

Legislative Apportionment Board: House Report

January 6, 2022

Legislative Apportionment Board
Sections 13, 18 and 73 of Chapter II of the Vermont Constitution

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Acknowledgements

The Apportionment Board gratefully acknowledges the invaluable efforts of the following individuals for their assistance and support throughout the Board's work on this House of Representatives redistricting proposal report:

- Deputy Secretary of State Christopher Winters, for his dedicated and helpful assistance in helping to organize the Apportionment Board and oversee the support of the other Secretary of State staff who assisted the Board.
- Eric Covey, the Secretary of State's Chief of Staff, for taking detailed minutes of the Board's many meetings, operating the remote meeting platform during meetings, and compiling Board of Civil Authority feedback for the Board.
- Mia Kro, from the Secretary of State's staff, for invaluable assistance with mapping software training and support, website management, and for producing legislative district maps for the Board's review and action.
- John Adams, from the Vermont Center for Geographic Information, for valuable assistance with understanding and interpreting U.S. Census Bureau data and translating the data into useful charts and maps.
- Michael Chernick, Amerin Aborjaily, Tucker Anderson and BetsyAnn Wrask, of the General Assembly's Legislative Counsel, for historical perspective and research assistance.
- The Boards of Civil Authority from over 140 towns and cities, for their review, comments, criticisms and suggestions on the Board's tentative House district proposal.
- The family members and work associates of the Apportionment Board members, for their support, patience and tolerance of the time demands of the Board's work.

Legislative Apportionment Board Members

Thomas A. Little, Shelburne, Vermont, Chair, is Vice President and General Counsel at Vermont Student Assistance Corporation in Winooski, Vermont. He chaired the Apportionment Board in 2010-2020. He represented Shelburne in the Vermont House of Representatives in the 1992 – 2002 sessions. Currently, he is Chair of the District 4 Environmental Commission, Chancellor of the Episcopal Diocese of Vermont, and Chair of the Board of Trustees of the University of Vermont Medical Center.

Edward Adrian, Burlington, Vermont, is Of Counsel at the Law Firm of Monaghan Safar Ducham PLLC in Burlington and previously served as the Chief Prosecuting Attorney at the Vermont Secretary of State's, Office of Professional Regulation. He is the former Vice-Chair of the Burlington Democratic Party. Ed was on the Burlington City Council from 2007-2012 and was Chair of the Burlington Library Commission from 2013-2017. A former commentator on Vermont Public Radio, currently Ed serves on the Vermont Commission on Women.

Jeanne Albert, Lincoln, VT, is a retired mathematics educator. From 1996 to 2008, she was a professor at Castleton State College (now Castleton University), and from 2008 to 2020 she was Director of STEM and Quantitative Support in Middlebury's Center for Teaching, Learning, and Research. Jeanne has served as a Board member for regional organizations including the Vermont State Colleges Faculty Federation, the New England Faculty Development Consortium, and the Appalachian Mountain Club's Three Mile Island Family Camp on Lake Winnepesaukee. She is currently Chair of Lincoln's town Democratic Party Committee.

Jeremy Hansen, Berlin, Vermont, a member of the Norwich University computer science faculty, earned his Ph.D. at the University of Wisconsin-Milwaukee in 2009 with a dissertation describing the structure of cryptographic hash algorithms. More recently, his research has explored the social implications and applications of technology, including privacy, computational social choice, security of implantable medical devices, and elections. He served on the Berlin Select board from 2013 to 2020. Jeremy founded and is Chair of the Governing Board of the public Internet service provider CVFiber.

Mary Houghton, Putney, Vermont, is retired from a career in the development and stewardship of affordable housing. She worked for the Burlington Community Land Trust (now the Champlain Housing Trust) and Brattleboro Housing Partnerships. She currently serves on the Boards of Directors of the Housing Foundation, Inc., and the Tri-Park Housing Cooperative.

Tom Koch, Barre Town, practiced law in Barre City for 40 years and is now retired. He represented the Town in the Vermont House of Representatives from 1977 to 1981 and

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again from 1997 to 2015. He is a member of the Barre Town, Washington County, and Vermont Republican Committees, and is Assistant Treasurer of the state Committee. He is a member of Shepherd of the Hills Lutheran Church in Montpelier, where he serves on the Church Council.

Robert Roper, Stowe, Vermont, currently is the President of the Ethan Allen Institute and frequent guest host of True North Radio. He previously was Chairman of the Vermont Republican Party, Executive Director for the Vermont Chapter of FreedomWorks and Executive Director for Vermonters for Better Education. He served on the Apportionment Board in 2010-2020.

Introduction

Sections 13, 18 and 73 of Chapter II of the Vermont Constitution mandate reapportionment of the Vermont Senate and House following the release of the decennial U.S. Census and requires reapportionment to rely on the Census results. In 1965, the General Assembly enacted Chapter 34A of Title 17, establishing the Legislative Apportionment Board (the Board) to prepare and file proposed Senate and House plans with the General Assembly to adjust district boundaries to reflect shifts in population and assure substantially equal representation across all districts statewide.

The 2020 U.S. Census counted 643,077 residents in the state, a 2.8% increase over the 2010 census count. Population change was not uniform across the state, however; for example, Essex increased by 2,507 people (+12.8%); Poultney decreased by 412 people (-12.0%); and Barre Town and Guilford saw virtually no change (each decreased by 1 person). Long term population shift trends have continued over the last 10 years, resulting in increased pressures on the reapportionment process – particularly in certain parts of the state.

Here are four key definitional concepts used throughout this report:

Ideal District Population = State population (643,077) / # of members in the chamber (150 for the House & 30 for the Senate) x # of members in district (either 1 or 2 for the house & between 1 and 3 for the Senate.) The ideal district population is **4,287 per House Representative** and **21,436 per Senator**.

District Deviation = Actual district population – Ideal district population.

Percentage Deviation = District Deviation / Ideal population x 100. Generally speaking, if a district has a percentage deviation greater than 10% over or under the ideal, legal precedent suggests that the district would likely exceed what is constitutionally acceptable.

Overall Deviation – The overall deviation of a House or Senate redistricting proposal is the “spread,” or difference between the greatest negative percentage deviation and the greatest positive percentage deviation across the districts.

The Board reviewed a plan that would adjust the existing House districts mainly where a district's population deviated from that of the ideal district by more than nine or 10 percent; these proposed changes also resulted in revising adjoining districts owing to the unavoidable "ripple" effect inherent in the reapportionment effort. The Board also reviewed a plan with all single-member House districts, and on October 15, 2021, adopted this as the Board's tentative plan by a 4-3 vote. The tentative House plan was

sent to all towns and cities for review and comment by their Boards of Civil Authority. The final plan adopted by the Board on November 23, 2021 is based on the October 15, 2021 tentative plan, with adjustments based on input from the BCAs.

All of the Board's working proposals, video recordings, and the detailed Minutes of the Board's [25] meetings, are available on the Board's website, <https://sos.vermont.gov/apportionment-board/> to assist in the next phase of the House district reapportionment process as it moves to the House of Representatives and the Senate. The final maps may also be found on the Board's website under "Map Drafts:" <https://sos.vermont.gov/apportionment-board/map-drafts/>.

Impacts of (i) the Delay in Receiving U.S. Census Data and (ii) the COVID-19 Pandemic

In early 2021, the U.S. Census Bureau notified the Apportionment Board that the release of the final and official Vermont redistricting dataset of the 2020 United States decennial census would be delayed from the federal statutory deadline of March 31, 2021 to a release date on or before September 30, 2021. This delay meant that the Board would be unable to meet its statutory deadlines. In February 2021, the Board asked the General Assembly to amend Chapter 34A of Title 17 to establish revised deadlines for the Board's 2021 work and reports. The General Assembly did so in Act 11 (H. 338) which was signed into law on April 21, 2021 by Governor Scott.

<https://legislature.vermont.gov/Documents/2022/Docs/ACTS/ACT011/ACT011%20As%20Enacted.pdf>

Act 11 required the Board to submit its proposals for the 2022 reapportionment of the House of Representatives and the Senate to the General Assembly not later than 90 days following the U.S. Census Bureau's release of Vermont's 2020 redistricting dataset. All other deadlines and procedures for the 2022 reapportionment of the House of Representatives and the Senate remained unchanged.

Had the census results been delivered on time, the Board's deadline to file final House and Senate plans would have been in August. When the Board learned of this significant delay, it adjusted its work plan accordingly but continued to meet to review estimated census data and discuss its overall approach to its work. (The Board had begun meeting in September 2020 in anticipation of receiving the census data in March 2021.) The delayed census dataset was delivered in mid-August, triggering several weeks of technical work uploading the data into the mapping software the Board used, testing the data in the software, and training Board members and Secretary of State staff on the software. The Board owes much to the Information Technology team at the General Assembly (the Office of Legislative Information Technology) for leading these efforts, and to the Secretary of State's staff for helping Board members to learn how to work with

the mapping software. When these efforts were completed, the Board had some 10-12 weeks in which to use the mapping software to prepare draft maps of proposed new Senate and House districts that would comply with the reapportionment laws.

All the Board's work (and all of the support it received from the Secretary of State's office, the Office of Legislative Information Technology, the Vermont Center for Geographic Information, and the inputs from members of the public and Boards of Civil Authority) was done during the COVID-19 pandemic and its profound changes to work and meeting practices, habits and protocols. These conditions challenged the progress of the Board's work.

Role and Function of the Legislative Apportionment Board

As noted above, every 10 years, following the release of the U.S. Census data, state law requires reapportionment of Vermont's House and Senate districts "in such manner as to achieve substantially equal weighting of the votes of all voters in the choice of legislators." 17 V.S.A. §1901. Chapter II of the Vermont Constitution establishes the same requirement, as does the Equal Protection provisions of the U.S. Constitution. This substantial equality requirement is the overarching mandate of our law.

The decennial process starts with the Legislative Apportionment Board. The Board has a statutory duty to draw up a tentative proposal for changes to House district lines; to share that tentative proposal with town and city Boards of Civil Authority of the towns and cities that would be affected by the proposed tentative plan; and then to draw up a final proposal for consideration by the General Assembly.

Under the law, the Board's overall purpose is to provide advice and assistance to the General Assembly.

The Board was constituted in 2020 and has seven members. Each of the three major political parties chose a member; Governor Scott appointed one member from each party and the Chief Justice of the Vermont Supreme Court appointed the Board's Chair.¹ The Board's meetings were open to the public and its records are public records.

The Board looked at each House district's percentage deviation from the ideal district population. Each existing House district has a positive or negative deviation percentage. For example, a single-member district with a population of 4,487 has 200 residents over

¹ Jeanne Albert was chosen by the Vermont Democratic Party, Robert Roper was chosen by the Vermont Republican Party, and Jeremy Hansen was chosen by the Vermont Progressive Party. Governor Scott appointed Democrat Edward Adrian, Progressive Mary Houghton and Republican Thomas Koch. Chief Justice Paul Reiber appointed Thomas A. Little as Chair.

the apportionment standard, and a deviation of +4.67 %. A single-member district with a population of 3,987 has 300 residents under the standard, and a deviation of -7.00 %. To the extent that a district has a significant negative deviation, it is over-represented. And, to the extent that a district has a significant positive deviation, it is under-represented. The difference between the district with the highest positive deviation and the lowest negative deviation is the "overall deviation" of the Vermont House apportionment.

With 28 of the 104 current House districts having 9% or greater positive or negative deviation percentages, some district adjustments were clearly very likely required in order to align the House districts with the Constitution's equality of population mandate.

The 2001 and 2011 Apportionment Board reports present a well-written explication of the constitutional and statutory principles that govern and guide this Board's work. We include an excerpt from the Board's 2001 report in Appendix 1. The 2001 report includes an analysis of the Vermont Supreme Court's important 1993 decision, In re Reapportionment of Town of Hartland, where the Court decided consolidated reapportionment disputes involving the constitutional and statutory issues of (i) substantial voting equality, (ii) geographical compactness and contiguity, and (iii) patterns of geography, social interaction, trade, political ties and common interests. 160 Vt. 9 (1993).²

Since the Town of Hartland decision, only one challenge has been made to a reapportionment plan enacted by the General Assembly – to the 2002 reapportionment. In In re Reapportionment of Towns of Woodbury and Worcester, 177 Vt. 556 (2004), the residents of the Washington County towns of Woodbury and Worcester unsuccessfully challenged their new district, arguing that placing their towns in the Lamoille-Washington-1 two-member district violated the requirements of compactness and contiguity and did not respect county lines. The case did not involve a challenge based on population deviation. The Supreme Court appointed a factfinder who took testimony and issued finding on the Town's claims. The factfinder "found that all four towns have one or more boundaries in common with another town in the district, and that the T-shaped district 'in fact is contiguous and relatively compact.'" *Id.* at ¶ 12. The Court also noted that the challenged statewide redistricting plan "places ninety-eight towns in districts that cross county lines, which is not unusual. In fact, in this respect it is identical to the 1992 reapportionment plan we upheld in Hartland, 160 Vt. at 31, 624 A.2d at 336." *Id.* at ¶ 16. The Court concluded that the two towns had failed to clear the strong presumption in favor of a plan adopted by the General Assembly.

No challenge was filed against the 2012 reapportionment.

² Challenges to a redistricting plan enacted by the General Assembly are filed directly with the Vermont Supreme Court. 17 V.S.A. §1909.

A good redistricting plan proposal, in addition to achieving substantial equality of population across districts, must also demonstrate how the other standards beyond equality are met. In the Mahon case, the United States Supreme Court cautioned that an overall deviation of 16.4% “approach[es] tolerable limits.” It explained that the ultimate inquiry is whether the legislature's plan “may reasonably be said to advance [a] rational state policy,” and if so, “whether the population disparities among the districts that have resulted from the pursuit of this plan exceed constitutional limits.” Mahan v. Howell 410 U.S. 315, 318 (1972).

As noted above, the law requires House districts with "minimum" deviation percentages. The law does not define "minimum," but Vermont and U.S. Supreme Court decisions tell us that an overall deviation under 10% is presumptively constitutional and one somewhat greater than 16% is probably, or may be, constitutional if the legislative record documents that other more complying options were tried without success and the plan advances rational state policies. Thus, an individual, single-member district with a deviation in the 9% range raises serious concerns and must be analyzed thoroughly and justified with credible, genuine reasons supported under the law.

In addition to the overall deviation, the Board is guided by three statutory directives relating to: (1) preservation of existing political subdivision lines (i.e., town, city, and county boundaries); this directive is also found in the Vermont Constitution; (2) recognition and maintenance of patterns of geography, social interaction, trade, political ties and common interests; and (3) use of compact and contiguous territory. 17 V.S.A. §1903; VT Const. Ch. II, §13. When ruling on a challenge to a redistricting plan, the courts give significant weight to these non-numerical factors. Putting a steep mountain in the middle of a multi-town district may yield district lines that are not intuitive from looking at a flat map of the state. Avoiding that type of unfortunate result, which may make a proposed district's percentage deviation greater than constitutionally desirable, can make a difference if a redistricting plan is challenged in court.

As mentioned, the Board's work to draw a new plan for House districts proceeded in two general phases. The first phase was developing a draft, tentative plan for review by Boards of Civil Authority. Under 17 V.S.A. §1905, any town that is divided into two or more districts or that is put in a district with another town is given an opportunity to comment on the Apportionment Board's plan before it is finalized. The Apportionment Board went beyond this requirement and sent the tentative House plan to all towns and cities for their review and comment.

In October and November, over 140 Boards of Civil Authority (BCA) commented on the tentative plan and in many cases proposed different district boundaries. In some cases, this involved towns trying to collaborate on a new mapping solution to a shared district line. The Apportionment Board then reviewed the various BCA recommendations. This is the point in its work where the Board's split over the ‘all single member House

districts' question again made a broad consensus impossible. BCAs in towns and cities currently in two-member House districts generally (but with some exceptions) opposed eliminating their two-member districts. The Minutes of the Board meetings at which this question was discussed and debated reveal the depth and passion of this disagreement. The Board then prepared a final proposed House district map, approved by a vote of 4-3, and delivered it to the Clerk of the House of Representatives on November 30, 2021. This written report completes the Board's duties, subject to responding to questions from the House and Senate, to fulfill the Board's "advise and assist" responsibilities to the legislature.

A Word About the Methodology of Drawing Revised Legislative Districts

Developing revised House and Senate districts is very much a trial-and-error process. While the Board (and the General Assembly) has sophisticated mapping software, the software is not designed to take into account the importance of keeping towns and cities intact and the goal of combining towns into districts where the towns share common interests. When a Board member working on a redistricting map (and this work was done by Board members themselves) identifies a district with an unacceptably low or high population deviation (let's call this District A), the next step is to find a way to address that, which inevitably involves changing not one district boundary, but two: the contours of District A (the district with the deviation problem) and the contours of the district that is proposed to be used to solve that problem (District B). The mapping software tells when the population consequences of such a change would be - but does not do the "search and fix" work on its own. In many cases, the "fix" has altered the population of District B enough to create a deviation problem there, requiring a further fix using a third district, District C. And so on. A "mapper" can work quite a way into a redistricting exercise and then find some unsolvable problem that requires going back to square one.

Another challenge, or frustration, in the mapping process is this: depending on where one starts a redistricting exercise, the resulting district map can look quite remarkably different from one using the same parameters for population deviations with a different starting point. For example, a House district map developed by starting in Pownal and working its way across and up the state will invariably look different than one with Swanton, Corinth, Sudbury or Westminster as the starting point.

When the Board received feedback from the 140 + Boards of Civil Authority that commented on the Apportionment Board's October 15 tentative House map proposal, many of the comments, criticisms and counter proposals focused very "locally," i.e., on the town in question and its preferences for a House district that suits its interests, geography, relations with neighboring towns and its historical alignment in existing and prior districts. At times, however, the preferences of towns in the same general area were not compatible with those expressed by other towns. In short, the Board couldn't make every town happy while still developing a House district map that "worked" statewide.

While the Senate redistricting process does not formally involve feedback from Boards of Civil Authority, the mapping process, while have far fewer moving pieces than the House map, is the same (as are the challenges and frustrations).

Overview of House Plan’s Critical Constitutional and Statutory Factors

Equality of Representation

The Vermont Constitution, Chapter II, Section 13 sets forth the following parameters in constructing Vermont House Districts: “In establishing representative districts, which **shall afford equality of representation**, the General Assembly shall seek to maintain geographical compactness and contiguity and to adhere to boundaries of counties and other existing political subdivisions. (Emphasis added). The Vermont Constitution, Chapter II, Section 18 sets forth identical parameters governing the construction of Vermont Senate Districts: “In establishing senatorial districts, *which shall afford equality of representation*, the General Assembly shall seek to maintain geographical compactness and contiguity and to adhere to boundaries of counties and other existing political subdivisions.” (Emphasis added).

Neither the Vermont Supreme Court, nor any Vermont trial court appears to have ever interpreted what affording “equality of representation” means in respect to Chapter II, Sections 13 and 18 of the Vermont Constitution.

The Vermont Supreme Court has turned to the U.S. Supreme Court in articulating a guiding principal of constitutional interpretation for the Vermont Constitution. *Baker v. State*, 170 Vt. 194, 215 (1999). In so doing the Court quoted a dissenting opinion of Justice John Marshal Harlan II who stated:

If the supplying of content to this Constitutional concept has of necessity been a rational process, it certainly has not been one where judges have felt free to roam where unguided speculation might take them. The balance of which I speak is the balance struck by this country, having regard to what history teaches are the traditions from which it developed as well as the traditions from which it broke. That tradition is a living thing. A decision of this Court which radically departs from it could not long survive, while a decision which builds on what has survived is likely to be sound. No formula could serve as a substitute, in this area, for judgment and restraint.

Id. at FN 12 (quoting *Poe v. Ullman*, 367 U.S. 497, 542 (1961) (Harlan, J., dissenting)).

Since the Vermont Supreme Court has not as of yet had occasion to determine what “equality of representation” means in respect to Chapter II, Sections 13 and 18 of the Vermont Constitution, the Board’s four-member majority believes that “equality of representation” means that whenever possible, single seat house and senate districts, must be given priority above any other constitutionally or statutorily prescribed factor. This interpretation does not represent a radical departure from the plain, ordinary meaning of “equality of representation” and builds upon a tradition in Vermont of both the public having easy access to its legislators, as well as the tradition of lowering barriers, financial and temporal, to running for a “citizen legislature.” In the opinion of the majority, single seat districts do more to build upon these traditions, than any other construction of “equality of representation” as set forth in the Vermont Constitution.

As a result of the above reasoning, the majority of the Board prioritized the creation of single seat house and senate districts and believe that its reasoning below will not only withstand constitutional scrutiny, but will fulfill a Constitutional obligation that has heretofore been unrealized.

Substantial Equality

In the Board's House proposal, town and city boundary lines are a "rational state policy" shaping the districts with an overall deviation of 17.68 %, with a low of 3,900 residents per House member in the proposed Bennington-6 district (Arlington, Sandgate, Sunderland; a -9.03 % deviation) and a high of 4658 residents per House member in the proposed Windham-2 district (Marlboro, Newfane, Townsend; a +8.65 % deviation). This compares to the 18.90 % overall deviation of the House districts after the 2012 reapportionment. Only one of the proposed districts has a deviation greater than nine percent.

In each case where the Board’s plan proposes a district whose deviation exceeded eight percent, the Board did so based on its determination to use only single-member districts and after considering of the available single-member district alternatives. Consideration was given to the Section 1903 criteria (the “rational policies” informing the Board’s decisions on population deviations) that argued for those town combinations notwithstanding the resulting deviation. The Board’s four-member majority believes that its meeting Minutes and the record it has created of its draft proposals, its tentative and final proposals, establish that the proposal’s overall deviation is warranted by the important non-numerical factors the Vermont Supreme Court has looked to when assessing the substantial fairness of an apportionment plan.

Geographical Compactness and Contiguity

The compactness of a legislative district is generally accepted as an important factor in assessing the soundness of an existing or proposed district's boundaries. Common sense

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tells us that a non-compact district that stretches out in a narrow band over a long distance, over mountains and valleys, is likely at risk of not capturing a community or group of communities that share common cultural, social, political and commercial ties and interests. See 17 V.S.A. § 1903.

The Maptitude for Redistricting software employed by the Board (and the General Assembly) can measure compactness using seven different approaches. The Apportionment Board in 2001 and 2011 used two of these seven methodologies, the "Reock" score and the "Polsby-Popper" rating, to measure the compactness of the current and proposed House districts.

The Reock test is an area-based measure that compares each district to a circle, which is considered to be the most compact shape possible. For each district, the Reock score computes the ratio of the area of the district to the area of the minimum enclosing circle for the district. The measure is always between 0 and 1, with 1 being the most compact. The Reock test computes one number for each district and the minimum, maximum, mean and standard deviation for the plan. (Reock, E. C., Jr. Measuring the compactness as a requirement of legislative apportionment. *Midwest Journal of Political Science*, 5:70-74, 1961.)

The Polsby-Popper test computes the ratio of the district area to the area of a circle with the same perimeter: $4\pi\text{Area}/(\text{Perimeter}^2)$. The measure is always between 0 and 1, with 1 being the most compact. The Polsby-Popper test computes one number for each district and the minimum, maximum, mean and standard deviation for the plan. (Polsby, D. D., and R. D. Popper. The third criterion: compactness as a procedural safeguard against partisan gerrymandering. *Yale Law and Policy Review*, 9:301-353, 1991.)

The Board continued this practice, finding the two methodologies to be reasonably easy to understand and for the sake of consistency with the last two Apportionment Board reports. Appendix 2 is a spreadsheet with the Reock scores and Polsby-Popper ratings of all of the proposed districts. By both measurements, the Board's proposed districts are, on average, not markedly more or less compact than the existing districts. Under the Board's proposed plan, the towns in all districts are contiguous.

Adherence to Town, City and County Boundaries and Other Existing Political Subdivisions

This criterion places a significant value on avoiding subdividing towns and crossing county lines when drawing House districts. In the Board's proposal, 45 towns and cities are divided. Of these, 10 involve towns or cities where both today and in recent apportionments, the municipality's population is too large for even a two-member district

(making subdivision unavoidable),³ and 18 districts cross county lines. This compares with the existing districts (from the 2012 reapportionment), where 21 cities and towns are divided 20 districts crossed county lines.

This criterion provides the opportunity to note the sharp difference of opinion that in certain respects fractured the Board's approach to and action on the House district plan. This fissure has echoes of the Board's 2011 redistricting work, where a majority of four members supported a single-member district tentative plan to send to the Boards of Civil Authority. Now, as then, a majority of the Board members concluded that smaller, single-member districts provide for a closer relationship between House members and their constituents and better accountability; and that single-member districts tend to reduce the cost of and the time required for campaigns, resulting in the likelihood that more Vermonters might find it possible to run for office.

This difference of approach came to a head on October 15, 2021, when the Board voted on a tentative map, with all single member districts. This plan was shared with the Boards of Civil Authority of the towns either divided into two or more districts or combined in a district with one or more other towns. As noted above, during the comment period (which closed on November 15), over 140 towns and cities convened meetings of their Boards of Civil Authority to review, discuss, debate and react to the Board's tentative proposal. These responses are posted on the Board's website:

<https://sos.vermont.gov/apportionment-board/resources/bca-resources/>.

In addition, some Boards of Civil Authority reached out to the Apportionment Board Chair, or to other Board members, for assistance in understanding and responding to the tentative plan.

Patterns of Geography, Social Interaction, Trade, Political Ties and Common Interests

As noted at Page 4 of the 2001 Board's report, "in the Hartland case, the Supreme Court explained that these criteria 'are an implementation and extension of our constitutional requirements that the legislature 'seek to maintain geographical compactness and contiguity and to adhere to boundaries of counties and other existing political subdivisions.'" Hartland decision at 21-22.

