**Utah Independent Redistricting Commission**

**Commission Meeting Minutes**

Anchor Location: Taylorsville State Office Building

Bonneville Room Floor 3

4315 South 2700 West

Taylorsville, UT 84129-2128

May 11, 2021

6:00 p.m.

Public Meeting Minutes

Attendance - Commission Members

Chair, Utah Independent Redistricting Commission - Rex Facer

Commissioner Lyle Hillyard

Commissioner Jeff Baker

Commissioner William A. Thorne

Commissioner Rob Bishop

Commissioner Christine M. Durham

Commissioner Karen Hale

Attendance - Staff and Others in Attendance at Anchor Location:

Gordon Haight, Commission Executive Director

Jacob Acquah, Intern

Bryan Nalder, Assistant Attorney General

Barbara Sutherland, Division of Finance

Teresa Facer, Volunteer

Moira Facer, Volunteer

Mallory Bateman, University of Utah, Kem C. Gardner Policy Institute

Tyler Jarvis Professor of Mathematics, BYU

Note: A copy of meeting materials, and an audio recording of the meeting can be found on the Public Notice Website. The minutes may refer to the recording found on the Public Notice Website with the approximate number on the recording where an issue is being discussed.

1. Welcome – Rex Facer

Commission Chair Rex Facer welcomed everyone to the meeting. He explained that there were microphones for each commissioner. It is hopeful that this may make it easier for the audience to hear the meeting better. He also asked to Commissioners to state their names when they speak.

1. Introduction of Gordon Haight, Executive Director

Commission Chair Facer is delighted to introduce Gordon Haight, the Executive Director for the Utah Independent Redistricting Commission. He asked Mr. Haight to introduce himself.

* Mr. Haight is excited to be part of the redistricting process. He feels it is an important time to do this. Many people feel they are not being heard in the process. He hopes that the commission will be able to solve of the problems. He feels it is a positive thing to let people know they are being heard, and give them a chance to comment on the process.

1. Action Item: Approval of April 27, 2021 Utah Independent Redistricting commission Meeting minutes – (Commission motion required)

Chair Facer asked if anyone and any corrections or changes to the minutes from the last meeting.

* Commissioner Hillyard stated that in number XI, first bullet point the minutes have Commission Karen Barker, and it should say Commissioner Karen Hale. He moved to strike that, and change it to Commissioner Karen Hale.
* Commissioner Karen Baker had one more correction to the minutes. In her introduction, page 2, in Salt Lake City, the minutes say Communications Director and Director of Human Relations, the minutes should read Communications Director and Director of Community Relations.

Commissioner Thorne moved to approve the minutes as corrected. Commissioner Hale seconded the motion. The motion carried, and the minutes from the April 27, 2021, Utah Independent Redistricting Meeting were approved as corrected.

1. Discussion about Public Hearings and Upcoming Meetings – Rex Facer

Chair Facer explained that some of the Commission wanted more clarity on the number of meetings there would be. He isn’t sure if they need to solidify the dates or places yet. But, it would be a good idea to know what the commission’s strategy is moving forward.

The statute requires this commission to have a minimum of 7 public meetings. At the public meetings, the public will need to have the opportunity to comment on the maps. Those 7 meetings will have to happen after they have the data. There may need to be additional meetings to get the public’s comments. Chair Facer asked the Commissioners how many other meetings the commission would like to have for public hearing and input.

The Commissioners discussed their feelings on the required upcoming public meetings. They also discussed how to get the word out to the public, as well as other essential issues pertaining to the public meetings and hearings. Please refer to 3:36 of the recording to hear the whole discussion. The recording is posted to the Public Notice Website on the May 11, 2021, posting. <https://www.utah.gov/pmn/>

* Commissioner Jeff Baker proposed a schedule for the six weeks. For the first 2 weeks to have preliminary maps, the second 2 weeks to meet with the public to get their input, and the third two weeks to do revisions based on public input. This would take them to September or October. Commissioner Baker is in favor of additional meetings as well. Prior to his six week proposed schedule, and prior to the getting the census information, with the purpose of finding communities of interest.
* Commissioner Durham suggested having a couple of public meetings to see who shows up, and to see how productive the meeting is. It will help the commission to understand if they need to go to smaller communities or different venues. Maybe ask communities leaders or others, in areas that the commission is targeting.

