



Idaho's Citizen Commission for Reapportionment

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Public Meeting
Wednesday, August 17, 2011
Capitol Auditorium, Capitol Building
10:00 a.m.

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

Chairman Frasure called the meeting to order. He indicated that they would take care of what business they had, and then take just a short recess, as they had more information coming down. He then asked if any more plans had come in that they needed to be concerned with. **Mr. Cutler** indicated that they had a congressional plan submitted the previous day. **Chairman Frasure** then asked if there was anything else they needed to address, on either the calendar or the minutes. He then confirmed that they were a few days away from getting any further minutes. He said that he appreciated that the staff was keeping up on the minutes. He also stated that he did appreciate that the commission understood his school schedule. He then said that he had some questions on the calendar, as he knew that it had been laid out, and he appreciated that. He indicated that in reading through that, it looked like they could possibly pick up a few days; however, he was still a little uncertain on that. He said that the Constitution said 90 days, and he understood holidays, but there was nothing in the Constitution that talked about holidays. He stated it would be nice if they finished up prior to having to come back over on the 6th, for one more day. He said that perhaps he could go down and talk to **Ben Ysursa** as well, and just get clarification, as that was brand new to him. He had been all geared up for September 4th since they came in, and all of a sudden to say they were in business until potentially the 6th, had surprised him.

Ms. Ford indicated that she had talked directly to **Mr. Ysursa**. However, if he would like something in writing, she had a letter prepared to go to them, to get something back in writing, if he would like to do that. **Chairman Frasure** said that he was concerned that if they didn't finalize a plan until that day, and all of a sudden they got sued for filing on the 91st day. There certainly was nothing in the Constitution that mentioned holidays, or legal holidays, or all of the other wrangling that he read down through there. The Constitution very clearly said 90 days, and that date runs out on the 4th. So he was a little concerned, that even if they did produce a plan two days late, he thought they were wide open, in his personal opinion. Therefore, it would be best to make an official query, so they were not left out there hanging.

The commission then reviewed C47, submitted by Mark Briggs. **Mr. Cutler** advised that it split one county, Elmore County, and the deviation was down to 4 people. **Chairman Frasure** commented that once you leave the Mountain Home area, and head in either direction, you run out of bodies in a hurry. He also said that he was curious if the plan split Atlanta. He then asked if there were any comments or questions on that particular plan. He said that it looked like they were splitting just one county, being Elmore County, and this was one more option to look at. He said that at some stage, hopefully they could get to the point where they could make a decision on a congressional line. He

stated it would be nice if they could settle at least one of them to show progress. However, he understood that the desire of each commissioner was to look at that differently.

Chairman Frasure then asked **Commissioner Esposito** if the plan had come down yet from their analyst. He said that he knew there had been some requests up in either Fremont or Madison County. **Commissioner Esposito** said that he believed that it had come down, and he confirmed with **Mr. Cutler**, that the plan was available. **Chairman Frasure** said that he would let **Commissioner Esposito** go through the plan, but it was a very minor tweak. He said that the two county commissions up there had looked at it, and had a one or two precinct tweak to what they had been looking at, on a number of plans up in Fremont County. He indicated that he believed that was all that it was. He said that once they got that in front of them, he would ask **Commissioner Esposito** to explain those tweaks.

Mr. Cutler explained that the plan was L47, although the documentation said L46. **Commissioner Esposito** indicated that unfortunately he thought they had crossed in the night in terms of getting the proper numbering. **Chairman Frasure** then confirmed that L46 was the plan which they had looked at the prior day, and that they would like to discuss a little more that day. He then said that this plan was pretty self-explanatory, and they were looking at two or three precincts again on this one. **Commissioner Esposito** said that was correct, that this was what he would consider a minor tweak, as it was just cleaning up some of the road connections, and also a little better job on the communities of interest. He said that it moved some precincts from one district to the other, back and forth. He indicated that it was just Districts 34 and 33, so they were just basically doing a swap there, and it also gave helped improve on the overall deviation. He said he thought that it was pretty self explanatory.

