



Montana Districting and Apportionment Commission

PO BOX 201706
Helena, MT 59620-1706
(406) 444-3064
FAX (406) 444-3036

Commission members:

Jim Regnier
Presiding Officer
P O Box 299
Lakeside, MT 59922

Jon Bennion
89 Whitetail
Clancy, MT 59634

Joe Lamson
612 Touchstone Court
Helena, MT 59601

Pat Smith
405 South First West
Missoula, MT 59801

Linda Vaughey
2505 Southridge Drive
Helena, MT 59601

Staff:

Rachel Weiss
Research Analyst
Joe Kolman
Research Analyst
Julianne Burkhardt
Attorney
Dawn Field
Secretary

MINUTES

July 12, 2011

Room 152, State Capitol
Helena, Montana

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.**

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. The minutes are accompanied by an audio recording. For each action listed, the minutes indicate the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time may be used to locate the activity on the audio recording.

An electronic copy of these minutes and the audio recording may be accessed from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side column of the home page, select *Committees*, then *Interim*, and then the appropriate committee.

To view the minutes, locate the meeting date and click on minutes. To hear the audio recording, click on the Real Player icon. Note: You must have Real Player to listen to the audio recording.

COMMITTEE MEMBERS PRESENT

Jim Regnier, Presiding Officer
Jon Bennion
Joe Lamson
Pat Smith
Linda Vaughey

STAFF PRESENT

Rachel Weiss, Research Analyst
Joe Kolman, Research Analyst
Julianne Burkhardt, Attorney
Dawn Field, Secretary

AGENDA & VISITORS' LIST

Agenda, [Attachment #1](#).
Visitors' list, [Attachment #2](#).

COMMITTEE ACTION

The Districting & Apportionment Commission:

- approved the May 16, 2011, meeting minutes as written;
- approved general operating guidelines;
- approved guidelines for initial public comment;
- approved guidelines for accepting publically submitted plans;
- approved using federal 2010 decennial census data as the exclusive and official database for the districting process;
- approved racial/ethnic data guidelines; and
- agreed by consensus on how to provide maps to entities and individuals.

CALL TO ORDER AND ROLL CALL

00:01:08 Commissioner Regnier called the meeting to order at 2:00 p.m. The secretary took roll, all members were present ([Attachment 3](#)). Commissioner Regnier welcomed all in attendance to the meeting.

00:03:57 **Commissioner Vaughey moved to approve the May 16, 2011, meeting minutes, as written. The motion passed on a unanimous voice vote.**

DRAFT OPERATING PROCEDURES DISCUSSION AND ADOPTION

Staff review of draft procedures

00:05:02 **Rachel Weiss, Research Analyst, Legislative Services Division (LSD)**, reviewed the draft operating procedures ([EXHIBIT 1](#)). She noted that two decisions would be required of the commissioners: how to gather public comment before drawing maps and how to draw and present the maps to the public. She said the draft procedures offer two options of using either a statewide approach or a regional approach. Ms. Weiss also discussed an accompanying worksheet to help guide the commissioners through the decision process ([EXHIBIT 2](#)).

1. General operating guidelines

00:09:58 Ms. Weiss discussed the advantages and disadvantages of the statewide versus a regional approach. Ms. Weiss said that advantages of Option A - using a statewide approach - include getting comment on all of the maps from all corners of the state and more efficient use of staff resources. She said that Option B - the regional approach - would require more staff time because they would be doing multiple functions at once, rather than being able to concentrate on one step of the process at a time. She said that the public may get less time to review a map under Option B because some of the maps wouldn't be available until shortly before public hearings. Ms. Weiss explained the mapping and hearing process that would occur under each option.

00:15:16 Commissioner Regnier asked the commissioners to comment on or question the proposed draft options.

00:19:11 Commissioner Vaughey asked Ms. Weiss to restate the advantages of a statewide approach. Ms. Weiss said that the same maps would be used at all hearings, so while the public comment at a hearing may focus on a particular region, statewide concerns could be heard also because all citizens would be

viewing the same maps. The statewide approach would also allow staff workload to be divided up into more concrete stages. Commissioner Vaughey asked about staff outreach in developing and sharing information. Ms. Weiss said she did not anticipate that the number of staff visits would change under a statewide approach. Regarding the regional plan, Ms. Weiss said that there is a stronger chance of getting into a time crunch with taking public comment on maps.

