

MINUTES
Approved by the Commission
Commission for Reapportionment
Wednesday, November 03, 2021
10:00 A.M.
Room WW17, Idaho State Capitol
Boise, Idaho

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

Absent/Excused: None

Also present (Signed in): Rod Beck, Clark Corbin, Ryan Davidson, Kendra Kenyon, Betsy Russell, and Leslie Van Beek

The meeting was called to order by Cochair Schmidt at 10:00 a.m. A silent roll call was taken.

Commission Discussion

- Cochair Schmidt reviewed the agenda for the day. Mr. Bybee interjected that Commissioner Dayley, attending via Zoom, was having technical issues.
- Cochair Davis asked for time to work in subcommittees and report back in the afternoon. Cochair Davis acknowledged two letters the commission had received from [Ada](#) and [Canyon](#) Counties that gave feedback on their plans. Cochair Schmidt stated that the commission would work on congressional and legislative plans that day, as well as work in subcommittees. Commissioner Mitchell noted he would work with Commissioner Dayley during the break, including reviewing the letters from Ada and Canyon Counties.
- Cochair Davis and Commissioner Mitchell suggested some edits for the meeting minutes. **Cochair Davis moved to approve the meeting minutes for September 1, September 2, September 3, September 8, September 9, September 10, September 15 (1:00 p.m.), September 15 (7:00 p.m.), September 16 (1:00 p.m.), September 16 (7:00 p.m.), and September 17. The commissioners took a voice vote, and the motion passed unanimously.** Commissioner Pence asked Mr. Bybee how long the audio recordings from the commission meetings were retained. Mr. Bybee stated he would research the matter.
- Cochair Schmidt suggested the commission seriously consider Plan C036 from the publicly submitted congressional plans. Cochair Schmidt stated the plan had a deviation of +102 people and no county splits. He stated the plan would not separate rural and urban areas disproportionately, and the plan provided access to the capital to both districts. He argued Idaho statute would suggest that the rule of no county splits would be applicable to congressional plans. Cochair Schmidt explained that the Census's differential privacy method created statistical noise that made a difference of 102 people an acceptable variation. Commissioner Mitchell agreed with Cochair Schmidt and stated the importance of keeping counties whole. Commissioner Redman stated that congressional plans had split Ada County for over 50 years. Cochair Schmidt questioned the possibility of splitting Blaine County. Cochair Davis stated the commission would still be debating where to draw the line. He added that the federal doctrine of malapportionment took precedence over county splits and he was opposed to Plan C036. Commissioner Mitchell noted the history of how divisions had been made in Idaho and emphasized the importance of having no county splits and maintaining communities of interest. He added that the negative testimony the commission received had aimed to split Boise because of the area's political power and the commission should not follow that reasoning. Cochair Davis stated his desire to pursue a different plan was in order to achieve a zero percent population deviation, not for political reasons. Commissioner Dayley agreed

with Cochair Davis, achieving zero percent deviation was important to ensure equal protection. Commissioner Pence asked to review a zero-deviation plan and Mr. Cutler displayed Plan C041 for the commission. Cochair Schmidt asked why only Ada County had to be split. Commissioner Redman replied that tradition guided an Ada County split.

- Cochair Davis edited Plan C01 and focused on the Ada County area, describing possible boundaries using Eagle and Victory Roads, as well as the interstate. He stated he could achieve zero deviation with his adjustments. Commissioner Mitchell stated that all plans would be awkwardly shaped because the commission used county lines as a starting point. Commissioner Dayley said not many counties had the population needed to achieve a perfect zero deviation that Ada County could achieve. Cochair Schmidt stated that there were other counties that could do the same. Cochair Schmidt asked Mr. Cutler how many people in Ada County were in each congressional district. Mr. Cutler responded that in Ada County there were 234,148 people in Congressional District 1 and 260,819 people in Congressional District 2. Cochair Schmidt stated the commissioners should consider all the options. The commissioners broke into subcommittees to continue working.

The commission recessed from 11:30 a.m. until 1:37 p.m.

- Commissioner Redman provided a report for the northern Idaho subcommittee, stating the group had cleaned up the lines and improved the deviations. Cochair Schmidt stated he had contacted Patty Weeks, the Nez Perce County Clerk, and worked on ways to change lines in Nez Perce County. Mr. Bybee recommended the commission examine the final plans, district by district, to clean up the lines and make sure the commissioners were not cutting through neighborhoods and houses.

- Commissioner Mitchell reported for the Treasure Valley subcommittee, stating the group took another look at the Ada-Canyon area and reworked a significant amount of what the subcommittee did in L02. He noted the subcommittee was pleased overall at getting the deviation as low as possible and noted there were some odd shapes but that was because the counties were oddly shaped. Commissioner Dayley noted that Ada County advocated for Plan L072; the subcommittee attempted to address the concerns of the county but noted there were nuances of how to draw the boundaries. Commissioner Mitchell explained some of the issues within Plan L072 and stated the subcommittee was comfortable with how the lines were drawn.

- Commissioner Pence stated that the eastern Idaho subcommittee was still discussing changes. Cochair Davis said the subcommittee had reviewed its work and felt comfortable with the decisions it made.

- Cochair Schmidt stated there were things to be fixed within the L02 Plan and the commission would continue working on it.

- Commissioner Mitchell brought up how Commissioner Dayley and he were splitting Ada and Canyon Counties and noted the number of splits they made. Ms. Bowen reminded the commission of Brian Kane's presentation, stating that the number of times a county could be split was a grey area in the law. Commissioner Redman stated the priority should remain with keeping the population as equal as practicable in all the districts.

With no further business, the meeting adjourned at 2:05 p.m.