



Montana Districting and Apportionment Commission

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MINUTES

March 28, 2012

Room 137, State Capitol
Helena, Montana

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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Hard copies of the exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

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.

CALL TO ORDER AND ROLL CALL

- 00:00:06 Commissioner Regnier called the meeting to order at 6:30 p.m. The Secretary took roll, all members were present (Attachment #3).
- 00:00:27 Commissioner Regnier welcomed the public to the hearing, reviewed the agenda, and discussed meeting protocol. Introductions were made. Commissioner Regnier reviewed the mandatory and discretionary districting criteria adopted by the Commission.

PUBLIC COMMENT

- 00:11:29 **Leslie Thomas, Boulder**, spoke in support of the Communities Plan. She said the Plan would retain the majority seat and get two more seats at table, and would keep Boulder intact.
- 00:12:05 **Beth Ries, East Helena, HD 78**, spoke against the Communities Plan, saying that she doesn't think partisan politics should be the basis for a map. Ms. Ries said she liked the Subdivision Plan best and she provided several reasons for her opinion. She stated that Helena does not need more than three representatives and that East Helena should have its own district encompassing the viaduct at East Helena to Spokane Creek to York Road to Wylie Drive. She said such a district would represent true communities of interest. Ms. Ries submitted written comment (EXHIBIT 1) and also read a letter from Gilda Clancy requesting a Helena Valley district (EXHIBIT 2).
- 00:14:24 **Kirk Wagoner, Montana City**, spoke in opposition to the Communities Plan and Existing Plan, saying that those plans would create 14 more districts in cities than they should have. He pointed out that, as a resident of Jefferson County, all plans with the exception of Subdivision Plan divides his town. He asked that Communities Plan and Existing Plan not be chosen and said that he would like the Subdivision Plan to be used as the baseline. Mr. Wagoner submitted written comment (EXHIBIT 3).
- 00:17:23 **Rick Hill, northeast Helena Valley, residing in HD 8 and SD 42**, described the boundaries of the two districts. He said that they have little in common except that they were created for the Democrats' political advantage and that the concerns of the residents were not considered. Mr. Hill said in his travels of the state, he has heard the common question asking why can't people in Montana work for the common good. Mr. Hill said he wasn't testifying in support one plan or another but to ask the Commission to take care to not use any plan for political advantage.
- 00:19:42 **Bob Marks, Clancy**, former legislator, discussed Jefferson County and his concerns about how it may be redistricted. He said he likes the current districts because the people enjoy common interests within their districts. He urged the Commission to use commonality of interests to determine Jefferson County boundaries. He said he realized that Jefferson County may have to be paired with another county and asked, if that had to be the case, that it be paired with a like area, such as rural Gallatin or Broadwater County. He asked that Jefferson County not be paired with a large municipality such as Butte or Helena.

- 00:23:26 **Rep. Mike Miller, HD 84**, said that politics must take a back seat to what is right for the people. He described the boundaries of his district and said that the Subdivision Plan has great support from his constituents. He said he strongly opposes the Communities Plan. Rep. Miller submitted written comment (EXHIBIT 4).
- 00:24:49 **Mary Bryson, Jefferson County in HD 77**, thanked the Commissioners for their work. She said she agreed with Mr. Marks' remarks and would like to add that she and her husband are concerned that they will not be properly represented if lumped in as part of an urban district. She said it is unreasonable to assume that Jefferson County residents are the same as Helena residents and that they do not wish to be "annexed" into Helena in any way. She said that Jefferson County is a rural county and deserves representation as such. Ms. Bryson submitted written comment (EXHIBIT 5).
- 00:27:43 **Margaret Beatty, Clancy, Jefferson County**, asked to keep Jefferson County as one voting district. She said that Boulder is the county seat and the hub of county, and should remain that way. She said that representation should be for and from Jefferson County.
- 00:28:50 **Scott Mendenhall, Clancy**, former legislator, spoke against the Communities Plan, saying that it ignores districting criteria, breaks up the Jefferson County, and relies on maximizing Democratic voting districts. He said that the residents of Jefferson County are distinctly different than residents in Helena or Butte and that they should be able to have representation by someone who understands their interests and needs. He appealed to Chairman Regnier to restore civility and dignity to the districting process and to base decisions on what is best for Montana. Mr. Mendenhall submitted written comment (EXHIBIT 6).
- 00:31:50 **Don Judge, Helena**, commented that even though the 2000 Commission has been accused of gerrymandering, the Democrats have not controlled the Montana Legislature for the last ten years. Mr. Judge said that as a current legislative candidate, he is excited to run in a district with a variety of businesses, people, and needs. He discussed the polarization going on the country and said that there used to be more commonality and comradery because people understood each other. He said that Helena's districts have to expand out into the Helena Valley because that is where the population is moving. Mr. Judge said he supports the Communities Plan because it would merge interests and citizens, and force legislators to learn about different interests. He said the Communities Plan divides fewer communities, maintains a small population deviation, keep boundaries intact, and create communities of interest. He thanked the Commission for all of the plans but said the Communities Plan does the best job for Montanans.
- 00:37:41 **Leonard Wortman, Chair, Jefferson County Commission**, said that the plan he presented on behalf of Jefferson County at the Butte hearing is the best plan for his county. He repeated his concerns about including Jefferson County with Butte or Helena and that Jefferson County would lose its identity as part of a large urban voting district. Mr. Wortman said that there is overwhelming support

