SB187

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Pre and Post-Term Limit Montana General Election House and Senate Legislative Candidates (Pre-Term Limits, 1992-1998 and Post-Term Limits 2000-2006)

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Post-Term Limit Elections (2000-2006)

	# of Candidates	Uncontested (1 Candidate) Races	# of Incumbents
2006	252	17	78
2004	239	26	83
2002	234	29	83
2000	245	25	68
	Average of 242.5 candidates	Average of 24.25 races	Average of 78 incumbents per election

Pre-Term Limit Elections (1992-1998)

	# of Candidates	Uncontested (1 Candidate) Races	# of Incumbents
1998	203	54	86
1996	218	41	107
1994	230	28	81
1992	221	33	102
	Average of 218 candidates	Average of 39 races	Average of 94 incumbents per election
	Average of (11.2%) More candidates standing In **2000-2004** elections	Average of (37.2%) more uncontested races in **1992-1998** elections	Average of (17%) more incumbents running in **1992-1998** elections

Term Limits

In 1992, Montanans voted to change the State's constitution to impose 8 year term limits on legislators and other statewide elected officials beginning with the 2000 election. In doing so, we joined 20 other states who adopted term limits; but these limits were thrown out by the Supreme Courts of four states and repealed by legislative action in two others. Today, 15 states still have legislative term limits. In the 2004 general elections, voters in all 56 Montana counties by a collective 69% negative majority rejected a proposed constitutional amendment to repeal term limits.

In terms of Montana's legislative incumbents, the term limit law has achieved what it was intended to – decrease the number of incumbents seeking re-election. In the four general elections held prior to the imposition of term limits an average of 94 House and Senate candidates sought re-election. In the four elections held since term limits began in 2000, an average of 78 incumbents sought re-election.

The advent of term limits has also led to an increase in the total number of legislative candidates running in general elections. In the pre-term limit elections of 1992-1998, an average of 218 House and Senate candidates stood in each general election. In the four general elections held since the start of term limits, an average of 242.5, an 11.2% increase, legislative hopefuls have run in each of the general elections.

Another measure of democracy is the number of uncontested (only 1 candidate) races there are. In the four elections held prior to the beginning of term limits in 2000, there was an average of 39.25 uncontested legislative sects in Montana general elections. In comparison, in the four elections held since the beginning of term limits an average of 24.25 House and Senate sects have been uncontested. In other words, there were 61.8% or more uncontested elections in the pre-term election period. Further in 1992-1998 the pre-term limit period, 84.6% of the uncontested candidates were incumbents, compared to the 75.2% of sitting solons who ran unchallenged in the 2000-2006 post-term limit period. Somewhat surprisingly, term limits has not led to an increase in the number of intra-party legislative primary election races.

Other arguments for term include that they limit incumbents leveraging the power of incumbency to stay in office, as well as their ability to use seniority to their advantage. Proponents of the concept also argue that they mandate a circulation of elites, as well as dampen a politician's proclivity to make decisions designed to prolong their longevity.

Opponents of term limits, including Jerry Calvert from MSU who has written a brief treatise on the topic, argue that with the advent of term limits the number of swing seats, districts that change partisan control over a decade, have declined and that limits have not created a more diverse legislature, but have had a tremendous negative impact on the seniority which injects expertise into legislative work Jerry also believes that prior to term limits, a majority of legislators historically self-term limited themselves before serving eight years in office.

Other major arguments against term limits are that they are undemocratic because they may thwart the will of the people in choosing their representatives and that politicians about to be term limited have less cause to worry about what their

constituents want. And some feel that the lack of familiarity legislators have with each other serves as a breeding ground for the kind of personal and ideological disputes we saw play out in the 2007 legislature. On the other hand, this contentiousness might be mirroring the divisiveness we are witnessing in Congress whose members are not term limited.

