



Montana Districting and Apportionment Commission

Commission members:

Janine Pease Pretty On Top
Presiding Officer
P. O. Box 447
Lodge Grass, MT 59050

Joe Lamson
612 Touchstone Circle
Helena, MT 59601

Jack D. Rehberg
2922 Glenwood Lane
Billings, MT 59102

Sheila Rice
913 3rd Ave.
Great Falls, MT 59401

Elaine Sliter
P.O. Box 118
Somers, MT 59932

Staff:

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Researcher Analyst
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Attorney

May 30, 2001

Honorable Mike McGrath
Attorney General
State of Montana
Helena MT 59620

Dear Attorney General McGrath:

Enclosed is Resolution #1 by the Montana Districting and Apportionment Commission, whose members have asked that it be conveyed to you officially on their behalf.

The resolution was adopted in concept on May 4, 2001, and was accepted by written ballot in the form of the enclosed version by a majority of the Commission members. (Commissioners Pease Pretty On Top, Lamson, and Rice voting aye; Commissioners Sliter and Rehberg voting no.)

If you have any questions, please feel free to contact me.

Sincerely,

Susan Byorth Fox
Research Analyst

Distribution list:

Attorney General Mike McGrath
The Honorable Judy Martz, Governor
Secretary of State Bob Brown
Attorneys for the Plaintiffs:

Mr. Laughlin McDonald, et al., ACLU Foundation Inc.
Mr. Robert T. Coulter, Indian Law Resource Center
Ms. Trudy Flamand Miller
Mr. James P. Molloy, Hunt and Molloy
Mr. Brian Morris, Goetz, Madden and Dunn
Ms. Beth Brenneman

2000 DISTRICTING AND APPORTIONMENT COMMISSION
OF THE STATE OF MONTANA

Resolution No. 1

WHEREAS, Old Person v. Cooney is a case pending charging 1990 Montana Legislative Districts are in violation of Section 2 of the federal Voting Rights Act of 1965. The plaintiffs have moved to join the 2000 Districting and Apportionment Commission as a party and the defendants have asked the Commission to voluntarily join as a party; and

WHEREAS, the Commission seeks to recognize the rights of Indians on the Blackfeet and Flathead Reservations under Section 2 of the federal Voting Rights Act of 1965 through the creation by the Commission of an additional majority Indian House District and an additional majority Indian Senate District in the region of Montana that is dealt with in Old Person; and

WHEREAS, on November 16, 2000, the Commission adopted redistricting criteria that recognize the critical importance of upholding Section 2 of the federal Voting Rights Act of 1965 and in addition voted to not recognize as a criteria the existing lines of Senate and House Districts created by the 1990 Commission; and

WHEREAS, the adoption of the one criterion and the rejection of the other criterion place the Commission in an excellent position to achieve the goal asserted in the 9th Circuit Court opinion in Old Person of resolving Old Person in a timely fashion; and

WHEREAS, at its April 18, 2001, meeting the Commission unanimously voted to instruct its staff to begin preparation of proposed new legislative districts in the region of Montana that is dealt with in Old Person; and

WHEREAS, the Commission intends to have the proposed new legislative districts in that region prepared for presentation at a public hearing, and for tentative adoption by the Commission, in the late summer or the fall of 2001; and

WHEREAS, the Commission recognizes that the 2000 Census data and the evidence of racial bloc voting and other factors regarding the dilution of Indian voting strength identified by the courts in Old Person support the creation of an additional majority Indian House District and an additional majority Indian Senate District in the region of Montana that is dealt with in Old Person, in recognition of the rights of Indians on the Blackfeet and Flathead Reservations under Section 2 of the federal Voting Rights Act of 1965.

NOW, THEREFORE, BE IT RESOLVED BY THE 2000 DISTRICTING AND APPORTIONMENT COMMISSION OF THE STATE OF MONTANA:

- (1) That the Commission commends the parties in Old Person for their attempt to settle the

case in a manner that recognizes the rights of Indians on the Blackfeet and Flathead Reservations under Section 2 of the federal Voting Rights Act of 1965.

(2) That the Commission recognizes its unique opportunity to address the Old Person issue and will, as justified by the 2000 Census data and by the criteria adopted by the Commission for legislative redistricting, create an additional majority Indian House District and an additional majority Indian Senate District in the region of Montana that is dealt with in Old Person, so that the political processes leading to nomination or election to the Montana Legislature are equally open to participation by Indians and so that Indians have an equal opportunity with other members of the electorate to participate in the political process and to elect legislators of their choice for the 2004 and subsequent legislative elections.

Adopted May 4, 2001

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