from Jefferson County residents for the plan proposed by the Jefferson County Commission. Regarding the Communities Plan, Mr. Wortman said he thought that the intent was to preserve legislative seats from Butte-Silver Bow. He said he hoped the Commissioners paid attention to the comments made at the Butte hearing because none of the legislators who spoke in favor of the Communities Plan mentioned issues of great concern to residents in Jefferson County, such as wolves, private property rights and eminent domain, burdensome water and sewer regulations, or the governor's veto of legislation that would have increased jobs at the Sunlight Mine. Mr. Wortman said that Jefferson County has much more than mining interests and needs to be represented by someone who knows all of the issues (EXHIBIT 7).

- 00:43:32 **Joel Cohenour, East Helena**, legislative candidate, said that he viewed the maps from a school board perspective. He provided comments on how they would divide school districts. Mr. Cohenour said that the Communities Plan is best for East Helena because of the close proximity and identity with Helena. He discussed the attributes of the Communities Plan and thanked the Commissioners for their service.
- 00:47:47 **Charyn Ayoub** spoke in support of the Communities Plan, saying it is fair, balanced, and uses the same principles as the current plan.
- 00:48:22 **Jill Cohenour, East Helena**, former legislator, discussed how her district was changed by the last districting cycle. She said a good legislator would be able to into a new district and win if they made the effort to learn the issues and meet the people. She noted that as a legislator, she supported Jefferson County residents in their concerns about eminent domain and that she understands the issues of rural areas. She said that while it is good to keep commonalities, it is also necessary to balance interests in order to cause people to expand their horizons. She said she supports the Communities Plan because of the balance it would provide. She said she understands why Jefferson County residents are concerned but thought a good legislator would make the effort to learn the needs of the constituents and work to represent those needs.
- 00:52:09 **Sam Hunthausen, legislative candidate for HD 82**, asked the Commission to use a nonpartisan map developed by LSD staff as a starting point. He said he did not agree with the Communities Plan philosophy and preferred more compact and consolidated districts with like-minded interests.
- 00:53:37 **Ann Buss**, discussed three points in support of the Communities Plan: 1. it provides for all Montana citizens, especially Native Americans; 2. it creates fair and equitable balance so no one party can dominate the legislature; and 3. it provides a voting voice for those with roots in small towns and rural communities. She thanked the Commissioners for their work.
- 00:55:31 **Cory Swanson, Helena Valley**, said his area identifies with East Helena and agreed with comments made by Ms. Ries and Mr. Mendenhall. He said the Communities Plan is about protecting "safe seats" and predicted that regardless of which plan is adopted, each chamber will be controlled by different parties

over the next ten years. He said it shouldn't be a matter of party control but of community representation. He asked that the Commission focus on creating fair maps that do not consider political identity.

