

# Rules of the Commission for Reapportionment

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## PART I

### Rules Regarding Organization, Meetings, and Procedure

**Rule 1. Cochairs.** — At its first meeting, the Commission shall elect<sup>1</sup> two cochairs. The cochairs shall not be members of the same political party.

**Rule 2. Meetings.** — (a) Each meeting of the Commission shall be conducted in compliance<sup>2</sup> with the [Open Meetings Law](#), Chapter 2, Title 74, Idaho Code.

(b) A quorum<sup>3</sup> of the Commission shall consist of four (4) commissioners. If less than a quorum is present at a meeting for which public notice has been provided, then the commissioners present may receive testimony and information but may not vote, except to:

- (i) Set a future agenda;
- (ii) Prepare for future meetings; or
- (iii) Adjourn or recess.

(c) The Commission shall hold meetings in different locations<sup>4</sup> throughout the state to maximize the opportunity for public participation. At least one (1) cochair shall be physically present at the meeting location, unless the cochairs authorize another commissioner to conduct the meeting, in which case that commissioner must be physically present at the meeting location. A commissioner may attend meetings remotely, and remote attendees will be considered present for quorum, voting, and other purposes.<sup>5</sup>

**Rule 3. Motions.** — (a) Except as provided in Rule 9, no motion shall require a second.

(b) If a motion is under consideration, then a substitute<sup>6</sup> motion may be made. A vote on the substitute motion will be taken prior to a vote on the original motion, and if the substitute motion passes, no vote on the original motion shall be taken.

**Rule 4. Votes.** — (a) To make a determination that the Commission cannot complete its duties by fully complying with the provisions of Section [72-1506\(7\) or \(9\)](#), Idaho Code, five (5) of the six (6) commissioners must vote in the affirmative to make such determination, and the determination shall be recorded in the meeting minutes.

(b) To adopt a redistricting plan or a final report, four (4) of the six (6) commissioners must vote<sup>7</sup> in the affirmative to adopt the plan or report.

(c) To adopt a motion to go into executive session, four (4) of the six (6) commissioners must vote<sup>8</sup> in the affirmative on the motion, and the reason for going into executive session must be recorded in the meeting minutes.

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<sup>1</sup> See [I.C. § 72-1505](#).

<sup>2</sup> See [I.C. § 72-1505\(1\)](#).

<sup>3</sup> See [I.C. § 72-1505\(5\)](#).

<sup>4</sup> See [I.C. § 72-1505\(4\)](#).

<sup>5</sup> See [I.C. § 74-203\(5\)](#).

<sup>6</sup> A substitute motion is a proposed alternative to the motion under consideration.

<sup>7</sup> See [I.C. § 72-1505\(5\)](#).

<sup>8</sup> See [I.C. § 74-206](#).

(d) Other votes shall require a majority of commissioners present at the meeting where the vote is taken.

(e) A commissioner must be present<sup>9</sup> at a meeting to vote. Remote attendees will be considered present<sup>10</sup> for voting purposes. No proxy votes shall be permitted.

**Rule 5. Questions of Procedure.** — If a question of procedure is raised that is not addressed in these rules, then the Commission shall take a vote on how to proceed.

## PART II

### Rules Regarding the Consideration and Adoption of Redistricting Plans

**Rule 6. Data.** — To be eligible for consideration or adoption by the Commission, a proposed redistricting plan must use only 2020 census population data<sup>11</sup> provided to the State of Idaho by the United States Census Bureau according to the provisions of [Public Law 94-171](#). Plans using alternative data shall not be considered or adopted.

**Rule 7. Format of Redistricting Plans.** — (a) A legislative redistricting plan shall include districts numbered in a regular series, beginning with District One in the northernmost part of the state and proceeding south through the panhandle, then across the state generally from west to east. A legislative redistricting plan must have thirty-five (35) districts.<sup>12</sup>

(b) A congressional redistricting plan must have two (2) districts, with Congressional District One including the northernmost part of the state.

**Rule 8. Criteria Governing Redistricting Plans.** — To be eligible for consideration or adoption by the Commission, a proposed redistricting plan must comply with:

- (a) The United States Constitution and the Constitution of the State of Idaho;
- (b) The criteria provided in state law, including [Section 72-1506](#), Idaho Code; and
- (c) Any other relevant federal and state law.

**Rule 9. Consideration of Plans.** — For a redistricting plan to be placed before the Commission for a vote on adoption, the plan must be:

- (a) Reviewed by nonpartisan Commission staff and the Office of the Attorney General for legal sufficiency;
- (b) Offered by a commissioner for consideration; and
- (c) Seconded by another commissioner.

