Joseph E. Hatch

ATTORNEY AT LAW
5295 SO. COMMERCE DRIVE, SUITE 200
MURRAY, UTAH 84107
TELEPHONE: 801-268-4042
FAX: 801-747-1049

June 5, 2012

Mr. Michael Christensen
Director of the Office of Legislative Research
and General Counsel
Utah State Capital Complex
W210 House Building
P.O. Box 145210
Salt Lake City, UT 84114-5210

Re: Notice of Appeal of Fees Requested

Dear Mr. Christensen,

On behalf of Utah State Democratic Party, I am filing this Notice of Appeal to the response authored by Bryant R. Howe, dated May 7, 2012 addressed to the Utah State Democratic Party. A true and correct copy of the response is attached hereto as Exhibit "A". A true and correct copy of the GRAMA request is attached hereto as Exhibit "B".

Petitioner appeals from the decision contained in Mr. Howe's response. The Petitioner believes that the additional $9,250.00 fee request violates U.C.A. §63G-2-203. The balance of this Notice of Appeal will present the Utah Democratic Party's reasons for the appeal.

In a Decision on Appeal (see Exhibit "C" hereto) by Michael E. Christensen dated December 23, 2011, the following was stated regarding the Utah Democratic Party's GRAMA request for fee waiver:

1. That the production could be completed in less than 60 days following the end of the legislature. It was completed in 60 days.

2. That 25% of the outstanding work had been completed by the OLRGC on or before November 16, 2011. The fee for the 25% was stated to be $1,362.50. That should mean a total fee of $5,450.00. OLRGC requested an initial deposit of $5,000.00.

Based upon the above, on January 23, 2012, the Utah Democratic Party made the decision not to appeal the Christensen ruling to the Legislative Records Committee and to pay the $5,000.00.

On January 31, 2012, the OLRGC sent a letter which read in part as follows:

> We cannot begin the remainder of the work on the request until after the end of the general session. Please understand that the above quote [referring to the statement that 25% of the work was completed] does not mean that 25% of the records are available for disclosure. The percentage refers to the overall work completed in order to respond to your request. We will attempt to find time, during the session, to determine the classification of the documents that have been sorted thus far in order to provide some of the documents to you. But, as previously indicated, we cannot begin the remainder of the work until the general session ends.

Also, during this period of time, the OLRGC was obligated to gather and preserve all the requested documents by reason of a letter dated October 3, 2011 from the Utah Democratic Party to John Fellows. The purpose of the letter was to preserve the documents in the event of litigation.

During the months of March and April, the OLRGC did provide certain documents to the Democratic Party. (During the legislative session, the OLRGC provided no documents). However, on May 7, 2012, the OLRGC demanded the additional sum of $9,250.00 before released any more documents. This was done without prior consultation or notification to the Democratic Party. Had the Democratic Party known that the OLRGC had so grossly under estimated the time involved to gather the requested documents, the Democratic Party would have utilized its appeal rights. Therefore, with this Notice, the Democratic Party restates its argument for a fee waiver below.

Mr. Howe was correct that his office has discretion on whether or not to grant the fee waiver. However, that discretion is limited by statute and by law. By finding that "it is unfair to taxpayers that they should have the burden of paying for the staff time responding to your requests", the Office of Legislative Research and General Counsel ("OLRGC") abused its discretion. The Utah Court of Appeals in a recent case held that:

> An agency abuses its discretion when it reaches an outcome that is clearly against the logic and the effect of such facts as are presented in support of the application, or against the reasonable and probable deductions to be drawn from the facts disclosed upon the hearing.

Sorge v. Office of the Attorney General, 128 P. 3d 566 (Ut. Crt. App. 2006).

To simply assume that the Democratic Party's request will result in an inappropriate use of taxpayer resources is an abuse of discretion. Further, the Utah Legislature has already addressed this point in U.C.A. §63G-2-203(4) which reads, in part, as follows:

> A governmental entity may fulfill a record request without charge and is encouraged to do so when it determines that:
>
> (a) releasing the record primarily benefits the public rather than a person; [or]
>
> (b) the individual requesting the record is the subject of the record, or an individual specified in Subsection 63G-2-202(1) or (2);
>
> [Emphasis added]

Mr. Howe has stated that the information is not primarily in the public's best interest. The Democratic Party is considering litigation over redistricting issues, but just because litigation may be involved, does not mean that the requested information is not primarily in the public interest. Ask Attorney General Shurtliff whether or not the litigation against the federal government over health care reform or primacy of county roads is not in the public interest. Ask Attorney General Graham whether or not litigation against the tobacco industry was not in the public interest. Information involving this state's efforts of redistricting is, of course, primacy in the public interest, whether or not there is litigation.

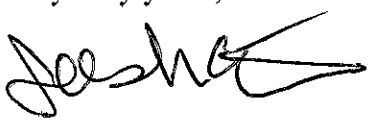
Mr. Howe also found that the Utah Democratic Party is not an "individual" within the meaning of U.C.A. § 63G-2-203(4)(b). First, Mr. Howe misreads the statute by ignoring the word "or" contained in the statute; therefore, the statute applies in the Democratic Party should the Democratic Party be an "individual" "subject of the record". No one disputes that the Democratic Party and its members are a subject of many of the records requested. The Republican Party's selective release of some requested documents to the media demonstrates this point. The real issue is whether the legislature, by using the term "individual", desired to exclude legal entities from utilizing this section of the statute. Of course, it is easy to quote Utah Republicans favorite presidential candidate, "corporations are people too", as support that the Utah Democratic Party should not be excluded from utilizing this section of the fee waiver statute. However, there is a strong policy consideration that public interest entities should be

permitted to utilize this statute. Absent, express legislative intent to the contrary, the Utah Democratic Party should be treated as an individual under the code.

Petitioner Utah Democratic Party respectfully requests that the fee waiver be granted, that the records be immediately turned over to the Utah Democratic Party, and that the OLRGC return the $5,000.00 previously paid.

DATED this 5th day of June, 2012.

Very truly yours,



Joseph E. Hatch
Attorney for Utah State Democratic Party

EXHIBIT “A”

OLRGC
Office of Legislative Research and General Counsel

Michael E. Christensen
Director

John L. Fellows
General Counsel

Jim Dabakis and Matt Lyon
Utah State Democratic Party
825 N 300 W, Suite C400
Salt Lake City, Utah 84103

May 7, 2012

Re: Response to your amended GRAMA request

Dear Mr. Dabakis and Mr. Lyon:

This letter is in response to your amended records request, received by our office on November 9, 2011, seeking the following:

"All communications inclusive of the period from September 12, 2011 through October 12, 2011, whether paper or electronic, between members of the Utah State Legislature, their staff, and/or outside organizations, individuals, or entities that:

1) Contain or reference block assignment files;
2) Reflect, regard or reference the purported grounds or criteria discussed, referenced, considered -- officially or unofficially -- regarding proposed or adopted congressional, Utah House, or Utah Senate maps;
3) Consist of, regard or reference redistricting and members of the Utah State Legislature, Utah's Congressional Delegation, Utah Governor, or Utah State Republican Party, including current, past, potential, and future candidates (including but not limited to Rob Bishop, Jim Matheson, Jason Chaffetz, Carl Wimmer, Dave Clark, Mia Love, David Kirkham, Cherilyn Eager, Morgan Philpot, Ken Sumsion, Chris Herrod, Dan Liljenquist, Chuck Williams, Jason Buck, Chris Stewart, Howard Wallack, John Willoughby, Rebecca Lockhart, Michael Waddoups, Jake Shannon, Casey Anderson, Craig Frank, Bill Skokos, John Valentine) and elected officials;
4) Reflect, consist of, regard or reference any e-mail sent to or from the Utah or National Republican Party, including its staff advisors, and executive committee regarding redistricting; and/or
5) Reference or include partisan or voter participation data and the redistricting process."

Course of Proceedings

1. On October 12, 2011, Matt Lyon and Todd Taylor, on behalf of the Utah Democratic Party, filed a public records request under the Government Records Access and Management Act (GRAMA) with the Office of Legislative Research and General Counsel (OLRGC), requesting the following:

Utah State Capitol Complex
House Building, Suite W210
PO Box 145210
Salt Lake City, Utah
84114-5210
Phone (801) 538-1032
Fax (801) 538-1712
www.le.utah.gov

"All communications in the past 30 days, whether paper or electronic, between members of the Utah State Legislature, their staff, and/or outside organizations, individuals, or entities that:

1) Contain or reference block assignment files;
2) Reflect, regard or reference the purported grounds or criteria discussed, referenced, considered -- officially or unofficially -- regarding proposed or adopted congressional, Utah House, or Utah Senate maps;
3) Consist of, regard or reference redistricting and members of the Utah State Legislature, Utah's Congressional Delegation, Utah Governor or Utah State Republican Party, including current, past, potential, and future candidates and elected officials;
4) Reflect, consist of, regard or reference any email sent to or from the Utah or National Republican Party, including its staff, advisors, and executive committee regarding redistricting; and/or
5) Reference or include partisan data and the redistricting process."

The Utah Democratic Party also requested a waiver of fees.

2. On October 14, 2011, OLRGC sent a letter to Matt Lyon and Todd Taylor, indicating that additional time was needed to respond to their request and denying their request for a waiver of fees.

3. On October 19, 2011, John Fellows, General Counsel to the Legislature, called and left a message at the Utah Democratic Party, asking to discuss charges for the records request. A return call was not received.

4. On October 24, 2011, John Fellows, General Counsel to the Legislature, and Thomas Vaughn, Associate General Counsel to the Legislature, called Todd Taylor and explained that the fee for responding to the request would be significantly higher than $100. Mr. Taylor informed Mr. Vaughn that he would get back to Mr. Vaughn within one and one-half hours. Mr. Taylor failed to contact Mr. Vaughn.

5. On October 25, 2011, Mr. Vaughn again called Mr. Taylor. During that telephone conversation, Mr. Taylor indicated that he had not called because he was still waiting for a decision to be made by someone within the Utah Democratic Party. Mr. Taylor also stated that it was likely that the Utah Democratic Party would be withdrawing its request and filing a very similar one. Mr. Vaughn informed him that the Legislature had already incurred expenditures in excess of $100 and that the Legislature needed to know how to proceed. Mr. Taylor advised Mr. Vaughn to stop work on the response for a "couple of days" until the Utah Democratic Party decided what to do.

6. On October 26, 2011, Mr. Vaughn sent a letter to Mr. Taylor memorializing the events described in the preceding paragraph and informing Mr. Taylor that, based on his conversation with Mr. Taylor on October 25, 2011, Mr. Vaughn would be instructing the records officers in all legislative staff offices to cease work on the records request from the Utah Democratic Party until further notice.

7. On November 9, 2011, Matt Lyon and Todd Taylor, on behalf of the Utah Democratic Party, sent an amended GRAMA request to OLRGC (first quoted above). This request was broader, in both the time period it covered and the scope of the records it requested, than the initial request that was filed on October 14, 2011.

8. On November 16, 2011, Bryant Howe, Records Officer for OLRGC, sent a letter to Matt Lyon and Todd Taylor, informing them that it would likely take at least 60 days (from the time that the Utah Democratic Party agreed to pay the estimated cost of responding to the request) to respond and denying its renewed request for a waiver of fees.

9. On December 16, 2011, Joseph Hatch hand-delivered a letter to OLRGC, appealing, on behalf of the Utah Democratic Party, the denial of the request for a waiver of fees and the determination of the estimated time it would take to respond to the request.

10. On December 23, 2011, Michael Christensen, Director of the Office of Legislative Research and General Counsel, issued a decision denying the appeal. At the same time, the Office of Legislative Research and General Counsel provided to the Utah Democratic Party a copy of the documents that were provided to the Utah Republican Party in response to their request relating to redistricting.[1]

11. On January 23, 2012 (the first day of the 2012 General Session) the Utah Democratic Party paid $5,000 towards its amended records request. A letter provided with the request stated:

"The Democratic Party certainly recognizes that, during the legislative session, time is a premier. However, by your own admission, 25% of the work has been completed. The Democratic Party will expect a partial release of the documents as they become available."

12. On January 31, 2012, the OLRGC sent a letter to Joseph Hatch, stating:

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[1] After the Utah Democratic Party filed its initial records request, the Utah Republican Party filed its own request for certain redistricting-related records. The Utah Republican Party's request was significantly narrower in that it was limited to four legislators and did not include legislative staff. The Utah Republican Party quickly agreed to pay, and did pay, the $2,537.65 fee for responding to its request.

