

Electronic Device Use for Legislators
Survey Results and Optional Language for Consideration
Prepared for the Legislative Council
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A survey regarding use of electronic devices by legislators was conducted during the month of July. The survey was mainly geared toward legislators, but other respondents were allowed to take the survey.

N=71 respondents: 64 legislators, 1 state agency, 1 lobbyist, 3 members of the public, and 1 member of the public and media. Following is a summary of the responses received. Written comments are included in the appendix.

Survey Results

- 78% of the respondents either disagreed or strongly disagreed that “legislators should not be permitted to use any form of electronic communication devices during committee meetings”.
- 48% of the respondents disagreed or strongly disagreed; 12.5% were neutral that “legislators should be permitted to use forms of electronic communication devices during committee meetings for reference and research purposes only”.
- 58% of the respondents disagreed or strongly disagreed that “legislators should be prohibited or discouraged to use forms of electronic communication devices for any incoming or outgoing communication during committee hearings”.
- The statement, “The use of social media in committee meetings benefits legislators, allowing them to get their message out in real time before others add their commentary”, split respondents, 39% either agreeing or strongly agreeing; 28% neutral; and 33% either disagreeing or strongly disagreeing.
- 55% of the respondents either agreed or strongly agreed that the use of social media in committee meetings distracts from the focus of business at hand, with just shy of 30% disagreeing or strongly disagreeing.
- Just over half, 51% of the respondents, disagreed or strongly disagreed that there should be different rules on the chamber floor than in committee meetings.
- Even more, 59% of the respondents either disagreed or strongly disagreed that there should be different rules for different orders of business, e.g., second and third reading.
- 62% of the respondents (with nearly 40% strongly disagreeing) either disagreed or strongly disagreed that receiving information on the floor via electronic communication provides unequal access to legislators by the public, with most of the written comments stating the opposite, that this provides equal opportunity to be contacted by members of the public, especially outside of Helena. It is seen as another form of access and a way to broaden opportunities for public comment. There were concerns that this assumes that all legislators have public email addresses, which can be a problem for a small number of legislators.
- 45% of the respondents agreed or strongly agreed; and 37% of the respondents disagreed or strongly disagreed that the use of social media on the floor distracts from the focus of business at hand. Comments indicate that there can be many different distractions, electronic or not, and that social media can be used to alert others that something important is happening on the floor.
- 67% of the respondents believed that limiting electronic access infringes on the right of a legislator to manage their affairs and free speech. Comments indicate that it is more of an infringement on the ability to manage affairs than on free speech, but there was a comment referencing young Republicans and young Democrats and defending their rights.

Comments indicate that there is no support for a rule, especially as it would be unenforceable and any enforcement would be seen as an intrusion. However, there seems to be support for guidelines and raising awareness of the issue. The guidelines could be placed as an appendix in the Joint Rules or distributed as a separate communication from leadership.

Draft guideline language

A legislator’s primary focus should be on serving their constituents and the citizens of the state of Montana. Courtesy and respect by and for legislators, staff, and the public is expected. During committee hearings, the public testimony should be the priority focus of a legislator. Legislators should avoid various forms of distraction that could lead the public to believe that their testimony is not being heard, i.e., newspapers and other reading material should be placed away during testimony. Use of electronic devices other than for committee or floor business is generally discouraged, and if used, should be a tool for taking notes and for pertinent research, reference, and communication to assist a legislator in being more productive. Use of electronic devices should be nondisruptive and open; extraneous communication should be limited; and if a legislator must communicate for a nonhearing-related reason that may take some time, the legislator should excuse himself from the hearing.

Statement on enforcement desired?

Standing committees [or presiding officers] should adopt Committee Rules of Procedure that clearly state the committee’s policy on the use of electronic devices in a committee hearing and during executive action. Any complaints regarding inappropriate use of electronic devices during committee hearings, or on the chamber floor, should be referred to the caucus leader of the legislator in question.