

**Overview: Utah Redistricting Reform Proposal
(Utah Independent Redistricting Commission and Standards Act)**

Utahans will vote this November on a proposal submitted by the Better Boundaries Coalition that, if approved, would create a seven-member advisory redistricting commission to draw Utah's congressional, legislative, and state school board district boundaries for consideration by the legislature beginning in 2021.

Key Features

What Maps the Advisory Commission Will Draw

Congressional, state legislative, and state school board districts for consideration by the legislature

Commission Size

Seven members

How Commissioners are Selected

Each of the following officials appoints one member to the commission:

- The governor, whose appointee serves as chair of the commission;
- The speaker of the house of representatives;
- The president of the senate;
- The leader of the largest minority political party of the house;
- The leader of the largest minority political party of the senate;
- The leadership of the majority party in the senate and the president of the senate, jointly with the leadership of the same party in the house; and
- The leadership of the largest minority party in the senate jointly with the leadership of the same party in the house.

Under single-party control of the governorship and both chambers of the state legislature, this formula would result in a 4-1 split of appointees between the major parties. In addition, there would be two members unaffiliated with the major parties.

Who is Eligible to Be a Commissioner

Each commissioner must have been an active voter for at least four years prior to serving on the commission. Additionally, for four years prior to and four years following their terms, commissioners may not have been or be:

- Lobbyists or persons represented by a lobbyist;
- Candidates or holders of elective office, including in local government;
- Candidates for or holders of any office of a political party, other than political party delegate;
- Recipients of compensation from a political party, political party committee, personal campaign committee, or political action committee affiliated with a political party or controlled by an elected official or candidate, including in local government;
- Appointed by the governor or legislature to any other public office; or
- Employed by Congress, the legislature, or hold any position that reports directly to an elected official or any person appointed into public office.

The two commissioners appointed by the leadership of the majority and minority parties in the senate and their counterparts in the house may not have been affiliated with either party, voted in either party's municipal or regular primary elections, or served as a delegate to either party's convention.

All commissioners must file signed statements with the commission and the governor verifying that they meet the necessary qualifications, will comply with the requirements for redistricting, will faithfully enact their duties in an independent, impartial, honest, and transparent manner, and will not engage in any effect to deliberately or unduly favor or disfavor any incumbent, candidate, prospective candidate, or political party. These statements will be made publicly available.

How a Map Gets Approved

Plans That May Be Considered. The commission may consider any redistricting plan submitted by a person or organization, including the commissioners themselves. Any submitted plan shall be made available to all the commissioners and the public. Upon the vote of three commissioners, a submitted plan will be assessed for compliance with redistricting criteria. This assessment will be promptly made publicly available.

Recommendation of Plans to Legislature. To be recommended to the legislature, a plan must be approved by a least five commissioners. Commissioners may recommend up to three redistricting plans to the legislature. If no plans receive the requisite votes by the deadline, the commission will submit at least two plans—one supported by the commissioner appointed by the leadership of the majority party of the senate and one supported by the commissioner appointed by the leadership of the minority party of the senate—to the Utah Supreme Court for consideration. The Chief Justice of the Utah Supreme Court will choose at least one plan from the submitted proposals for referral to the legislature.

Adoption of a Plan by Legislature. The legislature is not allowed to change or amend the commission's plan(s), other than to make technical corrections. A redistricting plan or modification of a plan must be made available to the public for at least ten days before the legislature votes on it.

If the legislature rejects the plan(s) recommended by the commission and decides to enact its own plan, the legislature must issue a public written report describing the reasons for rejecting the commission's plan(s) and explaining why the enacted map better satisfies the redistricting standards and criteria.

The Rules That Must Be Followed in Drawing a Map

Basic Criteria. The commission and the legislature, if it draws its own map, must use the following rules, listed in order of priority, when drawing districts:

1. Comply with the U.S. Constitution and federal laws such as the Voting Rights Act, including, to the extent required, achieving equal population among districts;
2. Minimize the division of municipalities and counties across multiple districts;
3. Create geographically compact districts;
4. Create districts that are contiguous and that allow for ease of transportation throughout the district;
5. Preserve traditional neighborhoods and local communities of interest;
6. Follow natural and geographic boundaries, barriers, and features; and
7. Align the boundaries of different types of districts where possible.

Anti-Gerrymandering Provisions. The commission and the legislature are prohibited from dividing districts in a way that purposefully or unduly favors or disfavors an incumbent, candidate or prospective candidate, or any political party. Additionally, the commission and the legislature are banned from considering political data, including political party affiliation, partisan election results, voting records, or the residential addresses of incumbents, candidates, or prospective candidates while drawing the maps, unless it is necessary to comply with the other redistricting criteria, such as the Voting Rights Act.

Evaluation of Map. The commission and the legislature must use the best scientific and statistical methods, including measures of partisan symmetry, to evaluate compliance with redistricting standards. Computer software and data concerning the plans must be made publicly available so that the public has a meaningful chance to review the plans.

Public Input and Transparency

The commission must hold at least seven public hearings in seven different regions of the state and cannot hold more than two hearings in the same county unless the county has a population between 125,000 and 700,000. The commission must establish and maintain a website to share information about the commission, proposed redistricting plans, and to allow the public to view commission meetings and public hearings live and archived. The public must be able to submit

redistricting plans for the commission's consideration and comment on proposed commission plans through the commission's website.

Commissioners may not engage in any private communication with any person outside of the commission without ensuring that the communication, or a description of the communication, including the names of all the parties in the communication and the plan discussed, is made available to the commission and the public.

Timing

The governor and legislative leaders must appoint their commissioners no later than thirty days following the legislature's receipt of census data (generally early in the year after the census). The commission must complete public hearings by the 120th calendar day after the legislature's receipt of census data or by August 31 of that year, whichever is earlier, and no later than 120 days after there is any change in the number of districts that results from an event other than the census enumeration.

The commission must adopt a final plan or plans no later than 30 calendar days following the last public hearing. The commission must submit its plan or plans to the legislature no later than ten days before the legislature votes on any redistricting plan. Final maps must be enacted during the first annual general legislative session after the legislature receives census data.

Terms of Office

A commissioner's term concludes once a successor is appointed.

Funding

Commissioners are entitled to a per diem and will be reimbursed for travel expenses. In addition, the legislature is responsible for appropriating adequate funds for the commission to fulfill its duties and make personnel, facilities, equipment, and other resources available as the commission requests. The Office of Legislative Research and General Counsel will provide the legal assistance, technical expertise, computer equipment and software, and other resources to the commission. The commission has the contracting authority to retain the staff, legal counsel, computers, software, and other resources necessary to effectively carry out its duties.

Right to Sue

Residents of Utah may bring suit to block use of a redistricting plan enacted by the legislature if they believe that the plan does not comply with the standards in the Act.

A copy of the ballot proposal can be found [here](#).