Effective 8/25/2025

Chapter 19
Utah Independent Redistricting Commission and Standards Act

Part 1
General Provisions

20A-19-101 Title.

This chapter is known as the "Utah Independent Redistricting Commission and Standards Act."

Enacted by Statewide Initiative -- Proposition 4, Nov. 6, 2018

20A-19-102 Permitted Times and Circumstances for Redistricting.

Division of the state into congressional, legislative, and other districts, and modification of existing divisions, is permitted only at the following times or under the following circumstances:

(1) no later than the first annual general legislative session after the Legislature's receipt of the results of a national decennial enumeration made by the authority of the United States;
(2) no later than the first annual general legislative session after a change in the number of congressional, legislative, or other districts resulting from an event other than a national decennial enumeration made by the authority of the United States;
(3) upon the issuance of a permanent injunction by a court of competent jurisdiction under Section 20A-19-301(2) and as provided in Section 20A-19-301(8);
(4) to conform with a final decision of a court of competent jurisdiction; or
(5) to make minor adjustments or technical corrections to district boundaries.

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20A-19-103 Redistricting standards and requirements.

(1) As used in this section:
  (a) "Ensemble analysis" means an analysis of a proposed redistricting plan:
    (i) that uses a sequential Monte Carlo simulation to generate an ensemble of at least 4,000 redistricting plans before culling any plan for compliance with this section;
    (ii) that indicates whether a proposed redistricting plan shows a partisan intent by comparing the proposed plan to the ensemble by calculating:
      (A) the ranked marginal deviation of the ensemble by:
        (I) identifying one of the two major political parties as the reference party;
        (II) for each map the simulation generates, ranking the districts from worst performance for the reference party to best performance for the reference party, using the partisan index;
        (III) at each rank, calculating the average vote share for the reference party;
        (IV) for each map the simulation generates, calculating the deviations between the reference party's performance at each rank and the average vote share at that rank;
        (V) squaring the deviations described in Subsection (1)(a)(ii)(A)(IV);
        (VI) adding together the squared deviations described in Subsection (1)(a)(ii)(A)(V) for each map;
        (VII) dividing the sum described in Subsection (1)(a)(ii)(A)(VI) by the number of districts; and
        (VIII) taking the square root of the quotient described in Subsection (1)(a)(ii)(A)(VII); and
      (B) the ranked marginal deviation of the proposed redistricting plan by:

(I) ranking the districts from worst performance for the reference party to best performance for the reference party, using the partisan index;
(II) calculating the deviations between the reference party's performance at each rank and the average vote share described in Subsection (1)(a)(ii)(A)(IV);
(III) squaring the deviations described in Subsection (1)(a)(ii)(B)(II);
(IV) adding together the squared deviations described in Subsection (1)(a)(ii)(B)(III);
(V) dividing the sum described in Subsection (1)(a)(ii)(B)(IV) by the number of districts; and
(VI) taking the square root of the quotient described in Subsection (1)(a)(ii)(B)(V); and
(iii) for which the following results fail the ensemble analysis:
(A) a result described in Subsection (1)(a)(ii)(B)(VI) that is greater than the result described in Subsection (1)(a)(ii)(A)(VIII) of 95% of the ensemble districts; or
(B) a result described in Subsection (1)(a)(ii)(B)(VI) that is greater than the result described in Subsection (1)(a)(ii)(A)(VIII) of 95% of the ensemble districts after culling the ensemble to include only redistricting plans that pass the partisan bias test, as described in Subsection (1)(c)(ii).
(b) "Mean-median difference test" means an evaluation of a proposed redistricting plan:
(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
(ii) for which a difference described in Subsection (1)(b)(i) that is greater than a 2% deviation from the mean fails the mean-median difference test.
(c) "Measures of partisan symmetry" means, for a congressional redistricting plan:
(i) the partisan bias test; and
(ii) an ensemble analysis with subsequent culling to include only redistricting plans that pass the partisan bias test to ensure the plan is within the statistical bounds of passing plans.
(d) "Partisan bias test" means an evaluation of partisan symmetry in a proposed redistricting plan:
(i) that follows the following sequential steps:
(A) calculate each party's statewide vote share using the partisan index;
(B) calculate the difference between each party's statewide vote share and 50%;
(C) subtract the difference described in Subsection (1)(d)(i)(B) from each party's vote share in each district in the proposed redistricting plan based on the partisan index data for each census block within the district; and
(D) based on the adjusted vote share described in Subsection (1)(d)(i)(C), calculate the difference between each party's expected seat share and 50% of the total seats in a hypothetical election, with the difference between the party's seat share in the hypothetical election and 50% of the total seats representing the degree of partisan bias; and
(ii) for which a result described in Subsection (1)(d)(i) other than the following fails the partisan bias test:
(A) for an even number of seats, 0; or
(B) for an odd number of seats, 0.5.
(e) "Partisan index" means an average of the partisan vote share:
(i) except as provided in Subsection (1)(e)(ii), in the three immediately preceding statewide elections for each of the following offices:
(A) United States president;
(B) governor;
(C) attorney general;
(D) state treasurer; and
(E) state auditor;

