

## **APPENDIX II**

### **Commission Schedule and Public Hearing Handout**

## Commission Business Meetings and Public Hearings

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<u>Date/Time</u>	<u>Place</u>	<u>Type</u>
9/1/21, 9:30 AM	State Capitol, Boise	Business Meeting
9/2/21, 9:00 AM	State Capitol, Boise	Business Meeting
9/3/21, 9:00 AM	State Capitol, Boise	Business Meeting
9/8/21, 1:00 PM	State Capitol, Boise	Business Meeting
9/9/21, 9:00 AM	State Capitol, Boise	Business Meeting
9/10/21, 9:00 AM	State Capitol, Boise	Business Meeting
9/15/21, 1:00 PM	Public Library, Caldwell	Public Hearing
9/15/21, 7:00 PM	City Hall, Nampa	Public Hearing
9/16/21, 1:00 PM	City Hall, Meridian	Public Hearing
9/16/21, 7:00 PM	State Capitol, Boise	Public Hearing
9/17/21, 1:00 PM	City Hall, Eagle	Public Hearing
9/22/21, 1:00 PM	The Library, Sandpoint	Public Hearing
9/22/21, 7:00 PM	Bob and Leona DeArmond Building, North Idaho College, Coeur d'Alene	Public Hearing
9/23/21, 1:00 PM	Marimn Health Medical Center, Plummer	Public Hearing

9/23/21, 7:00 PM	City Hall, Moscow	Public Hearing
9/24/21, 11:00 PM	Silverthorne Theater, Lewis-Clark State College, Lewiston	Public Hearing
9/29/21, 7:00 PM	Community Campus- Minnie Moor Room, Hailey	Public Hearing
9/30/21, 1:00 PM	Twin Falls Library, Twin Falls	Business Meeting
9/30/21, 6:00 PM	Fine Arts Center, College of Southern Idaho, Twin Falls	Public Hearing
10/1/21, 1:00 PM	Burley City Hall, Burley	Public Hearing
10/6/21, 1:00 PM	Shoshone-Bannock Gaming Casino/Hotel	Public Hearing
10/6/21, 7:00 PM	Earl R. Pond Student Union Building, Wood River Room, Idaho State University, Pocatello	Public Hearing
10/7/21, 1:00 PM	Rexburg City Hall Council Chambers	Public Hearing
10/7/21, 7:00 PM	ISU – Idaho Falls Campus, Center for Higher Education Room 213, Idaho Falls	Public Hearing

10/8/21, 8:30 AM	Idaho Falls City Council Chamber, Idaho Falls	Business Meeting
10/12/21, 1:30 PM	State Capitol, Boise	Business Meeting
10/12/21, 7:00 PM	State Capitol, Boise	Public Hearing
10/13/21, 1:30 PM	State Capitol, Boise	Business Meeting
10/27/21, 10:00 AM	State Capitol, Boise	Business Meeting
10/28/21, 1:00 PM	State Capitol, Boise	Business Meeting
11/3/21, 10:00 AM	State Capitol, Boise	Business Meeting
11/4/21, 1:30 PM	State Capitol, Boise	Business Meeting
11/5/21, 3:30 PM	State Capitol, Boise	Business Meeting
11/10/21, 1:00 PM	State Capitol, Boise	Adoption of Plans



# Overview and History of Redistricting in Idaho

*(and a few other things)*

Idaho Commission on Reapportionment  
(it's really Redistricting)

September 1, 2021

Idaho State Capitol, WW17

*Gary Moncrief*

# Topics to cover

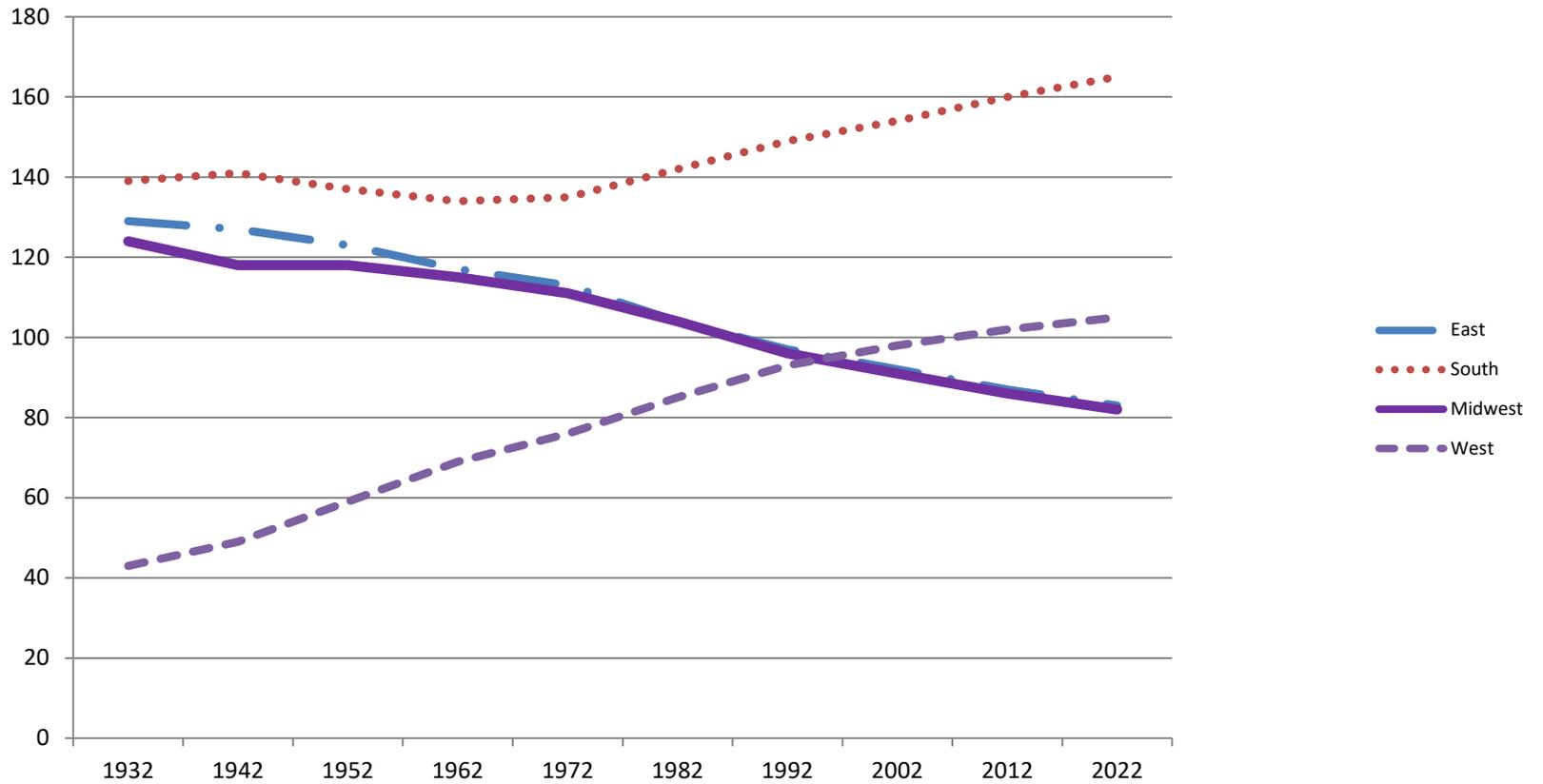
- I. Reapportionment, redistricting, and the definition of equipopulous
- II. Redistricting before the Commission
- III. Redistricting and the Commission
- IV. A Note about Independent Commissions
- V. Redistricting in the Western U.S.
- VI. Concerns Particular to Idaho

