

Public Comments

Montana Districting and Apportionment Commission
Comments received prior to 5 pm on August 14, 2021

Sherley, Laura

From: leg-noreply@mt.gov
Sent: Tuesday, August 10, 2021 11:44 AM
To: Districting
Subject: Submission from Redistricting Input Form

Submit Your Input Regarding Redistricting in Montana

Date: 10th August 2021 11:43

Your Full Name:

Randy Brodehl

Email Address:

rbrodehl@flathead.mt.gov

City and State of Residence:

Kalispell

Your Comment/Input:

During the July 20 meeting, I saw a lot of what appeared to be mission creep of the commission. By state law, the commission has restrictions that it must adhere to in 5-1-115. These restrictions are mandated, not options. The discussion of the commission drifted away from those restrictions, showing a lack of regard for state law and a focus on drawing the lines based on political agendas, instead attempting to manipulate boundaries to favor one party or another. Please consider stopping any of this type of discussion and refocusing discussion to comply with state law restrictions as shown below. Montana Code Annotated 2019, TITLE 5. LEGISLATIVE BRANCH, CHAPTER 1. CONGRESSIONAL, SENATORIAL, AND REPRESENTATIVE DISTRICTS Part 1. Districting and Apportionment Commission Redistricting Criteria 5-1-115. Redistricting criteria. (1) Subject to federal law, legislative and congressional districts must be established on the basis of population. (2) In the development of legislative districts, a plan is subject to the Voting Rights Act and must comply with the following criteria, in order of importance: (a) The districts must be as equal as practicable, meaning to the greatest extent possible, within a plus or minus 1% relative deviation from the ideal population of a district as calculated from information provided by the federal decennial census. The relative deviation may be exceeded only when necessary to keep political subdivisions intact or to comply with the Voting Rights Act. (b) District boundaries must coincide with the boundaries of political subdivisions of the state to the greatest extent possible. The number of counties and cities divided among more than one district must be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions must be divided before the less populous, unless the boundary is drawn along a county line that passes through a city. (c) The districts must be contiguous, meaning that the district must be in one piece. Areas that meet only at points of adjoining corners or areas separated by geographical boundaries or artificial barriers that prevent transportation within a district may not be considered contiguous. (d) The districts must be compact, meaning that the compactness of a district is greatest when the length of the district and the width of a district are equal. A district may not have an average length greater than three times the average width unless necessary to comply with the Voting Rights Act. (3) A district may not be drawn for the purposes of favoring a political party or an incumbent legislator or member of congress. The following data or information may not be considered in the development of a plan: (a) addresses of incumbent legislators or members of congress; (b) political affiliations of registered voters; (c) partisan political voter lists; or (d) previous election results, unless required as a remedy by a court. rlb

Sent via leg.mt.gov/districting/2020-commission/redistricting-input/

Sherley, Laura

From: leg-noreply@mt.gov
Sent: Monday, July 19, 2021 10:24 PM
To: Districting
Subject: Submission from Redistricting Input Form

Submit Your Input Regarding Redistricting in Montana

Date: 19th July 2021 22:24

Your Full Name:

Cathy Carlson

Email Address:

cycathy18@gmail.com

City and State of Residence:

East Helena, MT

Your Comment/Input:

Dear Commissioners, I am a resident in this great state of Montana. Please include my comments in your consideration when working on redistricting Montana. 1) Do not restrict public comments.. The people's thoughts before decisions are made is key to our republic. 2) Keep districts as equal as possible in population. This only makes sense so that rural areas are represented equally to dense population areas. 3) Do not use "Fair and Competitive Districts" as mandatory or discretionary criteria, instead of the statutory 1% - 3% rule. Sincerely, Cathy Carlson

Sent via leg.mt.gov/districting/2020-commission/redistricting-input/

Sherley, Laura

From: leg-noreply@mt.gov
Sent: Tuesday, July 20, 2021 5:15 PM
To: Districting
Subject: Submission from Redistricting Input Form

Submit Your Input Regarding Redistricting in Montana

Date: 20th July 2021 17:14

Your Full Name:

Debbie Churchill

Email Address:

debbie.churchillmt@gmail.com

City and State of Residence:

Clancy mt

Your Comment/Input:

Madam Chair I think the point Rep Steven Galloway was trying to make that you totally missed, is that we want the opportunity to comment on the FINAL MAP that your Commission adopts BEFORE it is final. We want a conversation with your Commission - a back and forth. Not something we get to comment on before you decide/debate the issues. The reason you should have allowed public comment is for an overwhelming number of people today is so that we can give feedback about the action of this Commission! To not positively respond to the number of comments you received shows that you are unable to be fair and unbiased and non political. I hope you change your tactics going forward. You have awoken the Sleeping Giant.

