

MINUTES
Approved by the Commission
Commission for Reapportionment
Wednesday, October 06, 2021
1:00 P.M.

Chokecherry Room, Shoshone-Bannock Casino Hotel
Pocatello, 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): Devon Boyer, Dirk Bowles, Denell Broncho, Trent Clark, Lori Edmo, Ladd Edmo, Bob Geddes, Marc Gibbs, Mark Harris, Dana Hernandez, Jay Rasmussen, Bill Lewis, Roland Marshall, Wyatt Peterson, Marlene Skunkcap, Nathan Small, Robert Swainston, Randy'L Teton, Elma Thompson, Yvette Tuell, Lee Juan Tyler, and Blake Youde

The meeting was called to order by Cochair Davis at 1:01 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.

- Dirk Bowles, a Franklin County commissioner, testified on Franklin, Oneida, Caribou, and Bear Lake Counties. He spoke on sharing resources and the connection between those counties. He disliked plans that separate that area and expressed his desire to keep those counties together. Mr. Bowles said the four counties and the lower part of Bannock County could be placed together. Cochair Davis asked Mr. Bowles about the southeast end of Bannock County and where the district line should be drawn. Mr. Bowles stated the Inkom area would be a natural split. Cochair Davis stated that south Inkom was an area that fit well with their counties. Mr. Bowles agreed. Commissioner Pence asked if Franklin County was currently together with Teton, Oneida, Caribou, and Bear Lake Counties. Mr. Bowles confirmed they were. Cochair Schmidt asked how drawing a legislative line through the four-county area would affect county function. Mr. Bowles said it would not affect county functions, but the strength of their representation would be diluted. Cochair Schmidt commented on testimony that claimed having multiple legislators would improve representation. Mr. Bowles replied it would cause difficulty electing legislators from rural areas compared to urban areas, such as Oneida County compared to Cassia County.
- Senator Mark Harris testified that the way Plan L01 was drawn split a community of interest by separating Franklin, Oneida, Caribou, and Bear Lake Counties. He said a lot of people commute from Pocatello to Soda Springs, so the four counties have more in common with Pocatello than Idaho Falls.
- Trent Clark, an appointing authority from the 2001 reapportionment commission, gave a [handout](#) to the commission and testified on how the 2001 commission split the Fort Hall Reservation into two different districts. Mr. Clark provided a legal history on the right to vote and explained the difference between a "quantitatively undiluted vote" and "qualitatively undiluted vote." He also stated that cohesive interests were a uniting factor of tribal members despite member dispersal throughout Idaho, and because of that, tribal members would have their vote diluted. He gave recommendations, including providing native tribes an observer seat, and asked to at least not split the reservation, iterating the importance of One Person, One Vote. Commissioner Redman

commented about Chief Allan's testimony from the public hearing with the Coeur d'Alene Tribe, stating that they preferred to be split into two districts to gain more representation. Mr. Clark replied the layout of Fort Hall was different than the layout of Coeur d'Alene. Cochair Davis stated that the 2011 commission attempted to keep tribal lands whole, but it ended up with more county splits, causing them to redraw their plans. Cochair Davis asked Mr. Clark if the Supreme Court had been presented with the voting rights argument. Mr. Clark replied that it had not been properly argued. Cochair Davis asked Mr. Clark if some of the issues he presented should be argued in the Legislature, not with the commission. Mr. Clark agreed, but said the commission should be the means of voicing those concerns. Cochair Davis asked if any other state provided observer status to any minority group or other institution. Mr. Clark explained Arizona's system of tribal representation. Commissioner Mitchell asked if there was ever an attempt to change the boundaries of Bingham County to include the tribe. Mr. Clark replied he did not know, but that other states had an easier process to change county lines. Commissioner Pence asked if the Idaho Council on Indian Affairs addressed the issues he brought up. Mr. Clark referred the commission to the other tribal members present at the hearing. Cochair Davis noted the commission was creating a final report regarding the commission's recommendations.

