

REDISTRICTING AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca Chavez-Houck

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

20A-19-101, Utah Code Annotated 1953

20A-19-102, Utah Code Annotated 1953

20A-19-103, Utah Code Annotated 1953

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 cochair 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

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

(7) (a) 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.

(8) (a) Members may not receive compensation or benefits for the members' 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 on the commission.

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

20A-19-104. 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 under Section 20A-19-102.

(2) In preparing a draft, alternative, or final advisory redistricting plan, 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 Constitution, and the Voting Rights Act, 42 U.S.C. Sec. 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) using existing political boundaries and census tracts in the creation of district boundaries;

(v) preserving communities of common interest;

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

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

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

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

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

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

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

20A-19-105. 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 day on which the decennial enumeration data is available to the public; or

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

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

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

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

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

(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

complete copy of the recording of the hearing with the Division of Archives and Records Service within seven days after the day on which the hearing ends; 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 Service shall make copies of the written comments and the recordings or minutes available to the public.

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

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

20A-19-107. 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, any alternative advisory redistricting plans; and

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

(A) the draft advisory redistricting plan;

(B) an alternative advisory redistricting plan; or

(C) a new plan that is prepared in accordance with the requirements of Subsection [20A-19-104\(2\)](#).

(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 of the year following the federal decennial census.

(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.

Legislative Review Note
Office of Legislative Research and General Counsel