

1 H.585

2 Introduced by Representatives Sims of Craftsbury, Anthony of Barre City,  
3 Colston of Winooski, Leffler of Enosburgh, Sibia of Dover,  
4 and Vyhovsky of Essex

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 reapportionment

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

13 Sec. 1. FINDINGS

14 The General Assembly finds that:

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

1 Windsor, 160 Vt. 9 (1993). Pursuant to 17 V.S.A. § 1906 and 17 V.S.A.  
2 § 1907, the Legislative Apportionment Board prepares and submits proposed  
3 reapportionment plans for the House of Representatives and for the Senate to  
4 the General Assembly and the General Assembly then may enact each  
5 proposed reapportionment plan or substitute another plan for reapportionment.  
6 Pursuant to 17 V.S.A. § 1904, the Office of the Secretary of State serves as  
7 secretariat to the Legislative Apportionment Board.

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

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

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

1 legislative districts further from the ideal district size with deviations of  
2 21.57 percent in the House of Representatives and 44.22 percent in the Senate.

3 Sec. 2. REAPPORTIONMENT; LEGISLATIVE APPORTIONMENT

4 BOARD; STUDY AND REPORT

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

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

11 (2) other states’ 2021–2022 redistricting processes and results.

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

14 (c) Assistance. The Board shall have the administrative, technical, and  
15 legal assistance of the Secretary of State’s office.

16 (d) Report. On or before January 15, 2023, the Board shall submit a  
17 written report to House and Senate Committees on Government Operations  
18 with its findings and recommendations for enacting a redistricting process,  
19 prior to the 2030 Census, that would be less partisan and generate legislative  
20 districts that better adhere to the principle of “one person – one vote.”

1       (e) Meetings. The Chair of the Board shall call the first reapportionment  
2       study meeting of the Legislative Apportionment Board to occur on or before  
3       July 15, 2022.

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

9       Sec. 3. EFFECTIVE DATE

10       This act shall take effect on passage.