Chairman Frasure said that as he understood it, in some of the earlier plans, the Chester/Twin Groves precinct was in with St. Anthony, and then the Egan and Parker area were up in the remaining portion of Fremont County. He stated that as the local folks looked at that, they said that it made a lot more sense to have Egan /Parker a community of interest. He indicated that it apparently had the road connections, and everything else, so those folks were tied much closer to St. Anthony, and back into the Rexburg area. He said that they were much more tied there, than where they had them tied towards Ashton. He indicated that this plan moved those two precincts away from District 33, and put them down into District 34. Then, to accommodate that number, they moved the Chester/ Twin Groves precinct away from District 34, and put it back into 33. So it was literally a three precinct change, but it saved them the headache of having potential problems. He said that even though it was only a three precinct change, they submitted it as a whole new plan. He pointed out that when you look over the entire statewide plan, it was based on L45, with just a three precinct adjustment. He then asked if there were any comments or questions, and in hearing none, he noted that this plan had been properly submitted.

Chairman Frasure then indicated that they would request just a half hour recess. He said that they were working on one other little thing, and a couple of sidebar discussions that they had, and would like to follow up on. He stated that this was so they could perhaps move the ball forward a little bit, hopefully in a significant way. He said that, without objection, he would like to go at ease until 11:00. The intention would then be to come back to L46, which was submitted the prior day, so they could have a little longer discussion on that. Without objection, he stated that they would go at ease until 11:00a.m.

Chairman Frasure called the commission back to order, coming out of their recess. He said that they had a chance to get further knowledge on the direction they were headed. He indicated that it was a nice little break, and he did notice something kind of interesting. He said that they had been using the fancy gavel that he found in someone's closet, and it was pretty interesting. He indicated that if they were just a little closer to getting this all solved, that he was eyeing the presidential gavels, which were in the gift shop, and he swore that one of them had **Commissioner Andersen's** name on it. He said that maybe, if they got this thing all wrapped up, they would all end up with a little souvenir, as chairmen. He then said that he had a request that they go at ease, and asked if prior to going at ease there were any comments. He said that their intention was to go at recess until 3:00p.m., and he asked if there were any announcements or discussion prior to that.

Commissioner Kane said that she had a short story that may help with their mind set as they took some time to go over their maps. She said that she had a friend that worked for the Navajo Tribe, in their legal department. Her friend was having a busy day, and her husband called and said, "Did you forget that it was our anniversary?" and she said, "Oh no", and he said, "I'm going to make dinner, and I need you to pick up some wine on the way home". So she stopped at the grocery store, and picked out a good bottle of wine. On the way out of the parking lot, there was a Navajo elder woman with some groceries, and she knew the woman, and knew where she lived, and knew that she was probably looking for a ride home. So she offered to give her a ride, and the Navajo woman got in the car. The Navajo woman was real quiet for a couple of miles, and then she looked at her friend and said, "What's in the bag"? Her friend said, "Oh that's a bottle of wine, I got it for my husband". The Navajo woman was quiet for another couple of miles, and finally she said, "Good trade". **Commissioner Kane** said that her point was that they all may place different values on different things, and she would encourage all of them to take a look at where they were now, and where they could move to, to get to where they needed to go, for the people of Idaho.

Chairman Frasure then said that he didn't believe he could top that one, so he was not even going to attempt it. With that, he said that they would stand at recess until 3:00p.m.

Chairman Frasure called the commission out of recess, and said that in a few minutes **Mr. Cutler** would be back with the electronic form of some of the things that they would be discussing for a few minutes that afternoon. He said that the staff had provided a budget update, and it looked like they were a little under 65%. He noted that where they were down literally to the last week, he thought that they were going to be just fine. He said that he couldn't imagine that they would have much of an issue there, and asked if anyone had any comments or questions on the budget, as it was fairly straight-forward. **Commissioner Andersen** noted that the Democrats had not quite caught up to them, but they were working on it, and **Chairman Frasure** said that this was the first report where the Republicans had spent more money. He said that where they hired **Fred Tilman**, to basically go out and listen to all of the counties around, that did up their burn rate on their \$22,000, by having that third person. However, he thought that overall for the commission, what he had really done, so far, was to go out and basically say to the county commissioners, here it is, why don't you try to draw some maps. And he had worked closely with the Association of Idaho Counties as well. They had yet to see them produce a map, but in the long run he thought it would help them, as they realized how tough a job this really was. He said that **Mr. Tilman** had certainly gone out, hat in hand, and said that they would certainly look at any plans, if they wanted to submit something to them. He said *here are the numbers, this is what you are working with*, and it had just basically been a great extension service to all six commissioners in reality. He pointed out that he was hired by the Republican side of it, but very candidly, speaking as the Chairman, he may have helped them avoid two or three lawsuits from some of those counties, because they had now communicated extensively with them. And they now realized the tough job that they had, so that would be money well spent. He said that was a good observation, that they were at a little less than 65%, with 35% of their budget left, and in reality they were down to about one week left in meetings. He then asked **Mr. Bybee** if there were any comments or concerns from an analyst's point of view. **Mr. Bybee** said that it looked to him like they were right on pace.

