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SECRETARY OF STATE  
STATE OF IDAHO

GRANT P. LOEBS  
Twin Falls County Prosecuting Attorney  
By: Jennifer Gose  
Chief Civil Deputy Prosecutor  
Idaho State Bar No. 6050  
425 Shoshone St. North  
Twin Falls, Idaho 83303-0123  
(208) 736-4020  
jgose@co.twin-falls.id.us

Attorney for Petitioners

IN THE SUPREME COURT OF THE STATE OF IDAHO

<b>TWIN FALLS COUNTY</b> , a political	)	
subdivision of the State of Idaho, and the	)	
<b>BOARD OF TWIN FALLS COUNTY</b>	)	CASE NO.
<b>COMMISSIONERS</b> , the <b>CITY OF</b>	)	
<b>TWIN FALLS</b> , the <b>CITY OF HANSEN</b> ,	)	
the <b>CITY OF FILER</b> , the <b>CITY OF BUHL</b> ;	)	<b>PETITION CHALLENGING</b>
<b>TETON COUNTY</b> , a political subdivision	)	<b>LEGISLATIVE REDISTRICTING</b>
of the State of Idaho, and the <b>BOARD OF</b>	)	<b>APPLICATION FOR INJUNCTIVE</b>
<b>TETON COUNTY COMMISSIONERS</b> ;	)	<b>RELIEF, AND APPLICATION FOR</b>
<b>OWYHEE COUNTY</b> , a political	)	<b>WRIT OF PROHIBITION</b>
subdivision of the State of Idaho, and the	)	
<b>BOARD OF OWYHEE COUNTY</b>	)	
<b>COMMISSIONERS</b> ; and <b>KOOTENAI</b>	)	
<b>COUNTY</b> , a political subdivision of the State	)	
of Idaho, and the <b>BOARD OF</b>	)	
<b>KOOTENAI COUNTY COMMISSIONERS</b>	)	
	)	
Petitioners,	)	
vs.	)	
<b>IDAHO COMMISSION ON</b>	)	
<b>REDISTRICTING</b> and Ben <b>YSURSA</b> ,	)	
Secretary of State of the State of Idaho	)	
	)	
Respondents.	)	

COME NOW the Petitioners, Twin Falls County, the Board of Twin Falls County Commissioners, the City of Twin Falls, the City of Hansen, the City of Filer, the City of Buhl; Teton County, and the Board of Teton County Commissioners; Owyhee County and the Board of Owyhee County Commissioners; and Kootenai County, and the Board of Kootenai County Commissioners, for a cause of action against the Respondents and state and allege as follows:

### **JURISDICTION**

1. The Idaho Supreme Court has original jurisdiction over this matter pursuant to Article III, §2 (5), of the Idaho Constitution. Idaho Appellate Rule 5 authorizes any person to apply to the Supreme Court for the issuance of any extraordinary writ or other proceeding over which the Supreme Court has original jurisdiction.

### **PETITIONERS**

2. Petitioner Counties are all political subdivisions of the State of Idaho.
3. Petitioners Board of Twin Falls County Commissioners, Teton County Commissioners, Owyhee County Commissioners, and Kootenai County Commissioners are the governing boards of their respective counties, have the statutory authority under Idaho Code § 31-813 to bring this action on behalf of their counties, are each political subdivisions, and file this action based on the best interests of the citizens of their counties.
4. Petitioners City of Twin Falls, City of Hansen, City of Filer, and City of Buhl are municipal corporations within the State of Idaho and have the statutory authority under Idaho Code § 50-301 to bring this action based on the behalf of their cities.

## **RESPONDENTS**

5. Respondent Idaho Redistricting Commission (hereinafter the “Redistricting Commission” or “Respondent”) is a state commission charged with the redistricting of state and federal legislative districts pursuant to Article III, §2 of the Idaho Constitution and Chapter 15 of Title 72 of the Idaho Code.

6. Respondent Ben Ysursa is the Secretary of State for the State of Idaho and has statutory responsibilities regarding the conduct of elections throughout the State of Idaho. Respondent Ysursa is required by Idaho Code §72-1508 to transmit a copy of the final report of the Commission on Redistricting to the president of the Senate and the Speaker of the House of Representative of the Idaho Legislature, to be spread upon the journals.

## **REDISTRICTING**

7. The statutory requirements governing the activities of the Redistricting Commission are set forth in Idaho Code §§72-1501 *et seq.*

8. On October 14, 2011, the Redistricting Commission filed with the office of the Secretary of State a final plan regarding the redistricting of the state legislative districts in Idaho. The state legislative plan adopted by the Redistricting Commission is known as Legislative Plan “L87” (hereinafter referred to as “Plan L87”). This act of filing Plan L87 with the Secretary of State was the last act of the Redistricting Commission and made the decision of the Commission to adopt Plan L87 final.

9. A map of Plan L87, which was adopted by the Redistricting Commission, is attached hereto as “Exhibit A” and is intended to be incorporated herein as if set forth in full.

The map of Plan L87 contains orange highlighted areas, added by Petitioners for the convenience of the court, which show the counties that are divided by Plan L87.

10. A statistical analysis of Plan L87 shows the district deviation and apportionment within Plan L87, which was produced by the Redistricting Commission, and is attached hereto as “Exhibit B” and is intended to be incorporated herein as if set forth in full.<sup>1</sup>

11. A map of the legislative districts adopted in 2002 and currently used in Idaho are attached hereto as “Exhibit C” and is intended to be incorporated herein as if set forth in full. This map contains orange highlighted areas, added by Petitioners, which show the divided counties.

12. A statistical analysis of the legislative districts adopted in 2002 and currently used in Idaho is attached hereto as “Exhibit D” and is intended to be incorporated herein as if set forth in full.

13. A proposed map drafted by Petitioners (“Petitioner’s Plan”) that shows how the legislative districts can be drawn in a way that complies with the Idaho Constitution and Idaho statutes is attached hereto as “Exhibit E” and is intended to be incorporated herein as if set forth in full. This map also contains orange highlighted areas, added by Petitioners, which show the counties that would be divided.

14. A statistical analysis of the legislative districts for the Petitioner’s Plan in Exhibit E is attached hereto as “Exhibit F” and is intended to be incorporated herein as if set forth in full.

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<sup>1</sup> Plan L87 and all plans proposed to the Redistricting Commission and analyzed by the Redistricting Commission are available in detail on the Idaho Committee for Reapportionment (Redistricting Commission) website: <http://www.legislature.idaho.gov/redistricting/inaptitude.htm>, in the “maptitude” format.

15. Idaho law sets the number of legislative districts at 35. The total population of the state of Idaho based on the Year 2010 United States Census is 1,567,582 people. Therefore, the ideal district population is 44,788 people per district.

### **The Effect of Plan L87: Twin Falls County**

16. The population of Twin Falls County based on the Year 2010 United States Census is 77,230 people. Accordingly, the population of Twin Falls County requires that it be divided among two legislative districts.

17. Plan L87 unnecessarily divides Twin Falls County among three legislative districts – District 23, District 24, and District 27. District 23 under this Plan L87 includes all of Elmore County, part of Owyhee County, and the western part of Twin Falls County. District 23 extends from the edge of the city of Twin Falls 140 miles westward to Oregon and 120 miles north to the far tip of Elmore County. District 23 includes 17,099 Twin Falls County residents and 27,689 non-Twin Falls County residents. (See Exhibit G)

Under Plan L87, District 24 consists of the majority of the city of Twin Falls, and includes 46,887 residents. The City of Twin Falls, however, has precincts split and put into District 27, including the area of the city where the new multi-million dollar Chobani Yogurt plant is to be built.<sup>2</sup> (See Exhibit H)

District 27 under this Plan L87 consists of the eastern part of Twin Falls County, Cassia County, and Power County. District 27 extends from the eastern edge of the City of Twin Falls

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<sup>2</sup> The new plant site is marked with an “X” on Exhibit H.

110 miles to the borders of Pocatello. Twin Falls County residents in District 27 number 13,244 people; non-residents number 30,769. (See Exhibit I)

**The Effect of Plan L87: Teton County and Fremont County**

18. Under Plan L87, Teton County is divided into two districts. The southern part of Teton County is combined with part of Bonneville County, Bear Lake County, Caribou County, and Franklin County to form District 32. District 32 extends from the southern part of Teton County to the Utah border. (See Exhibit J) It includes Teton County Precincts 1, 2, 3, and part of Precinct 4. The population in District 32 is formed from 8,609 residents in Teton County, 11,745 from Bonneville County, 6,962 from Caribou County, 5,986 from Bear Lake County, and 12,786 from Franklin County. Teton County Precinct 4 was split into 3 parts: two unconnected parts in District 32 totaling 490 Teton County residents, and one part with 1,561 residents in District 34. The northern part of Teton County, consisting of those 1,561 people in Precinct 4, is combined with 37,536 residents of Madison County and part of Fremont County, 6,915 residents, to form District 34. (See Exhibit K)

19. Fremont County is also unnecessarily divided under Plan L87. 6,915 residents are placed in District 34, and the remaining 6,327 are placed in District 35 which expands westward from the Montana border for 209 miles. District 35 contains Clark County, Custer County, Lemhi County, Jefferson County, and part of Fremont County. (See Exhibit L) Fremont County's Precinct 4 is divided between Districts 34 and 35, with a tiny portion, 51 people, in District 34.

District 34, therefore, contains all of Madison County, and two divided precincts, one from Teton County, and one from Fremont County. (See Exhibit K)

**The Effect of Plan L87: Owyhee County**

20. Plan L87 unnecessarily divides Owyhee County into two districts. The majority of the county is combined with the western part of Twin Falls County and all of Elmore County, to form District 23. District 23 consists of 27,038 Elmore County residents, 17,099 Twin Falls County residents, and 2,532 Owyhee County residents.

The entire northwestern section of Owyhee County, 8,994 residents, is divided and combined with part of Canyon County, 35,589 residents, to form District 11. (See Exhibit M)

**The Effect of Plan L87: Canyon County and Gem County**

21. Canyon County is split into 4 Districts, two of which unnecessarily include other counties. District 11 is described in paragraph 20 above. District 9 includes northern Canyon County with 20,194 residents, Payette County with 27,623 residents, and part of the divided Gem County Precinct 8, with 1,466 residents. (See Exhibit N)

22. Plan L87 unnecessarily splits Gem County. Gem County Precinct 8 is split; the first part, consisting of 1,466 residents, is in District 9. The remaining 15,253 residents of Gem County Precinct 8 are in District 8 with Boise, Washington, Adams, and Valley Counties. (See Exhibit O)

**The Effect of Plan L87: Kootenai County**

23. Kootenai County is unnecessarily divided into four districts under Plan L87. District 2 contains 40,785 residents of Kootenai County and 5,357 residents of Bonner County.

(See Exhibit P) Districts 3 and 4 are contained entirely within Kootenai County. Four precincts, with 5,155 residents, are put into District 7, which extends 204 miles to the Adams County and Valley County border and includes Shoshone, Clearwater, and Idaho Counties. (See Exhibit Q) Two of those four precincts are unnecessarily split. Precinct 48 has 1667 residents in District 4, and 46 residents in District 7. Precinct 60 has 1,134 residents in District 4, and 32 residents in District 7. (See Exhibit R)

Notably, Kootenai County's population is of a size which enables it to be divided into three districts without being split or combined with any other counties.

#### **The Effect of Plan L87: Bingham County and Bannock County**

24. Plan L87 also unnecessarily divides Bingham County. 42,277 Bingham County residents are placed in District 31 with Butte County, and 2,830 Bingham County residents are placed in District 28 with part of Bannock and Oneida Counties.

Notably, Bingham County has a population of 46,607 – in itself – almost exactly the population of an ideal district. (See Exhibit S)

25. Bannock County is divided with 39,138 residents being placed in District 28, with parts of Bingham and Oneida Counties. The remaining 43,701 Bannock County residents are placed in District 29. (See Exhibit T)

#### **The Effect of Plan L87: Cumulative Effect**

26. In all, Plan L87 splits 11 counties, a total of 14 splits, 8 of which are arbitrary and unnecessary.



27. By contrast, Petitioner's Plan in Exhibit E splits only six counties, and of those six splits, all but one are mandatory, and one is optional.<sup>3</sup>

**FIRST CAUSE OF ACTION  
VIOLATION OF IDAHO CONSTITUTION ARTICLE III §5**

28. Each and every fact and allegation set forth in paragraphs 1 through 28 above are incorporated within the First Cause of Action as if set forth in full.

29. Article III §5 of the Idaho Constitution states:

*A senatorial or representative district, when more than one county shall constitute the same, shall be composed of contiguous counties, and a county may be divided in creating districts only to the extent it is reasonably determined by statute that counties must be divided to create senatorial and representative districts which comply with the constitution of the United States. A county may be divided into more than one legislative district when districts are wholly contained within a single county. No floterial district shall be created. Multi-member districts may be created in any district composed of more than one county only to the extent that two representatives may be elected from a district from which one senator is elected. The provisions of this section shall apply to any apportionment adopted following the 1990 decennial census. (Emphasis added.)*

30. In clear violation of this constitutional provision, the Reapportionment Commission unnecessarily divided Twin Falls County, Fremont County, Gem County, Owyhee County, Canyon County, Bingham County, and Kootenai County into a multiple number of districts. While it is correct that Twin Falls County, Canyon County, and Kootenai County each need to be divided into more than one district, the Redistricting Commission is not justified in dividing Twin Falls County and Canyon County each into three districts and Kootenai County into four districts. Likewise, Gem County, Bingham County, Fremont County, and Owyhee

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<sup>3</sup> Teton County, by virtue of its population alone, does not need to be split. It is, however, in a location vis-a-vis its neighbors that requires a split in some county in that region. Plan L87 and the Petitioner's Plan both split Teton County, although Plan L87 also splits its precincts.

County were unnecessarily split into two districts.

Plan L87 disenfranchises these counties' citizens by gerrymandering these districts to eliminate the impact of the county electorate. The Petitioner's Plan in Exhibit E not only shows how unnecessary it is to divide these counties, but proposes a statewide plan that complies with the Idaho Constitution.

