

STATE OF VERMONT
LEGISLATIVE APPORTIONMENT BOARD

Minority Report to the House of Representatives

Reapportionment is always a difficult process. It divides traditional relationships, forces unholy alliances, and frequently weakens the bonds of the citizenry to their government. But, as the law wisely dictates, reapportionment has as its fundamental goal, the protection of equal electoral rights. Equality need not be exact, but it should be afforded every Vermonter whether a resident of a small rural village or a growing city. We should strive in this process to mitigate the negative aspects of reapportionment, by minimizing changes in traditional district, political, social and economic affinities. The delicate balance required to assure equality and recognize traditional affinities surely ought to be our objective, even though it is not always easy to achieve.

I must regretfully dissent from the Board's recommended reapportionment plan, because I find that it is neither equitable, nor does it respect traditional community affinities that could be accommodated in a fair plan.

The development of the majority's plan tells much about its deficiencies. I submitted to the Board a draft plan for consideration that had a deviation of only about 8%. This plan changed fewer towns and districts than the majority plan, and respected many traditional community affinities. Nevertheless, there were areas where traditional affinities were adversely affected. It was, however, the most equitable plan considered by the Board. This was rejected outright.

Consequently, I attempted to find common ground with other Board members as we worked our way around the state. This effort produced a map with 151 representatives and some startling disparities of treatment from district to district. Not surprisingly, the plan carefully insulates a group of incumbent legislators in districts that were historically dominated by one party or the other. It removed representation from districts with a better deviation than other new districts it created without any necessity, except perhaps those of political advantage. I, therefore, refused to agree to this premature plan.

Although there are at least hundreds of ways to reapportion Vermont, the majority was determined not to revisit the preliminary plan. Consequently, I proposed some minor revisions to the plan to accomplish what I perceive to be changes that would provide more equal treatment to various parts of the state that the plan treats differently. These too were rejected.

The Legislature and the Governor now have the task of agreeing on a final plan for reapportionment. The balance of this report is intended to identify significant deficiencies in the Board's

plan and to offer some guidance to those who will draw the Act of Reapportionment.

In preparing a new apportionment plan, one is inevitably faced with areas of substantial deviation from the state average. This year, southern Windsor County shows a significant decline in relative population, while "suburban" Chittenden County showed significant gains. Specifically, southern Windsor County lost in relative population the equivalent of one representative, while "suburban" Chittenden County gained in relative population the equivalent of two representatives. If these facts are accepted, then it is necessary to determine how to reconfigure these two areas of the state and where it would be most fair to remove another representative.

In the case of southern Windsor County, the easy answer is to combine Springfield and Rockingham into a four member district, and slightly modify surrounding districts. Other solutions are quite possible and it may be productive to explore some of these, but I do not believe that this area of the state can avoid losing a representative.

Chittenden County presents a more complex problem. While those towns and cities surrounding the more densely populated Burlington and Winooski have grown faster than the state average, Burlington and Winooski, by virtue of their limited and quite full acreage have lost 80% of a representative in the past ten years. I believe that these two cities should yield a representative to their surrounding towns and cities. Nowhere else in the state, outside of Windsor County, is there so great a relative loss. I have therefore urged that one of the two representatives needed for "suburban" Chittenden County come from these cities.

This approach does not have a partisan effect. Although it may be surprising to some, there are Republicans representing parts of Burlington, Winooski and Springfield, who stand to lose out when internal district lines are drawn, just as the Democrats may. Moreover, the new seats created in "suburban" Chittenden County are neither Democratic nor Republican. My research indicates that the voting patterns in these towns and cities is roughly equal for Democrats and Republicans in state-wide elections. I count this a positive characteristic for any district, since it will focus the voters on specific candidates and their positions in what can be very open races.

The majority of the Board, unfortunately, elected to preserve the seat in Burlington and Winooski, and to search for somewhere else to remove a representative, namely Barre City, which appeared to be underpopulated by approximately 47% of a representative. This is not fair, especially when the majority chose to propose a district in Tunbridge, Strafford, Sharon and Pomfret that is more than 10% over the state-wide average, and various combinations for Barre City with Barre Town, or the Town and Orange, or Montpelier, Berlin, and Barre Town would produce deviations well under 10%, and

equal to or better than as many as 30 other representative districts around the state. (See attachment 2)

In addition, the numerical justification for removing a representative from Barre City loses much of its apparent allure when one recognizes that the City was undercounted in the census by as many as 400 people living in group living arrangements and surrounding dwellings. This is 10% of a representative and a shift in population which should not be overlooked.

