

Commission Meeting Minutes

The following are the minutes of the Utah Independent Redistricting Commission meeting. The meeting was held on Saturday, October 25, 2021, in the Taylorsville State Office Building located on 4315 S 2700 W Room #1400, Taylorsville, UT 84129

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.

Attendance - Commission Members

Chair, Utah Independent Redistricting Commission - Rex Facer

Commissioner Karen Hale

Commissioner Christine Durham

Commissioner Jeff Baker

Commissioner Robert Bishop

Commissioner Lyle Hillyard

Commissioner William Thorne

Attendance - Staff and Others in Attendance at Anchor Location:

Gordon Haight, Executive Director

Aly Escobar, Administrative Coordinator

Cassidy Hansen, Intern

Sariah Benion, Intern

Joey Fica, Intern

Matt Cannon, Legal Counsel

Jackie Rosen, Legal Counsel

I. Call to Order

Chair Facer began the meeting.

II. Welcome – Chair Rex Facer

Chair Facer explained that a representative from the Utah Education Association (UEA) had asked to make a comment regarding the school board maps. He then turned the time to Chase Clyde.

Chase then addressed the commissioners. He explained that teachers had attended many of the public hearings and had presented a message asking for school board maps to avoid splitting school districts. He suggested that using the allowable population to its maximum allowed for fewer districts to be split. He noted that the three maps that the commissioners had moved forward all had relatively low deviations, and noted some particular concerns with the Orange Map. He noted that a map drawn by educators in the UEA had been under consideration previously and expressed his feelings that the UEA map was a good map even with its higher population deviation.

Commissioner Hillyard explained that he and Commissioner Thorne had worked to remove city splits in their map where possible and would work to remove district splits in the Orange Map if it were approved.

III. Presentation: New Public Maps – Cassidy Hansen

Chair Facer then moved to the next item and noted that there had been some interest last meeting in having a vote to finalize the nine maps for state house, state senate, and state school board before discussing the new congressional maps.

Matt Cannon, legal counsel for the commission, suggested that would be an acceptable course of action.

IV. Action Item: Voting on the maps to present to the Legislative Redistricting Committee

Commissioner Hillyard expressed that he was prepared to make a motion and asked staff to confirm which maps the commissioners had moved forward in the Herriman meeting for state house, senate, and school board.

Staff explained that for senate, they had moved forward Orange Map, Purple Map, and Green Map. For house - house 1, Purple, and Green. For school board, Orange, Purple, Green.

Commissioner Hillyard expressed that as heard in some public comments, even with as much work as the commissioners had done to create good maps, it was likely that the maps still needed cleanup, and specific oddities or issues in districts might still be discovered. He suggested that in his experience it wasn't unusual for the legislature to even go back and amend adopted maps in future years based on things such as county feedback. He made a motion to approve the maps mentioned with an understanding that each team may go back and do some finetuning to their maps.

Commissioner Thorne noted some conversation from a previous meeting that each team would look at Roosevelt and Clearfield in each house map in the upcoming week.

Gordon Haight explained his understanding of the motion on the table as approving the maps in question while allowing for some refinement to be done in the upcoming week.

Commissioner Hillyard asked for the approved maps to be put online as soon as possible to allow for possible public feedback.

Chair Facer asked if there was a second to the motion.

Commissioner Durham seconded the motion.

Chair Facer asked for additional discussion and hearing none called the motion to a vote.

The votes were recorded as follows:

<i>Commissioner Christine Durham</i>	<i>Aye</i>
<i>Commissioner Rob Bishop</i>	<i>Abstaining</i>
<i>Commissioner William Thorne</i>	<i>Aye</i>
<i>Commissioner Hillyard</i>	<i>Aye</i>
<i>Commissioner Chair Facer</i>	<i>Aye</i>
<i>Commissioner Jeff Baker</i>	<i>Aye</i>
<i>Commissioner Karen Hale</i>	<i>Aye</i>

The motion carried.

Chair Facer turned the time to Cassidy Hansen to discuss analysis done on new maps submitted by the public.

III. New Public Maps – Cassidy Hansen

Cassidy and Moon Duchin presented briefly on this analysis. Please refer to 10:23 in the recording to hear the presentation. The recording is posted to the Public Notice Website on the October 25, 2021, post. <https://www.utah.gov/pmn/>.