Reapportionment and Redistricting in Montana

When Montana became a State, each county received a single Senator and Representative regardless of size. This meant that a minority of rural voters controlled a majority of legislative seats. Between 1910 and 1981 Montana legislative reapportionment occurred every 10 years. In 1965 a Montanan filed suit in federal court arguing that the reapportionment process favored rural over urban residents. The court agreed, but when the legislature could not agree on a new formula, a federal judicial panel mandated a plan equalizing the population of districts but maintaining multi-member districts.

The 1972 Constitution provided for single member district House and Senate districts. It also decided to establish an independent 5 person appointed reapportionment and redistricting commission independent of legislative control. Hopefully, this body would be more non-partisan than the legislature in accomplishing the reapportionment/redistricting task. Montana is one of only a handful of seats that removes the reapportionment/redistricting process from elected officials. Recently other states, like California, have proposed establishing

a commission system to try and limit the partisanship inherent in legislative redistricting. However, Montana's post-2000 Districting and Apportionment Commission, which had a 3-2 Democratic majority, proved to be a highly controversial body. Republicans charged that the Democrats used their majority power to draw districts favoring Democratic candidates, by forming Democratic leaving districts with as few people in them as possible, while doing the opposite in Republican areas. The Democratic members of the Commission retorted that they were only undoing past Republican political transgressions and were creating more competitive seats. After several Republican legal challenges were rejected by State courts, the Committee plan became effective for the 2004 election.

Republican anger over the actions of the Redistricting and Reapportionment Commission appear to be one factor contributing to the rancorous nature of the 2004 and 2006 legislative sessions.

The post-2000 Redistricting and Reapportionment Committee created 20 (40%) seats deviating more than +/-4% from the ideal population needed for forming a district. When the results of the 2004 and 2006 elections are combined,

Republican candidates won 75% of the seats in districts varying more than +4% from the ideal population, while Democrats won 75% of the seats in those districts with more than a -4% deviation from the ideal population.

In the House, a majority of 56 (56%) districts were drawn which deviated from the ideal population by more than +/-4%; 26 were more than +4% over the target population and another 26 were more than -4% under the required population. In these 52 districts in the 2006 House elections, Democratic candidates won in 88.5% (23) of the districts with a greater than -4% population deviation, while Republicans carried 73.1% (19) of the House seats deviating by more than +4% over the required population.

Montana Legislative Redistricting and Reapportionment - 1994, 2004-2008

THE STATE HOUSE

1994 Montana State House Redistricting-Districts by % Deviation from Ideal Population

	More than +4%	More than +2% to +4%	0% to +2%	0% to -2%	More than -2% to -4%	More than -4%	Total
Republican	14 (70%)	10 (52.6%)	14 (763.6%)	14 (77.8%)	8 (66.7%)	7 (77.8%)	67 (67%)
Democrat	6 (30%)	9 (47.4%)	8 (36.4%)	4 (22.2%)	4 (33.3%)	2 (22.2%)	33 (33%)
TOTAL	20 (100%)	19 (100%)	22 (100%)	18 (100%)	12 (100%)	9 (100%)	100 (100%) *

* My son, Evan Wilson, originally researched the House districts and the redistricting process for a college research project.

1. Republicans held a 3-2 advantage on the 1990 Redistricting and Reapportionment Commission. This gave the Republican majority the opportunity to draw legislative districts with as few people possible in Republican areas, while placing as many Montanans as possible in districts in Democratic areas of the state.

2. Twenty-nine (29%) districts varied by +/-4% from the ideal and 40 (40%) differed from the target population by 0% to +/-2%.

3. Republicans won their most seats (14) in districts varying by more than a +4% (20.9%) deviation from the ideal and also carried 14 seats in districts with a 0% to +2% (20.9%) deviation and 0% to -2% (20.9%) population variation.

   a. Democrats won a plurality of 9 (27.3%) of their seats in districts with a population variance of more than +2% to +4%. Their second greatest number of victories, 8 (24.2%), occurred in districts with a population deviance of 0 to +2% from the ideal.