- 00:59:10 **Stacey Anderson, Helena**, spoke in support of the Communities Plan. She said despite the comments about gerrymandering comments, Republicans are seated in most of the seats discussed. Ms. Anderson said there is much commonality among people than is being acknowledged, such as education and a clean environment; and that the idea of having of having districts all look the same could create a situation where minorities are not heard. She said the Communities Plan requires a conversation between different groups and would benefit the state.
- 01:01:00 **Bill Gallagher, Helena, North Helena Valley**, former teacher, urged the Commission to exercise leadership and to work for a consensus of five, rather than allow the power of three to make the final decisions. He offered several suggestions on how to eliminate plans yet keep the selection process fair. Mr. Gallagher spoke against the Existing Plan and Communities Plan and said that he personally supports the Urban Rural Plan. Mr. Gallagher submitted written comment and maps (EXHIBIT 8).
- 01:04:10 **Linda Beischel, Helena, resident of HD 78**, said she is a property owner near the Jefferson County line and the Powell County line, that she and her husband work in Helena, shop in Helena, and consume other services offered in Helena. She said that she appreciates plans that respect county lines but that it is also important to include different interests and commonalities as part of a district. She said that the Communities Plan would be best.
- 01:07:02 Commissioner Regnier recessed the meeting for a break until 7:45 p.m.
BREAK
- 01:20:03 Commissioner Regnier called the meeting back to order at 7:50 p.m.
- 01:20:13 **Allie Savage, Helena**, said that she is in support of the Communities Plan for many reasons already stated. She said is does a good job of balancing interests and has the lowest deviation.
- 01:20:49 **Rachael Demarce, student at Carroll College**, member of Little Shell of Chippewa Indians, testified about Blackfeet and Flathead Indians and the commonalities between the tribes. She said that state-elected officials serve as role models to the tribes and encouraged the Commission to keep same number of American Indian voting districts. She said she supports the Communities Plan.
- 01:22:26 **Chris Cavazos, AFL-CIO**, commented in support of the Communities Plan. He said that the key to success in representing all members is to have a legislature that is not dominated by one party or the other.
- 01:23:35 **Clayton Elliott, Helena**, testified in support of the Communities Plan. He commented on Helena's geographical uniqueness and how that shapes its growth. He said he does not agree that the Helena Valley is much different than

Helena because all residents depend on the same school system, the same recreational opportunities, and the same services. He said in his professional capacity, he has spent a great deal of time visiting with rural and urban residents and that the Communities Plan does best job of supporting small communities.

- 01:25:54 **Austin Lyle, Helena**, said he supports the Communities Plan because it is the only plan that keeps small towns intact.
- 01:26:31 **Glenn Marx, Helena**, discussed the importance of honest and fair representation as the core issue of the districting process. He discussed his years as resident of Whitehall and his recent move to Helena. He said he feels that Whitehall is being treated "as leftovers" and is concerned that the Communities Plan would augment Butte at Whitehall's expense. He said he doesn't have anything against Butte but that Whitehall and all of Jefferson County would be "deprived and depleted" of fair and equal representation under the Communities Plan. He said that Jefferson County should not be unfairly impacted because of Butte's stagnant population. He said if process is about equality, fairness, and honesty, then Whitehall and Jefferson County deserve their own voice.
- 01:30:49 **Grace Berger, Jefferson County, Clancy**, spoke in support of the Communities Plan, saying it blends rural and urban interests in order the meeting the needs of all citizens.
- 01:31:42 **Brittney Berger**, agreed with her mother, Grace Berger. She said she wants to keep small communities intact and want the Legislature to be a competitive body.
- 01:32:09 **Jane Hamman, Clancy**, spoke in opposition to the Communities Plan, saying it would hijack Jefferson County and destroy communities. She encouraged the Commissioners to consider commonality of interests, county lines, and school district lines, in that order, when drawing district lines. She said that house districts should have the most common interests and to allow more diversity in senate districts. She said she agrees with the statements made by Ms. Ries, Mr. Marx, and Mr. Marks.
- 01:33:37 **Sen. Dave Lewis, SD 42**, said he "is the poster child for diverse districts" because his district stretches from the Yellowstone County line south of Lavina across the state to the Missoula County line near Ovando. He said he thinks the Commission is "on the right track" in considering pairing the more rural counties together in some of the plans. He agreed that there can be extraordinary differences in districts, making it very difficult to address everyone's needs. Sen. Lewis encouraged the Commissioners to keep house districts as similar as possible and to reconcile the differences in senate districts. He said he supports the Subdivision Plan because is makes sense and protects people from being disenfranchised. He encouraged the Commissioners to reject partisan politics in the redistricting process. Sen. Lewis submitted written comment (EXHIBIT 9).
- 01:37:50 **Stan Frasier, Montana Conservation Voters**, said he is registering in support of the Communities Plan on behalf of the Montana Conservation Voters.