"We cannot begin the remainder of the work on the request until after the end of the general session. Please understand that the above quote [referring to the statement that 25% of the work was completed] does not mean that 25% of the records are available for disclosure. The percentage refers to the overall work completed in order to respond to your request. We will attempt to find time, during the session, to determine the classification of the documents that have been sorted thus far in order to provide some of the documents to you. But, as previously indicated, we cannot begin the remainder of the work until the general session ends."

13. On February 14, 2012, Jim Dabakis sent an email to Bryant Howe, Records Officer of the OLRGC, referring to Mr. Dabakis' letter of January 23, 2012, requesting an update on the expected time to respond to the records request from the Utah Democratic Party and inquiring as to why they had not received a partial response.

14. On February 15, 2012, Bryant Howe responded to Mr. Dabakis' email and provided him a copy of the letter that was sent to Joseph Hatch on January 31, 2012.

15. After the end of the 2012 General Session, Mr. Vaughn contacted Mr. Dabakis by phone and informed him that the OLRGC had a box of maps that the Utah Democratic Party could look through to determine whether they wanted copies of any of the maps in connection with their request. Matt Lyon called Mr. Vaughn to discuss this offer. As of the date of this letter, nobody from the Utah Democratic Party has viewed these maps.

16. On or about April 2, 2012, Mr. Vaughn called the Utah Democratic Party and informed them that a box of 5,000 pages of documents responding to their request was ready to pick up.

17. On or about April 17, 2012, Mr. Vaughn left a voicemail message for Matt Lyon reminding him that the box of 5,000 pages was still waiting for him to pick up and informing him that a second box of 5,000 pages was also ready for disclosure.

18. On May 7, 2012, representatives of the Utah Democratic Party arrived and picked up the first box. At that time, Mr. Vaughn informed them that the remainder of the documents would be provided to them upon payment of the additional amount owed.

Response

We now have approximately 16,000 pages ready to respond to your request. We have spent 506 hours during and after the general session in order to respond to your request. This does not include any of the time we spent before the session to respond to your request. As you are aware, we only charge $25 per hour for work on a request, though the actual cost to taxpayers is much higher. At a rate of $25 an hour, the amount due for staff time is $12,650. We are prepared to release approximately 16,000 pages. At ten cents per copy, the charge for copies is $1,600. Thus,

the total amount attributable to the request is $14,250. The Utah Democratic Party has already paid $5,000, so the amount left owing is $9,250.

Because you have paid approximately one-third of the expenses relating to your request, the first box of approximately 5,000 pages has been provided to you. The remaining 11,000 pages will be provided to you upon receipt of the $9,250 that you still owe. Please make this amount payable to the Office of Legislative Research and General Counsel.

Please be advised that some documents that are responsive to your request have been withheld from disclosure as follows:

- Some documents have been withheld because they are drafts. Drafts are not records (see Utah Code Subsection 63G-2-103(22)(b)(ii)) and are protected under Utah Code Subsection 63G-2-305(22).

- Some documents constitute personal files of a state legislator. These documents are protected records and have been withheld under Utah Code Subsection 63G-2-305(19)(a) (See also 63G-2-103(22)(b)(i)). Most of these are handwritten notes of legislators.

- Some records constitute an internal communication that is part of the deliberative process in connection with the preparation of legislation between members of a legislative body, a member of a legislative body and a member of the legislative body's staff, or members of a legislative body's staff. These are protected records and have been withheld under Utah Code Subsection 63G-2-305(19)(b).

- Some of the records constitute records that are in the custody or control of the Office of Legislative Research and General Counsel, that, if disclosed, would reveal a particular legislator's contemplated legislation or contemplated course of action before the legislator has elected to support the legislation or course of action, or made the legislation or course of action public. These records are protected and have been withheld under Utah Code Subsection 63G-2-305(20).

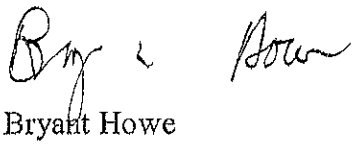
- Some records have been withheld because they are attorney-client communications that are protected by the attorney-client privilege (see Utah Code Section 78B-1-137 and Subsection 63G-2-305(18).

Please be advised that some of the records that we are disclosing to you are protected records under GRAMA. We have chosen to release some protected records to you despite our legal right to withhold them. We are releasing these records in the interest of public disclosure. Our decision to release these records to you in this case does not constitute a waiver of our ability to

assert protected status for similar records now or in the future and is not to be considered as a pattern or practice in response to other requests.

You have the right to appeal the decision to withhold records (as described above), and the additional amount you are being charged, to Michael Christensen, the Director of the Office of Legislative Research and General Counsel, at the Utah State Capitol Complex, W210 House Building, P.O. Box 145210, Salt Lake City, Utah, 84114-5210, within 30 days of the date of this letter.

Sincerely,



Bryant Howe
Records Officer

EXHIBIT “B”

UTAH GOVERNMENT RECORDS REQUEST FORM

TO: Office of Legislative Research and General Counsel
(Name of government office holding the records and/or name of agency contact person.)

Address of government office: W210 State Capitol Complex
Salt Lake City, UT 84114

Description of records sought (records must be described with reasonable specificity):
10/12/2011 request amended - See Attached

☐ I would like to inspect (view) the records.

☑ I would like to receive a copy of the records. I understand that I may be responsible for fees associated with copying charges or research charges as permitted by UCA 63G-2-203. I authorize costs of up to $

☑ UCA 63G-2-203 (4) encourages agencies to fulfill a records request without charge. Based on UCA 63G-2-203 (4), I am requesting a waiver of copy costs because:

☑ releasing the record primarily benefits the public rather than a person. Please explain:
10/12/2011 request amended - See Attached

☐ I am the subject of the record.

☐ I am the authorized representative of the subject of the record.

☐ My legal rights are directly affected by the record and I am impoverished.
(Please attach information supporting your request for a waiver of the fees.)

If the requested records are not public, please explain why you believe you are entitled to access.

☐ I am the subject of the record.

☐ I am the person who provided the information.

☐ I am authorized to have access by the subject of the record or by the person who submitted the information. Documentation required by UCA 63G-2-202, is attached.

☐ Other. Please explain:

☑ I am requesting expedited response as permitted by UCA 63G-2-204 (3)(b). (Please attach information that shows your status as a member of the media and a statement that the records are required for a story for broadcast or publication; or other information that demonstrates that you are entitled to expedited response.)

Requester's Name: Utah State Democratic Party - Matt Lyon/Todd Taylor

Mailing Address: 825 N 300 W Ste C400, Salt Lake City, UT 84103

Daytime telephone number: 801-328-1212 Date: 11/09/2011

Signature:

UTAH Democratic Party

November 9, 2011

Tom Vaughn
Associate General Counsel
Office of Legislative Research and General Counsel
W210 State Capitol Complex
Salt Lake City, UT 84114

Dear Mr. Vaughn,

Thank you for your letter of October 26, 2011 regarding our government records request of October 12, 2011. We are hereby submitting an amended request.

The only material changes in the description of records sought are the dates covered and in item 5 a reference to voter participation data. For your convenience, we have also provided in item 3 a list of candidates that might be referenced in the documents.

Herewith is the amended description of records sought:

> All communications inclusive of the period from September 12, 2011 through October 21, 2011, whether paper or electronic, between members of the Utah State Legislature, their staff, and/or outside organizations, individuals, or entities that:
>
> 1) Contain or reference block assignment files;
>
> 2) Reflect, regard or reference the purported grounds or criteria discussed, referenced, considered – officially or unofficially – regarding proposed or adopted congressional, Utah House, or Utah Senate maps;
>
> 3) Consist of, regard or reference redistricting and members of the Utah State Legislature, Utah's Congressional Delegation, Utah Governor, or Utah State Republican Party, including current, past, potential, and future candidates (including but not limited to Rob Bishop, Jim Matheson, Jason Chaffetz, Carl Wimmer, Dave Clark, Mia Love, David Kirkham, Cherilyn Eagar, Morgan Philpot, Ken Sumsion, Chris Herrod, Dan Liljenquist, Chuck Williams, Jason Buck, Chris Stewart, Howard Wallack, John Willoughby, Rebecca Lockhart, Michael Waddoups, Jake Shannon, Casey Anderson, Craig Frank, Bill Skokos, John Valentine) and elected officials;
>
> 4) Reflect, consist of, regard or reference any e-mail sent to or from the Utah or National Republican Party, including its staff advisors, and executive committee regarding redistricting; and/or,
>
> 5) Reference or include partisan or voter participation data and the redistricting process.

We stand by our initial authorization of costs up to one hundred dollars ($100.00) and with this amendment renew our request under UCA 63G-2-203(4) to have the records request fulfilled without charge. We are requesting a waiver of copy costs because:

1) The Utah Democratic Party through informed participation in the pubic debate helps to educate the

public on a matter of public policy; 2) The Utah Democratic Party has been a partner to government through our informed assistance in bringing public participation to the legislative process; 3) The Utah Democratic Party needs accurate information to provide substantial and accurate testimony to legislators when there is pending official action by policy making bodies; 4) The Utah Democratic Party is directly and indirectly the subject of the information requested; 5) The Utah Democratic Party may be a party to litigation on the subject of the information requested; and, 6) The Utah Democratic Party needs the information because it has a unique responsibility to support the legal rights of the people of Utah.

The records requested deal with the legislative decision-making process for redistricting of state house, state senate and congressional seats. Few issues decided by the legislature have as much import and interest for the public as to how the legislature came to its final conclusions in the matter of determining the boundaries, and consequently, which voters have the opportunity to select which public officials. It is of high interest because like a "Man Bites Dog" story it typifies a reversal of the norm wherein elected officials are choosing their voters instead of the other way around.

We note that redistricting has a long history of public interest with elected and appointed officials taking action on behalf of the public, and the public taking action themselves when response of elected officials was inadequate. During the past decade every general session and at least one special session of the legislature has featured introduced legislation on the subject of redistricting. The Utah Constitutional Revision Commission has discussed the issue. It has been the subject of a citizens' initiative. The Salt Lake County Council has created an independent redistricting advisory committee. The Utah Democratic Party has been an active voice for the public to our elected officials in all these instances.

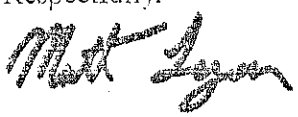
Public interest has been particularly high in recent months with dozens of news stories devoted to the subject. The Utah Democratic Party has been a featured source in much of this needed public debate bringing interest and input from the public into the legislative process. The documentation requested helps fulfill our continuing role in educating the public on this important issue. (Please see the attached nineteen page chronology of recent articles published.)

Additionally to the extent that records reflect partisan concerns, Democrats aver that we are the subject, directly and indirectly, of some of the records requested. These records may be material to the Utah State Democratic Party being a plaintiff or the subject of any litigation involving the redistricting of the State of Utah particularly as it may relate to the Constitutional issues of equal protection, due process, right of suffrage, freedom of association and monopolies.

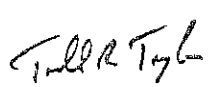
Finally, despite efforts to officially shield redistricting from partisan data, it is clear from public statements by legislators that redistricting inherently has a political partisan component as practiced in the Utah legislature. As the party in opposition, the Utah State Democratic Party has a unique interest and a unique responsibility to support the legal rights of the people of Utah to "fair and effective representation for all citizens" directly affected by this redistricting.

We kindly await your replay to our amended request for government records.

Respectfully,



Matt Lyon
Executive Director



Todd Taylor
Senior Strategic and Political Advisor

UTAH GOVERNMENT RECORDS REQUEST FORM

TO: Office of Legislative Research and General Counsel
(Name of government office holding the records and/or name of agency contact person.)

Address of government office: W210 State Capitol Complex
Salt Lake City, UT 84114

Description of records sought (records must be described with reasonable specificity):
See Attached

☐ I would like to inspect (view) the records.

☑ I would like to receive a copy of the records. I understand that I may be responsible for fees associated with copying charges or research charges as permitted by UCA 63G-2-203. I authorize costs of up to $ 100

☑ UCA 63G-2-203 (4) encourages agencies to fulfill a records request without charge. Based on UCA 63G-2-203 (4), I am requesting a waiver of copy costs because:

☑ releasing the record primarily benefits the public rather than a person. Please explain:
Due to recent statements in the media and otherwise, the public has a right to know what is happening in closed, smoke-filled rooms regarding the redistricting process.