4. There were 76 races in which Democratic and Republican candidates faced each other. In these contests 57 (73.1%) were won by landslide margins (more than 55% of the vote).

5. In the contests where Republicans and Democrats opposed each other, Republican candidates won 57.1% of the two party vote and Democrats 42.9%.

2004 Montana State House Redistricting – District Winners by % Deviation from Ideal

	More than +4%	More than +2% to +4%	0% to +2%	0% to -2%	More than -2% to -4%	More than -4%	Total
Republican	17 (65.4%)	12 (70.6%)	5 (62.5%)	3 (42.9%)	9 (56.3%)	4 (15.4%)	50 (50%)
Democrat	9 (34.6%)	5 (29.4%)	3 (37.5%)	4 (57.1%)	7 (43.7%)	22 (84.6%)	50 (50%)
TOTAL	26 (100%)	17 (100%)	8 (100%)	7 (100%)	16 (100%)	26 (100%)	100 (100%)

1. The post-2000 Montana Redistricting and Reapportionment committee had a 3-2 Democratic majority. They had the opportunity to draw districts with a few people as possible in potentially Democratic districts, while doing the opposite in more Republican areas of the state.

2. A majority of 52 (52%) of the districts drawn deviated by more than +/-4% from the ideal (26 were greater than +4% in population size and 26 more than -4% under the ideal). In contrast, 15 (15%) varied from 0% to +/-2% from the ideal.

3. A plurality of 17 (34%) of Republican victories occurred in districts varying by more than +4% from the ideal population. And a plurality of 22 (44%) Democratic candidates won in districts varying by more than -4% under the number of citizens needed to justify a seat.

4. In the 75 House general election contests in which Democrats and Republicans opposed each other 70.1% (53) of them were won by landslide margins.

5. In these 75 races where Democratic and Republican candidates opposed each other, Republicans won 52.9% of the two party vote and Democrats 47.1%.

2006 Montana State House Races – District Winners by % Deviation from Ideal Population

	More than +4%	More than +2% to +4%	0% to +2%	0% to -2%	More than -2% to -4%	More than -4%	Total *
Republican	19 (73.1%)	7 (53.8%)	10 (83.3%)	3 (37.5%)	9 (60%)	3 (11.5%)	51 (51%)
Democrat	7 (26.9%)	6 (46.2%)	2 (16.7%)	5 (62.5%)	6 (40%)	23 (88.5%)	49 (49%)
TOTAL	26 (100%)	13 (100%)	12 (100%)	8 (100%)	15 (100%)	26 (100%)	100 (100%)

Democrat	0 (0%)	2 (50%)	3 (30%)	2 (28.6%)	0 (0%)	1 (25%)	8 (28.6%)
TOTAL	1 (100%)	4 (100%)	10 (100%)	7 (100%)	2 (100%)	4 (100%)	28 (100%)

1. Of the 28 Senate seats up for election in 1994, 5 (17.9%) deviated by more than +\- 4% from the ideal population, a majority of 17 (60.7%) varied from 0% to +/- 2% from the exact number needed for a seat and 6 (21.4%) differed by more than +/- 2% to +/- 4% from the population goal.

2. A plurality 7 (35%) of the Republican victories came in districts varying from the ideal population by 0% to +2%, while their second greatest number of victories, 5 (25%), came from districts with a 0 to -2% deviation. Thus, a majority of 12 (60%) of the 20 Republican victories were achieved in districts varying from +/- 2% of the ideal population.

3. A plurality of 3 (37.5%) of the Democratic victories were achieved in districts varying from 0% to +2% over the ideal size, 2 (25%) of the party's 8 victories were won in districts with a population difference of 0% to -2% from the ideal and 2 (25%) other wins were in the more than +2% to 4% population category. Only one (12.5%) win came in a district varying more than -4% from the ideal size.

