

IN THE SUPREME COURT OF THE STATE OF IDAHO

| | | |
|---|---|---------------------------------------|
| BRANDEN JOHN DURST, qualified elector of |) | |
| the State of Idaho, |) | |
| Petitioner, |) | Supreme Court Docket |
| v. |) | No. 49261-2021 |
| |) | |
| IDAHO COMMISSION FOR |) | (Consolidated Cases 49261-2021 |
| REAPPORTIONMENT, and LAWERENCE |) | and 49267-2021) |
| DENNEY, Secretary of State of the State of |) | |
| Idaho, in his official capacity, |) | |
| |) | |
| Respondents. |) | |
| _____ |) | |
| ADA COUNTY, a duly formed and existing |) | |
| county pursuant to the laws and Constitution of the |) | |
| State of Idaho, |) | |
| Petitioner, |) | |
| v. |) | |
| |) | |
| IDAHO COMMISSION FOR |) | |
| REAPPORTIONMENT, and LAWERENCE |) | |
| DENNEY, Secretary of State of the State of |) | |
| Idaho, in his official capacity, |) | |
| |) | |
| Respondents. |) | |
| _____ |) | |

PETITIONER ADA COUNTY'S BRIEF

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I. STATEMENT OF THE CASE

A. Nature of the Case

Article III § 5 of the Idaho Constitution mandates that “a county may be divided in creating districts only to the extent it is reasonably determined by statute that counties must be divided to create senatorial and representative districts which comply with the constitution of the United States.” The Idaho Commission on Reapportionment (“Commission”) violated this Idaho constitutional provision by dividing eight counties, more counties than necessary, to comply with the Equal Protection Clause of the United States Constitution.

B. Procedural History

Pursuant to Idaho Code § 72-1501, after the United States Census Bureau released its 2020 results on August 12, 2021, the Idaho Secretary of State issued an order for organization of the Commission. The Commission called itself to order on September 1, 2021, finished its business on November 10, 2021, and submitted its Final Report to the Idaho Secretary of State.

Petitioner Branden Durst submitted a Petition for Review of the Commission’s Plan on November 10, 2021. Petitioner Ada County submitted its Petition Challenging Constitutionality of Reapportionment Plan L03 and Request for Writ of Prohibition and Remand on November 17, 2021. Mr. Durst’s and Ada County’s Petitions were consolidated on November 23, 2021 as Supreme Court Docket 49261-2021.

C. Statement of Facts

The United States Census Bureau released its Census 2020 results on August 12, 2021. According to the release, Idaho’s total state population is 1,839,106. Thirty-five (35) legislative districts are allowed, and the state population of 1,839,106 must be allocated among the thirty-five

(35) districts. An exact allocation of 1,839,106 people in thirty-five (35) districts would result in 52,546 people in each district.

The Final Report of the Commission states that its Plan L03 meets equal protection requirements and divides eight (8) counties. The eight counties are: Ada, Bannock, Bonner, Bonneville, Canyon, Kootenai, Nez Perce, and Twin Falls. There were other plans presented to the Commission that met the equal protection standard and only divided seven counties. *See* Plans L075, L076 and L079 filed with the Ada County’s Petition; Final Report, at 13.

In addition, although L03 states that it divides eight (8) counties, this number only reflects any one division of a county. This counting method does not consider the actual number of times a county is divided and parsed out to other counties to form a legislative district. Using the Commission’s statement regarding external divisions, “creat[ing] districts that combine part of the county with another county,”¹ L03 actually has 15 divisions while L075 has 15 divisions, and both L076 and L079 have 14 divisions. *See* charts attached as Ex. A.

Ada County’s population is 494,967, an increase of 26.1% since the last census. Final Report, App. V. This should equate to nine internal legislative districts of 52,546 and a remainder of 22,053 people. Ada County currently has nine legislative districts. Idaho Secretary of State, District Maps, <https://sos.idaho.gov/elect/elected/maps.html>, Ex. B. The Commission, in its Final Report, claims that “Ada County *should* be externally split.”² Report at 20 (emphasis added). The Commission decreased

¹ Final Report, at 8 (citing Idaho Const. art III, § 5, and *Bingham County*, 137 Idaho at 874).

² The first sentence in the Final Report on page 20 appears to be in error. It states that “Seven counties—Ada, Bannock, Bonneville, Canyon, Kootenai, Madison and Twin Falls—have a population exceeding the ideal district size. Six of these counties must be divided to satisfy equal protection standards.” The report actually states that only four counties must be divided to satisfy equal protection standards. The Final Report states that Ada and Kootenai “should” be externally split (p. 22), Madison is not split (367 above ____ deviation +0.7%) (p. 22) while Bannock, Bonneville, Canyon and Twin Falls “must” be split (pp. 20-22).

Ada County's current *nine* internal districts to only *eight* internal districts in Ada County and externally joined 75,859 citizens of Ada County (over 15% of its population) with three other counties: Gem, Canyon and Owyhee to form districts. Ada County was actually split three times externally.

The Commission claims that "Bannock County *must* be externally split." Final Report, at 21 (emphasis added). Bannock County was split twice and was parsed out to other counties. According to Commission Map L03, a portion of Bannock County is aligned with Power and Franklin Counties and another portion is aligned with Bonneville, Teton, Caribou and Bear Lake Counties.

Bonner County was split twice, with a portion connected to Boundary County and another portion connected to Kootenai, Benewah, Shoshone and Clearwater Counties.

Bonneville County was split once, and a portion was parsed out to a portion of Teton, Caribou, Bannock and Bear Lake Counties. The Report claims that "Bonneville County *must* be externally split." Report at 21 (emphasis added).

Canyon County's population is 231,105, an increase of 22.3% from the last census. Final Report, App. V. This should equate to four ideal internal legislative districts of 52,546 and a remainder of 20,921 people. The Final Report claims that "Canyon County *must* be externally split." Report at 21 (emphasis added). The Commission created only three internal legislative districts and externally parsed out 70,678 citizens from Canyon County (30% of its population) to northern Ada County, to Washington and Payette Counties, and to southern Ada County and Owyhee County. In addition to the creation of three internal districts, the Commission divided Canyon County externally three times.

The Commission's Final Report claims that "Kootenai County *should* be externally split." Report at 22 (emphasis added). Kootenai County was split externally once, and a portion was parsed out to Bonner, Benewah, Shoshone and Clearwater to form a district.

Nez Perce County was divided with a portion connected to Idaho and Adams Counties and the other portion joined with Lewis and Latah Counties. Final Report, at 23-25.

The Report claims that “Twin Falls County *must* be externally split.” Final Report, at 22 (emphasis added). After creation of one internal legislative district, the remainder of Twin Falls County was parsed out to Gooding and Camas Counties.

II. LEGISLATIVE APPORTIONMENT REVIEW

This Court has original jurisdiction. Idaho Constitution Art. III § 2(5). When evaluating a challenge to a reapportionment plan, the Court considers a hierarchy of applicable law. *Twin Falls County v. Idaho Com’n on Redistricting*, 152 Idaho 346, 347, 271 P.3d 1202, 1203 (2012). First, the Court evaluates whether the plan meet the requirements of the Equal Protection Clause of the U.S. Constitution. *Id.* at 348-49, 1204. Second, the Court evaluates whether the plan limits the number of counties that can be divided. *Id.* at 349, 1205 And third, the Court considers whether the plan complies with Idaho Code § 72-1506. *Id.* at 349-350, 1206-1206.

III. ARGUMENT

A. Plans L03, L075, L076 and L079 all meet the equal protection standard.

In 1964 when *Reynolds v Sims*, 377 U.S. 533 (1964) was decided, the United States Supreme Court was focused on the lack of reapportionment of Alabama since 1901. At issue was the “strangle hold” that rural Alabama had over urban areas.³ The U.S. Supreme Court found “Population is, of necessity, the starting point for consideration and the controlling criterion for

³ “Bullock County, with a population of only 13,462, and Henry County with a population of only 15,286, each were allocated two seats in the Alabama House, whereas Mobile County, with a population of 314,301, was given only three seats, and Jefferson County with 634,846 people had only seven representatives.” *Reynolds v. Sims*, 377 U.S. 533, 545-46 (1964).

judgment in legislative apportionment controversies”. *Id.* at 567. However, the requirement is to “make an honest and good faith effort to construct districts . . . as nearly of equal population as is practicable. We realize that it is a practical impossibility to arrange legislative districts so that each one has an identical number of residents, or citizens, or voters. Mathematical exactness or precision is hardly a workable constitutional requirement.” *Id.* at 577.

It was almost twenty years later in 1983, that the U.S. Supreme Court held in a state legislative apportionment case that “a maximum population deviation under 10%” is a “minor deviation” that is “insufficient to make out a *prima facie* case of invidious discrimination.” *Brown v. Thomson*, 462, U.S. 835, 842 (1983). Interestingly, in the same decision, the U.S. Supreme Court allowed more than 10% deviations in Wyoming finding it was “justified on the basis of Wyoming’s longstanding and legitimate policy of preserving county boundaries.” *Id.* at 847. On the same day, June 22, 1983, the U.S. Supreme Court also issued a congressional reapportionment decision, *Karcher v. Daggett*, 462 U.S. 725 (1983) (White, J., Powell, J. and Rehnquist, J. dissenting). Although the Court struck down New Jersey’s congressional reapportionment plan, the dissenting Justices argued against striking the congressional plan, utilizing the Court’s established case law for state legislative apportionment. *Id.* at 780. The dissenting Justices noted that the Court had “taken a more sensible approach” to state legislative apportionment. *Id.* (citing *Gaffney v. Cummings*, 412 U.S. 735 (1973); *White v. Register*, 412 U.S. 755 (1973)). The dissent summarized prior case law that recognized that small deviations were not a *prima facie* constitutional violation and that the Court had “upheld plans with reasonable variances that were necessary to account for political subdivisions.” *Id.* at 780-81 (citing *Mahan v. Howell*, 410 U.S. 315 (1973)). Here there are plans other than L03 that meet the 10% deviation requirement AND preserve county boundaries which is a sensible approach, accounting for the political boundaries of counties.

This Court has also recognized that precision is not attainable and that deviations are allowed. *Bonneville County v. Ysursa*, 142 Idaho 464, 467, 129 P.3d 1213, 1216 (2005) (citing to *Reynolds*, 377 U.S. at 577; *Brown*, 462, U.S. at 842-43 (1983); (*Twin Falls*, 152 Idaho at 349, 271 P.3d at 1205 “The commission is not required to draw legislative districts that all have precisely the same population numbers”).

The Commission set its goal as “no district should deviate more than five percent, either over or under, from the ideal district size” and ultimately settled on a “5.84% maximum deviation.” Final Report, at 2, 11. Curiously, the Commission did not focus on meeting the Equal Protection Clause and dividing as few counties as possible. Because other proposed plans split fewer counties and still met equal protection standards, the Commission had to address the other plans that divided fewer counties.⁴ The Commission stated that “seven-county split plans are discriminatory under the Equal Protection Clause, as they consistently and significantly underpopulate [sic] districts in North Idaho at the expense of voters in other parts of the state, such that the weight of a person’s vote depends on the location in the state where that person lives.” Final Report, at 29. The *Bonneville County* Court, in its decision, cited to a regional deviation case which found “that in the absence of evidence of an unconstitutional or irrational state purpose for deviating from mathematical equality, a plan that arguably favored one region of the state but remained within the ten percent margin was not unconstitutional. 142 Idaho at 469, 129 P.3d at 1218.

⁴ If a redistricting plan with a deviation of less than 10% is challenged, the burden is on the challenger to “demonstrate that the deviation results from some unconstitutional or irrational state purpose.” *Bonneville County v. Ysursa*, 142 Idaho 464, 468, 129 P.3d 1213, 1217 (2005); *see also Rodriguez v. Pataki*, 308 F.Supp.2d 346, 365 (S.D.N.Y. 2004). Since the Commission is challenging Plans L075, L076 and L079 in its Final Report, the Commission has the burden to demonstrate an unconstitutional or irrational purpose of those plans. On page 15 of the Final Report, it states: “the Commission does not mean to imply that anyone who submitted a seven-county-split plan did so for improper purposes.”