Sent via leg.mt.gov/districting/2020-commission/redistricting-input/

Sherley, Laura

From: leg-noreply@mt.gov
Sent: Tuesday, July 20, 2021 10:32 AM
To: Districting
Subject: Submission from Redistricting Input Form

Submit Your Input Regarding Redistricting in Montana

Date: 20th July 2021 10:32

Your Full Name:
Debbie Churchill

Email Address:
debbie.churchillmt@gmail.com

City and State of Residence:
Clancy mt

Your Comment/Input:

Dear Chair and Joe Lamson . There was NO misinformation about today's meeting. We fully understood you already decided the criteria regarding congressional criteria. We are asking for a change in agenda to accommodate public comment based on the voluminous written comments you received. YOU are misinformed! As a committee you completely ignored MCA 5-1-115 which states that the Redistricting shall be less than a 1% variant of the POPULATION. Joe, speaking of being disappointed. You are the epitome of disappointment. You want everyone to obey the rules while you thumb your nose at Montana law!! The people of Montana spoke during the last election and there was a Red Wave. You are trying to subvert the will of the people of Montana. Have you no integrity?

Sent via leg.mt.gov/districting/2020-commission/redistricting-input/

From: [Keith Duncan](#)
To: [Districting](#)
Cc: Maylinn.Smith@mtleg.gov; Jeff.Essmann@mtleg.gov; Joe.Lamson@mtleg.gov; Dan.Stusek@mtleg.gov; Kendra.Miller@mtleg.gov
Subject: [EXTERNAL] August 17th Meeting
Date: Saturday, August 14, 2021 3:40:31 PM

Dear Commissioners,

Thank you for your service to our state! It is greatly appreciated. Also thank you for extending the time for comments to Saturday the 14.

Our Democratic Republic works best when the process is open and fully transparent. This concept is part of the framework of the Constitution of Montana. Therefore it is vitally important that in your meeting on the 17th of August EVERY map that is submitted MUST include not only how the map is drawn but also who submitted the map. To ensure a completely transparent process that information in its entirety MUST be made public. Further, each map that is submitted should be based on population data only. As you know the districts need to be compact and within 1% +or- of the population. If the map doesn't meet this previously agreed upon criteria the reasons must be explained and accompany the submission.

Thank you for doing this work on behalf of the citizens of Montana!

Sincerely yours,
Keith Duncan
Cell: 406-799-0475
Great Falls, MT

Sherley, Laura

From: leg-noreply@mt.gov
Sent: Tuesday, July 20, 2021 10:44 AM
To: Districting
Subject: Submission from Redistricting Input Form

Submit Your Input Regarding Redistricting in Montana

Date: 20th July 2021 10:43

Your Full Name:

Donna Elford

Email Address:

donnakze@gmail.com

City and State of Residence:

Helena Mt

Your Comment/Input:

Very disappointed in the beginning comments. What did Republican leadership send out misinformation. I didn't get any and I am in leadership of LCRW. To have commoners make that kind of statement is reckless and misinformation in its self. I very much disagree with this commissions decision to only hear the public in one meeting. As I sit here in the meeting , I am forced to write now. I question why commoner Lamson did not question Millers use of different states but did pounce on the use of Georgia state. This commission is looking at ways to break Mt. Law. It looks like this committee is facing a lawsuit. Very disappointed.