4. Nineteen (86.4%) of the 22 contested races were won by landslide margins. Sixteen (88.9%) of the 18 Republican contested wins were of this magnitude, as were 2 (66.7%) of the 3 Democratic victories achieved in these challenged contests.

2004 Montana State Senate Redistricting-Districts by % Deviation from Ideal

More than +4%	More than +2% to 4%	0% to +2%	0% to -2%	More than -2% to -4%	More than -4%	Total
8 (16%)	10(20%)	7 (14%)	7 (14%)	6 (12%)	12(24%)	50 (100%)

1. The post-2000 Montana Districting and Apportionment Commission consisted of 3 Democrats and 2 Republicans.

2. A plurality of 12 (24%) districts were drawn with a population deviation greater than -4% from the ideal and 8 (16%) other districts had a population difference more than +4% from the exact number of citizens needed for a district. Thus, 20 (40%) seats deviated more than +/- 4% from the ideal. In contrast, 14 (28%) districts were drawn with a variation of 0% to +/-2% and the remaining 16 (32%) districts varied from more than +/- 2% to +/-4% from the population needed for a seat.

* Given his conservative position on public policy issues, for purposes of this analysis Representative Rick Jore was treated as a surrogate Republican candidate.

1. The House districts for the 2006 Montana general election were the same as those employed in 2004 (the population deviations did not change because they were based upon 2000 U. S. census data.)

2. As was the case with the 2004 House elections, a plurality of 23 (46.9%) Democratic victories occurred in districts with a greater than -4% deviation in population from the ideal and a plurality of 19 (37.2%) Republican victories were achieved in constituencies with a greater than +4% population size needed to justify a seat.

3. In the 81 House districts where Republican and Democratic candidates ran against each other, 79% (64) were won by a landslide vote.

4. In these 81 competitive races the Republican\District 12 Constitution Party candidates won 53.3% of the vote Democratic candidates garnered 46.7% of this vote total.

THE STATE SENATE

1994 Montana State Senate Redistricting-Districts by % Deviation from Ideal Population

More than +4%	More than +2% to +4%	0% to +2%	0% to -2%	More than -2% to -4%	More than -4%	Total
1 (2%)	8 (16%)	20 (40%)	12 (24%)	-4 (8%)	5 (10%)	50 (100%)

1. The 1990 Reapportionment/Redistricting Committee drew only 6 (12%) of the 50 Senate districts with a population varying by more than +/-4% from the target population, while 32 (64%) of the districts varied 0% to +/-2% from the population required for a seat.

2. A majority of 32 (64%) of the 50 districts varied from each other in population by 0% to +/- 2%, 12 (24%) differed by more than by +/- 2% to +/- 4% and 6 (12%) differed from the ideal by more than +/- 4%.

1994 Senate General Election Victories Based Upon % Deviation from Ideal Sized District

General Election Senate Race Victories

	More than +4%	More than +2% to +4%	0% to +2%	0% to -2%	More than -2% to -4%	More than -4%	Total
Republican	1 (100%)	2 (50%)	7 (70%)	5 (71.4%)	2 (100%)	3 (75%)	20 (71.4%)

2004 Montana State Senate Election-Winners by % Deviation from Ideal (25 Seats)

	More than +4%	More than +2% to +4%	0% to +2%	0% to -2%	More than -2% to -4%	More than -4%	Total
Republican	2 (67.7%)	2 (40%)	2 (67.7%)	1 (25%)	2 (66.7%)	0 (0%)	9 (36%)
Democrat	1 (32.3%)	3 (60%)	1 (33.3%)	3 (75%)	1 (33.3%)	7 (100%)	16 (64%)
TOTAL	3 (100%)	5 (100%)	3 (100%)	4 (100%)	3 (100%)	7 (100%)	25 (100%)

1 Republicans won 2 (67.7%) of the 3 seats deviating more than -4% from the ideal population, while a plurality of 7 (100%) Democratic victories came in districts with a variation more than -4% under the population needed for a seat. These 7 Democrats represented a plurality (43.7%) of the 16 Democratic Senators elected in 2004.

