

Legislative Apportionment Board

Approved Meeting Minutes

Remote Meeting

Thursday, January 14, 2020 at 9:00a.m.

1. Call to Order.

The meeting was called to order at 9:07 AM

Members present: Tom Little, Mary Houghton, Ed Adrian, Jeremy Hansen, Robert Roper, Jeanne Albert, Tom Koch

Absent:

Others present: Eric Covey, Mia Kro, Michael Chernick, Thomas Hughes, Landel Cochran

2. Review and Approval of Minutes of Prior Meetings

Motion by Ed Adrian to accept December minutes, seconded by Rob Roper. Board voted 6-0-1 to accept minutes of prior meeting, with Jeremy Hansen abstaining.

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

Tom brought forward a public comment he received by email from Joshua Knox, who has written his views on redistricting, how it's structured, and the methodology, as well as advocating for ranked choice voting for legislative offices.

Member of the public Landel Cochran (vice chair of Huntington Selectboard), provided comment that Huntington does not have any of its Legislative districts match up to its school district (the Mount Mansfield unified Union School District) – Huntington is the only unifying member of those districts, and seeks districts that better aligns with its school district.

Tom Little asked if the issue is with governance alliance with Huntington not aligning with Counties, despite Vermont not having much of a form of county government.

Landel clarified his concern is more that their Senators and Representatives do not represent the same constituencies, with Huntington being the only unifying factor. He also mentioned that for community planning purposes, counties do play a role (planning commissions), but primarily that Senators and Representatives don't represent the same people, and would also like the school district having alignment with Legislative representation.

Tom Little asked about if the Mount Mansfield School Board will be taking this up as well. Landel said he is unsure, and will be presenting it to them.

Tom encouraged Landel to email him as well, so that they have each other's contact information.

Robert Roper thanked Landel and said his explanation was very helpful.

Tom Little said that he has heard from two other people in The MMU School District as well, and explained the history that 10 years ago the Apportionment Board's recommendation was to put Charlotte, not Huntington into the Addison Senate District.

Jeanne Albert thanked Landel and said it was helpful as well.

Tom Little agreed and said they will be discussing how to generate this kind of engagement around the state.

4. Updates

- Timing of U.S Census Results

Tom Little explained that Legislative Council has been monitoring the delay in delivery of the final census data. They have access to timely information through the National Conference of State Legislatures (NCSL).

As of a couple of days ago, their commentary was that there is still quite a bit of uncertainty. The expected delivery date of sending to the President has not been set, but could be February. That data is the data used by states in the U.S. House apportionment process. There is a second data set that is historically required to be delivered to states by the end of March; this is the data set the Board needs. Tom Little is unsure if this data set may also be impacted by the delays, but there is uncertainty.

In addition, some members of U.S. Senate have filed a bill, the U.S. Census Deadlines Extension Act, due to concern of COVID-19 challenges creating an undercount of certain populations. If passed this could create a 3-6 month delay, and those data are needed in order to begin using the Maptitude software. Tom Little is not aware of any litigation that has been filed to get the Courts to intervene in the Census process, but there could be pending litigation. Also, Tom Little said that it looks like the Board will not be able to get the Vermont Center for Geographic Information's estimated population data into Maptitude.

Jeremy Hansen provided a press release

(<https://www.census.gov/content/dam/Census/newsroom/press-kits/2021/oig-response-letter-jan12.pdf>) from the Census Bureau that they will be stopping the process of trying to split out undocumented/documented persons data.

Tom Koch asked who the sponsors of the Senate bill (<https://www.congress.gov/116/bills/s4571/BILLS-116s4571is.pdf>) were. Tom Little said that he only had the lead sponsor: Sen. Schatz.

Robert Roper asked Ed Adrian if he has been playing around with the alternate software that Ed came across in December. Ed has been. Rob asked if it has updated data. Ed said it used estimated 2018 or 2019 data from Census Bureau, but is not sure about the science behind the data.

Robert wonders if it would make sense to at least try doing some mapping, which could be translated into Maptitude once the data is updated. Ed wonders about updating Maptitude with the 2018/2019 estimate.

Tom Little knows that Legislative Council IT group pursued this and it was a dead end: either Maptitude couldn't or wouldn't do it.

Jeremy Hansen asked, are we asking Maptitude to do this for us? Or is it that no one at the State of Vermont can do this?