## PART III

### Rules Regarding Public Participation and Public Records

**Rule 10. Comment and Testimony.** — (a) Individuals or organizations may submit written comments on matters pertinent to redistricting:

- (i) Electronically through the Commission's website;

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<sup>9</sup> See [I.C. § 72-1505\(6\)](#).

<sup>10</sup> See [I.C. § 74-203\(5\)](#).

<sup>11</sup> See [I.C. § 72-1506\(1\)](#).

<sup>12</sup> See [Section 4, Article III, Idaho Constitution](#).

- (ii) By email to the email address provided on the Commission's website; or
- (iii) By United States mail to the mailing address provided on the Commission's website.

(b) Written public comments must include the name of the individual or organization submitting the comment as well as the individual's or organization's current mailing address and telephone number.

(c) The Commission shall provide opportunities for members of the public to testify at meeting locations throughout the state, as well as remotely. If public testimony will be taken at a meeting, then the meeting notice shall state that public testimony will be taken, and the Commission will, to the extent practicable, provide opportunities to sign up in advance to testify.

(d) Public testimony shall address matters pertinent to redistricting.

(e) Individuals providing testimony, whether on their own or an organization's behalf, are encouraged to submit a written copy of their testimony to Commission staff.

**Rule 11. Public Submission of Proposed Redistricting Plans.** — (a) Individuals or organizations may submit proposed redistricting plans to the Commission. Such plans must include the name of the individual or organization proposing the plan as well as a current mailing address and telephone number for such individual or organization.<sup>13</sup>

(b) Proposed redistricting plans must be submitted electronically through the Commission's website.

(c) For map drawing, the Commission has selected the software application Maptitude for Redistricting by the Caliper Corporation. A free version of Maptitude will be provided on the Commission's website to enable members of the public to draw and submit redistricting plans. All proposed redistricting plans submitted to the Commission must be drawn in, or must be in a format that can be imported to, Maptitude.

(d) Partial redistricting plans may be submitted.

**Rule 12. Public Records.** — Commission records shall be available for examination at the request of any member of the public, except for records exempt<sup>14</sup> from disclosure pursuant to the [Public Records Act](#), Chapter 1, Title 74, Idaho Code.

## PART IV Rules Regarding Commission Staff

**Rule 13. Nonpartisan Staff.** — (a) Nonpartisan staff members assigned to the Commission by the Legislative Services Office<sup>15</sup> shall perform the following duties under the authority of, or as directed or requested by, the Commission:

- (i) Draft and publish meeting notices and agendas;
- (ii) Draft and publish meeting minutes, subject to Commission approval;
- (iii) Establish a meeting notice and contact list. Any individual or organization wishing to receive notice of Commission meetings will be included in the list upon request<sup>16</sup> and will receive meeting notices free of charge;

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<sup>13</sup> See [I.C. § 72-1505\(7\)](#).

<sup>14</sup> See [I.C. § 74-109](#).

<sup>15</sup> See [I.C. § 67-704\(4\)](#).

<sup>16</sup> See [I.C. § 72-1505\(2\)](#).

- (iv) Record Commission meetings and maintain the Commission's public records;
- (v) Provide access, upon request of any member of the public, to census data or other databases<sup>17</sup> available to the Commission;
- (vi) Make proposed redistricting plans submitted to the Commission available for public inspection<sup>18</sup> on the Commission's website. Paper copies will be available at cost;
- (vii) Verify the authenticity of a proposed redistricting plan by contacting the individual or organization purported to have submitted it, upon request of any commissioner;
- (viii) Provide analysis on the legal sufficiency of a proposed redistricting plan at the request of any commissioner;
- (ix) Provide analysis on a rule of procedure at the request of any commissioner;
- (x) Arrange for the Office of the Attorney General to provide legal advice or guidance to the Commission;
- (xi) Provide technical assistance to the commissioners, partisan staff, and members of the public;
- (xii) Draft, in cooperation with the Office of the Attorney General, the Commission's final report; and
- (xiii) Complete other duties assigned by the Commission, provided that such duties shall not violate the nonpartisan commitments of the Legislative Services Office.

(b) Nonpartisan staff members shall not have access to a partisan secure room except by invitation of a commissioner or a partisan staff member with access to the secure room.

**Rule 14. Partisan Staff.** — (a) Partisan staff members shall be assigned such duties as determined by the commissioners representing their political party.

(b) The commissioners representing a political party shall have authority and control over the partisan staff budget assigned to that party.

**Rule 15. Relationship between Nonpartisan and Partisan Staff.** — The duties of nonpartisan and partisan staff members shall be kept separate and distinct. Nonpartisan staff members shall not have authority or control over partisan staff members, and partisan staff members shall not have authority or control over nonpartisan staff members.

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<sup>17</sup> See [I.C. § 72-1505\(3\)](#).

<sup>18</sup> See [I.C. § 72-1505\(7\)](#).