



Idaho's Citizen Commission for Reapportionment

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Public Meeting
Saturday, September 03, 2011
Capitol Auditorium, Capitol Building
10:00 a.m.

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

Chairman Andersen called the commission to order. He indicated that they had an audience that day, which was very unusual, and he hoped that was a good sign. He explained that they had some AP government students from Centennial High School learning how it really worked, as opposed to how the book said it might work, and they also had a group of students from Thailand who were attending school in Moscow, at the University of Idaho. He said that he would like to welcome them, and that they appreciated their attendance that day. He indicated that as **Commissioner Frasure** was a high school government teacher, he was sure that he would be pleased to sign any forms that they might have saying they were there, and that he might even give them a grade. He then noted that they had the minutes from a couple of meetings ago, and he called on **Commissioner Kane** who moved to approve the minutes from August 15th, 16th and 17th. **Chairman Andersen** stated that it had been moved to approve the minutes from August 15th, 16th and 17th, and asked if there was any discussion. **Commissioner Frasure** noted that this would be the first set of minutes that he had not personally read, however his high degree of confidence in the staff... and **Commissioner Kane** interjected to trust her. **Commissioner Frasure** indicated that he understood that the minutes were very thorough...and **Commissioner Moses** indicated that the attorney had said to trust her. **Commissioner Frasure** responded *trust the attorney, uh oh*, that gave him great pause, however he would support the motion. Very candidly he said that he had not had a chance to (read the minutes) however he did have great confidence in their staff, and hopefully they were in good shape on that, so he would support the motion. **Commissioner Esposito** said that for **Commissioner Frasure's** comfort, that **Commissioner Finman** had verified, so they now had the full trust and verify, so they could move forward. **Chairman Andersen** took the vote, as all were in favor, he stated that the minutes were approved. He also indicated that he had asked that perhaps in order to make them more interesting that next time the staff include pictures and cartoons, so it would be easier for them to read.

Chairman Andersen then brought the commission back to the matters of business, and asked if there were any other matters that they needed to discuss at that time. **Commissioner Frasure** said that he had another zero deviation plan that was in the formation stage right then. He indicated that when he left it they were actually printing, so he thought that they should have a thumbnail, which was probably not down there yet, however he hope to get that one presented that morning. He said that he knew that there were some other things that they could take care of prior to that; however there was one more to present that morning. **Commissioner Moses** said that he also had another map to present. He indicated that he had the paper copy however he had left the electronic copy upstairs, and he would have to get that brought down.

Chairman Andersen indicated that for the enlightenment of their audience, what they were doing was the process of trying to redraft the lines that determine which legislative areas people would be able to vote in. He explained that they had on the commission three Republicans and three Democrats that represented their individual parties. He said that their attempt was to draft, or redraw the lines in the state so that they had a closer number of people within each legislative district, so that they had equal representation around the state. He said, as they could imagine, it had been arduous, and it had been a little difficult because they did have varying interests in how the maps were drawn. He indicated that they had public input, that they had gone around and had public hearings and they had taken that information. They had also received emails and maps that were submitted online, and they were trying to meld all of those into a map that

they could all vote on. He explained that it took four votes to pass a map and to submit it to the Secretary of State to be incorporated into the laws of Idaho. He said that they were also charged with drafting a congressional line which would divide the state into two congressional districts. That had also been a task that they had been working on, and he thought that they had approached what he thought would be an acceptable line eventually. He indicated that what they were hoping for was that they would have this concluded by no later than Monday, because on Tuesday they had to submit the plan. If they didn't then the Secretary of State would go to the Supreme Court, and there were a number of things that he could do, however he would assume that what he would do was to order the commission back into session and to continue working on the maps. At that point they did not have an agreement, so that was what they were trying to come to.

