

EXHIBIT 1  
DATE 7/16/09  
NB 500

## Montana Code Annotated 2005

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**5-1-115. Redistricting criteria.** (1) Subject to federal law, legislative and congressional districts must be established on the basis of population.

(2) In the development of legislative districts, a plan is subject to the Voting Rights Act and must comply with the following criteria, in order of importance:

(a) The districts must be as equal as practicable, meaning to the greatest extent possible, within a plus or minus 1% relative deviation from the ideal population of a district as calculated from information provided by the federal decennial census. The relative deviation may be exceeded only when necessary to keep political subdivisions intact or to comply with the Voting Rights Act.

(b) District boundaries must coincide with the boundaries of political subdivisions of the state to the greatest extent possible. The number of counties and cities divided among more than one district must be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions must be divided before the less populous, unless the boundary is drawn along a county line that passes through a city.

(c) The districts must be contiguous, meaning that the district must be in one piece. Areas that meet only at points of adjoining corners or areas separated by geographical boundaries or artificial barriers that prevent transportation within a district may not be considered contiguous.

(d) The districts must be compact, meaning that the compactness of a district is greatest when the length of the district and the width of a district are equal. A district may not have an average length greater than three times the average width unless necessary to comply with the Voting Rights Act.

(3) A district may not be drawn for the purposes of favoring a political party or an incumbent legislator or member of congress. The following data or information may not be considered in the development of a plan:

- (a) addresses of incumbent legislators or members of congress;
- (b) political affiliations of registered voters;
- (c) partisan political voter lists; or
- (d) previous election results, unless required as a remedy by a court.

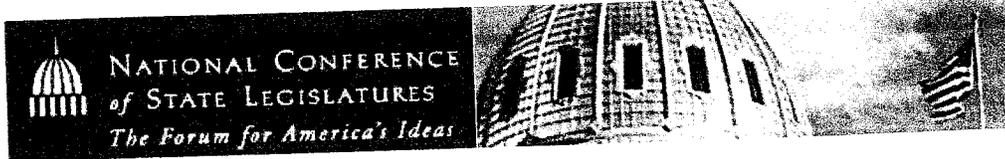
**History:** En. Sec. 1, Ch. 3, L. 2003; En. Sec. 1, Ch. 546, L. 2003.

*Provided by Montana Legislative Services*

EXHIBIT

DATE 2/16/09

HB 900



### Redistricting Commissions: Legislative Plans

Commissions with Primary Responsibility for Drawing a Plan  
(All states not represented in this table draw legislative districts through state legislative authority)

State	Number of Members	Selection Requirements	Formation Date	Initial Deadline	Final Deadline
Alaska Alaska Const. art. 6	5	Governor appoints two; then president of the Senate appoints one; then speaker of the House appoints one; then chief justice of the Supreme Court appoints one. At least one member must be a resident of each judicial district. No member may be a public employee or official.	By September 1, 2010	30 days after census officially reported	90 days after census officially reported
Arizona Ariz. Const. art. 4, pt. 2, § 1	5	The commission on appellate court appointees creates a pool of 25 nominees, ten from each of the two largest parties and five not from either of the two largest parties. The highest ranking officer of the house appoints one from the pool, then the minority leader of the house appoints one, then the highest ranking officer of the senate appoints one, then the minority leader of the senate appoints one. These four appoint a fifth from the pool, not a member of any party already represented on the commission, as chair. If the four deadlock, the commission on appellate court appointments appoints the chair.	By February 28, 2011	None	None
Arkansas Ark. Const. 1874, art. 8	3	Commission consists of the governor, secretary of state, and the attorney general	None	By February 1, 2011	Plan becomes official 30 days after it is filed
California Article XXI	14	With the Passage of Proposition 11 in 2008, the process of redrawing California's state legislative districts was removed from state legislative authority and given to a newly established 14 member commission. The commission must include 5 Democrats, 5 Republicans, and 4 members from neither party. Government auditors are to select 60 registered voters from an applicant pool. Legislative leaders can reduce the pool; the auditors then are to pick eight commission members by lottery, and those commissioners pick six additional	By December 31, 2010 and each year ending in the number zero thereafter	None	By September 15, 2011 and in each year ending in the number 1 thereafter

		members for 14 total. For approval district boundaries need votes from three Democratic commissioners, three Republican commissioners, and three commissioners from neither party.			
<b>Colorado</b> Colo. Const. art. V, § 48	11	Legislature selects four: (speaker of the House; House minority leader; Senate majority and minority leaders; or their delegates). Governor selects three. Judiciary selects four. Maximum of four from the legislature. Each congressional district must have at least one person, but no more than four people representing it on the commission. At least one member must live west of the Continental Divide.	By August 1, 2011	90 days after the availability of the census data, or after the formation of the committee, whichever is later	March 15, 2012
<b>Hawaii</b> Haw. Const. art. IV	9	President of the Senate selects two. Speaker of the House selects two. Minority senate party selects two. These eight select the ninth member, who is the chair. No commission member may run for the legislature in the two elections following redistricting.	By March 1, 2011	80 days after the commission forms	150 days after commission formation
<b>Idaho</b> Idaho Const. art. III, § 2	6	Leaders of two largest political parties in each house of the legislature each designate one member; chairs of the two parties whose candidates for governor received the most votes in the last election each designate one member. No member may be an elected or appointed official in the state at the time of designation.	Within 15 days after the secretary of state orders creation of a commission	None	90 days after the commission is organized, or after census data is received, whichever is later
<b>Missouri</b> Mo. Const. art. III, § 2	House: 18 Senate: 10	There are two separate redistricting committees. Governor picks one person from each list of two submitted by the two main political parties in each congressional district to form the house committee. Governor picks five people from two lists of 10 submitted by the two major political parties in the state to form the senate committee. No commission member may hold office in the legislature for four years after redistricting.	Within 60 days of the census data becoming available	Five months after the commission forms	Six months after formation
<b>Montana</b> Mont. Const. art. V, § 14	5	Majority and minority leaders of both houses of the Legislature each select one member. Those four select a fifth, who is the chair. Members cannot be public officials. Members cannot run for public office in the two years after the completion of redistricting.	The legislative session before the census data is available	The commission must give the plan to the Legislature at the first regular session after its appointment	30 days after the plan is returned by the Legislature
<b>New Jersey</b>	10	The chairs of the two major parties each select five members. If these	December 1, 2010	February 1, 2011, or one month after	The initial deadline, or one month after

