Bagels and Briefings:
Redistricting
Office of Legislative Research & General Counsel
January 28, 2020
Redistricting Overview

Overview – What?

Redistricting: State and local governments redraw district boundaries based on results of the most recent census and congressional apportionment

- Utah Congressional
- Utah House of Representatives
- Utah Senate
- State Board of Education
Reapportionment

435 U.S. House seats are apportioned based on 2020 census results as follows:

- Each state receives one guaranteed seat
- Remaining 385 seats divided based on population
Redistricting Overview

Overview – What?

U.S. House Seats – Gains or losses 1970 to 2010
Redistricting Overview

Overview – What?

Redistricting v. Reapportionment

Reapportionment: reallocating existing districts between different jurisdictions (United States House of Representatives)

Redistricting: redrawing district lines

No change in reapportionment in 2021 in Utah
Overview – Why?

Why?
- One person, one vote
- Equal representation – population shifts over time
- Reapportionment (not expected in Utah in 2021)
- Mandated by Constitution:
  “...the Legislature shall divide the state into congressional, legislative, and other districts...”

Utah Constitution, Article IX, Section 1
Disproportionate growth across the state creates inequity

Absolute numbers are less important than relative numbers:
- Growth slower than average – area will grow
- Growth faster than average – area will shrink

Before redistricting in 2011, house districts varied from 27,228 to 90,503 (ideal district size was 36,582)
Overview – When?

Spring 2021
• Redistricting Committee Appointed

Spring / Summer 2021
• Public meetings
• Input
• Prepare plans

Late Summer / Fall 2021
• Create new districts (special session)

November 2022
• Conduct elections in new districts
Redistricting Law

Overview

- Population
- Race
- Traditional Redistricting Principles
- Political Gerrymandering
Congressional Districts – “One person, one vote”

State Legislative Districts – “Substantial equality”
One person, one vote

“States must draw congressional districts with populations as close to perfect equality as possible.”

– United States Supreme Court
To challenge – Plaintiff must prove . . .

. . . population differences could have been reduced or eliminated “by a good-faith effort to draw districts of equal population.”

– United States Supreme Court
If plaintiff meets burden – State must prove . . .

. . . “that each significant variance between districts was necessary to achieve some legitimate goal.”

– United States Supreme Court
Congressional Deviations Struck Down by SCOTUS . . .

5.97%

4.13%
Congressional Deviations Upheld by SCOTUS . . .

.035%
Utah Congressional Districts in 2011

Redistricting committee standard – 0.2% (+/- 0.1%)

Actual Deviation – 0.0001%
Substantial Equality

The vote of any citizen must be “approximately equal in weight to that of any other citizen in the State.”

– United States Supreme Court
Substantial Equality

10% Deviation Standard  (+/- 5%)
State Deviations Struck Down by SCOTUS . . .

20%

16.5% (State Senate) 19.3% (State House)
State Deviations Upheld by SCOTUS . . .

16.4%
7.8%
9.9%
Utah Senate Districts in 2011

Redistricting committee standard – 7%  (+/- 3.5%)

Actual Deviation – 0.0063%
Utah House Districts in 2011

Redistricting committee standard – 7%  (+/- 3.5%)

Actual Deviation – 0.12%
Utah State School Board in 2011

Redistricting committee standard – 7% (± 3.5%)

Actual Deviation – 0.0239%
Race cannot be the “predominate factor” in creating a district

- Discriminatory intent
- Discriminatory result
To challenge – Plaintiff must prove . . .

- Minority group is sufficiently large and geographically compact
- Minority group is politically cohesive
- Minority’s candidate is usually defeated by majority bloc voting
If plaintiff meets burden –

Court looks at the “totality of the circumstances” to determine if the result is a dilution of electoral power

– United States Supreme Court
• Compactness
• Contiguity
• Preservation of political subdivisions
• Preservation of communities of interest
• Preservation of cores of prior districts
• Protection of incumbents
Federal Constitution

State Constitution
Redistricting Law

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