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James C. Condos, Secretary of State
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Memorandum

To: Town and City Boards of Civil Authority
From: Thomas A. Little, Chair, Legislative Apportionment Board
Date: October 15, 2021
Re: Role of Boards of Civil Authority in Reapportioning the Vermont House of Representatives

Together with this Memorandum, the Legislative Apportionment Board (“the Board”) is sending you its tentative plan for the Vermont House of Representatives district(s) in which your town is located. The Board is also sending other important resources to assist your Board of Civil Authority (“BCA”) in fulfilling its statutory advisory responsibilities to the Board.

BCA responses are due by November 15th.

Introduction.

The Vermont Constitution requires the Vermont General Assembly, the Senate and the House, to be reapportioned every 10 years based upon the most recent U.S. Census population data. Reapportionment involves the review and re-drawing of House and Senate districts to ensure that Vermonters have equal representation in the General Assembly in accordance with the Fourteenth Amendment to the U.S. Constitution. The first step of the reapportionment process is taken by the Legislative Apportionment Board – a board appointed specifically for that purpose. The Board’s process, meetings, minutes, draft redistricting maps and related materials and resources are found on [the Board’s section of the Secretary of State’s website](#).

The Board has been meeting since September 2020 to prepare for and complete its work. The 2020 U.S. Census data, due by the end of March 2021, were four months late in being released, slowing the Board’s progress. The General Assembly amended the Board’s statutes to extend its deadlines from July and August to October and November.

The Apportionment Board’s Methodology.

The Apportionment Board’s responsibility is to look at each and every current House district, its 2020 U.S. Census population, and the population of all 246 towns and cities. We look at the ideal sized district (dividing the state’s total population of 643,050 by the 150 House seats) of 4,287 (8,574 for a two-member House district) and measure the actual population of the current districts against that to obtain a positive or negative deviation. Re-districting is a complex and challenging task, one which Vermonters naturally have strong feelings about. Our Constitutions (state and federal) require substantial equality of voting throughout the districts, statewide, and this has been the prime directive guiding the Board’s tentative proposal.

The House districts are an interlocking constitutional, geographical, community and political jigsaw puzzle. When a district’s population deviation compels an adjustment to its boundaries, the change ripples into the next district - and sometimes to several more districts. Veterans of the reapportionment process know how this works! I expect that the input of all the affected BCAs will lead to a map that has many changes from the one you are receiving.

Boards of Civil Authority Role.

By statute, the Apportionment Board must develop a tentative statewide map for all House districts and send it to the Boards of Civil Authority of (a) any town or city divided into two or more initial districts, and (b) any that are proposed to be combined with part or all of another town or city to form a House district. See [17 V.S.A. §1905](#). In practice, the Board sends its tentative plan out to all BCAs. The Board is sending out the tentative House plan to BCAs now in order to give the BCAs sufficient time to review, hold public meetings, and then process and comment on the plan by **November 15**.

BCA input is critical to the completion of the Board's work. Why? The law clearly states that the primary factor for the Apportionment Board (and, in turn, the General Assembly) to consider, is creating districts with substantially equal populations across the state. The Board's tentative map of proposed House districts, we believe, achieves this mandate. But the law also directs the Board to consider other specified factors, including following town/city borders and creating districts where the included towns share common interests. The BCAs are better situated than the Board to have the local knowledge that helps to judge the best place to draw House district lines to achieve these other goals when it appears that an "internal" town or city dividing line needs to be drawn. The Board needs this local knowledge and advice. We are not always able to accommodate it, however, because of the primary mandate of substantially equal population.

Some Towns or Cities make up, either in part or in whole, multiple districts. In those cases, the Board seeks feedback from that BCA on all districts which contain portions of that town or city. Where more than one town is involved in a proposed district, the BCAs from the towns may work together to try to agree on a joint recommendation to the Apportionment Board. Upon request of a BCA, the Board will designate one of its members or staff to convene and preside (without vote) over a joint meeting of two or more BCAs, for the purpose of the BCAs to try to agree on these joint recommendations. Thus, the Board needs assistance from your own BCA, and in many cases from each BCA in a proposed multi-town district collaborating with the other BCAs in that proposed district.

An Important Note and Request to the BCAs.

The Board expects towns and cities to focus on the House district the Apportionment Board has proposed for them. Likewise, when a BCA reviews and comments on the tentative plan. And, when a BCA comments back to the Board, and proposes a different district configuration, it typically will focus on the town's district. The Board, however, respectfully requests that when a BCA is proposing a different district configuration, it look somewhat more broadly at the impacts of its preference on the surrounding districts in its area of the state. If a BCA's counterproposal to the Board creates a number of population deviation problems in nearby districts, it will be difficult, perhaps impossible, for the Board to agree with the BCA's proposal. Historically, the Board gives due weight to the recommendations and concerns of the BCAs and tries to adopt them wherever possible if consistent with the Board's statutory mandates and the realities of building a statewide district map.

Apportionment Board's October 15 Action.

The Apportionment Board took action today, October 15, by a 4-3 vote to propose the tentative House district plan you are about to receive. This tentative plan proposes that all House districts be single-member districts. Currently, there are some 44 two-member House districts, with the rest being single-member districts. The majority of the Board feels strongly that single-member House districts are a fundamentally better unit of representative democracy and wants the Boards of Civil Authority to respond to a proposal where all districts are of that size. The other members of the Board preferred a different approach with a mix of single- and two-member districts (as the House is currently configured); a copy of the House map those members supported is posted on the Board's [website](#). The full discussion and debate over this aspect of the House map is reflected in the Board's [posted Minutes](#). The Board is united in its commitment to listen carefully to the BCA responses.

Timeline.

[17 V.S.A. §1905, as amended](#), requires the Apportionment Board to send its tentative House district proposal to the BCAs by October 25, and sets a **November 15, 2021** deadline for BCA feedback to the Board. We realize that this gives BCAs a tight turn-around time, which is why the Board took action today to be able to send out its tentative proposal a week prior to the 25th. On November 29, the Board must file its final report and proposed House district plan with the Clerk of the House. (The deadline for the Board to file its proposed Senate re-districting plan with the Secretary of the Senate is the same, however, the Boards of Civil Authority have no role in that process.)

Conclusion.

You have received a separate email with more detailed information about the supporting materials and resources the Board (with the assistance of the Secretary of State's office) is providing you for this process.

Please share this Memorandum with all of the members of your Board of Civil Authority. If your BCA files a report, it must be through a web form included in the materials sent by the Secretary of State.

My Board email address is tom.little@partner.vermont.gov. The contact information for all members of the Apportionment Board is on our website.

Thank you.