

Paul S. Gillies
Deputy Secretary of State



STATE OF VERMONT
OFFICE OF THE SECRETARY OF STATE
109 State Street
Montpelier, Vermont 05602

February 2, 1981

The Honorable Robert H. Gibson
Secretary of the Senate
Vermont Senate
Montpelier, Vermont 05602

Dear Mr. Gibson:

Pursuant to Chapter 34A of Title 17, V.S.A., the Legislative Apportionment Board convened to consider the periodic reapportionment of the State Senate. This reapportionment will be effective with the 1982 elections and remain effective for the ensuing five General Assemblies (1983-84 to 1991-92).

For the purpose of expert assistance and services, the Board contracted with Charles J. Adams, Esq., of Waterbury, a former Chairman of the Board, for legal service. A contract was also negotiated with Clark H. Bensen, Esq., of South Burlington, d/b/a/ Vermont Polidata, for consultant services.

For the first time an Apportionment Board was able to utilize computerized data analysis. This capability increased the efficiency and accuracy of the process by drastically reducing the tedious calculations necessary to such a numbers-dominated process.

While the Board recognized at the outset political and socio-economic factors in the configuration of the legislative districts, it also was cognizant of the numerical limitations involved in the process. The enabling statute provides guidelines for the non-numerical considerations but is vague about the actual numerical limits.

The Board adopted a goal of 8.2% (plus or minus) as the maximum percentage by which a legislative district may exceed an ideal district. This figure was derived from a review of various court decisions.

Based on the U.S. Census figure for 1980, the total population of the state is 511,299. With a thirty-member Senate, the ideal district becomes 17,043 people per Senator.

Through the course of its deliberations, the Board corresponded with newly-elected 1981 Senators, as well as local officials. It also received numerous comments from interested individuals and testimony at a public information meeting held January 13, 1981 at the State House.

The Board hereby submits its Recommendation for the reapportionment of the Vermont Senate.

RECOMMENDATION: Single-member districts.

This plan provides for twenty-seven statutory districts, all but two of which are delineated as single-member districts. In keeping with the Board's philosophy of not splitting towns, there are only two districts which require the splitting of towns (Chittenden-West and Chittenden-East).

The function of reapportionment is to achieve substantial equality in the choice of members as guaranteed by the Equal Protection Clause of the 14th Amendment of the U.S. Constitution. Notwithstanding court decisions upholding multi-member districts generally (at least so far), the Apportionment Board contends that multi-member districts in the Senate have tended to disenfranchise citizens of small towns who are members of multi-member districts within which is located a large population center.

Prime examples are the Chittenden County Senate District and the Rutland County Senate District. In the case of the sixteen towns in the Chittenden County District, five of the six Senators reside in the City of Burlington.

"In the last decade Chittenden County's district has filled six seats in each of five elections. Twenty-eight of them were occupied by Senators living in one of the three core communities in the county (Burlington, South Burlington and Winooski). Only one lived in a suburban community (Colchester) and one in an outlying community (Underhill). Thus, the core, which contains approximately half of the registered voters in the county, elects over 90% of the Senators. Moreover, this problem is getting worse. In the last two elections of the decade Burlington itself filled 75% of the seats, while in the first two elections of the decade Burlington filled only 50% of the seats."*

*Brian report

Similarly, in the Rutland County Senate district of twenty-five towns, all three of the Senators reside in the City of Rutland which has only about 35% of the district's population. Previous to the current session, one of the Senators came from the Town of Proctor. However, it could be said that the Town of Proctor is one of the larger county towns and close to the City of Rutland. Either way, the net result is that the small rural towns in the county are effectively shut out.

The use of multi-member districts has produced numerous charges of diminution of citizens' franchise. Charges that the Senate is dominated by large town interests to the detriment of the small town rural areas; that bullet voting is a political necessity in order to support one candidate; that constituents lose identity with their elected representatives; that the representatives lose contact with their constituents in a large district.

The "fundamental principle of representative government in this country is one of equal representation for equal numbers of people." Reynolds v. Sims, 377 US 533 (1964). Thus, every group of 17,043 people in the State of Vermont should be entitled to the equal representation that one actual Senator can render them in Montpelier. To assume this equality each Senator should only be accountable to a group of 17,043 people. The Board believes that this equality of representation can most accurately be reflected in single-member districts. The Board's recommendation is for a single-member plan.