The Board pored over the prior apportionment plans, and state and local maps; studied

³ Under the 2000 U.S. Census reports, these 10 towns were: Bennington, Burlington, Colchester, Essex, South Burlington, Rutland City, Barre City, Brattleboro, Hartford and Springfield. In 2010 the 10 were Bennington, Burlington, Colchester, Essex, South Burlington, Rutland City, Brattleboro, Hartford, Springfield, and Milton (Milton replaced Barre City). In 2020 it is Bennington, Burlington, Colchester, Essex, South Burlington, Rutland City, Brattleboro, Hartford, Milton, and Williston (Williston replaced Springfield).

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the topography of the state; and considered the comments, criticisms and counterproposals from Boards of Civil Authority and concerned citizens. The Board members drew upon personal experiences in local government throughout the state and, in some cases, prior experiences in the reapportionment process.⁴ The Board made a concerted effort to combine in districts towns with good road connections, and commercial, social, cultural and other common ties and interests. It is inevitable that this effort may miss connections and common interests that are less formal or obvious to someone not from a town or district, but which are important factors in knitting towns into strong representative districts. The Board is confident that it has missed many fewer formal connections and common interests that are the hallmark of community identity and cohesion, and understands that the General Assembly will continue this effort.

Incumbency

Incumbencies are not among the statutory criteria which the General Assembly has directed the Apportionment Board to consider, and the 2021 Board chose to not identify and take into any account incumbencies.

Single Member Districts

In creating the final map, a majority of the Board voted to adopt an all-single member district framework for doing so. This decision was based on a number of factors, including:

- 1) A general recognition that Vermont's current hybrid model of single and two representative districts creates unavoidable inequities regarding representation between residents of differently configured districts, which raise serious questions regarding equal representation for all citizens.
- 2) Overwhelming public support. The LAB engaged in extensive community outreach over the course of a year, including conducting a public survey which received 634 responses, 75% of which indicated preference for single member districts and 65% supported making all districts single-member. The full survey results including detailed comments can be found on the SoS website: <https://sos.vermont.gov/apportionment-board/resources/>.
- 3) Testimony in support of single-member districts from the Vermont's Director of Racial Equity, citing the Vermont Racial Equity Task Force's January 2021 Report, "Extensive political research and case law have demonstrated that in most of the U.S., states and localities have taken increasingly flagrant tactics designed to suppress and dilute the votes of communities of color. One such tactic is the use of multi-member districts."

⁴ Board Chair Little was a member of the House in the apportionment years of 1992 and 2002 and, with member Rob Roper, served on the Apportionment Board in 2010-2020.

A majority of the Board members articulated their view that it is the Board's responsibility to examine whether or not the current application of differently represented districts is the most effective way to achieve a fair and equitable system of representation for all Vermonters. In the end, a majority of the Board concluded it is not, and it is appropriate that the Board should recommend that the legislature to eliminate these inequities from the system by implementing the proposed solution.

The initial plan was shared with the Boards of Civil Authority in October, 2021, for them to review, discuss, debate and react to the Board's initial proposal. These responses are posted on the Board's section of the Secretary of State's Web site:

<https://sos.vermont.gov/apportionment-board/resources/bca-resources/>.

Individual District Proposals

The final plan adopted by the Board is essentially the October 15, 2021 tentative plan, containing 150 single member districts, adjusted to accommodate the feedback from Boards of Civil Authority to the extent possible given legal requirements, conflicting requests, and the all-single-member district framework adopted by the Board.

All of the Board's working proposals, and the detailed Minutes of the Board's 25 meetings, are available on the Board's website, <https://sos.vermont.gov/apportionment-board/> to assist in the next phase of the House district reapportionment process as it moves to the House of Representatives and the Senate.

The balance of this report presents the Board's proposals for the individual House districts, county by county (including districts that cross county lines).

Of the 246 towns and cities in Vermont, 151 either affirmatively supported (52) or had no objection to (99) the 150 single member district draft map proposed by the LAB. Of the remaining towns that requested changes to the draft map, only 34 proposed returning to a two-member house district scenario, and of those 34, 12 either proposed being joined with town(s) that specifically did not consent to such a pairing, or such a request would not be possible due to population shifts within current district and surrounding region regardless of the single-member district framework adopted by the Board.

The Board studied the BCA responses carefully. Some of the responses proposed changes conflicted with other responses, some proposed districts with population deviations that exceeded reasonable constitutional limits, some would have created irreconcilable "ripple effects" into neighboring districts, and some were in conflict with the all-single-member district framework adopted by the Board. But the Board strove to incorporate as many of the responses into its final proposal as possible.

The Board and its staff have labored to achieve accuracy in these district proposals and invite comments to correct any errors or omissions.

Addison County

ADD 1 – Cornwall, Salisbury, Whiting, Leicester, /Middlebury/.

Population: 4079. Deviation: -4.85%. Compactness: 0.59

Whiting BCA: “We feel that the new proposal will be beneficial for Whiting. District(s) reviewed that the BCA recommends keeping as proposed: Whiting would like to see the new proposal for Whiting to go forward. The new proposal honors the Cultural, Geography, Intact School District and Town/County lines.

Middlebury BCA: “Recommends maintaining the district now known as Addison-1 in its present configuration. The proposed three one-member districts does not adequately consider the three statutory principles that should be used in conjunction with population to determine districts... 3. East Middlebury is a small section of town which maintains a strong connection with the rest of Middlebury for the same reasons noted in number 1 above, but is also a unique community housing a fire station, a library, and a post office and maintains a water system. The current proposal cuts East Middlebury into two separate districts. [See spreadsheet for more detailed comments.]

ADD 2 – Monkton, Starksboro, /Bristol/.

Population: 4576. Deviation: 6.74%. Compactness: 0.51

ADD 3 -- Lincoln, /Bristol/.

Population: 4364. Deviation: 1.8%. Compactness: 0.51

ADD 2 and 3 represent the current two-member district’s borders unchanged but divided into two single member districts per the LAB’s single district framework. The final district recommendation differs from the draft map significantly to reflect BCA comments from these and neighboring towns. While the request to keep the existing district intact as a two-member district was incompatible with the LAB framework of single member districts, we did restore the exterior boundaries of the existing district, dividing it into the two single-member districts represented here.

Monkton BCA: “Recommend that the Towns of Monkton, Starksboro, Lincoln and Bristol form a two-member district. Rationale and comments: The two-

member district comprised of the Towns of Monkton, Starksboro, Bristol and Lincoln would have the following benefits. 1. It would match town boundaries exactly. 2. It would be a great match for the numbers of citizens for a two person district with a population of 8940 – just 2.1% over the ideal size of a two member district of 8,574. 3. There is a strong bond between the 4 towns as they share the Mount Abe Unified School District. 4. There are economic ties between Bristol and the 3 surrounding communities of Monkton, Starksboro and Lincoln. Bristol is a shopping, dining and cultural hub for the 4 towns. 5. Many services are shared across town borders in this 4 town district – including Highway department resources and emergency services. The districts of ADD-5, ADD-6 and ADD-7 have the following problems: 1. The Town of Monkton is lumped together with New Haven and Waltham. The Town of Monkton has no strong ties to the Town of New Haven and certainly none with the Town of Waltham. There is a fundamental difference between towns that have easy access to Route 7 and those that do not. 2. The districts of ADD-6 and ADD-7 do not follow town boundaries. 3. The Town of Bristol is split in a way that does not make sense from either social or economic perspective. 4. Lumping Bristol and Middlebury together suffers from the same problems discussed in #1. The Town of Bristol does not have strong ties to the Town of Middlebury, especially since they serve as hubs for different communities.

Starksboro BCA: “Please leave as is from 2012 - Starksboro, Lincoln, Bristol & Monkton. A more detailed letter was sent to SOS BCA Feedback.... Starksboro BCA agreed to leave the districts as they are - Monkton, Starksboro, Lincoln & Bristol. A more detailed letter was sent to SOS BCA Feedback. Splitting a town creates more work, misunderstandings and apprehensions within that town.

Lincoln BCA: “The Lincoln BCA rejects the 1-member, Addison-6 district as presented on the LAB proposed map. We recommend changing this to be a 2-member district, as proposed in Jeanne Albert's scenario, as Addison-4. The 2-member district we accept would include Lin (sic).... The Lincoln BCA rejects the 1-member, Addison-6 district as proposed by the LAB. The following are criteria we see as favorable in developing house districts: (1) We favor a 2-member district. (2) Districts should connect towns with common interests (3) A district should respect municipal boundaries and be created to make geographical sense (4) Avoid gerrymandering (5) Maximize efficiency of voting and minimize costs of running elections (6) Promote racial and socio-economic equity. Examples of municipalities in our region sharing common interests with Lincoln are Starksboro, Bristol, Monkton, New Haven, Buell's Gore, and Ripton. Examples of some of the common interests we share with these towns are being members of the Mount Abraham Unified School District, the commerce and trade of our local businesses, the New Haven River watershed, and mutual aid for emergency services. With Ripton we share an interest in preserving our local community schools.

Bristol BCA: “The BCA suggests that the Town of Bristol be its own one-member district (ADD-4) especially with the growth that continues in the Town. If the Town is not able to be its own one-member district (ADD-4), then it should stay with one or more of the surround Rationale and comments: The Board of Civil Authority (“BCA”) for the Town of Bristol (“Town”) believes that splitting up the ADD-4 two-member House District into the proposed one member districts of ADD-6 and ADD-7 is a mistake. The Town realizes that the population has changed in the past 10 years but splitting the town is not the right move. First, the Town is close enough to the population number (approximately 4,200 [no, it’s 3782]) that was proposed for a one-member House district. Second, the Town has its own downtown commerce center which serves the surrounding towns in the current ADD-4 district. Third, the Town has been growing over the last year and continues to grow. Currently construction has begun on a residential 20-unit complex and a business park located on West Street. Several landowners have also subdivided their properties over the last year bringing in new residents.

**ADD 4 -- Addison, Weybridge, Waltham, Panton, /Ferrisburgh/.
Population: 4284. Deviation: 0.07%. Compactness: 0.41**

Addison BCA: “The Addison BCA recommends that the 2012 District of ADD-3 remain unchanged.... Addison, Panton, Ferrisburgh, Vergennes and Waltham make up the current ADD-3 District. It is the Addison BCA’s recommendation that the ADD-3 District remain the same, the lines remain unchanged and ADD-3 remain a two Representative District. Rationale and comments: The Towns of Addison, Panton, Ferrisburgh, Vergennes and Waltham make up the Addison Northwest School District. The Bixby Library serves primarily this area. The current ADD-3 District follows the already established sense of community for the 5 towns. This established connection as a community is in keeping with the spirit of the goal of this exercise versus just the mathematics.

Panton BCA: “The Panton BCA approved a motion stating that if redistricting is needed, Panton should remain in a district with Vergennes. The BCA did not recommend the composition of a new district.... While the proposed redistricting makes sense with the population figures, the reality of how Panton relates to Vergennes makes the proposed redistricting untenable to us. The Panton Board of Civil Authority respectfully requests that the town of Panton remain in the same legislative district as Vergennes. Below is the rationale for our request, which we believe aligns with the Legislative Apportionment Board’s stated purpose of “creating districts where towns share common interests.” 1. Panton is part of the Addison Northwest School District. We need to have a unified voice in Montpelier for our school district, which is centered in Vergennes. **The proposed reapportionment would fragment that representation with the inclusion of**

Weybridge, which is part of the Addison Central School District. This proposed change is not synchronistic with the Addison Northwest School District's boundaries. Also, while the new proposed district has two elementary schools within its boundaries, Weybridge and Ferrisburgh Central, Panton elementary aged students attend neither one of them. 2. Panton is part of the Bixby Memorial Free Library, one of the five towns (all of the current Addison-3) which pays a per capita assessment to the library for service. For the five towns (Addison, Ferrisburgh, Panton, Vergennes, and Waltham), this is our local library. 3. Panton's emergency services are all provided by Vergennes. This includes fire, ambulance, and back-up police services. 4. Panton is part of the Vergennes-Panton Water District. Splitting the partners in this critical public utility, resulting in two different representatives, is a deep concern. 5. Panton's social/economic center is Vergennes. We are intrinsically connected to Vergennes: the shopping; restaurants; places of worship; and organizations such as the Boys & Girls Club and the Lions Club. 6. Panton has common interests with Vergennes in public policy issues. Currently there are three issues of grave concern to Panton. 1) Dealing with the boundary disputes between Panton and Vergennes. Having the same elected officials represent all of us means that the involved communities will be represented fairly. 2) The Proposed Bypass (Vergennes Economic Corridor). This is another issue involving Vergennes that will impact Panton due to the boundary disputes and resulting noise and traffic. 3) Water infrastructure. We are faced with failing water lines in both towns. Having the representation centralized ensures fairness and efficiency in addressing the water issues.

Ferrisburgh BCA: "The Ferrisburgh BCA unanimously rejects the proposal to create two new, one-person Districts, ADD-3 and ADD-4, and recommend that the existing ADD-3 District lines remain unchanged, continuing to include all of Ferrisburgh, Vergennes, Panton, Addison and (sic)... [See spreadsheet for more detailed comments.]

ADD 5 -- /Ferrisburgh/, Vergennes.

Population: 4186. Deviation: -2.36%. Compactness: 0.49

Vergennes BCA: "...recommends that the existing ADDISON-3 District remain unchanged. The existing ADDISON-3 District includes the municipalities of Vergennes, Ferrisburgh, Panton, Waltham, and Addison in their entirety. The Vergennes BCA also recommends th (sic) ... Under 17 V.S.A § 1903, when the Legislative Apportionment Board undertakes the task of reapportioning voting districts, it needs to follow certain specified criteria: The representative and senatorial districts shall be formed consistent with the following policies insofar as practicable: (1) preservation of existing political subdivision lines; (2) recognition and maintenance of patterns of geography, social interaction, trade, political ties, and common interests; (3) use of compact and contiguous territory.

With regard to subsection (1), the current ADDISON-3 District completely preserves the political subdivisions of the five municipalities involved. The proposed ADDISON-4 District, on other hand, not only carves a slice out of Ferrisburgh, but there seems to be no rhyme or reason beyond the position of VT-Route 7 as to why Ferrisburgh is proposed to be divided in such a manner. With regard to subdivision (2), the five-town community has been politically, socially, and geographically intertwined since the late 1700s. Vergennes specifically acts as a hub for social, trade, and common interests between the five municipalities. Residents of Addison, Ferrisburgh, Waltham, and Ferrisburgh shop, dine, and socialize in Vergennes. The majority of the area covered by the current ADDISON-3 District shares a zip code. Most importantly, though, is the fact that the five towns that make up ADDISON-3 District also comprise the Addison Northwest School District. Many of the decisions we make as a representative district are intrinsically related to the decisions we make as a school district. With regard to subdivision (3), while the proposed ADDISON-4 District is continuous; the proposal results in a sprawling ADDISON-5 District stretching from Monkton to New Haven to Waltham. This proposed district is reminiscent of some of the more questionably gerrymandered voting districts seen nationwide. While the idea of smaller Districts with a single representative may seem to provide equity statewide, the proposed divisions leave communities divided. Finally, the Vergennes BCA made note of the fact that the 2020 Census was held during a pandemic and did not include the 200+ Northlands Job Corps students that are typically included in the count as they were not onsite since the school was temporarily closed due to COVID-19. Additionally, the actual logistics of the Census were significantly delayed due to various legal challenges instigated by the previous White House administration. Both quantity and quality of the data collected was impacted by these happenings. In closing, our local BCAs have discussed the proposals and agree that the proposed elimination of the ADDISON-3 District is harmful to our communities and violates statutory requirements regarding reapportionment criteria. The Vergennes BCA recommends that our five-town, two-member representative district remains intact.

ADD 7 – New Haven, /Middlebury/

Population: 4449, Deviation: 3.78%, Compactness: 0.32

New Haven expressed their support for the all-single member district map but was divided about the best way to achieve this in their case. Middlebury advocated for maintaining its current two-member district status, which was incompatible with the all-single member district framework adopted by the LAB.

New Haven BCA: “...were all in favor of keeping single member districts. However, they were divided in half on who supports the proposed Add-5 District

(New Haven / Waltham / Monkton) and who supports keeping Add-5 District the same... Taborri Bruhl made a motion to accept the following 2 items: 1) single member districts. 2) The New Haven BCA is divided on staying with the current district or going with the proposed district, considering the makeup of the towns. Motion seconded by John Roleau. Vote by roll call 8 yes / 0 no Kathy Barrett made a motion to recommend keeping District 5 (New Haven / Weybridge / Bridport Add-5) the same. Motion seconded by Harvey Smith. Vote by roll call 4 yes / 4 no The New Haven BCA discussed the make up of Bridport compared to Monkton, and were clearly divided on who is more of a farming town or a bedroom community.

Middlebury BCA: “Recommends maintaining the district now known as Addison-1 in its present configuration. The proposed three one-member districts does not adequately consider the three statutory principles that should be used in conjunction with population to determine districts... 3. East Middlebury is a small section of town which maintains a strong connection with the rest of Middlebury for the same reasons noted in number 1 above, but is also a unique community housing a fire station, a library, and a post office and maintains a water system. The current proposal cuts East Middlebury into two separate districts. [See spreadsheet for more detailed comments.]

ADD 8 -- Middlebury

Population: 4446, Deviation: 3.71%, Compactness: 0.62

ADD/RUT 1 – Orwell, Shorham, Bridport, Sudbury, /Hubbardton/

Population: 4417. Deviation: 3.03%. Compactness: 0.41

Bridport supported the concept of all single member districts but preferred that an unbiased computer program create the map. While we couldn’t accommodate requests not to split Hubbardton, the final map reworked the split to keep the town more intact based on their feedback. Otherwise, the district remains as presented in the draft map.

Bridport BCA: “...voted to reject all of these proposals and insist that the starting point be an unbiased computer model with all being single member districts.”

Orwell BCA: “...voted to keep the existing District of Addison-Rutland to include the Towns of Shoreham, Orwell, Benson and Whiting. Moving to the proposes Addison-Rutland 1 moves us further North away from our current school district.... The Town of Orwell and the Town of Benson work closely together with our Road Crew, Emergency Services and School. Moving us further North will impede our ability to continue this relationship as we will have different representation.

Shoreham BCA: "...feels that splitting Hubbardton is not right. They suggest Shoreham, Orwell, Bridport & Sudbury. Splitting towns creates more work at elections for clerks and BCA's.

Hubbardton BCA: "None Description of District(s) recommended to be changed: The BCA recommends the Town of Hubbardton in its entirety become part of the Rut-5 district. Rationale and comments: Hubbardton and the other members of the Rut-5 district share the same school district. There are no shared interest with Add-Rut -1. Hubbardton has one building suitable for a voting. We do not have another facility with room capable of holding an election. There is no common ground with towns in Addison County. The select board of the town has been working hard to make sure the citizens feel the town is whole. For many years Route 30 has been a mental divide in the town - Eastside vs Westside. By dividing the town into two legislative districts and using Route 30 as a dividing point, the town's goodwill and sense of unity that has been achieved will be at risk. The BCA reached this decision unanimously.

ADD-WSR 1 – Ripton, Goshen, Hancock, Granville, Rochester, /Middlebury/.

Population: 4354. Deviation: 1.56%. Compactness: 0.38

While Ripton still remains with a some of the towns to their east, we were able to address some of their concerns by adding a portion of Middlebury to the district and removing Bethel from the original configuration. (This also allowed us to not split Bethel in the final map.) Granville, Hancock, Rochester, Goshen, and Rochester approved of the draft map, though with some suggestions for changes.

Ripton BCA: "1. The district proposed by the Apportionment Board groups Ripton, on the western slopes of the Green Mountains, with Hancock, Granville, Rochester and Bethel, all on the eastern slopes. This proposal is extremely concerning to the Ripton BCA because a mountain gap not only separates us from those four towns, but all our affiliations and greater community are to the west. A majority of residents commute to Middlebury for work. Students in grades 6-12 attend school in Middlebury. Middlebury is our shire town. Middlebury College is a major employer. The nearest, most frequented, stores, services, and cultural institutions are in Middlebury. Porter Hospital in Middlebury is the nearest health care facility. The Addison Independent is the only newspaper that covers Ripton issues. Ripton is a member of or served by the following, all located to the west: Addison County Firefighters Association Addison County Regional Planning Commission Addison County Sheriff's Department Addison County Solid Waste Management District Maple Broadband Communications Union District - in planning phase (Granville, Hancock, Rochester and Bethel belong to EC Fiber

and have high speed internet access.) Middlebury Regional EMS Riverwatch of Addison County - monitors water quality in the Otter Creek/Lake Champlain watershed. The towns to the east are in the White River watershed. 2. Being the lone town grouped with four others on the other side of one-two mountains isolates us from our areas of experience and concern. A representative would focus on the needs of the eastern towns, at the expense, we fear, of Ripton. Few people in Ripton have regular business in any of the other towns, especially Bethel. 3. The Ripton BCA has wrestled with complex town matters that require compromise and difficult choices. We are sympathetic that reapportionment is complex, but feel strongly that tweaking the existing system of more geographically and economically connected communities to accommodate the census changes is preferable. Our small population (739) is little more than 15% of the size of an ideal district, so not likely to cause a huge swing in the actual numbers of any district with which we are included. We understand the rationale for single-member districts (we are in one), but think keeping two members in cohesive communities (Middlebury and Bristol) makes sense.... the district proposed by the Apportionment Board seems like it was made without consideration of the realities on the ground as it puts two ridges of the Green Mountains between us and other proposed member towns. To further point out the isolation between Ripton and the other towns in the proposed district, the State Highway District splits between the Northwest and Southeast Maintenance District at the top of Middlebury Gap. It's not just the Breadloaf/ Worth Mountain gap that needs to be surmounted to get to Hancock and Rochester—Bethel is also separated from Rochester by another mountain ridge, requiring navigating the Bethel Mountain Road or following the circuitous route following 100 and 107. Google maps shows the trip from Ripton to Bethel as 33 miles and takes 45 minutes. Pity the poor state representative who tries to go to all the town meetings in one evening!

Goshen BCA: "...recommends keeping as proposed: No change, fine as is.... We are pleased that you left us with the towns that we also share a school district with. Our issues/concerns are many times shared concerns.

Hancock BCA: "We aren't recommending any change that the state has recommended. We do have a concern about less representation in the VT legislature.

Granville BCA: "Granville BCA members were in agreement they were favorable of the proposed redistricting, favorable of having one representative, and favorable of sharing representation with the Towns of Ripton, Hancock, Rochester, and Bethel.

Rochester BCA: "...has asked the legislature to consider switching out the Town of Ripton (ADD-WSR-1) for the Town of Stockbridge (RUT-13) and adding all

of Bethel (ADD-WSR-1) & (RUT-13) for the ADD-WSR-1 district.... The comments made during our board meeting supporting the decision of switching the Town of Ripton for the Town of Stockbridge was unanimous. The board felt it was important in keeping ties with our connecting towns that share common interests such as schools and roads. Adding the Town of Stockbridge is important because of the Route 100 corridor and the fact that the Town of Rochester share roads in common with the Town of Stockbridge. We have very strong ties with the Rochester-Stockbridge Unified District School system as it was forced to merge. We would like to continue in building the relationship between the two towns. Switching out the Town of Stockbridge and the Town of Ripton would have equal exchanges because both towns have populations in the 700's. We are very happy to see the proposed redistricting to include our town with the towns of Hancock, Granville and Bethel. Geographically we all have shared interests. We felt the Town of Ripton would be better served with one of its surrounding towns or common boundaries. We commented on the fact that it would make sense to keep Bethel in its entirety and not break up the town into two districts.

Bennington County

Notes on Bennington County:

The final map presents significant changes from the draft map based on feedback from the local BCAs.

BEN 1 - Stamford, Pownal.

Population: 4119. Deviation: -3.92%. Compactness: 0.68

The only way to accommodate the population of Pownal is to join it with Stamford or Bennington. We tried numerous ways to meet Stamford's request, but none solved more problems than it created. Pownal voiced no objection to the draft map as proposed.

Stamford BCA: "Stamford has with Readsboro as the population of the suggested district, the Board of Civil Authority rejects the proposal to create a new district with Pownal and believes it is in the town's best interest to remain in a district connected with Readsboro." The LAB was unable to accommodate the request of Stamford to be paired with Readsboro as said district would only have a population of 1563

BEN 2-1 – Bennington.

Population: 4016. Deviation: -6.32%. Compactness: 0.68

BEN 2-2 -- Bennington.

Population: 3967. Deviation: -7.46. Compactness: 0.73

BEN 2-3 – Bennington.

Population: 4066. Deviation: -5.16. Compactness: 0.46

Keeping the two-member district was not possible given the 150 single member district framework adopted by the LAB.

