



Idaho's Citizen Commission for Reapportionment

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Public Meeting
Tuesday, August 16, 2011
Capitol Auditorium, Capitol Building
10:00a.m.

Present were **Commissioner Moses**, **Commissioner Kane**, **Commissioner Andersen**, **Commissioner Esposito**, **Commissioner Finman**, and **Commissioner Frasure**. Present from the staff were **Mr. Keith Bybee**, **Ms. Kristin Ford**, **Mr. Todd Cutler** and **Cyd Gaudet**.

Chairman Andersen called the meeting to order and indicated that their first order of business was the minutes. **Commissioner Kane** moved to adopt the minutes, as presented, for August 2nd, 3rd, 5th and 6th. As all were in favor, the minutes were approved.

Chairman Andersen then asked if there were any other items which needed to be discussed at that time. He asked if they had the calendar set up so they would know what they were doing and when. **Commissioner Frasure** said that he would not be able to be present on Monday, the 29th, Wednesday, the 31st, or Thursday, September 1st. He suggested that the commission go ahead and meet as caucuses, and that perhaps that time could be utilized; however, unfortunately he was unavailable on those days. **Chairman Andersen** asked if there was any discussion about meeting as caucuses on the 29th, 31st, and 1st. **Commissioner Kane** asked if they could go ahead and have a public meeting on Tuesday, the 30th, and then resume back on the 2nd and the 3rd. **Commissioner Frasure** indicated that was correct, and **Chairman Andersen** said they would then move with those dates. He then said that they were in the process of bringing a map to the commission for its consideration. He indicated that they were having those printed off at that time, so he set the commission at ease until they were available.

Chairman Andersen reconvened the meeting, and thanked the commission for its indulgence in allowing them time to prepare the maps they had worked on. **Commissioner Moses** indicated that he had a presentation, which was a new legislative map they had composed. He said that they continued to work within what they saw as the constitutional restraints of dividing counties. However this plan represented an effort to comply more closely with the statutory guidance which they had, and they believed that it had been improved in a number of ways. He said that it was not perfect, and there were places where they had not met that. He indicated that they heard from the sponsor, the prior day, that was expected, and so that was what they had done. He said that what they had in front of them was the overall, and they also had a close up of Ada and Canyon Counties that allowed them to see how those districts were drawn. He stated that they also had the north Bannock area, and then they had a close up of Pocatello. He indicated that they did not produce the entire plan on paper because they thought they were getting a little bit excessive with the paper. He confirmed that it was available electronically, so if they wanted to take some time to examine it electronically, they could do that as well. He said that they would like to put this before the commission, at that time, for their consideration.

Commissioner Finman indicated that she had the deviation, and asked if there were truly nine county splits. **Commissioner Moses** indicated that no, it was still the same number; it was just a different county that was split. He said that the way the system does county splits, it counts splits within a county. So if you had a number of splits, within a county, then it counted those too. However, he indicated, that as far as they knew, and unless he had not heard his staff briefing correctly, it was still six counties.

Commissioner Frasure said that he appreciated that, and that it was simple, they were getting to the point that they all understood these fairly well, so it didn't take a ton of time. He indicated that he was looking at Teton, Bonneville, Bingham, Bannock, Twin Falls, Canyon and Boundary, and that if his math was correct, that appeared to be seven counties. **Commissioner Moses** indicated that he did miss a county, and it was seven counties divided, however it was not Teton, it was Madison. He said that there was also a split in Bingham, in order to accommodate the Fort Hall Reservation, and then the rest of them were the ones that required splits. **Commissioner Frasure** confirmed that seven counties were cut into. **Commissioner Moses** indicated the five mandatory, and two others. **Commissioner Frasure** inquired about the five mandatory, and **Commissioner Moses** explained those were the ones whose numbers required that they be divided.

Commissioner Finman indicated that she didn't see, in the paperwork, the overall deviation of the new version. **Mr. Cutler** advised that he would run the report. **Commissioner Moses** then noted that the deviation was 9.49%, which was slightly better than their original, which he believed was 9.8%. **Chairman Andersen** asked if it was their desire to take some time to look the plan over, and **Commissioner Frasure** said that as this was new to them, and was a departure from L28, and had changed just a bit, he asked if they could have until 11:15.

Chairman Andersen then called for a recess until 11:15 a.m.

Chairman Andersen reconvened the hearing. **Commissioner Frasure** indicated that **Mr. Cutler** had worked the full 45 minutes, and had just delivered the maps that they had asked him to enlarge, so they could have a chance to look at them. He said that they wanted to tell him how much they appreciated how quickly he did that; however, he had just barely delivered those a few minutes ago. He indicated that they also appreciated the new plan, as it gave them a lot to consider, and that they were right in the middle of that consideration now. He therefore asked that they go back at recess. **Chairman Andersen** said that they certainly wanted to give them time to look it over, and consider it, and that they would then recess until 3:00 p.m.

Chairman Andersen called the commission meeting back to order, and indicated that they had on the table before them a copy of the calendar. He said that there were some adjustments made because of the Sunday, and the holiday, and the rules and laws regarding the legal items. He said that the sheet attached to the calendar talked about the information in the calendar, and essentially, as he read it, it meant that they had until 5 p.m. on September 6th, to post the plans. **Commissioner Frasure** said that he was surprised at the 6th, as he thought it was done on the 4th, as the 90th day was on the 4th. He indicated that he was grateful to hear that, but that was further knowledge that he was unaware of, that they had until the 6th.

