



# Montana Districting and Apportionment Commission

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## MINUTES

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Committee tapes are on file in the offices of the Legislative Services Division.

**Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of documents.**

Western Region Executive Session  
Room 102, State Capitol  
September 16, 2002

### COMMITTEE MEMBERS PRESENT

Janine Pease Pretty On Top, Presiding Officer  
Sheila Rice, Vice Presiding Officer  
Joe Lamson  
Jack D. Rehberg  
Dean Jellison

### STAFF PRESENT

Susan Byorth Fox, Research Analyst  
John MacMaster, Attorney  
Lois O'Connor, Secretary

### VISITORS

Visitors' list (ATTACHMENT #1)  
Agenda (ATTACHMENT #2)

### COMMITTEE ACTION

- Approved the minutes from the June 17, 2002, Helena Executive Session, the August 12, 2002, Kalispell public hearing, the August 13, 2002, Pablo public hearing, and the August 13, 2002, Missoula public hearing
- Adopted Lincoln, Sanders, Flathead, Lake Mineral, Missoula, Ravalli, and the remainder of Glacier and Pondera Counties for the Western Region
- Approved Plan 300 as amended for the Western Region
- Approved November 19, 2002, as the meeting date for a public hearing and adoption of the Senate district pairings and December 6, 2002, as the meeting date for the statutorily

required public hearing and executive session on the adoption of the districting plan as a whole

**CALL TO ORDER AND ROLL CALL**

The meeting was called to order by Commissioner Pretty On Top, Presiding Officer, at 1:00 p.m. Attendance was noted; all Commissioners were present. (ATTACHMENT #3)

Commissioner Jellison **moved** that the minutes from the June 17, 2002, Executive Session minutes on the Southwest Region; the August 12, 2002, Kalispell public hearing minutes, the June 13, 2002, Pablo public hearing minutes, and the August 13, 2002, Missoula public hearing minutes be approved. Motion passed unanimously.

**ADOPTION OF THE WESTERN REGION PLAN**

**Susan Fox, Research Analyst, Legislative Services Division**, reviewed the Commission's procedure for the tentative adoption of the legislative districts.

**Ms. Fox:** The Commission adopted the procedure to select and adopt a single plan, then consider and adopt amendments to that plan, and finally, adopt the plan as amended.

**Commissioner Rice:** I **move** the Commission tentatively adopt the house districts proposed in Plan 300 for the Western Region. These would include Western Regional Plan 300 for House Districts #1, 73-100. The counties would be Lincoln, Sanders, Flathead, Lake, Mineral, Missoula, Ravalli, and the remainder of Glacier and Pondera Counties.

**Rationale:**

All the house districts in Plan 300 meet the four mandatory criteria adopted by the Commission. All proposed districts within Plan 300:

- Achieve population equality within the maximum deviations set forth in the United States and Montana Constitutions and U.S. Supreme Court decisions.
- Are compact and contiguous as set forth in the Montana Constitution.
- Protect minority voting rights and are in compliance with the Voting Rights Act as established in the United States Constitution and 42 U.S.C. 1973.
- Do not use race as the predominant factor to which the traditional discretionary criteria are subordinated as outlined in Shaw v. Reno U.S. 630 (1993).

In addition Plan 300 balances and considers the three discretionary criteria adopted by the Commission.

- 1) The proposed house districts consider boundary lines of counties, cities, towns, school districts, Indian reservations, voting precincts, and other political units to the extent they are reflected in the geographical database. If the lines do not follow lines in the geographic database, they provide guidance.
- 2) The proposed house districts consider geographic boundaries as provided in the TIGER/Line files of the U.S. Bureau of Census.
- 3) The proposed house districts consider keeping communities of interest intact. Communities of interest can be based on trade areas, geographic location,

communication and transportation networks, media markets, Indian reservations, urban and rural interests, social, cultural, and economic interests, or occupations and lifestyles.

I will address how specific proposed house districts in Plan 300 meet the mandatory criteria and take into consideration the discretionary criteria of the Commission.

