

Commission Operating Procedures  
as adopted July 12, 2011

**Purpose:**

The Montana Districting and Apportionment Commission adopted operating procedures to guide the commission and staff in organizing the redistricting process through 2013. While the commission work plan provides the general picture of the "what" and "when" for redistricting, the operating procedures provide the detailed "how" the commission will succeed in redrawing legislative district lines in Montana. More importantly, the operating 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.

*Initial public comment:*

Although the commission always accepts public comments on any redistricting topic at all times, it will also encourage the public to provide input on "communities of interest" and local concerns before it holds public hearings on actual maps. To alert the public of the opportunity to provide comment early in the process, staff will use existing "interested party" and media contacts to issue e-mailed alerts and press releases. The commission will write at least one op-ed to publicize its desire for additional public comment. In addition, staff will use visits to highlight the opportunity to provide comment. All comments will be distributed to the commissioners and posted on the commission's web site and will become part of the permanent record.

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 mapping process and then before the commission begins to vote on plans and amendments.

*Staff visits/contacts:*

To gather additional local input, to satisfy 13-3-102, MCA (required consultation with the election administrator of counties involved in a redistricting plan), and to increase awareness of the commission's duties, staff will:

- make a written contact to each county clerk/recorder or election administrator and a follow up contact by phone if necessary.
- make a written contact to each tribal governing body, county commission, party central committee, and legislator.

- attempt to visit the major population centers and counties that might be split into more than one house district. It might not be possible to visit every one of the affected counties (approximately 34 counties were split in 2000), so staff will attempt to have balance in terms of population and region. Staff visits will include (as possible) county clerks/recorders or election administrators, tribal representatives, party central committees, and legislators.

*Mapping:*

Staff will prepare up to five statewide plans (containing all 100 house districts) on which the commission can take public comment. Although all maps will be available to the public, the commission may reduce the number of maps on which it will formally solicit comment during the public hearings. Commissioners will hold business meetings throughout the public hearing schedule to adopt amendments to plans, to conduct any other business or discussions required, and to provide direction to staff.

*Starting point:*

Commissioners provided the following directions to staff for four "themes" to use to develop several distinct maps:

- emphasize clear lines between population centers and rural areas;
- use the existing district lines as a starting point for new lines;
- emphasize the districting criterion on relative population equality between the districts; and
- attempt to keep political subdivisions intact when possible.

*Publicly submitted plans:*

The commission accepts redistricting plans drawn by individual citizens or organizations. If the commission wishes to use a publicly submitted plan as one of the several upon which it will seek public comment in a series of hearings, the plan must be offered for consideration by at least one member of the commission. If the commission receives a large number of publicly submitted plans, it may hold an initial meeting to narrow the number of maps it will use for the public hearings.

Publicly submitted plans must comply with federal and state redistricting laws. Plans must be accompanied by current contact information (contact name, address, telephone number, e-mail address) for the entity making the submission. The commission encourages entities to submit maps that follow census geographic boundaries and to include with any maps documentation of the total population and minority population for each proposed district. Although the commission must consider the statewide impact of any local or regional map, the commission will accept partial local or regional maps.

**To comply with the commission's mandatory criteria on population equality, each submitted plan must include a written explanation for each district of the mandatory and/or discretionary criteria that justify any deviation from the ideal population.**

The commission will use Maptitude for Redistricting by the Caliper Corporation as its software for redistricting. Because GIS-based redistricting plans submitted electronically must be imported into this software, the commission requires that computer-drafted plans be submitted as equivalency files giving the census block to district assignments. These files may be submitted in .dat, .dbf., .txt, or .shp files. Electronically submitted plans must be based on official Census geography (TIGER line) and PL 94-171 data.

Although the commission encourages entities to submit electronic files, it will accept paper submissions. Staff will contact each organization or individual submitting a plan to verify authenticity. In addition to checking the submitted maps for accuracy and completeness (all blocks are assigned), staff may make nonsubstantive changes to ensure that the maps are consistent (district lines don't jump back and forth over highways or rivers with no population gains).

All plans submitted to the commission become part of the public record and are open to any member of the public.

