

REDISTRICTING PROVISIONS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca Chavez-Houck

Senate Sponsor: _____

LONG TITLE

General Description:

This bill establishes the Advisory Redistricting Commission and enacts provisions in relation to redistricting and the commission.

Highlighted Provisions:

This bill:

- ▶ enacts provisions relating to the timing of redistricting;
- ▶ establishes the Advisory Redistricting Commission;
- ▶ enacts provisions relating to the commission's membership, functioning, and duties;
- ▶ establishes redistricting standards for advisory redistricting plans; and
- ▶ provides for public hearings conducted by the commission.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

20A-19-101, Utah Code Annotated 1953

20A-19-102, Utah Code Annotated 1953

20A-19-103, Utah Code Annotated 1953

20A-19-104, Utah Code Annotated 1953



- 28 [20A-19-105](#), Utah Code Annotated 1953
- 29 [20A-19-106](#), Utah Code Annotated 1953
- 30 [20A-19-107](#), Utah Code Annotated 1953
- 31 [20A-19-108](#), Utah Code Annotated 1953



33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **20A-19-101** is enacted to read:

35 **CHAPTER 19. ADVISORY REDISTRICTING COMMISSION**

36 **Part 1. Advisory Redistricting Commission**

37 **20A-19-101. Title.**

38 This chapter is known as the "Advisory Redistricting Commission."

39 Section 2. Section **20A-19-102** is enacted to read:

40 **20A-19-102. Timing of redistricting.**

41 (1) In accordance with Utah Constitution, Article IX, Section 1, the Legislature shall
42 divide the state into congressional, legislative, and other districts at the session following an
43 enumeration made by the United States.

44 (2) Redistricting may occur only at the following times:

45 (a) every 10 years, in the year following the federal decennial census;

46 (b) in association with a change in the number of congressional or legislative districts
47 that results from an event other than the federal decennial census; or

48 (c) at any time to redraw a district if ordered by a court of competent jurisdiction.

49 Section 3. Section **20A-19-103** is enacted to read:

50 **20A-19-103. Advisory Redistricting Commission -- Creation -- Appointment --**
51 **Requirements for commission members.**

52 (1) There is created the Advisory Redistricting Commission to prepare advisory
53 redistricting plans for the Legislature.

54 (2) The commission shall:

55 (a) consist of nine members, appointed under Subsection (3)(a); and

56 (b) be reconstituted in connection with each redistricting, in accordance with Section
57 [20A-19-102](#).

58 (3) (a) On or before January 31 of the year following the federal decennial census:

- 59 (i) the president of the Senate shall appoint one member of the commission;
60 (ii) the speaker of the House of Representatives shall appoint one member of the
61 commission;
62 (iii) the leader of the minority party in the Senate shall appoint one member of the
63 commission;
64 (iv) the leader of the minority party in the House of Representatives shall appoint one
65 member of the commission; and
66 (v) the individuals who make appointments under Subsections (3)(a)(i) through (iv)
67 shall, by majority vote, appoint as members of the commission:
68 (A) three judges retired from a court of record in the state; and
69 (B) two unaffiliated voters.
70 (b) The commission shall, by majority vote, elect two members who are not members
71 of the same political party as cochairs of the commission.
72 (c) The membership of the commission appointed under Subsection (3)(a):
73 (i) shall include at least one member from each congressional district; and
74 (ii) may not include more than three members from the same congressional district.
75 (4) (a) At the time of appointment, each commission member shall:
76 (i) be a citizen of the United States;
77 (ii) be at least 25 years of age; and
78 (iii) have been a resident of the state for three consecutive years immediately before
79 appointment.
80 (b) The following individuals may not be appointed to or serve on the commission:
81 (i) an individual who holds an elected or appointed public office;
82 (ii) a lobbyist as defined in Section [36-11-102](#); or
83 (iii) a principal as defined in Section [36-11-102](#).
84 (5) An individual who serves as a member of the commission may not seek election to
85 or hold any of the offices for which the commission adopts a redistricting plan until after the
86 completion of the first election for that office that follows adoption of the redistricting plan by
87 the commission of which the person was a member.
88 (6) When a vacancy occurs in the membership of the commission for any reason, the
89 vacancy shall be filled, within 14 days after the day on which the vacancy occurs, in the same

90 manner as the appointment of the original member.

