

**INDEPENDENT, BIPARTISAN
REDISTRICTING COMMISSION**

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rosalind J. McGee

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Election Code to establish an independent, bipartisan redistricting commission.

Highlighted Provisions:

This bill:

- ▶ establishes an independent, bipartisan redistricting commission that is composed of citizens;
- ▶ requires that redistricting only occur:
 - every ten years after the decennial census; or
 - in association with a change in the number of congressional or legislative seats for a reason other than the decennial census;
- ▶ establishes the membership requirements and procedures for the commission;
- ▶ provides for the replacement and compensation of members;
- ▶ requires the commission to prepare a redistricting plan for presentation to the Legislature;
- ▶ provides factors for the commission's consideration when preparing an advisory redistricting plan;
- ▶ provides that technical staff for the commission be provided by the Office of Legislative Research and General Counsel and permits the commission to hire its



own legal counsel for legal assistance;

- requires the commission to adopt a draft plan and permits alternative plans to be considered by the commission;

- requires the commission to hold public hearings on the draft plan and any alternative plans adopted by the commission; and

- requires the commission to adopt a final advisory redistricting plan and request that the plan be submitted to the Legislature for the Legislature's consideration.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

20A-16-101, Utah Code Annotated 1953

20A-16-102, Utah Code Annotated 1953

20A-16-103, Utah Code Annotated 1953

20A-16-104, Utah Code Annotated 1953

20A-16-105, Utah Code Annotated 1953

20A-16-106, Utah Code Annotated 1953

20A-16-107, Utah Code Annotated 1953

20A-16-108, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **20A-16-101** is enacted to read:

CHAPTER 16. ADVISORY REDISTRICTING COMMISSION

20A-16-101. Title.

This chapter is known as the "Advisory Redistricting Commission."

Section 2. Section **20A-16-102** is enacted to read:

20A-16-102. Timing of redistricting.

(1) In accordance with Utah Constitution Article IX, Section 1, the Legislature shall divide the state into congressional, legislative, and other districts at the session next following

59 an enumeration made by the United States.

60 (2) Redistricting may occur only at the following times:

61 (a) every ten years, in the year following the federal decennial census; and

62 (b) in association with a change in the number of congressional or legislative districts
63 that results from an event other than the federal decennial census.

64 Section 3. Section **20A-16-103** is enacted to read:

65 **20A-16-103. Advisory Redistricting Commission -- Creation -- Appointment --**
66 **Requirements for commission members.**

67 (1) There is created an Advisory Redistricting Commission to prepare an advisory
68 redistricting plan to the Legislature.

69 (2) (a) The commission shall:

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

71 (ii) be reconstituted in connection with each redistricting, consistent with Section
72 20A-16-102.

73 (b) (i) On or before January 31 of the year following the federal decennial census:

74 (A) two members shall be appointed by the president of the Senate;

75 (B) two members shall be appointed by the speaker of the House of Representatives;

76 (C) two members shall be appointed by the leader of the minority party in the Senate;
77 and

78 (D) two members shall be appointed by the leader of the minority party in the House of
79 Representatives.

80 (ii) (A) The four members appointed under Subsections (2)(b)(i)(A) and (B) shall
81 select one among them to be a vice chair of the commission.

82 (B) The four members appointed under Subsections (2)(b)(i)(C) and (D) shall select
83 one among them to be a vice chair of the commission.

84 (C) The two vice chairs selected under Subsections (2)(b)(ii)(A) and (B) shall appoint a
85 ninth member of the commission who shall be chair of the commission.

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

87 (i) be a citizen of the United States;

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

89 (iii) have been a resident of the state for three consecutive years immediately before

90 appointment.

91 (b) The following persons may not be appointed to or serve on the commission:

92 (i) a person who holds an elected or appointed public office;

93 (ii) a lobbyist as defined in Section 36-11-102; or

94 (iii) a principal as defined in Section 36-11-102.

95 (4) A person who serves as a member of the commission may not seek election to or
96 hold any of the offices for which the commission establishes districts under Subsection (1)
97 until after the completion of the election for that office following the adoption of a redistricting
98 plan by the commission of which the person was a member.

99 (5) When a vacancy occurs in the membership of the commission for any reason, the
100 vacancy shall be filled, within 14 days of the date of the vacancy, in the same manner as the
101 appointment of the original member.

102 (6) (a) Except as specifically required elsewhere in this chapter, attendance of a
103 majority of the members of the commission shall constitute a quorum for the conducting of
104 business and the taking of official action.

105 (b) The commission shall meet upon the request of a majority of the members of the
106 commission.

107 (7) (a) Members shall not receive compensation or benefits for their services, but
108 commission members who are not government employees may receive per diem and expenses
109 incurred in the performance of the member's official duties at the rates established by the
110 Division of Finance under Sections 63A-3-106 and 63A-3-107.

111 (b) A commission member may decline to receive per diem and expenses for service to
112 the commission.

113 Section 4. Section **20A-16-104** is enacted to read:

114 **20A-16-104. Duties of commission -- Standards for preparation of advisory**
115 **redistricting plans -- Staff.**

116 (1) The commission shall prepare an advisory redistricting plan that divides the state
117 into single member districts for each congressional, state House, state Senate, and state school
118 board districts as required by the decennial enumeration or other change in the number of
119 congressional or legislative seats consistent with Section 20A-16-102.