Cassidy explained that analysis was given for each congressional map being considered and mentioned that several maps had been edited by their authors since the last meeting. She also explained that further analysis could be done if requested.

Moon Duchin presented on non-political data such as city and county splits, population density of districts, and splitting of communities of interest as well as how the data from each map compared to one another as well as computer generated maps.

In this presentation discussion centered around some definitions being used and how communities of interest were categorized.

Commissioner Durham and Chair Facer briefly discussed some slight changes in the naming abbreviations between two packets of data and cleared up potential discrepancies.

Chair Facer explained that he and Commissioner Hale had modified the Purple Map to no longer split Taylorsville after a comment from the Taylorsville Mayor in a recent public hearing.

Chair Facer noted that there had been some confusion on the voting mechanism for the maps, and presented a voting plan. He suggested allowing each commissioner to nominate up to two maps with an up down vote then being held on each nominated map. He suggested that if there was a round with too few votes on three maps, they would take the map that passed and then hold another round of voting.

Commissioner Durham expressed a view that this voting plan would work, but hoped to have some discussion of each map prior to any voting.

Chair Facer expressed having no problem with discussion first.

Commissioner Bishop asked to say a few words before discussing each map. Commissioner Bishop explained that his view regarding the importance of having urban and rural areas in each district was based on his time in Congress. He noted that the commissioners had discussed Mayor Wilson's letter regarding avoiding splitting Salt Lake County, but felt that comments from the mayor of St. George and a Washington County Commissioner that asked for each district to have urban and rural areas were equally important. He expressed that the rationale of considering the large areas of federal land in Utah was a strong justification for urban and rural mixes in districts. He noted hearing some public comment suggesting that if 30% of the state voted democrat, they ought to have 30% of the congressional seats. He expressed a view that outside groups were essentially asking for a democrat district to be gerrymandered. He noted that even with the commissioners' decision to avoid political data they could likely guess at the outcome for some of the congressional maps. He expressed that he had not looked at the Green Congressional Map as a partisan but as a commissioner.

He expressed a general frustration with the process and direction of the commission. He expressed respect for each commission and the time and work they had put into the process and expressed respect for the staff and their time and effort. He explained that the makeup of the commission seemed metro-centric and even after public comment there were some real differences in how commissioners viewed the situation. Commissioner Bishop explained that he was resigning, and would let the remaining commissioners vote as they saw fit, though he still felt the Green Congressional Map was best. He expressed general frustration with the process and wished the group well even though he felt he could not continue. He explained his view that the work of the commission had created some decent maps in the other district types and also noted that he had not actually said anything in the previous vote, suggesting that they may want to change his vote to an abstention. He again wished the commissioners luck and explained that the issues he brought up were important and felt that fully urban districts would harm the state. He explained his frustrations were with the way the commission was set up and not with the other commissioners.

Commissioner Bishop then left the meeting.

Commissioner Durham asked to hear from legal counsel regarding Commissioner Bishop's resignation and the potential impact on future work as well as the votes during this meeting.

Matt Cannon explained that this was somewhat unprecedented and explained that the statute did not clearly outline this situation though it did clearly outline other areas. He suggested that his current view would be that commissioners could still proceed and meet the legal requirements for approval of maps.

Commissioner Durham asked Matt's view on the vote during this meeting and whether those nine maps still had the requisite support. Matt and Commissioners briefly discussed what former Commissioner Bishop's comments regarding an abstention vote would constitute. Chair Facer explained his understanding as an abstention in place of a vote there, and Matt suggested it may be worth reaching out for clarification. Commissioners discussed if the nine approved maps would still be statutory requirements with general agreement arriving to a conclusion that the nine maps voted on in this meeting having the requisite threshold of support. Commissioner Hale also explained her understanding that commissioners could make recommendations to the other mapping teams during refinement of the nine approved maps.

Commissioner Durham asked if the commission needed to make some sort of formal recognition or acceptance of Commissioner Bishop's resignation. Matt responded that he would look into it.

Chair Facer suggested returning to discussion of congressional maps. Commissioner Durham suggested that if there seemed to be no interest in a particular map there was no need for much discussion of that map. Please refer to 53:58 in the recording to hear the discussion in full detail. The recording is posted to the Public Notice Website on the October 25, 2021, post. <https://www.utah.gov/pmn/>.