31. While the Redistricting Commission, in approving Plan L87, did not *prima facie* violate the U.S. Constitution by creating a population deviation in excess of 10%, it comes almost as close as it can at 9.92%. This deviation is not justified when other plans create a smaller deviation and do not unconstitutionally divide counties. Petitioner's Plan in Exhibit E has only a 9.0% deviation.

32. Failure to abide by the requirements of Article III §5 of the Idaho Constitution, and Idaho Code §72-1506(3), renders Plan L87 unconstitutional and illegal, and establishes that the adoption of Plan L87 by the Commission on Redistricting was done in an arbitrary and capricious manner.

**SECOND CAUSE OF ACTION  
VIOLATION OF IDAHO CODE §72-1506(5)**

33. Each and every fact and allegation set forth in paragraphs 1 through 28 above are incorporated within the Second Cause of Action as if set forth in full.

34. Idaho Code §72-1506(5) requires that:

Divisions of counties *shall* be avoided whenever possible. In the event that a county must be divided, the number of such divisions, per county, should be kept to a minimum. (Emphasis added.)

35. The statutory language, as amended in 2009, is mandatory language.

36. Plan L87 divides Twin Falls County, Owyhee County, Fremont County, Gem County, Canyon County, Bingham County, and Kootenai County to an extent which is not reasonably necessary to meet the requirements of the equal population principle. Furthermore, Plan L87 does not keep division of the counties to a minimum as is seen when comparing Plan L87 to Petitioner's Plan in Exhibit E. In Plan L87, three counties that needed to be divided were divided again for no legitimate reason: Twin Falls County, Canyon County, and Kootenai County.

37. The equal population principle could have been accomplished by:

- a) Combining Twin Falls County with Owyhee County into District 23, including some precincts within the City of Twin Falls, and with the remainder of the City of Twin Falls and the eastern part of Twin Falls County forming District 24. This avoids the necessity of decapitating Owyhee County as Plan L87 does. (See Exhibit U)
- b) Keeping Kootenai County whole and dividing it into 3 districts within its own borders. (See Exhibit V)
- c) Keeping Gem County whole by not severing its southwestern corner (1,466 residents) from the rest of the county.
- d) Splitting Canyon County only once, rather than twice, and placing the northern part of it with Payette County. (See Exhibit W)
- e) Keeping the perfectly sized Bingham County whole. (See Exhibit X)

- f) Avoiding the truncation of Fremont County by placing the whole county with its western neighbors.
- g) Splitting Teton County in a rational way, instead of scattering its precincts all over eastern Idaho. (See Exhibit Y)

The Petitioner's Plan in Exhibit E shows how this mandate can be achieved for all of the counties.

38. Plan L87 violates Idaho Code §72-1506(5) by dividing Twin Falls County, Fremont County, Gem County, Owyhee County, Canyon County, Bingham County, and Kootenai County beyond the extent reasonably necessary to meet the requirements of the equal population principle and by failing to keep the number of such divisions of the counties to a minimum.

39. Failure to abide by the requirements of Idaho Code §72-1506(5) establishes that the adoption of Plan L87 by the Commission on Redistricting was done in an arbitrary and capricious manner.

**THIRD CAUSE OF ACTION  
VIOLATION OF IDAHO CODE §72-1506(2)**

40. Each and every fact and allegation set forth in paragraphs 1 through 28 above are incorporated within the Third Cause of Action as if set forth in full.

41. Idaho Code §72-1506(2) requires that, "to the maximum extent possible, districts shall preserve traditional neighborhoods and local communities of interest."

42. By dividing the counties in the manner set forth in Plan L87, traditional neighborhoods and local communities of interest have been destroyed.

43. Plan L87 combines the western half of Twin Falls County with Owyhee County and Elmore County to form District 23. Elmore County contains a military air base and has entirely different economic interests than residents in Twin Falls County or Owyhee County. Twin Falls County and Owyhee County have significant irrigation issues that are unique to the community, and those people need representation in the legislature that understands those issues. Further, western Twin Falls County has a specific issue unique to it with nitrate priority. The voice of the residents is diluted in the legislature by being combined with Elmore County, which could create very serious water issues in the future in those communities. The community of interest shared by rural western Twin Falls County and Owyhee County is destroyed in this unnatural pairing with Elmore County.

44. The eastern half of Twin Falls County was combined with Cassia and Power Counties, and runs nearly to the border of the city of Pocatello. The economic base in Power County is nothing similar to that of eastern Twin Falls County, which is primarily farming and dairy industry, while the eastern part of District 27 comprises part of a major industrial region. Some precincts within the City of Twin Falls were also put in District 27, which have nothing in common with the eastern part of the district. This pairing of the agriculturally based eastern Twin Falls County with the industrial areas west of Pocatello destroys eastern Twin Falls County's community of interest.

45. The citizens from the northern part of Kootenai County in District 3 are disconnected from the county economic base which is centralized in the Coeur d'Alene, Post Falls, Rathdrum, and Hayden area. In the 7th District, 5,155 Kootenai County citizens are

artificially connected to citizens in Shoshone, Clearwater, and Idaho Counties. There is no direct economic connection between Kootenai County and the citizens in this widely scattered, rural, and lightly populated district.

46. Teton County has issues unique to its region. For example, it is a resort area that was hit particularly hard by the real estate boom and bust. Teton County also has one of the lowest levy rates in the state, and has consistently lobbied its legislators for a local option tax. In order for Teton County concerns to be heard it needs to be paired with an area facing similar issues.

47. The Redistricting Commission did not consider the traditional neighborhoods and local communities of interest in Twin Falls County, Teton County, Owyhee County, and Kootenai County and other counties in the state of Idaho when adopting Plan L87.

48. Plan L87 fails to preserve traditional neighborhoods and local communities of interest in violation of Idaho Code §72-1506(2).

49. Failure to abide by the requirements of Idaho Code §72-1506(2) establishes that the adoption of Plan L87 by the Commission on Redistricting was done in an arbitrary and capricious manner.

**FOURTH CAUSE OF ACTION  
VIOLATION OF IDAHO CODE §72-1506(3)**

50. Each and every fact and allegation set forth in paragraphs 1 through 28 above are incorporated within the Fourth Cause of Action as if set forth in full.

51. Idaho Code §72-1506(3) requires that, “districts shall be substantially equal in population and should seek to comply with all applicable federal standards and statutes.”

52. Plan L87 does not create districts which are substantially equal in population and it does not comply with applicable federal standards and statutes. For example, District 25 has a deviation of 5.24% below the ideal district size.

53. The equal protection clause of the Fourteenth Amended to the United States Constitution requires that legislative districts be substantially equal in population.

54. The Fourteenth Amendment to the United States Constitution requires substantially equal state legislative representation for all citizens of all places.

55. Plan L87 has a statewide standard deviation of 9.92%.

56. By nearly reaching an overall deviation of 10.0%, Plan L87 is discriminatory under the equal protection clause of the Fourteenth Amendment. Specifically, citizens in Twin Falls County, Teton County, Owyhee County, Kootenai County, and other counties are discriminated against in that those counties are divided in such a way that those citizens in the parts that are carved away and arbitrarily combined with other counties will have little influence as a cohesive electorate.

57. Failure to abide by the requirements of Idaho Code §72-1506(3) establishes that the adoption of Plan L87 by the Commission on Redistricting was done in an arbitrary and capricious manner.

**FIFTH CAUSE OF ACTION  
VIOLATION OF IDAHO CODE §72-1506(4)**

58. Each and every fact and allegation set forth in paragraphs 1 through 28 above are incorporated within the Fifth Cause of Action as if set forth in full.

59. Idaho Code §72-1506(4) requires that, “to the maximum extent possible, the plan should avoid drawing districts that are oddly shaped.”

60. Plan L87 creates districts which are oddly shaped.

61. District 23 is in an unusual shape that extends from the edge of the city of Twin Falls 140 miles westward to Oregon and 120 miles north to the far northern tip of Elmore County at the edges of Boise and Custer Counties. This district includes 17, 099 Twin Falls County residents and 27, 689 non-Twin Falls County residents. (See Exhibit A)

62. District 7 is an obvious example of an oddly shaped district. It extends from Wallace in Shoshone County to Riggins in Idaho County, a driving distance of approximately 260 miles, and touches the Idaho borders with both Oregon and Montana. (See Exhibit A)

District 35 is extremely oddly shaped, extending from Custer County, the middle of the state, to Fremont County at the Montana/Wyoming border, with nearly an hourglass shape. (See Exhibit E)

Bonneville County is divided in such a way that District 33 is an island, entirely engulfed by District 30. (See Exhibit Z)

63. Plan L87 violates Idaho Code §72-1506(4) by creating districts which are oddly shaped.

64. Failure to abide by the requirements of Idaho Code §72-1506(4) establishes that the adoption of Plan L87 by the Commission on Redistricting was done in an arbitrary and capricious manner.



## PRAYER FOR RELIEF

For all of the reasons set forth above, Petitioners respectfully pray for relief as follows:

A. That the Idaho Supreme Court immediately issue an appropriate writ of prohibition or appropriate injunction enjoining implementation and enforcement of Plan L87 as adopted by the Idaho Commission on Reapportionment.

B. That the Court enters an order establishing legislative districts in the state of Idaho which will comply with Constitutional and statutory requirements.

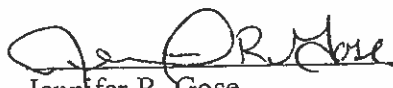
C. That the Supreme Court enter an order or writ directing Respondents to refrain from acting pending a hearing in which they are ordered to show cause why the relief sought by Petitioners should not be granted.

D. In the alternative, that the Court order Respondents, or a new Redistricting Commission, to reconvene and provide ample opportunity for public comment and hearing on the proposed plan shown in Exhibit E or an alternate plan that complies with existing Constitutional and statutory law.

E. In light of the uncommon nature of this action, Petitioners request that the Court issue an order outlining and clarifying the procedural rules it will follow in these proceedings. Briefing and oral argument are requested.

F. For such further and other relief as the Court deems just and necessary.

DATED this 16<sup>th</sup> day of November, 2011.

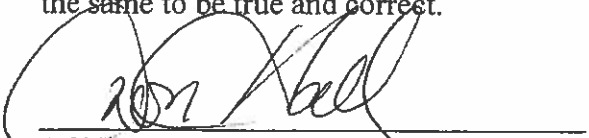
  
Jennifer R. Gose  
Attorney for Petitioners



STATE OF IDAHO, )  
                              ss.  
County of Twin Falls.)

Don Hall, Mayor of City of Twin Falls, Lance Clow, Trip Craig, Dave Johnson, Will Kezele, Greg Lanting, and Rebecca Mills Sojka, being first duly sworn, depose and say:

That they are the Petitioners in the foregoing action; that they have read the foregoing Petition and know the contents thereof, and as to the matters and things alleged, affiants believe the same to be true and correct.

  
\_\_\_\_\_  
DON HALL  
Mayor of City of Twin Falls


  
\_\_\_\_\_  
LANCE CLOW  
Councilman

\_\_\_\_\_  
TRIP CRAIG  
Councilman

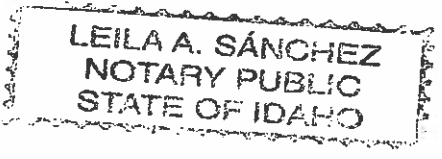
  
\_\_\_\_\_  
DAVE JOHNSON  
Councilman

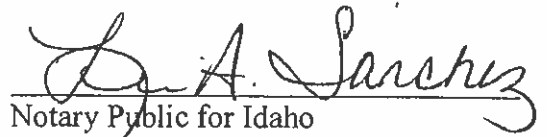
\_\_\_\_\_  
WILL KEZELE  
Councilman

  
\_\_\_\_\_  
GREG LANTING  
Councilman

  
\_\_\_\_\_  
REBECCA MILLS SOJKA  
Councilwoman

SUBSCRIBED AND SWORN To before me this 14<sup>th</sup> day of November, 2011.



  
\_\_\_\_\_  
Notary Public for Idaho  
Residing at:  
My Commission Expires:







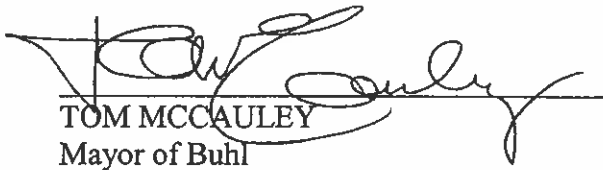
STATE OF IDAHO, )

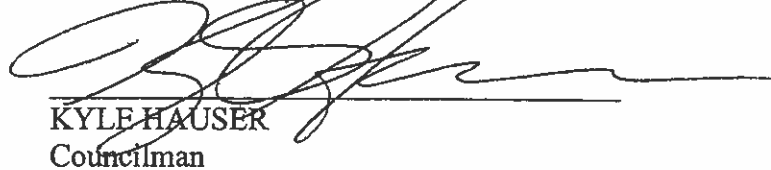
ss.

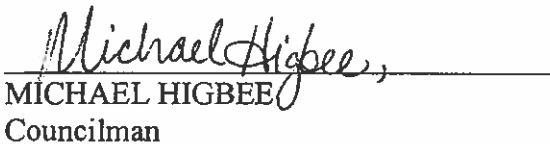
County of Twin Falls.)

Tom McCauley, Mayor of City of Buhl, Kyle Hauser, Michael Higbee, Bob Lindermann,  
and Pam McClain, being first duly sworn, depose and say:

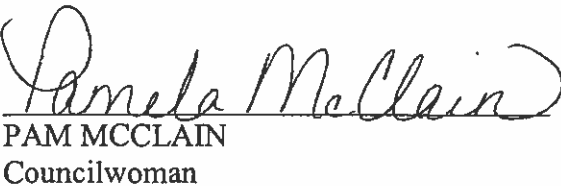
That they are the Petitioners in the foregoing action; that they have read the foregoing  
Petition and know the contents thereof, and as to the matters and things alleged, affiants believe  
the same to be true and correct.