Tom Little explained it may have to do with licensing, but isn't sure about the granularity of the issue, and will seek more answers.

Tom Little has worked on the Senate map using the VCGI data, to address the known population deviation concerns. Said it will be important to figure out how to make some headway, so that when the final Census data finally do come the Board is ready to turn the rough work it has done into map work.

Jeanne Albert provided information from 'Dave's Redistricting,' (<https://davesredistricting.org/maps#home>) and said she is willing to explore doing some initial work with that mapping software there. Robert agrees on using 'Dave's' as a back of the napkin exercise. Jeanne also wondered how different the work in Maptitude really would be.

Ed Adrian brought up the Dave Gram piece in 7Days (<https://www.sevendaysvt.com/vermont/grand-old-parting-riot-at-us-capitol-exposes-rifts-in-the-vtgop/Content?oid=32094892>) about the possibility of the Legislature pushing back the due dates, and asked if that's something the Board needs to start thinking about now.

Tom Little said that he has had introductory meetings with the new Senate Pro Tempore, the new Lt. Governor and the new House Speaker, and made a presentation to the House Government Operations Committee. He discussed the deadlines for getting the board's work to the House and Senate, and if the Board is able to find alternative ways to do work without updated data, he feels they may be able to meet those deadlines. But if they're not able to be

that nimble, and the data isn't going to come in until May, the Board may need a statutory extension.

Jeremy Hansen believes if there is going to be a bill proposed and moved on the Board should get them thinking about that, perhaps contingent on when the data comes out.

Tom Little discussed that he has been thinking about the process, in the COVID-19 pandemic, by which the Legislature has granted other entities the ability to extend deadlines.

Tom Little explained that historically the House and Senate Government Operations committees have started reviewing the Board's reports and recommendations in the late summer or fall, and do not wait until January.

Jeanne Albert discussed that this may be contingent on how late the Board will know, or have any sense by when the Board would know, when the final Census data are coming in.

Tom Little says that he contacted Census Bureau official James Whitehorne (who presented to the Board at its December meeting) to see if he had a sense, and James was unable to give him any guidance in that regard.

Tom Koch said it seems to him we are at a standstill, dependent on people that can't give us answers, and we can't use estimate data in Maptitude, so perhaps all there is to do is smaller group practice in Maptitude. Jeremy agreed, and believes they can get out in front of the Senate and House Government Operations Committee to prepare them for the fact that they may need extensions.

Tom Little discussed the likelihood that Legislators would probably prefer to wait a little, before beginning a bill that will push back deadlines.

Mary Houghton discussed that since Senator White is neighbor, it would be difficult not to discuss the possible need for a delay with her while socializing on the porch, and Tom consented that it is fine for these discussions to happen.

Tom Little also suggested convening a smaller group to do some testing with the limited tools and data they have, to see if it provides value.

- Public Education and Outreach

- Draft Op-Ed Piece

Tom Little thanked Robert for preparing an initial drafting an op-ed, and for Ed and Jeanne for continuing that effort. Tom believes the next step is splitting that down into two op-eds: what apportionment is, the history, etc., and the other one being what is the apportionment board and what is its process like, and how can the public get involved.

Tom Koch thought that the op-ed draft was very good.

Mary Houghton liked the first ppar, and liked Jeanne's suggestion of breaking it up as the initial draft was long and looked dense.

Tom Little and Robert Roper discussed breaking it up as well, perhaps with an intention to solicit more of a response like Mr. Cochran's today from members of the public.

- Public Informational Sessions?

Tom Little discussed that the Board should sponsor and promote some public forums "around the state." In the last reapportionment cycle, the Board held in-person public forums. Though the Board can't do that now because of COVID-19, he believes they should be doing something electronically now. He suggested that it be educational at the start, with a presentation and overview first, perhaps once a month or once every three weeks. It would take some publicity which could be kicked off with the op-ed pieces.

Ed Adrian asks if it makes sense to solicit input by region: focus localized media, on specific information meetings for specific areas.

Tom Little likes that idea.

Ed Adrian asked about the Secretary of State's media list. Eric Covey added that the Secretary's office also has a Town Clerk list and a Selectboard member listing.

Jeanne Albert also suggested having an education/informationally focused session, followed up by the regionally specific ones. Jeanne also suggested not getting ahead of themselves, and the potential for certain regions getting overly worried without having the knowledge/data in front of them.