120 (2) In preparing a draft, alternative, or final advisory redistricting plan as required

under this chapter, the commission shall do the following:

(a) at the commencement of the mapping process for both the congressional and legislative districts, initially create districts of roughly equal population across the state; and

(b) adjust the districts as necessary to accommodate, to the extent practicable, the following goals:

(i) complying with the requirements of the United States Constitution, the Utah State Constitution, and the Voting Rights Act, 42 U.S.C. 1973, et seq.;

(ii) equalizing population between districts, using the most recent population data as reported in the official federal census data;

(iii) creating contiguous and reasonably compact districts;

(iv) utilizing existing political boundaries and census tracts in the creation of district boundaries;

(v) preserving communities of common interest;

(vi) utilizing natural and geographic boundaries and barriers in the creation of district boundaries; and

(vii) promoting competitiveness and partisan fairness, where it would create no significant detriment to the goals listed above.

(3) (a) The Office of Legislative Research and General Counsel shall provide the technical staff for the commission.

(b) The commission shall be permitted to hire its own legal counsel to provide legal assistance to the commission.

Section 5. Section 20A-16-105 is enacted to read:

20A-16-105. Preparation and adoption of draft advisory redistricting plan -- Alternative advisory redistricting plans.

(1) The commission shall prepare and, by the affirmative vote of a majority of the members of the commission, adopt a draft advisory redistricting plan within 150 days after the later of:

(a) the date that the decennial enumeration data are available to the public; and

(b) the date the commission is constituted under Section 20A-16-103.

(2) (a) In addition to the draft advisory redistricting plan, a commission member may introduce one or more alternative redistricting plans for consideration by the commission.

(b) The commission, by a majority vote, may authorize one or more alternative advisory redistricting plans to be presented as alternatives to the draft advisory redistricting plan during the public hearings provided for in Section 20A-16-106.

Section 6. Section **20A-16-106** is enacted to read:

20A-16-106. Public hearings -- Timing and locations -- Public notice.

(1) (a) Within 14 days after the date of adopting a draft advisory redistricting plan, the commission shall hold the first of no less than seven public hearings throughout Utah 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) At least two meetings must be held in a first or second class county, but not in the same county.

(c) The number and location of the public hearings shall be determined by a majority vote of the commission.

(d) Subject to Subsection (1)(e), public hearings may be held in the order and on a schedule adopted by a majority vote of the commission.

(e) The last public hearing shall be completed within 190 days after the later of:

(i) the date that the decennial enumeration data are available to the public; and

(ii) the date the commission is constituted under Section 20A-16-103.

(2) At least three calendar days before the date of each public hearing, the commission shall:

(a) provide written notice of the public hearing to:

(i) the lieutenant governor for posting on the state's website; and

(ii) each state senator, state representative, and county commission or county council member who is elected in whole or in part from the region where the public hearing will be held; and

(b) publish written notice of the public hearing detailing its time, date, and location in at least one newspaper of general circulation in each county in the region where the public hearing will be held.

(3) (a) During the public hearing, the commission shall either:

(i) record the public hearing, by video and audio, or by audio only, and deposit a complete copy of the recording of meeting with the Division of Archives and Records Services within seven days of the date of the meeting; or

(ii) take comprehensive minutes of the public hearing, detailing the names and titles of each speaker and summarizing each speaker's comments.

(b) During each public hearing the commission shall accept written comments from the public.

(c) The Division of Archives and Records Services shall make copies of the written comments and the recordings or minutes available to the public.

(4) Notwithstanding Subsection 20A-16-103(6), public hearings may be held by the commission with less than a quorum present, however, at least four members of the commission shall attend each public hearing.

Section 7. Section **20A-16-107** is enacted to read:

20A-16-107. Final advisory redistricting plan -- Resolution for submission to Legislature.

(1) (a) After completion of the public hearings, the commission shall prepare and adopt a final advisory redistricting plan.

(b) In preparing the final advisory redistricting plan, the commission shall:

(i) review the following:

(A) the written comments and the records or minutes of the public hearings;

(B) the draft advisory redistricting plan; and

(C) as applicable, the alternative advisory redistricting plans; and

(ii) adopt a final advisory redistricting plan by:

(A) adopting the draft advisory redistricting plan;

(B) adopting an alternative advisory redistricting plan; or

(C) adopting a new plan that is prepared according to the requirements of Subsection 20A-16-104(2).

(2) The commission shall complete the process of adopting a final advisory redistricting plan on or before November 30 of the year following the federal decennial census, but no earlier than the third Tuesday after the first Monday in November.

(3) Adoption of the advisory redistricting plan requires the affirmative vote of at least six members of the commission.

(4) After adoption of the final advisory redistricting plan, the commission shall, by the affirmative vote of at least six members of the commission, adopt a resolution that:

(a) states that a final advisory redistricting plan has been adopted by the commission;

(b) requests that the final advisory redistricting plan be submitted to the Legislature for legislative review and action; and

(c) designates a member of the Legislature as the commission's preferred sponsor of legislation to submit the plan to the Legislature.

Section 8. Section **20A-16-108** is enacted to read:

20A-16-108. Severability.

If any word, phrase, sentence, or section of this chapter or its application to any person or circumstance is determined to be invalid, the invalidity does not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Legislative Review Note
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Office of Legislative Research and General Counsel