



Idaho's Citizen Commission for Reapportionment

Capitol Building
700 W. Jefferson Street
Boise, ID 83720-0054

Phone: (208) 334-4740
E-mail: redistricting@redistricting.idaho.gov
Web site: www.redistricting.idaho.gov

Public Meeting
Labor Day, Monday, September 05, 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 **Mr. Keith Bybee**, **Ms. Kristin Ford**, **Mr. Todd Cutler**, and **Cyd Gaudet**.

Chairman Andersen called the meeting of the Commission for Redistricting to order. He was moving a colored wooden puzzle around and indicated that it was an interesting little toy in the sense that there were a multitude of ways of combining it, and that each one came up with a different structure. He said that the prior night he was chagrined to realize that he had been sucker punched in trying to arrive at a solution to the dilemma that they were faced with. He indicated that it appeared that his confidence was breached, which caused him some real concern, so he got to spend a lot of time the prior night seeing if there was any way he could make this work. He said that it was difficult, especially when trust was a part of the process and that trust was breached; however, they still had to move on the best way they knew how. He indicated that the puzzle could be worked with different combinations, and permutations were made, and eventually a design would come out of it that was pleasing, and hopefully that was what they could do that day. The chair then recognized **Commissioner Moses**.

Commissioner Moses said that they had gone through an exercise a couple of days before in which they tried to jump start the process by introducing a number of maps and offering the other side the option to pick one and move it, and they would vote on it; and they had asked that it happen that afternoon. Regrettably, he indicated, that the word they got back that afternoon was that they had not looked at them. He said that he still wanted to jump start the process, and he still would like for them to move forward. They were at the end of their time, and he would like to turn the commission's attention at that point to consideration of some congressional maps. He then asked that public map C2 be put up on the screen. He indicated that the statute that governed them, in the section on *Criteria Governing Plans* begins: *Congressional and legislative redistricting plans considered by the commission, and plans adopted by the commission, shall be governed by the following criteria*, and that one of those criteria was that *the division of counties shall be avoided whenever possible*. He said that they had a number of public plans that met that criteria and fell within the other criteria. He indicated that they could go through a long exercise of playing around with some other things; however the public had done, in many cases, a very good job of meeting the criteria that had to be met. He said that as he looked at plan C2, and he asked **Mr. Cutler** to confirm, that it had a deviation of .14%, which was well within the requirement of the law, and it kept all counties whole. In referring to the screen he said that was the congressional districts which C2 proposed, and that they had all had those maps for months, and this one of the first ones that had been submitted. He indicated that they were at the point where as long as they got a plan that met those criteria, they were going to be happy with it, so he was going to move for the commission's consideration the adoption of plan C2. **Commissioner Kane** seconded the motion.

Chairman Andersen indicated that it had been moved, and seconded by **Commissioner Kane**, and asked if there was any discussion. **Mr. Bybee** stated, that just for the record, the deviation on that plan was actually .28%, and not .14%. **Commissioner Moses** gave his apologies, and said that it was still within the range. **Commissioner Esposito** said that he guessed that **Commissioner Moses** was entitled to a vote. He indicated that they had been over all of that ground, over and over again, and that they had staff research the fact that the congressional districts nationwide had gone to zero deviation, and that he would like to repeat that, with emphasis, that in the Supreme Court rulings, zero deviation. He said that they also had a Fulton County court case, which covered Atlanta, and he would repeat again for the record, that showed a historical precedent in terms of splitting a county, and moving a line within the county, where the U.S.

Supreme Court ruled that was constitutional. So to go through this exercise again, if that was what they wanted to do, that was great, but it flew in the face of the reality and the facts. He said that if that was the effort by their Democratic colleagues to move this process forward, then he was sitting there scratching his head wondering how that really moved this debate forward. He said that they already had an agreement, on the record, on another plan, and it was only held because of wanting to vote on a legislative plan. So, he guessed, go ahead and take the vote, but they were just wasting their time, and if they continued to want to harden positions then feel free.

