

Representative Rosalind J. McGee proposes the following substitute bill:

**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 establish a commission to divide the state into districts following the federal enumeration.

The joint resolution provides for membership on the commission, establishes qualifications of commission members, restricts commission members from running for or holding certain offices, 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:



26 (i) consist of nine members, appointed as provided in Subsection (2)(b); and
27 (ii) be reconstituted in connection with each decennial enumeration.
28 (b) (i) On or before January 31 of the year following the decennial enumeration:
29 (A) two members shall be appointed by the president of the Senate;
30 (B) two members shall be appointed by the speaker of the House of Representatives;
31 (C) two members shall be appointed by the leader of the minority party in the Senate;
32 and
33 (D) two members shall be appointed by the leader of the minority party in the House of
34 Representatives.
35 (ii) (A) The eight members under Subsection (2)(b)(i) shall select a ninth member.
36 (B) (I) If the eight members fail to appoint a ninth member under Subsection
37 (2)(b)(ii)(A) on or before March 1 of the year following the decennial enumeration, the
38 Supreme Court shall appoint one member on or before April 1 of the year following the
39 decennial enumeration.
40 (II) If a majority of the six members specified in Subsection (2)(b)(i) submits a list of
41 names to the Supreme Court on or before March 1 of the year following the decennial
42 enumeration, the Supreme Court shall make the appointment under Subsection (2)(b)(ii)(B)(I)
43 from that list.
44 (3) (a) At the time of appointment, each commission member shall:
45 (i) be a citizen of the United States;
46 (ii) be at least 25 years of age; and
47 (iii) have been a resident of the State for three consecutive years immediately before
48 appointment.
49 (b) A person who holds an elected or appointed public office may not be appointed to
50 or serve on the commission.
51 (4) A person who serves as a member of the commission may not seek election to or
52 hold any of the offices identified in Subsection (1) until after the completion of the second
53 election for that office following the adoption of a redistricting plan by the commission of
54 which the person was a member.
55 (5) The Legislature shall establish criteria that the commission shall follow in dividing
56 the State into districts under Subsection (1).

57 (6) (a) The commission shall complete the process of dividing the State into districts
58 within 120 days after the decennial enumeration data are available to the public.

59 (b) If the commission fails to complete the process of dividing the state into districts
60 within the time provided in Subsection (6)(a), the Legislature shall divide the State into
61 congressional, legislative, and other districts according to the decennial enumeration made by
62 the authority of the United States.

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

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

68 (c) Adoption of a redistricting plan requires the affirmative vote of at least six
69 members of the commission.

70 **Section 2. Submittal to voters.**

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

73 **Section 3. Effective date.**

74 If the amendment proposed by this joint resolution is approved by a majority of those
75 voting on it at the next regular general election, the amendment shall take effect on January 1,
76 2005.