Utah Legislature

Committee Membership

Sen. Michael G. Waddoups, Chair
Rep. Gerry A. Adair, Chair
Sen. Ron Allen
Sen. Gene Davis
Sen. Beverly Ann Evans
Sen. Pete Suazo (deceased)
Sen. John L. Valentine
Rep. Patrice M. Arent
Rep. Chad E. Bennion
Rep. Ron Bigelow
Rep. Jackie Biskupski
Rep. Katherine M. Bryson
Rep. Don E. Bush
Rep. Brent H. Goodfellow
Rep. James R. Gowans
Rep. Wayne A. Harper
Rep. Thomas V. Hatch
Rep. Loraine T. Pace
Rep. Jack A. Seitz
Rep. LaWanna Lou Shurtliff
Rep. Glenn L. Way

Committee Staff

Stewart E. Smith, Managing Research Analyst
Mark D. Andrews, Research Analyst
John Q. Cannon, Research Analyst
Jerry D. Howe, Research Analyst
Richard C. North, Research Analyst
Joseph T. Wade, Research Analyst
John L. Fellows, Assoc. Gen. Counsel
Mark J Allred, Info. Systems Manager
Alicia M. Gambles, Legislative Secretary
Cassandra Bauman, Legislative Secretary

Redistricting Committee Report

September 2001

Prepared by the Office of Legislative Research and General Counsel
Michael E. Christensen, Director M. Gay Taylor, General Counsel

436 State Capitol ● PO Box 140121
Salt Lake City, Utah 84114-0121

(801) 538-1032 ● fax (801) 538-1712
http://www.le.state.ut.us

Redistricting Committee Report

September 2001

UTAH STATE LEGISLATURE
SALT LAKE CITY, UTAH

September 19, 2001

President Al Mansell
Speaker Martin R. Stephens
Utah State Legislature
State Capitol
Salt Lake City, Utah 84114

Dear President and Speaker:

The Legislative Redistricting Committee submits the following report containing its recommendations for redistricting the state, as required in Utah Constitution, Article IX. This report contains recommendations for the following Utah districts: congressional, under both the scenario of three congressional members and the scenario of four members; State Senate; State House of Representatives; and State School Boards.

Respectfully,

Senator Michael G. Waddoups, Senate Chair

Representative Gerry A. Adair, House Chair

Table of Contents

INTRODUCTION

This report of the Redistricting Committee contains recommendations for redistricting the state's congressional districts, under both a three and four member scenario; a twenty-nine member State Senate; a seventy-five member State House of Representatives; and a fifteen member State School Board. The report is organized as follows.

An **INTRODUCTION** containing a brief explanation of why redistricting must take place; the preparations leading to Utah's 2001 redistricting efforts; the redistricting principles and procedural guidelines that were adopted by the Redistricting Committee; and the plan summaries.

A **LEGAL GUIDELINES** section explaining the legal standards governing the redistricting process established by the United States Constitution, the Utah Constitution, State and Federal statutes, and federal case law.

Sections for each **CONGRESSIONAL, SENATE, HOUSE, and STATE BOARD OF EDUCATION RECOMMENDED PLAN** containing maps depicting each proposed district's boundaries and a statistical breakdown identifying the population within each district and its deviation from the ideal district size.

I. WHY REDISTRICTING MUST TAKE PLACE

Redistricting is required by constitutional and federal law to equalize representation of a changing population and a changing distribution of that population. The process includes the census, reapportionment, and, finally, the actual redistricting by state legislatures.

A. The Decennial Census and Reapportionment[1]

The United States Constitution requires that the population of the nation be counted every ten years.[2] This decennial count is referred to as the census. The primary purpose of this census is to determine the representation of states in the United States House of Representatives.[3] The number of seats a state holds in the United States House of Representatives may change based upon the census count.[4] This process is called reapportionment.[5]

B. Redistricting[6]

The census count means that states must redraw the district boundaries for elected officials to ensure that representation is equally distributed among the population. This principle is commonly known as "one person, one vote."[7] This process of redrawing is called redistricting.[8]

The Utah Constitution requires that "following an enumeration made by the authority of the United States, the Legislature shall divide the state into congressional, legislative, and other districts accordingly."[9] In addition, the United States Supreme Court has established equal

population standards for various congressional, legislative, and other districts.[10] Therefore, after every federal census, state legislatures are required to conduct redistricting to meet these equal population standards.

II. PREPARATION FOR THE 2001 REDISTRICTING

A. Census Redistricting Data Program

The 2001 redistricting process began when the Office of Legislative Research and General Counsel worked with Utah's county clerks and the United States Census Bureau in building the electronic maps used both by the Census Bureau to collect census data and by the state for redistricting. These maps were developed under a three phase "Census Redistricting Data Program," which began in 1995.[11]

B. Utah's Growth Trends 1990 – 2000

The Census Bureau's maps and data represent a "snapshot" of Utah's population as of April 1, 2000. Utah's 2000 population was 2,233,169, a 510,319 increase from its 1990 population of 1,722,850.[12] This growth rate of 29.6% was the fourth fastest in the United States.[13] By comparison, the population of the United States grew by 13.2%, about half that of Utah.

Utah's population growth did not occur evenly across the state. For example, of the state's 29 counties, Summit County grew the fastest (91.6%) closely followed by Washington County (86.1%).[14] In contrast, Carbon County grew by only 1%.[15] These disparities in population growth were also seen in Congressional, Senate, House, and State School Board districts.[16] For additional information about how Utah's population patterns changed between 1990 and 2000, see the tables following this introduction, which provide information about population changes in counties, congressional districts, legislative districts, and school board districts during the last decade.

III. COMMITTEE PROCEDURES AND GUIDELINES

A. Committee and Staff

The President of the Senate and the Speaker of the House appointed a Redistricting Committee composed of 5 senators and 15 representatives to hold public meetings, gather input, and recommend redistricting plans to the entire Legislature. The Office of Legislative Research and General Counsel assisted committee members in following the committee's legal obligations, establishing committee principles and guidelines, coordinating public meetings, developing redistricting plans, and providing technical support.

To provide standards for drawing redistricting plans and administrative guidelines for managing the redistricting process, the committee discussed and adopted the following redistricting principles and procedural guidelines at its first two meetings on April 26 and May 10, 2001.[17]

B. Redistricting Principles

1. Equal Population

Congressional districts must be as nearly equal as practicable with a deviation not greater than ± 0.5%. State legislative districts and state school board districts must have substantial equality of population among the various districts with a deviation not greater than ± 4%.

The objective of redistricting is to have equality of population among the various districts so the vote of any citizen in the state is approximately equal in weight to that of any other citizen in the state. The United States Supreme Court requires state legislative and other districts to be "substantially equal in population."[18] Therefore, the committee adopted a principle requiring that the Senate, House, and State Board of Education district plans submitted to the committee not have a deviation greater than ± 4%. The Court requires a more restrictive standard for congressional districts which must be as nearly equal in population as possible.[19] Therefore, the committee adopted a principle requiring that congressional district plans submitted to the committee not have a deviation greater than ± 0.5%.

2. Single Member Districts

Districts will be single member districts.

The United States Supreme Court has held that multi-member districts are constitutional.[20] However, the Court has indicated that it prefers single member districts.[21] The committee prepared single member districts only.

3. Number of Legislative Districts

Plans will be drawn to create 3 Congressional Districts, 4 Congressional Districts, 29 State Senate Districts, 75 State House of Representatives Districts, and 15 State School Board Districts.

The Committee adopted a three member congressional district plan. The committee also adopted a four-member congressional district plan in case Utah prevails in its lawsuit against the Census Bureau.[22] Consistent with the Utah Constitution, the number of districts in the recommended plan for the Senate does not exceed 29, and the number of House Districts in the

recommended plan is 75 members, which is not less than two nor greater than three times the number of Senate Districts.[23]

4. Census Bureau Figures

In drawing districts, the official population enumeration of the 2000 decennial census will be used.

Article IX, Section 1, of the Utah Constitution provides that the Legislature must redistrict on the basis of an enumeration made by the authority of the United States, that is, the census. The Census Bureau figures, transmitted to the state in March 2001 were used as the basis for the 2001 redistricting. The Census Bureau's detailed maps and population figures for each city, town, and county in Utah served as official documents to aid in the redistricting process.

5. Contiguity and Compactness

Districts will be contiguous and reasonably compact.

Utah has a long tradition of requiring that districts be contiguous and reasonably compact. The committee has reaffirmed that tradition for the 2001 redistricting process.

C. Procedural Guidelines

1. Use of Redistricting Staff

All requests to use staff time and redistricting resources must first be cleared by a member of the committee and by one of the committee chairs. A committee chair will not unreasonably deny a legitimate request.

2. Plan Amendments

Every change to a proposed plan by any committee member must also resolve the ripple effect on the entire plan caused by that change.

3. Security of Redistricting Computer Information

To ensure the security of information and to protect licensing agreements with software manufacturers, access to computer information and the computer system used in the redistricting process will be restricted to redistricting committee staff. With permission from a committee chair, individual legislators may be present and direct staff in drawing plans.

4. **Public Access to Information and Open Meetings**

Redistricting Committee meetings will be open to the public, and members of the public may obtain any copies of written information provided at Redistricting Committee meetings.

5. **Political Data**[24]

Political data will not be included in the redistricting computer system. Political data should not be shown to or discussed with redistricting committee staff nor at Redistricting Committee meetings.

D. Public Hearings

The Redistricting Committee actively sought public input. A total of 17 public meetings were held. Eight public meetings were held in cities outside of Salt Lake County, *i.e.,* Brigham City, Tooele, Richfield, Cedar City, Price, Provo, and Park City. An additional nine meetings were held at the Utah State Capitol. The committee extended numerous invitations to political and community groups and leaders. The following individuals and groups either provided written statements to the Redistricting Committee or spoke at one of the public meetings:

Utah's Members of Congress
Representatives of the State Democratic Party
Representatives of the State Republican Party
A Representative of the State Libertarian Party
A Representative of the State Natural Law Party
County Democratic and Republican Chairs
County Commissioners
County Clerks
Local Chambers of Commerce
City Council Members
Mayors
Media Representatives
Representatives of the Navajo Nation
Multi-Cultural Legal Center
Utah Progressive Network
Hispanic Advisory Council
Utah Minority Bar Association
Utah League of Women Voters
Utah State Office of Education
Utah State School Board Members

Current Legislators
Former Legislators
Interested Citizens

IV. PLAN DEVELOPMENT AND SUMMARIES

Developing plans was a complicated and lengthy process. When modifications were proposed, they often would affect the population size of the immediate district and surrounding districts in a ripple or domino effect. Based upon public and legislative input, the committee directed staff to prepare alternatives for Congressional, State Senate, State House of Representatives, and State Board of Education Districts. The plans included state maps, district populations, and population deviations. Staff ensured that maps and census figures matched, and that population deviations met the committee's guidelines. After completing the process, the plans were presented to the committee for approval. A summary of each plan recommended by the Redistricting Committee follows.

A. Congressional Plans

1. Three-member Congressional Redistricting Plan

Utah was apportioned three Congressional districts with each district having an ideal population of 744,390. In accordance with the $\pm$ 0.5% deviation guideline, populations may range from 740,668 to 748,112. The proposed plan's populations range from 744,389 in District 1 to 744,390 in Districts 2 and 3. No deviation is greater than one person, which is within the guidelines for equal population. The maps and population figures reflecting the Redistricting Committee's recommended three-member plan are included in the Congressional Plans section of this report.

2. Four-member Congressional Redistricting Plan

If Utah prevails in its lawsuit against the Census Bureau and is apportioned a fourth congressional member, each of the four districts would have an ideal population of 558,292. In accordance with the $\pm$ 0.5% deviation guideline, populations may range from 555,501 to 561,084. The proposed plan's populations range from 558,075 in District 3 to 558,429 in District 1. Deviations are within the $\pm$ 0.5% guidelines for equal population. The maps and population figures reflecting the Redistricting Committee's recommended four-member plan are included in the Congressional Plans section of this report.

B. State Senate Redistricting Plan

Each 29 member Senate district would have an ideal population of 77,006. In accordance with the committee's $\pm$ 4% deviation guideline, populations may range from 73,926 to 80,086. The proposed plan's populations range from 74,649 in Senate District 19 to 79,629 in Senate

District 13. The plan's deviations range from - 3.1% to + 3.4%, which represents an overall range of 6.5% and is within the ± 4% committee guidelines for equal population. The maps and population figures reflecting the Redistricting Committee's recommended plan are included in the Senate Plan section of this report.

C. State House of Representatives Redistricting Plan

The Redistricting Committee recommends maintaining a 75 member state House of Representatives with each district having an ideal population of 29,776. In accordance with the committee's ± 4% deviation guideline, populations may range from 28,585 to30,967. The proposed plan's populations range from 28,603 in House District 51 to 30,951 in House District 40. The plan's deviations range from - 3.9% to + 3.9%, which represents an overall range of 7.8% and is within the ± 4% committee guidelines for equal population. The maps and population figures reflecting the Redistricting Committee's recommended plan are included in the House Plan section of this report.

D. State Board of Education Redistricting Plan

The Redistricting Committee recommends maintaining a 15 member State Board of Education with each district having an ideal population of 148,878. In accordance with the ± 4% deviation guideline, populations may range from 142,923 to 154,833. The proposed plan's populations range from 143,838 in District 9 to 152,448 in District 4. The plan's deviations range from - 3.4% to + 2.4%, which represents an overall range of 5.8% and is within the ± 4% committee guidelines for equal population. The maps and population figures reflecting the Redistricting Committee's recommended plan are included in the School Board Plan section of this report.

ENDNOTES

1."Reapportionment" is the process of assigning the number of members of Congress that each state may elect following each census.

2. U.S. CONST. art. 1, § 2, cl. 3.

3. *Id.*

4. *Id.* Because Utah's population grew significantly faster than the nation's population, Utah had an excellent opportunity to gain a fourth member in the United States House of Representatives. However, the Census Bureau determined that Utah should not receive a fourth member because Utah's population growth fell short by 857 and instead increased North Carolina's representation by one member. The state of Utah has filed a federal law suit challenging the Census Bureau's actions. For a more detailed discussion of the State of Utah's litigation, see "Legal Guidelines," I.B., The Utah Apportionment Litigation, contained in this report. Because Utah may yet receive a fourth congressional member, the Redistricting Committee prepared two congressional plans: one with three members, one with four members.

5. For a more detailed discussion of the census, reapportionment, and the need for redistricting, see "Legal Guidelines," I., Constitutional Underpinnings of Redistricting: Apportionment, the 14th Amendment, and Article IX, contained in this report.

6."Redistricting" means the process of drawing new boundaries for Congressional, Senate, House, and State School Board districts within a state.

7. In *Gray v. Sanders*, 372 U.S. 368 (1963), the United States Supreme Court stated "[the conception of political equality from the Declaration of Independence, to Lincoln's Gettysburg Address, the Fifteenth, Seventeenth, and Nineteenth Amendments can mean only one thing -- one person, one vote. *Id.* at 381. Although *Gray* did not involve redistricting it struck down a Georgia unit voting system - the phrase "one person, one vote" is consistently applied to redistricting. *See e.g.* National Conference of State Legislatures, *Redistricting Law 2000* (1999).

8. *Supra* note 4.

9. UT. CONST. art. IX, § 1.

10. For a more detailed discussion of the equal population standards, see "Legal Guidelines," II.A., The Equal Population Standard, contained in this report.

11. In Phase I, "Block Boundary Suggestion Project," the Office of Legislative Research and General Counsel assisted county clerks in identifying which visible geographic features would be used by the Census Bureau for block boundaries. Phase II allowed county clerks to draw voting precinct boundaries on maps provided by the Census Bureau so that the counties and the state could receive a population count by voting precinct. Phase III, the collection and tabulation of population data, was conducted by the Census Bureau and ended with the delivery of the final maps and data to the Office of Legislative Research and General Counsel in March, 2001.

12. U.S. Census Bureau, U.S. Dep't of Commerce, Census 2000 Redistricting Data Summary File: Technical Documentation app. at A-22 (2001), available at http://www.census.gov/prod/www/abs/p194-171.pdf; Act of Dec. 23, 1975, Pub. L. No. 94-171,89 Stat. 1023 (codified as amended at 13 U.S.C. 141(c) (1994)).

13. *Id.*

14. *See* Table "Counties, Population Comparison – 1990-2000."

15. *Id.*

16. *See* Table "Congressional Districts, Population Comparison – 1990-2000"; Table "State Senate Districts, Population Comparison – 1990-2000"; Table "State House of Representatives Districts, Population Comparison – 1990-2000"; Table "State School Boards, Population Comparison – 1990-2000." For a discussion of equal protection requirements, see "Legal Guidelines," II.A, The Equal Population Standard, contained in this report.

17. *See,* 2001 UTAH LEGISLATIVE REDISTRICTING COMMITTEE Minutes of the April 26, 2001 meeting at 4; 2001 UTAH LEGISLATIVE REDISTRICTING COMMITTEE Minutes of the May 10, 2001 meeting at 3-5.

18. *Reynolds v. Sims,* 377 U.S. 533 (1964).

19. *Westberry v. Sanders, 376 U.S. 1, 7, 8 (1964).*

20. *Fortson v.Dorsey, 379 U.S. 433, 436 (1965). (Rejecting the argument that equal protection required the formation of single member districts.*)

21. *Connor v. Johnson,* 402 U.S. 690 (1971).

22. For a more detailed discussion of the State of Utah's litigation, see "Legal Guidelines," I.B., The Utah Apportionment Litigation, contained in this report.

23. UT. CONST. art. IX, § 2.

24. "Political data" is data from past elections, usually summarized by voting precincts, that identifies the number of persons who voted for a particular political party.

Counties
Population Comparison – 1990 to 2000

County	1990 Population	2000 Population	Difference	Percent Change
Beaver	4,765	6,005	1,240	26.0%
Box Elder	36,485	42,745	6,260	17.2%
Cache	70,183	91,391	21,208	30.2%
Carbon	20,228	20,422	194	1.0%
Daggett	690	921	231	33.5%
Davis	187,941	238,994	51,053	27.2%
Duchesne	12,645	14,371	1,726	13.7%
Emery	10,332	10,860	528	5.1%
Garfield	3,980	4,735	755	19.0%
Grand	6,620	8,485	1,865	28.2%
Iron	20,789	33,779	12,990	62.5%
Juab	5,817	8,238	2,421	41.6%
Kane	5,169	6,046	877	17.0%
Millard	11,333	12,405	1,072	9.5%
Morgan	5,528	7,129	1,601	29.0%
Piute	1,277	1,435	158	12.4%
Rich	1,725	1,961	236	13.7%
Salt Lake	725,956	898,387	172,431	23.8%
San Juan	12,621	14,413	1,792	14.2%
Sanpete	16,259	22,763	6,504	40.0%
Sevier	15,431	18,842	3,411	22.1%
Summit	15,518	29,736	14,218	91.6%
Tooele	26,601	40,735	14,134	53.1%
Uintah	22,211	25,224	3,013	13.6%
Utah	263,590	368,536	104,946	39.8%
Wasatch	10,089	15,215	5,126	50.8%
Washington	48,560	90,354	41,794	86.1%
Wayne	2,177	2,509	332.00	15.3%
Weber	158,330	196,533	38,203	24.1%

Congressional Districts
Population Comparison – 1990 to 2000

Congressional District	1990 Population of District	2000 Population of District	Difference	Percent Change
1	574,286	765,156	190,870	33.2%
2	574,241	702,102	127,861	22.3%
3	574,323	765,911	191,588	33.4%

State Senate Districts
Population Comparison – 1990 to 2000

Senate District	1990 Population of District	2000 Population of District	Difference	Percent Change
1	57,359	60,980	3,621	6.3%
2	57,481	74,499	17,018	29.6%
3	60,414	66,502	6,088	10.1%
4	61,055	103,855	42,800	70.1%
5	61,414	116,252	54,838	89.3%
6	60,121	74,241	14,120	23.5%
7	60,594	61,021	427	0.7%
8	58,899	64,840	5,941	10.1%
9	59,093	64,167	5,074	8.6%
10	61,498	67,926	6,428	10.5%
11	59,107	64,017	4,910	8.3%
12	57,761	71,899	14,138	24.5%
13	58,137	89,499	31,362	53.9%
14	60,759	86,781	26,022	42.8%
15	60,830	76,043	15,213	25.0%
16	60,397	70,433	10,036	16.6%
17	61,228	94,703	33,475	54.7%
18	58,382	70,558	12,176	20.9%
19	57,124	70,268	13,144	23.0%
20	57,032	72,403	15,371	27.0%
21	60,039	84,803	24,764	41.2%
22	61,119	80,650	19,531	32.0%
23	58,103	63,974	5,871	10.1%
24	57,303	72,267	14,964	26.1%

25	57,054	71,920	14,866	26.1%
26	57,081	79,396	22,315	39.1%
27	60,845	72,748	11,903	19.6%
28	61,039	76,932	15,893	26.0%
29	61,582	109,592	48,010	78.0%

State House of Representatives Districts
Population Comparison – 1990 to 2000

House District	1990 Population of District	2000 Population of District	Difference	Percent Change
1	22,085	26,150	4,065	18.4%
2	22,166	25,796	3,630	16.4%
3	22,835	30,761	7,926	34.7%
4	22,299	26,796	4,497	20.2%
5	22,131	30,287	8,156	36.9%
6	22,511	30,911	8,400	37.3%
7	22,304	27,972	5,668	25.4%
8	23,655	28,031	4,376	18.5%
9	23,456	29,294	5,838	24.9%
10	22,909	26,947	4,038	17.6%
11	22,109	24,779	2,670	12.1%
12	23,489	29,898	6,409	27.3%
13	23,852	37,165	13,313	55.8%
14	23,169	27,738	4,569	19.7%
15	23,687	32,088	8,401	35.5%
16	23,542	34,307	10,765	45.7%
17	23,136	29,571	6,435	27.8%
18	22,146	25,622	3,476	15.7%
19	23,369	25,405	2,036	8.7%
20	22,937	25,799	2,862	12.5%
21	22,329	35,893	13,564	60.7%
22	23,343	30,977	7,634	32.7%
23	23,881	32,443	8,562	35.9%
24	23,875	27,568	3,693	15.5%
25	23,857	25,104	1,247	5.2%

26	23,732	31,282	7,550	31.8%
27	23,726	27,147	3,421	14.4%
28	22,235	22,389	154	0.7%
29	23,812	33,014	9,202	38.6%
30	23,816	25,424	1,608	6.8%
31	22,230	22,579	349	1.6%
32	23,719	25,841	2,122	8.9%
33	23,838	30,366	6,528	27.4%
34	23,835	25,025	1,190	5.0%
35	23,715	29,625	5,910	24.9%
36	22,071	21,505	(566)	-2.6%
37	22,276	23,798	1,522	6.8%
38	23,613	25,541	1,928	8.2%
39	23,830	25,512	1,682	7.1%
40	22,664	24,951	2,287	10.1%
41	22,740	25,361	2,621	11.5%
42	23,225	38,369	15,144	65.2%
43	23,615	26,214	2,599	11.0%
44	23,857	27,101	3,244	13.6%
45	23,619	27,375	3,756	15.9%
46	22,598	23,056	458	2.0%
47	23,737	30,320	6,583	27.7%
48	23,880	24,332	452	1.9%
49	23,035	22,216	(819)	-3.6%
50	23,814	51,707	27,893	117.1%
51	23,880	30,784	6,904	28.9%
52	23,888	61,461	37,573	157.3%
53	22,195	38,014	15,819	71.3%

54	22,734	29,586	6,852	30.1%
55	22,901	26,145	3,244	14.2%
56	22,382	41,018	18,636	83.3%
57	22,850	40,236	17,386	76.1%
58	23,638	33,313	9,675	40.9%
59	22,493	28,096	5,603	24.9%
60	22,386	26,226	3,840	17.2%
61	22,167	30,649	8,482	38.3%
62	22,421	26,251	3,830	17.1%
63	23,203	25,805	2,602	11.2%
64	22,128	27,582	5,454	24.6%
65	22,203	30,566	8,363	37.7%
66	22,173	36,048	13,875	62.6%
67	22,064	32,133	10,069	45.6%
68	23,672	29,137	5,465	23.1%
69	22,078	22,431	353	1.6%
70	22,317	26,698	4,381	19.6%
71	22,126	26,162	4,036	18.2%
72	22,218	35,446	13,228	59.5%
73	22,081	28,080	5,999	27.2%
74	22,086	49,951	27,865	126.2%
75	22,262	33,999	11,737	52.7%

State School Board Districts
Population Comparison – 1990 to 2000

1991-2000 School Board District	1990 Population	2000 Population	Difference	Percent Change
1	113,481	149,720	36,239	31.9%
2	112,946	151,026	38,080	33.7%
3	114,243	147,106	32,863	28.8%
4	112,347	152,448	40,101	35.7%
5	118,047	146,508	28,461	24.1%
6	113,454	145,079	31,625	27.9%
7	110,816	143,940	33,124	29.9%
8	112,878	146,702	33,824	30.0%
9	113,826	143,838	30,012	26.4%
10	119,228	150,782	31,554	26.5%
11	119,048	148,681	29,633	24.9%
12	119,031	151,207	32,176	27.0%
13	114,856	153,091	38,235	33.3%
14	113,125	152,177	39,052	34.5%
15	115,524	150,864	35,340	30.6%

LEGAL GUIDELINES

The United States and Utah Constitutions require that state legislatures periodically redraw congressional district, legislative district, and other state district boundaries to reflect changes in population. This important responsibility is subject to legal restrictions established by these constitutions, by the courts, and by Congress. The legal restrictions limit, but do not totally supersede, the Utah Legislature's discretion in redistricting decisions. The intent of the restrictions is to ensure that basic concepts of fairness are incorporated into the redistricting arena.

As determined by the courts and federal law, legal restrictions governing the redistricting process address equal population, participation by racial minorities, limits on racial gerrymandering, and considerations of political fairness. If a redistricting plan is challenged and a court determines that the Legislature has violated any of these restrictions, or if a court's interpretation of an application of any of these restrictions changes, the court may declare the plan passed by the Legislature unconstitutional and prepare a replacement plan that, in the court's view, more properly applies the restrictions.

This section of the report provides an overview of these restrictions to assist legislators in their deliberations. It is divided as follows:

I. CONSTITUTIONAL UNDERPINNINGS OF REDISTRICTING: APPORTIONMENT, THE 14TH AMENDMENT, AND ARTICLE IX

The Legislature's power to redistrict, the restrictions on its power, and the production of the data that it needs to redistrict are all grounded in requirements set forth in the United States and Utah Constitutions. This section briefly describes the apportionment process, discusses Utah's legal challenge to the 2001 apportionment, and identifies the Legislature's redistricting power as granted by the Utah Constitution. Restrictions on the Legislature's redistricting power,

which have been imposed by Congress and through court interpretations, are discussed in the next section.

A. Apportionment and the Census

Article I, Section 2 of the United States Constitution requires Congress to establish by law a process for the enumeration of the population every ten years.[1] This enumeration process, known as the census, is assigned to the Department of Commerce and conducted and administered by the Census Bureau.[2] The Fourteenth Amendment to the United States Constitution requires that the enumeration count "the whole number of persons in each [s]tate."[3] After the census count is complete, Congress must "apportion" the members of the United States House of Representatives by identifying the number of Representatives to which each state is entitled.[4] Federal statutes establish the mathematical formula to be used in making the apportionment and dictate an automatic apportionment process. Under that process, the Department of Commerce calculates each state's congressional representation using the formula and submits that apportionment to the President. The President must submit to Congress a statement showing the whole number of persons in each state as ascertained by the census and the number of congressional representatives to which each state is entitled.[5] The Chief Clerk of the United States House of Representatives sends a certificate to each state detailing the number of Representatives to which that state is entitled.[6] Each state uses the Census Bureau's population totals to draw congressional district boundaries, legislative district boundaries, and other state and local government electoral boundaries.[7]

B. The Utah Apportionment Litigation

1. General Overview

When the Census Bureau announced the state population totals and the apportionment of congressional members in December, 2000, Utah missed obtaining a fourth congressional member by only 857 persons.[8] Instead, North Carolina obtained an additional member. As the state reviewed the Census Bureau's enumeration process, it discovered that the Census Bureau had engaged in two questionable practices: it had counted and included in its apportionment population count military and United States government personnel living abroad while not counting other United States citizens living abroad (such as missionaries, aid workers, expatriates, etc.); and, in conducting its count, it had produced population numbers using a statistical method known as imputation when it was unable to obtain an actual count.