Sent via leg.mt.gov/districting/2020-commission/redistricting-input/

Sherley, Laura

From: leg-noreply@mt.gov
Sent: Monday, August 9, 2021 4:54 PM
To: Districting
Subject: Submission from Redistricting Input Form

Submit Your Input Regarding Redistricting in Montana

Date: 9th August 2021 16:54

Your Full Name:

James Fox

Email Address:

coachjimfox@cox.net

City and State of Residence:

Fairfax, VA

Your Comment/Input:

Thank you for the critical work you are doing on redistricting. Please make sure your maps stop gerrymandering. Gerrymanderers are deflecting from the importance of this fundamental goal. Redistricting criteria are very important. Gerrymanderers focus on some of these criteria and build maps that stress particular criteria AND the map is STILL GERRYMANDERED. Beware of this ploy. Do not allow gerrymanderers to implement other redistricting criteria in a way that hinders the eradication of gerrymandering. Please, keep your eye on the fundamental goal of stopping gerrymandering. Advocates of particular redistricting criteria should be aware that maps can be drawn that stop gerrymandering and achieve other redistricting criteria. But, in addition to advocating for particular criteria, make sure that gerrymandering is defeated and representative democracy prevails. The Guide to Fair Redistricting provides, for a wide range of states, examples of maps that advance specific redistricting criteria and prevent gerrymandering.

[https://preprints.apsanet.org/engage/api-](https://preprints.apsanet.org/engage/api-gateway/apsa/assets/orp/resource/item/60e46f7ea4e06bf9217014db/original/fair-and-square-redistricting.pdf)

[gateway/apsa/assets/orp/resource/item/60e46f7ea4e06bf9217014db/original/fair-and-square-redistricting.pdf](https://preprints.apsanet.org/engage/api-gateway/apsa/assets/orp/resource/item/60e46f7ea4e06bf9217014db/original/fair-and-square-redistricting.pdf) (more than 1550 views and 800 downloads) Representational Fairness eliminates gerrymandering. Best Wishes in the Pursuit of Fair Maps, Jim Fox

Sent via leg.mt.gov/districting/2020-commission/redistricting-input/

From: leg-noreply@mt.gov
To: [Districting](#)
Subject: Submission from Redistricting Input Form
Date: Friday, August 13, 2021 9:38:45 PM

Submit Your Input Regarding Redistricting in Montana

Date: 13th August 2021 21:38

Your Full Name:

Edwin Halland

Email Address:

edhalland@reagan.com

City and State of Residence:

Bridger Montana

Your Comment/Input:

Dear Redistricting Committee, Thank you for extending the comment period. Please take into consideration the following: Abandon creation of competitive district criteria. Keep districts compact and within 1 percent of the population data. No gerrymandering of districts. Also, adhere to transparency, post who is submitting map proposals. Respectfully, Edwin D. Halland

Sent via leg.mt.gov/districting/2020-commission/redistricting-input/

From: [Edwin Halland](#)
To: [Districting](#)
Cc: maylinn.smith@mtleg.com; jeff.essmann@mtleg.com; dan.stusek@mtleg.com; joe.lamson@mtleg.com; kendra.miller@mtleg.com
Subject: [EXTERNAL] Redistricting Criteria
Date: Friday, August 13, 2021 9:34:21 PM

Dear Redistricting Committee,

Thank you for extending the comment period.

Please take into consideration the following:

Abandon creation of competitive district criteria. Keep districts compact and within 1 percent of the population data. No gerrymandering of districts. Also, adhere to transparency, post who is submitting map proposals.

Respectfully,

Edwin D Halland

edhalland@reagan.com

From: leg-noreply@mt.gov
To: [Districting](#)
Subject: Submission from Redistricting Input Form
Date: Saturday, August 14, 2021 11:19:47 AM

Submit Your Input Regarding Redistricting in Montana

Date: 14th August 2021 11:19

Your Full Name:

Dianne Hansen

Email Address:

diannedave2@gmail.com

City and State of Residence:

Eureka, Montana

Your Comment/Input:

Thank you for allowing extended comments. We live in NW Montana, Lincoln County and we're concerned about transparency on map submissions. We understand the next meeting is Tuesday August 17th. We hope the public will be able to see who is submitting map proposals. Each map proposal should be based on population data and to the extent a proposed map is not compact and within 1% of the population, we truly expect the reasoning to be explained. Thanks again for allowing our comments to be submitted today.

Sent via leg.mt.gov/districting/2020-commission/redistricting-input/

Sherley, Laura

From: leg-noreply@mt.gov
Sent: Thursday, July 29, 2021 9:27 AM
To: Districting
Subject: Submission from Redistricting Input Form

Submit Your Input Regarding Redistricting in Montana

Date: 29th July 2021 09:27

Your Full Name:

Teresa Haueter

Email Address:

thaueter7@gmail.com

City and State of Residence:

Kalispell, MT

Your Comment/Input:

I strongly support the creation of fair & competitive congressional and legislative districts.

