

## Commission Meeting Minutes

The following are the minutes of the Utah Independent Redistricting Commission meeting. The meeting was held on Saturday, October 23, 2021, in West Valley City Hall - 3600 Constitution Blvd, West Valley City, UT 84119

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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

Sariah Morey, Intern

Julianne Kidd, Intern

Christelle Gatoro, Intern

Joey Fica, Intern

Jordan Zinn

Kaleb Curtis

Ben Lariviere

Brent Goodfellow

James Fannin

Richard Jerrick

Daryl Curtis

Stuart Hepworth

Paul Hepworth

Susan Olson

Cindy Adams

Tyson Bomsta

Daniel Pipkin

David Reese

Rick Gregory

Michael Anderson

Katie Wright, Better Boundaries

Judy Weeks-Rohner, Utah State Representative

Elizabeth Weight, Utah State Representative

## I. Call to Order

Chair Facer began the meeting.

## **II. Welcome – Chair Rex Facer**

Chair Facer welcomed everyone to the meeting and noted that this meeting was the final public hearing of the commission.

## **III. Presentation: Redistricting Process – Rex Facer**

Chair Facer moved to the next item and stated that he would explain some of the process of redistricting and how the commission functions.

He began by explaining that Proposition 4 in 2018 began the creation of the Utah Independent Redistricting Commission and after some compromise legislation in 2020 the commission was created. He explained that the commission was advisory and explained how the commissioners were selected and introduced the commissioners, noting which commissioners were appointed by each political party. Chair Facer explained the charge of the commission to draft 12 maps, three of each for congressional boundaries, state house, state senate, and state school board. Chair Facer then discussed some of the early work of the commissioner prior to receiving the census data, noting that that data had been delayed. Chair Facer explained that the commissioners had separated into three teams to draw maps and that each team had at least one member appointed by each political party. He explained that the commissioners had been working to draft maps and were now in the process of narrowing the maps down and refining them based on input gained from the public. He explained that commissioners had worked to include public comments and input and thanked the public for their input. Chair Facer explained that the commissioners would be presenting their maps to the legislature on November 1.

Chair Facer then went on to explain the criteria to be used by the commission. More information about these criteria can be found here: <https://uirc.utah.gov/uirc-meeting/synopsis-criteria-and-standards/> In this explanation, Chair Facer mentioned the requirements for roughly equal populations as being the fundamental criteria as the commissioner works to create maps for the Utah Congressional seats, Utah House, Utah Senate, and State School Board. He presented the various population numbers for each map type. In this explanation Chair Facer explained that the population deviations the commissioners were using were based off of statute as well as the numbers being used by the legislative redistricting committee.

Chair Facer moved to explain the additional criteria adopted by the Utah Independent Redistricting Commission which can be found in the link above. In this explanation he touched on the importance of communities of interest, both as a way to ensure representation and to help the commissioners understand where communities can be split if necessary. He also mentioned that the commissioners have decided not to consider political data as they map.

Chair Facer explained the efforts the commission had made towards transparency, including all mapping sessions being live-streamed to YouTube.

Commissioner Hillyard explained that he had recently been asked what the commission was doing to protect the rights of minority voters. He explained that case law meant that the population deviations were

very strict and explained that districts were made using census blocks. Tying it back to minority rights, he explained that the Voting Rights Act prevented them from using race as a primary factor.

Chair Facer briefly discussed census blocks and explained that they are not of any uniform size or population.

#### **IV. Presentation: Public Comments – Joey Fica.**

Chair Facer turned the time to Joey Fica to present on the commission website - [uirc.utah.gov](http://uirc.utah.gov) and how the public can use the website to submit comments. Tutorials and links to these resources can be found at [uirc.utah.gov](http://uirc.utah.gov).

In these comments Joey explained that likely the most useful comments at this point in the process would be comments directly on the drafted maps from the commissioners.

#### **V. Presentation: Public Hearing Format – Gordon Haight**

Chair Facer then turned the time to Gordon Haight to discuss the format for giving public comment.

Gordon Haight discussed the format for giving public comment, including a general five-minute time limit. He also mentioned that staff would be available after the meeting to answer any questions.