Bennington BCA: “The Bennington BCA respectfully requests that we remain our current two two-member districts with the following borders: BENNINGTON- 2-1 That portion of the town of Bennington not included in BENNINGTON-2-2. BENNINGTON-2-2 That portion of the town o Rationale and comments: While it is clear the LAB wishes to create single-member districts Statewide, the Bennington BCA feels that all Vermont Towns are not the same. Some may be better served as single-member districts, however, some are better served as two-member districts. After much discussion on October 26th and at a follow up meeting held on November 9, 2021, regarding the pros and cons of single vs. two-member districts, the general consensus is that two two-member districts have worked for Bennington for many years and we do not believe a change is necessary. We have fair and balanced representation with two of three major parties. At the follow up meeting on November 9th, the Bennington BCA voted by majority (two abstentions) to remain two twomember districts. The LAB proposal, while proposing better deviation than current lines in Bennington, does not consider all of the criteria for creating district lines as outlined in statute. In fact, the current proposal by the LAB pits two incumbents (criteria 4) against one another in two different districts. The Town of Shaftsbury will be ripped in half and their current representative will be forced to run against one of Bennington’s long-time representatives. The proposal also clearly violates criteria 1 by not preserving existing political subdivisions. It should not go without saying, we have looked at alternate options. New York is to our West. Pownal is to our South and is proposed to be with the Town of Stamford, and even so, is still at a negative deviation. We would have to split the Town of Pownal to meet our needs. I have reached out to the Town of Woodford and their BCA is supporting the LAB proposal to place them with mountain towns to the East (Ben-Wdm1) which is already at -9.84% deviation. On November 8, 2021, we held a joint meeting with BCA members from the Town of Shaftsbury. The residents of Shaftsbury understandably do not want to have their Town split in two. They are pursuing their own plan to remain intact with other nearby Towns. At that joint meeting, Shaftsbury had already reviewed their population and if they are to pursue their plan, they do not have the residents to give to Bennington. The Town of Bennington has a population of 15,333. To meet the minimum -10% deviation, which is a suggestion, not written in statute, we are short 101 people. That is

approximately sixty-six one-hundredths of a percentage of our total population. The Bennington BCA voted, by majority with two abstentions, at our November 9th meeting, and respectfully requests of the LAB, to remain as we are, two two-member districts with our current district lines as they are. Bennington District 2-1 is within range and Bennington District 2-2 is not within range. We believe it best meets the criteria as written in statute by 1) preserving existing political subdivision lines, not only in Bennington but nearby Towns; 2) recognizing and maintaining geography, social interaction, trade, political ties and interests; 3) uses compact and contiguous lines and 4) recognizes incumbencies of our representatives and those in nearby Towns. Moving forward with the Legislature, minor adjustments could be made within Town borders to make the districts closer in deviation, if need be. The Vermont Supreme Court has stated that the nonnumerical criteria in the above paragraph “not only are important but are related to one another in that they share a common purpose of assuring more effective representation.” In re: Reapportionment of Towns of Hartford, Winsor and West Winsor, 160 VT. 9, 20 (1993). The Bennington Board of Civil Authority appreciates your hard work and consideration.

BEN 3 - Shaftsbury, Glastenbury, /Bennington/.

Population: 4003. Deviation: -6.62. Compactness: 0.67

The Shaftsbury BCA made extensive comments regarding the proposed map, objecting to being divided on one side to form a district with Bennington, and the remainder being added to Arlington and Sandgate to form a second district. The Shaftsbury BCA requested to be paired with Glastenbury, which this revised map honors, nor does this version split Shaftsbury in any way. Glastenbury voiced no objection to the draft map as proposed.

Shaftsbury BCA: “The proposed District splits the residents of Shaftsbury into 2 groups. About half of Shaftsbury's residents will be part of the District serving North Bennington and the other half will be part of the District serving Arlington. In both cases, residents of Shaftsbury will be a minority of the residents in each of District. Ironically, Shaftsbury (pop. 3,598) has a larger population than North Bennington (pop. 1,879) and Arlington (pop. 2,457), but is being divided so these other towns meet the District population quota. (As I understand the proposed Map, Shaftsbury is the only Town in southern Vermont having its population divided in half for the benefit of two smaller towns.) (See 11/16/21 report for more extensive comments.)

BEN 4 - Manchester.

Population: 4484. Deviation: 4.6%. Compactness: 0.79

Manchester approved of the recommended map and wants to be a one-town/one-rep district, and in doing so recognized the fairness inherent in single member districts.

Manchester BCA: “While we have seen the benefit of having two representatives from Manchester in the former Benn-4 district, we support fair representation throughout Vermont's various towns.

BEN 5 - Readsboro, Searsburg, Woodford, /Bennington/.

Population: 4071. Deviation: -5.04%. Compactness: 0.52

The only towns to comment on the initial map were Bennington and Woodford. While we could not fully accommodate Woodford’s request, we were able to partially meet their request in regard to being paired with Searsburg and Readsboro.

Woodford BCA: “The BCA Board prefers these towns to be in a shared district: Woodford (355), Glastenbury(9), Somerset(6), Searsburg(126), Readsboro(702), Halifax(771), Whitingham(1344), Wardsboro(869) for a total population of 4182.

BEN 6 - Sandgate, Arlington, Sunderland.

Population: 3900. Deviation: -9.03. Compactness: 0.58

Two of the three towns represented requested changes to the original map recommendation, which this map accommodates. While this district is a bit “lighter” than we might like, we gave precedence to the request that Manchester (BEN-4) wished to be a single town/single member district, and Arlington and Sunderland wanted to be in a single member district together. Manchester acknowledged that putting all of them together in a single two-member district effectively disenfranchised the three smaller towns. This map accommodates the wishes of all four towns without splitting any town lines. A more balanced overall deviation could be accomplished by splitting off a piece of BEN-4 and adding it to BEN-5, but that was a less desirable solution. Sandgate voiced no objection to the draft map as proposed.

Sunderland BCA: “Sunderland, Arlington and Sandgate are very close together and all use the same fire protection, rescue squad service and the park is paid for by all three towns, there are many town functions that include all three towns.”

Arlington BCA: “Arlington, Sandgate and Sunderland. One member district. Total size- 3900. A copy of the map will be emailed as an attachment.” It is worth noting that Sunderland, split by the 2010 map, is made whole in this iteration.

WDM-BEN-1 -- Somerset, Stratton, Winhall, Peru, Londonderry, Landgrove.

Population: 4255. Deviation: -0.75%. Compactness:

Three of the towns requested changes from the original map recommendation. While not a perfect grant of all the request, this revision is pretty close.

Stratton BCA: “Stratton, Winhall, Peru, Landgrove, Londonderry and Weston.

Winhall BCA: “Winhall-1182, Londonderry-1919, Peru-531, Stratton-440, Landgrove-177=4249 for total population of our preferred District.”

Londonderry BCA: “The LAB’s proposed district is not compact and is barely contiguous. There is roughly 1.41 miles of contiguous border between Londonderry and Andover which is the only contiguous border. The only road that connects Londonderry to Andover without leaving the district is a class 3 unpaved highway. To travel to Ludlow from Londonderry one can either leave the district and drive on Route 100 through Weston or follow Route 11 briefly out of and back into the district, after which travel would be on a series of different classes of Town Highways, both paved and unpaved. Any route from Londonderry to Ludlow sends you over “Terrible Mountain” which is a substantial geological divide of the region and often creates hazardous travel conditions during the winter. The district is long and slender, it is not compact even if you don’t consider the Mountain range that divides it. The Windham-Windsor 1 district as drawn by the LAB meets neither standard mentioned in the VT constitution 2) 17 V.S.A. §1903 (b)(1) preservation of existing political subdivision lines. The LAB proposed district removes Londonderry entirely from the existing political lines of its current district. The same has been done to Andover and Ludlow which is concerning for all three Towns. Londonderry has no school district ties to Andover or Ludlow. Londonderry has School Choice at the High school level which is not the case in Andover and Ludlow. If “school choice” is not the prevailing norm in the district it puts Londonderry at a disadvantage because our Representative needs to advocate to maintain School Choice. 3) The District being recommended is geographically compact and each town has contiguous borders with at least three other towns in the district. There are two [this cuts off here].

Stratton BCA: “...recommended to be changed: Bennington 5 (Stratton, Winhall, Sunderland, Peru, Landgrove and Jamaica). The BCA recommends that Sunderland and Jamaica be removed from this district and Londonderry and Weston be added to it. Rationale and comments: The existing district, created in 2011, should be maintained in that form as closely as possible. Districts should reflect economic continuity and other similarities that can be common issues shared by the towns within a given district, so that the district’s representative can defend those common factors. The Mountain Towns of Stratton, Winhall, Londonderry and Weston in the existing district rely heavily on skiing and

tourism and represent an economic block that should not be carved up. More specifically, Stratton and Winhall share Stratton Resort and should not be separated into different districts. Another issue is schooling. Currently the existing district is mostly school choice. Currently, the vast majority of Stratton's students attend schools in Winhall and the Manchester area. Jamaica is more oriented toward Townshend. The BCA recommends that Sunderland be removed from the proposed district, as it is geographically separated from the remainder of the district as it is only connected by a single dirt road through 14 miles of National Forest, which is kept closed all winter. Sunderland's population is concentrated on its western side, while Stratton's population is on its eastern side – with a vast expanse of National Forrest between. Sunderland should be associated with towns on the western side of the mountains. Lastly, the name – Bennington 5 – does not reflect the fact that Stratton is a Windham County town.

BEN/RUT 1 -- Dorset, Danby, Mount Tabor, Tinmouth.

Population: 4180. Deviation: -2.5%. Compactness: 0.46

While we couldn't grant Tinmouth's request to join with Wallingford et al, we were able to put them in a district projecting south and east instead of West.

Tinmouth BCA: “Description of District(s) recommended to be changed: The Tinmouth BCA is requesting the Apportionment Board consider moving Tinmouth from BENRUT- 2 to RUT-1. Rationale and comments: Tinmouth is a member of the of the Mill River Unified Union School District along with Wallingford, Shrewsbury and Clarendon. The Board feels legislation relating to school issues are major items facing the Legislature and would like to play a role in the election of the person representing the School District towns. Also, Tinmouth residents tend to go East to Wallingford and Rutland rather than West to Middletown and Poultney for shopping, services and entertainment which means we have more in common with the RUT-1 Towns.

Danby BCA: “Description of District(s) recommended to be changed: District remain same as previous. Rationale and comments: Our concern being, a southern district, is that a small geographical area is controlling the State with the southern half not being adequately represented causing more disparity. The southern areas within the State of Vermont being a champion for less advantage, should look at equality among the geographical areas

Mt. Tabor BCA: “District(s) reviewed that the BCA recommends keeping as proposed: BEN-RUT Description of District(s) recommended to be changed: No objection to District changes.

BEN/RUT 2 -- Rupert, Pawlet, Wells, Middletown Springs.

Population: 4130. Deviation: -3.66%. Compactness: 0.49

While the revised map does not keep the entire 2012 district unchanged by removing Tinmouth, which requested to be paired with different towns, it does honor Rupert's general desire to remain with neighboring towns with similar interests, and is able to accommodate Wells' request not to be split.

Rupert BCA: "We DO NOT recommend that proposed district be changed. Rationale and comments: The Rupert Board of Civil Authority SUPPORTS the proposed boundaries for District BENRUT-2. We feel this district, which remains unchanged for us, works well to group us with neighboring towns sharing similar interests.

Wells BCA: "...reviewed that the BCA recommends keeping as proposed: Description of District(s) recommended to be changed: wells will be split into rut-4 and ben-rut 2 we oppose this, The representative will logistically not be able to get to all the areas for meeting due to the splits but if you say split middletown by East/West street the representative

Caledonia County

CAL 1 – Waterford, Barnet, Ryegate.

Population: 4087. Deviation: -4.67%. Compactness: 0.36.

This district remains unchanged from the 2012 map. None of the towns voiced objection to the draft map as proposed.

CAL 2 – Hardwick, Walden, Stannard

Population: 4084. Deviation: -4.74%. Compactness: 0.65.

This district remains unchanged from the 2012 map. Walden actively supported the continuation of the district as it is in the draft map as proposed. Hardwick and Stannard voiced no opposition to the draft map as proposed.

Walden BCA: "The proposed district composition of Hardwick, Stannard and Walden has been maintained and has worked well for many years. These towns share many economic, social and cultural connections, and residents of all three of these towns have been elected to the House over time. No rationale for reconfiguring this district has come to our attention."

CAL 4 – Burke, Sutton, Sheffield, Wheelock, Newark.

Population: 4589. Deviation: 7.04%. Compactness: 0.40.

Sutton affirmed approval of the draft map, but with the suggestion of adding Newark to the Cal-4 district, which Newark also proposed. This change we were able to implement and is reflected in the final map. The towns of Burke, Sheffield, and Wheelock voiced no objection to the draft map as proposed.

Sutton BCA: "...agrees with the proposed reapportionment map for CAL-4 but would recommend including the town of Newark... The Sutton BCA would like to welcome the inclusion of the town of Newark into the district CAL-4. Rationale and comments: By including Newark in district CAL-4, it would keep them in the same county and they are part of the Kingdom East Unified School District.

Newark BCA: "After review, discussion and consideration the Newark BCA unanimously agreed to make the following recommendations to the Vermont House of Representatives: • We are not in support of the proposed district plan for the Town of Newark and recommend Newark be removed from the proposed ORL-ESX-2 District and be added to the proposed CAL-4 District • We have reviewed 2 proposed districts: 1. ORL-ESX-2 This is the district that the Legislative Apportionment Board proposes Newark be included with 2. CAL-4 This is the district that the Newark Board of Civil Authority recommends Newark be added to. • We have taken into consideration the population numbers for both the proposed ORL-ESX-2 and the CAL-4 districts and do not feel our request will significantly deviate from the LAB's desired population, since currently the ORL-ESX-2 has a positive deviation (4544 5.99%) and the CAL-4 district has a negative deviation (4005 -6.58%). • The Town of Newark is more culturally, historically and economically aligned with the four towns in the proposed CAL-4 district. Newark is part of Caledonia County, as are all of the other 4 towns in the proposed CAL-4 district. Newark is contiguous with two of the Towns in the proposed CAL-4 district (Sutton and Burke). We are a member of the Kingdom East School District, as is every other town in the proposed CAL-4 district. The towns included in the proposed ORL-ESX-2 district are more drawn to the Connecticut River Valley region, Newark does not share the same history with this region. A majority of Newark's market towns, good and services and employment opportunities are within Caledonia County and not the Connecticut Valley area. • Given all these factors we feel our recommendation to add Newark to the CAL-4 district would allow for a more cohesive district and accurate representation.

CAL 5 – Danville, Groton, Peacham

Population: 4034. Deviation: -5.9. Compactness: 0.47.

Groton actively approved of the district as proposed in the draft map, and Danville and Peacham voiced no objection. This district remains the same in the final proposed map.

Groton BCA: “Groton being in with towns in our same county is a positive, total population is comparable to previous alignment, we think this new district will be a benefit to our town.

CAL 3 – /St. Johnsbury/, /Lyndon/.

Population: 4139. Deviation: -3.45%. Compactness: 0.46

CAL 6 – St. Johnsbury.

Population: 4351. Deviation: 1.49%. Compactness: 0.45

CAL 7 – Lyndon.

Population: 4365. Deviation: 1.82%. Compactness: 0.60

St. Johnsbury and Lyndon both objected to splitting their towns, St. Johnsbury wishing to remain a single-town, two-member district. However, population shifts make these impossible requests regardless of the all-single-member district framework adopted by the LAB. Both towns are too small to host two house districts each but combined very comfortably host three. The arrangement of Cal 3, 6, and 7 represent the least disruptive solution to the region as a whole.

St. Johnsbury BCA: “...does not agree with the proposed districts... CAL-3 should remain the same as it has been. Do not split the town in half. House Reps 2, Scott Beck & Scott Campbell.

Lyndon BCA: “The Board Members are strongly opposed to splitting Lyndon into two different districts (CAL-3 & CAL-7). Our representative(s) should represent every Lyndon citizen with one voice in our State Legislature. The proposed change would be very divisive to have different parts of Lyndon, which have been arbitrarily divided (by an interstate), represented by Representatives with very different views of what is best for our town. In such divisive times, we don't need an additional political wedge between citizens of the same town. Proposed CAL-3 would be made up of a portion of Lyndon's population of 1,499 and a portion of St. Johnsbury's population of 3,013 making Lyndon dramatically outnumbered. The portion of St. Johnsbury included in CAL-3 includes the commerce center which has a very different emphasis and need than the rural part of Lyndon. There is concern that Lyndon residents in this district will have their

vote "diluted" because they are outnumbered 2:1 and it's likely a candidate from Lyndon will never get elected in that district. It is felt that Lyndon residents in CAL-3 would essentially have no voting power being outnumbered so significantly by St. Johnsbury residents. It is the recommendation of the Lyndon Board of Civil Authority to continue being a part of the three town CAL-4 district with two representatives; Burke with a population of 1,651, Lyndon with 5,491 and Sutton with 913 for a total of 8,055 citizens with two representatives.

Chittenden County

CHI/WAS 1 – Bolton, Huntington, Buels Gore, /Waterbury/.

Population: 4391. Deviation. 2.43%. Compactness: 0.25

Huntington and Bolton both affirmatively supported the draft map as proposed, citing equity issues and the potential for more geographically diverse representation. Waterbury desired to keep the two-member district as is, which was not compatible with the single-member district framework adopted by the LAB.

Huntington BCA: “We applaud and support a one-member District of Bolton, Buels Gore, Huntington and Waterbury. Rationale and comments: We feel that this is a more equitable district as the municipal units are closer in size, thus allowing for an opportunity for any of the towns to elect the representative.”

Bolton BCA: “We appreciate the efforts to create a balance of populations of the towns by creating a district, Chi-Was-1, which includes two small towns (Bolton & Huntington), a gore (Buels Gore), and part of a larger town (Waterbury). 2. Although we feel that Bolton has been well represented by the current twomember representative district, the Bolton BCA supports the single representative ChiWas-1 district as proposed, in the belief that this single representative district might most aptly represent Bolton and provide a larger opportunity for an elected representative from the Town of Bolton.

CHI 1 – Charlotte, /Hinesburg/.

Population: 4312. Deviation: 0.58%. Compactness: 0.63.

CHI 8 – Hinesburg.

Population: 4298. Deviation: 0.26%. Compactness: 0.60.

Charlotte and Hinesburg almost form two ideal one-town single member districts, which is the desired configuration for both towns. Although the LAB concluded that leaving them as such created too high a deviation, and the final map maintains keeping a

portion of Hinesburg attached to Charlotte as in the 2012 map. The legislature might wish to revisit this request and come to a different conclusion.

Hinesburg BCA: “We are proposing that Hinesburg be a single member district in its entirety. Both Ch-1 and Ch-8 would be single member districts in the scenario we would support.... The 2021 LAB proposal allocates approximately 400 residents of Hinesburg to be included in a district with the Town of Charlotte in the newly numbered CHI-1. This represents a very large increase in the number of Hinesburg residents who would not be included in a Legislative District with the majority of the town. Currently, approximately 25-30 people are included in CHI 4-1 which is a district including the Town of Charlotte in its entirety plus the small southwest corner of Hinesburg. Those residents of Hinesburg who have been voting in CHI 4-1 have not been happy with this arrangement. They have been expressing their frustration continuously since the last census and reapportionment in 2011. In short, they feel disenfranchised.... The Hinesburg BCA was unanimous in our agreement that Hinesburg should be returned in its entirety to a single seat district. Both Hinesburg and Charlotte are in agreement with this proposal and no other proposed districts would be impacted. Though we recognize that both communities deviate from the ideal district size of 4287, neither exceeds the threshold of 10 percent. We have been in communication with the Town of Charlotte and both towns would like to be their own single-member legislative district. Thank you for your consideration of this matter.

Charlotte BCA: “We would like the boundary of CHI-1 changed to depict the actual boundaries of the Town of Charlotte only, with no additional land/voters from the Town of Hinesburg. Rationale and comments: The BCA voted unanimously to have Charlotte be a single District with our own single Representative. Our population falls within the 10% deviation required by law on its own with no additional voters from Hinesburg. Hinesburg's population also falls within that 10% requirement on their own. Both Towns are in agreement that we should each be on our own with our own Representative, and the numbers fall within the legal requirement for apportionment.”

CHI 2 – Richmond.

Population: 4167. Deviation: -2.8%. Compactness: 0.70

No change from the 2012 map, and Richmond affirmatively supported the draft map as proposed, which remains the same in the final map.

Richmond BCA: “We are pleased that Richmond remained one individual district with one representative Rationale and comments: The Richmond BCA supports the one district for our town, with one representative.”

CHI 3-1 – Milton

Population: 4550. Deviation: 6.13%. Compactness: 0.36

CHI 3-2 – Milton

Population: 4576. Deviation: 6.74%. Compactness: 0.28

Milton BCA: "...voted unanimously to keep our current two 2-member districts GI-CHI and CHI-10 as they exist. The numbers are well within the desired limits, creating less confusion for the voters. The current GI-CHI district has a population of 8,283 with 2 representatives, which is a deviation from the ideal of -145.5, only -3%. The current CHI-10 district has a population of 9,039 with 2 representatives, which is a deviation from the ideal of 232.5, only 5%. These numbers are within the allowed 10% deviation (over or under). The Milton BCA strongly believes that our current districts work, without encroaching the borders of the town. If divided into 4 districts, voters will feel disconnected, unrepresented, disenfranchised and like they don't belong to Milton. The LAB proposal will not only carve Milton up, but (from vast experience working with voters) will add to the confusion, even more than we already have with our two current districts. In today's climate, we don't want to increase voter confusion. Also, the vertical line that the LAB used to divide the proposed GI-CHI-1 and CHI-3-1 districts is not easily described, nor obvious to any resident of Milton. The LAB appears to have used a small stream of water through an area of town, where it would be much clearer to use streets or larger landmarks, such as Interstate 89 or the Lamoille River. As a group, the BCA agreed unanimously that we do not accept the LAB's proposed reapportionment. In the event that the final decision is to create single member districts, the BCA wants to make clear that we do NOT want the Town of Milton carved up as the LAB proposes. It is not necessary to add a piece of Georgia and remove a piece of Milton to maintain adequate numbers.

CHI 5-1 – Shelburne.

Population: 4261. Deviation: -0.61%. Compactness: 0.63.

CHI 5-2 – Shelburne, St. George

Population: 4250. Deviation: 0.86%. Compactness: 0.54.

Shelburne requested that the draft map be altered with a different dividing line between the proposed Shelburne and Shelburne/St. George districts, which created a better population deviation between the two districts, so this change was adopted by the LAB for the final map.

Shelburne BCA: “Keep the districts as currently defined.... The Shelburne Road/Route Seven corridor has been used as the principal line of division in establishing the town boundaries rather than the existing natural division of Munroe Brook. As a result the historic Village center is bisected, with east and west sides of the highway in separate districts. The Falls district is similarly divided between those who live on the north and south side of Falls Road. In addition, to better equalize the populations of the two districts, it is deemed necessary to carve out sections on the east side of Shelburne Road at both the north and south ends of the town. These actions split up neighborhoods and do not maintain the patterns of geography and social interaction referred to in (2) above resulting in confusion for residents. Furthermore, they do not further the goal referred to in (3) above for compact and contiguous territory. Lake Champlain is an important feature of the Town of Shelburne and we feel it has benefitted from the broader representation afforded by being part of both districts whose legislators share in the responsibilities and communications related to its environmental health and future. The proposed boundaries place all of Shelburne’s considerable lakefront property in a single district (5-1). Again, this is driven by the Shelburne Road/Route Seven corridor as dividing line with no compelling rationale behind the change and without resulting in more compact or contiguous territory. Finally, the current population size variable between Districts 5-1 (4,261) and 5-2 (4,250) is 11. The proposed population sizes, 4,282 and 4,229 respectively, will increase the variable to 53. Clearly, population equalization between the two districts will not be improved. We therefore register our opposition to the proposed boundaries of Chittenden Districts 5-1 and 5-2 and request that the boundaries currently in existence be maintained since they better address the underlying policies in the statute referenced above, and maintain the established historic patterns. We further note that the boundary adjustments at issue are contained entirely within the Town of Shelburne and do not impact the eastern boundary shared with the Town of St. George, which is also part of District 5-2, nor with the Towns of South Burlington and Williston to the north or Charlotte and Hinesburg to the south. This is further evidence that there is no compelling reason to adjust the internal boundaries as proposed.

CHI 4 – Underhill, /Jericho/

Population: 4157. Deviation: -3.03%. Compactness: 0.53

CHI 7 – Jericho.

Population: 4076. Deviation: -4.92. Compactness: 0.73

Both towns desired to remain in a two-member district as configured in the 2012 map, but this was incompatible with the single member district framework adopted by the lab. The proposed district maintains the exterior boundaries of the existing two-member district but divides it internally into two single member districts.

Jericho BCA: "...strongly recommends that the current Jericho - Underhill district remain as two towns with two representatives. Rationale and comments: We strongly support the current two town/two representative model to the House of Representatives. Underhill and Jericho together elect two representatives and have done so for decades. There has been a long standing tradition which has been continuously honored by the major parties that one representative comes from Underhill and one from Jericho but that they both represent both towns. This has been beneficial to the citizens of both towns because they have had two officials to turn to when they felt a need to converse with their representative. Underhill and Jericho currently share many municipal and community resources, some of which are schools, the Deborah Rawson Memorial Library, the Underhill-Jericho Fire Department, the Underhill Jericho Park District, the Jericho Market, etc. We would advocate that Underhill and Jericho continue to have a two member representative district and that no changes to this status quo be effected. We feel it is important to keep the flexibility of having two member districts to respect the differences across the state. In respect to Town Government and management of elections it is very important to respect Town lines. By keeping Jericho intact in a 2 member representative district the running of elections is more efficient. If Jericho were divided into 2 different single member districts that would require increased staffing at a shared polling location for Jericho's two districts. There would be two different ballots and increased associated costs in printing the ballots, coding the vote tabulators and two different vote tabulators. There is a potential for increased confusion to the Jericho resident if they move between districts and decreased awareness as to what district that they live in. This will increase confusion with same day voter registration as well as the complexity of keeping two different districts separate while processing early/absentee ballots. This confusion may not only be on the voters part but the trained election official. With the trend of increasing mail in ballots, there will be extra steps needed to ensure that voters receive the correct ballot for their district. For voters that live in the section of Jericho that is split off, they will be voting in a separate district for August and November elections but join the rest of the Jericho voters during March elections and other special town elections.

