

CRITERIA AND OPERATIONAL GUIDELINES FOR LEGISLATIVE REDISTRICTING

Adopted by the
Montana Districting and Apportionment Commission
April 18, 2001

I. MANDATORY CRITERIA FOR LEGISLATIVE DISTRICTS

1. Population equality and maximum population deviation. All legislative districts must be as nearly equal in population as is practicable within a maximum deviation of no more than plus or minus 5% from the ideal population of 9,022 persons. (U. S. and Mt. Constitutions and U.S. Supreme Court decisions)
2. Compact and contiguous districts. Each district shall consist of a compact and contiguous territory. The Commission will use a general appearance test regarding compactness and consider its functional compactness in terms of travel and transportation, communication, and geography. (Mt. Constitution)
3. Protection of minority voting rights and compliance with the Voting Rights Act. No district, plan, or proposal for a plan is acceptable if it affords members of a racial or language minority group "less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice." (U.S. Constitution and 42 U.S.C. 1973)
4. Race cannot be the predominant factor to which the traditional discretionary criteria are subordinated. (Shaw v. Reno, 509 U.S. 630 (1993))

II. DISCRETIONARY CRITERIA FOR LEGISLATIVE DISTRICTS

1. Following the lines of political units. The Commission will consider the boundary lines of counties, cities, towns, school districts, Indian reservations, voting precincts, and other political units to the extent that they are reflected in the geographical database. If the lines do not follow lines in the geographical database, they can provide guidance.
2. Following geographic boundaries. Districts lines will be drawn as provided in the TIGER/Line files of the U.S. Bureau of the Census.
3. Keeping communities of interest intact. The commission will consider keeping communities of interest intact. Communities of interest can be based on trade areas, geographic location, communication and transportation networks, media markets, Indian reservations, urban and rural interests, social, cultural and economic interests, or occupations and lifestyles.

III. OPERATIONAL GUIDELINES

1. The Commission will use the P.L. 94-171 data set (unadjusted population figures) distributed by the Bureau of the Census.
2. The operational guideline based on the OMB Bulletin No. 00-02 is adopted as an initial approach with which to analyze the Census data. Initial aggregation would result in a person being counted in one of the five single-race categories, one of the four double-race categories, any other combination that represents more than 1% of the population in a jurisdiction, or the balance of individuals reporting more than one race.

For any category of responses for more than one race that falls beneath 1%, the allocation guideline would be applied:

- (1) if the category combines responses including one minority race and White, the responses would be allocated to the minority race; or
 - (2) if there are responses that include two or more minority races, the Commission would analyze the patterns based on alternative allocations to each of the minority groups.
3. The Commission will begin its redistricting in Glacier County (and adjacent Flathead and Lake Counties, as necessary,) and to proceed in a clockwise motion throughout the state. The Commission will proceed along the Hi-Line, including Cascade County, to Eastern Montana. Following the completion of Eastern Montana, proceed west through Southcentral Montana, then north through the western third of the state. Flathead and Lake Counties will be contacted initially in the development of districts with Glacier and Pondera Counties that reflect concerns raised in the Old Person lawsuit, but the remainder of the districts in the counties will not be drawn until the final third of the state is considered next spring.