Chair Facer asked if the commissioners wanted to reach out to communities to let them know about the meetings. Gordon Haight and Chair Facer discussed having a strategy to reach out to these communities, to help get the word out.

* Commissioner Hillyard suggested some things that he has done before when working on a tax reform issue. They met major newspapers and radio people before the meeting. They also went one hour before the meeting and the Commissioners mingled with the audience. The audience was encouraged to put their concerns online. There may need to have staff to review what is put online. He thinks the Commission should meet with the editorial boards, like television, radio stations and the newspaper, before the meetings. He feels there needs to be more meetings, but time is a restriction if there needs to be a recommendation by the middle of November.
* Commissioner Thorne wants people who join remotely to be able participate in the meetings as well.

Chair Facer said they are allowing public comments to come in through the commissions email address uirccomments@utah.gov. There are people online, and we need to make sure their voices are heard as well.

* Commissioner Hale agrees with Commissioner Baker that the commission needs to use the opportunity before they get the census information to become informed, to let the public inform the commission, before they prepare the maps.

Chair Facer understands the commission wants to have public meetings prior to receiving the census data. Maybe have public meetings in June, July, and early August. Then start with the mapping in the middle to end of August.

* Commissioner Baker would like to see it in a timeline format. Sequencing the meetings and events.

Chair Facer will work with Mr. Haight on a timeline, and send it to the Commissioners.

* Commissioner Thorne would like to have multiple public meetings in a day.
* Commissioner Hillyard feels it is important before the meetings to outline what the criteria and guidelines are. He explained there are two rules, number one, do for the whole map, not just your district. Number two, comply with the federal and state laws. Maybe have someone at the meetings with credibility to explain things.

Chair Facer explained that the commission has been taxed with public meetings, and need to identify specific regions to hold the meetings. At least 2 of the meetings have to be in a Class 1 or Class 2 County. Does the Commissioner want to have the map making public hearings, or the informational or educational public hearings, in the same cities?

* Commissioner Hillyard feels they need to be held together.
* Commissioner Durham agrees.
* Commissioner Bishop stated that the maps won’t be ready for the first public meetings.
* Commissioner Hillyard suggested using the maps that were used ten years ago, explaining that these maps would not be able to be used now because population has changed. But, you could look at it for the House and the Senate districts, but not for the Congressional districts.

Chair Facer appreciated all the comments about the required upcoming meetings, and felt it was an appropriate lead in to the next agenda item.

1. Potential Action Item: Discussion of legislative proposal to adjust timeline – Rex Facer (Commission motion may be required)

Members of the Legislature have asked the Commission to adjust the timeline. Chair Facer introduced Senator Scott Sandall, Representative Paul Ray, and Jerry Howe, and Tom Vaughn, from the Office of Legislative Research and General Counsel. Please refer 19:00 of the recording posted to the Public Notice Website.

Representative Paul Ray explained they have been looking at a contract with ESRI, this application does a lot of mapping. The census bureau said the refined data to do maps will not be available until September 30, 2021. That would put it at October 1, 2021 to start the redistricting map drawing. With ESRI the census bureau is going to do a raw data dump called legacy files, they are going to release those August 16, 2021. ESRI has the tool box available with their software to refine that information, and have what is needed for mapping ready by September 1, 2021.

Looking at the schedule if they wait until October 1, 2021 to start the mapping, the Legislature would be looking at a special session during the holidays, which would put the County Clerks at a disadvantage, because they need to figure out precincts.

