

ADVISORY REDISTRICTING COMMISSION

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca Chavez-Houck

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;
- ▶ permits the commission to hire its own legal counsel, executive director, and other



staff, and to incur reasonable expenses within the commission's budget and duties;

- 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;

- 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; and

- provides a severability clause.

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

Part 1. 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 an enumeration made by the United States.

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

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

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

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

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

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

(2) (a) The commission shall:

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

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

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

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

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

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

and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The commission shall prepare an advisory redistricting plan that divides the state
into single member districts for each congressional, state House, state Senate, and state school
board district as required by the decennial enumeration or other change in the number of

121 congressional or legislative seats consistent with Section 20A-16-102.

122 (2) In preparing a draft, alternative, or final advisory redistricting plan as required
123 under this chapter, the commission shall do the following:

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

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

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

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

132 (iii) creating contiguous and reasonably compact districts;

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

135 (v) preserving communities of common interest;

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

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

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

142 (b) Upon a majority vote of the members of the commission, the commission may:

143 (i) employ an executive director, legal counsel, and other staff to assist the
144 commission; and

145 (ii) incur other reasonable expenses within the authorized budget of the commission
146 and consistent with the commission's duties.

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

148 **20A-16-105. Preparation and adoption of draft advisory redistricting plan --**
149 **Alternative advisory redistricting plans.**

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

152 later of:

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

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

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

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

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

161 **20A-16-106. Public hearings -- Timing and locations -- Public notice.**

162 (1) (a) Within 14 days after the date of adopting a draft advisory redistricting plan, the
163 commission shall hold the first of no less than seven public hearings throughout Utah as
164 follows:

165 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;

166 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington

167 County;

168 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

169 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne

170 County;

171 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;

172 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

173 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber

174 County.

175 (b) At least two meetings must be held in a first or second class county, but the
176 meetings may not be held in the same county.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

208 **20A-16-107. Final advisory redistricting plan -- Resolution for submission to**
209 **Legislature.**

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

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

213 (i) review the following:

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

215 (B) the draft advisory redistricting plan; and

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

217 (ii) adopt a final advisory redistricting plan by adopting:

218 (A) the draft advisory redistricting plan;

219 (B) an alternative advisory redistricting plan; or

220 (C) a new plan that is prepared according to the requirements of Subsection

221 20A-16-104(2).

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

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

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

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

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

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

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

235 **20A-16-108. Severability.**

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

Legislative Review Note

as of 1-30-08 2:33 PM

Office of Legislative Research and General Counsel

H.B. 376 - Advisory Redistricting Commission

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations in the next two fiscal years. Beginning in FY 2011, additional resources may be required for salaries and expenses associated with an Executive Director, legal counsel, and staff authorized by the bill, as well as travel and meeting expenses for the commission created by the bill.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for businesses, or local governments. Individuals that serve on the commission created by this bill may incur costs associated with their service.