Underhill BCA: "The towns of Jericho and Underhill have comprised a single district (CHI-3) with two House representatives for many decades. Historically, this arrangement has worked well for the citizens of both towns. The Legislative Apportionment Board (LAB) proposes to divide the towns into two single-member districts: CHI-4 (which includes Underhill and a neighboring segment of Jericho) and CHI-7 (which includes the rest of Jericho). The Underhill Board of Civil Authority believes that the towns of Underhill and Jericho should remain in a single district. In reaching this conclusion, the BCA is mindful of the policies for creating districts set forth in 17 V.S.A. §1903(b): "(1) preservation of existing political subdivision lines; (2) recognition and maintenance of patterns of

geography, social interaction, trade, political ties, and common interests; and (3) use of compact and contiguous territory.” Maintaining the single district for Underhill and Jericho obviously preserves existing political subdivision lines and uses compact and contiguous territory. It also recognizes patterns of social interaction, trade, political ties, and common interests. For example, the towns of Jericho and Underhill have funded and continue to jointly fund important services for the towns: (1) the Underhill-Jericho Fire Department, which has facilities in both towns and volunteer firefighters from both towns; (2) the Deborah Rawson Memorial Library, which is governed by Trustees from both towns and hosts forums and programs of interest for the residents of both towns; and (3) the Jericho Underhill Land Trust, which also has a Board of Trustees from both towns and has preserved important lands including Jericho’s Mobbs Farm and Mills Riverside Park and Underhill’s Casey’s Hill and Tomasi Meadow where residents from the towns enjoy hiking, skiing, snowshoeing, sledding, and mountain biking. Residents of Jericho and Underhill serve on the Board of Trustees of the Jericho Underhill Park District. Finally, the Jericho Underhill Water District also serves residents in both towns. Jericho and Underhill residents organize and participate in annual events like the Memorial Day parade and Harvest Market weekend. For over 65 years, the Jericho and Underhill Boy Scout troop 627 has served children from both towns. The Girl Scouts troop also includes children from both towns. Children from Jericho and Underhill attend Browns River Middle School. Underhill and Jericho residents shop and dine together at centrally located businesses along the Route 15 and Park Street corridor (eg., Jericho Market, the aptly named Jerihill Ace hardware store, Jacobs Family Market, Jericho Farmers Market, and Jericho Cafe and Tavern). For all of these reasons, the Underhill BCA recommendation is the same as the recommendation of the Jericho BCA — the single, two-member district (CHI-3) should be preserved.

Notes on Williston, Essex, and Westford:

This region of the state experienced significant population growth over the past decade. Many of the towns in Chittenden County provided feedback to the LAB that resulted in significant changes from the draft map. The draft map, for example, created a Williston/South Burlington district along the Williston Road corridor. Both towns objected to this. Westford was decoupled from Essex, which both towns objected to. In the final map, South Burlington contains five single member districts without disrupting its exterior border, per their request. Williston is now effectively 2.5 districts, and Essex/Westford is effectively 5.5, so the logical place to create a district with portions of two towns is Essex/Williston along the Rt 2A connector, with two single member

districts entirely within the border of Williston, and five single member districts composed of Essex and Westford.

CHI 6 – Westford, /Essex/

Population: 4067. Deviation: -5.13. Compactness: 0.59

Westford BCA: “While the Board of Civil Authority does not propose any changes, it does want it noted that it prefers Westford being combined with only Essex due to sharing a school district.

Essex BCA: “The Essex Board of Civil Authority recommends that the district lines be redrawn to encompass the existing Essex-Westford School District boundaries as currently exists in CHI 8-1, CHI 8-2 & CHI 8-3.... The Essex BCA notes that its existing legislative districts are in an area that has experienced significant population growth since the last redistricting process, and that additional gains are projected in the decade ahead. The Tentative Reapportionment Proposal contemplates 6 single member districts that would encompass Essex Junction, Essex Town, Milton, South Burlington, and Westford. These draft districts are not consistent with the existing boundaries of the Essex Westford School District (EWSD) and the municipalities therein (Essex Junction, Essex Town, and Westford). Instead of the Tentative Reapportionment Proposal, the Essex BCA recommends that the new legislative districts remain within the existing geographic footprint of the EWSD. Additionally, given ongoing population trends, the Essex BCA asks the Vermont Legislative Apportionment Board and General Assembly to consider creation of districts that total 6 State Representatives spanning the area of the EWSD, and municipalities therein, including the possibility of 2- member districts. We believe this is the best option to ensure the needs of Essex Junction, Essex Town, and Westford voters are met through the next decade. Thank you for reviewing our comments. We appreciate your consideration and welcome your

CHI 10-1 -- Essex

Population: 4144. Deviation: -3.34. Compactness: 0.28.

CHI 10-2 – Essex

Population: 4535. Deviation: 5.78. Compactness: 0.25.

CHI 10-3 – Essex.

Population: 4541. Deviation: 5.92. Compactness: 0.6.

CHI 10-4 – Essex.

Population: 4031. Deviation: -5.97. Compactness: 0.5.

CHI 10-5 – /Essex/, /Williston/

Population: 4280. Deviation: -0.16. Compactness: 0.4.

CHI 13-1 – Williston.

Population: 4403. Deviation: 2.71%. Compactness: 0.38

CHI 13-2 – Williston.

Population: 4258. Deviation: -0.68. Compactness: 0.37

Williston BCA: “One district with two representatives comprised of as many Williston residents as statistically possible. Proposed District CHI-12-5 be reconfigured with towns within our consolidated unified school district.... Williston is currently one district with two representatives covering the entirety of the town. The 2021 LAB proposes: (a) that Williston become two new districts (CHI-13-1 and CHI-13-2), each with one representative; and (b) that a third, newly formed district (CHI-12-5), consisting of approximately 1,680 Williston residents, be shared with the City of South Burlington. While the BCA understands that due to population growth, there is no longer a path forward for Williston to remain one district with two representatives, sharing a district with another municipality represents a major change for the approximately 1,680 (displaced) Williston residents who will no longer be included in CHI-2. Upon careful reflection, neither proposal presented by LAB is satisfactory to the Williston BCA. Specifically, the Williston BCA desires: 1. That Williston remain a single, two-member district comprised of as many Williston residents as is statistically possible; and 2. That displaced residents, who cannot Constitutionally remain part of be the voting district, be absorbed by a neighboring town which shares the same sense of community, the same school district, [NOTE: **These towns are Charlotte, Hinesburg, Shelburne & St. George, making Williston’s request not possible or desirable looking at the larger picture.**] and other similar geo-political ideologies as Williston. With reference to the statutory factors set forth in 17 VSA §1903(b) , Williston has a long-established sense of community and shares ideologies with the other four towns making up the Champlain Valley School District (CVSD). Conversely, Williston does not have a level of community connection with, nor does it share resources (such as a local library) with the City of South Burlington. As would be expected, So. Burlington has its own non-consolidated school system and the two communities share few county resources. Williston citizens/residents/voters are typically not acquainted with whomever is running for office in So. Burlington and they may not follow, or agree with, the politics of a city double the size of Williston. In summary, the Williston BCA desires that the newly formed district consisting of Williston

residents (currently conceptualized as CHI-12-5) be comprised of citizens who share similar, basic common interests and goals, including a consolidated school district, a library, a zip code and other social geographical commonalities. Aligning such communities will create a more cohesive and inclusive district; one that will reflect many commonalities among the citizens who will form a welcoming unit moving forward with the years of continued population growth to come in both Williston and its neighboring towns. Of note, prior to the configuration of the current districting, Williston has shared a representative within our unified school district. After applying the factors of 17 VSA §1903(b), and after much discussion, the following motion was duly made, seconded, and approved by 13 members of the Williston Board of Civil Authority: That the Board of Civil Authority make a recommendation to the Legislative Apportionment Board and the House Government Operations Committee that: a) the Town of Williston remain a single district with two representatives; and b) the proposed district CHI-12-5 be altered to be comprised of a newly formed group of citizens from the same unified school district (CVSD) and other shared resources between our consolidated school communities.

CHI 9-1 – Colchester.

Population: 4257. Deviation: 0.7%. Compactness: 0.46

CHI 9-2 – Colchester.

Population: 4286. Deviation: 0.02%. Compactness: 0.26

CHI 9-3 – Colchester.

Population: 4453. Deviation: 3.87%. Compactness: 0.43

CHI 9-4 – Colchester.

Population: 4528. Deviation: 5.62%. Compactness: 0.53

Colchester allows for four single member districts without disrupting its exterior border. The Colchester BCA's requested to retain two member districts within the town, which was incompatible with the single member district framework adopted by the LAB.

Colchester BCA: "The Colchester BCA's recommendation is keeping the divisions that currently exist, 9-1 & 9-2. The existing district lines make two representative districts with similar population within acceptable deviations and have two Representatives in each for a t Rationale and comments: The BCA's vote was to recommend not changing to single district representatives. They want to keep Colchester representation whole with the current two district- four

representatives focused on Colchester. With that in mind, the current two districts and the proposed LAB four single districts have that same outcome, both have four VT Representatives solely focused on Colchester issues. Currently, District 9-1 has a population of 8817; deviation of 2.83% and District 9-2 has a population of 8707; deviation of 1.55%. Deviations of both districts are well within the acceptable 10%. The LAB proposed four single district deviation's total is 13.88% Currently the two, two-person districts are able to fit into the Colchester High School Gym. Four districts with additional equipment and related supplies will cause a financial, logistical, and staffing burden to Colchester. Voters in Colchester will be confused and frustrated by a four-district line change. These feelings can lead to voter disenfranchisement and lower participation.

CHI 12-1 – South Burlington.

Population: 4106. Deviation: -4.22%. Compactness: 0.28

CHI 12-2 – South Burlington.

Population: 4081. Deviation: -4.81%. Compactness: 0.33

CHI 12-3 – South Burlington.

Population: 4050. Deviation: -5.53%. Compactness: 0.44

CHI 12-4 – South Burlington.

Population: 4020. Deviation: -6.23%. Compactness: 0.3

CHI 12-5 – South Burlington.

Population: 4035. Deviation: -5.88%. Compactness: 0.56

The LAB altered the draft map to fully accommodate South Burlington's request to have five single member districts within its town border.

South Burlington BCA: “Please see letter and schedules. We are recommending that the City of South Burlington have 5 districts all within South Burlington's boundaries based on growth already occurring and those in the pipeline. Rationale and comments: The current recommended districts would mean that nearly 1/2 of our voters (over 9,000 residents) would have a new polling location so we recommend keeping the boundaries of the districts as close as possible to current boundaries. Please see attached letter for more details.

CHI 11-1 – Winooski.

Population: 3983. Deviation: -7.09%. Compactness: 0.59

CHI 11-2 – Winooski.

Population: 4014. Deviation: -6.37%. Compactness: 0.6

Winooski allows for two single member districts without disrupting its exterior border. The Winooski BCA requested to remain a two-member district which was incompatible with the single member district framework adopted by the LAB.

Winooski BCA: “Previously, City of Winooski and a portion of the City of Burlington not included in Chittenden 6-1; 6-2; 6-3; 6-4; 6-5; or 6-6. See Exhibit 1, 2 and 3; have allowed us to maintain two legislative representa... In our condensed City, we have one polling place. There are concerns of additional administrative burdens, costs and staffing if two polling places need to be maintained. Two separate districts would also divide inequities in our City and possibly appear to discriminate. Issues pertaining to but not limited to representation of all residents, legislator candidate availability, and housing. It has been determined that the west side of Winooski has increased poverty levels. In March 2022, Winooski will to be the first City implementing all citizen voting and are doing our best to navigate through this new process.

CHI 14-1 -- Burlington.

Population: 4329. Deviation: 0.98%. Compactness: 0.21

CHI 14-2 -- Burlington.

Population: 4368. Deviation: 1.89% Compactness: 0.34

CHI 14-3 -- Burlington.

Population: 4470. Deviation: 4.27%. Compactness: 0.31

CHI 14-4 -- Burlington.

Population: 4403 Deviation: 2.71%. Compactness: 0.47

CHI 14-5 -- Burlington.

Population: 4537. Deviation: 5.83%. Compactness: 0.54

CHI 14-6 -- Burlington.

Population: 4490. Deviation: 4.74%. Compactness: 0.34

CHI 14-7 -- Burlington.

Population: 4584. Deviation: 6.93%. Compactness: 0.38

CHI 14-8 -- Burlington.

Population: 4499. Deviation: 4.95%. Compactness: 0.59

CHI 14-9 -- Burlington.

Population: 4568. Deviation: 6.55%. Compactness: 0.41

CHI 14-10 -- Burlington.

Population: 4495. Deviation: 4.85%. Compactness: 0.63

Burlington allows for ten single member districts without disrupting its exterior border. The interior district lines were altered from the draft map to accommodate comments by the Burlington BCA, but their request to create two-member districts was incompatible with the single-member district framework adopted by the board.

Burlington BCA: “4 BCA members expressed a preference for changing all of the proposed districts to two-member districts.... 1 BCA member expressed a preference for single member districts as presented.” (See 11/16/21 report for more extensive comments)

Essex County

ORL-ESX 1 – Holland, Norton, Averill, Canaan, Lemington, Bloomfield, Ferdinand, Brighton, Westmore, Morgan, Avery’s Gore, Warren’s Gore.

Population: 4178. Deviation: -2.54%. Compactness: 0.30

Morgan approved of the map as proposed and the other towns did not voice objection. The only change from the draft map is the addition of Ferdinand, which asked to be paired with the other gores for logistical purposes, which the LAB was able to accommodate.

Morgan BCA: “We recommend keeping the district as drawn by the Legislative Apportionment Board. We feel that the interests of Morgan residents better align

with the other towns in the proposed district than they do with the towns in our current district.

ORL-CAL 1 – Brunswick, Maidstone, Guildhall, Lunenberg, Concord, Kirby, Victory, Granby, East Haven.

Population: 3944. Deviation: -8.0%. Compactness: 0.28

Guildhall and Kirby approved of the draft map and the other towns did not voice opposition with the exceptions of Ferdinand, which asked to be paired with the other gores in ORL-ESX 1 and Newark, which asked to be paired with Sutton et al in CAL-4. Sutton also requested that change and we were able to accommodate both changes in the final map.

Guildhall BCA: “The Guildhall BCA does not see any problem with the addition of the three additional towns to the existing district.

Kirby BCA: “The district as drawn by the Legislative Apportionment Board basically includes the same towns as the present district that the Town of Kirby belongs to with the addition of Newark, East Haven and Ferdinand. Seven (including Kirby) of the eleven towns in the proposed district belong to the NEK School Choice District so share a common interest

Franklin County

FRA 1 – Enosburgh, Montgomery.

Population: 3994. Deviation: -6.83%. Compactness: 0.57

No change from 2012 map. Neither BCA objected to the draft map as proposed, which remains the same in the final map.

FRA 2 – Fairfield, Fletcher, Bakersfield.

Population: 4633. Deviation: 8.77%. Compactness: 0.42

No change from 2012 map. None of the BCAs voiced objection to the draft map as proposed, which remains the same in the final map.

FRA 3 – Richford, Berkshire, /Franklin/.

Population: 4406. Deviation: 2.78%. Compactness: 0.56

FRA 4 – Highgate, /Franklin/.

Population: 4406. Deviation: 0.82%. Compactness: 0.50

FRA 3 and 4 in the draft and the final maps keeps the overall structure of the existing two-member district from the 2012 map while dividing it into two single member districts. Franklin did not object to being in a single member district with Highgate, but desired that the whole town be included in such a district. Keeping Franklin un-split in this configuration would leave the neighboring district with over 10% deviation, which the LAB found to be unfortunately too high. However, the legislature might wish to revisit this request.

Franklin BCA: “FRA-4 as a whole town for Franklin with not small division to FRA-3 Description of District(s) recommended to be changed: The Town of Franklin BCA board strongly urges legislature to keep the entire town in the FRA-4 district with the Town of Highgate. Do not break a small portion off of Franklin to put with district FRA-3.... The Town of Franklin is a very small community that should not be split into two districts as FRA-3 and FRA-4. The BCA board strongly encourages legislature to keep the entire Town of Franklin together in district FRA-4 with the Town of Highgate. There are minimal voters in the proposed FRA-3 district break off, that would feel alienated from the rest of the community. This would create much more work for our small town and election staff with duplicate checklists, ballots, tallying, and all that is needed for elections.”

FRA 5 – Sheldon, /Swanton/.

Population: 4398. Deviation: 2.59%. Compactness: 0.40

FRA 9 – Swanton.

Population: 4439. Deviation: 3.55%. Compactness: 0.49

FRA 5 and FRA-9 in the draft and final maps keeps the overall structure of the existing two-member district from the 2012 map while dividing it into two single member districts. Neither Sheldon nor Swanton voiced objection to the draft map as proposed, which remains the same in the final map proposal.

FRA 7 – Fairfax.

Population: 4418. Deviation: 3.06%. Compactness: 0.47

Fairfax is too big to remain and one-town single-member district. It must be split to some degree. Cambridge is slightly too small to be a one-town single member district. The LAB found that the draft map as proposed solved both of these problems in a way that made sense for both towns along a natural Rt 104 connector and was the least disruptive mapping solution for the region as a whole. Fairfax proposed being put into a two-member district with neighboring Franklin County towns, which was incompatible with the single member district framework adopted by the LAB as well as in conflict with the desires of those neighboring towns. The Cambridge BCA was neutral on the draft map proposal, which remains the same in the final map proposal.

Fairfax BCA: “This BCA unanimously recommends, rather than reapportioning part of Fairfax, to combine all of Fairfax with Fletcher and Fairfield to create a two representative district.... Specifically, the outlay of FRA-7 not only disrupts the contiguous territory of the Town of Fairfax, it cleaves off the most vibrant areas. The section the TRP is looking to move to LAM-5 is the hub of commerce and social interaction for Fairfax. Folks from all parts of town connect in this exact area of town to get their prescriptions, drop off mail, get hardware, deposit a check, get a pizza, grab a cup of coffee, and much more. This alteration also crosses county and school district lines, further discounting Fairfax’s communities of interest. This BCA also understands that Fairfax has outgrown being a one representative town. We contend that much of this growth and vibrancy is found in the area that the TRP looks to annex away from Fairfax in this TRP. Disjointing the town in this way seems unconscionable to this BCA and we therefore submit a friendly alternative. In an effort to keep Fairfax intact, keep county lines intact, and truly preserve communities of interest, we have voted unanimously to propose keeping the 2012 apportionment for Fairfax and adding the towns of Fletcher and Fairfield to create a 2 representative district. *Please find the attached map. This should bring the census numbers into line as needed in the reapportionment process. This BCA has also voted to include a reapportionment of some of the Georgia constituency in an effort to bring the census numbers even further in compliance should that be necessary. This may aid the Vermont State Apportionment Board with Georgia’s growth and current reapportionment to Milton. In the eyes of this BCA, moving those Georgia constituents to the district proposed here would also keep county lines and communities of interest intact. Lastly, our proposal keeps intact educational communities of interest in that the Franklin West Supervisory Union includes Georgia, Fairfax, and Fletcher schools. These areas share students, teachers, families, and even sports teams.

FRA 8 – Georgia.

Population: 4580. Deviation: 6.83%. Compactness: 0.55

Georgia is too large to remain a one-town single member district. It must be split in some capacity. The LAB took into consideration the comments of the Georgia BCA as well as those of surrounding communities to adjust the final proposal to reflect the least disruptive necessary split of the town.

Georgia BC: "...recommends to the LAB keeping the entire town of Georgia as one voting district as it currently is.... It is our desire to inform the LAB of our displeasure with the proposed district as drawn for FRA-8. As drawn, the new district carves out a very small portion of the southern most portion of Georgia that is adjacent to Route 7. This small section is then distributed into the proposed CHI-3-1 in the town of Milton and in Chittenden County. The Georgia BCA is extremely concerned that such a proposal will have long lasting consequences on the proposed 198 residents of our town. Such consequences are detailed below. [See BCA comments link for more details.]

FRA 6 – St. Albans City (N).

Population: 4615. Deviation: 7.65%. Compactness: 0.46

FRA 10 – St. Albans Town

Population: 4624. Deviation: 7.86%. Compactness: 0.31

FRA 11 – St. Albans City (S).

Population: 4626. Deviation: 7.91%. Compactness: 0.52

The final map has some minor changes to the interior district lines within the town based on the BCA comments, though population numbers did not allow for meeting their requests entirely.

St. Albans City BCA: "...supports both single member districts in principle and the proposed house districts of Franklin-11 and Franklin-12 [Note name change in final map to FRA-6.]. The BCA would like to see a minor change whereby St. Albans City Ward 6 is not split.... The BCA is satisfied with proposed map. We would prefer that St. Albans City Ward 6 fall within 1 house district if possible as this creates potential confusion during election cycles, but the BCA does not consider this to be a fatal element if Ward 6 must remain partitioned between house districts.

Grand Isle County

GI 1 – Alburgh, Isle La Motte, North Hero, /Grand Isle/.

Population: 4580. Deviation: 6.83%. Compactness: 0.36.

Creating two single member districts here ensures geographic diversity in representation, addressing the concerns of the BCAs. Unfortunately, the only way to do that is to divide the town of Grand Isle between the two districts.

Alburgh BCA: "...supports the proposed new district as it would give the residents of Alburgh and the northern towns of Grand Isle County more direct representation."

Isle LaMotte BCA: "Our district currently works very well the way it is. we are a small county and to break it up into 2 seems disadvantageous and confusing at best. We do not support dividing the town of Grand Isle into 2 pieces. It has taken enough time for our voters to get used to the somewhat confusing Senate race with the majority of Grand Isle County (Isle La Motte, North Hero, Grand Isle and South Hero) being combined with Colchester. Why make additional changes to further confuse our voters when what we have in our House District is working very well for Grand Isle County? Additionally, the number, population wise, fall well within your recommended/allowable deviations for two representatives."... Our first preference would be for a district made up of South Hero, Grand Isle and North Hero with 1 representative. That would include 4,699 residents which is higher than the ideal of 4,287 but our towns are linked geographically and we already work tog Rationale and comments: The consensus of the South Hero BCA was that we agree to a single representative but we do not agree with the proposed configuration of GI-CHI-1. We feel that it is important to keep Grand Isle County together as much as possible and we want to be sure that our representative is a resident of Grand Isle County. Currently our representatives are from West Milton.

Grand Isle BCA: "Retain current GI-CHI-1 two-member district with current Lamoille River/I-89 boundary in Milton. 2) If single-member district plan is retained, exchange portion of Grand Isle proposed for GI-1 and North Hero for Milton portion, creating GI-1 with entire towns of Grand Isle, South Hero, and North Hero. Reform proposed GI-1 as GI-FRA-1 including Isle La Motte, Alburgh, and sufficient portion of adjoining Franklin County (i.e. Swanton.) Consolidate remainder of Swanton in a single FRA-9 district and propagate boundary changes as needed. Rationale and comments: See separate attachment for detailed rationale. Summary: 1. The Grand Isle BCA strongly objects to the LAB proposal and any plan which divides the Town of Grand Isle between two districts. Grand Isle County has strong shared interests and comprises a single school supervisory district. Grand Isle, North Hero, and Isle La Motte comprise a single unified union school district. The plan divides both educational districts between two legislative districts. Administering multiple legislative elections within the town will complicate election administration, raise costs, and

contribute to voter confusion. The proposal exchanges a low deviation two-member district (1.2%) for two singlemember districts with a deviation spread of 8.54% between them.

GI/CHI 1 -- /Grand Isle/, South Hero, /Milton/, /Georgia/.

Population: 4575. Deviation: 6.72%. Compactness: 0.39

South Hero BCA: “Our first preference would be for a district made up of South Hero, Grand Isle and North Hero with 1 representative. That would include 4,699 residents which is higher than the ideal of 4,287 but our towns are linked geographically and we already work together. The consensus of the South Hero BCA was that we agree to a single representative but we do not agree with the proposed configuration of GI-CHI-1. We feel that it is important to keep Grand Isle County together as much as possible and we want to be sure that our representative is a resident of Grand Isle County. Currently our representatives are from West Milton.

Lamoille County

LAM 1 – Belvidere, Johnson, Waterville

Population: 4535. Deviation: 5.78%. Compactness: 0.49

Belvidere actively supported the draft map as proposed which remains unchanged in the final map. Johnson and Waterville voiced no objections.

Belvidere BCA: “...is comfortable with the proposal by the LAB members. The suggestion that Belvidere combine with Johnson and Waterville is an advantage to Belvidere as we are combined with these towns through school and family activities (i.e. school district and sporting activities) and we share community interests. We also utilize county services with these town as well. Belvidere feels a two representative district is a greater advantage to Belvidere when our representatives do not live in our town. However, if we stay connected to Waterville and Johnson, we feel a greater connection will exist.”

LAM 2 – Eden, Hyde Park.

Population: 4358. Deviation: 1.66%. Compactness: 0.58.

Hyde Park affirmatively approved of the draft map as proposed, which remains unchanged in the final map. Eden voiced no objection.

Hyde Park BCA: “Overall consensus of the BCA is that Hyde Park will be better represented with one representative. They also felt that the representative will be more accountable to the voters. Hyde Park BCA very happy that the town is not being split in any way.”

LAM 3 – Wolcott, Elmore, /Morristown/.

Population: 4502. Deviation. 5.02%. Compactness: 0.57

The requests of Wolcott and Morristown to create two-member districts was incompatible with the single member district framework adopted by the LAB.