Chair Facer noted that for the Purple 4-5 Map he had explained new changes earlier in this meeting. Commissioner Hale noted that while she and Chair Facer had talked to local officials about transportation concerns and avoiding any splits in Taylorsville, they had created all the lines themselves without direct input. Chair Facer also noted some areas in San Juan and Juab Counties were included in particular districts to keep tribal lands intact.

Commissioner Hillyard noted a concern with the large southern Utah district in the Purple Map. He also noted that while Salt Lake County was only split once, there was no district entirely in Salt Lake County, and he felt the public comments requested a district entirely within Salt Lake County.

Commissioner Durham explained that she understood those comments as asking for Salt Lake County to simply not be split three or four ways. She suggested that Davis and Utah Counties had enough in common with Salt Lake County for justification.

Chair Facer asked for any comments on the Green Map.

Commissioner Durham and Commissioner Baker noted that they had little else to say on the Green Map and that they had both expressed no longer supporting this map.

Commissioner Hillyard explained that he did prefer the way southern Utah was put into districts but noted that Salt Lake County was split three ways.

Chair Facer asked for discussion on the Orange 2-3 map.

Commissioner Hillyard explained the general makeup of the Orange 2-3 map, including a general northern Utah District, and a general eastern Utah District. He noted that Salt Lake County was split three ways, but one of the splits was relatively small and focused on ski areas. He explained that he thought the splitting of southern Utah into several districts would make more workable districts.

Commissioner Durham asked the Orange team which map they preferred between Orange 2-3 and Orange 3-3. Commissioner Hillyard expressed he preferred 2-3 as he felt the southern Utah district in 3-3 was too large. Commissioner Thorne expressed he preferred 3-3 for the way it kept urban districts together, but suggested he had other maps he preferred over 3-3.

Chair Facer asked for any other comments on Orange 3-3 and hearing no other comments moved to public submissions.

Commissioners then discussed the TB map. Commissioner Durham mentioned that Salt Lake County was split into four districts, and Millcreek was in four districts. Commissioner Durham mentioned that Millcreek has been very split in previous years as well. Chair Facer noted a relatively large number of city splits in this map.

Commissions then discussed the LP map, and Chair Facer noted that this map was a new submission. Chair Facer noted that the deviations were low, but not the lowest. He also noted that his map had some urban rural mix, and Commissioner Durham noted that Salt Lake was split more than necessary. Commissioner Hillyard mentioned some concern with a fairly large rural district. Chair Facer noted a relatively large number of city splits, though fewer than the previous map.

Commissioners then discussed the DR2 map, and Chair Facer noted that this map was a new submission. Commissioner Durham noted very few city or county splits, though relatively higher deviations. They noted that Salt Lake County was only split once, but the districts were unusually shaped. Commissioner Hillyard expressed that he had some concerns with southern Utah in this map, but fewer concerns than some of the other maps.

Commissioners then discussed the BDK map. Commissioners noted a split in Rich County, and Utah County being split into three parts. Commissioners noted some very small city splits that could potentially be fixed. Chair Facer expressed that splitting a county as small as Rich felt odd, and Commissioner Hillyard noted some geographic obstacles and noted that there was likely a small enough population that the split could be edited out.

Commissioners then discussed the MR map. Commissioner Durham noted that many of the city splits seemed possible to fix. Commissioners noted that one district was entirely contained within Salt Lake County, but that part of Salt Lake County was then in a district that extended all the way down to San Juan County.

Commissioners briefly discussed the CV map. Chair Facer noted that Salt Lake and Utah Counties were split once with no other county splits. Commissioner Hale noted that this map had Grand and San Juan in different districts, but some public comment would support that. Commissioners also noted relatively larger deviations.

Commissioners then discussed the SF map. Commissioners noted a larger deviation. Commissioner Hillyard noted some concern that there was no central Salt Lake County district in this map. He also noted some concern with a particularly large district. Commissioner Durham noted that even she had some issues with the larger southern district extending from Vernal to St. George.

Commissioners then discussed the JE map. Commissioner Hillyard noted a similar concern with southern Utah.

Commissioners then discussed the SH1 map. Staff noted that SH2 had some slight revisions while SH1 did not. Chair Facer noted deviations of zero as well as three split counties and four split cities.

Commissioners then discussed the SH2 map. Commissioners noted that Salt Lake County had been edited, and was now only split once in this map. Commissioner Hillyard expressed that he liked southern Utah more in this map, but still worried that Salt Lake might need a district entirely within Salt Lake County. Staff and commissioners discussed how this map ranked in some of the analysis done by staff and Moon Duchin.