The Board does recognize that within the Senate there is substantial resistance to a single-member plan. In light of that, the Board is submitting an alternative plan, involving districts with no more than two seats per district, which would go a long way toward reducing present inequities.

The Board is also submitting a second alternative plan for thirteen statutory districts with the requirement that all statutory districts of more than two members be divided into single-member and two-member districts by an appropriate legal mechanism.

The creation of districts of three or more Senators, elected at-large, does not (in the Board's view) provide the citizens of the small outlying towns with equal protection as required in the 14th Amendment of the U.S. Constitution and called for in Chapter 34A Section 1907, Title 17 V.S.A., and is therefore vulnerable to legal challenge.

Douglas B. Kitchel
Douglas Kitchel, Sr., Chairman

Wayne Jameson
Wayne Jameson

S/ Philip Kolvoord
Philip Kolvoord

John M. Lindley, III
John M. Lindley, III

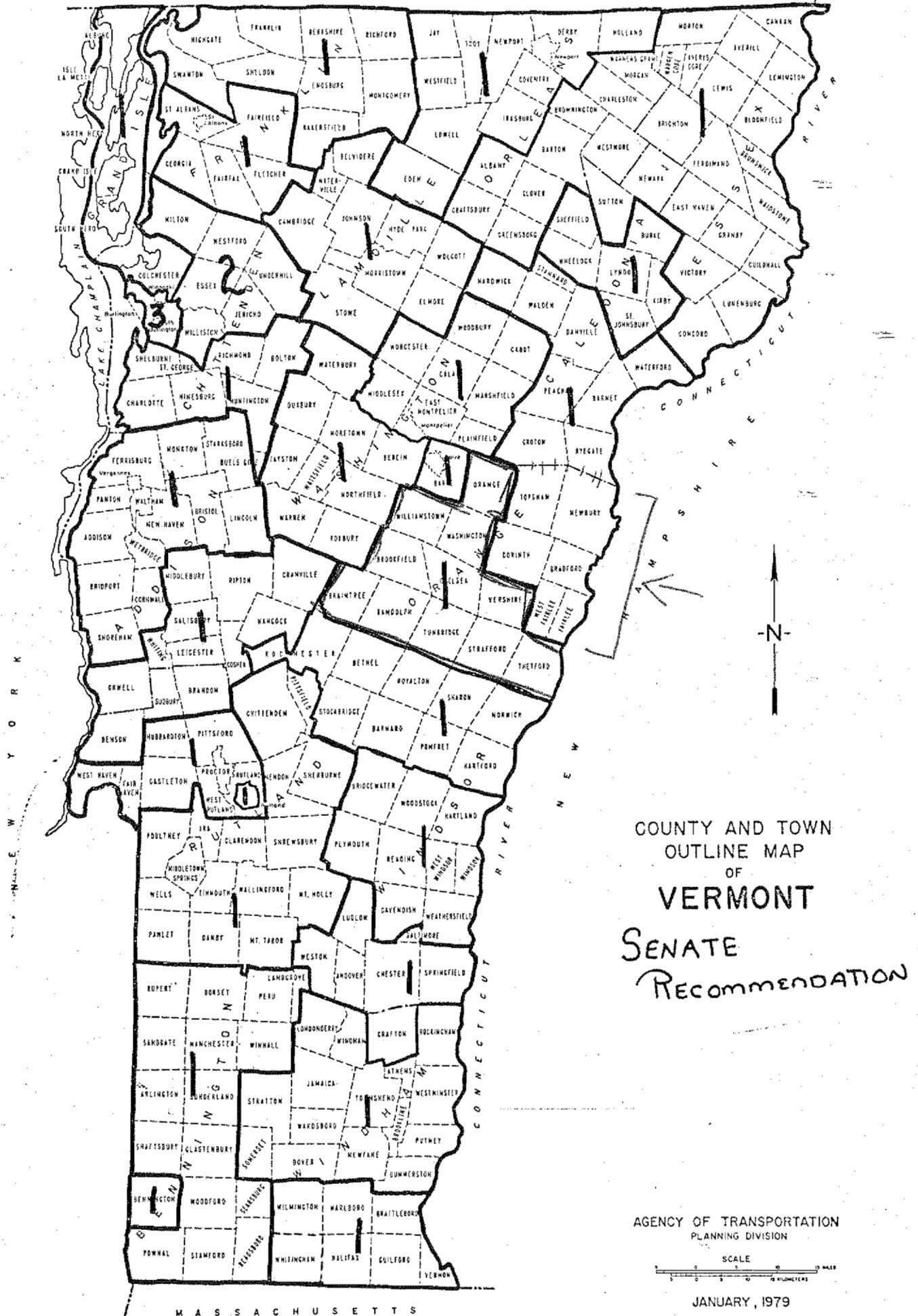
Charles Wise
Charles Wise

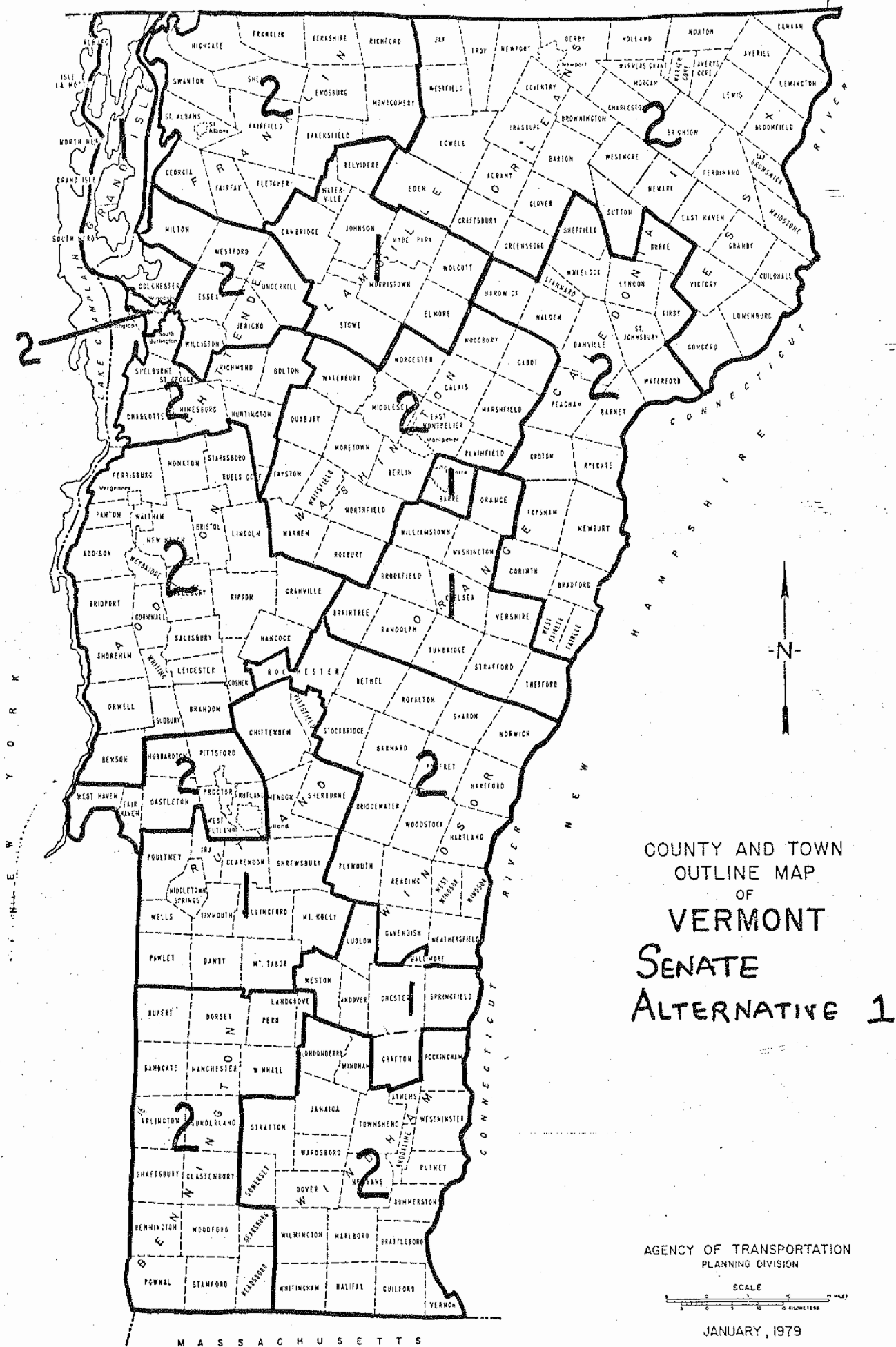
James H. Douglas
James H. Douglas, Secretary

