

1 H.20

2 Introduced by Representatives Sims of Craftsbury, Anthony of Barre City,
3 Harrison of Chittenden, Sibilias of Dover, and Small of
4 Winooski

5 Referred to Committee on

6 Date:

7 Subject: Reapportionment; Legislative Apportionment Board; redistricting

8 Statement of purpose of bill as introduced: This bill proposes to require the
9 Legislative Apportionment Board to conduct a study and make
10 recommendations on Vermont's reapportionment process.

11 An act relating to exploring modification to Vermont's reapportionment
12 process

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. FINDINGS

15 The General Assembly finds that:

16 (1) Pursuant to Chapter I, Article 7 and Chapter II, Sections 13, 18, and
17 73 of the Vermont Constitution, the Vermont General Assembly is periodically
18 reapportioned to reflect the State's changing demographic patterns. The
19 current apportionment process is guided by 17 V.S.A. §§ 1901–1909. The
20 Vermont Supreme Court has elaborated on constitutional and statutory district

1 criteria. See *In re Reapportionment of Towns of Hartland, Windsor & W.*
2 *Windsor, 160 Vt. 9 (1993).* Pursuant to 17 V.S.A. §§ 1906 and 1907, the
3 Legislative Apportionment Board prepares and submits proposed
4 reapportionment plans for the House of Representatives and for the Senate to
5 the General Assembly. The General Assembly then may enact each proposed
6 reapportionment plan or substitute another plan for reapportionment.

7 (2) Since its creation in the 1960s, the Board’s proposed apportionment
8 plans appear never to have been enacted as submitted. The Vermont House
9 and Senate have always revised the proposals before enacting final
10 reapportionment plans.

11 (3) The U.S. Supreme Court has ruled that “[a] plan with larger [than
12 10 percent] disparities in population . . . creates a prima facie case of
13 discrimination and therefore must be justified by the State.” *Brown v.*
14 *Thomson, 462 U.S. 835, 842–43 (1983).*

15 (4) According to the National Conference of State Legislatures,
16 following the 2010 redistricting process, Vermont’s House and Senate both
17 had the second-highest overall ranges of deviation from the ideal district size
18 in the nation: 18.8 percent in the House of Representatives and 18.01 percent
19 in the Senate. Only Hawaii, with its unique island geography, has state
20 legislative districts further from the ideal district size, with deviations of
21 21.57 percent in the House of Representatives and 44.22 percent in the Senate.

1 Sec. 2. REAPPORTIONMENT; LEGISLATIVE APPORTIONMENT

2 BOARD; STUDY AND REPORT

3 (a) Reapportionment process study. The Legislative Apportionment Board
4 shall explore opportunities to make Vermont’s redistricting process less
5 partisan than prior redistricting efforts and yield redistricting plans that better
6 reflect the principle of “one person – one vote.” In its study, the Board shall
7 consider the following:

8 (1) the current Vermont redistricting process and historical results as
9 compared to other states;

10 (2) other states’ 2021–2022 redistricting processes and results; and

11 (3) how best to revise Vermont’s reapportionment process.

12 (b) Public engagement. The Board shall solicit input from a wide range of
13 stakeholders and hold not fewer than two public hearings.

14 (c) Assistance. The Board shall have the administrative, technical, and
15 legal assistance of the Office of the Secretary of State for the purpose of the
16 reapportionment process study.

17 (d) Report. On or before January 15, 2024, the Board shall submit a
18 written report to House and Senate Committees on Government Operations
19 with its findings and recommendations for enacting a redistricting process,
20 prior to the 2030 Census, that would be less partisan than prior redistricting

1 efforts and generate legislative districts that better adhere to the principle of
2 “one person – one vote.”

3 (e) Meetings. The Chair of the Board shall call the first meeting for the
4 reapportionment process study to occur on or before July 15, 2023.

5 (f) Compensation and reimbursement. Members of the Board shall be
6 entitled to per diem compensation and reimbursement of expenses as allowed
7 under 17 V.S.A. § 1904(d) for not more than 10 meetings. Payments
8 authorized under this subsection shall be made from monies appropriated to the
9 Secretary of State’s office.

10 Sec. 3. EFFECTIVE DATE

11 This act shall take effect on passage.