

1                                   **RESOLUTION ESTABLISHING**  
2                                   **REDISTRICTING COMMISSION**

3                                   2005 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Sponsor: Rosalind J. McGee**

---

---

7   **LONG TITLE**

8   **General Description:**

9           This joint resolution proposes to amend the Utah Constitution to establish a state  
10   redistricting commission.

11   **Highlighted Provisions:**

12           This resolution proposes to amend the Utah Constitution to:

- 13           ▶ eliminate the Legislature's authority to divide the state into districts following the
- 14   federal enumeration and to establish a state redistricting commission to do so;
- 15           ▶ provide for membership on the commission and establish qualifications for
- 16   commission members;
- 17           ▶ restrict commission members from running for or holding certain offices;
- 18           ▶ provide redistricting criteria; and
- 19           ▶ provide for the regulation of commission proceedings.

20   **Special Clauses:**

21           This resolution directs the lieutenant governor to submit this proposal to voters.

22           This resolution provides a contingent effective date of January 1, 2007 for this proposal.

23   **Utah Constitution Sections Affected:**

24   AMENDS:

25           **ARTICLE IX, SECTION 1**

---

---

27   *Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each*



28 *of the two houses voting in favor thereof:*

29 Section 1. It is proposed to amend Utah Constitution Article IX, Section 1, to read:

30 **Article IX, Section 1. [Apportionment.]**

31 [~~At the session next following an enumeration made by the authority of the United~~  
32 ~~States, the Legislature shall]~~

33 (1) There shall be a State redistricting commission that shall divide the State into  
34 congressional, legislative, and other districts [accordingly.] according to the decennial  
35 enumeration made by the authority of the United States.

36 (2) (a) The commission shall:

37 (i) consist of nine members, appointed as provided in Subsection (2)(b); and

38 (ii) be reconstituted in connection with each decennial enumeration.

39 (b) (i) On or before January 31 of the year following the decennial enumeration:

40 (A) two members shall be appointed by the president of the Senate;

41 (B) two members shall be appointed by the speaker of the House of Representatives;

42 (C) two members shall be appointed by the leader of the minority party in the Senate;

43 and

44 (D) two members shall be appointed by the leader of the minority party in the House of  
45 Representatives.

46 (ii) (A) The four members appointed under Subsections (2)(b)(i)(A) and (B) shall  
47 select one among them to be a vice chair of the commission.

48 (B) The four members appointed under Subsections (2)(b)(i)(C) and (D) shall select  
49 one among them to be a vice chair of the commission.

50 (C) The two vice chairs selected under Subsections (2)(b)(ii)(A) and (B) shall appoint a  
51 ninth member of the commission who shall be chair of the commission.

52 (3) (a) At the time of appointment, each commission member shall:

53 (i) be a citizen of the United States;

54 (ii) be at least 25 years of age; and

55 (iii) have been a resident of the State for three consecutive years immediately before  
56 appointment.

57 (b) A person who holds an elected or appointed public office may not be appointed to  
58 or serve on the commission.

59 (4) A person who serves as a member of the commission may not seek election to or  
60 hold any of the offices identified in Subsection (1) until after the completion of the second  
61 election for that office following the adoption of a redistricting plan by the commission of  
62 which the person was a member.

63 (5) In dividing the State into districts under Subsection (1), the commission shall:

64 (a) consider:

65 (i) the preservation of communities of common interest;

66 (ii) natural and geographic boundaries; and

67 (iii) existing political boundaries; and

68 (b) make each district contiguous and reasonably compact.

69 (6) The commission shall complete the process of dividing the State into districts  
70 within 120 days after both the decennial enumeration data are available to the public and the  
71 commission is constituted under Subsection (2).

72 (7) (a) The commission may formulate and adopt rules, not inconsistent with this  
73 article, to govern its proceedings.

74 (b) Five members of the redistricting commission constitute a quorum for the purpose  
75 of adopting a redistricting plan, but public hearings may be held by the commission with less  
76 than a quorum.

77 (c) Adoption of a redistricting plan requires the affirmative vote of at least five  
78 members of the commission.

79 **Section 2. Submittal to voters.**

80 The lieutenant governor is directed to submit this proposed amendment to the voters of  
81 the state at the next regular general election in the manner provided by law.

82 **Section 3. Effective date.**

83 If the amendment proposed by this joint resolution is approved by a majority of those  
84 voting on it at the next regular general election, the amendment shall take effect on January 1,  
85 2007.

---

---

**Legislative Review Note**

**as of 2-1-05 6:31 AM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

**State Impact**

It is estimated that publication and distribution costs to put this resolution on the ballot will be \$11,500 from the General Fund.

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
General Fund	\$0	\$11,500	\$0	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$11,500</b>	<b>\$0</b>	<b>\$0</b>

---

---

**Individual and Business Impact**

No fiscal impact.

---

---

**Office of the Legislative Fiscal Analyst**