

Effective 3/28/2020

**Part 3
Proceedings**

20A-20-301 Public hearings -- Private conversations.

- (1)
 - (a) The commission shall, by majority vote, determine the number, locations, and dates of public hearings to be held by the commission, but shall hold no fewer than seven public hearings throughout the state to discuss maps, as follows:
 - (i) one in the Bear River region, which includes Box Elder, Cache, and Rich counties;
 - (ii) one in the Southwest region, which includes Beaver, Garfield, Iron, Kane, and Washington counties;
 - (iii) one in the Mountain region, which includes Summit, Utah, and Wasatch counties;
 - (iv) one in the Central region, which includes Juab, Millard, Piute, Sanpete, Sevier, and Wayne counties;
 - (v) one in the Southeast region, which includes Carbon, Emery, Grand, and San Juan counties;
 - (vi) one in the Uintah Basin region, which includes Daggett, Duchesne, and Uintah counties; and
 - (vii) one in the Wasatch Front region, which includes Davis, Morgan, Salt Lake, Tooele, and Weber counties.
 - (b) The commission shall hold at least two public hearings in a first or second class county but not in the same county.
 - (c) The committee and the commission may coordinate hearing times and locations to:
 - (i) avoid holding hearings at, or close to, the same time in the same area of the state; and
 - (ii) to the extent practical, hold hearings in different cities within the state.
- (2) Each public hearing must provide those in attendance a reasonable opportunity to submit written and oral comments to the commission and to propose redistricting maps for the commission's consideration.
- (3) The commission shall hold the public hearings described in Subsection (1), during the year following a decennial year, no later than:
 - (a) October 17, if the commission receives the linked PL94-171 data on or before September 1; or
 - (b) 46 days after the day on which the commission receives the linked PL94-171 data, if the commission receives the linked PL94-171 data after September 1.
- (4)
 - (a) A member of the commission may not engage in any private communication with any individual other than other members of the commission or commission staff, including consultants retained by the commission, that is material to any redistricting map or element of a map 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 map or element of the map, available to the commission and to the public.
 - (b) A member of the commission shall make the disclosure required by Subsection (4)(a) before the redistricting map or element of a map is considered by the commission.
- (5) The committee chairs and the chair of the commission shall, no later than two business days after the day on which the Legislature appoints a committee, under Subsection 20A-20-201(3)(a)(ii), for a special redistricting, jointly agree on a schedule for the commission that:

- (a) reasonably ensures that the commission may complete the commission's duties in a timely manner, consistent with the time frame applicable to the committee and the Legislature;
- (b) establishes deadlines for the following:
 - (i) holding the public hearings described in Subsection (1);
 - (ii) preparing and recommending maps under Subsection 20A-20-302(2);
 - (iii) submitting the maps and written report described in Subsection 20A-20-303(1); and
 - (iv) holding the public meeting described in Subsection 20A-20-303(2); and
- (c) provides that the commission dissolves upon approval of the Legislature's redistricting maps by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

Amended by Chapter 5, 2021 Special Session 1

20A-20-302 Selection of recommended maps -- Map requirements and standards.

- (1) As used in this section:
 - (a) "Map type" means one of four map types, as follows:
 - (i) a map of all Utah congressional districts;
 - (ii) a map of all state Senate districts;
 - (iii) a map of all state House of Representatives districts; and
 - (iv) a map of all State School Board districts.
 - (b) "Total population deviation" means a percentage determined as follows:
 - (i) calculating the ideal district population by dividing the total population by the number of districts;
 - (ii) calculating the percentage difference between the population of the district with the greatest population and the ideal district population;
 - (iii) calculating the percentage difference between the population of the district with the lowest population and the ideal district population; and
 - (iv) combining the percentage differences described in Subsections (1)(b)(ii) and (iii).
- (2) The commission shall, no later than 14 days after the day of the final public hearing described in Subsection 20A-20-301(1), prepare and recommend three different maps for each map type, as follows:
 - (a) three different maps for congressional districts, with the number of congressional districts apportioned to Utah;
 - (b) three different maps for state Senate districts, with 29 Senate districts;
 - (c) three different maps for state House of Representatives districts, with 75 House of Representative districts; and
 - (d) three different maps for State School Board districts, with 15 State School Board districts.
- (3)
 - (a) To the extent possible, each map recommended by the commission shall be approved by at least five members of the commission.
 - (b) If the commission is unable to obtain the approval of at least five members for all maps required under Subsection (2) for a particular map type, the commission shall, for that map type:
 - (i) if possible, recommend one map that is approved by at least five members of the commission; and
 - (ii) recommend two additional maps that are approved by a majority of commission members, as follows:

- (A) one of the maps shall be approved by a majority that includes the commission member described in Subsection 20A-20-201(2)(f); and
 - (B) one of the maps shall be approved by a majority that includes the commission member described in Subsection 20A-20-201(2)(g).
- (4) The commission shall ensure that:
- (a) each map recommended by the commission:
 - (i) is drawn using the official population enumeration of the most recent decennial census;
 - (ii) for congressional districts, has a total population deviation that does not exceed 1%;
 - (iii) for Senate, House of Representatives, and State School Board districts, has a total population deviation of less than 10%;
 - (iv) does not use race as a predominant factor in drawing district lines; and
 - (v) complies with the United States Constitution and all applicable federal laws, including Section 2 of the Voting Rights Act; and
 - (b) each district in each map is:
 - (i) drawn based on total population;
 - (ii) a single member district; and
 - (iii) contiguous and reasonably compact.
- (5) The commission shall define and adopt redistricting standards for use by the commission that require that maps adopted by the commission, to the extent practicable, comply with the following, as defined by the commission:
- (a) preserving communities of interest;
 - (b) following natural, geographic, or man-made features, boundaries, or barriers;
 - (c) preserving cores of prior districts;
 - (d) minimizing the division of municipalities and counties across multiple districts;
 - (e) achieving boundary agreement among different types of districts; and
 - (f) prohibiting the purposeful or undue favoring or disfavoring of:
 - (i) an incumbent elected official;
 - (ii) a candidate or prospective candidate for elected office; or
 - (iii) a political party.
- (6) The commission may adopt a standard that prohibits the commission from using any of the following, except for the purpose of conducting an assessment described in Subsection (8):
- (a) partisan political data;
 - (b) political party affiliation information;
 - (c) voting records;
 - (d) partisan election results; or
 - (e) residential addresses of incumbents, candidates, or prospective candidates.
- (7) The commission may adopt redistricting standards for use by the commission that require a smaller total population deviation than the total population deviation described in Subsection (4)
- (a)(iii) if the committee or the Legislature adopts a smaller total population deviation than 10% for Senate, House of Representatives, or State School Board districts.
- (8)
- (a) Three members of the commission may, by affirmative vote, require that commission staff evaluate any map drawn by, or presented to, the commission as a possible map for recommendation by the commission to determine whether the map complies with the redistricting standards adopted by the commission.
 - (b) In conducting an evaluation described in Subsection (8)(a), commission staff shall use judicial standards and, as determined by the commission, the best available data and scientific methods.

Amended by Chapter 306, 2021 General Session

20A-20-303 Submission of maps to Legislature -- Consideration by Legislature.

- (1) The commission shall, no later than 14 days after the day of the final public hearing described in Subsection 20A-20-301(1), submit to the director of the Office of Legislative Research and General Counsel, for distribution to the committee, and make available to the public, the redistricting maps recommended under Section 20A-20-302 and a detailed written report describing each map's adherence to the commission's redistricting standards and requirements.
- (2) The commission shall submit the maps recommended under Section 20A-20-302 to the committee in a public meeting of the committee as described in this section.
- (3) The committee shall:
 - (a) hold the public meeting described in Subsection (2):
 - (i) for the sole purpose of considering each map recommended under Section 20A-20-302; and
 - (ii) for a year immediately following a decennial year, no later than 15 days after the day on which the commission complies with Subsection (1); and
 - (b) at the public meeting described in Subsection (2), provide reasonable time for:
 - (i) the commission to present and explain the maps described in Subsection (1);
 - (ii) the public to comment on the maps; and
 - (iii) the committee to discuss the maps.
- (4) The Legislature may not enact a redistricting plan before complying with Subsections (2) and (3).
- (5) The committee or the Legislature may, but is not required to, vote on or adopt a map submitted to the committee or the Legislature by the commission.

Amended by Chapter 306, 2021 General Session