

Effective 3/28/2020

Chapter 20
Utah Independent Redistricting Commission

Part 1
General Provisions

20A-20-101 Title.

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

Enacted by Chapter 288, 2020 General Session

20A-20-102 Definitions.

As used in this chapter:

- (1) "Commission" means the Utah Independent Redistricting Commission created in Section 20A-20-201.
- (2) "Committee" means the Legislature's redistricting committee.
- (3) "Decennial year" means a year during which the United States Bureau of Census conducts a national decennial census.
- (4) "Linked PL94-171 data" means legacy file decennial census data for Utah, published by the United States Bureau of Census, that, after publication, is linked to Utah geographic data files in a manner that the data can be used to draw maps for the purpose of redistricting.
- (5) "Regular decennial redistricting" means redistricting required due to a national decennial census.
- (6) "Special redistricting" means redistricting that is not a regular decennial redistricting.

Amended by Chapter 5, 2021 Special Session 1

20A-20-103 Review by interim committee.

During the 2022 Legislative interim, the Government Operations Interim Committee shall conduct a review of the commission and the commission's role in relation to the redistricting process.

Enacted by Chapter 288, 2020 General Session

Part 2
Commission

20A-20-201 Utah Independent Redistricting Commission -- Creation -- Membership -- Term -- Quorum -- Action -- Meetings -- Staffing -- Website.

- (1)
 - (a) There is created the Utah Independent Redistricting Commission.
 - (b) The commission is housed in the Department of Government Operations for budgetary purposes only.

- (c) The commission is not under the direction or control of the Department of Government Operations or any executive director, director, or other employee of the Department of Government Operations or any other government entity.
- (2) Except as provided in Subsection (4), the commission comprises seven members appointed as follows:
- (a) one member appointed by the governor, which member shall serve as chair of the commission;
 - (b) one member appointed by the president of the Senate;
 - (c) one member appointed by the speaker of the House of Representatives;
 - (d) one member appointed by the legislative leader of the largest minority political party in the Senate;
 - (e) one member appointed by the legislative leader of the largest minority political party in the House of Representatives;
 - (f) one member appointed jointly by the president of the Senate and the speaker of the House of Representatives; and
 - (g) one member appointed jointly by the legislative leader of the largest minority political party in the Senate and the legislative leader of the largest minority political party in the House of Representatives.
- (3) An appointing authority described in Subsection (2):
- (a) shall make the appointments no later than:
 - (i) February 1 of the year immediately following a decennial year; or
 - (ii) if there is 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, the day on which the Legislature appoints a committee to draw maps in relation to the change;
 - (b) may remove a commission member appointed by the appointing authority, for cause; and
 - (c) shall, if a vacancy occurs in the position appointed by the appointing authority under Subsection (2), appoint another individual to fill the vacancy within 10 days after the day on which the vacancy occurs.
- (4)
- (a) If the appointing authority described in Subsection (2)(a) fails to timely make the appointment, the legislative leader of the largest political party in the House of Representatives and the Senate, of which the governor is not a member, shall jointly make the appointment.
 - (b) If the appointing authority described in Subsection (2)(b) fails to timely make the appointment, the appointing authority described in Subsection (2)(d) shall make the appointment.
 - (c) If the appointing authority described in Subsection (2)(c) fails to timely make the appointment, the appointing authority described in Subsection (2)(e) shall make the appointment.
 - (d) If the appointing authority described in Subsection (2)(d) fails to timely make the appointment, the appointing authority described in Subsection (2)(b) shall make the appointment.
 - (e) If the appointing authority described in Subsection (2)(e) fails to timely make the appointment, the appointing authority described in Subsection (2)(c) shall make the appointment.
 - (f) If the appointing authority described in Subsection (2)(f) fails to timely make the appointment, the appointing authority described in Subsection (2)(g) shall make the appointment.
 - (g) If the appointing authority described in Subsection (2)(g) fails to timely make the appointment, the appointing authority described in Subsection (2)(f) shall make the appointment.
- (5) A member of the commission may not, during the member's service on the commission:
- (a) be a lobbyist or principal, as those terms are defined in Section 36-11-102;

