

**MINUTES**  
**Approved by the Commission**  
**Commission for Reapportionment**  
**Friday, October 08, 2021**  
**8:30 A.M.**  
**Council Chambers, Idaho Falls City Hall**  
**Idaho Falls, 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): None

**The meeting was called to order by Cochair Davis at 8:32 a.m. A silent roll call was taken.**

**Commission Discussion**

- Cochair Davis identified administrative items to review for the day: the process to review publicly submitted plans and comments; managing the upcoming calendar; drafting commission plans; targets for the next week; analysis on testimony regarding county splits; and the findings of fact process from Ms. Bowen and Mr. Bybee.
- Mr. Bybee stated he had a list of criteria regarding a hierarchy for publicly submitted plans. He noted the number of plans submitted and that most of the eight county split plans were adjustments to Plan L01. He suggested it may be helpful to review those to analyze particular areas. Commissioner Pence asked about Mr. Bybee's idea for reviewing partial plans. Mr. Bybee stated the partial plans may be helpful for focusing on specific areas of the state. Mr. Cutler explained that he had created a viewer to analyze partial and complete plans, as well as how the commissioners would use it to review plans. Cochair Davis discussed how counties could be reviewed within subcommittees, and the whole commission. Commissioner Mitchell noted that Plan L01 was a good start, and the commission should review the comments it received. Commissioner Pence expressed concern that some counties may not work together after the other subcommittees combined their work. Cochair Davis suggested having county split targets for each subcommittee. He suggested that subcommittees could bring proposals for the rest of the commission to view and work as a group.
- Cochair Davis started discussion for the next week's calendar. The commission noted that no in-person testimony would be allowed during the remote testimony meeting the following week. Cochair Davis noted that the commission wished to release a new plan by close of business on October 13 so the public could provide comments. **Cochair Davis requested the commission schedule business meetings for 1:30 p.m. on October 12, October 13, October 27, and October 28, which was granted by unanimous consent.**
- Ms. Bowen stated she would send a draft final report for the commission's review before reconvening in late October. Ms. Bowen wished to add specific findings about the legal criteria for each district in both the legislative and congressional plans to increase the plans legal defensibility. Cochair Davis supported the idea of including findings on intentionally splitting precincts. Ms. Bowen stated that the staff could add the explanatory language to the report. Ms. Bowen recommended adding a section regarding legal criteria and why certain criteria were emphasized. Mr. Bybee explained how those items could be shown statistically. Ms. Bowen suggested adding appendices to the final report that would include public comments and plans in order to provide a complete record. She asked if the commission would like to include a letter of recommendations to the Legislature. The commissioners discussed if the letter should be sent to the whole Legislature or to the commission's appointing authorities. Cochair Davis wanted a unanimous backing behind the letter.

- Mr. Bybee noted he had a report of the publicly submitted comments and would provide it to the commissioners.
- Commissioner Pence analyzed the testimony from eastern Idaho and stated that a primary issue was that the numbers did not mesh when considering all testimony. She noted there were minor changes to be made around Bonneville on the commission's plan. Cochair Davis and Commissioner Pence recalled Trent Clark's testimony and discussed if the commission needed to consider community access via roads. The commission noted the growth in eastern Idaho and pondered how to balance the population between Lemhi, Butte, Bingham, and Oneida Counties. Cochair Davis noted that the Fort Hall Reservation could be placed with Bingham County, but the commission would have to split counties. Commissioner Pence stated that the testimony the commission received in Fort Hall referred to the county itself, not legislative districts. Cochair Davis stated that, in federal law, tribal reservations were given greater attention. Commissioner Dayley stated that the commission would make a statement by attempting to resolve the issue. Commissioner Pence expressed that splitting counties for the Shoshone-Bannock Tribes may not follow the One Person, One Vote principle. Cochair Schmidt expressed concern that even if the commission wanted to address a known problem, the legislative district might not be the means of doing so. Cochair Davis said he wanted to review the letters from the Nez Perce and Shoshone Bannock Tribes. Commissioner Pence stated that the commission would have to work on adjusting the plan. Cochair Davis questioned if accommodating the testimony from Fort Hall created too many barriers. Commissioner Dayley noted the commission should be confident and comfortable with its decisions.

**With no further business, the meeting adjourned at 10:23 a.m.**