

1 **REDISTRICTING AMENDMENTS**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Rebecca Chavez-Houck**

5 Senate Sponsor: \_\_\_\_\_

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7 **LONG TITLE**

8 **General Description:**

9 This bill establishes the Advisory Redistricting Commission and enacts provisions in  
10 relation to redistricting and the commission.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ enacts provisions relating to the timing of redistricting;
- 14 ▶ establishes the Advisory Redistricting Commission;
- 15 ▶ enacts provisions relating to the commission's membership, functioning, and duties;
- 16 ▶ establishes redistricting standards for advisory redistricting plans; and
- 17 ▶ provides for public hearings conducted by the commission.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 ENACTS:

24 **20A-19-101**, Utah Code Annotated 1953

25 **20A-19-102**, Utah Code Annotated 1953

26 **20A-19-103**, Utah Code Annotated 1953

27 **20A-19-104**, Utah Code Annotated 1953



- 28 [20A-19-105](#), Utah Code Annotated 1953
- 29 [20A-19-106](#), Utah Code Annotated 1953
- 30 [20A-19-107](#), Utah Code Annotated 1953
- 31 [20A-19-108](#), Utah Code Annotated 1953



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

34 Section 1. Section **20A-19-101** is enacted to read:

35 **CHAPTER 19. ADVISORY REDISTRICTING COMMISSION**

36 **Part 1. Advisory Redistricting Commission**

37 **20A-19-101. Title.**

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

39 Section 2. Section **20A-19-102** is enacted to read:

40 **20A-19-102. Timing of redistricting.**

41 (1) In accordance with Utah Constitution, Article IX, Section 1, the Legislature shall  
42 divide the state into congressional, legislative, and other districts at the session following an  
43 enumeration made by the United States.

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

45 (a) every 10 years, in the year following the federal decennial census;

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

48 (c) at any time to redraw a district if ordered by a court of competent jurisdiction; or

49 (d) to correct technical errors.

50 Section 3. Section **20A-19-103** is enacted to read:

51 **20A-19-103. Advisory Redistricting Commission -- Creation -- Appointment --**  
52 **Requirements for commission members.**

53 (1) There is created the Advisory Redistricting Commission to prepare advisory  
54 redistricting plans for the Legislature.

55 (2) The commission shall:

56 (a) consist of nine members, appointed under Subsection (3)(a); and

57 (b) be reconstituted in connection with each redistricting, in accordance with Section  
58 [20A-19-102](#).

- 59 (3) (a) On or before January 31 of the year following the federal decennial census:  
60 (i) the president of the Senate shall appoint one member of the commission;  
61 (ii) the speaker of the House of Representatives shall appoint one member of the  
62 commission;  
63 (iii) the leader of the minority party in the Senate shall appoint one member of the  
64 commission;  
65 (iv) the leader of the minority party in the House of Representatives shall appoint one  
66 member of the commission; and  
67 (v) the individuals who make appointments under Subsections (3)(a)(i) through (iv)  
68 shall, by majority vote, appoint as members of the commission:  
69 (A) three judges retired from a court of record in the state; and  
70 (B) two unaffiliated voters.  
71 (b) The commission shall, by majority vote, elect two members who are not members  
72 of the same political party to serve as cochaIRS of the commission.  
73 (c) The membership of the commission appointed under Subsection (3)(a):  
74 (i) shall include at least one member from each congressional district; and  
75 (ii) may not include more than three members from the same congressional district.  
76 (4) (a) At the time of appointment, each commission member shall:  
77 (i) be a citizen of the United States;  
78 (ii) be at least 25 years of age; and  
79 (iii) have been a resident of the state for three consecutive years immediately before  
80 appointment.  
81 (b) The following individuals may not be appointed to or serve on the commission:  
82 (i) an individual who holds an elected or appointed public office;  
83 (ii) a lobbyist as defined in Section [36-11-102](#); or  
84 (iii) a principal as defined in Section [36-11-102](#).  
85 (5) An individual who serves as a member of the commission may not seek election to  
86 or hold any of the offices for which the commission adopts a redistricting plan until after the  
87 completion of the first election for that office that follows adoption of the redistricting plan by  
88 the commission of which the person was a member.  
89 (6) When a vacancy occurs in the membership of the commission for any reason, the

90 vacancy shall be filled, within 14 days after the day on which the vacancy occurs, in the same  
91 manner as the appointment of the original member.