# I. Reapportionment v. Redistricting

- Reapportionment: Allocating seats among a group of political entities (435 seats allocated among the 50 states)
- Redistricting: redrawing the actual boundary lines to reflect population shifts

# Speaking of reapportionment

## Seats in U.S. House by Region over time



# “The Reapportionment Revolution”

- Gomillion v. Lightfoot (1960)
- Baker v. Carr (1962)
- Gray v. Sanders (1963)
- Wesberry v. Sanders (1964)
- Reynolds v. Sims (1964)

# Key issues

- **State Districting is justiciable**
- **Concern with vote discrimination against minorities**
- **“one person, one vote” = equipopulus districts**
- **No ‘federal analogy’: states cannot apportion a chamber on any basis other than population**
- **Standards for equipopulous districts are different for congressional and state legislative districts**

# WHAT CONSTITUTES EQUIPOPULOUS DISTRICTS?

- CONGRESSIONAL DISTRICTS WITHIN A STATE MUST HAVE VIRTUALLY THE SAME NUMBER OF PEOPLE IN EACH DISTRICT
- HISTORICALLY, STATES ARE AFFORDED SOME LEEWAY (UP TO 10% VARIATION) IN POPULATION BETWEEN STATE LEGISLATIVE DISTRICTS

## II. Redistricting in Idaho Before the Commission

- See handout notes

# Senate District Disparity, 1960

source: Ansolabehere and Snyder, *ibid.*

State	Smallest	Largest	average
CALIFORNIA	14,294	6,038,771	392,928
COLORADO	17,481	127,520	50,113
HAWAII	8,518	63,602	25,306
IDAHO	915	93,460	15,163
IOWA	17,756	266,315	55,149
MONTANA	894	79,016	12,049
NEW MEXICO	1,874	262,199	29,719
TEXAS	131,970	1,243,158	309,015
UTAH	9,408	64,760	35,629
WASHINGTON	20,023	145,180	57,636
WISCONSIN	74,293	208,343	119,690

# House District Disparity in 1960

source: Ansolabahere and Snyder, *The End of Inequality*, pp. 26-7

state	Smallest	Largest	Average
CALIFORNIA	72,105	443,892	195,478
COLORADO	7,867	63,760	26,982
HAWAI'I	5,030	23,780	12,407
IDAHO	915	23,453	11,308
IOWA	7,468	133,158	25,533
MONTANA	894	12,537	7,178
NEW MEXICO	1,874	29,133	14,394
TEXAS	23,062	155,393	63,956
UTAH	1,164	32,380	13,900
WASHINGTON	12,399	57,648	28,527
WISCONSIN	19,651	87,486	39,518

# Minimum Percent of Population to elect a legislative majority in 1960

SOURCE: Ansolabehere and Snyder, pp. 50-51

State	House/Assembly	Senate
CALIFORNIA	35%	10%
COLORADO	32	29
HAWAII	37	18
IDAHO	27	17
IOWA	27	31
MONTANA	34	16
NEW MEXICO	29	15
TEXAS	33	30
UTAH	33	21
WASHINGTON	37	34
WISCONSIN	40	42
US CONGRESS	38	17

## II. Redistricting And the Commission

- See handout notes

# IV. INDEPENDENT COMMISSIONS

- Currently there are 14 states that use independent commissions as the primary instrument for LEGISLATIVE redistricting
- 8 of these are western states (AK,AZ,CA,CO,HI,ID,MT, WA)
- OH, MO and MI recently adopted

## V. SIX FACTORS MAKE REDISTRICTING DIFFERENT IN THE WEST

- **1. SUBSTANTIAL POPULATION GROWTH**
  - Four fastest growing states are all in the west (NV,AZ,UT,ID)
  - Every western state but MT exceeded national growth rate of 9.7%
- **2. SMALL LEGISLATIVE CHAMBERS**
  - While 29 states have lower chambers with at least 100 seats, only Montana is in the west.
  - 9 of the 10 smallest house chambers are in the west (e.g., 40, 42, 51,60,60,60,65,70,70)
- **3. LARGE GEOGRAPHIC AREA**
  - 11 of the 13 largest states (square miles) are in the west
  - Small chambers, large geographic area=very large rural districts

# 6 factors (continued)

- **4. Direct Democracy**

- Especially the initiative process (only 24 states permit; 11 are western states)

- **5. Legislatures are less likely to control process**

--over 3/5 of the western states have commissions; only 6 other states in the nation use commissions as primary institution for redistricting (although most of the recent examples are non-western)

- **6. Demographics**

- Larger and growing Hispanic populations
- Generally speaking, larger Native American, smaller African-American populations than in other regions

# Concerns Particular to Idaho

- Oddly shaped state (The L Shaped Room)
- Very uneven population *growth*
- Very uneven population *distribution*
- The Court and The County
- Locked into 35
- House Districts are the same as Senate Districts

## REDISTRICTING BEFORE CREATION OF THE COMMISSION

### Prior to 1960:

Since statehood, the allocation of legislative seats in Idaho was largely based on county lines. In 1912 the Idaho Constitution was amended to allocate one state senator per county. From 1929 until 1965, there were 44 senators (one per county). The allocation of seats by county was a common practice in states, even though many states underwent substantial urbanization during this period.

The allocation of seats in the state House of Representatives appears to also be county-based, but with additional seats awarded to the more populous areas. From 1930 until 1965, the number of Representatives ranged between 58 and 79 but after 1950 the number was usually set at 59.

### 1960s:

*Hearne v. Smylie* 377 US 563 (1964): one of the “trailer cases” to *Reynolds v. Sims*, requiring state legislative districts to comply with “one person, one vote” criteria and striking down the Idaho plan.

