

Kevin M. Lamoreau
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Dear Apportionment Commission members,

I'm Kevin Lamoreau, a CAD data input person and elections, election law and redistricting enthusiast from Augusta, Maine. I am making the following submission regarding the apportionment of county commissioner districts in Kennebec County pursuant to the Constitution of Maine, Article IX, Section 25, subsection 1, paragraph B. I've included some discussion on Sagadahoc County as well, partly to contrast the situation there with that in Kennebec County.

My basic request, before I get lost in the weeds, is that changes to Commissioner District Number 2 (currently Farmingdale, Fayette, Gardiner, Hallowell, Litchfield, Monmouth, Mount Vernon, Pittston, Randolph, Readfield, Vienna, Wayne, West Gardiner and Winthrop) be minimized.

Now what's so special about Commissioner District Number 2? It has to do with the staggered terms and how they juxtapose with the redistricting. While Commissioner Districts 1 and 3 elect their commissioners in presidential election years (2016, 2020, 2024, ...), Commissioner District 2 elects its commissioner in gubernatorial election years (2018, 2022, 2026, ...). Any voters who are moved from District 2 to either other district in this year's redraw will, in 2023 and 2024, have no commissioner who is serving a term for which that commissioner was elected in an election those voters were able to vote in. I'll say that again, they'll have no commissioner who is serving a term for which that commissioner is elected in an election those voters were able to vote in. Kind of a mouthful I know. Even if the current Kennebec County District 2 Commissioner, Nancy Rines, is reelected next year, it won't be because of any city or town that was in District 2 in 2018 but is in some other district in 2022. That phenomenon happened to voters in Belgrade, Manchester and Rome in 2015 and (for Belgrade and Rome) 2016. The situation in Manchester is complicated by the fact that District 1 Commissioner Beverly Daggett, whose district the town was moved into in the 2013 redraw, died in the fall of 2015, and members from Manchester of the county committee of Daggett's political party were able to vote on what candidates' names to send to the governor for appointment to replace her. But voters in Belgrade and Rome had what could be thought of in a certain sense as a lack of representation for a full two years. They had gotten to vote for Nancy Rines in 2010, and Rines was still a county commissioner in 2015 and 2016, but not because of an election involving Belgrade and Rome, which were in George Jabar's district by 2014. But voters in Belgrade and Rome hadn't been able to vote for Jabar in 2012 as they were still in Rines's district at the time, and didn't get a chance to vote for Jabar until 2016. Voters in Pittston and Randolph, meanwhile, got to vote for Beverly Daggett in 2012 and Nancy Rines in 2014, so they had roughly double representation in a sense (I say roughly double rather than double as neither the outgoing District 1 nor the incoming District 2 had exactly 1/3 of the county's population; equal representation is often thought of each district having the same number of representatives per capita, but of course it doesn't have to be exact).

These phenomena, sometimes called "deferred representation" or "deferral" for the Manchester and Belgrade-Rome cases in the last redraw and "accelerated representation" or "acceleration" in the Pittston-Randolph case, are nothing new. I don't know if it's happened somewhere in the state in every redistricting since counties were divided into commissioner districts (which for most counties happened in the 1970s), but I would imagine it's probably happened somewhere each time. I know of instances in Maine in both the 2003 and 2013 redraws. In some states, there's actually deferral at the State Senate

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level. State Senators serve 4-year terms in a majority of states, and in several of them the terms are staggered. While a few states adjust the staggering around redistricting, with 2-year terms inserted at varying points within a 10-year period under a given set of district lines (what I think of as a 2-4-4/4-4-2 system, or in Illinois 2-4-4/4-4-2/4-2-4), several, including California, don't. There have been some articles about deferral there. The issue doesn't seem to get much attention at the county level. I got my State Senator to put in a bill in 2019 to get rid of staggering of county commissioners' terms altogether, and at the public hearing I mentioned and attached to my written remarks a possible amendment for a 2-4-4/4-4-2 system to be used, but the committee went into work session on the bill a few minutes after the public hearing and voted unanimously "Ought Not to Pass."

Going into the 2013 redistricting, in the 2010 census, Kennebec County Commissioner District 1 (then consisting of Augusta, Chelsea, China, Pittston, Randolph, Sidney, Vassalboro and Windsor) had 41,476 people (+2.53%), Commissioner District 2 (then consisting of Belgrade, Farmingdale, Fayette, Gardiner, Hallowell, Litchfield, Manchester, Monmouth, Mount Vernon, Readfield, Rome, Vienna, Wayne, West Gardiner and Winthrop) had 42,347 people (+4.00%) and Commissioner District 3 (then consisting of Albion, Benton, Clinton, Oakland, Unity Township, Waterville and Winslow) had 38,058 people (-6.53%). The general federal court standard for population equality among non-congressional districts as I understand it (things have been generally more rigid for congressional districts within a state following the adoption of the "one person, one vote" doctrine, although some recent U.S. Supreme Court cases raise some questions there) is that the largest district not exceed the smallest in population per representative (in many representative bodies there are multi-member districts, sometimes with a varying number of representatives per district including mixed single- and multi-member districts) by more than 10% of the "ideal" or overall average population per representative. As you won't know how the population of other districts will break down when you start forming districts, having each district within 5% of the ideal can be a good rule of thumb, and a deviation range of +/- 5% is sometimes (mistakenly) spoken of as the standard. By either measure, Kennebec County's commissioner districts fell outside of that range. While it would have been possible to get the variance within 10% and the deviation within 5% by moving Sidney from District 1 to District 3 and moving Albion (and optionally also Unity Township) from District 3 to District 1, that would have resulted in District 1 stretching from Pittston to Albion (or Unity Township) and being a very lanky district. And the numbers, while within acceptable range, would have been towards the outside of that range (-2.69% or -2.79% for the smallest district; +4.00% for the largest district). So it wasn't a surprise to me that that wasn't done. Instead, no towns were moved between Districts 1 and 3, with District 3 gaining Belgrade and Rome from District 2 and District 1 gaining Manchester from District 2 and giving District 2 Pittston and Randolph in exchange). That resulted in a smaller population variance (-2.04% to +3.78%) than the alternatives mentioned above, and was a lot neater geographically.