92 (7) (a) Attendance of a majority of the members of the commission shall constitute a  
93 quorum for the conducting of business and the taking of official action.

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

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

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

102 Section 4. Section **20A-19-104** is enacted to read:

103 **20A-19-104. Duties of commission -- Standards for preparation of advisory**  
104 **redistricting plans -- Staff.**

105 (1) The commission shall prepare an advisory redistricting plan that divides the state  
106 into single-member districts for each congressional, state House, state Senate, and state school  
107 board district as required under Section [20A-19-102](#).

108 (2) In preparing a draft, alternative, or final advisory redistricting plan, the commission  
109 shall do the following:

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

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

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

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

118 (iii) creating contiguous and reasonably compact districts;

119 (iv) using existing political boundaries and census tracts in the creation of district  
120 boundaries;

121 (v) preserving communities of common interest;  
122 (vi) using natural and geographic boundaries and barriers in the creation of district  
123 boundaries; and

124 (vii) promoting competitiveness and partisan fairness, to the extent possible, while  
125 avoiding significant detriment to the other goals described in this Subsection (2)(b).

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

128 (b) Upon a majority vote of the members of the commission, the commission may,  
129 within the authorized budget of the commission:

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

132 (ii) incur other reasonable expenses consistent with the commission's duties.

133 Section 5. Section **20A-19-105** is enacted to read:

134 **20A-19-105. Preparation and adoption of draft advisory redistricting plan --**  
135 **Alternative advisory redistricting plans.**

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

139 (a) the day on which the decennial enumeration data is available to the public; or

140 (b) the day on which the commission is constituted under Section [20A-19-103](#).

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

143 (b) The commission may, by a majority vote, authorize one or more alternative  
144 advisory redistricting plans to be presented as alternatives to the draft advisory redistricting  
145 plan during the public hearings described in Section [20A-19-106](#).

146 Section 6. Section **20A-19-106** is enacted to read:

147 **20A-19-106. Public hearings -- Timing and locations -- Public notice.**

148 (1) (a) Within 14 days after the day on which the commission adopts a draft advisory  
149 redistricting plan, the commission shall hold the first of no less than seven public hearings  
150 throughout the state as follows:

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

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

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

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

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

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

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

161 (b) The commission shall hold at least two meetings in a first or second class county,  
162 but may not hold two meetings in the same county.

163 (c) Subject to Subsections (1)(a) and (b), the commission shall, by a majority vote,  
164 determine the number of public hearings and the location of each public hearing.

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

167 (e) The commission shall complete the last public hearing within 190 days after the  
168 later of:

169 (i) the day on which the decennial enumeration data is available to the public; or

170 (ii) the day on which the commission is constituted under Section [20A-19-103](#).

171 (2) At least three calendar days before the first day on which each public hearing is  
172 held, the commission shall:

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

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

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

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

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

182 (i) record the public hearing by video and audio, or by audio only, and deposit a

183 complete copy of the recording of the hearing with the Division of Archives and Records  
184 Service within seven days after the day on which the hearing ends; or

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

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

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

191 (4) Notwithstanding Subsection 20A-19-103(7), a public hearing may be held by the  
192 commission with less than a quorum present if at least four members of the commission attend  
193 the public hearing.

194 Section 7. Section 20A-19-107 is enacted to read:

195 **20A-19-107. Final advisory redistricting plan -- Resolution for submission to**  
196 **Legislature.**

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

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

200 (i) review the following:

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

202 (B) the draft advisory redistricting plan; and

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

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

205 (A) the draft advisory redistricting plan;

206 (B) an alternative advisory redistricting plan; or

207 (C) a new plan that is prepared in accordance with the requirements of Subsection  
208 20A-19-104(2).

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

213 (3) Adoption of the advisory redistricting plan requires the affirmative vote of at least

214 six members of the commission.

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

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

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

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

222 Section 8. Section **20A-19-108** is enacted to read:

223 **20A-19-108. Severability.**

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

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**