Commissioner Durham expressed that she wanted to clarify on the record a comment made by Mayor Wilson at the previous meeting. She explained that a comment made might have seemed to suggest that Commissioner Durham had discussed the map work of the commission with someone outside the commission, and Commissioner Durham just wanted to clarify that she had not discussed the work of the commission outside the commission, nor had she been a part of the effort behind Proposition 4 or similar lobbying regarding the legislation related to the commission.

Commissioner Hillyard explained to the public the short time frame the commissioners were on and the time and work the commission had done so far. He explained that at this point in the process, with most of the finalist maps having been selected, the commission needed specific and actionable feedback from the public. He also mentioned that the commission was advisory and mentioned the difficulty in creating a map that a majority of people liked, let alone everyone.

Chair Facer thanked the commissioners for their hard work and teamwork, noting that the commission had been working very effectively.

#### **VI. Open Public Comment**

Chair Facer turned the time to public comments.

Jordan Zinn, from Salt Lake City then addressed the commissioners. His comments discussed the irregularities of city boundaries and suggested that the commissioners consider possible changes to the area around the point of the mountain in the next ten years.

Chair Facer explained that even though the commissioners had considered what changes might occur, they had to use the census data from 2020.

Kaleb Curtis from Taylorsville then addressed the commissioners. His comments addressed some of the legal cases pertaining to redistricting as well as the concepts of packing and cracking in gerrymandering. He then mentioned some concerns with the way in which Salt Lake County was split, and suggested having a district within Salt Lake County and putting the remainder of Salt Lake County with Utah County.

Commissioner Hillyard explained that in redistricting, the specifics of where a line is placed is important, but different placements would likely satisfy some people and dissatisfy others.

Kaleb then suggested that while that was true, the lines could be drawn to keep a majority of Salt Lake County together.

Chair Facer then explained that there were some concerns that if all the areas along the Wasatch front were kept in their own districts, the resulting large rural district would potentially be problematic from a logistics standpoint.

Ben Lariviere from Salt Lake City then addressed the commissioners. His comments centered on congressional districts, and expressed support for the Orange and Purple maps, and supporting keeping some separation for unique interests. He then expressed his view that the Green map seemed to be based on the 2010 map, and expressed a view that the 2010 map represented gerrymandering. He also expressed a view that the argument for including urban and rural populations in each district seemed like an argument to justify splitting Salt Lake County.

Commissioner Hillyard expressed his view that the maps had passed legal and other analysis, and explained his view that urban was not simply Salt Lake County, but also included Utah, Davis, and Weber counties when it comes to including both urban and rural populations. He expressed some discomfort with people calling maps gerrymandered when legal counsel suggested maps met legal requirements and that was the analysis he was leaning on.

CJ, a math teacher from Granite School district, then addressed the commissioners. Her comments discussed some struggles and circumstances around teaching. She then explained her view that the school board boundaries are important. She noted efforts in the drafted maps to avoid splitting districts, but suggested using the permissible population deviation more aggressively to keep communities whole.

Commissioner Durham requested that CJ submit a public comment with some specific areas to improve, noting that the commissioners would be refining maps in the upcoming week.

Commissioner Hillyard explained that the larger districts posed some difficulties in mapping, and noted that the commissioners did not have easy access to feeder school boundaries, but explained that they had worked to avoid city and school district splits.

Commissioner Bishop thanked CJ for her teaching, and thanked her for seeing school board districts as important.

Commissioner Hale explained that staff and Chair Facer had been meeting with school districts to gain input on school board maps and UEA had provided input as well.

Brent Goodfellow from West Valley City then addressed the commissioners. He expressed a concern that the legislature had received different input, and suggested, if possible, having the commission meet with the legislative committee to collaborate on maps.

Commissioner Durham noted that she would also like to meet with the legislature, and explained that the commission would be giving a report regarding their maps to the legislature and that report would be available to the public as well.

Chair Facer noted that the legislative redistricting committee had traveled the state for input as well, but noted that they had not presented maps in those meetings while the commission had presented maps.

Commissioner Hillyard echoed what Chair Facer said, noting that the legislature had held meetings but not presented maps. He explained that the deadline to have maps approved was dictated in part by election requirements. He also noted that the maps would eventually be voted on by the full legislative body.

Commission Bishop agreed with Brent's suggestion that future commissioners work more closely with the legislature. He noted an appreciation for the legislature including members from across the state, and suggested that it may complement the work of the commissioners. Brent then mentioned that if there were struggles with the house maps, the number of house members could potentially be increased. Commissioner Bishop agreed that may be a good idea, but was outside the scope of the commission's work.