**House Districts 73-76:** These four districts are all within the boundaries of Ravalli County. The Commission received bipartisan testimony in support Plan 300 for Ravalli County. Testimony acknowledged the shared communities of interests involving common trade areas, media markets, social and cultural characteristics, voting patterns, and major transportation networks. Plans 100 and 200 propose similar districts for this area. All towns within HD 73-76 remain intact.

The Ravalli County Clerk and Recorder has suggested several amendments. The amendments make sense and I would support their later addition to Plan 300.

**House Districts 77-86:** These ten districts are all within Missoula County, which is one of the state's fastest, growing counties. Missoula is the urban center of the county surrounded by rapidly growing suburban communities.

The Missoula County Clerk and Recorder has suggested several helpful amendments. It is my intention to support most of these amendments in our later actions.

**House Districts 78-83 & 86:** These seven districts contain portions of Missoula's urban and surrounding suburban neighborhoods. Growth patterns within this area have developed an expanding urban/suburban area that shares social, educational, economic, media markets, and political characteristics.

**House Districts 77 & 85:** These two districts are suburban/rural districts that are to the east, south, and west of Missoula. All the districts are within Missoula County and are dominated by the common interests, which relate to rapid growth, suburban communities. They share social, educational, economic, media markets, and political characteristics.

**House Districts 87 & 88:** These two districts are in Mineral, Sanders, and northwest Missoula Counties. The management and harvest of natural resources plays an important role in the economies of these small western Montana communities. They share social, educational, transportation networks, and voting patterns. All towns remain intact within the districts.

**House District 1:** This district encompasses major portions of the Flathead Indian Reservation and southern parts of the Blackfeet Reservation. The Commission received testimony from representatives and members of the Confederated Salish and Kootenai Tribes on the Flathead Reservation and from of the Blackfeet Tribe to the distinct communities of interests shared within this district. The residents of the district share rich cultural traditions, educational, social, family networks, voting patterns, political alliances, and socio-economic characteristics. The Commission received convincing testimony documenting the considerable interaction among residents of the two reservations.

The residents of HD 1 also share common interests created by their tribal council form of government and its relationships with local, state, and federal governments. Plan 300 complies with the Voting Rights Act by providing local residents the opportunity to elect candidates of their choice. The voting age population of American Indians in HD 1 would be 52%. The numerous cited communities of interests shared by the residents of proposed HD 1 clearly demonstrates race is only one of many shared community characteristics and not the predominant factor in the creation of the district.

Concerns have been raised about the size and transportation networks of HD 1. It should be noted that 11 current house districts, HD 1, 3, 7, 33, 34, 40, 58, 89, 93, 95 & 99, are considerably larger or about the same size as proposed HD 1. All of these 11 house districts met the 1990 Commission's mandatory criteria for compactness. In addition, it was noted that U.S. Highway 2 provides a well-used access route for residents of the district in all types of weather. The Montana Department of Transportation reports more than 33,000 vehicle trips are made in January over Marias Pass on Highway 2.

The 1970, 1980, and 1990 Redistricting Commissions have all recognized these common communities of interests shared among reservation residents in the creation of previous legislative districts involving Montana Indian reservation communities.

The Flathead County Clerk and Recorder raised privacy concerns about 10 Flathead County individuals who were inadvertently included in HD 1. An amendment will be offered to move this census block into proposed House District 96.

**House Districts 89 & 90:** These two districts are in western Lake and southwestern Flathead Counties. They are comprised of Polson, surrounding small communities, and the remainder of the Flathead Indian Reservation. The residents of these communities share social, economic, educational, and transportation networks. The Commission received bipartisan support for Plan 300 from residents with in this area.

**House Districts 91-98:** These eight districts are all within Flathead County. One district, HD 91, does include northwestern Lake County. Flathead County is another one of Montana's fastest growing counties. It differs from other Montana "urban" counties in that the county's population is dispersed among the four larger communities of Kalispell, Whitefish, Columbia Falls, and Big Fork. Montana's other "urban" counties are dominated by a single major, urban center.

The areas between the larger Flathead County communities are a mixture of suburban and rural communities. The residents of the proposed districts share economic, social, educational, lifestyle, voting patterns, transportation networks, and media markets.