Commissioner Moses then apologized and said that they had the electronic version and it was coming up, and that he had passed down the paper version. He said that competition was one of the things that made America as great as it was. He had looked at **Commissioner Frasure's** five county split map the prior day, and he was suitably spurred, and sure enough they found a way to come up with a five county split themselves. He indicated that it was very very similar to the first map that was introduced the prior day, however there were two changes that he called their attention to. They had introduced a fix up north where they had tried to address the Clark Fork issue, and the way they eliminated the split was in Madison County. They made Madison County whole and went to Bonneville County, which had already been divided, to pick up the people. This plan had splits only in the five counties where numbers, or mechanics, required that they be split, and every other county in the state was kept intact. He added that this resembled a great deal of the maps that they had already been looking at. **Chairman Andersen** said that he would like to point out that they made an attempt to incorporate the data that was presented to them the prior day in the other map, and that they tried to accommodate the north area that was presented to them. They also looked at the eastern Idaho area, and as they could see, they had incorporated some of the concepts that they had presented to them the prior day. He said that this was not the ideal map, and he was sure that he thought that both parties probably had some problems with it, but at least he thought it was a point where it was moving the parties closer and closer together. He indicated that he appreciated the efforts on both sides to try to accommodate the needs of both parties in coming to an agreement on this. **Mr. Cutler**, in response to a question from **Commissioner Moses**, advised that this plan would be L67.

Commissioner Moses said that they would be glad to stand for any questions that they had, and he just wanted to mention that he wanted to thank **Commissioner Frasure**, as he could not have done it without him. **Chairman Andersen** said that he did not know if that was a positive thing or not, however he had met their challenge, so now they were trying to come back and see if they couldn't at least meet some of the conditions that he had laid out for them. **Commissioner Frasure** said that he saw that they adopted what he did up in Madison County, and that Highway 31 was a pretty good little line down there at the bottom of that particular district. He indicated that as they learned back and forth from each other that obviously they needed to digest their (plan). They had gone from six to five, so he guessed that they both had arrived at the mathematically low possibility on that end of the spectrum. He said that he wanted to reiterate that they were still of the opinion that they needed to be looking at the other end of the spectrum as well; which was following all of the public testimony and the rest of the statutes and laws. However, for him, he did appreciate what they had laid out there, as it gave them a chance to look that over, so they did appreciate the effort. He said that it was kind of fun sparring back and forth with **Commissioner Moses**. He said that he had thanked him the prior day, and he had returned the compliment that day.

Chairman Andersen asked if there were any further questions, and **Commissioner Finman** asked what the deviation was on that map. **Commissioner Moses** asked the staff to pull up the report, and said that he was not going to speculate, however it was going to be reasonably low as it matched the deviation in the map that they had produced the prior day. He then indicated that it was 8.35%. **Commissioner Frasure** said that he was one of those ancient guys that they had to load it on a thumb drive and get it into his computer, so he was not quite as quick. He asked that they zero in on the map, and said that he was looking to see if there were any changes in Idaho Falls and Pocatello, and then he asked that they zero in on the Treasure Valley. **Commissioner Moses** said that there were no changes at all in those areas as they left those intact from the first and second maps that they had introduced the prior day. **Commissioner Frasure** said that he appreciated that but just to refresh his memory, if they would humor him for 30 seconds, just to pull those three up real quick, as he could observe them real quick if they would just put them up on the screen. He noted that they still had the taco going in Idaho Falls. **Chairman Andersen** asked if there were any further comments or questions. **Commissioner Frasure** asked the staff how long it usually took to get a new plan down to the auditorium. **Chairman Andersen** asked if he was requesting that they go at ease, and **Commissioner Frasure** replied that it was an unusual amount; however he wanted to call the staff, and asked that they go at ease for seven minutes until 10:25. **Chairman Andersen** indicated that they would stand at ease for seven minutes, until 10:25.

Chairman Andersen called the commission out of at ease at 10:25, and said that he thought they had received the information, so they were ready to proceed. **Commissioner Frasure** confirmed with **Mr. Cutler** that this plan would be L68. He then said that this was a variation off of the zero deviation. For the edification of the high school seniors in the audience he explained that this plan made all 35 legislative districts, in the State of Idaho, exactly equal in population. He explained that the magic number was 44,788, and if you just did it mathematically, every district would have 44,788 people. This map was plus or minus one person in every single district, so this mathematically followed the one person, one vote principle of the United States' Constitutional Equal Protection Clause. He indicated that their teacher would be very impressed if they knew that it was the Equal Protection Clause. He said that was what that one accomplished, and it did divide the same 15 counties that were divided earlier. He noted that there were two areas that this changed from the zero deviation that he presented the prior day. He said that he looked at them and they were areas that bothered him, so he had the fun task of spending four hours the prior night making two adjustments. He indicated that when you got down to zero deviation it was a little different game to find a road, or something that made sense. He then asked that for the speed of moving it along, that they focus in on the western portion of Twin Falls County, around the city of Buhl. He explained that he restored all of the city of Buhl back into one district. He said that