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

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

(f) "Sequential Monte Carlo simulation" means a probabilistic algorithm that simultaneously generates a representative ensemble of districting plans for comparison in an ensemble analysis by building redistricting plans through a step-by-step random sampling method, weighting and resampling the plans to reflect legal and geometric criteria.

(g) "Unduly favor or disfavor" in regards to Subsection (4) for purposes of a congressional map, means the map is asymmetrical under the measures of partisan symmetry and fails the mean-median difference test.

(2) This section establishes redistricting standards and requirements applicable to the Legislature and to the Utah Independent Redistricting Commission.

(3) The Legislature and the Commission shall abide by the following redistricting standards to the greatest extent practicable and in the following order of priority:

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

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

(c) creating districts that are geographically compact;

(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.

(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).

(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, including the restrictions contained in Subsection (4).

(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 (5).

(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 (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.

Amended by Chapter 1, 2025 Special Session 1

20A-19-104 Severability.
(1) The provisions of this chapter are severable.
(2) If any word, phrase, sentence, or section of this chapter or the application of any word, phrase, sentence, or section of this chapter to any person or circumstance is held invalid by a final decision of a court of competent jurisdiction, the remainder of this chapter must be given effect without the invalid word, phrase, sentence, section, or application.

Enacted by Statewide Initiative -- Proposition 4, Nov. 6, 2018

Part 2
Utah Independent Redistricting Commission

20A-19-201 Utah Independent Redistricting Commission -- Selection of Commissioners -- Qualifications -- Term -- Vacancy -- Compensation -- Commission Resources.
(1) This Act creates the Utah Independent Redistricting Commission.
(2) The Utah Independent Redistricting Commission comprises seven commissioners appointed as provided in this Section.
(3) Each of the following appointing authorities shall appoint one commissioner:
  (a) the governor, whose appointee shall serve as Commission chair;
  (b) the president of the Senate;
  (c) the speaker of the House of Representatives;
  (d) the leader of the largest minority political party in the Senate;
  (e) the leader of the largest minority political party in the House of Representatives;
  (f) the leadership of the majority political party in the Senate, including the president of the Senate, jointly with the leadership of the same political party in the House of Representatives and the speaker of the House of Representatives if a member of that political party; and
  (g) the leadership of the largest minority political party in the Senate jointly with the leadership of the same political party in the House of Representatives and the speaker of the House of Representatives if a member of that political party.
(4) The appointing authorities described in Subsection (3) shall appoint their commissioners no later than 30 calendar days following:

(a) the receipt by the Legislature of a national decennial enumeration made by the authority of the United States; or
(b) a change in the number of congressional, legislative, or other districts resulting from an event other than a national decennial enumeration made by the authority of the United States.
(5) Commissioners appointed under Subsection (3)(f) and Subsection (3)(g), in addition to the qualifications and conditions in Subsection (6), may not have at any time during the preceding five years:
(a) been affiliated with any political party for the purposes of Section 20A-2-107;
(b) voted in any political party's regular primary election or any political party's municipal primary election; or
(c) been a delegate to a political party convention.
(6) Each commissioner:
(a) must have been at all times an active voter, as defined in Section 20A-1-102(1), during the four years preceding appointment to the Commission;
(b) must not have been at any time during the four years preceding appointment to the Commission, and may not be during their service as commissioner or for four years thereafter:
(i) a lobbyist or principal, as those terms are defined under Section 36-11-102;
(ii) a candidate for or holder of any elective office, including any local government office;
(iii) a candidate for or holder of any office of a political party, excluding the office of political party delegate, or the recipient of compensation in any amount from a political party, political party committee, personal campaign committee, or any political action committee affiliated with a political party or controlled by an elected official or candidate for elective office, including any local government office;
(iv) appointed by the governor or the Legislature to any other public office; or
(v) employed by the Congress of the United States, the Legislature, or the holder of any position that reports directly to an elected official or to any person appointed by the governor or Legislature to any other public office.
(7)
(a) Each commissioner shall file with the Commission and with the governor a signed statement certifying that the commissioner:
(i) meets and will continue to meet throughout their term as commissioner the applicable qualifications contained in this Section;
(ii) will comply with the standards, procedures, and requirements applicable to redistricting contained in this chapter;
(iii) will faithfully discharge the commissioner's duties in an independent, honest, transparent, and impartial manner; and
(iv) will not engage in any effort to purposefully or unduly favor or disfavor any incumbent elected official, candidate or prospective candidate for elective office, or any political party.
(b) The Commission and the governor shall make available to the public the statements required under Subsection (7)(a).
(8)
(a) A commissioner's term lasts until a successor is appointed or until that commissioner's death, resignation, or removal.
(b) A commissioner may resign at any time by providing written notice to the Commission and to the governor.
(c) A commissioner may be removed only by a majority vote of the speaker of the House of Representatives and the leader of the largest minority political party in the House of