In a lawsuit filed on January 10, 2001, the State of Utah sought injunctive and declaratory relief, alleging that the Census Bureau, by enumerating military and federal employees living abroad, but not enumerating other United States citizens living abroad, violated various constitutional and statutory provisions.[9] Specifically, the state alleged that the Census Bureau should have counted missionaries from the Church of Jesus Christ of Latter Day Saints living abroad as well as federal employees and United States military personnel, or it should have

counted neither group.[10] A three-judge panel heard oral arguments in the case and issued its opinion April 17, 2001, granting the Census Bureau's and North Carolina's motions for summary judgment.[11] The State of Utah has appealed the decision to the United States Supreme Court.[12]

After obtaining additional information about the Census Bureau's imputation procedures, the State of Utah filed a second lawsuit in April, 2001, alleging that the Census Bureau used a statistical sampling procedure known as imputation to add to the apportionment population approximately 1.2 million persons nationwide who were not actually enumerated by traditional methods of enumeration.[13] Alleging that the Census Bureau's action in including these persons was unconstitutional and illegal, the State of Utah seeks declaratory judgment and an injunction requiring the Census Bureau to remove all data obtained though imputation from its apportionment population count.[14] A new three judge panel heard oral arguments on August 29, 2001. The panel's decision has not yet been issued.[15]

2. Application to Utah of the Utah Apportionment Litigation

If the State of Utah ultimately prevails in either of its lawsuits, Utah will obtain a fourth congressional member.[16]

C. The Legislature's Redistricting Power under the Utah Constitution

The Utah Constitution grants the exclusive authority to conduct redistricting to the Utah Legislature.[17] Article IX, Section 1 requires that the Legislature divide the state into congressional, legislative, and other districts "[a]t the session next following an enumeration made by the authority of the United States . . . ."[18] Article IX, Section 2 provides that the Senate may not exceed "twenty-nine in number, and the number of representatives shall never be less than twice nor greater than three times the number of senators."[19]

II. RESTRICTIONS ON REDISTRICTING: STANDARDS ESTABLISHED BY CONGRESS AND CASE LAW

Congress, through the Voting Rights Act,[20] and the United States Supreme Court, through its application of the United States Constitution's provisions to redistricting plans prepared by the states, have imposed certain restrictions on a state's ability to draw congressional, legislative, and other districts. This portion of the report discusses requirements established by Congress and the courts governing equal population, participation by racial minorities, limits on racial gerrymandering, and political fairness.

A. The Equal Population Standard

1. Background

The United States Supreme Court first dealt directly with reapportionment in 1946 in *Colegrove v. Green*.[21] In *Colegrove*, the Court affirmed the district court's dismissal of a citizen's suit alleging that the Illinois Legislature had not correctly apportioned that state's congressional districts. Specifically, the Court warned against judicial involvement in a "political thicket."[22] The Court nonetheless acknowledged the extreme importance of equitable apportionment, but suggested that the remedy for unfair redistricting lay in the political rather than the judicial realm.[23]

In the years following *Colegrove*, it was apparent that these political remedies had failed to address problems of fundamental unfairness associated with the reapportionment process.[24] As a result, the United States Supreme Court jumped headlong into the "political thicket" in 1962 with its landmark decision in *Baker v. Carr*.[25] In that case, the plaintiff voters claimed to be underrepresented because there had been no reapportionment in Tennessee in 60 years in spite of significant growth and redistribution of population.[26] The Court held that the voters actually suffered an injury that the courts could redress,[27] and noted that the challenge to Tennessee's apportionment did not present a political question[28] because the existing apportionment violated the United States Constitution's guarantee that each state will provide a republican form of government.[29]

Subsequent United States Supreme Court decisions established criteria for evaluating whether or not redistricting plans violate the Fourteenth Amendment's Equal Protection Clause. Specifically, the Court refined the notion of population equality, commonly known as one-person, one-vote.[30] In 1964, in *Wesberry v. Sanders*,[31] the Court established the equal population standard for congressional districts, requiring that congressional district populations be "as nearly equal in population as practicable."[32] The same year, in *Reynolds v. Sims*,[33] the Supreme Court held that states are required by the Equal Protection Clause of the Fourteenth Amendment to construct legislative districts of which "the overriding objective must be substantial equality of population among the various districts, so that the vote of any citizen is approximately equal in weight to that of any other citizen in the State."[34] The Court's reasoning for these divergent standards is discussed in the next two sections.

2. Congressional Plans

The standard for population equality for congressional plans has been strictly interpreted by the United States Supreme Court. In *Wesberry v. Sanders*,[35] the Court established the state's objective: " [while] it may not be possible to draw congressional districts with mathematical precision," states cannot ignore that objective.[36] Subsequent challenges to congressional redistricting plans reinforced the Court's commitment to its requirement that congressional districts be "as nearly equal in population as practicable." In 1969, in *Kirkpatrick v. Preisler*,[37] the Court struck down a Missouri congressional plan whose most populous district was 3.13%

above the mathematical ideal district while its least populous district was 2.84% below the mathematical ideal district.[38] The Court held that, if a state fails to achieve mathematical equality among districts, the state must either show that the variances are unavoidable or specifically justify the variances.[39] The opinion rejected several justifications advanced by Missouri, including a desire to avoid fragmenting either political subdivisions or areas with distinct economic and social interests, considerations of practical politics, and even an asserted preference for geographically compact districts.[40] The Court rejected the argument that a fixed number or percentage should be established that will satisfy the "as nearly as is practicable" standard because "[t]he extent to which equality may practicably be achieved may differ from State to State and from district to district."[41] Each state must "make a good-faith effort to achieve precise mathematical equality."[42]

In 1973, in *White v. Weiser*,[43] the United States Supreme Court struck down a Texas congressional redistricting plan with an overall variance among the state's 24 congressional districts of only 4.13 % because the Court found that the districts were not as mathematically equal as reasonably possible. The Court specifically rejected an argument that the variances were justified as the Texas Legislature's attempt to avoid fragmenting prior congressional districts.[44]

In 1983, in *Karcher v. Daggett*,[45] the United States Supreme Court struck down a congressional redistricting plan drawn by the New Jersey Legislature that had an overall variance of less than one percent. The plan had a variance of 3,674 people, or .6984%. However, the plaintiffs showed that at least one other plan before the New Jersey Legislature had an overall variance of only 2,375 people, or .4515%.[46] The Court reaffirmed that there is no level of population inequality among congressional districts that is too small to worry about as long as the persons challenging the plan can show that the inequality could have been reduced or eliminated by a good-faith effort to draw districts of equal population.[47] The Court noted that the population differences could have been reduced by the simple device of transferring entire political subdivisions of known population between contiguous districts.[48] In *Karcher*, the Court indicated, however, that even if a challenger is able to draw a congressional plan with a lower overall variance, the challenged plan could be saved if the state could show that each significant deviation from the ideal was necessary to achieve "some legitimate state objective."[49] Justice Brennan stated that:

> Any number of consistently applied legislative policies might justify some variance, including, for instance, making districts compact, respecting municipal boundaries, preserving the cores of prior districts, and avoiding contests between incumbent Representatives. . . . The State must, however, show with some specificity that a particular objective required the specific deviations in its plan, rather than simply relying on general assertions. The showing required to justify population deviations is flexible, depending on the size of the deviations, the importance of the State's interests, the consistency with which the plan as a whole reflects those interests, and the availability of alternatives that might substantially vindicate those interests yet approximate population equality more closely. By necessity, whether deviations are justified requires case-by-case attention to these factors.[50]

It should be noted that when state-drawn congressional redistricting plans fail and courts are forced to draw new plans, those courts often impose on themselves a higher equal population standard than the state redistricting entities. In the 1980s, some three-judge federal courts drawing their own redistricting plans achieved near mathematical equality. For example, in a Minnesota case[51] the court-drawn plan had an overall variance of 36 people (.00706%),[52] and in a Colorado case, *Carstens v. Lamm*,[53] the court-drawn plan had an overall variance of twelve people (.0025%).[54]

3. State Legislative Plans

a. Less Restrictive Than Congressional Plans

The United States Supreme Court has adopted a less exacting standard for legislative plans than for congressional plans. In 1964, in *Reynolds v. Sims*,[55] Chief Justice Earl Warren observed that "mathematical nicety is not a constitutional requisite" when drawing state legislative plans.[56] All that is necessary is that they achieve "substantial equality of population among the various districts."[57]

Although *Reynolds* is the cornerstone in the development of the federal judiciary's population variance standards for state legislative districting, the United States Supreme Court declined at that time to spell out what differences in population equality would be permitted, observing that "[w]hat is marginally permissible in one State may be unsatisfactory in another, depending upon the particular circumstances of the case."[58] The Court anticipated that some deviations from population equality in legislative plans might be justified if they are "based on legitimate considerations incident to the effectuation of a rational state policy . . . .";[59] however, population must remain "the controlling consideration."[60]

In the years following *Reynolds*, the 1970 census was completed and most states undertook legislative redistricting. In 1973, the United States Supreme Court, in *Mahan v. Howell*,[61] upheld a legislative redistricting plan enacted by the Virginia General Assembly that had an overall range among House districts of 16.4%. The Court took note of the General Assembly's constitutional authority to enact legislation dealing with particular political subdivisions, and found that this legislative function was a significant and substantial aspect of the General Assembly's powers and practices, and thus justified an attempt to preserve political subdivision boundaries in drawing House districts.[62]

The *Mahan* Court established a two-part test to determine whether or not a state legislative plan is constitutional when there are variations in population equality between legislative districts. First, the state must justify the variances by showing that they "are based on legitimate considerations incident to the effectuation of a rational state policy."[63] Second, the state must show that the deviations that occur as a result of the rational policy do not exceed constitutional limits.[64] Although it did not define precisely those "constitutional limits," the

Mahan Court found that while the 16.4% overall variance "may well approach tolerable [constitutional] limits," it did not exceed them.[65]

b. The Ten Percent Standard

The legislative districting standard was further clarified in two opinions issued in 1973. In *Gaffney v Cummings*,[66] the United States Supreme Court upheld a plan prepared by a bipartisan commission, which had an overall variance of 1.81% in the Senate and 7.83% in the House.[67] In upholding the plan, the Court clarified that "minor deviations from mathematical equality among state legislative districts are insufficient to make out a prima facie case of invidious discrimination under the Fourteenth Amendment so as to require justification by the State."[68] Consequently, "minor" deviations will not even require application of the two-part test established in *Mahan*. The Court, in *White v. Regester*,[69] upheld a Texas redistricting plan that had an overall variance of just under 10%. In the *White* opinion, the Court declared that the population differential of 9.9% did not constitute a prima facie equal protection violation under the Fourteenth Amendment. The majority opinion observed: "Very likely, larger differences between districts would not be tolerable without justification 'based on legitimate considerations incident to the effectuation of a rational state policy'. . . ."[70] In effect, the *White* decision and subsequent cases[71] created a safe harbor for legislative plans (although it is a general guideline and not a strict rule): the Court suggested that plans with less than 10% deviation are minor deviations that will not even require justification under *Mahan's* two-part test.[72] Legislative plans with a deviation of 10% or more would trigger a *Mahan* review, requiring the state to justify the deviation by pointing to a rational state policy.

It should not be assumed that any legislative districting plan having less than a ten percent overall variance is safe from successful challenge. Although the United States Supreme Court might allow the states some leeway from redistricting perfection, the Court would probably not hesitate to strike down a plan having an overall variance of less than ten percent if a challenger were to succeed in showing that the plan was not a good-faith effort overall or there was something suspect about the drawing of lines in the districts. However, the decision in *Gaffney* and *White* indicate that the challenger of a plan within the ten percent overall variance has the initial burden of showing that the plan violates the Equal Protection Clause.

c. Other Standards

The United States Supreme Court has, in *Karcher v. Daggett*,[73] said that other state policies besides affording representation to political subdivisions may be used to justify a variance from equal population.

> Any number of consistently applied legislative policies might justify some variance, including, for instance, making districts compact, respecting municipal boundaries, preserving the cores of prior districts, and avoiding contests between incumbent Representatives. . . . The State must, however, show with some specificity that a particular objective required the specific deviations in its plan rather than simply

> relying on general assertions. The showing required to justify population deviations is flexible, depending on the size of the deviations, the importance of the State's interests, the consistency with which the plan as whole reflects those interests, and the availability of alternatives that might substantially vindicate those interests yet approximate population equality more closely. By necessity, whether deviations are justified requires case-by-case attention to these factors.[74]

4. Other Districts in the State

In 1970, the United States Supreme Court extended the "substantially equal in population" standard of *Reynolds v. Sims*[75] to other population-based districts, including school boards, in *Hadley v. Junior College District*.[76] In *Hadley*, the Court struck down a Missouri plan for failing to satisfy the equal population standard, although the plan reapportioned elected college trustees among preexisting districts. The Court held that the plan was invalid as a "built-in discrimination against voters in large districts" because they would always be somewhat underrepresented.[77]

5. Application to Utah of the Equal Population Standard

In drawing congressional plans, the state must ensure that each district is "as nearly equal in population as practicable."[78] Any total deviation of more than 1% would likely be struck down. Legislative and state school board districts must achieve "substantial equality of population among the various districts."[79] Any total deviation of more than 10% would likely be struck down.

B. Participation by Racial Minorities

1. Background

The right to vote is basic to American citizenship. Who possesses that right and the extent to which that right is guaranteed have long been the focus of congressional action and judicial interpretation. In 1870, with the ratification of the Fifteenth Amendment to the United States Constitution, citizens were promised that the right to vote "shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."[80] In the years following the ratification of the Fifteenth Amendment, some states and local governments found ways to circumvent it. Almost a century after the passage and ratification of the Fifteenth Amendment, Congress passed the Voting Rights Act of 1965[81] with the primary purpose of protecting the right to vote as guaranteed by the Fifteenth Amendment. It also was designed to enforce the Fourteenth Amendment, which prohibits states from denying any person the equal protection of the laws,[82] and the election of Senators and Representatives as provided under Article 1, Section 4 of the United States Constitution.

2. The Voting Rights Act

a. Section 5

Section 5 of the Voting Rights Act[83] requires certain jurisdictions[84] to preclear changes in voting standards, practices, and procedures, including redistricting plans, with the Department of Justice or the United States District Court of the District of Columbia before they may be implemented.[85] These jurisdictions that are subject to preclearance are also known as "covered" jurisdictions. Utah is not a covered jurisdiction under the Voting Rights Act and need not obtain preclearance.

b. Section 2

Section 2 of the Voting Rights Act[86] attempts to secure the right to vote for racial and language minorities by prohibiting states and political subdivisions from imposing or applying voting qualifications, prerequisites to voting, or other standards, practices, or procedures that result in the denial or abridgment of the right to vote on account of race or color.[87] The 1975 amendments extended protection to members of a language minority group.[88] Section 2 applies to all jurisdictions and not just to covered jurisdictions.

In cases involving multi-member districts decided before 1980, the United States Supreme Court found invidious discrimination under the United States Constitution[89] when "designedly or otherwise . . . a[n] . . . apportionment scheme . . . would operate to minimize or cancel out the voting strength of racial . . . elements of the voting population."[90] The Court superseded this "discriminatory effect" standard in 1980 in *City of Mobile v. Bolden*.[91] In that case, the Court, in upholding a city districting plan, required plaintiffs to show a "discriminatory intent" in order to prove vote dilution claims.

In response to the *Bolden* standard, which it made it more difficult for racial minorities to prevail in voter discrimination cases, Congress amended the Voting Rights Act in 1982 to shift the legal test from one of discriminatory intent to discriminatory impact, adding factors to consider when determining whether or not a political practice results in vote dilution.[92] Currently, a violation of Section 2 is established if "based on the totality of the circumstances, it is shown that the political processes leading to [participation in the electoral process] . . . are not equally open to participation by members of . . . [a minority group] . . . in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice."[93]

After the 1982 amendments, federal courts followed a discriminatory impact standard for vote dilution claims, focusing on the results of the voter dilution, rather than on the intent or motivation.[94] Section 2 was also used to attack reapportionment and redistricting plans on the ground that they discriminated against minority groups and abridged their right to vote by diluting the voting strength of their population in the state. The first United States Supreme Court case interpreting a Section 2 challenge to a redistricting plan was the 1986 case of *Thornburg v. Gingles*.[95]

In *Thornburg v. Gingles*,[96] a North Carolina redistricting plan created six multi-member districts, including areas that contained a majority of black voters that likely would have elected blacks in a single member district system. Black voters challenged the plan as a violation of Section 2 of the Voting Rights Act. The Court struck down the plan, holding that a redistricting plan is unconstitutional if it has the effect of minimizing or cancelling out the voting strength of a protected minority group or if it is motivated by an intent to discriminate against the group. The Court set forth a standard for adjudication of claims under Section 2 under which the determination of the "totality of the circumstances" required by Section 2 must be assessed "on the basis of objective factors."[98] Under *Gingles*, a minority group challenging a multi-member redistricting plan under Section 2 must prove that:

- the minority is sufficiently large and geographically compact to constitute a majority in a single-member district;
- it is politically cohesive; and
- in the absence of special circumstances, bloc voting by the white majority usually defeats the minority's preferred candidate.[99]

Plaintiffs must prove the existence of each of the three preconditions. If they are not met, there is no need to consider the presence of other factors within the totality of circumstances analysis.[100] The burden is on the plaintiffs to show that they do not have an equal opportunity to participate in the political processes and to elect candidates of their choice. Plaintiffs do not need to prove discriminatory intent: they may use historical and contemporary evidence or even prospective interpolation that shows the expectation of future degradation to meet their burden.

In using the *Gingles* test, courts have at times considered aggregated minority groups. In *Romero v. City of Pomona*,[101] the Ninth Circuit Court of Appeals held that, where Blacks and Hispanics are not politically cohesive, they cannot be combined to form a majority to meet the *Gingles* requirements. However, the Fifth Circuit Court of Appeals held that minority groups may be combined to meet the *Gingles* test by combining Blacks and Hispanics if they prove that the two groups "are of such numbers residing geographically so as to constitute a majority in a single member district . . .", and that they "actually vote together, and are impeded in their ability to elect their own candidates by all of the circumstances, including especially the bloc voting of a white majority that usually defeats the candidate of the minority."[102]

3. Application to Utah of Participation by Racial Minorities

Utah is not a covered jurisdiction under Section 5 of the Voting Rights Act and need not obtain preclearance for its redistricting plans. It does not appear that Utah meets the *Gingles* tests as they apply to Section 2 of the Voting Rights Act.

C. Limits on Racial Gerrymandering

1. Background

In drawing districts to protect or promote racial minority participation in the electoral process, states must avoid "racial gerrymandering."[103] In essence, the United States Supreme Court has held that although race may be a factor or element in redistricting, states may not use race as a "predominant factor"[104] or subordinate "traditional race-neutral districting principles . . . to racial considerations."[105]

2. Standards for Challenging Use of Race-Based Factors

The United States Supreme Court has defined "racial gerrymandering" as "the deliberate and arbitrary distortion of district boundaries . . . for [racial] purposes.[106] This practice was first used to deny the opportunity to vote to African-American and other racial minorities between the Civil War and the enactment of the Voting Rights Act.[107] In the 1990s, however, racial gerrymandering was used to increase minority representation and participation, not to deny or limit it.[108] When the Department of Justice refused to preclear[109] their redistricting plans under Section 5 of the Voting Rights Act, several states believed that they were required by the Act to maximize the number of minority districts. The states adopted new redistricting plans that created additional minority districts, and the Department of Justice precleared them.

These new redistricting plans were challenged in federal court on the grounds that they violated the Fourteenth Amendment's Equal Protection Clause. In the first of those cases to reach the United States Supreme Court, *Shaw v. Reno (Shaw I)*, Justice O'Connor defined the issue: "This case involves two of the most complex and sensitive issues this Court has faced in recent years: the meaning of the constitutional 'right' to vote, and the propriety of race-based state legislation designed to benefit members of historically disadvantage racial minority groups."[110] In *Shaw I*, the Court held that a racial gerrymander may violate the Equal Protection Clause and remanded the case to the district court to determine whether North Carolina's 12th Congressional District had been drawn on the basis of race, and, if so, whether it was narrowly tailored to further a compelling government interest.[111] The district court upheld the plan, holding that it was narrowly tailored to achieve a compelling state interest – compliance with Sections 2 and 5 of the Voting Rights Act.[112] In *Shaw II*,[113] the United States Supreme Court reversed, finding that the 12th District plan was not narrowly tailored to achieve the compelling state interest. In a new case challenging the redrawn 12th District, filed in 1997, the district court granted summary judgment and struck down the new plan, holding that it violated the Equal Protection Clause because it used race-driven criteria.[114] The Supreme Court reversed, finding that summary judgment was inappropriate because a genuine issue of material fact existed: whether the evidence was consistent with a constitutional political objective asserted by the state – the creation of a safe Democratic seat.[115] On remand, after taking evidence, the district court again held that District 12's 1997 boundaries were unconstitutional.[116] That decision was appealed to the Supreme Court in *Hunt v. Cromartie II,*[117] which again reversed the district court and, after an

extensive analysis of the record, upheld the redistricting plan, holding that race had not predominated in the drawing of District 12's 1997 boundaries.[118]

Cases decided after *Shaw I* further developed the restrictions on the use of racial data in drawing district lines. Specifically, the United States Supreme Court established standing requirements, reviewed the evidence necessary to establish racial gerrymandering, and defined the application of strict scrutiny to racial gerrymandering claims.

The United States Supreme Court established the requirements for standing in a racial gerrymandering case in *United States v Hays*.[119] The Court held that the plaintiff must reside in a racially gerrymandered district or present evidence that he or she has been personally injured by the racial classification in order to have standing.[120]

Two cases help define the evidentiary standard that plaintiffs must meet to establish a racial gerrymandering claim. In *Miller v. Johnson*, the United States Supreme Court held that the plaintiff must show that race was the predominant factor motivating a legislature's decision to place a significant number of voters inside or outside a particular district.[121] According to the Court, plaintiffs could meet this burden by showing circumstantial evidence of the district's shape and compactness or through direct evidence of a legislature's intent.[122] In *Bush v. Vera*,[123] the Court held that "the plaintiffs must prove that other, legitimate districting principles[124] were 'subordinated' to race."[125] *Bush* also added a third evidentiary element that plaintiffs could use to help establish a racial gerrymandering claim: the nature of the redistricting data used by a legislature – specifically the type and detail of the racial data available to be used in drawing the district compared to the type and detail of political and socioeconomic data.[126]

Once the plaintiffs establish standing and that race was the predominant factor used in redistricting, the United States Supreme Court must apply "strict scrutiny" to determine whether or not the state had a compelling state interest to create a majority minority district using race as the predominant factor. The Court has reviewed and analyzed three major "compelling interests" asserted by the states: remedying past discrimination; complying with Section 2 of the Voting Rights Act; and complying with Section 5 of the Voting Rights Act. To establish "remedying past discrimination" as a compelling state interest, the state must, before using race as the predominant factor, identify the public or private discrimination with some specificity and establish a strong basis in evidence to show that the remedial action was necessary.[127] The Court ruled that in order for the state to establish "compliance with Section 2 of the Voting Rights Act" as a compelling state interest, it would have to draw a compact district with the minority group being a majority of the voting age population.[128] To establish compliance with Section 5 of the Voting Rights Act as a compelling state interest, the state need not maximize minority districts, which the Department of Justice urged; instead, the state must show nonretrogression – that the racial minority was not worse off than it had been under the prior redistricting plan.[129] Once the state establishes a compelling interest, the state still must show that its districting plan is narrowly tailored to achieve that compelling interest.[130]

3. Application to Utah of Limits on Racial Gerrymandering

In drawing congressional, legislative, and state school board districts, the Legislature may not use race as the "predominant factor" in deciding where to draw lines, nor may it subordinate "traditional race-neutral districting principles" to racial considerations. Race may be a factor or element in redistricting, in conjunction with other factors or principles, but it may not be the dominant factor.

D. Limits on Partisan Gerrymandering

1. Background

A partisan minority may bring a claim under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution to attempt to remedy unfair partisan line drawing. Until 1986, the United States Supreme Court had never directly addressed a claim by a minority political party that a redistricting plan diluted their rights under the Fourteenth Amendment. Whenever an issue of partisan political line drawing was raised, the Court would decide the matter on other grounds or consider the facts of the gerrymander without deciding if the issue of gerrymandering itself was justiciable.[131] But, in 1986 in *Davis v. Bandemer*,[132] the Court held that partisan gerrymandering is an issue that courts may review.

2. Discriminatory Intent and Effect

Bandemer was a sharp departure from the United States Supreme Court's longstanding policy of refusing to directly review claims of partisan gerrymandering. In *Bandemer*, the Indiana Republican legislative redistricting plan was challenged by Indiana Democrats for denying them, as Democrats, the equal protection of the laws. The district court determined that the plan was well within equal population standards, with an overall range of 1.15% for the Senate districts and 1.05% for the House,[133] and met the non-retrogression test of the Voting Rights Act.[134] Various House districts combined urban and suburban or rural voters with dissimilar interests, and Democrats were packed into districts with large Democratic majorities and fractured into districts where Republicans had a safe but not excessive majority. At the 1982 election held under the challenged plan, Democratic candidates for Senate received 53.1% of the vote statewide and won 13 of the 25 seats up for election. Democratic candidates for the House received 51.9% of the vote statewide but won only 43 of 100 seats. In two groups of multimember House districts, Democratic candidates received 46.6% of the vote but won only three of 21 seats.[135]

The United States Supreme Court held that the issue of fair representation for Indiana Democrats was justiciable, but that a violation of the Equal Protection Clause had not been proven. A plurality of the Court opined that to prove such a violation requires a showing of "both intentional discrimination against an identifiable political group and an actual discriminatory effect on that group."[136] While proving discriminatory intent would not be difficult given the political atmosphere surrounding redistricting, the Court indicated that proving

discriminatory effect "must be supported by evidence of continued frustration of the will of a majority of the voters or effective denial to a minority of voters of a fair chance to influence the political process."[137] In addition, a plaintiff must show "that the challenged legislative plan has had or will have effects that are sufficiently serious to require intervention by the federal courts."[138] The plurality concluded that a group's electoral power is not unconstitutionally diminished by the simple fact of a plan that makes winning elections more difficult. Merely showing that the minority is likely to lose elections held under the plan is not enough. As the plurality pointed out, "the power to influence the political process is not limited to winning elections. . . . We cannot presume . . . . without actual proof to the contrary, that the candidate elected will entirely ignore the interests of those voters [who did not vote for him or her]."[139]

In *Badham v. March Fong Eu*,[140] the California Democratic congressional redistricting plan was challenged by California Republicans for denying them the equal protection of the laws. After ruling that *Bandemer* applied to congressional redistricting cases as well as state legislative redistricting cases, the district court, using the *Bandemer* analysis, held that the complaint "sufficiently alleges a discriminatory intent," but that discriminatory effect was not sufficiently proven.[141] The district court stated that "there are no factual allegations regarding California Republicans' role in 'the political process as a whole' . . . . , no allegations that California Republicans have been 'shut out' of the political process, nor . . . . that anyone has ever interfered with Republican registration, organizing, voting, fund-raising, or campaigning."[142] Further, the Court took judicial notice that Republicans held 40% of the congressional seats, had a Republican governor and United States senator, and that a recent former Republican governor of California had been President of the United States for seven years.[143] The Court concluded that "the fulcrum of political power [is] such as to belie any attempt of plaintiffs to claim that they are bereft of the ability to exercise potent power in 'the political process as a whole' because of the paralysis of an unfair gerrymander."[144] The United States Supreme Court summarily affirmed the lower court's ruling in *Badham* without issuing any opinion.[145] Such a summary affirmance without opinion does not bind lower courts to follow the opinion in *Badham*.

3. Application to Utah of Limits on Partisan Gerrymandering

Current case law does not establish significant criteria to evaluate whether or not a plan drawn by the Legislature could be challenged as "partisan gerrymandering."[146] To prove a partisan gerrymandering claim, at minimum, a plaintiff must prove "discriminatory intent" and "discriminatory effect." To protect against a partisan gerrymandering claim, the state must seek to ensure that a plan does not effectively deny a fair chance to influence the political process to a minority of the voters.[147]

III. SUMMARY

The United States and Utah Constitutions require that district lines be redrawn after each decennial census taken by the United States. The Utah Constitution requires that the Utah

Legislature perform this function. In addition, Congress and the courts have established several guidelines that must be followed by the Legislature in drawing district lines.

First, all districts must be nearly equal in population. The courts have imposed different standards for congressional, legislative, and other state districts. For congressional districts, the standard is "as equal in population as practicable" and is more restrictive. For legislative and other state districts, that standard is "substantially equal in population."