The Commission's criticisms of the other plans with seven-county splits stated its concern with effects of the seven-county split plans on North Idaho. The Commission's Plan, L03, fails to address the concerns of how Ada and Canyon Counties were split in the Commission's plan. "Obviously, to the extent that a county contains more people than allowed in a legislative district, the county must be split. However, this does not mean that a county may be divided and aligned with other counties to achieve ideal district size if that ideal district size may be achieved by internal division of the county" *Bingham County*, 137 Idaho at 874, 55 P.3d at 867 (emphasis added). An ideal district number for Ada County is nine districts, which Ada County currently has, but Ada County was divided into eight districts and the rest of Ada County (15%) was aligned with other county districts. The same occurred with Canyon County. An ideal district number for Canyon County is four districts, but Canyon County was divided into three districts and the rest of the County (30%) was aligned with other county districts. The Commission is treating the largest urban areas of the Treasure Valley differently than all other urban areas in the state. There are 105,092 citizens in Canyon and Ada Counties facing unequal treatment because they are being deprived of a legislative district in each of their own counties.⁵

⁵ "The fact than an individual lives here or there is not a legitimate reason for overweighting or diluting the efficacy of his vote." *Reynolds*, 377 U.S. at 567.

| Number of Ideal Internal Legislative Districts Based on Population & Commission Internal Divisions | | | | |
|---|---|--|--|--|
| County Population | No. of Ideal Internal Legislative Districts Based on Population | Population Remaining After Ideal Population Distribution of 52,913 into Legislative Internal Districts | Commission No. of Legislative Districts | Commission Population Remaining After Forming Internal Legislative Districts |
| Ada 494,967÷52,546 | 9 (note – currently Ada has 9 districts) | 22,053 | 8 | 75,859 |
| Bannock 87,018÷52,546 | 1 | 34,472 | 1 | 33,754 |
| Bonneville 123,064÷52,546 | 2 | 17,972 | 2 | 20,497 |
| Canyon 231,105÷52,546 | 4 | 20,921 | 3 | 70,678 |
| Kootenai 171,362÷52,546 | 3 | 13,724 | 3 | 15,082 |
| Twin Falls 90,046÷52,546 | 1 | 37,500 | 1 | 36,446 |
| Madison 52,913÷52,546 | 1 | 367 | 1 | 0 |

The mathematical deviations in Plans L03, L075, L076 and L079 are insufficient to make a prima facie case that they are unconstitutional, and the Commission admits on page 15 of the Final Report, that “the Commission does not mean to imply that anyone who submitted a seven-county-split plan did so for improper purposes.”

The Commission argues that counties can only be split to comply with equal protection. Final Report, at 16. The Commission then argues that there is no equal protection justification for splitting Bonner County more than once (*Id.*), but the Commission somehow finds equal protection is served by externally dividing Ada County three times and removing an entire legislative district

that Ada County currently has. The Commission also finds that equal protection is served by externally dividing Canyon County three times and depriving Canyon County of a legislative district. Although L03 meets the 10% deviation criteria, L03 does not serve equal protection because of its treatment of Ada and Canyon Counties. There are 105,092 citizens that should have had their own legislative districts (Ada and Canyon)⁶ but instead have been parsed out of their own counties and have been joined with other counties.

B1. The Commission violated Article III § 5 of the Idaho Constitution by stating that they are dividing counties eight times to meet the equal protection clause when there were other plans that divided counties seven times and met the equal protection clause.

The Legislative History of the Constitutional Amendment to Article III § 5 indicates that not splitting counties was of great importance to the Idaho Legislature and Idaho Voters. In 1986, the Idaho Legislature adopted HJR4 which proposed to amend the Idaho Constitution. H.R.J. Res. 4, 48th Legislature (1986), Ex. C. A voter pamphlet was prepared, with the Legislative Council providing statements of meaning and purpose and the effect of adoption. *See* Secretary of State Voter's Pamphlet, 1986, Ex. D. The Legislative Council's meaning and purpose states in relevant part: "to permit the division of a county into more than one legislative district if all such districts are wholly contained within the county." *Id.* The Legislative Council's statement regarding effect of the adoption of the constitutional amendment stated in relevant part: "allow for the division of a county into more than one legislative district when districts are wholly contained within a single county." *Id.* The statements appeared to imply that counties could only be split internally into legislative districts. It was not until the Statements for the Proposed Amendment that the voter

⁶ Ada County and Canyon County should each have an additional district. This is the number of people who should be in those districts.

learned that adoption “would provide a constitutional method to divide counties, but only when absolutely necessary to form legislative districts of equal population.” *Id.*

The question that was to be presented on the ballot was shall the Idaho Constitution be amended “to provide that counties shall be divided only to the extent determined necessary by statute to comply with the Constitution of the United States. *See* H.R.J. Res. 4, Sec. 4, 48th Legislature (1986), Ex. C. The citizens voted in favor of the amendment to the Idaho Constitution, apparently favoring the limitation on the division of counties.

After the amendment was approved, Article III § 5 of the Idaho Constitution states:

A senatorial or representative district, when more than one county shall constitute the same, shall be composed of contiguous counties, and *a county may be divided in creating districts only to the extent it is reasonably determined by statute that counties must be divided to create senatorial and representative districts which comply with the constitution of the United States. A county may be divided into more than one legislative district when districts are wholly contained within a single county.* No floterial district shall be created. Multi-member districts may be created in any district composed of more than one county only to the extent that two representatives may be elected from a district from which one senator is elected. The provisions of this section shall apply to any apportionment adopted following the 1990 decennial census.

Emphasis added. During the last reapportionment process in 2012, this Court held that if counties are divided for some reason other than to comply with the U.S. Constitution, it violates Idaho’s Constitution. *Twin Falls*, 152 Idaho at 347, 271 P.3d at 1203. In violation of this constitutional provision, the Commission unnecessarily divided eight counties in its Final Report and Map L03. There are other plans that meet the criteria of equal voter protection and divide only seven counties. *See* Plans 75, 76, and 79 filed with the Commission; *Twin Falls*, 152 Idaho at 350, 271 P.3d at 1206 (“If, for example, only seven counties needed to be divided in order to comply, then a plan that divides eight counties would violate these constitutional and statutory provisions”).

B2. The Commission violated Article III § 5 of the Idaho Constitution by failing to count the actual number of times the Commission divided counties, and because the actual number of divisions exceeds the number of divisions in Plans L076 and L079.

The Court did not address the external division issue in its 2012 *Twin Falls* Redistricting Decision. The Court did previously address the issue in its *Bingham County* redistricting decision.

Obviously to the extent that a county contains more people than allowed in a legislative district, the county must be split. *However, this does not mean that a county may be divided and aligned with other counties to achieve ideal district size if that ideal district size may be achieved by internal division of the county.* Whether desirable or not, that is the meaning of Article III, § 5. *A county may not be divided and parsed out to areas outside the county to achieve ideal district size, if that goal is attainable without extending the district outside the county.*

Bingham County, 137 Idaho at 874, 55 P.3d at 867 (emphasis added). As the following chart illustrates, the Commission not only divided more counties than necessary (8 vs 7) but the actual external divisions have more divisions than necessary.

| County/Population | No. of Stated Commission County External Division | Commission External Divisions ("create districts that combine part of the county with another county" Final Report at 8) See Exhibit A for detailed charts of each L03, L075, L076, and L079 |
|--|---|--|
| Ada 494,967 | 1 | 3 (75,859 parsed out) |
| Bannock 87,018 | 1 | 2 (33,754 parsed out) |
| Bonneville 123,064 | 1 | 1 (20,497 parsed out) |
| Canyon 231,105 | 1 | 3 (70,678 parsed out) |
| Kootenai 171,362 | 1 | 1 (15,082 parsed out) |
| Twin Falls 90,046 | 1 | 1 (36,446 parsed out) |
| Madison 52,913 | 0 | 0 |
| All other counties have populations below the ideal mathematical size of 52,546 (1,839,106 divided by 35 legislative districts). Only the following two counties, with populations below 52,546 have been split under L03. | | |
| Bonner | 1 | 2 (47,110 parsed out) |

| | | |
|---------------------|---|-----------------------|
| 47,110 | | |
| Nez Perce 42,090 | 1 | 2 (42,090 parsed out) |
| TOTAL | 8 | 15 |

The Commission took 75,859 Ada County residents (15%), a number well above the mathematical ideal of 52,546, and enough to form another legislative district, and instead of creating another district, parsed those 75,859 citizens out in three other districts. This parsing out of Ada County to achieve an ideal district size is constitutionally prohibited. The Commission did the same thing with Canyon County, parsing out 70,678 citizens (30%), a number well above the mathematical ideal of 52,546, and enough to form another legislative district, and instead parsed the citizens out in three districts. The Commission’s action is constitutionally prohibited.

The Commission asserts in its Final Report that it split Ada County three times in the interest of equal protection, and further argued that they “found it necessary . . . to combine ‘rural, sparsely populated’ areas with more urban ones.” Final Report, at 56. This finding does not comport with equal protection as making urban and rural voters coequals by joining them in the same legislative district is not an equal protection issue, nor is it a county division issue. Such a finding actually appears to be for the improper purpose of diluting the strength of the rapidly growing urban areas. The Commission finally determines that they are maintaining communities of interest by the county divisions. The Commission does not appear familiar with southwest Idaho as they argue that Emmett and Eagle are part of the Treasure Valley, and that Emmett and Eagle share economic interests. *See* Final Report, at 54. Emmett is not considered part of the Treasure Valley. *See* Treasure Valley Partnership, <https://treasurevalleypartners.org/about>, Ex. E. Eagle profiles itself as an area with “miles of trails, acres of parks, and endless outdoor recreational opportunities” and “a workforce with high educational attainment, top-rated schools, abundant shopping and entertainment, well-designed

residential and commercial neighborhoods, and restaurants that run from five-star elegance to drop in casual.” The City of Eagle, Community Profile, www.cityofeagle.org/1778/Community-Profile, Ex. F. No one would argue that this profile describes Emmett. See City of Emmett, <https://www.cityofemmett.org/our-community>, Ex. G.

The Commission’s Final Report stated: “When a county must be divided to create legislative districts, internal divisions, which create districts wholly contained within a county, are favored over external divisions, which create districts that combine part of the county with another county.” [citing Idaho Const. art III, § 5, and *Bingham County*, 137 Idaho at 874]. A county may not ‘be divided and aligned with other counties to achieve ideal district size if that ideal district size may be achieved by internal division of the county.’” [citing *Bingham County*, 137 Idaho at 874]. Final Report, at 8. The Commission did not favor internal divisions in Canyon and Ada Counties, and instead decided to favor excessive divisions of two urban counties and the alignment of the urban counties with neighboring rural counties. This excessive division of these counties is not constitutionally permissible, and goes against the Commission’s statements in its Final Report.

C. L03 does not comply with Idaho Code § 72-1506.

Assuming arguendo that the Court finds L03 meets the Idaho Constitution’s requirement not to unnecessarily divide counties, the Plan fails to meet the statutory requirements found in Idaho Code § 72-1506.

Idaho Code § 72-1506 provides in part:

Congressional and legislative redistricting plans considered by the commission, and plans adopted by the commission, shall be governed by the following criteria:

...

(2) To the maximum extent possible, districts shall preserve traditional neighborhoods and local communities of interest.

...

(5) Division of counties shall be avoided whenever possible. In the event that a county must be divided, the number of such divisions, per county, should be kept to a minimum.

(9) When a legislative district contains more than one (1) county or a portion of a county, the counties or portion of a county in the district shall be directly connected by roads and highways. . .

As to § 72-1506(5), as previously stated in Parts A, B1 and B2 of this Brief, the Commission excessively and unnecessarily divided Ada and Canyon Counties.

Section 72-1506 discusses preserving traditional neighborhoods and local communities of interest. The Commission determined that they are maintaining local communities and argue that Emmett and Eagle are part of the Treasure Valley, and that Eagle and Emmett share economic interests. *See* Final Report, at 54. Emmett is not considered part of the Treasure Valley. *See* Treasure Valley Partnership, <https://treasurevalleypartners.org/about>, Ex. E. Eagle does not share economic interests with the agricultural community of Emmett. *See* www.cityofeagle.org/1778/Community-Profile, Ex. F; City of Emmett, <https://www.cityofemmett.org/our-community>, Ex. G. Also, it is questionable whether State Highway 16 directly connects Eagle with Emmett.

There is no statutory or constitutional basis for the Commission deciding that in southwestern Idaho, rapidly growing urban counties should be deprived of their legislative districts and be chopped up and aligned with rural, sparsely populated areas. Final Report, at 56. There is also no statutory or constitutional basis to chop up urban counties to make “urban and rural voters coequals” in a legislative district.