**House Districts 99 & 100:** Both of these districts are totally within the boundaries of Lincoln County. Plan 300 seeks to create House District 100 that includes the communities of Libby and Troy. The small towns and rural areas of Lincoln County compose the proposed adjoining House District 99. The Commission received bipartisan testimony in support of these proposed districts.

The use of natural resources dominates the economy of Lincoln County. The residents of these

districts share trade areas, social, educational, transportation networks, and lifestyle communities of interest." (Exhibit #1)

**Commissioner Jellison:** This Commission is charged with the duty of redefining the 100 House Districts and the 50 Senate Districts constituting the Montana Legislative Districts in order that the districts shall be "as equal in population as is practicable".

The Commission adopted, at the outset of its work, several "mandatory criteria, one of which was that the population of districts shall be within 5% of the target population, which was 9,022 for each House District. This criteria was based on Federal Court decisions that have held that the equal protection clause of the U.S. Constitution would be presumed to be complied with by a variation in population not exceeding 10% between the high and the low.

The documents and testimony which constitute the evidence before this Commission establish that the proposal identified as Plan 300, drafted by Commission members Lamson and Rice, was deliberately designed to gain an advantage for the Democrat Party by drawing boundaries that would contain less than the target population for districts that would likely have a majority of Republican voters.

With the Chairman of the Commission freely acknowledging her Democrat allegiance and voting consistently with the two Democrat representatives on the Commission, Plan 300 was adopted for each House District in the state. There is an old political maxim that "Power corrupts, and absolute power corrupts absolutely."

Present day technology makes it readily possible to design legislative districts that are within 1% of the target population as is conclusively demonstrated by the Plan 300 proposal for the 12 districts in the Northwest corner of Montana, each of which is between 104% and 105% of the target number of 9,022. While the purpose of this manipulation of population was to move a new legislative district further south toward "greener" pastures, it does clearly demonstrate the capabilities of the technology in use now.

While Plan 300 districts are presumed to comply with the equal protection clause of the United States Constitution, they constitute an abuse of a tolerance crafted by the Federal Courts long before computers enabled much greater precision.

The Montana Constitution applies a different standard, using "as equal in population as is practicable". While that term has not been interpreted by the Montana Supreme Court or further defined by the Montana Legislature, its dictionary definition is "capable of being done".

A tolerance of 1% above or below the target population is certainly practicable in the work of this Commission. With the knowledge that has been gained through the work that has been done and the input from the various public hearings, our staff should be able to prepare a new plan within three weeks.

It is difficult to imagine that a judge could look at the demonstrated ability to define districts within 1% of a target population and decide that any percentage greater than that complies with the constitutional requirement.

I, therefore, **move** (substitute motion) this Commission avoid the expense and delay of a judicial rejection of its work as unconstitutional and act now to reject the proposal know as Plan 300 in its entirety. There is time to instruct the staff to submit a new proposal with districts drawn to a maximum variation of 1% from the target of 9,022. Any other plans conforming to the 1% variation would, of course, be considered as well." (EXHIBIT #2)

**Commissioner Rice:** In other meetings you have talked about the need for the 5% variation based on all of the criteria. Would you agree that you need a greater than 1% and as much as 5% variation in order to draw districts that meet all of the criteria?

**Ms. Fox:** The fact that I used up to the plus or minus 5% in all of the plans around the state illustrated to me what I felt was necessary to comply with the criteria as I understood them. The Commission had discretionary criteria that can be overridden by its mandatory criteria. If I were to be directed to do so, it could technically be done, but the plan would look considerably different. If not directed to, I would still choose to use the plus or minus 5% deviation across the state.

**Commissioner Lamson:** This is very similar to other points raised by our Republican colleagues on the Commission in past hearings who have continually raised this red herring that Montana's Commission is somehow different or odd and we are corrupting the process because we are using the plus or minus 5%. This is the same deviation tolerance that has been adopted by 40 of the 41 states that are currently doing redistricting in the country and it is a tolerance that has been adopted by all previous Montana Redistricting Commissions. My count of the districts when added up, one-fourth of the districts on the extremely high side and one-fourth on the lower side, while the main one-half of the districts are somewhere in between in terms of the deviation. If you look at the other plans that have been submitted, other than Plan 300, they also have similar deviations. One of the reasons is so that we are not ending up splitting small towns and we are keeping communities of interest together. The federal government has long recognized that state's have a compelling interest to have more flexibility in this area to take care of local concerns. Putting an arbitrary 1% requirement at this stage of the process is infeasible nor is it necessary. It is just a red herring to build a legal case for an eventual legal challenge by our friends on the other side of the isle. I will be opposing the motion.