Sent via www.leg.mt.gov/districting/2020-commission/redistricting-input/

From: leg-noreply@mt.gov
To: [Districting](#)
Subject: Submission from Redistricting Input Form
Date: Saturday, August 14, 2021 3:53:26 PM

Submit Your Input Regarding Redistricting in Montana

Date: 14th August 2021 15:53

Your Full Name:
Kathryn L. Johnson

Email Address:
kljohnson_22@yahoo.com

City and State of Residence:
Polson, MT

Your Comment/Input:

Thanks to The Commission for providing additional public input in the decision-making process at the next meeting on August 17th and for extending the time period for the public to make online comments. 2. Transparency on map submissions is critical. We, the public should be able to see who is submitting map proposals. Each map proposal should be based on population data. To the extent a proposed map is not compact and within 1% of the population, the reasoning must be explained. 3. Gerrymandering is not appropriate! Sincerely,
Kathryn L. Johnson

Sent via leg.mt.gov/districting/2020-commission/redistricting-input/

Sherley, Laura

From: leg-noreply@mt.gov
Sent: Saturday, August 7, 2021 7:44 PM
To: Districting
Subject: Submission from Redistricting Input Form

Submit Your Input Regarding Redistricting in Montana

Date: 7th August 2021 19:44

Your Full Name:

Ginger LeBret

Email Address:

ginger.lebrer68@gmawk.cin

City and State of Residence:

Fairfield Montana

Your Comment/Input:

I am voting for the vaccines and masks and everything we have to do to protect our counties from this virus

Sent via leg.mt.gov/districting/2020-commission/redistricting-input/

Sherley, Laura

From: leg-noreply@mt.gov
Sent: Friday, August 13, 2021 7:18 AM
To: Districting
Subject: Submission from Redistricting Input Form

Submit Your Input Regarding Redistricting in Montana

Date: 13th August 2021 07:17

Your Full Name:
Cynthia A Marble

Email Address:
cynthiamarble@gmail.com

City and State of Residence:
Red Lodge Montana

Your Comment/Input:

I appreciate the expanded commenting period for the redistricting. I would suggest we, the public, be able to see the map proposals, who is submitting them, and a clear explanation of why any map varies from the 1% population variance, if that is so. It would be expected that the maps reflect population data, and be compact as possible in accordance with that criteria. Thanks for your diligence and consideration of this in your work.

Sent via leg.mt.gov/districting/2020-commission/redistricting-input/

Sherley, Laura

From: leg-noreply@mt.gov
Sent: Friday, August 13, 2021 10:19 AM
To: Districting
Subject: Submission from Redistricting Input Form

Submit Your Input Regarding Redistricting in Montana

Date: 13th August 2021 10:19

Your Full Name:
Elizabeth Newsom

Email Address:
wijim.7@juno.com

City and State of Residence:
Missoula, MT

Your Comment/Input:

Thank you for allowing Montana residents the opportunity for additional input @ the upcoming August 17 meeting. For those of us who cannot attend in person, I appreciate the opportunity to submit on-line comments. First and foremost, TRANSPARENCY on map submissions is CRITICAL. We (the public) should be able to see who is submitting map proposals--each of which should be based on population data--and the map proposals should be within 1% of the population. To ensure full and complete transparency, if a proposed map is not within 1%, the reasoning for not doing so must be explained. Thank you for your time.

Sent via leg.mt.gov/districting/2020-commission/redistricting-input/

Sherley, Laura

From: leg-noreply@mt.gov
Sent: Tuesday, July 20, 2021 8:09 AM
To: Districting
Subject: Submission from Redistricting Input Form

Submit Your Input Regarding Redistricting in Montana

Date: 20th July 2021 08:08

Your Full Name:
Benjamin Peterson

Email Address:
petersbj@yahoo.com

City and State of Residence:
Judith Gap, MT

Your Comment/Input:

As someone who cares about all of Montana, I'm concerned about the potential for strict adherence by the Commission to jurisdictional boundaries, and the reference about "rural" and "urban" being distinct communities of interest that should be isolated from each other. I disagree. We continue to have a strong urban/rural divide in Montana that is helping no one. Our legislators should have to balance urban with ex-urban issues in their own districts to ensure we are not aggravating this divide. Certainly, this applies most to more populated areas of the state, but what we DON'T want is isolated urban districts that have no reason to consider both the impacts and opportunities those populated areas have or can have on their more rural outskirts (and vice versa). Please include in your deliberation objectives to not aggravate the urban/rural cultural and economic divides in Montana. We need to all better understand and listen to each other, and including urban and ex-urban/rural areas within districts will help. Thank you for your consideration.