The Commission also criticized Ada County’s proposed plan because that plan divided Garden City into two legislative districts. *See* Final Report, at 55. Ada County, more familiar with its own communities, had a specific reason for its proposed division along the Boise River, as is highlighted in a recent *Idaho Press* article; Ryan Suppe, *Affordability, partisanship divides Garden*

City in recent local election, Idaho Press, November 20, 2021,
<https://www.idahopres.com/news/local/affordability-partisanship-divides-garden-city-in-recent-local-election/article>, Ex. H. “North of the river are upscale subdivisions, winding suburban streets and a private golf course. In southeast Garden City, lower-income and more ethnically diverse residents live alongside industrial and commercial businesses, art studios and breweries.” The Commission further points out that Ada County’s proposed plan combined portions of Ada County and portions of Canyon County with Owyhee County. This was done specifically to keep the Melba School District intact because in the extremely rural area, the school district is the community of interest.

On the other side of the state, the Commission failed to maintain a traditional neighborhood and community of interest in Bannock County. According to the L03 map, it appears that the neighbors in the same cul-de-sac above the Highland Golf Course are separated into Legislative Districts 28 and 29 depending on which side of the street the person lives on.

Although the Commission Plan L03 should fail for failing to divide as few counties as possible, if the Court considers Idaho Code § 72-1506, L03 also fails under the statutory requirements. L03 does not preserve traditional neighborhoods and local communities of interest, it excessively divides counties and it is questionable whether certain areas are directly connected by highways.

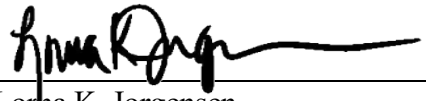
IV. CONCLUSION

There are several plans that meet the equal protection requirements of the U.S. Constitution and the Idaho Constitution. Unfortunately, Plan L03 fails to meet the requirements of the Idaho Constitution because it divides counties too many times. Because of this constitutional violation, Petitioner Ada County requests that the Court issue a Writ of Prohibition that restrains the Secretary of State from transmitting a copy of the Commission’s Final Report and Map L03 to the president of

the Idaho Senate and the speaker of the Idaho House. Further, Petitioner asks the Court to remand the matter back to the Commission for review and revision so that the Final Report and adopted map comply with both the Equal Protection Clause of the United States Constitution and the Idaho Constitution.

DATED this 2nd day of December, 2021.

JAN M. BENNETTS
Ada County Prosecuting Attorney

By: 

Lorna K. Jorgensen
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of December, 2021, I served a true and correct copy of the foregoing BRIEF IN SUPPORT OF ADA COUNTY'S PETITION CHALLENGING THE CONSTITUTIONALITY OF REAPPORTIONMENT PLAN L03 AND REQUEST FOR WRIT OF PROHIBITION AND REMAND to the following persons by the following method:

Megan Lorrondo
Robert Berry
Cory Carone
Office of the Attorney General
PO Box 83720
Boise, Idaho 83720

_____ Hand Delivery
_____ U.S. Mail
_____ Certified Mail
_____ Facsimile
 x E-serve
Megan.larrondo@ag.idaho.gov
Robert.berry@ag.idaho.gov
Cory.Carone@ag.idaho.gov

Bryan D. Smith
Bryan N. Zollinger
SMITH, DRISCOLL & ASSOCIATES

_____ Hand Delivery
_____ U.S. Mail
_____ Certified Mail
_____ Facsimile
 x Email: bds@eidaholaw.com

 /s/ Chyvonne Tiedemann
Legal Assistant

| L03 External County Splits | | | | |
|--|------------------------|---|--|---|
| Statement: "Create districts that combine part of the county with another county," Final Report, at 8. | | | | |
| County/Population | No. of External Splits | Split 1 | Split 2 | Split 3 |
| Ada 494,967 | 3 | Northern Ada with Gem County | Eastern Ada with Canyon County | Southern Ada with Canyon and Owyhee Counties |
| Bannock 87,018 | 2 | Portion with Power and Franklin Counties | Portion with Bonneville, Teton, Caribou and Bear Lake Counties | |
| Bonneville 123,064 | 1 | Portion aligned with Bannock, Teton, Caribou and Bear Lake Counties | | |
| Canyon 231,105 | 3 | Portion with Northern Ada County | Portion with Washington and Payette Counties | Southern portion with Ada and Owyhee Counties |
| Kootenai 171,362 | 1 | Portion with Bonner Benewah, Shoshone and Clearwater Counties | | |
| Twin Falls 90,046 | 1 | Portion connected to Gooding and Camas Counties | | |
| Madison 52,913 | 0 | | | |
| All other counties have populations below the ideal mathematical size of 52,546 (1,839,106 divided by 35 legislative districts) and only the following two counties have been split under L03. | | | | |
| Bonner 47,110 | 2 | Portion connected to Boundary County | Portion connected to Kootenai, Benewah, Shoshone and | |

| | | | | |
|--------------------------------------|----|--|--|--|
| | | | Clearwater Counties | |
| Nez Perce 42,090 | 2 | Portion connected to Idaho and Adams Counties | Portion connected to Lewis and Latah Counties | |
| TOTAL EXTERNAL SPLITS | 15 | | | |

| L075 External County Splits | | | | |
|--|---------------------------|---|---|--|
| Statement: "Create districts that combine part of the county with another county," Final Report, at 8. | | | | |
| County/Population | No. of External Splits | Split 1 | Split 2 | Split 3 |
| Ada 494,967 | 3 | Western portion with Canyon, Owyhee, and a portion of Twin Falls Counties | Western portion with Elmore, Camas and Gooding Counties | Western portion with eastern portion of Canyon (Kuna, Meridian and Nampa) |
| Bannock 87,018 | 0 | | | |
| Bonneville 123,064 | 2 | Portion aligned with Bingham and Butte Counties | Portion aligned with Teton, Caribou, Franklin and Bear Lake Counties | |
| Canyon 231,105 | 3 | Northern Portion connected to Payette, Gem and Boise Counties | Southern portion with a portion of Ada, Owyhee, and Twin Falls Counties | Western portion with eastern portion of Canyon (Kuna, Meridian and Nampa) |
| Kootenai 171,362 | 2 | Portion with Bonner and Benewah, Counties | Portion with Shoshone County | |
| Twin Falls 90,046 | 2 | Portion connected to Owyhee, | Portion connected to | |

| | | | | |
|---|----|---|---|---|
| | | Canyon and Ada Counties | Minidoka, Cassia Counties | |
| Madison 52,913 | 0 | | | |
| All other counties have populations below the ideal mathematical size of 52,546 (1,839,106 divided by 35 legislative districts) and only the following county has been split. | | | | |
| Bonner 47,110 | 3 | Portion connected to Boundary County | Portion connected to Kootenai County | Portion connected to Kootenai and Shoshone Counties |
| TOTAL EXTERNAL SPLITS | 15 | | | |

| L076 External County Splits | | | | |
|--|---------------------------|--|--|--|
| Statement: "Create districts that combine part of the county with another county," Final Report, at 8. | | | | |
| County/Population | No. of External Splits | Split 1 | Split 2 | Split 3 |
| Ada 494,967 | 1 | Southern portion with a portion of Canyon and Elmore Counties | | |
| Bannock 87,018 | 2 | Portion connected to Oneida, Franklin and Bear Lake Counties | Portion connected to Bingham County | |
| Bonneville 123,064 | 1 | Portion connected to Teton, Clark, Fremont and Caribou Counties | | |
| Canyon 231,105 | 3 | Northern Portion connected to Payette, | Southern portion with Owyhee County | Western portion with a portion of Ada and Elmore Counties |

| | | | | |
|---|----|--------------------------------------|--|---|
| | | Washington and Adams Counties | | |
| Kootenai 171,362 | 2 | Portion with Bonner | Portion with Bonner and Shoshone Counties | |
| Twin Falls 90,046 | 2 | Portion connected Jerome County | Portion connected to Minidoka, Cassia Counties | |
| Madison 52,913 | 0 | | | |
| All other counties have populations below the ideal mathematical size of 52,546 (1,839,106 divided by 35 legislative districts) and only the following county has been split. | | | | |
| Bonner 47,110 | 3 | Portion connected to Boundary County | Portion connected to Kootenai County | Portion connected to Kootenai and Shoshone Counties |
| TOTAL EXTERNAL SPLITS | 14 | | | |

| L079 External County Splits | | | | |
|--|------------------------|--|--|---------|
| Statement: "Create districts that combine part of the county with another county," Final Report, at 8. | | | | |
| County/Population | No. of External Splits | Split 1 | Split 2 | Split 3 |
| Ada 494,967 | 2 | A portion or northern part joined with Canyon County | A portion of southern part joined with Elmore County | |
| Bannock 87,018 | 2 | Portion connected to Oneida, Franklin and Bear Lake Counties | Portion connected to Bingham County | |




| | | | | |
|---|----|---|--|--|
| Bonneville 123,064 | 1 | Portion connected to Teton, Fremont Clark and Caribou Counties | | |
| Canyon 231,105 | 3 | Northern Portion connected to Payette, Washington and Adams Counties | Southern portion with Owyhee County | Western portion with a portion of Ada County |
| Kootenai 171,362 | 2 | Portion with Bonner County | Portion with Shoshone County | |
| Twin Falls 90,046 | 2 | Portion connected Jerome County | Portion connected to Minidoka and Cassia Counties | |
| Madison 52,913 | 0 | | | |
| All other counties have populations below the ideal mathematical size of 52,546 (1,839,106 divided by 35 legislative districts) and only the following county has been split. | | | | |
| Bonner 47,110 | 2 | Portion connected to Boundary County | Portion connected to Kootenai County | |
| TOTAL EXTERNAL SPLITS | 14 | | | |

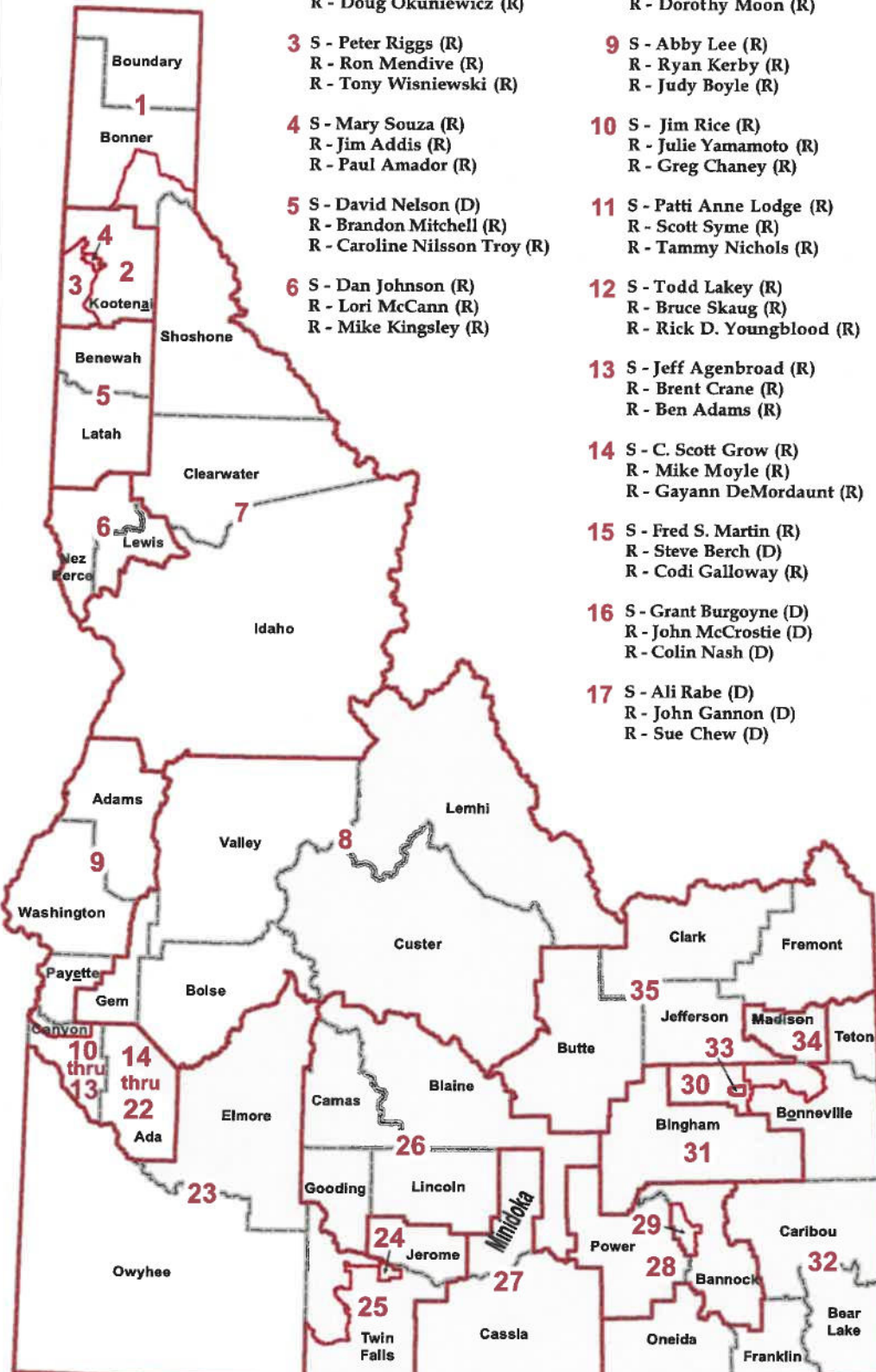
IDAHO STATE LEGISLATIVE MEMBERS

66th IDAHO STATE LEGISLATURE

FIRST REGULAR SESSION

SESSION BEGINS
JANUARY 11, 2021

| Legend | |
|---|--|
| S - Senator | |
| R - Representative | |
| (D) Democrat | |
| (R) Republican | |
|  State Legislative District Boundary | |
|  State Legislative District Number | |
|  1st Congressional District | |
|  2nd Congressional District | |
|  County Boundary | |