☐ I am the subject of the record.

☐ I am the authorized representative of the subject of the record.

☐ My legal rights are directly affected by the record and I am impoverished.
(Please attach information supporting your request for a waiver of the fees.)

If the requested records are not public, please explain why you believe you are entitled to access.

☐ I am the subject of the record.

☐ I am the person who provided the information.

☐ I am authorized to have access by the subject of the record or by the person who submitted the information. Documentation required by UCA 63G-2-202, is attached.

☐ Other. Please explain:

☐ I am requesting expedited response as permitted by UCA 63G-2-204 (3)(b). (Please attach information that shows your status as a member of the media and a statement that the records are required for a story for broadcast or publication; or other information that demonstrates that you are entitled to expedited response.)

Requester's Name: Utah State Democratic Party - Matt Lyon/Todd Taylor

Mailing Address: 825 N 300 W, Ste C400

Daytime telephone number: (801) 328-1212 Date: 10/12/11

Signature:

All communications in the past 30 days, whether paper or electronic, between members of the Utah State Legislature, their staff, and/or outside organizations, individuals, or entities that:

1) Contain or reference block assignment files;

2) Reflect, regard or reference the purported grounds or criteria discussed, referenced, considered – officially or unofficially – regarding proposed or adopted congressional, Utah House, or Utah Senate maps;

3) Consist of, regard or reference redistricting and members of the Utah State Legislature, Utah's Congressional Delegation, Utah Governor or Utah State Republican Party, including current, past, potential, and future candidates and elected officials;

4) Reflect, consist of, regard or reference any e-mail sent to or from the Utah or National Republican Party, including its staff, advisors, and executive committee regarding redistricting; and/or,

5) Reference or include partisan data and the redistricting process.

Redistricting Media Clips

July 14--
Utah Redistricting Committee presents plans, listens to Cache County residents' concerns (Satenik Sargsyan, Herald Journal)
Utah's Legislative Redistricting Committee visited Logan on Wednesday to discuss the upcoming changes with voting district boundaries. While the new boundaries will not be approved until fall, the committee held a meeting at Utah State University to address public questions and concerns. Residents from some parts of Cache Valley voiced concerns about being represented by a politician in Box Elder County.

July 19--
Utah Dem seeks to make seats more competitive (Lee Davidson, Salt Lake Tribune)
While GOP redistricting plans have proposed eliminating one or two Democrat-held Utah Senate districts, Democrats have countered with an alternative that would preserve them all by creating fewer "safe seats" for both parties. The Democratic plan also appears not to pit any Senate incumbents against one another in the same new districts.

July 21--
Redistricting Right (Deseret News Editorial)
At a string of public hearings scheduled to last through the summer, the redistricting committee has been busy offering up a veritable buffet of pizza slice, doughnut and now doughnut hole maps. We applaud the hearings and the effort at transparency they represent, and we hope that effort will prove sincere. We will know only when we see the final maps, which we hope will reflect input from Utah citizens and honor the idea of representative democracy.

SLC Residents on Redistricting: Don't Chop Us Up (Lee Davidson, Salt Lake Tribune)
Upset Salt Lakers packed a hearing Wednesday to complain that GOP proposals for redrawing congressional and legislative districts would split up their neighborhoods, or pair them with areas that have little in common with them. "In some of the maps you have drawn, you have torn our communities apart. We don't want that," said Salt Lake City Mayor Ralph Becker, in comments typical of the crowd.

July 22--
Drawing Districts (Salt Lake Tribune Editorial)
Utah Senate President Mike Waddoups, a Republican, says that when new state Senate district boundaries are drawn, the Democrats will lose at least one district they hold now. The reason, he says, is that population growth within existing districts held by Democrats has been slower than in areas held by Republicans.

July 26--
Public hearings bring redistricting compromise (Lee Davidson, Salt Lake Tribune)
The Legislature's Redistricting Committee finished a series of 17 field hearings Tuesday after traveling 2,000 miles in nine weeks. Senate President Michael Waddoups said he's been listening, and he presented what he says is a compromise congressional map based on comments from state residents.

New proposal would keep Salt Lake whole and put military areas into one congressional district (Jared Page, Deseret News)
The 68-day, 17-city, information-gathering tour of the Utah Redistricting Committee wrapped up Tuesday night. Now comes the hard part. Over the next month, committee members will weigh the various suggestions for new state legislative, school board and Utah congressional districts and come up with a plan to present to the full Legislature during a special session in September.

July 27--
Critics say lawmakers don't listen on redistricting (Lee Davidson, Salt Lake Tribune)
Three watchdog groups said Wednesday that Utah lawmakers are not listening to the public about redistricting, and instead seek to protect political parties and incumbents. They called Wednesday for them to start listening and avoid political gerrymandering.

Don't ignore what Utahns want in drawing new boundaries, advocates urge (Lisa Riley Roche, Deseret News)
Advocates calling for the state's political boundaries to be re-drawn fairly urged the lawmakers in charge of the process Wednesday not to forget what Utahns want. For several months, more than 150 members of the public have told the Legislature's redistricting committee they want their communities kept together rather than divided for political purposes. But now that the committee has concluded a series of statewide public hearings, the advocates said they fear that testimony will be ignored in setting new legislative and congressional boundaries.

July 29--
Utah Democrats threaten redistricting lawsuit (Chris Vanocur, ABC4)
You draw unfair political boundaries and we will see you in court! This is the tough message Utah's new Democratic Chairman is now sending to state Republican leaders.

Chuck the Pizza (Salt Lake Tribune Editorial)
Mike Waddoups says he is losing his taste for pizza. By that he means he's losing his fondness for the Republican idea for creating four Utah congressional districts by slicing Salt Lake County into four pieces and tacking each piece onto a huge chunk of rural Utah.

July 30--
Conflicts of interest (Deseret News Editorial)
The pressure is on the Utah redistricting committee to show where its true loyalties lie. Public hearings on redistricting have wrapped up, and over the next couple of months, the committee will settle on a final plan to submit to the full Legislature.

August 4--
Becker Seeks Redistricting Volunteers (AP)
Salt Lake City Mayor Ralph Becker and the Salt Lake City Council are looking for volunteers to help redraw the city political map. Officials say the redistricting is required to ensure equal representation for city residents in each of seven council districts and public school precincts.

August 7--

Drawing boundaries: How much influence will public have on redistricting process? (Lisa Riley Roche, Deseret News)

Later this month, lawmakers will start making decisions about where the state's legislative, congressional and school board boundaries should be set for the next decade. Over the summer, the Legislature's Redistricting Committee has held more than a dozen hearings around the state, encouraging Utahns to come up with their own maps using free software available online.

Independent Redistricting 101: Salt Lake County Ready For Results (Jeremiah Stettler, Salt Lake Tribune)

A panel of three Democrats, three Republicans and a lone independent has spent months quietly redrawing sixcouncil districts as members of the county's first independent redistricting commission. Now, with scenarios ranging from the status quo to the controversial, the commission is ready to roll out its work to the County Council this month.

August 9--

Utah redistricting committee announces plan for final phase (Alison Peek, Examiner)

Now in the final phases of redrawing political districts following the 2010 Census, the Utah Legislature's Redistricting Committee is holding meetings to discuss available proposals before it completes the process. Senate committee chair Ralph Okerlund-R, Monroe hopes all proposals will be finalized by September 10, and believes a special session will be called during the second week of October for a formal vote on the new district outlines.

August 10--

County Districts: Commission Draws Good Maps (Salt Lake Tribune Editorial)

Salt Lake County's independent redistricting commission has drawn three proposed maps, two of which are exemplary for their symmetry and fairness. Which probably means they don't have a snowball's chance of being adopted by the incumbent County Council. Still, we can hope.

Redistricting Jeopardy (Patrick Cone, Salt Lake Tribune)

Once again our overlords at the Legislature are proposing to slice our voting districts into outlandish shapes, with various philosophies and rationalizations. It's their way to ensure the prominent party's dominance of Utah politics. It serves their corporate donors well, but certainly not the public or the two-party system.

August 12--

Partisan maps being created at party HQs (Lee Davidson, Salt Lake Tribune)

To make redrawing congressional and legislative boundaries appear more pure and aloof from down-and-dirty politics, the Legislature's Redistricting Committee this year banned placing any political data — such as which neighborhoods tend to vote more Republican or Democratic — into its computer system.

August 14--

Utah County: the center of a redistricting battle (Billy Hesterman, Daily Herald)

A battle is brewing in the state between Utah County legislators and the rest of the state's lawmakers. Some within Utah County are worried that lawmakers from south Salt Lake County and Southern Utah may want to pick-pocket the county and draw boundary lines that take population from Utah County to help protect other lawmakers who reside outside the county.

August 15--

Redistricting: Debate over Utah urban-rural mixes (Josh Loftin, AP)

A key debate for state lawmakers crafting a final redistricting proposal will be whether to divide the populated Wasatch Front among four congressional districts or attempt to consolidate as many rural voters as possible into one district.

Utah Democrats seek common redistricting (David DeMille, St. George Spectrum)

ST. GEORGE - State Democratic leaders are headed to Southern Utah this month, arguing they may have some common interests with the heavily conservative area when it comes to drawing up new congressional and legislative districts. Touring several area cities from Aug. 22 through 25, the group is urging residents to learn more about the possibility of gerrymandering during the redistricting process, saying districts should represent people of like interests. They propose a plan that would give Southern Utah and most rural parts of the state its own congressional representation - and would leave the Democratic stronghold of Salt Lake County largely intact.

August 16--

Utah Poll: 'Doughnut hole' ahead of 'pizza slices' in redistricting (Lee Davidson, Salt Lake Tribune)

Paul E. Rogers, of Millcreek, would be in one congressional district, his neighbors across the street would be in another, and people living a half-block south would be in a third — if a major redistricting proposal by Utah Senate President Michael Waddoups is adopted. "I don't like dividing us up like that," said Rogers, a member of the Canyon Rim Community Council, one of four councils in Millcreek Township.

GOP and Dems in Utah say other party is gerrymandering (Lee Davidson, Salt Lake Tribune)

For example, Utah Democratic Party Chairman Jim Dabakis said he suspects the 17 field hearings held statewide by the GOP-controlled Redistricting Committee were a facade to give an appearance of good government, while real maps were being made in backrooms along political lines to benefit Republicans. "Ten years ago, there was no relationship between the hearings and that dog-and-pony show and the maps that actually came out," he said.

August 17--

Defend Unity of Utah County (Daily Herald Editorial)

State lawmakers from Utah County must fight to keep the political carpetbaggers from slicing up parts of our community into various state House and Senate districts to benefit themselves, diluting Utah County's influence on state politics and the power of your vote. Revamping districts based on new population data from the 2010 Census can be tricky. But not on this point: Utah County is practically a textbook example of what a district should look like. To maintain the principles of fair representation, Utah County should have 14 House districts and at least five Senate districts based on the numbers.

August 18 --

Utah Democrats Ready Lawsuit Over Redistricting (Bob Bernick, UtahPolicy.com)

For decades it's been a badge of honor, and a fine political talking point: Utah has never been sued over the Legislature's redrawing of U.S. House, legislative and State School Board boundaries. Thus, by definition, the Republican-dominated redistricting must be not only legal, but fair. Looks like that run will be over.

Pizza or Doughnut Hole: Redistricting is Just Politics (Jay Evans, Deseret News)

In a few days, the Utah Legislature is going to finalize the state's new political districts for the next 10 years. This time, Utah is adding a fourth representative in Congress. Word on the street is lawmakers are

debating whether to draw those four districts as a doughnut, with a doughnut hole that includes all of politically diverse Salt Lake County, or as a pizza, where four equal slices of the state include, as a couple of well-known Utah singers might put it, a little bit of country and a little bit of rock 'n roll.

August 19 --

Donut Hole (Salt Lake Tribune Editorial Board)

When it comes to new congressional districts, the folks in Salt Lake County prefer doughnuts to pizza. That is they would rather see the Legislature draw a new congressional district entirely within the county (the doughnut plan) than divide the county three or four ways and graft each piece onto a huge expanse of rural Utah (pizza slices).

Redistricting Committee to go over public maps (Billy Hesterman, Daily Herald)

After holding 17 public meetings around the state, the Legislature's Redistricting Committee will return to Capitol Hill today to discuss and review plans submitted by the public through the online redistricting website.