Chairman Frasure said that prior to going to recess they had indicated that they would have some comments. He stated that they accepted, in good faith, the Democrats' L46. He stated that was the one which made some movement and eliminated the problem they had on the road issue between Boise and Elmore County. And that new district that was formed, taking Lemhi, Custer, Boise, and then going to the western side of the state, did conform to the road statute, so they appreciated that movement. He said they were hopefully moving towards where they could make some positive decisions as a commission. He stated that they still had a couple of districts that gave them a little bit of heartburn in that plan. However, rather than going through all 35 districts, just by way of example, there were probably two that gave them the most serious heartburn. Those were 2 and 31, and **Commissioner Esposito** had indicated that he had some comments on District 2.

Commissioner Esposito said that he had been most exasperated by Districts 2 and 31. He did have a series of questions, in terms of the whys and the wherefores, and the justification for District 2, especially in light of the testimony that they had received in Sandpoint, and he would give a quick recap of that. He said that they had a number of people who came in from the Clark Fork area, and the lake area of Lake Pend Oreille, and testified how disenfranchised, in his words, but basically a summary of the issues and the problems they had with the last commission, that put them together with the small reverse C. He indicated that now they had them going from the shores of Lake Pend Oreille all the way down past Riggins. And he continued to wonder, and ponder, and question, what was the community of interest between someone living in Clark Fork, or on the shores of Lake Pend Oreille, and someone living in Riggins. He said that he had yet to hear any kind of reasonable explanation, other than no county splits, but in his mind there was no connection, and there was no rhyme or reason. He indicated that if someone, from the other side of the aisle, had an explanation that they would like to give him, that could make him understand, he was willing to listen. However at this point, he had yet to hear anything that would be a compelling argument as to why they would even try to put those two communities together in one legislative district, and he didn't see what purpose that served. He said that they had also received some letters from some county commissioners from District 2, and he knew that all of the commissioners had received that. However, he said that he would like to read just portions of those letters, which were available. He said that the first one was from the Benewah County Board of Commissioners, and their fourth paragraph said:

The Benewah County Board of Commissioners would like the commission to consider the following regarding the possible district boundaries that will effect Benewah County Citizens during the process of redistricting both the Legislative and Congressional Boundaries.

Commissioner Esposito noted that as he went through and read this, it followed, and was in context with, most of the public testimony that they received when they were up in Northern Idaho. He then continued with the letter:

Since the beginning of the great State of Idaho, Benewah County and Shoshone Counties have been tied together in all aspects of economic development and natural resources, they share a common heritage of pioneering the area with the same customs and culture. These two counties are as a whole one large community of interest. The southern portion of Shoshone County is physically cut off from its county seat by geography and associate in all forms of community activities and commerce as if they belonged to Benewah County. The southern portion of Kootenai County, especially the eastern portion, links Northern Shoshone County with Benewah County and also shares many community activities and interests. Its economic base is a rural agricultural heritage.

Shoshone and Benewah have lost some population over the last ten years and in order to maintain the population level required for Legislative Districts and to avoid gerrymandering (their word) our district again we would have to pick up population from northern Latah County.

Northern and rural Latah County is comprised of many communities that share the same agricultural and natural resource based industry. Our communities share many of the cultural heritage and customs and socio-economic and political trends, there is a shared history of settling and living off the land base and a common population demographic make up.

Attempting to tie Benewah County with all of Latah County does not meet the ideal district population numbers by having too much population from the ideal with a deviation of 3.9%. It would also break the continuity of the Coeur d'Alene Tribal members by placing a large segment of their population if a separate district north of the Benewah and Kootenai County lines was created.