1 S - Jim Woodward (R)
R - Heather Scott (R)
R - Sage Dixon (R)

2 S - Steve Vick (R)
R - Vito Barbieri (R)
R - Doug Okuniewicz (R)

3 S - Peter Riggs (R)
R - Ron Mendive (R)
R - Tony Wisniewski (R)

4 S - Mary Souza (R)
R - Jim Addis (R)
R - Paul Amador (R)

5 S - David Nelson (D)
R - Brandon Mitchell (R)
R - Caroline Nilsson Troy (R)

6 S - Dan Johnson (R)
R - Lori McCann (R)
R - Mike Kingsley (R)

7 S - Carl Crabtree (R)
R - Priscilla Giddings (R)
R - Charlie Shepherd (R)

8 S - Steven Thayn (R)
R - Terry F. Gestrin (R)
R - Dorothy Moon (R)

9 S - Abby Lee (R)
R - Ryan Kerby (R)
R - Judy Boyle (R)

10 S - Jim Rice (R)
R - Julie Yamamoto (R)
R - Greg Chaney (R)

11 S - Patti Anne Lodge (R)
R - Scott Syme (R)
R - Tammy Nichols (R)

12 S - Todd Lakey (R)
R - Bruce Skaug (R)
R - Rick D. Youngblood (R)

13 S - Jeff Agenbroad (R)
R - Brent Crane (R)
R - Ben Adams (R)

14 S - C. Scott Grow (R)
R - Mike Moyle (R)
R - Gayann DeMordaunt (R)

15 S - Fred S. Martin (R)
R - Steve Berch (D)
R - Codi Galloway (R)

16 S - Grant Burgoyne (D)
R - John McCrostie (D)
R - Colin Nash (D)

17 S - Ali Rabe (D)
R - John Gannon (D)
R - Sue Chew (D)

18 S - Janie Ward-Engelking (D)
R - Ilana Rubel (D)
R - Brooke Green (D)

19 S - Melissa Wintrow (D)
R - Lauren Necochea (D)
R - Chris Mathias (D)

20 S - Chuck Winder (R)
R - Joe Palmer (R)
R - James Holtzclaw (R)

21 S - Regina M. Bayer (R)
R - Steven C. Harris (R)
R - Greg Ferch (R)

22 S - Lori Den Hartog (R)
R - John Vander Woude (R)
R - Jason Monks (R)

23 S - Christy Zito (R)
R - Matthew Bundy (R)
R - Megan Blanksma (R)

24 S - Lee Heider (R)
R - Lance W. Clow (R)
R - Linda Wright Hartgen (R)

25 S - Jim Patrick (R)
R - Laurie Lickley (R)
R - Clark Kauffman (R)

26 S - Michelle Stennett (D)
R - Muffy Davis (D)
R - Sally Toone (D)

27 S - Kelly Anthon (R)
R - Scott Bedke (R)
R - Fred Wood (R)

28 S - Jim Guthrie (R)
R - Randy Armstrong (R)
R - Kevin Andrus (R)

29 S - Mark Nye (D)
R - Dustin Manwaring (R)
R - James Ruchti (D)

30 S - Kevin Cook (R)
R - Gary L. Marshall (R)
R - Wendy Horman (R)

31 S - Steven Bair (R)
R - David Cannon (R)
R - Julianne Young (R)

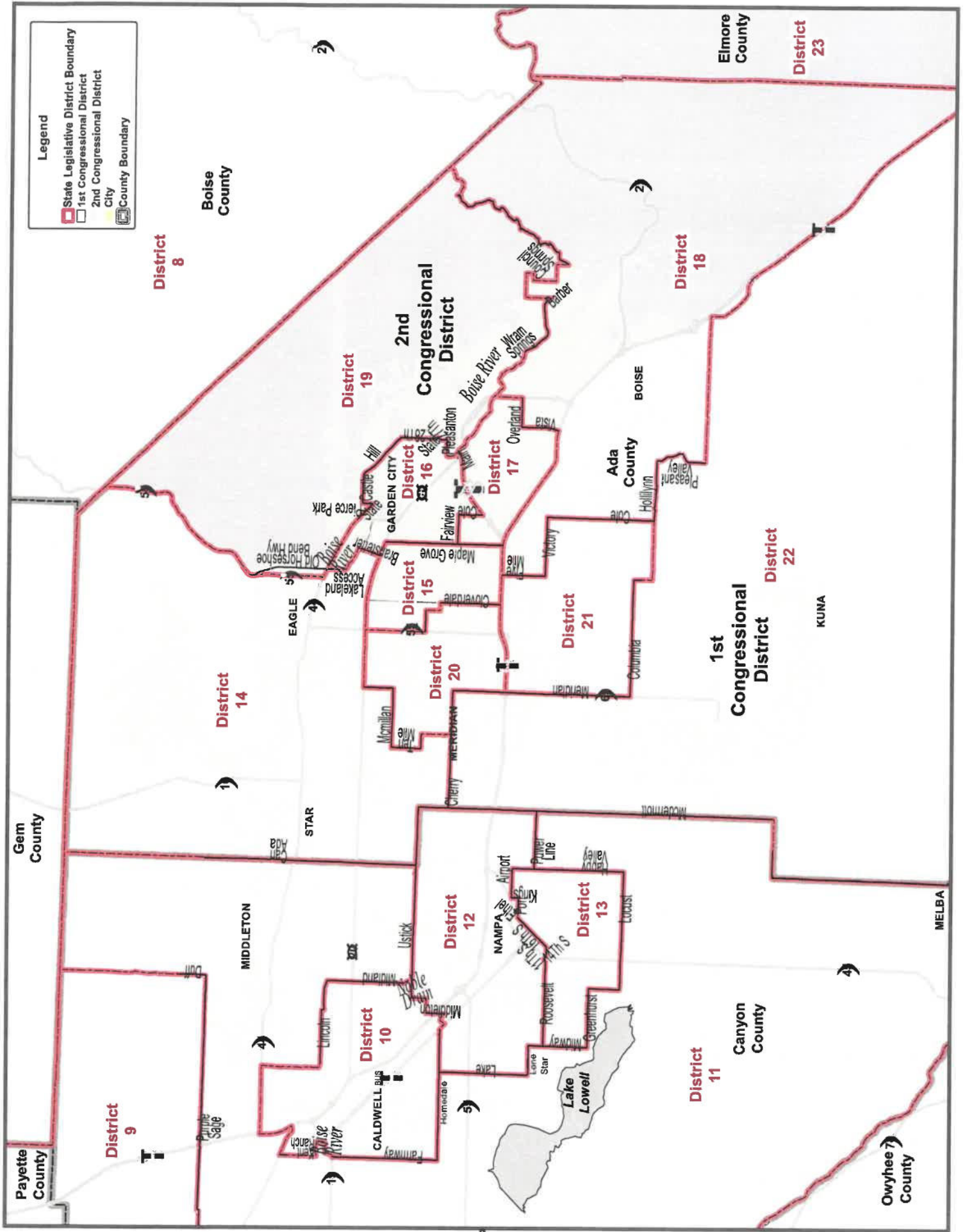
32 S - Mark Harris (R)
R - Marc Gibbs (R)
R - Chad Christensen (R)

33 S - Dave Lent (R)
R - Barbara Ehardt (R)
R - Marco Erickson (R)

34 S - Doug Ricks (R)
R - Jon Weber (R)
R - Ronald Nate (R)

35 S - Van T. Burtenshaw (R)
R - Karey Hanks (R)
R - Rod Furniss (R)

[Click here to see on-line map.](#)
Prepared by the Idaho Transportation Department
Revised by LSO: April 29, 2021



1986

STATEMENT OF PURPOSE

RS 11866

THIS PROPOSAL WOULD LIMIT THE MEMBERSHIP OF THE SENATE TO THIRTY (30) TO THIRTY-FIVE (35) MEMBERS WITH A LIMIT OF TWO TIMES AS MANY REPRESENTATIVES AS SENATORS.

IT PROVIDES THAT COUNTIES MAY BE DIVIDED IN CREATING LEGISLATIVE DISTRICTS ONLY TO THE EXTENT IT IS NECESSARY TO COMPLY WITH THE UNITED STATES CONSTITUTION.

FISCAL NOTE

GENERAL FUND SAVINGS WOULD RESULT FROM THE SIZE LIMITATION. THE SAVINGS IN PAY AND PER DIEM ALONE IS ESTIMATED AT \$150,000 PER YEAR MINIMUM, BASED ON SEVENTY (70) REPRESENTATIVES AND THIRTY-FIVE (35) SENATORS. NO ESTIMATE IS MADE OF ASSOCIATED SAVINGS IN STAFF, SUPPLIES, REDUCED NUMBER OF BILLS, ET CETERA.

EXHIBIT C

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT RESOLUTION NO. 4

BY STATE AFFAIRS COMMITTEE

A JOINT RESOLUTION

PROPOSING AMENDMENTS TO SECTIONS 2, 4 AND 5, ARTICLE III, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO APPORTIONMENT OF THE LEGISLATURE, TO APPLY TO APPORTIONMENTS AFTER 1990, TO LIMIT THE MEMBERSHIP OF THE SENATE TO NOT LESS THAN THIRTY NOR MORE THAN THIRTY-FIVE MEMBERS AND THE HOUSE OF REPRESENTATIVES TO NOT MORE THAN TWO TIMES THE SIZE OF THE SENATE; TO DELETE THE REQUIREMENT THAT EACH COUNTY SHALL BE ENTITLED TO ONE REPRESENTATIVE; TO PROVIDE THAT COUNTIES SHALL BE DIVIDED ONLY TO THE EXTENT DETERMINED NECESSARY BY STATUTE TO COMPLY WITH THE CONSTITUTION OF THE UNITED STATES; TO PERMIT DIVIDING A COUNTY WHEN DISTRICTS ARE WHOLLY WITHIN A SINGLE COUNTY; TO PROHIBIT FLORIAL DISTRICTS; AND TO PERMIT MULTI-MEMBER DISTRICTS IF A DISTRICT IS COMPOSED OF MORE THAN ONE COUNTY, ONLY TO THE EXTENT THAT TWO REPRESENTATIVES MAY BE ELECTED FROM A DISTRICT FROM WHICH ONE SENATOR IS ELECTED; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

Be It Resolved by the Legislature of the State of Idaho:

SECTION 1. That Section 2, Article III, of the Constitution of the State of Idaho be amended to read as follows:

SECTION 2. MEMBERSHIP OF HOUSE AND SENATE. Following the decennial census of 1990 and in each legislature thereafter, ~~the senate shall consist of one-(1)-member-from-each-county not less than thirty nor more than thirty-five members.~~ The legislature may fix the number of members of the house of representatives at not more than ~~three-(3)~~ two times as many representatives as there are senators. The senators and representatives shall be chosen by the electors of the respective counties or districts into which the state may, from time to time, be divided by law.

