

MINUTES
Approved by the Commission
Commission for Reapportionment
Thursday, September 02, 2021
9:00 A.M.
State Capitol Building, Room WW17
Boise, Idaho

Members: (Commissioners) Cochairs Bart Davis and Dan Schmidt, Commissioners Thomas Dayley, Nels Mitchell, Amber Pence, and Eric Redman; (Commission Staff) Paul Boucher, Elizabeth Bowen, Keith Bybee, and Todd Cutler

Absent/Excused: None

Also present (Signed in): Clark Corbin, Jim Max, Betsy Russell

The meeting was called to order by Cochair Davis at 9:00 a.m. A silent roll call was taken.

Opening Remarks

Cochair Davis, due to a scheduling conflict, requested to adjust the agenda to accommodate travel, asking if the commission could move the review of the hearing schedule and approval of policies and procedures up sooner in the meeting. **Cochair Davis asked to edit the agenda, which was granted by unanimous consent.**

Final Approval of Public Hearing Schedule

Cochair Davis invited the commissioners to discuss the proposed public hearing schedule.

- Commissioner Redman suggested changing the schedule to include more stops in northern Idaho. Cochair Davis had Commissioner Redman confirm that the dates of September 22 through September 24 would include stops in Sandpoint, Coeur d'Alene, the Coeur d'Alene Reservation, Moscow, and Lewiston.
- Commissioner Mitchell suggested visiting Moscow on September 23.
- Commissioner Dayley advised that, if the commission decided to schedule two meetings per day, it should do so tentatively. He suggested waiting to see how the meetings in the Treasure Valley went before officially setting two meetings per day. Cochair Davis agreed.
- Cochair Schmidt asked if the Coeur d'Alene Tribe had invited the commission to its reservation. Mr. Bybee responded that the tribe had not reached out, but that staff could contact the tribe for confirmation. Cochair Schmidt suggested that the commission consider the stop at the Coeur d'Alene Reservation tentatively.
- Commissioner Mitchell questioned the stops in Orofino and Grangeville and suggested stopping in Rexburg or Rupert instead.
- Commissioner Pence proposed consolidating the stops in eastern Idaho by switching the October 13 stop to be on September 30 or October 1.
- Mr. Bybee explained that he intended to leave some Fridays open to allow the commissioners to work on map drawing.
- Cochair Davis inquired if Mr. Cutler would be travelling to all the stops. Mr. Bybee stated that Mr. Cutler would travel to some but not all the stops.
- Cochair Davis suggested that the Boise meeting should be held later in the afternoon to allow more citizens to be involved. Commissioner Redman stated that, due to the larger populations of Meridian and Boise, they should be given more focus.