Sent via leg.mt.gov/districting/2020-commission/redistricting-input/

Montana Districting and Apportionment Commission Testimony
August 17, 2021

[Rory Kramer, PhD](#)

Associate Professor of Sociology and Criminology
Villanova University

[Brianna Remster, PhD](#)

Associate Professor of Sociology and Criminology
Villanova University

Thank you for the opportunity to submit testimony on prison gerrymandering. We are social scientists who have studied the impact of counting incarcerated people as residents of the districts where they are incarcerated on political representation—commonly known as prison gerrymandering. We appreciate this opportunity to discuss this problem and how to address it during this redistricting cycle with you. To explain why equal representation for Montanans may hinge on reallocating incarcerated persons, we draw on our findings from Pennsylvania’s (PA) State House maps, which have been published in a leading peer reviewed journal ([Remster and Kramer 2018](#)).

We chose to study Pennsylvania because it represents an average test case. It is similar to the overall U.S. overall in its racial demographics, urbanicity and rurality, average district size (~60k), and incarceration rate. In brief, we find that prison gerrymandering affects districts across the state of Pennsylvania, it shifts representation in a racially unequal manner, it is neither partisan, nor a simple urban versus rural divide, and it is relatively easy to reallocate state prison populations without significantly delaying the Commission’s redistricting timeline.

In our research, we assessed the extent to which representation in Pennsylvania State House districts would be impacted if incarcerated persons were reallocated under the current maps. We removed individuals incarcerated in state, federal, and county facilities, and reallocated those who were in state and county facilities. We did not reallocate individuals in federal facilities since most are from out of state. A detailed description of our data and reallocation strategy are located at the end of our written testimony, and we are happy to discuss it during the Q&A, but before turning to our findings, we emphasize that our analyses provide conservative estimates of the effect on incarceration on representation. Why? Because we did not have access to confidential pre-incarceration address data. If we had had access to that data, we are confident that prison gerrymandering would have an even larger impact on PA House districts. In other words, our estimates are likely underreporting the significant impacts on specific communities across the state. Fortunately for this Commission, pre-incarceration address data are available for your use in redistricting, allowing you to avoid such estimation techniques and simplify reallocation.

We found that, for Pennsylvania as a whole, if—all else equal—incarcerated people were reallocated, *four districts became legally too small* using the standard 5% cut-off for district size established by the courts to define equal representation. For example, District 150 lost over 5,000 individuals in our hypothetical scenario because it contains a state prison and county jail: that’s

nearly 10% of its population. Without those facilities, the district is too small to be a district.

Those four districts are the few “winners” of prison gerrymandering—each contains a large prison and/or jail, which artificially inflates their size with people who are not from that area and would not be there if they were not imprisoned there on Census Day.¹ These districts also appear more racially diverse than the reality, because Black, Indigenous, and people of color are disproportionately incarcerated. Overall, we found five PA districts where more than half of their non-white population were only there because they were incarcerated.

On the other hand, we found that *four districts would grow to be legally too large* to qualify as of equal size using that same threshold. Together, those 4 districts contain roughly 264,000 Pennsylvanians, which means that *at least* 264,000 residents are legally underrepresented because of prison gerrymandering today. Of those 264,000, over 100,000 are Black and live in Philadelphia in three districts—that’s approximately 20% of Philadelphia’s Black population, who live in districts that only met the district size cut-off during redistricting because many residents were counted elsewhere at the time.

One other major takeaway was that ending prison gerrymandering did not disproportionately hurt one political party over another under PA’s current maps. Two of the four House districts we identified as too big are represented by Democrats and two by Republicans. There also wasn’t a clear urban versus rural divide in our analyses.

Although the four districts which became too big are generally located in more urban areas, they also include areas with smaller cities and towns that have high rates of incarceration. And District 150 that I mentioned a moment ago as becoming too small, is in a suburban area. In fact, overall, urban areas did not always gain population from rural districts. In fact, *many rural districts without a prison gained representation from other rural districts that happened to have a prison*. This is because most people, including residents of rural areas, do not live near a state prison; there are only 20 some state prisons and 203 districts.