### 1970s:

*Summers v. Cenarussa* 413 US 906 (1973): after 2 years of litigation, legislative plan overturned due to excessive variation (about 19%)

### 1980s:

- a. Two Idaho state senators had a fist fight in the senate stairwell over redistricting during legislative efforts to create a plan.
- b. This round of redistricting wound up in court three times (*Hellar v. Cenarussa* I,II, III) in which the legislative plan was struck down by the Idaho Supreme Court due to excessive population deviation. Ultimately, the state Supreme Court imposed a complex system involving floterial districts. See *Hellar v. Cenarussa* 682 P2d 524 (1984).
- c. The floterial plan required the legislature to expand to 126 seats (84 House, 42 Senate) that included at-large, multimember districts in some counties and 7 floterial districts, each of which involved regional “super-districts”.

### 1990s:

- a. Floterials were still in place; Legislature devises plan with floterials and multimember districts. The plan was challenged in *Idaho Hispanic Caucus v. State of Idaho* (1992) contending Hispanic population in Canyon County was unnecessarily divided; federal court upheld plan.
- b. In 1994, Idaho passed a constitutional amendment creating the Independent Redistricting Commission. A key point is that this was initiated by the legislature itself. Over two-thirds of

the legislators voted to create the Commission, and 64% of the public voted for the constitutional amendment to establish the Commission,

#### REDISTRICTING AFTER CREATION OF THE COMMISSION

##### 2001-2:

First redistricting Commission plan was struck down in *Smith v. Idaho Commission on Redistricting 136 Idaho 542 (2001)* and again in *Bingham County v. IRC 137 Idaho 870 (2002)*. Both cases were struck down because the plans exceeded the 10 percent total deviation. Third plan came in just under 10 percent and was accepted.

##### 2011-12:

- a. The first Commission was highly contentious, and ultimately did not agree on a plan within the allotted period.
- b. Second Commission was formed and approved a plan that was eventually overturned in *Twin Falls County v. ICR 137 Idaho 870 (2012)* because more counties were cut than necessary, compared to another plan that also met all other criteria. The Commission reconvened, made the requisite adjustments, and passed a new plan that was accepted by the Idaho Supreme Court.

For more, see: <https://www.spokesman.com/stories/2011/sep/25/redistricting-in-idaho-historically-sore-subject/>

*A key conclusion is that, while the Commission has from time-to-time struggled and indeed has adopted plans that were eventually struck down, the history of redistricting by the Legislature itself was at least as contentious and unsuccessful in adopting plans that would survive judicial scrutiny. It is worth noting that NO STATE that has adopted an Independent Redistricting Commission has ever reverted to a system having the legislature redistrict itself.*

# Legal Requirements of Idaho Redistricting

September 1, 2021

# Commission for Reapportionment

- Idaho Code §§ 72-1501 - 1510
- Cannot become a candidate
  - Creates a vacancy
- Cannot be a candidate for legislature within 5 years of service
- Cannot serve on a future Commission

# Commission Organization— Idaho Code § 72-1505

- Subject to Open Meetings Law
- Must provide notice of all meetings to citizen or organization requesting same
- Copies of census database/other databases must be provided to citizens
- Meetings held around state
- Citizens can present plans (Public Record)
  - Plan must include citizen's mailing address/phone number.

# Open Meetings Law

- Applies to the Commission (I.C. § 72-1505(1))
- Notice and Agenda of Meetings (I.C. § 72-1505(2))
- Quorum of the Commission is 4 (I.C. § 72-1505(5))
  - Necessary to make decisions
  - Fewer may take testimony but no decisions
  - Members must be present to vote (no proxies) (I.C. § 72-1505(6)).

# Public Records Law

- Idaho Code § 74-109(6)—draft plans/  
research by commission members
- Records consisting of draft congressional and legislative redistricting plans and documents specifically related to such draft redistricting plans or research requests submitted to the commission staff by a member of the commission for reapportionment for the purpose of placing such draft redistricting plan into form suitable for presentation to the full membership of the commission, unless the individual commission member having submitted or requested such plans or research agrees to waive the provisions of confidentiality provided by this subsection.

# Federal Congressional Redistricting Criteria

- *Karcher v. Daggett*, 462 US 725 (1983).
  - Equal population
  - *Vieth v. Jubelirer*, 541 US 267 (2004).
    - Confirmed equal population

# Legal Requirements of Plan

- One Person/One Vote
  - 35 districts
    - Article III, sec. 4.
  - Within 10% deviation = Presumptively Constitutional (*Hellar v. Cenarrusa*, 106 Idaho 586, 589 (1984)).
    - 10.69% struck down: *Smith v. Idaho Comm'n on Redistricting*, 136 Idaho 542 (2001).
  - Minimal county splits (Article III, sec. 5).

# Article III, § 5

- Section 5. SENATORIAL AND REPRESENTATIVE DISTRICTS. A senatorial or representative district, when more than one county shall constitute the same, shall be **composed of contiguous counties, and a county may be divided in creating districts only to the extent it is reasonably determined by statute that counties must be divided to create senatorial and representative districts which comply with the constitution of the United States. A county may be divided into more than one legislative district when districts are wholly contained within a single county.** No floterial district shall be created. Multi-member districts may be created in any district composed of more than one county only to the extent that two representatives may be elected from a district from which one senator is elected. The provisions of this section shall apply to any apportionment adopted following the 1990 decennial census.

# *Twin Falls County v. Idaho Comm'n on Redistricting*

- There is a hierarchy of applicable law governing the development of a plan for apportioning the legislature: the United States Constitution is the paramount authority; the requirements of the Idaho Constitution rank second; and, if the requirements of both the State and Federal Constitutions are satisfied, statutory provisions are to be considered. A lower ranking source of law in this hierarchy is ineffective to the extent that it conflicts with a superior source of law. *Bingham County v. Idaho Comm'n for Reapportionment*, 137 Idaho 870, 874, 55 P.3d 863, 867 (2002).
- **The Hierarchy:**
  - (1) Comply with U.S. Constitution =/- 10%;
  - (2) County divisions minimized;
    - Counties can only be divided to meet the constitutional standards of equal protection
    - County divisions for other reasons is not permitted.
  - (3) Requirements of Idaho Code § 72-1506 are subordinate

# Idaho Code § 72-1506

- Additional mandatory (but subordinate) provisions:
  - (2) shall to maximum extent possible preserve traditional neighborhoods and communities of interest.
  - (7) shall retain local voting precinct boundary lines. May be set aside with 5 votes of commission recorded in minutes that it cannot comply.
  - (8) Shall not divide counties to protect political party or incumbent
  - (9) Counties shall be connected by roads/highways that are part of the Interstate Highway System, U.S. Highway System, or State Highway System. May be set aside with 5 votes.