James Fannin from West Valley City then addressed the commissioners. His comments addressed some of the electoral history of Utah and his view that congressional districts may have been gerrymandered. He also mentioned concerns with supermajorities.

Richard Jerrick from Taylorsville then addressed the commissioners. He asked if the criteria explained by Chair Facer had been prioritized or ranked in any way.

Chair Facer explained that the commission had not done a formal process, and it varied by commissioner.

Richard asked if that was something the commissioners thought should be done next cycle. Commissioner Durham explained her view that a formal weighting seemed risky as each different map and map type had individual needs and specifics to consider. Richard then asked how district numbering impacted incumbents and elections. Chair Facer explained that the numbers could and likely would change. He mentioned that for the state legislature and school board incumbents needed to live in the district they ran in.

Richard then asked if the three maps for each district type submitted by the commission would be ranked in any way when presented to the legislature. Chair Facer explained that the commission had not made a decision to rank maps before submitting them. Richard mentioned some concerns with potentially submitting a map that split Salt Lake County in similar ways to the current maps and two maps that did not.

Commissioner Durham clarified that the three congressional maps had not been moved forward yet and that there was still a discussion occurring between the commissioners. Richard then clarified that members of the public could still comment directly on draft maps through the end of the day. Richard then mentioned some further concerns with potentially pushing a map forward that split Salt Lake County unnecessarily, noting that some areas had to be split, but explaining his views that the urban areas should be kept as whole as possible.

Commissioner Hillyard explained that the district numbers would be changed by the legislature when the bill was drafted. He also explained his view that sending maps to the legislature that presented different philosophies in mapping, noting that there was no one map that he strongly preferred, but giving options made him more comfortable.

Daryl Curtis from West Valley City then addressed the commissioners. He mentioned concerns with having Salt Lake County split into three districts, and further mentioned some concerns with splitting Millcreek and Salt Lake City from each other. He mentioned concerns with having parts of Salt Lake County with Washington County and expressed a desire to see a representative that primarily represented Salt Lake County.

Judy Weeks-Rohner, a state representative from West Valley City then addressed the commissioners. She thanked the commissioners for their work and encouraged the public to reach out to her when it came time to vote on the maps.

Jim Vesock from West Valley City then addressed the commissioners. He thanked the commissioners for their work and noted that in his experience as a city council candidate neighborhood had very different concerns and needs, and he was sure that was true on a state level as well.

Stuart Hepworth then addressed the commissioners. His comments addressed a comment from Commissioner Hillyard addressing if maps met legal standards and whether or not maps were gerrymandered. He noted that staff had not presented partisan analysis to the commissioners and that outside groups had done analysis on drafted congressional maps, and expressed his understanding that the Green Map would not be politically representative. He further mentioned that the statute behind the commission addressed purposeful or undue favoring of a party, noting that the commissioners' decision to avoid political data avoided purposeful favoring, but suggested it may not avoid undue favoring and he expressed his view that the Green Map was representative of a gerrymander.

Susan Olson addressed the commissioners. She mentioned agreeing with much of what had been said, and mentioned a technical concern with the commission website on her phone in her experience. She expressed her view that it was important not to dilute urban voices with rural interests. She felt it was important to not ignore the needs of rural communities, but felt that that job was more for senators than members of the house. She mentioned concerns with the Green Map.

Cindy Adams from Murray addressed the commissioners. She mentioned disappointment with how the legislature had responded to Proposition 4. She further mentioned some general agreement with many comments made, and explained her view that different areas had different needs and concerns. She asked what the public could do to encourage the legislature to adopt maps from the commissioners. She also mentioned some of the history of Utah elections and asked how the commission would be finalizing maps and posting them online.

Chair Facer explained that all drafted maps had been posted and that finalized maps would be posted, though congressional maps might not be decided in this meeting.

Commissioner Hale clarified that maps would be decided by Monday, and noted that they would take input as long as they could. Chair Facer noted that they would do what they could to take comments as long as they could, and suggested reaching out to members of the legislature regarding the maps of the commission. He also clarified that the report from the commission would be presented in a public hearing. Commissioner Durham suggested members of the public get comments made as soon as possible.