The combination of Barre City with Berlin alone lacks any respect for community affinities. They do not share schools, water, sewer, fire, cultural, economic or other interests. Moreover, they are only connected by a sparsely populated strip commercial development.

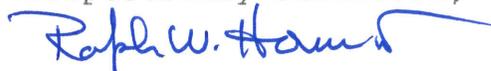
I would point out that Barre City is and continues to be a traditionally Democratic city, although it currently has two Republican representatives. In the long run I can see no partisan benefit from stripping Barre City of a representative, unless the motive is one directed at particular incumbents.

Other aspects of the Board majority's plan bear careful scrutiny. Many district boundaries were changed that needed no alteration because of relative population shifts or to accommodate the requirements of surrounding districts. For example: Rutland-3, the old Manchester District, the old Bethel district, and others. I do not believe it is advisable to unnecessarily alter district lines, because, with such changes, we lose voters who become alienated from their traditional governmental frame of reference and thus, simply stop voting. These voters are typically already marginalized economically. We should not unnecessarily further alienate them.

I would strongly urge that the final reapportionment plan restore many of the altered districts, remove a representative from Burlington and Winooski and restore a representative to the Barre area. More importantly, I would urge that different parts of the state be treated the same way to the fullest extent possible and that the political affinities of new districts that must be created be balanced where possible, so that partisan voting is, to the extent possible, replaced by issue oriented debate between potentially equal candidates from both parties.

I regret that the majority of the Board has adopted a premature and potentially unconstitutional plan with significant inequities, partisan bias and unnecessary and disruptive district modifications. I cannot support this plan as I had hoped. I remain willing to meet with interested legislators and to assist in the process.

Respectfully submitted,



Ralph W. Howe, Board Member

Attachment 1

Barre City 2.53

Barre City 2.53

Barre Town 1.98

Combined Ratio: 4.51 Per Rep: 90.2 (5)

Barre City 2.53

Barre Town 1.98

Orange .24

Combined Ratio: 4.75 Per Rep: 95.0 (5)

Barre City 2.53

Barre Town 1.98

Berlin .68

Montpelier 2.20

Combined Ratio: 7.39 Per Rep: 92.3 (8)

Effect of additional Population in Barre:

Add 200: $9,482 + 200 = 9682$

Add 300: $9,482 + 300 = 9782$

Add 400: $9,482 + 400 = 9882$ Ratio: 2.63

Barre City 2.63

Barre Town 1.98

Combined Ratio: 4.61 Per Rep: 92.2 (5)

Attachment 2

Districts with an equal or higher deviation from the Barre Combinations:

Using lower incorrect Census:

Barre Town and City: 90.2

Tunbridge, Sharon, Strafford and Pomfret: 1.10+

Barre Town, City and Orange: 95.0///Barre Town & City, Berlin,
Montpelier: 92.3 OR
BARRE TOWN AND CITY (w/revised
Census):92.2

Addison-2: 1.06
Addison-5: 1.07
Addison-Rutland-1: 1.05
Addison-Rutland-2: 0.93
Addison-Washington-1: 0.92 *
Bennington-1: 0.92 *
Bennington-3: 0.93
Bennington-Rutland-1: 1.09 *
Caledonia-2: 0.91 *
Chittenden-Franklin-1: 0.91 *
Chittenden-Washington-1: 1.09 *
Franklin-2: 0.94*
Franklin-3: 0.91 *
Franklin -4: 1.06
Lamoille-1: 0.94
Lamoille-2: 0.94
Lamoille-3: 0.92 *
Orange-1: 0.94
Orange-Windsor-1: 1.10+ *
Orleans-2: 1.07
Orleans-3: 1.05
Rutland-2: 0.95
Rutland-8: 0.93
Washington-1: 1.05
Washington-4: 1.07 The proposed district with Barre City!
Washington-5: 0.93
Windham-2: 1.09 *
Windham-5: 1.06
Windham-Windsor-1: 1.07
Windsor-2: 1.06
Windsor-4: 1.07



TOWN OF ADDISON

County of Addison

Chartered 1761

RD 1, Vergennes, VT 05491

802-759-2020

April 26, 1991

James H. Douglas, Secretary of State
State of Vermont
Pavilion Office Building
Montpelier VT 05602

Re: Reapportionment of the House of Representatives

Dear Secretary of State Douglas:

As Clerk of the Board of Civil Authority, I have been instructed by such Board, to advise you that with regard to the reapportionment of the House of Representatives, the Board wishes to keep the Addison-1 District as it currently is. [Addison, Ferrisburgh, Panton, Vergennes, Waltham]. The Board's reasoning is to keep the apportionment the same as the school district, which is comprised of the above towns.

