

Escamilla Motion on Draft Legislation: Redistricting Standards

Motion to support the draft legislation with the following modifications:

21 (1) As used in this section:

22 (a) “Ensemble analysis” means the generation of a large set of simulated redistricting plans
using nonpartisan, neutrally drawn criteria, for the purpose of creating a comparative distribution
of expected electoral outcomes against which an individual may evaluate a proposed
redistricting plan.

2223 ~~(a)(b)~~ “Measures of partisan symmetry” means, for a congressional map:

2324 (i) the partisan bias test; ~~and~~

25 ~~(ii) the outcome of the partisan bias test contextualized through a quantile analysis the~~
mean-median test;

26 ~~(iii) based on the partisan index, a measure of proportionality, reflecting the deviation~~
between the average statewide vote share and the expected seat share in a redistricting plan
for each party; and

27 ~~(iv) to the greatest extent practicable, an evaluation of the proposed congressional~~
redistricting plan using an ensemble analysis to contextualize whether the electoral
outcomes of a proposed plan fall within or outside the normal range of outcomes generated
by neutrally drawn simulated plans.

28 (c) “Mean-media test” means an evaluation of partisan symmetry in a proposed redistricting
plan:

29 (i) that calculates the difference between a party’s average statewide vote share and the
party’s median vote share across all districts in a proposed redistricting plan; and

30 (ii) for which the divergence between the average and median percentages described in
Subsection (1)(b)(i) reflects:

31 (A) the degree of partisan asymmetry;

32 (B) asymmetry in favor of a party with a median district vote share percentage above 50%;
and

2433 (C) asymmetry against a party with a median district vote share percentage below 50%.

2534 ~~(b)(d)~~ “Partisan bias test” means an evaluation of partisan symmetry in a proposed
2635 redistricting plan:

2736 (i) that follows the following sequential steps:

2837 (A) calculate each party's statewide vote share using the partisan index;

2938 (B) calculate the difference between each party's statewide vote share and 50%;

3039 (C) subtract the difference described in Subsection (1)(b)(i)(B) from each party's
3140 vote share in each district in the proposed redistricting plan based on the

3241 partisan index data for each census block within the district; and

3342 (D) based on the adjusted vote share described in Subsection (1)(b)(i)(C),

3443 calculate the difference between each party's expected seat share and 50% of

3544 the total seats in a hypothetical election, with the difference between the party's

3645 seat share in the hypothetical election and 50% of the total seats representing
3746 the degree of partisan bias; and

38 ~~_____ (ii) for which a-the result described in Subsection (1)(b)(i) other than the following fails~~
3947 ~~the test: reflects the degree of partisan asymmetry.~~

40 ~~_____ (A) for an even number of seats, 0; or~~

4148 ~~_____ (B) for an odd number of seats, 0.5.~~

4249 ~~(e)(e)~~ "Partisan index" means an average of the partisan vote share:

4350 (i) except as provided in Subsection (1)(c)(ii), in the three immediately preceding
4451 statewide elections for each of the following offices:

52 (A) United States president;

4553 (B) United States senator;

4654 ~~(B)(C)~~ governor;

4755 ~~(C)(D)~~ attorney general;

4856 ~~(D)(E)~~ state treasurer; and

4957 ~~(E)(F)~~ state auditor;

5058 (ii) except as provided in Subsection (1)(c)(iii), that excludes an election for an office
5159 in which the two largest political parties did not field a candidate; and

5260 (iii) that allocates votes for an independent general election candidate to a political
5361 party if the independent candidate attempted to win the nomination of the political
5462 party at a primary election or party convention for the same general election.

55 ~~_____ (d) "Unduly favor or disfavor" in regards to Subsection (4) for purposes of a~~
5663 ~~congressional map, means the map is asymmetrical under the partisan bias test.~~

5764 ~~[(4)]~~ (2) This Section establishes redistricting standards and requirements applicable to the
5865 Legislature and to the Utah Independent Redistricting Commission.

5966 ~~[(2)]~~ (3) The Legislature and the Commission shall abide by the following redistricting
6067 standards to the greatest extent practicable and in the following order of priority:

6168 (a) adhering to the Constitution of the United States and federal laws, such as the Voting
6269 Rights Act, 52 U.S.C. Secs. 10101 through 10702, including, to the extent required,
6370 achieving equal population among districts using the most recent national decennial
6471 enumeration made by the authority of the United States;

6572 (b) minimizing the division of municipalities and counties across multiple districts,
6673 giving first priority to minimizing the division of municipalities and second priority
6774 to minimizing the division of counties;

6875 (c) creating districts that are geographically compact;

6976 (d) creating districts that are contiguous and that allow for the ease of transportation

7077 throughout the district;

7178 (e) preserving traditional neighborhoods and local communities of interest;

7279 (f) following natural and geographic features, boundaries, and barriers; and

7380 (g) maximizing boundary agreement among different types of districts.

7481 [(3)] (4)(a) The Legislature and the Commission may not divide districts in a manner that

7582 purposefully or unduly favors or disfavors any incumbent elected official, candidate

7683 or prospective candidate for elective office, or any political party.

77 ~~(b) A redistricting plan that is symmetrical under the partisan bias test does not unduly~~

7884 ~~favor or disfavor produces electoral outcomes that are materially outside the central range, between the 2.5th and 97.5th percentiles, of the distribution in an ensemble analysis unduly favors or disfavors a political party under Subsection (4)(a), unless the proponent of the redistricting plan demonstrates compelling justification.~~

7985 [(4)] (5) The Legislature and the Commission shall use judicial standards and the best

8086 available data and scientific and statistical methods, including measures of partisan

8187 symmetry, to assess whether a proposed redistricting plan abides by and conforms to the

8288 redistricting standards contained in this Section, including the restrictions contained in

8389 Subsection [(3)] (4).

8490 [(5)] (6) Partisan political data and information, such as partisan election results, voting

8591 records, political party affiliation information, and residential addresses of incumbent

8692 elected officials and candidates or prospective candidates for elective office, may not be

8793 considered by the Legislature or by the Commission, except as permitted under

8894 Subsection [(4)] (5).

8995 [(6)] (7) The Legislature and the Commission shall make computer software and

9096 information and data concerning proposed redistricting plans reasonably available to the

9197 public so that the public has a meaningful opportunity to review redistricting plans and

9298 to conduct the assessments described in Subsection [(4)] (5).

93 ~~(8) Any judicial review of a congressional map to determine whether the Legislature or~~

94 ~~Commission complies with this section shall use the partisan bias test described in this~~

95 ~~section to determine whether a map unduly favors or disfavors any incumbent elected~~

96 ~~official, candidate or prospective candidate for elective office, or any political party, for~~

97 ~~purposes of a congressional map.~~