Tom Koch and Mary Houghton thought that was sound thinking, and Mary said that people are already worried, and know they have been losing population and it concerns them.

Tom Little discussed his testimony to House Government Operations, that the Board was going to be going by the data and the Constitutional charge, and that looking just at some of the base concerns, you come away with the clear impression that changes do need to be made.

Tom Little said it's important to keep in mind that the Board's charge is to "advise and assist" the Legislature, not to make final determinations.

Tom Little will work with the Board members to break the op-ed into two pieces, redraft and get it ready for publication, and then work with the Secretary of State's office to promote it.

- Maptitude; Possible Use of VCGI Data in Maptitude

Tom Little asked if anyone has done any mapping that's worth sharing.

Jeremy Hansen said that he has looked at the Legislative Districts, and looking at the push towards single member districts, the Board will have to assess its comfort with splitting towns. For instance, the population of the Chittenden Senate district suggests the need for 7 Senators. While there is a logical 3-2-2 configuration those reconfigured Chittenden Senate districts, maintaining single member districts will be very challenging, and aligning single member House districts to Senate districts will be tough.

Tom Little agreed that his previous experience shows that it is very true: where you start your map can drastically change the composition of the final map, and suggests if you do multiple maps starting from different points, and then observe the variation, you can work to alienate as few people as possible.

Tom Little discussed some of the history of redistricting, split towns, towns that have moved into and out of districts primarily aligned to other counties.

Jeremy Hansen discussed not starting with the existing map and using a 'gain 1, lose 1' formula, and would prefer starting from scratch, as it will lead to a more equitable product, as well as lessening the feeling some may have that something is being taken away from them.

Jeanne agrees. Jeanne also brought back up single member districts, and that the Board has not made any determination that there is a preference to push for single member districts.

Tom Little believes that the Board will fulfill its advice and assistance role best by giving the Legislature both "incremental approach" maps and "from scratch" maps, or more than one version, but the report should also have multiple approaches and gradients of those approaches.

Tom Little asked Ed Adrian if he has made any maps. Ed said he has not, and that he has been hesitant of making any maps without updated data. Ed Adrian believes that Maptitude is an inferior product, and expressed frustration that the Board is shoehorned into using that product.

Ed is happy to work on either the policy discussions, and on the public messaging. He said that looking at the number, it looks pretty clear to him that Chittenden is likely to gain a Senator and Rutland is likely to lose one, and there's no need to not be honest with everyone about that.

Tom Little discussed some Orange/Caledonia House districts, and that the Senate district with the highest negative deviation being Bennington, with Rutland being an estimated -7.7, and Bennington being an estimated -10.17 deviation.

Tom Little agreed that policy setting is a good idea, and would support someone drafting something written for the Board to consider on what their policies will be for how their work is completed. Ed Adrian will work on an editorial for how policy will be developed from public input.

Ed Adrian suggested that when reaching out to the broader public, to make it less wonky. Tom Little thinks that ultimately both are needed.

Jeanne Albert also believes that both are needed, and that the history of '1 town, 1 vote' is an interesting backdrop for people when thinking about this issue. Jeanne brought up the map of school districts (<https://education.vermont.gov/sites/aoe/files/documents/edu-vermont-map-of-school-unions-districts-towns.pdf>), pointing out that they continue to bump up against the statutory requirement to adhere to counties as much as possible. She believes it may be worth understanding the extent to which the issue Landel Cochran mentioned earlier is occurring in other places.

- Other

5. Report-Ins from Members on Their Tries at Mapping - Subcommittees or Mapping Subgroups?

This Agenda item was discussed earlier in the meeting.

6. Discussion of Strategic Schedule for Next Six Months

Tom Little said that he will try to develop a proposal for a somewhat detwiled schedule covering the next six month – subject to the caveat that we just don't know when we will get the final U.S. Census data.

7. Other Business

Tom Little discussed providing further information about these discussions and meetings to the school boards with the idea of suggesting inclusions of reapportionment principles and governance in the school civics curriculum.

Questions were asked about the per diem stipend and activating a state email address.

The date of the next meeting was discussed (February 18th) – Tom Koch may not be able to make it.

8. Adjourn

The meeting was adjourned at 10:45.

Note: This meeting was held remotely as authorized by Act 92 (2020). It was accessible to the public via the Zoom meeting platform, which included a telephone conference call option.