

# Montana Redistricting Law

## Montana Constitution Article 5, § 14

### Section 14. Districting and apportionment

(1) The state shall be divided into as many districts as there are members of the house, and each district shall elect one representative. Each senate district shall be composed of two adjoining house districts, and shall elect one senator. Each district shall consist of compact and contiguous territory. All districts shall be as nearly equal in population as is practicable.

(2) In the legislative session following ratification of this constitution and thereafter in each session preceding each federal population census, a commission of five citizens, none of whom may be public officials, shall be selected to prepare a plan for redistricting and reapportioning the state into legislative districts and a plan for redistricting the state into congressional districts. The majority and minority leaders of each house shall each designate one commissioner. Within 20 days after their designation, the four commissioners shall select the fifth member, who shall serve as chairman of the commission. If the four members fail to select the fifth member within the time prescribed, a majority of the supreme court shall select him.

(3) Within 90 days after the official final decennial census figures are available, the commission shall file its final plan for congressional districts with the secretary of state and it shall become law.

(4) The commission shall submit its plan for legislative districts to the legislature at the first regular session after its appointment or after the census figures are available. Within 30 days after submission, the legislature shall return the plan to the commission with its recommendations. Within 30 days thereafter, the commission shall file its final plan for legislative districts with the secretary of state and it shall become law.

(5) Upon filing both plans, the commission is then dissolved.

## Montana Statutory Code

### 5-1-101. Commission to redistrict and reapportion--number of legislators

(1) In each session preceding each federal population census, a commission of five citizens, none of whom may be public officials, shall be selected to prepare the plans for redistricting and reapportioning the state into legislative and congressional districts.

(2) The plans for redistricting and reapportionment of legislative districts must be based on the number of members in the house of representatives and the senate to be determined in the legislative session before the census.

#### **5-1-102. Composition of commission**

The majority and minority leaders of each house shall each designate one commissioner for the commission provided for in 5-1-101. Within 20 days after their designation, the four commissioners shall select the fifth member, who shall serve as the presiding officer of the commission. If the four members fail to select the fifth member within the time prescribed, a majority of the supreme court shall select the fifth member.

#### **5-1-103. Vacancy on commission**

(1) If a vacancy occurs on the commission, the appointing authority of the vacated seat shall designate a successor.

(2) If the appointing authority at the time a vacancy occurs is of a different political party than that of the appointing authority that made the appointment that is vacant, the majority leader or minority leader of the same political party as the appointing authority that made the original appointment of the commissioner whose position is vacated shall designate the successor.

#### **5-1-104. Compensation and expenses**

Commissioners are entitled to the same compensation and expenses as provided to members of the legislature in 5-2-302 while attending commission meetings or carrying out the official duties of the commission.

#### **5-1-105. Restriction on commissioners seeking election to legislature**

A member of the commission may not run for election to a legislative seat within 2 years after the districting and apportionment plan in which the commissioner participated becomes effective.

#### **5-1-106. Legislative services division to provide technical and clerical services**

The executive director of the legislative services division, under the direction of the commission, shall provide the technical staff and clerical services that the commission needs to prepare its districting and apportionment plans.

#### **5-1-107. Assistance of state agencies**

Upon request state agencies shall cooperate with the commission and furnish technical assistance and consulting personnel.

**5-1-108. Public hearing on plans**

- (1) Before the commission files its final congressional redistricting plan with the secretary of state, the commission shall hold at least one public hearing on it.
- (2) Before the commission submits its legislative redistricting plan to the legislature, it shall hold at least one public hearing on the plan at the state capitol.
- (3) The commission may hold other hearings as it deems necessary.

**5-1-109. Submission of plan for legislative redistricting to legislature**

The commission shall submit its legislative redistricting plan to the legislature by the 10th legislative day of the first regular session after its appointment or after the census figures are available.

**5-1-110. Recommendations of legislature**

Within 30 days after the commission submits its legislative redistricting plan to the legislature, the legislature shall return the plan to the commission with its recommendations.

**5-1-111. Final plan--dissolution of commission**

- (1) Within 90 days after the official final decennial census figures are available, the commission shall file its final plan for congressional districts with the secretary of state and it shall become law.
- (2) Within 30 days after receiving the legislative redistricting plan and the legislature's recommendations, the commission shall file its final legislative redistricting plan with the secretary of state and it shall become law.
- (3) Upon filing both plans, the commission shall be dissolved.

**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.