They are proposing using the tool and having the information by September 1, 2021, and move the deadline from November 15, 2021, to November 1, 2021. They would like to have a special session right before Thanksgiving. It is important to get the information wrapped up, and to the county clerks in time for them to get it done before they start the deadlines for filing, and signatures etc. This would give the Commission an extra two weeks, but move the deadline up to November 1, 2021, to allow more time for the County Clerks. This is their request, and they would like to do this at the special session next week.

* Commissioner Thorne asked what the difference was with the refined data, and the raw data.

Jerry Howe explained the difference between the raw data and the refined data. When the census delivers the raw data it is a little more complicated to get to the bottom of it, but the actual data is identical. The September 1st, data will be more refined and more user friendly. They are confident with their staff, and the ESRI team, that the data can be ready by September 1, 2021. The data will be the same data in the census blocks that would be released September 30, 2021.

* Commissioner Hillyard heard on the news when the census is completed there was new factoring that went into the census and ended up giving New York and California a much higher population count. If this is happening in other states, will they do the same thing in Utah?

Jerry Howe said he has heard about the census using a deferential privacy tool to protect the privacy of individuals. But has not heard about the apportionment data being wrong, or needing to be changed.

Tom Vaughn agrees that may be a misunderstanding. The deferential privacy tool may make the data less accurate. This is done after the apportionment. That means apportionment numbers are accurate. The numbers after the deferential privacy tool will not be accurate on purpose. There is a lawsuit by several states to bar the deferential privacy. The deferential privacy does effect the data, but does not have any impact on the reapportionment at the congressional level.

* Commissioner Hillyard asked if Mr. Howe, or Mr. Vaughn, see something on alignment that the commission needs to be concerned about, that they notified the commission about it immediately.

Chair Facer asked if there were any more questions concerning moving the timeline up two weeks.

* Commissioner Baker asked about losing two weeks of time. Asked if it was sensible to move the subsequent events that happen after redistricting, and move them down two weeks.

Representative Ray explained with the ESRI contract the Commission is gaining two weeks.

Tom Vaughn clarified, because the commission will receive the data one month in advance, this will be helpful to the Legislature. It gives the commission a whole month, and the special session will be held two weeks earlier. This will give the commission more time to draw the maps before they go the Legislature.

* Commissioner Hale is concerned about providing adequate time for the public to view the maps, and for the commission to respond to the public. This is a tough decision to make.
* Commissioner Bishop understands the problem, it won’t be easy, but it is logical. But, feels that it can be done.

Senator Sandall understands the public tools to draw maps would be available the first week in September. This will increase the ability for the public to do that by a month.

* Commissioner Thorne feels the commission needs to do their best to meet the new deadlines.
* Commissioner Baker is concerned if the census does not meet the new deadline and the data is released September 30th, is there another plan.

Representative Ray said that they could put the language in the legislation that has the fall back. If for some reason the data is not released they fall back to the original dates.

Thomas Vaughn explained, if the data is received by the date the census says it will be ready, and can be reverted to reasonable data, they will proceed with the new schedule. If the data is late, they would delay it by the days it is late. That could be put in a bill for the May 19, 2021, special session.

Chair Facer asked for a motion. He explained the proposal; if the Utah Independent Redistricting Commission receives the data by September 1, 2021, they would be able to meet the deadline of November 1, 2021. If the commission receives the data late, the deadline would move to however late the commission receives the data.

Commissioner Hillyard moved to approve the Legislative proposal as stated. Commissioner Thorne seconded the motion. There was no further discussion to the motion. The motion passed unanimously.

The Commission took a brief break, and then moved to number VIII on the agenda. Census Presentation and Discussion: Mallory Bateman.

1. RFP update

The RFP for counsel closed on May 7, 2021. There were three proposals for the General Legal Counsel, and three for the Voting Rights Act Counsel. Chair Rex will be getting a phone call together with Commissioner Hillyard, Commission Durham, and Commissioner Thorne, and Mr. Haight. To go through the scoring of the applicants. Chair Facer would like to have a with a video meeting to finalize counsel before the next meeting.

a. General Legal Counsel

b. Voting Rights Act Counsel

1. Website Update

Chair Facer has been working with state website developers on the website. He showed a preliminary mockup of the website to the Commission.