Representatives and the president of the Senate and leader of the largest minority political party in the Senate, and may be removed only for failure to meet the qualifications of this Section, incapacity, or for other good cause, such as substantial neglect of duty or gross misconduct in office.

(9)

(a) The appointing authority that appointed a commissioner shall fill a vacancy caused by the death, resignation, or removal of that commissioner within 21 calendar days after the vacancy occurs.

(b) If the appointing authority at the time of the vacancy is of a different political party than that of the appointing authority when the original appointment was made, then the corresponding appointing authority of the same political party in the Senate, the House, or the leadership, as the case may be, as the appointing authority that made the original appointment must make the appointment to fill the vacancy.

(10) If an appointing authority fails to appoint a commissioner or to fill a vacancy by the deadlines provided in this Section, then the chief justice of the Supreme Court of the State of Utah shall appoint that commissioner within 14 calendar days after the failure to appoint or fill a vacancy.

(11)

(a) Commissioners may not receive compensation or benefits for their service, but may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules of the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) A commissioner may decline to receive per diem and travel expenses.

(12)

(a) The Legislature shall appropriate adequate funds for the Commission to carry out its duties, and shall make available to the Commission such personnel, facilities, equipment, and other resources as the Commission may reasonably request.

(b) The Office of Legislative Research and General Counsel shall provide the technical staff, legal assistance, computer equipment, computer software, and other equipment and resources to the Commission that the Commission reasonably requests.

(c) The Commission has procurement and contracting authority, and upon a majority vote, may procure the services of staff, legal counsel, consultants, and experts, and may acquire the computers, data, software, and other equipment and resources that are necessary to carry out its duties effectively.

Enacted by Statewide Initiative -- Proposition 4, Nov. 6, 2018

20A-19-202 Commission Code of Conduct -- Quorum -- Action by the Commission -- Assessment of Proposed Redistricting Plans -- Open and Public Meetings -- Public Hearings -- Ex Parte Communications.

(1) The Commission shall conduct its activities in an independent, honest, transparent, and impartial manner, and each commissioner and member of Commission, including staff and consultants employed or retained by the Commission, shall act in a manner that reflects creditably on the Commission.

(2) The Commission shall meet upon the request of a majority of commissioners.

(3) Attendance of a majority of commissioners at a meeting constitutes a quorum for the conduct of Commission business and the taking of official Commission actions.

(4) The Commission takes official actions by majority vote of commissioners at a meeting at which a quorum is present, except as otherwise provided in this chapter.

(5)

(a) The Commission may consider any redistricting plan submitted to the Commission by any person or organization, including commissioners.

(b) The Commission shall make available to each commissioner and to the public all plans or elements of plans submitted to the Commission or to any commissioner.

(6) Upon the affirmative vote of at least three commissioners, the Commission shall conduct the assessments described in Section 20A-19-103(4) of any redistricting plan being considered by the Commission or by the Legislature, and shall promptly make the assessments available to the public.

(7)

(a) The Commission shall establish and maintain a website, or other equivalent electronic platform, to disseminate information about the Commission, including records of its meetings and public hearings, proposed redistricting plans, and assessments of and reports on redistricting plans, and to allow the public to view its meetings and public hearings in both live and in archived form.

(b) The Commission's website, or other equivalent electronic platform, must allow the public to submit redistricting plans and comments on redistricting plans to the Commission for its consideration.

