

REDISTRICTING PROVISIONS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca Chavez-Houck

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions regarding the creation of an Advisory Redistricting Commission and the timing of redistricting.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ establishes an Advisory Redistricting Commission;
- ▶ provides for the appointment and qualifications of commission membership;
- ▶ provides for commission staff;
- ▶ provides for commission meetings;
- ▶ establishes standards by which the commission prepares a plan;
- ▶ requires the commission to:
 - prepare a draft plan and final plan according to certain standards;
 - create a scoring matrix; and
 - hold hearings on a draft plan;
- ▶ provides a severability clause; and
- ▶ establishes when the Legislature may redistrict.

Monies Appropriated in this Bill:

None

Other Special Clauses:



28 None

29 **Utah Code Sections Affected:**

30 ENACTS:

- 31 **20A-16-101**, Utah Code Annotated 1953
- 32 **20A-16-102**, Utah Code Annotated 1953
- 33 **20A-16-201**, Utah Code Annotated 1953
- 34 **20A-16-202**, Utah Code Annotated 1953
- 35 **20A-16-203**, Utah Code Annotated 1953
- 36 **20A-16-301**, Utah Code Annotated 1953
- 37 **20A-16-302**, Utah Code Annotated 1953
- 38 **20A-16-303**, Utah Code Annotated 1953
- 39 **20A-16-304**, Utah Code Annotated 1953
- 40 **20A-16-401**, Utah Code Annotated 1953
- 41 **36-1-301**, Utah Code Annotated 1953

42

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

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

45 **CHAPTER 16. ADVISORY REDISTRICTING COMMISSION**

46 **Part 1. General Provisions**

47 **20A-16-101. Title.**

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

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

50 **20A-16-102. Definitions.**

51 As used in this chapter:

52 (1) "Candidate" means a person who files a declaration of candidacy for an office.

53 (2) "Commission" means the Advisory Redistricting Commission created in Section
54 20A-16-201.

55 (3) "Competitive district" means a district in which, during each of the four previous
56 regular general elections, there was less than a 20% difference between the number of votes
57 cast for the two candidates who received the two highest number of votes.

58 (4) "District" means the geographic area from which a candidate is elected.

59 (5) "Federal decennial census" means the enumeration of the population of the United
 60 States that is required by the United States Constitution.

61 (6) "Office" means an elected position:

62 (a) in the United States House of Representatives;

63 (b) in the Utah Senate;

64 (c) in the Utah House of Representatives; or

65 (d) on the State Board of Education.

66 (7) "Plan" means an advisory redistricting plan that the commission prepares and
 67 considers.

68 (8) "Public official" means an elected or appointed official of the state or a political
 69 subdivision who occupies a policymaking position.

70 (9) "Redistricting" means the process by which the state is divided into districts.

71 Section 3. Section **20A-16-201** is enacted to read:

72 **Part 2. Advisory Redistricting Commission**

73 **20A-16-201. Advisory Redistricting Commission -- Creation -- Appointment --**
 74 **Requirements for commission members.**

75 (1) (a) There is created the Advisory Redistricting Commission, which is reconstituted
 76 in connection with a redistricting:

77 (i) on or before January 31 of the year immediately following the federal decennial
 78 census; or

79 (ii) within 30 days after:

80 (A) a change described in Subsection 36-1-301(2)(b); or

81 (B) an order or agreement described in Subsection 36-1-301(2)(c).

82 (b) The commission is constituted on the day the chair is appointed.

83 (2) (a) The commission shall consist of:

84 (i) two members appointed by the president of the Senate;

85 (ii) two members appointed by the speaker of the House of Representatives;

86 (iii) two members appointed by the Senate minority leader;

87 (iv) two members appointed by the House minority leader; and

88 (v) one member appointed under Subsection (2)(c).

89 (b) (i) The four members appointed under Subsections (2)(a)(i) and (ii) shall select one

90 among them to be a co-vice chair of the commission.

91 (ii) The four members appointed under Subsections (2)(a)(iii) and (iv) shall select one
92 among them to be a co-vice chair of the commission.

93 (c) The co-vice chairs shall appoint a ninth member of the commission who is chair of
94 the commission.

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

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

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

98 (iii) have been a resident of the state for at least three consecutive years immediately
99 before appointment.

100 (b) A commission member may not be:

101 (i) a public official;

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

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

104 (c) (i) A person authorized to appoint a commission member shall:

105 (A) appoint a person who submits an application as provided by Subsection (3)(c)(ii);

106 and

107 (B) give special consideration to an applicant who demonstrates ability in the field of:

108 (I) demographics;

109 (II) political science; or

110 (III) community development and involvement.