**Commissioner Jellison:** I do feel that Montana is in a unique situation as compared to all of the other states because Montana has its own unique constitution. None of the other states that are using the 5% tolerance have language that requires them to create districts that are as equal in population as is practicable. We need to recognize the Montana Constitution and not go by what the vast majority of other people are doing. The other point is that it was only when you did the Southcentral district proposal that it became apparent that there was, in fact, an effort to pack the likelier Republican districts with a higher population and relieve the likelier Democrat districts with a lower population. This is not something that could have been raised or has been raised prior to that time. It is there, and it is in violation, in my opinion, of the provisions of the Montana Constitution. I just can't imagine that a judge isn't going to look at it and reach the same conclusion. So, why go through all of the trouble when it can be fixed now.

**Commissioner Pretty On Top:** Since Montana does not require its electors to register in one party or another, how have you been able to analyze what districts are Republican versus Democrat? What sort of measure do you use to do that?

**Commissioner Jellison:** Political experience, I think is the term. I haven't personally done the districts in Southcentral Montana, however, one of their legislators with considerable experience indicated that he had gone through and determined that the districts that were likely Republican and likely Democrat. I think it is quite possible to do that. I could do that in Flathead County, but it is meaningless because every district is more likely a Republican district. The Democrats haven't won anything for a long time there.

**Commissioner Pretty On Top:** The fellow that you talked to in Southcentral district, he may have been comparing who is in the House now by their party affiliation and the majority that they won by.

**Commissioner Jellison:** I don't know. I didn't talk to him in detail, but the point that I should make is that this Commission has a record with which to make this decision on. All of the testimony and all of the documents that we have are consistent with the idea that there has been a manipulation of those numbers. There is nothing that has been sent or written by anybody that denies that that occurred.

**Commissioner Pretty On Top:** Is there a state in the 40 states that keeps the deviation variance less than the plus or minus 5% that you are aware of?

**Commissioner Jellison:** I don't know.

**Commissioner Rehberg:** I think if you had been paying attention to the hearings, you would know exactly the answer to your question on the plus or minus. We talk about a red herring. I think it is very obvious what this Commission has been planning and trying to do all the way along. There is no question in your mind and there is no question in my mind that the three Democrat members on this Commission have made up their minds that they are going to do it their way regardless of what people think or anything else. I think your questions are really moot and an effort to make conversation.

**Commissioner Pretty On Top:** It is certainly conversation, but we have an obligation to talk about these things.

**Commissioner Rehberg:** Why? After as many hearings as we have had, what has changed?

**Commissioner Pretty On Top:** I would suggest that during the last hearing, you did bring up, and very vocally and articulately the variation deviation. I took the time to go back over it, and I don't see the predominance that you are suggesting exists. If I were to take you literally, I would say that one-half the districts or more must be packed so that they would always be Democratic and result in some number less than one-half would always be Republican with less than 5% deviation. I didn't find that.

**Commissioner Rehberg:** You obviously don't want to see it because every hearing has made it very clear. You didn't hear Mr. Balyeat as he gave his presentation. I thought his was very concise.

**Commissioner Pretty On Top:** When you look at the numbers, they just aren't there. I looked because you mentioned it. If you are going to make that point, you need to have the data to back it up and I could not find it.

**Commissioner Rehberg:** Didn't we have a statistician at the Bozeman hearing that explained it very clearly?

**Commissioner Jellison:** I don't know of any states that use the 1%, but I do know from what we have seen here that is quite possible to do the 1% deviation.

