

MINUTES
Approved by the Commission
Commission for Reapportionment
Thursday, September 16, 2021
7:00 P.M.
Lincoln Auditorium
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): Barbara Abersold, Diane Applegate, Bieu Applegate, Marji Bass, Ben Burnham, Quinten Carney, Nancy Cotter, Rod Couch, McKay Cunningham, Roberta Damico, Sarah Harris, Carolyn Moore, Jordan Morales, Dan Popkey, Sue Redman, Judy Roesbery, Amos Rothstein, Jim Ruckh, Diane Schwarz, Nancy G. Smith, Jack Van Valkenburg, and Matt Wolfe

The meeting was called to order by Cochair Davis at 7:00 p.m. A silent roll call was taken.

Opening Remarks

Cochair Davis explained the purpose and process of the Commission for Reapportionment. The commissioners introduced themselves.

Public Testimony

Cochair Davis invited the public to testify.

- Nancy Cotter testified regarding congressional districts. She encouraged the commission to adopt proposed Plan C02, stating that a southwestern congressional district would better represent rural and urban needs.
- Sarah Harris testified regarding congressional districts. She stated her opposition to proposed Plan C01 and advocated for proposed Plan C02. She explained that splitting counties would lead to poor representation. She highlighted the similarities and differences between the commission's plan proposals and her own. Commissioner Mitchell asked Ms. Harris where Bingham County was in her proposals. Ms. Harris indicated the location on her plans, C025 and C026. Commissioner Pence asked Ms. Harris if her proposal shifted six counties as compared to proposed Plan C02. Ms. Harris confirmed that it would.
- Marji Bass testified regarding legislative districts. She advocated for creating a legislative district that would keep Garden City whole. She expressed her support for proposed Plan L023.
- Commissioner Schmidt encouraged the public to tell Mr. Cutler which proposed plans they planned to refer to so it could be projected on the screen.
- Judy Roesberry testified regarding congressional and legislative districts. She expressed her support for proposed Plans C025, C026, and C027 created by Ms. Harris, stating that these proposed plans would keep Ada County together. She also expressed support for proposed Plan L023, stating that it would keep Garden City together as one legislative district.
- Rod Couch testified regarding legislative districts. He expressed his support for proposed Plan L023, stating that main roads should be used as boundary lines in order to keep communities of interest together. He encouraged the commission to avoid splitting counties when drawing congressional districts.

- Jim Ruckh testified regarding legislative and congressional districts. He expressed his support for proposed Plan L023, stating that it would keep the southeast Boise community of interest together. He also stated his support for a congressional plan that would split the state north and south rather than east and west. Commissioner Mitchell asked what boundaries Mr. Ruckh listed when describing his legislative district. Mr. Ruckh listed Sunrise Peak Road, Interstate 84, Cole Road, and the Ada County line as the boundary lines. Commissioner Schmidt asked if Mr. Ruckh lived in the area of District 22 from proposed Plan L023. Mr. Ruckh confirmed that he did. Commissioner Schmidt clarified that, even if L023 was adopted, the district numbers may change.
- McKay Cunningham testified regarding congressional districts. As a lawyer and professor, Mr. Cunningham gave his legal opinion on proposed Plans C01 and C02. He stated that C02 was the most legally defensible of the two because it did not divide counties. Commissioner Mitchell asked if the Supreme Court was referring to West Virginia law when it had stated its opinion on *Tennant v. Jefferson County*. Mr. Cunningham confirmed that as correct. Commissioner Mitchell asked if Idaho law specified that the commission cannot consider incumbents and political parties when drawing districts, similarly to West Virginia law. Mr. Cunningham confirmed that Idaho law does specify this. Cochair Davis asked if the malapportionment law should be given greater consideration over Idaho statute. Mr. Cunningham stated that the malapportionment law superseded state statute but added that if a plan had a deviation of 0.1% or lower, it would not qualify as malapportionment.
- Dan Popkey testified regarding congressional districts, stating his support for a congressional district that would not split Ada County. Cochair Davis highlighted that, if a southwestern congressional district were to be adopted, it would connect north Idaho with east Idaho, which may not share the same interests. Mr. Popkey argued that the same could be said about splitting the state east from west.
- Carolyn Moore testified regarding legislative districts. She expressed support for proposed Plan L023, stating that major roads should be used as boundary lines.
- Roberta Damiko testified regarding legislative and congressional districts. She expressed her support for proposed Plan L023, stating that boundary lines should be simple and follow major roads. She asked the commission to avoid splitting counties when drawing congressional districts.
- Jordan Morales testified regarding legislative districts. He explained how he used major roads to draw his proposed Plan L023, stating that it would help both legislators and constituents understand where the boundaries were located. Commissioner Mitchell asked if L023 covered the entire state. Mr. Morales confirmed that it did. Commissioner Mitchell asked what the largest deviation was in L023. Mr. Morales referred to the comments he wrote on the Maptitude software, which stated that two districts slightly exceeded the 5% population deviation but no two districts exceeded an overall deviation of 10%. Commissioner Mitchell asked if Mr. Morales brought paper copies of L023. Mr. Morales stated that he did not bring paper copies but offered to email the plan to the commissioners. Commissioner Dayley asked how many counties were split in L023. Mr. Morales responded that there were eight county splits. Mr. Bybee commented that Mr. Cutler was working on creating population deviation reports for each plan.
- Diane Schwarz testified regarding legislative districts. She encouraged the commission to draw the districts with the smallest deviation possible in order to leave room for population growth.
- Ben Burnham testified regarding congressional districts. He expressed his support for proposed Plan C02, stating that it would keep communities of interest together.
- Quinten Carney testified regarding legislative districts. He expressed his support for proposed Plan L023, stating that it best represented his community. Commissioner Pence asked if Mr. Carney had used Maptitude to draw his own plan. Mr. Carney stated that he used a different software to draw plans. Commissioner Schmidt explained that Mr. Carney could export the plans drawn on the software he used and send them to the commission for review.

With no further business, the meeting adjourned at 8:20 p.m.