Sincerely,

(Mrs) Jane B. Grace,
Town Clerk & Treasurer



Town of Barnard, Vermont

Chartered July 17, 1761

Barnard, Vermont 05031-0274
(802) 234-9211

April 29, 1991

Frank Smallwood
Legislative Apportionment Board
Pavillion Office Building
Montpelier, VT 05609-1101

Dear Mr. Smallwood,

We the Barnard Board of Civil Authority, have reviewed your letter of 3/29/91 and have concluded that the existing school district comprising Barnard, Pomfret, Sherburne, Bridgewater, Woodstock, Plymouth, And Reading meet your outlined criteria of satisfying the social, financial, cultural and political issues shared by these communities. In addition, it satisfies the population requirement for a two member district.

Finally this would satisfy Royalton's expressed disinterest in being included in these towns and would better satisfy concerns expressed by Pomfret, Reading and Woodstock.

Sincerely yours,



Wallace deGiacomo
Barnard Board of Civil Authority

CITY OF BARRE, VERMONT
OFFICE OF CITY CLERK AND TREASURER

"Granite Center of the World"

TO: Legislative Apportionment Board, Frank Smallwood, Chairman
FROM: Barre City Board of Civil Authority
RE: Barre City Reapportionment
DATE: April 18, 1991

Dear Mr. Smallwood;

The purpose of this letter is to formally protest the Legislative reapportionment of Barre City from Legislative Districts Washington 4-1, Washington 4-2, & Washington 4-3 to a 2 member district with a shared district with the town of Berlin.

We present as grounds for protest the following:

- 1) Barre City has filed a protest with the U.S. Census Bureau that over 100 housing units were omitted in the 1990 Census. We have received an initial response from the Census Bureau indicating agreement that at least 75 structures and 1 Group quarter was omitted from the original census count. Many of these units are multi-family and we fully expect that over 500 people will be added to our census figure of 9482. We feel that setting a reapportionment plan using erroneous figures is unfair to the citizens of the City of Barre.
- 2) An updated census count of 10,000 would yield the City a 2.67 ratio using 3752 people per Representative.
- 3) If the City of Barre is to be combined with another community it is our belief that drawing 300 or less residents from a contiguous neighborhood in Barre Town is a more rational approach.
- 4) The Barre City Board of Civil Authority maintains that the City is more historically, politically and sociologically attached to the Town of Barre than to our western neighbor Berlin.

We hope that you and your Board will recognize these facts and respond by making the appropriate adjustments. If you need further information or documentation we will endeavor to provide it to you.

Thanking you in advance, we are;

Alan H. Noyes



Chair, BCA

James F. Milne



City Clerk

Michael A. Welch



City Manager



TOWN OF BARRE, VERMONT
RUTH A. FINN, CLERK-TREASURER
WEBSTERVILLE, VERMONT
05678-0124
TEL. 479-9391

May 2, 1991

Mr. Frank Smallwood, Chair
Legislative Apportionment Board
Pavilion Office Building
Montpelier, VT 05609-1101



Dear Mr. Smallwood:

The Board of Civil Authority of Barre Town feels that the Apportionment Board has done an excellent job in their re-apportionment plan. Under that plan, the Town of Barre would retain its two-member district. The Board has learned through the media that the City of Barre feels that they should be combined with Barre Town to form a five-member district.

This matter has been discussed at the Barre Town Board of Civil Authority meeting on April 30, 1991, and it was felt that Barre Town should remain as a two-member district by itself.

The Board has requested that notification of hearings or meetings be given so that members of the Barre Town Committee will have an opportunity to express its concerns.

If there are any questions, please advise.

Sincerely,

Ruth A. Finn, CMC
CLERK-TREASURER

RAF:dg



TOWN OF BARRE, VERMONT

RUTH A. FINN, CLERK-TREASURER

WEBSTERVILLE, VERMONT

05678-0124

TEL. 479-9391

April 9, 1991

Mr. Frank Smallwood, Chairman
Legislative Apportionment Board
Pavilion Office Building
Montpelier, Vermont 05609-1101

Dear Mr. Smallwood:

On Monday evening, April 8, 1991 the Barre Town Board of Civil Authority voted unanimously to approve the Two Member District concept which was detailed on page 7 of your memorandum from the Legislative Apportionment Board dated March 29, 1991.

The Board of Civil Authority appointed three members to serve as a committee to represent the Town's interest at any public hearings regarding Apportionment of the Legislature. The Committee consists of John Pellon, Eugene White, and Donald Smith.

If there are any questions regarding the Apportionment or notification of the Committee, please advise.

Sincerely,

Ruth A. Finn, CMC
Clerk, Board of Civil Authority

RAF/r