SECTION 2. That Section 4, Article III, of the Constitution of the State of Idaho be amended to read as follows:

SECTION 4. APPORTIONMENT OF LEGISLATURE. The members of the ~~first legislature following the decennial census of 1990 and each legislature thereafter shall be apportioned to the-several not less than thirty nor more than thirty-five legislative districts of the state in-proportion-to-the-number-of-votes-pollied-at-the-last-general election-for-delegate-to-congress;-and-thereafter-to--be--apportioned as may be provided by law+provided;-each-county-shall-be-entitled-to one-representative.~~

SECTION 3. That Section 5, Article III, of the Constitution of the State of Idaho be amended to read as follows:

SECTION 5. SENATORIAL AND REPRESENTATIVE DISTRICTS. A senatorial or representative district, when more than one county shall constitute the same, shall be composed of contiguous counties, and no a county ~~shall~~ may be divided in creating such districts only to the extent it is reasonably determined by statute that counties must be divided to create senatorial and representative districts which comply with the constitution of the United States. A county may be divided into more than one legislative district when districts are wholly contained within a single county. No floterial district shall be created. Multi-member districts may be created in any district composed of more than one county only to the extent that two representatives may be elected from a district from which one senator is elected. The provisions of this section shall apply to any apportionment adopted following the 1990 decennial census.

SECTION 4. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Sections 2, 4 and 5, Article III, of the Constitution of the State of Idaho, relating to apportionment of the Legislature, be amended as they apply to apportionments after 1990, to limit the membership of the Senate to not less than thirty nor more than thirty-five members and the House of Representatives to not more than two times the size of the Senate; to delete the requirement that each county shall be entitled to one representative; to provide that counties shall be divided only to the extent determined necessary by statute to comply with the Constitution of the United States; to permit dividing a county when districts are wholly within a single county; to prohibit floterial districts; and to permit multi-member districts if a district is composed of more than one county, only to the extent that two representatives may be elected from a district from which one senator is elected?"

SECTION 5. The Legislative Council is directed to prepare the statements required by Section 67-453, Idaho Code, and file the same.

SECTION 6. The Secretary of State is hereby directed to publish this proposed constitutional amendment and arguments as required by law.

(House)

MINUTES OF THE MEETING OF THE STATE AFFAIRS COMMITTEE

Thursday, January 9, 1986

TIME: 10:00 a.m.

PLACE: Room 412, Statehouse, Boise, Idaho

PRESENT: All members present except Representatives Bateman, Chatburn, Crane, Hay, and McDermott, excused.

The meeting was called to order by Representative Little, Chairman.

Chairman Little extended a welcome to the new members, Representatives Fry and Kellogg.

There was an adjustment in seat assignments due to the new vice-chairman and new members.

→ RS 11866

PROPOSING AMENDMENTS TO SECTIONS 2, 4 AND 5, ARTICLE III, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO APPORTIONMENT OF THE LEGISLATURE TO APPLY TO APPORTIONMENTS AFTER 1990, LIMITING MEMBERSHIP OF THE SENATE TO NOT MORE THAN 35 MEMBERS AND THE HOUSE TO NO MORE THAN TWO TIMES THE SIZE OF THE SENATE.

Representative Haagenson explained to the Committee that his reason for sponsoring this legislation was that the smaller numbers would be more efficient. He explained that this would eliminate the floterial districts. This measure would also result in a general funds savings.

MOTION

It was moved by Representative Stoicheff that RS 11866 be introduced. Seconded by Representative Smock. Motion carried.

RS 11867

PROPOSING AN AMENDMENT TO SECTION 8, ARTICLE III, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO SESSIONS OF THE LEGISLATURE, TO PROVIDE THAT SESSIONS DURING ODD-NUMBERED YEARS SHALL BE GENERAL SESSIONS WITHOUT LIMIT AS TO LENGTH OR SUBJECT MATTER, AND TO PROVIDE THAT BUDGET SESSIONS DURING EVEN-NUMBERED YEARS SHALL BE LIMITED TO TWENTY DAYS.

Representative Haagenson told the Committee that there were many states larger than Idaho that had similar sessions and that some large states only met every two years, such as Texas.

Representative Strasser asked Representative Haagenson if he had considered adding language to this proposed legislation that would allow the Governor to add other items to be considered on the even-numbered years that he considered urgent.

Representative Haagenson replied that he had not, as the Governor still has the authority to issue a call for an extraordinary session and could do so in conjunction with the budget session if there was legislation that was urgent.

Representative Smock asked Representative Haagenson if the twenty-day provision had just been a figure pulled out of the air or if there was some basis for limiting the budget session to that length of time.

Representative Haagenson said that after some discussion, twenty days had seemed to be a reasonable length of time, even though at first it had been an arbitrary figure. He added, however, that he had no objection to changing the length of time to fifteen or twenty days or whatever figure seemed more reasonable.

Representative Stoicheff said that he could not support this legislation because he felt that it would not be productive for the whole legislature to be here for the budget session waiting for the Joint Committee to bring the budgets to the floor in order to vote on them.

Senate State Affairs
3-27-1986

B U C K S L I P

WALTER H. YARBROUGH
DISTRICT 12
OWYHEE AND ELMORE COUNTIES

HOME ADDRESS
BOX 216, ROUTE B
GRANDVIEW, IDAHO 83624
RESIDENCE (208) 834-2727

COMMITTEES

CHAIRMAN
STATE AFFAIRS

VICE CHAIRMAN
FINANCE

Idaho State Senate

CAPITOL BUILDING
BOISE

Date

3/27/86

TO: SENATE STATE AFFAIRS COMMITTEE

FROM: SEN. WALTER H. YARBROUGH, Chairman

SUBJECT:

HJR 4

(Bill No.)

Would you please read the attached HJR 4 (and Statement of Purpose if required), indicate your desires regarding the legislation and then initial.

| | DO PASS | DO NOT PASS | WITHOUT RECOM- MENDATION | HOLD IN COMMITTEE | INITIAL |
|---------------------|------------|-------------------|--------------------------------|----------------------|---------|
| YARBROUGH, Chairman | X | | V | | W.H.Y. |
| BUDGE | | | <i>[Signature]</i> | | |
| RISCH | | | <i>[Signature]</i> | | |
| CRYSTAL | | | <i>[Signature]</i> | | |
| RICKS | | | <i>[Signature]</i> | | |
| BATT | | | <i>[Signature]</i> | | |
| KIEBERT | | | <i>[Signature]</i> | | |
| PEAVEY | | | | <i>[Signature]</i> | |
| SWEENEY | | | <i>[Signature]</i> | | |

When complete, please return to Bert Bays, Secretary, State Affairs Committee.

Thank you.

3/27 out w/o recommendation

1986 Daily Data, Final Edition

1/30 Rpt prt - to Agric Aff
2/11 Rpt out - rec d/p - to 2nd rdg
2/12 2nd rdg - to 3rd rdg
2/13 3rd rdg - ADOPTED - voice vote
To Senate
2/14 Senate intro - 1st rdg - to Loc Gov

HJM15..... By State Affairs
KERN RIVER PIPELINE PROJECT - Petitioning the Federal Energy Regulatory Commission to facilitate the construction and operation of the Kern River Pipeline Project in the State of Wyoming.

2/10 House intro - 1st rdg - to printing
2/11 Rpt prt - to St Aff
2/14 Rpt out - rec d/p - to 2nd rdg
2/17 2nd rdg - to 3rd rdg
2/18 3rd rdg - ADOPTED - voice vote
To Senate
2/19 Senate intro - 1st rdg - to St Aff
3/10 Rpt out - to 10th Ord
3/11 ADOPTED - voice vote
Title apvd - to House
3/12 To enrol
3/13 Rpt enrol - Sp signed
3/14 Pres signed - to Secretary of State

HJM16..... By Transportation & Defense
HIGHWAYS - FUNDS - Petitioning Congress to develop flexibility for transferring apportioned funds from the Interstate Resurfacing Program to the Primary Highway System and to eliminate statutory mandates requiring rigid safety standards.

2/19 House intro - 1st rdg - to printing
2/20 Rpt prt - to Transp
3/7 Rpt out - rec d/p - to 2nd rdg
3/10 2nd rdg - to 3rd rdg
3/11 3rd rdg - ADOPTED - voice vote
To Senate
3/12 Senate intro - 1st rdg - to Transp
3/21 Rpt out - rec d/p - to 10th Ord
3/22 ADOPTED - voice vote
Title apvd - to House
3/24 To enrol - rpt enrol - Sp signed
3/25 Pres signed - to Secretary of State

HJM17..... By Revenue & Taxation
MILK AND MILK PRODUCTS - Petitioning Congress to delay the implementation date of the Milk Production Termination Program.

2/28 House intro - 1st rdg - to printing
3/3 Rpt prt - to 2nd rdg
3/3 2nd rdg - to 3rd rdg
3/3 Rules susp (81-0-3) - ADOPTED - voice vote
To Senate
3/4 Rules susp (32-0-10) - ADOPTED - voice vote
Title appvd - to House
3/4 To enrol - rpt enrol - Sp signed - Pres signed
3/4 To Secretary of State

HJM18..... By State Affairs
FREEDOM FIGHTERS OF NICARAGUA - Urging Congress to join with the President of the United States to provide assistance to the Freedom Fighters of Nicaragua in efforts to resist the regime of the Sandinista Government.

3/13 House intro - 1st rdg - to printing
3/14 Rpt prt - to 2nd rdg
3/14 2nd rdg - to 3rd rdg

3/17 3rd rdg - ADOPTED - 64-15-5
NAYS -- Adams, Black, Crozier, EchoHawk, Givens, Herndon, Horvath, Johnson (27), Johnson (6), Judd, Keeton, McCann, Reid, Stoicheff, Tucker.
Absent and excused -- Callen, Gurnsey, Lucas, McDermott, Stone.
Title apvd - to Senate
3/18 Senate intro - to St Aff
3/20 Rpt out - to 10th Ord
3/22 3rd rdg - ADOPTED - 27-15-0
NAYS -- Beitelspacher, Bilyeu, Bray, Calabretta, Dobler, Fairchild, Horsch, Kiebert, Lacy, Lannen, Marley, McLaughlin, Peavey, Reed, Sweeney.
Absent and excused -- none.
Title apvd - to House
3/24 To enrol - rpt enrol - Sp signed
3/25 Pres signed - to Secretary of State

HJR4..... By State Affairs
REAPPORTIONMENT - Proposing an amendment to the Constitution of the State of Idaho to limit the number of legislative districts to thirty-five, to prohibit multi-member senatorial districts, and to prohibit floterial districts and to allow for dividing counties under certain conditions.

1/9 House intro - 1st rdg - to printing
1/10 Rpt prt - to St Aff
1/17 Rpt out - rec d/p - to 2nd rdg
1/20 2nd rdg - to 3rd rdg
1/22 3rd rdg - PASSED - 70-10-3
NAYS -- Adams, Callen, Givens, Herndon, Hoagland, Infanger, Morgan, Sorensen, Tucker, Wood.
Absent and excused -- Johnson (6), Jones (23), McDermott.
Title apvd - to Senate
1/23 Senate intro - 1st rdg - to St Aff
3/27 Rpt out - w/o rec - to 2nd rdg
3/28 2nd rdg - to 3rd rdg
3/28 Rules susp (27-13-2) - PASSED - 30-12-0
NAYS -- Beitelspacher, Bilyeu, Bray, Calabretta, Dobler, Kiebert, Lannen, Marley, McLaughlin, Peavey, Reed, Sweeney.
Absent and excused -- none.
Title apvd - to House
3/28 To enrol - rpt enrol - Sp signed - Pres signed
4/1 To Secretary of State

HJR5..... By State Affairs
LEGISLATURE - SESSIONS - Proposing an amendment to the Constitution of the State of Idaho to provide for a legislative budget session limited to 20 days during even-numbered years and a general session without limit during the odd-numbered years.

1/9 House intro - 1st rdg - to printing
1/10 Rpt prt - to St Aff

HJR6..... By State Affairs
LEGISLATURE - BILLS - Proposing an amendment to the Constitution of the State of Idaho to require that legislative bills be read by title only on three separate days in each house prior to passage instead of at length.

1/23 House intro - 1st rdg - to printing
1/24 Held at desk
3/26 Rpt prt - to Jud

HJR7aa..... By Education

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VOTER'S PAMPHLET

**One Referendum Petition; One Initiative Petition;
3 Constitutional Amendments
To Be Voted On November 4, 1986**



published by Pete T. Cenarrusa
Secretary of State, State of Idaho
AS PUBLIC NOTICE

Dear Idahoans:

This is your Idaho Voter's Pamphlet for the November 4, 1986 General Election. It contains information concerning the one referendum, the one initiative, and three constitutional amendments which will appear on the ballot.