Creating a new boundary for the current District 2 to include all of Benewah and Shoshone Counties, Southern and Eastern Kootenai County and Northern Latah County excluding the city of Moscow and the Genessee precinct would;

- *Provide for a compact no-gerrymandered district; provides for a total population of 44,688 which is only a .2% deviation from ideal, while having no impact on the balance of populations in districts to the north and south of Benewah County;*
- *Provide for the social integrity of the tribal peoples of the Coeur d'Alene to be maintained;*
- *Provides for all areas of the district to be connected by major road systems and highways;*
- *Provides for communities of interest to be linked together based on common demographics; political and socio-economic culture and heritage; and maintains the proud heritage of the rugged rural values of community interests and interdependence among the people of Northern Idaho.*

The current proposed plan by the Redistricting Commission [Commissioner Esposito read this as (L38), however the letter states (L28)] disregards all the above benefits for the people of the state of Idaho and will most certainly result in a court challenge if adopted.

Commissioner Esposito said that was from the Benewah County Commissioners, two of whom are Democrats and one is a Republican. He then read the second paragraph of the letter from the Shoshone County Board of Commissioners:

After reading a copy of the correspondence to your committee from Benewah County Commissioners, we strongly support the plan submitted by the commissioners. Not only have Benewah County and Shoshone County had a great working relationship for over 20 years but we share like socio-economic customs and heritage. School districts within their proposed boundary have arch rivalries: Kellogg-St. Maries, and Wallace-Lakeside. Also the communities in eastern Kootenai County, Rose Lake and Cataldo are currently in the Kellogg School District. We also agree with the connectivity of their plan as a much more foreseeable solution than linking Shoshone County and Clearwater County.

Once again we have reviewed their proposal and strongly agree that their plan would better achieve fair and equitable benefits to the citizens of Idaho.

He noted that the letter was signed by the Chair of the Commission, Vince Rinaldi, who was also a Democrat, and that they had another Republican Commissioner, and another Democratic Commissioner. He said that he keeps coming back to this, and that they had overwhelming testimony, once again, in Moscow, about the community of interest, and actually the splitting of Latah County, and how that would benefit the communities of interest. He said that they had the same level of testimony, again the majority of the testimony, in Lewiston, about Lincoln, Clearwater, Lewis, and Idaho Counties, from county commissioners and others. So he keeps looking at the map before them, and he keeps wondering how they justify District 2, and what the basis of it was. And they keep coming back to that 'county divides trump all', and if that was the case, he asked what they were doing here.

He stated the district that runs from Lake Pend Oreille all the way down past Riggins was just not workable, and he did not think that anyone could justify that it was in the best interests of citizens of the state. He said that they had proposed a compromise, and they had put that out there, where they actually put Nez Perce and Lewis counties together. That then combined Idaho, Clearwater, and a portion of Latah County into one district. That was based on a variance to the road statute, and they asked for a vote on that, and that was rejected. The result of that would then make the remaining district pretty much match up, ironically, with the information and requests which they had received from the counties of Benewah and Shoshone. He said that he thought they had made it very clear, that through this process, they wanted to give as much weight to all of the factors that they had been governed by; understanding that keeping the county splits to a minimum had a high priority. However he would argue that while it was a high priority, it was not the only consideration and priority. He said that they had public testimony, and they had statutes on road rules, which that District 2 as proposed, violated. He said that actually, with every county, there was a violation in terms of non-connectivity. He indicated that Bonner did not connect directly to Shoshone, Shoshone did not connect directly to Clearwater, and there was no state highway that connected Clearwater directly with Idaho.

Commissioner Esposito then said that he kept waiting to see a microphone light go on, in terms of getting any kind of reasonable response as to how they justified a community of interest. He said that he had heard comments about shredding, or cutting communities of interest to ribbons in various places and cities, and it made him laugh. He stated that it was laughable, that there was the concern in a given

city that there might be a couple of divides in that city, and yet they compared Clark Fork with Riggins. He said if they would look up at the map, they would see the red lines that showed where there were no connections between the counties, and it was as plain as plain could be. So once again he was going to pose that question.