  
TOM MCCAULEY  
Mayor of Buhl

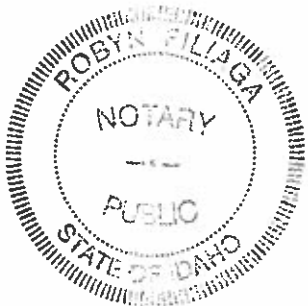
  
KYLE HAUSER  
Councilman


  
MICHAEL HIGBEE  
Councilman

  
BOB LINDERMANN  
Councilman

  
PAM MCCLAIN  
Councilwoman

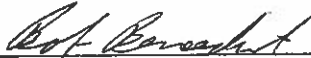
SUBSCRIBED AND SWORN To before me this 16<sup>th</sup> day of November, 2011.




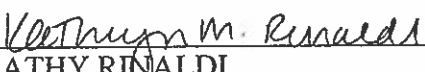
  
Notary Public for Idaho  
Residing at: Buhl, Idaho  
My Commission Expires: 9-2-2015

STATE OF IDAHO, )  
                              ss.  
County of Teton. )

Bob Benedict, Kelly Park, and Kathy Rinaldi, being first duly sworn, depose and say:  
  
That they are the Petitioners in the foregoing action; that they have read the foregoing  
Petition and know the contents thereof, and as to the matters and things alleged, affiants believe  
the same to be true and correct.

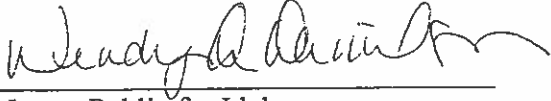
  
\_\_\_\_\_  
BOB BENEDICT

  
\_\_\_\_\_  
KELLY PARK

  
\_\_\_\_\_  
KATHY RINALDI

SUBSCRIBED AND SWORN To before me this 14<sup>th</sup> day of November, 2011.

**Wendy A. Danielson**  
**Notary Public**  
**State of Idaho**

  
\_\_\_\_\_  
Notary Public for Idaho  
Residing at: Teton County  
My Commission Expires:








**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 16<sup>th</sup> day of November, 2011, a true and accurate copy of the foregoing was hand delivered to the following:

Idaho Redistricting Commission  
Legislative Services Office  
P.O. Box 83720  
Boise, ID 83720-0054  
Boise, Idaho 83720

Office of the Secretary of State  
700 West Jefferson, Room E205  
P.O. Box 83720  
Boise, Idaho 83720-0080

  
\_\_\_\_\_  
Jennifer R. Gose

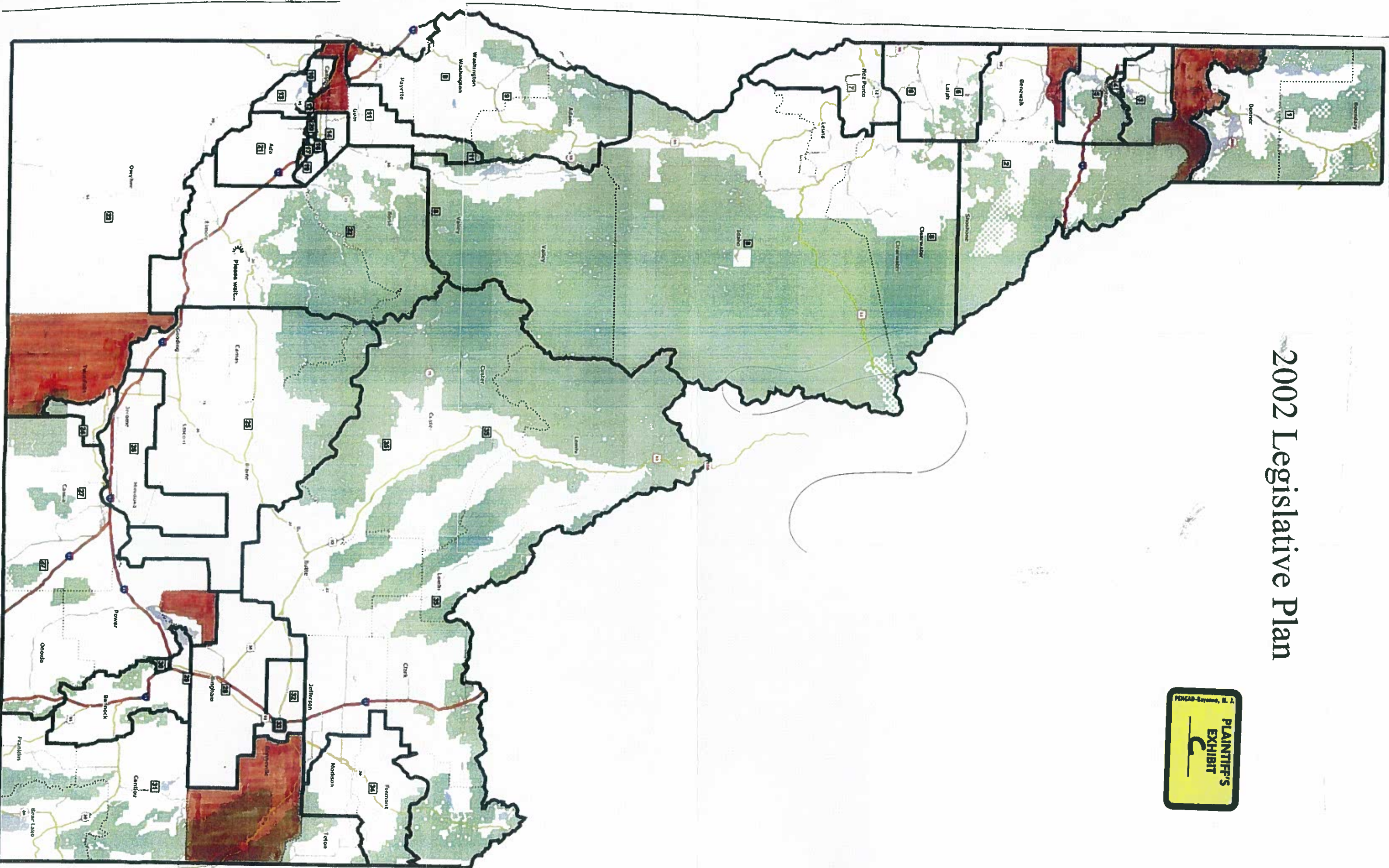


# L87-Reducing Commission

Districts in Plan: 35; Target: 35; Ideal Population: 44,788 X			
District	Population	Deviation	% Deviation
1	46,492	1,704	3.8%
2	46,142	1,354	3.0%
3	46,276	1,488	3.3%
4	46,278	1,490	3.3%
5	46,529	1,741	3.9%
6	43,086	-1,702	-3.8%
7	42,948	-1,840	-4.1%
8	46,317	1,529	3.4%
9	44,283	-505	-1.1%
10	44,769	-19	-0.0%
11	44,583	-205	-0.5%
12	44,216	-572	-1.3%
13	44,155	-633	-1.4%
14	44,919	131	0.3%
15	42,799	-1,989	-4.4%
16	44,383	-405	-0.9%
17	43,778	-1,010	-2.3%
18	43,612	-1,176	-2.6%
19	42,895	-1,893	-4.2%
20	42,610	-2,178	-4.9%
21	43,541	-1,247	-2.8%
22	43,828	-960	-2.1%
23	46,669	1,881	4.2%
24	46,887	2,099	4.7%
25	42,443	-2,345	-5.2%
26	43,165	-1,623	-3.6%
27	44,013	-775	-1.7%
28	46,254	1,466	3.3%
29	43,701	-1,087	-2.4%
30	46,525	1,737	3.9%
31	45,668	880	2.0%
32	46,089	1,301	2.9%
33	45,964	1,176	2.6%
34	46,012	1,224	2.7%
35	45,753	965	2.2%



# 2002 Legislative Plan

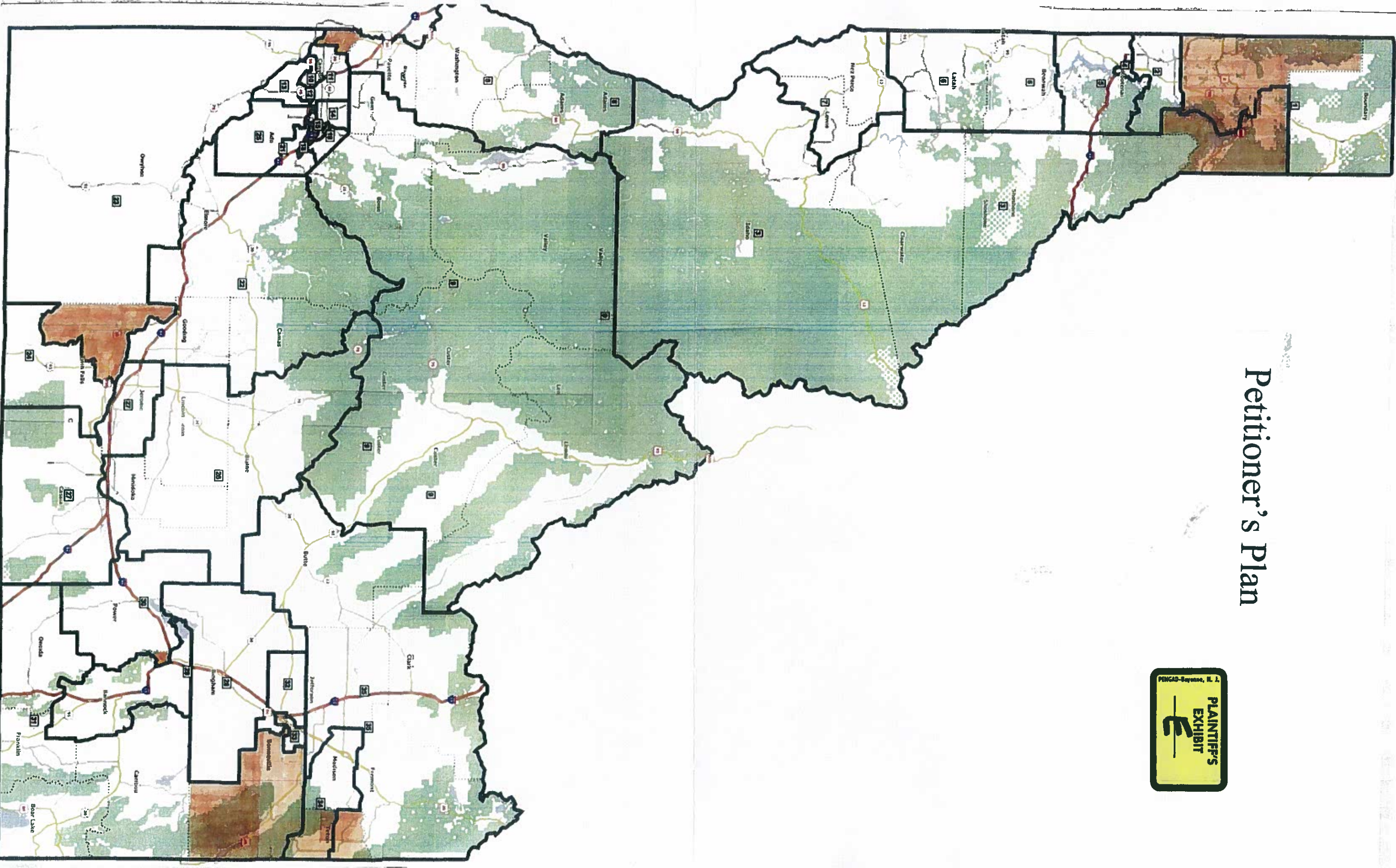


# 2002 Legislative Plan

Districts In Plan: 35; Target: 35; Ideal Population: 44,788			
District	Population	Deviation	% Deviation
1	40,210	-4,576	-10.2%
2	35,917	-8,871	-19.8%
3	45,166	378	0.8%
4	44,634	-154	-0.3%
5	46,466	1,678	3.7%
6	37,244	-7,544	-16.8%
7	39,265	-5,523	-12.3%
8	38,711	-6,077	-13.6%
9	38,220	-6,568	-14.7%
10	48,958	4,170	9.3%
11	51,062	6,274	14.0%
12	45,474	686	1.5%
13	58,725	13,937	31.1%
14	76,940	32,152	71.8%
15	40,177	-4,611	-10.3%
16	36,855	-7,933	-17.7%
17	37,314	-7,474	-16.7%
18	39,282	-5,506	-12.3%
19	40,219	-4,569	-10.2%
20	50,201	5,413	12.1%
21	71,377	26,589	59.4%
22	34,066	-10,722	-23.9%
23	45,710	922	2.1%
24	43,046	-1,742	-3.9%
25	43,165	-1,623	-3.6%
26	42,443	-2,345	-5.2%
27	38,757	-6,031	-13.5%
28	41,905	-2,883	-6.4%
29	44,248	-540	-1.2%
30	38,591	-6,197	-13.8%
31	45,173	385	0.9%
32	56,073	11,285	25.2%
33	38,893	-5,895	-13.2%
34	49,686	4,898	10.9%
35	43,409	-1,379	-3.1%