Redistricting 'Plan D from Outer Space' (Bob Bernick, UtahPolicy.com)

In the next few weeks the election politics in Utah's four U.S. House and 104 legislative districts will pretty much be decided upon, shaping elections for the next decade. It's crunch time for the Legislature's Redistricting Committee, which holds the first of its "working" sessions Friday morning, 9 a.m. in the Senate Office Building on Capitol Hill.

S.L. County Councilman David Wilde drawn out of his district in map endorsed by independent redistricting commission (Marjorie Cortez, Deseret News)

Shortly, the recommendations of the first independent Salt Lake County Redistricting Commission will go to the Salt Lake County Council for its consideration. To a large degree, the recommendations approved by the commission of three Democrats, three Republicans and one independent were driven by the numbers. Population growth in Salt Lake County has largely occurred in its southwest quadrant. District and precinct boundaries for the County Council and school boards were reconfigured to reflect those changes.

August 20--

Commission reviews Utahns' redistricting map proposals (Lee Davidson, Salt Lake Tribune)

As protesters claimed lawmakers who are redrawing political boundaries are not listening to the public, the Legislature's Redistricting Commission spent five hours in a hearing Friday reviewing 172 maps that citizens, special interests and lawmakers submitted to it.

Doughnuts for breakfast or pizza for lunch? Legislature weighs plans for 4 congressional districts (Marjorie Cortez, Deseret News)

It was a politically interested Utahn — not a politician — who summed up Friday's public hearing before the Utah Legislature's Redistricting Committee best: "There's never going to be a map that pleases all constituencies," said Jon Hansen, a private citizen who was so motivated to participate in the process that he submitted his recommendations to lawmakers while on business in Albania.

Local GOP, Lawmakers want more seats in Utah County (Bill Hesterman, Daily Herald)

The Legislature's redistricting committee took the day to review maps that were submitted via the Legislature's redistricting website. Authors of the submissions included citizens, city councils and legislators who aren't on the Redistricting Committee. Legislators said the public gave them plenty to

think about as they draw the new boundaries for Utah's U.S. House seats, state House and Senate seats and state board of education seats.

August 22—

Utah Democratic chairman, elected officials start 4 days of meetings with rural Utah voters (THE ASSOCIATED PRESS)
Utah Democratic party officials are venturing into Republican strongholds for public meetings with rural voters. Democratic Party Chairman Jim Dabakis (duh-BAK'-ihs) says the four days of meetings will focus on the redistricting process, which could result in rural areas in the central and southern parts of the state being combined with urban areas in northern Utah. Dabakis says those proposals are misguided because rural voters have unique concerns, especially when it comes to public land management. The meetings will begin Monday in Springville and continue through Thursday. More than a dozen meetings are planned in places such as Price, Kanab, Richfield and St. George. Dabakis says the tour is part of his planned outreach to rural, Mormon voters who are a traditionally strong Republican voting bloc.

State Board of Education on Redistricting Chopping Block? (Bob Bernick, UtahPolicy.com)
The State Board of Education – you remember those guys? – dodged a bullet last Friday. One they didn't even know was coming. At a lengthy meeting of the Legislature's Redistricting Committee, committee House chairman Ken Sumsion, R-American Fork, suggested that the number of board members for the next 10 years be reduced from 15 to nine.

August 23—

Utah's top Dem takes redistricting fight south (Donald Meyers, Salt Lake Tribune)
Jim Dabakis says Republicans have poorly rewarded their southern Utah constituents for their loyalty. "They were disenfranchised," Dabakis, the state's Democratic Party chairman said Monday, pointing to the 2001 redrawing of the 2nd Congressional District, which doglegs from Salt Lake City around three sides of the state. And he worries that Republicans plan to do it to rural Utahns again, diluting their clout in Congress by combining them with urban constituents.

Lawmakers endorse citizen map for new school board boundaries (Lee Davidson, Salt Lake Tribune)
The Legislature's Redistricting Committee did two things Monday that critics doubted would ever happen. First, it adopted a map proposed by an ordinary citizen — Robert Horning, a software designer living in Logan — for new state school board boundaries. Second, it let the news media into a backroom to watch a subcommittee negotiate how to redraw Horning's map a bit before final adoption, allowing reporters to listen to frank discussion about protection of incumbents and local school board boundaries.

Buy the doughnut (Salt Lake Tribune)
As the Legislature's redistricting committee begins debate on maps for Utah's four new congressional districts, they should order a doughnut rather than slices of pizza. By that we mean that all of rural Utah should be rolled into one large district (the doughnut) surrounding the four Wasatch Front counties (the hole). The hole itself, comprised of Utah, Salt Lake, Davis and Weber counties, should be parsed into three districts.

August 24—

GOP operative following, filming Utah Democratic chief (Lee Davidson, Salt Lake Tribune)
After new Utah Democratic Party Chairman Jim Dabakis hosted a radio show during which two top state GOP officials said they support ending public education, Medicare and Social Security, Republicans now have a cameraman following Dabakis to possibly catch him saying something stupid. They are paying a cameraman to follow Dabakis on his current "Red Rock Tour" through southern Utah to talk about public land issues and to urge creation of a congressional seat there. Utah Republican Party Chairman Thomas Wright acknowledged that his party sent the cameraman.

August 26 –
Beware the pizza slice (Daily Herald Editorial)
It was disappointing to hear a Utah Valley lawmaker saying that he favors the "pizza slice" plan for redistricting the State of Utah. It was doubly disappointing that he also happens to co-chair the panel that's redrawing the district boundary lines. "A pizza slice plan will mean that more people represent the public lands," Rep. Ken Sumsion of American Fork said. Well, that may be. But that's not the most important criterion.

Open meetings (Salt Lake Tribune Editorial)
You've probably heard the old saw that no one wants to see sausage being made or laws being written. We beg to differ. We believe that many Utahns would like to witness their lawmakers debating plans and cutting deals, particularly when they are drawing new boundaries for legislative districts. The Legislature's redistricting committee should keep these meetings open.

August 27 --
Democrats calling for southern Utah congressional district (Richard Piatt, KSL)
Utah Democrats say there is a divide between the north and the south in this state. That's why the party's new leadership is on a tour to drum up support for a southern Utah congressional district. This as a legislative committee is redistricting the four new districts. Is it about a real divide in Utah--the differences between the north and the south when it comes to water and land-use issues--or is it about something else, like finding out what's good for a political party?

August 29 –
Keep redistricting as is (Rep. Stuart C Reid, Salt Lake Tribune)
Considerable noise has been made about the possibility of changing the responsibilities of redistricting in Utah from that of the Legislature to one of an independent commission. When you think about it, the noise itself is not unhealthy. In fact, it is representative of our democratic process. Discussion and examining both sides of an issue reflect the democratic principles our country is built on. It is those very principles that endorse keeping the existing legislative responsibility for redistricting Utah.

Utah Senate Democrats Facing 'Sophie's Choice' in Redistricting (Bob Bernick, UtahPolicy.com)
For a few days last week the more optimistic, some might say naïve, among us thought that the Legislature's Redistricting Committee may actually have members of the media/public in the room as they drew some boundaries on congressional and/or state Senate and House seats. After all, GOP leaders of the committee did let two reporters into the basement "war room" last week as the final lines were drawn in the 15-member State School Board redistricting

August 30 –
Utah senators discuss redistricting behind closed doors (Lee Davidson, Salt Lake Tribune)
While work by the Legislature's Redistricting Committee has been surprisingly public this year, the Senate half of the group huddled behind closed doors last week to try to draw a map for state Senate boundaries before the committee's next public meeting.

August 31 –

Gov. & Legislature can't agree on date for redistricting (Chris Vancocur, ABC4)

Utah's leaders are going back and forth on a date for a redistricting special session. The governor proposes one date, the legislature suggests another. It has been this way for weeks. Right now, legislators seem to favor a redistricting special session starting the week of Monday, October 3rd.

Matheson: 'There's no question I'm a target' in redistricting (Lisa Riley Roche, Deseret News)

Utah's lone Democrat in Congress, Rep. Jim Matheson, said Tuesday he expects state lawmakers will once again change the boundaries of his 2nd District seat to make it as tough as possible for him to win reelection. "There's no question I'm a target," Matheson said. "My gosh, 10 years ago, the Wall Street Journal said it was the most egregious example of gerrymandering in the country. Of course that's what they're doing. We all know it."

September 1 –

Special session for redistricting to begin Oct. 3 (Lee Davidson, Salt Lake Tribune)

Gov. Gary Herbert on Wednesday called a special session of the Legislature beginning Oct. 3 to debate and adopt redrawn congressional, legislative and state school board districts. The Legislature's Redistricting Committee is still working on its recommendations for those plans. It adopted a "base plan," which may still be tweaked a bit, last week for the state school board.

September 4 –

Don't cut up Utah County (Daily Herald)

Utah County residents need to tell their lawmakers not to cheat Utah County when, in less than a month, they meet to redraw state legislative and congressional boundaries. Unfortunately, there are signs that some opportunistic lawmakers will slice and dice the county if given the chance so that it cannot exercise the rightful political power it earned by virtue of population growth in the last decade.

September 6 –

Southeast Salt Lake County Troublesome Area for Redistricting (Bob Bernick, UtahPolicy.com)

When the Legislature's Redistricting Committee meets Wednesday, state senators will be closer to deciding new boundaries for their 29 districts than will be House members' 75 seats, several sources tell UtahPolicy. House Democrats have a rough understanding of what they would like to see in redistricting: Absorb House District 30 (vacated by former Rep. Jackie Biskupski, D-Salt Lake, this summer) into surrounding Democratic seats and look to have two Republicans together in another part of the county.

September 7 –

Democrats visit county to talk about redistricting boundaries (Phil Fauver, Emery County Progress)

Utah State Democrat Party Chairman Jim Dabakis visited Emery County Aug. 22, at the Museum of the San Rafael. Gary Petty the Emery County Democrat Party Chairman and Commissioner Laurie Pitchforth warmly greeted Chairman Dabakis to Castle Dale. They also greeted his assistants Emily Hallingshead, Media and Communications Coordinator for this event and Justin Daniels from the Utah State Democrat Party headquarters.

Non-partisan committee releases proposals for Utah redistricting (Fox 13)

A non-partisan committee has released their proposals on how the redistricting maps should be made for Utah and are challeging state legislators to come up with something better. The Fair Boundaries Coalition says the new lines are fair and the database used to create them did not look at voting patterns or at the addresses of incumbents.

Redistricting: Salt Lake County loses, Utah County gains (Lee Davidson, Salt Lake Tribune)

Republicans plan to let Democrats win a small battle or two but force them to lose the overall war on Wednesday as the Legislature's Redistricting Committee debates new Utah Senate districts. One small win for Democrats is that Republicans have agreed not to merge Sen. Luz Robles' multicultural district in

Rose Park into a new Republican-majority seat with the conservative Davis County district of Sen. Dan Liljenquist, R-Bountiful, said Sen. Ralph Okerlund, R-Monroe, Senate chairman of the committee.

September 8 –

A 'gotcha' moment in Utah politics (Maryann Martindale

Gotcha politics usually refers to the idea of catching a politician saying a few ill-chosen words which are then taken out of context and used against them relentlessly. Lanny Davis — special counsel to President Bill Clinton and friend of President George W. Bush — wrote a book about this whole subject called "Scandal: How Gotcha Politics is Destroying America."

Utah County poised to hold 5 state Senate seats (Billy Hesterman, Daily Herald)

Utah County appears to be in a good position to get five state Senate seats within its boundaries, based on the latest maps being considered by the Legislature's Redistricting Committee. In the latest map being considered by the committee, Utah County would have five state Senate seats located within the county's boundaries, with another three seats that overlap into the county. Salt Lake County Democrats appear to be the losers, though, with Utah County gaining a seat.

'Back to the drawing board' for Utah Senate redistricting (Lee Davidson, Salt Lake Tribune)

The Legislature's Redistricting Committee stumbled Wednesday in an attempt to finish new Utah Senate districts when several members and community groups complained that a draft proposal was unfair to their home areas, and the group voted abruptly to adjourn. "It's back to the drawing board for now," Sen. Ralph Okerlund, R-Monroe, the Senate chairman of the committee, said afterward. "But time is becoming an issue. We only have a month to finish these maps" for the Legislature and Congress.