Commissioner Frasure said that he appreciated the fact that they were voting, as the only way they could find out people's positions was to cast votes. He indicated that he thought it was a good idea for them to accomplish as much as they possibly could. He said that if they could settle the congressional line hopefully that day, and if not the following day, before the constitution broke them up at 5:00 the following day, then he hoped they could at least settle the congressional. He said that he was thrilled to see any commissioner willing to step forward, and he thought that was just the beginning of many votes on the congressional, so he appreciated the effort and he was fully prepared to vote. **Commissioner Moses** said, that just to respond to the arguments put forward, that it was also true that there had been a number of plans produced and put into effect with larger deviations than zero. In the current year Arkansas had a plan that was out of deviation by 6,200 people; supported by a state requirement that counties be kept whole. He said that plan had not been challenged, and so was in effect, and so the choice here for them was did they honor the statute and the Idaho Constitution or not. He indicated that may or may not be their reason for opposing that plan, and if there were other reasons that was fine, trot them out. However sheer legality, because it was not zero, wasn't one that held a lot of water. **Commissioner Frasure** said that in response, he was right, that Arkansas stood out as the bright star out there that was trying to go above zero. However when you had 90% of the legislatures in states that had multiple districts, fifteen, sixteen, seventeen, eighteen districts, all of them were going to zero. He indicated that of the first ten states, eight of them had chosen that route. He said that he thought they knew how to read the Supreme Court decision, however occasionally you had folks that thought that once those precedents were set, they thought they could go past them. He totally understood that, as Idaho had done it 10 years ago, so he thought that was great, they were good arguments, however he believed very sincerely that they were going to have to get to zero to get anything accomplished. He said that this was a nice job of minimum counties, there were several others, and he was sure that this was going to be a string of votes, as they had several other whole county options. He indicated that he thought it was great that they were voting, so he was looking forward to the vote.

As there was no further discussion, **Chairman Andersen** called for the vote. The motion to adopt C2 was defeated three votes to three votes, with Commissioners **Andersen, Kane, and Moses** voting yes, and **Commissioners Frasure, Finman, and Esposito** voting no.

Commissioner Moses then moved that the commission consider adopting plan C3. **Chairman Andersen** asked if there was a second, and **Commissioner Kane** seconded the motion. **Chairman Andersen** said that it had been moved by **Commissioner Moses** and seconded by **Commissioner Kane** to adopt C3, and asked if there was any discussion. **Commissioner Moses** explained that this was another public submission and that he was not calling names because he didn't think that was relevant, and most of them would not recognize them anyway. He said that this was another submission from the public keeping counties whole, and the deviation he had as .6%, so it was still within the constitutional requirement. **Mr. Bybee** indicated that the deviation was 1.2%. **Commissioner Moses** then withdrew his motion, and **Commissioner Kane** concurred.

Commissioner Moses indicated that in its place he moved C4. **Chairman Andersen** said that it had been moved to adopt C4, and asked if there was a second. **Commissioner Kane** seconded the motion. **Commissioner Moses** indicated that he saw what had been happening with his figures, and he then understood how to get it right. He said that plan C4 would have a deviation of .16%. He explained that these essentially took the southwest counties, where the bulk of the state's population was in any event, and aggregated them into one district community of interest. It kept the Treasure Valley together and made the rest of the state a district. **Chairman Andersen** asked if there was further discussion. **Commissioner Frasure** asked who was submitting these plans, and that he would like to see the submission on those if they didn't mind. **Mr. Bybee** advised that plan C4 was submitted by Eric Oden. As there was no further discussion, **Chairman Andersen** called for the vote. The motion to adopt C4 was defeated three votes to three votes, with **Commissioners Esposito, Finman, and Frasure** voting no, and **Commissioners Moses, Kane and Andersen** voting yes.

