

To: Sen Scott Sales, Sen Jon Sesso, Sen Mark Blasdel, Sen Margie Macdonald, Sen JP Pomnichowski, Sen Fred Thomas, Rep Greg Hertz, Rep Casey Schreiner, Rep Kim Abbott, Rep Seth Berglee, Rep Wylie Galt, Rep Shane Morigeau

CC: Susan Fox

August 21, 2020

Legislative Council,

COVID-19 has required that Montana re-imagines a number of essential pillars of civic engagement from the 2020 Census to access to voting. We commend Legislative Council for its careful attention to not only the public health and safety of the 2021 Legislative session, but also preserving Montanans' essential rights to participate in government.

As organizations committed to public access to decision making, we concur with the Legislative Council that a hybrid virtual and/or socially distanced session in 2021 is the best option to meet these needs and protect the health of legislators, legislative staff, and the public. In Montana, access to the Legislature is a fundamental component of our government ensuring the process of good public policy and law making. It is critical that even in these unique and uncertain times, the Legislature reduce as many barriers as possible to allow for the robust public access Montanans expect.

To that end, we put forth the following recommendations for Legislative Council's consideration.

ACCESS TO LEGISLATORS AND LEGISLATIVE INFORMATION:

- The Legislative switchboard must continue to operate, allowing members of the public to provide comments via phone to legislators. It must also be made clear to the public how those comments are being delivered to the legislators as, in the past, many received them as hard copies on their desk.
- Legislators should be required to list contact information on the legislative website including a legislative email. Further, legislators should be required to check regularly their publicly listed email to ensure receipt of public comment.
- Legislators should be required to host no fewer than three publicly posted office hours per week in which they are available for meetings with members of the Public.

- Legislative staff should research and implement the software and technology to create informal opportunities for members of the public to get to know and talk with legislators.
- Legislative staff should continue to develop and improve online systems to post proposed legislative amendments, similar to the system developed for HB 2 and budget companion bills

PUBLIC PARTICIPATION:

- The Public should be able to give oral testimony virtually without advance scheduling. The hearing schedule should be publicly posted in advance of the hearing and remain available during and after the hearing.
- The Public should be able to submit written testimony to the public record for at least 12 hours before the hearing and for at least 24 hours after the completion of the Committee meeting.
- During Committee meetings, there should be a publicly-facing, live log of members of the Public who have noted support or opposition to the piece of legislation being considered. *These are people who do not plan to provide substantive testimony, but want to publicly note their support of or opposition to legislation.*
- The total number of comments in support and opposition of a measure should be publicly submitted into the record.
- In-person public participation should be limited to informational witnesses from state agencies.
- Develop clear guidelines for all committee chairs to follow regarding public participation so that the public is not denied participation because of a unique committee rule.

Because many of these recommendations will require up front technology and staffing costs, we strongly support the Legislative Council making a request to the executive branch to utilize CARES Act funding for necessary expenditures to respond to COVID-19 to support public access during the 2021 legislative session. This pool of funding could be used to purchase the necessary hardware and software for communities to host socially distant spaces to watch and participate in the legislative session. Applicants for funding could include, but are not limited to, Montana’s libraries, senior centers, colleges and universities (including our Community Colleges and Tribal Colleges), community centers, and nonprofit organizations who demonstrate a clear plan and capacity to involve members of the Public in accordance with public health best practices.

Again, thank you for your continued consideration of the 2021 Legislative Session.

Please do not hesitate to reach out to any one of us if you have questions or would like to discuss this matter further.

Sincerely,

Kiersten Iwai, Executive Director
Forward Montana Foundation

Al Smith, Executive Director
Montana Trial Lawyers Association

Rachel Carroll-Rivas, Co-Director
Montana Human Rights Network

SJ Howell, Executive Director
Montana Women Vote

Liz Albers, Executive Director
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