



*DRAFT -- Operating Procedures of the Montana
Districting and Apportionment Commission -- DRAFT*

This draft document is intended for consideration at the commission's
November 1, 2019, meeting.

Background:

The Montana Districting and Apportionment Commission (the commission) is required by Article V, Section 14, of the Montana Constitution to draw the boundaries of congressional and legislative districts every 10 years. Once adopted, these procedures will inform the commissioners, staff, and public about how the commission will organize and complete the redistricting process for the 2020 redistricting cycle. Importantly, the procedures serve as a guide to the public about what to expect from the commission and the opportunities they will have to participate in the redistricting process. The procedures are subject to amendment by the commission at any point during the redistricting cycle.

Draft language in this document is adapted from the Rules, Procedures, and Guidelines for Interim Committees document adopted by the Legislative Council on May 29, 2019, the 2019 Rules of the Montana Legislature, and the operating procedures for the 2010 Districting and Apportionment Commission.

I. Quorums and Parliamentary Procedures

- A. Meetings of the commission are held in the State Capitol in Helena unless otherwise designated by the presiding officer.
- B. Generally, notice of meetings will be given to the members and the public a minimum of 10 days prior to each meeting. However, a meeting may be scheduled, with notice appropriate to the circumstances, by the presiding officer or a majority of the commission.
- C. Public notice includes posting to the Legislative Branch website the time, location, and agenda of meetings and disseminating the material to news media, commission members, and interested persons. Staff of the Legislative Services Division (LSD) shall maintain an updated interested parties list of persons stating an interest in the commission's activities. Anyone who requests to be included on the interested parties list must be included. If practical and feasible, notice may also be given by U.S. mail, email, fax, or other means.

- D. A majority of commission members constitutes a quorum. A quorum of the commission must be present at a meeting to act officially. The commission may not convene a meeting without a quorum present.
- E. The presiding officer is responsible for maintaining order within the commission room and its environs, scheduling hearings and executive action, supervising commission work, and deciding all questions of order, subject to a member's appeal to the commission.
- F. The privileges of commission members include participating freely in commission discussion and debate, offering motions and amendments, asserting points of order and privilege, questioning witnesses upon recognition by the presiding officer, and voting, subject to Section III.

II. Public Participation Guidelines

- A. The commission is committed to providing an opportunity for effective public involvement in the redistricting process.
- B. (1) Except as provided in subsection (2) and in accordance with subsection (3), public comment must be accepted prior to making a final decision that is of significant interest to the public. Public comment may be taken in person or through written communication. Additional public comment may be taken at the discretion of the chair.
(2) Public comment is not accepted over the phone or via videoconferencing.
(3) Public comment provided in person to the commission is a public record that is recorded, archived, and available on the commission's website. Public comment submitted in writing at a commission meeting is a public record that will be posted to the commission's website as part of the summary minutes log for the commission meeting.
- C. To manage the commission's time and agenda, the presiding officer may limit individual public comment in a manner that allows equal and fair opportunity for public comment.
- D. (1) Submission of written public comments is encouraged. Written comments are accepted at any time through electronic or regular correspondence and will be copied to all commission members and entered into the record.
(2) Written comments may be mailed, emailed, or faxed to the commission at:
Montana Districting and Apportionment Commission
PO Box 201706
Helena, MT 59620-1706

Email: districting@mt.gov

Fax: 406-444-3036

- (3) The commission and its staff may recommend public comments be sent before a certain date to ensure the comments can be taken into consideration during the redistricting process.
- E. Common courtesy is required.
- F. The presiding officer has the discretion to recess commission meetings whenever considered appropriate.
- G. Recording or videotaping of commission meetings is permissible in a manner that does not disrupt the meeting. The presiding officer may designate areas of the hearing room from which the equipment must be operated. Cell phone use is at the discretion of the presiding officer.

III. Voting and Proxy Votes

A. Motions:

- (1) A second to a motion is not required in order for a motion to be considered by the commission.