By constitutional provision in Idaho the people have the power to approve or reject at the polls any act or measure passed by the legislature. This is the referendum power. Referendum No. 1 therefore asks for your approval or rejection of the law, relating to right to work, which is already in existence. A simple majority of "yes" votes will approve the existing law. A simple majority of "no" votes will reject the existing law.

By constitutional provision the people also have the power to propose laws independently of the legislature. This is the initiative power. Initiative No. 1 therefore asks whether or not you wish to establish a state lottery. A simple majority of "yes" votes will establish a new state lottery law. A simple majority of "no" votes will reject the establishment of a state lottery.

The arguments for and against the referendum and initiative which are contained in the following pages of this voter's pamphlet, are the opinions of the respective authors. The printing of these arguments for these measures does not constitute an endorsement by the State of Idaho, nor does the State warrant the accuracy or truth of any statement made in the arguments.

The constitutional amendment proposals, the Legislative Council's statements of meaning and purpose and effect of adoption, and the statements for and against the amendments are included in this publication.

Another section included in this pamphlet contains information on voter registration. Important information is included for those who are not registered to vote, or have moved recently.

Read carefully the information about the referendum, initiative and constitutional amendments contained in this pamphlet. Such measures are designed specifically to give you, the electorate, the opportunity to influence the laws which regulate us all.

Take advantage of this opportunity and vote on November 4, 1986.

Sincerely,

Pete T. Cenarrusa

(FACSIMILE BALLOT)

REFERENDUM ORDERED BY PETITION OF THE PEOPLE

REFERENDUM PETITION NO. 1

REFERENDUM TO APPROVE OR REJECT LEGISLATION ON RIGHT TO EMPLOYMENT REGARDLESS OF UNION MEMBERSHIP OR NON-MEMBERSHIP.

REFERENDUM TO APPROVE OR REJECT HOUSE BILL 2; RELATING TO RIGHT TO WORK: AMENDING TITLE 44, IDAHO CODE, TO PROVIDE A DECLARATION OF POLICY, TO DEFINE THE TERM LABOR ORGANIZATION, TO PROVIDE FOR FREEDOM OF CHOICE IN EMPLOYMENT AND TO PROHIBIT DISCRIMINATION, TO PROVIDE FOR VOLUNTARY DEDUCTION, TO PROVIDE THAT AGREEMENTS THAT VIOLATE THE TERMS OF THIS CHAPTER ARE ILLEGAL AND VOID, TO PROHIBIT COERCION AND INTIMIDATION, TO PROVIDE PENALTIES FOR VIOLATIONS, TO PROVIDE FOR CIVIL REMEDIES, TO PROVIDE FOR INVESTIGATION OF COMPLAINTS, TO PROVIDE FOR PROSPECTIVE APPLICATION.

Shall the legislation pertaining to the Right To
Employment regardless of union membership or
non-membership be approved?

YES ☐
NO ☐

PROPOSED BY INITIATIVE PETITION

INITIATIVE PETITION NO. 1

INITIATIVE ESTABLISHING A STATE LOTTERY COMMISSION AND AUTHORIZING A STATE LOTTERY.

AN INITIATIVE TO CREATE A STATE LOTTERY COMMISSION AND DELINEATE ITS POWER AND DUTIES: AUTHORIZE THE APPOINTMENT OF A DIRECTOR, HIS DEPUTIES AND ASSISTANTS AND DELINEATE THEIR POWERS AND DUTIES: AUTHORIZE THE OPERATION OF A STATE LOTTERY: PROVIDE FOR LICENSING OF SALES AGENTS: PROVIDE FOR PENALTIES FOR VIOLATIONS: PROVIDE FOR DISTRIBUTION OF PRIZES AND RECEIPTS: PROVIDE FOR LICENSING BINGO AND RAFFLES BY CHARITABLE ORGANIZATIONS.

Shall the above-entitled measure proposed by
Initiative Petition No. 1 be approved?

YES ☐
NO ☐

EXHIBIT D



PUBLIC NOTICE

CONSTITUTIONAL AMENDMENTS

Three amendments to the Idaho Constitution will appear on the November 4, 1986 general election ballot. These have been proposed to the people for ratification following action by the legislature.

The amendment proposals, the Legislative Council's statements of meaning and purpose, and the statements for and against are listed as follows:

S.J.R. No. 102

That Section 6, Article XVIII, of the Constitution of the State of Idaho be amended to read as follows:

SECTION 6. COUNTY OFFICERS. The legislature by general and uniform laws shall, commencing with the general election in 1978, provide for the election biennially, in each of the several counties of the state, of county commissioners and a coroner and for the election of a sheriff, and a county assessor, a county coroner and a county treasurer, who is ex-officio public administrator, every four years in each of the several counties of the state. All taxes shall be collected by the officer or officers designated by law. The clerk of the district court shall be ex-officio auditor and recorder. No other county offices shall be established, but the legislature by general and uniform laws shall provide for such township, precinct and municipal officers as public convenience may require, and shall prescribe their duties, and fix their terms of office. The legislature shall provide for the strict accountability of county, township, precinct and municipal officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession. The county commissioners may employ counsel when necessary. The sheriff, county assessor, county treasurer, and ex-officio tax collector, auditor and recorder and clerk of the district court shall be empowered by the county commissioners to appoint such deputies and clerical assistants as the business of their office may require, said deputies and clerical assistants to receive such compensation as may be fixed by the county commissioners.

The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Section 6, Article XVIII, of the Constitution of the State of Idaho be amended to provide for the election of county coroners every four years commencing with the general election of 1986, rather than every two years as presently required?"

LEGISLATIVE COUNCIL'S STATEMENT OF MEANING AND PURPOSE S.J.R. NO. 102

MEANING AND PURPOSE

The purpose of this proposed amendment to Section 6, Article

XVIII, of the Constitution of the State of Idaho is to provide for the election of county coroners every four years commencing with the general election of 1986, rather than every two years as is presently required.

EFFECT OF ADOPTION

If this amendment is adopted, Section 6, Article XVIII, of the Constitution of the State of Idaho would provide that county coroners shall be elected to a term of office for the same number of years as county clerks, county sheriffs, county assessors, county treasurers and prosecuting attorneys currently are elected for.

STATEMENTS FOR THE PROPOSED AMENDMENT

1. This amendment will make the term of office for the county coroner consistent with the terms of office for the county clerk, county sheriff, county assessor, county treasurer and prosecuting attorney, and will thus result in efficiency in the election process if the office of county coroner is contested once every four years instead of every two years as currently occurs.

2. If the term of office of county coroner is four years, the office might be attractive to a wider variety of qualified people.

3. The office of county coroner requires some technical experience, and two years may be too short a time to develop expertise and to obtain familiarity with the effective functioning of the agencies and individuals with whom the coroner must interact.

STATEMENTS AGAINST THE PROPOSED AMENDMENT

1. The office of county coroner potentially could be very politically sensitive and should be subject to election every two years.

S.J.R. No. 107

That Section 7, Article IV, of the Constitution of the State of Idaho be amended to read as follows:

SECTION 7. THE PARDONING POWER. From and after July 1, 1947, a board as may hereafter be created or provided by legislative enactment shall constitute a board to be known as the board of pardons. Said board, or a majority thereof, shall have power to remit fines and forfeitures, and, only as provided by statute, to grant commutations and pardons after conviction and judgment, either absolutely or upon such conditions as they may impose in all cases of offenses against the state except treason or conviction on impeachment. The legislature shall by law prescribe the sessions of said board and the manner in which application shall be made, and regulated proceedings thereon, but no fine or forfeiture shall be remitted, and no commutation or pardon granted, except by the decision of a majority of said board, after a full hearing in open session, and until previous notice of the time and place of such hearing

and the release applied for shall have been given by publication in some newspaper of general circulation at least once a week for four weeks. The proceedings and decision of the board shall be reduced to writing and with their reasons for their action in each case, and the dissent of any member who may disagree, signed by him, and filed, with all papers used upon the hearing, in the office of the secretary of state.

The governor shall have power to grant respites or reprieves in all cases of convictions for offenses against the state, except treason or conviction on impeachment, but such respites or reprieves shall not extend beyond the next session of the board of pardons; and such board shall at such session continue or determine such respite or reprieve, or they may commute or pardon the offense, as herein provided. In cases of conviction for treason the governor shall have the power to suspend the execution of the sentence until the case shall be reported to the legislature at its next regular session, when the legislature shall either pardon or commute the sentence, direct its execution, or grant a further reprieve.

The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Section 7, Article IV, of the Constitution of the State of Idaho be amended to remove outdated language and to provide that the power of the Board of Pardons to grant commutations and pardons after conviction and judgment shall be only as provided by statute?"

LEGISLATIVE COUNCIL'S STATEMENT OF MEANING AND PURPOSE S.J.R. NO. 107

MEANING AND PURPOSE

The purpose of this proposed amendment to Section 7, Article IV of the Constitution of the State of Idaho is to remove from constitutional status the powers of commutation and pardon, which are held by the Board of Pardons, and to make the powers of commutation and pardon subject to amendment by statute by the Legislature.

EFFECT OF ADOPTION

Presently, the Board of Pardons has the constitutional powers of commutation and pardon. Because these powers are constitutional, they cannot be amended or changed by statutory enactment and are not subject to review. If S.J.R. 107 is adopted, the commutation and pardon power will no longer have a constitutional status; they will be subject to amendment by statutory enactment. The Legislature would have the authority to set policies and procedures for commutations and pardons and could also review Board commutation and pardon decisions.

STATEMENTS FOR THE PROPOSED AMENDMENT

1. Through its constitutional

commutation and pardon powers, the Board of Pardons can reduce criminal sentences and release prison inmates. As a result, the public never knows what the final criminal sentence is, because the sentence handed down by the judge is always subject to change by the Board of Pardons. This amendment will promote truth in sentencing, by letting the judge's sentence stand.

2. No other agency in Idaho state government is isolated from legislative, executive, and judicial review, as is the Board of Pardons. Many of the Board's decisions to reduce sentences for crimes of violence have been controversial, and many Idaho citizens disagreed with those decisions. Adoption of this amendment will require that the Board of Pardons be subject to the same legislative, executive and judicial controls as all other agencies of state government.

3. The Board of Pardons is insulated from public input and values concerning releasing inmates. Giving the Legislature the authority to set standards for commutations and pardons will insure that the Board's actions will be made with an emphasis on public health and safety.

STATEMENTS AGAINST THE PROPOSED AMENDMENT

1. Removing the constitutional status of the Board's commutation and pardon powers and making them subject to the control of the Legislature will remove the Board's independence and could subject the Board's decisions to political pressure. Such political pressure could result in special dispensations being given based on political clout instead of individual merit.

2. The Board should be free to make a decision on the individual merits of a case. If an extensive statutory scheme is passed by the Legislature, some of the Board's flexibility to fashion a decision according to the merits of a case may be lost.

3. The constitutional powers of commutation and pardon were given to the Board by constitutional amendment in 1946. Since then, the Board has made hundreds of commutation and pardon decisions in an independent and objective manner, with little resulting controversy. Therefore, the present system is working smoothly, change is not needed.

H.J.R. No. 4

That Section 2, Article III, of the constitution of the State of Idaho be amended to read as follows:

SECTION 2. MEMBERSHIP OF HOUSE AND SENATE. Following the decennial census of 1990 and in each legislature thereafter, the senate shall consist of one (1) member from each county not less than thirty nor more than thirty-five members. The legislature may fix the

number of members of the house of representatives at not more than three (3) times as many representatives as there are senators. The senators and representatives shall be chosen by the electors of the respective counties or districts into which the state may, from time to time, be divided by law.

That Section 4, Article III, of the Constitution of the State of Idaho be amended to read as follows:

SECTION 4. APPORTIONMENT OF LEGISLATURE. The members of the first legislature following the decennial census of 1990 and each legislature thereafter shall be apportioned to the several not less than thirty nor more than thirty-five legislative districts of the state in proportion to the number of votes polled at the last general election for delegate to congress, and thereafter to be apportioned as may be provided by law; provided, each county shall be entitled to one representative.

That Section 5, Article III, of the Constitution of the State of Idaho be amended to read as follows:

SECTION 5. SENATORIAL AND REPRESENTATIVE DISTRICTS. A senatorial or representative district, when more than one county shall constitute the same, shall be composed of contiguous counties, and no county shall be divided in creating such districts only to the extent it is reasonably determined by statute that counties must be divided to create senatorial and representative districts which comply with the constitution of the United States. A county may be divided into more than one legislative district when districts are wholly contained within a single county. No flateral district shall be created. Multi-member districts may be created in any district composed of more than one county only to the extent that two representatives may be elected from a district from which one senator is elected. The provisions of this section shall apply to any apportionment adopted following the 1990 decennial census.