- Representative Marc Gibbs testified that he would support the commission's report regarding recommendations to the redistricting process. He noted that during his service on the Idaho Council on Indian Affairs representation never came up on the agenda as an issue. He stated that Bear Lake, Oneida, Franklin, and Caribou Counties should be together, as well as the Bear River drainage. He stated Teton County was underrepresented in its current situation.
- Former Senator Bob Geddes testified that the 2011 commissions were dysfunctional and noted that incumbents would be impacted by the redistricting process. He stated that having Teton County remain in its current district would disenfranchise it. He noted Plan L014 as a possible solution to the issue for that area. He stated Oneida County was disenfranchised after the district boundaries were changed in 2011, and it had no ties to Cassia County. He warned the commission to avoid the mistakes of the 2011 commission and asked the commission to keep his county and district whole. Cochair Davis noted the commission was not trying to protect incumbents. Commissioner Redman stated that community interest was a priority in his opinion.
- Jay Rasmussen testified about the four-county area of Bear Lake, Oneida, Franklin, and Caribou Counties. He stated that the area was interconnected as one neighborhood and he hoped that the commission would keep them together. He noted he would submit a plan at a later time.
- Bill Lewis testified on Plan L01 as an Oneida County commissioner. He stated that Oneida did not match up economically with Cassia County and was more closely aligned with Bear Lake, Franklin, and Caribou Counties. Cochair Schmidt surmised from the day's testimony that the four-county area was cohesive and asked if there had ever been counties that were combined in Idaho's history. Cochair Schmidt told Mr. Lewis that the area could not be split up if it was a single county. Cochair Davis compared the proposal to the consolidation of school districts and stated that it would be an interesting conversation.
- Devon Boyer, chairman of the Shoshone-Bannock Tribes, testified that the tribes of Idaho hold different interests. He stated that the population of the Shoshone-Bannock tribes were at a disadvantage because the census numbers on the area had not been released yet. He stated the redistricting was difficult for tribes since tribes were not specifically protected and were instead counted as communities of interest. He proposed a concept of a minority legislative district, based on Idaho's native reservations that would provide a nonvoting member to the Idaho Legislature. He stated that a formal letter and written submissions would be sent to the commission at a later time. Mr. Boyer said that the tribes would prefer more representation. Commissioner Mitchell asked if the reservation was in four counties and inquired about the population of the tribe. Mr. Boyer stated the numbers would be provided to the commission later and that the county lines

were placed without the consultation of the tribes. Commissioner Dayley asked if the tribes could provide recommendations to the commission so the commission could give them to the Legislature. Commissioner Pence stated that she heard the tribe was well represented in Bingham County schools and asked Mr. Boyer for his thoughts. Mr. Boyer replied that they generally were represented but bussing was an issue that required more attention.

- Lee Juan Tyler testified that the redistricting effort in 2011 caused the tribe to be fractured into several districts and split up its community of interest. He stated this made it difficult to elect tribal members into the Legislature. Mr. Tyler explained that there was voter dilution due to the tribe being split into several districts, a lack of outreach to the tribe, and political differences. He noted the population information of the tribe, stated his support for the proposal of a minority legislative district, and asked when the commission needed the tribe's feedback by. Cochair Davis replied that the commission needed submissions in about a week and added that the tribe should help recommend the commission give greater precedence to reservations than voting precincts. Mr. Tyler asked that the reservation receive more representation.
- Ladd Edmo stated that the tribes would submit a whitepaper that would contain the recommendations, mapping, and population information of the Shoshone-Bannock Tribes. He provided population information by county and district to the commission. Cochair Schmidt asked Mr. Edmo about the proposal for a nonvoting representative and asked which tribe would represent that seat. Mr. Edmo stated an appropriate individual would be selected to represent the tribe. Cochair Schmidt stated that each tribal interest was different, and one seat may not properly represent all five tribes. Mr. Edmo said the legislators from their district may not listen to the tribes regardless of the number of representatives. Commissioner Mitchell asked about the tribe's population in Bannock County. Mr. Edmo responded they had 906 residents. Mr. Edmo stated that the tribe was a strong contributor to the local economy. Commissioner Redman commented that a minority district would be challenging to put together, however, if the tribe could push the legislature for it in the next few years, it would act in the tribe's benefit. Mr. Edmo added that the Shoshone-Bannock Tribes were the largest in Idaho, but their population was checkerboarded. Cochair Schmidt asked how Mr. Edmo would envision the proposal for a tribal representative and asked if the tribes could respond in their whitepaper.
- Denell Broncho testified that the Interstate 15/Interstate 86 corridor crossed the reservation and asked the commission to create a sensible plan. She noted the tribes' support for their proposal and asked the commission to consider that the census operations in collecting the population of the reservation created inconsistencies. Ms. Broncho asked the commission to consider that rural areas and reservations were hard-to-count communities, and the data were best guesses. Cochairs Schmidt and Davis summarized her testimony that the census numbers may be inaccurate. Commissioner Redman asked if there were exact population numbers. Ms. Broncho stated the tribe cannot provide exact numbers.
- Nathan Small testified that the reservation did not receive any census money. He stated that the reservation unsuccessfully attempted to become its own district a few years prior. Mr. Small voiced his contempt regarding the representation the tribe had received as well as the tribe's current political situation. He noted the tribes would prefer to be placed with Bingham County. Mr. Small discussed the economic influence of the tribes in the area. Cochair Davis noted the commission wanted to do more to help the concerns of the tribes and asked Mr. Small to help get the whitepaper to the commission so they could receive their recommendations.
- Marline Skunkcap stated she appreciated the commission's work and holding a hearing in Fort Hall. She testified that the former testimonies provided good points and she would support the proposal for a minority representative seat.
- Russell Hasket expressed that his representation had not helped the tribe and noted the tribes' economic influence. He desired the tribe would receive more representation.

- Lee Juan Tyler added that representatives should represent all people as a whole.
- Randy'L Teton testified that Bingham County had helped the tribes and commented that Bingham County was more understanding of their interests. She asked the commission to consider all the day's testimony. Commissioner Pence asked if Ms. Teton was referring to county officials or legislators in her testimony. Ms. Teton replied she was referring to both, as well as the county clerk.

With no further business, the meeting adjourned at 3:51 p.m.