Second, Utah is not subject to "preclearance" under Section 5 of the Voting Rights Act nor does it meet the requirement established by the United States Supreme Court that would require creating majority-minority districts to prevent minority vote dilution under Section 2 of the Voting Rights Act.

Third, although race may be an element considered as part of the redistricting process, it may not be the "predominant factor" in deciding where to draw the lines.

Fourth, a challenge to a partisan gerrymandering as a violation of the Equal Protection Clause may be reviewed by the courts, but the United States Supreme Court has not established authoritative criteria to evaluate the constitutionality of proposed plans.

Endnotes

1. U.S. CONST. art. I, § 2, cl. 3.

2. 13 U.S.C. §§ 1, 2, 4 (2000).

3. U.S. CONST. amend. XIV, § 2.

4. U.S. CONST. art. I, § 2, cl. 3.

5. 2 U.S.C. § 2a(a) (2000).

6. *Id.* § 2a(b).

7. *See, e.g.* Utah Code Ann. §§ 36-1-1, 36-1-4, 20A-13-102, and 20A-14-102 (2001).

8. *See* Statements by Census Bureau Director Kenneth Prewitt at a press conference held December 28, 2000 and available via webcast on the Census Bureau's website at www.census.gov.

9. *Utah v. Trandahl*, No. F-2-01-CV-23:B (D. Utah filed January 10, 2001). Subsequent to the initial compliant, plaintiff filed a first amended complaint and a second amended complaint making virtually identical allegations.

10. *See id.* at 7.

11. *Utah v. Evans*, 143 F. Supp. 2d 1290, 1301 (D. Utah 2001). A "summary judgment" is granted by the court when there are no material facts at issue and one party has prevailed as a matter of law. BLACK'S LAW DICTIONARY 1287 (Fifth ed. 1979).

12. *Utah v. Evans*, 143 F. Supp. 2d 1290, 1301 (D. Utah 2001) (D. Utah 2001) *appeal docketed*, No. 01-283 (U.S. Aug. 15, 2001).

13. *Utah v. Evans (Evans II),* No. 2:01-CV-292:G (D. Utah filed April 25, 2001).

14. *Id.*

15. Regardless of how the panel rules, it seems likely that the losing party or parties will appeal and seek to have the appeal consolidated with the appeal from the first lawsuit.

16. Because of the ambiguity raised by the lawsuit, it is unclear whether or not Utah will ultimately have three or four congressional members. In order to be prepared for either contingency, the 2001 Redistricting Committee has recommended both a three member Congressional plan and a four member Congressional plan. *See* 2001 UTAH LEGISLATIVE REDISTRICTING COMMITTEE Minutes of the April 26, 2001 meeting at 4.

17. UT. CONST. art. IX, § 1.

18. *Id.*

19. UT. CONST. art. IX, § 2. Applying this formula, the Utah House must consist of at least 58 but no more than 87 representatives.

20. 42 U.S.C. §§ 1971 to 1973gg-10 (1994).

21.328 U.S. 549 (1946).

22. *Id.* at 556.

23. *Id.* at 552.

24. *See*, *e.g., Magraw v. Donovan*, 163 F. Supp. 184 (D-Minn. 1958) (Three judge district court implied that they would intervene if the Minnesota Legislature failed to redistrict itself as required by the Minnesota Constitution.).

25. 369 U.S. 186 (1962).

26. *See id.* at 191.

27. *See id.* at 245 (Douglas, J., concurring).

28. Federal courts generally decline to consider "political questions," finding that their subject matter is inappropriate for judicial consideration. *See, e.g., Baker v. Carr*, 369 U.S. 186 (1962).

29. *Id.* at 209.

30. In *Gray v. Sanders*, 372 U.S. 368 (1963), the Court stated "[t]he conception of political equality from the Declaration of Independence, to Lincoln's Gettysburg Address, the Fifteenth, Seventeenth, and Nineteenth Amendments can mean only one thing -- one person, one vote. *Id.* at 381. Although *Gray* did not involve redistricting – it struck down a Georgia unit voting system – the phrase "one person, one vote" is consistently applied to redistricting. *See e.g.* National Conference of State Legislatures, *Redistricting Law 2000* (1999).

31. 376 U.S. 1 (1964).

32. *Id.* at 1, 7-8.

33. 377 U.S. 533 (1964).

34. *Id.* at 579. The higher standard for congressional reapportionment arises from Art. I, Sec. 2 of the United States Constitution which requires that "Representatives . . . shall be apportioned among the several States . . . according to their respective Numbers . . . ." U.S. CONST. art. I, § 2, cl. 3.

35. 376 U.S. 1 (1964).

36. *Id.* at 18.

37. 394 U.S. 526 (1969).

38. *Id.* at 528-29.

39. *See id.* at 530-31.

40. *See id.* at 533-36.

41. *Id.* at 530.

42. *Id.* at 530-31.

43. 412 U.S. 783 (1973).

44. *See id.* 791-92.

45. 462 U.S. 725 (1983).

46. *See id.* at 728-29.

47. *See id.* at 731-40.

48. *See id.* at 739.

49. *Id.* at 740.

50. *Id.* at 740-741. The United States Supreme Court reaffirmed the principle established in *Karcher* that "absolute population equality [is] the paramount objective." in 1997 in *Abrams v. Johnson*, 521 U.S. 74, 98 (1997) (citing *Karcher v. Daggett*, 462 U.S. 725, 732 (1983)). Subsequent cases addressing congressional redistricting plans have identified other standards that might be used to justify population deviations.

See, e.g., Shayer v. Kirkpatrick, 541 F. Supp. 922, 931-32 (W.D. Mo. 1982), *aff'd sub nom. Schatzle v. Kirkpatrick*, 456 U.S. 966 (1982) (contiguity); *S. Carolina State Conference of Branches of the NAACP v. Riley*, 533 F. Supp. 1178, 1181 (D. S.C. 1982), *aff'd*, 459 U.S. 1025 (1982), *and appeal dismissed*, 459 U.S. 1026 (1982) (compactness); *La Comb v. Growe*, 541 F. Supp. 145, 148-50 (D. Minn. 1982), *aff'd sub nom. Orwoll v. La Comb*, 456 U.S. 966 (1982) (preserving communities of interest) and *White v. Weiser,* 412 U.S. 783 (1983) (minimizing or avoiding contests among incumbents). *But see Reynolds v. Sims*, 377 U.S. 533, 579-80 (1964) (historical or geographical concerns most likely would not justify variations from population equality in state legislative districts).

51. *LaComb v. Growe*, 541 F. Supp. 145 (D. Minn. 1982), *aff'd sub nom. Orwell v. LaComb*, 456 U.S. 966 (1982).

52. *See id.* at 149.

53. 543 F. Supp. 68 (D. Colo. 1982).

54. *Id.* at 94.

55. 377 U.S. 533 (1964).

56. *Id.* at 569.

57. *Id.* at 579. Contrast this requirement with congressional plans where "absolute population equality [is] the paramount objective." *Karcher v. Daggett*, 462 U.S. 725, 732 (1983).

58. *Id.* at 578.

59. *Id.* at 579. However, the Court noted that historical or geographical concerns most likely would not meet that standard. *Id.* at 579-80. Although the Court intimated that attempting to draw boundaries congruent with city or county boundaries could constitute a rational state policy, a subsequent case showed that that policy can be carried too far. *See Connor v. Finch*, 431 U.S. 407 (1977).

60. *Reynolds*, 377 U.S. at 581.

61. 410 U.S. 315 (1973).

62. *Id.* at 321-25.

63. *Id.* at 325 (quoting *Reynolds*, 377 U.S. at 577). In *Mahan*, the Court found that this prong of the test was met because state had an interest in not splitting political subdivisions between legislative districts. *See id.* at 328.

64. *Id.* at 328.

65. *Id.* at 329.

66. 412 U.S. 735 (1973).

67. *Gaffney*, 412 U.S. at 736-37.

68. *Id.* at 745.

69. 412 U.S. 755 (1973).

70. *Id.* at 764.

71. *See, e.g., Chapman v. Meier*, 420 U.S. 1, 24 (1975) (striking down a North Dakota plan redrawn by a federal court with a range of over 20% after finding justifications asserted by the state to be inadequate.); *Connor v. Finch*, 431 U.S. 407, 418-19 (1977) (striking down a Mississippi plan redrawn by a federal court with a deviation of 16.5% for the Senate and 19.3% for the House because it "substantially exceed[ed] the 'under-10%' deviations . . . . the Court has previously considered to be of prima facie constitutional validity," *id*. at 418, and because the justifications asserted by the state (maintaining county borders) did not meet the *Mahan* test)

72. "'[M]inor deviations . . . are insufficient to make out a prima facie case . . . so as to require justification by the State.' Our decisions have established, as a general matter, that an apportionment plan with a maximum population deviation under 10% falls within this category of minor deviations." *Brown v. Thompson,* 462 U.S. 835,842 (1983) (quoting *Gaffney v. Cummings*, 412 U.S. 735, 745 (1973)).

73. 462 U.S. 725 (1983).

74. *Id.* at 740-741. Subsequent cases addressing congressional redistricting plans have identified other standards that might be used to justify population deviations. *See, e.g., Shayer v. Kirkpatrick*, 541 F. Supp. 922, 931-32 (W.D. Mo. 1982), *aff'd sub nom. Schatzle v. Kirkpatrick*, 456 U.S. 966 (1982) (contiguity); *S. Carolina State Conference of Branches of the NAACP v. Riley*, 533 F. Supp. 1178, 1181 (D. S.C. 1982), *aff'd*, 459 U.S. 1025 (1982), *and appeal dismissed*, 459 U.S. 1026 (1982) (compactness); *La Comb v. Growe*, 541 F. Supp. 145, 148-50 (D. Minn. 1982), *aff'd sub nom. Orwoll v. La Comb*, 456 U.S. 966 (1982) (preserving communities of interest) and *White v. Weiser,* 412 U.S. 783 (1983) (minimizing or avoiding contests among incumbents). *But see Reynolds v. Sims*, 377 U.S. 533, 579-80 (1964) (historical or geographical concerns most likely would not justify variations from population equality in state legislative districts). Because *Karcher v. Daggett* was a congressional redistricting case, where strict equality of population is required, these additional "rational state policies" would presumably apply also to legislative redistricting plans.

75. 377 U.S. 533 (1964).

76. 397 U.S. 50 (1970). The population base for the districts in *Hadley* was peculiar: "the number of persons between the ages of six and 20 years, who reside in each district," *id.* at 50, not the total population of the districts. The Court, however, evaluated the population inequalities using the "persons between the ages of six and 20 years" standard. *Id.*

77. *Id.* at 56-57.

78. *Wesberry v. Sanders,* 376 U.S. 1 (1964).

79. *Reynolds v. Sims,* 377 U.S. 533, 579 (1964)

80. U.S. CONST. amend. XV, § 1.

81. 42 U.S.C. §§ 1971 to 1973gg-10 (1994). Since its enactment, Congress amended the Voting Rights Act in 1970, 1975, and 1982.

82. U.S. Const., amend. XIV §1.

83. 42 U.S.C. § 1973(c) (1994).

84. The Voting Rights Act specifically identifies which states or portions of states must obtain preclearance. The identified states were those states that had a history of racially discriminatory electoral practices. *See,* NATIONAL CONFERENCE OF STATE LEGISLATURES, REDISTRICTING LAW 2000 80 (1999).

85. Section 5 preclearance of a redistricting plan will be denied if the Justice Department or the Court concludes that the plan fails to meet the "retrogression" test, first set forth in 1976 in *Beer v. United States*, 425 U.S. 130, 141 (1976). *See Holder v. Hall*, 512 U.S. 874, 883-84 (1994). The retrogression test means that a plan that leads to a retrogression in the position of the members of a racial or language minority with respect to the exercise of their voting rights will not be precleared.

86. 42 U.S.C. § 1973 (1994).

87. 42 U.S.C. § 1973(a) (1982).

88. *Id.*

89. The Court did not rely on Section 2 in early cases perhaps because, as it said later in *City of Mobile v. Bolden*, Section 2 "simply restated the prohibitions already contained in the Fifteenth Amendment". *City of Mobile v. Bolden*, 446 U.S. 55, 61 (1980).

90. *Burns v. Richardson*, 384 U.S. 73, 88 (quoting *Fortson v. Dorsey*, 379 U.S. 433, 439 (1965)).

91. 446 U.S. 55 (1980).

92. Those factors include:

> "[1] the history of voting-related discrimination in the State or political subdivision; [2] the extent to which voting in the elections of the State or political subdivision is racially polarized; [3] the extent to which the State or political subdivision has used voting practices or procedures that tend to enhance the opportunity for discrimination against the minority group, such as unusually large election districts, majority vote requirements, and prohibitions against bullet voting; [4] the exclusion of members of the minority group from candidate slating processes; [5] the extent to which minority group members bear the

> effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process; [6] the use of overt or subtle racial appeals in political campaigns; [and] . . . [7] the extent to which members of the minority group have been elected to public office in the jurisdiction. *Thornburg v. Gingles*, 478 U.S. 30, 44-45 (1986) (quoting S. Rep. No. 97-417, at 28-29 (1982)).

93. 42 U.S.C. § 1973(b) (1982).

94. *See, e.g., United States v. Marengo County Commission*, 731 F.2d 1546 (11th Cir. 1984); *Jones v. City of Lubbock*, 727 F.2d 364 (5th Cir 1984); *Ketchum v. Byrne*, 740 F.2d 1398 (7th Cir. 1984); *Rybicki v. State Board of Elections of the State of Illinois (Rybicki I)*, 574 F. Supp. 1082, 1104-08 (N.D. Ill. 1982) (following *Bolden* and requiring discriminatory intent in a racial vote dilution claim); *Rybicki v. State Board of Elections of the State of Illinois (Rybicki II)*, 574 F. Supp. 1147, 1148-49 (N.D. Ill. 1983) (noting that since *Rybicki I*, the 1982 amendments to the Voting Rights Act require a change from a discriminatory intent standard to a results standard in racial vote dilution cases).

95. 478 U.S. 30 (1986).

96. *Id.*

98. *Id.* at 44.

99. *Id.* The Court required the same preconditions for single-member districts in *Grove v. Emison*, 507 U.S. 25 (1993).

100. *Gomez v. City of Watsonville*, 863 F.2d 1407, 1412-13 (9th Cir. (1988), *cert. denied*, 489 U.S. 1080 (1989); *McNeil v. Springfield Park District*, 851 F. 2d 937, 941-43 (7th Cir. 1988), *cert. denied*, 490 U.S. 1031 (1989).

101. 883 F.2d 1418, 1426-27 (9th Cir. 1989), *overruled in part on other grounds by Townsend v. Holman Consulting Corp.*, 914 F.2d 1136 (9th Cir. 1990), *and amended by reh'g denied*, *Townsend v. Holman Consulting Corp.*, 929 F.2d 1358 (9th Cir. 1991).

102. *Campos v. City of Baytown*, 840 F.2d 1240, 1244 (5th Cir. 1988).

103. *Shaw v. Reno (Shaw I)*, 509 U.S. 630, 640 (1993) (internal quotation marks omitted).

104. *Miller v. Johnson*, 515 U.S. 900, 916 (1995).

105. *Id.*

106. *Shaw v. Reno (Shaw I)*, 509 U.S. 630, 640 (1993) (internal quotation marks omitted).

107. *Id.* at 640. *quoting* E. FONER, RECONSTRUCTION: AMERICA'S UNFINISHED REVOLUTION, 1863-1877, p. 590 (1988) (In the 1870's, opponents of Reconstruction in Mississippi "concentrated the bulk of the black population in a 'shoestring' congressional district running the length of the Mississippi River, leaving five others with white majorities").

108. *E.g.*, *Shaw v. Reno (Shaw I)*, 509 U.S. 630 (1993).

109. For a discussion of preclearance, *see supra* notes 83-85 and accompanying text.

110. 509 U.S. at 633 (1993).

111. *Id.* at 658.

112. *Shaw v. Hunt*, 861 F. Supp. 408 (E.D.N.C. 1994) rev'd *Shaw v. Hunt*, 517 U.S. 899 (1996)

113. *Shaw v. Hunt*, 517 U.S. 899 (1996)

114. *Cromartie v. Hunt*, 34 F. Supp. 2d 1029 (E.D.N.C. 1998).

115. *Hunt v. Cromartie*, 526 U.S. 541 (1999).

116. *Cromartie v. Hunt*, No. 133 F. Supp. 2d 407 (E.D.N.C. 2000).

117. *Hunt v. Cromartie II*, 532 U.S. 234 (2001).

118. *Id.* at 532 U.S. 234, __; 121 S.Ct. 1452, 1466; 149 L.Ed. 2d 430, 453 (2001).

119. 515 U. S. 737 (1995).

120. *See Hays*, 515 U.S. at 744-45 (1995).

121. 515 U.S. 900, 915-916 (1995)

122. *Id.* at 916

123. 517 U.S. 952 (1996).

124. The Court has recognized the following " traditional districting principles": compactness , *Bush v. Vera*, 517 U.S. 952 ,959-60 (1996); contiguity, *Shaw v. Reno (Shaw I)*, 509 U.S. 630, 647 (1993); preservation of counties and other political subdivisions, *Abrams v. Johnson*, 521 U.S. 74 (1997); preservation of communities of interest, *Miller v. Johnson*, 515 U.S. 900, 918-20 (1995); preservation of cores of prior districts, *Abrams v. Johnson*, 521 U.S. 74 (1997); protection of incumbents, *Abrams v. Johnson*, 521 U.S. 74 (1997); and compliance with Section 2 of the Voting Rights Act, *Shaw v. Hunt (Shaw II*), 517 U.S. 899, 909-10 (1996).

125. *Vera,* 517 U.S. at 961-63.

126. *Shaw II, 517 U.S. at 915-917*

127. *Shaw v. Hunt (Shaw II)*, 517 U.S. 899, 909-10 (1996) (internal quotation marks and citation omitted).

128. *See, Shaw II*, 517 U.S. at 915-17

129. *See*, *Miller v. Johnson*, 515 U.S. 900, 922-24 (1995).

130. *Shaw II*, 517 U.S. at 908

131. *E.g., Fortson v. Dorsey,* 379 U.S. 433, 439 (1965); *Burns v. Richardson,* 384 U.S. 73, 88-89 (1966)

132. 478 U.S. 109 (1986).

133. *Id.* at 114.

134. *Id.* at 116. For a discussion of retrogression, see supra, note 85.

135. *Id.* at 115.

136. *Id.* at 127.

137. *Id.* at 132-133.

138. *Id.* at 134.

139. *Id.* at 132.

140. 694 F. Supp. 664 (N.D. Cal. 1988) *aff'd mem.*, 488 U.S. 1024 (1989).

141. *Id.* at 669.

142. *Id.* at 670 (quoting *Davis v. Bandemer*, 478 U.S. 109, 132 (1986)).

143. *Id.* at 672.

144. *Id.*

145. *Badham v. March Fong Eu*, 694 F. Supp. 664 (N.D. Cal. 1988), *aff'd mem.*, 488 U.S. 1024 (1989). *Accord Republican Party of Virginia v. Wilder*, 774 F. Supp. 400 (W.D. Va. 1991).

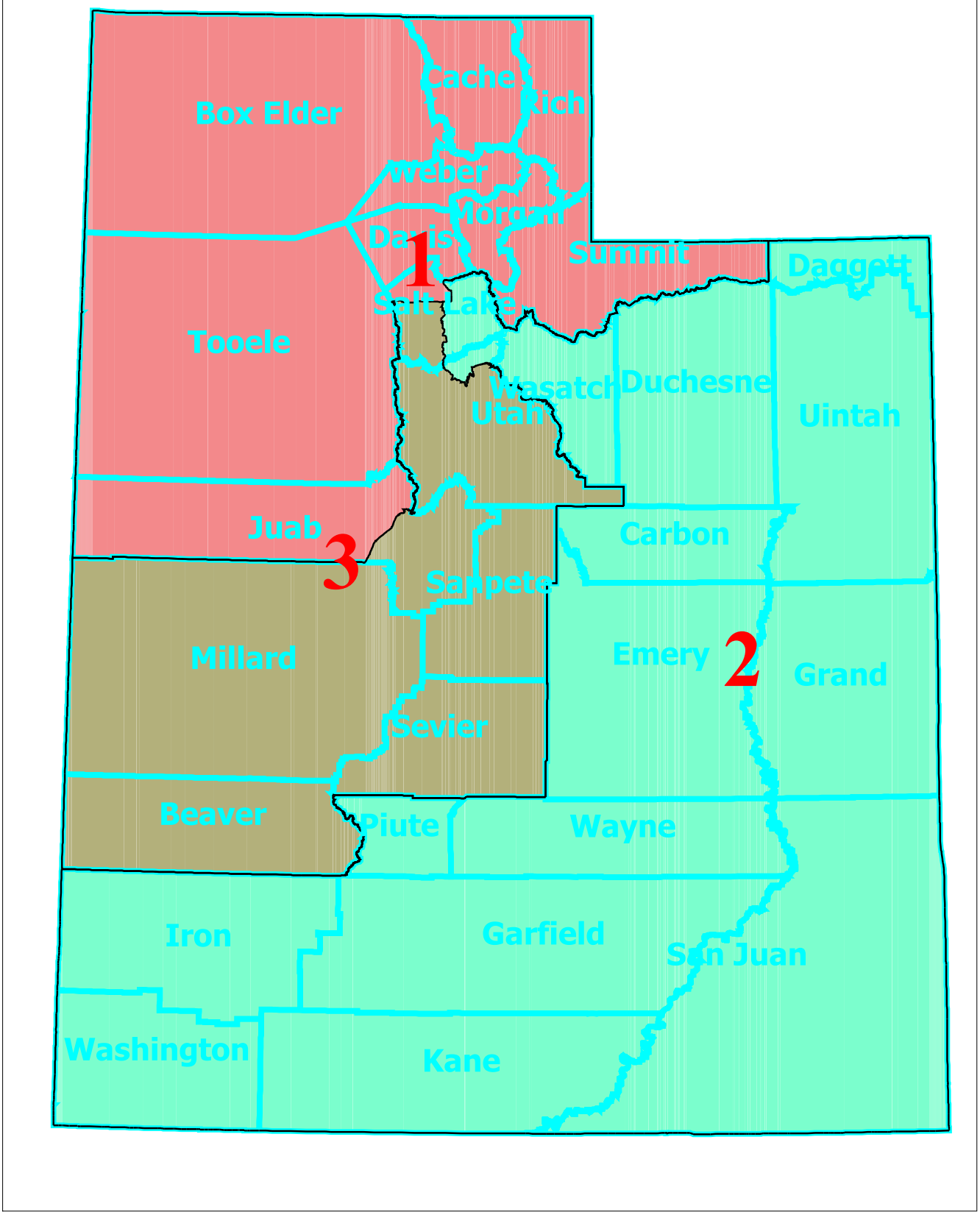
146. *See, Davis v. Bandemer,* 478 U.S. 109 (1986)

147. *See, Id.* at 132-33.

F:\USERS\REDIST\Redistricting Briefing Paper\Final\LegalTab.wpd

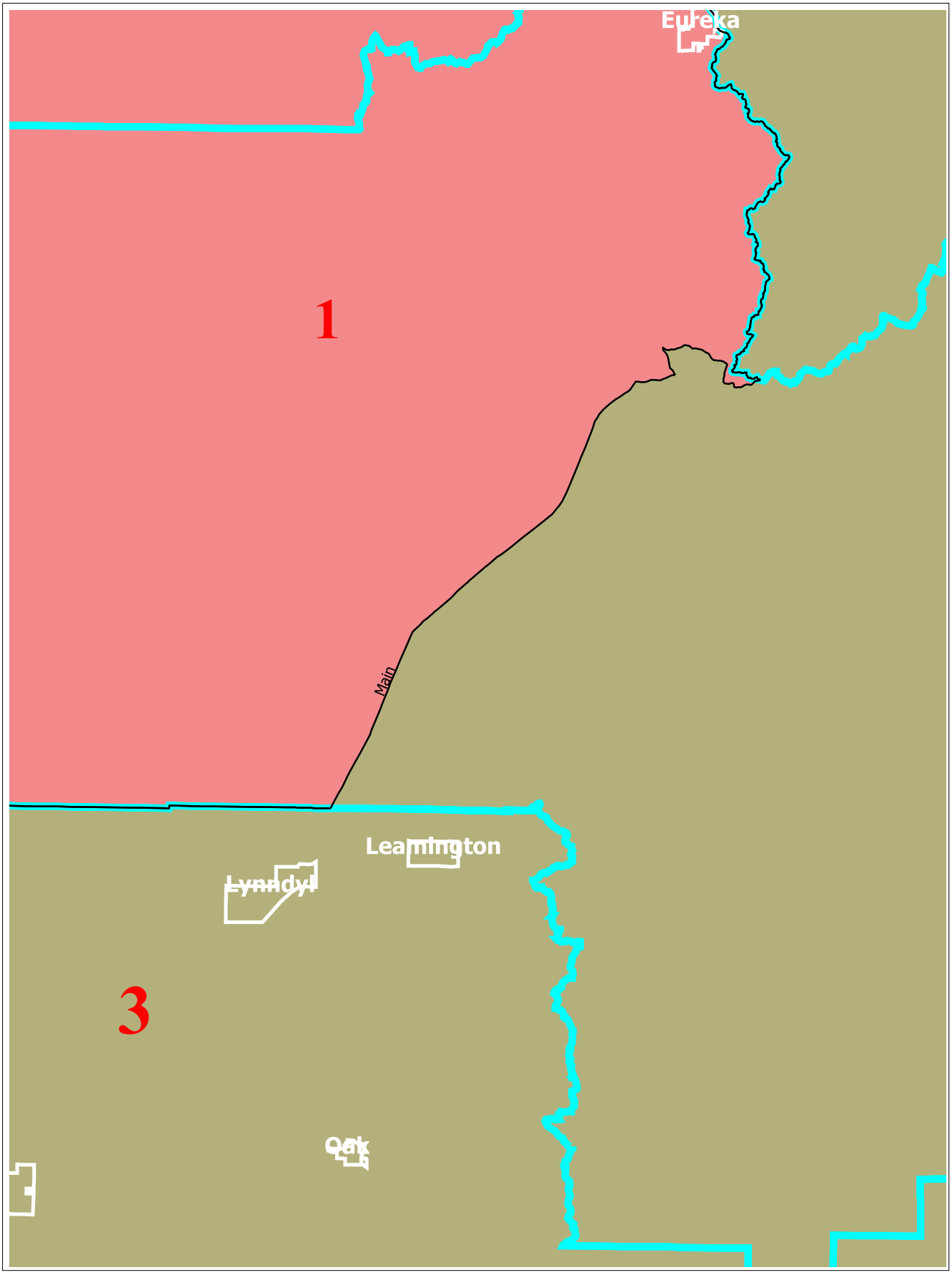
Congressional Districts
Recommended Plans

