

**MINUTES OF THE
REDISTRICTING COMMITTEE**

Monday, April 25, 2011 – 9:00 a.m. – Room 30 House Building

Members Present:

Sen. Ralph Okerlund, Senate Chair
Rep. Kenneth W. Sumsion, House Chair
Sen. Gene Davis
Sen. Benjamin M. McAdams
Sen. Stuart C. Reid
Sen. Kevin T. Van Tassell
President Michael G. Waddoups
Rep. Roger E. Barrus
Rep. Jackie Biskupski
Rep. Melvin R. Brown
Rep. Gage Froerer
Rep. Francis D. Gibson
Rep. Don L. Ipson
Rep. Brian S. King
Rep. Todd E. Kiser
Speaker Rebecca D. Lockhart
Rep. Merlynn T. Newbold
Rep. Christine F. Watkins
Rep. R. Curt Webb

Staff Present:

Mr. John Q. Cannon, Managing Policy Analyst
Mr. John L. Fellows, General Counsel
Mr. J Brian Allred, Policy Analyst
Mr. Mark D. Andrews, Policy Analyst
Mr. Benjamin N. Christensen, Policy Analyst
Mr. Phillip V. Dean, Policy Analyst
Mr. Leif G. Elder, Policy Analyst
Mr. Jerry D. Howe, Policy Analyst
Mr. Art L. Hunsaker, Policy Analyst
Ms. Allison M. Nicholson, Policy Analyst
Mr. Richard C. North, Policy Analyst
Mr. Joseph T. Wade, Policy Analyst
Mr. Eric N. Weeks, Deputy General Counsel
Ms. Emily R. Brown, Assoc. General Counsel
Ms. Kimberly A. Heiner, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Sumsion called the meeting to order at 9:15 a.m.

The committee members and staff introduced themselves and their role in the redistricting process.

Chair Sumsion read sections from the United States and Utah Constitutions regarding redistricting. He stated that the United States Supreme Court has emphasized the principles of one person one vote and encouraged the Committee to be fair and reasonable in its redistricting actions. He also clarified that citizens would have the opportunity to state their opinions and provide redistricting recommendations to the Committee.

Chair Sumsion showed a map generated by a computer based on population and said if any of the lines were adjusted, it would have a political impact somewhere in the state. He said the Committee needs to be fair, reasonable, open, and transparent in the redistricting process.

Chair Okerlund pointed out that there are several people on the current Redistricting Committee who were a part of the 2001 Redistricting Committee. He said Committee meetings would be scheduled throughout the state in order to obtain more input from the public.

2. Introduction to Redistricting

Mr. Cannon gave an introduction to the redistricting process. He distributed handouts of tables and maps showing the population of current house, senate, congressional, and school board districts, as well as their deviation from the ideal population. He then explained how the ideal population is determined.

Mr. Cannon discussed the differences between apportionment and redistricting. He gave a historical background of redistricting, and explained that the constitutionally mandated census results determine the population used for redistricting and apportionment. He showed several slides demonstrating the population in Utah broken down by current districts. He then gave an overview of the likely redistricting schedule. He explained that the Legislature usually holds a special session to vote on the proposed new district boundaries because there is a constitutional deadline to have the process completed by the general session following receipt of the census data.

Mr. Cannon responded to questions.

Ms. Aleta Taylor, South Jordan City Council, asked if there would be any general information of the new districts by August for city councils to prepare for their primary elections.

Mr. Cannon responded that there would likely not be a final plan ready by August.

Mr. Fellows said that the bill would not take effect until January 2012, so it would not affect the city council elections during the next cycle.

3. Legal Guidelines for Redistricting

Mr. Fellows explained the legal guidelines for redistricting. He said that if redistricting plans were challenged in court, the courts could strike those plans down. He recommended that the Committee ensure that the plans adopted can be successfully defended in court.

Mr. Fellows discussed four legal elements to consider in creating redistricting plans: population, race, partisan gerrymandering, and redistricting principles. He said the best legal plan is to get the districts as equal in population as possible. He explained the legal definitions of "practicable" and "practical." He then discussed seven redistricting principles that the U.S. Supreme Court has recognized.