# Petitioner's Plan





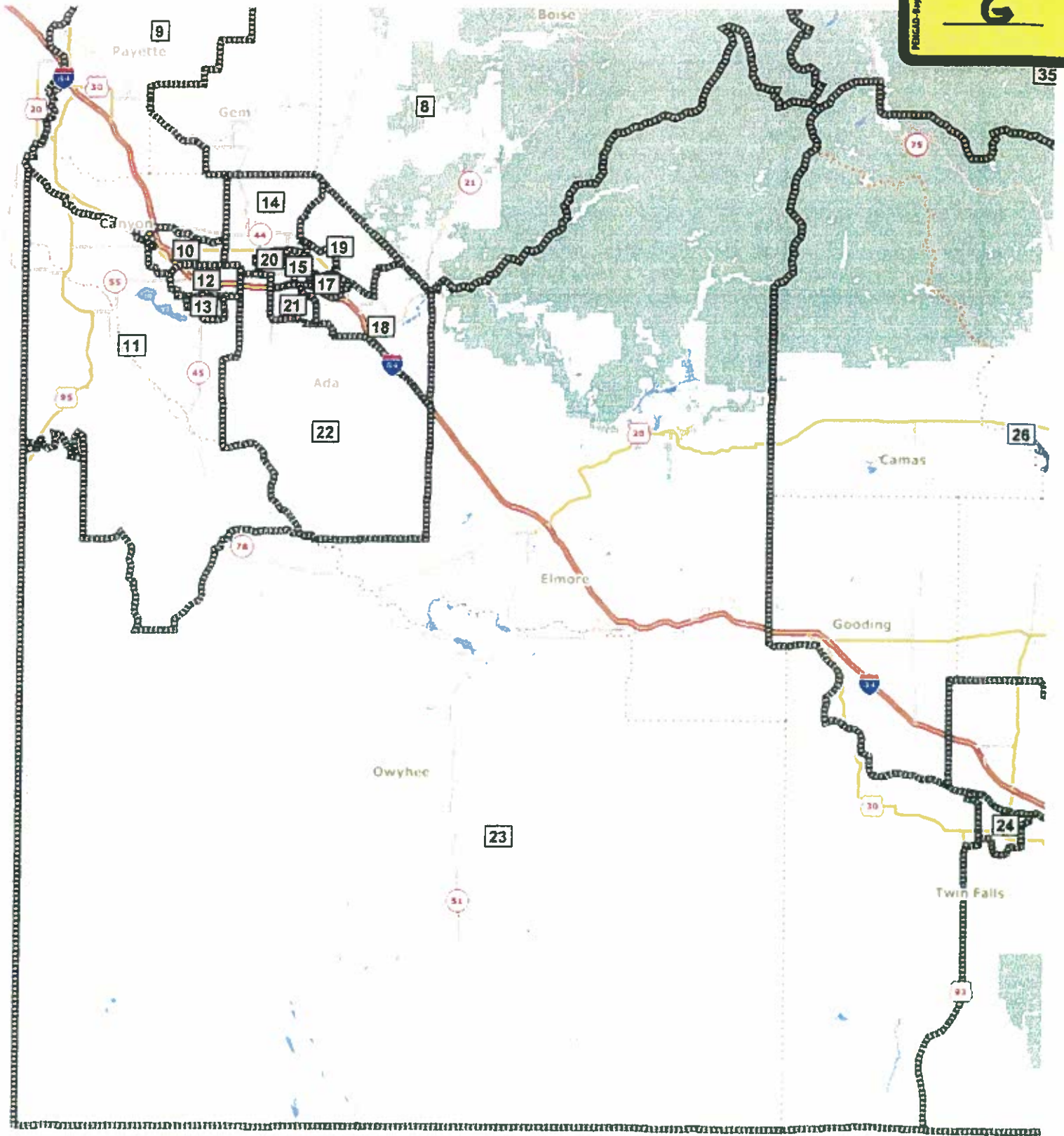
# Petitioner's Plan

Districts in Plan: 35; Target: 35; Ideal Population: 44,788			
District	Population	Deviation	% Deviation
1	44,585	-203	-0.5%
2	46,442	1,654	3.7%
3	45,057	269	0.6%
4	46,786	1,998	4.5%
5	45,266	478	1.1%
6	46,529	1,741	3.9%
7	43,086	-1,702	-3.8%
8	43,054	-1,734	-3.9%
9	45,913	1,125	2.5%
10	46,641	1,853	4.1%
11	44,363	-425	-0.9%
12	46,601	1,813	4.0%
13	45,061	273	0.6%
14	43,721	-1,067	-2.4%
15	43,466	-1,322	-3.0%
16	43,568	-1,220	-2.7%
17	44,220	-568	-1.3%
18	43,716	-1,072	-2.4%
19	44,756	-32	-0.1%
20	42,777	-2,011	-4.5%
21	43,378	-1,410	-3.1%
22	43,619	-1,169	-2.6%
23	43,215	-1,573	-3.5%
24	45,541	753	1.7%
25	42,763	-2,025	-4.5%
26	46,653	1,865	4.2%
27	45,326	538	1.2%
28	45,607	819	1.8%
29	44,248	-540	-1.2%
30	46,408	1,620	3.6%
31	44,430	-358	-0.8%
32	44,323	-465	-1.0%
33	45,502	714	1.6%
34	45,655	867	1.9%
35	45,306	518	1.2%



# L87-Redistricting Commission

PLAINTIFF'S  
EXHIBIT  
**G**

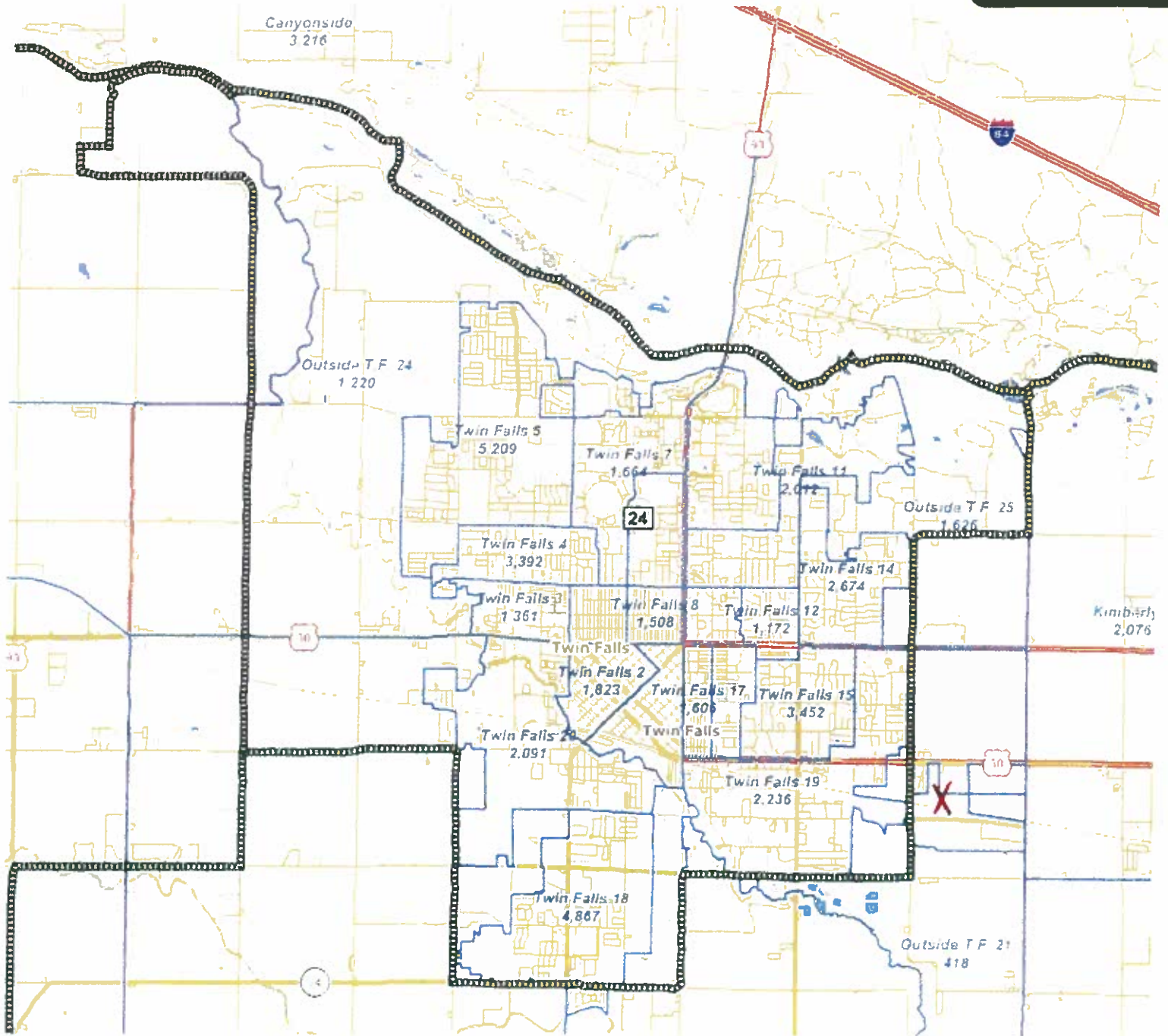


# L87-Redistricting Commission

PERKINS, BAYNES, N. J.