Now, however, District 1 no longer stretches all the way to Pittston, and three of the four towns in the Messalonskee school district (Belgrade, Oakland and Rome) are in District 3, so moving trading Sidney for Albion would make more sense now than it did 10 years ago, if the current districts were outside the 10% variance range but that swap resulted in the districts being within range. Alternatively, going the other way, China could be traded for Belgrade and Rome, which have only been in District 3 for two elections of a commissioner from that district. A further trade of Oakland for Vassalboro and Windsor would reunite the Messalonskee High School towns the other way, although it would have both Augusta

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and Waterville (both “hubs” of sorts) on the ends their districts and wouldn’t seem like the best plan. But it does seem likely that there will be more and better options for keeping District 2 as it is in this year’s redistricting than were available 8 years ago.

To be clear, I see a benefit in reviewing districts every 10 years beyond just ensuring population equality. Thinking beyond just county commissioner districts, if say the 4 State House districts collectively covering the municipalities of Cape Elizabeth and South Portland (one entirely in Cape Elizabeth, two entirely in South Portland and one consisting of parts of both municipalities, but being mostly in South Portland) were all within acceptable population range, but it was also possible to draw three districts within South Portland and one coincident with Cape Elizabeth that were all within acceptable range, then the latter option would probably be preferred by most people in both South Portland and Cape Elizabeth, and certainly by municipal election officials in the latter. That option wasn’t possible in 2010 as South Portland was too small for three whole House districts, and while it could have been combined with Scarborough in a conglomerate of 5 House districts, with another House district coinciding with Cape Elizabeth, it was decided in 2013 to keep the longstanding pattern of South Portland and Cape Elizabeth sharing a district. But if having no “partial” districts in either Cape Elizabeth or South Portland were possible, that would seem advisable even if no changes in the current districts were necessary.

I feel the same way regarding county commissioner districts that have the same term cycle, and would feel the same way about all county commissioner districts if not for the (generally) uninterrupted staggering of terms (there were some odd things that happened in Cumberland County last time around, perhaps due to issues with how the bill implementing the Apportionment Commission’s plan was drafted). In some cases, even the temporary deferral voters in a municipality could experience might be worth it to have neater lines. In Sagadahoc County, the numbers didn’t crunch very well in 2010, with the Arrowsic-Bath-West Bath district (the district containing Bath is the one with a different term cycle from the other two) being too small but adding in Phippsburg (even taking out Arrowsic) making it too big, and adding in Georgetown cutting of Phippsburg from the rest of the “rural” Sagadahoc County commissioner district (the one containing neither Bath nor Topsham). So while the Topsham-Bowdoin pairing was kept, Bath was combined for Bowdoinham for one district and the rest of the county was the final district. That “rural” district was technically not contiguous, as Bowdoinham has slightly more than a point boundary with Dresden in Lincoln County, cutting off the township containing Swan Island (and through it, Richmond) from Woolwich and the rest of that district. But it’s been “pretended” that that township touched Woolwich before, in the 1983 county commissioner district plan approved by the Legislature and the 1974 State House district plan that was actually adopted by the Maine Supreme Judicial Court (following the recommendations in this area of a commission but it was still the Law Court that made the apportionment). Anyway, when the 2020 numbers come in, it may turn out that Bath, West Bath and Phippsburg will be small enough for a district. If such a district were possible (without forcing the Topsham district to trade Bowdoin for Bowdoinham, which would result in a similarly awkward “rural” district stretching from Bowdoin to Georgetown and still relying on that “pretend” Swan Island-Woolwich connection), then that might be the best course of action for that county. That would prevent the current Sagadahoc County District 2 Commissioner, Brian Hobart of Bowdoinham, from running for reelection when his term expires next year (as Carol Grose whose district he would be moved into would be midway through her term), but I don’t think the electoral interests of Mr. Hobart should be treated as any more important than those of any other person from Bowdoinham, or any

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other municipality being moved between districts with elections in different years, who might be planning on running for county commissioner next year. That said, Mr. Hobart still has the same rights to representation that the rest of us had, and adopting a plan that results in him and others in Bowdoinham (where my dad grew up and where I still have several relatives) being deferred should not be done lightly. In Kennebec County, however, there doesn't seem to be the same compelling interest to change the district with the different term cycle.

I wish you all an enjoyable experience on this commission and thank you all for your efforts. I'll be in touch later when the municipal population data becomes available.

Sincerely,

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