111 (ii) A person who meets the requirements specified in this Subsection (3) may submit
112 an application to the Office of Legislative Research and General Counsel on or before:

113 (A) January 1 of the year immediately following the federal decennial census; or

114 (B) within 10 days after:

115 (I) a change described in Subsection 36-1-301(2)(b); or

116 (II) an order or agreement described in Subsection 36-1-301(2)(c).

117 (4) A commission member may not be a candidate or be appointed to an office until
118 after the regular general election that immediately follows the adoption of a final plan by the
119 commission of which the person was a member.

120 (5) When a vacancy occurs in the commission membership for any reason, the vacancy

121 shall be filled, within 14 days of the date of the vacancy, in the same manner as the
122 appointment of the original member.

123 Section 4. Section **20A-16-202** is enacted to read:

124 **20A-16-202. Staff.**

125 (1) The Office of Legislative Research and General Counsel shall provide the technical
126 staff for the commission.

127 (2) Upon a majority vote of the commission members, the commission may:

128 (a) employ an executive director, legal counsel, and other staff to assist the
129 commission; and

130 (b) incur other reasonable expenses:

131 (i) within the authorized budget of the commission; and

132 (ii) consistent with the commission's duties.

133 Section 5. Section **20A-16-203** is enacted to read:

134 **20A-16-203. Commission meetings -- Per diem and travel expenses.**

135 (1) Except as provided by Section 20A-16-303, attendance of a majority of the
136 commission members is a quorum for conducting business and taking official action.

137 (2) (a) The commission shall meet upon the request of the chair or a majority of the
138 commission members.

139 (b) The commission is subject to Title 52, Chapter 4, Open and Public Meetings Act.

140 (3) A member may not receive compensation or benefits for the member's service, but
141 may receive per diem and travel expenses in accordance with:

142 (a) Section 63A-3-106;

143 (b) Section 63A-3-107; and

144 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
145 63A-3-107.

146 Section 6. Section **20A-16-301** is enacted to read:

147 **Part 3. Advisory Redistricting Plans**

148 **20A-16-301. Standards for preparation of plans -- Scoring matrix.**

149 (1) (a) The commission shall prepare a plan that divides the state into single member
150 districts for each office.

151 (b) A commission member may introduce one or more plans for consideration by the

152 commission.

153 (2) In preparing a plan, the commission shall:

154 (a) initially create districts of roughly equal population across the state; and

155 (b) adjust, to the extent practicable, the districts to:

156 (i) comply with the requirements of the United States Constitution, the Utah

157 Constitution, and the applicable provisions of the Voting Rights Act, 42 U.S.C. 1973, et seq.;

158 (ii) equalize population between districts using the official population data resulting
159 from the most recent federal decennial census;

160 (iii) create contiguous and reasonably compact districts;

161 (iv) use existing political boundaries and census tracts in the creation of district
162 boundaries;

163 (v) identify and preserve communities of common interest, including cultural,
164 demographic, economic, ethnic, geographic, and trade area interests;

165 (vi) identify and use natural and geographic boundaries and barriers in the creation of
166 district boundaries; and

167 (vii) maximize the number of competitive districts.

168 (3) (a) The commission shall create a scoring matrix that gives equal weight to each
169 standard described in Subsection (2)(b).

170 (b) The commission shall uniformly apply the scoring matrix to a plan by:

171 (i) discussing a plan;

172 (ii) having each commission member score the plan and explain the reasons for a
173 score; and

174 (iii) calculating the average of the plan's scores submitted by commission members.

175 (4) In preparing a plan, the commission may not unlawfully discriminate against a
176 person or registered political party.

177 Section 7. Section **20A-16-302** is enacted to read:

178 **20A-16-302. Preparation and adoption of draft plan.**

179 (1) The commission shall adopt a draft plan within 110 days after:

180 (a) the date that the federal decennial census data is available to the public, if the
181 redistricting is authorized by Subsection 36-1-301(2)(a); and

182 (b) the date the commission is constituted under Section 20A-16-201, if the

183 redistricting is authorized by Subsection 36-1-301(2)(b) or (c).

184 (2) The commission shall adopt the draft plan that receives the highest score calculated
185 under Subsection 20A-16-301(3)(b)(iii) by the earlier of:

186 (a) the deadline established by Subsection (1); or

187 (b) a two-thirds vote by commission members to cease the preparation and discussion
188 of plans.

189 (3) The commission, by a majority vote, may authorize one or more draft alternative
190 plans to be presented during the public hearings required by Section 20A-16-303.

191 Section 8. Section **20A-16-303** is enacted to read:

192 **20A-16-303. Hearings on plans -- Timing and locations -- Public notice.**

193 (1) (a) Within 14 days after the day on which the commission adopts a draft plan under
194 Section 20A-16-302, the commission shall hold the first of no less than seven public hearings
195 throughout Utah on the draft plan as follows:

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

197 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington
198 County;

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

200 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne
201 County;

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

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

204 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber
205 County.