Commissioner Moses said that he wanted to wait until the commissioner had finished his remarks before he said anything. He said that first of all, as a personal matter, he appreciated the commission's indulgence to his circumstances that day. He then started off by saying that he wished that they had drawn the perfect map, and that they hadn't. He said that he could also assure each commissioner that there was no malevolent intent in drawing any of these districts. He indicated that they were done with the best of intentions to comply with their responsibilities, as they saw them. He also observed, as a personal matter, that the three most overused and ill used words that he had ever heard, in connection with redistricting, were voting rights act, lawsuit, and gerrymander. He said that for the most part, gerrymander seemed to mean any line that the speaker didn't approve of. He said that there was no intent to isolate anyone here, and that he too listened to the testimony from that area. He indicated that the theme that they took away from it, if not in specific detail, was that rural people wanted representatives from rural areas, who understood rural concerns. He said that, beside the fact that they were obligated to consider counties as the primary community of interest, under the law, was what drove the construction of that particular district. He indicated that it was, as he said, not a perfect plan, and that certainly they could go back and re-visit it. But, he wanted to repeat, there seemed to be the idea they were trying to punish someone, and that was just not true.

Commissioner Kane said that she thought they had established that they had some fundamental differences in how they look at maps. She indicated that they had been individually exchanging maps on that area, and she thought that they were coming closer to each other's positions on it. She stated that they shouldn't sit there, and continue to dig into the positions that everyone was aware of ad nauseum, and she suggested that they should just try to work together. She said that they couldn't accommodate all of the communities of interest, and there were a lot that conflicted with each other. She pointed out that the lobbyist for the Coeur d'Alene Tribe had said that the Benewah County Commissioners did not speak for them, and there were a lot of conflicting things, and their job was tough enough. She indicated that they understood that they had problems with District 2, and that they were trying to find some justifications, and that they were trying to move toward that direction, so she suggested that they move forward instead of back.

Chairman Frasure then made a note from the chair. He said that he thought that was one of the reasons that from the Republican perspective, they never did critique either 28 or 30, or the three that were somewhat similar. He indicated that rather than going through the entire map, they just discussed the heartburn, perhaps, in two districts. He said that by way of clarification, the word gerrymander was not their word, it came from the Democratic Chairman of the Benewah Commission, and that was simply a quote read from him. He stated that again, there was a ton more, that **Commissioner Esposito** had pulled out just the two, and they could have obviously continued with a few more. He said that he just thought that they needed to be aware of the three road issues up on the map. He indicated that they had one vote on the bottom road, the one dividing Clearwater and Idaho County. As they looked at all these plans, that particular vote was shot down at the time, and perhaps it would be considered again in the future. He said that they couldn't finish their work without taking that 5/6th vote, and he thought that hopefully they could arrive at a 5 out of 6 agreeing on that particular one, and that they had two other votes up there. He indicated that once they were comfortable voting on those lines, then they could do that. He said that he was still prepared to waive the vote on the road issue, as that was contained in the code. And because the legislature, as **Senator Geddes** explained, did give them a solution, it took 5/6th. He said that he was not really crazy about the 5/6th either, and that was put in by their legislators. Very candidly, he said that he wished it was just a simple 4 to 3, as that would have simplified things. However the law was what it was, and until the court told them that they couldn't do otherwise, they had to assume that it was constitutional. He said that they were simply attempting to follow that, and he thought that perhaps in the future they would be able to vote on the road issue. Then they would have met the statutory requirements, and the constitutional requirements, as they did have the ability to meet all of them, by simply voting. But, he said, fair enough, he heard what **Commissioner Kane** was saying, that they beat up District 2. However there was pretty overwhelming testimony, that no one really liked the way that one was drawn out. **Commissioner Moses** then made the observation that gerrymander was an equal opportunity epithet, as it was used by both sides.

Chairman Frasure said that they wanted to keep the spirit of cooperation as best they could. He indicated that they had never critiqued the map, and rather than going through and spending two hours and causing heated feelings, they just wanted to let them know the two districts that were still giving their side of the aisle serious heartburn. He said that he did not have a good, easy, solution for District 31 right now, and he did not have a great solution. He noted that he could see that there were some ideas flying back and forth, in northern Idaho. He said that he appreciated, and wanted to commend, both **Commissioner Kane** and **Commissioner Finman** for attempting to work out, and perhaps have some solutions and compromises up there, and he thought that was great. He said that as to southeast Idaho, he didn't want to belabor it either, that at this stage he didn't have a great solution, other than the solutions that they had already presented. He stated that he was willing to take a good hard look. He indicated that, in all candor, the prior night was the first time that he started seriously considering the minimal number of county positions that his Democratic colleagues had taken. He said that it was a difficult position, and he could see where they had very few options down there. So at this stage, he didn't have a great solution, other than the ones that they had presented. However, they all had attended the four hearings in eastern Idaho, and District 31 came up in all four of them. He said that they had a lot of fun laughing about it over there, because everybody felt that District 31 was so ridiculous. And here