Wolcott BCA: “Wolcott has been happy in a two member district. Wolcott would be happy in a district with Elmore and Morristown titled LAM-3 District(s)... We recommend the a district named LAM-3 which would be Wolcott, Elmore and Morristown be a two member district. Rationale and comments: We have had 2 members of the Legislator represent us for a while. We as a town have reached out to both representatives many times and had positive representation. We would like to keep this.

Morristown BCA: “...recommends combining the proposed LAM-3 & LAM-4 districts into 1 two member district instead of 2 one member districts. This would be a district of Elmore, Wolcott, all of Morristown and 877 members of Stowe for a total count of 8867.... This proposal aligns more with the geographical location and shared school district than the current two member district towns. Most students in the four towns attend either one of the two middle and high schools in the area and most of the proposed towns are accustomed to holding school elections together. The BCA also feels strongly that it is in the best interest for our community to keep all of Morristown in the same district and not split our community into two districts.

LAM 4 – Morristown, /Stowe/.

Population: 4365. Deviation: 1.38%. Compactness: 0.23

The request of Morristown to create a two-member districts was incompatible with the single member district framework adopted by the LAB and in conflict with the Stowe BCA’s request that the split portion of that town be incorporated into a single member district.

Morristown BCA: "...recommends combining the proposed LAM-3 & LAM-4 districts into 1 two member district instead of 2 one member districts. This would be a district of Elmore, Wolcott, all of Morristown and 877 members of Stowe for a total count of 8867.... This proposal aligns more with the geographical location and shared school district than the current two member district towns. Most students in the four towns attend either one of the two middle and high schools in the area and most of the proposed towns are accustomed to holding school elections together. The BCA also feels strongly that it is in the best interest for our community to keep all of Morristown in the same district and not split our community into two districts.

Stowe BCA: "While the members are disappointed that Stowe has to be split, we understand the current recommendation is probably best, given the requirements faced by the LAB. That said, it is critical that this configuration, if approved, be approved as single member districts as is recommended. Understand that the configuration as drawn would have the Stowe-Morristown district as a single member district with Stowe residents being a distinct minority. The single member district cannot be a two member district as that would cause Stowe residents to be a super minority in the district. It was designed fairly as a single member district and should be approved as such.

LAM 5 – Cambridge, /Fairfax/

Population: 4435. Deviation: 3.83%. Compactness: 0.38.

Fairfax is too big to remain and one-town single-member district. It must be split to some degree. Cambridge is slightly too small to be a one-town single member district. The LAB found that the draft map as proposed solved both of these problems in a way that made sense for both towns and was least disruptive to the region as a whole.

Cambridge BCA: "After a discussion which addressed both positive and negative points, a motion was made and seconded to accept the recommendation, particularly recognizing the importance of maintaining Cambridge as a single block. The vote was five for, five against. The BCA chose to report the tie vote as their only comment."

LAM 6 – Stowe.

Population: 4346. Deviation: 1.38%. Compactness: 0.51.

Stowe agreed to the draft map as proposed, which remains unchanged in the final map.

Stowe BCA: “While the members are disappointed that Stowe has to be split, we understand the current recommendation is probably best, given the requirements faced by the LAB. That said, it is critical that this configuration, if approved, be approved as single member districts as is recommended. Understand that the configuration as drawn would have the Stowe-Morristown district as a single member district with Stowe residents being a distinct minority. The single member district cannot be a two member district as that would cause Stowe residents to be a super minority in the district. It was designed fairly as a single member district and should be approved as such.

Orange County

ORA 1 – Fairlee, West Fairlee, Bradford.

Population: 4399. Deviation: 2.61%. Compactness: 0.54

No change from 2012 map and no towns voiced objection to the draft map as proposed, which remains unchanged in the final map.

ORA 2 – Williamstown, /Washington/.

Population: 3953. Deviation: -7.79. Compactness: 0.64

The communities in the 2012 map two-member district of ORA-1 testified early in the process that they would prefer becoming two single-member districts with the smaller communities out of the shadow of the dominant Williamstown. The only way to accomplish this was to add some of the population of one of the smaller towns to Williamstown to maintain an acceptable population deviation. Washington was the logical choice. Though Washington was not pleased to draw the short straw, we adjusted the lines from the original draft map to better accommodate how that town division should be implemented based on oral testimony from the Washington BCA. Williamstown affirmed their support for the draft map as proposed.

Williamstown BCA: “After much discussion, the majority of the BCA felt a one member district was the way to go. BCA feels that the district as proposed would have better representation.”

Washington BCA: “After substantial discussion (including mention of tar and feathers) the Washington BCA wishes to express our vehement disagreement with the Apportionment Board’s plan to arbitrarily divide the Town of Washington between two Districts. The primary objection to having Washington split is in the nature of the town itself. Geographically, the town is divided along a north and

south axis by the Washington Heights. This divide is substantial enough that the Town needs to contract with two separate ambulance services as response times from the one service was endangering the population of south Washington. Additionally, those residents south of the Heights receive their mail from Chelsea. We feel that if the town becomes additionally severed on an east/west axis by the Legislature we may very well lose all semblance of being an integrated community. Additionally, the mechanics of setting up two voter check lists, or requiring proof of street residency, or setting up and staffing a second polling place so that the voters in the “west” portion of town would be able to cast their votes within their election district, would exceed “difficult” and border on “impossible” for our town. We fully understand the one person one vote constraints imposed upon the Apportionment Board, but after reviewing the numbers, we see no reason to split the town. If Washington (in its entirety) were to be placed in District ORA-4, comprised of the towns of Chelsea, Corinth, Vershire, and Washington, the combined population would be 4392. This would represent a 2.4% positive deviation from the ideal of 4287. This would result in leaving District ORA-2 out of the 10% range. In addition to Williamstown’s 3515 residents, ORA-2 would have to pull roughly 350 to 1200 residents from the neighboring towns of Barre Town, Brookfield, or Northfield. As an alternative, Washington (in its entirety) could join Williamstown in ORA-2. The combined population of 4547 is still well within the range. In that case, the remaining ORA-4 would need to absorb approx. 500 residents from an adjoining town, possibly West Fairlee. Also, at the meeting last night we reviewed the Senate Map proposals. While none of the proposed Senate districts were close to ideal, we felt that the Little proposal of August 24, linking our sleepy little town with the tourist meccas of Killington and Woodstock, to be the most unrealistic.”

ORA 3 – Orange, Topsham, Newbury.

Population: 4549. Deviation: 6.11%. Compactness: 0.52

Topsham and Newbury expressed a desire to maintain the configuration of the 2012 map but given necessary changes in other districts in the region this was not possible for us to accommodate. Orange voiced no objection to the draft map as proposed, which remains the same in the final map proposal.

Newbury BCA: “We want to keep our current Ora-Cal district as it is we do not want any proposed changes made.... Twelve members of the Newbury BCA met on November 2, 2021 and unanimously voted to NOT change our District. Newbury does not have much in common with Orange and we have very little interaction, as we do with Groton and Topsham. We share a school district with Groton as well as mutual aid in terms of emergency services and highway services. We also do inter-library loaning. Newbury residents interact with Groton on a much more regular basis than Orange. It was noted this proposed change

seems to go against all the principals they were basing the proposed changes on such as matching towns who are similar and alike, towns that share highway or emergency service agreements and getting groupings close to the 4287 number. This proposed change puts us even further away from that number. We feel preservation of the existing Ora-Cal district and the fifty plus year relationship between Newbury, Groton and Topsham is vital to our communities.”

Topsham BCA – “The relationship between Topsham & Groton is quite similar to the relationship between Topsham & Orange which means that it makes little difference. The issues of Topsham better align with Groton, Orange, Washington, Corinth, Vershire, or West Fairlee. T Rationale and comments: If it ain't broke don't fix it. Don't trust anything that comes from Montpelier, suspicious of political plotting.”

ORA 4 – Chelsea, Corinth, Vershire, /Washington/.

Population: 3954. Deviation: -7.77. Compactness: 0.74

The communities in the 2012 map two-member district of ORA-1 testified early in the process that they would prefer becoming two single member districts with the smaller communities out of the shadow of the dominant Williamstown. The only way to accomplish this was to add some of the population of one of the smaller towns to Williamstown to maintain an acceptable population deviation. Washington was the logical choice. Though Washington was not pleased to draw the short straw, we adjusted the lines from the original draft map to better accommodate how that town division should be implemented based on oral testimony from the Washington BCA. Corinth and Vershire affirmed their support for and Chelsea voiced no opposition to the draft map as proposed.

Corinth BCA: “We, the Corinth Board of Civil Authority, are unanimously pleased with the proposed ORA-4 district. At present, Corinth is in ORA-1, which is a district with six towns and two representatives. It covers a wide geographic area with a disparate population, and is served by multiple school districts and multiple service districts of the Agency of Human Services, the Agency of Transportation, the Department of Public Safety, Regional Planning Commissions, and other service providers. It has been viewed in Corinth as an unwieldy and unfortunate arrangement since its inception, and the proposed smaller ORA-4 district with a single representative would bring welcome relief. We feel the proposed district would better represent our interests and improve communication between residents and the legislature. Not only do we regard the proposed 2022 apportionment plan as an improved situation for our own town, but we also applaud the change to single-representative districts throughout the state. In general, single-member districts provide more effective representation for voters and contribute to a more responsive democracy. We recognize that the

process of arranging Vermont into 150 districts of approximately equal population is arduous and requires difficult decisions. We commend the members of the Legislative Apportionment Board for their dedication and hard work.

Vershire BCA – “District(s) reviewed that the BCA recommends keeping as proposed: Orange 4.”

ORA 5 – Randolph.

Population: 3959. Deviation: -7.65. Compactness: 0.54.

WAS-ORA – Braintree, Brookfield, Roxbury, /Randolph/.

Population: 3944. Deviation: -8%. Compactness: 0.47.

Randolph and Brookfield requested the 2012 two-member district remain unchanged. Braintree was neutral about the draft map proposal, voicing benefits from both options. Keeping the two-member district was not compatible with the single member district framework adopted by the LAB and the fact that the other town from the 2012 district, Granville, was moved into another district (ADD-7) and Granville affirmed its preference to be in that district.

Randolph BCA: “A TWO-MEMBER DISTRICT COMPRISED OF THE TOWNS OF BRAINTREE, BROOKFIELD, GRANVILLE, ROXBURY, AND RANDOLPH. THIS IS THE CURRENT ORA-WAS-ADD DISTRICT.... The BCA proposal recognizes and maintains, in particular, the close social, trade, political ties and common interests of Randolph, Brookfield and Braintree. For example, the towns have long shared a school supervisory district, union high school, and services such as our solid waste transfer station and senior center. The LAB recommended change would not recognize and preserve this community. 4. The LAB recommended change severs the community with a particularly egregious artificial boundary that cuts through the large main village in Randolph. While it would be possible to divide the town in a way that separated fewer close neighbors, any division of the town will disrupt the close community.

Brookfield BCA: “...recommends the current district remaining as-is, with two representatives for the five towns in the district. Brookfield, Braintree and Randolph especially, because they share the same school system, mental health and hospital services, policing services and many other services. It was the consensus of the Board that the ORA-WAS-ADD should not be changed, and if there are any other proposed changes in the future Brookfield should NOT be separated from Randolph.

Braintree BCA: “The Braintree BCA did not recommend any changes to district, and neither supports nor opposes the proposed WAS-ORA district. The Braintree

BCA did discuss the advantages of having a smaller district made up of almost entirely rural communities, but does feel connected to the greater Randolph area and sees disadvantages of not being in a district with most/all of the Town of Randolph.

Orleans County

ORL 1 – Derby.

Population: 4597. Deviation: 6.81%. Compactness: 0.44

Derby voiced no objection to the draft map as proposed, which did not change in the final map.

ORL 2 – Newport.

Population: 4455. Deviation: 3.92%. Compactness: 0.37

Newport voiced no objection to the draft map as proposed, which did not change in the final map.

ORL 3 – Irasburg, Albany, Craftsbury, Greensboro.

Population: 4363. Deviation: 1.77%. Compactness: 0.48

The LAB looked at a handful of options in trying to accommodate Irasburg's comments, but there were no configurations of towns that worked as well as what is in the original draft map, and all of the surrounding towns either affirmatively approved the draft map or voiced no objection to the draft map, which did not change in the final map.

Irasburg BCA: "...disagrees with the reapportionment Board recommendation as it groups Irasburg with Town's (aside from Albany) that have differing views. Irasburg's BCA feels that it would be better matched with it's neighboring Towns that currently share a school district and have had interactions with frequently. Those Town being Albany, Coventry, Browington. WE ask that you please look at this again before finalizing your suggested edits to the current district model. We do realize that some changes had to be made. We suggest considering grouping"

ORL 4 – Barton, Glover.

Population: 3986. Deviation: -7.02%. Compactness: 0.59

Both Barton and Glover approved of the draft map proposal, which did not change in the final map.

Barton BCA: "...finds that this proposed district would result in more local representation of our community."

Glover BCA: "Accepts the reapportionment as proposed."

**ORL 5 – /Newport Town/, Coventry, Brownington, Charleston.
Population: 4424. Deviation: 3.2%. Compactness: 0.32**

None of the towns voiced objection to the draft map as proposed, which did not change in the final map.

**ORL 6 – Troy, Jay, Westfield, Lowell, /Newport Town/.
Population: 3959. Deviation: -7.65%. Compactness: 0.59**

None of the towns voiced objection to the draft map as proposed, which did not change in the final map.

Rutland County

Notes on Rutland County:

Due to population decline in the region, there were significant changes from the 2012 map to the draft map and then, based on BCA feedback, significant changes from the draft map to the final map, particularly in and adjacent to Rutland Town, Rutland City and West Rutland. For example, Wells requested it not be split, as it was in the draft map but is not in the final map. Mendon also requested that it not be split, and it is not in the final map. Tinmouth requested that it be removed from its 2012 district configuration. The changes made to the final map allowed the LAB to split fewer overall towns, as well as better conform to the boundaries of Rutland City, throughout the region.

**WSR-RUT 1 -- Killington, Pittsfield, Stockbridge, Bethel.
Population: 4571. Deviation: 6.62%. Compactness: 0.38**

Killington BCA: "The Killington Board of Civil Authority feels that for representation purposes, its interests are best aligned with the Towns of Mendon, Pittsfield and Chittenden. The Towns of Killington, Mendon, Pittsfield and

Chittenden are all located within Rutland County. The total population of the recommended district would be 4,302 which is on target with the LAB's population goal. For more detail of discussion, see Minutes of Killington Board of Civil Authority dated November 8, 2021 sent via separate email.

Pittsfield BCA: "...recommends keeping as proposed: RUT-13."

Stockbridge BCA: "Stockbridge would move from the WDR-RUT district including Pittsfield, Rochester, Bethel and Stockbridge to RUT-13 made up of Killington, Pittsfield, Bridgewater, a portion of Bethel and a portion of Mendon and Stockbridge. These changes are being recommended due to population shifts from the 2020 Census. The board expressed concern over the splitting up of towns....The overarching concern is that this re-districting/apportionment moves Stockbridge into a district that is very different economically and how that will impact the towns planning processes for the future. (See spreadsheet for more detailed comments).

RUT 1 -- Wallingford, Mt. Holly, Shrewsbury.

Population: 4610. Deviation: 7.53%. Compactness: 0.49

Wallingford and Mount Holly affirmatively approved of the draft map as proposed, and Shrewsbury voiced no opposition to the draft map as proposed, which did not change in the final map.

Wallingford BCA: "...did not make any changes to the district proposed by the LAB. The primary reasons for the BCA's decision are: 1) Wallingford is in close proximity to the proposed district as drawn; 2) students from all three towns attend the same unified school district; 3) Shrewsbury and Wallingford are in the same unified school district; and 4) the majority voted in favor of adopting the proposed district.

Mount Holly BCA: "...recommends keeping as proposed: RUT-1 Description of District(s) recommended to be changed: RUT-1 which is the towns of Mount Holly, Shrewsbury and Wallingford are neighboring towns with many of our High School age children attending the same High School together and also keeps us in our own county of Rutland. Rationale and comments: These three Towns have many similarities and are all within the same county. This works very well for us.

RUT 2 – Castleton.

Population: 4458. Deviation: 3.99%. Compactness: 0.76

Castleton approved of the draft map as presented, which did not change in the final map, and affirmed its desire to be a one-town, single member district.

Castleton BCA: “Castleton being our own district would be our first choice. We feel Castleton is unique as we are the second largest community in our county, we have a University and Lake Bomoseen. However, if the proposed district is changed, we would encourage the board to include Hubbardton with Castleton. Our towns have a long-standing history of sharing, we share a transfer station, elementary and middle schools, a library, a recreation department, Castleton Community Center, Meals on wheels service routes, and Lake Bomoseen.

RUT 3 -- Clarendon, Rutland Town SW, /West Rutland/.

Population: 4119. Deviation: -3.92%. Compactness: 0.31

West Rutland BCA: “District(s) reviewed that the BCA recommends changing: RUT-3 District(s) reviewed that the BCA recommends keeping as proposed: RUT-2 Description of District(s) recommended to be changed: West Rutland would like to keep our district as it is with Two representatives. Rationale and comments: keeping it would give us more contacts in Montpelier and for questions we may have to either one of them.

RUT 4 -- Poultney, Ira, /West Rutland SW/.

Population: 4301. Deviation: 0.33%. Compactness: 0.39.

This district represents a change from the draft map, despite Poultney’s support of the original proposal to accommodate Wells’ request to not be split, and Tinmouth’s request to be removed from its 2012 district.

Poultney BCA: “...recommends keeping as proposed: RUT-4 Description of District(s).

West Rutland BCA: “District(s) reviewed that the BCA recommends changing: RUT-3 District(s) reviewed that the BCA recommends keeping as proposed: RUT-2 Description of District(s) recommended to be changed: West Rutland would like to keep our district as it is with Two representatives. Rationale and comments: keeping it would give us more contacts in Montpelier and for questions we may have to either one of them.

RUT 5 -- West Haven, Fair Haven, Benson, /Hubbardton SW/.

Population: 4536. Deviation: 5.81%. Compactness: 0.26

Though Fair Haven expressed a desire to remain in a two-member district including Castleton, this was incompatible with the single member district framework adopted by the LAB and Castleton did not consent to such a pairing. Benson was supportive of the district as proposed. Hubbardton objected to being split and requested to be part of the single member RUT-5 district in its entirety. The final map addresses Hubbardton's objection in part, by changing the dividing line and moving more of Hubbardton into RUT 5, but the math did not allow us to do so entirely.

Benson BCA: "After discussion, the Benson Board of Civil Authority was generally in favor of the district as proposed. Economically and educationally our community is more oriented toward Fair Haven and Rutland County than toward the Addison County towns to our north.

Fair Haven BCA: "...believes that a two member district gives citizens better access to their representatives. For the Town of Hubbardton to be represented by representatives in two different districts and split between Rutland and Addison County will bring confusion and diminish access to their representatives. Hubbardton in all actuality has shared many of their services with the Town of Castleton, including their previous union school district.

Hubbardton BCA: "...recommends the Town of Hubbardton in its entirety become part of the Rut-5 district. Rationale and comments: Hubbardton and the other members of the Rut-5 district share the same school district. There are no shared interest with Add-Rut -1. Hubbardton has one building suitable for a voting. We do not have another facility with room capable of holding an election. There is no common ground with towns in Addison County. The select board of the town has been working hard to make sure the citizens feel the town is whole. For many years Route 30 has been a mental divide in the town - Eastside vs Westside. By dividing the town into two legislative districts and using Route 30 as a dividing point, the town's goodwill and sense of unity that has been achieved will be at risk. The BCA reached this decision unanimously.

RUT 6 – Brandon.

Population: 4129. Deviation: -3.69. Compactness: 0.72

Brandon approved of the draft map as presented, which did not change from the draft map, and affirmed its desire to be a one-town, single member district.

Brandon BCA: "...will be best served by being a single district with a legislator that represents only our town. The legislator can focus directly on our town.

Rut 7 -- Pitsford, Chittenden.

Population: 4099. Deviation: -4.39. Compactness: 0.48

This district represents a change from the draft map for both towns, although Pittsford was supportive of the draft map and Chittenden requested to be paired with different towns, keeping the 2012 configuration as it is, which was not a realistic proposal given the shrinking population in the region.

Pittsford BCA: “PITTSFORD REVIEWED RUT-7 AND RECOMMENDS KEEPING AS PROPOSED.

Chittenden BCA: “The Chittenden, VT Board of Civil Authority (CBCA) recommends a Vermont House of Representatives district that comprises the towns of Chittenden (1237 population), Mendon (1149 population), Killington (1407 population), and Pittsfield (504 population). (See spreadsheet for more detailed comments.

RUT 8 – Proctor, Rutland Town NW, Rutland City NW.

Population: 4473. Deviation: 4.34%. Compactness: 0.38

Proctor BCA: “...recommends keeping as proposed: RUT-7.... We recommend adopting the stat's proposed RUT-7... We fell we will be better represented in a one representative district.

RUT 9 – Rutland City (NE)

Population: 4470. Deviation: 4.27%. Compactness: 0.44

RUT 10 – Rutland City (SW), 4497, 4.9%

Population: 4497. Deviation: 4.9%. Compactness: 0.47

RUT 11 – Rutland City SE. 4525, 5.55%

Population: 4525. Deviation: 5.55%. Compactness: 0.66

Given the declining population in Rutland and the surrounding region, maintaining four city districts aligning with the municipal wards was not mathematically possible. The LAB did its best to accommodate the BCA’s request by creating three districts wholly contained within the city’s municipal boundaries.

Rutland City BCA: “...strongly recommended maintaining the existing four wards with single representation making just one change in district line between 5-1 and 5-4 to effectively move three contiguous blocks with a combined population of 114 people into 5-4 from 5-1. Criterion 1: (Chapter II ss73 Vt. Constitution. This minor adjustment to district boundary lines meets the standard of substantial equality (within the desired 10% deviation measure for the ideal

population of 4,287) and in fact closes the gap between the four districts to within 1.5% of each other. This recommendation achieves equality of representation and provides a population of 3,893 people represented in Ward 5-4 and 3,994 people represented in Ward 1. The recommendation maintains as is - without change both Ward 5-2 with a population of 3,936 and Ward 5-3 with a population of 3,984.

RUT 12 – Mendon, Rutland Town (East).

Population: 4272. Deviation: -0.355. Compactness: 0.35

Although we were not able to grant Mendon’s request as to pairings with other towns in a district, the LAB was able to rearrange the map in this region to accommodate their priority request to keep Mendon together in one district.

Mendon BCA: “...recommends the Towns of Mendon, Chittenden, Killington, and Pittsfield in their entirety be combined as one single district. According to the 2020 census, the combined total population for these four towns totals 4,297. The priority for the Town of Mendon is to keep the Town together in one district

Washington County

WAS 1 – Waterbury.

Population: 4204. Deviation: -1.94%. Compactness: 0.49

Waterbury requested that the 2012 two-member district (WAS-CHI) be maintained as is. Keeping the two-member district was not compatible with the single-member district framework adopted by the LAB, and because the other towns in 2012 WAS-CHI, Bolton and Huntington, rejected continuing in that arrangement explaining that the current configuration left them effectively disenfranchised and largely disconnected from Chittenden County. A question was raised regarding the portion of Waterbury along the Rt 2 corridor that was added to the CHI-WAS 1 district which was necessary to create a population balance and maximize the connectivity of the residents of both districts. (See explanations for CHI-WAS 1.)

Waterbury BCA: “Waterbury BCA does not recommend keeping the district as proposed. We recommend keeping it as it currently is: Washington-Chittenden-1, a two-member district that serves the entirety of the towns of Waterbury, Bolton, Buel’s Gore and Huntington.”

WAS 2 – Cabot, Marshfield, Plainfield.

Population: 4262. Deviation: 0.58%. Compactness: 0.54

Plainfield affirmed support for and Marshfield and Cabot voiced no opposition to the draft map as proposed and is not changed in the final map.

Plainfield BCA: "...approved the proposed change as drafted by the Leg Apportionment Board for Plainfield to be included in the WAS-2 District including the towns Plainfield, Marshfield, and Cabot. Rationale and comments: The Plainfield BCA decision was based on the similar town sizes, and all towns being located along the Winooski River. One member quoted "it sort of binds us all together".

WAS 3 – Worcester, Calais, Woodbury, /East Montpelier/.

Population: 3957. Deviation: -7.7%. Compactness: 0.46

Woodbury affirmed its support for the draft map proposal, and Worcester voiced no opposition. Calais requested to be paired with East Montpelier, which conflicted with East Montpelier's and Middlesex' desire to remain together. East Montpelier did oppose losing a segment of its northeast corner to WAS 3. The LAB tried to accommodate the request to keep the town whole but were unable to do so and keep population deviations in the region reasonable.

Woodbury BCA: "Woodbury has more common interests & concerns with Calais & Worcester than with Elmore & Morrisville. This change make sense with all the Towns being on the same side of the mountain.

Calais BCA: "1) First choice: The Calais BCA voted to express our strong interest in combining Calais with East Montpelier in its entirety into a new district. The district would meet the requirements of 17 V.S.A. § 1903 Periodic reapportionment; standards. This new district shares common boundaries, is geographically linked, has common political ties, common interests, and social interactions among residents. We share municipal services including a fire district, a school district and the two towns together are a compact and contiguous territory. Further, the population total of the two towns according to the Census data provided is an ideal match coming in at 4,259 residents creating a deviation from ideal of -28 residents, a -.6% deviation which is almost a perfectly sized district. The Calais BCA felt strongly that towns should not be split up into different districts whenever possible. 2) Second choice: Should the LAB choose to move the proposed WA-3 in its final proposal to the legislature, the Calais BCA expressed strongly that the lines should be redrawn around the village of Adamant (instead of along the Route 14 corridor as originally proposed) as the residents in that area have more in common politically and geographically. The East Montpelier BCA in their meeting on reapportionment expressed support for

both options as evidenced in their meeting minutes. We sincerely hope that the LAB will respect the wishes of our local municipalities who know and understand our neighboring towns.