Commissioners discussed the EW map. Commissioners discussed how the population of Salt Lake County was split. Chair Facer noted that four counties had been split. Commissioners discussed where Summit County had been split. Commissioners also noted a somewhat rural district composed of the fast-growing portions of Salt Lake and Utah Counties.

Commissioners then discussed the MA map. They discussed some boundaries in Salt Lake, Davis, and Summit Counties. Staff suggested that additional analysis for the MA map and other maps could be done in the next few minutes.

Commissioners then discussed the DR1 map. Commissioner Hillyard expressed satisfaction with southern Utah in this map. Commissioners also discussed which cities in Salt Lake County were in which district.

Chair Facer explained that staff would have additional analysis for one or two maps shortly, but Chair Facer explained that commissioners had looked at all maps being considered. Chair Facer and legal counsel discussed whether staff needed to keep the notes commissioners took on each map. Commissioner Thorne discussed Orange 3-3 in some more detail, explaining that the goal had been creating two compact districts given how the population is centered.

Staff then gave some analysis on the MA map. Commissioners then discussed some of the splits in that map and whether they could be avoided. Staff then gave some analysis on the EW map. Commissioners then discussed some of the splits in that map.

Commissioner Durham suggested potentially having commissioners write their votes down and have staff tally them for some efficiency. Commissioners discussed voting and commissioners discussed making votes very clear, leading Commissioner Durham to withdraw this suggestion.

Chair Facer explained his suggestion for having commissioners propose maps and then voting on all proposed maps.

Commissioner Hillyard explained that he would feel comfortable voting yes on whatever package moves forward if at least one map meets his criteria, otherwise he would be less comfortable with the package as a whole. He and Commissioner Durham discussed this approach with Matt Cannon.

Commissioner Hale expressed that she would be interested in hearing each commissioner's two top picks in a sort of straw poll. Commissioner Thorne also supported the straw poll. Commissioner Baker suggested three maps. Commissioners clarified that this poll would be for nominations for votes, and not a final vote.

Chair Facer suggested rotating the order of voting and nominations.

- Commissioner Durham expressed support for Purple 4-5
- Commissioner Hillyard expressed support for CV Public
- Commissioner Hale expressed support for Purple 4-5
- Commissioner Thorne expressed support for SH2
- Commissioner Baker expressed support for Purple 4-5
- Chair Facer expressed support for Purple 4-5

- Commissioner Durham expressed support for Orange 3-3
- Commissioner Hillyard expressed support for SH2
- Commissioner Hale expressed support for SH2
- Commissioner Thorne expressed support for CV Public
- Commissioner Baker expressed support for SH1
- Chair Facer expressed support for SH2

Commissioners discussed the top three nominations thus far. Commissioner Durham suggested a third round of nominations.

- Commissioner Durham expressed support for EW Public
- Commissioner Hillyard expressed support for Orange 3-3
- Commissioner Hale expressed support for EW Public
- Commissioner Thorn expressed support for Orange 3-3
- Commissioner Baker expressed support for EW Public
- Chair Facer expressed support for Orange 3-3

Staff and commissioners discussed that commissioners had narrowed the maps down to 5 and no longer needed to consider the other maps for voting.

Chair Facer explained his suggestion that each map then be voted on. Commissioner Thorne expressed his understanding that Commissioner Hillyard would only vote yes if at least one met his criteria.

Commissioner Hillyard explained that he would support a group with SH2 and had concerns that Orange 3-3 and Purple 4-5 had all of southern Utah in one district.

Gordon Haight suggested perhaps the commissioners could group three maps into a package and vote on the package. Commissioner Durham noted that for the other district types they had voted on individual maps before a package.

Commissioner Hillyard motioned to put Purple 4-5, Orange 3-3 and SH2 into a packet to be voted on and submitted.

Commissioners discussed SH2 and noted that revisions had been made to put Salt Lake County into only two districts. Staff noted they would double check splits. Commissioner Thorne noted that SH2 ranked highly in the analysis done by Moon Duchin.

Commissioners discussed having some of the lines reviewed and cleaned up in each map, particularly SH2 if it was moved forward.

Staff presented the splits in SH2 in more detail.