91 (7) (a) Attendance of a majority of the members of the commission shall constitute a
92 quorum for the conducting of business and the taking of official action.

93 (b) The commission shall meet upon the request of a majority of the members of the
94 commission.

95 (8) (a) Members may not receive compensation or benefits for their services, but
96 commission members who are not government employees may receive per diem and expenses
97 incurred in the performance of the members' official duties at the rates established by the
98 Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

99 (b) A commission member may decline to receive per diem and expenses for service
100 on the commission.

101 Section 4. Section **20A-19-104** is enacted to read:

102 **20A-19-104. Duties of commission -- Standards for preparation of advisory**
103 **redistricting plans -- Staff.**

104 (1) The commission shall prepare an advisory redistricting plan that divides the state
105 into single-member districts for each congressional, state House, state Senate, and state school
106 board district as required under Section [20A-19-102](#).

107 (2) In preparing a draft, alternative, or final advisory redistricting plan, the commission
108 shall do the following:

109 (a) at the commencement of the mapping process for both the congressional and
110 legislative districts, initially create districts of roughly equal population across the state; and

111 (b) adjust the districts as necessary to accommodate, to the extent practicable, the
112 following goals:

113 (i) complying with the requirements of the United States Constitution, the Utah
114 Constitution, and the Voting Rights Act, 42 U.S.C. Sec. 1973, et seq.;

115 (ii) equalizing population between districts, using the most recent population data as
116 reported in the official federal census data;

117 (iii) creating contiguous and reasonably compact districts;

118 (iv) utilizing existing political boundaries and census tracts in the creation of district
119 boundaries;

120 (v) preserving communities of common interest;

121 (vi) utilizing natural and geographic boundaries and barriers in the creation of district
122 boundaries; and

123 (vii) promoting competitiveness and partisan fairness, to the extent possible, while
124 avoiding significant detriment to the other goals described in this Subsection (2)(b).

125 (3) (a) The Office of Legislative Research and General Counsel shall provide the
126 technical staff for the commission.

127 (b) Upon a majority vote of the members of the commission, the commission may,
128 within the authorized budget of the commission:

129 (i) employ an executive director, legal counsel, and other staff to assist the
130 commission; and

131 (ii) incur other reasonable expenses consistent with the commission's duties.

132 Section 5. Section **20A-19-105** is enacted to read:

133 **20A-19-105. Preparation and adoption of draft advisory redistricting plan --**
134 **Alternative advisory redistricting plans.**

135 (1) The commission shall prepare and, by the affirmative vote of a majority of the
136 members of the commission, adopt a draft advisory redistricting plan within 150 days after the
137 later of:

138 (a) the day on which the decennial enumeration data is available to the public; or

139 (b) the day on which the commission is constituted under Section [20A-19-103](#).

140 (2) (a) In addition to the draft advisory redistricting plan, a commission member may
141 introduce one or more alternative redistricting plans for consideration by the commission.

142 (b) The commission may, by a majority vote, authorize one or more alternative
143 advisory redistricting plans to be presented as alternatives to the draft advisory redistricting
144 plan during the public hearings described in Section [20A-19-106](#).

145 Section 6. Section **20A-19-106** is enacted to read:

146 **20A-19-106. Public hearings -- Timing and locations -- Public notice.**

147 (1) (a) Within 14 days after the day on which the commission adopts a draft advisory
148 redistricting plan, the commission shall hold the first of no less than seven public hearings
149 throughout the state as follows:

150 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;

151 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington

152 County;

153 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

154 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne

155 County;

156 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;

157 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

158 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber

159 County.

160 (b) The commission shall hold at least two meetings in a first or second class county,
161 but may not hold two meetings in the same county.