N.J. Const. art. IV, § 3		10 members cannot develop a plan in the allotted time, the chief justice of the state Supreme Court will appoint an 11th member.		the census data becomes available	the 11th member is picked
<b>Ohio</b> Ohio Const. art. XI	5	Board consists of the governor, auditor, secretary of state, and two people selected by the legislative leaders of each major political party.	Between August 1 and October 1, 2011	None	October 5, 2011
<b>Pennsylvania</b> Pa. Const. art. II, § 17	5	Majority and minority leaders of the legislative houses each select one member. These four select a fifth to chair. If they fail to do so within 45 days, a majority of the state Supreme Court will select the fifth member. The chair cannot be a public official.	None listed	90 days after the availability of the census data or after commission formation, whichever is later	30 days after the last public exception that is filed against the initial plan
<b>Washington</b> Wash. Const. art. II, § 43	5	Majority and minority leaders of the House and Senate each select one. These four select a non-voting fifth to chair the commission. If they fail to do so by January 1, 2001, the state Supreme Court will select the fifth by February 5, 2001. No commission member may be a public official.	January 31, 2011	None	January 1, 2012

**Advisory Commissions**

State	Number of Members	Selection Requirements	Formation Date	Initial Deadline	Final Deadline
<b>Maine</b> Me. Const. art. IV, pt. 3, § 1-A	15	Speaker of the House appoints three. House minority leader appoints three. President of the Senate appoints two. Senate minority leader appoints two. Chairs of two major political parties, or their designees. The members from the two parties represented on the commission each appoint a public member, and the two public members choose a third public member.	Within three calendar days of convening the Legislature in 2013	The commission must submit its plan to the Legislature within 120 days after the Legislature convenes in 2013. The Legislature must enact the plan, or another plan, by a 2/3 vote of both houses within 30 days after it receives the commission's plan.	Within 60 days after the Legislature fails to meet its deadline, the supreme judicial court must adopt a plan
<b>Vermont</b> Vt. Stat. Ann. tit. 34A	5	Chief justice appoints the chair; governor appoints one member from each political party that received 25 percent of the vote in the last gubernatorial election; those parties each select one. Secretary of state is secretary of the board but does not vote. No commissioner may be a member or employee of the legislature.	By July 1, 2010	April 1, 2011	May 15, 2011. Legislature must adopt the plan or a substitute at that biennial session.

**Backup Commissions**

State	Number of Members	Selection Requirements	Formation Date	Initial Deadline	Final Deadline
<b>Connecticut</b> Conn. Const.	9	President pro tem of the Senate, Senate minority leader, speaker of the House, and House minority leader each select two; these eight must select the ninth	After legislature fails to meet deadline (September 15, 2011)	None	November 30, 2011

art. III, § 6		within 30 days.			
<b>Illinois</b> Ill. Const. art. IV, § 3	8	President of the Senate, Senate minority leader, speaker of the House, and House minority leader each select two, one of whom is a legislator and the other is not. No more than four from the same party. If the commission fails to develop a plan by August 10, 2001, the state Supreme Court selects two persons not of the same political party, one of whom is chosen by lot to be the ninth member.	July 10, 2011 (if legislature fails to meet its deadline of June 30)	None	October 5, 2011
<b>Mississippi</b> Miss. Const. art. 13, § 254	5	Chief justice of Supreme Court is chair; attorney general, secretary of state, speaker of the House, president pro tem of the Senate	After legislature fails to meet deadline (60 days after end of second regular session following decennial census)	None	180 days after special apportionment session adjourns
<b>Oklahoma</b> Okla. Const. § V-11A	3	Attorney general, superintendent of public instruction, and state treasurer	After legislature fails to meet deadline (90 days after convening first regular session following decennial census)	None	None
<b>Texas</b> Tex. Const. art. 3, § 28	5	Lieutenant governor, speaker of the House, attorney general, comptroller of public accounts, and commissioner of the general land office	Within 90 days after legislature fails to meet deadline (adjournment of the first regular session following decennial census)	None	60 days after formation

**Other**

<b>Iowa</b>	Iowa conducts redistricting unlike any other state. The Iowa system does not put the task in the hands of a commission, but rather the legislature does vote on the plans. Nonpartisan legislative staff develop maps for the Iowa House and Senate as well as U.S. House districts without any political or election data including the addresses of incumbents. This is different from all other states. For a detailed description of the Iowa system <a href="#">click here</a>
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This page is maintained by the Redistricting and Elections Committee for the National Conference of State Legislatures

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