Utah lawmakers looking at state senate boundaries (Josh Loftin, Associated Press)

The Utah Redistricting Committee is reviewing final proposals for new state Senate and school board boundaries. The 18 committee members are meeting Wednesday at the Capitol as they finalize election maps that will be used for the next decade.

Redistricting Committee Stalls on Senate Map (Whittney Evans, KCPW)

A legislative redistricting committee considered two maps this morning for the Utah Senate boundaries, but neither got the stamp of approval. One of the maps came from the citizen group Fair Boundaries Coalition, while the other came from the redistricting committee's co-chairman. As KCPW's Whittney Evans reports, the second map raised lots of concern over Tooele.

September 9 –

House proposal puts Sandstrom and Herrod in same district (Billy Hesterman, Daily Herald)

Rep. Stephen Sandstrom, R-Orem, and Rep. Chris Herrod, R-Provo, may find themselves battling it out for a House seat in the next election if one redistricting plan being considered moves forward. One proposed map for the state House of Representatives combines Herrod's and Sandstrom's districts, meaning the two allies could end up running against each other in the 2012 election.

Redistricting Starting to Bring Out Hard Feelings (Bob Bernick, Daily Herald)

There's a lot of tough votes in the Utah Legislature that pit one group or individuals against others. But rarely does it become personal. The 2011 redrawing of the 29 state Senate seats and 75 House seats is becoming personal. That's because to protect some incumbents while sacrificing others some strange – and to the individuals involved, very personal – lines are being drawn.

Senate plan carves up county again (Tim Gillie, Tooele Transcript Bulletin)

Sloan: "To slap the people of Tooele County with a map like this shows that the public has no place in the process." A proposed base plan for new boundaries for state Senate seats is drawing sharp criticism from Tooele County leaders and citizens who hoped redistricting would finally give them a resident senator. Since the last round of redistricting a decade ago, Tooele County has been split into four senate districts. A decade of growth has now made the county Utah's seventh largest in terms of population, but the newly proposed boundaries would again divide Tooele County, making it the only one of the state's nine most populous counties not to have a population majority in a senate seat.

September 13 –

To understand redistricting, read 'The Godfather' **(Henry C Jackson, Associated Press)**
In Utah, Republicans long ago tired of Democratic Rep. Jim Matheson holding onto a seat in a state they otherwise dominate. With the state gaining a seat in redistricting, the GOP-held Legislature is signaling it will favor a map that vastly dilutes Matheson's Salt Lake City-area base, creating a congressional map that looks like a half of a pizza, with four slices that meet in and around Salt Lake City.

Utah County to gain in Senate, Provo/Orem to lose in House **(Billy Hesterman, Daily Herald)**
If the Legislature approves two proposed maps, Utah County will have five Senate seats of its own, but two legislators' districts will be combined in the House. Rep. Ken Sumsion, R-American Fork, House chair for the Redistricting Committee, said the districts of Rep. Stephen Sandstrom, R-Orem, and Rep. Chris Herrod, R-Provo, had to be combined because ofpopulation numbers.

Lawmakers endorse new Utah Senate, House maps **(Lee Davidson, Salt Lake Tribune)**
The Legislature's Redistricting Commission unanimously passed on Monday new district maps for both the Utah Senate and House, which would force a dozen legislators to face a fellow incumbent for re-election if approved by the full Legislature at a special session next month. The committee also managed to win praise from good-government groups for its Utah House map, but they and some officials from Tooele and Salt Lake counties groused that the Senate map may have unfairly gerrymandered some areas to help incumbents.

Utah Legislature's Redistricting Committee approves preliminary Senate, House maps **(Lisa Riley Roche, Deseret News)**
A legislative committee quickly approved a new state Senate district map Monday without any concessions to concerns raised about how it splits Tooele County. The unanimous vote came soon after some members spent more than an hour behind closed doors, delaying the start of the meeting. "We looked at a lot of options," said the committee's co-Chairman Sen. Ralph Okerlund, R-Monroe. "At this point we are where we were."

Redistricting: Senate Map Proposal Sends Warning to Critics **(Bob Bernick, UtahPolicy.com)**
When we last left our intrepid state Senate map-drawers they were taking considerable public heat over suggesting that Tooele County be split two ways in a new 29-district map. That was last week. Monday – after saying they considered Tooele County officials' complaints about not having a "resident" state senator in the 2011 redistricting – by a unanimous vote the Legislature's Redistricting Committee adopted a "base" Senate map much like the one drawn and presented last week by Sen. Ralph Okerlund, R-Monroe, the committee's GOP Senate chair.

Redistricting: Proposed House Map Combines 10 Incumbents **(Bob Bernick, UtahPolicy.com)**
If Republican House members on the Legislature's Redistricting Committee can hold to recommendations made Monday, the 75-member state House would see some of the most significant changes to its make-up in at least the last three redistricting efforts. A House "base" map that passed unanimously after nearly a whole day of work puts together more incumbents than redistricting in the 2001 and 1991 efforts. (The new House plan should be online Tuesday at:www.redistrictutah.com, although there were software problems with the map-drawing site Monday.)

September 14 –

District maps **(Salt Lake Tribune)**
Judging by the proposed maps on the Legislature's redistricting website,RedistrictUtah.com, it's not easy to divide the state into 29 Senate districts without goring someone's ox. Even the maps submitted by so-called good government groups lasso communities together that seem to have little in common. But that doesn't mean that a good job cannot be done, and we believe that the draft Senate map adopted by the Legislature's Redistricting Committee week falls short. We urge the committee to further refine its plan before submitting it to the full Legislature next month.

Senate redistricting: Process shows how weak get weaker (Tooele Transcript Bulletin)
Tooele County residents still smarting from the last redistricting a decade ago were steeled for battle as the process kicked off this time around. However, rather than rallying cries from local political leaders, they often heard soothing reassurances: We have no need of an independent redistricting commission, since our elected leaders are ideally suited to this non-political task. Or, now that we have an all-Republican, six-member legislative team, state Republican Party leaders will definitely hear our appeals for better representation and act on them. Or simply, don't worry, the Legislature knows they made a mistake 10 years ago and is planning to redress it out a sincere spirit of shared justice. Wrong. Dead wrong. Childishly naive.

September 16 –
Redistricting has Been Kind to Democrats...So Far (Bob Bernick, UtahPolicy.com)
If you had shown me last spring the redistricting maps of the Utah House and Senate unanimously adopted this week by the Legislature's Redistricting Committee, I would have been more than a little surprised. Why? Because the majority Republicans did not treat the minority Democrats too badly

Utah County lawmakers like pizza plan for House districts (Billy Hesterman, Daily Herald)
Utah County lawmakers on the Legislature's Redistricting Committee are leaning toward supporting a pizza slice plan for Utah's four congressional districts. Two of the three Utah County-based lawmakers on the committee say they like the idea of a plan that would divide the state into four districts with the wedges of each district meeting somewhere in Salt Lake County.

September 19 –
Democratic Party Leader Slams Redistricting Proposal (KCPW)
Just two weeks before final redistricting maps are voted on by the Utah Legislature, Utah Democratic Party Chairman Jim Dabakis is not shying away from voicing his disgust on one proposal likely to be presented to the legislative body, even though it got bipartisan support from the redistricting committee. KCPW's Jessica Gail reports.

September 20 –
Peter Corroon urges Utahns to sign redistricting petition, attend rally (Lisa Riley Roche, Deseret News)
Salt Lake County Mayor Peter Corroon is urging Utahns to sign a petition calling for lawmakers to keep communities together as they redraw boundaries for congressional, legislative and state school board districts. In an email sent by his unsuccessful campaign for governor last year, the Democratic mayor also asks Utahns to join him at a redistricting rally at the Capitol, scheduled for 11:30 a.m. on Oct 3, the first day of a special legislative session to finalize the new districts.

September 21 –
Most Salt Lake County House Republicans 'Okay' With Redistricting Proposal (Bob Bernick, UtahPolicy.com)
You know the old saying "divide and conquer." Well, Republicans on the Legislature's Redistricting Committee may be using that adage to round up needed votes in the always contentious, always personal, redrawing of state House and Senate district boundaries.

Exclusive: Democratic Official Drew 'Nonpartisan' Redistricting Maps (Bob Bernick, UtahPolicy.com)
Longtime Utah State Democratic Party official Todd Taylor drew the legislative and congressional redistricting maps submitted to the Legislature's Redistricting Committee by the citizen group Fair Boundaries, UtahPolicy learned Tuesday.

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Most Salt Lake County House Republicans 'Okay' With Redistricting Proposal (Bob Bernick, UtahPolicy.com)

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September 23 –

Congressional maps still in the running slice up Salt Lake County (Lee Davidson, Salt Lake Tribune)

A five out of six chance now exists that Utah will have a "pizza slice" plan for its new congressional districts, which would divide Salt Lake County into slices that are attached to large rural areas. The Legislature's Redistricting Committee voted Thursday to advance six congressional plans for further and final consideration Tuesday. Five of the six are variations of pizza slice plans.

Lawmakers narrow list of potential congressional maps to six (Lisa Riley Roche, Deseret News)

The Legislature's Redistricting Committee has narrowed it down to six proposals that divide Utah into four congressional districts. The committee spent several hours Thursday refining their choices, and hope to settle on a single map at their next meeting on Tuesday, a week before the Legislature's special redistricting session begins. Only one of the maps selected features an urban district that's surrounded by largely rural districts, similar to the so-called "donut" plan seen as favorable to Democrats.

September 26 –

Doughnuts don't get fair taste test (Daily Herald)

Despite the overwhelming expression by the legislative committee that it wished to include the people in the process, it has proven, once again, it was all for show. The public was once again ignored when at the end of Thursday's redistricting committee meeting we were left six choices out of the same pizza box. Don't get me wrong, I like pizza. But I prefer my pizza on a plate, with an ice-cold drink, not as a carved up district map for my state congressional delegations.

Chaffetz Finally Paying Attention to Redistricting Plans (Bob Bernick, UtahPolicy.com)

Of the six "template" congressional maps the Legislature's Redistricting Committee has adopted, five of them split Utah County – something that many observers didn't think would happen when the redrawing process started last spring.

Fair Boundaries redistricting maps stick to metrics goals (Glenn Wright, Salt Lake Tribune)

In its Sept. 15 editorial, "District Maps: Senate Plan Needs Revision," the Tribune editorial board made the cardinal error of being distracted by alluring redistricting anecdotes rather than focusing on quantitative metrics gauging the maps they describe

September 27 –

Outrage over redistricting Senate seats in Ogden (Charles Trentelman, Standard Examiner)

Redistricting Top of Utah's Republican-held state Senate seats divides Ogden among three senators, a move one Ogden official praises for giving Ogden more power in the Legislature. The chairman of the state's Democratic Party, however, calls it "blatant gerrymandering" designed to protect the senators who now sit in those seats.

Pizza by any other name ... (Daily Herald)
Incredibly, state legislators, including some local ones, are bulldozing ahead with redistricting plans that would dilute Utah Valley's political presence in Washington. With the Legislature's Redistricting Committee meeting again today, and a special session to vote next week, time is running out.

Lawmakers expected to choose new Utah political boundaries today (Fox13)
Lawmakers are expected to choose the state's new political boundaries today. The "pizza slice" plan, cutting Utah into four equal districts, is one proposal that is favored by many republican lawmakers in the state.

September 28 –
Favored redistricting map splits Salt Lake County three ways (Lee Davidson, Salt Lake Tribune)
In its long-awaited final decision on how to draw new congressional districts, the Legislature's Redistricting Committee on Tuesday served up a "pizza slice" plan — which would slice Salt Lake County into three pieces and combine them with large rural areas...Rep. Jim Matheson, D-Utah, was dissatisfied enough at what appears to be a tougher district for him that he said "a race by me for governor or the Senate is still on the table" instead of seeking House re-election.

Committee votes for map splitting Utah County into two districts (Billy Hesterman, Daily Herald)
Utah's Legislative Redistricting Committee is close to finalizing a map that will divide Utah County into two congressional seats. On Tuesday, the committee adopted a map drawn by Rep. Ken Sumsion, R-American Fork, and modified by House Speaker Becky Lockhart, R-Provo, which will divide Utah County in half and place the areas in separate seats in the U.S. House of Representatives.

