

LEGISLATIVE APPORTIONMENT BOARD  
*Title 17, Chapter 34A, Vermont Statutes Annotated*  
<https://sos.vermont.gov/apportionment-board/>

January 3, 2022  
10 AM – 12 PM

MEETING DRAFT MINUTES  
Meeting at Secretary of State's Office, 128 State Street, Montpelier  
(Telephone Conference Call Participation Available)

Members Present:

Members Present Remotely: Tom Little, Tom Koch, Ed Adrian, Robert Roper, Mary Houghton, Jeremy Hansen, Jeanne Albert

Others Present: Eric Covey

Others Present Remotely: Chris Winters, Mia Kro

Members of the Public Present:

Members of the Public Present Remotely:

1. Call to Order

2. Review and Approval of Minutes (5 Minutes)(all times approx.)

The meeting minutes for the meetings on November 15<sup>th</sup>, 16<sup>th</sup>, 22<sup>nd</sup>, 23<sup>rd</sup>, 29<sup>th</sup> in the drafts as most recently posted, were moved for approval by Tom Koch and seconded by Jeremy Hansen. Ed Adrian noted that his votes on the entire block reflect abstentions from the individual votes on any meetings he was not present for. Approval for all minutes was unanimous. December 22<sup>nd</sup> meeting minutes were moved for approval by Mary Houghton and seconded by Rob Roper, and were approved unanimously.

3. Public Comment (per 1 V.S.A. sec. 312(h)) (up to 15 Minutes)

None.

4. Review and Discuss Drafts of House and Senate Reports (up to 60 Minutes)

Tom Little and Tom Koch discussed sections that may be considered incomplete, and a pathway for how to arrive at conclusion for the reports to be approved so that they can be delivered to the Legislature. The consensus was that the Board would recess the meeting for about an hour, so that Tom Koch may prepare and circulate a draft of some end content, to be taken up by the Board when it resumes meeting today, when the Board can reconvene to consider and vote on the content.

Tom Little asked Rob Roper about the draft rebuttal to the Minority Report, written by Rob. Tom Little suggested that following the inclusion of the response to the Minority Report, there also be an acknowledgement statement saying that the minority acknowledges the response, and stands on the merits of the Minority report.

#### 5. Set Next Meeting Date; Other Business (5 Minutes)

The Board recessed at 10:22am until 11:30am.

Upon returning, Tom Little discussed the draft language from Tom Koch, and the Board waited for Tom K to return and present. Language was shared with the Board regarding adherence to county boundaries other existing political subdivisions, and patterns of geography, social interaction, trade, political ties, and common interests.

Ed suggested moving to table discussion on the rebuttal so that there is time to further review and discuss it, and thus not include the majority members' rebuttal to the minority report, to be discussed at the next meeting. Jeremy seconded. Ed clarified this item would become an agenda item for the next meeting, where the board needs to gather to approve the minutes from this 1/3/2022 meeting.

Ed discussed that there is no way to make a minority report official, because a majority vote by the body cannot be taken. Ed, Tom L., Jeanne and Tom K. discussed this concept. Tom K. suggested voting on a motion "to include the minority report," and Tom L. suggested it was official in so far as it was cowritten and agreed upon by all of the minority voting members of the Board. Ed asked Tom K. why would the majority vote to do so, if they disagree with the contents of the minority report? Tom K. responded that it would be for the inclusion of free discussion. Jeremy Hansen referenced Robert's Rules of Order on minority reports, which guides that minority reports are an opportunity that can, but do not need to be, afforded to the minority by the majority, or the majority could do as Ed suggests and tell the minority their report will not be included with the majority's report to the Legislature, and must submitted it separately. Tom K. suggested that he is in favor to permit the inclusion of the minority report, and thinks it is important to include a rebuttal of that, and is not opposed to table the discussion of that rebuttal, so long as it can be attached after,

Tom K. suggested the next meeting take place sooner to accommodate getting it included in the report when it is sent to the Legislature.

Rob suggested approving the Board's report now, and table the minority report and majority rebuttal until next meeting. Ed withdrew his motion.

Rob made a motion to approve the Board's House and Senate reports, tabling discussion of the minority report and majority rebuttal to a meeting to be held on 9am Wednesday, January 5<sup>th</sup>. Tom K. offered the guarantee the minority a fourth vote to be able to include a minority report.

Tom K. proposed dividing the question. Tom L. and Tom K. discussed Tom K.'s motion to divide the question, and why.

Jeanne discussed coupling the minority report with the majority report for how the votes are divided, with a separate vote on the majority rebuttal. Rob said he would not be comfortable allowing for a minority report without a rebuttal because he does not like what he perceives as accusations in it.

Mary believes the motion still needed a second, confirmed by Tom L.

Rob withdrew his motion.

Tom K. moved to approve both the House and Senate majority reports and ask the Secretary of State to proceed with its editorial work, holding publication until further action on the majority rebuttal. Jeremy seconded. Jeanne asked what this motion meant, and Tom L. clarified it was on the content of the majority reports. Approved 4-3: Ed Adrian – Yes, Jeanne Albert – No, Jeremy Hansen – Yes, Mary Houghton – No, Tom Little – No, Rob Roper – Yes, Tom Koch – Yes. Mary noted she did support having the Secretary of State’s office be sent the report to work on it, but did not support the content of the report.

Tom K. moved to include a minority report with the majority report to the Legislature: Ed Adrian – No, Jeanne Albert – Yes, Jeremy Hansen – Yes, Mary Houghton – Yes, Tom Little – Yes, Rob Roper – Yes, Tom Koch – Yes. Jeremy Hansen, Rob Roper and Tom Koch noted that they did not support the content of the minority report, but support its inclusion.

Tom K. moved to delay release of the reports and minority reports until after action on Wednesday, January 5<sup>th</sup> on the majority rebuttal. The vote was unanimous in favor.

The Board scheduled their next meeting for January 5<sup>th</sup> at 9am.

#### 6. Adjourn

Tom K. moved to adjourn. Mary seconded. Unanimous in favor. The Board adjourned at 12:39.