

**Redistricting Standards**

2025 FIRST SPECIAL SESSION

STATE OF UTAH

**Chief Sponsor: Brady Brammer**

House Sponsor: Norman K Thurston

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**LONG TITLE****General Description:**

This bill establishes statistical methods and standards to use in evaluating redistricting plans for compliance with state law.

**Highlighted Provisions:**

This bill:

- defines terms;
- establishes statistical methods and standards to use in evaluating redistricting plans for compliance with state law; and
- makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**20A-19-103**, as enacted by Statewide Initiative -- Proposition 4, Nov. 6, 2018

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

Section 1. Section **20A-19-103** is amended to read:

**20A-19-103 . Redistricting standards and requirements.**

(1) As used in this section:

(a) "Ensemble analysis" means:

(i) an analysis that:

- (A) uses a sequential simulation to generate an ensemble of at least 4,000 redistricting plans before culling any plan for compliance with this section; and
- (B) indicates whether a proposed redistricting plan shows a partisan intent by comparing the plan to the ensemble described in Subsection (1)(a)(i)(A) to

- 31 measure if the proposed redistricting plan, using the partisan index and based  
32 on squared deviations, falls outside the normal distribution of the expected  
33 outcomes that the ensemble establishes; and
- 34 (ii) for which a result described in Subsection (1)(a)(i) that is not within 2.5% and  
35 97.5% fails the ensemble analysis.
- 36 (b) "Mean-median difference test" means an evaluation of a proposed redistricting plan:  
37 (i) that calculates the difference between a party's average statewide vote share and  
38 the party's median vote share across all districts in a proposed redistricting plan;  
39 (ii) for which the difference between the average and median percentages described  
40 in Subsection (1)(b)(i) reflects:  
41 (A) the degree of partisan asymmetry;  
42 (B) asymmetry in favor of a party with a median district vote share percentage  
43 above 50%; and  
44 (C) asymmetry against a party with a median district vote share percentage below  
45 50%; and  
46 (iii) for which a difference described in Subsection (1)(b)(ii) that is greater than a 2%  
47 deviation from the mean fails the mean-median difference test.
- 48 (c) "Measures of partisan symmetry" means, for a congressional redistricting plan:  
49 (i) the partisan bias test; and  
50 (ii) an ensemble analysis with subsequent culling to include only redistricting plans  
51 that pass the partisan bias test to ensure the plan is within the statistical bounds of  
52 passing plans.
- 53 (d) "Partisan bias test" means an evaluation of partisan symmetry in a proposed  
54 redistricting plan:  
55 (i) that follows the following sequential steps:  
56 (A) calculate each party's statewide vote share using the partisan index;  
57 (B) calculate the difference between each party's statewide vote share and 50%;  
58 (C) subtract the difference described in Subsection (1)(d)(i)(B) from each party's  
59 vote share in each district in the proposed redistricting plan based on the  
60 partisan index data for each census block within the district; and  
61 (D) based on the adjusted vote share described in Subsection (1)(d)(i)(C),  
62 calculate the difference between each party's expected seat share and 50% of  
63 the total seats in a hypothetical election, with the difference between the party's  
64 seat share in the hypothetical election and 50% of the total seats representing