**Commissioner Lamson:** Again, I think that there has been a misrepresentation in terms of where the majority of testimony has been through these public hearings. This Commission has now had 14 public hearings, which is more public hearings than any other previous Commissions. At those hearings, we have a wide variety of testimony from folks. People have taken the additional time to contact the Commissioners, to send in their comments, to send post cards, to write petitions, whatever they felt was appropriate to express their points of view. The job of this Commission is to come up with a particular plan. With the overwhelming number of comments that we have received, the vast majority of people, by a margin of more than 2 to 1 in every region in state, are supporting Plan 300. This is not just a plan that has been pulled out of thin air that has no support in the state, especially in the last round of hearings in Western Montana. There was considerable bipartisan support in the different counties for Plan 300 which is representative that people do appreciate the work of the Commission is trying to keep communities of interest and to rectify previous problems that previous Commission's had created for their particular communities.

**Commissioner Rehberg:** I noticed that in Commissioner Rice's commentary that the Commission received bipartisan testimony in support of Plan 300. It seemed very obvious after we got started that if anybody wanted to make any amendments, they had to say "Yes, I like 300" because they were aware of the "cram down". I will be very candid with you, at the last hearings, I told the Republican people I work with, "If you want to make any amendments, you had better support 300 and try to get that amended because that is what you are going to get. Not necessarily what you want, that is what you are going to get." So don't be trying to convince the Commission that the majority of the people want 300. They knew that they were going to get it. An editorial in the InterLake said "It doesn't make any difference what you think or what you say, you are going to get what the majority of the Commission wants to cram down your throat." That is what you have done and that is what you have accomplished. So, I say to people, if you want to change it, you had better support 300 and try to do it that way because it is not going to happen any other way.

Commissioner Jellison's substitution motion to reject Plan 300 in its entirety failed on a 3 to 2 vote with Commissioners Jellison and Rehberg voting yes and Commissioners Rice, Lamson, and Pretty On Top voting no.

**Commissioner Lamson:** In this particular region, we had about 121 people submit comments to us. Of the 121, 91 supported Plan 300.

**Commissioner Rehberg:** You didn't hear my comment? What I said was that they knew they were going to get 300.

**Commissioner Lamson:** I don't know that you talked to all of these 91 people that supported it.

**Commissioner Rehberg:** I'm sure that I didn't talk to all of the Democrats that you had write in, but I certainly did those who were at the hearings and wanted my opinion and I gave it to them.

**Commissioner Rice:** We can conjecture all day about why people support Plan 300. The point of the fact is that they supported 300 for the Western Montana Region. This is recorded on the record, in letters, and in personal testimony. Further, Commissioner Rehberg, you made a statement at the Kalispell hearing about how we would not listen to those who were at the hearing. You failed to make that same comment when the testimony was overwhelming in favor of Plan 300 at the Pablo and Missoula hearing. This Commission listens to testimony, we all read every piece of evidence that is put before us, and people support Plan 300.

Commissioner Rice's motion to tentatively adopt the house districts proposed in Plan 300 for the Western Region passed on a 3 to 2 vote with Commissioners Pretty On Top, Lamson, and Rice voting yes and Commissioners Rehberg and Jellison voting no.

**Commissioner Rice:** "I **move** to amend Plan 300 to address suggestions from the Ravalli County Clerk and Recorder. They involve minor adjustments in the boundaries of all four house district (HD 73-76) proposed for Ravalli County. A copy of the amendment was described in Susan Fox's September 2002 memo to Commission. It was identified as "Amendment #7."

**Rationale:**

This amendment addresses suggestions raised by the Ravalli Clerk and Recorder to facilitate the election process. The amendment more closely aligns the proposed districts to local school district boundaries." (EXHIBIT #3)

**Commissioner Rehberg:** Is there a reason why we couldn't have had these amendments in advance so that we could have looked at them?

**Commissioner Lamson:** You did, Jack (Commissioner Rehberg), they were sent to you by Susan (Fox).

**Commissioner Rehberg:** Does that mean that what Susan (Fox) sent, you are going to recommend that all of these amendments pass.

**Commissioner Pretty On Top:** No.

**Commissioner Rehberg:** My question is still why couldn't we have what you were proposing? I will move, if you like, that all the amendments be accepted that Susan (Fox) sent out. Are you willing to do that?