RECOMMENDATION
FOR THE
REAPPORTIONMENT
OF THE
VERMONT STATE SENATE

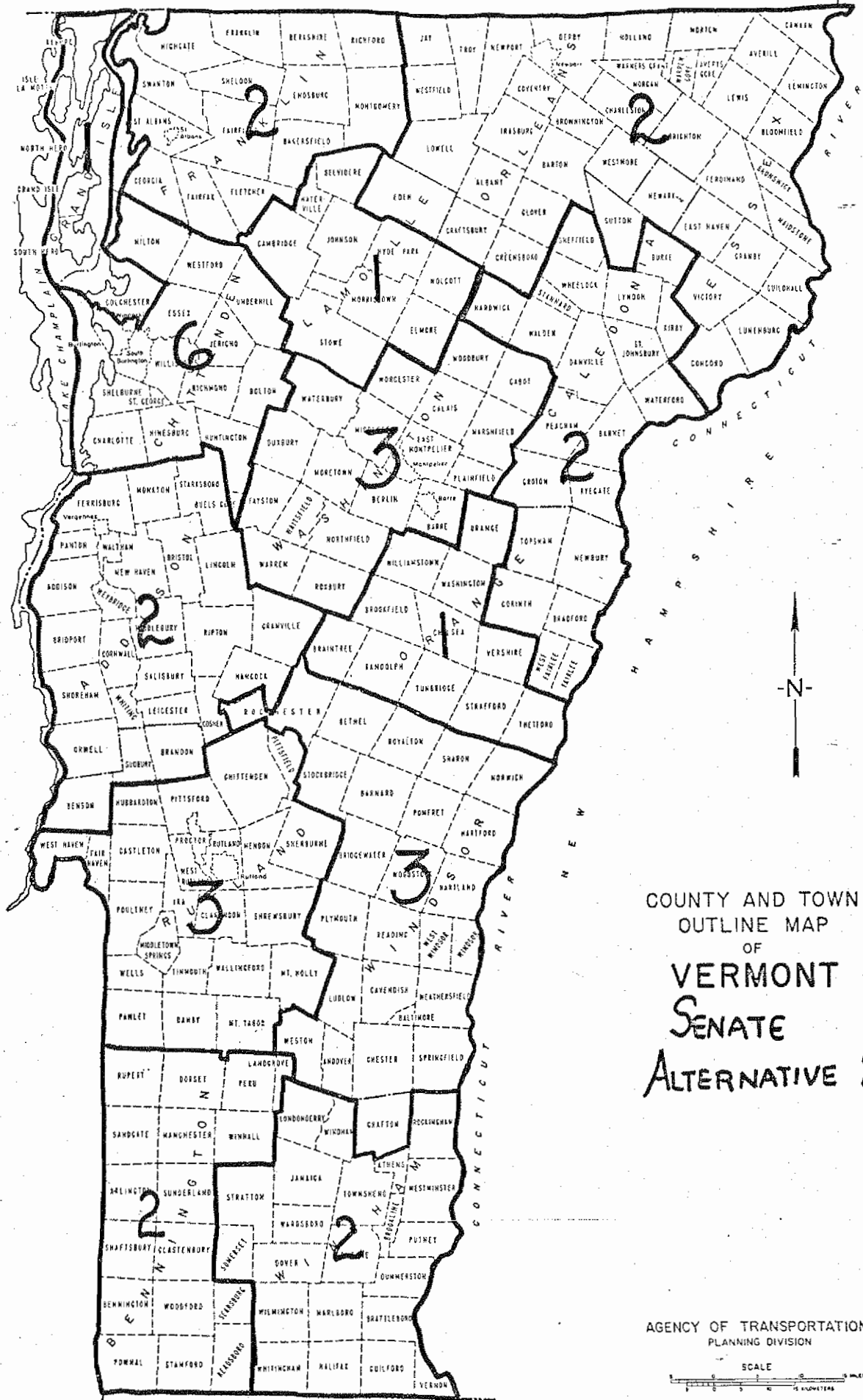
BY THE
LEGISLATIVE APPORTIONMENT BOARD

February 2, 1981



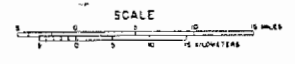


N E W Y O R K



COUNTY AND TOWN
OUTLINE MAP
OF
VERMONT
SENATE
ALTERNATIVE 2

AGENCY OF TRANSPORTATION
PLANNING DIVISION



JANUARY, 1979

M A S S A C H U S E T T S