The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Sections 2, 4 and 5, Article III, of the Constitution of the State of Idaho, relating to apportionment of the Legislature, be amended as they apply to apportionments after 1990, to limit the membership of the Senate to not less than thirty nor more than thirty-five members and the House of Representatives to not more than two times the size of the Senate; to delete the requirement that each county shall be entitled to one representative; to provide that counties shall be divided only to the extent determined necessary by statute to

Continued on next page

PUBLIC NOTICE

CONSTITUTIONAL AMENDMENTS



Continued from page 7
comply with the Constitution of the United States; to permit dividing a county when districts are wholly within a single county; to prohibit flotal districts; and to permit multi-member districts if a district is composed of more than one county, only to the extent that two representatives may be elected from a district from which one senator is elected?"

LEGISLATIVE COUNCIL'S STATEMENT OF MEANING AND PURPOSE H.J.R. NO. 4

MEANING AND PURPOSE

The purpose of these proposed amendments to Sections 2, 4 and 5, Article III, of the Constitution of the State of Idaho is to limit the number of members of the Legislature, to require reapportionment following the 1990 decennial census, to ban flotal districts, to permit the division of a county into more than one legislative district if all such districts are wholly contained within the county, to permit the creation of multi-member districts

in any district composed of more than one county, but only where two representatives are elected from a district where one senator is elected, and to make the Idaho Constitution consistent with federal Supreme Court mandates for legislative districts to achieve the "one man, one vote" principle.

EFFECT OF ADOPTION

If these amendments are adopted, Sections 2, 4 and 5, Article III, of the Constitution of the State of Idaho will establish a minimum and maximum number of members of each legislative body, require the reapportionment of the Legislature within the size limitations provided, allow for the division of a county into more than one legislative district when districts are wholly contained within a single county, ban flotal districts, allow the creation of multi-member districts in any district composed of more than one county, but only to the extent that two representatives may be elected from a district from which one senator is elected, and shall apply to any apportionment adopted following the 1990 decennial census.

nial census.

STATEMENTS FOR THE PROPOSED AMENDMENT

1. Recent state judicial decisions have declared that counties cannot be divided to form legislative districts of equal population; this situation has required the use of huge land areas to form "flotal" legislative districts, and has diluted the citizens' ability to know and contact their local legislators. If these amendments are adopted, legislative representation of a more local nature can more easily be achieved.

2. The present House of Representatives consists of 84 members and the present Senate consists of 42 members, for a total of 126 members of the Legislature. Many states with a population larger than Idaho's have fewer legislative members than does Idaho. The adoption of these amendments would require that the number of members of the Idaho Legislature be reduced, thereby reducing the total cost of the operation of the Legislature.

3. Adoption of these amend-

ments will provide a means to form legislative districts of whole, contiguous counties with common interests, and will more easily allow the state to comply with federal Constitutional requirements of "one-man, one-vote."

4. The adoption of these amendments would provide a constitutional method to divide counties, but only when absolutely necessary to form legislative districts of equal population.

5. This change is for establishing legislative district boundaries only, and would not affect county governments in any form.

STATEMENTS AGAINST THE PROPOSED AMENDMENT

1. The requirement to maintain whole counties in the formation of legislative districts has been a part of the state Constitution since statehood, and has served the citizens quite well. There are no compelling reasons to make the changes proposed by these amendments.

2. The number of members

of the House of Representatives and the Senate is not an issue. The number of members of the Legislature is not now fixed by the state Constitution. If these amendments are adopted, the number will be fixed, creating even less chance of flexibility to meet changing needs and conditions of the state. The number of members of the Legislature can now be fixed by law, whenever the citizens' needs require it.

3. These amendments would allow rural, isolated areas to be combined with urban areas in forming legislative districts, thus diluting local representative, local interest and local control.

4. The United States Supreme Court has recognized that a legislative apportionment scheme based on factors other than strict population equality is a valid scheme if done to maintain a compelling state interest in local political jurisdictions. The adoption of these amendments would further erode the stature of Idaho's primary local political jurisdiction, the counties.

VOTER QUALIFICATIONS AND REGISTRATION

And Idaho Voter Must Be:

- ★ A Citizen of the United States;
- ★ 18 years of age, or older on the day of election;
- ★ A resident in the state and in the county for thirty (30) days prior to the day of election;
- ★ Registered as required by law.

Who May Vote:

Only registered electors may vote at any primary, general, special, or any other election governed by the provisions of Title 34, Idaho Code.

Who May Not Vote:

If you do not meet voter qualifications or you are under guardianship, or have, at any place, been convicted of a felony, and have not been restored to the rights of citizenship, or at the time of election are confined in prison on conviction of a criminal offense, you are not entitled to vote.

Where to Vote:

A polling place is designated for each election pre-

cinct by the Board of County Commissioners. Notices prior to election are published in Idaho newspapers stating the polling place for each election precinct, date of election, and the hours during which the polls will be open. If, however, this information is not available please contact your County Clerk.

REGISTRATION

Where and When to Register:

1. With your official registrar of the precinct in which you live except during a 17-day period immediately preceding any election (October 17).
2. With your County Clerk except during a 10-day period immediately preceding any election (October 24).
3. Citizens may apply for absentee registration by writing to their County Clerk except during a 10-day period immediately preceding any election.
4. A person must re-register if one of the following occurs:
 - a. A registration is canceled by the County

Clerk as provided by law.

b. A residence change to another county.

5. A person who has moved from one precinct to another within the same county shall be permitted to change his registration by notification in writing to the county clerk if such notification is received by not later than the close of registration.

NOTE: A person who has moved from one residence within the same precinct shall be permitted to vote and the election officials shall note the change of address on the registration card.

Registration reopens the Day After the Election.

Permanency of Registration:

Registration is on a semi-permanent basis. Once a registered voter votes at a single election in which registration is required, his registration is good for a four-year period. If a voter fails to vote at least once during the four years following registration, that person's name is removed from

the list, and re-registration is necessary.

ABSENTEE VOTING

Conditions Which Allow You to Vote Absentee:

1. You are in the United States Service.
2. You expect to be out of the county or state on election day and you are not physically disabled.
3. You are physically unable to vote at your designated polling place on election day.
4. You are in the county and are physically unable to vote at your designated polling place because of an emergency situation which rendered you incapable within 48 hours prior to the closing of the polls.

When you wish to make application for an absentee ballot, personally write or visit your County Clerk's office.

IMPORTANT

Absentee ballots must be returned to the applicant's County Clerk's office by the time the polls close on election day (8:00 p.m.)



About

The Treasure Valley Partnership is a nonprofit 501-C-3 member organization consisting of a representative of the County Commissioners and the City Mayors in Ada, Canyon and Owyhee Counties.

The Partnership was founded in 1997 under the recognition that the municipal jurisdictions needed to work together to proactively manage the growth occurring in the Treasure Valley. Since that time, the organization has served as a tool for the jurisdictions to proactively work together to not only address land use issues related to growth, but to address issues affecting the quality of life for the citizenry of the valley.



Boise Mayor, Dave Bieter gives a presentation on a Proclamation promoting students to complete the FAFSA, the Federal Student Aid Form in February 2017. Meridian Mayor, Tammy de Weerd looks on.



Idaho Governor Brad Little addresses the Treasure Valley Partnership at the December 2019 meeting.

Meetings

The Treasure Valley Partnership meets on a monthly basis and member jurisdictions take turns hosting the meeting. These monthly meetings provide a forum where members can...

- Learn about, discuss and address key issues that are timely and of concern to our jurisdictions.
- Collaborate together to enhance the lives of constituents.
- Share resources, best practices, policies and lessons learned.
- Develop relationship that are beneficial to serving the public and improving the quality of life for all.
- Come together to address state legislation affecting local municipal jurisdictions.
- Mentor newly elected officials.

Actions

From time to time an issue arises where Treasure Valley Partnership members choose to collectively undertake an effort. These collective actions take many forms.

- **Projects.** These are collaborative long-term efforts to design and deliver various activities to address a concern. The SAUSA Program represents the shining star of the Partnership project

related activities.

- **Ordinances.** Municipal ordinances are often shared and occasionally, collaboratively developed as a means to address an issue affecting the Treasure Valley. The one ordinance worked on as an activity of the Partnership that all members will agree was the most effective was a Pseudoephedrine Ordinance.

- **Positions.** Sometimes the Partnership members collectively take a position on an issue and will issue a formal position statement. As an example, the members through the Partnership have taken a formal position on issues such as; Locating the F-35 at Gowen Field, location of the Gateway-West Transmission line and the EPA's lowering of Ozone emission standards.

- **Proclamations/Resolutions.** Social causes and efforts to increase awareness about issues are often collectively taken by the Partnership and its members. These public actions serve the purpose of increasing awareness of an issue like veteran suicide rates or distracted driving.



Nampa Mayor, Debbie Kling and Garden City Mayor, John Evans present the TVP Proclamation supporting Veteran Suicide Awareness in April 2018.

Founding

Because of the rapid growth in the 1990's, in 1997, the Mayor of Boise, Brent Coles, realized that if something wasn't done to proactively manage the number of people and jobs flowing into the region, the communities of the Treasure Valley would lose their character and many of the traditional western ways. He organized a two-day meeting called the "Treasure Valley Institute" to see what the other mayors and commissioners were thinking.

After two days of listening to national speakers talk about the economics of growth, city planning, urban design and transportation, the elected officials realized they had more in common than they thought. They knew their citizens wanted good recreational opportunities, good job opportunities, housing and a quiet, "small-town" feel to their communities. They wanted to provide these without sacrificing the traditional agricultural base that has supported the area for many years.

After the two day meeting, a document was signed, called the "Treasure Valley Partnership Agreement" in which all members of the meeting agreed to work together on four areas and to meet monthly to keep communication open and learn more about how to be proactive and use the area's growth in a beneficial manner.

In 1998, the Partnership formed a 501-C-3 non-profit organization. The organization is funded by annual dues of the member jurisdictions.

Member History

The nine founding member jurisdictions in 1997 consisted of:

- Ada County
- City of Boise
- City of Caldwell
- Canyon County
- City of Eagle
- City of Garden City
- City of Kuna
- City of Meridian
- City of Nampa
- The City of Star joined in 1998.



Members attend a meeting in Caldwell during August 2009. From left to right, Margie Watson – Mayor of Parma, Dave Bieter – Mayor of Boise, Fred Tilman – Ada County Commissioner, John Evans – Mayor of Garden City, Brad Holton – Mayor of Greenleaf, Tom Dale – Mayor of Nampa, Garret

- The City of Parma joined in 1999.
- The City Middleton joined in 2001.
- Owyhee County and the Cities of Wilder and Greenleaf joined in 2006.
- The Cities of Marsing and Homedale joined in 2012.
- The City of Mountain Home joined in 2020.