Commissioner Durham expressed she would be comfortable with Commissioner Hillyard's suggested compromise. Commissioner Thorne agreed. Commissioner Baker agreed.

Commissioner Hillyard restated his motion for the commission to approve Purple 4-5, Orange 3-3 and SH2 as the maps to send to the legislature.

Commissioner Thorne seconded the motion.

Commissioner Durham asked if each map needed five votes or if five or more votes on the packet would suffice.

Commissioners and Gordon discussed and suggested five or more votes on the packet would suffice.

A roll call vote was taken. The votes were recorded as follows:

<i>Commissioner Christine Durham</i>	<i>Aye</i>
<i>Commissioner William Thorne</i>	<i>Aye</i>
<i>Commissioner Hillyard</i>	<i>Aye</i>
<i>Commissioner Chair Facer</i>	<i>Aye</i>
<i>Commissioner Jeff Baker</i>	<i>Aye</i>
<i>Commissioner Karen Hale</i>	<i>Aye</i>

The motion carried.

Commissioners briefly discussed the approval of the maps.

V. Presentation: Legal Presentation – Matt Cannon

Chair Facer moved to the next item. He asked Matt if there were any potential issues to be aware of. Matt expressed that there were no new issues to be aware of, and explained he wanted to discuss a memo regarding the usage of political data and the favoring or disfavoring of a party or individual.

Matt explained that favoring or disfavoring of a party or individual had been discussed by legal counsel and staff extensively and commended the commissioners on their decision to not use political data. Matt explained that he would discuss some thoughts on favoring or disfavoring of a party or individual. He also explained that preliminary analysis did not suggest that any of the 12 maps approved would trigger concerns with the criteria to not favor or disfavor.

Matt then reviewed the statutory language regarding the criteria to not favor or disfavor a party. He then reviewed the criteria adopted by the commission. He explained that there was some question on a map that unintentionally favored or disfavored a party or individual. He and commissioners discussed this question. Matt suggested that analysis from staff and Moon Duchin suggested no issues with regards to political parties, but clarified that additional analysis would be carried out.

Moon agreed that initial analysis suggested no issues.

Commissioner Thorne expressed that he would be interested in seeing analysis the day after maps were approved as a final product. Matt suggested that data would also be included in the report, but would not be shown to the commissioners until final approval of maps.

Matt explained that counsel had done a lot of research and discussion on this topic and suggested that while this criteria was solid, there did not seem to be an issue currently. Matt explained the statutory language surrounding evaluations of maps. Matt also clarified his view that the statute required both a process and results that avoided favoring or disfavoring. Matt and commissioners discussed that evaluations had been done regarding political data, but had not been given to commissioners.

Professor Persily suggested that he agreed that maps did not seem to have issues with regards to this criteria and indicated he thought the efforts to insulate commissioners from political data had been successful.

Commissioner Thorne suggested potentially having Chair Facer and Matt have a discussion with Commissioner Bishop about whether he would support the maps that had passed. Matt indicated that there did not seem to be an issue with that. Commissioners briefly discussed this suggestion.

VI. Presentation: Legislative Report – Gordon Haight

Chair Facer moved to the next item.

Gordon explained that maps would be posted online and suggested holding a final meeting on the upcoming Friday to discuss any cleanup done by commissioners on maps approved. He and commissioners also discussed when to have Moon present partisan data.

Gordon also suggested holding a press conference in regards to having a set of approved maps.

Commissioner Hillyard suggested encouraging public input on the final posted maps and considering input as possible and appropriate. Gordon discussed how staff might facilitate that.

VII. Presentation: Presentation for the Legislative Redistricting Committee – Gordon Haight

Gordon explained that he thought having the commissioners very involved in the presentation to the legislature would be valuable. He explained that staff would be available to help prepare slides or other data.

Chair Facer clarified that staff would be working on a presentation package generally as well.

Gordon also clarified that staff was working on the report and descriptions of districts.

Gordon, commissioners, and Matt discussed some of the details for a press conference.

Commissioners also discussed some of the tone and overall approach for presenting to the legislature.

VIII. Open Public Comment

Chair Facer asked for any public comments.

Staff explained they had received an email from Sarah Anderson and read that email. That email suggested keeping Park City together.

IX. Close Public Comment

Chair Facer closed the time for public comment.

X. Adjourn

Commissioner Hale motioned to adjourn the meeting.

The meeting was adjourned.