(8) The Commission is subject to Title 52, Chapter 4, Open and Public Meetings Act, Secs. 52-4-101 to 52-4-305, and to Title 63G, Chapter 2, Government Records Access and Management Act, Secs. 63G-2-101 to 63G-2-804.

(9)

(a) The Commission shall, by majority vote, determine the number, locations, and dates of the public hearings to be held by the Commission, but the Commission shall hold no fewer than seven public hearings throughout the state in connection with each redistricting that is permitted under Section 20A-19-102(1)-(2) as follows:

(i) one in the Bear River region--Box Elder, Cache, or Rich County;

(ii) one in the Southwest region--Beaver, Garfield, Iron, Kane, or Washington County;

(iii) one in the Mountain region--Summit, Utah, or Wasatch County;

(iv) one in the Central region--Juab, Millard, Piute, Sanpete, Sevier, or Wayne County;

(v) one in the Southeast region--Carbon, Emery, Grand, or San Juan County;

(vi) one in the Uintah Basin region--Daggett, Duchesne, or Uintah County; and

(vii) one in the Wasatch Front region--Davis, Morgan, Salt Lake, Tooele, or Weber County.

(b) The Commission shall hold at least two public hearings in a first or second class county but not in the same county.

(10) Each public hearing must provide those in attendance a reasonable opportunity to submit written and oral comments to the Commission and to propose redistricting plans for the Commission's consideration.

(11) The Commission must hold the public hearings required under Subsection (9) by:

(a) the earlier of the 120th calendar day after the Legislature's receipt of the results of a national decennial enumeration made by the authority of the United States or August 31st of that year; or

(b) no later than 120 calendar days after a change in the number of congressional, legislative, or other districts that results from an event other than a national decennial enumeration made by the authority of the United States.

(12)

(a) A commissioner may not engage in any private communication with any person other than other commissioners, Commission personnel, including consultants retained by the Commission, and employees of the Office of Legislative Research and General Counsel, that is material to any redistricting plan or element of a plan pending before the Commission or intended to be proposed for Commission consideration, without making the communication, or a detailed and accurate description of the communication including the names of all parties to the communication and the plan or element of the plan, available to the Commission and to the public.
(b) A commissioner shall make the disclosure required by Subsection (12)(a) before the redistricting plan or element of a plan is considered by the Commission.

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20A-19-203 Selection of Recommended Redistricting Plan.

(1) The Commission shall prepare and, by the affirmative vote of at least five commissioners, adopt at least one and as many as three redistricting plans that the Commission determines divide the state into congressional, legislative, or other districts in a manner that satisfies the redistricting standards and requirements contained in this chapter as the Commission's recommended redistricting plan or plans no later than 30 calendar days following completion of the public hearings required under Section 20A-19-202(9); and
(2)
(a) If the Commission fails to adopt a redistricting plan by the deadline identified in Subsection (1), the Commission shall submit no fewer than two redistricting plans to the chief justice of the Supreme Court of the State of Utah.
(b) The chief justice of the Supreme Court of the State of Utah shall, as soon as practicable, select from the submitted plans at least one and as many as three redistricting plans that the chief justice determines divide the state into congressional, legislative, and other districts in a manner that satisfies the redistricting standards and requirements contained in this chapter as the Commission's recommended redistricting plan or plans.
(c) Of the plans submitted by the Commission to the chief justice of the Supreme Court of the State of Utah under Subsection (2)(a), at least one plan must be supported by the commissioner appointed under Section 20A-19-201(3)(f), and at least one plan must be supported by the commissioner appointed under Section 20A-19-201(3)(g).

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20A-19-204 Submission of Commission's Recommended Redistricting Plans to the Legislature -- Consideration of Redistricting Plans by the Legislature -- Report Required if Legislature Enacts Other Plan.

(1)
(a) The Commission shall submit to the president of the Senate, the speaker of the House of Representatives, and the director of the Office of Legislative Research and General Counsel, and make available to the public, the redistricting plan or plans recommended under Section 20A-19-203 and a detailed written report setting forth each plan's adherence to the redistricting standards and requirements contained in this chapter.
(b) The Commission shall make the submissions described in Subsection (1)(a), to the extent practicable, not less than 10 calendar days before the Senate or the House of Representatives votes on any redistricting plan permitted under Section 20A-19-102(1)-(2).