# Additional Legal Requirements

- Should avoid oddly shaped districts (I.C. § 72-1506(4))

# Final Report

- Due in 90 Days (I.C. § 72-1508)
  - Stalemate: *In Re Constitutionality of Idaho Legislative Reapportionment Plan of 2002; Evan Frasure, Lorna Finman, and Lou Esposito v. The Idaho Redistricting Commission*, Supreme Ct. Dckt. Nos. 39127-2011 & 39128-2011 Order (September 9, 2011)
  - If deadline missed, Court cannot order commission to continue/reconvene; SOS organize a new commission.
- Filed with Secretary of State
- Spread on Journals of House/Senate
  - No approval by legislature

# Legal Challenge

- Idaho Supreme Court—Article III, sec. 2, para. 5
  - Supreme Court shall have original jurisdiction over challenges.
  - Criteria spelled out in *Twin Falls County v. Idaho Com'n on Redistricting*, 152 Idaho 346, 348-351 (2012).
  - Direct Commission to reconvene/adopt a plan. *See Bingham County v. Comm'n for Reapportionment*, 137 Idaho 872, 878 (2001).

# Questions?

- Brian Kane
  - [brian.kane@ag.idaho.gov](mailto:brian.kane@ag.idaho.gov)
  - (208) 334-2400

**Idaho Redistricting Commission  
OPERATING BUDGET**

Calendar Year 2021

Last 4 Months of FY 2021, First 6 Months of FY 2022

<b>PERSONNEL COSTS</b>	<b>OPERATING EXPENSES</b>	<b>CAPITAL OUTLAY</b>
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**REDISTRICTING APPROPRIATION**

	Tenure	Period	Total		Total		Total
<b>Clerical Support</b>				<b>Computer Software</b>			
Commission Secretary	5 Months	Aug- Dec	\$20,300	GIS Redistricting Software	\$97,500	14 GIS Workstations	\$42,000
Republican Support	90 days	Sept- Dec	\$27,000	Public Access GIS Programs		2 Color Plotters (E-size)	\$25,300
Democratic Support	90 days	Sept- Dec	\$27,000			2 Color Printers	\$1,400
						4 24-inch monitors	\$1,600
						1 Server	\$7,000
<b>Commissioner Compensation</b>				<b>\$77,300</b>			
6 Commissioners (\$75/day for 45 out of 90 days)	90 days	Jun-Aug	\$20,200	<b>GIS Contract Expenses</b>			
				GIS Analyst (\$110/hr, 12 mos.)	\$217,300		
				GIS System Technical Support	\$47,200		
			<b>\$94,500</b>	<b>Training &amp; Development</b>			
				GIS Redistricting System Training	\$6,400		
				<b>Data Dissemination</b>	\$5,000		
				<b>Travel/Food/Lodging</b>	\$52,500		
				<b>Office Expenses</b>	\$13,100		
				Printing (Map of new districts)	\$6,000		
					<b>\$444,900</b>		
						<b>TOTAL \$616,700</b>	

**LEGISLATIVE COUNCIL / LEGISLATIVE SERVICES OFFICE**

<b>Administrative Support</b>							
Project Manager	18 months	FY20-FY22					
Project Manager	18 months	FY20-FY22					
Accounting Tech	18 months	FY20-FY22					

## Congressional Plan

### U.S. Constitutional Criteria

*Must be satisfied above all other criteria*

- Districts must have equal population<sup>1</sup> (or as near to equal as practicable)

### Statutory Criteria – Mandatory

*Must be satisfied above advisory criteria  
Must be balanced with each other*

- Avoid county division
- Include contiguous counties in a district containing more than one county
- Don't divide counties to protect political parties or incumbents
- Preserve traditional neighborhoods and communities of interest
- Retain precinct boundaries<sup>2</sup>

### Statutory Criteria – Advisory

*Satisfy as possible*

- Avoid oddly shaped districts
- Keep divisions per county to a minimum

## Legislative Plan

### U.S. Constitutional Criteria

*Must be satisfied above all other criteria*

- Districts must have substantially equal<sup>3</sup> population

### Idaho Constitutional Criteria

*Must be satisfied above all statutory criteria*

- Include contiguous counties in districts containing more than one county
- Don't divide counties, except as necessary to comply with U.S. Constitution
- A county may be divided into more than one district when the districts are wholly contained within that county
- No floterial districts

### Statutory Criteria – Mandatory

*Must be satisfied above advisory criteria  
Must be balanced with each other*

- Avoid county division
- Include contiguous counties in districts containing more than one county
- Don't divide counties to protect political parties or incumbents
- Preserve traditional neighborhoods and communities of interest
- Retain precinct boundaries<sup>4</sup>
- Ensure that districts containing more than one county or a portion of a county are connected by interstate or by U.S. or state highway<sup>5</sup>

### Statutory Criteria – Advisory

*Satisfy as possible*

- Avoid oddly shaped districts
- Keep divisions per county to a minimum

<sup>1</sup> Population is determined using U.S. census data exclusively.

