Staff Analysis:
Proposed Options for Pairing of House Districts into Senate Districts
and for the Assignment of Holdover Senators

Prepared for the Districting and Apportionment Commission
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There are three options presented here for the pairing of house districts into senate districts. Option A is proposed by Commissioners Sheila Rice and Joe Lamson. Options B and C were prepared by staff. The Montana Constitution provides that "Each senate district shall be composed of two adjoining house districts, and shall elect one senator. Each district shall consist of compact and contiguous territory. All districts shall be as nearly equal in population as is practicable." (Article V, section 14) The other criteria that the Commission has adopted are also applicable in the development of the senate districts.

The Montana Constitution also provides that "One-half of the senators shall be elected every two years." (Article V, section 3) The options follow a 1983 Attorney General Opinion (40 A.G. Op 2 (1983)) that provided that the terms of office of members of the Senate who were elected in 1982 could not be shortened as a result of reapportionment and redistricting. Therefore, the 25 members of the senate who will be elected in 2002 will be assigned a senate district to represent upon the expiration of the current districts after 2003-2004 and the implementation of the new districts for the 2004 election and for the composition of the 2005 Legislature.

Because of the dramatic shift in population and the creation of districts without regard to existing districts, the assignment of holdover senators required that a senator assigned to a district may not necessarily reside in that district. In some cases there are options for assignment that may or may not be represented in any of these options. An attempt was made to assign a senator to a district that had as much of an existing district as possible, but it was not possible or practical in all cases.

The options provide various configurations. There are 12 districts that remain the same in all three options for the following reasons: complying with the contiguity requirement, maintaining a current Indian-majority district, complying with the 2000 Commission's Resolution #1, "donut" districts, or corner-county districts. Other combinations may be possible, however, for an amendment to be proposed, it is necessary that the amendment ensures that each house district that is affected has a contiguous alternate pairing suggested, as well as any potential holdover senator assignment that is affected.

Some points of interest:

1. Highly populated counties may have house districts that may be exchanged within a plan if another district is contiguous. If a senator does not reside in a district but the district is wholly within the county,

a resident in that county may still run as a candidate in that district.

Cascade County: 4 of 5 proposed senate districts are urban/suburban and 1 house district must be shared in a senate district with adjacent counties and rural population.

Flathead County: 3 of 5 proposed senate districts are within the county. 2 senate districts will be shared to the south with Lake County.

Gallatin County: 3 of 4 proposed senate districts are within the county, and two of those will have some urban and some suburban/rural population. One district will be shared to the north or west because of the Livingston "donut district" providing that the county line to the east be a starting point.

Lewis and Clark County: 2 of 5 senate districts are wholly within the county. 3 are shared with adjacent counties and rural populations.

Missoula County: 5 of 6 proposed senate districts are within the county allowing for various configurations. One senate district is shared with Mineral and Sanders county in all options.

Yellowstone County: 7 of 9 senate districts are urban and 2 senate districts are shared with adjacent counties and rural populations.

2. There will be no race for the senator from SD 2 in eastern Montana to run in 2004.

3. The senators from SD 43, 44, and 45 will only have two districts to run in in 2006 (two of three will be term limited at that time).

4. The loss of a district in the Hi-Line, and the timing of the election of a senator for SDs 43,44, and 45 will necessitate the appointment of holdover senators to districts in which they may not live. If proposed senate district 1 is assigned a holdover, the first election opportunity will be in 2006.

5. Appointment of a senator to a district in which he does not reside may also happen in southeastern Montana for SD 1.

6. Regarding the Northeastern corner of the state: Option C illustrates senate pairings that do not provide an Indian majority in either senate district (app. 33% total population in both districts) as is the current situation. Options A and B provide for an Indian majority in one of the senate districts.

Proposed Senate Districts, by proposed new house district pairings, and Assignment of Holdover Senators (2003-2006)

Each option is presented below in tabular fashion. Within the second column, in parentheses are included any districts that are the same in another option to assist in determining the more desirable configuration.