they were back with District 31, and again the big issue was that one road division that goes up from Bonneville County, down into Caribou, and that caused the great heartburn over in that area. He said that it was the dominant topic in all four of those hearings, and as he looked back at the minutes, he could pull out **Sharon Perry**, a City Councilman from Idaho Falls. And, he said, what would she have to do with it, she was just giving her testimony, and she stated that *District 31 creates an appalling job description for those legislators. She suggested that in order to ensure that everyone be best represented, it would be nice to have the commission start from the outside of the state and work inwards.*

Chairman Frasure said that he could go through those, but most of them had little cutting remarks about District 31. Without belaboring that, he said that he had underlined a ton of quotes from different folks. Probably in Pocatello, they had the most serious, and in Soda Springs. But in Pocatello in particular, they had all of the county commissioners, and the county commissioners came up from other places like Oneida County. He said that it was bi-partisan, as they had the Democratic clerk walk in, and he said [from the minutes], *had county clerk explain that the counties in south east Idaho; Bear Lake, Franklin, Caribou, Oneida, and Bannock County work well together, we share responsibility with juveniles, fire districts, and ambulances. He would like to recommend that the five counties be in one district.* **Chairman Frasure** said that of course they couldn't put them all in one district, but the clerk also said, *up to the Portneuf Gap in Bannock (or some version of that making the number correct).*

Chairman Frasure said that they heard from all three of the commissioners, and they heard from a number of individuals that focused on that. He said that they even heard from one of our Democratic Senators in Pocatello, and he appreciated **Senator Bilyeu** coming in. He indicated that it was kind of a fun moment for all of them, as they asked her how she would solve that problem, where do you find the extra 15,000 and she shot back, *well that is your problem and not mine.* He said that it is a tough problem, and even former **Representative Ruchti**, his comments he thought were quite good: *District 31 is difficult to represent people from very different cultures and economics and he pointed out that it is not just the people in a community of interest that are important, it is also their representatives be from those communities of interest so that they could be passionate about representing them in the legislature.* **Chairman Frasure** said that again, when he had pointed out that you've got 30,000, you have to find 15,000 somewhere else, **Mr. Ruchti** indicated *that he would like to keep Bannock County whole, he suggested that Cassia would be a better fit and he did not think that Bonneville would work well.*

He said that those four hearings had a lot of testimony, and that the point was made, that he was not comfortable with District 31. He indicated that he knew that his fellow commissioners, and he didn't even think that the Democratic commissioners, or anyone, were real comfortable with District 31. He said that there was nobody that came out and said what a wonderful idea, to do that again, and they did it again. So being that was his neighborhood, he did have serious heartburn on that one, and without beating anybody up, he recognized that it was numbers-driven. Rather than trying to go after the entire plan, those were just the two areas that, by way of example, they had some heartburn on. And having said that, he stated that hopefully they could come to some solutions. He said that they were starting to pass ideas back and forth, as potential solutions, and he thought that was very encouraging. He indicated that he had drawn a lot of plans, and they had been under the assumption of following all of the statutory laws. And again, not to beat it up, they had a difference of opinion on that particular issue, and plenty had been said on that. He said that **Commissioner Moses** had given a pretty good summation the day before, and in running through it the last night, it sounded like he was starting all over again. However, he could see the five counties that he was saying that had to be split, and then it's pretty hard, but the Democrats had given them some six and seven county split solutions here, and he understood where they were coming from. He said that he wanted them to understand that he was sincerely trying to look at it from their perspective, and candidly, overnight he did not come up with any brilliant solution.

Commissioner Moses said that surprised him not even a little bit, and **Chairman Frasure** said that what he was trying to tell him was that he was trying to look at it from his perspective. **Commissioner Moses** stated that he was a little bit heartened by this discussion, as odd as that might sound. He said that with all of the issues that there were to be raised in redistricting, and they had certainly heard most of them, that they got it down to two. He indicated that if they could fix the problems that there seemed to be with District 2 and with District 31, he was not hearing much, by way of objection, to the rest of the map. He said that he thought that if somebody had said that they would be here, a week ago, that this would be it, that they would have said *who are you listening to.* However there were certainly things there that they could work on. He said that he understood that there had been some constructive exchanges with some members of the commission, and he was heartened by that, and that they were getting close, if that was what they had left to do.