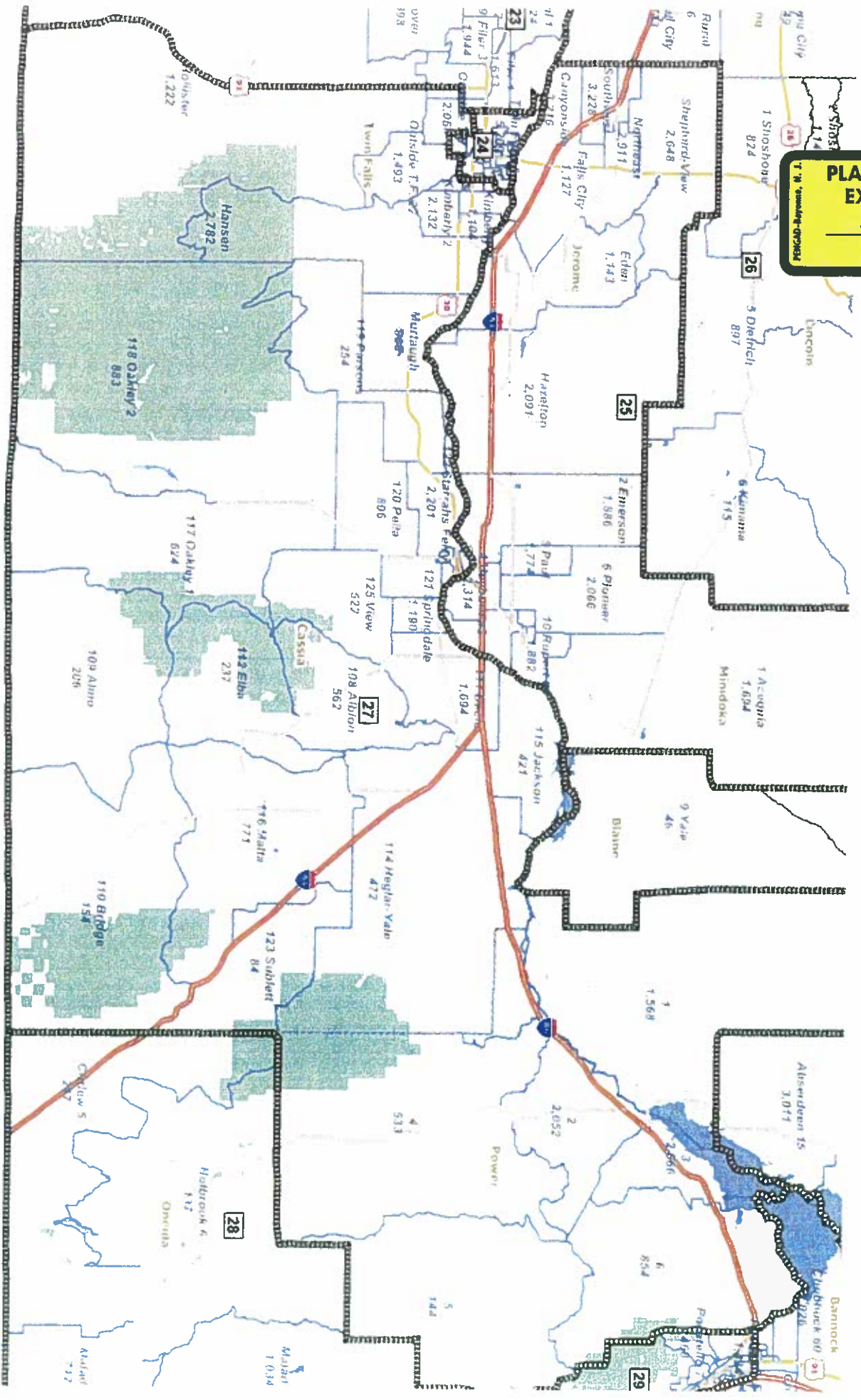
PLAINTIFF'S  
EXHIBIT

H



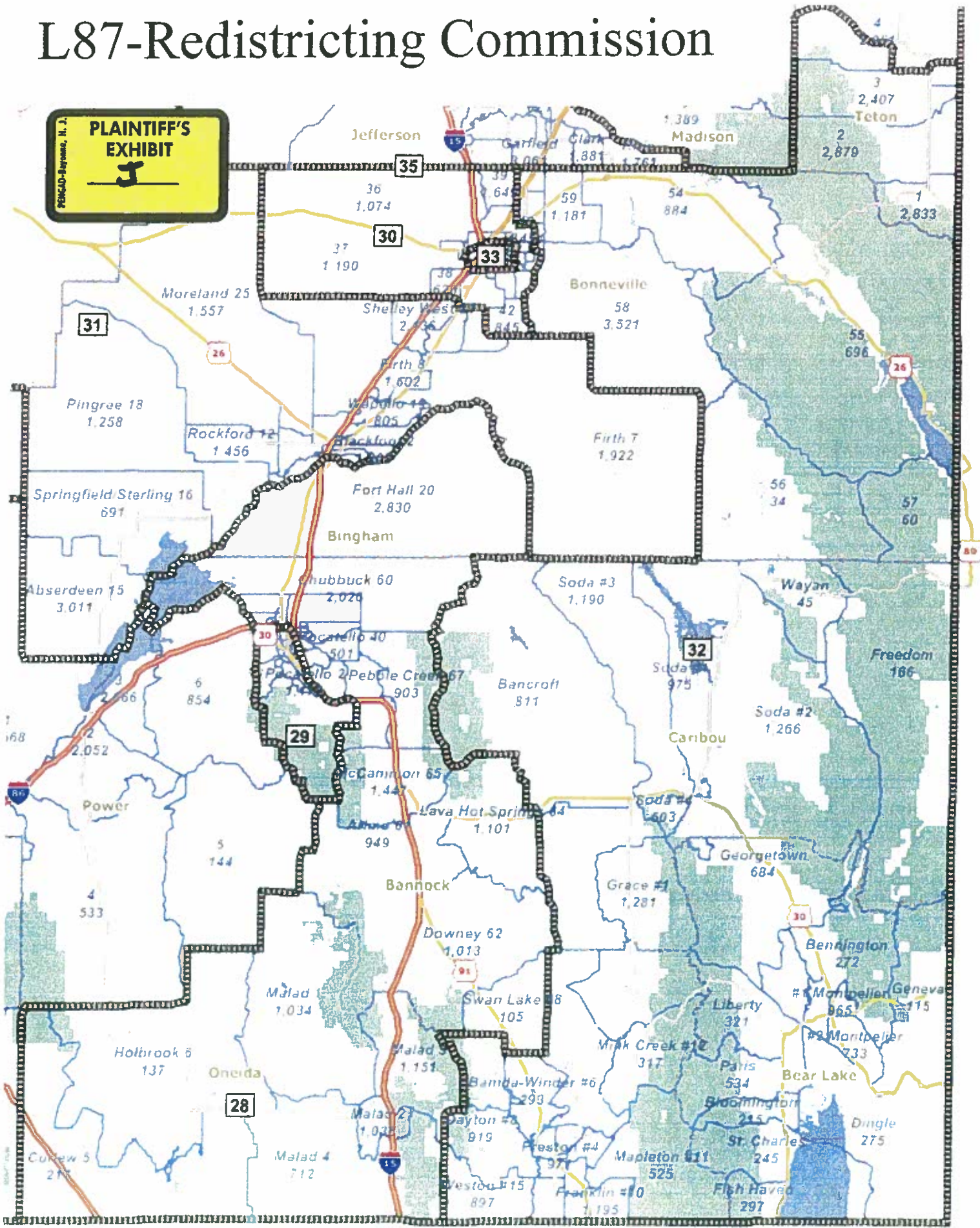
# L87-Redistricting Commission

PLAINTIFF'S EXHIBIT  
**1**  
T.W. Vander-Camp



# L87-Redistricting Commission

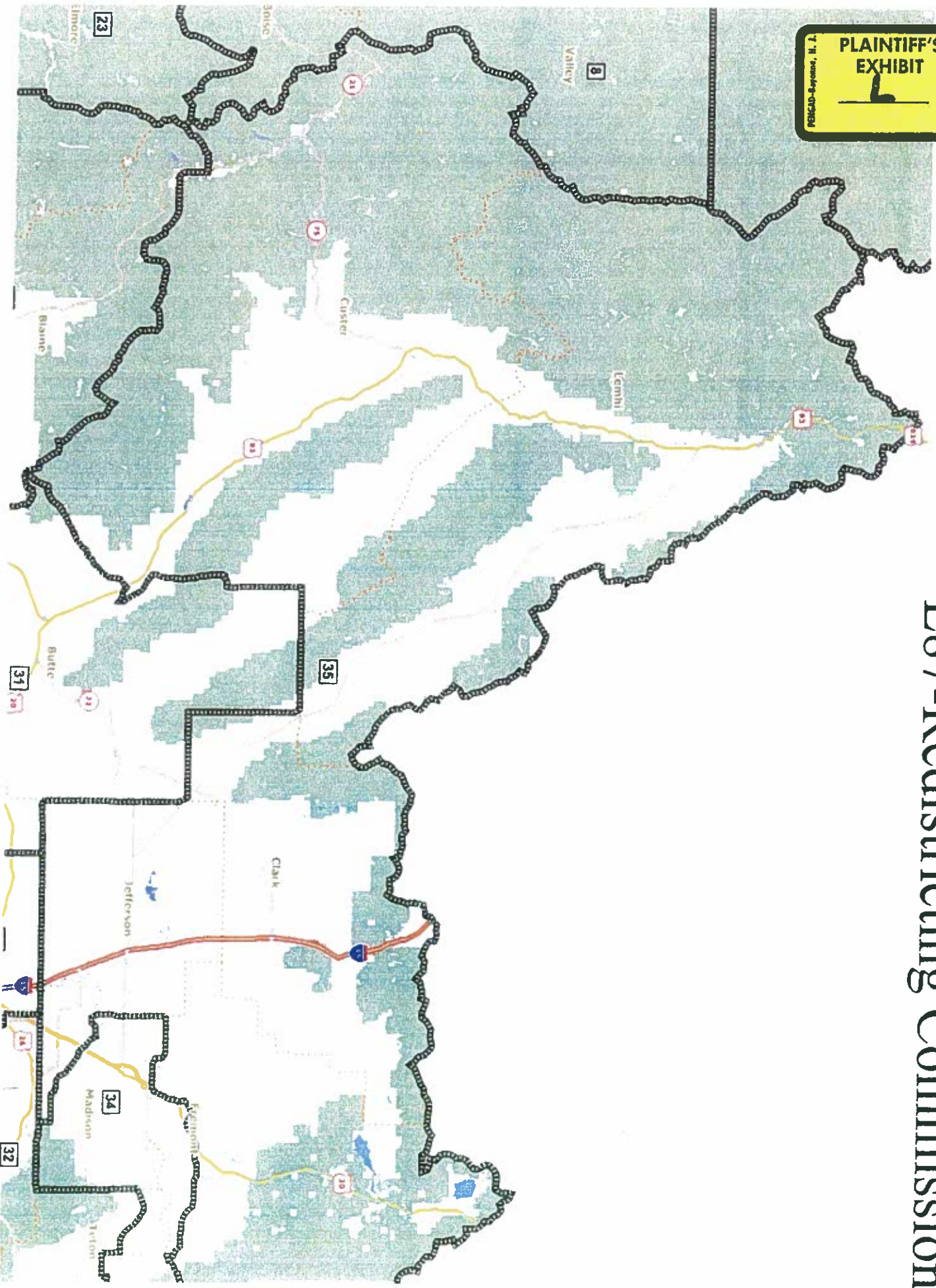
**PLAINTIFF'S EXHIBIT**  
**J**





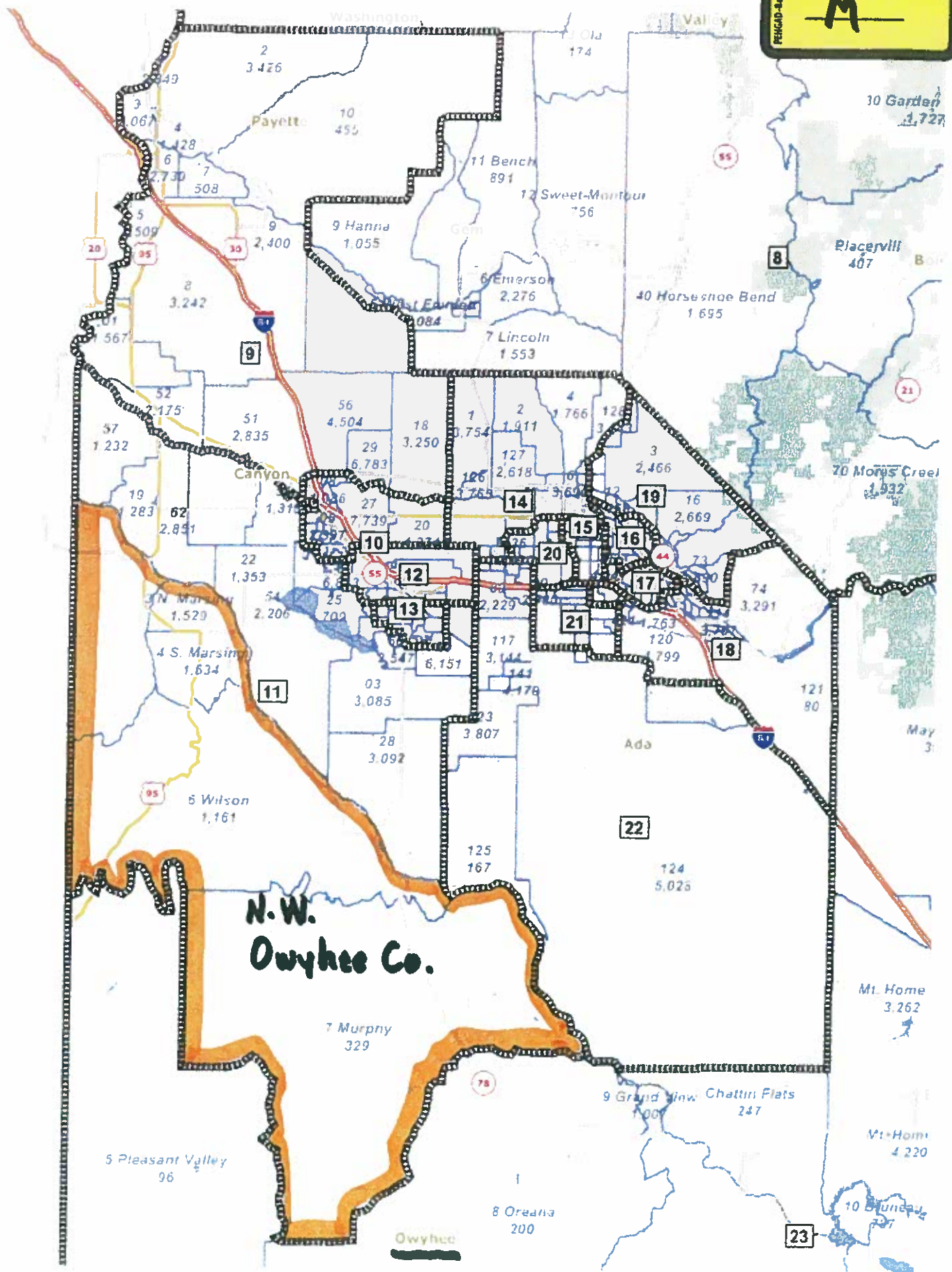
# L87-Redistricting Commission

PLAINTIFF'S EXHIBIT



# L87-Redistricting Commission

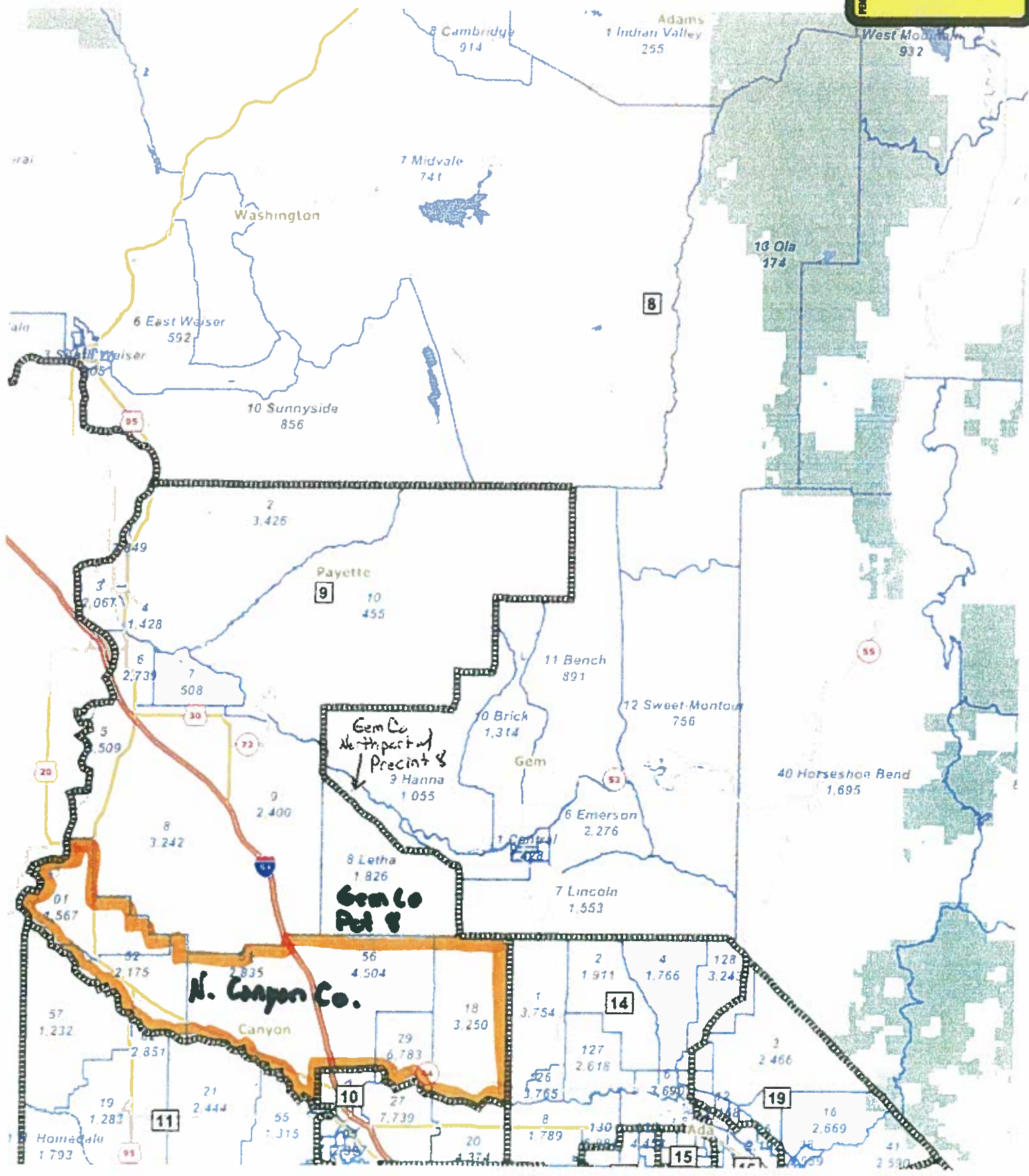
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**M**