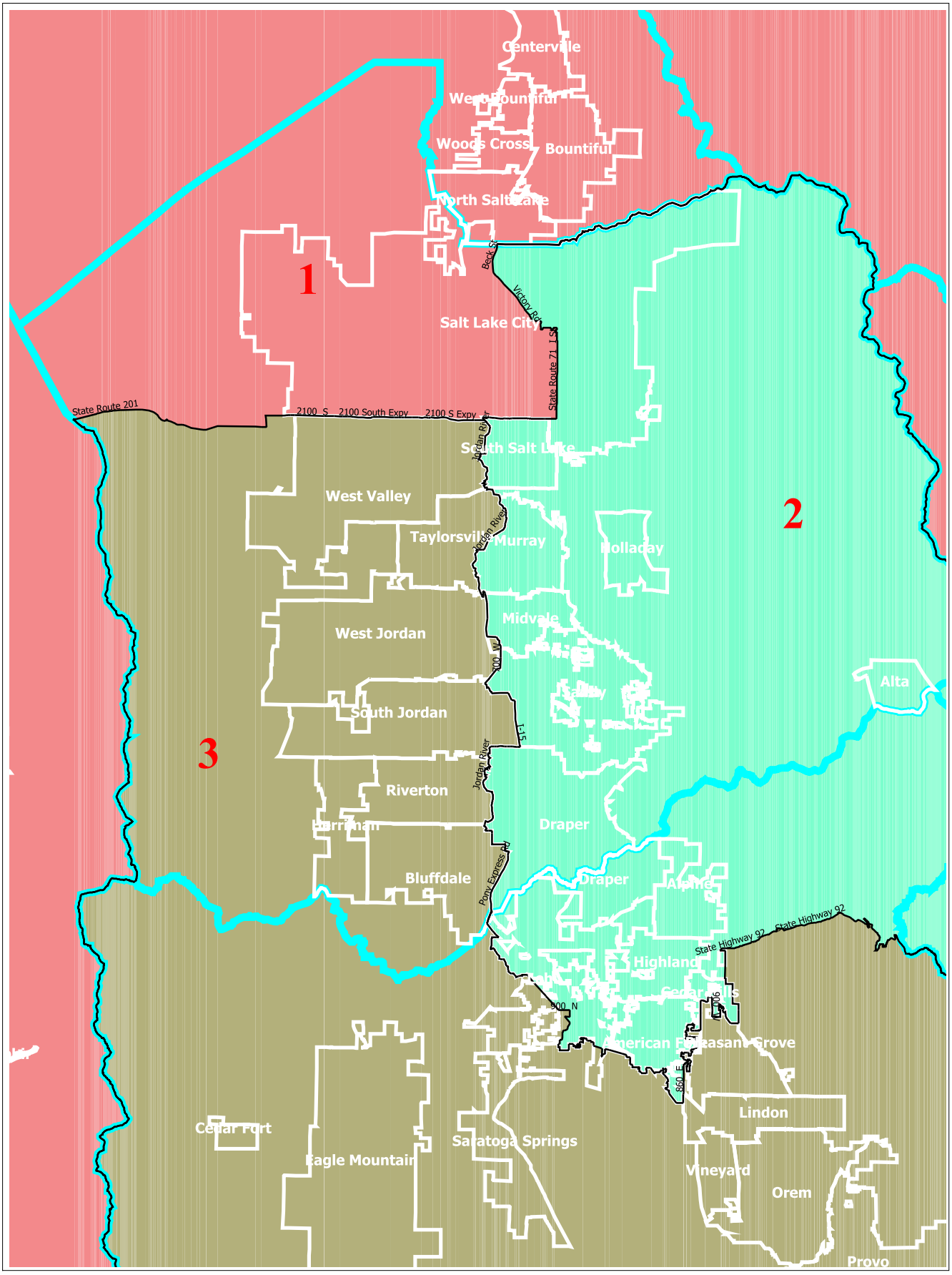
Index



Counties
Cities
Districts

U.S. Congressional Districts - Three Member
Statewide


Eureka
1
Main
Leamington
Lynndyl
3
Oak
Counties
Cities
Districts
U.S. Congressional Districts - Three Member
Juab County


Centerville
West Bountiful
Woods Cross
Bountiful
North Salt Lake
1
Salt Lake City
State Route 201
2100 S
2100 South Expy
2100 S Expy
State Route 71
South Salt Lake
West Valley
Taylorsville
Murray
Holladay
2
Midvale
West Jordan
Alta
South Jordan
3
I-15
Riverton
Draper
Bluffdale
Alpine
State Highway 92
Highland
American Fork
Pleasant Grove
Lindon
Cedar Fort
Saratoga Springs
Eagle Mountain
Vineyard
Orem
Provo
Counties
Cities
Districts
U.S. Congressional Districts - Three Member
Salt Lake County

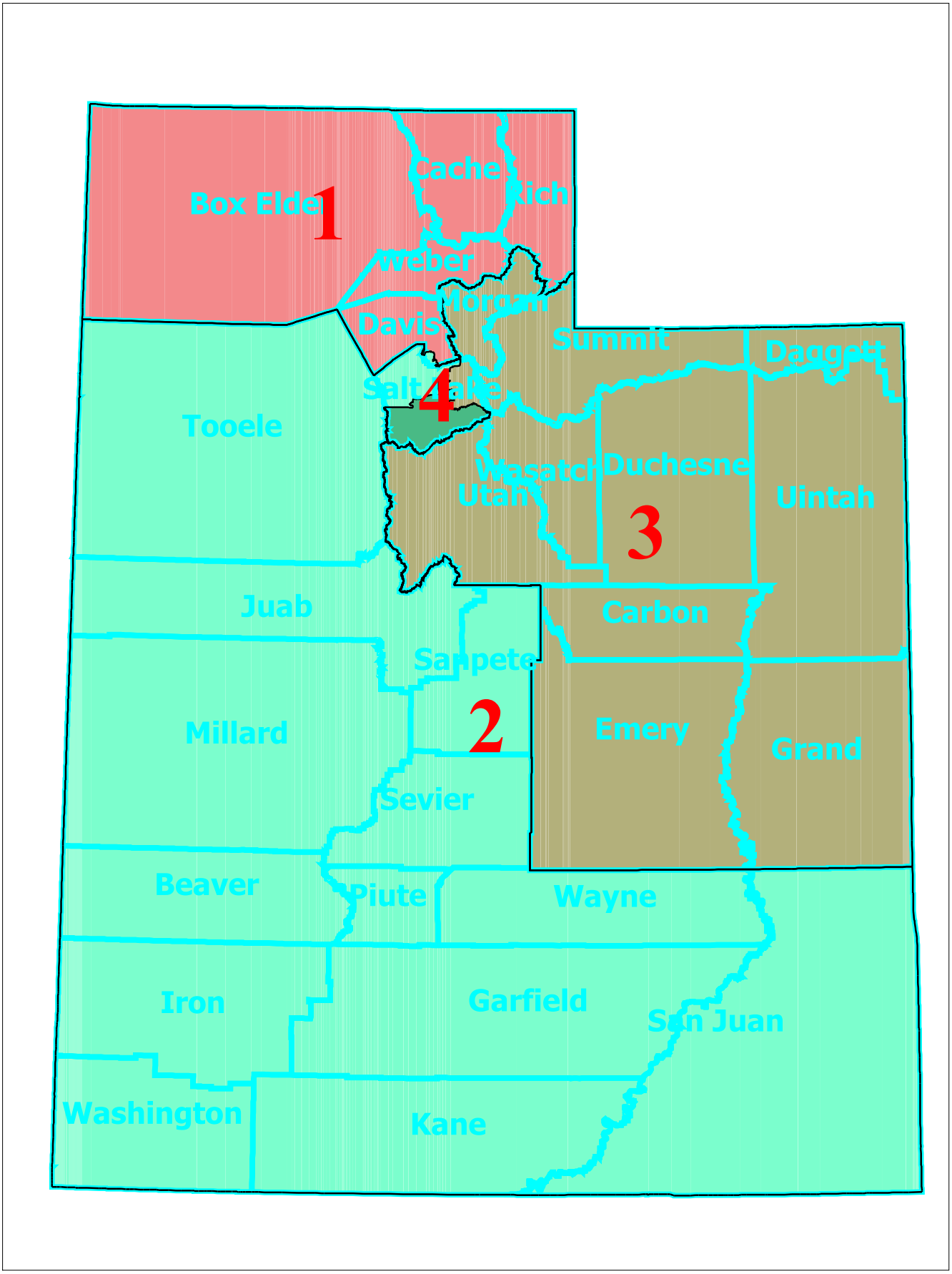
CONGRESSIONAL DISTRICTS

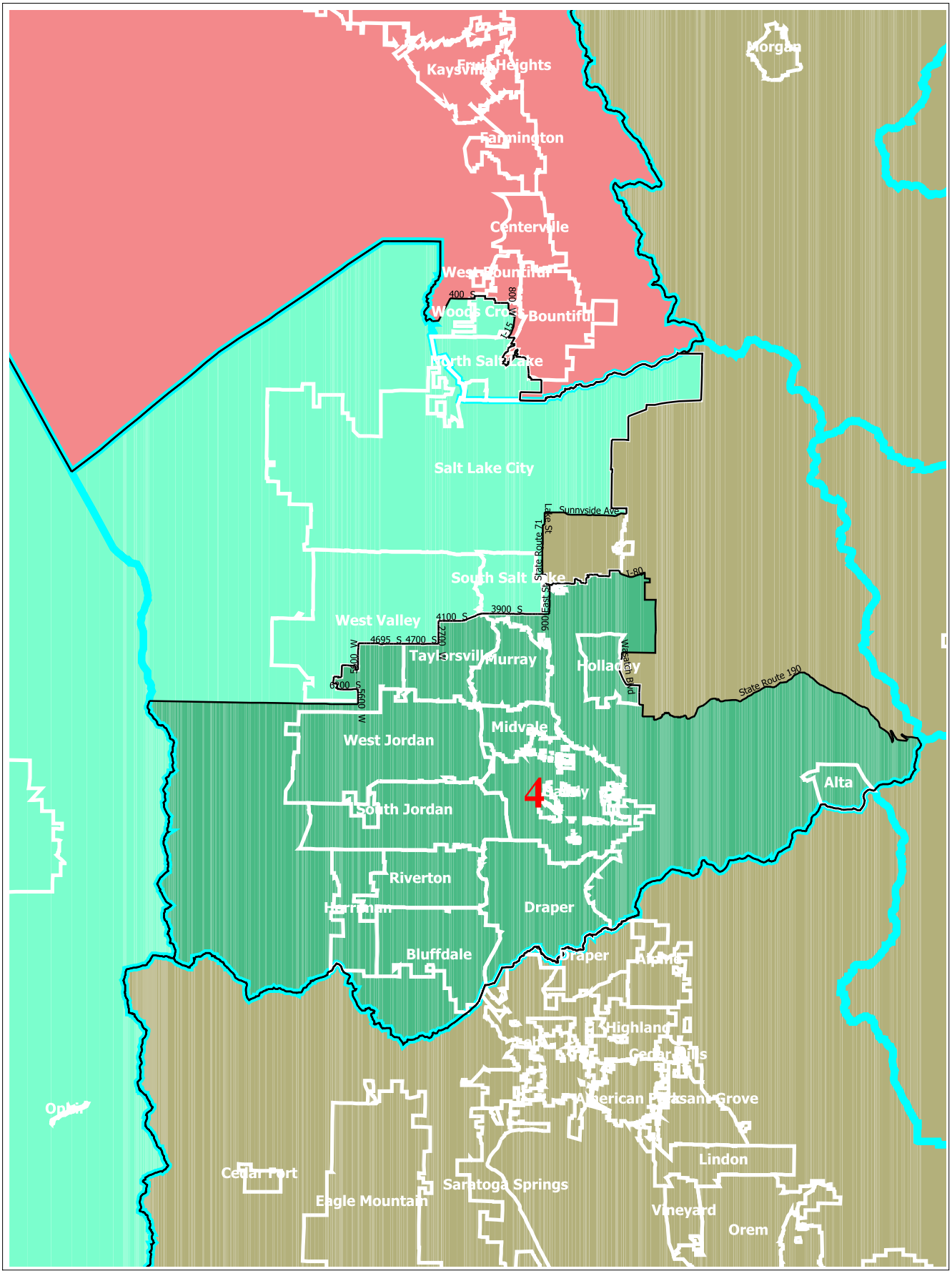
THREE MEMBERS

Statistical Summary

744,390 = Ideal District Size

District	Population	Deviation	Percent Deviation
1	744,389	-1	0.0%
2	744,390	0	0.0%
3	744,390	0	0.0%


Box Elder
1
Cache
Rich
Weber
Morgan
Davis
Summit
Daggett
Salt Lake
4
Tooele
Wasatch
Duchesne
Utah
Uintah
3
Juab
Carbon
Sanpete
Millard
2
Emery
Grand
Sevier
Beaver
Piute
Wayne
Iron
Garfield
San Juan
Washington
Kane
Counties
Cities
Districts
U.S. Congressional Districts - Four Member
Statewide


Kaysville
Farmington
Centerville
West Bountiful
Bountiful
North Salt Lake
Salt Lake City
South Salt Lake
West Valley
Taylorsville
Murray
Holladay
West Jordan
Midvale
Sandy
South Jordan
Alta
Riverton
Draper
Bluffdale
Highland
Lindon
Saratoga Springs
Eagle Mountain
Vineyard
Orem
Cedar Fort
4
Counties
Cities
Districts
U.S. Congressional Districts - Four Member
Salt Lake County

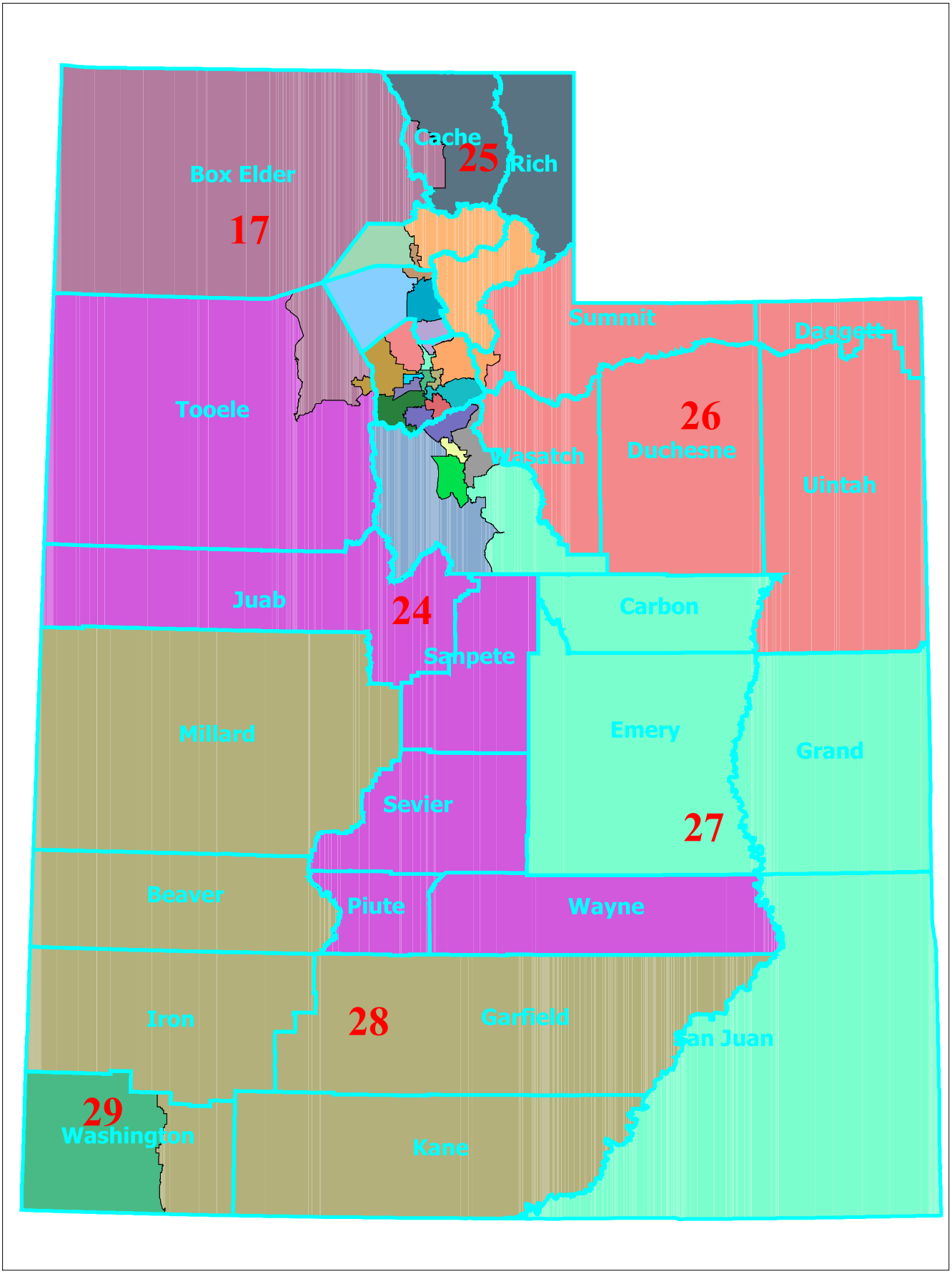
CONGRESSIONAL DISTRICTS
FOUR MEMBERS
Statistical Summary

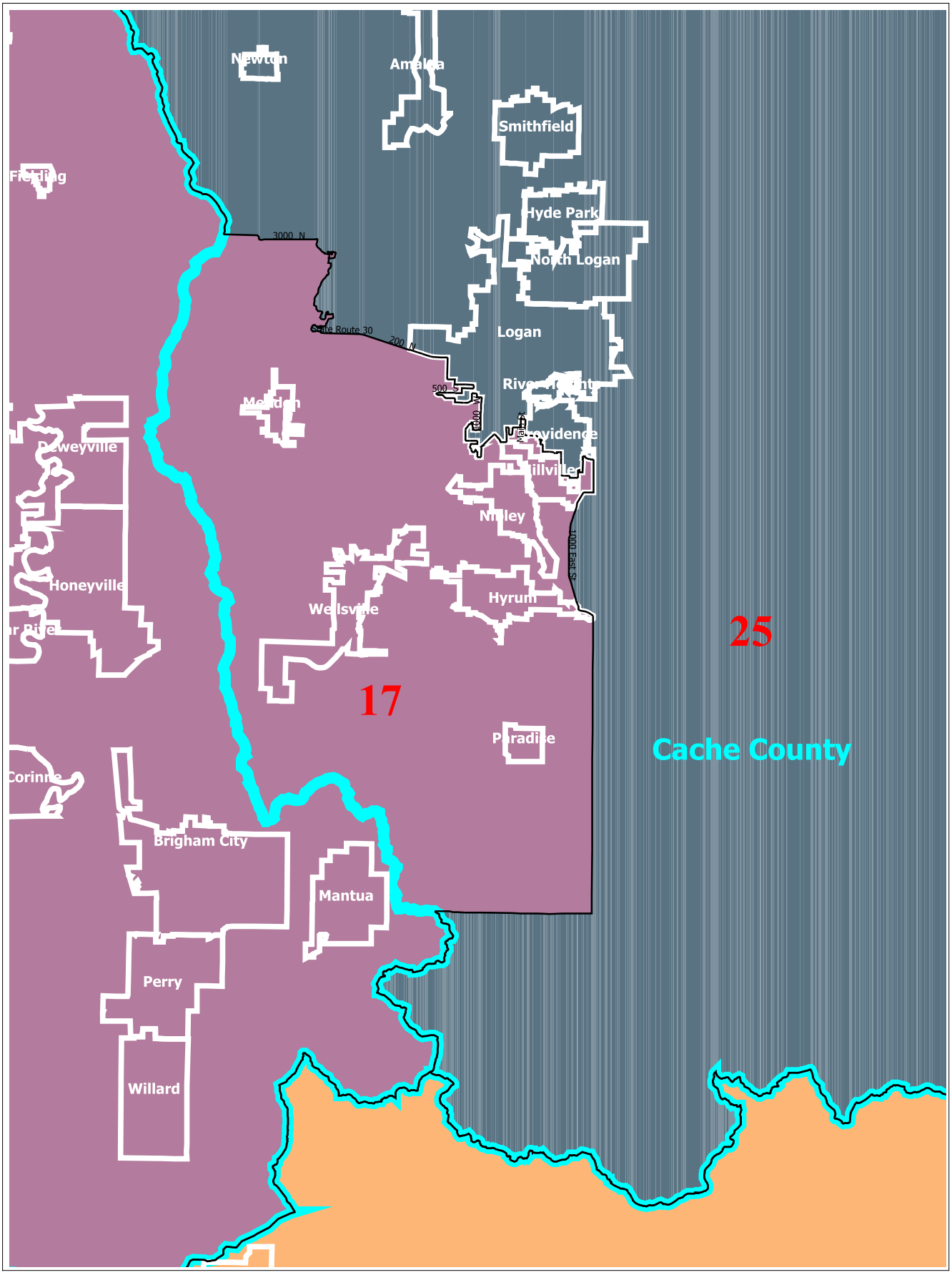
558,292 = Ideal District Size

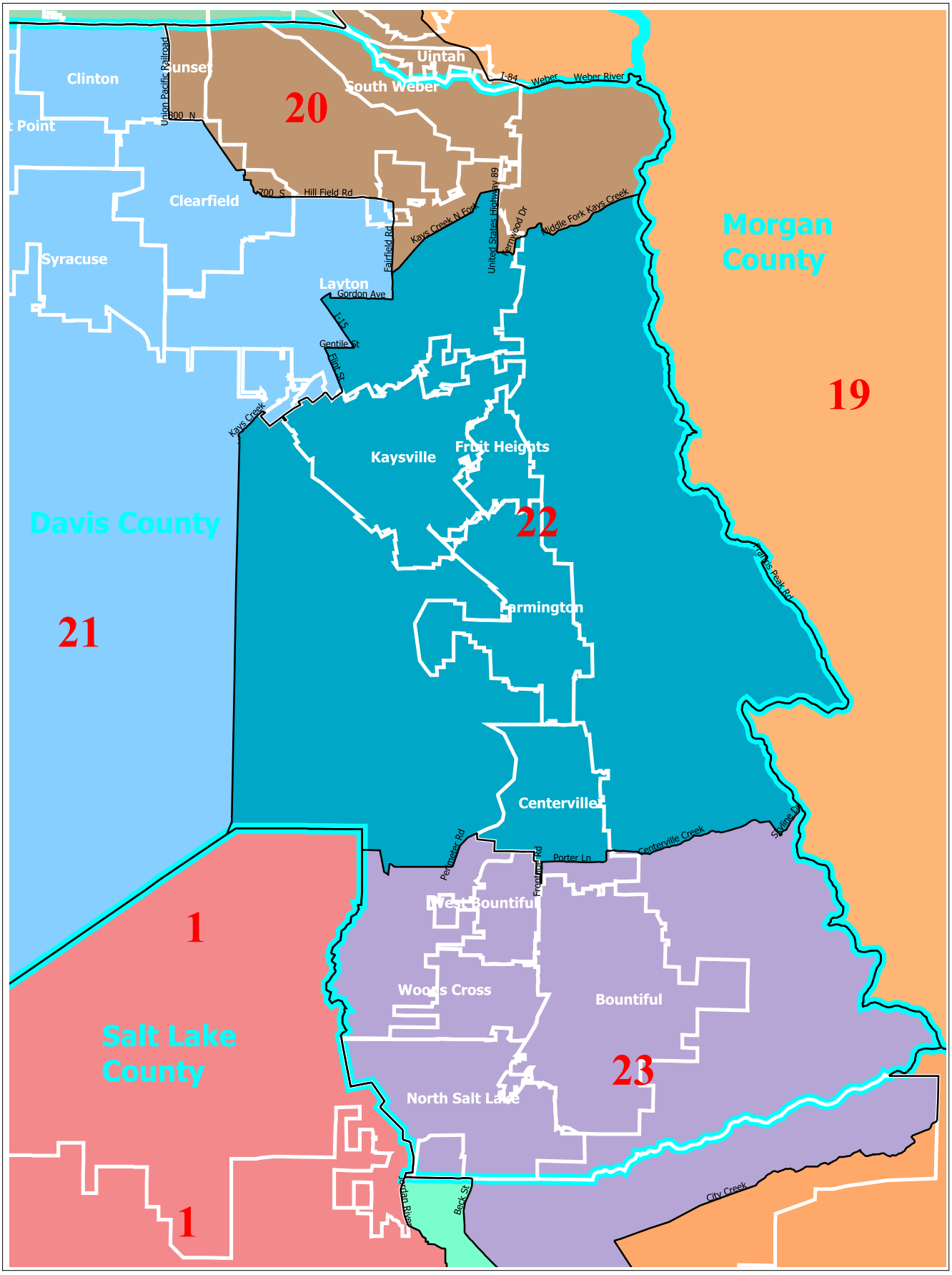
District	Population	Deviation	Percent Deviation
1	558,429	137	0.0%
2	558,300	8	0.0%
3	558,075	-217	0.0%
4	558,365	73	0.0%

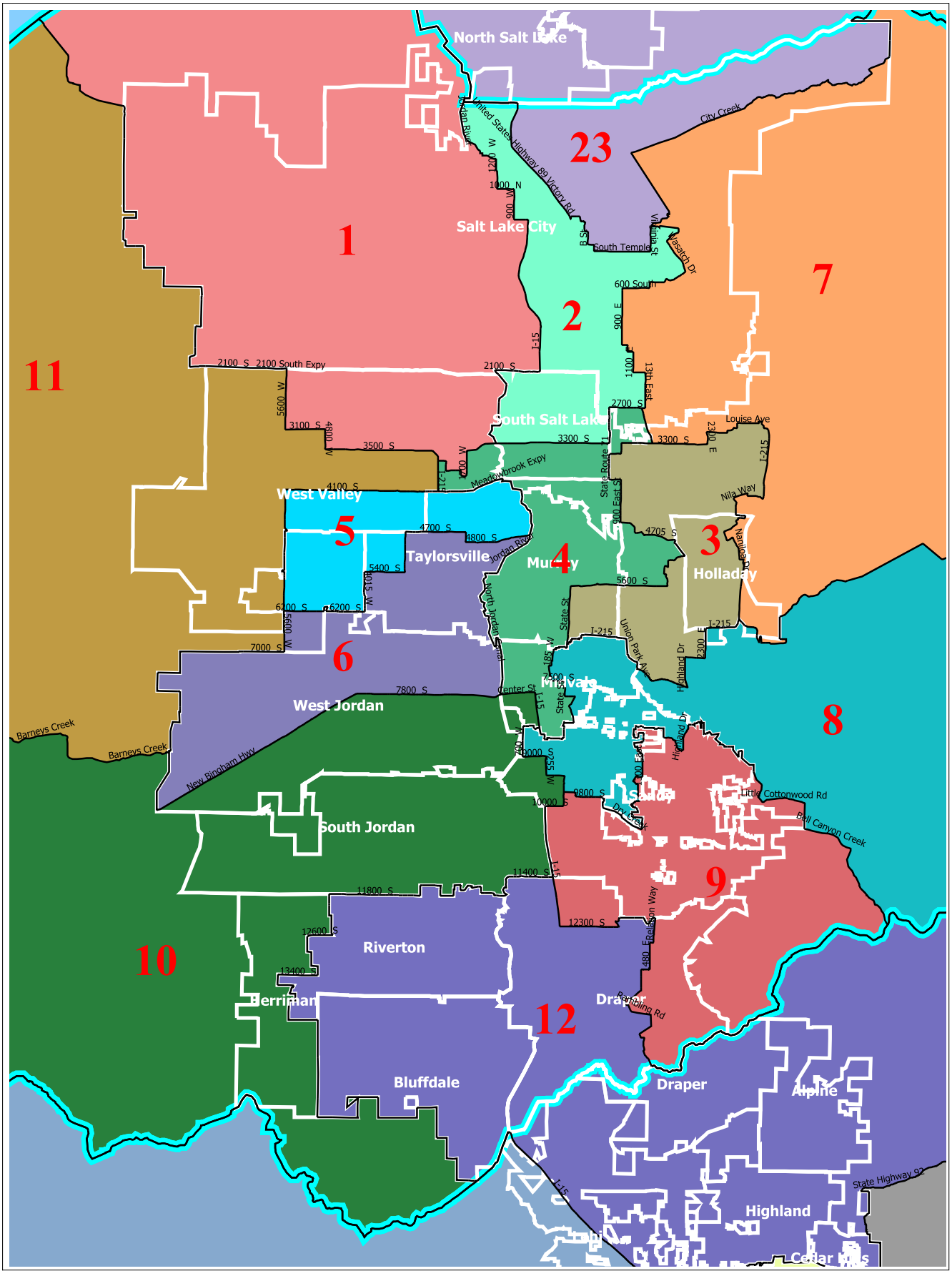
Utah Senate Districts
Recommended Plan

Index


Box Elder
17
Cache
25
Rich
Summit
Daggett
Tooele
26
Duchesne
Uintah
Wasatch
Juab
24
Carbon
Sanpete
Millard
Emery
Grand
Sevier
27
Beaver
Piute
Wayne
Iron
28
Garfield
San Juan
29
Washington
Kane
Counties
Cities
Districts
Utah Senate
Statewide

