

**RESOLUTION CREATING A DECENNIAL  
REDISTRICTING COMMISSION**

2003 GENERAL SESSION

STATE OF UTAH

**Sponsor: Rosalind J. McGee**

**This joint resolution of the Legislature proposes to amend the Utah Constitution to eliminate the Legislature's authority to divide the state into districts following the federal enumeration and to establish a state redistricting commission to do so. The joint resolution provides for membership on the commission, establishes qualifications of commission members, restricts commission members from running for or holding certain offices, provides redistricting criteria, and provides for the regulation of commission proceedings. The joint resolution directs the lieutenant governor to submit the proposal to voters and provides an effective date.**

This resolution proposes to change the Utah Constitution as follows:

AMENDS:

**ARTICLE IX, SECTION 1**

*Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:*

Section 1. It is proposed to amend Utah Constitution Article IX, Section 1, to read:

**Article IX, Section 1. [Apportionment.]**

~~[At the session next following an enumeration made by the authority of the United States, the Legislature shall]~~

(1) There shall be a State redistricting commission that shall divide the State into congressional, legislative, and other districts [accordingly.] according to the decennial enumeration made by the authority of the United States.

(2) (a) The commission shall:

(i) consist of seven members, appointed as provided in Subsection (2)(b); and



(ii) be reconstituted in connection with each decennial enumeration.

(b) (i) On or before January 31 of the year following the decennial enumeration:

(A) one member shall be appointed by the president of the Senate;

(B) one member shall be appointed by the speaker of the House of Representatives;

(C) one member shall be appointed by the leader of the minority party in the Senate;

(D) one member shall be appointed by the leader of the minority party in the House of Representatives; and

(E) the chair of each of the two political parties with the most elected representatives in the Legislature shall each appoint one member.

(ii) (A) The six members specified in Subsection (2)(b)(i) shall appoint one member.

(B) (I) If the six members fail to appoint a seventh member under Subsection (2)(b)(ii)(A) on or before March 1 of the year following the decennial enumeration, the Supreme Court shall appoint one member on or before April 1 of the year following the decennial enumeration.

(II) If a majority of the six members specified in Subsection (2)(b)(i) submits a list of names to the Supreme Court on or before March 1 of the year following the decennial enumeration, the Supreme Court shall make the appointment under Subsection (2)(b)(ii)(B)(I) from that list.

(3) (a) At the time of appointment, each commission member shall:

(i) be a citizen of the United States;

(ii) be at least 25 years of age; and

(iii) have been a resident of the State for three consecutive years immediately before appointment.

(b) A person who holds an elected or appointed public office may not be appointed to or serve on the commission.

(4) A person who serves as a member of the commission may not seek election to or hold any of the offices identified in Subsection (1) until after the completion of the second election for that office following the adoption of a redistricting plan by the commission of which the person was a member.

(5) In dividing the State into districts under Subsection (1), the commission shall:

(a) consider:

59           (i) the preservation of communities of common interest;

60           (ii) natural and geographic boundaries; and

61           (iii) existing political boundaries; and

62           (b) make each district contiguous and reasonably compact.

63           (6) The commission shall complete the process of dividing the State into districts  
64 within 120 days after both the decennial enumeration data are available to the public and the  
65 commission is constituted under Subsection (2).

66           (7) (a) The commission may formulate and adopt rules, not inconsistent with this  
67 article, to govern its proceedings.

68           (b) All members of the redistricting commission constitute a quorum for the purpose of  
69 adopting a redistricting plan, but public hearings may be held by the commission with less than  
70 a quorum.

71           (c) Adoption of a redistricting plan requires the affirmative vote of at least four  
72 members of the commission.

73           Section 2. **Submittal to voters.**

74           The lieutenant governor is directed to submit this proposed amendment to the voters of  
75 the state at the next regular general election in the manner provided by law.

76           Section 3. **Effective date.**

77           If the amendment proposed by this joint resolution is approved by a majority of those  
78 voting on it at the next regular general election, the amendment shall take effect on January 1,  
79 2005.

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### **Legislative Review Note**

**as of 1-30-03 7:49 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

**State Impact**

It is estimated that publication and distribution costs to put this resolution on the ballot would be \$11,500 from the General Fund.

	<u><b>FY 04 Approp.</b></u>	<u><b>FY 05 Approp.</b></u>	<u><b>FY 04 Revenue</b></u>	<u><b>FY 05 Revenue</b></u>
General Fund	\$0	\$11,500	\$0	\$0
<b>TOTAL</b>	<u><b>\$0</b></u>	<u><b>\$11,500</b></u>	<u><b>\$0</b></u>	<u><b>\$0</b></u>

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**Individual and Business Impact**

No significant impact to individuals.

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**Office of the Legislative Fiscal Analyst**