- 01:38:16 **Bill Staffeldt, taxpayer in Lewis and Clark County and Jefferson County**, said that there are very diverse interests in the two counties. He discussed current boundaries and said they appeared to him to very partisan and said that legislative lines should not be drawn to benefit Democrats. He said that new technology, such as GIS and GPS, should be a help in drawing better districts.
- 01:41:27 **Keith Shultz, Jefferson County**, said that his biggest concerns are about common interests. He said he moved to a rural area to escape urban issues and that he and his family lived "off the grid" for seven years. He said the idea of his community and county being "sliced and diced" for political gain takes his rights away. He said he supports the plan offered by the Jefferson County Commissioners.
- 01:43:03 **Susanne Shultz, Boulder, Jefferson County**, agreed with her husband's comments (Keith Schultz). She said she also agrees with comments made by Mr. Wortman, Mr. Swanson, Mr. Marx, Mr. Marks, and others who oppose the Communities Plan.
- 01:43:53 **Bowen Greenwood, Montana Republican Party**, discussed the Republican Party's position on the Districting and Apportionment process. He said that despite the lingering resentment for the obvious partisan plan from the last cycle, Republicans made the conscious decision to not produce a map. He said Republicans want to be on record as opposing partisan districts and as opposing the Communities Plan and Existing Plan. He said the LSD staff did a good job with the three remaining maps and all would be acceptable to the Republican Party.
- 01:46:16 **Rep. Alan Hale, HD 77**, agreed with comments made by Mr. Wortman and Mr. Marks and added that while there is a great deal of diversity in businesses in his district, there is not a lot of political diversity; and that the district does not want to be split up. He asked that the Commissioners use the Subdivision Plan as its starting point but that he also likes the Existing Plan.
- 01:47:32 **Charles Wideman**, agreed with comments made by Mr. Marx and Mr. Marks and said that he has concerns about the Communities Plan. He said, if that Plan was adopted, Jefferson County would be without true representation for ten years. He asked the Commissioners to consider the Jefferson County Commissioner's plan and said that it is fair. He said that a person from Butte, for example, would not know or care who the mayors of small towns are or the needs of the local school districts and that the urban areas would have no interests in preserving small towns.
- 01:50:51 **Dennis Taylor, Strawberry Drive, Helena**, discussed what he called his "orphan neighborhood" inadvertently left in HD 77. He asked that this precinct be brought into a Helena house district, rather than being left in a Jefferson County district.
- 01:52:03 **Connie House, Helena**, agreed with the comments made by Ms. Ries, Mr. Wagoner, and Rep. Mike Miller in support of the Subdivision Plan. Ms. House submitted written comment (EXHIBIT 10).

- 01:52:36 **Susan Getz, Helena Valley**, agreed with comments made by Mr. Mendenhall and Rep. Miller. She said the Subdivision Plan is the most appealing and would be a good place to start.
- 01:53:13 **Roger Nummerdor, North Valley**, said that Jefferson County is not like Butte and that it's time that Jefferson County and the Helena Valley got representation of their own. He emphasized that the reason he moved to a rural area was to be with like-minded people and said that is how he wishes to be represented. Mr. Nummerdor said that he strongly opposes the Communities Plan and would prefer that the Commission use the Urban Rural Plan as the starting point.
- 01:56:15 **Bridget Holland, Helena**, spoke in opposition to the Communities Plan, saying that the title is quite misleading because it would distort districts and prevent unity and kinship among residents. She said the Deviation, Urban/Rural, and Subdivision maps prepared by LSD staff are far more representative of neighborhoods. Ms. Holland suggested that Helena area be divided into three districts: Helena proper, the Helena Valley, and East Helena. Ms. Holland submitted written comment (EXHIBIT 11) and read aloud a letter from Jean Johnson, Sierra Road, Helena, urging the Commissioners to reject the Communities Plan (EXHIBIT12).
- 02:00:38 **Phyllis Lamping** said she opposes the Communities Plan and agrees with the comments made by all those who also opposed it.
- 02:01:30 **Sandi Luckey, East Helena**, said that she supports the Communities Plan.
- 02:01:49 **Mari Messinger** spoke in support of the Communities Plan.
- 02:02:48 **Nichole Brown, Townsend, Broadwater County Planner**, said as a result of public hearings in Broadwater County, the Broadwater County Commissioners now support the Subdivision Plan.
- 02:04:58 **Clarence Getz, Helena Valley**, said that he supports the Subdivision Plan and asked the Commissioners to give full consideration to fairness, common sense, and logic, when drawing lines; and to ignore politics.
- 02:05:59 Commissioner Regnier recessed the meeting for a ten-minute break.
BREAK
- 02:16:58 **Rep. Galen Hollenbaugh, HD 81, Helena**, spoke in support of the Communities Plan, saying that it is the only plan that addresses Helena's issues of concern. He said that the Urban Rural Plan divides Montana and that other plans seek to "pack" districts into either very rural or very urban districts. He discussed the value of creating diverse districts and suggested that the Commissioners look at the onemt.org website to read letters from Montana leaders regarding bridging the rural-urban divide.
- 02:19:35 **Teresa Hastings**, said that she agrees with previous comments of support for the Communities Plan and that the Plan ensures one person, one vote.