Commissioner Moses said that before he moved the next plan he wanted to confirm the deviation, it was C9 and he had it at .84%. **Mr. Bybee** advised that it was .83%. **Commissioner Moses** then moved plan C9 for adoption by the commission, and **Commissioner Kane** seconded the motion. **Commissioner Moses** said that this was another citizen submission, and he wanted to again comment on the excellence of effort put forth by some of the citizens who made these efforts. He indicated that this was a district that had been described in other iterations as a northern district and a southern district. He said that it did get the deviation down into acceptable ranges, and it did what they were legally required to do. He indicated that it wouldn't be his first choice; however it was one that he was willing to vote for. **Commissioner Esposito** said that he appreciates these votes, and to get these votes on the record, however they did have an entire record that they were going to be dealing with. He indicated that if they ended up waltzing into court with this, he just wanted to remind all of the commissioners that it was just not all of the votes that day, but it was all of the votes that had taken place in front of this commission. So he suggested that they go ahead and vote. As there was no further discussion, **Chairman Andersen** called for the vote. **Commissioner Moses** apologized, and said that there was one more observation that he wanted to make. He indicated that this plan had been submitted a number of times, actually three different times. He said that it was C9; however it was also C24 and C25, all by different people, and all with the same submission. **Chairman Andersen** asked if he was saying that he was going to submit those as well. **Commissioner Moses** answered that he wouldn't want to submit anything redundant; he just wanted to point out to the commission that this solution was independently arrived at by three different citizens. **Commissioner Esposito** said that the veracity of whether those had all been independent or not he thought would remain to be seen, but he asked that they just go ahead and vote on it. **Chairman**

Andersen asked him if he had evidence that they were not. **Commissioner Esposito** said no, but his question to him would be did he have evidence that they were. **Chairman Andersen** said that he took the record for face value and he had no other way to do it.

Commissioner Frasure said that he had an observation also, and that he wanted it on the record that the reason that he was opposing these was because they were not zero deviation, and he did not like some of the combinations at all obviously. However the reality was that 80% of the states recognized zero, and he thought that they had to go there. So he did not want it represented that this was somehow "constitutional", or came within tolerance or variance, as they had absolutely no indication of that from court precedents, and that all of these were well above the zero. He indicated that they had plenty of zero deviation plans submitted, and if they would like, he could submit them another 35 of them. Bottom line, he said that until they got there he did not believe they were there. As there was no further discussion, **Chairman Andersen** called for the vote. The motion to adopt C9 was defeated with three votes yes, and three votes no, with **Commissioners Moses, Kane, and Andersen** voting yes, and **Commissioners Frasure, Finman, and Esposito** voting no.

Commissioner Moses said that there were four other publicly submitted plans that were within deviation and did not split counties. He stated that it had been his intention to place those before the commission as well, but he was not one for beating a dead horse. He indicated that positions had been established and there had been some accusations that had yet to be verified. He said that he found that unfortunate as a way of deliberating public submissions, but nevertheless it was clear to him that they were going to be at an impasse on these submissions. And since their proposals for legislative districts, a number of which to choose from were ignored, then he would, with a diminished hope of success, yield the floor. **Commissioner Frasure** said that he would encourage **Commissioner Moses** to continue the voting process as he was enjoying it, and he would love them to vote on them. He indicated that he did not have objections, and it was not holding up anything, so if he would like to continue the votes, he would relish that.

Commissioner Esposito said that they had submitted five plans the other day, and that they were busily working towards some compromises, so when they did come back in they made the accurate statement that they had not had time to carefully look at the plans that they submitted. He indicated that they then did take a close look at their plans, and then made the decision, in the hopes of reaching an agreement, not to publicly review the plans. This was because of the fact that they were unacceptable, and they could go through point by point, and point out all of the flaws in each one of the plans, but they had truly hoped to find a starting point and that was what they did. However time and time again they tried to move forward, and they thought that they were making progress, and they didn't seem to get there. So, he said that **Commissioner Moses** was right, they had submitted five plans, and they had said let us get on with this, and we can vote on them that day, and we can be done with it. He indicated that was probably a pretty good indication of the attitude so, once again, he was going to say, let us take a step back, and let's try to work through this, so they did not end up in court. But to be hiding behind, *we submitted five plans*, don't go there again, because they would call up the five plans, and he would go through the five plans in detail.

Commissioner Moses said that it had been their hope that they would have those plans as a basis for discussion and something to work with. So he would encourage the commissioners on the other side to pick the one that they found the least objectionable and let them discuss what the flaws were. **Commissioner Esposito** said that was exactly what they had been trying to accomplish all week, so he begged to differ with **Commissioner Moses**. He indicated that they had taken their plans as a starting point, and they looked at them, and he believed that actually to their credit that **Commissioners Finman and Kane** had actually been making great progress in the give and take, and the back and forth in negotiations. And he said that he was hoping that they would be able to continue to work through that. He then asked that they move to recess until that afternoon, at 2:00, to see what they could get done. **Chairman Andersen** asked if that was a motion, and **Commissioner Esposito** said yes.