VOTING ACTION OPTIONS:

- (2) *A motion may be adopted only on the affirmative vote of a majority of commission members.*

OR

- (2) *A motion may be adopted only on the affirmative vote of a majority of the members present and voting.*

B. PROXY OPTIONS:

- (1) *The use of proxy votes is allowed. For the exercise of a proxy to be valid, the deputized member shall hold a written proxy from the absent member.*

OR

- (1) *The use of proxy votes is not allowed.*

- C. *A commission member may attend a meeting via telephone or teleconference. A member's attendance via telephone or teleconference is treated in the same manner as a member attending a commission meeting in person.*

IV. Staff Research

- A. Staff research requests must be authorized by the commission or the presiding officer.

V. Travel and Expense Reimbursement

- A. The presiding officer is responsible for authorizing out-of-state travel by commission members that will result in a request for reimbursement from the commission's budget.
- B. Commission members shall receive salary and be reimbursed for meals, lodging, mileage, and miscellaneous expenses as provided by law and the travel policy established by the Legislative Council.
- C. Overnight lodging is allowed when a commissioner would be required to leave home earlier than 6:30 a.m. or arrive home later than 6:30 p.m. to have attended the full meeting or have conducted all of the commission business authorized. To compute whether this is required, an average travel speed (overall including incidental stops) of 50 miles an hour is used. The one-half hour immediately preceding and immediately following a meeting or commission activity is an in-town travel shift and considered to be part of the total meeting schedule for the purposes of the reasonableness computation.
- D. A commissioner is considered necessarily away from home on the day of a meeting or other authorized commission activity and on any other day when travel is required.
- E. Subject to statute, a meal falling within reasonable travel times may be claimed. Special circumstances are considered in determining reasonableness. Such circumstances may include inclement weather, a commissioner's health, variables related to flying instead of driving, and schedule conflicts which require a member to choose a more expensive mode of travel in order to participate in the commission activity. Special circumstances should be clearly presented on the claim form.

VI. Minutes of Commission Meetings

- A. The digital recordings of commission meetings are the official minutes of the commission meetings.
- B. In conjunction with the digital minutes, staff will prepare an annotated log as an index and time stamp to the digital record. The log will:
 - (1) indicate at what points during the meeting the various agenda items are found in the digital record;
 - (2) identify each speaker and detail each motion and vote;
 - (3) describe the topic of discussion, including identification of critical discussion or questions between commission members and witnesses, staff, and each other; and

(4) establish links on the website to documents discussed by or presented to the commission.

C. If the commission tours or travels outside a meeting room setting, the minutes will identify the location of the tour or travel and commission and staff attendance.

VII. Requests for Material

A. Right to Know Policy:

(1) Records subject to constitutional individual privacy protection are protected from public review or scrutiny.

(2) All other records are subject to right to know provisions of the Constitution.

(3) It is necessary for the staff to protect records from theft, loss, defacement, or alteration and to prevent undue interference with the discharge of commission functions.

B. The following procedures apply to records that are available for public inspection and copying:

(1) Commission records are available for inspection and copying upon request by any person during regular office hours of the LSD.

(2) The request may be oral or in writing to the Executive Director of the LSD and must reasonably identify the record wanted.

(3) The records may be inspected in appropriate accommodations within the State Capitol as identified by the Executive Director.

(4) Copies of material will be made and distributed at a cost-reimbursable rate. Requests for copying that involve excessive staff time may be referred to the Executive Director. The person making a request may be required to copy the records in the offices of the Legislative Services Division.

C. The following records are not available for public inspection and copying:

(1) Personnel records, except general employment information, such as dates and duration of employment, title of position, and salary.

(2) Prior to bid opening, information that would give advantage to any person bidding on services or other contracts sought by the commission.

(3) Material prepared in anticipation of litigation that would not be available to a party in litigation with the commission under the Montana Rules of Civil Procedure on pretrial discovery.

- (4) Prior to any testing period, materials used to test job applicants if disclosure would compromise the fairness or objectivity of the testing process.
- (5) Proprietary information, including computer programs, which is entrusted to the commission under exclusive contract.
- (6) Any other information that the Executive Director of the LSD determines to be not available because the demands of individual privacy clearly exceed the merits of public disclosure.

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