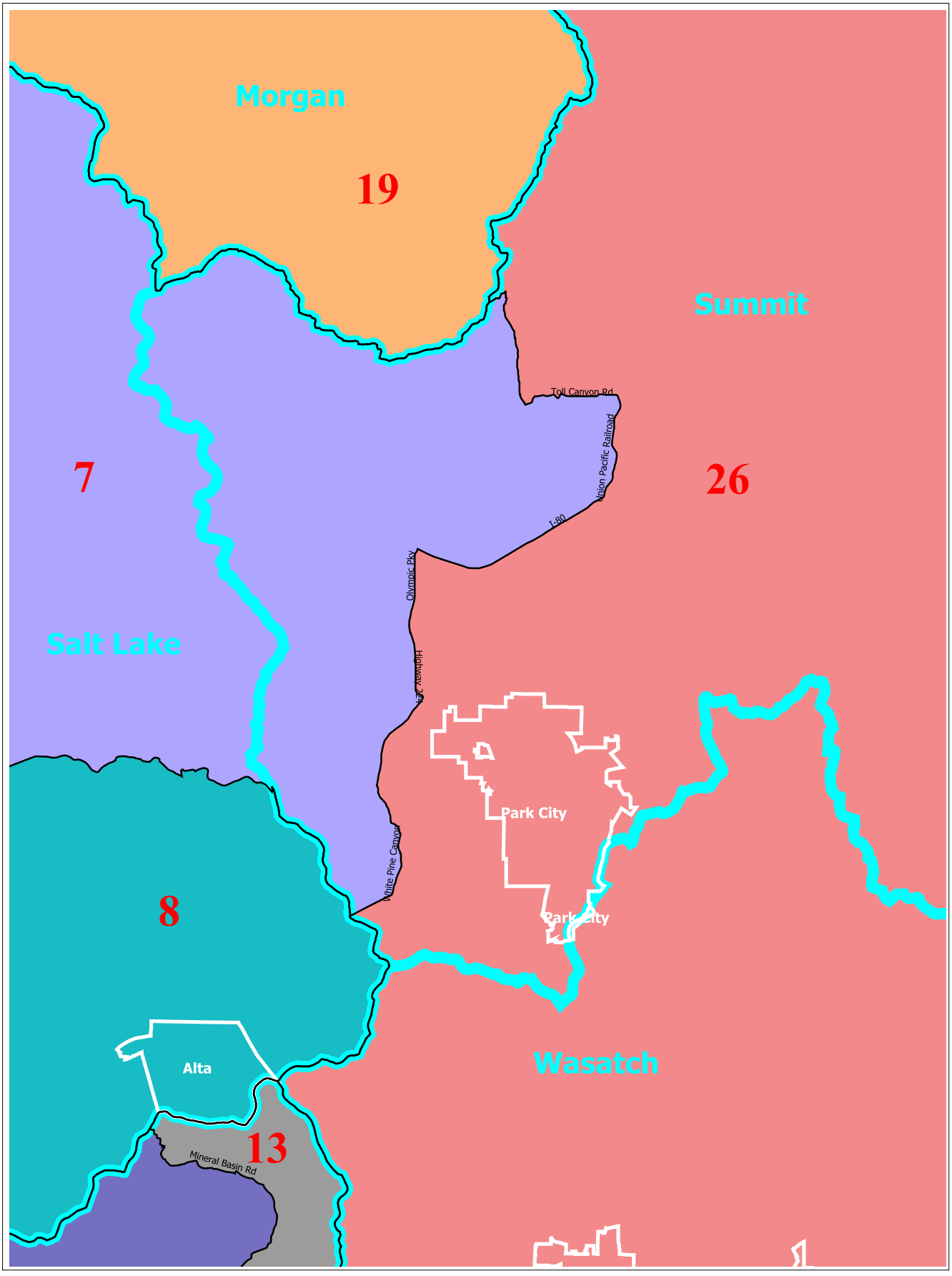

Newton
Amalga
Smithfield
Hyde Park
North Logan
Logan
3000 N
State Route 30
200 N
500 S
Main St
1000 East St
Mendon
Honeyville
Wellsville
Hyrum
Paradise
Cache County
25
17
Brigham City
Mantua
Perry
Willard
Counties
Cities
Districts
Utah Senate
Cache County

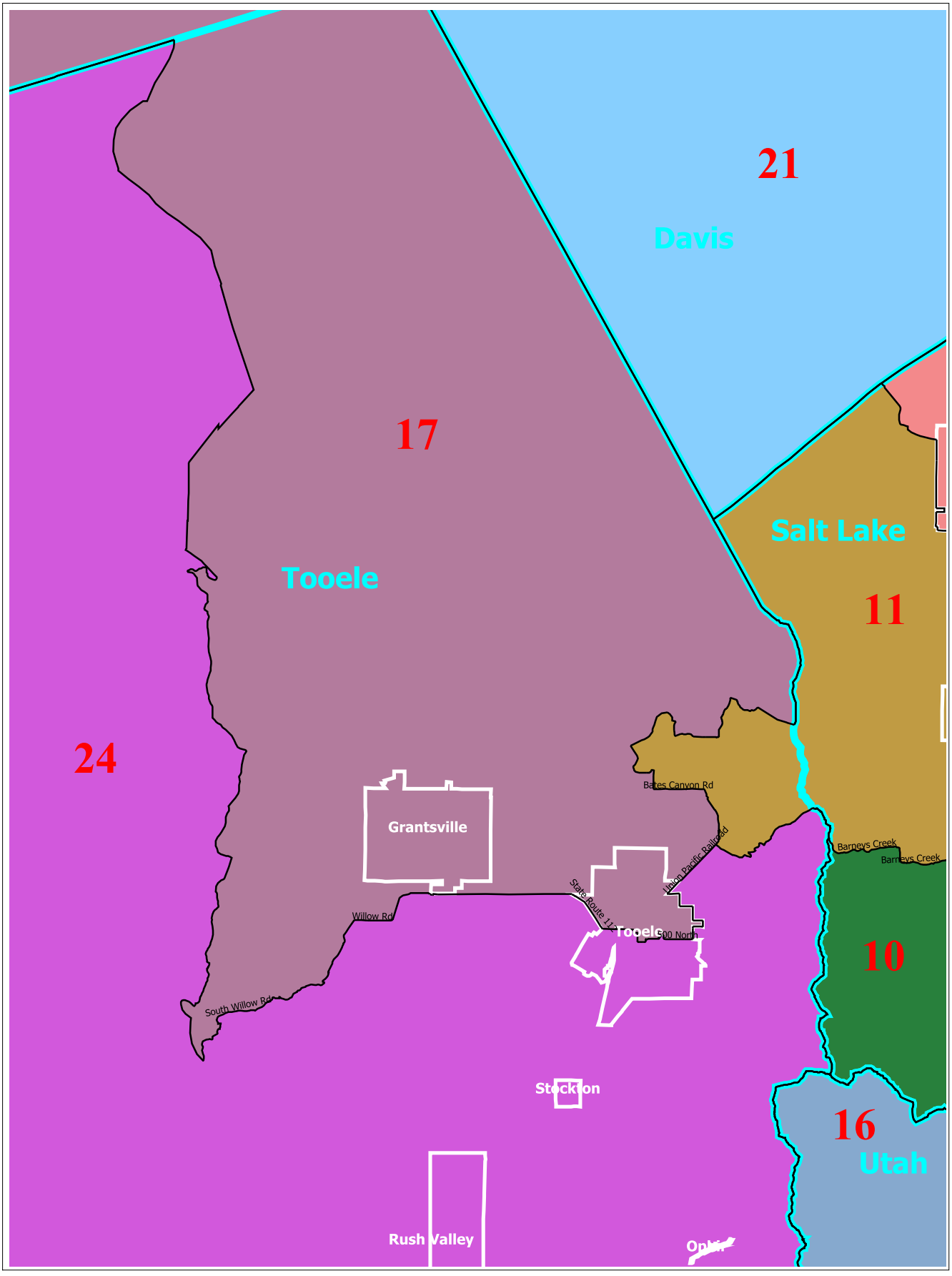

Clinton
Sunset
Uintah
South Weber
20
Point
Clearfield
Syracuse
Layton
Gordon Ave
Gentile St
Flint St
Kays Creek
Kaysville
Fruit Heights
Davis County
22
21
Farmington
Centerville
Perimeter Rd
Porter Ln
Centerville Creek
West Bountiful
1
Woods Cross
Bountiful
Salt Lake County
23
North Salt Lake
Jordan River
Beck St
City Creek
1
Morgan County
19
Union Pacific Railroad
1700 N
700 S
Hill Field Rd
Fairfield Rd
Kays Creek N Fork
United States Highway 89
Jerry Wood Dr
Middle Fork Kays Creek
I-84
Weber
Weber River
Frontage Rd
Skyline Dr
Trappers Peak Rd
I-15
Counties
Cities
Districts
Utah Senate
Davis County

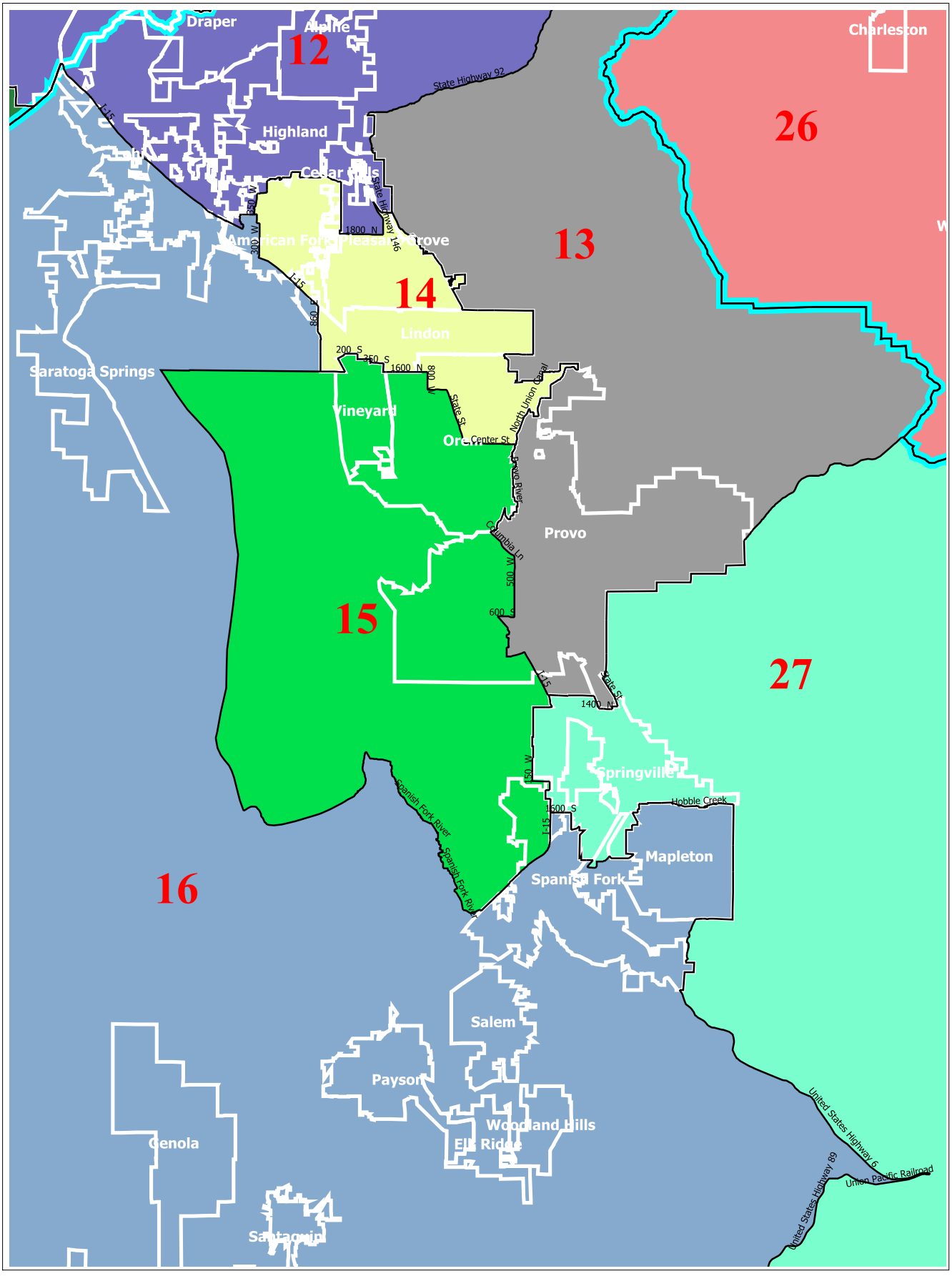


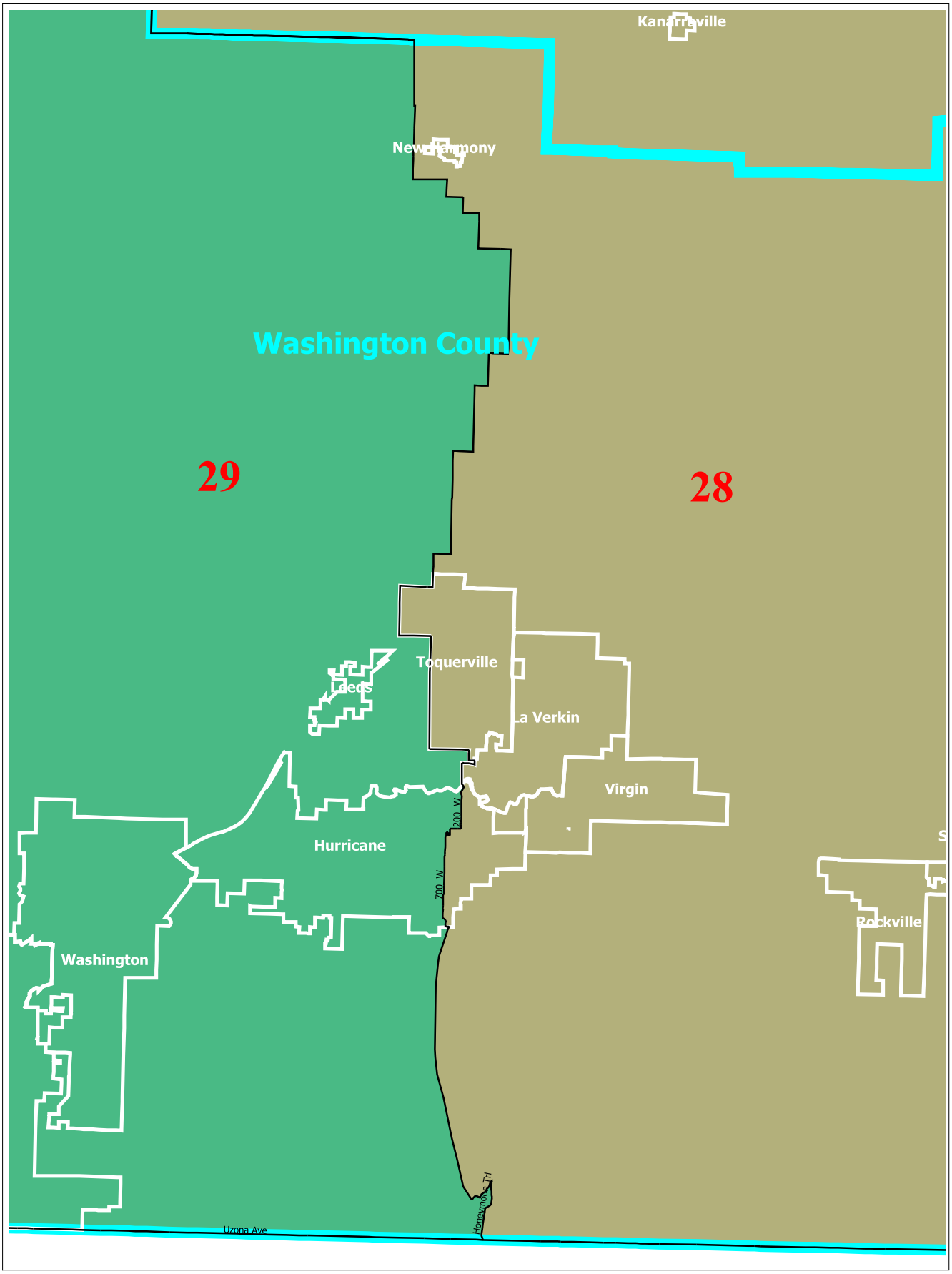
Counties
Cities
Districts

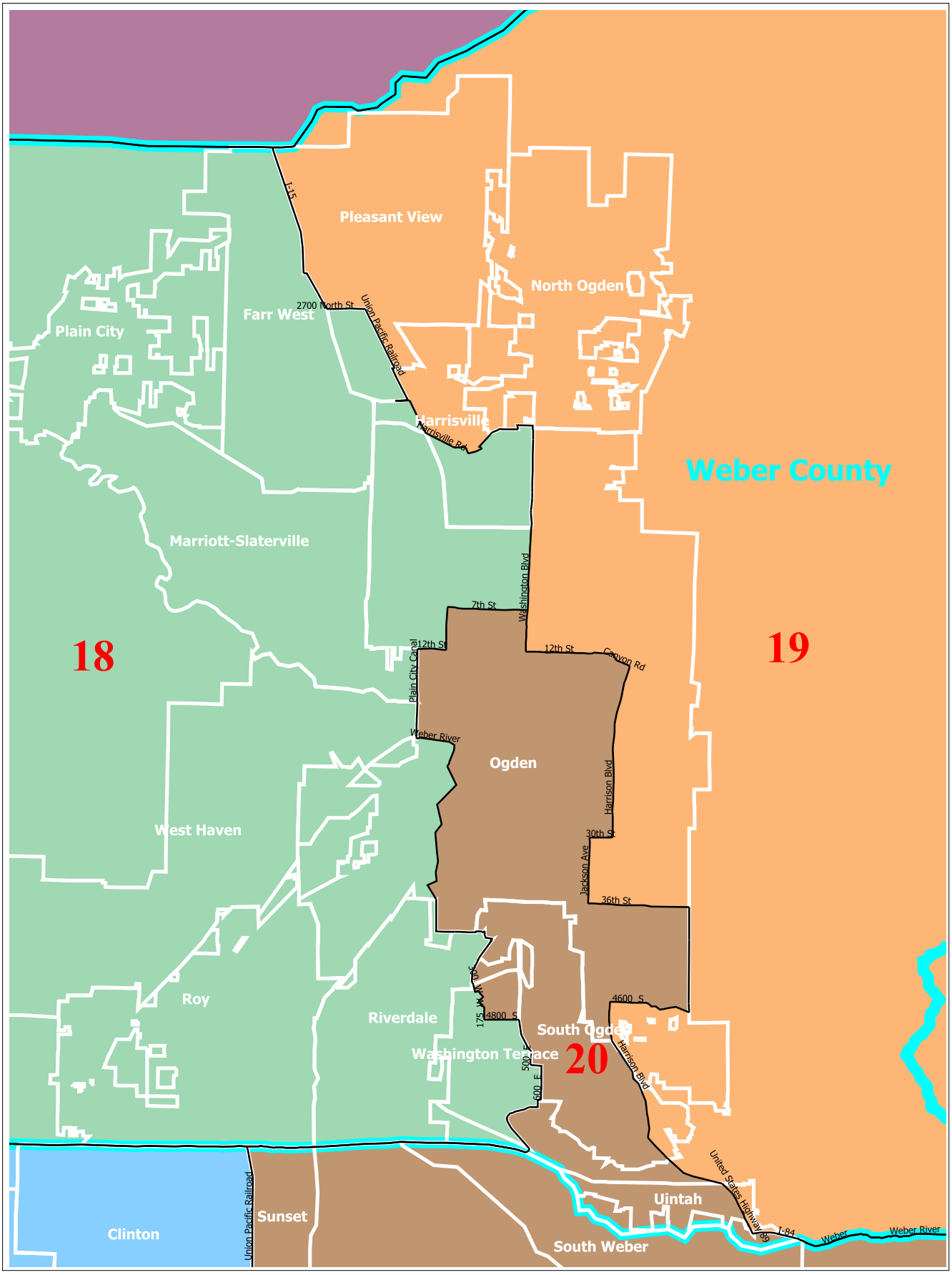
Utah Senate
Salt Lake County


Morgan
19
Summit
Toll Canyon Rd
Union Pacific Railroad
7
26
I-80
Olympic Pky
Salt Lake
Highway 224
Park City
White Pine Canyon
Park City
8
Alta
Wasatch
13
Mineral Basin Rd
Counties
Cities
Districts
Utah Senate
Summit County


21
Davis
17
Tooele
Salt Lake
11
24
Grantsville
Bates Canyon Rd
Barneys Creek
Barneys Creek
Union Pacific Railroad
State Route 112
Willow Rd
Tooele
500 North
10
South Willow Rd
Stockton
16
Utah
Rush Valley
Counties
Cities
Districts
Utah Senate
Tooele County


12
13
14
15
16
26
27
Draper
Alpine
Highland
Cedar Hills
American Fork
Pleasant Grove
Lindon
Saratoga Springs
Vineyard
Orem
Provo
Springville
Spanish Fork
Mapleton
Salem
Payson
Woodland Hills
Elk Ridge
Genola
Santaquin
Charleston
State Highway 92
State Highway 146
I-15
Center St
State St
North Union Canal
Provo River
Columbia Ln
Spanish Fork River
Hobble Creek
United States Highway 6
United States Highway 89
Union Pacific Railroad
Counties
Cities
Districts
Utah Senate
Utah County


Kanarraville
New Harmony
Washington County
29
28
Toquerville
Leeds
La Verkin
Virgin
Hurricane
200 W
700 W
Rockville
Washington
Uzona Ave
Counties
Cities
Districts
Utah Senate
Washington County


Pleasant View
North Ogden
Farr West
Plain City
2700 North St
Union Pacific Railroad
I-15
Harrisville
Harrisville Rd
Weber County
Marriott-Slaterville
Washington Blvd
7th St
12th St
Canyon Rd
18
19
Plain City Canal
Weber River
Ogden
Harrison Blvd
West Haven
30th St
Jackson Ave
36th St
Roy
Riverdale
4600 S
4800 S
South Ogden
Washington Terrace
20
Harrison Blvd
United States Highway 89
Uintah
Clinton
Sunset
Union Pacific Railroad
South Weber
I-84
Weber
Weber River
Counties
Cities
Districts
Utah Senate
Weber County

UTAH SENATE DISTRICTS

Statistical Summary

77,006 = Ideal District Size

District	Population	Deviation	Percent Deviation
1	79,498	2,492	3.2%
2	79,085	2,079	2.7%
3	75,140	-1,866	-2.4%
4	78,155	1,149	1.5%
5	77,185	179	0.2%
6	76,629	-377	-0.5%
7	78,026	1,020	1.3%
8	77,288	282	0.4%
9	74,674	-2,332	-3.0%
10	76,822	-184	-0.2%
11	77,770	764	1.0%
12	79,084	2,078	2.7%
13	79,629	2,623	3.4%
14	79,572	2,566	3.3%
15	79,264	2,258	2.9%
16	77,606	600	0.8%
17	76,549	-457	-0.6%
18	75,167	-1,839	-2.4%
19	74,649	-2,357	-3.1%
20	75,015	-1,991	-2.6%
21	76,160	-846	-1.1%
22	76,806	-200	-0.3%
23	78,144	1,138	1.5%
24	75,276	-1,730	-2.2%
25	75,565	-1,441	-1.9%
26	75,959	-1,047	-1.4%
27	75,128	-1,878	-2.4%
28	76,047	-959	-1.2%
29	77,277	271	0.4%

Utah Senate Districts
Recommended Plan

Map Index by District

DISTRICT	PAGE	COUNTY
1	52, 53	Salt Lake
2	53	Salt Lake
3	53	Salt Lake
4	53	Salt Lake
5	53	Salt Lake
6	53	Salt Lake
7	53, 54	Salt Lake, Summit
8	53, 54	Salt Lake
9	53	Salt Lake
10	53, 55	Salt Lake
11	53, 55	Salt Lake
12	53, 56	Salt Lake, Utah
13	54, 56	Utah
14	56	Utah
15	56	Utah
16	55, 56	Utah
17	50, 51, 55	Box Elder, Cache, Tooele
18	50, 58	Weber
19	50, 52, 54, 58	Morgan, Weber
20	52, 58	Davis, Weber
21	52, 55	Davis
22	52	Davis
23	52, 53	Davis, Salt Lake
24	50, 55	Juab, Piute, Sanpete, Sevier, Tooele, Wayne
25	50, 51	Cache, Rich
26	50, 54, 56	Daggett, Duchesne, Summit, Uintah, Wasatch
27	50, 56	Carbon, Emery, Grand, San Juan, Utah
28	50, 57	Beaver, Iron, Garfield, Kane, Millard, Washington
29	50, 57	Washington

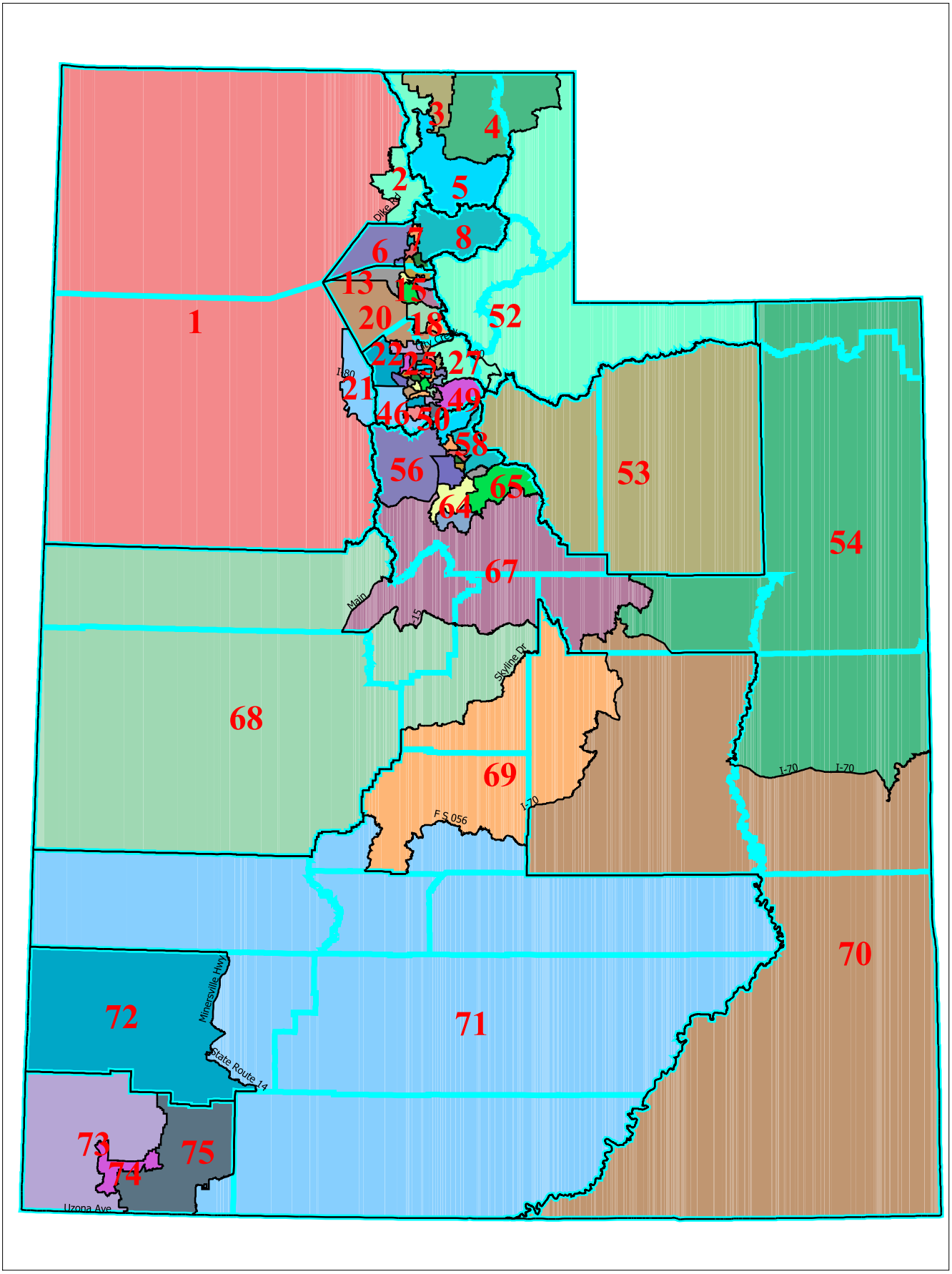
Utah Senate Districts
Recommended Plan

Map Index by County

COUNTY	PAGE	DISTRICT
Beaver	50	28
Box Elder	50, 51	17
Cache	50, 51	25, 17
Carbon	50	27
Daggett	50	26
Davis	50, 52, 53, 55, 58	20, 21, 22, 23
Duchesne	50	26
Emery	50	27
Garfield	50	28
Grand	50	27
Iron	50, 57	28
Juab	50	24
Kane	50	28
Millard	50	28
Morgan	50, 52, 54	19
Piute	50	24
Rich	50	25
Salt Lake	50, 52, 53, 54, 55	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 23
San Juan	50	27
Sanpete	50	24
Sevier	50	24
Summit	50, 54	7, 26
Tooele	50, 55	11, 17, 24
Uintah	50	26
Utah	50, 55, 56	12, 13, 14, 15, 16, 27
Wasatch	50, 56	26
Washington	50, 57	28, 29
Wayne	50	24
Weber	50, 58	18, 19, 20