Overall, prison gerrymandering distorts representation by strengthening the political voices of Pennsylvanians who live near a prison while simultaneously weakening the voices of residents who live near high crime areas. Counting incarcerated people where they are imprisoned affects entire communities and towns from which large numbers of people are being incarcerated. And with patterns of residential segregation, prison gerrymandering does so in a racially unequal way.

We found that the average white Pennsylvanian lives in a district that benefits from prison gerrymandering. White residents gain representation thanks to the location of prison facilities in districts that are disproportionately white and because whites are less likely to live in districts with large numbers of residents sent elsewhere via incarceration. In contrast, the average Black or Latinx Pennsylvanian lives in a district that has less of a voice because more than three hundred residents of their communities were counted elsewhere and because Black and Latinx residents are less likely to live in districts where incarcerated persons inflate the district’s population count. In short, prison gerrymandering dilutes Black and Latinx representation and amplifies whites.

¹ The Census counts incarcerated individuals on April 1st of each census year, known as Census Day.

You might be wondering why most of us only recently heard of prison gerrymandering. While the problem has always existed, how incarcerated people were counted only recently began to impact political representation for two reasons. It was not until the 1960s that the concept of one person, one vote was codified into our redistricting process and then the extraordinary growth of the American penal system only began in earnest in the 1980s—previously the incarcerated population was far smaller—peaking in the early or mid-2010s, depending on the state.

The Census's administrative policy of counting people at correctional facilities (i.e., the usual residence rule) was implemented over two hundred some years ago. The U.S. population has changed a lot since then. For instance, very few people attended college or served in the military overseas during the first few censuses, relative to today, and the Census responded accordingly by changing how those populations are counted. However, the Census offers to reallocate incarcerated people for states, for a fee if states supply pre-prison addresses, which might be of interest to future commissions.

While some states' prison population have declined somewhat in recent years, unfortunately that decline is not enough for prison gerrymandering to fix itself in most cases. Yet even if the number of incarcerated people did dramatically drop, that does not mean that prison gerrymandering no longer exists, just that it does not lead to the potential constitutional problems like those we found in PA.

As social scientists, we see no reason to delay tackling the problem. Ten states have either already addressed prison gerrymandering or will to do so starting with the 2020 Census and one has decided to delay until 2030. We know of at least three additional state redistricting commissions that are working through how to do so via the redistricting process as we write this. California's Commission voted itself to proceed with reallocation after the legislature encouraged it but did not require it. Though the reallocation process varies a bit by state, these states have all reallocated incarcerated people for representation purposes only (not funding).

We appreciate the tight timelines that redistricting commissions face, especially in 2021 due to the delay in the release of Census data to states as well as concerns about costly vendor contracts. Fortunately, state departments of corrections (DOC) have pre-incarceration addresses for individuals held in state facilities. This address data can be used to reallocate individuals in state facilities in a short amount of time without busting the budget.

The DOC's addresses are *far superior* to counting individuals where they are incarcerated. For some individuals, that address may be where they were paroled to before being reincarcerated for a parole violation. Those addresses are equally useable, in fact, they are more accurate than counting them where they are incarcerated. This holds even if an incarcerated person or their household has since moved elsewhere, because that is true of everybody. Were you or I to have moved after completing the 2020 Census forms, we too would be counted at our "prior address" in the exact same manner; the fundamental difference is that we made that decision ourselves.

The first step in reallocating incarcerated people involves determining how to address imperfections in the DOC's addresses. Note: imperfections in some people's previous addresses do not justify continuing to misallocate others—that's something the state can work to improve for future redistricting cycles. This was Maryland and New York's approach during the last redistricting cycle (2011), which the Prison Policy Initiative also recommends. Many address errors are due to simple data entry errors which can be resolved by consulting, for instance, the U.S. Postal Service zip code locator, maps of municipal boundaries and zip codes, and Census files. Each of these checks should be documented and done systematically.

For people with missing addresses, other data sources can be consulted such as pre-sentence investigation reports or other court records. Afterward, people with unusable addresses such as post-office boxes, the facility address, out of state addresses, or no address could either be (1) removed from the count where they are incarcerated and counted as state residents with no geographic affiliation (e.g., Connecticut), similar to how the Census counts military personnel stationed abroad at their home state of record, or (2) counted where they are incarcerated. Maryland and New York's already-in-use protocols serve as valuable examples for commissions, mappers, and contractors to consider while making this series of technical decisions.

