

**POPULATION STANDARDS FOR
REDISTRICTING**

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Matt Throckmorton

AN ACT RELATING TO REDISTRICTING AND REAPPORTIONMENT; ESTABLISHING THE POPULATION FIGURES TO BE USED BY THE UTAH LEGISLATURE IN CONDUCTING REDISTRICTING AND REAPPORTIONMENT; AND DECLARING THE RATIONALE FOR THAT DECISION.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

36-1-1.1, Utah Code Annotated 1953

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

Section 1. Section **36-1-1.1** is enacted to read:

36-1-1.1. Population data for redistricting -- Legislative declaration.

(1) The Legislature finds and declares that:

(a) Utah Constitution Article IX, Section 1 provides that "At the session next following an enumeration made by the authority of the United States, the Legislature shall divide the state into congressional, legislative, and other districts accordingly."

(b) That section requires the Legislature to perform its constitutional duty to redraw the boundaries of Congressional, state legislative, and other districts using population data derived from the enumeration resulting from the latest federal census, so that the equal population requirements of the federal and state constitutions can be satisfied.

(c) Federal officials have proposed using statistical sampling techniques to modify the traditional headcount of the population.

(d) The United States Supreme Court has held that the Federal Census Act prohibits the use of statistically adjusted population data to apportion seats in the United States House of

28 Representatives among the states.

29 (e) Many have argued that statistically adjusted population data does not satisfy the
30 requirement of the federal constitution for an "actual enumeration" of the population or the Utah
31 Constitution's requirement that the Legislature create districts based upon "an enumeration."

32 (f) Using different population data for redistricting would subject Utah to the risk of
33 litigation over the appropriate population figures, which are the very foundation of each
34 redistricting and reapportionment plan.

35 (2) Therefore, the Utah Legislature directs that, for purposes of redrawing the boundaries
36 of Utah's Congressional, state senatorial, state representative, and state school board districts after
37 the 2000 federal census, the Legislature shall use the data representing the actual enumeration of
38 population supplied by the United States Bureau of the Census and may not use statistically
39 adjusted population data.

Legislative Review Note
as of 12-30-99 9:28 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel