



# Idaho's Citizen Commission for Reapportionment

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Public Meeting  
October 17, 2011  
Capitol Building, Room W433  
9:30 a.m.

Present were **Commissioner Olsen, Commissioner Martinez, Commissioner Grange, Commissioner Hansen, Commissioner Crow,** and **Commissioner Beitelspacher.** Present from the staff were **Todd Cutler, Keith Bybee, Kristin Ford,** and **Cyd Gaudet.**

The commission was called to order at 9:40a.m. **Chairman Beitelspacher** explained that he had asked **Ms. Ford** to have **Mr. Kane** come up for a rundown on the guidelines that they would need to meet to get the congressional districts done. He indicated that **Ms. Ford** had put together information on what had happened in 2000 and 2006, and he asked her to explain that information. **Ms. Ford** said that the information was current, from the summer of 2011, and there were 14 states that had completed their congressional redistricting plans in 2011. She explained that she had done the list by phoning, in July, the states which had completed their maps, and had inquired about their deviations. She said that in doing a quick update she had not seen any changes, especially notably in Arkansas, where there was still no litigation over their deviation of 7,200 people on their congressional plan. She indicated that a couple of the other states had since acquired litigation, but it had not been based on their deviation. She said that most of the states had a 0% deviation, down to one person, but there were definitely some states that had a higher deviation.

**Chairman Beitelspacher** advised **Mr. Kane** that when they had left off on Friday, without **Commissioner Crow** present, they had looked at a couple of plans, one of which had a deviation of .42%, that didn't divide any counties. He said that he thought they had a state statute that said they were not supposed to split counties, and they had looked at another plan that got down to almost no deviation with a divide in Elmore County. He asked **Mr. Kane** what guidance he would give them regarding the deviation based on the information they had.

**Mr. Kane** said the best advice he could give them was that if it was at all possible, a 0% deviation would always be the most defensible, especially if it could be done without dividing any counties. He indicated that he realized that was difficult at best, and he pointed to the case of *Desena vs. Maine* where they had a .65% deviation, which was about 8,000 people, and the court said that was too high, and was unconstitutional. He said that the real guesswork was at what point did the deviation become too high, was .4% within the zone where he would say it was constitutional, or was it getting too close to the .65% where they would say it was unconstitutional. He indicated that he couldn't give them a firm answer on that. As he had said before, they would defend the plan the commission adopted, but he would encourage the commission to get the deviation as low as possible. He said if they could put together a 0% plan, that was the most defensible, and even if it did split a county, he still thought it would be the most defensible. He indicated if the commission adopted a plan that did not split any counties, and that was the justification they wanted to use, the Attorney General's office would advance that argument on their behalf. **Commissioner Hansen** asked if the deviation was their primary responsibility in the congressional districts. **Mr. Kane** said yes, that the reasoning was that it was a federal district, regulated federally, the overarching concern over everything was one person one vote, so that was the trump card. **Commissioner Crow** asked **Mr. Kane** if he had looked at the congressional plan that the last commission brought before him, and she asked what it was like. **Mr. Kane** said that he did not remember that plan, and he knew that there were plans submitted that were 0% deviation.

**Chairman Beitelspacher** said that the five commissioners, who had reviewed plans the prior Friday, had honed in on a couple of plans, one had no county divisions, and the other was the one that had the county division in Elmore County. He indicated that it was his feeling that if they could draw lines they might as well do it in Elmore County as in Ada County. He then asked if they would care to look at the plan

that the previous commission had put together. **Mr. Bybee** indicated that the previous commission had never actually voted on C38, as it was after the fact that they came in and recommended it, and it was a 0% deviation plan.

The commission then reviewed C38, and **Commissioner Hansen** asked what roads had been used as dividing lines in Ada County. **Commissioner Grange** said that it was Highway 55, and then it skirted Garden City to come in to get enough population there, and then it went back out on State Street. **Commissioner Hansen** asked if the portion of the boundary shaped like an arm was to keep Garden City whole. **Commissioner Grange** said that was still Boise, she explained that to the right was Boise and Garden City, and on the left was some of Boise starting to head east, and they had just moved the line to the west. **Commissioner Hansen** noted that there were some main arteries, and it looked like they had followed Chinden, and he asked if Chinden did not go all of the way through. **Commissioner Grange** said that Chinden did keep going, but they had stopped at Cloverdale, and went south.