**Commissioner Lamson:** No, because if you read Susan's (Fox) memo, she points out that quite a few of those amendments don't work.

**Commissioner Rehberg:** The my question is why didn't you let us know in advance what you were going to propose?

**Commissioner Lamson:** Jack (Commissioner Rehberg), that is what these executive sessions are for and I am not proposing them. Commissioner Rice is proposing them, as a matter of fact. This is, as was asked in the mailing, to refer to these amendments.

**Commissioner Rehberg:** In other words, we are not entitled to know and that is fine. Go ahead.

**Commissioner Lamson:** We had the opportunity of having the Legislature here visiting again on Friday. I took that opportunity to visit with Rep. Shockley to get his input, and he did not see any problems with amendment. I also spoke with local members of Democratic Central Committee in Ravalli County and they also seemed to think that the amendment made sense.

**Ms. Fox:** I just want to bring to your attention that the Clerks and Recorders were at their convention last week and I did deliver these amendments to them. But, Susan Haverfield from Flathead County was the only one who had the opportunity to get back to us in time. I have not heard back from the Ravalli County Clerk and Recorder.

Commissioner Rice's motion passed on a 3 to 2 vote with Commissioners Rice, Lamson, and Pretty On Top voting yes and Commissioners Rehberg and Jellison abstained because they did not have enough information to make an intelligent decision.

**Commissioner Rice:** "I move to Plan 300 to address some of the suggestions from the Missoula County Clerk and Recorder." Again, this was contained in the packet that the Commissioners received, and had they done their homework, they would know exactly what we are about to propose here. It's hard enough to look at all of the amendments and decide which one they can support and which ones they cannot. The idea that they did not have them ahead of time, escapes me.

The amendments involve minor adjustments in the boundaries to House Districts 77-87 in Missoula County. The amendments were described as "Amendment #5" in Susan Fox's September 2002 memo to Commission. There were fifteen amendment subsections described. I move we adopt the amendments described as "Amendment #5" subsections 2, 4-9, 13, & 15." (EXHIBIT #4)

**Rationale:**

These amendments address suggestions raised by the Missoula County Clerk and Recorder to facilitate the election process. The amendments more closely align the proposed districts to local school district boundaries.

**Commissioner Rehberg:** It would have been nice to know what you were proposing so that we could have reviewed them more carefully.

**Commissioner Lamson:** I don't know why we have this discussion every time we have an executive session. The information comes to use ahead of time in almost all of the cases. Other Commissioners are not up to the same scrutiny. We are not asking what Commissioner Rehberg's plans or what his amendments might be, or Commissioner Jellison's, or mine. These were pretty straight forward amendments, and we were trying to cooperate. This is why we have public hearings is to hear from local folks who make reasonable suggestions on how we can tighten up some of the lines.

**Commissioner Jellison:** When we finish this process, you are charged with making a report that is intelligible and precise to the Legislature which shows the that these are the boundaries of these districts. Do we use TIGER/Line references or how do you that?

**Ms. Fox:** Ten years ago, I did both a report to the Legislature which basically included these general descriptions. I am contemplating do a more extensive document that has the maps in it for the Legislature this time. But that is not necessarily the final plan after the legislators 30-day comment period and the Commission's 30-day finalization period. Ten years ago, I submitted a block list. In retrospect, it was not the most user-friendly document. When I was at the Clerk and Recorder convention, I asked to work with a group of Clerk and Recorders to have them help me present them data that is more usable. They are required to make written legal descriptions. I do not have that capacity and I have never done a written legal description. But, I am going to try and work with them on getting them a document that is more detailed but not nearly as detailed as a written legal description. It is a cumbersome translation between the TIGER/Line files and the Clerk and Recorders' traditional use of written legal descriptions.

**Commissioner Jellison:** What prompted my question was that I was remembering the fellow who testified in Kalispell who indicated that he tried to get the boundary lines of the district that he was running for and could not get that from the local Clerk and Recorder or the Secretary of State. It would be nice when we finish this if we solve that problem some how. Sheila's (Commissioner Rice) motion is to adopt the amendments described as amendment 5, subsections 4-9. One I just picked at random, number 7 which says that there is a 12-person

census block that can be moved from proposed district 78 to proposed district 77. It doesn't identify the census block and how would anybody know what line we are talking about.