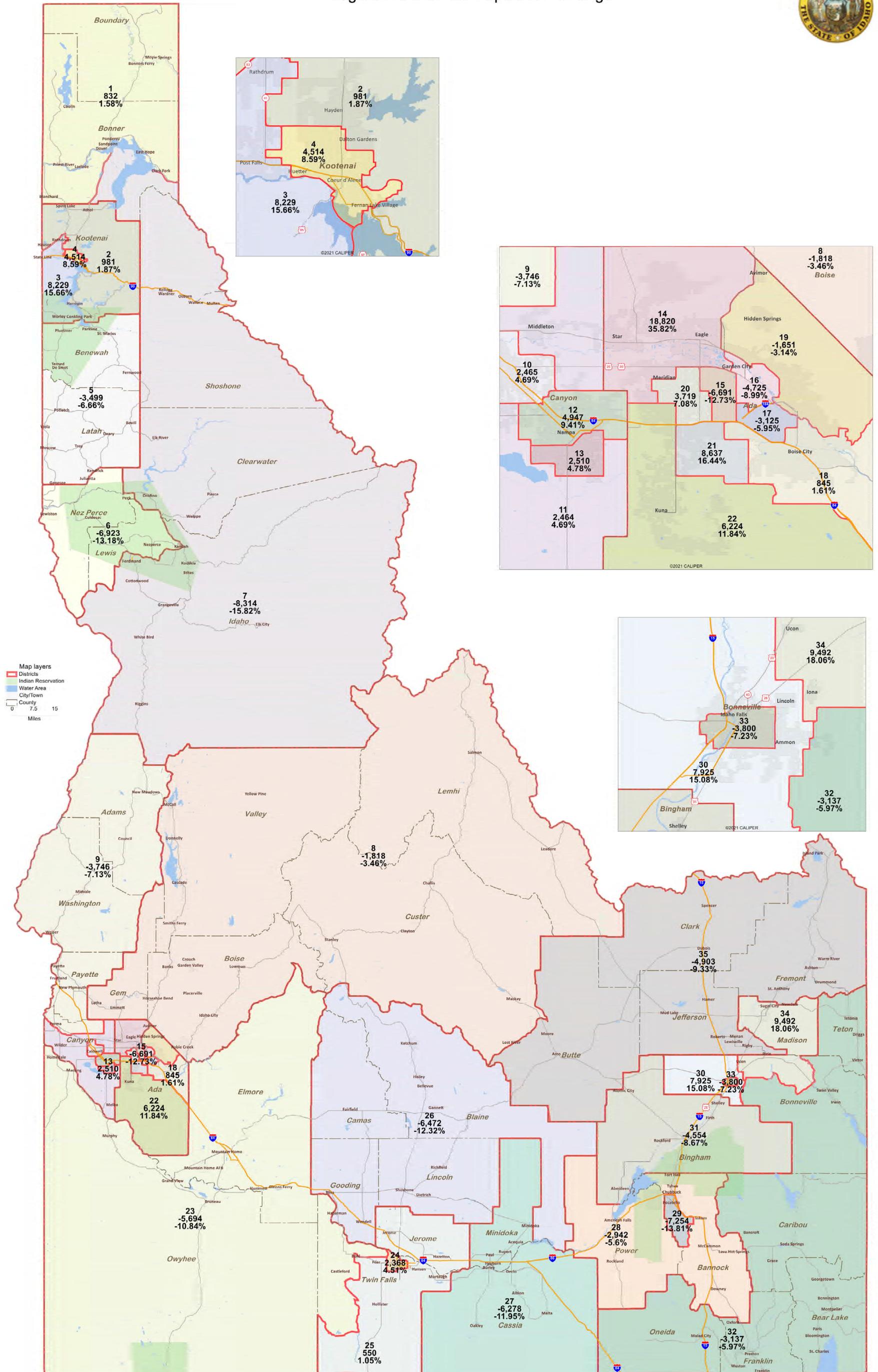
<sup>2</sup> This criterion may be waived by Commission vote.

<sup>3</sup> Population is determined using U.S. census data exclusively. If the population deviation between the least and most populated district is more than 10%, the plan is presumptively unconstitutional.

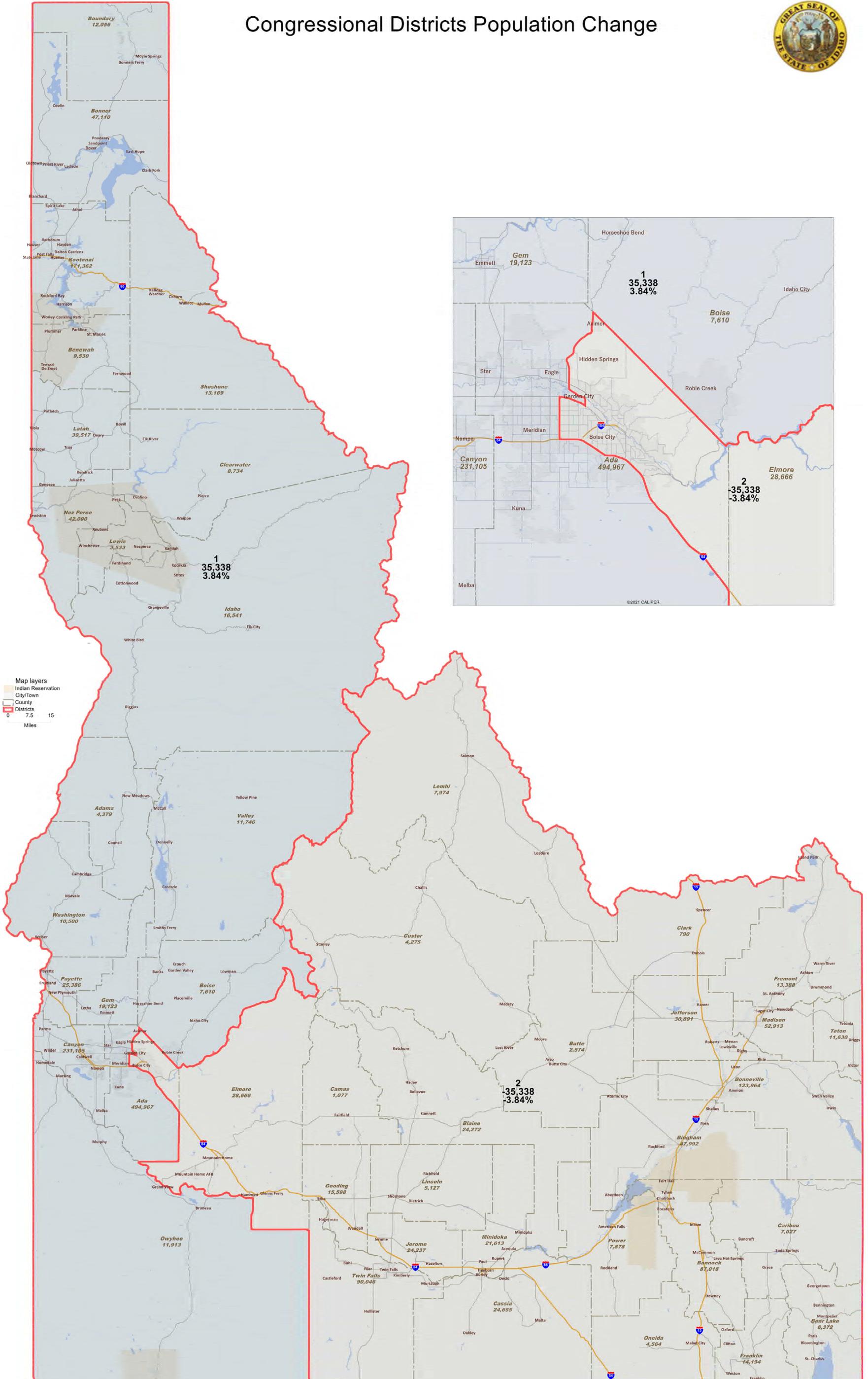
<sup>4</sup> This criterion may be waived by Commission vote.

<sup>5</sup> This criterion may be waived by Commission vote.

