

**Sunset Advisory Commission
2022 Board and Commission Questionnaire**

Legislative Apportionment Board Chair's Response

The Sunset Advisory Commission reviews every State board and commission and takes testimony regarding whether each board or commission should continue to operate or be eliminated and whether the powers and duties of any board or commission should be revised. Each board and commission has the burden of justifying its continued operation.

Please answer the following questions about the specific board or commission under review. If asked to testify before the Sunset Advisory Commission, please plan to provide concise recommendations regarding the continued operation of the board or commission under review and any revisions to its powers, duties, or membership.

1. In general, how often does the board and commission meet? Provide specific information on how often the board or commission has met in the past two fiscal years. Provide information on where agendas and minutes of meetings can be found.

The Legislative Apportionment Board (LAB) met some 25 times in calendar years 2020-2021; this covers fiscal years 2021-2022. The LAB's busiest time was in calendar year 2021, particularly the last half of that calendar year. The LAB will have almost no work to do until ~~2029~~2030, when the ten-year cycle starts again. Any appropriation for 2029 would need to be enacted in the 2028 legislative session.

The LAB has administrative support from the Secretary of State's office, which hosts the LAB's website where notices of LAB meetings are posted, along with meeting minutes and other resources. <https://sos.vermont.gov/apportionment-board/>

2. Provide the names of members of the board or commission, their term length and expiration, their appointing authority, and the amount of any per diem they receive.

Every 10 years, anticipating the release of the U.S. Census data, Chapter 34A of Title 17 of the Vermont statutes requires reapportionment of Vermont's House and Senate districts to achieve substantially equal representation in the House and Senate districts. The legislature established the seven-member Legislative Apportionment Board (LAB) to take the first steps in this process every 10 years. The term of office for members is 10 years. The current LAB members were appointed in July-August 2020.

As noted, the LAB has seven members. Each of the three major political parties chooses a member; the Governor appoints one member from each of the three major political parties and the Chief Justice of the Vermont Supreme Court appoints the Board's Chair. The Board's meetings are open to the public and its records are public records. The current members are Ed Adrian, Jeanne Albert, Tom Koch, Mary Houghton, Jeremy Hansen, Rob Roper and Chair Tom Little.

LAB members are entitled to receive a \$50 per diem stipend for their LAB work.

3. Provide an overview of the board or commission's purpose.

The law directs the LAB to propose to the General Assembly House and Senate redistricting maps with districts containing substantially equal numbers of residents.

4. Is that purpose still needed? What would happen if the board or commission no longer fulfilled that purpose?

Substantially equal population in legislative districts is mandated by the Vermont and U.S. Constitutions. The General Assembly established the LAB to take the lead in the process of determining what those districts will be, with the General Assembly completing the process. If the LAB did not exist, the General Assembly would either have no preparatory work done, or would have to establish some other means of doing that work.

5. How well is the board or commission performing in executing that purpose? What evidence can you provide to substantiate that performance?

In at least the last four redistricting cycles (1990-1991, 2000-2001, 2010-2011, 2020-2021) the LAB completed its assigned duties on time and delivered redistricting proposals and reports that assisted the General Assembly in completing its redistricting work. The General Assembly expressed gratitude for the LAB's work in those years, although it disagreed with many individual district reconfiguration proposals – this being, inevitably, a process influenced by differences of opinion and political partisanship.

6. If the purpose is still needed, can State government be more effective and efficient if the purpose was executed in a different manner?

In the experience of the LAB Chair, the Secretary of State's office did not have budgeted funds specifically allocated to the needs of the LAB. That office struggled at times to provide the LAB with the needed staff and consulting resources redistricting requires for the highly technical mapping software. Approximately 18 months prior to the start of the LAB's next cycle of work, i.e., in the 2028 legislative session, care should be taken to develop and fund a budget for the next cycle of work.

7. If the purpose is still needed, do any of your board or commission's functions overlap or duplicate those of another State board or commission or federal or State agency? If so, is your board or commission still the best entity to fulfill the purpose?

No, and yes. At the end of the day, in the LAB Chair's view, the pre-legislative, preliminary work should be done by the LAB or something close to it. It should be noted that the Vermont Center for Geographic Information (a unit of the Agency of Commerce and Community Development) had technical expertise that was useful to the current LAB in 2019-2021.

8. Does the board or commission's enabling law continue to correctly reflect the purpose and activities of the board or commission?

Yes.

9. Provide a list of the board and commission's last fiscal year expenditures including staffing costs. How are these funded?

The LAB relied on the resources of the Secretary of State's office. The LAB Chair does not know whether or how the Secretary of State's office allocated its budget to cover the costs of the LAB, what those costs were, and whether they were covered by General Fund revenues or other revenues. The LAB has no authority to raise revenues on its own. I have asked the Secretary of State's office to estimate a budget request figure that would cover the expenses of that office and of the LAB for the next reapportionment cycle, and will file that with the Commission when I receive it.

10. Is the board or commission required by law to prepare any reports or studies for the Legislature, the Governor, or any State agency or officer? If so, have those reports or studies been produced? Does the board or commission have ongoing reporting obligations?

Yes, the LAB was required to deliver a report to the House and a report to the Senate and did so in early 2022. This was later than normal, but the U.S. Census Bureau was very late in releasing its 2020 U.S. Census results.) There are no recurring or ongoing reporting requirements.

Respectfully submitted,

Thomas A. Little, Chair
Legislative Apportionment Board
tlittle@vsac.org