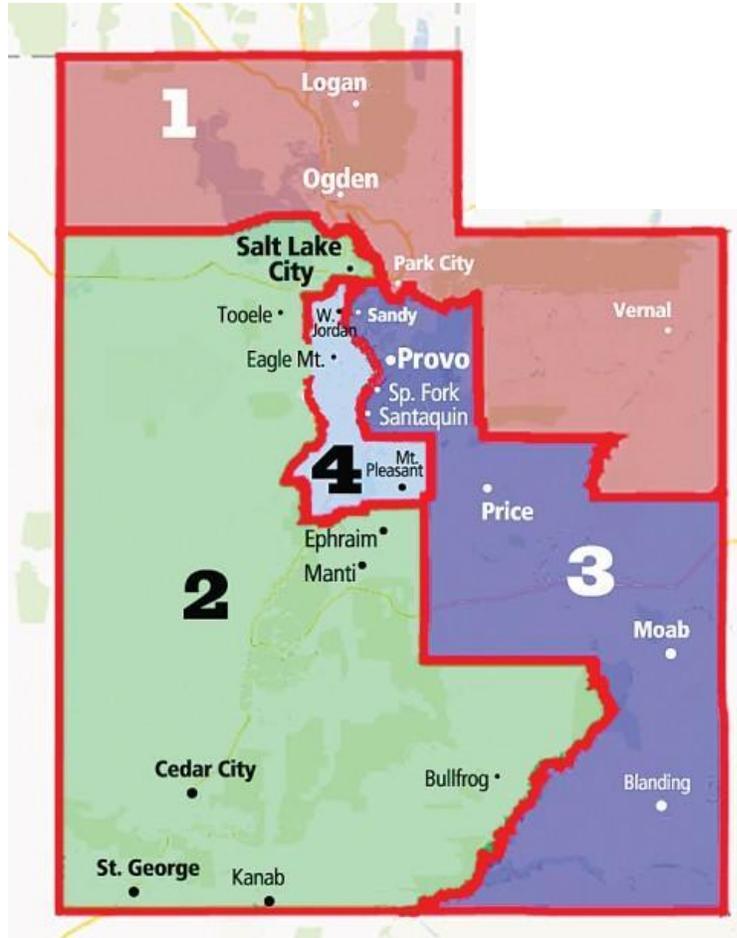


Redistricting Overview

Introduction



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

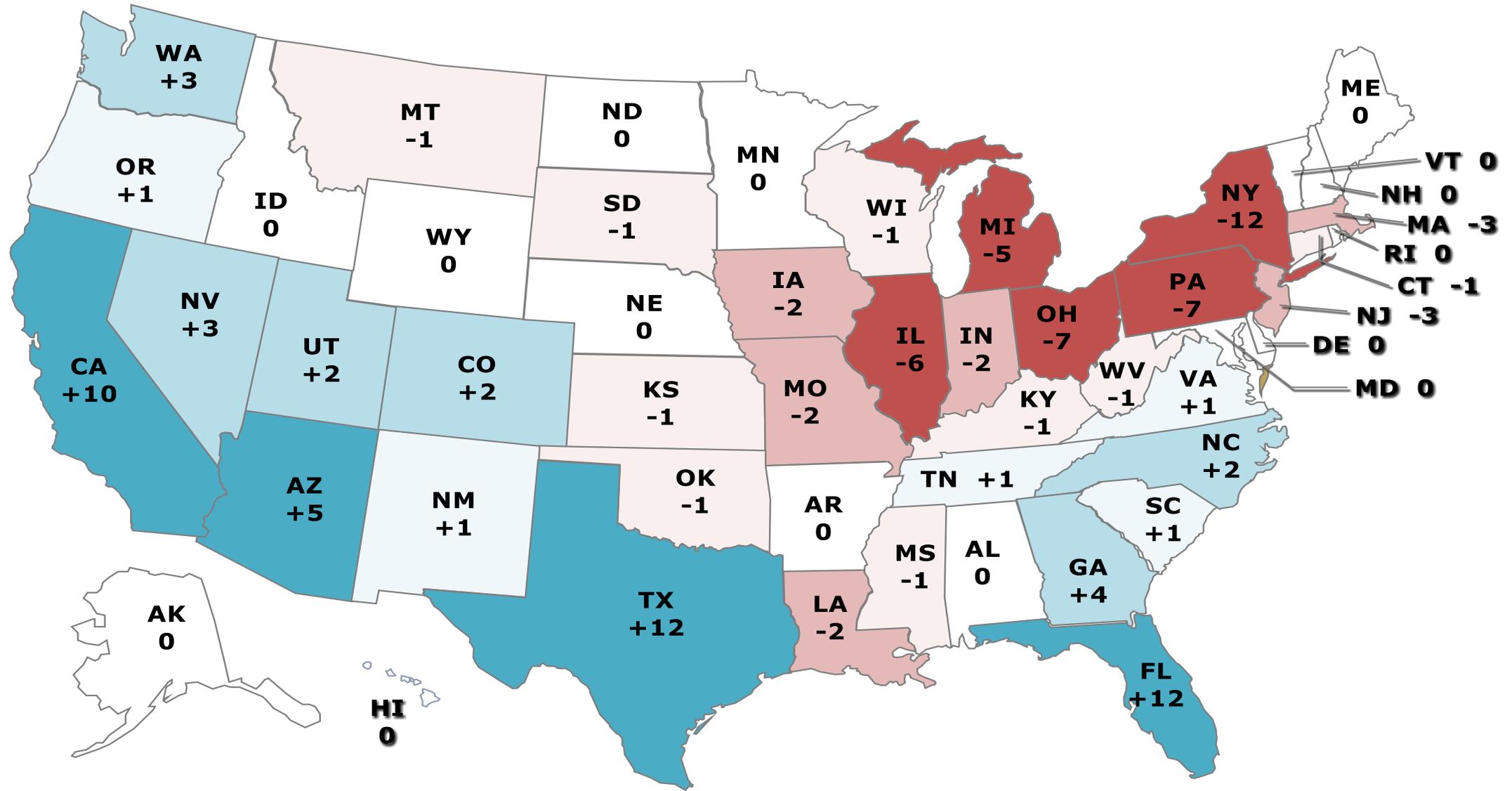
435 U.S. House seats are apportioned based on 2020 census results as follows:

