

Legislative Apportionment Board (LAB)

Unapproved Meeting Minutes

Hybrid Meeting

Monday, September 13, 2021 at 9:00 AM

Members Present: Tom Little, Ed Adrian, Jeannie Albert, Rob Roper, Tom Koch, Jeremy Hansen (remote), Mary Houghton (remote)

Others Present: Chris Winters

Others Present (remote): Eric Covey, Michael Chernick, Amerin Aborjaily,

Members of the Public Present (remote): Matt Krauss, Representative Katherine Sims, Tom Hughes

1. Call to Order

Meeting called to order at 9:09am.

2. Review and Approval of Minutes of August 30, 2021 Meeting (5 Minutes)(all times approx.)

Motion to approve the minutes of the August 30th meeting made by Rob Roper, Seconded by Jeanne Albert: passed unanimously.

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

Matt Krauss of Stowe spoke in opposition of multi-member districts, and in favor of single member districts.

Tom Hughes, a Vermont Public Interest Research Group employee, shared VPIRG's recommendation of single member House and Senate districts.

4. General Discussion of Single-Versus Two-Member House Districts, and Single Versus Multi-Member Senate Districts (60 Minutes)

Chris Winters reminded viewers and members of the public that all materials the Board is discussing and considering can be found on the LAB – Resources section of the Secretary of State's (SoS) website (<https://sos.vermont.gov/apportionment-board/resources>).

Tom Koch emphasized that he has made clear he prefers single member districts, based on his experiences, including not believing it right for a candidate to win with 40% of the vote. Says he does not believe studies that either single or multi-member districts favor minorities, women, etc., and that when doing his work in District Builder he removed the "racial information" because he believed it was irrelevant, and if it's removed the Board cannot be accused of racial gerrymandering. He also mentioned concerns about higher campaigning costs in two-member districts, and the additional burden on door-to-door campaigning in those districts.

Jeremy Hansen said he was not so cynical about the political science research, but believes it's important to distinguish the research from the Board's work to differentiate whether or not single member districts are better and for whom. For instance, research data he has reviewed show that single member districts increase diversity in elected representation, but that may not mean more equitable representation for minority voters. Jeremy said that he does support single member districts, and may not believe the research that single member districts may make it harder for women and minorities to run for office.

Mary Houghton said that, having lived in both single and multi-member districts, she hasn't noticed a difference as a voter – it is more about the specific people that are her legislators, and how accessible

they are. Mary said she doesn't favor single over multi-member districts, but from her experience trying to build maps in District Builder it was clear that Vermont is very varied geographically and population wise. Mary doesn't know if it's possible to have all equal single member districts, considering the statutory obligations of the LAB's work.

Jeanne Albert's research kept leading her back to the statutory requirements the board has, primarily the numerical standards (ideal size of the district), followed by the additional requirement of respecting Town/County boundaries, and

the other traits. Jeanne thinks it's important that in this debate, it needs to be grounded in those statutory requirements, and would prefer to take a more local-focused approach, rather than be rigid in single vs. multi-member districts.

Rob Roper said he agrees with everything the individual from VPIRG (Tom Hughes) said in his testimony. Rob said that in his experience as the former Chair of the VT Republican Party it was incredibly hard to recruit candidates to run in multi-member districts, because he believes the numbers wouldn't work for them to be elected, and cited that you also run into issues with what he calls 'sponge candidates.' Rob said he doesn't believe it is democracy at its best when you have people on the ballot who are not competitive, or who don't want to be on the ballot, so he prefers single member districts.

Ed Adrian wants to bring up that, while it hasn't been discussed, the elephant in the room is that this is a partisan commission. He has heard that the Progressives and Republicans on the Board, and himself, have supported single member districts, but believes that there are some instances where the status quo favors Democrats. Ed believes there is a political component that needs to be discussed and said that he considers himself a moderate. Ed believes that the statutory requirements are pretty mushy, and that people could use them to make good arguments either way. Ed doesn't believe if you live in the sliver of a town that's included in the next town over's district, your needs are likely not that different. Ed believes we should not have a volunteer legislature, and believes that it is not fair that individuals should have to work 2-3 times as hard to run in a multi-member district.

Tom Little then gave his remarks. He said he thinks the question for the Board is not whether single-member districts are better than two-member districts. Better, that is, in some absolute way. Where a group of two or more towns can be combined in a district that satisfies the Vermont constitutional and statutory requirements and guidelines, the district may be either a single or a two member district. The law establishing the Apportionment Board does not tell the Board whether or how to favor one type of district over the other. The Vermont Constitution does not, either. And the Vermont Supreme Court has never given any reason to favor one type of district over the other. Social and political science teach that there are tendencies associated with single member versus two member districts, but the application of these tendencies to Vermont is not always clear. And we must be mindfully cautious about the law of unintended consequences.

