner Miller said she recommends encouraging the public to submit larger regions of districts rather than their just their own district.

Other Directions to Staff

12:56:32 Ms. Weiss asked if the commission wants staff to start consolidating maps already received.
12:57:02 Commissioner Miller said she recommends starting to consolidate duplicate maps.

- 12:57:22 Commissioner Stusek asked about using the current computer software and having an option for the public to divide areas into regions.
- 12:58:36 Commissioner Essmann said he recommends allowing time for the commission to define regions before providing direction to the public.
- 12:59:32 Commissioner Stusek agreed and said the public can also share their thoughts.

Next Meeting Date

- 12:59:45 Commissioner Smith said the next meeting will be this Friday by Zoom to formalize the congressional map and allow for public comment.
- 13:00:18 The commission discussed the time for the meeting. Commissioner Smith said the meeting will be scheduled from 9:00 a.m. to 1:00 p.m.

ADJOURNMENT

Adjournment: 13:02:11