# Legislative Districts Population Change



# Congressional Districts Population Change



**AUGUST 2021**

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

**OCTOBER 2021**

S	M	T	W	T	F	S
						1
						2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

# SEPTEMBER 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	31	1 Business Meeting - Boise	2 Business Meeting - Boise	3 Business Meeting - Boise	4
5 Labor Day	6	7	8 Business Meeing - Boise?	9 Business Meeting - Boise?	10 Business Meeting - Boise?	11
12	13	14	15 Public Hearing - Caldwell Public Hearing - Nampa	16 Public Hearing - Boise Public Hearing - Meridian	17 Public Hearing - Eagle	18
19	20	21	22 Public Hearing - Sandpoint Public Hearing - CDA	23 Public Hearing - CDA Tribe Public Hearing - Moscow	24 Public Hearing - Lewiston	25
26	27	28	29 Public Hearing - Hailey	30 Public Hearing - Twin Falls	1 mt. home, burley, or challis?	2

**SEPTEMBER 2021**

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

**NOVEMBER 2021**

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

# OCTOBER 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26	27	28	29 Public Hearing - Hailey	30 Public Hearing - Twin Falls	1	2
3	4	5	6 Public Hearing - Ft. Hall Public Hearing - Pocatello	7 Public Hearing - Rexburg Public Hearing - Idaho Falls	8	9
10 Columbus Day	11	12 Business Meeting Public Hearing - Remote	13 Business Meeting Public Hearing - Boise	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31 Halloween	1	2	3	4	5	6

REVISED MEETING NOTICE AND AGENDA  
**COMMISSION FOR REAPPORTIONMENT**

**Wednesday, November 10, 2021**

**1:00 P.M.**

**Room WW17, Idaho State Capitol, Boise, Idaho  
Business Meeting**

Limited public seating will be available in the meeting room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>1:00 P.M.</b>	Introductory Remarks	Cochairs Davis and Schmidt
<b>1:05 P.M.</b>	Presentation and discussion of Final Report	Commissioners and Staff
<b>2:00 P.M.</b>	Recess	
<b>2:30 P.M.</b>	Notice of Potential Violation of Open Meetings Law	Elizabeth Bowen
<b>2:35 P.M.</b>	<b>Vote regarding split precincts, legislative plan [2 Motions, ACTION ITEM] Vote regarding split precincts, congressional plan [2 Motions, ACTION ITEM] Vote regarding highways, legislative plan [2 Motions, ACTION ITEM] Vote to approve final legislative plan [ACTION ITEM] Vote to approve final congressional plan [ACTION ITEM] Vote to approve Final Report [ACTION ITEM] Vote to approve Meeting Minutes from September 22, 2021 to November 10, 2021 [ACTION ITEM]</b>	Commissioners
<b>2:45 P.M.</b>	Concluding remarks	Commissioners
<b>At discretion of Cochairs</b>	Adjournment	Commissioners

**COMMISSION MEMBERS:**

Bart Davis, Co-chairman

Dan Schmidt, Co-chairman

Tom Dayley

Nels Mitchell

Amber Pence

Eric Redman

If you have any questions, please contact Legislative Services Office non-partisian staff Elizabeth Bowen or Keith Bybee at (208) 334-4851 / (208) 334-4739.

Visit our website at: <https://redistricting.idaho.gov/>

**Motions Regarding Split Precincts in Plan L03**  
*(Do **NOT** require a second)*

**First Motion**

Mr. Chairman, I move for a Commission determination that we cannot complete our duties for the legislative districts listed in the report attached to this motion by fully complying with the provisions of Section 72-1506(7), Idaho Code.

**Roll Call Vote**  
***(Five yes votes to pass)***

<b>Member</b>	<b>Yes</b>	<b>No</b>
Commissioner Tom Dayley		
Commissioner Nels Mitchell		
Commissioner Amber Pence		
Commissioner Eric Redman		
Cochair Bart Davis		
Cochair Dan Schmidt		

**Second Motion**

Mr. Chairman, I move that the local voting precinct boundaries listed in the report titled “Political Subdivision Splits Between Legislative Districts” attached to this motion be divided as provided in Plan L03.

**Roll Call Vote**  
***(Five yes votes to pass)***

<b>Member</b>	<b>Yes</b>	<b>No</b>
Commissioner Tom Dayley		
Commissioner Nels Mitchell		
Commissioner Amber Pence		
Commissioner Eric Redman		
Cochair Bart Davis		
Cochair Dan Schmidt		

**Motions Regarding Split Precincts in Plan C03**  
*(Do **NOT** require a second)*

**First Motion**

Mr. Chairman, I move for a Commission determination that we cannot complete our duties in adopting a congressional plan by fully complying with the provisions of Section 72-1506(7), Idaho Code.

**Roll Call Vote**  
***(Five yes votes to pass)***

<b>Member</b>	<b>Yes</b>	<b>No</b>
Commissioner Tom Dayley		
Commissioner Nels Mitchell		
Commissioner Amber Pence		
Commissioner Eric Redman		
Cochair Bart Davis		
Cochair Dan Schmidt		

**Second Motion**

Mr. Chairman, I move that the local voting precinct boundaries in the report titled “Political Subdivision Splits Between Congressional Districts” attached to this motion be divided as provided in Plan C03.

**Roll Call Vote**  
***(Five yes votes to pass)***

<b>Member</b>	<b>Yes</b>	<b>No</b>
Commissioner Tom Dayley		
Commissioner Nels Mitchell		
Commissioner Amber Pence		
Commissioner Eric Redman		
Cochair Bart Davis		
Cochair Dan Schmidt		

**Motions Regarding District Connection by Highways in Plan L03**  
*(Do **NOT** require a second)*

**First Motion**

Mr. Chairman, I move for a Commission determination that we cannot complete our duties for the legislative districts listed in the report attached to this motion by fully complying with the provisions of Section 72-1506(9), Idaho Code.

**Roll Call Vote**  
***(Five yes votes to pass)***

<b>Member</b>	<b>Yes</b>	<b>No</b>
Commissioner Tom Dayley		
Commissioner Nels Mitchell		
Commissioner Amber Pence		
Commissioner Eric Redman		
Cochair Bart Davis		
Cochair Dan Schmidt		

**Second Motion**

Mr. Chairman, I move that the districts listed in the report titled “Legislative Districts Not Connected by Highways” attached to this motion be included in Plan L03, even though the districts do not comply with the requirements of Section 72-1506(9), Idaho Code.

**Roll Call Vote**  
***(Five yes votes to pass)***

<b>Member</b>	<b>Yes</b>	<b>No</b>
Commissioner Tom Dayley		
Commissioner Nels Mitchell		
Commissioner Amber Pence		
Commissioner Eric Redman		
Cochair Bart Davis		
Cochair Dan Schmidt		

**Motion to Adopt Plan L03**  
**(Requires a second)**

Mr. Chairman, I move that the Commission adopt Plan L03 as Idaho's legislative redistricting plan.

**Roll Call Vote**  
**(Four yes votes to pass)**

<b>Member</b>	<b>Yes</b>	<b>No</b>
Commissioner Tom Dayley		
Commissioner Nels Mitchell		
Commissioner Amber Pence		
Commissioner Eric Redman		
Cochair Bart Davis		
Cochair Dan Schmidt		

**Motion to Adopt Plan C03**  
***(Requires a second)***

Mr. Chairman, I move that the Commission adopt Plan C03 as Idaho's congressional redistricting plan.