East Montpelier BCA: "...voted unanimously to oppose the creation of the legislative districts as proposed. There was no one at the meeting who spoke in favor of the proposed new districts. Currently, East Montpelier is part of a single member district composed of the towns of East Montpelier and Middlesex—each in its entirety. The changes in population noted in the 2020 census do not mandate any change in this particular district. In fact, were the district left as it currently is, the deviation from the ideal representation would be - 2.1% as opposed to 7.32% under the tentative proposal. Clearly, it is not the 2020 census numbers of the EM/Middlesex district that pose a problem. It appears that in the creation of WAS-3, the three small towns of Calais, Woodbury, and Worcester didn't total as many as the LAB desired, so a small section of East Montpelier, housing 404 residents, was added. However, in coming up with this proposal—carving out a small portion of East Montpelier (including one of its two village centers)—the LAB has violated the other, non-numerical standards for reapportionment outlined in 17 V.S.A. § 1903 (b) (1-3) which read as follows: (1) preservation of existing political subdivision lines; (2) recognition and maintenance of patterns of geography, social interaction, trade, political ties, and common interests; (3) use of compact and contiguous territory. Failure to preserve the existing political (town) subdivision lines is obvious and needs no further explanation except to note that many of the interactions of residents with the state legislature revolve around affairs of the town or city in which they live. Which leads readily into criterion (2). It is the strong belief of the BCA and the citizens attending the November 8 meeting (many of whom live in the small part of EM assigned to WAS-3) that the residents of that part of EM would be completely disenfranchised with regard to issues regarding their town and its relationship to the VT legislature. This is in addition to the disruption of normal flows of social interaction, commerce, and other common interests. With regard to criterion (3), while the part of EM appended to WAS-3 is contiguous, it is clearly an add-on and is not at all compact; nor does it lend itself in any way to making the 404 residents of the area feel in any way a part of the other three towns. In addition to flying in the face of the legislatively mandated criteria, the newly proposed district makes the running of elections far more complex. A separate operational center must be set up with its own printed ballots, tabulator programming, check list, and staffing. The meeting on November 8th meeting included, also, discussion about the general underlying issue of single- vs. multi-member districts. The sense of the meeting was that the greater accountability and fairness issues sometimes touted as benefits of single member districts are heavily outweighed by the legislatively mandated criteria cited above—the maintenance of a sense of community being primary.

WAS 4 – East Montpelier, Middlesex.

Population: 3973. Deviation: -7.32. Compactness: 0.32

Both East Montpelier and Middlesex expressed their desire to remain paired in a single member district in support of the draft map as proposed, except East Montpelier would prefer not to have its northeast corner added to WAS 3. We tried to accommodate the request to keep the town whole but were unable to do so and keep population deviations elsewhere in the region reasonable.

East Montpelier BCA: “East Montpelier is part of a single member district composed of the towns of East Montpelier and Middlesex—each in its entirety. The changes in population noted in the 2020 census do not mandate any change in this particular district.

Middlesex BCA: “By a unanimous vote, the Middlesex BCA endorsed the proposed configuration of WAS4 that keeps Middlesex merged with East Montpelier for demographic, historical and practical reasons. The Board is opposed to cutting off Middlesex from East Montpelier so that East Montpelier can merge with Calais. Doing so would unfairly isolate Middlesex. In addition, the BCA notes the proposed configuration keeps Worcester in Washington County instead of in a bi-county district.

WAS 5-1 – Barre Town.

Population: 3972. Deviation: -7.35%. Compactness: 0.5

WAS 5-2 – Barre Town.

Population: 3951. Deviation: -7.84%. Compactness: 0.47

Barre Town requested to remain a single two-seat district. Keeping the two-member district was not compatible with the single member district framework adopted by the LAB and dividing the town into two single member districts without disturbing the overall town border ideally fits within the LAB’s single member district framework.

Barre Town BCA: “The recommended district for Barre Town is a single town-wide two-member at-large district. This would respect existing geographic boundaries with neighboring municipalities and would not impact the proposed districts adjacent to Barre Town.

WAS 6-1 – Barre City.

Population: 4251. Deviation: -0.84%. Compactness: 0.23

WAS 6-2 – Barre City.

Population: 4240. Deviation: -1.1%. Compactness: 0.46

Barre City's requested to remain a single two-seat district, which was not compatible with the 150 single member district framework adopted by the LAB, and dividing the town into two single member districts without disturbing the overall boundary line of the municipality ideally fits within the LAB's single member district framework.

Barre City BCA: "...voted to recommend that we return to the previous apportionment plan of a two-member single district, with the legislative district matching the city boundaries. Rationale and comments: BCA members made the following comments in support of maintaining the two-member single district: - Barre City is a contiguous whole, and can best be represented together; the issues that face the city do not stop at legislative lines - The districts as proposed by the LAB cross Ward lines in ways that might be confusing for Barre City voters, who would a slightly more complicated path to voting - Electing two representatives city-wide offers more opportunities for non-traditional candidates, including from multiple parties - Prior to the BCA meeting, we sought public comment from registered voters & residents in Barre City; 14/16 respondents indicated they would prefer to keep the two-member district.

WAS 7-1 – Montpelier.

Population: 4114. Deviation: -4.04%. Compactness: 0.41

WAS 7-2 – Montpelier.

Population: 3960. Deviation: -7.63%. Compactness: 0.45

Montpelier requested to remain a single two-seat district. Keeping the two-member district was not compatible with the single-member district framework adopted by the LAB and dividing the town into two single member districts without disturbing the overall town border ideally fits within the LAB's single member district framework.

Montpelier BCA: "The Montpelier Board of Civil Authority recommends that the proposed districts, consisting of two one-member districts covering the City of Montpelier, be combined into a single two-member district covering the entire City of Montpelier.... A majority of the Board of Civil Authority was not persuaded that dividing the city into two districts would be any fairer or more democratic than the current single district. The majority of the Board believed that the statutory criteria of "(1) preservation of existing political subdivision lines; (2) recognition and maintenance of patterns of geography, social interaction, trade, political ties, and common interests; and (3) use of compact and contiguous territory.

WAS 8 – Warren, Waitsfield, /Fayston/.

Population: 4176. Deviation: -259. Compactness: 0.51

WAS -11 – Duxbury, Moretown, /Fayston/.

Population: 4175. Deviation: -2.61%. Compactness: 0.52

WAS 8 and 11 maintain the 2012 map's WAS 7 district exterior border unchanged, but internally divided into two single member districts.

Moretown BCA: "...determined that the town of Moretown would like to EITHER be made into the one member district proposed by the LAB, or be made into a two member district consisting of the towns of Moretown, Duxbury, Fayston, Waitsfield, and Warren. These five towns are all share commerce, are in the same watershed, and are in the same school district (HUUSD). Additionally, these towns are already a two member district for the Vermont house.

Waitsfield BCA: "The five Mad River Valley towns (Warren, Waitsfield, Fayston, Moretown and Duxbury) are currently a single district (Washington 7) with two representatives. We have found this to be a satisfactory arrangement, and recommend continuing that arrangement. Rationale and comments: While we understand and appreciate the advantages of single-member districts, we do not support splitting one of our neighboring towns into two parts in order to create such a district. The towns in the Mad River watershed share critical infrastructure, economic and recreational interests, and common identity, and should be kept together in the legislature. The single two-member district easily meets the apportionment goals.

Warren BCA: "The board felt that keeping the five towns together as a 2-member district was ideal but would also support a 1-member district including Fayston, Waitsfield and Warren. After discussion, the Warren Board of Civil Authority voted to join Fayston in support of their proposal that would keep Fayston as a whole and either keep the existing 2- member district intact or form a new district with the three Mad River Valley towns of Fayston, Waitsfield and Warren. [See spreadsheet for more detailed comment.]

Fayston BCA: "The proposed plan to divide the Town of Fayston along Route 17 to create two single size districts (WAS-11 and WAS-8) was overwhelmingly rejected by an on-line poll and two open meetings of the Board of Civil Authority. We wish to protect Fayston's integrity as a town, and as an integral part of the Mad River Valley's larger community. The five-town double district has worked well for the Mad River Valley, and the population math (8351) is well within target. Fayston is the most mountainous town in Vermont, bordered on the west

by the Long Trail running on the ridge of the Green Mountains. It is famous for two of the Mad River Valley's alpine ski areas, Sugarbush's Mount Ellen, and Mad River Glen. In addition to our residents, we have second home owners, out of state students (GMVS) and their families, and visitors year-round. We have big chunks of the Green Mountain National Forest, Camel's Hump State Forest, and two Town forests (Chase Brook and Boyce Hill). Fayston has no downtown commercial district, but has many businesses including recreation, lodging, agriculture, services, manufacturing, education, and construction Fayston is served by State Route 17, but should not be divided by it. [See spreadsheet for more detailed comment.]

WAS 9 – /Northfield/, Berlin.

Population: 4246. Deviation: -0.96%. Compactness: 0.37.

WAS 10 – Northfield.

Population: 4521. Deviation: 5.46. Compactness: 0.47

Northfield made known its preference to remain a single two-member district with Berlin, but if that were not possible that we re-examine where the dividing line of the town per local input; this change is reflected in the final map. Berlin voiced no objection to the draft map as proposed.

Northfield BCA: "...requests that LAB relook at the division in respect to the divide between Northfield & Berlin in respect to the population base. The BCA voted to and requests that we main a two-seat district to include ALL of Northfield & Berlin. If this is not granted we request that the LAB relook at the division in respect to the population base.

Windham County

WDM 1 -- Gilford, Vernon.

Population: 4312. Deviation: 0.58%. Compactness: 0.6.

No change from 2012 map. Neither town voiced objection to the draft map as proposed.

WDM 2 -- Marlboro, Newfane, Townsend.

Population: 4658. Deviation: 8.65%. Compactness: 0.42

No change from 2012 map. Newfane affirmatively approved and the other two towns voiced no objection to the draft map as proposed. While this district is slightly “heavy,” we gave precedence to maintaining town lines and the existing relationship between the three towns over attaining a more perfect deviation.

Newfane BCA: “The district that includes Newfane is not recommended as being changed from what it has been. It has worked fine and we have no suggestions for changes.

WDM 3 -- Halifax, Whitingham, Willmington.

Population: 4370. Deviation: 1.94%. Compactness:

No change from 2012 map. All three towns voiced no objection to the draft map as proposed.

WDM 4-1 -- Brattleboro (West).

Poulation: 4066. Deviation: -5.16%. Compactness: 0.71

WDM 4-2 -- Brattleboro (SE).

Population: 4007. Deviation: -4.9%. Compactness: 0.57

WDM 4-3 -- Brattleboro (NE).

Poulation: 4041. Deviation: -5.74%. Compactness:

Creating three single member districts without disturbing the exterior boundary lines of Brattleboro is an ideal situation. The interior lines creating the three single member districts were changed from the proposed map to the final map to reflect the comments of the Brattleboro BCA.

Brattleboro BCA: “...considered and researched both the LAB proposal and the alternative LAB proposal. In both of these proposals, either 709 or 484 people were relocated into different districts. Brattleboro is unique in that it has a Representative Town Meeting [24 App. V.S.A. ch. 107, § 2.04]. Town Meeting Members (TMM's) are non-partisan and elected by District. In both the LAB proposal and the Alternative proposal, between 6 and 9 TMM's are relocated. A third proposal was developed which has 4,054 residents in WDM 4-1, 4,079 in WDM 4-2 and 4,051 in WDM 4-3, resulting in deviations from the ideal of -5.4%, -4.8% and - 5.5%, respectively. In this third proposal, 348 people and 3 TMM's move districts. In order to obtain that result, the proposal follows census tracts, defined in metes and bounds language by property lines in order to complete the

map. In summary, we find that the Brattleboro BCA's proposal is less disruptive in its formation of "representative districts with minimum percentages of deviation from the apportionment standard" and which are "compact and contiguous" "insofar as practicable."

WDM 5 -- Putney, Dummerston.

Population: 4482. Deviation: 4.55%. Compactness: 0.49

These two towns form a near-perfect single member district. Though Putney requested that they stay in a two-member district, this was not consistent with the 150 single member district framework adopted by the LAB, and Dummerston expressed its satisfaction with the single member district as proposed in the draft map, which remained unchanged in the final map.

Dummerston BCA: "...was content leaving the district reapportionment as presented.

Putney BCA: "...does not support the draft map creating WDM-5 and supports keeping a two-member district consisting of the towns of Dummerston, Putney and Westminster with the addition of the town of Brookline if needed to meet population targets. The town of Putney shares environmental protection interests with Dummerston, Westminster and Brookline in both the Pinnacle/Windmill Ridge Mountain line and the Connecticut River corridor. Dummerston, Putney, and Westminster have a strong historical and geographical unity that would be best served by maintaining the existing relationships. For example, we have a number of farms that operate in two or all three towns in the district. Dummerston, Putney, and Westminster share a Zip Code. In addition, Putney shares a school district and joint ownership of a gravel pit with Dummerston. All towns will benefit from having two house members to represent us.

WDM 6 – Westminster, Brookline, /Rockingham (Saxtons River)/.

Population: 4210. Deviation: -1.8%. Compactness: 0.36

While this district does "split" the town of Rockingham, it does so with respect to the existing political lines of the incorporated village of Saxtons River. The request to maintain a two-member district was not consistent with the 150 single member district framework adopted by the LAB.

Westminster BCA: "WE ARE PROPOSING TO KEEP OUR CURRENT DISTRICT WDH-4 AS IT NOW STANDS WITH THE ADDITION OF THE ENTIRE VILLAGE OF NORTH WESTMINSTER PLUS THE ENTIRE TOWN

OF BROOKLINE. WE SUPPORT THE CONTINUATION OF TWO MEMBER REPRESENTATION.

Brookline BCA: "...suggested that the entire towns of Brookline, Athens, Newfane, Townshend and Grafton be placed together in one district due to educational, religious, social, economic and access reasons.... Brookline has nothing in common with Westminster and Rockingham. We have much in common with Newfane, Townshend, Athens and Grafton. The resulting ratio is less than 0.05%.

Rockingham BCA: "...voted in favor of a Proposal 1 having a 2 member district and 3 Selectboard members voted in favor of this as well. Saxtons River Village Trustees met on November 1 2021 and voted unanimously for proposal 1... Windham District 6 (keeping Saxtons River with Rockingham) District(s) reviewed that the BCA recommends keeping as proposed: District 8 adding Saxtons River back.

WDM 8 -- Rockingham (Less Saxton's River).

Population: 4178. Deviation: -2.54. Compactness: 0.58.

This is a compact single member district that respects existing municipal lines within the town of Rockingham and the boundary of the incorporated municipality of Saxton's River.

Rockingham BCA: "...voted in favor of a Proposal 1 having a 2 member district and 3 Selectboard members voted in favor of this as well. Saxtons River Village Trustees met on November 1 2021 and voted unanimously for proposal 1... Windham District 6 (keeping Saxtons River with Rockingham) District(s) reviewed that the BCA recommends keeping as proposed: District 8 adding Saxton's River back.

WDM 7 -- Dover, Wardsboro, Jamacia, Windham.

Population: 4121. Deviation: -3.87. Compactness: 0.42

There were many BCA comments and suggestions from the towns surrounding the Stratton Ski Mountain per the draft map proposal, resulting in several changes to the final map through this region. In WDM 9 we were able to pair Jamacia and Windham, per request, and remove Sunderland per request.

Dover BCA: "...recommended to be changed: BEN-WDM-1 Remove Glastenbury and Woodford. Add Stamford. BEN-1 Remove Stamford. Add Woodford. Add a portion of both BEN-2-2 and BEN-2-3 along Bennington's

Southern border totaling 250 people. BEN-2-2 Remove a strip along the Southern border of 125 people.

Jamacia BCA: “Description of District(s) recommended to be changed: Option 1 –Jamaica, Winhall, Stratton, Wardsboro, Windham (2020 Census Population: 3945) Option 2- Jamaica, Stratton, Wardsboro, Windham, Townshend (2020 Census Population: 4054) Option 3- Peru, Landgrove, Winhall, Wardsboro, Jamaica, Stratton (2020 Census Rationale and comments: The Jamaica BCA, after much consideration, have determined that the proposed reapportionment by the legislative apportionment board is not in the best interest of Jamaica. We have proposed five other options but do not feel that Sunderland fits into the same district as Jamaica.

WSR-WDM 1 -- Athens, Grafton, Chester.

Population: 4030. Deviation: -5.99%. Compactness: 0.49.

Chester BCA: “...preferred to remain in a district with Andover, and Baltimore, and a portion of Springfield, but Baltimore affirmatively approved of their move into a district with Cavendish and Weathersfield, which the latter two towns also accepted, and the map as proposed re-establishes the town-line of Springfield, which forms two single member districts. The Grafton BCA desired to remain in an unchanged two-member district, which was inconsistent with the single-member district framework adopted by the LAB.

Grafton BCA: “BCA of the Town of Grafton voted unanimously in favor of maintaining a 2- Representative District, rather than changing to a 1- Representative District as the LAB proposed. Our rationale is that a two-Representative District allows Grafton voters increased access to State Legislators, increased potential for diversity of political representation within the State House, and allows for a better balance of representation between the smaller rural Towns (such as Grafton) and the larger primate Town within the legislative district. The BCA of the Town of Grafton also voted unanimously to maintain the current WDH3 District configuration (see paragraph 9, above). Our rationale for maintaining the status quo is that Grafton currently shares strong affiliations with the current primate Town within our District (Rockingham): we are both located in Windham County, we are both members of the same (WNESU) School District, we share the Saxtons River watershed, and we have strong historic, social, cultural and economic ties - none of which we share to any similar extent with the Town of Chester, which is part of Windsor County and part of the TRSU School District. Our rational for leaving the LAB-proposed single-Representative WDM-7 District is that it would dilute the representation of the interests of the voters of a smaller rural Town such as Grafton in favor of those of a larger primate Town (Chester), with which we do not share the same common political,

educational, environmental, economic, social and cultural connections and interests that we share with Rockingham and the other member Towns (Athens, Brookline, Windham, and part of Westminster) in our current WDH-3 Legislative District.

Windsor County

WSR 1 - Bridgewater, Woodstock, Reading

Population: 4595. Deviation: 7.18%. Compactness: 0.57

This district differs from the draft map proposal by adding in Bridgewater and removing Plymouth, though Woodstock and Reading voiced no objection to the draft proposal.

Bridgewater BCA: “Bridgewater’s primary concern and goal is to maintain the town within one house district by keeping the town “whole and not to be split” between districts.

WSR 2 -- Cavendish, Weathersfield, Baltimore.

Population: 4463. Deviation: 4.11%. Compactness: 0.64

The BCAs of all three towns affirmatively approved the district as presented in the draft proposal, which remains unchanged in the final map.

Cavendish BCA: “...is in agreement with the proposed change to District WDR-2. Feels it's a good idea and has no problem with it at all.

Weathersfield BCA: “The BCA has no problem with the proposed map by adding Baltimore to our district of WSR-2.

Baltimore BCA: “...agreed that the new proposed district would be acceptable. The other towns in the district, although larger, are also rural in nature. We have similar problems and issues in common as well as goals. We would like better broadband and highway support. Our concern is leaving the district in which our schools are located.

WSR 3 – Barnard, Pomfret, /Harford/.

Population: 4424. Deviation: 3.2%%. Compactness. 0.53

Neither Barnard nor Pomfret voiced objection to the district proposed in the draft map. Hartford's request to retain these towns in a two-member district is incompatible with the single member district framework adopted by the LAB.

Hartford BCA: "...voted unanimously to recommend the Alternate Plan, ... for Hartford's Legislative Districts for the following reasons: • Demographically and geographically, Hartford residents see themselves as one community with similar interests, regardless of their location in Town. The Eastern portion of Hartford is the most densely populated and the most closely connected. Dividing our current two-member district into two separate one member districts divides our community in an unnatural way. The Seven Member Select Board members are elected at-large and serve the entire community rather than by ward or neighborhood; The Town of Hartford is a single School District rather than a unified district with other communities. The five-member School Board is also elected at large to serve the entire community. • Increasing the number of districts would cause voter confusion (many Hartford residents are still unsure which district to vote in when they come to the central polling location). Increasing the number of single member districts could necessitate an additional polling place exacerbating voter confusion and frustration. The current District configuration has been in place for three decades; the existing model is working and serves our townspeople well. At a time when the State and local communities are trying to inspire voter participation further splitting the Hartford community as proposed by LAB could lead to voters feeling separated from town matters and disenfranchised, resulting in voter apathy. • Adding a third legislative district makes administering elections challenging. The BCA has concerns over logistical challenges if an additional polling place is needed. Our current, central polling place accommodates two districts but adding a third district could require an additional polling location. The BCA members could not readily identify an additional available facility to conduct a secure, safe election. In addition, three districts would increase costs, require additional tabulators & programming, and increase time and staffing to manage and tabulate election results. • Leaving Hartford as two districts, UNCHANGED, does NOT affect any other districts therefore it would not create a ripple effect across the State. • The modest population growth within our two districts leaves the total numbers within the acceptable deviation range for a two-member district.

WSR 4 -- Weston, Ludlow, Andover, Plymouth.

Population: 4004. Deviation: -6.6%. Compactness: 0.33

This district is significantly different from the draft map to accommodate Weston's request that it not be placed with the towns in the draft proposal, as well as other related BCA comments from affected districts.

Weston BCA: “The Weston Board of Civil Authority proposes a different configuration of the House District. We recommend combining the towns of Weston, Londonderry, Winhall, Landgrove and Peru as shown on the table. Rationale and comments: Re: District BEN-RUT The Weston Board of Civil Authority has met and considered the proposed BEN-RUT House District, which would combine Weston with Mount Tabor, Dorset and Danby. The Board strongly disagrees with the proposal... m conforming to the mathematical standard of equal representation, districts also should be compact and contiguous. The towns comprising a district should share borders and otherwise be geographically proximate to one another”. The proposed BEN-RUT District does not conform to these criteria. The Town of Weston and the Towns of Mount Tabor and Danby may appear to “share borders and be geographically proximate to one another” on a map, but the reality is that there is no road connection between Weston and Mount Tabor and thus no way to go through Mount Tabor to get to Danby.

WSR 5 -- /Norwich/, Sharon

Population: 4491. Deviation: 4.76%. Compactness: 0.40

The two-member district suggested by the Norwich and Sharon BCA is incompatible with the single member district framework adopted by the LAB.

Norwich BCA: “...recommends keeping the 2012 District WDR-ORA-2 a two-member District made up of Norwich, Sharon, Strafford and Thetford.... The Norwich BCA prioritizes maintaining all of the town in the same district and prefers maintaining the current district. This two-member district does not present the problems that some multi-member districts do, because it is relatively compact and there is affinity among the four towns. If the LAB insists on proposing a single-member district, the Norwich BCA would accept that only if all of Norwich is in that district.

Sharon BCA – “1. Sharon would like to maintain the current four town, two member district, comprised of Sharon, Thetford, Norwich and Strafford VT. 2. The district as currently configured, is compact and there is affinity amount the four towns. 3. We feel we are well served by our 2 current representatives, and fear that Sharon's voice would not be heard in the proposed single member district.

WSR 6 – Hartford NE.

Population: 4080. Deviation: -4.83%. Compactness: 0.58

WSR 7 -- Hartford SE.

Population: 4004. Deviation: -6.6%. Compactness: 0.35

The two-member district suggested by the Hartford BCA is incompatible with the single member district framework adopted by the LAB. Hartford is already a split in the 2012 map configuration, so this does not create a newly split town. Also, the new lines creating the two new “all Hartford” single member districts conform to the 2012 two-member district, so voter confusion will be minimal.

Hartford BCA: “...voted unanimously to recommend the Alternate Plan, as drafted/proposed by Jeanne Albert, for Hartford’s Legislative Districts for the following reasons: • Demographically and geographically, Hartford residents see themselves as one community with similar interests, regardless of their location in Town. The Eastern portion of Hartford is the most densely populated and the most closely connected. Dividing our current two-member district into two separate one member districts divides our community in an unnatural way. The Seven Member Select Board members are elected at-large and serve the entire community rather than by ward or neighborhood; The Town of Hartford is a single School District rather than a unified district with other communities. The five-member School Board is also elected at large to serve the entire community. • Increasing the number of districts would cause voter confusion (many Hartford residents are still unsure which district to vote in when they come to the central polling location). Increasing the number of single member districts could necessitate an additional polling place exacerbating voter confusion and frustration. The current District configuration has been in place for three decades; the existing model is working and serves our townspeople well. At a time when the State and local communities are trying to inspire voter participation further splitting the Hartford community as proposed by LAB could lead to voters feeling separated from town matters and disenfranchised, resulting in voter apathy. • Adding a third legislative district makes administering elections challenging. The BCA has concerns over logistical challenges if an additional polling place is needed. Our current, central polling place accommodates two districts but adding a third district could require an additional polling location. The BCA members could not readily identify an additional available facility to conduct a secure, safe election. In addition, three districts would increase costs, require additional tabulators & programming, and increase time and staffing to manage and tabulate election results. • Leaving Hartford as two districts, UNCHANGED, does NOT affect any other districts therefore it would not create a ripple effect across the State. • The modest population growth within our two districts leaves the total numbers within the acceptable deviation range for a two-member district.

WSR 8 – Harland /West Windsor/.

