

# **Proposed criteria for discussion and public comment.**

Commissioners Joe Lamson and Kendra Miller

## **Mandatory Criteria for Congressional Districts**

- Population equality: All Congressional districts shall be as nearly equal in population as is practicable. (Article, Section 2 of the U.S. Constitution, U.S. Supreme Court cases).
- Compact and contiguous districts. Each district shall consist of compact and contiguous territory. (Article 5, Section 14 of the Montana Constitution). The Commission may use, but not be limited to, considering the district's functional compactness in terms of travel and transportation, communication, and geography.
- Protection of minority voting rights are guaranteed in Article II, Section 4 of the Montana Constitution and through 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." (42 U.S.C. 1973). Race cannot be the predominant factor to which traditional redistricting criteria are subordinated. (Shaw v. Reno, 509 U.S. 630 (1993)).

## **Discretionary Criteria for Congressional Districts**

- Following lines of political units. The Commission will consider the boundary lines of Indian reservations, counties, cities, towns, school districts, and other political units.
- Keeping communities of interest intact. The Commission will consider keeping communities of interest intact. Communities of interest can be based on Indian reservations, urban interests, suburban interests, rural interests, neighborhoods, trade areas, geographic location, communication and transportation networks, social, cultural and economic interest, or occupation and lifestyles.
- When considered on a statewide basis, a plan must not have the effect of unduly favoring or disfavoring any political party.
- When considered on a statewide basis, a plan must have a reasonable share of competitive districts capable of being won by either party.

### **Mandatory Criteria for Legislative Districts**

- Population equality: Each legislative district shall be as nearly equal in population as is practicable. (Article 5, Section 14 of the Montana Constitution).
- Compact and contiguous districts. Each district shall consist of compact and contiguous territory. (Article 5, Section 14 of the Montana Constitution). The Commission may use, but not be limited to, considering the district's functional compactness in terms of travel and transportation, communication, and geography.
- Protection of minority voting rights are guaranteed in Article II, Section 4 of the Montana Constitution and through 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." (42 U.S.C. 1973). Race cannot be the predominant factor to which traditional redistricting criteria are subordinated. (Shaw v. Reno, 509 U.S. 630 (1993)).

### **Discretionary Criteria for Legislative Districts**

- Following lines of political units. The Commission will consider the boundary lines of Indian reservations, counties, cities, towns, existing legislative districts, school districts, and other political units.
- Keeping communities of interest intact. The Commission will consider keeping communities of interest intact. Communities of interest can be based on Indian reservations, urban interests, suburban interests, rural interests, neighborhoods, trade areas, geographic location, communication and transportation networks, social, cultural and economic interest, or occupation and lifestyles.
- When considered on a statewide basis, a plan must not have the effect of unduly favoring or disfavoring any political party.
- When considered on a statewide basis, a plan must have a reasonable share of competitive districts capable of being won by either party.