162 (c) Subject to Subsections (1)(a) and (b), the commission shall, by a majority vote,
163 determine the number of public hearings and the location of each public hearing.

164 (d) Subject to Subsection (1)(e), public hearings shall be held in the order and on a
165 schedule adopted by a majority vote of the commission.

166 (e) The commission shall complete the last public hearing within 190 days after the
167 later of:

168 (i) the day on which the decennial enumeration data is available to the public; or

169 (ii) the day on which the commission is constituted under Section [20A-19-103](#).

170 (2) At least three calendar days before the first day on which each public hearing is
171 held, the commission shall:

172 (a) provide written notice of the public hearing to:

173 (i) the lieutenant governor for posting on the state's website; and

174 (ii) each state senator, state representative, and county commission or county council
175 member who is elected in whole or in part from the region where the public hearing will be
176 held; and

177 (b) publish written notice of the public hearing detailing the time, date, and location of
178 the hearing in at least one newspaper of general circulation in each county in the region where
179 the public hearing will be held.

180 (3) (a) During the public hearing, the commission shall either:

181 (i) record the public hearing, by video and audio, or by audio only, and deposit a
182 complete copy of the recording of the hearing with the Division of Archives and Records

183 Service within seven days after the day on which the hearing ends; or

184 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of
185 each speaker and summarizing each speaker's comments.

186 (b) During each public hearing, the commission shall accept written comments from
187 the public.

188 (c) The Division of Archives and Records Service shall make copies of the written
189 comments and the recordings or minutes available to the public.

190 (4) Notwithstanding Subsection [20A-19-103\(7\)](#), a public hearing may be held by the
191 commission with less than a quorum present, if at least four members of the commission attend
192 the public hearing.

193 Section 7. Section **20A-19-107** is enacted to read:

194 **20A-19-107. Final advisory redistricting plan -- Resolution for submission to**
195 **Legislature.**

196 (1) (a) After completion of the public hearings, the commission shall prepare and adopt
197 a final advisory redistricting plan.

198 (b) In preparing the final advisory redistricting plan, the commission shall:

199 (i) review the following:

200 (A) the written comments and the records or minutes of the public hearings;

201 (B) the draft advisory redistricting plan; and

202 (C) as applicable, any alternative advisory redistricting plans; and

203 (ii) adopt a final advisory redistricting plan by adopting:

204 (A) the draft advisory redistricting plan;

205 (B) an alternative advisory redistricting plan; or

206 (C) a new plan that is prepared in accordance with the requirements of Subsection

207 [20A-19-104\(2\)](#).

208 (2) The commission shall complete the process of adopting a final advisory
209 redistricting plan on or before November 30 of the year following the federal decennial census,
210 but no earlier than the third Tuesday after the first Monday in November of the year following
211 the federal decennial census.

212 (3) Adoption of the advisory redistricting plan requires the affirmative vote of at least
213 six members of the commission.

214 (4) After adoption of the final advisory redistricting plan, the commission shall, by the
215 affirmative vote of at least six members of the commission, adopt a resolution that:

216 (a) states that a final advisory redistricting plan has been adopted by the commission;

217 (b) requests that the final advisory redistricting plan be submitted to the Legislature for
218 legislative review and action; and

219 (c) designates a member of the Legislature as the commission's preferred sponsor of
220 legislation to submit the plan to the Legislature.

221 Section 8. Section **20A-19-108** is enacted to read:

222 **20A-19-108. Severability.**

223 If any word, phrase, sentence, or section of this chapter or its application to any person
224 or circumstance is determined to be invalid, the invalidity does not affect other provisions or
225 applications of this chapter that can be given effect without the invalid provision or application,
226 and to this end the provisions of this chapter are severable.

Legislative Review Note
Office of Legislative Research and General Counsel