- 02:20:04 **Becky Stockton, Helena Valley, HD 79**, said that she agrees with comments made by Ms. Ries and Mr. Nummerdor concerning the importance of proper representation. She said she has been ignored by her representative and said that the growth in the Helena Valley justifies a representative for that area. She said she opposed the Communities Plan and the Existing Plan because they do not represent the concerns of the Helena Valley.
- 02:21:45 **Lori Hamm, East Helena, HD 78**, thanked the Commission for the opportunity to comment and commended them for the mandatory and discretionary criteria adopted. She said she has reviewed maps and found it interesting that the Existing Plan and the Communities Plan both give Helena five districts, and that both were drawn by Commission Lamson. She said that neither fit the criteria and she urged the Commission to be fair and use common sense in their decisions. She said she likes the Urban Rural Plan and the Suburban Plan, and that Jefferson County should not be included with Helena or East Helena.
- 02:24:51 **Mary Caferro, SD 40, Helena**, spoke in support of the Communities Plan for reasons already stated.
- 02:25:16 **Shirley Herron, Helena**, spoke in opposition to the Communities Plan and encouraged the Commission to accept any of the staff plans.
- 02:26:04 **Carlie Delsigne, Clancy**, said she is astonished at the support for the Communities Plan and that the power and the voice of districts would lie with the urban areas, with the outlying areas just bundled in. She said she would feel disenfranchised, should the Communities Plan be adopted and that adoption of that plan would encourage Montanans to distrust the political system. She said her voice should matter and that her representative should care what she has to say, and that she doesn't want to have to explain to a stranger why her needs are not being represented. She asked that Jefferson County be left intact and that the Commissioners consider the plan proposed by the Jefferson County Commissioners.
- 02:28:30 **Tom Rolfe, Helena**, recalled his experience as a representative in a multi-member system, before the single-member system was put into place. He said that it was very difficult to represent a diverse community because one concern could be suppressed or made subservient to another. He spoke in opposition to the Communities Plan, saying that it appears to him that its only purpose is to dominate certain communities. He said that citizens in Jefferson County and the Helena Valley deserve to have representation and to not be dominated by Helena or Butte. He asked the Commission to reject the Communities Plan and the Existing Plan.
- 02:31:16 **Megan Wilkie, Helena**, said that while she respects the comments from Jefferson County, she is in support of the Communities Plan.
- 02:31:49 **Ann Kuntzweiler, Clancy**, spoke in support of the Communities Plan. She said that other plans split Clancy and that it is very divisive when small towns are split.

- 02:33:00 **Shirley Chovanak** spoke in support of the Communities Plan.
- 02:33:39 Commissioner Regnier closed the public comment period of the meeting but said that emails and written comment would continue to be welcomed.

COMMISSIONER COMMENTS

- 02:34:03 Commissioner Smith reiterated that people should continue to submit their comments. He thought the hearing went well and said that the comments were well-thought out, focused, and would be very helpful to the Commissioners.
- 02:34:37 Commissioner Bennion thanked the people for their comments, saying it is very good for the process when many people are involved. He emphasized that all of the maps are just starting points in the districting process and that the Commissioners would try to take all comments into account and work together.
- 02:35:18 Commissioner Lamson agreed with both commissioners' comments but asked to clarify that the Communities Plan would not deprive Jefferson County of a majority district. He reviewed the lines of the Communities Plan regarding Jefferson County and said that his opinion is that the Plan takes care of the needs in that area, as well as the needs of the other counties. He said that while he understands why a county does not want to be split, it will be unavoidable in some areas. He asked that those who oppose the Communities Plan examine closely the maps and said that the staff-prepared maps are far more detrimental to county lines than his plan is. He noted that he is the only Commissioner who spent time with both parties in Jefferson County to get their views and that he appreciates the comments and concerns, and will keep them in mind.
- 02:37:46 Commissioner Vaughney said that she also appreciated the public participation and that the comments were thoughtful and well-articulated, and gave the Commissioners new ideas to consider. She concurred with Commissioner Bennion that as maps are developed, they will look like Montana and will make sense.
- 02:39:08 Commissioner Regnier extended his thanks and appreciation to all who provided comments. He said he heard astute comments particularly about representation and that representation is not necessarily synonymous with politics.

ADJOURNMENT

- 02:39:56 Commissioner Bennion moved to adjourn the meeting, Commissioner Smith seconded. The meeting was adjourned at 9:10 p.m.. The Districting and Apportionment Commission will meet next on April 12 and 13, in Lewistown and Bozeman, respectively.

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