2. In the 16 (100%) contested races where a Democratic candidate faced a Republican opponent all were won by landslide margins; an average of 60.4% of the vote.

3. While Democrats won 10 (62.5%) of the 16 major party contested races, the 6 winning Republicans in these types of contests attracted 50.7% of the contested two party vote and Democrats 49.3% of the votes.

2006 Montana State Senate Election-Winners by % Deviation from Ideal (25 Seats)

	More than +4%	More than +2% to +4%	0% to +2%	0% to -2%	More than -2% to -4%	More than -4%	Total
Republican	4 (80%)	4 (80%)	3 (75%)	2 (67.7%)	0 (0%)	3 (60%)	16 (64%)
Democrat	1 (20%)	1 (20%)	1 (25%)	1 (33.3%)	3 (100%)	2 (40%)	9 (36%)
TOTAL	5 (100%)	5 (100%)	4 (100%)	3 (100%)	3 (100%)	5 (100%)	25 (100%)

1. Republicans won 4 (80%) of the 5 districts varying more than +4% from the ideal population, and 3 (60%) of the 5 districts with population deviations more than -4% from the ideal.

   a. But Republicans won 11 (68.75%) of their 16 seats in districts varying from 0 to more than +4% from the ideal size, while Democrats won 7 (77.8%) of their 9 victories in districts varying from 0% to more than -4% from the ideal population

2. In the 21 races where Republican candidates faced Democrats 18 (85.7%) of the races were won by landslide margins (more than 55% of the vote). The average winning percentage was 70.7%.

3. In the 21 races where Republicans faced Democrats, in terms of the two party vote, Republicans won 55.7% of the vote and Democrats 44.3%.

Composition of 2007 Montana Senate Based Upon Results of 2004 and 2006 Elections - % Districts Won by Deviation from Ideal Population

	More than +4%	More than +2% to +4%	0% to +2%	0% to -2%	More than -2% to -4%	More than -4%	Total
*Republican	6 (75%)	6 (60%)	5 (71.4%)	3 (42.8%)	2 (33.3%)	3 (25%)	25 (50%)
Democrat	2 (25%)	4 (40%)	2 (28.6%)	4 (57.2%)	4 (66.7%)	9 (75%)	25 (50%)
TOTAL	8 (100%)	10 (100%)	7 (100%)	7 (100%)	6 (100%)	12 (100%)	50 (100%)

* Note: Senator Sam Kitzenberg is treated as a Republican for this analysis because he was elected as a G.O.P. candidate.

1. Combining the election results for the Montana Senate for the first two elections, 2004 and 2006, following the post-2000 reapportionment/redistricting process provides a way to analyze how constituency population size affected electoral outcome in all 50 districts.

2. Of the plurality of 20 (40%) of 50 districts that differed in the maximum population categories (more than +/-4%) from each other, Democrats won in 9 (75%) of the 12 districts with a variation of more than -4% and Republicans carried 6 (75%) of the 8 districts with more than a +4% population deviation.

   a. Thus, a plurality of 9 (36%) of the 25 Democratic victories were achieved in districts with a population deviation greater than -4%, while a plurality of 6 (24%) Republican wins occurred in both districts with a greater than +4% deviation, as well as districts with a greater than +2% to +4% population differential.

   b. Only 14 (28%) of 50 districts varied from 0% to +/- 2% from the number of citizens needed to form a district. Republican candidates won 8 (57.1%) of these seats and Democrats 6 (42.9%).

3. When the results from the 2004 and 2006 Senate election are combined, 37 races featured Republican and Democratic candidates opposing each other and 34 (91.9%) of these were won by landslide margins (more than 55% of the vote).