



Submission of State Legislative Redistricting Plan to the Legislature

Prepared for the Montana Districting and Apportionment Commission

By Rachel Weiss

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Background

The Montana Districting and Apportionment Commission is required by [Article V, section 14](#), of the Montana Constitution to submit its plan for legislative districts to the Legislature at the first regular session after the decennial census figures are available. [Section 5-1-109, MCA](#), requires the commission to submit the plan to the Legislature by the 10th legislative day of the appropriate regular session. This report provides background on how past commissions submitted the plan to the Legislature, how the Legislature issued its recommendations, and additional information on the 2023 session to help plan for the next phase of redistricting.

1973 Opinion of the Attorney General on Plan Submission

The chairman of the 1973 Districting and Apportionment Commission requested of then-Attorney General Robert L. Woodahl an opinion on how the commission should submit its plan to the Legislature and the secretary of state. The resulting opinion, [35 A.G. Op. 50](#), held that the plan should be delivered to the president of the Senate and the speaker of the House and that it should be accompanied by a submission letter signed by each commissioner. The letters should then be read into the record of each chamber and submitted to the secretary of the Senate and the clerk of the House of Representatives.

The opinion also held that a letter signed by each member of the commission should accompany duplicate copies of the plan when it was filed with the secretary of state.

According to [section 2-15-501\(7\), MCA](#), the attorney general's opinion is controlling in the matter unless overruled by a Montana district court or the Montana Supreme Court.

1980 Commission and the 48th Legislature

The 1980 Commission submitted its redistricting plan to the Legislature by using a written report with district descriptions, maps, an analysis of the redistricting process, and discussion of the challenges faced by the commissioners.

The 48th Legislature appeared to use established standing committees to address recommendations on redistricting. The Senate State Administration Committee held at least one hearing on January 20, 1983, to consider [Senate Resolution 4](#), which was the Senate's response to the submitted redistricting plan. It included a request that the commissioners assign holdover senators to new districts. The House also used a simple resolution, [House Resolution 2](#), to provide its recommendations to the 1980 Commission.

1990 Commission and the 53rd Legislature

The 1990 Commission held a meeting on January 11, 1993, to submit its redistricting plan to the 53rd Legislature. Commission staff presented the president of the Senate and the speaker of

the House with binders containing: the commission's final report, the districting criteria, population counts, maps of nine regions, census block assignments to districts, and various other maps. The plan included assignments of holdover senators to specific districts in the new plan. At that meeting, the president and speaker expressed their intent to use existing standing committees to solicit public comment and to formulate the legislative response.

The legislative response took the form of [House Joint Resolution 5](#), meaning it was considered and passed by both houses of the 53rd Legislature.

2000 Commission and the 58th Legislature

The 2000 Commission submitted its redistricting plan to the 58th Legislature in a letter from commission staff to legislative leadership. The letter was accompanied by a report that described the commission's work and criteria and provided general descriptions of each district. The plan included assignments of holdover senators to specific districts in the new plan. Staff and several commissioners also testified at a hearing held on January 20, 2003, by the Joint Select Committee on Districting and Apportionment to receive the plan from the commission. The hearing was continued on January 21.

The 58th Legislature provided its response to the commission in the form of two simple resolutions: [House Resolution 3](#) and [Senate Resolution 2](#). The resolutions were requested by the Joint Select Committee on Districting and Apportionment at its January 21 hearing. The House sent HR 3 through the regular standing committee process, holding a hearing on the resolution in the House State Administration Standing Committee. The Senate formed the Select Committee on Redistricting and Apportionment, which held hearings on SR 2 and other redistricting legislation introduced during that session.

2010 Commission and the 63rd Legislature

The 2010 Commission submitted its plan to the 63rd Legislature on January 8, 2013, which was the second legislative day. The submission included a report of the commission's activities, maps of each House district, a table of the Senate pairings and holdover assignments, and other supporting information. At the invitation of the president of the Senate and the speaker of the House, the commission's presiding officer spoke to a joint session of the Legislature on January 11.

The 63rd Legislature used simple resolutions to provide recommendations to the commission. The House used a select committee on redistricting to consider the plans and provide recommendations through [House Resolution 2](#). The Senate sent [Senate Resolution 3](#) through the Senate State Administration Standing Committee.

2023 Session Calendar

The 68th Legislature will convene on Monday, January 2. The 10th legislative day is currently scheduled to be Friday, January 13. Because [the calendar](#) was tentatively adopted by the Legislative Council, it could change based on the desires of legislative leadership. Currently, the

adopted calendar does not show the Legislature meeting on Saturday, January 7. If legislative leadership decides to meet that Saturday, the date of the 10th legislative day could change.

Assuming the legislative calendar does not change, the earliest the commission could submit the plan to the 68th Legislature is January 2 and the latest is January 12 (to comply with the language "by the 10th legislative day"). The Legislature will then have 30 calendar days to provide recommendations back to the commission. If the plan is submitted to the Legislature on January 2, the Legislature would have to return its recommendations to the commission by 11:59 p.m. on February 1, 2023; if the plan is submitted to the Legislature on January 12, the 30 days would be up at 11:59 p.m. on February 11, 2023.

Once the commission receives the legislative recommendations, it has 30 calendar days to finalize the plan and submit it to the secretary of state. Neither the Legislature nor the commission is required to take the full 30 days, meaning that deadlines in early 2023 will be fluid. However, the whole process should be over by mid-March 2023. Once the plan is filed with the secretary of state, the commission is dissolved.