- 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 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



Redistricting Overview

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



Redistricting Overview

Overview – Why?

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?



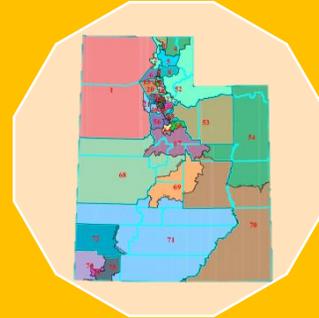
Spring 2021

- 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



Population

Overview

Congressional Districts – “One person, one vote”

State Legislative Districts – “Substantial equality”



Population

Congressional Districts

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



Population

State Legislative and State School Board Districts

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



Traditional Redistricting Principles

Principles Recognized by Court

- Compactness
- Contiguity
- Preservation of political subdivisions
- Preservation of communities of interest
- Preservation of cores of prior districts
- Protection of incumbents



Political Gerrymandering

Legal Status

Federal Constitution

State Constitution



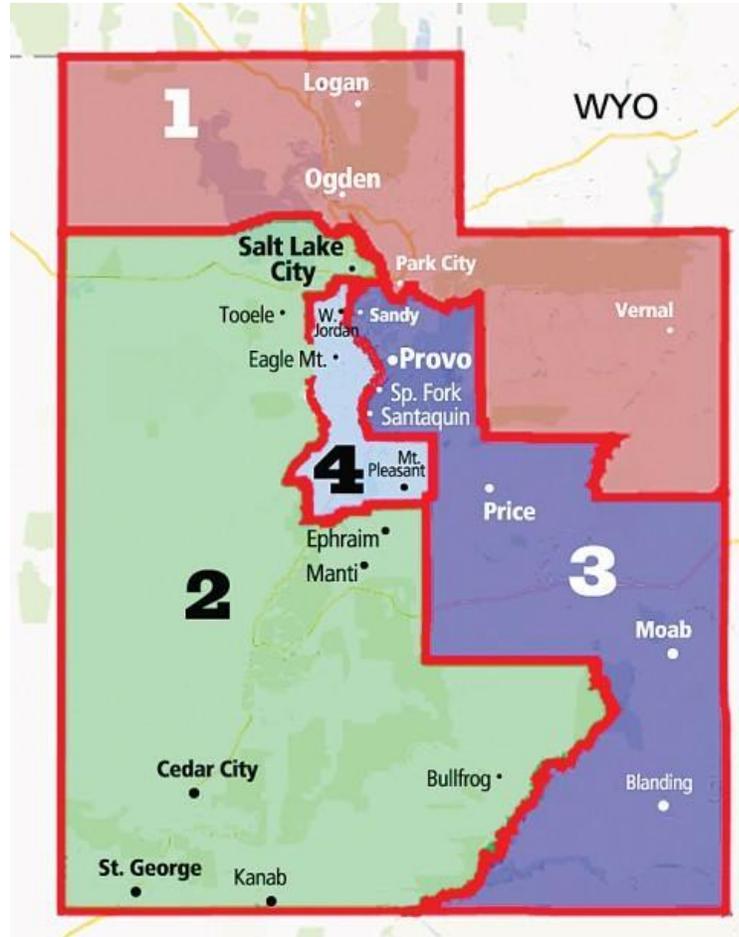
Redistricting Law

Overview

- Population
- Race
- Traditional Redistricting Principles
- Political Gerrymandering

Redistricting Law

Conclusion



**Office of Legislative
Research & General Counsel**

January 28, 2020