Cindy then mentioned some concerns with the Green Map, and the potential of that map existing to appease the legislature.

Commissioner Hillyard addressed some of Cindy's comments regarding election history and noted seeing some concerns about negative election ads online.

Tyson Bomsta then addressed the commissioners. Tyson briefly presented a congressional map he had drafted. Please refer to 1:29:38 in the recording to hear specific details of the map. The recording is posted to the Public Notice Website on the October 23, 2021, post. <https://www.utah.gov/pmn/>.

Tyson mentioned that he had presented this map to the legislative committee and explained his driving methodologies as avoiding county splits, splitting on major roadways, and keeping the existing districts as a base to avoid confusing changes in representation to the public.

Commissioner Hale asked to clarify that Salt Lake County was put into four congressional districts with this map and Tyson confirmed that was the case.

Paul Hepworth then addressed the commissioners. He explained that his comments would focus on the previous commission meeting and any names mentioned were not in the context of private conversations but comments made on the record in that hearing. His comments explained his view of the commission's job mapping in a transparent and nonpartisan manner. He expressed his view that concerns about including urban and rural areas in each district were not part of the commission's criteria. He explained that while the cores of prior districts were a factor, it was not the only criteria and needed to be balanced with the other criteria. He noted hearing more public comments requesting communities be kept intact over cores of prior districts. He also noted that statute did not require the three maps of each district type to represent different mapping philosophies and approaches. He noted that while the commission could not and had not considered partisan influences, the legislature had no such requirement. He expressed a view that if the commissioners focused on whether or not the commission maps would be approved, they abandoned their independent roots. He urged the commissioners to stand for the independent principles of the commission.

Elizabeth Weight, a state representative from West Valley City then addressed the commissioners. She thanked the commissioners for their work, and explained that the members of the legislature had been told that creating a house district map would take in the neighborhood of 30 hours. She noted her view that the public comments represented a demoralization created by the maps from 10 years ago, noting that even her neighborhood was split. She noted hearing comments encouraging legislators to consider what would be fair to their districts even when they were no longer the representative. She noted that the existence of the commission had led to much more public awareness and discussion of redistricting. She explained she had encouraged people to participate and saw the commission as an avenue for public engagement. She thanked the public for their comments and engagement.

Commissioner Hillyard encouraged people to give suggested changes if they saw a part of a map that was problematic, and asked that people suggest alternatives rather than simply note concerns given the remaining time frame.

Representative Weight agreed and explained she had encouraged people to participate on a neighborhood level, as it was much more approachable.

Commissioner Bishop expressed his view that accountability from the legislature was an important part of the process, and noted that however Representative Weight voted, she would have to defend it and be accountable to her constituents.

Staff then read a letter from the mayor of Copperton, Sean Clayton. This letter was made on behalf of the Copperton Council. This letter noted the unique rural aspect of Copperton compared to other parts of Salt Lake County. This letter noted opposition to any map that split Copperton, including the Orange 2-3 drafted congressional map.

Commissioner Hillyard and staff discussed whether Metro Townships such as Copperton were included in the analysis done by staff.

Daniel Pipkin from Midvale then addressed the commissioners. He clarified that the commission would submit three maps for each district type. He expressed his view that his voting for Proposition 4 was to have someone other than the legislature draft maps. He expressed that a lot of his focus was on preserving communities. He explained that he did not have a strong preference for what district he would end up in as long as communities were maintained.

Commissioner Hillyard explained that some difficulty in maintaining communities came from different people defining communities in different ways. Daniel noted understanding that point and mentioned for the record he would support multimember districts.

David Reese then addressed the commissioners. He thanked the commissioners for their transparent process. He then spoke to defend a congressional map he had drafted and that the commissioners had considered. He noted that outside of cities that crossed county borders, and splits were unintentional and likely could be easily fixed.

Chair Facer noted that the analysis may have also included census blocks of zero population in those splits.