OPTION A (Rice/Lamson)

Proposed New Senate District #	Proposed New House District Pairings	Existing Senate District comparison	Potential Holdover Senator Assignments (current SD#)
1	1-2 (1BC)	43/37/38	Roush (43)
2	3-14 (2C)	44/45/43	
3	4-6		
4	5-12		Tropila (24)
5	11-13		Mangan (23)
6	9-10 (5B)		Schmidt (21)
7	7-8		
8	15-16 (8C)	46/45	Hanson(46)
9	18-22 (9B)		
10	17-21		
11	19-20		Tester (45)
12	23-24		
13	25-26	2/1	Bales (1)
14	29-30 (12B 13C)	3	
15	28-31		
16	27-32		Gebhardt (4)
17	33-34 (16B)	6	
18	35-36	5/7	Cromley (9)

Proposed New Senate District #	Proposed New House District Pairings	Existing Senate District comparison	Potential Holdover Senator Assignments (current SD#)
19	37-38		
20	39-40		
21	41-42	5/10	Bohlinger (7)
22	43-44 (22C)	11	McGee (11)
23	45-46 (22B 23C)	12	Story (12)
24	47-48 (23B 24C)	13	Esp (13)
25	51-54	14	Wheat (14)
26	52-53	15	
27	56-50	14/16	Perry (16)
28	57-55	16	
29	58-59 (29C 33B)		
30	60-61 (34B)		
31	62-63 (35B)		
32	64-65 (32C)		Grimes (20)
33	66-67 (33C)	26	Cooney (26)
34	68-69 (34C)	27/28	
35	49-70		Anderson (28)
36	71-72 (36BC)	29	
37	73-74 (37BC)	30	Laible (30)
38	75-76 (38BC)	31/30	
39	77-78	29/35	
40	79-80 (40B)	32/33	
41	81-82 (41B)	34/32/21	Squires (34)

Proposed New Senate District #	Proposed New House District Pairings	Existing Senate District comparison	Potential Holdover Senator Assignments (current SD#)
42	83-84		Ellingson (33)
43	85-86 (42BC)		
44	87-88 (44BC)	36	
45	89-90 (45BC)	37	
46	91-92 (46C)	38	Keenan (38)
47	93-94 (48C)	39	Barkus (48)
48	95-98		
49	97-96	40	
50	99-100 (50C 48B)	41	Curtis (41)

OPTION B

Proposed New Senate District #	Proposed New House District Pairings	Existing Senate District comparison	Potential Holdover Senator Assignments (current SD#)
1	1-2 (1AC)	43/37/38	
2	3-4	44/43/25/29	Roush (43)
3	5-12	24	Tropila (24)
4	6-8	25/44	
5	9-10 (6A)	22/23	Mangan (23)
6	11-13	21/23	Schmidt (21)
7	14-15	45	Black (44)
8	16-17	48/46	Hansen (46)
9	18-22 (9A)	4/48/49	
10	21-23	49/50	

Proposed New Senate District #	Proposed New House District Pairings	Existing Senate District comparison	Potential Holdover Senator Assignments (current SD#)
11	24-25 (12C)	1/2/50	Bales (1)
12	29-30 (14A 13C)	3	
13	26-28	2/4	
14	20-27	47/50/2/4	Gebhardt (4)
15	31-40	8/9	
16	33-34 (17A)	6	
17	36-37	5/7	Bohlinger (7)
18	38-39	9/10	Cromley (9)
19	43-42	9/10	
20	35-41	5	
21	32-44	8/11	McGee (11)
22	45-46 (23A 23C)	12	Story (12)
23	47-48 (24A 24C)	13	Esp (13)
24	51-55	14/16	Wheat (14)
25	52-53	15	
26	54-56	16/14	Perry (16)
27	50-57 (28C)	14/16	
28	65-49	4/20/26	
29	7-19 (7C)	47/21/0/25	Tester (45)
30	69-70	27/28/25	Anderson (28)
31	67-68	27/28	Cooney (26)
32	64-66	20/26/27	Grimes (20)
33	58-59 (29AC)	17	