Commissioner Frasure said that prior to voting on that motion, that they had seemed to want to pull away from the congressional, and they were back, and he appreciated that. However if he may, for the record, and here they were bouncing back and forth and they tended to do that a lot. But just a reminder, because the prior night it had gotten pretty hot and heavy in there, and that as was recorded in the minutes of July 18th, that reading from their minutes it said, *Chairman Frasure called the commission back to order after recess.*

Commissioner Moses then congratulated **Commissioner Esposito** on his efforts to square the circle. *He didn't know if you could come this close and meet the bright lines that he was looking for, but Commissioner Esposito had clearly struggled with that and came out on top. He said that, subject to some more study, this appears to be a map that he could live with.* **Commissioner Finman** then asked if **Chairman Frasure** had a couple of more plans to present, and for thoroughness suggested that the commission look at those. **Chairman Frasure** indicated that he had a couple of maps. **Commissioner Andersen** suggested that with C#38 if they added any more maps they may be moving off base from where they want to be. **Chairman Frasure** indicated that he could support C#38, and suggested that they hold the other maps. **Commissioner Kane** then indicated that she really liked C#38, and that **Commissioner Esposito** made a really good effort to move to brighter lines of demarcation while keeping the 0% deviation. *She thought that this was something that she could support as well when the time comes for a vote, and that she appreciated the work that Commissioner Esposito put into this.* **Chairman Frasure** asked if the commission would like to take a break to contemplate this a little further as it looked like they seemed to be heading towards an agreement. **Commissioner Moses** then indicated that he would like to propose, with this on the table, and the generally favorable tone, as they were not ready to move forward with a final action, that they start working on legislative plans. He said that from there, that was where they ended up in a little battle, and they ended up getting a ruling, and they ended up moving on the next day, and they abandoned that. He said that he wanted it very clear that it was already on the record that every... then he said that he did not see a comment there from **Commissioner Andersen** so he took that back, that two of the three on that side, five of them there, were saying that C38 looked like a great solution. He just wanted to remind everybody of that before they headed off into la la land as they changed topics again, and went on to legislative.

So prior to going to recess he said that he wanted to make sure that was clear. He also said that one last point for **Chairman Andersen**, that anytime that he got challenged to his face as much as he was, they had, because they had discussed it openly the prior day. He indicated that **Ms. Ford** had come up and informed him that the prior night, in the heat of battle, that since they had now publicly discussed L63, which was on the public record, and then two compromises that were now in the public, that they did in fact have to introduce them as partial plans. He then asked **Ms. Ford** if he understood that right. **Ms. Ford** confirmed that was correct. **Commissioner Frasure** indicated that prior to going at break he would like to see them at least get those entered into the record so they were all squared from the prior night. **Chairman Andersen** said that he was not clear, and asked if he was introducing the maps that he had presented to him. **Commissioner Frasure** answered that L63, which was the basis of the discussion, was already on the record, and that the staff had informed him very clearly, the prior night, that they had crossed the line. And that since they had discussed it, and passed out maps, that it was now part of the public record. He asked **Ms. Ford** if he understood that right, and if those were the instructions that she had given him. **Ms. Ford** said that yes, because they had discussed those, and she thought they were referring to them as the Republican compromise, then they just needed to submit those compromises as a partial plan, so that they could be available to the public, and have a designation. **Chairman Andersen** asked that since he had not introduced them as a public map, then it would be up to **Commissioner Frasure** to do that, and **Ms. Ford** indicated that was correct. **Commissioner Frasure** asked, as he knew that **Mr. Cutler** had prepared them as partials, and whatever legislative numbers they had assigned to them, and he would walk through them. **Mr. Cutler** advised that it would be plan L69. **Commissioner Moses** said that he believed that there was a motion to recess on the table. **Commissioner Esposito** said that he was going to withdraw that, at that point, to get the housekeeping matter cleaned up.