After that protocol is executed, the pre-incarceration addresses are then matched with their corresponding census blocks, by sending one line of code to a Census Application Programming Interface (API) that the Census offers free of charge and then a second line of code to merge that data with the reapportionment dataset from the Census. Before releasing that data for redistricting, the staff/contractors/consultants should then check that it worked correctly. The only part of this process that should take more than a few hours is the previous address data correction step. Even excluding that step entirely, and reallocating individuals as is, would be a significant improvement in the accuracy of the population data used for redistricting and lessen the impact of incarceration on representation.

Ideally, we would reallocate individuals in county, state, and federal facilities at the same time. However, most people incarcerated in county jails are from that county; county facilities on their own were not enough to substantively affect representation in our analyses of PA. Because most people are incarcerated in state facilities, and because county facilities often do not lead to allocating incarcerated people across district lines, reallocating state facility populations would mitigate the majority of the problem and we would hope that future redistricting commissions would proactively manage the problem before any data is even collected by the Census. States have followed a variety of approaches with regard to reallocating federal and county prison populations, and we would be happy to discuss the options later.

Making data adjustments to census aggregation is part of every redistricting cycle and this is no different. The actual adjustment is a straightforward task that would not risk any individual's privacy in doing so.

We thank you for your time and are happy to answer questions and assist in any way we can.

Data and Reallocation Strategy Details

To count incarcerated people at their previous addresses, we used publicly available data from the Census, the PA Legislative Reapportionment Commission, and the PA Department of Corrections (DOC). We began by matching demographic data from the Census to PA's 203 House districts.² Then we removed individuals incarcerated in local, state, and federal correctional facilities from district population counts at the census block level.³ Our next step was to allocate those individuals back to their home districts, based on facility type.

As with the U.S. overall, most individuals incarcerated in PA are held in state facilities.⁴ To return these individuals, we used information on state prisoners' county of origin from the *Pennsylvania Department of Corrections 2010 Annual Report*, the smallest geography for which that data is publicly available. Most individuals held in PA state prisons are released on parole, meaning they are legally required to return to their county of origin (PA DOC 2015). But where in each county should they go?

We used information on state prisoners' race and ethnicity from the same annual DOC report and national estimates of educational attainment for incarcerated people by race and ethnicity combined with their county of origin to allocate state prisoners to a census block with similar demographic characteristics. As noted above, this strategy produces conservative estimates, and the more detail we included in our estimation procedure about where incarcerated people lived beforehand, the stronger our results became. For instance, preliminary analyses excluding educational attainment data produced similar results to our final ones where we incorporated that education data but including education achieved greater precision by providing more information. If we had had exact addresses, prison gerrymandering would likely have an even larger impact on representation.

We also reallocated individuals held in county facilities. Unlike state prisons, the pre-incarceration address for people in county facilities may not be readily available to the Commission in time for this redistricting cycle. Most county prisons are small and the overwhelming majority of individuals in these facilities reside in the same county, and often in that same district.⁵ Although we strongly believe that individuals incarcerated local facilities should also be reallocated, our analyses show that state facilities are the primary driver of prison gerrymandering in Pennsylvania.

Pennsylvania is also home to ten federal prisons, but since the bulk of individuals in these facilities are from out of state, we removed the less than 9,000 individuals in federal facilities from district population counts but did not return them. Overall, they represent a small portion of the incarcerated population in PA, and nationally.

² Using a spatial join in the mapping software ArcGIS 10.1, every Census block was assigned to its corresponding 2010 PA House district.

³ For a handful of facilities, the Census and local facility address disagreed on the exact location of a facility by one or two blocks. We used Google Maps to identify which data source was correct.

⁴ Nearly 60% of individuals incarcerated in PA in 2018 were held in state facilities.

⁵ Most counties are either wholly within one district or split into only a small number of districts.