Chair Facer showed the Commission the preliminary logos, and asked if anyone had one that they liked better.

* Commissioner Durham preferred the logos that the UIRC and the Utah Independent Redistricting Commission have equal value.
* Commissioner Baker liked the logo shaped like Utah, with the four congressional districts and the name Utah Independent Redistricting Commission is spelled out.

Chair Facer explained there could be two entry logos. He and Mr. Haight will decide on the logo, or narrow it down for the Commission to vote on. The site should go live in two weeks.

1. Census Presentation and Discussion: Mallory Bateman

Chair Facer introduced Malory Bateman from the University of Utah Kem C. Gardner Policy Institute. Ms. Bateman has been one of the head people working with the Utah Census Bureau to get the word out, and get it correct.

Malory Bateman stated that she is a Senior Research Analyst and the State Data Resource Center Coordinator at the Kem C. Gardner Policy Institute. The State Data Center is a partnership program with all 50 states, DC and surrounding islands. Malory has provided links to everything in her report, and has shared those links with Chair Facer.

Ms. Bateman explained the Census Bureau does provides quality data about people and the economy. They do the Population and Housing Census every 10 years. They do many surveys including the American Community Survey that is done annually, and the Household and Small Business Pulse Survey that was created during COVID-19 as well as many other surveys. They operate under Title 13 and Title 26 of the US Code that mandates protection of data.

For Ms. Batemans presentation on the 2020 Census, refer to 50:53 of the recording that is posted to this meeting on the Public Notice Website. Ms. Batemans power point report is provided on the Public Notice Website as well. <https://www.utah.gov/pmn/>

Ms. Bateman asked if the Commission members had any questions.

* Commissioner Hale asked if Ms. Bateman is fairly confident that the Bureau will meet the August 16th, and the September dates.

Ms. Bateman said that they were hesitant about the August date, because their population projections need those numbers. She did get confirmation from someone at Census for the August 16th date, and their number one redistricting representative is saying that the data will be ready on August 16th. She feels they are trying to meet those deadlines.

* Commissioner Durham asked Ms. Bateman if she had any advice for the UIRC, to use her information productively.

Ms. Bateman said by setting up their framing, and understanding the context of the places that have grown or changed. Some rural areas have had a populating decrease. There is a lot of potential information out there. She will be happy to point them to helpful tools.

* Commissioner Bishop asked about a census block, or track that cuts through a property or home. How does the Census Bureau equate which side of the property the person will be counted?

Ms. Bateman is not sure, but thinks the differential privacy may make it a little more complicated.

* Commissioner Bishop is hoping that the Census Bureau has a consistent response on how to count people if the track goes through property or a house. Which side of the line they would count.

Ms. Bateman will reach out to some people at geography to get the answer to Commissioner Bishop’s question. Chair Facer has also reached out to Census and has not heard back on that issue.

* Commissioner Baker stated, 10 years ago the Census released the data 5 weeks early. What is the chance of the happening now.

Ms. Bateman feels the September 16th, is the earliest date the census will be released.

* Senator Hillyard hopes there is not so much pressure to release the data on September 16 that it is released before it is done.

Ms. Bateman said the timelines they have now, are the timelines they were hoping for. They feel confident about their process.

Chair Facer thanked Ms. Bateman for her helpful information.

1. Mathematics and Redistricting Presentation and Discussion: Tyler Jarvis

Chair Facer introduced Tyler Jarvis, he is a math professor at BYU. The Commission is tasked to use the best scientific methods to evaluate their maps. There have been a lot of advances using mathematicians to evaluate maps. Mr. Jarvis has done some of this for the State of Utah. He will share how mathematicians feel think about Gerrymandering, and evaluating maps.

Tyler Jarvis introduced himself. He is a Professor of Mathematics at BYU, and had been studying the mathematical properties of gerrymandering and redistricting for some time. He will explain some of the ways you to identify gerrymandering.