Mr. Fellows responded to questions.

4. Demonstration of Redistricting Software

Mr. Elder demonstrated the redistricting software program that will be used by legislators to draw new districts. He discussed the fundamental levels of geography in Utah, which include state, county, voting precincts, and census blocks.

He then responded to questions from the Committee.

Mr. Wade demonstrated how to use the Autobound redistricting software to draw district boundaries. He said there would be a similar on-line version for the public to use. He then responded to questions from the Committee.

5. Redistricting Procedural Guidelines

Rep. Sumsion introduced the 2001 redistricting procedural guidelines.

Mr. Cannon explained the redistricting procedural guidelines used in 2001.

Rep. Barrus asked if political information about incumbents should not be discussed with the Office of Legislative Research and General Counsel staff. Mr. Fellows recommended that the Committee not share with staff the reason why they want district lines placed in a particular spot.

Rep. Biskupski said she was on the Redistricting Committee 10 years ago and recommended that the committee not draw lines to help specific people, but instead look out for the best interest of the public.

Rep. Gibson asked if a copy of the map drawn by a computer shown by Rep. Sumsion at the beginning of this meeting could be provided to the committee. Rep. Sumsion said that staff would post the map on line.

Mr. Kory Holdaway, Utah Education Association, asked about the procedures for the public to present their redistricting ideas and how these maps would be presented to the Committee. Rep. Sumsion said he would probably ask staff to look at commonalities between the different plans presented from the public.

Ms. Taylor asked if it was possible to take into consideration the counties with the highest population growth to determine where to start redrawing boundaries. Mr. Fellows said that this would be difficult to do because the Committee is driven by the absolute numbers of the census data.

Ms. Taylor asked if it was possible to use the computer to draw the boundaries with the computer taking into account different rates of population growth. Mr. Wade said that the current software could not do this.

Ms. Susan Connor, Represent Me Utah, questioned if there was any way that the software could be available sooner than the next couple weeks, and asked how much the software cost. Mr. Cannon said the Office of Legislative Research and General Counsel is still in negotiation with the vendor and will not be able to get the software available sooner. He said that the cost of the software is between \$60,000 - \$80,000.

Ms. Connor asked for clarification on how much public input the Committee wants. She recommended that the Committee focus on numbers rather than politics. Chair Okerlund said that the redistricting process would be very inclusive and the Committee would try to look at as many plans as possible.

Mr. Marv Poulson, citizen, expressed concern that the actions of the Redistricting Committee may be changed when the plans are taken to a vote by the entire Legislature. He also expressed concern that using technology could be a means of providing so much minutiae that it could be a smoke screen to hide what is really happening. Chair Sumsion reiterated the committee's commitment to have an open committee by allowing the public the opportunity provide input.

Mr. Rob Latham, citizen, expressed concern about prison population used in the census data and asked that the Committee take that into account in drawing boundaries. He said that, because prisoners cannot

vote, including them in the redistricting count would give the legislator in that district an unfair election advantage. He distributed handouts from Prisoners of the Census organization. He also asked the Committee to reject the single member district principle and consider a multi-member district system. He distributed information on multi-member districts.

Ms. Kelli Lundgren, Represent Me Utah, distributed a handout outlining the principles and ideas Represent Me Utah would like the Committee to use in the redistricting process. She also asked the Legislature to keep common interest groups together.

MOTION: Chair Okerlund moved to adopt the 2001 Redistricting Procedural Guidelines as the 2011 Procedural Guidelines with the following changes: item 3 moved to item 1, item 4 moved to item 2, item 1 moved to item 3, item 2 moved to item 4, with no changes to the sequence of item 5 and 6. The motion passed unanimously.

6. Future Meeting Schedule

The next meeting was scheduled for May 4, 2011 in room 30 House Building at 9:00 a.m.

7. Adjourn

MOTION: Rep. Ipson moved to adjourn. The motion passed unanimously.

Chair Sumsion adjourned the meeting at 12:05 p.m.