Tom went on to say that the Board's work will be evaluated by how it achieves the constitutional and statutory requirements and guidelines across the entire state, not in any particular district or even region.

Tom suggested that when building a single district and even more so in proposing a statewide redistricting map, the Board (and, in its turn, the legislature) must observe the following, in this order of priority:

1. Districts must have "minimum" deviation percentages. Vermont law does not define "minimum," but Vermont and U.S. Supreme Court decisions tell us an overall deviation under 10% is presumptively constitutional and one somewhat greater than 16% may be problematic. A redistricting map's overall

deviation will be evaluated in light of how thoughtfully and carefully certain other factors are expressly considered in drawing the map.

2. These other factors are:

- a. preservation of existing political subdivision lines, i.e., town, city, and county lines;
- b. recognition and maintenance of patterns of geography, social interaction, trade, political ties, and common interests; and
- c. use of compact and contiguous territory.

When ruling on a challenge to a redistricting plan, the courts give significant weight to these non-numerical factors – where it is clear that these factors were actually considered. See, for example, the thorough discussion and rulings in the 1993 Vermont Supreme Court’s decision in the five challenges to the General Assembly’s 1992 reapportionment plan.

Tom finished his comments by saying that as the Board builds new districts, leaves existing districts alone, and tweaks existing districts, we should follow these requirements and guidelines. If the Board does that, and reach consensus on a new map that has more single-member districts than the current map, he will support that and think the Board all can and should.

Tom Koch added that if the Board takes an effort to reduce two member districts, they could take population centers like Barre City or St. Albans City and divide into two single member districts, would Tom L. support that. Tom L. says he thinks so, and there are two ways of asking those towns to do that.

Jeanne raised her research, seeing many occurrences of uncontested races in Single member districts (Senate and House) running unopposed, thus depriving voters of any choice, and that it may well be that non-competitiveness is more prevalent in single member districts. Jeanne agrees with Tom L. that the ‘North Star’ for the Board’s work is its statutory requirements.

Tom L. will synthesize the minutes from this meeting and what he wrote up into a single statement.

5. Updates, Comments on Prior Agenda Items (25 Minutes)

- Memo to Municipal Clerks re: Boards of Civil Authority Role and Schedule;
- Board Member Reports on Their Public Interactions
- Mapping Efforts

Tom L. and Tom K. worked with Mia Kro (SoS) on mapping exercises in District Builder, and raised the issue that sharing maps done in Maptitude can be very difficult, and needs assistance from Legislative Council, but sharing seems much easier with District Builder.

Tom L. raised that at some point soon the Board will want LAB meetings where they can have maps in Maptitude up for all to see and be able to make changes in real time.

Michael Chernick will communicate to Legislative Council’s IT group about the Board’s concern about posting updated maps from Maptitude for the public.

Jeanne discussed her work, and issues she has encountered in Maptitude. Rob discussed some of the mapping he has done.

Ed asked the steps after individual map work. Tom L. is hoping that after sharing maps, they will hopefully find consensus on either a specific map, or a map to keep working on.

Chris Winters updated that the memo with Board and Board of Civil Authority deadlines has been sent to Town/City Clerks and to the Muninet, the UVM list serve for town officials.

Tom L. updated that he doesn't not believe he has heard anything more from the MMU constituents on Huntington's district.

Jeanne and Rep. Katherine Sims discussed wanting to get to other parts of the state to collect public input. Rep. Sims offered to hold a meeting to introduce the Board to members of the public.

Jeremy raised that he said Rights & Democracy is planning to do a reapportionment event with VPIRG, and they have invited the board to the event.

Chris Winters provided a summary of the public survey responses, which will be posted to the SoS website (<https://sos.vermont.gov/apportionment-board/resources>).

6. Updates from Legislative Counsel, Vermont Center for Geographic Information, Secretary of State's Office (10 Minutes)

Amerin Aborjaily said that at the moment there are no set plans for Legislative Committees to meet – they may be waiting to see the work of the LAB, but doesn't have a set time. Michael Chernick raised that it's likely meetings will be held before the end of the year, but nothing is set currently.

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

Next meeting set for two weeks from today: 10/27/2021 at 9am

8. Adjourn

Meeting adjourned at 10:43.