Ms. Ford indicated that she had spoken with **Mr. Ben Ysursa**, and he had explained to her that you didn't count the day that he convened them. That brought them to the holiday, and then there was the code section, attached to the calendar, that showed that you go to the next business day after the holiday. She said that she also had asked him about midnight versus 5:00 p.m., and he said close of business, so it would be 5 p.m.

Chairman Andersen thanked **Ms. Ford** for that information, and said that he thought it helped them a great deal. He said that prior to going into recess, they had a map that was put out. He asked if they had time to review it, and if they had any questions. **Commissioner Frasure** stated that they appreciated the movement. He said that their staff had been very kind in providing them more detailed maps of the smaller regions, which gave them a chance to start working on that. He complimented them on their District 8, and said that before they had been sweeping down, and getting clear down to Mountain Home and Elmore County, and then swept up north. He said that going across, there was one less road violation, by not trying to include Mountain Home with Salmon. He indicated that was a nice change, and it probably moved them closer to something, by eliminating one of those road splits. He said that by going across in that direction, at least, they were fully connected across there. He said that one of the districts was giving him some heartburn, and he hadn't totally analyzed that one out yet. He indicated that it was certainly a big district, *but welcome to Idaho*. He said that was about all you could say about the size of some of their districts, so there was improvement there. However they still had a little bit of heartburn when they got into District 31, in the south east corner of the state. And the huge district up north, was still of major concern to them. But the simple fact was that they appreciated the movement, and it certainly helped them. He said that they were in the process of still evaluating that, but just wanted to compliment them, and they appreciated the fact that they threw them something different to look at.

Chairman Andersen inquired about the district up north, and asked if there was a specific one that he was referring to. **Commissioner Frasure** indicated that it was District 2 that encompassed from the outskirts of Sandpoint, down to below Riggins, which still gave them some pretty serious heartburn. He said that they were concerned about those folks south of Sandpoint, whom they had so much testimony from. Those were the poor folks over in Clark Fork, the precinct that connected Bonner County with Shoshone County, and those folks pled pretty hard that we not do that again. He said that they were trying to see if there were some options that they could work through. Again, he said that they appreciated the fact that, at least in the central part of the state they saw some movement. Although he didn't believe they changed that a whole lot from the original L28, he thought that it was progress. He said that they appreciated that, and that they did have a hard task trying to marry all of the constitutional and statutory requirements.

He added that he had taken to heart the letter that they had put out in the paper, and it did very clearly state their position, and they understood that. He said that they have a lot more agreement than is reflected sometimes in their skirmishing. He said that they do hold the Constitution in the highest regard, starting with the United States Constitution, down to the State of Idaho's Constitution, and that they understood that the statutes were statutory. One of their hang-ups had been, as was reinforced by former **Senator Geddes** in his

comments after their hearing, that they wanted this law constitutional and the laws were assumed constitutional until a court ruled otherwise. **Commissioner Frasure** said that they had struggled with the idea that perhaps they could ignore the statutes. They appreciated the fact that they had moved in the direction of acknowledging that law a little better. He said that it had been a good, positive day, as far as moving the ball forward. And he indicated that they would like to digest that a little bit overnight.

He also indicated that they had one other comment that came up, out of Fremont County, that didn't pertain to this map. However there were some slight tweaks, on another plan, out of some of the folks up in Fremont County. They had chatted with them, and they thought they may just offer that, the following day, as another plan. He said that was not to take away from this one, that was just another bit of a side issue. He stated that the fact that they changed this, they saw some alternatives to look at, and that splitting Madison County, rather than Teton County, was something that they would certainly look at. He noted that there were a total of seven county splits, and on theirs they tried to conform to all of the statutes, as well as the constitutional requirements, and the statutes were the ones that got them up to eleven county splits. They recognized that was a lot of county splits and they should be able to get that number down, by voting to waive some of those statutory requirements with five out of six votes. And he thought if they were able to get some of those votes, they may be able to get that county split down closer. So, between the six county splits that the Democrats originally proposed, the seven that they were now proposing, and the eleven that the Republicans were at, they saw progress and they were encouraged. He said that was basically the feedback that they wanted to give them at that time. He said that they were more comfortable with this map, than they were with the first one. So they thought there was certainly progress made that day, and they may hopefully have some more response the following day. However, without getting into a detailed district by district look at it right then, they could save that until the next morning, but for right now they were encouraged.

Chairman Andersen commented on **Senator Geddes'** statement the previous day that the reason that they provided for a vote to waive the two statutes, making it require a super-majority of five votes to override it, was to supposedly make their job easier. **Chairman Andersen** said that he really thought that if he had just made it three votes, it would have been really a lot easier, and that really would have helped. **Commissioner Frasure** said that he appreciated that too, and interestingly enough, in chatting with him, apparently the five votes was **Senator Davis's** idea. He said that somehow got into their reasoning, and they talked about supermajorities, and about that four votes was already two-thirds, and it was interesting how they came up with that five. He indicated that they could thank **Senator Davis** for that addition. **Chairman Andersen** said that perhaps they could make a recommendation to the legislature to modify that, and use three rather than five, and he thought that would help the process. **Commissioner Frasure** responded, "Maybe four."

As there was nothing further to come before the commission, **Chairman Andersen** indicated that they would adjourn until the following day at 10:00 a.m.