**Commissioner Hansen** then asked to have the existing district overlaid onto C38. **Commissioner Grange** indicated that this was where they had started on the prior Friday, and that she had said that this was what had always gone on. She said that as a person in Ada County she was curious to see if they could keep counties whole and keep a reasonable deviation, because Ada County had historically always been split. **Commissioner Hansen** asked if because of the population growth they had taken the existing lines and groupings and moved them west a couple of miles. It was noted that the deviation on C38 was 0%, and the deviation ten years before was .6%, or 3,595 people, and it was not challenged.

**Commissioner Hansen** said that when they left the other day he was looking at C9, and he was confused because he thought that when they overlaid that they were following almost exactly the same lines, except they dipped down and flip flopped those. Then when he went home and looked at it he found that the district was very different in its layout than he had seen and had been purported. He thought that when they had overlaid it that they had overlaid the existing one that they had done on the counties, but maybe he had misread that. He said that when he saw how dramatic a shift that would be in flopping Canyon County and Meridian, and flopping Boise into those districts, he saw how it completely changed the dynamics of the two districts. He indicated that he thought that Nampa and Meridian were in District 1 currently, and that when they looked at the map the other day he did not understand it to be that way, he understood that more of Boise was in it. He said that he had some concern with dramatically shifting from District 1, as it currently stood, and District 2 as it currently stood, and flip flopping those completely in the metropolitan area of the Treasure Valley, and it put a damper on his excitement. He indicated that he wanted to put right up front that he had a different perspective that morning than he did when they left on Friday.

He said that he thought that there were a lot of issues regarding communities of interest, and he didn't want to disenfranchise the Hispanic population from the existing district they were in. **Commissioner Grange** said that in C9 they were going to put the Hispanic population in with the Hispanic population in the rest of the state, which was in Minidoka County. **Commissioner Hansen** said that he didn't think it affected the 2<sup>nd</sup> District as much, but it hugely affected the 1<sup>st</sup> District. **Chairman Beitelspacher** asked him in what way it affected the 1<sup>st</sup> District. **Commissioner Hansen** said that the thing that had been so exciting in the 1<sup>st</sup> District was the fairness, and that they had three extremely close elections, and when he looked at that he was concerned that by completely changing the dynamics of that there might not be the equity that there currently was in that district.

**Chairman Beitelspacher** said that he would like to look at the plan that split Elmore County. He said that he had not heard any testimony, from any of the citizens that had come before them, that said to please cut up the city of Boise. He indicated that they had heard from the lady in Meridian that said she wanted to keep Congressman Labrador's office in the city of Meridian, and she would still be able to do that. He said that he was proud of what they had done in the commission when it came to the legislative districts, as there were no towns or cities that they divided up, and they had worked hard at that. He indicated that some of them, particularly **Commissioner Hansen**, were going to take a beating over that, but it was the right thing to do. He said that when it came to the largest city in the state, the state capital, that everyone for the past thirty years had been anxious to take the saber and whack it up in order to divide the state. He said that he knew for a fact that people had no clue what district they were in, because it was so confusing where the line was, even though it made perfect sense to the commissioners. He said if they had to divide a county they could divide Elmore County, and he knew that **Commissioner Hansen** could find them a highway, and before they were done they would have it down to the deviation that was one man one vote. He indicated that he honestly didn't know what impact it had on the political equity of the two districts. He indicated that certainly had not been a consideration at that point, but they would be naive to dismiss the notion that it did exist. He said that he liked what they did in keeping Ada County and the city of Boise together in one, and that was what they had done with the legislative districts, and he thought it was something to be proud of, and he would like to see them emulate it here.

**Commissioner Olsen** said that they didn't hear a lot of testimony, this time around, about the division of Boise. But she thought there was more the last time, and she would like to go back and study that testimony, and have it considered. She indicated that she believed that it backed the idea of dividing Boise, rather than a big jump of moving it into District 1. She said that she believed it would be less disruptive, even though there was confusion, but people could learn. She indicated that it was less disruptive to move the line a few blocks, than the whole county into District 1, and Canyon County in the 2<sup>nd</sup> District, which would be huge for them in never having been in the 2<sup>nd</sup> District.

**Commissioner Martinez** said that one of the things that drove their efforts with the legislative map was their desire to keep cities and communities of interest whole, as much as possible. He indicated that it was brought up as a matter of integrity to do that, and he thought that same level of integrity in keeping communities and cities whole should not change because they were doing the congressional lines versus legislative lines. He said that they had talked about how important it was to try to be as fair, and have as much integrity about the

process, as they possibly could, and if there was a way of doing a map that kept the cities whole, he thought they should remain true to that foundation. He indicated that if there was a way of making it more clear cut as to where people lived, so they would know where they were going to vote congressionally, then they should try to meet that effort also. He indicated that if they could do that in a less populated county, instead of in a city, he felt that was the direction they should go.