David then explained that his map created defensible rural groupings, and explained that he agreed with Commissioner Hillyard in looking for transportation lines when grouping rural counties. He further explained that his split of Salt Lake County followed city lines, but noted that this had created deviations larger than those from the commission maps. He explained that while his map did split Salt Lake County three times, it took the entirety of only Herriman and Draper, two cities that had not joined the letter to the commission from Mayor Wilson. He also explained his understanding that much of the discussion from the previous meeting had addressed a map that both respected the current boundaries and did not split Salt Lake County more than necessary. He asked to quickly present a map he had drafted for this purpose. Please refer to 1:58:45 to hear the specific presentation on this map. He noted that this map split only Salt Lake and Utah Counties, split along city boundaries, and respected the cores of the prior districts. He explained that to reduce the deviations any further required additional city or county splits. He also suggested keeping the Olympia Hills area with Herriman.

Commissioner Hale noted a question from Mr. Zinn, who spoke earlier, regarding the large amount of federally owned land in the state as well as the Native American land in the state.

Chair Facer noted that the public land question had determined a lot the discussion the commission had been having, noting that it was the people on the land that actually were counted for representation. He noted that the people in those areas likely had a strong interest in what happened with those lands.

Commissioner Hale also noted that the commission had met with various Native American groups for input.



Rick Gregory from Salt Lake City then addressed the commissioners. He asked questions about submitting comments and maps as well as asking when the commissioners would like to receive public comments by.

Chair Facer explained how to send input, and noted that ideally any comments would be received by the end of the day, but the commissioners would work to accept as many comments for as long as they could.

Katie Wright from Better Boundaries then addressed the commissioners. She thanked the commissioners for their work and their transparency. She noted that from the beginning the commissioners had been committed to meeting the standards and criteria given to them.

Michael Anderson from Provo then addressed the commissioners. He mentioned submitting a map that he had then been informed contained information regarding incumbents and that he had been informed his map would not be displayed to the commissioners as such. He explained that the goal of this map had been to keep a district wholly within Salt Lake County, similar to Orange 3 or Purple 4 maps. He noted a concern in those two maps that each map had an extremely large district in the map, and was concerned that the legislature seemed to have expressed a desire to not have any one large district. He explained that his map had one district in Salt Lake County and then three roughly equal sized districts around it. Chair Facer thanked him for his comments and suggested reaching out to staff regarding the technical issues mentioned.

Commissioner Jeff Baker then addressed the commissioners. He noted his comments were meant to come from his position as a commissioner as well as a citizen. He first addressed his view of his role as a commissioner, and that he saw his role as representing Utahns. He noted that as an independent member of the commission, he worked towards the betterment of all Utahns, and would not focus his maps on the impressment and approval of the legislature. He explained that the sole purpose of his mapping was improvement for the citizens. He then addressed the Green Congressional Map, noting that it had been a cause of contention within the commission. He explained that while he had worked to create that map, he no longer supported it. Commissioner Baker explained that he no longer supported it for several reasons, including the map's prioritization of cores of prior districts over all other criteria, and expressed a belief that districts should not mirror old district maps, as that ignored any changes and development, and expressed a view that prioritizing cores of districts served as an incumbent protection mechanism, something that violated other commission criteria. He explained that even with that said, he had considered the criteria for cores of prior districts and tried to balance it while mapping. He then explained that the Green Map split Salt Lake County three ways, and cited the letter from the Salt Lake County mayors as well as the criteria to avoid county splits as reasons this removed his support from the Green Map. Finally, he noted having heard that at least one of the districts in the 2010 map had been an intentional gerrymander, and while he could not be sure if that was true, he did not want the commission maps to even resemble potential gerrymanders. He noted that other criteria and public input both called for changes to the current map, including the potentially gerrymandered district from 2010.

Commissioner Baker noted hearing public comment from those in Washington County and other parts of the state expressing a desire to not be included in districts with Salt Lake County. He then expressed a view that agreement between Utah Congressional Representatives can be found regardless of the districts and shapes, and expressed a view that the Green Map was not the only way to create consensus among congressional representatives. Commissioner Baker explained that the Green Map had been defended based on low population deviations avoiding lawsuits. He expressed that he would not create maps strictly to avoid lawsuits, and suggested that mapping with a fear of lawsuits reflected an improper motive. He explained that he would prepare and promote the best maps he could, focusing on criteria and maps that reflected the input from Utahns.