Matheson Could Face Tough Re-Election Challenge After Redistricting (Bob Bernick, UtahPolicy.com)
Ok, here's the big political question of the 2011 redistricting by the GOP-controlled Utah Legislature: Can Democratic U.S. Rep. Jim Matheson win re-election next year if about half of his current voters are placed in his new 2nd Congressional District?

Utah lawmakers endorse congressional map (Lisa Riley Roche, Deseret News)
The Legislature's Redistricting Committee endorsed a congressional map Tuesday that splits Salt Lake County residents among three of the state's now-four districts, a decision that drew harsh criticism from Democratic party leaders. The map approved by the committee is a modification of one of the six congressional plans advanced last week for further discussion. The committee will meet Thursday to take another look at the map before making its final recommendation.

October 4 –
Utah House redraws congressional map on governor's request (Lee Davidson, Salt Lake Tribune)
The state Senate passed on Monday a controversial "pizza slice" plan on how to draw new congressional districts, but House leaders are working on a significantly redrawn version at the request of Gov. Gary Herbert that would increase the urban-rural mix of districts even more.

GOP lawmakers reconsider congressional map; Democrats put them on notice that they will sue (Lisa Riley Roche, Deseret News)
The controversial congressional map that drew more than 100 protesters to the Capitol on Monday is likely history. House Speaker Becky Lockhart, R-Provo, said GOP House members made it clear they didn't like it, either, during their closed caucus meetings on the first day of a special legislative session dealing with redistricting. So a public hearing will be held at 10 a.m. Tuesday on a new map that was expected to be made public online late Monday, at redistrictutah.com.

House draws new map for congressional districts (Billy Hesterman, Daily Herald)
The state Legislature gave final approval to one of the four maps it will need to approve during its special redistricting session this week. The House and Senate both gave a nod to the state school board map, a map that in its early version was drawn by a member of the public, and each house gave approval to the

maps that draw their respective districts. But the map for Utah's four U.S. Congressional seats is forcing the Legislature to work for a second day in the special session.

Back and Forth on Redistricting Session's First Day **(Bob Bernick ,UtahPolicy.com)**
Fluid – that was the politics Monday as the Legislature worked on redrawing Utah's new four-seat U.S. House map. The state Senate adopted the Redistricting Committee's recommended Sum6A congressional map Monday afternoon – the first day of a special session called by GOP Gov. Gary Herbert to officially pass U.S. House, state House and Senate, and State School Board boundaries lines.

Democrats warning of lawsuit over political boundaries **(Billy Hesterman, Daily Herald)**
Utah Democrats took the first step in moving toward a lawsuit against the state if the Legislature approves redistricting maps it views as unfair. The Democratic Party delivered a letter on Monday to the Legislature, which is meeting in a special session to redraw the state's political boundaries, warning of possible litigation over the process used to change the state's political boundaries. The letter was delivered in advance of the Legislature approving any actual maps.

October 5 –
Talks to redraw congressional map put on hold **(Lee Davidson & Robert Gerhke, Salt Lake Tribune)**
Instead of just fighting with Democrats and reform groups, Republicans in the state House and Senate battled each other Tuesday over how to redraw congressional districts. They ended in a stalemate, then recessed until Oct. 17 to allow time to find a compromise.

House, Senate GOP can't agree on congressional maps, postpone session **(Lisa Riley Roche & Dennis Romboy, Deseret News)**
Utah House and Senate Republicans reached an impasse late Tuesday night and put off setting new congressional district boundaries until later this month. GOP lawmakers, who hold the majority in both bodies, spent much of the day behind closed doors in the hope they could agree on a map on Day 2 of a special legislative session. But instead, they ended up with five or six proposals.

Special Session on Hold Until Oct. 17 **(Bob Bernick, UtahPolicy.com)**
Remember the old joke about the camel – that it was so ugly it must have been designed by a committee.Well, unfortunately, critics say, the Republicans in the Utah Legislature – after months of public testimony, a $1 million budget and literally hundreds of U.S. House maps to choose from – were close to approving a camel-like four-seat congressional map late Tuesday night that, despite what up until then had been the most open and transparent redistricting Utah has ever seen, would have been made public just before the House and Senate took votes.

Rolly: Provo Republicans cry 'gerrymandering' **(Paul Rolly, Salt Lake Tribune)**
Here's a switch. A group of Utah County Republicans feels disenfranchised by the Legislature's redistricting process. At least they have one thing in common with Salt Lake City liberals. The group, representing west Provo, says new boundaries for Senate District 16 now will include Wallsburg in Wasatch County, which means the intra-party fight for that seat will be in the GOP state convention instead of the county convention because it now crosses county lines.

October 6 –
The jig is up **(Salt Lake Tribune)**
The Legislature has blown its cover. Any pretense that the redistricting process is something other than a political struggle governed by personal ambition and partisan calculation exploded in this week's special session. When Republicans in the House threw out the Redistricting Committee's proposed map for Utah's four new congressional districts and started drawing new lines in back rooms, the jig was up.

Redistricting redux **(Deseret News)**
After months of public meetings, dozens of proposed maps and endless debate over which junk-food approach to redistricting is best, you would have thought Utah legislators could approve some sort of map during a special session called for that purpose this week. But you would have been wrong. Instead,

Tuesday night found House Republicans scrambling behind closed doors to draw yet another map, a task that ultimately ended in the postponement of the session to allow for more public hearings.

Lawmakers say taking time on maps is a good thing **(Billy Hesterman, Daily Herald)**
While Utah's lawmakers hit the pause button on the special session to redraw Utah's congressional districts late Tuesday night, they hope the work stoppage will show the Legislature is ready and willing to listen to the public. "We feel the public needs to review some of the things we have discussed," said House Majority leader Brad Dee, R-Ogden.

Lawmakers relieved to be taking a breather on redistricting **(Lisa Riley Roche, Deseret News)**
Tuesday night, Senate Majority Leader Scott Jenkins was fed up over the House GOP's failure to reach an agreement on how to divide the state's now four congressional districts. After two days "of mostly sitting around" waiting for the House majority Republicans to make a decision, "I was frustrated like everybody else," Jenkins, R-Plain City, said. But Wednesday, the Senate leader said he agrees that adjourning the special redistricting session that started Monday until Oct. 17 was the right call.

October 10 –
House districts **(The Spectrum)**
Do people in Salt Lake City really care deeply about rural issues? Probably to some extent, but on a daily basis, does the use of Utah's public lands cross their minds? Probably not. Do people in Moab really care deeply about urban issues? Again, probably to some extent, but it's not likely those issues cross their minds on a daily basis. Shouldn't elected House members, though watching out for the state in total at times, watch out more for the day-to-day interests of their constituents? That's not entirely possible at times when urban and rural interests conflict.

Partisan Focus in Congressional Redistricting **(Bob Bernick, UtahPulse.com)**
The question Utah House and Senate members must answer is how partisan – some may say how loyal – of a Republican do each of them wish to be, compared to how representative of their constituents in redrawing the state's four new U.S. House seats. In part because of the times, in part because of the timing, the 58 GOP House members and 22 Republican senators are in a bind.

Democrats call for GOP to open meetings on redistricting **(Billy Hestermann, Daily Herald)**
Utah Democrats are calling on Republican lawmakers to open the doors to their discussions about how the boundary lines should be drawn for Utah's congressional districts..."When a family has a fight they don't do it on the front lawn," said Speaker of the House Becky Lockhart, R-Provo. "Not that there was a knockdown drag out, but there was some very high emotions. There is a lot of stress in this process."

Gop Lawmakers Defend Closed Redistricting Meetings **(Associated Press)**
Republican Utah lawmakers are defending their closed-door meetings last week on the task of setting new congressional district boundaries..."It was closed because we have Republicans fighting with Republicans," said Rep. Francis Gibson, R-Mapleton. "If we're going to fight in my house, I'm sorry, all the visitors are going to have to leave."

Blog Watch: Lockhart Slams Redistricting Critics **(UtahPulse)**
At her personal blog, House Speaker Becky Lockhart responds defiantly to the threat from various Democratic and Republican groups to sue the state over redistricting, saying: "Bring it on."[Read Lockhart's full blog here]

Redistricting on Hold **(Bryan Schott, UtahPulse)**
Republicans in the Utah House and Senate had a hard time last week agreeing on a new four-seat congressional redistricting map. They will try again Oct. 17. In the end, which of the following do you think will happen?

October 11 –
Cache GOP chair sees values as more important than two-party system (Jennie Christensen, CacheValleyDaily)
Utah will have four Congressional districts instead of three and Cache County's Republican Party Chairman Boyd Pugmire says he feels it is important that a Republican is elected in the new district. In fact, he says right now Democratic Congressman Jim Matheson often cancels out the vote of one of Utah's Republicans. Pugmire says if all four Congressional seats could be held by Republicans, it would be a great accomplishment. He disagrees with those who say Utah needs a stronger two-party system. "I think the best thing to do is to look at what the values are in the state," Pugmire said, "and rather it be a Republican or whoever is elected, I think we need to look at do their values match the values of the people within the state. "To say we need to have a Democrat in there because we need a two party system, we do have a two party system but I think the people should have the right to vote in the people who have the same values they have."

October 12 –
Dems Plan For Redistricting (Eric Peterson, City Weekly)
As the Legislature struggles to finalize the congressional map that will guide Utahns' selection of their congressional delegates for the next decade, Democrats are bracing for a map that will hit them where it hurts—right in the liberal stronghold of Salt Lake County.

Lawmakers optimistic new redistrict map will reach bipartisan agreement (Aaron Vaughn, Fox13)
In less than a week the Utah Legislature will vote on the state's new congressional map, one that will include a new fourth seat. Critics worry of gerrymandering byRepublicans, while some Democratic leaders are optimistic a fair map may come out of the works.

October 14 –
Bob Bernick's Notebook: Redistricting Lawsuits are a Dangerous Game (Bob Bernick, UtahPulse.com)
Utah Democratic Party leaders have entered into what many may see as a dangerous game – not only threatening a lawsuit over redistricting, but saying they will subpoena leading GOP legislators in an effort to see what they talked about on redistricting "behind closed doors."

'Nuclear' blog highlights politics behind Utah's redistricting talks (Max Roth, Fox13)
An explosive column by Sutherland Institute President Paul Mero has created a major debate over the rationale behind redistricting. Mero makes the argument that cities by necessity create communities that rely on government regulation and that limit freedom. He uses that argument to say Utah should draw it's four U.S. Congressional districts in order to limit the influence of city dwellers who tend toward liberalism and socialism.

New congressional maps unveiled (Billy Hesterman, Daily Herald)
Two new maps defining Utah's congressional districts were released to the public on Wednesday. The maps, drawn by Rep. Ken Sumsion, R-American Fork, are modifications to a map that was approved by the state Senate last week in the Legislature's special session on redist
ricting.

Dems say Utah GOP lacks redistricting transparency (Lee Davidson, Salt Lake Tribune)
Democrats scolded Republicans on Wednesday for what they say is a lack of transparency in redistricting work, just as the GOP posted publicly two maps that House Republicans will consider Monday as they try to end a standoff with the Senate over new congressional boundaries.

October 17 –
Redistricting Fight Moves Back to Legislature Monday Morning (Bob Bernick, UtahPolicy.com)
Get ready for a spirited, if perhaps short, meeting of the Utah Legislature on Monday. One GOP senator tells UtahPolicy he expects House Republicans to either approve of the four-seat congressional map the upper body sent them two weeks ago, or make "modest" changes to the map

Redistricting process disrespects Utah citizens' right to vote (David Irvine, Deseret News)
The contempt of many legislators for public opinion and voting fairness is almost beyond belief. Some legislators consider redistricting to be none of the public's business. But they will tell school children that our system is wonderful because if you don't like the representation you get, you can vote someone else into office. Gerrymandering makes electing that "someone else" nearly impossible, and that's what's going on here and now.

Redistricting squabble has GOP congressional hopefuls wondering where to line up (Dennis Romboy, Deseret News)
Several Republicans looking to get into the 2012 congressional race don't know where to line up yet. A standoff in the Utah Legislature over how to set new boundaries for the state's four districts has left some potential candidates in wait-and-see mode. They aren't ready to commit to a district in which they might not end up living — though that has worked for GOP 3rd District Rep. Jason Chaffetz.

Utah lawmakers ready to resume redistricting battle (Lee Davidson, Salt Lake Tribune)
The curtain is set to rise Monday on a second — and perhaps final — act of raw political drama as a multisided brawl continues among House Republicans, Senate Republicans, Democrats and reform groups over how to redraw Utah's new congressional boundaries. The future of parties, incumbents and would-be candidates hangs in the balance.