Chairman Frasure said that he did appreciate that acknowledgement because it sounded like he appreciated the fact that they hadn't seen any attempt by the Democrats to draw any lines based on the Republican format. And that for them to have now taken that leap of faith, and at least attempt to draw from their format, was a huge concession on their part. He said that he did not want that to be taken as an indication that they were backing off of their legal position that the Constitution says that they have to follow all of the statutes. He stated that they certainly put the Constitution first, and the presumption was that all laws are constitutional until a court of competent jurisdiction rules otherwise. He noted that still was their official position; however, in the spirit of compromise, he did not come up here to fail, and he did not believe that anybody there did. They wanted to accomplish their task, and he didn't think they wanted the courts to decide this issue for them. So he was just letting them know, in all sincerity, that he was putting on a brand new set of glasses. And he was attempting, and he would encourage them, and it appeared from what he could see from some of the preliminary thoughts in northern Idaho, that they had,

at least taken a look at their position a little bit there. He appreciated that, and he was encouraged. He said that he and **Commissioner Andersen** had even had a few conversations in Pocatello, about where the line would be drawn in their own neighborhood, so he thought that there was great progress being made. He asked them to please take that in the spirit in which it was given, and that they did not come down there just to pound the daylight out of them, and he hoped that they came across that way. He said that was the reason that they focused on the two districts.

Commissioner Andersen then asked, just so they could move ahead on this, if there were any other specific areas that they might be able to look at during the break, to see what arrangements or accommodations they might need to make. He said that would be helpful to give them some direction.

Chairman Frasure asked **Commissioner Esposito** if he minded if he gave them some suggestions, or if he wanted to speak, because he thought it was helpful if they had that discussion. **Commissioner Esposito** then said that he would yield to **Chairman Frasure**.

Chairman Frasure said that they had two or three runs up in the Madison, Fremont area, and said that they could take a peek at that one, and he did not know if there was a lot that they could do up there. He also pointed out the double doughnut now going on in Idaho Falls. He indicated that he hadn't drawn a plan that does it very well either. He said that it was interesting that the doughnut had developed a life of its own, after being in place for ten years. However, he was still looking at the Idaho Falls area to see if there was a better solution up there. He also said that in the Twin Falls area, where they put the little doughnut around Twin Falls, there were no roads that connected. He noted that he still had never talked to Mr. Larsen, and he would like to find him, that he had tried twice, and had not been able to track him down, but that Twin Falls area perhaps coming across...

Commissioner Moses then asked if he would yield for a moment on that, as he said that he had a map of the state highways, and it looked like Route 50 connected between Jerome County and Twin Falls County, east of town. **Chairman Frasure** said you would think, however it goes into the other legislative district, it kind of clips the corner. He then pointed out on the map, as he said that they needed a little humor, that they had all been to Shoshone Falls. He then showed where Shoshone Falls was on the map. He said that the little land mass that cut across there was Shoshone Falls, and all that they would have to declare was that little wood trail, that they closed years ago because people kept drowning, but they could declare that little trail as a state highway, and then they would have their connection between those two. So there was a potential solution right there, and that was Shoshone Falls. He said that for a mere twenty to thirty million dollars they could solve that, and just put a road right there.

He indicated if they could look over Twin Falls a little bit, and he said that the real challenge came once you come down from the north, and once you cut off those northern counties, just by sheer population, you end up with about 25,000 people just kind of dangling north of Boise. He said that they had endeavored to put them in Boise, and that had met with great applause from everybody. However the simple fact was that once they got down into Gem and Boise County, they had to put them somewhere, and he appreciated that they were trying to move them around. He said that the solution on their plan was to shove them over into Canyon County, and there was no road connection again. However, if there was a vote waiver, they could possibly get around that issue. He said that was one of the heartburn areas a little bit, and he thought that he could see a light coming down there. He was not sure if that was the end of the tunnel, or it might be a train entering. So they might, in fact, end up with their nine districts just in Ada County, but that was a little bit of a heartburn area. Then he said, of course, they had already discussed the north, so to take a peek at Rexburg, Idaho Falls, Twin Falls, and perhaps the area north of Boise that ties over to Canyon County, and see if they could do any adjustments in there. He said that it was a given, the five counties that appeared to be the mandatory divisions, and the couple others that were on the plan. And that once you got into those, obviously in Ada County, if it ends up nine districts in Ada County, you can draw those 30 different ways. He said that even over in southeast Idaho, Pocatello could be drawn several ways. Idaho Falls could be drawn a number of ways, and in Twin Falls, so there are some options, and that was all. He said that they were not great adjustments, but he had kind of said jokingly earlier to **Commissioner Andersen**, that, in all sincerity, once you get down to that stage, the ship had sailed. And whether or not it was the Titanic, and they were just adjusting the deck chairs as it went down, or if it was a more stable ship, and it was going to make it across the ocean, he guessed they were going to find out. He did want to say that he did appreciate the cooperation, and in all sincerity, when they got back on that Tuesday, he hoped he had some options based upon their minimal county options.