Commissioner Baker expressed feeling troubled about the previous commission meeting, explaining that the discussion and voting had seemed productive until the congressional maps. He explained that commissioners had discussed and voted on congressional plans in the same way they had discussed and voted on the other district types. He noted concern that the commission had even entertained the prospect of ignoring their initial votes in favor of a second vote on the same topic of congressional plans. He asked if the commission was considering a second vote simply to appease a single commissioner, and expressed his view that the vote regarding congressional maps in the previous meeting had been valid in the same way the other district votes had been valid. He also noted that the previous discussions and votes had followed their legal criteria. He explained understanding the views of the commissioners to present various mapping philosophies, but that the votes cast had not reflected that view. He suggested that if they were to hold a new vote for congressional maps, he would not approve of the methods, but noted that he would stand with the commission regardless. He proposed abandoning discussion of voting a second time on congressional plans, even if that meant losing consensus.

He ended his comments by explaining that he would prefer preparing maps that reflect the views of the citizens and have then rejected than preparing maps created to appease the legislature.

Commissioner Hillyard explained some confusion and misunderstanding regarding whether the previous meeting's votes had been binding and to what degree. He expressed a view that it was important to give options to the legislature, but noted that appealing to the legislature was not a criteria. He commented that to his understanding, legal counsel and outside experts had suggested that their maps met legal criteria. He briefly discussed that the commission did not have final say and noted that Proposition 4 had not passed in various districts, and noted being disappointed in some of the low attendance numbers if people cared so much about the commission's work. He mentioned concerns about rural voices potentially not being heard and noted appreciating a comment from a member of the public regarding the logistical issues of having a very large rural congressional district. He explained a view that giving the legislature options was important, and explained that he was not perfectly happy with any single map. He explained he would be hard pressed to vote for a group of maps that suggested three versions of the same thing.

Commissioner Durham first expressed disagreeing with Commissioner Hillyard in that she felt that the outside experts had not spoken to the issue of gerrymandering in their discussion of the commissioners' maps. She noted that all the commissioners had agreed to follow the standards before them and had been conscientious to those standards. She then suggested that the vote around the congressional maps was further complicated due to receiving new public submissions. She noted that the commission was required to submit maps that were simply agreed on by a majority of the commission. She suggested they could vote on the necessity of using a category system, but that such a vote had not occurred, and expressed that absent that decision, she did not feel like they needed to include categories in their votes. She suggested that the voting process needed to be worked out with input from legal counsel. She thanked Commissioner Baker for his focus on refining and deciding that process.

Chair Facer noted that he and staff had asked counsel to speak regarding the voting process for the maps.

## **VII. Close Public Comment**

Chair Facer then closed the public comment portion of the meeting. He explained that after a short break the commissioners would resume with further items.

## **VIII. Discussion: Map Refinement**

Gordon Haight explained that Matt Cannon has a short presentation regarding the voting procedure for maps and suggested that if the commissioners wanted to they could then discuss congressional maps. Commissioner Durham noted that they would also need to discuss what to do with newly submitted maps.

Matt noted that Professor Persily, an outside expert that had worked to evaluate the commission's maps, and noted that Professor Persily had not recalled giving an opinion on whether maps had fulfilled a legal requirement regarding favoring or disfavoring a party or incumbent, but he had engaged in discussing other criteria. Matt also noted that his legal counsel had not commented on that as of yet.

Commissioner Hillyard explained that he may have assumed that absent any issues being raised regarding gerrymandering that Professor Persily would have told them. Matt noted that assumption may have seemed reasonable, and noted they were walking a delicate line in working to avoid any political information for the commissioners while fulfilling the criteria to avoid favoring or disfavoring. He explained that they had done analysis and suggested they may need to discuss how and when to use that information. He noted that Professor Persily had just wanted to clarify not having addressed concerns or lack of concerns regarding that criteria for the congressional maps.

Matt and Commissioner Hillyard discussed the practical matters of how to address concerns regarding a map that may favor one group over another without using political data.

Commissioner Durham and Chair Facer discussed when they would decide how and what data to show to the commissioners and Chair Facer suggested they would look at that in the next meeting. Commissioner Hillyard raised some concerns about the favoring and disfavoring criteria and what political data might push them to do, as it seemed something that would be difficult to agree on solutions for.

Matt suggested that counsel would work to address specific issues in the next meeting.

Matt Cannon then presented on the statutory process for selecting maps. Please refer to 2:53:49 in the recording for this presentation. The recording is posted to the Public Notice Website on the October 23, 2021, post. <https://www.utah.gov/pmn/>.