Nancolas – Mayor of Caldwell and John Bechtel –
Mayor of Wilder, David Ferdinand - Canyon County
Commissioner

HOME

ABOUT

HOWS

MEMBERS & STAFF

MEETINGS

PROJECTS

ACTIONS

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LINKS

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Members / Staff

Current Members

- [Kelly Aberasturi](#) - Owyhee County Commissioner
- Trevor Chadwick - Mayor, City of Star
- [Gheen Christoffersen](#) - Mayor, City of Homedale
- [Tom Dale](#) - Canyon County Commissioner
- [John Evans](#) - Mayor, City of Garden City (Vice-Chair)
- [Brad Holton](#) - Mayor, City of Greenleaf (Secretary/Treasurer)
- [Debbie Kling](#) - Mayor, City of Nampa
- [Diana Lachiondo](#) - Ada County Commissioner
- Angie Lee - Mayor, City of Parma
- [Lauren McLean](#) - Mayor, City of Boise
- [Garret Nancolas](#) - Mayor, City of Caldwell
- [Jason Pierce](#) - Mayor, City of Eagle
- Steve Rhodes - Mayor, City of Wilder
- Steve Rule - Mayor, City of Middleton
- Chad Sevy - Mayor, City of Marsing
- [Robert Simison](#) - Mayor, City of Meridian
- [Joe Stear](#) - Mayor, City of Kuna
- [Rich Sykes](#) - Mayor, Mountain Home

Past Members

- Alicia Almazan - Mayor, City of Wilder
- Phil Bandy - Mayor, City of Eagle
- John Bechtel - Mayor, City of Wilder
- Matt Beebe - Canyon County Commissioner
- Chad Bell - Mayor, City of Star
- Dave Bieter - Mayor, City of Boise
- Vern Bisterfeldt - Ada County Commissioner (Founding Member)
- Brent Coles - Mayor, City of Boise (Founding Member)
- Robert Corrie - Mayor, City of Meridian (Founding Member)
- Tom Dale - Mayor, City of Nampa
- Tammy de Weerd - Mayor, City of Meridian
- Scott Dowdy - Mayor, City of Kuna
- Ted Ellis - Mayor, City of Garden City (Founding Member)
- David Ferdinand - Canyon County Commissioner
- James Ferdinand - Mayor, City of Marsing
- Bob Flowers - Mayor, City of Parma
- Winston Goering - Mayor, City of Nampa (Founding Member)
- Keith Green - Mayor, City of Marsing
- Bob Henry - Mayor, City of Nampa
- Maxine Horn - Mayor, City of Nampa
- George Hyer - Owyhee County Commissioner
- Grant Kingsford - Ada County Commissioner
- Todd Lakey - Canyon County Commissioner
- Nathan Leigh - Mayor, City of Parma
- Frank McKeever - Mayor, City of Middleton
- Nancy Merrill - Mayor, City of Eagle
- Nate Mitchell - Mayor, City of Star
- Laurale Neal - Councilmember, City of Kuna (Founding Member)
- Greg Nelson - Mayor, City of Kuna

- Dean O'Bray - Mayor, City of Kuna
- Gussie O'Connor - Mayor, City of Star
- Jim Reynolds - Mayor, City of Eagle
- Stan Ridgeway - Mayor, City of Eagle
- Marq Ross - Councilmember, City of Star
- Steve Rule - Canyon County Commissioner
- Darin Taylor - Mayor, City of Middleton
- Craig Telford - Mayor, City of Parma
- Carolyn Terteling-Payne - Mayor, City of Boise
- Fred Tilman - Ada County Commissioner
- Hal Tolmie - Owyhee County Commissioner
- Abe Vasquez - Canyon County Commissioner (Founding Member)
- Margie Watson - Mayor, City of Parma
- Frank Walker - Ada County Commissioner
- Richard Winder - Mayor City of Caldwell (Founding Member)
- Paul Woods - Ada County Commissioner
- Rick Yzaguirre - Mayor of Eagle and Ada County Commissioner (Founding Member)

Staff

The Partnership employs a part-time Director who coordinates and facilitates the activities of the organization.

Bill Larsen has been with the Partnership since June of 2005. He acts as a facilitator on project activities the Partnership decides to work on. Bill holds a Masters' in Business Administration and has professional experience in developing and managing projects covering a wide variety of disciplines. He has held positions such as Project Coordinator for the University of Idaho, Resource Development Specialist for the Idaho Department of Health and Welfare, Marketing Manager for two different businesses and has been the owner and manager of his own business providing Medicaid related services to clients in the Treasure Valley. He has also been a member of several state-wide boards and commissions beginning in the early 80's.

Previous staff members of the Treasure Valley Partnership include;

- Elizabeth Conner
- Kristi Nygard

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Community Profile

Eagle, County of Ada, Idaho, is a fast-growing incorporated city located in the southwestern region of Idaho within the Boise Metropolitan Statistical Area. Eagle is known for its exorbitant quality of life, and is positioned as the "premier" community within the region.

Encompassing both the Eagle Foothills and the Boise River, Eagle offers miles of trails, acres of parks, and endless outdoor recreational opportunities. Combine all of that with a workforce with high educational attainment, top-rated schools, abundant shopping and entertainment, well-designed residential and commercial neighborhoods, and restaurants that run from five-star elegance to drop-in casual and we are sure you'll love Eagle as much as we do.

City Government

Eagle City government is based upon an active full-time Mayor and four (4) City Council members. The duties associated with a City Manager in other municipalities are managed by the Mayor as Eagle's Chief Executive Officer. The Mayor carries out the policies and directives of the Council. The Mayor sets the agenda for the Council and votes only when there is a tie vote. City Council members are elected to four-year terms of office in November elections in alternate years. Two members are elected in each election cycle so that two new members are paired with two seated Council members to address the City's business. City leaders are very pro-economic development and pro-business.

City Government

| | |
|--|-----|
| Number of City Council members | 4 |
| Planning and Zoning Commission | Yes |
| Design Review Board | Yes |
| City Comprehensive Plan | Yes |
| City Economic Development Strategic Plan | Yes |



Our Mission...

A city that protects its residents and their property using best practices. With this as our mission, the entire municipal team for the City of Emmett strives every day to achieve our strategic goals of being an economically vibrant and health-conscious city that is always legally compliant with all state and federal laws while performing our constitutional mission of protecting the people and property while providing adequate infrastructure for growth.

Our Community

Welcome to Our Community! This area is here to show off some interesting things about, or that have happened here in, Emmett, Idaho. We look forward to adding more as time goes on!

My Classic Car: Emmett Show and Shine

Season 21, Episode 9

This episode of My Classic Car revolves around the Emmett Show and Shine! Feel free to watch it below.

If you wish for a direct link to the video on YouTube, [click here!](#)

If you want to visit the Show and Shine website, [click here!](#)

1936 Plymouth Custom | 1982 Toyota Land Cruiser FJ4...



EXHIBIT G

In his first “Capital for a Day” outside of Boise, newly elected Idaho Governor Brad Little visits his home town of Emmett, Idaho, population: 6800. A tradition that goes back for at least forty years, “Capital for a Day” is designed for Idaho Governors, along with their agency heads and staff, to visit different cities throughout the state, thus allowing the people to have face-to-face direct access to the Executive Branch on any issues and concerns they might have.

Capital for a Day Agenda:

| | |
|------------|---|
| 10:00 a.m. | Pledge of Allegiance |
| 10:05 a.m. | Welcome-Mayor |
| 10:10 a.m. | Governor Welcome & Agency Introductions |
| 10:30 a.m. | Questions from Audience |
| 12:00 p.m. | Break for Lunch |
| 1:00 p.m. | Proclamation Signing-Governor Little |
| 1:10 p.m. | Question from Audience |
| 2:30 p.m. | Emmett Public Library Presentation |
| 3:00 p.m. | Event ends |

<https://youtu.be/IFSpYt wGw0>

https://www.idahopress.com/news/local/affordability-partisanship-divides-garden-city-in-recent-local-election/article_855633e9-a8d9-5c67-ac9f-d57e99ed4125.html

Affordability, partisanship divides Garden City in recent local election

By RYAN SUPPE rsuppe@idahopress.com

Nov 20, 2021



The Boise River flows through Garden City, looking west from the Glenwood Street bridge. The river divides the north and south sides of the city, which this year provided a voting dichotomy in local mayor and city council elections.

Brian Myrick / Idaho Press

GARDEN CITY — The Boise River divides Garden City in more ways than one. This month's mayoral and city council elections, which drew a high turnout and a significant amount of money, highlighted a political split between residents north and south of the river.

Garden City is just four miles long and less than a mile wide, but unique locales favor competing interests in the Boise satellite city of about 12,000 people. North of the river are upscale subdivisions, winding suburban streets and a private golf course. In southeast Garden City, lower-income and more ethnically diverse residents live alongside industrial and commercial businesses, art studios and breweries. Many live in mobile homes.

EXHIBIT H

The north/south dichotomy isn't new, but this year southeast Garden City residents, who have been politically apathetic in the past, were more engaged. They supported a group of candidates that tapped into housing affordability anxieties and suggested the southeast — essentially one voting precinct, 1608 — doesn't have adequate representation in city government.

"A lot of people just feel like, 'Hey, I haven't paid attention to elections, my vote doesn't matter, regardless of what happens, people don't care, they don't listen, they don't find solutions,'" said Hannah Ball, a developer who ran for mayor alongside city council candidates John McCrostie, a teacher and state legislator, and Greta Mohr, who owns a brewery and restaurant on Chinden Boulevard.

"For me, it was really important that I focused on topics in (Precinct) 1608 because that's my community," Ball said.



Hannah Ball

A major concern there is the fact that the southeast is ripe for redevelopment. Like other Treasure Valley cities, Garden City faces affordable housing issues, and new development presents the possibility that low-income residents could be displaced.

"You don't have those same types of issues north of the river," McCrostie said.

While they each lost their respective races, Ball, McCrostie and Mohr performed well in Precinct 1608. Ball won the precinct with 58% of the vote over her opponent, longtime mayor and incumbent John Evans. McCrostie and Mohr each tallied 30% in a four-way race for two seats. Overall, turnout in 1608 was up more than 7% since 2019 and 14% since 2017, the last two municipal elections.

McCrostie said the three candidates knocked on more than 5,000 doors. Evans praised the group's campaign.

"They worked very hard and got a lot of votes," he said. "They outworked me on the south side of the river."

But the Ball-McCrostie-Mohr slate couldn't sway voters north of the river. Two northern precincts — 1601, home to the largest share of Garden City residents, and 1602, home to The River Club, formerly Plantation Country Club — decisively reelected four-term mayor Evans, who collected about two-thirds of votes in each district.

"My basic platform was steady as she goes," Evans said. "I think the city

has done well over the last number of years."



John Evans

city of Garden City

Northerners also favored Bill Jacobs, a city council newcomer and self-proclaimed independent, and incumbent Teresa Jorgensen over McCrostie and Mohr.

Citywide, this year's 38% turnout was the highest in a Garden City municipal election since at least 2010, the most recent data Ada County has on record.

And there was money — a lot of it. Garden City candidates, combined, raised more than \$145,000, according to campaign finance reports filed with the Idaho Secretary of State. That's nearly double campaign contributions in Caldwell, a Treasure Valley city nearly five times the size of Garden City. Caldwell also hosted mayoral and city council elections this year with almost triple the number of candidates.

"This was the most money that's been spent on a Garden City campaign, probably in history," Jorgensen said.

The high engagement was helped by another variable, an increasingly common one in Treasure Valley municipal elections: partisanship.

When McCrostie, a high-profile Democratic member of the Idaho House of Representatives, joined the race, Republicans responded, funneling resources into the campaign, to support Evans and Jorgensen and oppose McCrostie and the candidates with whom he aligned himself.

Mailers, funded by the Ada County Republican Central Committee, attacked McCrostie for his voting record in the House and suggested his Garden City candidacy was a "progressive power grab," [BoiseDev reported](#).

The partisan interference surprised candidates.

"This was supposed to be a non-partisan election," McCrostie said.

Evans, a Republican, said the GOP's involvement "no doubt" helped him, but he did not endorse the tactics, nor was he involved with the mailers.

"It's the first time that the partisan component has entered into a Garden City race that I'm aware of," Evans said.

Evans noted that city government has little to do with partisan politics. But you don't see bumper stickers advocating for a clean water supply, he said. The Garden City candidates had similar views on many of the issues facing the city: smart growth, mitigating traffic, support for public safety agencies, preserving affordable housing and balancing public and private interests at Expo Idaho, which has been targeted for upgrades.

Likely the greatest beneficiary of the divided election was Jacobs, who campaigned as an independent and distanced himself from the other candidates.



John McCrostle

Jacobs, the general manager at FarWest Landscape and Garden Center, said his campaign was about "smart, wise management of the city."



Greta Mohr

Greta Mohr for Garden City, Facebook

That persuaded Wendy Carver-Herbert, a Garden City resident who donated to Jacobs' campaign. Carver-Herbert said she supported Jacobs because he had a "fresh perspective" and seemed capable of effectively collaborating with the highway district, transportation department and developers on growth- and traffic-related issues.

Carver-Herbert is a one-time city council candidate who got involved in city government around the time a large apartment complex was purposed behind her home. She lives in Precinct 1607, which is south of the river and west of Glenwood. Unlike the precincts north of the river and 1608 in the southeast, 1607 was split on city council candidates, with no clear favorites. Evans won the precinct by just 35 votes.

"The biggest percentage of their agendas are around land use issues and some day-to-day types of issues," Carver-Herbert said of city officials. "I think it was really unfortunate that partisanship entered into our race and any of the local races. I'd really like to continue to see local government remain non-partisan."

Ryan Suppe is the Boise City Hall and Treasure Valley business reporter for the Idaho Press. Contact him at 208-344-2055 (ext. 3038). Follow him on Twitter @salsuppe.



Bill Jacobs

courtesy Bill Jacobs

Ryan Suppe