- 00:22:01 Commissioner Vaughey asked if there would there be cutoff time for public comment under the state approach and if that might influence how maps will be drawn. Ms. Weiss said that is a consideration and discussed how a deadline of December 1, 2011, may be a timely deadline for taking public comment before the mapping process begins.
- 00:24:27 **Joe Kolman, Research Analyst, LSD**, added that with a regional approach, in the end, the regional maps need to be "stitched" together, which can be a complicated procedure and that using a statewide approach would make the end process easier.
- 00:25:02 Commissioner Smith said he is not familiar with the Maptitude software and asked to what extent is the software a factor in the decision. Mr. Kolman said that the Maptitude software is fairly intuitive and easy to use and isn't limiting to either approach.
- 00:27:32 Commissioner Bennion said he likes the statewide approach because it will give the public the same opportunity as the Legislature to comment on the same maps.
- 00:29:38 Commissioner Lamson said he, too, favors a statewide approach because of its efficiency. He discussed several advantages of using a statewide approach.
- 00:32:26 Commissioner Regnier said that while he recognizes that a statewide approach is different, the advantages are significant and would make the process more efficient and productive.
- 00:35:04 Commissioner Smith agreed that using a statewide mapping approach would be best. He said that all involved would benefit and will allow the public to fully participate. He discussed several reasons why he favors using the statewide approach.

2. Initial public comment

- 00:38:57 Ms. Weiss said it was suggested at the last meeting that the Commission should hold public hearings before mapping process. She said that regardless of whether the Commission holds hearings or not, the public will always be able to communicate their needs to the Commission through email or written communication and that staff has planned a very proactive approach to contact all 56 counties, election administrators, and other interested entities. She suggested that the Commissioners write another op/ed article because the previous article was well received and generated a lot of comment and response from the public. Ms. Weiss said that staff preference would be to proceed as

planned with staff visits, the mapping process, and then taking public comment. She noted that there are budgetary concerns to consider and that holding hearings before the mapping process could limit the number of hearings that could be held after the mapping process is completed.

- 00:43:31 Commissioner Vaughey said that at this point, the most important thing is to make certain that the public understands that criteria exist and will be used in judging the value of each map. She said that op/ed piece is only one avenue that can be used to educate the public and that other venues could be used also, such as public service announcements or brochures.
- 00:45:43 Commissioner Regnier suggested that the Commissioners speak to local groups in their regions and said that he has already given presentations to interested groups in his area.
- 00:46:28 Commissioner Lamson agreed with Commissioner Vaughey's comment that the public needs to be clear on the criteria established by the Commissioners.
- 00:47:35 Commissioner Bennion asked about staff visits to counties and communities and public hearings. Ms. Weiss said that staff intends to make contact with various interested parties in the counties. She said it was not realistic to visit all 56 counties but that population centers would be prioritized, as would achieving a regional balance to allow less populated areas to be heard.

3. Publically submitted plans

- 00:51:00 Commissioner Regnier reviewed the two options listed. Ms. Weiss clarified that the Commission should accept maps from the public but that if a publically submitted map is to be used as an official Commission map, that map should be moved by at least one or more of the commissioners. The number required would be left up to the Commission. Commissioner Regnier asked about what type of format should be required. Ms. Weiss said that a member of the public can submit any type of map that illustrating their local or regional concerns but that if the map is to be used to solicit public comment, it should be looked at in the context of the whole state and be in an electronic format that is compatible with the Commission's software.

4. Population and geographic database

- 00:55:59 Ms. Weiss said this simply formalizes the use of the federal census data and makes clear the information sources for the Commission.

5. Racial/ethnic data

- 00:56:38 Ms. Weiss said that federal guidelines were established based on the Voting Rights Act and that staff recommends that they be adopted.

6. Copies of maps

- 00:57:21 Ms. Weiss explained that, as in the last cycle, copies of the maps will be provided to certain entities at no cost but that hard copies will also be available for cost of printing and mailing. She noted that maps will be posted online, as well.
- 00:58:49 Commissioner Smith, regarding where the process would start, asked that Indian reservations and Indian majority House Districts be looked at carefully. He discussed the necessity of recognizing Montana's Indian population in the redistricting process.
- 01:02:15 Commissioner Lamson said that past Commissions have created six Indian majority House Districts. The 2000 Commission was able to create three Indian majority Senate Districts. The goal of having 6 House Districts and 3 Senate Districts fulfills the Voting Rights Act. Having less than that number might weaken the legality of any plan.
- 01:03:14 BREAK
- 01:14:39 Commissioner Regnier called the meeting back to order.

