

1 **REDISTRICTING REVISIONS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Paul Ray**

5 Senate Sponsor: Scott D. Sandall

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies deadlines relating to the Independent Redistricting Commission
10 necessitated by the late provision of census data.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ modifies deadlines relating to the Independent Redistricting Commission
14 necessitated by the late provision of census data.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **20A-20-301**, as enacted by Laws of Utah 2020, Chapter 288

22 **20A-20-302**, as enacted by Laws of Utah 2020, Chapter 288

23 **20A-20-303**, as enacted by Laws of Utah 2020, Chapter 288

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

26 Section 1. Section **20A-20-301** is amended to read:

27 **20A-20-301. Public hearings -- Private conversations.**

28 (1) (a) The commission shall, by majority vote, determine the number, locations, and
29 dates of public hearings to be held by the commission, but shall hold no fewer than seven

30 public hearings throughout the state to discuss maps, as follows:

31 (i) one in the Bear River region, which includes Box Elder, Cache, and Rich counties;

32 (ii) one in the Southwest region, which includes Beaver, Garfield, Iron, Kane, and
33 Washington counties;

34 (iii) one in the Mountain region, which includes Summit, Utah, and Wasatch counties;

35 (iv) one in the Central region, which includes Juab, Millard, Piute, Sanpete, Sevier, and
36 Wayne counties;

37 (v) one in the Southeast region, which includes Carbon, Emery, Grand, and San Juan
38 counties;

39 (vi) one in the Uintah Basin region, which includes Daggett, Duchesne, and Uintah
40 counties; and

41 (vii) one in the Wasatch Front region, which includes Davis, Morgan, Salt Lake,
42 Tooele, and Weber counties.

43 (b) The commission shall hold at least two public hearings in a first or second class
44 county but not in the same county.

45 (c) The committee and the commission may coordinate hearing times and locations to:

46 (i) avoid holding hearings at, or close to, the same time in the same area of the state;
47 and

48 (ii) to the extent practical, hold hearings in different cities within the state.

49 (2) Each public hearing must provide those in attendance a reasonable opportunity to
50 submit written and oral comments to the commission and to propose redistricting maps for the
51 commission's consideration.

52 (3) The commission shall hold the public hearings described in Subsection (1) no later
53 than ~~August~~ November 1 of the year following a decennial year.

54 (4) (a) A member of the commission may not engage in any private communication
55 with any individual other than other members of the commission or commission staff,
56 including consultants retained by the commission, that is material to any redistricting map or
57 element of a map pending before the commission or intended to be proposed for commission

58 consideration, without making the communication, or a detailed and accurate description of the
59 communication including the names of all parties to the communication and the map or
60 element of the map, available to the commission and to the public.

61 (b) A member of the commission shall make the disclosure required by Subsection
62 (4)(a) before the redistricting map or element of a map is considered by the commission.

63 (5) The committee chairs and the chair of the commission shall, no later than two
64 business days after the day on which the Legislature appoints a committee, under Subsection
65 20A-20-201(3)(a)(ii), for a special redistricting, jointly agree on a schedule for the commission
66 that:

67 (a) reasonably ensures that the commission may complete the commission's duties in a
68 timely manner, consistent with the time frame applicable to the committee and the Legislature;

69 (b) establishes deadlines for the following:

70 (i) holding the public hearings described in Subsection (1);

71 (ii) preparing and recommending maps under Subsection 20A-20-302(2);

72 (iii) submitting the maps and written report described in Subsection 20A-20-303(1);

73 and

74 (iv) holding the public meeting described in Subsection 20A-20-303(2); and

75 (c) provides that the commission dissolves upon approval of the Legislature's
76 redistricting maps by the governor, or the day following the constitutional time limit of Utah
77 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
78 the date of veto override.

79 Section 2. Section 20A-20-302 is amended to read:

80 **20A-20-302. Selection of recommended maps -- Map requirements and**
81 **standards.**

82 (1) As used in this section:

83 (a) "Map type" means one of four map types, as follows:

84 (i) a map of all Utah congressional districts;

85 (ii) a map of all state Senate districts;

- 86 (iii) a map of all state House of Representatives districts; and
- 87 (iv) a map of all State School Board districts.
- 88 (b) "Total population deviation" means a percentage determined as follows:
- 89 (i) calculating the ideal district population by dividing the total population by the
- 90 number of districts;
- 91 (ii) calculating the percentage difference between the population of the district with the
- 92 greatest population and the ideal district population;
- 93 (iii) calculating the percentage difference between the population of the district with
- 94 the lowest population and the ideal district population; and
- 95 (iv) combining the percentage differences described in Subsections (1)(b)(ii) and (iii).
- 96 (2) The commission shall, no later than [20] 14 days after the day of the final public
- 97 hearing described in Subsection 20A-20-301(1), prepare and recommend three different maps
- 98 for each map type, as follows:
- 99 (a) three different maps for congressional districts, with the number of congressional
- 100 districts apportioned to Utah;
- 101 (b) three different maps for state Senate districts, with 29 Senate districts;
- 102 (c) three different maps for state House of Representatives districts, with 75 House of
- 103 Representative districts; and
- 104 (d) three different maps for State School Board districts, with 15 State School Board
- 105 districts.
- 106 (3) (a) To the extent possible, each map recommended by the commission shall be
- 107 approved by at least five members of the commission.
- 108 (b) If the commission is unable to obtain the approval of at least five members for all
- 109 maps required under Subsection (2) for a particular map type, the commission shall, for that
- 110 map type:
- 111 (i) if possible, recommend one map that is approved by at least five members of the
- 112 commission; and
- 113 (ii) recommend two additional maps that are approved by a majority of commission