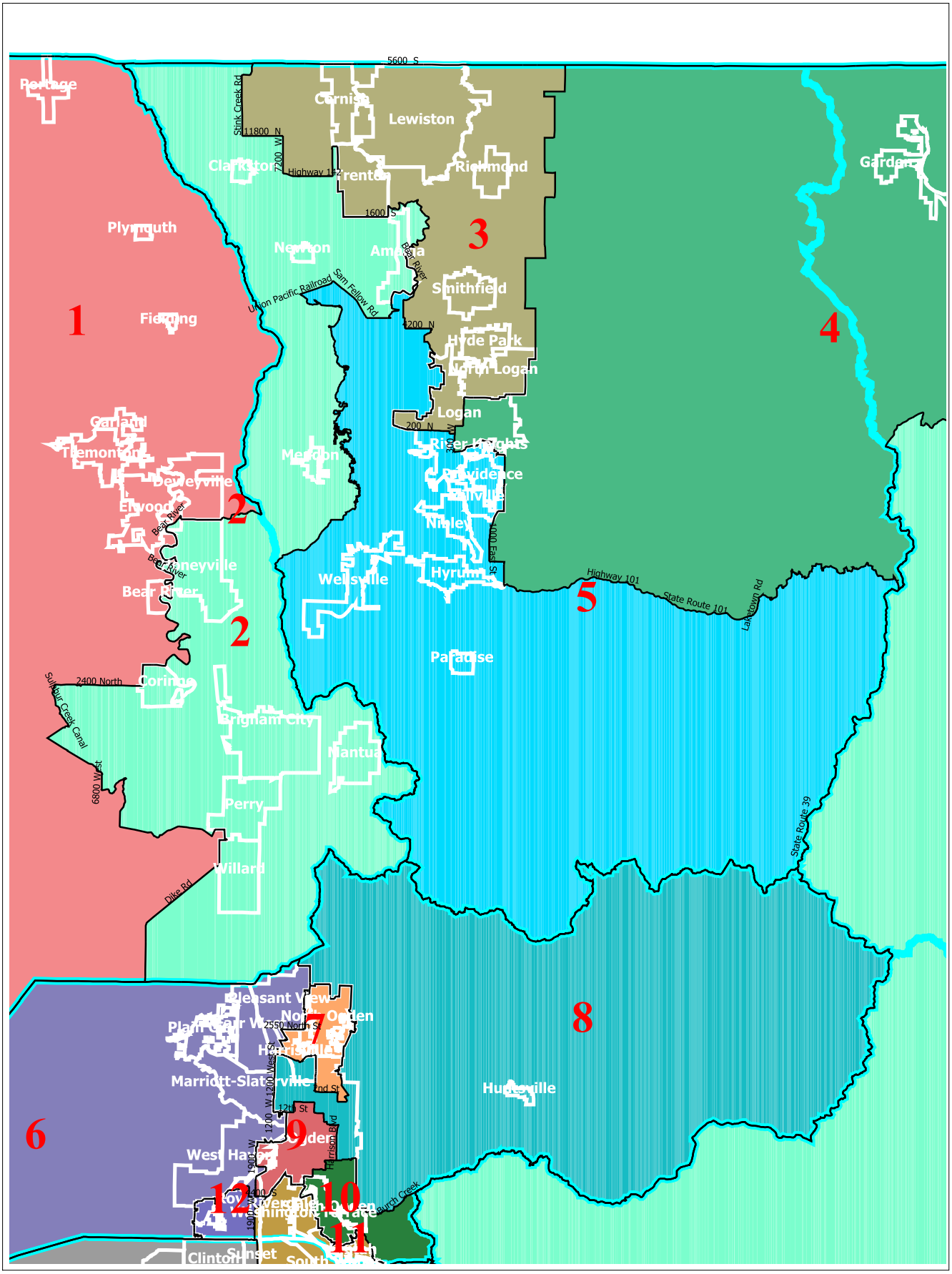
Utah House of Representatives Districts
Recommended Plan

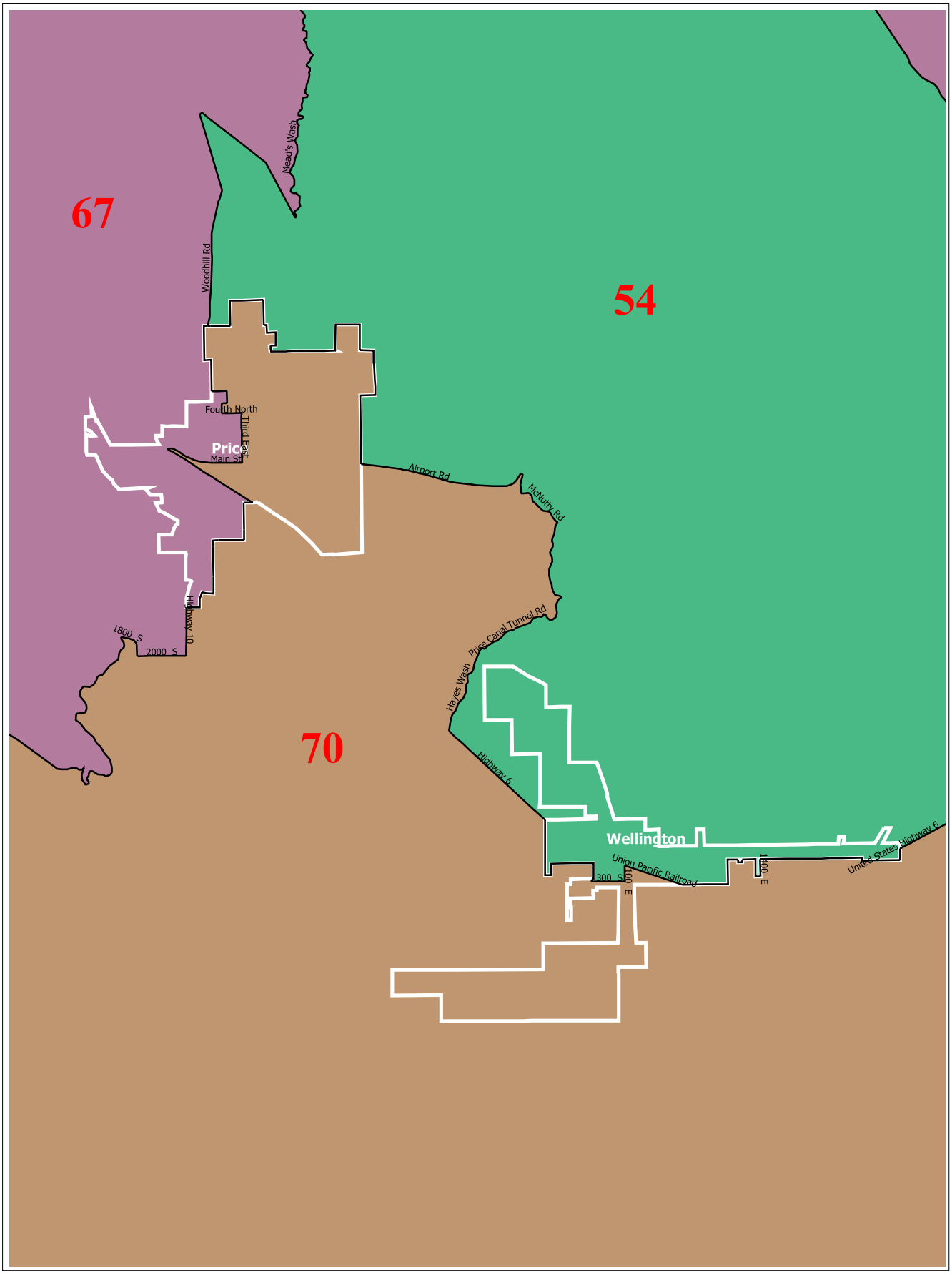
Index

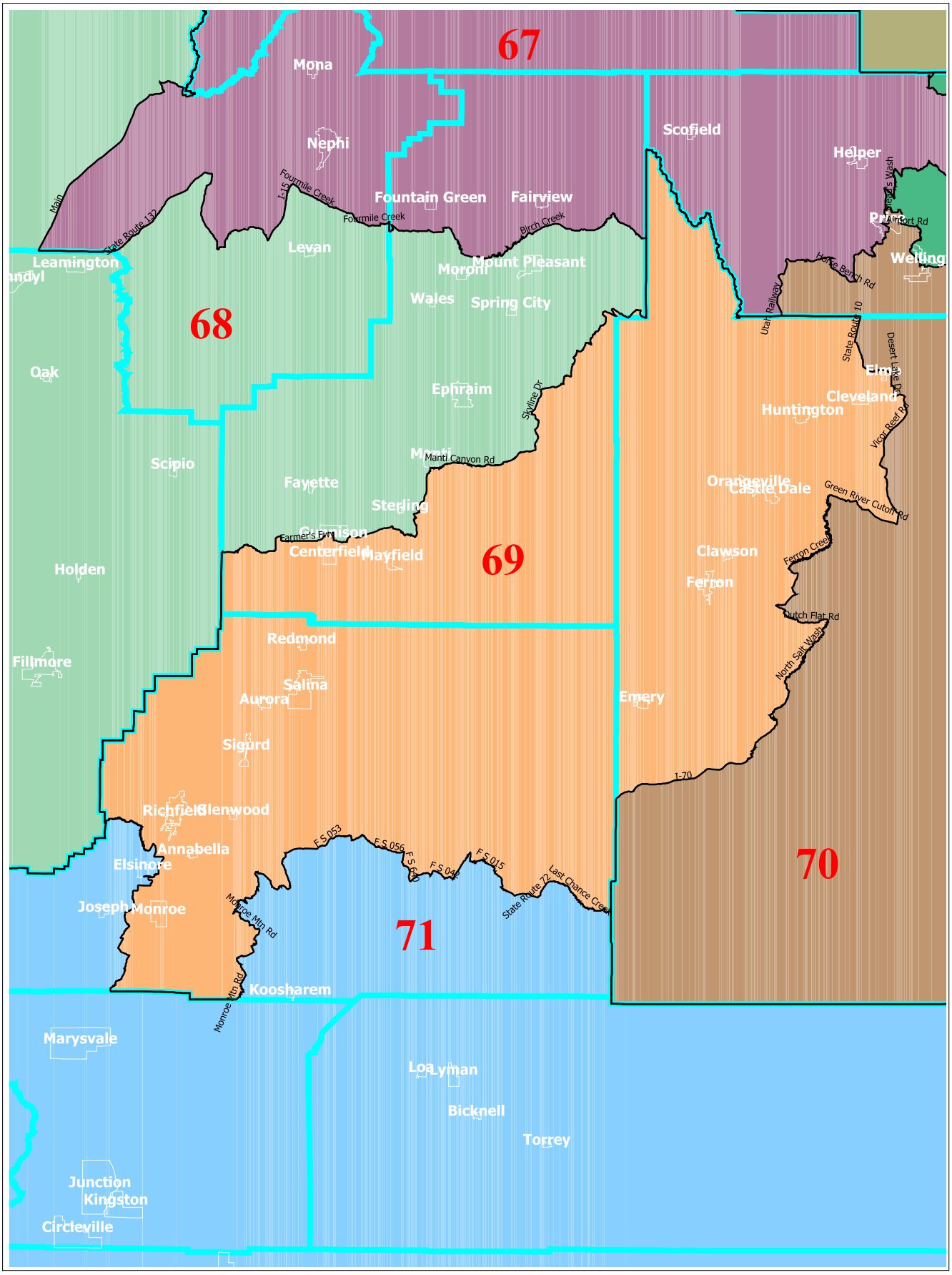


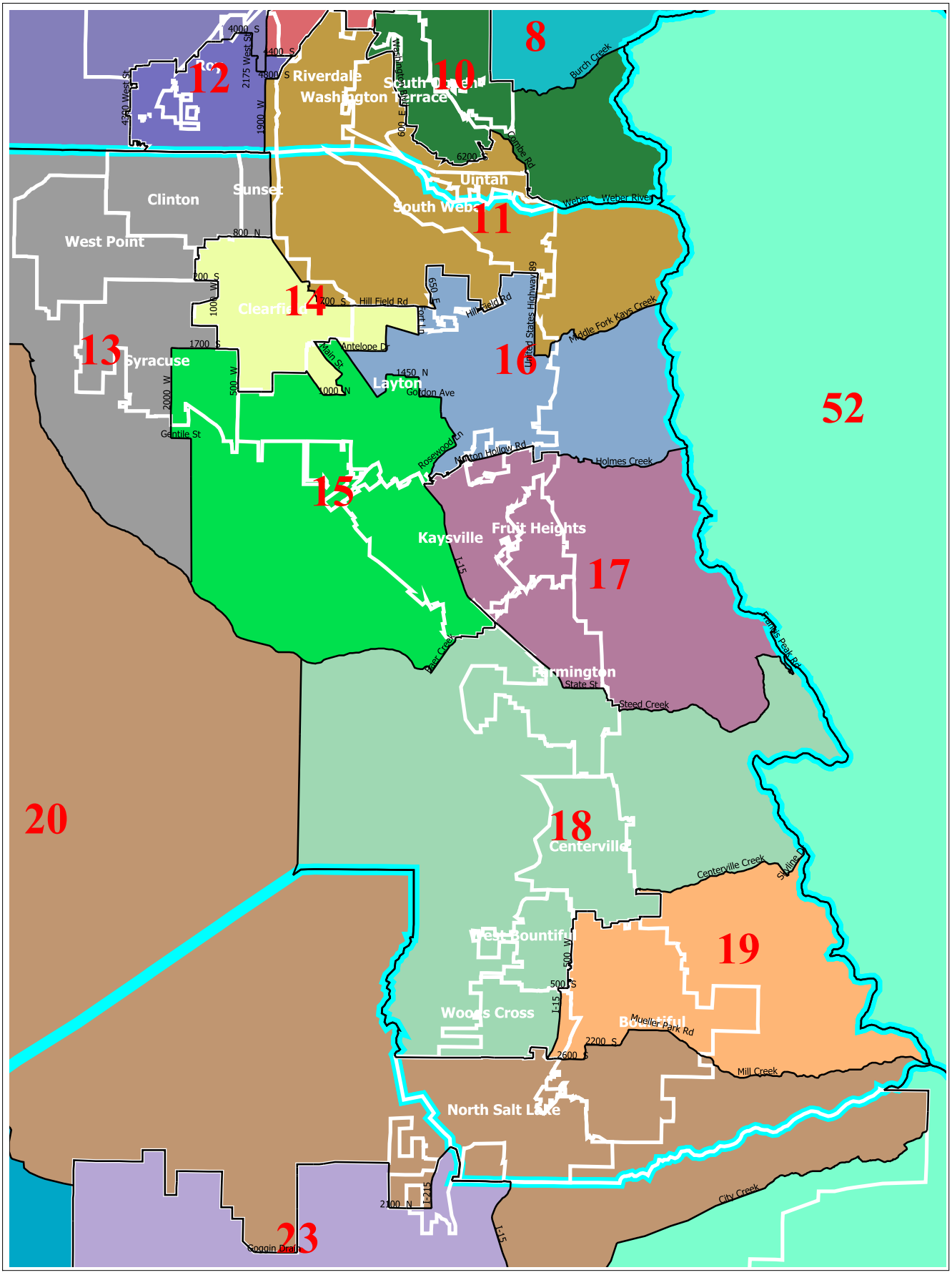
Counties
Cities
Districts

Utah House of Representatives
Statewide


Counties
Cities
Districts
Utah House of Representatives
Cache County

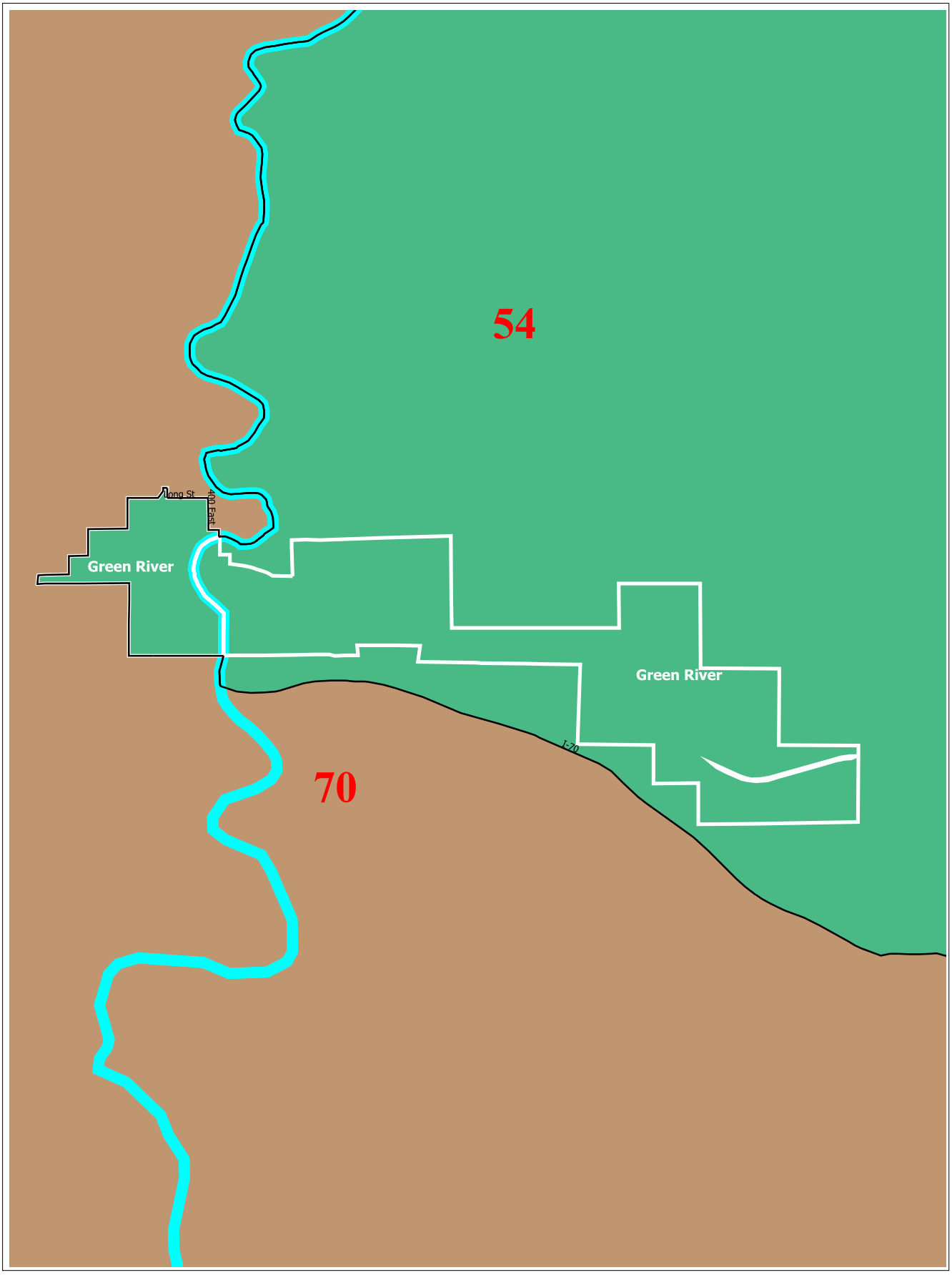

67
54
70
Mead's Wash
Woodhill Rd
Fourth North
Third East
Main St
Airport Rd
McNutty Rd
Price Canal Tunnel Rd
Hayes Wash
Highway 10
1800 S
2000 S
Highway 6
Wellington
Union Pacific Railroad
300 S
100 E
1400 E
United States Highway 6
Counties
Cities
Districts
Utah House of Representatives
Carbon County


67
68
69
70
71
Mona
Nephi
Fountain Green
Fairview
Levan
Leamington
Moroni
Mount Pleasant
Wales
Spring City
Ephraim
Oak
Scipio
Fayette
Sterling
Centerfield
Mayfield
Holden
Fillmore
Redmond
Salina
Aurora
Sigurd
Richfield
Glenwood
Annabella
Elsinore
Joseph
Monroe
Koosharem
Marysvale
Loa
Lyman
Bicknell
Torrey
Junction
Kingston
Circleville
Scofield
Helper
Wellington
Huntington
Cleveland
Elmo
Orangeville
Castle Dale
Clawson
Ferron
Emery
Main
State Route 132
Fourmile Creek
I-15
Birch Creek
Manti Canyon Rd
Skyline Dr
Farmer's Fwy
Utah Railway
State Route 10
Desert Lake Dr
Victor Reef Dr
Green River Cutoff Rd
Ferron Creek
Dutch Flat Rd
North Salt Wash
I-70
F.S. 053
F.S. 056
F.S. 042
F.S. 015
State Route 72
Last Chance Creek
Monroe Mtn Rd
Counties
Cities
Districts
Utah House of Representatives
Central Utah



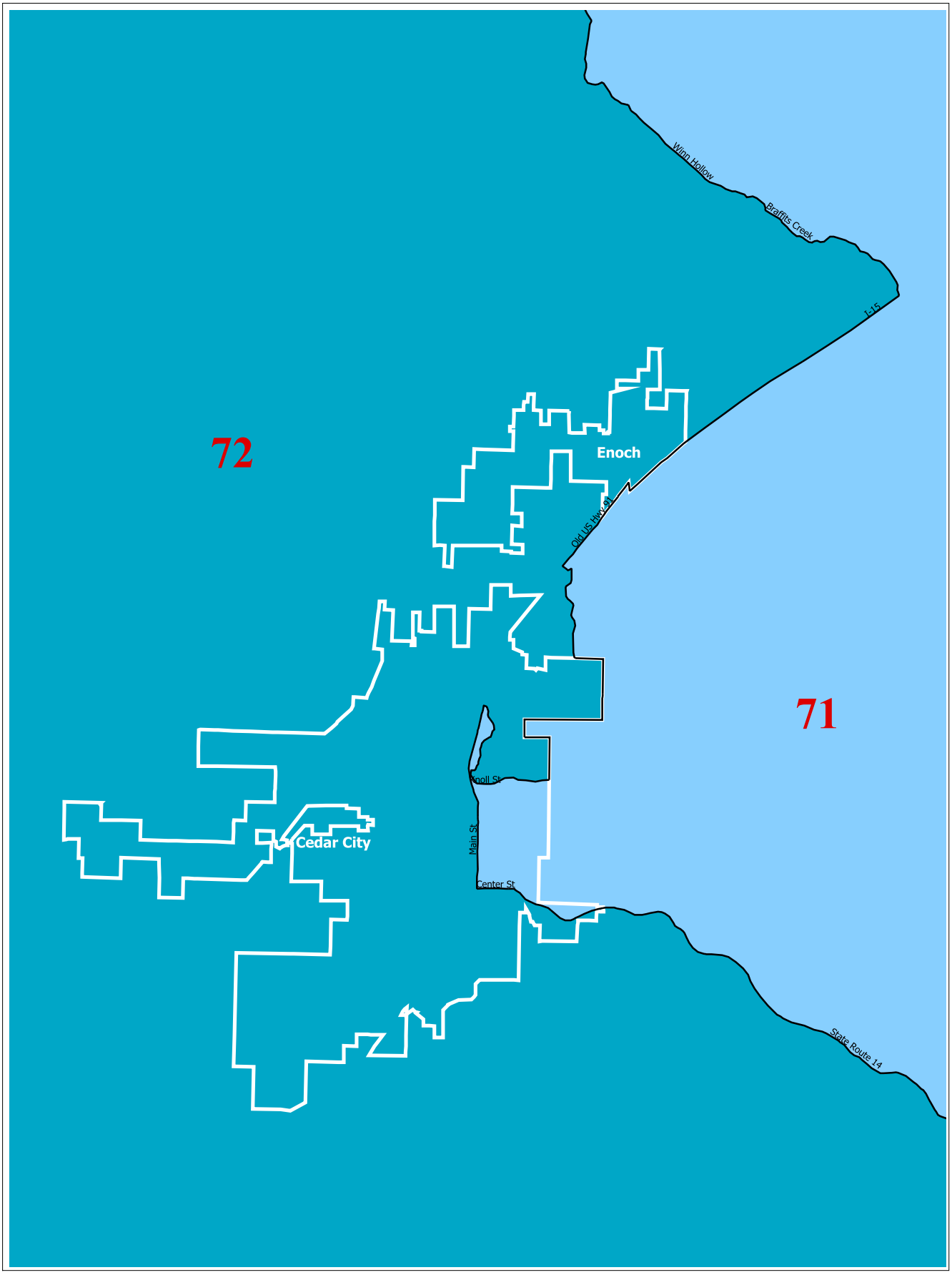
Counties
Cities
Districts

Utah House of Representatives
Davis County



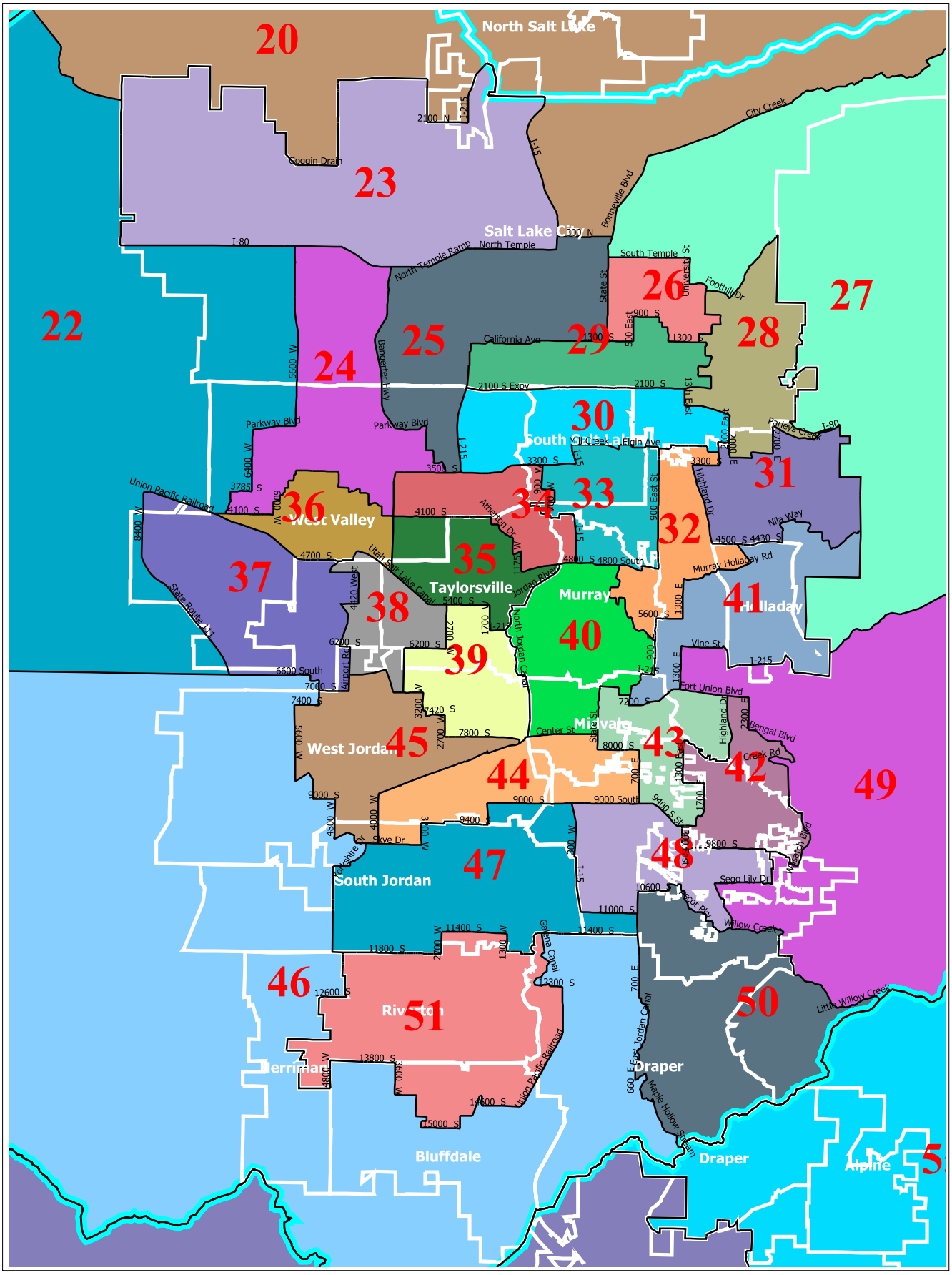
Counties
Cities
Districts

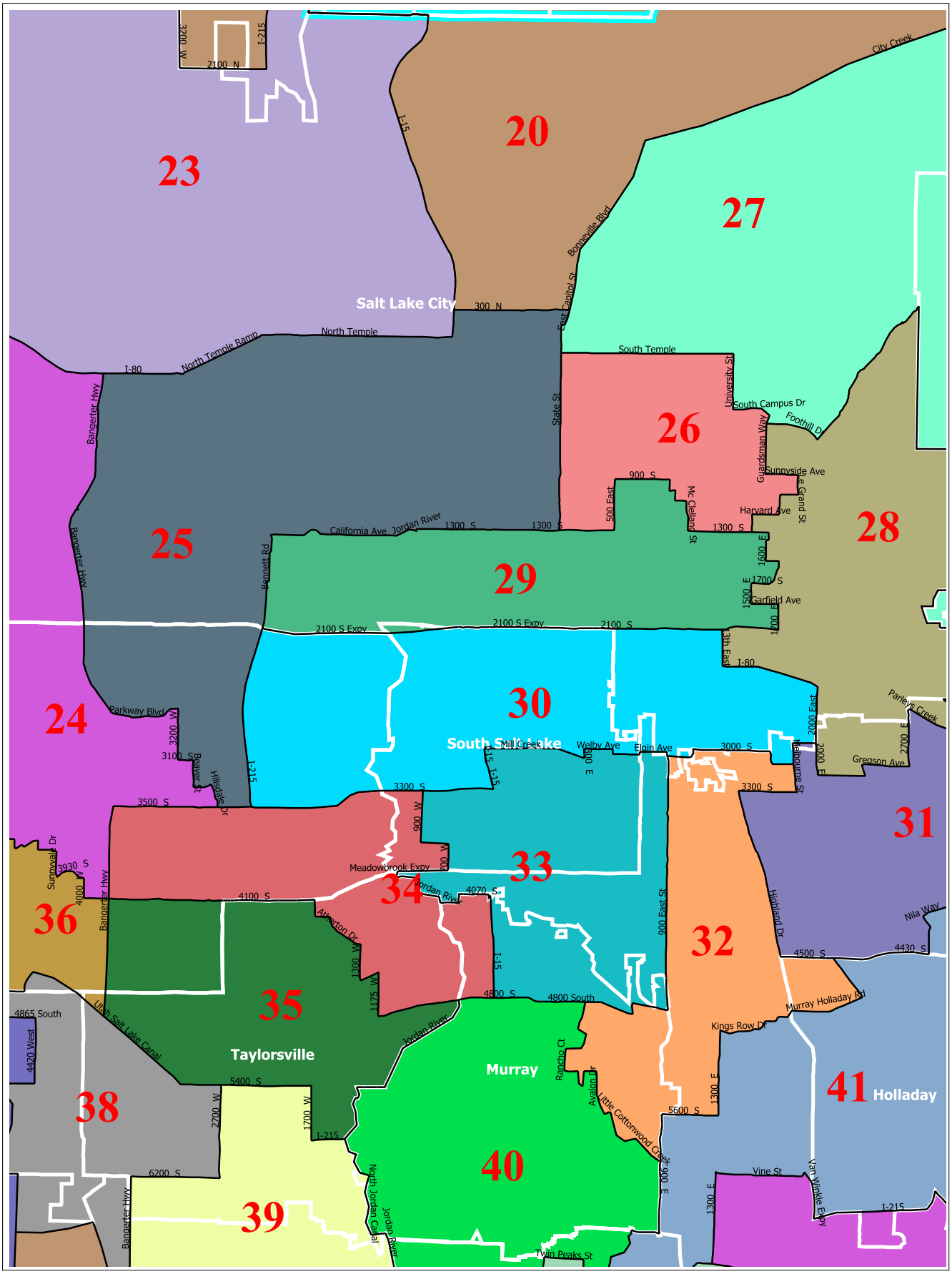
Utah House of Representatives
Grand County - Green River