Chair Facer explained his understanding that the voting process from the previous meeting had allowed the commission to get down to three maps of each type, but that they would still need to have a vote on those three to meet statutory requirements. Matt and Chair Facer briefly discussed this, with Matt agreeing that this was at least a reasonable reading of the statute, and noting the possible misunderstandings between the commissioners regarding the votes from the previous meeting.

Commissioners and staff discussed their understanding of the votes in the previous meeting, with some commissioners understanding their votes as being binding and meant to select the three maps, and others understanding their votes as more of a straw vote to understand opinions. In this discussion Gordon explained his thoughts before that previous meeting that it might be difficult for three maps to emerge, and so he had suspected they would need an additional final voting process for statutory requirements. In this discussion staff also clarified that for state school board, state senate, and state house maps, the votes that had occurred would have at least had the numbers to be statutorily compliant.

Commissioner Hillyard suggested having an action item for the next meeting to allow for a motion to more formally approve the exact three approved maps for each district type. Gordon discussed some possible reasons for the misunderstanding of the previous meeting's votes. He echoed Commissioner Hillyard's suggestion.

Commissioner Hillyard then reexplained his suggestion.

Chair Facer asked for any other suggestions for how to move forward and hearing none suggested they could work to move forward with Commissioner Hillyard's suggestion.

Commissioner Bishop expressed respect for his fellow commissioners and their work, and expressed respect and appreciation for the work and efforts of the staff. He expressed that regardless of the outcomes he wanted on the record his appreciation and respect for the commissioners and staff.

Commissioner Thorne noted that his vantage points in the previous meeting had prevented him from seeing the recorded votes and asked to get that information.

Gordon noted they could get that information and the votes and discussion would be included in the minutes for that meeting.

Matt explained that as he had been working to ensure everything was in statutory compliance, he had understood some of the earlier discussions for a desire to move forward with support for the group of maps as a whole, and that was part of how he envisioned ensuring statutory compliance for the approval process.

Commissioner Baker and staff clarified that in the previous meeting the three top maps in each district type had met requirements.

Matt explained that he understood that once the three maps for each type were decided, they could be voted on as a group and the initial number of supporters would not matter too much as far as five compared to six votes.

Commissioner Bishop explained that he wasn't hearing anyone suggest not moving forward with the selected maps for senate, school board, and house, but explained his concerns with the process.

Commissioner Hale asked Commissioner Hillyard if he would restate his motion for a suggestion for an action item for the next meeting.

Commissioner Hillyard restated his motion to direct the chair to include an action item for the next agenda to approve the three maps for each of the four district types. He explained that he thought it was important to have a clearly defined vote for the approval. He also noted that he felt that he was less prepared to fully approve the congressional maps without some more time before then, noting concerns again with a large rural district.

Commissioner Hale explained she would be willing to second that motion with some clarity on how to discuss and vote on congressional maps.

Chair Facer noted that they had received new analysis as well as newly submitted public maps, and suggested that they should get data on those maps before discussing and voting on maps.

Commissioner Durham also asked if staff would prepare maps in a similar format to the other maps they had discussed.

Commissioner Hale clarified the number of commissioners that would need to support each congressional map in a vote and seconded Commissioner Hillyard's motion to add an action item to the next agenda.

Chair Facer recognized the motion and explained he would add that action item. Commissioners and staff briefly discussed the logistics of having maps available for review for the commissioners. Chair Facer

thanked staff for their work and mentioned that discussion of the report being drafted by staff would also occur in the next meeting.

Commissioner Hale asked about receiving a draft of the report for edits and suggestions and asked about the timeline for that.

Gordon clarified that they would be delivering their report with their maps and explained that staff would like descriptions from the commissioners regarding the drafted districts.

Commissioner Baker asked if approval of maps would interfere with efforts to finish refining and cleaning maps.

Staff and commissioners discussed that concept and suggested that cleanup would still be appropriate, and discussed the difficulty of defining what might be a substantive change.

Chair Facer and Commissioner Thorne suggested perhaps having a final meeting the day before maps were delivered to address a vote on the final forms of the maps, after any cleanup and minor changes.

Commissioners and staff discussed the logistics for that meeting.

## **IX. Adjourn**

*Commissioner Hillyard motioned to adjourn the meeting.*

*The meeting was adjourned.*