Sherley, Laura

From: leg-noreply@mt.gov
Sent: Saturday, July 24, 2021 10:33 AM
To: Districting
Subject: Submission from Redistricting Input Form

Submit Your Input Regarding Redistricting in Montana

Date: 24th July 2021 10:32

Your Full Name:

Deniece Rout

Email Address:

dhrout@yahoo.com

City and State of Residence:

Bigfork, Montana

Your Comment/Input:

1. Do not restrict public comments. The agenda for July 20th doesn't allow for public comments until AFTER your decisions are made. If this Commission values transparency and public input in the decision-making process, you must allow for public comment at the beginning of your July 20th meeting. 2. Keep districts as equal as possible in population. Using 1% with rare exceptions of up to 3% will best fulfill constitutional requirements while reducing ability to gerrymander or pack districts to favor different parties. 3. Do not use "Fair and Competitive Districts" as mandatory or discretionary criteria, or even as an aspirational goal. This goes against the Commission's other criteria that states no plan will favor or disfavor a political party. Please do not pick winners and losers based on an area's partisan makeup. Allow the VOTERS to decide who will represent them, not this Commission.

Sent via leg.mt.gov/districting/2020-commission/redistricting-input/

Sherley, Laura

From: leg-noreply@mt.gov
Sent: Friday, July 23, 2021 9:30 AM
To: Districting
Subject: Submission from Redistricting Input Form

Submit Your Input Regarding Redistricting in Montana

Date: 23rd July 2021 09:29

Your Full Name:

Janel Tucek

Email Address:

clerkrecorder@co.fergus.mt.us

City and State of Residence:

Grass Range

Your Comment/Input:

Dear Honorable Members: I am writing to you as the Election Administrator for Fergus County and want to give a quick thought/suggestion about the redistricting line for the newest congressional district. As Fergus County is directly in the center of the state, it is our thought that we may see this new line come through our county some how. The county planner and I were talking about this the other day and it would really help us if this new line were to follow the outer boundary of the county or if it does cut through the county, to follow current voting district lines already set and in place. And maybe this is something that you already are thinking of; if so, GREAT! But we would just like to put that out there and our full support behind. Thank you for your time in reading this and your consideration.

Sent via leg.mt.gov/districting/2020-commission/redistricting-input/

Sherley, Laura

From: leg-noreply@mt.gov
Sent: Tuesday, July 20, 2021 10:01 AM
To: Districting
Subject: Submission from Redistricting Input Form

Submit Your Input Regarding Redistricting in Montana

Date: 20th July 2021 10:00

Your Full Name:

Susan Votapka

Email Address:

suevotapka@gmail.com

City and State of Residence:

Kalispell, MT

Your Comment/Input:

1. Do not restrict public comments. The agenda for July 20th doesn't allow for public comments until AFTER your decisions are made. If this Commission values transparency and public input in the decision-making process, you must allow for public comment at the beginning of your July 20th meeting. 2. Keep districts as equal as possible in population. Using 1% with rare exceptions of up to 3% will best fulfill constitutional requirements while reducing ability to gerrymander or pack districts to favor different parties. 3. Do not use "Fair and Competitive Districts" as mandatory or discretionary criteria, or even as an aspirational goal. This goes against the Commission's other criteria that states no plan will favor or disfavor a political party. Please do not pick winners and losers based on an area's partisan makeup. Allow the VOTERS to decide who will represent them, not this Commission.

Sent via leg.mt.gov/districting/2020-commission/redistricting-input/

Sherley, Laura

From: leg-noreply@mt.gov
Sent: Wednesday, July 21, 2021 1:29 PM
To: Districting
Subject: Submission from Redistricting Input Form

Submit Your Input Regarding Redistricting in Montana

Date: 21st July 2021 13:29

Your Full Name:

Ellen Wicklund

Email Address:

ewicklundgop@gmail.com

City and State of Residence:

Ronan, MT

Your Comment/Input:

I want to second everything that Tracy Sharp had to say

Sent via leg.mt.gov/districting/2020-commission/redistricting-input/

Sherley, Laura

From: leg-noreply@mt.gov
Sent: Thursday, August 5, 2021 2:29 PM
To: Districting
Subject: Submission from Redistricting Input Form

Submit Your Input Regarding Redistricting in Montana

Date: 5th August 2021 14:29

Your Full Name:
Mark Jay Workman

Email Address:
markjworkman@gmail.com

City and State of Residence:
Great Falls

Your Comment/Input:

I'm hearing this commission is ignoring the law of 1% deviation. When increasing lawlessness is arising across the nation, it is vital we hold the line here in Montana. The proposed 5% variation is a rewriting of law to meet a political end. Please maintain the law.

Sent via leg.mt.gov/districting/2020-commission/redistricting-input/