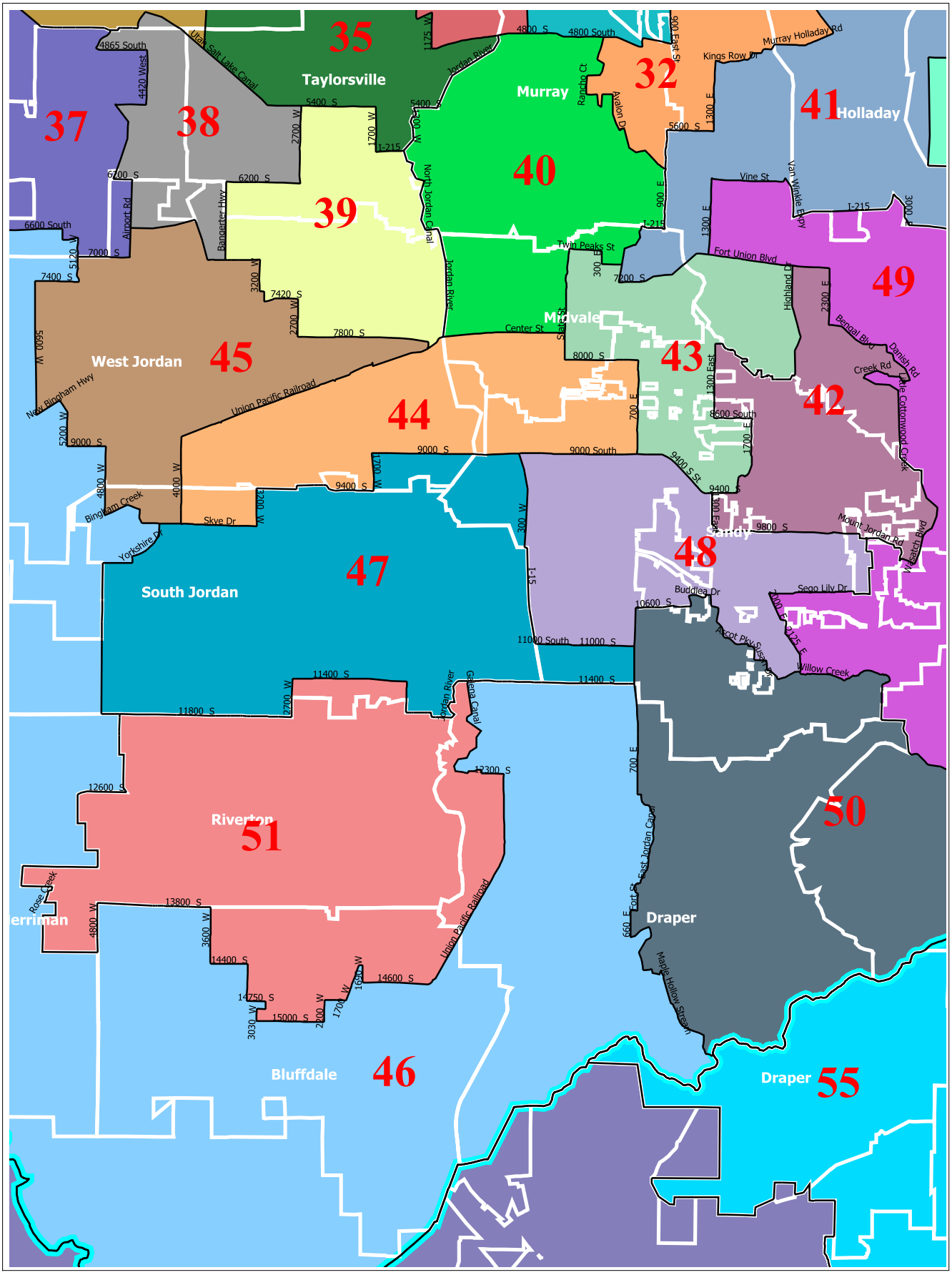
Counties
Cities
Districts

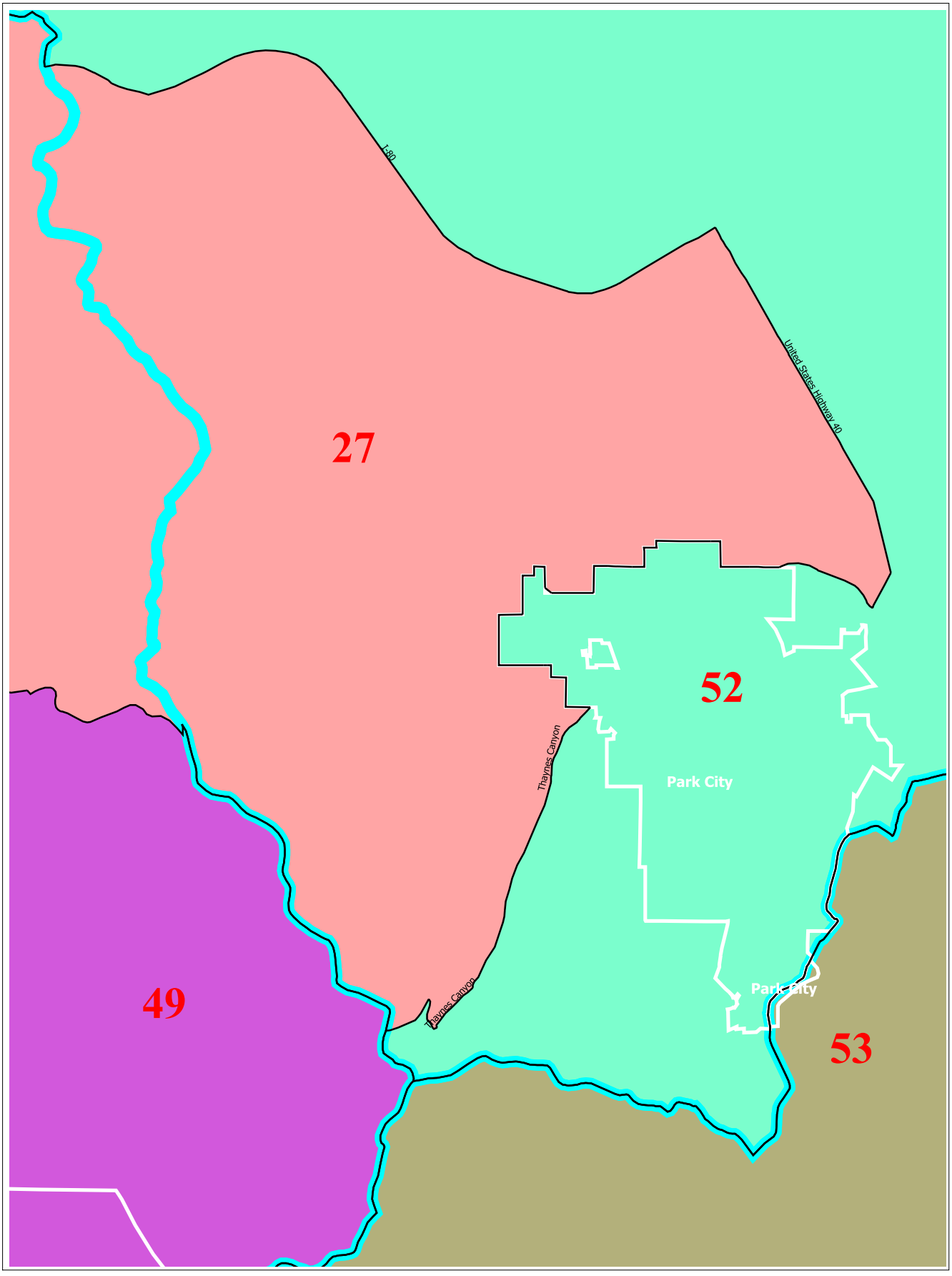
Utah House of Representatives
Iron County

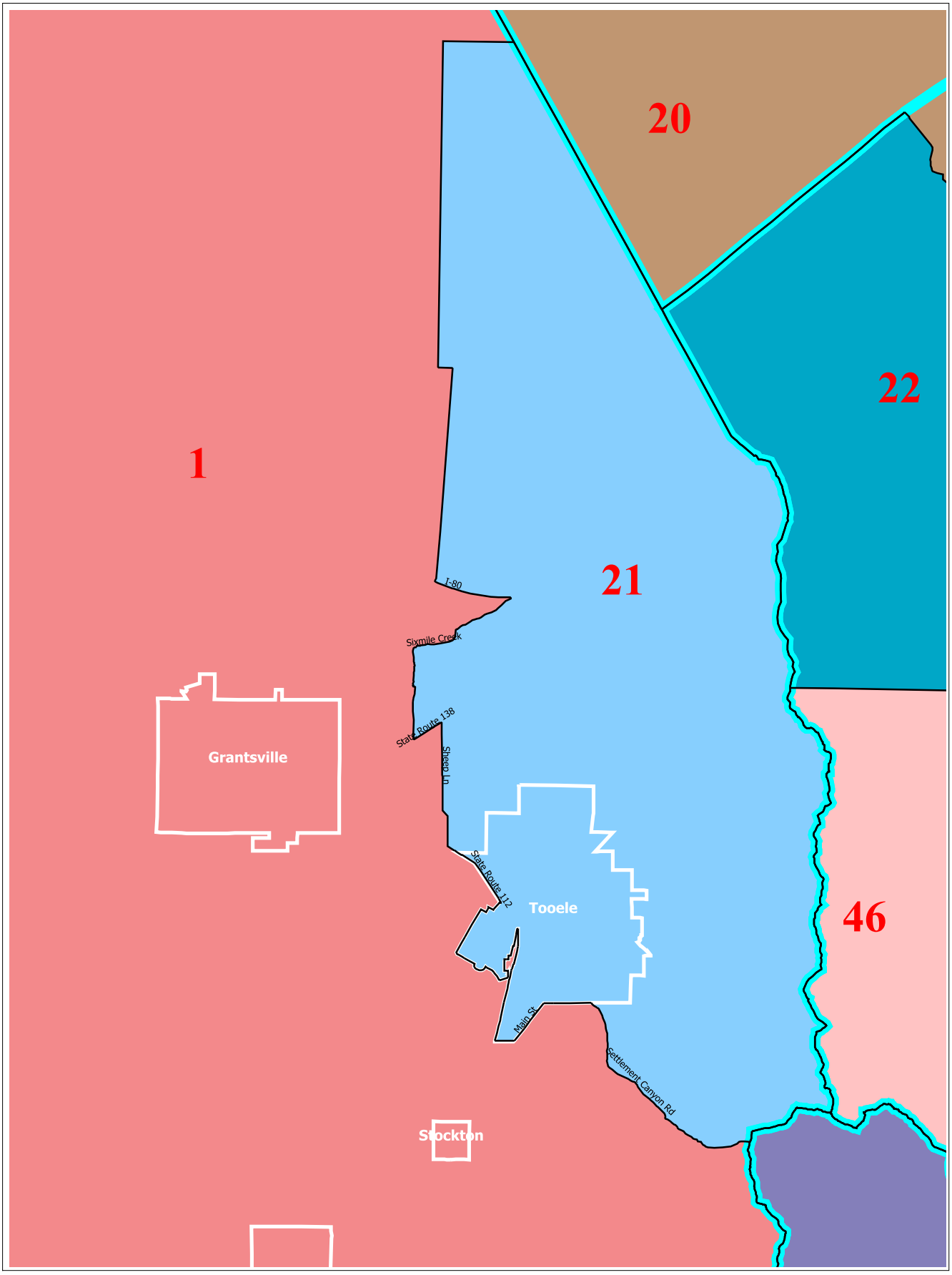

20
North Salt Lake
23
Salt Lake City
22
24
25
26
27
28
29
30
31
32
33
34
35
36
West Valley
37
38
39
40
Murray
41
Holladay
42
43
44
45
West Jordan
47
South Jordan
46
Riverton
51
Herriman
Bluffdale
48
49
50
Draper
Midvale
Taylorsville
Coggin Drain
City Creek
Bonneville Blvd
I-80
North Temple
South Temple
State St
University St
Foothill Dr
California Ave
2100 S Expy
2100 S
1300 S
500 East
1300 East
Banegerter Hwy
Parkway Blvd
5600 W
6400 W
I-215
2100 N
I-15
300 N
Mill Creek
Elgin Ave
3300 S
3500 S
3300 East
2700 East
Parley's Creek
I-80
Union Pacific Railroad
3785 S
4100 S
8400 W
6000 W
900 West
900 East St
Highland Dr
Nila Way
4500 S
4430 S
Atherton Dr
4700 S
Utah & Salt Lake Canal
4800 S
4800 South
Murray Holladay Rd
Jordan River
4220 West
5400 S
5600 S
1300 E
900 E
Vine St
State Route 111
6200 S
6600 South
7000 S
7200 S
7400 S
Fort Union Blvd
2300 E
Bengal Blvd
Creek Rd
Center St
3200 W
7420 S
7800 S
5600 W
2700 W
8000 S
700 E
1300 East
1700 E
9000 S
9000 South
9400 S
9800 S
4800 W
4000 W
3200 W
Skye Dr
Yorkshire Dr
300 W
I-15
Sego Lily Dr
10600 S
Wasatch Blvd
Bangerter Pkwy
11000 S
11400 S
11800 S
2200 W
1300 W
Galena Canal
12300 S
700 E
East Jordan Canal
Little Willow Creek
Willow Creek
12600 S
13800 S
4800 W
6600 W
Union Pacific Railroad
14400 S
15000 S
660 E
Maple Hollow Stream
Alpine
Counties
Cities
Districts
Utah House of Representatives
Salt Lake County



Utah House of Representatives
Northern Salt Lake County

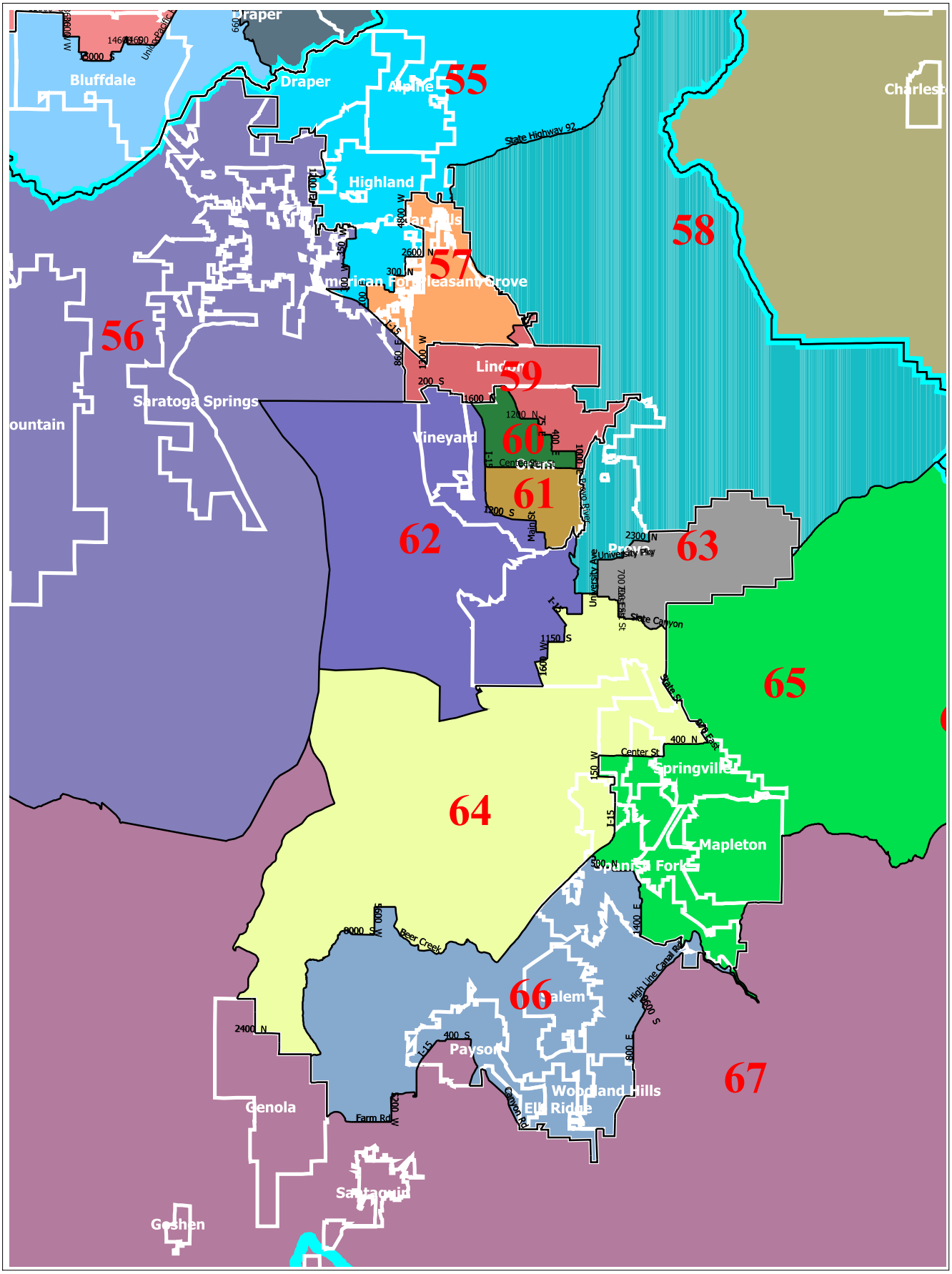

35
Taylorsville
37
38
39
40
Murray
32
41
Holladay
49
Midvale
43
West Jordan
45
44
42
47
South Jordan
48
Sandy
50
Draper
51
Riverton
46
Bluffdale
55
Draper
Utah Salt Lake Canal
Jordan River
Murray Holladay Rd
Kings Row Dr
Ranch Ct
Avalon Dr
Van Winkle Expy
Vine St
Twin Peaks St
Fort Union Blvd
Highland Dr
Bengal Blvd
Danish Rd
Little Cottonwood Creek
Creek Rd
Center St
Union Pacific Railroad
New Bingham Hwy
Bingham Creek
Skye Dr
Yorkshire Dr
9400 S St
Mount Jordan Rd
Wasatch Blvd
Buddlea Dr
Sego Lily Dr
Willow Creek
Alcott Pkwy
Galena Canal
East Jordan Canal
Fort St
Maple Hollow Stream
Rose Creek
Airport Rd
Bangerter Hwy
North Jordan Canal
4865 South
4800 South
6200 S
6600 South
7000 S
7400 S
7800 S
8000 S
8600 South
9000 S
9000 South
9400 S
9800 S
10600 S
11000 South
11000 S
11400 S
11800 S
12300 S
12600 S
13800 S
14400 S
14600 S
14750 S
15000 S
Counties
Cities
Districts
Utah House of Representatives
Southern Salt Lake County

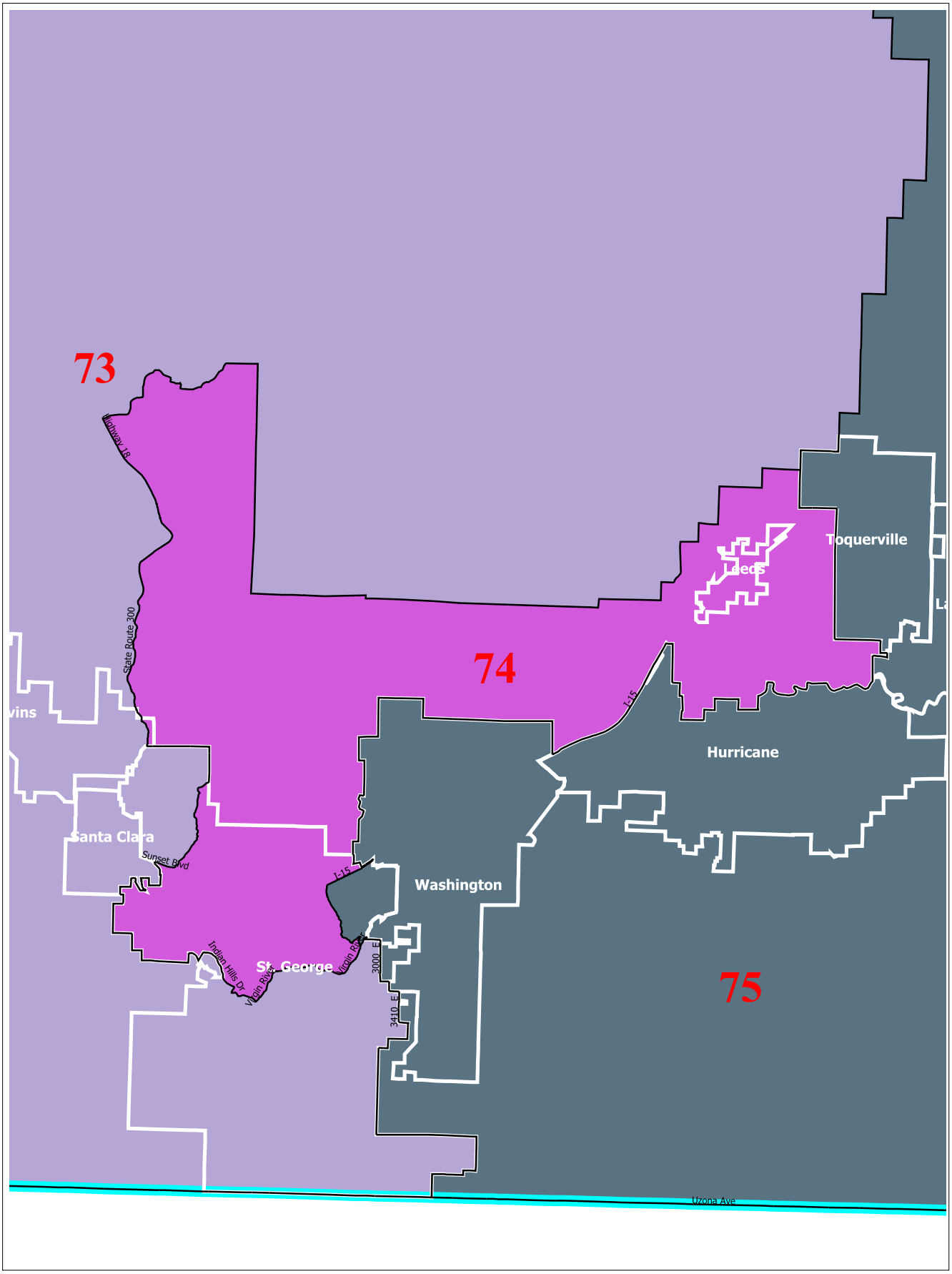

I-80
United States Highway 40
27
52
Park City
Thaynes Canyon
Thaynes Canyon
Park City
49
53
Counties
Cities
Districts
Utah House of Representatives
Summit County