Population: 4175. Deviation: -2.61%. Compactness: 0.5

Neither town voiced objection to the district as proposed in the draft map, which remains the same in the final map.

WSR 9 -- Windsor, /West Windsor/.

Population: 4174. Deviation: -2.64%. Compactness: 0.44

The district as proposed by the Windsor BCA was too large for an acceptable population deviation.

Windsor BCA: "...encourages the creation of Windsor and the entirety of West Windsor as a single Representative district. (attachment emailed 11/15/2021)

WSR 10 -- Springfield-East.

Population: 4530. Deviation: 5.67%. Compactness: 0.57

WSR 11 -- Springfield-West.

Population: 4532. Deviation: 5.71%. Compactness: 0.56

Creating two single member districts within the town line of Springfield, without disrupting that town line (as is done in the 2012 map), is an ideal situation for an all-single member map. The Springfield BCA's request to remain one two-member district is incompatible with the single-member district framework adopted by the LAB.

Springfield BCA: "...unanimously voted to reject the proposed single member district split and to keep Springfield as a two-member single district within its existing town boundaries...."

WSR/ORG 2 -- Thetford, Strafford, /Norwich/

Population: 4550. Deviation: 6.13%. Compactness:

The Thetford and Strafford BCAs' request to remain one two-member district is incompatible with the single-member district framework adopted by the LAB.

Thetford BCA: "We are in favor of keeping our 4 town district with two representatives. We appreciate the past practice of keeping towns together, we appreciate that we've had two representatives on behalf of our 4 towns, our current two representatives for 4 towns is meeting the needs of our town. We'd like the respect of town borders, and not a splitting of towns (as the proposed splits Norwich). Our BCA voted unanimously to stay as we are, and in disagreement of the proposed new split.

Strafford BCA: “A motion as a board would be on record. Andrew made a motion that the Board of Civil Authority in Strafford strongly encourages the reapportionment board to leave the four towns two representative districts as it is currently. Curt seconded, all in favor. Motion passed.

ORG-WSR 1 Royalton, Tunbridge.

Population: 4087. Deviation: -4.67%. Compactness:

No change from 2012 map, and both towns affirmatively approved of keeping the relationship in place.

Royalton BCA: “No changes are recommended for ORA-WSR-1, which is currently Royalton and Tunbridge and which is proposed to remain the same.

Tunbridge BCA: “Our BCA was happy with keeping it the way that it has been which was the way it was proposed for this current reapportionment.

Respectfully submitted,

Legislative Apportionment Board

By:

Edward Adrian
Jeremy Hansen
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Minority Report to the Legislative Apportionment Board House Proposal

January 5, 2022

Introduction

As noted in the Introduction to the Board’s Report, 17 V.S.A. §1901 requires reapportionment of Vermont's legislative districts *in such manner as to achieve substantially equal weighting of the votes of all voters in the choice of legislators. Chapter II of the Vermont Constitution establishes the same requirement, as does the Equal Protection provisions of the U.S. Constitution. This Substantial equality requirement is the overarching mandate of our law.*⁵

Based on this mandate, 17 V.S.A §1903(b) then lays out the standards and principles that govern creation of legislative districts [emphasis added]:

The standard for creating districts for the election of Representatives to the General Assembly shall be to form representative districts with minimum percentages of deviation from the apportionment standard for the House of Representatives... The representative... districts shall be formed consistent with the following policies insofar as practicable:

- (1) Preservation of existing political subdivision lines;
- (2) recognition and maintenance of patterns of geography, social interaction, trade, political ties, and common interests;
- (3) use of compact and contiguous territory.

An apportionment plan with lower district percentage deviations—regardless of whether single- or two-member-- indicates that the voting weights of residents across the state will be more nearly equal than in plans with higher deviations. This is the appropriate and constitutionally understood measure of “substantial equality.”

In its redistricting plan, the majority of the Board introduced a requirement --that all House districts elect one representative-- that is nowhere in our Constitution or statutes. To the contrary, both one- and two-member districts are endorsed in the Vermont

⁵ The main argument of the single-member-district advocates is that a resident in a two-member House district is represented by two House members, while a resident in a single-member district is represented by one – and that this is fundamentally unequal and unfair. This misses the fundamental constitutional point, however, which is that in the former district there are twice as many residents, and thus the proportional representation is substantially equal. That is what our Constitution requires, and that is what the alternate House redistricting proposal offers.

Constitution, Ch. II, § 13, with no preference given for either type of district. Moreover, rather than (for example) striving to create as many single-member districts as possible—while following the directives in law for redistricting—the majority made single-member districts a foundational standard, against which the other statutory criteria must yield.

We believe that the majority erred in taking this approach.

With respect to Vermont’s statutory standards and policies for redistricting, we compare several features of the all-single-member House district plan to those of the Alternate district plan proposed by the other three Board members. These comparisons will illustrate how the majority plan violates various elements of 17 V.S.A §1903.

17 V.S.A §1903(b) makes clear that while the Substantial equality of population standard (in apportionment parlance, the minimum deviation standard) is foundational, it must be considered in concert with other non-numerical factors and policies set forth there and in the Vermont Constitution; therefore, it is rarely (if ever) possible to achieve near-zero deviation for all or even most districts. However, a comparison of the Board’s majority and alternate district plans shows that there were opportunities for the majority to improve district deviations which they declined to take *solely* because of their unilaterally imposed restriction to create only single-member districts.

In the following examples, the majority plan created two districts using the same “footprint” of towns as the alternate plan; therefore, absent the majority’s imposition of a single-member district requirement, the two individual districts can be combined into a two-member district (as they are in the alternate plan) that has a lower deviation and doesn’t affect any neighboring districts. In all cases, BCA feedback indicated a preference to remain undivided. (Note: this is not a comprehensive list.)

Example 1: Alternate plan district Washington-1, consisting of Berlin and Northfield. Population: 8,767; percentage deviation: +2.3%.

(This is the current Washington-1 district.)

Majority plan splits Northfield to create two single-member districts

Washington-9: (Berlin, part of Northfield); population: 4,246; deviation: -1.0%.

Washington-10: (remainder of Northfield); population: 4,521; deviation: +5.5%.

Example 2: Alternate plan district Windsor-Orange-2, consisting of Norwich, Sharon, Strafford, and Thetford.

Population: 9,041; percentage deviation: +5.4%.

(This is the current Windsor-Orange-2 district.)

Majority plan splits Norwich to create two single-member districts

Windsor-5: (part of Norwich and Sharon); population: 4,491; deviation: +4.8%

Windsor-Orange-2: (remainder of Norwich, Strafford, Thetford);
population: 4,550; deviation: +6.1%.

Example 3: Alternate plan district New-Orange-Washington, consisting of Braintree, Brookfield, Randolph, and Roxbury.

Population: 7,903; percentage deviation: -7.8%.

Majority plan splits Randolph to create two single-member districts.

Orange-5: (part of Randolph); population: 3,959; deviation: -7.7%.

Washington-Orange: (Braintree, Brookfield, Roxbury, remainder of Randolph);
population: 3,944; deviation: -8.0%.

Looking more broadly at the district plans overall, the table below shows that --compared to the LAB minority's alternate district map-- the majority plan has a larger overall deviation as well as considerably more individual districts with large positive or negative deviations.

Percentage Deviation Summary		
	Majority Plan 1-member districts: 150	Alternate Plan 1-member districts: 66 2-member districts: 42
Largest positive deviation	8.8%	7.5%
Largest negative deviation	-9.0%	-7.9%
Overall Percentage Deviation <i>When enacted, the current plan had overall deviation 18.9%</i>	17.8%	15.4%
Number of districts at least 6% too large or too small (% of districts)	41 (27.3%)	22 (20.4%)
Number of districts at least 7% too large or too small (% of districts)	23 (15.3%)	11 (10.2%)
Number of districts at least 8% too large or too small (% of districts)	4 (2.7%)	0

Whether at the individual district level or with respect to the plan overall, we conclude that the majority's proposal does not comply with the statutory requirement to form representative districts with *minimum* percentages of deviation from the apportionment standard.

Along with the foundational standard, Vermont law identifies three policies that guide the formation of legislative districts, and directs that districts must (the statutes uses “shall”) —“insofar as practicable”— be formed consistent with these policy goals. As in the discussion above, with respect to these policies we compare the Board’s majority and alternate district plans to show that there were opportunities for the majority to more closely achieve these goals, but which they refused to do *solely* because of their rigid, single-member district framework.

In this discussion it is natural to consider two of these policies together:

Policy 1: Preservation of existing political subdivision lines

Policy 2: recognition and maintenance of patterns of geography, social interaction, trade, political ties, and common interests

As noted in the introduction to the main report, Policy 1 places a significant value on avoiding subdividing towns and crossing county lines when drawing House districts. As a state policy, it emphasizes the robust sense of collective identity shared by residents of Vermont’s cities, grants, gores, and towns, and the understandable disruption caused by separating parts of such entities into two or more legislative districts.

On the other hand, the nature and variation of town population sizes makes some splitting of towns unavoidable-- for example, for the 10 cities and towns whose population is too large to be even a two-member district (and thus must be divided into at least two districts); division of towns may also occur when the combined sizes of nearby towns cannot be made close enough to the ideal.

Similarly, Policy 2 envisions districts that “recognize and maintain” a sense of community-- often beyond the scale of an individual town-- and requires looking more deeply at some of the non-numerical factors that help bind a district together into a coherent entity. Given their historical and regional knowledge and perspective, the input of town BCAs are especially critical during the process of developing districts that adhere to this policy.

Not surprisingly, it takes some care and persistence to create districts that, “insofar as practicable,” minimize deviation, avoid dividing towns, take into account geographic barriers, and acknowledge and support community, social, and/or economic ties. The following examples provide instances where it is indeed possible to create districts that achieve these criteria, but which the majority consciously rejected because they were unwilling to allow any two-member districts. In particular, as indicated in BCA feedback, these examples show that the majority did not “recognize and maintain” shared community ties and interests, when it was clearly possible to do so.

Example 4: Alternate plan district Chittenden-6-7, consisting of the City of Winooski.

(This is the current Chittenden-6-7 district, minus the portion of Burlington that is currently included.)

Majority plan splits Winooski to create two single-member districts (Chittenden-11-1 and 11-2) against the wishes of the Winooski BCA

As in our prior examples, the majority created two districts where a two-member district clearly is possible and where the BCA provided feedback to the Board requesting to be kept whole. Specifically, Winooski notes “... concerns of additional administrative burdens, costs and staffing if two polling places need to be maintained. Two separate districts would also divide inequities in our City and possibly appear to discriminate.” *

Example 5: Alternate plan district New-Windsor-3, consisting of the town of Springfield.

(This is the current Windsor-3-2 district, reunited with the portion of Springfield currently in Windsor-3-1.)

Majority plan splits Springfield to create two single-member districts (Windsor-10 and 11) against the wishes of the Springfield BCA.

In its feedback to the LAB, the Springfield BCA stressed that, “keeping the boundaries of Springfield intact with two-member representation causes the least amount of havoc and is easily understood by voters... The BCA feels strongly that Springfield would more likely be efficiently and coherently represented in Montpelier if we’re all pulling the same wagon and should be a two-member single district.”

Example 6: Alternate plan district Washington-7, consisting of Duxbury, Fayston, Moretown, Waitsfield, and Warren.

(This is the current Washington-7 district.)

Majority plan splits Fayston to create two single-member districts

(Washington-8 and 11) against the wishes of the four member towns (all except Duxbury) that submitted feedback to the LAB.

This five-town district provides a useful contrast to the prior examples, which involved dividing a district that consists of just one city or town. Feedback provided to the Board

* One of the members of the LAB majority, when asked, “So, Winooski’s concerns don’t matter?” replied, “Not in this [single-member district] framework.” See *LAB meeting minutes for 11/22/21*, <https://sos.vermont.gov/apportionment-board/resources/>.

describes a five-town community that wishes to maintain the connections and collaborative endeavors they have built over the past decade:

The Fayston BCA, "...with support from the other four towns in the current WA-7 double legislative district, respectfully requests the district be maintained in its current state... We wish to protect Fayston's integrity as a town, and as an integral part of the Mad River Valley's larger community."

Similarly, from Waitsfield: "The towns in the Mad River watershed share critical infrastructure, economic and recreational interests, and common identity, and should be kept together in the legislature."

Example 7: Alternate plan district Windsor-4-2, which consists of most of the town of Hartford.

The remainder of Hartford is joined with Barnard and Pomfret in the 1-member Windsor-4-1 district. (These are the current districts.)

Majority plan splits Hartford into three pieces, two of which contain only parts of Hartford (Windsor-6 and 7); the remainder is joined with Barnard and Pomfret. The Hartford BCA opposes this "extra" division.

With population 10,686, Hartford is one of the 10 towns and cities in Vermont that are too large to be even a two-member district. In the current and alternate district plans, the majority of the town (8,170 residents) comprises the two-member Windsor-4-2 district; this is the portion that the majority plan divides into two single-member districts.

In its feedback to the LAB, the Hartford BCA noted its unanimous support for the alternate (status quo) plan and referenced several elements of the policies outlined in V.S.A 17 §1903(b):

"Demographically and geographically, Hartford residents see themselves as one community with similar interests, regardless of their location in Town... Dividing our current two-member district into two separate one-member districts divides our community in an unnatural way. The Seven Member Select Board members are elected at-large and serve the entire community rather than by ward or neighborhood; The Town of Hartford is a single School District rather than a unified district with other communities. The five-member School Board is also elected at large to serve the entire community."

As with our examination of district deviations, it is useful to compare overall differences in division of towns between the LAB's majority and alternate plans.

Town Division Summary		
	Majority Plan 1-member districts: 150	Alternate Plan 1-member districts: 66 2-member districts: 42
Number of cities/towns divided <i>Includes 10 cities/towns that must be divided</i> <i>Current plan has 21 divided towns</i>	45	25
Number of districts that include a split part of a town (% of districts) <i>Current plan has 47 such districts (45%)</i>	112 (75%)	56 (52%)
Total portions of cities/towns in districts <i>Current plan has 290 portions</i>	329	294
Number of split town portions beyond the 270 minimum needed <i>Minimum number of portions needed = number of cities/towns/gores/grants (255) plus extra portions needed (15) for the 10 most populous towns</i>	59	24
Number of districts that cross a county boundary <i>Current plan has 20 cross-county districts</i>	16 (10.7%)	21 (19.4%)

The first measure is perhaps the most straightforward and shows that the majority plan divides more than twice the number of towns as the current plan, and 80% more than the alternate plan. Furthermore, beyond the 10 towns and cities that must be divided in any plan, the majority divides over three times as many additional towns as the current plan (35 versus 11) and more than twice that of the alternate plan (35 versus 15).

The two additional measures displayed in the table provide a different way to consider the impact of town division: by focusing on the number of split portions of towns, we can capture the “excess” division that occurs when a town is divided into more pieces than necessary. For example, Middlebury has a viable population size (9,152) to be a two-member district (as it is in the current and alternate plans), but the majority plan splits the town into four different districts; similarly, Bennington (population 15,333) is split between two districts in the current and alternate plans but is divided into five districts in the majority plan.

From the table it is evident that the majority plan divides many more communities than the Board’s alternate plan. (Respect for county boundaries is the only policy priority that the majority plan achieves more closely than the alternate plan.) Further, as the examples above illustrate, many of these divisions are entirely unnecessary and go against the preferences of the affected communities—preferences that clearly address statutory policy

goals and that are satisfied using a two-member district. Consequently, the majority plan violates the “as far as practicable” clause of V.S.A. §1903(b). The Vermont Supreme Court in this regard has said

“Voters in a community are less effectively represented when their elected representative’s principal constituency lies outside their community and has interests different from their own. These considerations are particularly relevant in this state, which has a long history of preserving the independence and integrity of local government.”

In re Reapportionment of Town of Hartland, et al., 160 Vt. 9 (1993).

We conclude this minority report with a response to the majority’s characterization of several features of their single-member “framework.”

To justify excluding two-member districts from consideration, the first factor they identify is given below:

A general recognition that Vermont’s current hybrid model of single and two representative districts creates unavoidable inequities regarding representation between residents of differently configured districts, which raise serious questions regarding equal representation for all citizens.

This “general recognition”—essentially, a point of view or opinion— is not supported by long-standing legal interpretation of “equal representation,” and is (perhaps) based on a misunderstanding of the core underlying concepts. As we noted in the introduction to this report, equal representation consists of the “equal weighting of the votes of all voters in the choice of legislators.” Since an ideal two-member district has twice the number of residents as an ideal one-member district, equal weighting is preserved between the two types of districts.

Put another way, the weight of a person’s vote is a measure of how much influence their vote has on the outcome of an election: indeed, the statutory directive to minimize percentage deviation embodies the recognition that residents in a district of either type with smaller population size have more influence over the outcome of an election than residents in a district of the same type that has larger population.

Compared to voters in a single-member district, to elect each of the two representatives for their district, voters in the two-member district must “compete” against twice as many other voters. Therefore, to elect each representative their votes have half the weight – or influence-- of a corresponding voter in a one-member district. Consequently, their two votes together then have the same weight as the voter in the single-member district.

The Vermont Supreme Court has examined the meaning of equality of representation, and substantial equality of representation in important redistricting decisions. These include In re Senate Bill 177, 130 Vt. 365 (1972); In re Senate Bills 177 & 83, 132 Vt. 182 (1974); and In re Reapportionment of Town of Hartland, et al., 160 Vt. 9 (1993). These decisions cite with approval important equality of representation redistricting decisions from the U.S. Supreme Court, including Mahan v. Howell, 410 U.S. 315 (1972), and Reynolds v. Sims, 377 U.S. 533 (1964). From these decisions flows the conclusion, we believe, that there is no constitutional requirement for single-member districts absent a demonstration of invidious discrimination. See Whitcomb v. Chavis, 403 U.S. 124, 142-143 (1971). The Town of Hartland decision likewise favorably points to this same line of cases.

We note in this context Vermont Attorney General Opinion No. 27 (February 8, 1973), which addressed the question, “Are multi-member legislative districts constitutional?” The opinion is not binding in the way that a Vermont Supreme Court decision is but is an authoritative statement of a point of law relevant to this discussion. The Opinion concluded that a reapportionment plan “utilizing multi-member districts which achieve representational equality approximately equal to a single-member district plan would conform to the Fourteenth Amendment to the United States Constitution.”

The Board’s minority members believe there is very solid constitutional grounds for continuing to use both single and multi-member legislative districts in Vermont’s periodic reapportionment.

The second factor identified by the majority regarding their adoption of a single-member district plan is “overwhelming public support.” To support this conclusion, they point to the results of a public engagement survey that was developed by LAB members and posted to the Apportionment Board’s website. While those who submitted responses to the survey did strongly favor single-member districts, the results of the survey cannot be used to characterize the level of support among Vermonters for an all-single-member district scheme, for two essential reasons:

(1) The LAB’s survey was designed to engage Vermonters in a once-in-a-decade process, not as a way to gauge public opinion using standard random-sampling methods. Consequently, respondents as a group do not constitute a representative sample from which conclusions can be drawn about the wider state population.

(2) In addition, Vermont organizations that favor single-member districts-- including the VT Republican Party and the Vermont Public Research Interest Group (VPIRG)—encouraged their membership to complete the survey via email appeals, web newsletters, and direct links to the survey. This activity provides additional confirmation of the non-representative nature of survey respondents.

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In support of their all-single-member district scheme, the third factor noted by the majority centers on testimony provided to the Board by Xusana Davis, the Executive Director of Racial Equity and Chair of the Vermont Racial Equity Task Force.

In her testimony, Executive Director Davis brought to our attention recommendations by Vermont’s Racial Equity Task Force⁶, and urged the Board to bring an equity lens to all facets of our redistricting work. Within this realm, Davis indicated that single-member districts can be the better choice in some instances and for some communities; however, neither she nor the task force recommended having *only* single-member districts.

Specifically, the Task Force recommends that, “the Reapportionment Commission modernize its criteria to include racial and social equity as explicit considerations as it engages in its critical work.” The members of the Board minority support this recommendation and we encourage the legislature to consider drafting appropriate legislation.

Finally, the majority recasts the predominantly negative BCA feedback in improper and misleading ways. We hope to clarify and correct the record here.

First, here is an overview of BCA feedback that categorizes their responses more clearly:

- 148 towns submitted feedback. Of these:
- 46 towns (31.1%) supported their district in the tentative proposal
- 97 towns (65.5%) opposed their district in the tentative proposal
- 5 towns (3.4%) submitted mixed feedback regarding their district in the tentative proposal (e.g., tie vote in BCA)

Thus, evidence from BCAs shows that towns that responded opposed the tentative plan for their district by more than a two-to-one margin over those that supported it.

In their summary of these responses, the majority characterizes the BCAs that submitted no feedback as having “no objection” to their plan. However, the most we can say about towns that did not submit feedback is that we do not know whether they support or oppose the tentative proposal. In particular, characterizing these towns as having “no objection” is unwarranted and can mislead-- especially so since the majority groups the non-responding towns with the (much smaller) number of towns that submitted positive feedback about their proposed districts.

In addition, they state that, “of the [97] remaining towns that requested changes to the draft map, only 34 proposed returning to a two-member house district scenario, and of

⁶ Report of the Vermont Racial Equity Task Force, January 15, 2021, p.30.
https://racialequity.vermont.gov/sites/reap/files/doc_library/RETF-Report-2-Final.pdf

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those 34, 12 either proposed being joined with town(s) that specifically did not consent to such a pairing, or such a request would not be possible due to population shifts within current district and surrounding region regardless of the single-member district framework adopted by the Board.”

However, these values are incorrect: of the 97 towns that opposed the tentative proposal’s plan for their district:

- **47 indicated a desire to be in a two-member district.** Further,
- **43 of these towns *would* be in a two-member under the alternate district plan.**

Consequently, as indicated, the majority report understates the degree of negative feedback for the single-member district proposal, and undercounts the number of two-member districts that were possible to create. The alternate proposal, we believe, offers a more thoughtful, reasoned, transparent, data-driven, and fairer approach to redistricting the House – and certainly one that adheres to the law.

Consistent with this foregoing minority report, the undersigned members of the Board have presented an alternate House redistricting plan, which is available at the Vermont Secretary of State’s website: <https://sos.vermont.gov/apportionment-board/resources/>

Respectfully submitted,

Jeanne Albert
Mary Houghton
Thomas A. Little

Majority Rebuttal to the Minority Report

The Minority of the LAB tries to undermine the Majority Report with the argument that a map employing only single member districts leads to an overall map with a higher population deviation than a map utilizing single and multi-member districts, and that population deviation is the single most important factor in creating a fair and legal map. The Majority's opinion is that the Vermont Constitution does not support the Minority Report and provides the following rebuttal.

While population deviation is an important criterion to consider when creating a map that will pass constitutional muster, there is no exact numerical standard for measuring what is or is not a constitutionally acceptable deviation. With that said, it is commonly accepted jurisprudence at the federal level, that a deviation of 9.9% or less is constitutionally sound.

The highest deviations in the Majority Map occur in WDM-2 (8.65%), Marlboro, Newfane, and Townsend. The Majority considered that these three towns have historically formed a single member district, the BCA from Newfane affirmatively approved of the recommendation by the Majority that the three towns remain together and intact, and the other two towns made no objection. In light of those factors, the Majority decided the case was strong to allow a higher population deviation than would otherwise be considered ideal. The Minority Map, on the other hand, splits the town of Marlboro for no other reason than to lower the population deviation regardless of other factors.

The Minority asserts that, "the majority made single-member districts a foundational standard, against which the other statutory criteria must yield." The Majority disputes this characterization. The Majority used single members as a scaffold upon which to build, utilizing the other constitutionally and statutorily mandated factors.

The Majority of the LAB believes that national trends away from multi-member districts for equity reasons (multi-member districts are demonstrably a gerrymandering tool); public input from Vermont citizens indicating an overwhelming support for all-single-member districts; and local input for BCAs justifies the slightly higher population deviation in the Majority's single-member district map than exists in the Minority's hybrid map. It is also important to note that the Majority's single member district map has a lower overall population deviation than the final hybrid map approved by the Vermont legislature in 2012, that was not subject to a judicial challenge.

PUBLIC AND BCA INPUT

The Minority report cites a number of examples in which local BCA's requested to remain in or be put into two-member districts, accusing the majority of ignoring their requests.

Indeed, the Minority map is more dismissive of local input. For just a few examples, the Minority map:

- Ignores the request of Ferdinand to be placed into a district with the other Gores in its region.
- Ignores Sutton's general approval of the single-member district as proposed by the Majority, and their and Newark's request for the latter town to be joined with it in a single member district.
- Ignores Stowe's request that the portion of that town that must be removed due to population increase be placed in a single-member district.
- Ignores Putney's affirmed preference for the single-member district as proposed by the Majority.
- Ignores Manchester's approval of its single-member, single town district status as proposed by the Majority, and the expressed desires of the Sunderland and Arlington BCAs to be in a single member district with Sandgate separate from Manchester. (This is a decision that is arguably driven by gerrymandering to benefit the two Democratic incumbents who both reside in Manchester, incumbency being a factor the LAB is not supposed to consider.)

The Minority also completely disregards the overwhelming public support for single member districts as widely reported by Vermont Digger among others - <https://vtdigger.org/2021/10/06/vermonters-prefer-single-member-legislative-districts-but-are-they-fair/>, that was evident from a year of public outreach, education, and debate generated by the LAB. The LAB's detailed survey of a dozen questions received 634 responses, indicating 75% preference for single member districts and 65% support for an all-single-member district map.