Redistricting talks continue to polarize state lawmakers (Max Roth, Fox13)
As lawmakers get closer to a special session aimed at finally drawing Utah's congressional map, the political parties are getting more polarized, with Democrats complaining that they are being victimized by gerrymandering.

Paul Rolly: Dysfunction in the House (Paul Rolly, Salt Lake Tribune)
It wasn't exactly the "Rumble in the Jungle." Or even the "Thrilla in Manila." But when House Speaker Becky Lockhart, R-Provo, told her second in command to step outside from a caucus meeting he was conducting during the Legislature's special session on redistricting earlier this month, it wasn't to play checkers. The incident, say Republican caucus members, illustrates the growing tension within the base in the Republican-dominated House, with one member comparing the chamber's leadership to a dysfunctional family.

October 18 –
Utah Dems angry at closed caucus meeting (Loretta Park, Standard Examiner)
The Utah Democratic Party chairman became angry after the House Republican caucus voted to close its meeting. "This is the type of arrogant, pretentious, and disdainful behavior Utahns have come to expect from Utah's Republican leadership," said Utah Democratic Party Chair Jim Dabakis.

Opinion: Utah legislature commits crime against humanity (Daily Herald)
The Utah Legislature has committed a crime against humanity.On Monday night, both houses adopted a map for Utah's representatives to Congress that would border on the laughable if it didn't hurt so many communities.

Redistricting Denouement (For Now) (Bob Bernick, UtahPolicy.com)
Utah Senate President Michael Waddoups was the lucky one. He was stuck in Argentina at a legislative conference, unable to get a flight back last weekend because of a Chilean exploding volcano, and missed Monday's special legislative session aimed at trying (again) to pick a new four-seat U.S. House map.

Utah lawmakers pass new congressional map (Lisa Riley Roche & Dennis Romboy, KSL)
Lawmakers approved a new map dividing Utah into four new congressional districts late Monday, ending a special session that stretched over several weeks and sparked sometimes harsh partisan debate.

Republicans approve new Utah congressional map (Lee Davidson & Robert Gehrke, Salt Lake Tribune)

After a long day of closed-door negotiations, protests and one GOP misstep that forced a temporary retreat, Utah lawmakers finished months of battling and finally passed a map for Utah's new congressional districts. (View the map athttp://www.redistrictutah.com/maps/sb3002s20)

Legislature approves new congressional map for Utah **(Billy Hesterman, Daily Herald)**
After more than two weeks of debate and many hours spent behind closed doors, lawmakers put the final stamp of approval on a map that redraws the boundary lines for Utah's four U.S. House districts late Monday night.

October 20 –
Opinion: Governor should veto the map **(Daily Herald)**
Gov. Gary Herbert should take a close look at the congressional district map delivered by the Utah Legislature on Monday, and then veto it for what he finds. He should not stand for the dissection of Utah communities, regardless of the partisan advantages of doing so. A veto would bring the legislature's foolishness into full public view.

Republicans threatened gerrymandering lawsuit **(Robert Gerhke, Salt Lake Tribune)**
Democrats were not the only ones threatening to sue the Legislature over redistricting. Utah Republican Party Chairman Thomas Wright says he warned lawmakers that the GOP would do the same if it made a safe district for Democrats among new congresssional boundaries.

GOP says Dems exaggerate Utah redraw impact **(Lee Davidson, Salt Lake Tribune)**
Republicans said Wednesday that the ratio of Democrats to Republicans in newly drawn congressional districts is not as draconian as Democrats portray. For example, while Democrats said this week that the new 2nd Congressional District where Rep. Jim Matheson, D-Utah, lives is 65 percent Republican, the GOP said it is 60 percent instead. Those five percentage points could make a big difference in close elections.

Veto district map **(Salt Lake Tribune)**
Gov. Gary Herbert should veto the map for Utah's four new congressional districts. It's probably whistling into the wind to even suggest that, because the governor has to get along with the other Republicans who form three-quarters of the Legislature. But as a matter of process and principle, the governor could and should force the lawmakers to reconsider their action of Monday night, which drew boundaries for four new congressional districts, all with an eye to splitting up the votes of Democratic and independent voters and guaranteeing that Republicans will win all four seats in the next general election.

Secrecy has its place, but not in redistricting **(Jay Evensen, Deseret News)**
Secrecy is a valued concept when the subject is birthday or Christmas shopping, or when surprise parties are hatched. Try it in the halls of a democratic-republican government, however, and you're asking for trouble.

County gets southwest congressional seat **(Tim Gillie, Tooele Transcript)**
"I'm not excited by the prospect of being represented by Jim Matheson," said Tooele County Republican Party chairman Chris Sloan. "It is not just that he is a Democrat, but he has been a very vocal critic of the radioactive waste industry that provides a large chunk of our county's income."

New map could sink Legislature's only openly gay lawmaker **(Derek P Jensen, Salt Lake Tribune)**
A rejiggered map of Utah House districts may pit a freshman, who earned his seat on the last convention ballot, against a 12-year veteran who happens to be the Democratic minority leader.

West-side redistricting creates a political whodunit **(Lee Davidson, Salt Lake Tribune)**
Some say her fellow Democrats plunged a political dagger into her back. Others say Republicans did her in. Some wonder whether high-powered friends of the Utah Transit Authority targeted her because of her criticism of that agency. Regardless, when the Utah House approved new district maps this month for its own members, only one was unhappy enough to vote against it — Rep. Janice Fisher, D-West Valley City.

Syracuse avoids redistricting split (Steven Oberbeck, Salt Lake Tribune)
Mayor Jamie Nagle is a lot less stressed these days. The community that Nagle helps oversee was divided into just two legislative House districts, as in the past, instead of the three or four that initially were being considered by the Legislature's Redistricting Committee.

October 21 –
Oops! Redistricting legislators split homes in half (Chris Vanocur, ABC4)
What if, in their haste to pass new political boundaries, Utah Legislators had accidentally split people's homes and put each half into a different congressional district? Sound far-fetched? Well, wait until you find out what we found out.

Herbert signs redistricting bills (Deseret News)
Gov. Gary Herbert signed the remaining redistricting bills following a lengthy and rancorous special session over the political boundaries for Utah's four congressional seats. In addition to the congressional designations, Herbert signed off on the state Senate boundaries. Political boundaries are redrawn every 10 years following the census. An increase in population gave Utah a new fourth district.

Governor OKs new Utah congressional maps (Lee Davidson, Salt Lake Tribune)
Gov. Gary Herbert signed into law on Thursday new congressional redistricting maps, despite threats of lawsuits by Democrats, critical petition drives by reform groups and editorials urging a veto by the state's major newspapers.

EXHIBIT “C”

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December 23, 2011

DECISION ON APPEAL

This Decision on Appeal relates to the appeal filed by Joseph E. Hatch on December 16, 2011, on behalf of the Utah Democratic Party.

COURSE OF PROCEEDINGS

1. On October 12, 2011, Matt Lyon and Todd Taylor, on behalf of the Utah Democratic Party, filed a public records request under the Government Records Access and Management Act (GRAMA) with the Office of Legislative Research and General Counsel (OLRGC), requesting the following:

   "All communications in the past 30 days, whether paper or electronic, between members of the Utah State Legislature, their staff, and/or outside organizations, individuals, or entities that:

   1) Contain or reference block assignment files;

   2) Reflect, regard or reference the purported grounds or criteria discussed, referenced, considered -- officially or unofficially -- regarding proposed or adopted congressional, Utah House, or Utah Senate maps;

   3) Consist of, regard or reference redistricting and members of the Utah State Legislature, Utah's Congressional Delegation, Utah Governor or Utah State Republican Party, including current, past, potential, and future candidates and elected officials;

   4) Reflect, consist of, regard or reference any email sent to or from the Utah or National Republican Party, including its staff, advisors, and executive committee regarding redistricting; and/or,

   5) Reference or include partisan data and the redistricting process."

   (See the Exhibit "A", attached).

The Utah Democratic Party also requested a waiver of fees.

2. On October 14, 2011, OLRGC sent a letter to Matt Lyon and Todd Taylor, indicating that additional time was needed to respond to their request and denying their request for a waiver of fees. (See Exhibit "B", attached).

3. On October 19, 2011, John Fellows, General Counsel to the Legislature, called and left a message at the Utah Democratic Party, asking to discuss charges for the records request. A return call was not received.

4. On October 24, 2011, John Fellows, General Counsel to the Legislature , and Thomas Vaughn, Associate General Counsel to the Legislature, called Todd Taylor and explained that the fee for responding to the request would be significantly higher than $100. Mr. Taylor informed Mr. Vaughn that he would get back to Mr. Vaughn within one and one-half hours. Mr. Taylor failed to contact Mr. Vaughn.

5. On October 25, 2011, Mr. Vaughn again called Mr. Taylor. During that telephone conversation, Mr. Taylor indicated that he had not called because he was still waiting for a decision to be made by someone within the Utah Democratic Party. Mr. Taylor also stated that it was likely that the Utah Democratic Party would be withdrawing its request and filing a very similar one. Mr. Vaughn informed him that the Legislature had already incurred expenditures in excess of $100 and that the Legislature needed to know how to proceed. Mr. Taylor advised Mr. Vaughn to stop work on the response for a "couple of days" until the Utah Democratic Party decided what to do.

6. On October 26, 2011, Mr. Vaughn sent a letter to Mr. Taylor memorializing the events described in the preceding paragraph and informing Mr. Taylor that, based on his conversation with Mr. Taylor on October 25, 2011, Mr. Vaughn would be instructing the records officers in all legislative staff offices to cease work on the records request from the Utah Democratic Party until further notice.[1] (See Exhibit "C", attached).

7. On November 9, 2011, Matt Lyon and Todd Taylor, on behalf of the Utah Democratic Party, sent an amended GRAMA request to OLRGC. This request is broader, in both the time period it covers and the scope of the records requested, than the initial request that was filed on October 14, 2011. The request seeks the following records:

   "All communications inclusive of the period from September 12, 2011 through October 21, 2011, whether paper or electronic, between members of the Utah State Legislature, their staff, and/or outside organizations, individuals, or entities that:

[1] After the Utah Democratic Party filed its initial records request, the Utah Republican Party filed its own request for certain redistricting-related records. The Utah Republican Party's request was significantly narrower in that it was limited to four legislators and did not include legislative staff. The Utah Republican agreed to pay, and did pay, the $2,537.65 fee for responding to its request.

1) Contain or reference block assignment files;

2) Reflect, regard or reference the purported grounds or criteria discussed, referenced, considered -- officially or unofficially -- regarding proposed or adopted congressional, Utah House, or Utah Senate maps;

3) Consist of, regard or reference redistricting and members of the Utah State Legislature, Utah's Congressional Delegation, Utah Governor, or Utah State Republican Party, including current, past, potential, and future candidates (including but not limited to Rob Bishop, Jim Matheson, Jason Chaffetz, Carl Wimmer, Dave Clark, Mia Love, David Kirkham, Cherilyn Eager, Morgan Philpot, Ken Sumsion, Chris Herrod, Dan Liljenquist, Chuck Williams, Jason Buck, Chris Stewart, Howard Wallack, John Willoughby, Rebecca Lockhart, Michael Waddoups, Jake Shannon, Casey Anderson, Craig Frank, Bill Skokos, John Valentine) and elected officials;

4) Reflect, consist of, regard or reference any e-mail sent to or from the Utah or National Republican Party, including its staff advisors, and executive committee regarding redistricting; and/or,

5) Reference or include partisan or voter participation data and the redistricting process."

(See the Exhibit "D", attached).

8. On November 16, 2011, Bryant Howe , Records Officer for OLRGC, sent a letter to Matt Lyon and Todd Taylor, informing them that it will likely take at least 60 days to respond to the Utah Democratic Party's request and denying its renewed request for a waiver of fees. (See the Exhibit "E", attached).

9. On December 16, 2011, Joseph Hatch hand-delivered a letter to OLRGC, appealing, on behalf of the Utah Democratic Party, the denial of the request for a waiver of fees and the determination that it will likely take at least 60 days to respond to their request. (See the Exhibit "F", attached).