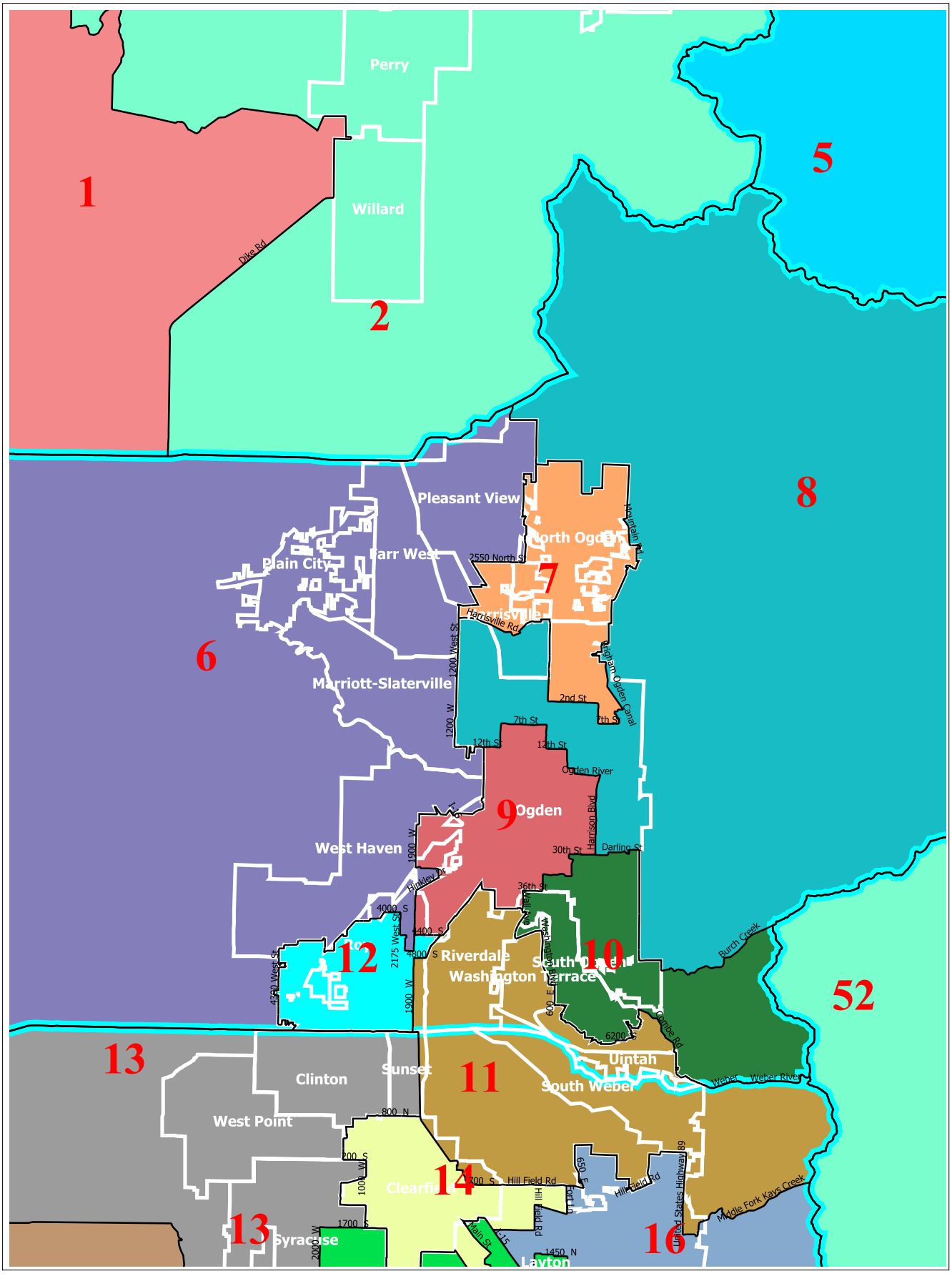


Counties
Cities
Districts

Utah House of Representatives
Tooele County


55
56
57
58
59
60
61
62
63
64
65
66
67
Draper
Bluffdale
Alpine
Highland
Charleston
American Fork
Pleasant Grove
Lindon
Saratoga Springs
Vineyard
Orem
Provo
Springville
Mapleton
Spanish Fork
Payson
Salem
Woodland Hills
Elk Ridge
Genola
Santaquin
Goshen
State Highway 92
Center St
Main St
University Ave
State Canyon
Beer Creek
High Line Canal
Farm Rd
Canyon Rd
I-15
Counties
Cities
Districts
Utah House of Representatives
Utah County


73
74
75
Toquerville
Leeds
Hurricane
Washington
St. George
Santa Clara
Ivins
Sunset Blvd
I-15
State Route 300
Indian Hills Dr
Virgin River
3000 E
3410 E
Utah House of Representatives
Washington County
Counties
Cities
Districts



Counties
Cities
Districts

Utah House of Representatives
Weber County

UTAH HOUSE OF REPRESENTATIVES DISTRICTS

Statistical Summary

29,776 = Ideal District Size

District	Population	Deviation	Percent Deviatio
1	28,847	-929	-3.1%
2	29,519	-257	-0.9%
3	29,437	-339	-1.1%
4	29,893	117	0.4%
5	29,223	-553	-1.9%
6	29,685	-91	-0.3%
7	29,057	-719	-2.4%
8	28,610	-1,166	-3.9%
9	30,334	558	1.9%
10	30,024	248	0.8%
11	28,830	-946	-3.2%
12	29,384	-392	-1.3%
13	29,830	54	0.2%
14	29,701	-75	-0.3%
15	29,447	-329	-1.1%
16	29,345	-431	-1.5%
17	28,838	-938	-3.1%
18	29,909	133	0.4%
19	29,541	-235	-0.8%
20	28,753	-1,023	-3.4%
21	28,764	-1,012	-3.4%
22	28,994	-782	-2.6%
23	30,384	608	2.0%
24	30,531	755	2.5%
25	30,229	453	1.5%
26	30,797	1,021	3.4%
27	28,859	-917	-3.1%
28	30,513	737	2.5%
29	30,712	936	3.1%
30	29,188	-588	-2.0%
31	29,659	-117	-0.4%
32	29,926	150	0.5%
33	29,971	195	0.7%
34	30,142	366	1.2%
35	30,695	919	3.1%
36	30,446	670	2.3%
37	30,731	955	3.2%
38	30,823	1,047	3.5%
39	29,882	106	0.4%
40	30,951	1,175	3.9%
41	30,485	709	2.4%
42	29,805	29	0.1%
43	30,164	388	1.3%

District	Population	Deviation	Percent Deviatio
44	29,760	-16	-0.1%
45	30,571	795	2.7%
46	29,312	-464	-1.6%
47	28,924	-852	-2.9%
48	30,859	1,083	3.6%
49	30,676	900	3.0%
50	28,977	-799	-2.7%
51	28,603	-1,173	-3.9%
52	29,071	-705	-2.4%
53	29,586	-190	-0.6%
54	30,909	1,133	3.8%
55	28,919	-857	-2.9%
56	29,463	-313	-1.0%
57	29,239	-537	-1.8%
58	28,908	-868	-2.9%
59	28,810	-966	-3.2%
60	29,241	-535	-1.8%
61	28,867	-909	-3.1%
62	30,618	842	2.8%
63	30,444	668	2.2%
64	29,898	122	0.4%
65	30,807	1,031	3.5%
66	30,821	1,045	3.5%
67	30,887	1,111	3.7%
68	30,753	977	3.3%
69	29,449	-327	-1.1%
70	30,911	1,135	3.8%
71	29,277	-499	-1.7%
72	29,335	-441	-1.5%
73	29,219	-557	-1.9%
74	29,545	-231	-0.8%
75	29,652	-124	-0.4%

Utah House of Representatives Districts
Recommended Plan

Map Index by District

DISTRICT	PAGE	COUNTY
1	63, 64	Box Elder, Tooele, Cache, Rich
2	63, 64	Box Elder, Cache
3	63, 64	Cache
4	63, 64	Cache, Rich
5	63, 64	Cache
6	64, 77	Weber
7	77	Weber
8	64, 77	Weber
9	77	Weber
10	77	Weber
11	67, 77	Weber, Davis
12	77	Weber
13	63, 67	Davis
14	67	Davis
15	67	Davis
16	67	Davis
17	67	Davis
18	67	Davis
19	67	Davis
20	63, 67, 70, 71	Davis, Salt Lake
21	63, 74	Tooele
22	63, 70	Salt Lake
23	70, 71	Salt Lake
24	70, 71	Salt Lake
25	70, 71	Salt Lake
26	70, 71	Salt Lake
27	70, 71, 73	Salt Lake, Summit
28	70, 71	Salt Lake
29	70, 71	Salt Lake
30	70, 71	Salt Lake
31	70, 71	Salt Lake
32	70, 71, 72	Salt Lake
33	70, 71	Salt Lake
34	70, 71	Salt Lake
35	70, 71, 72	Salt Lake
36	70, 71	Salt Lake
37	70, 71, 72	Salt Lake

DISTRICT	PAGE	COUNTY
38	70, 71, 72	Salt Lake
39	70, 71, 72	Salt Lake
40	70, 71, 72	Salt Lake
41	70, 71, 72	Salt Lake
42	70, 72	Salt Lake
43	70, 72	Salt Lake
44	70, 72	Salt Lake
45	70, 72	Salt Lake
46	70, 72	Salt Lake
47	70, 72	Salt Lake
48	70, 72	Salt Lake
49	70, 72, 73	Salt Lake
50	70, 72	Salt Lake
51	70, 72	Salt Lake
52	63, 73	Morgan, Rich, Summit
53	63, 73	Duchesene, Wasatch
54	63, 65, 68	Carbon, Daggett, Grand, Uintah
55	72, 75	Utah
56	63, 75	Utah
57	75	Utah
58	63, 75	Utah
59	75	Utah
60	75	Utah
61	75	Utah
62	75	Utah
63	75	Utah
64	75	Utah
65	63, 75	Utah
66	75	Utah
67	63, 65, 66, 75	Carbon, Juab, Sanpete, Utah
68	63, 66	Juab, Millard, Sanpete
69	63, 66	Emery, Sanpete, Sevier
70	63, 65, 66, 68	Carbon, Emery, Grand, San Juan
71	63, 66, 69	Beaver, Garfield, Iron, Kane, Piute, Sevier, Washington, Wayne
72	63, 69	Iron
73	63, 76	Washington
74	63, 76	Washington
75	63, 76	Washington

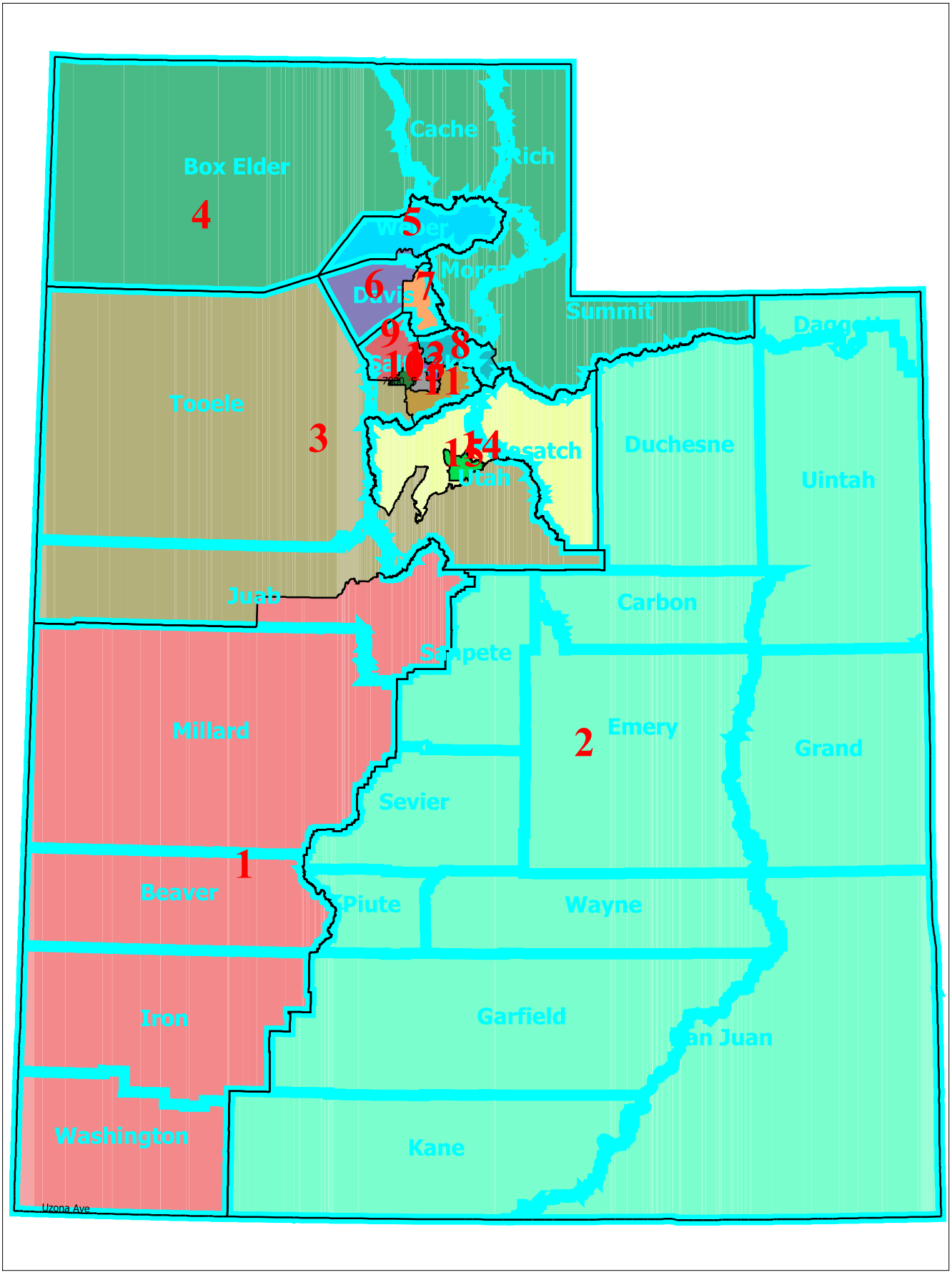
Utah House of Representatives Districts
Recommended Plan

Map Index by County

COUNTY	PAGE	DISTRICT
Beaver	63	71, 72
Box Elder	63, 64, 77	1, 2
Cache	63, 64	2, 3, 4, 5
Carbon	63, 65	54, 67, 70
Daggett	63	54
Davis	63, 67, 70, 77	11, 13-20
Duchesne	63	53
Emery	63, 66, 68	69, 70
Garfield	63	71
Grand	63, 68	54, 70
Iron	63, 69	71, 72
Juab	63, 66	67, 68
Kane	63	71
Millard	63, 66	68
Morgan	63, 77	52
Piute	63, 66	71
Rich	63, 64	4, 52
Salt Lake	63, 67, 70, 71, 72, 75	20, 22-51
San Juan	63	70
Sanpete	63, 66	67, 68, 69
Sevier	63, 66	69, 71
Summit	63, 73	27, 52
Tooele	63, 74	1, 21
Uintah	63	54
Utah	63, 75	55-67
Wasatch	63	53
Washington	63, 76	73, 74, 75
Wayne	63	71
Weber	63, 64, 67, 77	6-12

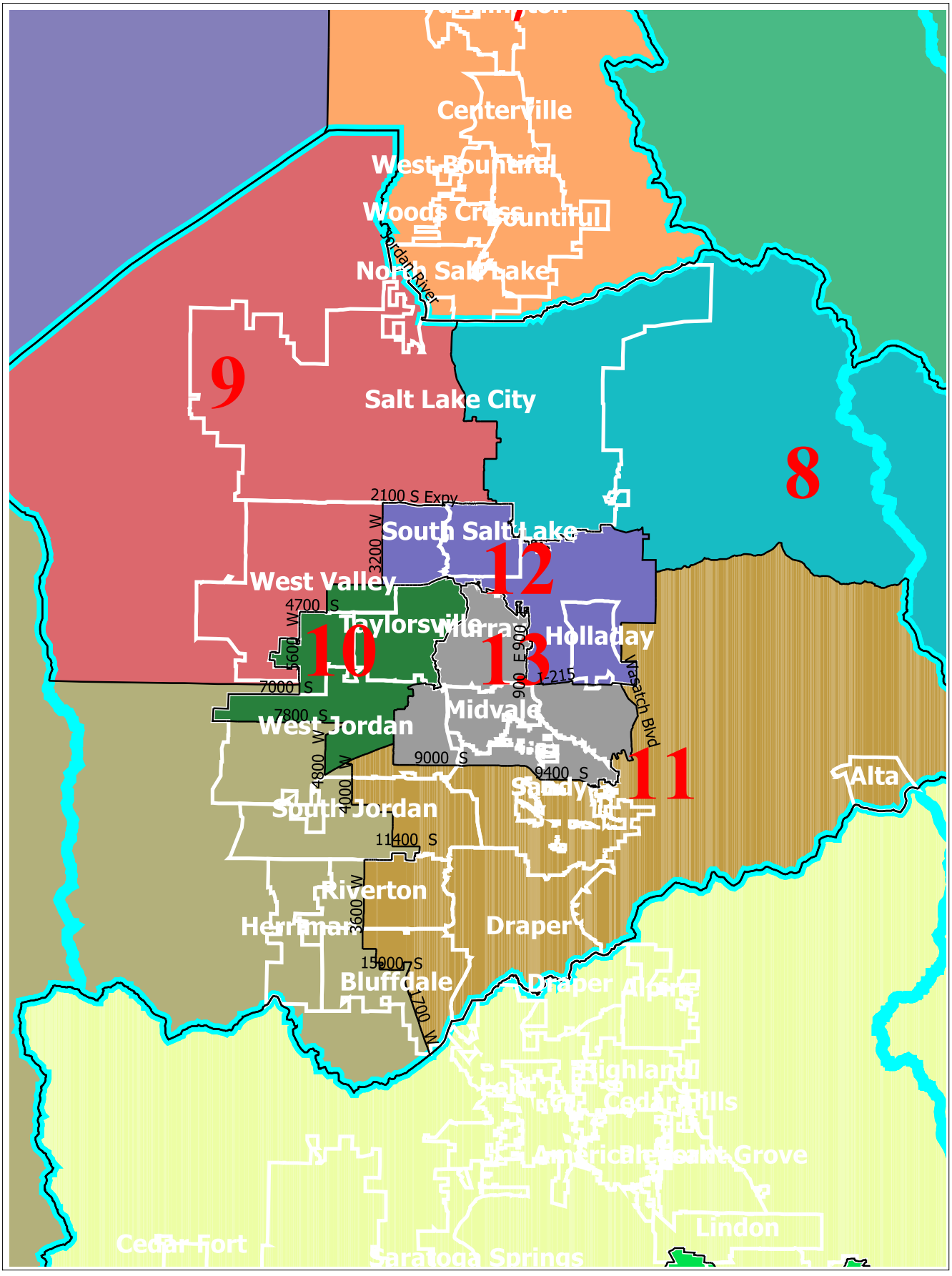
Utah School Board Districts
Recommended Plan

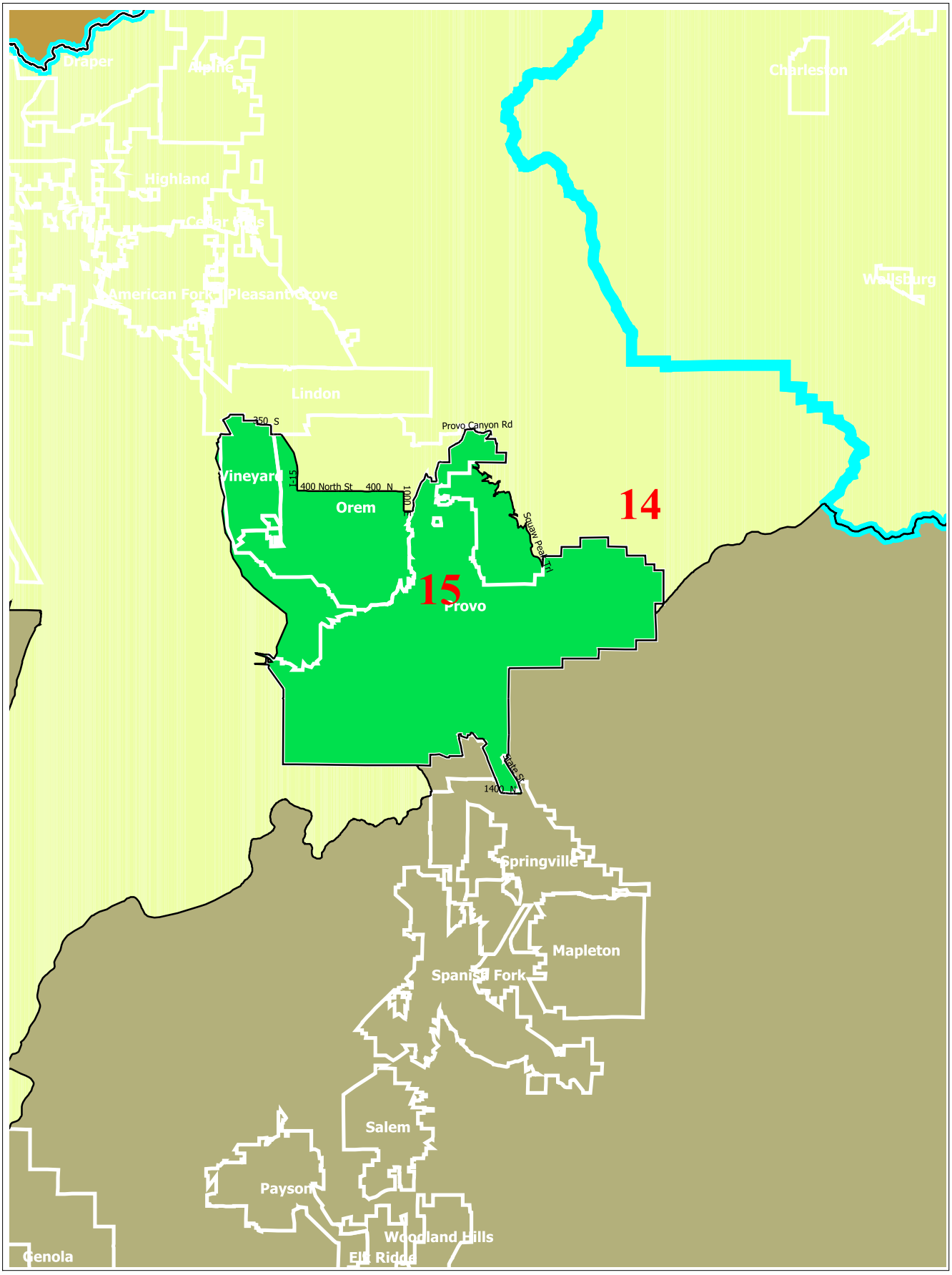
Index



Counties
Cities
Districts

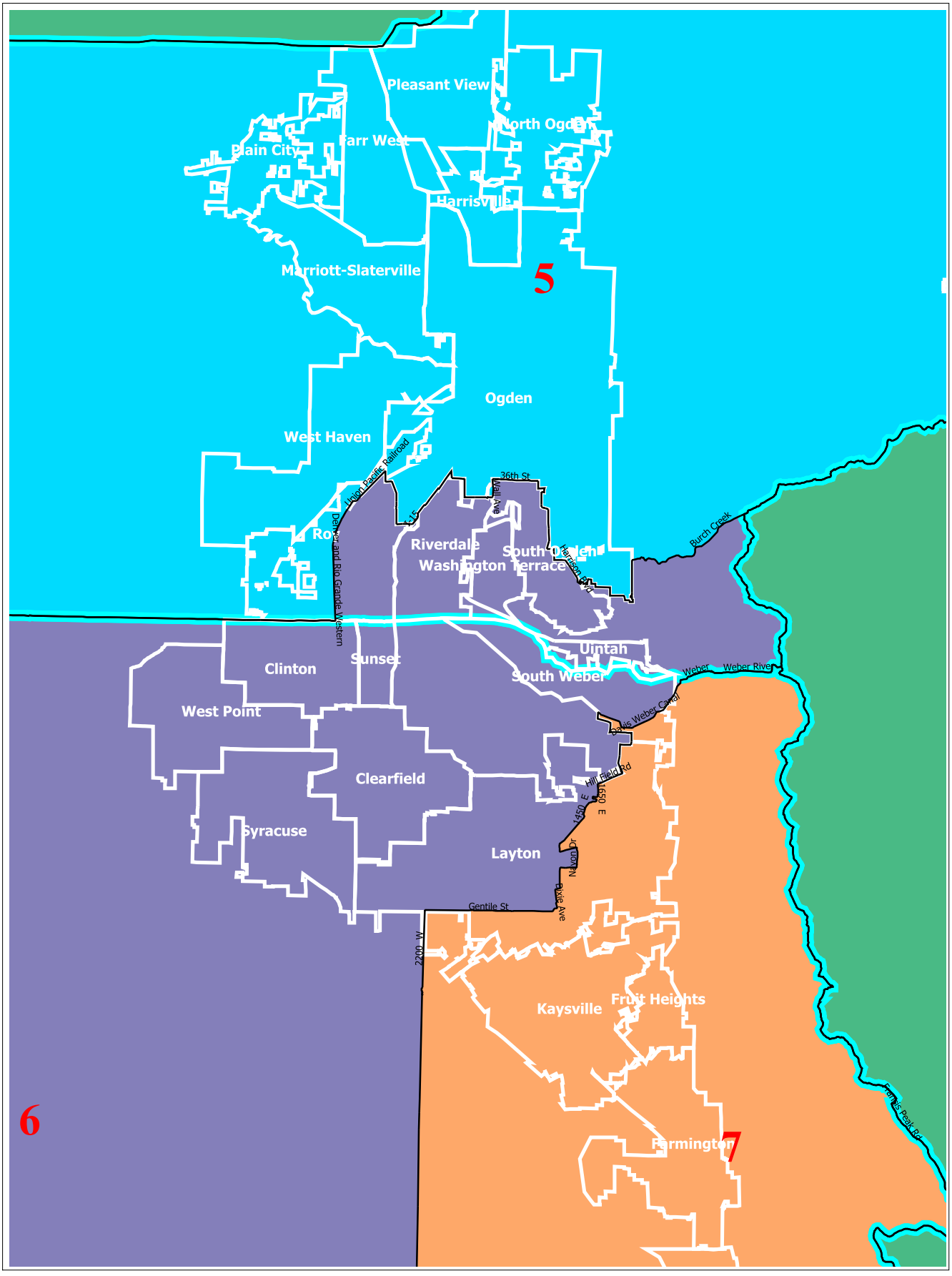
Utah State School Board
Statewide


Centerville
West Bountiful
Woods Cross
Bountiful
North Salt Lake
Jordan River
9
Salt Lake City
8
2100 S Expy
South Salt Lake
3200 W
12
West Valley
4700 S
Taylorsville
Murray
Holladay
5600 W
10
13
900 E
I-215
7000 S
Wasatch Blvd
7800 S
West Jordan
Midvale
4800 W
9000 S
9400 S
11
Alta
4000 W
South Jordan
Sandy
11400 S
Riverton
3600 W
Herriman
Draper
15000 S
Bluffdale
1700 W
Draper Airpark
Highland
Cedar Hills
American Fork
Saint Grove
Lindon
Cedar Fort
Saratoga Springs
Counties
Cities
Districts
Utah State School Board
Salt Lake County



Counties
Cities
Districts

Utah State School Board
Utah County


Pleasant View
North Ogden
Farr West
Plain City
Harrisville
Marriott-Slaterville
5
Ogden
West Haven
Union Pacific Railroad
36th St
Wall Ave
Riverdale
Washington Terrace
South Ogden
Harrison Blvd
Burch Creek
Denver and Rio Grande Western
Uintah
Clinton
Sunset
South Weber
Weber
Weber River
West Point
Davis Weber Canal
Clearfield
Hill Field Rd
1350 E
Syracuse
Layton
Main St
Gentile St
Dixie Ave
2200 W
Kaysville
Fruit Heights
6
Farmington
7
Francis Peay Rd
Counties
Cities
Districts
Utah State School Board
Weber-Davis

UTAH SCHOOL BOARD DISTRICTS

Statistical Summary

148,878 = Ideal District Size

District	Population	Deviation	Percent Deviation
1	149,720	842	0.6%
2	151,026	2,148	1.4%
3	147,106	-1,772	-1.2%
4	152,448	3,570	2.4%
5	146,508	-2,370	-1.6%
6	145,079	-3,799	-2.6%
7	143,940	-4,938	-3.3%
8	146,702	-2,176	-1.5%
9	143,838	-5,040	-3.4%
10	150,782	1,904	1.3%
11	148,681	-197	-0.1%
12	151,207	2,329	1.6%
13	153,091	4,213	2.8%
14	152,177	3,299	2.2%
15	150,864	1,986	1.3%

Utah School Board Districts
Recommended Plan

Map Index by District

DISTRICT	PAGE	COUNTY
1	84	Beaver, Iron, Juab, Millard, Washington
2	84	Carbon, Daggett, Duchesene, Emery, Garfield, Grand, Kane, Piute, Sanpete, Sevier, Uintah, Wayne
3	84, 85, 86	Juab, Tooele, Utah
4	84, 87	Box Elder, Cache, Morgan, Rich, Summit
5	84, 87	Weber
6	84, 87	Davis
7	84, 85, 87	Davis
8	84, 85	Salt Lake, Summit
9	84, 85	Salt Lake
10	84, 85	Salt Lake
11	84, 85	Salt Lake
12	84, 85	Salt Lake
13	84, 85	Salt Lake
14	84, 85, 86	Utah, Wasatch
15	84, 86	Utah

Utah School Board Districts
Recommended Plan

Map Index by County

COUNTY	PAGE	DISTRICT
Beaver	84	1
Box Elder	84	4
Cache	84	4
Carbon	84	2
Daggett	84	2
Davis	84, 85, 87	6, 7
Duchesne	84	2
Emery	84	2
Garfield	84	2
Grand	84	1
Iron	84	1
Juab	84	1, 3
Kane	84	2
Millard	84	1
Morgan	84, 87	4
Piute	84	2
Rich	84	4
Salt Lake	84, 85	8, 9, 10, 11, 12, 13
San Juan	84	2
Sanpete	84	2
Sevier	84	2
Summit	84	4
Tooele	84	3
Uintah	84	2
Utah	84, 85, 86	3, 14, 15
Wasatch	84	14
Washington	84	1
Wayne	84	2
Weber	84, 87	5