The Minority, whose principal map author also co-authored the above referenced survey, now argues that the results should not be considered because the results were not scientific, writing:

- (1) The LAB's survey was designed to engage Vermonters in a once-in-a-decade process, not as a way to gauge public opinion using standard random-sampling methods. Consequently, respondents as a group do not constitute a representative sample from which conclusions can be drawn about the wider state population.

To this we would argue that the legislature takes testimony from citizens and experts in formal public hearings and from individual constituents on matters of consequence all the time that is not based on random-sampling methods. It is the majority's contention that that such public input should be taken seriously in this context and, in our democracy, given its due weight.

Moreover, the Minority seeks to discredit the public input because:

(2) In addition, Vermont organizations that favor single-member districts--including the VT Republican Party and VPIRG—encouraged their membership to complete the survey via email appeals, web newsletters, and direct links to the survey. This activity provides additional confirmation of the non-representative nature of survey respondents.

The Majority contends that that support for single member districts coming from the Vermont Republican Party of the Right and VPIRG of the Left⁷ is evidence for – not evidence to dismiss – broad and overwhelming public support for single member districts across partisan lines.

RACIAL EQUITY

The Minority writes:

In her testimony, Executive Director Davis brought to our attention recommendations by Vermont's Racial Equity Task Force⁸, and urged the Board to bring an equity lens to all facets of our redistricting work. Within this realm, Davis indicated that single-member districts can be the better choice in some instances and for some communities; however, neither she nor the task force recommended having *only* single-member districts.

The redistricting commentary from the Report of the Racial Equity Task Force states in full:

Extensive political research and case law have demonstrated that in most of the U.S., states and localities have taken increasingly flagrant tactics designed to

⁷ VPIRG's survey found that "Respondents had a small preference (52%-48%) for 2-member House districts over single-member House districts. Respondents had a slightly larger preference (54%-46%) for single member Senate districts over multi-member districts."
<https://www.vpirg.org/wp-content/uploads/2021/08/LAB-Survey-8.6.21.pdf>

⁸ Report of the Vermont Racial Equity Task Force, January 15, 2021, p.30.
https://racialequity.vermont.gov/sites/reap/files/doc_library/RETF-Report-2-Final.pdf

suppress and dilute the votes of communities of color. **One such tactic is the use of multi-member districts.** Most recently, the 2020 election cycle made the act of voting extraordinarily difficult for people of all social strata, in all regions. Clearly, the need for all voices to be heard cuts across every demographic group in the state. To encourage people of color to run for and succeed in public office, the state should continue to strive for an equitable field for all communities and ensure accurate representation. The Task Force recommends the Reapportionment Commission modernize its criteria to include racial and social equity as explicit considerations as it engages in its critical work. ⁹(Footnotes excluded and emphasis added).

The Majority concurs that multi-member districts dilute concerns related to equity and that a modern reading of the Vermont Constitution demands that single member districts be utilized as the decision-making scaffold and that all other criteria guide the build-out of the legislative districts throughout the reapportionment process.

BCA RESPONSES

The Minority states:

“Finally, the majority recasts the predominantly negative BCA feedback in improper and misleading ways. We hope to clarify and correct the record here.”

The Majority vehemently disagrees with this characterization and believes that the record speaks for itself. The entire district-by-district Majority report incorporates in every district description the comments of each affected BCA and details regarding how and why we could or couldn't accommodate their requests for changes. This is a feature we believe to be entirely absent from the Minority Report.

⁹ *Id.*

Minority Member Acknowledgement of Rebuttal; Response

The members of the minority on the Board acknowledge the majority members' rebuttal to the minority report, and stand by the analysis, rationale and substance of the minority report.

APPENDICES

APPENDIX 1

Excerpt from 2001 Apportionment Board Report (Pages 1-7)

1. Introduction

The Vermont Constitution requires reapportionment of the Vermont House and Senate every ten years following the release of the decennial census. Vt.Con. c.II, sec. 73. This is ultimately a legislative decision, but the preparation of an initial plan is the work of the Legislative Apportionment Board. The law obligates the Board to provide the General Assembly with Tentative Plans for the redistricting of the Vermont General Assembly by July 1 for the Senate and by August 15 for the House. This is the 2001 Tentative Plan for the Vermont House of Representatives.

In Vermont we apportion the legislature on the basis of population. It works this way for the House: take the number of people in Vermont in 2000 and divide it by the number of seats in the House of Representatives. With the numbers in mind, align the various towns and cities into appropriate-sized representative districts, enact them into law, and then use those districts in the next five Primary and General Elections. According to the 2000 Census, there are 608,850 people in Vermont.

According to the Vermont Constitution, there are 150 House members. Dividing the first by the second number equals 4,059 people, who would make an ideal single-member House district. Districts may be of any size to start, as initial districts. After the subdivision process is over, the constitution requires that there be only single- and two-member districts. In this plan, there are 59 single- 2 member districts and 34 two-member districts, with 16 House seats in three (unsubdivided) multi-member initial districts as yet undecided. The details appear below.

2. Constitutional and Statutory Principles

The Vermont Constitution identifies three principles to use in designing the House and Senate plans for reapportionment. The General Assembly is required to provide equality of representation and to “seek to maintain geographical compactness and contiguity and to adhere to the boundaries of counties and other existing political subdivisions.” A statute restates these principles and adds another--recognition and

maintenance of patterns of geography, social interaction, trade, political ties and common interests.¹⁰ Nor can incumbency be ignored, since apportionment is a political process.

a. Substantial Equality. Changes in population make all the difference in reapportionment. Without substantial equality of population, as the courts have defined it, no plan will pass muster in a review by the judicial branch. Perfect equality (4,059 people per House member) is unlikely. Substantial equality is measured by the deviation from the norm for each district and for the overall plan.

In 1992, the maximum House deviation was 17.6%.¹¹ The deviation in the 2001 Tentative House Plan is 15.84%. The district with the fewest number of residents per House member is Lamoille-3 (Elmore, Morristown and Wolcott, a two-member district with 7,444 residents, or 3,722 per House member (a deviation of –8.3%). The district with the highest deviation—the most residents per House member—is Franklin-Lamoille-1 (Fletcher and Cambridge, a single member district with 4,365 people (a deviation of +7.54%). Using these criteria, no single member district may be smaller in numbers of residents than 3,722 nor larger than 4,365 and no two-member district may be smaller than 7,444 nor larger than 8,730 residents.

In addition to an analysis of population numbers, there is need for a credible argument demonstrating how the other standards beyond equality are met. In the Mahon case, the United States Supreme Court said 16.4% “approach[es] tolerable limits.” It explained that the ultimate inquiry is whether the legislature’s plan “may reasonably be said to advance [a] rational state policy” and, if so, “whether the population disparities among the districts that have resulted from the pursuit of this plan exceed constitutional limits.”¹²

b. Geographical compactness and contiguity. This principle measures the shape of each district. A district strung together in a straight line may not reflect a sense of

¹⁰ 17 V.S.A. § 1903(b). In the Hartland case, the Supreme Court regarded (b)(2) (recognition and maintenance of patterns of geography, social interaction, trade, political ties and common interests) as a natural outgrowth of the other two constitutional principles. See 160 Vt. at 22.

¹¹ The percentage of deviation is a measure of the extremes of the final plan from perfect equality. The Vermont Supreme Court explained it best in the Hartland case. 160 Vt. at 14, fn. 2, where it wrote, “According to the 1990 census, the state population is 562,758. The size of the ideal representative district—3752—is arrived at by dividing the total population by 150, the number of representatives mandated by Chapter II, § 13 of the Vermont Constitution. Deviations, whether positive or negative, are from this norm. If the number of citizens in the district is below 3752, there is a negative deviation, while a positive deviation results if there are more than 3752 citizens in the district. The overall, or maximum, deviation of a plan is calculated by disregarding the positive or negative signs, and taking the sum of the highest positive and negative deviations within the plan. For example, if the highest positive deviation of any district in a plan were 5.6%, and the highest negative deviation of any district in that plan were -5.6%, the overall deviation of the plan would be 11.2%.”

¹² Mahan v. Howell, 410 U.S. 315, 318 (1972).

community for its member towns. A district with parts separated from each other by other districts is certainly going to find it difficult to coalesce as a single unit of representation.

The computer program used by the LAB is Caliper Corporation's Maptitude. It calculates a compactness factor, using two measures. The first is the Reock test, an area-based measure that compares each district to a circle (the most compact shape possible), computing the ratio of the area of the district to the area of the minimum enclosing circle. A perfect circle would have a ratio of one. The other measure is the Polsby-Popper test, which computes the ratio of the district area to the area of a circle with the same perimeter. As with the Reock test, one represents the most compact district. Of course, none of the districts are circular, but the respective scores on these tests do provide some technical measure of the compactness of the proposed districts. The least compact district is Caledonia-Essex-1 (Bloomfield, Brunswick, Concord, Granby, Guildhall, Kirby, Lunenburg, Maidstone and Victory) with a Reock score of 0.30 and a Polsby-Popper rating of 0.26. The most compact district is Bennington-5 (Arlington, Manchester, Sandgate and Sunderland) with a Reock score of 0.63 and a Polsby-Popper rating of 0.78.

The map of the Tentative District also demonstrates contiguity: all districts are contiguous. In most cases, the entire town border is used to weld a district together. An exception such as Bennington-2, where Pownal and Woodford are together as a district and where the contact of those two towns is a line of less than half a mile in length in the northeastern corner of Pownal and the southwestern corner of Woodford, illustrates the extreme, and proves the rule.

Of this principle, the Vermont Supreme Court has written,

Voters in a community are less effectively represented when their elected representative's principal constituency lies outside their community and has interests different from their own. (Citations omitted). These considerations are particularly relevant in this state, which has a long history of preserving the independence and integrity of local government.

Similarly, compactness and contiguity requirements ultimately concern 'the ability of citizens to relate to each other and their representatives and . . . the ability of representatives to relate effectively to their constituency.' These relationships are fostered through shared interests and membership in a political community. They are undermined, however, when geographic barriers that severely limit communication and transportation within proposed districts are ignored.¹³

c. Adherence to county boundaries and other existing political subdivisions.

This criterion is a measure of the Plan's respect for existing political subdivision lines. In

¹³ In re Reapportionment of Town of Hartland, 160 Vt. 9, 21-22 (1993).

the Tentative House Plan, there are 15 districts that cross county lines, involving a total of 68 towns (counting those on both sides of the line). In most instances, in order to reach substantial equality, only one town is taken from another county to fill out the quota of people needed to make a proper-sized district. One district—Caledonia-Essex-Orleans-1 joins towns from three counties.

Another measure of this criterion is found in the history of the various districts going back 36 years and analyzing how the alignments of different towns change in each of the previous four reapportionment plans, beginning in 1965. The practice of redesigning the House map has been conservative over time. The districts are essentially the same, with the addition or subtraction of a town from a district that is growing or not growing as much as the state’s population during those years. Comparing the 1992 apportionment plan for the House to the one here proposed, for instance, reveals that 21 districts proposed in the 2001 Tentative House Plan remain unchanged.¹⁴ Looking more closely at the plan, most of the other districts are similar to their 1992 counterparts. The majority of changes involve moving a small town from one district to another, based on the need for substantial equality. When a district grows at a faster rate than the state, it often sheds towns. A district that grows at a slower rate, to remain intact, must add new towns taken from other districts.

d. Patterns of geography, social interaction, trade, political ties and common interests. In the Hartland case, the Supreme Court explained that these criteria “are an implementation and extension of our constitutional requirements that the legislature ‘seek to maintain geographical compactness and contiguity and to adhere to boundaries of counties and other existing political subdivisions.’”¹⁵

In Hartland, the Supreme Court rejected the legislature’s proposal for a House plan placing the Franklin County town of Montgomery with towns in Orleans County because the legislative record showed no evidence the House committee considered social and economic ties in designing the district.¹⁶ Two years later, after the legislature made its report, the Court concluded the decision to place Montgomery in Orleans County was neither irrational nor illegitimate, and the plan remained in place for the remainder of the decennium.¹⁷

The Tentative Plan addresses these criteria, district by district. It includes a review of the roads that link towns within a district, physical features they share in common, and a look at the commercial center within the district (or the commercial center that serves

¹⁴ The 21 are: Caledonia-1, Caledonia-2, Caledonia-4, Caledonia-5, Caledonia-Essex-1, Caledonia-Orleans-1, Chittenden-2, Chittenden-9, Orange-3, Orleans-2, Rutland-4, Rutland-9, Rutland-Windsor-1, Rutland-Windsor-3, Washington-8, Windham-4, Windham-5, Windham-6, Windsor-1, Windsor-2, and Windsor-7.

¹⁵ In re Reapportionment of Town of Hartland, *supra*, 160 Vt. at 22.

¹⁶ In re Reapportionment of Town of Hartland, *supra*, 160 Vt. at 24.

¹⁷ In re Reapportionment of Town of Montgomery, 162 Vt. 617, 618 (1994).

the district). Vermont's State Geologist Edward Hitchcock defined the six physiographic regions of the State in the mid-nineteenth century, and those categories are used in this report. They are Champlain Lowlands, Taconic Mountains, Valley of Vermont, Green Mountains, Vermont Piedmont and Northeastern Highlands. They provide a useful tool for describing the representative districts in this Plan.¹⁸

The review of roads connecting districts turns up several anomalies. In ChittendenWashington-1, Huntington shares a long border with Duxbury and Bolton, but no roads intersect the towns (the Long Trail crosses the boundaries), and this is used by critics of the present Plan (as well as that of 1992 and 1982) to argue against the alignment of these towns. The same problem exists in Addison-Rutland-1 (Goshen, Leicester, Ripton, Salisbury, Sudbury and Whiting) for the Town of Goshen and in Bennington-2 (Woodford and Pownal). Hubbardton and Pittsford are another example, since no roads intersect the two because of the Taconic Range. Other districts include towns accessible only by remote town highways that are not maintained in the winter season. In each case, you can get from one place to another by going outside the boundaries of the district.

Vermont towns are not city-states. Families, friendships and formal and informal social arrangements connect them, and these are lines that do not show on a map. Some share schools, whether they are in the same school district or not. Some share solid waste facilities, water and sewer, fire protection and rescue services. If, on the other hand, the only connection beyond a shared boundary for towns is a representative district, the sense of a political subdivision may be missing, and residents may feel misaligned and underrepresented. The issue goes beyond local control, and takes the form of the need for common elements beyond statistical harmony to make a district work.

e. Incumbency. Incumbency has been added to the standards BCAs are to use in subdividing multi-member districts.¹⁹ The first concern of any plan is population, the second is community. Incumbency is the least important criterion from a constitutional or statutory perspective. When the 1992 House plan was challenged, the Vermont Supreme Court rejected a challenge to the plan for Springfield by recognizing that reapportionment is a political process, and that a district designed to pit three incumbents against each other for two House seats is acceptable, as long as other criteria are considered.²⁰

The LAB has listed the location of all incumbent House members in this Plan, as an aid to the Legislature in forming a final plan. Some incumbents are affected by this Plan.

¹⁸ See Charles W. Johnson, *The Nature of Vermont* (1980), 22-38.

¹⁹ 17 V.S.A. §§ 1906 b(c)(4) and 1906c(c)(4).

²⁰ *In re Reapportionment of Town of Hartland*, supra, 160 Vt. at 32.

Chittenden-9 (Williston), a two-member district, has only one incumbent, Michael Quaid. The other incumbent, George Schiavone, now resides in Chittenden-13, a single-member district made up of St. George and a part of the Town of Shelburne.

Burlington presents a difficult case. In the 1992 plan, Burlington had ten representatives. In the 2001 Tentative Plan, it qualifies for nine.²¹ One of the districts in the 1992 plan was a single-member district composed of a part of Burlington and a part of South Burlington. Incumbent Susan Wheeler of Burlington resided in that district. South Burlington has qualified for four House members. If the Tentative Plan is adopted, Burlington will have ten incumbents residing within the City for nine House seats. South Burlington now has four single-member districts and three incumbents, reflecting the change in the Burlington districts.

In Windham-7, consisting of the towns of Dover, Stratton and Wilmington, there is no resident incumbent. In 1992, Dover and Stratton were part of a single-member district with Jamaica, Londonderry and Wardsboro, represented by Richard Hube of Londonderry, and Wilmington was in a single-member district with Halifax, Somerset, Whitingham and Searsburg represented by Robert Rusten of Halifax. Londonderry is now part of Windham-Windsor-2 and Halifax is now a member of Bennington-Windham-1.

Rutland City had five single-member House seats in the 1992 plan. Its 2000 population warrants four seats. By the decision of the Rutland Board of Civil Authority, the City will be split into four single-member districts. Rutland-5 has two incumbents—Thomas DePoy and Cheryl Hooker.

Where do these House seats go? In the end there are still 150 House members. The small changes in the districts are spread across the representative district map as population in different places gains or loses compared to the rate of growth of the State as a whole. Vermont grew 8.2% between 1990 and 2000, and that increase was not uniform among towns and cities. Changing districts and changing incumbencies are the natural consequence of uneven growth.

3. The Duty of the Legislative Apportionment Board

The Legislative Apportionment Board is governed by provisions in the Vermont Constitution and state statute. The Board's authority stems from Sections 13, 18, and 73 of the Vermont Constitution. Under Section 73, the General Assembly "may provide for establishment of a legislative apportionment board to advise and assist the General Assembly concerning legislative apportionment." Section 13 relates to the House, Section 18 to the Senate. In each instance, the standards for the design of districts are set out:

²¹ See discussion of Burlington's Census issue below.

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In establishing [representative or senatorial] districts, which shall afford equality of representation, the General Assembly shall seek to maintain geographical compactness and contiguity and to adhere to boundaries of counties and other existing political subdivisions.

There is also statutory authority for the Board's work.²² Chapters 33 and 34 of Title 17 contain the districts adopted as law by the General Assembly in 1992, including an enumeration of districts for the House of Representatives and Senate. Chapter 34A describes the process of reapportionment.

* * *

²² 17 V.S.A. Chapters 33, 34, & 34A.

APPENDIX 2
Measures of District Compactness

Spreadsheets Showing Reock Scores and Polsby-Popper Ratings

House:

https://sos.vermont.gov/media/cemje11c/final_house_compactness.pdf

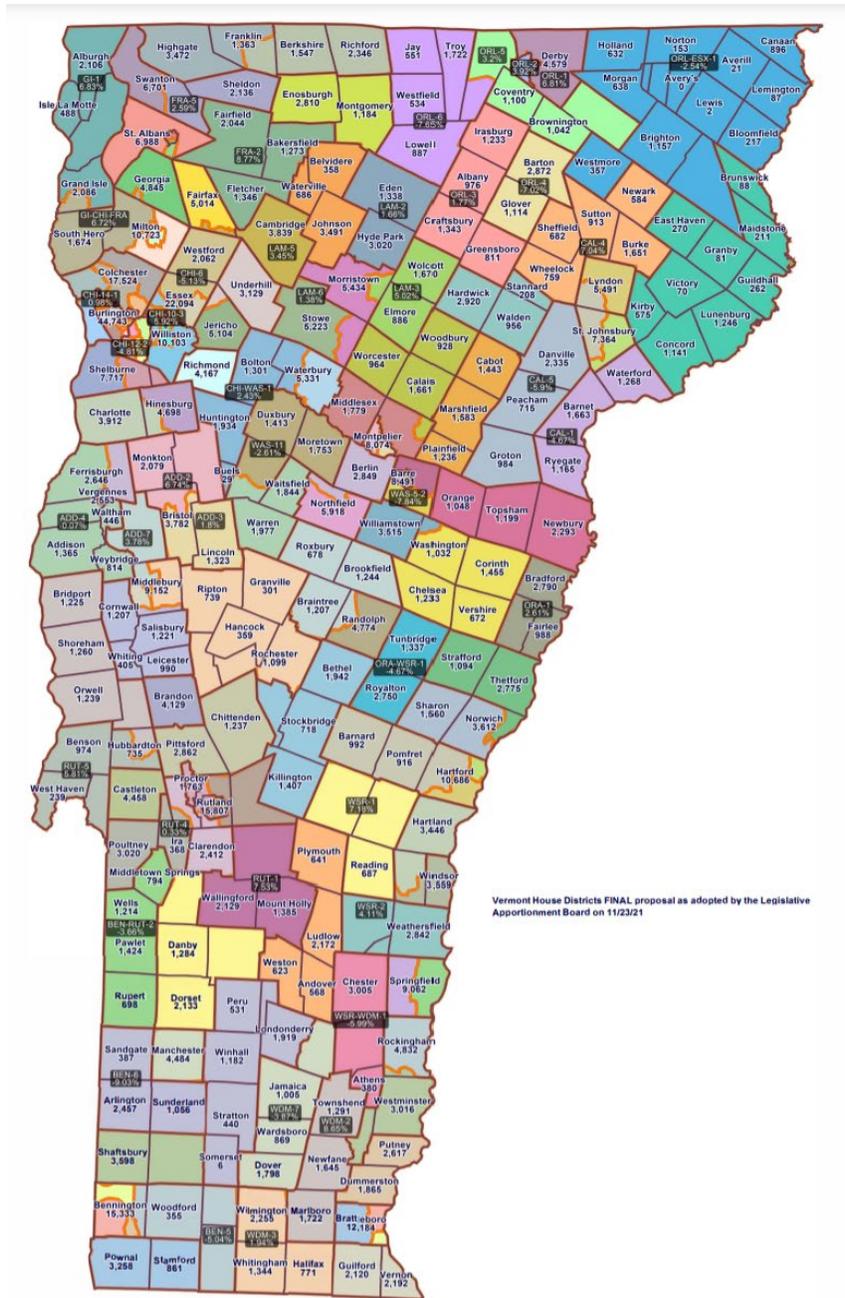
Senate:

https://outside.vermont.gov/dept/sos/Services/LAB/approved_senate_compactness.pdf

APPENDIX 3

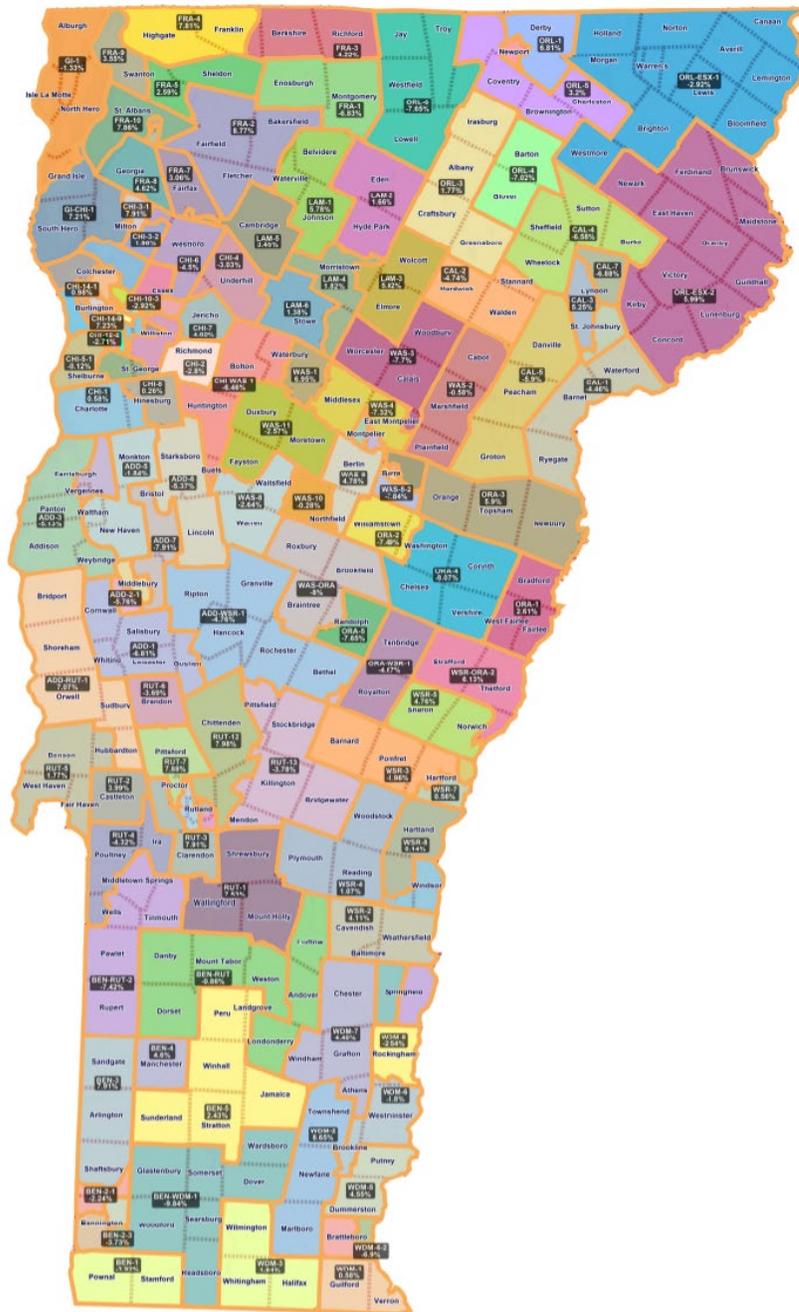
Apportionment Board's Final House District Map Proposal

<https://outside.vermont.gov/dept/sos/Services/LAB/LAB%20House%20Map%20Final%20SMD%202021%201123.pdf>



APPENDIX 4 Apportionment Board's Tentative House District Map Proposal (10/15/21)

<https://outside.vermont.gov/dept/sos/Services/LAB/Hansen%202020%20House%20Map%20color.pdf>



APPENDIX 5
Existing House District Maps (as adopted by the General Assembly in 2012)

<http://www.leg.state.vt.us/Reapportionment/H.789%20As%20Passed%20House%20and%20Senate-House%20Map.pdf>