- 65                    the degree of partisan bias; and
- 66                    (ii) for which a result described in Subsection (1)(d)(i) other than the following fails
- 67                    the partisan bias test:
- 68                    (A) for an even number of seats, 0; or
- 69                    (B) for an odd number of seats, 0.5.
- 70                    (e) "Partisan index" means an average of the partisan vote share:
- 71                    (i) except as provided in Subsection (1)(e)(ii), in the three immediately preceding
- 72                    statewide elections for each of the following offices:
- 73                    (A) United States president;
- 74                    (B) governor;
- 75                    (C) attorney general;
- 76                    (D) state treasurer; and
- 77                    (E) state auditor;
- 78                    (ii) except as provided in Subsection (1)(e)(iii), that excludes an election for an office
- 79                    in which the two largest political parties did not field a candidate; and
- 80                    (iii) that allocates votes for an independent general election candidate to a political
- 81                    party if the independent candidate attempted to win the nomination of the political
- 82                    party at a primary election or party convention for the same general election.
- 83                    (f) "Unduly favor or disfavor" in regards to Subsection (4) for purposes of a
- 84                    congressional map, means the map is asymmetrical under the measures of partisan
- 85                    symmetry and fails the mean-median difference test.
- 86                    ~~[(1)]~~ (2) This [Section] section establishes redistricting standards and requirements
- 87                    applicable to the Legislature and to the Utah Independent Redistricting Commission.
- 88                    ~~[(2)]~~ (3) The Legislature and the Commission shall abide by the following redistricting
- 89                    standards to the greatest extent practicable and in the following order of priority:
- 90                    (a) adhering to the Constitution of the United States and federal laws, such as the Voting
- 91                    Rights Act, 52 U.S.C. Secs. 10101 through 10702, including, to the extent required,
- 92                    achieving equal population among districts using the most recent national decennial
- 93                    enumeration made by the authority of the United States;
- 94                    (b) minimizing the division of municipalities and counties across multiple districts,
- 95                    giving first priority to minimizing the division of municipalities and second priority
- 96                    to minimizing the division of counties;
- 97                    (c) creating districts that are geographically compact;
- 98                    (d) creating districts that are contiguous and that allow for the ease of transportation

throughout the district;

(e) preserving traditional neighborhoods and local communities of interest;

(f) following natural and geographic features, boundaries, and barriers; and

(g) maximizing boundary agreement among different types of districts.

~~[(3)]~~ (4)(a) The Legislature and the Commission may not divide districts in a manner that purposefully or unduly favors or disfavors any incumbent elected official, candidate or prospective candidate for elective office, or any political party.

(b) Absent clear and convincing evidence of purpose, a redistricting plan that is within the acceptable bounds of the ensemble analysis does not purposefully favor or disfavor a political party under Subsection (4)(a).

(c) A redistricting plan that is symmetrical under the measures of partisan symmetry and passes the mean-median difference test does not unduly favor or disfavor a political party under Subsection (4)(a).

~~[(4)]~~ (5) The Legislature and the Commission shall use judicial standards and the best available data and scientific and statistical methods, including measures of partisan symmetry, to assess whether a proposed redistricting plan abides by and conforms to the redistricting standards contained in this ~~[Section]~~ section, including the restrictions contained in Subsection ~~[(3)]~~ (4).

~~[(5)]~~ (6) Partisan political data and information, such as partisan election results, voting records, political party affiliation information, and residential addresses of incumbent elected officials and candidates or prospective candidates for elective office, may not be considered by the Legislature or by the Commission, except as permitted under Subsection ~~[(4)]~~ (5).

~~[(6)]~~ (7) The Legislature and the Commission shall make computer software and information and data concerning proposed redistricting plans reasonably available to the public so that the public has a meaningful opportunity to review redistricting plans and to conduct the assessments described in Subsection ~~[(4)]~~ (5).

(8) Any judicial review of a congressional redistricting plan to determine whether the Legislature or Commission complies with this section regarding purposefully or unduly favoring or disfavoring a political party shall base the review on the outcomes of the following, in accordance with this section:

(a) an ensemble analysis;

(b) the partisan bias test; and

(c) the mean-median difference test.

133           Section 2. **Effective Date.**

134           This bill takes effect:

135           (1) except as provided in Subsection (2), December 6, 2025; or

136           (2) if approved by two-thirds of all members elected to each house:

137           (a) upon approval by the governor;

138           (b) without the governor's signature, the day following the constitutional time limit of

139           Utah Constitution, Article VII, Section 8; or

140           (c) in the case of a veto, the date of veto override.