*Public hearings:*

The commission will hold numerous public hearings in the various regions of the state to gather input on the staff plans and any publicly submitted plans the commission chooses to consider. Commissioners will decide to hold afternoon or evening meetings

and staff will attempt to schedule multiple hearings in a 2- or 3-day span. At each hearing, the commission will review their criteria and staff will give a brief overview of each plan and provide a more detailed summary of the local effects of each plan. The commission will then take public comment. The commission will hold an additional hearing in Helena shortly after the November 2012 election so that any "holdover" senators could provide comment on any proposed senate districts and the commission's assignment of these senators to new districts.

The commission will begin holding hearings in early 2012 in order to complete the public hearings around Labor Day of 2012.

Maps will be available to the public in advance of the public hearings to ensure the public has adequate time to study the plans. If amendments or additional maps are drafted as a result of commission discussion or public comment, staff will make those changes available as soon as possible.

All meetings of the commission, whether public hearings to take comments or executive sessions to make decisions, are open to the public.

*Additional public comment:* The commissioners will urge the public to submit comments via e-mail, fax, or regular mail after each public hearing. Staff will continue to notify the public of comment opportunities via the Legislative Services media contact and interested persons lists. Staff will compile the comments and distribute them to all commissioners. The timing of the delivery of the comments will vary depending on the amount received: monthly, bi-weekly, weekly, or even daily when deadlines are near.

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 mapping process and then before the commission begins to vote on plans and amendments.

*Final public hearing:* A final public hearing will be held in the Capitol to fulfill the requirement in 5-1-108, MCA. This meeting should be held by early December 2012 and should include final senate districts and assignments of holdover senators.

*Adoption of plan:*

The commission will meet shortly after the last of the public hearings to discuss and tentatively adopt a redistricting plan. This plan will be used to create the senate districts and to assign holdover senators after the November 2012 elections. The plan will also be the one used for the final public hearing in early December. Because the plan would still be tentative, the commission could still amend it.

The commission will vote in early December (either at the final public hearing or at a meeting held shortly after) on the plan to present to the 2013 Legislature by the 10th legislative day. The Legislature has 30 days to provide recommendations to the commission. The commission then has 30 days to consider the recommendations and to submit the final plan to the Montana Secretary of State. Once the commission submits the plan, the commission is dissolved.

One of the mandatory districting criteria adopted by the commission in May 2010 specified that a written explanation of any deviation from the ideal district population must accompany each district description in the commission report. Staff will draft a checklist for the commissioners to use during the hearings and when voting on the reasons for the deviations in each district.

*Population/geographic data:* The commission will use as its population data the official federal decennial census data, which is based upon geography provided in the TIGER/Line files.

*Racial and ethnic data:* The commission will need to use the census data on race and ethnicity to determine compliance with the Voting Rights Act. When considering this data, the commission will use the guidelines on the aggregation and allocation of multiple-race categories in federal race data as provided in Part II of the Office of Management and Budget (OMB) Bulletin No. 00-02. Summaries of district populations will include the total population and the number and percentage of any minority population that makes up more than 1% of the district's population.

To allocate categories of responses for more than one race, the commission will assign any single minority race or single minority race plus white to the minority category. For categories in which

responses of more than one minority race total more than 1% of the district's population the commission can analyze the plan by alternatively allocating the multi-race responses to each minority group making up the response. For example, a person who chose American Indian or American Indian plus White would be allocated to the American Indian category for the purposes of compliance with the Voting Rights Act. A person who chose American Indian plus Black would be allocated to the American Indian population unless the number of American Indian and Black responses each totaled more than 1% of the district's population, in which case the response would be analyzed as assigned to one race category and then the other.

The commission will also use the category of responses that indicate if a person is of Hispanic or Latino origin. Because the census considers Hispanic or Latino origin to be an ethnic category rather than a racial one, a person can be of Hispanic or Latino origin and also a member of a racial group. Including the Hispanic or Latino origin field in the database used for mapping will provide valuable information, but the commission will need to be conscious that in some cases there will be overlap. If the commission begins to map a portion of the state in which the overlap between Hispanic or Latino origin and a race category becomes significant, it can specify an alternative method of allocation responses to ensure it has the information required to comply with the Voting Rights Act.

#### *Copies of maps*

Staff will make available on the internet free of charge copies of all maps (in pdf or html) and will mail maps to the commissioners, clerks/recorders or election administrators, tribal officials, and party central committees. Copies of maps will also be mailed to individuals or groups upon request and at cost (printing and mailing) as provided in 2-6-110, MCA, and Legislative Services policy