For Mr. Jarvis’s full presentation, refer to 1:12 of the recording posted on the Public Notice Website. Mr. Jarvis’s power point presentation is posted there as well. <https://www.utah.gov/pmn/>

Mr. Jarvis completed is presentation and asked the Commission members if they had any questions.

A discussion ensued on the Ensemble Requirements. Which are:

Population deviation (1%, 10%)

Relatively compact

Contiguity: boundary or roads?

Empty blocks?

Neighborhoods and communities of interest?

Preserve municipalities?

Preserve counties?

Respect natural boundaries?

Preserve cores of prior districts?

Shared boundaries

VRA constraints.

To hear the full discussion refer to 139:00 on the recording posted to the Public Notice Website. <https://www.utah.gov/pmn/>

Mr. Jarvis said there are millions of plans that people can be happy with.

Chair Facer appreciated all the comments. He appreciated Mr. Jarvis’s mathematical expertise and his willingness to share this with the Commission.

The Commission moved back to VI on the agenda.

1. Discussion Item: future presentations

The next meeting is scheduled for May 25, 2021 at 4:00 p.m.

Chair Facer has had conversations with some attorneys who have been involved with redistricting nationally. One of the attorneys he talked to helped write the book called “Redistricting Law 2020.” One of the authors of the text is more affiliated with Democrats, and will be coming to the meeting on May 25th, and he will be bringing a Republican expert with him.

Chair Facer has talked with a scholar who looks at the success of commissions on the last redistricting. He has asked him to give some feedback about characteristics of what makes Commissions more successful, than unsuccessful.

Chair Facer asked the Commission if they would like an expert to come and have a detailed conversation around each of the criteria.

* Commissioner Thorne would like an expert to discuss about what aspects of plans follow court decisions.
* Commissioner Durham would like a scholar to come and discuss Community of Interest.

Chair Facer has talked with a professor at the Law School at Ohio State. He has done some work on redistricting and election law. He contacted someone at Stanford University on the commission’s behalf on Community of Interest. There is an article on the 2013 redistricting, Chair Facer will send it to the commission.

Chair Facer talked about future meetings. The next meeting is on May 25, 2021, and then June 8, 2021. The meetings would then run weekly. He will send the list of meetings out to the Commission, and asked them to let him know if they have any conflicts with the meetings.

He will put the timeline together and propose a couple of dates for public hearings in late June or early July. Then they can decide on meetings in late July and August, before they get into September and October.

If a Commissioner can’t make the meeting, they can join the meeting as a panelist in the webinar and participate in the meeting.

Chair Facer has talked with Mr. Haight about a communication strategy to publicize public meetings, visits, etc.

* Commissioner Hale would like to seek out nontraditional forms of communication. She wants to explore all kinds of communication to get the word out adequately.

Chair Facer asked if there were any other items that need to be discussed.

* Commissioner Thorne asked if they would be hiring staff to help.

Chair Facer said the Commission would be hiring staff. The Redistricting Commission in Virginia reviewed the redistricting commissions across from the country. They have compiled a list of the staff for each of the different commissions. He would like to look at this list, and talk with the commission about some of the staffing strategies.

* Commissioner Baker asked if ESRI was selected as the software for the website.

ESRI was officially selected as the software vendor for the public mapping, and Autobound for the other software.

Jerry Howe said the RFP has been finalized, Autobound and ESRI have be authorized, and they are negotiating the contract.

Computers have been ordered for the commission members. Chair Facer thinks the members of the commission will be authorized to use the software. When the contract is completed, he will have more answers. Getting the computers has been a slow process.

The Commission discussed how to handle confidential questions, emails, using personal devices, etc. Refer to 2:27 of the recording on the Public Notice Website. <https://www.utah.gov/pmn/>

Chair Rex Facer asked for a motion to close the meeting.

Commissioner Hale moved to adjourn. The meeting was adjourned at 6:34 p.m.