anyone that had attempted to do that, it didn't look like much right then, but to get there back to zero was a nightmare. He stated that to make a long story short, with the zero deviation he was trying to avoid splitting any cities, and even the small little town of Buhl, he did not want to split those folks, so it did put all of Buhl back into a district. He then said that since he spent four hours, that they had to suffer through five minutes of presentation, and he explained that in Pocatello they would see that the line was much, much cleaner. He indicated that for **Chairman Andersen's** edification he used Alvin Ricken Drive, closest to the Interstate, and then he swung over Parks Road and then he went on up west to Buckskin. Then the other line was following on the southern end the Interstates, using Hilline Road and Alameda. The bottom line, it cleaned it up a lot better, so if they ever chose to go at zero deviation, at least that was one that made a little more sense, following the roads over in Pocatello. He said that those were the two changes, and that this particular plan was a zero deviation, one person, one vote, carried to the extreme. He stated that the federal government expected them to do that on the congressional lines now, and that he finally ended up at a deviation still at 0.0%. He noted that if they would check, that they were all at plus or minus one. He said that the program would occasionally throw a glitch at them that was strange to work with. He indicated that was how they got from here to there, and so that was exactly one person, one vote, and he wanted to get that on the record. He said that he would certainly stand for any questions in regards to that plan.

Chairman Andersen asked if the commission had any questions on L68. **Commissioner Moses** said that what they had discovered the other day was that if you hit the magic formula, Maptitude would award them three free precincts, and that was how he had gotten out of deviation the prior day. **Commissioner Frasure** said that was what they had right then, and they had the potential of another one. However he would request that they perhaps take an hour recess so that they could get together and discuss some things that had come forth, and with his indulgence, did **Chairman Andersen** have some suggestions. **Chairman Andersen** said that at that point, as he saw that they were moving closer to a compromise, what he would suggest was that perhaps they recess and allow their representatives from the various areas to sit down and discuss what had been proposed to see if they could come to a solid agreement on any of the individual areas. He indicated that what he would suggest was that they have a group meet with the north, which was concerned about solving the issue in the north. He said that he thought they needed to also have a group dealing with the Ada County, southwest area. And then perhaps he and **Commissioner Frasure**, being familiar with the southeast corner, perhaps they could then take this time and review where they were on that, and perhaps come up with a compromise settlement which they could all agree on to conclude this effort. He then asked if there was any objection to doing that. **Commissioner Frasure** suggested that they give themselves until 11:30, at least an hour, to see if they were making progress, and then maybe go at ease, but to at least give it an hour to see what they came up with. As there were no further questions, **Chairman Andersen** indicated that they would stand at ease until 11:30.

Chairman Andersen returned the commission back from recess and said at that point what he would like to do was to get a report from the groups that met. He indicated that he would like to start off with **Commissioner Finman** and **Commissioner Kane**, whichever would like to share their response, and what they came up with. **Commissioner Finman** said that she and **Commissioner Kane** had a very productive meeting, and they were getting some consensus. She indicated that they were having their staffers do a few tweaks and redraw things, to meet again. She said that she thought they needed some more time, however she thought that they could, there was hope, or they could actually converge on that day. **Commissioner Kane** said that she would concur.

Chairman Andersen said that the other group that met, and he thought that he and **Commissioner Frasure** discussed at length southeast Idaho, and that **Commissioner Frasure** was trying to brow beat him into submission. So far he hadn't succeeded, however he received some better information, and some ideas that he may have to consider. However they would need some time to put those numbers together, to see if there was any settlement coming out of the hat there. He said that the other area would have been **Commissioner Moses** and **Commissioner Esposito**, who was looking pretty solemn down there, and as he understood, they did not meet. **Commissioner Esposito** confirmed that was correct. **Commissioner Frasure** said that as they started this process, he thought that morning that **Chairman Andersen** started off on Pluto, and he was on Mercury. He indicated that he thought that **Chairman Andersen** was now somewhere around Mars, and he was on Venus, so they were almost back to earth, and **Chairman Andersen** commented the *third rock from the sun*.