- Mr. Bybee mentioned that another meeting could be held in Boise to allow remote testimony from citizens across the state.
- Commissioner Dayley agreed that there should be a time slot in the evening for meetings in Boise and Meridian and that another meeting date should be added for remote testimony.
- Commissioner Redman suggested setting October 6 or 7 as the date for remote testimony in Boise and moving the Moscow and Lewiston dates to September 24.
- Cochair Davis summarized the proposed dates and locations as follows: the week of September 8 would be business meetings focused on Maptitude training; the week of September 15 would have stops in Caldwell, Nampa, Meridian, Eagle, and Boise; the week of September 19 would have meetings in Coeur d'Alene, Moscow, Sandpoint, and Lewiston; and the week of September 26 would have stops in Hailey, Twin Falls, Rexburg, and Idaho Falls. Cochair Davis asked the commission about adding Pocatello to the week of September 26.
- Commissioner Pence wondered if Mr. Bybee had a specific reason for splitting the central and eastern Idaho stops. Mr. Bybee explained that he was uncertain if other stops in central Idaho would be added and he intended to group the eastern Idaho stops together.
- Cochair Davis suggested having stops in central Idaho on the week of September 26, eastern Idaho the week of October 3, remote hearings and business meetings the week of October 10, and suggested adding a meeting on October 12.
- Commissioner Pence offered to adjust her schedule to have a meeting on October 12.
- Cochair Davis asked if the commissioners had conflicts on October 12, due to its proximity to Columbus Day. He suggested scheduling remote testimony and business meetings the week of October 12. He reiterated the proposed schedule as follows: hearings in the Treasure Valley the week of September 12, northern Idaho the week of September 19, central Idaho the week of September 26, eastern Idaho the week of October 3, and remote testimony the week of October 10.
- Cochair Schmidt asked if the hearings during the week of October 10 would be strictly remote testimony. Cochair Davis confirmed that it would; he stated that remote testimony would be held on only one of those days and the other days that week would be used for business meetings. Cochair Schmidt wondered if the commission would have proposed maps to take with them to the hearings. Cochair Davis confirmed they would.
- Commissioner Dayley wondered if subcommittees would be an option. Cochair Davis stated that he would address that topic later in the meeting.
- **Cochair Davis asked for unanimous consent to adopt the schedule as follows: hearings in the Treasure Valley the week of September 12, northern Idaho the week of September 19, central Idaho the week of September 26, eastern Idaho the week of October 3, and remote testimony the week of October 10. Without objection, the schedule was adopted.** Cochair Davis added that this schedule was not concrete and that adjustments could be made. He asked the commission if it wanted to schedule the details of the Treasure Valley meetings. Commissioner Dayley suggested that Ms. Bowen and Mr. Bybee handle scheduling the details since they may have already made contact with venues.
- Commissioner Redman wondered if it was necessary to visit the Coeur d'Alene Tribe since the tribe had not reached out to the commission. Mr. Bybee stated his willingness to reach out to the Coeur d'Alene Tribe and accommodate the stop in the schedule.
- Commissioner Dayley gave an example of a planning and zoning board meeting he had attended. He stated that the public was upset because the board members were not actively listening to their comments. Commissioner Dayley advised the commission to actively listen and genuinely consider comments during their public hearings.

- Commissioner Mitchell expressed that he was comfortable with having two meetings per day if enough travel time was allowed for the commissioners and wanted the commission to remind the public that they also can attend by remote testimony the week of October 12. He also suggested scheduling extra public hearings if the commission feels the need to go back to a city that needed more time.
- Cochair Davis stated that Ms. Bowen and Mr. Bybee would work out the details of the weekly meetings to allow time for traveling and other needs.
- Mr. Bybee asked if the commission would like to add Burley, Challis, or some other stop in central Idaho the week of September 26. Cochair Davis suggested adding Mountain Home to the central Idaho tour.

Approval of Final Policies and Procedures

Cochair Davis opened discussion on the approval of final policies and procedures.

- Cochair Davis asked Ms. Bowen and Mr. Bybee about the commission's policies and procedures. Ms. Bowen explained that the commission had voted on the policies and procedures the day before, so no action was needed.
- Cochair Davis wondered how the commission felt about subcommittees. Commissioner Mitchell asked if Mr. Cutler could provide input on how the 2011 commission structured its subcommittees. Mr. Cutler explained that the 2011 commissioners would break into small groups and focus on one area in the map program. The 2011 commissioners would then take their suggestions to the whole commission and work toward a consensus. Cochair Davis suggested postponing the decision to create subcommittees until after their business meetings the following day. He asked Mr. Bybee to add the consideration of subcommittees to the agenda for the following Wednesday, September 8, meeting.

Maptitude Training and Map Drawing

Cochair Davis recognized Ms. Bowen, Mr. Bybee, and Mr. Cutler to lead the Maptitude training.

- Mr. Bybee explained that staff planned to give the commissioners time to practice on Maptitude and break afterwards. Cochair Davis suggested working until 11:00 or 11:15 a.m., taking a recess to obtain their badges and parking permits, then returning for lunch.
- Commissioner Mitchell wondered if there was a schedule for the meeting the following day. Cochair Davis explained that the schedule allowed commissioners time to practice on Maptitude.
- Mr. Bybee explained how he and Mr. Cutler planned to use the rest of the meeting to show the commissioners how to use Maptitude.
- Mr. Cutler instructed the commissioners on the features of the Maptitude software.
- Cochair Schmidt asked if the program Mr. Cutler was using was on each of the commissioners' laptops. Mr. Cutler confirmed that it was and explained that there was one laptop for each commission team. Mr. Cutler stated that the commissioners were using the web version of the program, which did not have the same capabilities as his. He added that by understanding the version he was currently using, the commissioners would better understand the web version.
- Mr. Bybee highlighted how this was the first time that voting precincts could be used as data in the mapping program.
- Cochair Schmidt asked, based on what a former commissioner had told them, if taxing districts could be used. Mr. Cutler explained that the former commissioner misspoke and meant voting districts. Mr. Bybee added that, during the 2011 commission, information from cemetery districts and other local districts were used to show their geographies. Mr. Cutler responded that there were several layers that could be added, but not all of them could be used for selecting populations to move between districts.