206 (b) The commission shall hold at least two hearings in a first or second class county
207 and may not hold more than one hearing in a county.

208 (c) In accordance with this section, the commission, by a majority vote, shall
209 determine:

210 (i) the number and location of the hearings;

211 (ii) the order of the hearings; and

212 (iii) the date and time of the hearings.

213 (d) The commission shall hold the last hearing within 150 days after:

214 (i) the date that the federal decennial census data is available to the public, if the
215 redistricting is authorized by Subsection 36-1-301(2)(a); and

216 (ii) the date the commission is constituted under Section 20A-16-201, if the
217 redistricting is authorized by Subsection 36-1-301(2)(b) or (c).

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

219 (a) provide written notice of the hearing to each state senator, state representative, and
220 county commission member or county council member who is elected in whole or in part from
221 the region where the hearing will be held; and

222 (b) publish written notice of the hearing detailing its time, date, and location:

223 (i) on the Utah Public Notice Website created under Section 63F-1-701; and

224 (ii) in at least one newspaper of general circulation in each county in the region where
225 the hearing will be held.

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

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

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

232 (b) The commission shall accept a written comment from the public submitted during a
233 hearing.

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

236 (4) The commission may hold a hearing with less than a quorum present, however, at
237 least four members of the commission shall attend a hearing.

238 Section 9. Section **20A-16-304** is enacted to read:

239 **20A-16-304. Final plan -- Resolution for submission to Legislature.**

240 (1) (a) After completion of the hearings, the commission shall prepare a final plan.

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

242 (i) review:

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

244 (B) the draft plan; and

- 245 (C) as applicable, any draft alternative plan; and
 246 (ii) adopt a final plan by adopting:
 247 (A) the draft plan;
 248 (B) a draft alternative plan; or
 249 (C) a new plan that is prepared according to the requirements of Section 20A-16-301.
 250 (2) (a) The commission shall adopt a final plan 180 days after:
 251 (i) the date that the federal decennial census data is available to the public, if the
 252 redistricting is authorized by Subsection 36-1-301(2)(a); and
 253 (ii) the date the commission is constituted under Section 20A-16-201, if the
 254 redistricting is authorized by Subsection 36-1-301(2)(b) or (c).
 255 (b) The commission shall adopt as the final plan the plan that receives the highest score
 256 under Subsection 20A-16-301(3)(b)(iii) by the earlier of:
 257 (i) the deadline established by Subsection (2)(a); or
 258 (ii) a two-thirds vote by commission members to cease the preparation and discussion
 259 of a final plan.
 260 (3) After adoption of the final plan, the commission shall, by the affirmative vote of at
 261 least six members of the commission, adopt a resolution that:
 262 (a) states that the commission has adopted a final plan;
 263 (b) requests that the governor call the Legislature into special session to adopt the final
 264 plan; and
 265 (c) designates a member of each house of the Legislature as the commission's preferred
 266 sponsor of legislation that proposes to enact the final plan.

267 Section 10. Section **20A-16-401** is enacted to read:

268 **Part 4. Miscellaneous**

269 **20A-16-401. Severability.**

270 (1) If any provision of this chapter or the application of any provision to any person or
 271 circumstance is held invalid by a final decision of a court of competent jurisdiction, the
 272 remainder of this chapter shall be given effect without the invalid provision or application.

273 (2) The provisions of this chapter are severable.

274 Section 11. Section **36-1-301** is enacted to read:

275 **CHAPTER 1. REDISTRICTING AND LEGISLATIVE DISTRICTS**

276 **Part 3. Redistricting**

277 **36-1-301. Timing of redistricting.**

278 (1) In accordance with Utah Constitution Article IX, Section 1, the Legislature shall
279 divide the state into congressional, legislative, and other districts before the conclusion of the
280 annual general session immediately following the Legislature's receipt of the results of the
281 federal decennial census.

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

283 (a) every ten years, as provided by Subsection (1);

284 (b) following a change in:

285 (i) the number of congressional or legislative districts that results from an event other
286 than the federal decennial census; or

287 (ii) a boundary line of a political subdivision; or

288 (c) if required by:

289 (i) a court order; or

290 (ii) a settlement agreement.

Legislative Review Note
as of 3-8-10 10:19 AM

Office of Legislative Research and General Counsel

H.B. 164 - Redistricting Provisions

Fiscal Note

2010 General Session
State of Utah

State Impact

Enactment of this bill will require a one-time General Fund appropriation of \$955,000 in FY 2011.

	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2011</u> <u>Approp.</u>	<u>FY 2012</u> <u>Approp.</u>	<u>FY 2010</u> <u>Revenue</u>	<u>FY 2011</u> <u>Revenue</u>	<u>FY 2012</u> <u>Revenue</u>
General Fund, One-Time	\$0	\$955,000	\$0	\$0	\$0	\$0
Total	\$0	\$955,000	\$0	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.