Public comment on operating procedure

- 01:15:18 **Ed Bartlett, City of Billings, Billings Chamber of Commerce**, thanked the commissioners and staff for their work and encouraged the Commission to hold as many public hearings as possible before the mapping process is started. He discussed several concerns, such as the need to include cities in the plan in addition to counties and election officials and the problems created by splitting neighborhoods. Mr. Bartlett said he supported the open ideas discussed by the Commission.
- 01:24:20 **Bret Rutherford, Election Administrator, Yellowstone County**, said he is looking forward to helping the Commission. He agreed with Mr. Bartlett's comments on not splitting neighborhoods and schools, saying that it is very important to maintain communities of interest and that school district boundaries often shape a neighborhood.
- 01:25:43 **Sen. Jeff Essmann, SD 28, Billings**, encouraged the Commission to adopt the statewide mapping approach. He discussed his past experience in working with the previous two Redistricting Commissions and how his community was negatively impacted by being the last region to be mapped. He said a statewide approach would be a more fair approach to all regions.
- 01:30:27 Commissioner Regnier asked Sen. Essmann to discuss what his approach would be in offering alternative map options. Sen. Essmann agreed with Commissioner Smith's comments regarding reservation districts and discussed his preference and rationale for creating districts based on school district lines/political subdivisions.
- 01:33:33 **Leo Tanner, citizen**, referred to the statutory requirements of 5-1-115, MCA, and encouraged the Commissioners to be as fair as possible. He discussed his concerns about the last districting plan.

01:37:06 Commissioner Regnier said the Commission would vote on each operating guideline separately.

1. General operating guidelines

01:38:10 **Commissioner Smith moved to approve option A - using a statewide mapping approach. The motion passed on a unanimous voice vote.** Mr. Kolman discussed how the mapping process could be completed using different starting points and/or themes to create the maps. The Commissioners discussed how the mapping process should be executed. Each Commissioner also offered their ideas for different starting points and other considerations to be dealt with in the mapping process.

2. Initial public comment

02:04:03 The Commission briefly discussed how public comment should be addressed. **Commissioner Lamson moved that staff solicit public comment but not hold formal hearings.** He suggested that staff visits and meetings be noticed on the website and that the Commissioners write an op ed piece to educate the public regarding the criteria and the process to be followed, with an emphasis on the criteria. **The motion passed on a unanimous voice vote.**

3. Publically submitted plans

02:06:43 Commissioner Regnier said the commission will accept any plan submitted, but that if the plan is to be included as a statewide map to be included at public hearings, staff has recommended that the plan be submitted by a Commissioner. He asked the Commissioners to comment.

02:07:27 Commissioner Smith asked if a publically submitted plan should be required to be adopted by a Commission vote. The Commissioners discussed how publically submitted plans should be handled if chosen to be one of the Commission's statewide plans.

02:21:09 **Commissioner Bennion moved to allow a publically submitted plan to come forward with the sponsorship of one commissioner and also to reserve the ability of the Commission to narrow the number of plans before releasing for public comment. The motion passed on a unanimous voice vote.**

4. Population and geographic design

02:21:45 **Commissioner Smith moved to approve using the official 2010 federal decennial census as the population and geographic database. The motion passed on a unanimous voice vote.**

5. Racial/ethnic data

02:22:16 **Commissioner Smith moved to adopt the racial/ethnic data as recommended/written. The motion passed on a unanimous voice vote .**

6. Copies of maps

02:22:38 Ms. Weiss said that all maps will be available electronically on the website but that staff would like guidance on how to deal with printing and postage costs for groups or individuals wishing to receive a paper copy. She said the costs would not be astronomical but that it may be a good idea to set a policy.

02:26:27 After a brief discussion, it was agreed that because the maps will be available online and that hard copies will be available for viewing at all hearings, that maps will be provided to county clerks/recorders and election administrators, party central committees, and tribal officials; and that maps will be provided upon request to others at cost of printing and mailing.

PUBLIC COMMENT ON ANY TOPIC WITHIN THE JURISDICTION OF THE COMMISSION

02:28:58 There was no public comment.

DISCUSSION OF MEETING DATES, AGENDA ITEMS / DIRECTIONS TO STAFF

02:29:15 Commissioner Regnier said that the next meeting date would be set at a later date.

02:30:03 Commissioner Regnier emphasized the importance of public education at this point of the process. He urged the Commissioners to work within their local communities by giving presentations and making themselves available for questions.

02:31:17 Commissioner Lamson agreed that public outreach is vital to the districting process. He announced that the Democratic Party has hired Kendra Halvorsen as its Redistricting Director.

02:32:13 **Julianne Burkhardt, Staff Attorney, LSD**, said that as legal staff, she is available to research issues and/or provide legal analysis.

Commissioner Regnier thanked the staff for their work done in preparation of the meeting, saying that their recommendations were very helpful and well thought out. He also thanked the Commissioners for their hard work and careful consideration given to each of the action items.

ADJOURNMENT

02:33:17 Commissioner Bennion moved to adjourn the meeting at 4:33 p.m. The next meeting date of the Districting and Apportionment Commission will be announced at a future date.

The Commissioners also received a packet of public comment submitted in advance of the meeting (EXHIBIT 3). All public comment is available for viewing on the Commission's website: <http://leg.mt.gov/css/Committees/interim/2011-2012/districting/public-comment.asp>

CI0429 1236dfxa.