

## 2023 Re-Districting General Overview

- Redistricting starts with the Census, held every 10 years. After the Census is complete, the Federal Government compiles the information and makes it available to the states. This is currently accomplished via a GIS file, though other means of viewing this data are likely available. At this point, the goal is to try to equalize the number of voters each representative and senator represents in their position. Montana utilizes an independent commission to decide re-districting boundaries.
- The Redistricting Commission is made up of two members of each party (Democrat and Republican) and one independent chair. They first work on the Federal Congressional districts, depending on whether or not Montana was given another Representative District (we just regained our Second Congressional District in 2020). After deciding on the lines to divide those districts, the Commission listens to public comment and then presents the map to Secretary of State's Office to make it official. This process is laid out in the Montana Constitution, Article V, Section 14. After this point, the state legislative districts come next.
- The process is much the same with the state legislative districts. The initial maps are drawn by members of the commission (though members of the public can also submit their own) and then one is chosen to work from utilizing commissioner and public comments. The lines are then shifted and tweaked bit by bit to fit criteria that the commission decided on before beginning their meetings. Once the map is accepted by the commission, it is then given to the legislature to peruse. They suggest changes and amendments, all while the public continues to provide their comments. After the commission receives the map back from the legislature, they have the ability to take on one last round of changes before they submit the map to the Secretary of State's Office. Once submitted, **the map is law**. This process is outlined in Article V, Section 14 of the Montana Constitution and in MCA 5-1-111. Once the map is completed, the counties can then update their precincts to match.
- The reason counties need to update their precincts after the new map is accepted is because **precincts cannot cross house district lines**. This will lead to precinct lines being shifted (and new Voter Confirmation Cards being generated) to match the lines. All the changes to precinct boundaries due to the redistricting process **need to be completed within 45 days** of the map being submitted – which occurred on Wednesday, February 22. Statutorily the re-districting maps must be submitted to the SOS by **April 7<sup>th</sup>**. As MCA 13-3-101 is currently written, the county establishes “a convenient number of precincts, equalizing the number of electors in each precinct as nearly as possible.” It is, of course, impossible to equalize the voters in each and every precinct 100%. Precinct 5 – Yaak currently has 238 voters. In contrast, our largest – Precinct 3 Eureka Rural has 2771 voters. There's no way those were equal ten years ago. This is where the “as nearly as possible” portion comes into play. This phrase gives us the ability to do what we can within the 45 days before certifying the new precincts.

- As for the formal process of actually creating the new precinct boundaries, I have a draft resolution for the Commissioners stating that we would like their approval for the new precinct boundaries as we work together to decide based on the maps provided.
- Once the maps are finalized, they will be submitted to the Commissioners together with the resolution. Once a vote to accept the new precincts is reached, the map is then certified by the Election Administrator (called for in MCA 13-3-103) and they become official boundaries.
- **SB86.** Language is added to the end of MCA 13-3-101 capping each precinct at 2000 registered voters. There is a proposed amendment that would move the cap to 2500 registered voters. I recommend we look to keeping the number as close to under 2000 as possible. The logic here is that we will likely have mandatory expanded precincts and races during the post-election audit after this legislative session is over. Keeping the precinct numbers to 2k or less makes the post-election audits much more manageable and in my opinion accurate. MCA also provides for precincts to be updated at times other than in the redistricting process. We may want to consider this over the summer rather than making precinct changes prior to school elections???
- Commissioner Districts are also updated utilizing the Census data. This can be done before the precincts are updated and even before the legislative districts are completed as the commissioner districts are not beholden to any of the lines on the legislative map. Lincoln County elects our commissioners at large, but requires one commissioner be a resident in each district. 7-4-2102 states that the county commissioner districts must be as equal in population and territory as possible. An additional part of the commissioner redistricting process is the judicial review provided in 7-4-2102 (4). If changes are made to Commissioner District boundaries, we will need to comply with the judicial review requirement which states in part “(2) The district judge or judges of the county shall review the action of the commissioners to determine whether or not the action meets the requirements of this section.” In this instance, we would need to have Marcia prepare a petition together with a resolution for review and approval by Judge Cuffe that identifies the percentage of variations in population and geographic areas.
- Once the maps have been finalized but before certification, we will need to have a meeting on the agenda for public comment on the proposed changes. This meeting could likely be combined when the resolution is presented to the Commissioners for signature / final approval.