**Roll Call Vote**  
***(Four yes votes to pass)***

<b>Member</b>	<b>Yes</b>	<b>No</b>
Commissioner Tom Dayley		
Commissioner Nels Mitchell		
Commissioner Amber Pence		
Commissioner Eric Redman		
Cochair Bart Davis		
Cochair Dan Schmidt		

**Motion to Adopt Final Report**  
**(Requires a second)**

Mr. Chairman, I move that the Commission adopt the final report which will be filed with the Idaho Secretary of State's office.

**Roll Call Vote**  
**(Four yes votes to pass)**

<b>Member</b>	<b>Yes</b>	<b>No</b>
Commissioner Tom Dayley		
Commissioner Nels Mitchell		
Commissioner Amber Pence		
Commissioner Eric Redman		
Cochair Bart Davis		
Cochair Dan Schmidt		

### **Unanimous Consent Request to Approve Minutes (Two Motions)**

**Motion 1:**

Mr. Chairman, I request unanimous Consent to approve the minutes for the following public hearings: September 22 in Sandpoint and Coeur d'Alene, September 23 in Worley and Moscow, September 24 in Lewiston, September 29 in Hailey, September 30 in Twin Falls, October 1 in Burley, October 6 in Ft. Hall, October 6 in Pocatello, October 7 in Rexburg, October 7 in Idaho Falls, October 8 in Idaho Falls, and October 12 in Boise with Remote Testimony.

**Motion 2:**

Mr. Chairman, I request unanimous consent to approve minutes for the following business meetings: October 12, October 13, October 27, October 28, November 3, November 4, November 5, and November 10.

# Political Subdivision Splits Between Legislative Districts

Thursday, November 4, 2021

3:27 PM

Number of subdivisions not split:

County	36
Local Voting Precinct Boundary	862

Number of subdivisions split into more than one district:

County	8
Local Voting Precinct Boundary	69

Number of splits involving no population:

County	0
Local Voting Precinct Boundary	23

**Split Counts**

*County*

- Cases where an area is split among 2 Districts: 3
- Cases where an area is split among 3 Districts: 2
- Cases where an area is split among 4 Districts: 1
- Cases where an area is split among 6 Districts: 1
- Cases where an area is split among 11 Districts: 1

*Local Voting Precinct Boundary*

- Cases where an area is split among 2 Districts: 73
- Cases where an area is split among 3 Districts: 4
- Cases where an area is split among 4 Districts: 2
- Cases where an area is split among 5 Districts: 1
- Cases where an area is split among 6 Districts: 1

County	Local Voting Precinct Boundary	District	Population
<i>Split Counties:</i>			
Ada ID		10	12,863
Ada ID		14	34,454
Ada ID		15	52,475
Ada ID		16	51,206
Ada ID		17	52,195
Ada ID		18	51,948
Ada ID		19	52,334
Ada ID		20	52,542
Ada ID		21	53,066
Ada ID		22	53,342
Ada ID		23	28,542
Bannock ID		28	29,198
Bannock ID		29	53,264
Bannock ID		35	4,556
Bonner ID		1	41,554
Bonner ID		2	5,556
Bonneville ID		32	50,982

# Political Subdivison Splits Between Legislative Districts

L03

County	Local Voting Precinct Boundary	District	Population
Bonneville ID		33	51,585
Bonneville ID		35	21,397
Canyon ID		9	17,074
Canyon ID		10	40,635
Canyon ID		11	53,483
Canyon ID		12	53,363
Canyon ID		13	53,581
Canyon ID		23	12,969
Kootenai ID		2	15,082
Kootenai ID		3	51,953
Kootenai ID		4	52,384
Kootenai ID		5	51,943
Nez Perce ID		6	10,381
Nez Perce ID		7	31,709
Twin Falls ID		24	36,446
Twin Falls ID		25	53,600
<i>Split Precincts:</i>			
Ada ID	1401	10	2,345
Ada ID	1401	14	236
Ada ID	1405	10	3,461
Ada ID	1405	14	20
Ada ID	1412	10	1,657
Ada ID	1412	14	75
Ada ID	1412	20	375
Ada ID	1413	14	3,585
Ada ID	1413	20	7,648
Ada ID	1415	14	2,421
Ada ID	1415	20	0
Ada ID	1417	20	2,075
Ada ID	1417	21	2,184
Ada ID	1514	15	2,237
Ada ID	1514	17	0
Ada ID	1515	15	1,623
Ada ID	1515	17	0
Ada ID	1701	15	1,133
Ada ID	1701	16	3,385
Ada ID	1709	17	2,339
Ada ID	1709	18	23
Ada ID	1803	17	30
Ada ID	1803	18	2,045
Ada ID	1807	17	2,360
Ada ID	1807	18	1,160
Ada ID	1817	18	5,376
Ada ID	1817	19	1,439
Ada ID	1905	16	0
Ada ID	1905	19	3,607
Ada ID	1918	18	58

# Political Subdivison Splits Between Legislative Districts

L03

County	Local Voting Precinct Boundary	District	Population
Ada ID	1918	19	3,177
Ada ID	2013	15	1,032
Ada ID	2013	21	1,595
Ada ID	2205	21	503
Ada ID	2205	22	1,149
Ada ID	2206	21	3,764
Ada ID	2206	22	1,161
Ada ID	2207	22	3,741
Ada ID	2207	23	2,724
Ada ID	2212	22	734
Ada ID	2212	23	2,855
Ada ID	2214	18	2,300
Ada ID	2214	22	666
Ada ID	2214	23	4,652
Bannock ID	ARIMO	28	505
Bannock ID	ARIMO	35	524
Bannock ID	CHUBBUCK	28	2,367
Bannock ID	CHUBBUCK	29	0
Bannock ID	CHUBBUCK-2	28	2,119
Bannock ID	CHUBBUCK-2	28	1,436
Bannock ID	CHUBBUCK-2	28	1,701
Bannock ID	CHUBBUCK-2	29	0
Bannock ID	CHUBBUCK-2	29	0
Bannock ID	CHUBBUCK-2	29	0
Bannock ID	INKOM	28	382
Bannock ID	INKOM	35	844
Bannock ID	McCAMMON	28	423
Bannock ID	McCAMMON	35	1,109
Bannock ID	MINK CREEK	28	1,427
Bannock ID	MINK CREEK	29	0
Bannock ID	PEBBLE CREEK	28	52
Bannock ID	PEBBLE CREEK	35	982
Bannock ID	POCATELLO	28	128
Bannock ID	POCATELLO	29	997
Bannock ID	POCATELLO-2	28	1,317
Bannock ID	POCATELLO-2	28	647
Bannock ID	POCATELLO-2	28	91
Bannock ID	POCATELLO-2	28	6
Bannock ID	POCATELLO-2	28	670
Bannock ID	POCATELLO-2	28	0
Bannock ID	POCATELLO-2	28	0
Bannock ID	POCATELLO-2	29	636
Bannock ID	POCATELLO-2	29	328
Bannock ID	POCATELLO-2	29	1,169
Bannock ID	POCATELLO-2	29	2,438
Bannock ID	POCATELLO-2	29	1,770
Bannock ID	POCATELLO-2	29	1,753