**Ms. Fox:** Part of the issue is that this document has to be used conjunction with the map that has the number indicated on it, which has to be used in conjunction with the letter from the Clerk and Recorder. Somehow between the Clerk and Recorder's information to me, which is presented in electronic fashion and written testimony, I gathered what they were talking about, I double check with them, I created a map, and I am trying to translate it to you the best way I know how. This is why I have asked the Clerks and Recorders who do this technically for a living to help me figure out how to best translate that information. I do not get to dissolve my responsibilities of this Commission after the plan is final. I get to maintain my database this time. I am also very interested in helping to resolve this issue. How elected county officials do their job is not in my control. The written legal description of boundaries is a county responsibility.

**Commissioner Jellison:** I take very seriously the heavy responsibilities given to me as a member of this Commission, and every waking hour I am conscience of those responsibilities and worried about how it is going to come out.

**Commissioner Rice:** I also commend Susan (Fox) for her work with the Clerks and Recorders. It is a huge, statewide coordination problem.

**Commissioner Lamson:** I would also added that going over the packet that Susan (Fox) sent us, the amendments were easily understandable and easy to follow.

Commissioner Rice's motion passed on a 3 to 2 vote with Commissioners Pretty On Top, Lamson, and Rice voting yes and Commissioners Jellison and Rehberg abstaining.

**Commissioner Rice:** "I **move** to amend Plan 300 to address a concern raised by the Flathead County Clerk and Recorder to remove ten persons from proposed House District 1 and put them in proposed House District 96. The amendment was described as "Amendment #1" in Susan Fox's September 2002 memo to Commission.

**Rationale:**

This amendment addresses concerns raised by the Flathead County Clerk and Recorder to preserve the privacy within the electoral process. Bipartisan support for this amendment was voiced at the public hearings and by members of the Commission.

**Commissioner Lamson:** Also, we did have a public hearing and 10 people inadvertently got put into this particular district and there is no census district. It was brought to the Commission and the Republican members said that they wanted to fix it. We agreed to fix it and I hope we can get bipartisan support.

**Commissioner Rehberg:** I will support it if you will change it to "I move to amend Plan 100."

Commissioner Rice's motion passed on a 3 to 2 vote with Commissioners Lamson, Pretty On Top, and Rice voting yes and Commissioners Rehberg and Jellison abstaining.

**Commissioner Rice:** I would **move** that the Commission tentatively adopt Plan 300 as amended for the Western Region. The motion passed on a 3 to 2 vote with Commissioners Pretty On Top, Lamson, and Rice voting yes and Commissioners Jellison and Rehberg voting no.

## **ADMINISTRATIVE ARRANGEMENTS**

Ms. Fox provided a copy of the important future dates to remember. (EXHIBIT #6)

**Ms. Fox:** November 20, 2002, is when legislators will hold their caucus. If we held a meeting in the Capitol when most legislators were in town and if, in fact, they wanted to give testimony on the Senate pairings, it would be a good time to do it.

**Commissioner Lamson:** There is reasonable expectation on the part of the Senators that a hearing would be held in November.

**Commissioner Jellison:** I am comfortable with the Chairman and the Chief of Staff (Ms. Fox) to work the agenda around so that it makes sense. Following a brief further discussion, Sen. Jellison **moved** to adopt November 19, 2002, at 7:00 p.m. as the meeting date for Senate District pairings (This meeting will also be a public hearing.) and December 6, 2002, at such time as the Presiding Officer and staff determine desirable, as the meeting date to tentatively adopt the plan as a whole. Motion passed unanimously.

Commissioner Lamson offered to host a dinner for the Commissioners and staff at his home on December 5, 2002, prior to the December 6 meeting.

A mailing will sent after the November elections to the Commission, all legislators, particularly the new Senators, and to all of the people on the Commission's mailing list on approximately December 8, 2002.

There being no further business, the meeting adjourned at 2:30 p.m.

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