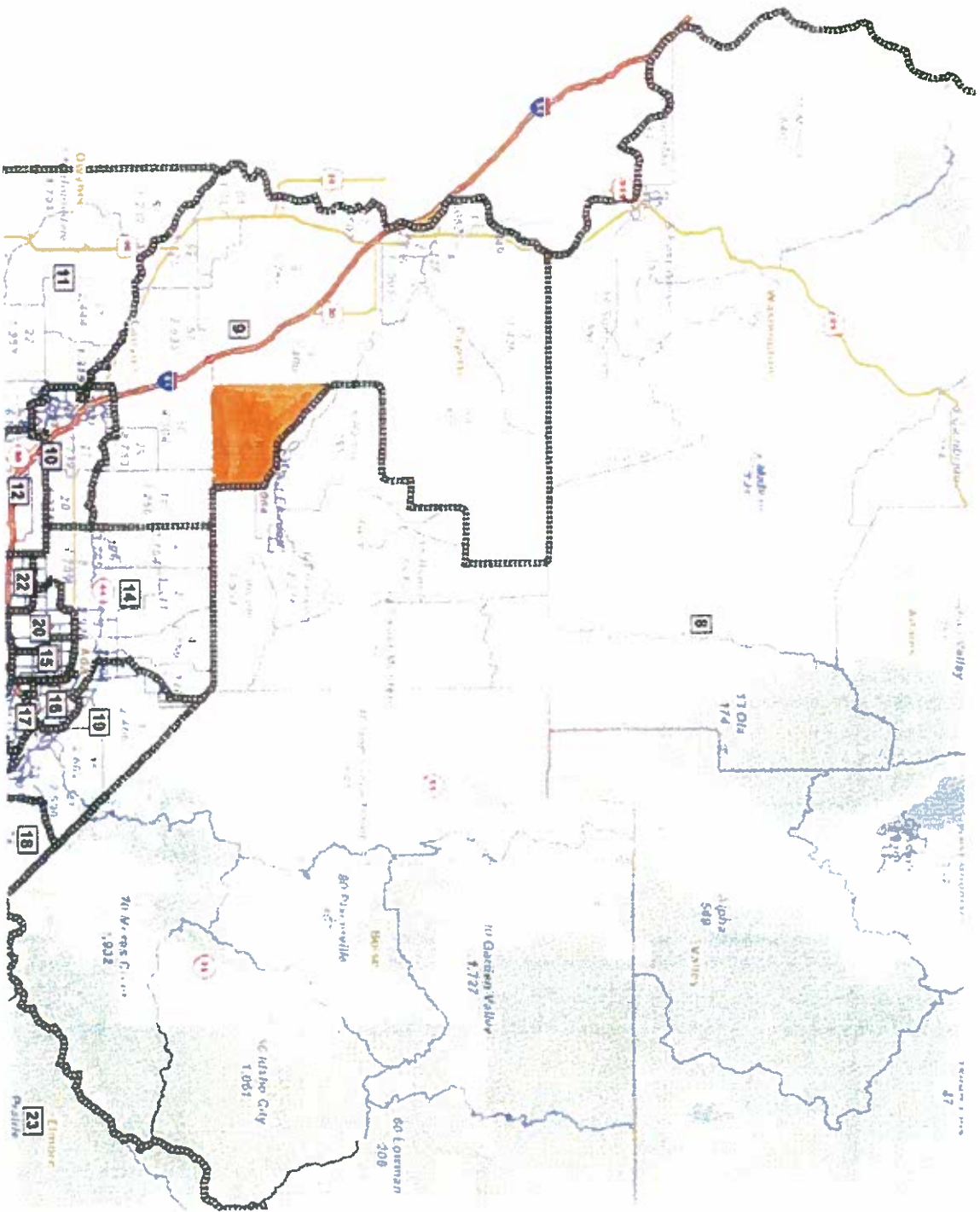


# L87-Redistricting Commission

PLAINTIFF'S EXHIBIT  
**N**

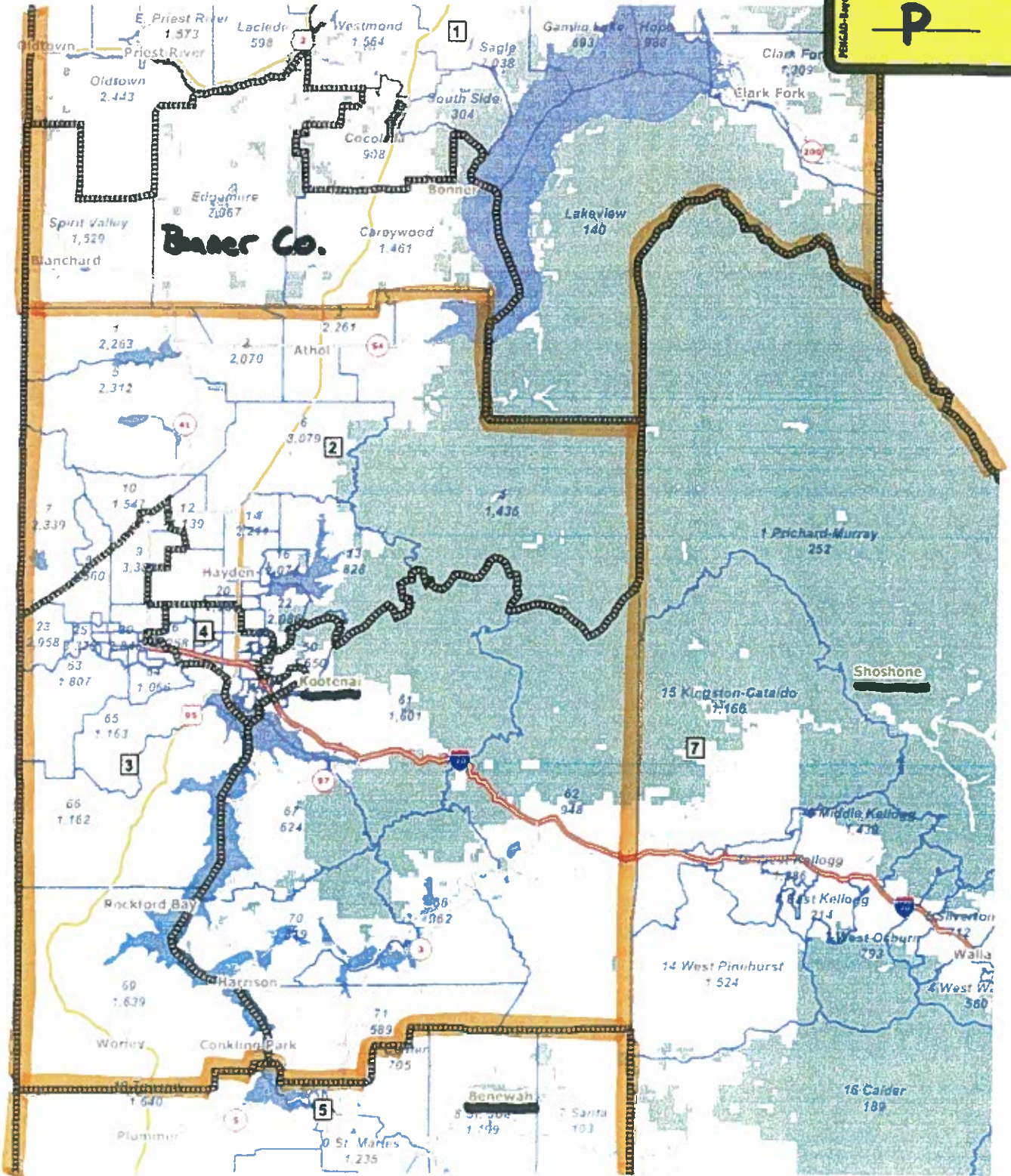


# L87-Redistricting Commission Plan



# L87-Redistricting Commission

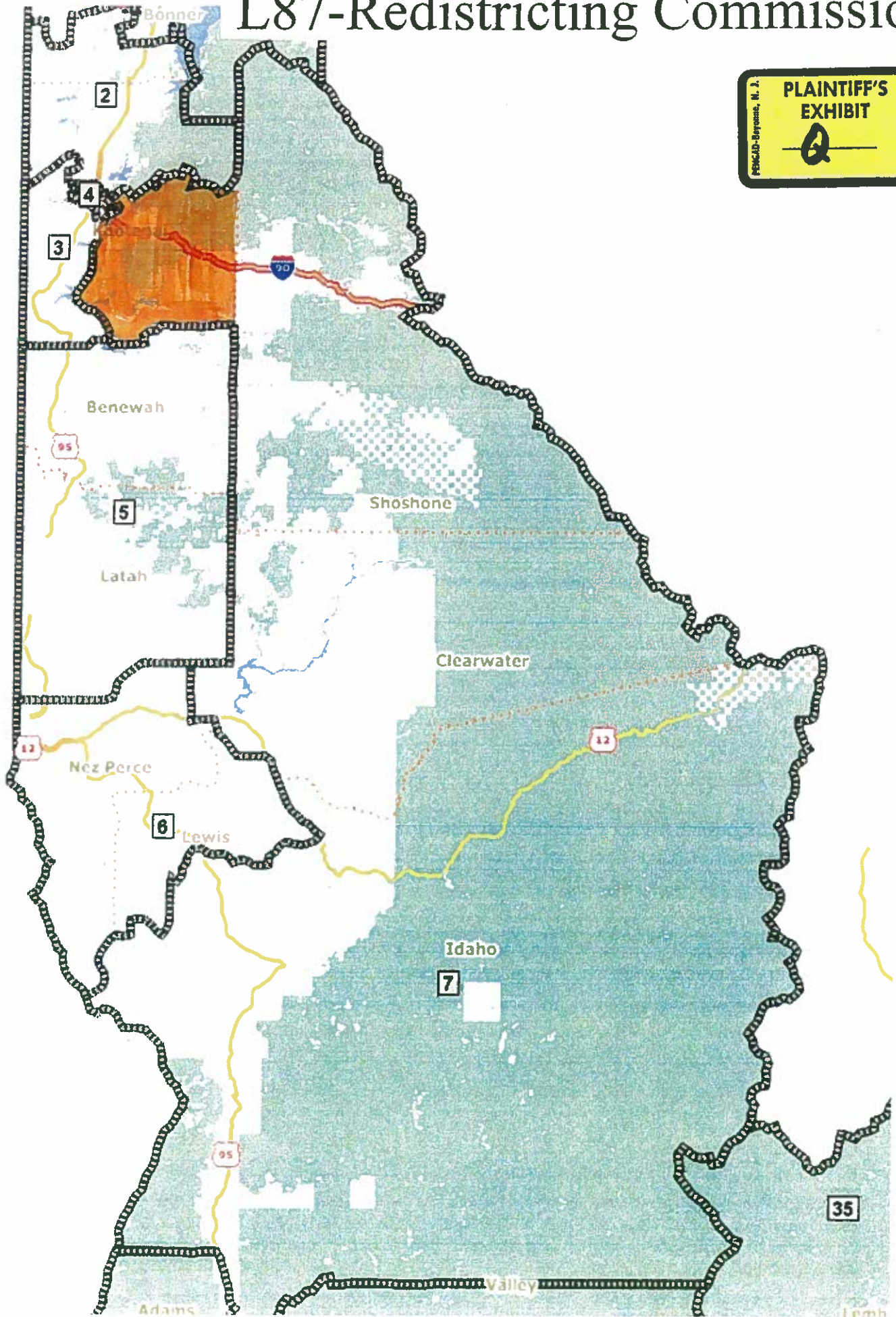
PLAINTIFF'S EXHIBIT  
**P**



County Borders Outlined in Orange

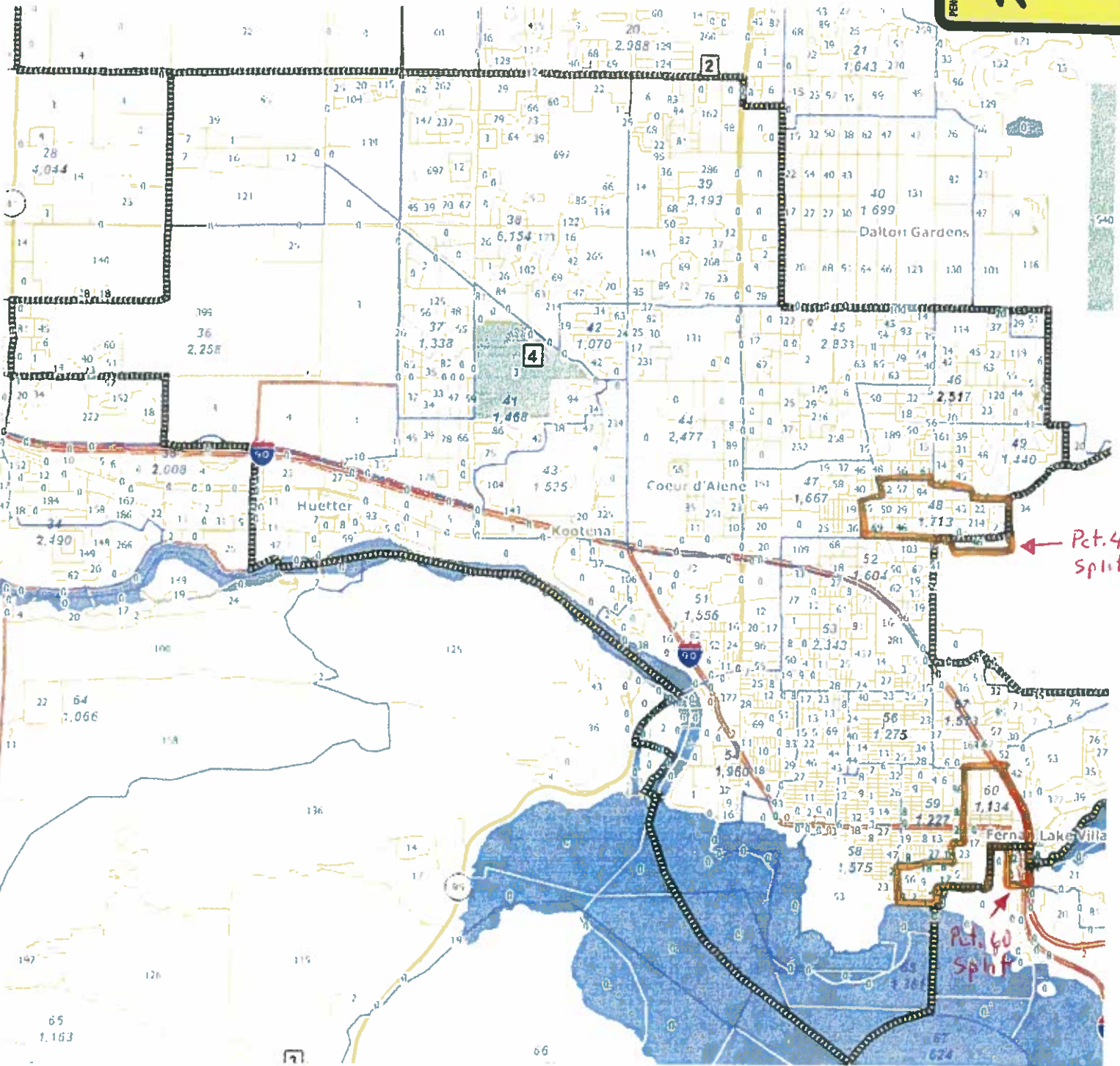
# L87-Redistricting Commission

PLAINTIFF'S  
EXHIBIT  
**Q**

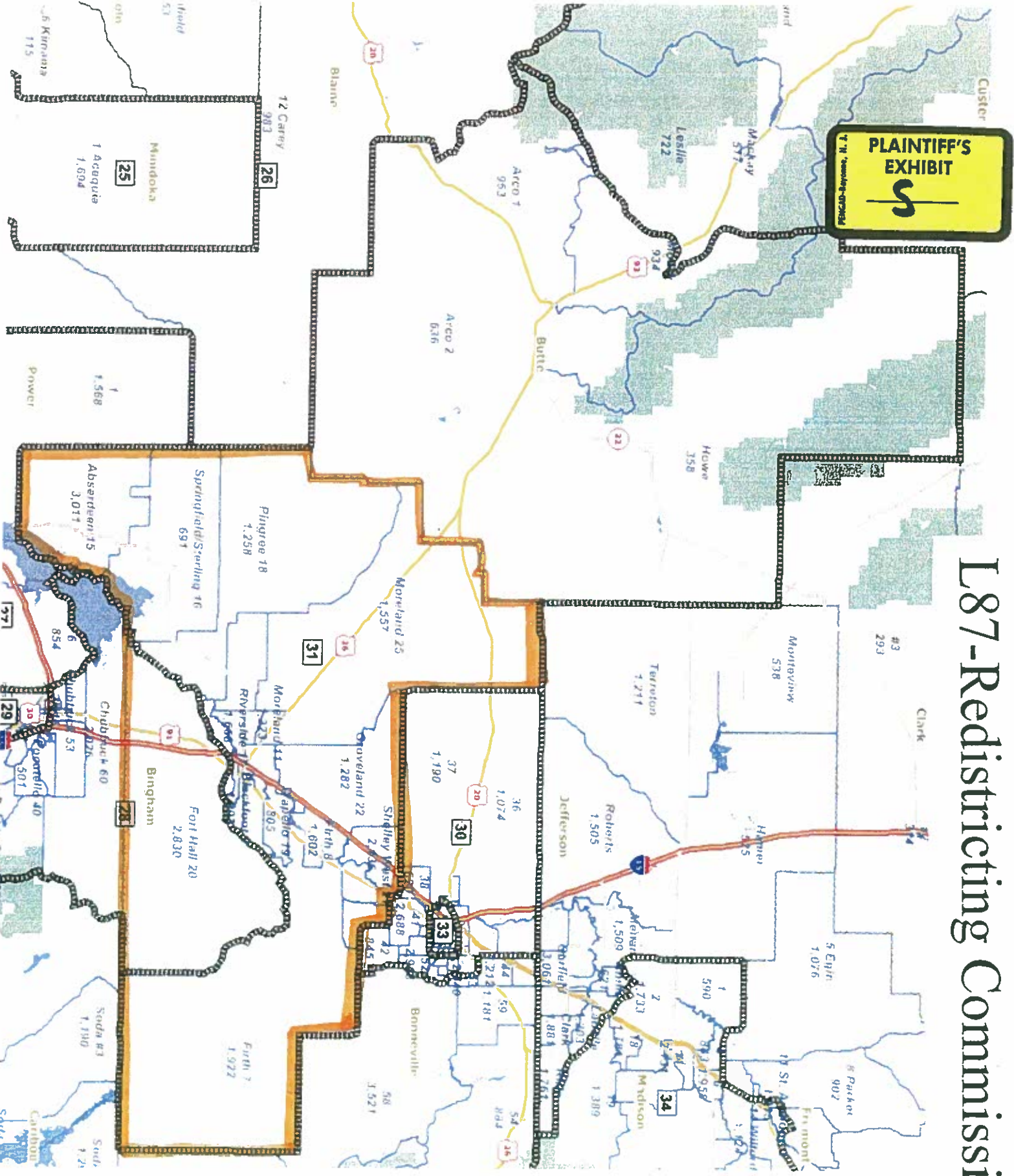


# L87-Redistricting Commission

PENGAD-Byzance, R. I.  
**PLAINTIFF'S EXHIBIT**  
**R**



# L87-Redistricting Commission

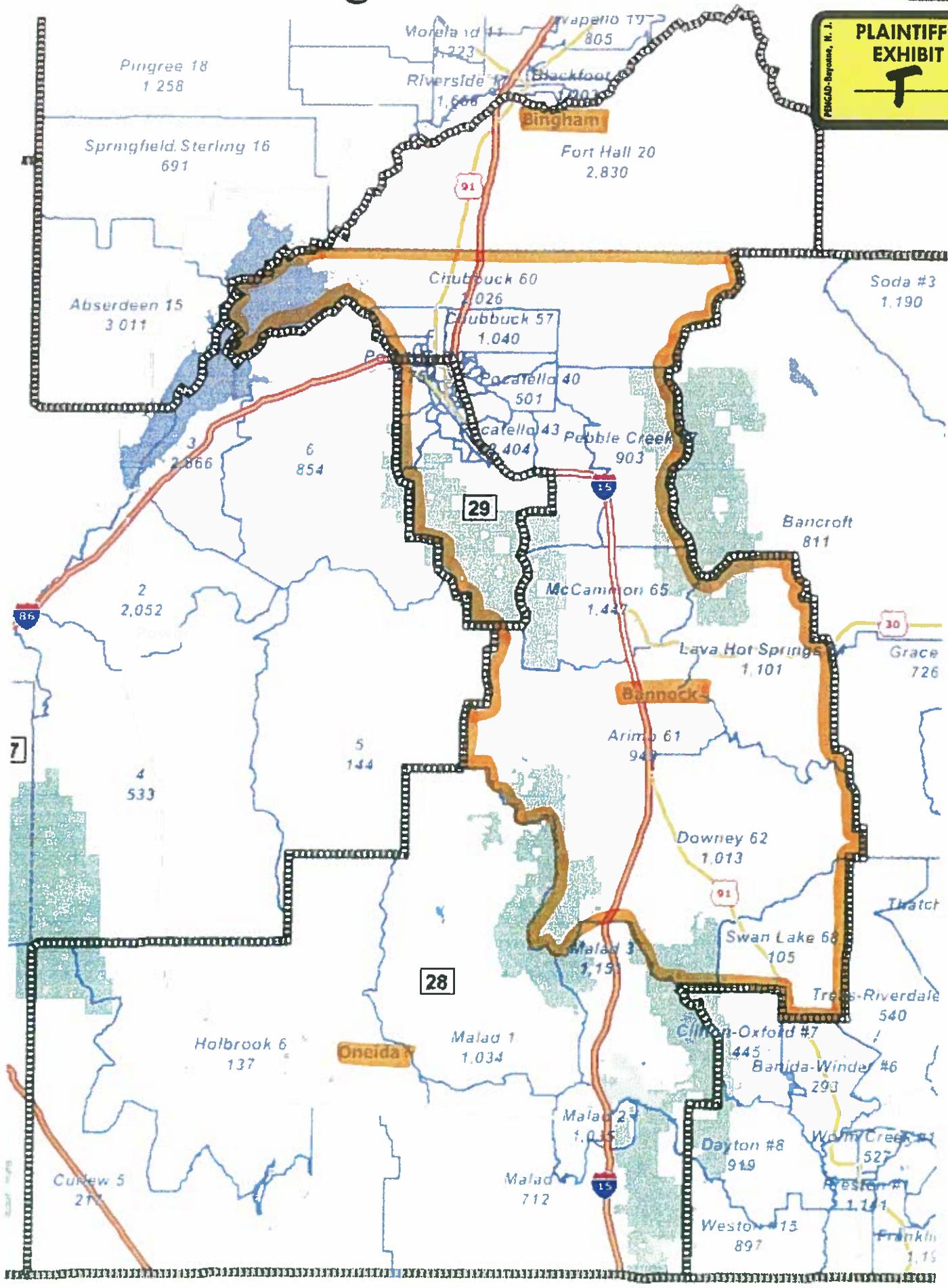


PLAINTIFF'S EXHIBIT  
**S**  
FILED IN DISTRICT COURT OF THE 10th JUDICIAL DISTRICT OF MONTANA

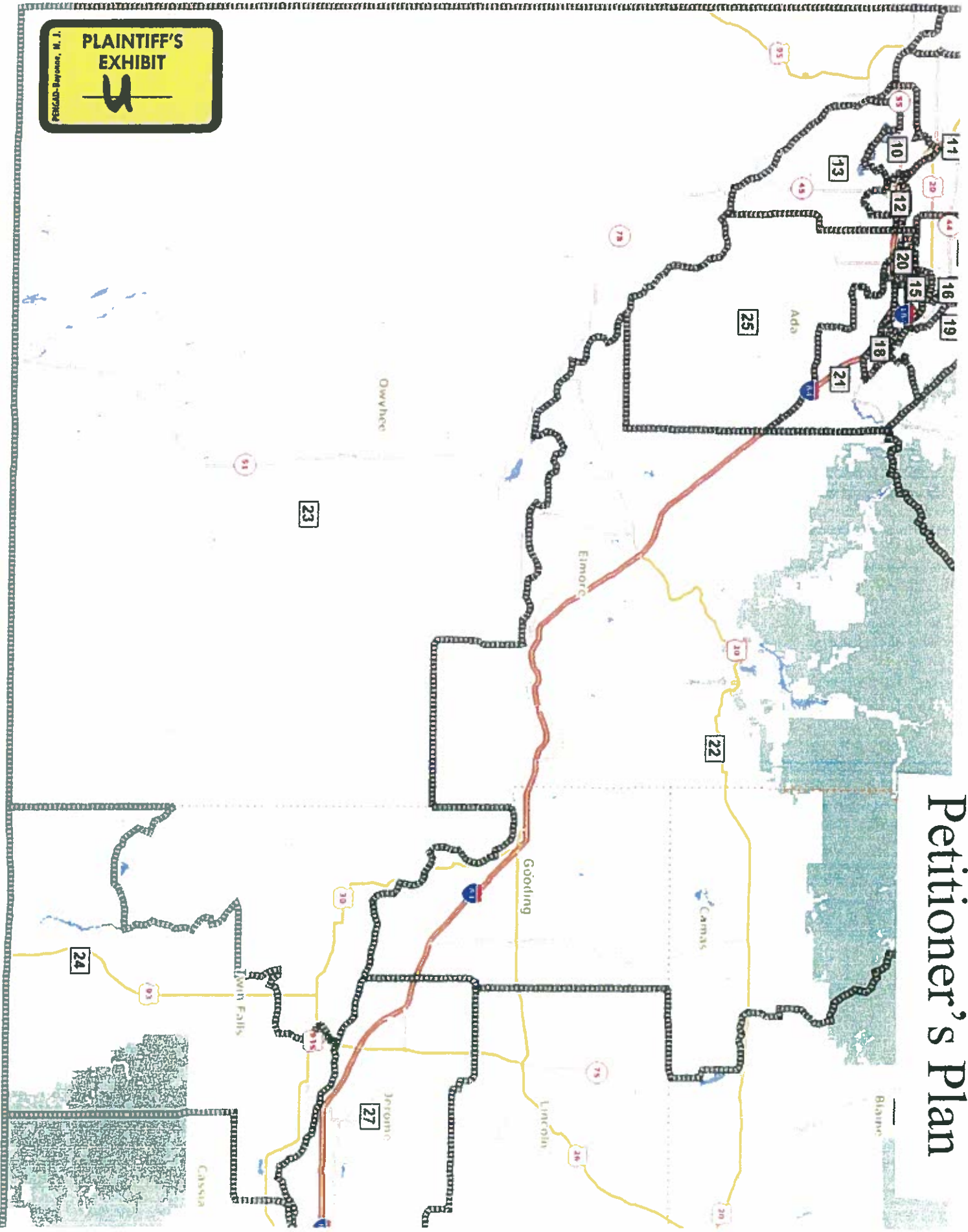
# L87-Redistricting Commission

EXHIBIT

PLAINTIFF'S EXHIBIT  
