

# Ex Parte Communications

1

## IRC Bylaws and Ex Parte Communications

- Article II, section 7: Commissioners shall publicly disclose pursuant to Section 8 below all substantive communications (including written, electronic, and oral communications) they have with any member of the public, organizations or interest groups regarding redistricting outside of the public meetings. This provision is not intended to prohibit the discussion of procedural information, such as discussion of the time, place and list of items on the agendas of upcoming meetings.
- Article II, section 8. Copies of all written and electronic communications received by a Commissioner regarding redistricting matters shall be forwarded to the Clerk of the Commission for distribution to all Commissioners and posting on the Commission website within 24 hours of receipt. Oral communications received by a Commissioner must be summarized in a writing by that Commissioner and forwarded to the Clerk of the Commission within 24 hours of the communication for posting on the Commission website. The Clerk of the Commission will keep a log of all substantive communications received outside of public meetings. The log will include the name of the person or organization, date of communication, and general description of where the communication can be located on the Commission website. The log will be published on the Commission website.

2

## Process for Disclosure of Ex Parte Communications

- Per the bylaws, IRC has 24 hours to notify staff in writing of any ex parte communications once they occur.
  - Written communications should be forwarded to staff.
  - Oral communications should be summarized in writing, including name, date and a brief general description of the subject matter discussed.
    - Example: Discussed background related to 2011 County Redistricting process and differences from current process with Jane Doe, by phone, on 12/15/2020.
  - Forwarded communications and summaries should be sent to the IRC general email inbox.
- Upon receipt of a communication, Staff will post attachment within 24 hours of receipt on the IRC website.

3

## Last Minute Communications

- Staff will make best efforts to ensure that all communications received prior to an IRC meeting are posted in advance of the meeting, even where communications are received less than 24 hours before the meeting start time. However, this may not always be possible.
- As such, staff recommends that IRC members disclose verbally any ex parte communication that may occur in the 24 hours before an IRC meeting, to the extent it is not possible to post those communications in advance of the meeting.

4

## Ex Parte Communications and Social Media

- Commissioner communications on social media are considered ex parte communications subject to disclosure.
- However, note that the IRC Bylaws generally prohibit substantive communications about the redistricting process on social media platforms.
  - Article II, section 9 of the IRC Bylaws provides: Commissioners shall not communicate on the subject of redistricting on any internet platform or social media website. “Communicate” includes oral or written communication and includes the use of digital icons that express emotion in response to a communication. This section is not intended to prohibit the publication of information regarding the time, place and agendas of upcoming Commission meetings.

5

## Ex Parte Communications and Social Media

- The Bylaws’ prohibition on social media communications is intended to facilitate the provisions of the Bylaws that prohibit individual commissioners from taking a public position on behalf of the commission outside of authorized channels. (See Article II, section 10 & Article III, section 3.)
- It is also intended to help prevent Brown Act violations, since social media communications can easily and inadvertently become “meetings” within the meaning of the Brown Act.
- It is not intended to prevent Commissioners from sharing information meant to facilitate public access to IRC meetings and activities, and contains a specific information for sharing information about meeting time, place, and agenda.

6