Commissioner Esposito then directed the commission to District 18. He said that they had been talking about some different dictionary definitions, and that he would like to point out that combining downtown Boise with the City of Eagle, he thought met the standard of that dictionary definition that they were speaking to earlier. And he thought that there should be some work done on the Ada County map to help fix that. **Chairman Frasure** then added that he had dinner the prior night in Eagle, with his daughter, celebrating her birthday. He said that as they were sitting there along the river, and unfortunately as he was unable to get this out of his brain, she got to hear about it. He indicated that she was a brand new resident of that part of the state, and she was kind of amused about downtown Eagle now being with the northern end of Boise. He said that hopefully they could come to some kind of understanding on Ada County.

He then asked if there was any movement at all on the congressional maps, if they had made any progress there. He said that he thought that now that he was drawing on their format, that was a pretty good leap of faith in their direction. And he hoped that they would consider

that as they discuss the congressional lines, and that they could get off the dime, at least, and get one of them solved, so that they were not looking at two of them at the deadline.

Chairman Frasure said that they had chatted a little bit that morning with **Brian Kane** in the Attorney General's office, and he had asked him to be available that following Tuesday. **Mr. Kane** had said that when they start getting close on these maps, they had to understand that if the Commission wanted legal assistance from them to write the findings of fact, so that they could defend themselves, in case they go to court (and he indicated that there was a high probability that someone was bound to sue them), that they were going to need a day or two, even once they got to an agreement, to write the rationale and reasons as to how they drew all of these districts. **Chairman Frasure** said that the clock was seriously ticking, and that they really had only a few days, since it was going to take a little time to write the findings of fact. He said that they were going to have to give a good rationale, and hopefully they had built enough body of evidence to put those together, but it was going to take some time. He then confirmed that the staff had not heard back from **Mr. Ysursa** on the 90 day situation. He said that speaking strictly for himself, he read that constitutional requirement and it said 90 days. He indicated that it didn't say anything about holidays, or weekends, and he thought they would leave themselves a big opening if they were in the 92nd day before they filed with the Secretary of State.

Commissioner Moses said that possibly he could cut this down to one day if he would accept the interpretation. He said that the statute that defines these days, in the Idaho Statutes, stated that you begin to count on the day after the commission was constituted. So, if he accepted that, then they were down to Monday. And then it was a matter if they accepted the statute on holidays or not, whether it went to Tuesday.

Chairman Frasure said that they were back to the issue of interpretation of statutes, and that the Constitution said 90 days, and he did not know if he wanted to flirt with taking that to court. He indicated that even if the Secretary of State said, *oh yeah, you can go over because the statute says you can*, that he was not too sure that he wanted to do that. He said that, in all candor, he appreciated that perhaps they had until Monday. However he would like to be at the Blackfoot Fair, in Blackfoot, Idaho, on Monday. He said that was the state fair, and he had done that for years. He indicated that he really didn't want to see their smiling faces on Labor Day, so hopefully they got this done. **Chairman Andersen** suggested that they could set up a booth and work there, and **Chairman Frasure** said that was true, they could get some more opinions, and take some more public testimony.

As there was nothing else to come before the commission, **Chairman Frasure** said that he appreciated them all leaving in pretty good spirits, and with that he would certainly entertain a motion to adjourn until 10:00 a.m. on Tuesday, August 30th. **Commissioner Andersen** so moved, and as all agreed, **Chairman Frasure** stated that they would stand adjourned until 10:00 a.m. on Tuesday, August 30th.