**T**

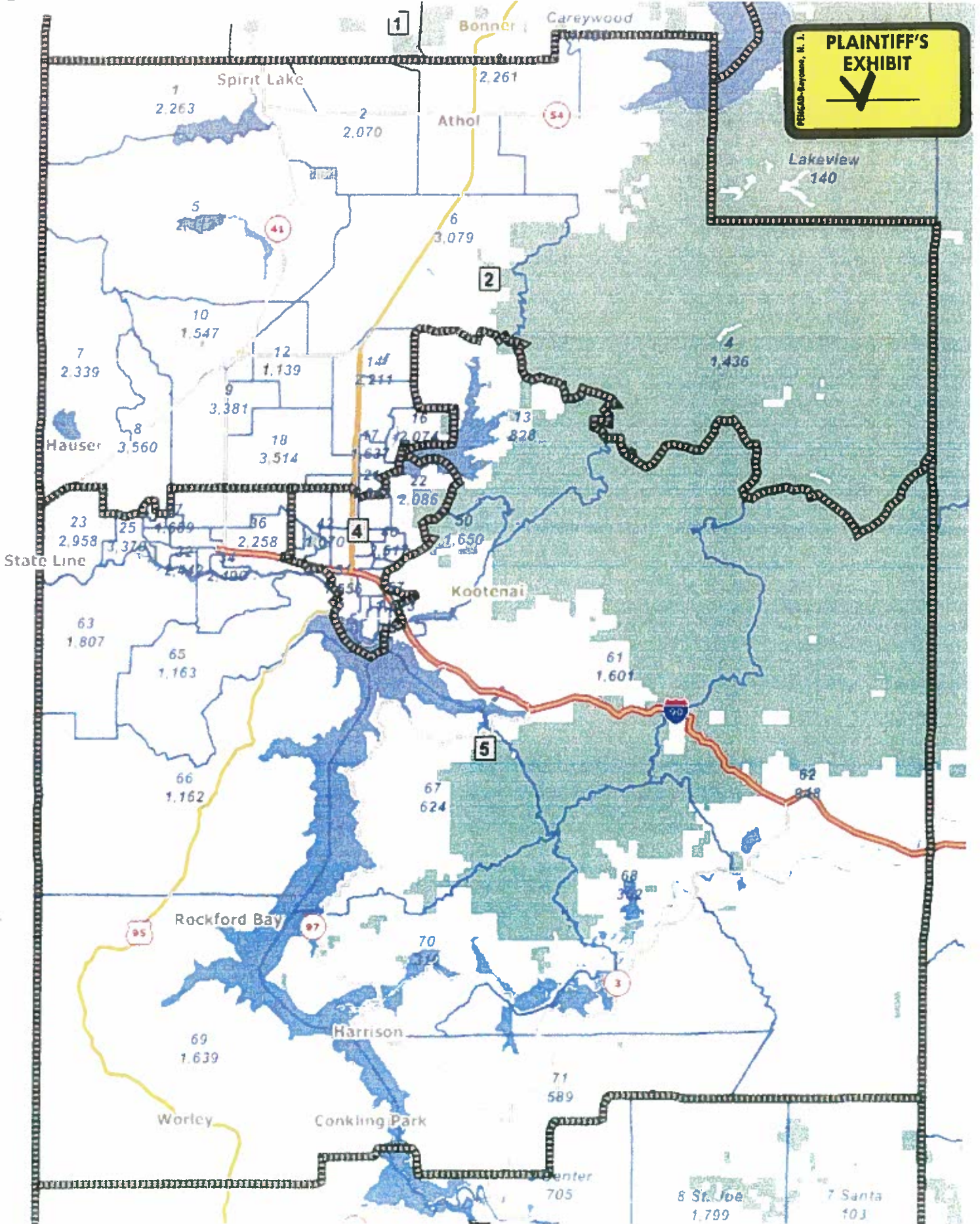


# Petitioner's Plan





# Petitioner's Plan

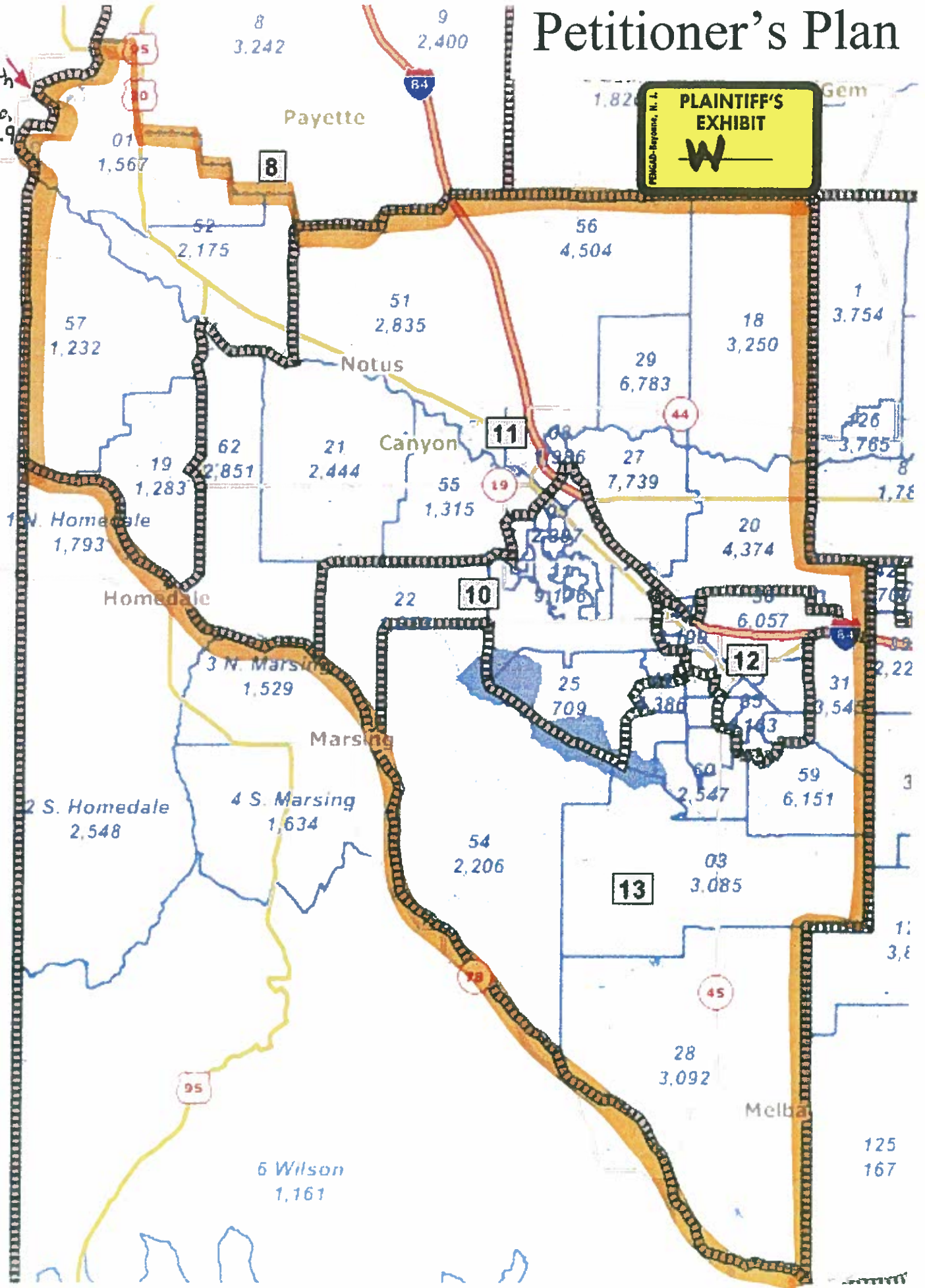


# Petitioner's Plan

N. Canyon Co. with Payette Co. in Dist. 9

**PLAINTIFF'S EXHIBIT**  
**W**

201



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2,400

01  
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2,175

56  
4,504

57  
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51  
2,835

18  
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1  
3,754

19  
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62  
2,851

21  
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55  
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27  
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26  
3,765

1 N. Homedale  
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Homedale