(2)
(a) The Legislature shall either enact without change or amendment, other than technical corrections such as those authorized under Section 36-12-12, or reject the Commission's recommended redistricting plans submitted to the Legislature under Subsection (1).
(b) The president of the Senate and the speaker of the House of Representatives may direct legislative staff to prepare a legislative review note and a legislative fiscal note on the Commission's recommended redistricting plan or plans.
(3) The Legislature may not enact any redistricting plan permitted under Section 20A-19-102(1)-(2) until adequate time has been afforded to the Commission and to the chief justice of the Supreme Court of the State of Utah to satisfy their duties under this chapter, including the consideration and assessment of redistricting plans, public hearings, and the selection of one or more recommended redistricting plans.
(4) The Legislature may not enact a redistricting plan or modification of any redistricting plan unless the plan or modification has been made available to the public by the Legislature, including by making it available on the Legislature's website, or other equivalent electronic platform, for a period of no less than 10 calendar days and in a manner and format that allows the public to assess the plan for adherence to the redistricting standards and requirements contained in this chapter and that allows the public to submit comments on the plan to the Legislature.
(5)
(a) If a redistricting plan other than a plan submitted to the Legislature under Subsection (1) is enacted by the Legislature, then no later than seven calendar days after its enactment the Legislature shall issue to the public a detailed written report setting forth the reasons for rejecting the plan or plans submitted to the Legislature under Subsection (1) and a detailed explanation of why the redistricting plan enacted by the Legislature better satisfies the redistricting standards and requirements contained in this chapter.
(b) The Commission may, by majority vote, issue public statements, assessments, and reports in response to:
(i) any report by the Legislature described in Subsection (5)(a);
(ii) the Legislature's consideration or enactment of any redistricting plan, including any plan submitted to the Legislature under Subsection (1); or
(iii) the Legislature's consideration or enactment of any modification to a redistricting plan.

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Part 3
Private Right of Action for Utahns

20A-19-301 Right of Action and Injunctive Relief.
(1) Each person who resides or is domiciled in the state, or whose executive office or principal place of business is located in the state, may bring an action in a court of competent jurisdiction to obtain any of the relief available under Subsection (2).
(2) If a court of competent jurisdiction determines in any action brought under this Section that a redistricting plan enacted by the Legislature fails to abide by or conform to the redistricting standards, procedures, and requirements set forth in this chapter, the court shall issue a permanent injunction barring enforcement or implementation of the redistricting plan. In

addition, the court may issue a temporary restraining order or preliminary injunction that temporarily stays enforcement or implementation of the redistricting plan at issue if the court determines that:

(a) the plaintiff is likely to show by a preponderance of the evidence that a permanent injunction under this Subsection should issue, and

(b) issuing a temporary restraining order or preliminary injunction is in the public interest.

(3) A plaintiff bringing an action under this Section is not required to give or post a bond, security, or collateral in connection with obtaining any relief under this Section.

(4) In any action brought under this Section, the court shall review or evaluate the redistricting plan at issue de novo.

(5) If a plaintiff bringing an action under this Section is successful in obtaining any relief under Subsection (2), the court shall order the defendant in the action to promptly pay reasonable compensation for actual, necessary services rendered by an attorney, consulting or testifying expert, or other professional, or any corporation, association, or other entity or group of other persons, employed or engaged by the plaintiff, and to promptly reimburse the attorney, consulting or testifying expert, or other professional, or any corporation, association, or other entity or group of other persons, employed or engaged by the plaintiff for actual, necessary expenses. If there is more than one defendant in the action, each of the defendants is jointly and severally liable for the compensation and expenses awarded by the court.

(6) In any action brought under this Section, the court may order a plaintiff to pay reasonable compensation for actual, necessary services rendered by an attorney, consulting or testifying expert, or other professional, or any corporation, association, or other entity or group of other persons, employed or engaged by a defendant, and to promptly reimburse the attorney, consulting or testifying expert, or other professional, or any corporation, association, or other entity or group of other persons, employed or engaged by a defendant for actual, necessary expenses, only if the court determines that:

(a) the plaintiff brought the action for an improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(b) the plaintiff's claims, defenses, and other legal contentions are not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; or

(c) the plaintiff's allegations and other factual contentions do not have any evidentiary support, or if specifically so identified, are not likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

(7) Notwithstanding Title 63G, Chapter 7, Governmental Immunity Act of Utah, a governmental entity named as a defendant in any action brought under this Section is not immune from such action or from payment of compensation or reimbursement of expenses awarded by the court under Subsection (5).

(8) Upon the issuance of a permanent injunction under Subsection (2), the Legislature may enact a new or alternative redistricting plan that abides by and conforms to the redistricting standards, procedures, and requirements of this chapter.

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