114 members, as follows:

115 (A) one of the maps shall be approved by a majority that includes the commission
116 member described in Subsection 20A-20-201(2)(f); and

117 (B) one of the maps shall be approved by a majority that includes the commission
118 member described in Subsection 20A-20-201(2)(g).

119 (4) The commission shall ensure that:

120 (a) each map recommended by the commission:

121 (i) is drawn using the official population enumeration of the most recent decennial
122 census;

123 (ii) for congressional districts, has a total population deviation that does not exceed
124 1%;

125 (iii) for Senate, House of Representatives, and State School Board districts, has a total
126 population deviation of less than 10%;

127 (iv) does not use race as a predominant factor in drawing district lines; and

128 (v) complies with the United States Constitution and all applicable federal laws,
129 including Section 2 of the Voting Rights Act; and

130 (b) each district in each map is:

131 (i) drawn based on total population;

132 (ii) a single member district; and

133 (iii) contiguous and reasonably compact.

134 (5) The commission shall define and adopt redistricting standards for use by the
135 commission that require that maps adopted by the commission, to the extent practicable,
136 comply with the following, as defined by the commission:

137 (a) preserving communities of interest;

138 (b) following natural, geographic, or man-made features, boundaries, or barriers;

139 (c) preserving cores of prior districts;

140 (d) minimizing the division of municipalities and counties across multiple districts;

141 (e) achieving boundary agreement among different types of districts; and

142 (f) prohibiting the purposeful or undue favoring or disfavoring of:

143 (i) an incumbent elected official;

144 (ii) a candidate or prospective candidate for elected office; or

145 (iii) a political party.

146 (6) The commission may adopt a standard that prohibits the commission from using
147 any of the following, except for the purpose of conducting an assessment described in
148 Subsection (8):

149 (a) partisan political data;

150 (b) political party affiliation information;

151 (c) voting records;

152 (d) partisan election results; or

153 (e) residential addresses of incumbents, candidates, or prospective candidates.

154 (7) The commission may adopt redistricting standards for use by the commission that
155 require a smaller total population deviation than the total population deviation described in
156 Subsection (4)(a)(iii) if the committee or the Legislature adopts a smaller total population
157 deviation than 10% for Senate, House of Representatives, or State School Board districts.

158 (8) (a) Three members of the commission may, by affirmative vote, require that
159 commission staff evaluate any map drawn by, or presented to, the commission as a possible
160 map for recommendation by the commission to determine whether the map complies with the
161 redistricting standards adopted by the commission.

162 (b) In conducting an evaluation described in Subsection (8)(a), commission staff shall
163 use judicial standards and, as determined by the commission, the best available data and
164 scientific methods.

165 Section 3. Section **20A-20-303** is amended to read:

166 **20A-20-303. Submission of maps to Legislature -- Consideration by Legislature.**

167 (1) The commission shall, [~~within 10 days after the day on which the commission~~
168 ~~complies with Subsection 20A-20-302(2)] no later than 14 days after the day of the final public
169 hearing described in Subsection 20A-20-301(1), submit to the director of the Office of~~

170 Legislative Research and General Counsel, for distribution to the committee, and make
171 available to the public, the redistricting maps recommended under Section 20A-20-302 and a
172 detailed written report describing each map's adherence to the commission's redistricting
173 standards and requirements.

174 (2) The commission shall submit the maps recommended under Section 20A-20-302 to
175 the committee in a public meeting of the committee as described in this section.

176 (3) The committee shall:

177 (a) hold the public meeting described in Subsection (2):

178 (i) for the sole purpose of considering each map recommended under Section
179 20A-20-302; and

180 (ii) for a year immediately following a decennial year, [~~on or before September 15~~] no
181 later than 15 days after the day on which the commission complies with Subsection (1); and

182 (b) at the public meeting described in Subsection (2), provide reasonable time for:

183 (i) the commission to present and explain the maps described in Subsection (1);

184 (ii) the public to comment on the maps; and

185 (iii) the committee to discuss the maps.

186 (4) The Legislature may not enact a redistricting plan before complying with
187 Subsections (2) and (3).

188 (5) The committee or the Legislature may, but is not required to, vote on or adopt a
189 map submitted to the committee or the Legislature by the commission.