Commissioner Frasure asked that the staff overlay L63 over the top of L69, so they could see exactly what they had attempted to do. He explained that L69 was built on L63, which was one of the five plans that the Democratic commissioners had proposed. He said that it was the only one that actually helped solve the problem of getting rid of Legislative District 31 by not going over the Bonneville County line. He indicated that it looked like a good place of compromise, and so he took exactly the Democratic plan and made a few precinct adjustments. The one precinct, to his own demise, he indicated was down towards McCammon, and their line was the red line and his line above that, and he had gone ahead and moved the McCammon precinct over, out of that district. He then asked that the incumbent stars be added to the map for full disclosure, in case somebody had any doubt in what he did there. He explained that they would notice that little red star in McCammon, and that was a Republican Representative, **Jim Guthrie**. He said that he had just thrown Jim under the bus, because he just put him in a district with three other Republicans, so that would probably cost him his political career, by him offering to compromise to follow the Democratic plan. He said that they would notice that the precinct right next to it was the Mink Creek Drainage in Pocatello, and the area that he improved was again the Democratic line in L63. He indicated that it was a very jagged line that followed precinct lines, and no one even lived in those; however, the road that they were connected to was Bannock Highway. So all he did was clean that up, and it didn't affect a single soul, but by continuing down that road, all the way down, there was the Portneuf Highway. He said that it came in off of the Interstate, and it was a very clear distinguished road out there, and it blended into the Bannock Highway, and all that did was clean it up. He stated that it literally moved 73 people, and he was accused that it was his way or the highway. He said that he was working off of their plan, and very innocently trying to come to a compromise without causing any disturbance and he moved 73 people. He stated that it went to a logical highway, it cleaned up the little loops off of their plan, and it was a technical clean up. And he had to apologize for putting them in a position that it was his way or the highway on that one, but he was just simply trying to get to a clear line, so that was all that accomplished.

He explained that in their plan they would notice the red line that slipped clear down and grabbed the City of American Falls, and he understood that there were some Democrats down there, and it worked. However it divided a county, for just a few thousand people, to put up into the Democratic district in Pocatello. However, it also cut off Bingham County, and took those three precincts on the western edge of Bingham County. He said that this plan not only violated Bingham County, but it did it in such a vicious way, as it went from not dividing the county, to dividing it into three separate legislative districts that were bordered within Bingham County. He said that was incredible to him, that it was done very politically astutely, he would say that, because it did create the political numbers to maintain that second Democratic district in Pocatello. However, it did nothing for the legal requirements, and so they were dividing Power County, and they were dividing Bingham County three ways, instead of leaving it whole. The compromise they offered was to literally throw another Republican under the bus, and he literally took a partial out of one precinct, moved McCammon to his own demise, and moved a couple of precincts in Bingham County. It was a cleanup and that was all that was an attempt to do, and he didn't realize that by doing that, it was now "his way or the highway." All he was trying to do was to get it back to conformity, this only split Bingham County twice, instead of three times, it put Power County back whole, which he thought the concept was to keep as many counties whole as they could, and that was all he attempted to do on this plan.

Commissioner Finman asked if she could step back a little bit on all of the details. She said that if she was reading it correctly she thought all of them had one kind of hot spot in each area of their three regions, which were the areas that they were working. So in effect they were probably all agreeing on 30 out of the 35 districts, and the handful left were obviously real sore spots, contentious spots. She made a proposal to the commission for them to consider, and specifically for **Commissioner Kane**, that she did believe that she and **Commissioner Kane** were very close to an agreement on the north. She indicated that if they could get that completed shortly, she would be willing, and hopefully **Commissioner Kane** would be willing, to help in the other two areas, and perhaps be an intermediary in there, and she would certainly be willing to do that. She said that she believed they were down to a handful of districts that were sore points, but to see things deteriorate when they were good with about 30, although there was still a canyon there, but she thought that if she and **Commissioner Kane** could converge on the north, she did believe that they were pretty close. She said that they had a good positive dialogue, that had been open and reasonable, and if they could do that and then move on to work in the two areas to support their other colleagues, she would be willing to do that. She indicated that she was still hopeful that they could leave with something that everyone

could feel good about. She said that they were not going to get everything they wanted, and they were very close to this falling apart, so she was putting that out there as a proposal for them to consider. She indicated that maybe during the recess they could talk about that, or if **Commissioner Kane** would like to comment. **Commissioner Moses** said that if he could accept **Commissioner Finman's** premise, he would agree with her conclusion, however the way that he counted it in southeast Idaho they had a lot more districts than that in disagreement, just there, and not counting anywhere else. So if they had it down to two or three in southwest Idaho he would like to know what they were, so he could know what they had agreed on. **Commissioner Esposito** said that to answer **Commissioner Moses'** question, he believed that **Mr. Cutler** also had a partial Ada County plan. He said that they looked at L63 and that he had the one that...