Commissioner Finman said that she wanted to add that she thought that it made sense for the north and the southeast to be worked out first, as that was how they kind of approached the whole map to come down from the north and from the east, and then they were left with the Ada County area. So she thought that the steps first were for the north and the southeast to be worked out. **Chairman Andersen** said that he appreciated that insight. **Commissioner Esposito** said that he thought, that in all fairness to the other members of the commission, that he had been on the record, publicly willing to work through Ada County on basically two conditions. Those conditions were that north Idaho got resolved, and eastern Idaho got resolved, and that they also had a commitment to a vote on getting the congressional plan done, as they came very close to getting done in mid July. He said that he stood ready once **Commissioners Kane** and **Finman** got their work done, and **Commissioners Andersen** and **Frasure** got their work done, to get this wrapped up and completed. **Chairman Andersen** said that he appreciated that comment and he would take it to heart as something that they needed to focus on. **Commissioner Moses** indicated that as they had gone over the various maps for the last three, four, or five meetings, a number of hot spots had been identified and it appeared to him that all of the hot spots were being addressed at that time. If the progress that they all were demonstrating there could continue at the same pace, then he believed that it was quite likely that they could get something done. He said that the complicated parts didn't seem to be a problem, and the problem parts were pretty simple, so he thought that they could probably get there.

Commissioner Frasure said that as had happened on the first commission ten years ago, he thought that it was fruitful having these discussions. He thought that it was **Commissioner Stuart** that had talked about getting to the point where they were meeting with folks

from different sides and that it helped. He indicated that he thought that they were making progress. At this stage though he did not anticipate them coming to a conclusion that afternoon, unless someone was willing to jump off the edge, so he recommended that they go ahead and adjourn for the day. He said that coming back at 4:00 gave them all day to perhaps work some things, and that it would be nice to settle this the following afternoon. So that was what he would recommend that they do. He said that he did not make a motion to adjourn yet, because that was a non-debatable motion, and he did not want to go there yet; however that would be his inclination. **Commissioner Kane** said that she didn't have any problem doing that, and as she said, she was there for the long haul. She indicated that she was down there for the weekend, and if there was any need to get together later on that day, or early morning the following day, anytime or anywhere, to let her know. **Commissioner Moses** said that he couldn't allow **Commissioner Kane** to outdo him, that his commission phone was forwarded to his cell phone, and that he was reachable at all hours. **Commissioner Frasure** said that he was prepared to make a motion on adjournment, and piling on, he was at the Hampton Inn. He indicated that he was a little reluctant to give out his room number, and he moved that they adjourn until 4:00 on Sunday afternoon.

Chairman Andersen stated that there was a motion to adjourn and asked if there was any discussion. He said that if he could add some thought to that, he thought that it behooved all of them, each commissioner, to be available and on call, and to consider carefully the discussion which they had thus far. It appeared that settlement was on the horizon, and that given some soul searching, that they could maybe make some adjustments that would bring all of this together. He said that he would hope that was the case, so he urged everyone to make themselves available by cell phone, if that was possible, so that if any communication needed to be had they could do that. **Commissioner Esposito** said that for the record, he believed that all of the commissioners had his cell phone number, and that he was ready to meet at a moment's notice.

Chairman Andersen said that the motion was to adjourn until 4:00 the following day, and asked if there were any other comments. **Commissioner Finman** said that she wanted to reiterate that she thought that she and **Commissioner Kane** would be iterating for the next few hours, and converging pretty quickly. Just like everyone else, she was available, and that she would like to get this done and be able to go home and see her kids. **Commissioner Kane** said that she was going to say something about gender, but she wouldn't. **Chairman Andersen** said that he already had told her what the reason for that was.

With that, **Chairman Andersen** took the vote to adjourn, and as all agreed, he stated that they would be adjourned until 4:00 the following day.

Co Chairman Andersen

Co Chairman Frasure