- Commissioner Pence asked if taxing districts were determined by legislative districts and if taxing districts matter in the context of redistricting. Mr. Bybee said that taxing districts were used to analyze the voting tendencies of those in that area in order to align similar interests and could be used as another way to define a community of interest. Commissioner Pence asked if a layer showing taxing districts could be added. Mr. Cutler confirmed that it could.
- Cochair Schmidt gave an example of the effects of redrawing districts on entities like judicial districts.
- Commissioner Dayley urged the commission to consider county clerks in the process.
- Commissioner Mitchell asked about the population of the area in Bonner County that lies in District 7. Mr. Bybee had Mr. Cutler configure the program to show that there were about 7,000 people in that area.
- Commissioner Pence asked if the commissioners had accounts already set up. Mr. Cutler explained that the commissioners would have to create their own accounts. Commissioner Pence asked if the changes to the map would automatically be shared or if the maps had to be exported to be shared. Mr. Cutler explained that the maps that an individual created were isolated from other maps. He added that when maps were submitted, they were sent to a folder that Mr. Cutler was responsible for and were used as a template for future maps. Commissioner Pence asked if the other commissioners could edit each other's maps after emailing them to each other. Mr. Cutler explained that they could only do that on his version of the program.
- Based on an example created on Maptitude, Commissioner Pence and Mr. Cutler wondered if District 7 in the example would qualify as a county split. Mr. Bybee cited the *Twin Falls* case from 2012 to explain that it was necessary to split some counties because of their larger populations but the commission needed to avoid splitting counties that do not fall under that qualification. He added that, in reference to the example where Kootenai County was split in three ways, it was still labeled as a one split county.
- Cochair Davis commented on the difference between internal and external county splits.
- Cochair Schmidt asked, concerning the current legislative districts, if Kootenai County was an internal split. Cochair Davis confirmed that it was and added that the court would consider Kootenai County split three ways internally but only once externally. He provided another example of this situation in his own district. Cochair Schmidt added that if external splits were necessary, it should happen in places where it makes sense to do so. Cochair Davis concluded that the Supreme Court had not spoken to how many times a county may be split but suggested that it would be the best practice to avoid as many splits as possible. Ms. Bowen agreed but added that the Supreme Court did not address language about internal divisions in Article III, Section 5 of the Idaho Constitution in the *Twin Falls* case.
- Cochair Davis reminded the commission that the Idaho Constitution ranks county splits as far more significant than splitting communities of interest.
- Commissioner Redman gave an example regarding Kootenai County and asked if it would be counted as one or two county splits. Mr. Bybee stated that it may be considered one county split and referenced Section 72-1506, Idaho Code.
- Commissioner Mitchell wondered if PDFs of the Supreme Court's findings on the 2011 commission plans were available to the commissioners. Mr. Bybee said he could provide that information to them.
- Cochair Davis gave an example from his time as state senator in District 33 and explained the nuances of representing that specific district.

