

CHECKLIST FOR SELECTING CONGRESSIONAL AND
LEGISLATIVE REDISTRICTING CRITERIA

For consideration by the Montana Districting and Apportionment Commission
May 28, 2010

I. MANDATORY CRITERIA FOR CONGRESSIONAL DISTRICTS

1. Population equality. All congressional districts shall be as nearly equal in population as is practicable. (Article 1, Section 2 of the U.S. Constitution, U.S. Supreme Court cases).

COMMISSION ACTION
(Adopt, Amend, Reject)

II. MANDATORY CRITERIA FOR LEGISLATIVE DISTRICTS

1. Population equality. All legislative districts shall be as nearly equal in population as is practicable. (MT Constitution).

Could add to the above:

Maximum population deviation. The population deviation from the ideal population for an individual district may not exceed:

- a. plus or minus 5% (2000, 1990, 1980 mandatory criteria).
- b. plus or minus 3%
- c. plus or minus 1%
- d. other

Could add to any of the above:

The population deviation may be exceeded only when necessary to keep political subdivisions intact or to comply with the Voting Rights Act. (Section 5-1-115, MCA).

2. Compact and contiguous districts. Each district shall consist of compact and contiguous territory. The Commission will use a general appearance test regarding compactness of the district and consider the district's functional compactness in terms of travel and transportation, communication, and geography. (MT Constitution).

3. Protection of minority voting rights and 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).

4. Race cannot be the predominant factor to which the traditional discretionary criteria are subordinated. (Shaw v. Reno, 509 U.S. 630 (1993)).

III. DISCRETIONARY CRITERIA FOR LEGISLATIVE DISTRICTS

COMMISSION ACTION
(Adopt, Amend, Reject)

- 1. Following the lines of political units. The Commission will consider the boundary lines of counties, cities, towns, school districts, Indian reservations, voting precincts, and other political units to the extent that they are reflected in the geographical database. If the lines do not follow lines in the geographical database, they can provide guidance. (2000 discretionary criteria).
- 2. Following geographic boundaries. District lines will be drawn to follow geographic boundaries as provided in the TIGER/Line files of the U.S. Bureau of the Census. (2000 discretionary criteria).
- 3. Keeping communities of interest intact. The Commission will consider keeping communities of interest intact. Communities of interest can based on neighborhoods, 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. (2000 discretionary criteria).

Could add to the above:

An attempt will be made to keep city residents and rural residents in separate districts to the extent possible. (Public comment).

- 4. Consideration of existing district lines. The Commission will consider using existing district lines as a starting point from which to determine variance in population from ideal, where possible. (1990 discretionary criteria).
- 5. Political fairness. Districts may not be drawn for the purpose of favoring a political party or to protect or defeat an incumbent legislator. (1990 discretionary criteria).
- 6. Other