Commissioner Frasure said that he apologized, however he was right in the middle of his presentation finishing these two. He said they got the one out and then the other one that also had to be made public, because he had made it public, was the counter compromise, which he confirmed with **Mr. Cutler**, was L70. He suggested that they finish that up, because he wanted to get this painful experience done so they could move on if they could. **Mr. Cutler** indicated that he did not have the digital copy for their compromise. **Commissioner Frasure** said that he was surprised that he did not, he said that they would have L70 up for him, however he could tell them the difference if they went ahead and put L63 back up. He said that he would certainly stand for any corrections on it. He indicated that he was surprised that the staff did not have it down there, as they should have had it prepared, and he was amazed that they didn't. He then said that he thought that **Mr. Cutler** was preparing it. **Mr. Bybee** suggested that they go at ease for a moment so they could work out the details on how to get the plan. **Chairman Andersen** stated that they would go at ease for five minutes.

Chairman Andersen called the commission back to order and said that prior to going at ease **Commissioner Frasure** had the floor. **Commissioner Frasure** asked that L70 be put up on the screen. He said that rather than prolonging the agony, he would like to have it just simply entered into the record and that he had no comment.

Chairman Andersen said that prior to the discussion on L69 and L70, **Commissioner Finman** had made a couple of statements that he found to be encouraging. She indicated that she and **Commissioner Kane** had worked together and had approached a solution that might be acceptable to both parties. At that point, he asked that **Mr. Cutler** put L71 up on the screen and go to the northern part of the state to see if that was what they had done. **Mr. Cutler** asked for some clarification as to what plan they wanted to see, and **Chairman Andersen** said that it might be labeled L61, skinny finger. **Commissioner Finman** asked if they could go at ease so she could double check ...and **Chairman Andersen** said that the reason that it was important then was because they had just gone through the exercise where they had talked to each other, in confidence, and yet they had to put those plans on the public record in order to discuss them there, so he thought it was important that be submitted at that time. **Commissioner Esposito** said that the point of going through the maps in eastern Idaho was that unfortunately those were handed out publicly the prior night. He indicated that was the issue at hand, and that **Ms. Ford** had brought to their attention that if they distributed a map publicly, as took place with the eastern Idaho districts, that was the requirement to formally submit them. He said that the other maps had not been distributed, other than within the commission, and had not been talked about in any detail or specificity, so there was really no need to present that map at that time. However if they so choose to present the map, that was their prerogative, however there was no requirement at that point, and that **Ms. Ford** could confirm that. **Chairman Andersen** said that with that explanation, he would then call for a recess for five minutes so they could alter the map that they were going to present.

Chairman Andersen said they would come back on the record. He indicated that the purpose of the break was to give **Commissioner Finman** and **Commissioner Kane** a chance to review the plan. He asked if either one of them would take a moment to share with them what they had come up with. **Commissioner Kane** said that if they looked on the overhead, that was map L67, and she asked that they focus on northern Idaho, from District 8 on up. She said that she apologized to **Commissioner Finman**, that she did not want to breach any confidential discussions which they had. They had actually looked at this in a pragmatic way and shared with each other pragmatically what they would like to see. She said that this was their map, L67 that had instead of the "C" up on top, the Clark Fork fix, was that it just went straight up. She said that it was a pretty clean map and was obviously what she would prefer to see. However, they had moved beyond that, and she was going to honor and respect the private conversations that they had had. However, she just wanted to bring that up as an illustration of where, not particularly where they had started, but kind of a step in the direction of moving toward a solution in the north. She said that she did think that she shared **Commissioner Finman's** analysis of the north that she thought that it, even though what they were coming up with probably wasn't the most constitutionally sound map, and that it didn't meet all of the things that they would like it to meet. However as **Commissioner Finman** had stated, they were moving in the right direction and coming to sort of a solution in that area, so this was just an illustration of moving steps toward that direction.