- Mr. Bybee commented on the population change in Madison County based on census information, stating that the county grew by 12,000 people in one year.
- Cochair Davis summarized that the commissioners and party staff had access to one computer per party that has the enhanced version of Maptitude, and the commissioners have the web version on their laptops. Mr. Cutler confirmed this statement. Cochair Davis asked what functions were missing on the version on the commissioners' laptops. Mr. Bybee explained that one function missing was the ability to create new layers. Cochair Davis asked why the enhanced version was not given to the commissioners on their laptops. Mr. Bybee explained that, in the 2011 commission, the commissioners did not use the function of creating layers. He added that the functions that were the most useful to the commissioners were on their laptops. Cochair Davis asked if the version that Mr. Cutler was currently using was available to the public. Mr. Cutler explained that the version he was using was only available to him and the commissioners, but the web version was available to the public. Cochair Davis asked if he had to be connected to the internet when using the web version on his laptop. Mr. Cutler confirmed that he would.
- Cochair Schmidt asked if the version on the commissioners' laptops shared plans between them. Mr. Cutler reiterated that the commissioners could email plans to each other or share the plans with those who were logged into the enhanced version of Maptitude.
- Mr. Bybee asked how the commissioners could share plans with just one or two other commissioners. Mr. Cutler explained that the commissioners can email the plan to the other commissioners or their staff.
- Cochair Davis asked what happened when a commissioner saved a plan. Mr. Cutler explained that a plan would only be visible to whoever created it until it was emailed, shared, or submitted. Cochair Davis asked what happened to a plan that was shared. Mr. Cutler explained that a shared plan would pop up in the shared folder that those with the enhanced version could access. He added that all the plans were autosaved.
- Mr. Bybee and Cochair Davis suggested taking a break.

The commission recessed from 10:58 a.m. until 1:21 p.m.

Maptitude Training and Map Drawing (Continued)

Before continuing the Maptitude training, Cochair Davis commented that the public had the option to subscribe to the Commission for Reapportionment's website to receive notices regarding public hearings. He added that the public could also submit maps for the commission's review. He then recognized Mr. Bybee and Mr. Cutler to continue the Maptitude training.

- Mr. Cutler continued to instruct the commissioners on the features of the Maptitude software.
- Cochair Davis asked if the data updated with the new population after shifting a district. Mr. Bybee confirmed that it would.
- Commissioner Dayley asked about major roads, such as Eagle Road. Mr. Cutler explained that voting districts may not follow major roads but selecting population by census blocks would better allow for drawing the lines along major roads.
- Commissioner Mitchell wondered if Mr. Cutler had created a congressional map that did not have county splits. Mr. Cutler stated that he had not tried to do so yet.
- Mr. Bybee asked Mr. Cutler to show the commissioners what the congressional map would look like if Ada County was not split. Mr. Cutler drew Congressional District 2 to include Owyhee, Canyon, Boise, and Valley Counties.
- Commissioner Mitchell asked if Cochair Davis was in the Legislature when the redistricting statutes were adopted. Cochair Davis explained he was a legislator when modifications were made to statute.

- Cochair Schmidt asked about saving maps. Mr. Cutler explained that, before exiting the plan, the commissioners should check for unassigned or noncontiguous areas. He added that the plans were autosaved to libraries. Cochair Davis had Mr. Cutler confirm that the libraries were not shared. Commissioner Mitchell asked if the plans were automatically saved; Mr. Cutler confirmed that they were.
- Mr. Cutler reiterated the process of submitting plans.
- Mr. Bybee asked Mr. Cutler to show the commissioners how to use city selection in Maptitude.
- Commissioner Pence asked if city selection was included in the version on the commissioners' laptops. Mr. Cutler responded that it was not included. Mr. Bybee asked if the city selection could be added to the web version. Mr. Cutler responded that he would try to add it. Commissioner Pence wondered why the counties were not labeled on the web version. Mr. Cutler responded that it might not be visible due to the scaling but could be added to the templates if needed.
- Cochair Davis asked Mr. Cutler to explain the shared folder. Mr. Cutler reiterated that only plans that have been shared would appear in the shared folder.
- Mr. Bybee asked if the commissioners could open their plans without having Mr. Cutler share them with everyone. Mr. Cutler explained that he can put certain plans into certain libraries. Mr. Bybee assured that the commission staff would work on addressing the concerns with sharing plans.

Question and Answer Session

Cochair Davis invited the committee to ask any questions it had.

- Cochair Davis wondered if the staff computers had been checked out to party staff members yet. Mr. Bybee responded that the Democratic staff had their computer checked out and the Republican staff had not.
- Commissioner Dayley asked about the next day's schedule. Cochair Davis explained that the commission could have some flexibility with the schedule for the next day. Cochair Schmidt explained that his intention was to have individual time to practice Maptitude.

With no further business, the meeting was adjourned at 2:02 p.m.