

History of Legislative Districting Criteria in Montana, 1974-2000 (updated 2/16/2010)

Commission Year	Starting Point	Mandatory Criteria	Discretionary Criteria	Ideal HD Size	# of Counties Below Ideal	Range of Deviation	Mean Deviation	Other Notes
1974	<ul style="list-style-type: none"> <li>▶ Commission recommended using "the periphery of the state" because the various borders limit the options for districts</li> <li>▶ "first districts drawn were rural and toward the boundaries of the state"</li> <li>▶ "last districts drawn were urban and well within the state"</li> <li>▶ Started in NE corner<sup>1</sup></li> </ul>	<ul style="list-style-type: none"> <li>▶ "substantial equality" of population/one man one vote</li> </ul>	<ul style="list-style-type: none"> <li>▶ keeping counties intact</li> <li>▶ maintaining communities of interest</li> <li>▶ considering on "a case by case basis" the following factors: "geography, trade areas, county lines, minorities, economic interests, rural-urban interest, district homogeneity"</li> </ul>	6,944	32 <sup>2</sup>	<p><u>HD:</u> Overall: 15.48% Max: +7.83% Min: -7.65%</p> <p><u>SD:</u> Overall: 13.08% Max: +6.33% Min: -6.75%</p>	<p><u>HD:</u> ± 3.43%</p> <p><u>SD:</u> ± 2.94%</p>	<ul style="list-style-type: none"> <li>▶ The Commission originally directed staff to split existing multi-member districts into single-member districts that had no more than a 10.9 percent deviation. This approach was abandoned after it created more problems than it solved.</li> </ul>
1980	<ul style="list-style-type: none"> <li>▶ The Commission's report suggested starting in the rural, border areas, as had been done by the 1974 Commission.</li> <li>▶ Started in NW corner<sup>3</sup></li> </ul>	<ul style="list-style-type: none"> <li>▶ population equality, which the Commission established as an overall relative range of 10% or ± 5% from ideal average district population</li> <li>▶ compactness</li> <li>▶ contiguity</li> </ul>	<ul style="list-style-type: none"> <li>▶ consideration of existing governmental lines</li> <li>▶ respect for geographic boundaries, especially the Continental Divide and the Missouri River</li> <li>▶ consideration to existing legislative district boundaries, when practical</li> <li>▶ senate district boundaries to follow congressional district division when possible</li> <li>▶ consider communities of interest and defined communities of interest</li> </ul>	7,866.9		<p><u>HD:</u> Overall: 10.94% Max: +5.78% Min: -5.16%</p> <p><u>SD:</u> Overall: 10.18% Max: +5.14% Min: -5.04%</p>		<ul style="list-style-type: none"> <li>▶ Commission abandoned criterion to have senate district boundaries follow congressional district boundary: impractical and "did not serve in the effectuation of a rational state policy."</li> <li>▶ Discretionary criteria not prioritized.</li> <li>▶ Included 6 House and 3 Senate districts in excess of the ± 5% deviation (upheld by a federal District Court in <u>McBride v. Mahoney</u>.<sup>4</sup>)</li> </ul>

<sup>1</sup>Susan Fox, Operational Guidelines for Congressional and Legislative Redistricting, Legislative Services Division, November 2000, available from: [http://leg.mt.gov/content/publications/committees/interim/2001\\_2002/dist\\_apport/susan.pdf](http://leg.mt.gov/content/publications/committees/interim/2001_2002/dist_apport/susan.pdf), last accessed Jan. 26, 2010.

<sup>2</sup>Gregory Petesch, The State of the Montana Constitution (Turkey Feathers on the Constitutional Eagle), 64 Mont. L. Rev. 23 (2003).

<sup>3</sup>Susan Fox, Operational Guidelines for Congressional and Legislative Redistricting, Legislative Services Division, November 2000, available from: [http://leg.mt.gov/content/publications/committees/interim/2001\\_2002/dist\\_apport/susan.pdf](http://leg.mt.gov/content/publications/committees/interim/2001_2002/dist_apport/susan.pdf), last accessed Jan. 26, 2010.

<sup>4</sup>Report of the Montana Districting and Apportionment Commission, December 1992, page 15.

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1990	Northwest corner of the state with the end point in Yellowstone County.	<ul style="list-style-type: none"> <li>▶ compactness and contiguity</li> <li>▶ population equality</li> <li>▶ maximum population deviation - relative population deviation from ideal population for an individual district may not exceed <math>\pm 5\%</math></li> <li>▶ final results of the 1990 census must be used to form plan</li> <li>▶ protection of minority rights (may not dilute voting strength of racial or language minorities, compliance with section 2 of VRA)</li> </ul>	<ul style="list-style-type: none"> <li>▶ consideration to local government boundaries</li> <li>▶ consideration when practical to existing voting precinct lines</li> <li>▶ consideration when practical to school district lines</li> <li>▶ preserve communities of interest when possible</li> <li>▶ respect geographical boundaries to the extent possible</li> <li>▶ consideration to existing districts when practical</li> <li>▶ political fairness, ie, districts may not be drawn for the purpose of favoring a political party or defeating an incumbent legislator</li> </ul>	7,990.65	31 <sup>5</sup>	<u>HD:</u> Overall: 9.96% Max: +4.99% Min: -4.97%  <u>SD:</u> Overall: Max: Min:	<u>HD:</u> $\pm 2.6\%$	<ul style="list-style-type: none"> <li>▶ Discretionary criteria were not prioritized.</li> <li>▶ Staff used ARC/INFO software from ESRI.</li> </ul>

<sup>5</sup>Montana Counties and County Seats 1990 Census of Population, U.S. Bureau of the Census, March 1993.

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2000	<ul style="list-style-type: none"> <li>▶ Glacier County (and adjacent Flathead and Lake Counties, as necessary)</li> <li>▶ proceeded in clockwise motion around the state</li> </ul>	<ul style="list-style-type: none"> <li>▶ population equality and maximum population deviation (+/- 5%)</li> <li>▶ compact, contiguous districts</li> <li>▶ protection of minority voting rights and compliance with VRA</li> <li>▶ race cannot be the predominant factor to which traditional redistricting criteria are subordinated</li> </ul>	<ul style="list-style-type: none"> <li>▶ following lines of political units</li> <li>▶ following geographic boundaries</li> <li>▶ keeping communities of interest intact</li> </ul>	9,022	31 <sup>6</sup>	<u>HD:</u> Overall: 9.85% Max: 4.98% Min: -4.88%  <u>SD:</u> Overall: Max: Min:	<u>HD:</u> ± 3.5%	<ul style="list-style-type: none"> <li>▶ Held 16 public hearings, including mandatory one in Helena.</li> <li>▶ Staff used autoBound software from Citygate.</li> </ul>

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<sup>6</sup>Gregory Petesch, The State of the Montana Constitution (Turkey Feathers on the Constitutional Eagle), 64 Mont. L. Rev. 23 (2003).