Proposed New Senate District #	Proposed New House District Pairings	Existing Senate District comparison	Potential Holdover Senator Assignments (current SD#)
34	60-61 (30A)	18/19	
35	62-63 (31A)	19/18	
36	71-72 (36AC)	29/28	
37	73-74 (37AC)	30/31	
38	75-76 (38AC)	31/30	Laible (30)
39	77-85	29/31	
40	79-80 (40A)	32	
41	81-82 (41A)	34	Squires (34)
42	83-84 (42AC)	33/34/35	Ellingson (33)
43	78-86 (43C)	35/29	
44	87-88 (44AC)	36	
45	89-90 (45AC)	37	
46	91-95	38/42	Keenan (38)
47	96-97	40/42	
48	99-100 (50AC)	41	Curtis (41)
49	94-98	42/39/40	
50	92-93	38/39	Barkus (48)

OPTION C

Proposed New Senate District #	Proposed New House District Pairings	Existing Senate District comparison	Potential Holdover Senator Assignments (current SD#)
1	1-2 (1AB)	43/37/38	
2	3-14 (2A)	44/45	Roush (43)

Proposed New Senate District #	Proposed New House District Pairings	Existing Senate District comparison	Potential Holdover Senator Assignments (current SD#)
3	12-13	24	Tropila (24)
4	5-6	24/25/44	
5	10-11	23	Mangan (23)
6	8-9	22	Schmidt (21)
7	7-19 (29B)	47/21/20/25	Tester (45)
8	15-16 (8A)	46/45	Hansen (46)
9	17-18		
10	21-22		
11	20-23	47/50	
12	24-25 (11B)	1/2/50	Bales (1)
13	29-30 (12B 14A)	3	
14	26-28 (13B)	2/4	
15	27-49	20/4/2	Gebhardt (4)
16	32-33	5/6/8	
17	34-31	6/8	
18	37-40	7/9	Bohlinger (7)
19	38-39	9/7/10/11	Cromley (9)
20	35-36	7/10	
21	41-42 (21A)	5/10	
22	43-44 (22A)	8/11/12	McGee (11)
23	45-46 (23A 22B)	12	Story (12)
24	47-48 (23B 24A)	13	Esp (13)
25	51-52	14/15/16	Wheat (14)

Proposed New Senate District #	Proposed New House District Pairings	Existing Senate District comparison	Potential Holdover Senator Assignments (current SD#)
26	53-54	15	
27	55-56	16	Perry (16)
28	57-50 (27B)	14/16	
29	58-59 (29A 33B)	17	
30	60-62	18	
31	61-63	19	
32	64-65 (32A)	20/26/27	Grimes (20)
33	66-67 (33A)	26	Cooney (26)
34	68-69 (34A)	27/28	
35	4-70	44/50/28/29	Black (44)
36	71-72 (36AB)	29	Anderson (28)
37	73-74 (37AB)	30	
38	75-76 (38AB)	31/30	Laible (30)
39	77-79	29/32	
40	80-81	32	
41	82-85	31/34	Squires (34)
42	83-84 (42B)	33/34/35	Ellingson (33)
43	78-86 (43B)	35/29	
44	87-88 (44AB)	36	
45	89-90 (45AB)	37	
46	91-92 (46A)	38	Keenan (38)
47	95-96	40/42/39/38	
48	93-94 (47A)	39	Barkus (39)

Proposed New Senate District #	Proposed New House District Pairings	Existing Senate District comparison	Potential Holdover Senator Assignments (current SD#)
49	97-98	42/40	
50	99-100 (48B/50A)	38/39	Curtis (41)