- (b) be a candidate for or holder of any elective office, including federal elective office, state elective office, or local government elective office;
 - (c) be a candidate for or holder of any office of a political party, except for delegates to a political party's convention;
 - (d) be an employee of, or a paid consultant for, 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;
 - (e) serve in public office if the member is appointed to public office by the governor or the Legislature;
 - (f) be employed by the United States Congress or the Legislature; or
 - (g) hold any position that reports directly to an elected official, including a local elected official, or to any person appointed by the governor or Legislature to any other public office.
- (6) In addition to the qualifications described in Subsection (5), a member of the commission described in Subsection (2)(f) or (g):
- (a) may not have, during the two-year period immediately preceding the member's appointment to the commission:
 - (i) been affiliated with a political party under Section 20A-2-107;
 - (ii) voted in the regular primary election or municipal primary election of a political party; or
 - (iii) been a delegate to a political party convention; and
 - (b) may not, in the sole determination of the appointing authority, be an individual who is affiliated with a partisan organization or cause.
- (7) Each commission member shall, upon appointment to the commission, sign and file a statement with the governor certifying that the commission member:
- (a) meets the qualifications for appointment to the commission;
 - (b) will, during the member's service on the commission, comply with the requirements described in Subsection (5);
 - (c) will comply with the standards, procedures, and requirements described in this chapter that are applicable to a commission member; and
 - (d) will faithfully discharge the duties of a commission member in an independent, impartial, honest, and transparent manner.
- (8) For a regular decennial redistricting, the commission is:
- (a) formed and may begin conducting business on February 1 of the year immediately following a decennial year; and
 - (b) dissolved 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.
- (9)
- (a) A member of the commission may not receive compensation or benefits for the member's 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 made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
 - (b) A member of the commission may decline to receive per diem or travel expenses.
- (10) The commission shall meet upon the request of a majority of the commission members or when the chair calls a meeting.
- (11)
- (a) A majority of the members of the commission constitutes a quorum.

- (b) The commission takes official action by a majority vote of a quorum present at a meeting of the commission.
- (12) Within appropriations from the Legislature, the commission may, to fulfill the duties of the commission:
 - (a) contract with or employ an attorney licensed in Utah, an executive director, and other staff; and
 - (b) purchase equipment and other resources, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, to fulfill the duties of the commission.
- (13) The commission shall maintain a website where the public may:
 - (a) access announcements and records of commission meetings and hearings;
 - (b) access maps presented to, or under consideration by, the commission;
 - (c) access evaluations described in Subsection 20A-20-302(8);
 - (d) submit a map to the commission; and
 - (e) submit comments on a map presented to, or under consideration by, the commission.

Amended by Chapter 344, 2021 General Session

20A-20-202 Software and software services.

The Office of Legislative Research and General Counsel shall, when procuring software, licenses for using the software, and software support services for redistricting by the Legislature, include in the requests for proposals and the resulting contracts that the commission may purchase the same software, licenses for using the software, and software support services, under the contracts at the same cost and under the same terms provided to the Legislature.

Enacted by Chapter 288, 2020 General Session

20A-20-203 Exemptions from and applicability of certain legal requirements -- Risk management -- Code of ethics.

- (1) The commission is exempt from:
 - (a) except as provided in Subsection (3), Title 63A, Utah Government Operations Code;
 - (b) Title 63G, Chapter 4, Administrative Procedures Act; and
 - (c) Title 63A, Chapter 17, Utah State Personnel Management Act.
- (2)
 - (a) The commission shall adopt budgetary procedures, accounting, and personnel and human resource policies substantially similar to those from which the commission is exempt under Subsection (1).
 - (b) The commission is subject to:
 - (i) Title 52, Chapter 4, Open and Public Meetings Act;
 - (ii) Section 67-3-12 relating to the Utah public finance website;
 - (iii) Title 63G, Chapter 2, Government Records Access and Management Act;
 - (iv) Title 63G, Chapter 6a, Utah Procurement Code; and
 - (v) Title 63J, Chapter 1, Budgetary Procedures Act.
- (3) Subject to the requirements of Subsection 63E-1-304(2), the commission may participate in coverage under the Risk Management Fund created by Section 63A-4-201.
- (4)
 - (a) The commission may, by majority vote, adopt a code of ethics.
 - (b) The commission, and the commission's members and employees, shall comply with a code of ethics adopted under Subsection (4)(a).

- (c) The executive director of the commission shall report a commission member's violation of a code of ethics adopted under Subsection (4)(a) to the appointing authority of the commission member.
- (d)
 - (i) A violation of a code of ethics adopted under Subsection (4)(a) constitutes cause to remove a member from the commission under Subsection 20A-20-201(3)(b).
 - (ii) An act or omission by a member of the commission need not constitute a violation of a code of ethics adopted under Subsection (4)(a) to be grounds to remove a member of the commission for cause.

Amended by Chapter 274, 2022 General Session

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