Commissioner Finman said that she concurred with what **Commissioner Kane** was saying, that this was a good map to spring board from, and they had made some tweaks that they were very, very close on, and she thought that it was very doable. **Commissioner Esposito** said that he would like to bring his previous motion back up to recess until 3:00 to give **Commissioners Finman** and **Kane** time to get their work completed. **Chairman Andersen** asked him to hold off on that for a few minutes, as he had a couple of questions to ask **Ms. Ford**, which might help him do a little presentation. He said that he was informed that if he made a presentation, as a handout, and not include it as part of the mapping system, that would be acceptable and would not be required to be listed as a map at that time, and he asked if that was correct. **Ms. Ford** said yes, that if it was a map, or an outline of the state, and did not have specific proposed districts or that sort of thing. **Chairman Andersen** said, that with their indulgence, he was going to do a handout that had an outline of the state; however, it did have some districts identified, and he asked if that would then qualify or not. **Commissioner Moses** suggested that if perhaps **Ms. Ford** could see what he was talking about, it would be easier for her to make a determination. **Ms. Ford** looked at the handout and indicated that it would be fine.

Chairman Andersen said that at that point, with **Commissioner Esposito's** indulgence, he would like to do a handout and a little explanation, and then adjourn until 3:00, and asked if that was acceptable. **Commissioner Esposito** answered absolutely, as long as if they decided that they wanted to make some comment that they had the ability to do that. **Chairman Andersen** agreed and then asked that the map entitled "Red and White," on the list, be put up on the screen. He indicated that what they had before them was an outline of the state, and he said that there were certain areas in the state that they would, as political pundits, prefer that those areas be maintained in having a Democratic influence. However, as they could see, the rest of the state was completely red, and it would be their position that if the Republican commissioners could come up with a map, maintaining those areas that they had in white and blue. He said that, as **Commissioner Kane** and **Commissioner Finman** had addressed, there were some adjustments up in the north that might come in to play when they did this. However given that, what he would like the Republican commissioners to do, or think about, what he would like them to do was to take that handout and make any legislative districts they would like to draw, keeping those areas that he had identified, whole. He said that he would point out in Bannock County, again, that it kept the county whole and it met the criteria. He said that they had to pull in some numbers because there was not sufficient numbers to have two districts within the county so there were two additional units, and that they pulled in the Fort Hall Reservation and also part of Power County. In the center portion they had Blaine County, and again, the county lines were maintained, there was no splitting of counties, and there was no road rule violation in those. Up north again, those counties were maintained whole, there were no road rule violations, and no precinct violations. In the western portion of the state they had the precincts that they had identified as areas that they would like to preserve. He also indicated that they had the little white spot that was Twin Falls. With that, they would propose that the Republican commissioners take the time to draft whatever, or however, they wanted to draft, any of the precincts, given the fact that **Commissioner Finman** and **Commissioner Kane** had somewhat addressed northern Idaho. However, taking the rest of the state and drawing any lines they would want, any direction they would want, they could essentially write their ticket on that, and whatever they wished. With that handout he would at that point entertain any questions that they may have on it.

Commissioner Esposito said that he did not have any questions. He indicated that his comments were that looking at the white areas up north, basically those combinations forced a large, unwieldy District 2, and he believed that actually **Commissioner Kane** and **Commissioner Finman** were working through that, so he would just leave his comments at that. He said that he believed that they also had the discussion about eastern Idaho and what that looked like in terms of the county splits in those areas, and he thought that **Commissioner Frasure** had done a great job in addressing that. He said that there had been a number of their maps that put together Blaine County with some of its traditional counties. However once again, part of the problem that they were faced with was that if they went through and constructed these maps without major road rule violations, and also just putting other communities of interest together, he has yet to come up with a way to fully accommodate that with putting Gooding County in with it. So that was a problem, and they had not addressed that yet, and that he would say that he thought that there were some solutions over there. He said that he was hoping they could get northern Idaho resolved, and some reasonable work done over in eastern Idaho. And he guessed that he would save his comments for the last on Ada County, and he could look at that little spot there and he would say this as gently as he could, but he thought that he finally needed to make the point that the reach from downtown Boise to Eagle was just plain unacceptable, and it was greed at its worst. He said that he was fully prepared to give **Commissioner Moses** status quo, and this went far beyond that and so they needed to figure out a way to get through that. He said that he remained hopeful that if they got north Idaho done, they could work through all of this. He appreciated them giving them this map to show the areas of concern; however they did need to recess so they could allow **Commissioner Finman** and **Kane** to get the work done and, they would move from there. He said that he looked forward to them getting their job done, and then moving through the rest of that, and he was still hopeful they could get this done.

