



Subsequent to the adoption by the Board of its tentative plan on September 12, 1972, hearings were held to obtain information and advice. They were generally well attended and

at each meeting the Board outlined its tentative proposal and listened to comments from those attending. Responses varied from informal oral remarks to written submission of alternate proposals. The trend of the responses was adverse to the plan but, in the opinion of the Board, the alternate proposals did not meet standards which must be achieved. In the main, criticism focused on the Board's adoption of the single member district concept. A minority supported the Board's position.

A most valuable result of the public meetings was the increased understanding of the Board as to local realities. The Board made some adjustments, when possible, to meet local circumstances.

The plan is submitted under a dual mandate: the statutory requirements and the order of the Vermont Supreme Court, "In Re: Senate Bill 177", decided July 28, 1972, 130 Vt. 358. The Board recognized that its Plan must meet state and federal constitutional standards, as interpreted by the highest state and federal courts.

The Vermont Statute requires the Board to apportion the Senate according to the U.S. Census or a census taken under the authority of the state. [17 VSA 1903(c)] Brief consideration was given to the possibility of a state census but that idea was rejected as not being feasible. The Board validated 1970 U.S. Census results in Vermont by correspondence with the Bureau of the Census and acknowledges with appreciation the assistance rendered by the Vermont Congressional Delegation.

The Board, after study of case law involving reapportionment, concluded it must be guided by the established principle of "ONE MAN -- ONE VOTE". The mathematical application of this standard to Vermont's 1970 census figure of 444,732 and Vermont's constitutional provision for 30 senators yields the ideal of one senator for every 14,824.4 persons.

The Board had previously considered applying that ideal ratio to existing counties but the disparity had been determined to be too great. Thus, it became necessary to follow the Vermont Supreme Court directive that notwithstanding the mandate of the Vermont Constitution "county lines will have to yield to this Federal Constitutional requirement for the purpose of the election of Senators to the Vermont General Assembly" In Re: Senate Bill 177, decided July 28, 1972.

A majority of the Board early concluded that a single member district more ideally conformed to the mandate of "ONE MAN -- ONE VOTE". Following court authority that county lines must yield to the mandate, the Board found population representation could be realized within acceptable

variances if single member districts were to be created in most parts of the state. In some areas, notably Burlington and Rutland, a lack of census detail prevented uniform application of the single member district concept. 17 VSA 1903 (b)(2) indicated an acceptable variance of 15%. However, federal cases and the Vermont Supreme Court have held that this large a variance is excessive. The Board is of the opinion that proper interpretation of leading cases holds that a 3% variance ordinarily is the ideal to be achieved if possible.

The Board made a strong effort to establish districts which were "compact and contiguous" [17 VSA 1903(b)(1)]. In applying this standard, the Board attempted to honor community of interest as exemplified by routes of communication, common economic and social ties, etc.

Further consideration of the question of single-member versus multi-member senatorial districts brings home the fact that in single-senator districts each person votes for and is represented by one senator whereas in multi-senator districts each person votes for and is represented by two or more senators. This appears to the Board to conform less closely to the one man -- one vote concept.

At public hearings, the Board heard some persons express their gratification that they enjoyed the privilege of having more than one senator represent them. On the other hand, other persons within multi-senator districts complained that they felt under-represented since no single senator among the several from the district accepted responsibility to represent their legitimate but separate interests. Particularly complaints were heard against multi-member districts because electoral patterns seemed to establish senatorial representation most frequently from the more densely populated sections of the district.

The Board rejects the claim that creating multi-senator districts reduces the prospect of gerrymandering. We express confidence in the integrity and judgment of the Legislature to avoid that hazard.

The Plan transmitted herewith is favored by the majority of the Board. Two alternatives (described as Alternate A and Alternate B), which contain some changes from the basic plan, are also submitted with majority approval of the Board. Each Board member has been authorized by the Board to submit explanatory materials or a dissenting opinion as an attachment to this letter.

December 29, 1972

The details of the Board's Plan are fully set forth in Exhibit "A". Generally the State is divided into a total of 26 senatorial districts. Of the 26, 23 are single member districts; two are 2-member districts; and one is a 3-member district. The largest constituency per Senator is 15,564. The smallest constituency per Senator is 14,143. The disparity in Senatorial Districts is found by the division of the largest constituency by the smallest constituency, yielding a ratio of 1.1004 to 1. The population per senator varies from 4.459% over-represented to 4.992% under-represented.

The Board's "Alternate A" would combine Districts Newport and Brighton, the "Northeast Kingdom" districts, into one two-member district.

The Board's "Alternate B" would combine the districts suggested for combination under "Alternate A" and also combine Districts Vergennes and Middlebury (Addison County) into one two-member district.

The Board made a continued and concerted effort to achieve an ideal of a 3% variance but that proved to be impossible. However, it is of the opinion that the variances in its Plan will prove acceptable to the General Assembly and to the Courts.

Respectfully submitted,

Charles J. Adams  
Chairman  
Vermont Legislative  
Apportionment Board

CJA/jg

Enclosures

cc: Honorable Lawrence J. Turgeon  
Court Administrator