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3 N. Marsing  
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Marsing

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38  
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31  
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2 S. Homedale  
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4 S. Marsing  
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03  
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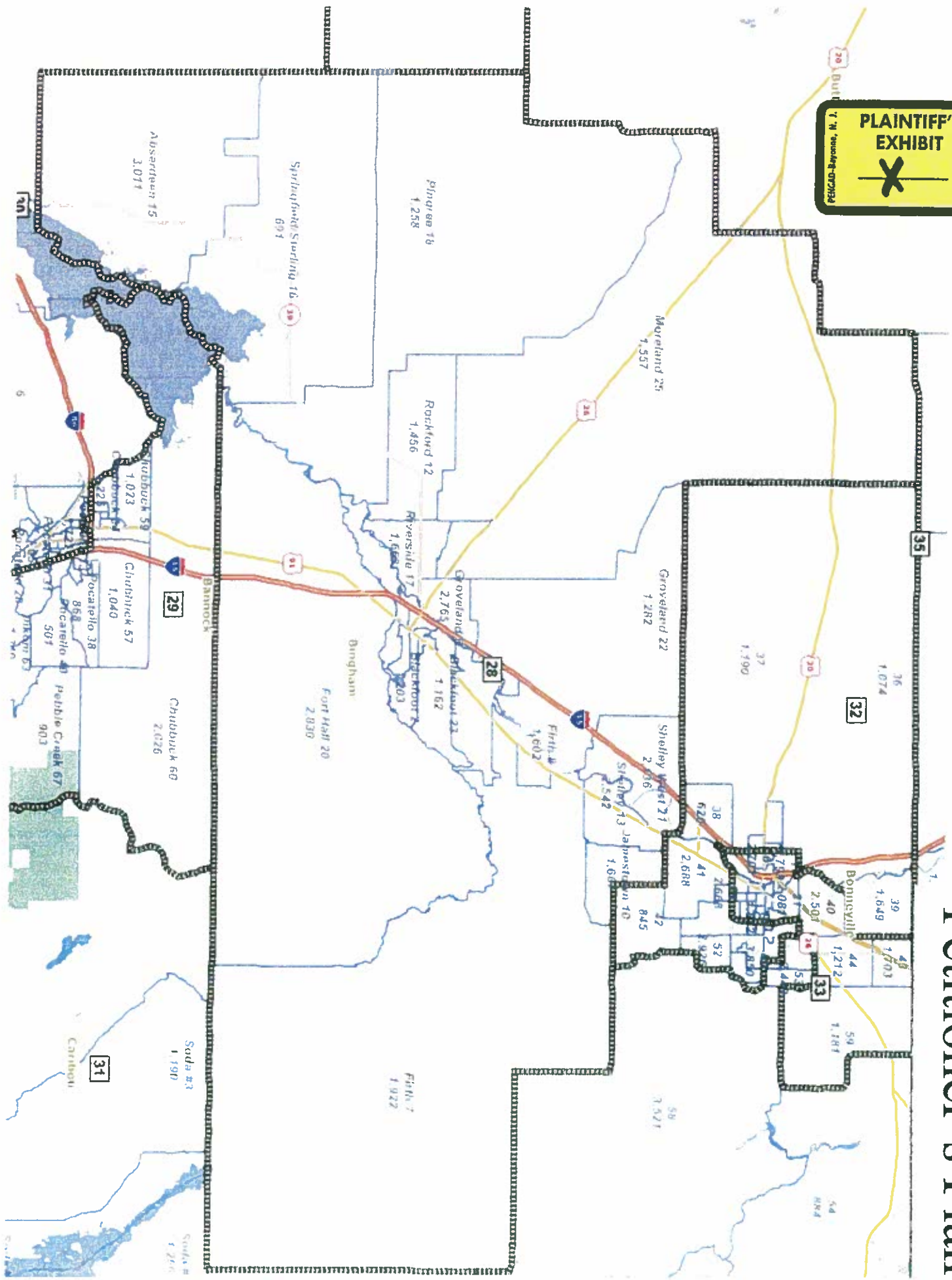
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Melba

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167

# Petitioner's Plan

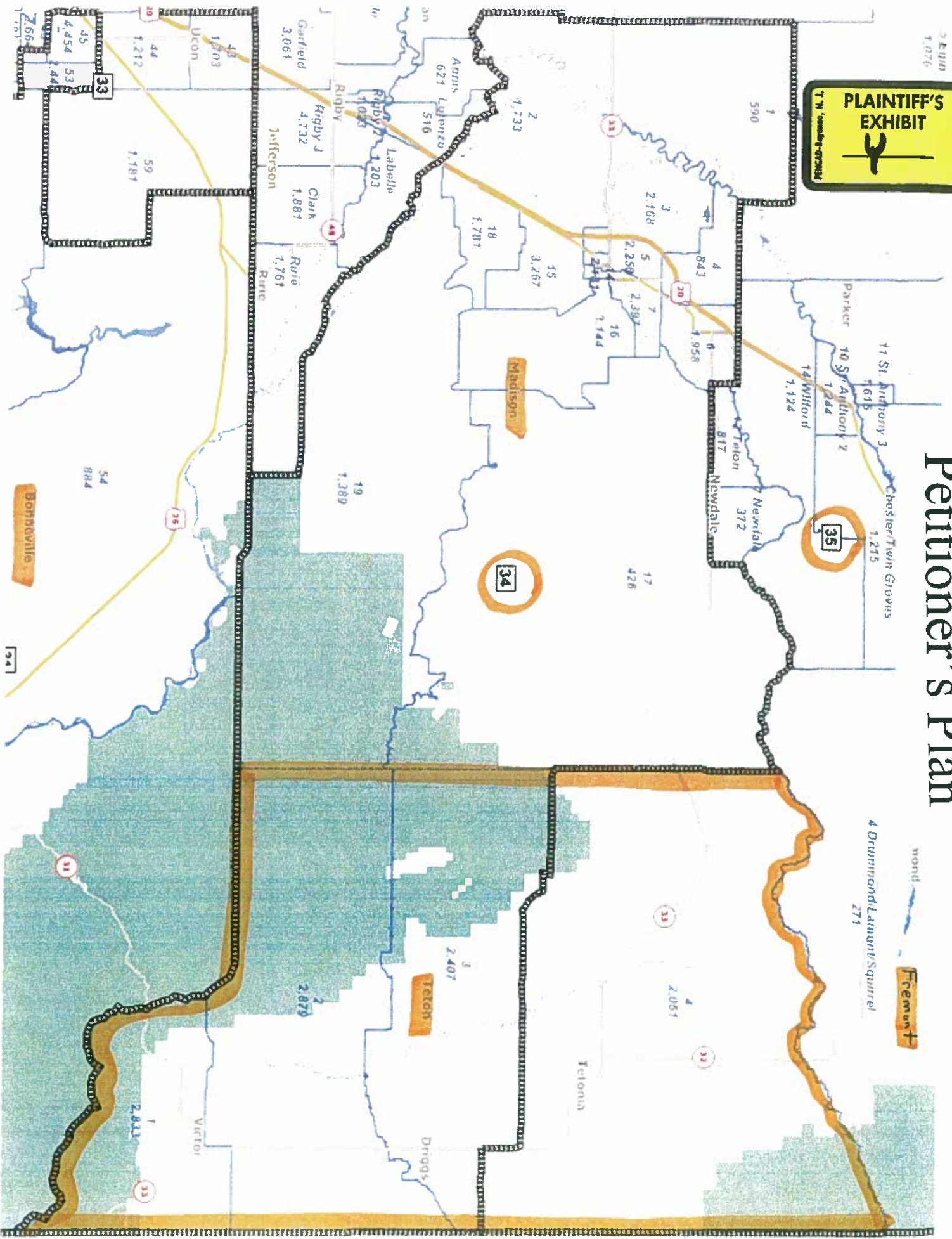
**PLAINTIFF'S EXHIBIT**



2 Eum  
1,076



# Petitioner's Plan



# Petitioner's Plan

PERCUD-Bayonne, N. J.  
**PLAINTIFF'S EXHIBIT**  
**2**