Commissioner Moses said that it went without saying, however he would say it anyway, that he did not share **Commissioner Esposito's** characterization of the proposal for Ada. He indicated that the fact was that they did go through and, from an earlier proposal, moved a great deal of what they had of Eagle, which was admittedly split, and moved it back into Eagle. However perfection was not given to man, and the perfect was the enemy of the good. He said that every proposal that he had seen recently had moved a substantial proportion of Ada County into a district with Boise County, and those areas had included variously Warm Springs Mesa, or the highlands, Crane Creek Country Club, putting that in a district with Horseshoe Bend. He indicated that he found it hard to accept a complaint about the reach in Ada County when they were talking about reaches that long so they appeared to be a ways off. As far as greed went, maybe he would just let the map speak for itself. He said that when you looked at the areas they were willing to concede, that they were willing to vote for whatever the Republican commissioners wanted to do, it didn't suggest that they were reaching very far. **Commissioner Esposito** said that **Commissioner Moses** had seen maps from them that were not as he had characterized them, however once again, if that was the position that he wanted to take, he was fully prepared to throw up the map that he had privately offered to him, for clarity of the record. However in the hopes of getting this negotiation done he suggested that they just recess until 3:00.

Chairman Andersen said that once again he would encourage them to realize that they had carte blanche with the red part, anywhere they wanted on the state; however they would request their preserving the areas that they had in white. **Commissioner Frasure** said that he appreciated that, and not to be negative on it, that they had clearly shown the Republican strength within Idaho. He indicated that he clearly understood their effort, however that was just simply stating the obvious, that Idaho was a Republican state. He said that they had cleverly drawn in the areas that they felt that they could win in, and he appreciated that, but all this did was acknowledge that Idaho was a Republican state. **Chairman Andersen** said that he thought that was evident by the color of map, and that he thought that was true. However that didn't mean that he was not going to try to maintain some sphere of influence in the Democratic areas that they may have. And so, just as he said, if they maintained those, they could draw any lines that they wanted in the rest of the state, and with that they would stand adjourned until 3:00.

Chairman Andersen reconvened the hearing and said that before they went into recess they had circulated a handout, and he asked if there was any further discussion. **Commissioner Esposito** said that he thought they had been making great progress and that he was encouraged. He indicated that he thought that they needed some more time, and asked if they could have another couple of hours to let **Commissioners Finman** and **Kane** continue to work their magic, he would appreciate it. He said that when they hit 5:00 that evening that would be their 24 hour count down, so he thought that had some appropriateness to it also, if everyone was in agreement. **Commissioner Moses** said that just to observe, that he was about to become Pavlovian about that, as every time he heard that they were making great progress, he knew what was coming next, however if it served the purpose, it was fine with him. **Chairman Andersen** said that he must interject that he had great admiration for **Commissioner Finman** and **Commissioner Kane** for the job they were doing in trying to bring this to a successful conclusion , and that he appreciated their efforts. **Commissioner Frasure** said that they had not had their lunch yet, and that they had been working through the numbers to try to hand back to them, in the spirit of compromise, however very candidly he was tired of it and would just make a motion that they adjourn until the next morning at 10:00. **Chairman Andersen** said that there was a motion to adjourn until 10:00; however, he thought that they were scheduled to convene at 8:00 on Tuesday. **Commissioner Frasure** then indicated he would amend that to adjourn until 8:00 and hopefully there would be some progress made, rather than reporting back at 5:00, as they did keep bouncing back and forth. **Chairman Andersen** stated that the motion was to adjourn until the following morning at 8:00, and asked if there was any further discussion. As there was none, he said that they would be adjourned until the following day at 8:00 a.m.

Co-Chairman Frasure

Co-Chairman Andersen