**Chairman Beitelspacher** suggested that the commission go at ease for fifteen minutes to take a small break. As there was no objection, he put the commission at ease until 10:20 a.m.

**Chairman Beitelspacher** called the commission back to order at 10:50 a.m. He indicated that the press had until after lunch to come back, as he said that Moses had not parted the water yet, but they were *standing on the edge of the beach*. He then put the commission at recess until noon.

**Chairman Beitelspacher** called the commission back to order at 1:10 p.m. He indicated that prior to being at ease, they had been reviewing maps, and they had stopped for a bit to look at Ada County. He asked **Mr. Cutler** to put C52 up on the screen. In referring to the plan he said that it was the best cleanup job they could do, and it had a deviation of 341 people, but the census data that they were looking at went back over a year, so it could be off 3,000 people for all they knew. He said to the members of the commission that was what they had before them at the moment.

**Commissioner Hansen** moved that the commission adopt C52. **Commissioner Crow** seconded the motion. **Commissioner Hansen** said that he felt that it was fair and equitable and it did not shift about 500,000 in population that the other one did. He indicated that the number one responsibility they had, even though they did not like to divide counties and cities, was one vote for one person, when it came to a national legislative district. He said that as a result of that, they had looked at ways to keep Boise whole, and had looked at every angle of it, and he still felt that this was the best plan. **Commissioner Grange** said that while she appreciated what they had done that day, and that they had made clean lines that followed pretty much where the district was, as close as they could, she could not in good conscience vote for it. That was because keeping Ada County whole put the deviation below where it was ten years before, it would be just as clean, and they would have a Hispanic vote of 17% in the 2<sup>nd</sup> CD if they had that map, and she thought that was an important consideration too. She said that she certainly enjoyed working on the commission and coming up with the map that day. **Commissioner Martinez** said that he also would probably not be able to support C52 because he did like the concept of trying to keep Ada County whole, and trying to keep communities of interest together, which they had been trying to do all along, and he thought was a noble goal. He indicated that they could meet zero deviation, or be close to it by going into Elmore County and addressing the split there, which would make it much cleaner and easier for people to know which district they were in, so that was an option that was valid. Because of those reasons he said that he would probably vote no on this plan. **Commissioner Olsen** said that she was very supportive of the proposal by **Commissioner Hansen**. **Commissioner Crow** said that to her, the plan looked like another Ada County crown that put good old 2C over there as the stepdaughter, and that was how she thought it would look to people. She said that the idea of keeping Ada County whole did not fly with her, and that she liked this plan.

**Chairman Beitelspacher** asked the secretary to read the motion, which she indicated was *to adopt C52 as the congressional plan from the commission*. A roll call vote was then taken, and the motion passed with **Commissioner Crow**, **Commissioner Hansen**, **Commissioner Olsen**, and **Chairman Beitelspacher** voting aye, and **Commissioner Grange** and **Commissioner Martinez** voting nay.

**Chairman Beitelspacher** indicated that C52 had been adopted, and with that it would conclude their discussion regarding the congressional plan. He asked if they had to have findings on the plan, and **Ms. Ford** said that they should. He said that it would be necessary to take it to the Attorney General's office, and he questioned if they would have it done the next day. **Ms. Ford** said that she wouldn't imagine it would take too long. He asked **Ms. Ford** to let the Attorney General know that he had something coming his way, and he asked **Mr. Bybee** if he would call **Mr. Ysursa** and inform him that a delegation of six would be coming down to deliver to him a legislative plan that day. He said that as they had voted 6-0 on the legislative plan, he would prefer that all six commissioners deliver the legislative district plan to him that day. As there was nothing further before them at the moment **Chairman Beitelspacher** said that he would entertain a motion to go at recess. **Commissioner Hansen** moved that they go at recess, and **Commissioner Olsen** seconded the motion. As all agreed, the commission went at recess.

**Commissioner Beitelspacher** called the commission back to order and said that the chair would entertain a motion to adjourn until a time certain the following day at 10:00 a.m. **Commissioner Hansen** so moved, and **Commissioner Grange** seconded the motion. As all agreed, the commission adjourned at 1:45 p.m.