DISCUSSION

I. Mr. Howe Correctly Denied the Request for a Waiver of Fees.

The Utah Democratic Party requested a waiver of fees based on the following assertions:

"1) The Utah Democratic Party through informed participation in the public debate helps to educate the public on a matter of public policy; 2) The Utah Democratic Party has been a party to government through our informed assistance in bringing public

participation to the legislative process; 3) The Utah Democratic Party needs accurate information to provide substantial and accurate testimony to legislators when there is pending official action by policy making bodies; 4) The Utah Democratic Party is directly and indirectly the subject of the information requested; 5) The Utah Democratic Party may be a party to litigation on the subject of the information requested; and, 6) The Utah Democratic Party needs the information because it has a unique responsibility to support the legal rights of the people in Utah."

(See the Exhibit "D", attached).

Mr. Howe based his decision on the Legislature's fee policy, adopted pursuant to Utah Code 63G-2-703, as follows:

Section 2.2. Fees for records requests.
(1) The Legislature may charge a fee to obtain a record as provided under these Policies and Procedures as attached in Appendix B.
(2) The Legislature may fulfill a record request without charge if:
(a) the release of the record primarily benefits the public rather than the person requesting the record; or
(b) the individual requesting the record is the subject of the record or an individual specified in Utah Code Ann. § 63[G]-2-202(1) or (2) (Supp. 2006).

(Policies of the Legislative Management Committee, Utah State Legislature, June 14, 2011, page 34).

A. Mr. Howe Correctly Denied the Request for A Waiver of Fees as a Proper Exercise of His Discretion as a Records Officer.

The Legislature's policy on fees provides that the Legislature "*may* fulfill a record request without charge" under certain circumstances (emphasis added). The policy does not say that the Legislature "shall" or "is required to" fulfill the request without charge. The decision to not charge a fee is completely discretionary. Indeed, the Legislature may choose to charge for all public records requests.

Mr. Howe acted appropriately when he chose to deny the Utah Democratic Party's request for a waiver of fees on the separate and independent grounds that it was within his discretion to deny the request, regardless of whether the Utah Democratic Party otherwise satisfied the criteria described in Section 2.2(2) of the Legislature's public records policy. Mr. Howe's decision to deny the request for a waiver of fees, and his reason for doing so, are both logical and reasonable.

B. Mr. Howe Correctly Denied the Request for A Waiver of Fees, Because Waiving the Fees Would Primarily Benefit the Utah Democratic Party.

In denying the Utah Democratic Party's request, Mr. Howe found that, even if the Utah Democratic Party is correct that release of the records is in the public interest, the *primary* benefit of releasing the records would be to the party. Mr. Howe based this finding on the following:

> "You have previously indicated that you may be litigating issues relating to the redistricting process. Some or all of the records you have requested may relate to that potential litigation and to the records described in your letter of October 3, 2011, where you request that we retain records pending potential litigation. Further, in your amended request, you indicate that '[t]he Utah Democratic Party may be a party to litigation on the subject of the information requested.'"
>
> (See the Exhibit "E", attached).

On appeal, the Utah Democratic Party erroneously relies on Utah Code Subsection 63G-2-203(4), which is GRAMA's fee provision. Another section of GRAMA, however, expressly exempts the Legislature from that provision and, instead, requires it to adopt its own fee policies through the Legislative Management Committee.[2] The Legislative Management Committee has complied with its statutory duty and adopted the fee policy quoted above. That policy does not encourage the waiver of fees. Rather, it provides that the Legislature *may* fulfill a records request without charge if "the release of the record *primarily* benefits the public rather than the person requesting the record." (Policies of the Legislative Management Committee, Utah State Legislature, June 14, 2011, page 34, emphasis added).

The Utah Democratic Party asserts that "just because litigation may be involved, does not mean that the requested information is not primarily in the public interest." (See Exhibit "F", attached). However, it may also be stated that just because the public has an interest in the records that the Utah Democratic Party has requested does not mean that release of the records is not *primarily* in the interest of the Utah Democratic Party. Based on a totality of the circumstances, including the facts below, I uphold Mr. Howe's finding that release of the

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[2] Utah Code Subsection 63G-2-703(2)(a) states:

"(2) (a) The Legislature and its staff offices are not subject to Section 63G-2-203 or to Part 4, Appeals, 5, State Records Committee, or 6, Collection of Information and Accuracy of Records."

Utah Code Subsection 63G-2-703(3) states:

" (3) The Legislature, through the Legislative Management Committee:
(a) shall establish policies to handle requests for classification, designation, fees, access, denials, segregation, appeals, management, retention, and amendment of records; and
(b) may establish an appellate board to hear appeals from denials of access. "

records that the Utah Democratic Party has requested will primarily benefit the Utah Democratic Party:

1. Statements made in the amended request indicate that the Utah Democratic Party is seeking the records primarily for its own interests as a private political organization. For example:

   - While the amended request is broad enough to cover documents in the possession of members of the Utah Democratic Party, it primarily focuses on members of the Republican Party and on "the Utah or National Republican Party, including its staff advisors, and executive committee." (See Exhibit "D," attached).

   - The amended request further demonstrates that the Utah Democratic Party is requesting the records for its own use when it states that the Utah Democratic Party needs "accurate information to provide substantial and accurate testimony to legislators when there is pending official action by policy making bodies." (See Exhibit "D," attached).

2. On October 3, 2011, Jim Dabakis, on behalf of the Utah Democratic Party, sent a letter to John Fellows, General Counsel to the Legislature, requesting that the Legislature preserve records related to redistricting in anticipation of possible litigation by the Utah Democratic Party. (See "Exhibit "G," attached). Some or all of the records that the Utah Democratic Party has requested may relate to that potential litigation.

3. In the Utah Democratic Party's amended request, the Utah Democratic Party indicates that "[t]he Utah Democratic Party may be a party to litigation on the subject of the information requested."

4. On appeal, the Utah Democratic Party again indicates that the "Democratic Party is considering litigation over redistricting issues . . ."

5. Statements made in the media by representatives of the Utah Democratic Party indicate that the records request is made primarily for the Utah Democratic Party's own interests, including its interests in litigation related to the redistricting process. For example, in a story published by the Salt Lake Tribune on December 2, 2011, Utah Democratic Party Chairman Jim Dabakis is quoted as saying, "They know we need those records to file a lawsuit on redistricting, so I think they are acting in a partisan way to make it hard. . . . We had another meeting with lawyers last night getting ready for a lawsuit. But it is difficult without those documents."

C. Mr. Howe Correctly Denied the Request for A Waiver of Fees, Because the Utah Democratic Party is Not an "Individual" Under the Fee Provisions of the Policies of the Legislative Management Committee.

As indicated above, the Utah Democratic Party erroneously relies on Utah Code Subsection 63G-2-203(4), from which the Legislature and its staff offices are expressly exempt. The Legislative Management Policy does, however, contain a similar provision. That provision permits the Legislature to (in addition to the "primary interest" provision) fulfill a records request without charge if, "the individual requesting the record is the subject of the record or an individual specified in Utah Code Ann. § 63[G]-2-202(1) or (2)" (Supp. 2006). (Policies of the Legislative Management Committee, Utah State Legislature, June 14, 2011, page 34).

On appeal, the Utah Democratic Party argues that Mr. Howe misread the provisions of Utah Code Subsection 63G-2-203(4)(b). Though this statutory provision does not apply to the Legislature or its staff offices, it is similar to the Legislative policy that Mr. Howe applied. That policy, in addition to allowing the Legislature to waive charges based on the primary benefit being to the requestor, clearly refers to the following additional circumstances under which the Legislature may choose to not charge for a records request:

- "the *individual* requesting the record is the subject of the record"; or
- the individual requesting the record is "an *individual* specified in Subsection 63G-2-202(1) or (2).

(Policies of the Legislative Management Committee, Utah State Legislature, June 14, 2011, page 34, emphasis added).

The plain language of the policy makes it clear that Mr. Howe did not misread it. That portion of the policy relates only to individuals.

On appeal, the Utah Democratic Party argues that "[a]bsent express legislative intent to the contrary, the Utah Democratic Party should be treated as an individual under the code." The Legislature *has* expressed an intent to the contrary. Utah Code Subsection 63G-2-103(13) expressly defines "individual" for purposes of GRAMA as "a human being." The Utah Democratic Party is not "a human being" and, therefore, is not covered by any of these additional provisions, even if it is the subject of the records requested.

II. Sixty Days is a Reasonable Period of Time, Under the Circumstances, to Respond to the Amended Request by the Utah Democratic Party.

The Utah Democratic Party challenges Mr. Howe's estimate regarding the time that it is likely to take to respond to the Utah Democratic Party's request. First, the Utah Democratic Party asserts that "the 60-day period is not the result of an [sic] 'extraordinary circumstances' as defined in U.C.A. §63G-2-204(5)." In his letter, Mr. Howe indicated that the extraordinary

circumstances permitting an extension of time are as follows:

"• the request requires us to review a large number of records to locate the records requested; and
• the decision to release a record involves legal issues that require us to seek legal counsel for the analysis of statutes, rules, ordinances, regulations, or case law."

(See the Exhibit "E", attached).

Both of these circumstances constitute "extraordinary circumstances" that permit "a governmental entity to delay approval or denial by an additional period of time." (See Utah Code Subsections 63G-2-204(5)(e) and (f)). The Utah Democratic Party has not offered any arguments challenging the existence of these circumstances. Rather, the Utah Democratic Party complains that this period of time is too long for the following reasons:

- OLRGC has already done about 25% of the work; and

- OLRGC has already provided "much" of the requested documents to the Republican Party and the media.

The Legislature began working on the Utah Democratic Party's initial request immediately after it was received. As the Legislature began gathering documents, it became apparent that there are more than 10,000 records that are potentially responsive to the request. Based on this information, the Legislature estimated the time it would take to complete the response and calculated the associated fee. The Legislature then informed the Utah Democratic Party of the estimated fee that it is required to pay before the Legislature proceeds with the response.

While it is true that OLRGC has already performed about 25% of the work necessary to respond to the request, that work required a substantial amount of time and effort. The additional 75% of the work will require significantly more time and effort.

Moreover, the statement that OLRGC has already provided "much" of the requested documents to the Republican Party and the media is incorrect. The records request from the Republican Party sought only the records of four legislators for a time period ending on October 12, 2011. The request from the Utah Democratic Party seeks records relating to all 104 legislators, and to nearly 100 legislative staff, for a time period ending on October 21, 2011.

Based on the foregoing, I uphold Mr. Howe's decision regarding the amount of time it will likely take to respond to the Utah Democratic Party's request.[3]

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[3] OLRGC could likely respond to the request in less than 60 days if it had no work to do other than respond to the request. However, the Utah Democratic Party's delays (see the preceding course of proceedings), with respect to the records they have requested, has resulted in this process being extended to a time when OLRGC must focus its efforts on preparing for the upcoming general session. The Legislature and its staff offices cannot be expected to neglect their constitutional, statutory, and other duties, which are essential to the functioning of the legislative

CONCLUSION

Based on the foregoing discussion, I uphold Mr. Howe's findings and actions with respect to the request by the Utah Democratic Party. The Utah Democratic Party's appeal is denied.

The Utah Democratic Party may appeal this decision to the Legislative Records Committee by filing a notice of appeal with Michael E. Christensen, Director of the Office of Legislative Research and General Counsel (Utah State Capitol Complex, House Building, Suite W210, P.O. Box 145210, Salt Lake City, Utah, 84114-5210) no later than 30 calendar days after the date of this decision.

DISCLOSURE OF RECORDS

I have enclosed a copy of the response to the Republican Party's records request with this letter (on the enclosed compact disc). Immediately before responding to the request from the Republican Party, we scanned the documents that we provided to them in order to preserve a record of what was provided. Thus, we now have an electronic copy of the documents that we provided to the Republican Party. Because the Republican Party has already paid for the labor required to respond to their request, and because of the minimal effort required to provide the Utah Democratic Party with an electronic copy of these documents, we are providing them to the Utah Democratic Party free of charge.

Please note that approximately 200 pages on the disc were scanned from documents that printed improperly. These pages were printed from an Excel spreadsheet that was attached to an email. The enclosed disc includes this email and the Excel spreadsheet that was attached.

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Michael E. Christensen
Director
Office of Legislative Research and General Counsel

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branch, in order to respond to a public records request as its first priority. Indeed, with the session fast approaching, it may now take longer than the 60-day period originally anticipated. With the intense workload and extended hours required during the general session, it is unlikely that OLRGC will be able to devote any time responding to this voluminous request during the general session.