## Political Subdivison Splits Between Legislative Districts

L03

County	Local Voting Precinct Boundary	District	Population
Bannock ID	POCATELLO-2	29	1,235
Bannock ID	POCATELLO-2	35	8
Bonner ID	EDGEMERE	1	1,042
Bonner ID	EDGEMERE	2	1,892
Bonneville ID	14	32	0
Bonneville ID	14	33	2,128
Bonneville ID	20	32	0
Bonneville ID	20	33	3,348
Bonneville ID	21	32	2,903
Bonneville ID	21	35	195
Bonneville ID	22	32	2,159
Bonneville ID	22	35	1,307
Bonneville ID	37	32	1,487
Bonneville ID	37	35	0
Bonneville ID	38	32	1,592
Bonneville ID	38	33	12
Bonneville ID	45	32	2,880
Bonneville ID	45	35	2,424
Bonneville ID	53	32	1,179
Bonneville ID	53	35	763
Canyon ID	12	10	141
Canyon ID	12	11	5,566
Canyon ID	15	10	0
Canyon ID	15	11	5,102
Canyon ID	16	10	5,457
Canyon ID	16	11	2,727
Canyon ID	17	9	493
Canyon ID	17	11	3,328
Canyon ID	2	9	1,642
Canyon ID	2	10	0
Canyon ID	20	10	138
Canyon ID	20	11	858
Canyon ID	28	13	1,802
Canyon ID	28	23	267
Canyon ID	29	13	2,960
Canyon ID	29	23	1,086
Canyon ID	3	9	0
Canyon ID	3	10	3,068
Canyon ID	30	12	1,794
Canyon ID	30	23	1,801
Canyon ID	31	9	589
Canyon ID	31	11	4,153
Canyon ID	33	9	1,238
Canyon ID	33	23	301
Canyon ID	34	9	75
Canyon ID	34	10	1,088
Canyon ID	34	11	0

# Political Subdivison Splits Between Legislative Districts

L03

County	Local Voting Precinct Boundary	District	Population
Canyon ID	35	9	2,573
Canyon ID	35	10	29
Canyon ID	39	10	2,750
Canyon ID	39	11	641
Canyon ID	44	9	616
Canyon ID	44	10	178
Canyon ID	49	11	9
Canyon ID	49	12	5,125
Canyon ID	52	10	4,136
Canyon ID	52	12	0
Canyon ID	53	10	4,251
Canyon ID	53	12	0
Canyon ID	53	13	1,125
Canyon ID	54	12	4,323
Canyon ID	54	23	106
Canyon ID	57	12	3,396
Canyon ID	57	13	3,340
Canyon ID	59	12	4,594
Canyon ID	59	23	70
Canyon ID	61	12	2,356
Canyon ID	61	13	1,423
Canyon ID	73	12	0
Canyon ID	73	13	4,381
Canyon ID	76	12	0
Canyon ID	76	13	6,300
Canyon ID	78	12	1,130
Canyon ID	78	13	3,686
Canyon ID	8	10	102
Canyon ID	8	11	2,782
Kootenai ID	22	3	2,036
Kootenai ID	22	4	18
Kootenai ID	23	3	217
Kootenai ID	23	5	3,398
Kootenai ID	37	4	2,021
Kootenai ID	37	5	1,414
Kootenai ID	39	3	717
Kootenai ID	39	4	6,488
Kootenai ID	40	3	1,768
Kootenai ID	40	4	2,137
Kootenai ID	43	4	1,901
Kootenai ID	43	5	1,406
Kootenai ID	54	4	1,869
Kootenai ID	54	5	0
Kootenai ID	57	2	7
Kootenai ID	57	4	1,725
Kootenai ID	61	2	2,071
Kootenai ID	61	4	611

## Political Subdivison Splits Between Legislative Districts

L03

<b>County</b>	<b>Local Voting Precinct Boundary</b>	<b>District</b>	<b>Population</b>
Kootenai ID	8	3	1,951
Kootenai ID	8	5	3,899
Twin Falls ID	TF 12	24	879
Twin Falls ID	TF 12	25	1,502
Twin Falls ID	TF 19	24	435
Twin Falls ID	TF 19	25	1,687

## Political Subdivision Splits Between Congressional Districts

Friday, November 5, 2021

10:17 AM

Number of subdivisions not split:

County	43
Local Voting Precinct Boundary	925

Number of subdivisions split into more than one district:

County	1
Local Voting Precinct Boundary	6

Number of splits involving no population:

County	0
Local Voting Precinct Boundary	0

### Split Counts

*County*

Cases where an area is split among 2 Districts: 1

*Local Voting Precinct Boundary*

Cases where an area is split among 2 Districts: 6

County	Local Voting Precinct Boundary	District	Population
<i>Split Counties:</i>			
Ada ID		1	234,149
Ada ID		2	260,818
<i>Split Precincts:</i>			
Ada ID	1410	1	2,468
Ada ID	1410	2	432
Ada ID	1411	1	3,133
Ada ID	1411	2	328
Ada ID	1416	1	1,725
Ada ID	1416	2	1,807
Ada ID	1803	1	2,019
Ada ID	1803	2	56
Ada ID	1804	1	420
Ada ID	1804	2	27
Ada ID	2013	1	1,595
Ada ID	2013	2	1,032

Plan Name: **L03**

Plan Type: **Senate**

## **Legislative Districts Not Connected by Highways**

Monday, November 8, 2021

4:50 PM

District 2 which includes Benewah, Bonner, Clearwater, Kootenai, and Shoshone counties

District 6 which includes Latah, Lewis, and Nez Perce counties

District 7 which includes Adams, Idaho, and Nez Perce counties

District 8 which includes Boise, Custer, Elmore, and Valley counties

District 23 which includes Ada, Canyon, and Owyhee counties

District 28 which includes Power, Bannock, and Franklin counties

District 31 which includes Clark, Fremont, Jefferson, and Lemhi counties

District 32 which includes a portion of Bonneville County

District 35 which includes Bannock, Bear Lake, Bonneville, Caribou, and Teton counties