

LEGISLATIVE APPORTIONMENT BOARD
Title 17, Chapter 34A, Vermont Statutes Annotated
<https://sos.vermont.gov/apportionment-board/>

November 29, 2021
9:00 – 11:00 AM

MEETING AGENDA

Meeting at Secretary of State's Office, 128 State Street, Montpelier
(Telephone Conference Call Participation Available)

Members Present Remotely: Tom Little, Jeremy Hansen, Jeanne Albert, Mary Houghton, Ed Adrian, Rob Roper, Tom K.

Others Present: Chris Winters

Others Present Remotely: Eric Covey, Mia Kro, Amerin Aborjaily, Michael Chernick

Members of the Public Present Remotely: Edward Cafferty, Thomas Hughes

1. Call to Order

Tom Little called the meeting to order at 9:02 am.

2. Review and Approval of outstanding unapproved minutes (5 Minutes)(all times approx.)

Action was deferred on minutes outstanding for approval.

3. Public Comment (per 1 V.S.A. sec. 312(h)) (up to 15 Minutes)

None.

4. Review, Discuss and Act on Final Senate District Map (up to 30 Minutes)

Tom L. asked Jeremy to present the Senate map he has assembled. Jeremy led the discussion that he was not satisfied with this map. Tom, Jeanne and Jeremy discussed areas in this map, and on a rough count there were 16 places where Senate districts crossed town or city boundaries, and 10 instances where Senate district lines crossed county boundaries. Jeremy said the single driving motivation for this map was to not divide House districts, and to create a single-member district Senate map. Rob said he is in favor of sticking with five House districts per Senate district, even if it leaves towns split. Ed said he was "all good" when asked for questions or input, and Mary deferred as well.

Tom L.'s concern with this map is derivative of his concern about the House map: that it elevates a factor not contained in law to supremacy: single member districts. He does not believe this is statutorily/constitutionally permissible, give the bisection of existing political subdivisions and geographic boundaries.

Jeanne echoed Tom's concern, and said she was dismayed that these statutory guidelines were not discussed at all during the presentation, because the only goal this proposed Senate map really has is five House districts to a single Senate district.

Jeanne presented a Senate map, which was largely county based and similar to the current maps, as Jeanne said she did not find compelling reasons to make large changes. She also felt that many

people do feel a certain identity around their county, and didn't feel it was necessary for the Board to go out of their way to disrupt that.

This version has Orange/Caledonia split into two single-member districts.

This proposal of Jeanne's has two two-member districts and one single-member district for Chittenden-proper, and a Chittenden-Grand Isle district, and a Chittenden-South district. Jeanne had previously prepared two three-member districts, plus the Chittenden-Grand Isle district, but said her revised iteration is cleaner.

Jeanne's current map does retain a couple of three-member districts. Jeanne said that there's research she has read that ranked choice voting (RCV), when combined with three member districts, presents the best opportunity for representative democracy, so leaving some in would allow the Legislature to consider RCV in that context.

Mary asked if Burlington and S. Burlington are the only divided towns in Jeanne's map. Jeanne believes they are.

Tom proposed entertaining a motion on the maps.

Ed took objection with a statement he said Tom L. made of 'obliterating the Constitution/statute,' as Ed believes that focusing on a single-seat map does not askew the Constitution, and that there are arguments to be made on both sides regarding what is best for representative democracy.

Tom L. asked Ed if it is not practicable to divide fewer towns while using both types of districts that are permissible to be used by statute and the Constitution. Ed said it is difficult to determine without Court guidance in his opinion, and that his interpretation of the Constitution's statement on equal representation for Senate districts points him to favoring all single member districts as Constitutional.

Jeanne said that we do know how Courts determine equality of representation, and they do so with deviations from standard. Jeanne believes this comes down to some members of the Board, who had more votes, using a criteria that is important to them as more important than the ones within statute (within the framework of single-member districts) which she has a problem with because she doesn't believe a majority group should be able to interject their own standards beyond what statute requires.

Jeanne also pointed to the section of statute ([17 V.S.A. § 1903](#)) that asks for as few divided towns as possible, in-so-far as is practicable, which Jeanne said she has demonstrated is, as her Senate map contains fewer divided maps.

Jeremy mentioned that there are also two other Senate maps that both Jeanne and he have presented.

Rob asked if it would make sense to have a straw vote to set direction until Tom Koch is able to join.

Tom L. asked if anybody would like to make a motion. Mary moved to approve Jeanne's map. Rob seconded. (Vote tied 3-3. Aye: Tom Little, Jeanne Albert, Mary Houghton. Nay: Ed Adrian, Rob Roper, Jeremy Hansen).

Tom L. reported that he has drafted a letter to the Vermont House Clerk, similar to the one sent 10 years ago, explaining that the enclosed was the map supported by the majority of the LAB, with the full report to follow. Tom L. assumed one will also be sent with the Senate map, to the Senate Secretary.

Tom L. also raised that there are now colorized maps that are being updated on the Secretary of State's website (<https://sos.vermont.gov/apportionment-board/resources/>).

Tom K. moved that Jeremy's map that is made up by combining five House districts (from the LAB's previously approved single member district House map) to a single Senate district be approved. Jeremy seconded. Motion passed on a 4-3 vote. (Those in favor: Jeremy Hansen, Ed Adrian, Rob Roper, Tom Koch. Those against: Tom Little, Jeanne Albert, Mary Houghton).

5. Discuss Written Report to Legislature (up to 30 Minutes)

Tom L. said a large portion of the report should be written by one of the Board members in favor of the passed single member proposal. Rob said he would. Tom L. believes they will need to schedule a meeting to take action on the report.

6. Set Next Meeting Date; Other Business (5 Minutes)

Tom L. congratulated the Board on their hard work, despite the disappointment he knows many are feeling from not being able to get to a stronger point of consensus. The next meeting will be scheduled for a time when substantial report drafting has been completed.

7. Adjourn

Tom L. adjourned the board at 10:13.