

## Commission Meeting Minutes

The following are the minutes of the Utah Independent Redistricting Commission meeting. The meeting was held on Thursday, October 21 2021, in Herriman City Hall - 5355 W Main St, Herriman, UT 84096.

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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

Aly Escobar, Administrative Coordinator

Cassidy Hansen, Intern

Sariah Benion, Intern

Joey Fica, Intern

Julianne Kidd, Intern

Katie Wright, Better Boundaries

Jenny Wilson, Salt Lake County Mayor

Kristie S. Overson, Taylorsville Mayor

Don Shelton, South Jordan Councilmember

Casey Saxton

Stuart Hepworth

Paul Hepworth

David Reese

Shaun Murdock

Laurel Price

Nathan Persily, Legal Counsel

Matt Cannon, Legal Counsel

Tish Buroker, Riverton City Councilmember

## I. Call to Order

Chair Facer began the meeting.

## II. Welcome – Chair Rex Facer

Chair Facer welcomed everyone to the meeting and noted that several mayors were in attendance and would be addressing the commission.

### **III. Presentation: Salt Lake County – Mayor Wilson**

### **IV.. 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 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 above link. 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 then explained the efforts the commission had made towards transparency, including all mapping sessions being live-streamed to YouTube.

Commissioner Hillyard then asked the audience what area they would like their community to be included with when drafting districts. He also explained that for the state legislature in Utah legislators needed to live in their own district. He also mentioned again the Utah Independent Redistricting

Commission was advisory, but he hoped that the legislature would take their recommendations, mentioning that those lawmakers were accountable through elections.

Chair Facer turned the time to Mayor Wilson from Salt Lake County to address the commissioners.

Mayor Wilson thanked the commissioners for their time and efforts. She explained that she had reached out to the mayors in Salt Lake County and noted some shared concerns from mayors, including hoping to avoid unnecessary city and county splits and an overall concern regarding the number of congressional districts in Salt Lake County, particularly given the population of the county.

Mayor Wilson explained that several mayors had responded to her outreach, including Mayor Overson, Mayor Burton, Mayor Dolly, Mayor Bush, Mayor Hale, Mayor Knopp, Mayor Mendenhall, Mayor Peterson, Mayor Silverstrini, Mayor Sondak, and Mayor Wood. Mayor Wilson then presented a letter signed by each of these mayors, with a central message of wanting no more than two congressional representatives in Salt Lake County, noting concerns like transportation funding as being complicated with three or more representatives.

Mayor Wilson explained in working with her staff they had found maps they preferred, noting that perhaps not all the mayors mentioned above would agree in her ranking order. She explained that she liked the Purple 4 map, though suggested that Taylorsville might be able to be kept whole in that map. She explained that she then preferred the Orange 3 map, though less than the Purple map, but still preferred it to the other maps being considered by the commissioners. Mayor Wilson then outlined some suggested modifications to the Purple 4 map.

Commissioner Hillyard mentioned some concerns with an overly large rural district if the urban areas are kept tightly together in congressional districts. He then asked where Mayor Wilson would like to the county split and what other areas she would like to see with the split portion of the county.

Mayor Wilson responded that she preferred the split in the Purple map and liked to include part of Davis and Summit counties with a portion of Salt Lake County. She then explained that she trusted the commissioners and their process and most strongly preferred two representatives in whatever way was necessary as opposed to the three representatives currently.

Mayor Wilson and Commissioner Hillyard briefly discussed this as well as some concerns with what southern Utah districts would then look like and Mayor Wilson suggested she would work with her staff and get back to the commissioners.

Mayor Overson from Taylorsville addressed the commissioners. She explained that she supported Mayor Wilson's argument that Salt Lake County should have two representatives not three and noted she also preferred the Purple Map. She also echoed Mayor Wilson's comments that Taylorsville would like to remain whole and not be split.

## **V. Presentation: Public Comments – Staff**

Chair Facer turned the time to Sariah Morey 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 the presentation Sariah explained that likely the most useful comments at this point in the process would be comments directly on the drafted maps from the commissioners.

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

Chair Facer noted that Gordon Haight had stepped out and then presented the format for giving public comment, noting a general five-minute time limit. He also noted that the commissioners might ask some clarifying questions and hoped to engage with the public in attendance.

## **VII. Open Public Comment**

Chair Facer invited the public to come and give public comments

Councilman Shelton from South Jordan then addressed the commissioners, noting he was appearing on behalf of the City. He explained that the City Council had not taken any position on particular issues, and expressed support for the criteria explained by Chair Facer, particularly supporting the avoidance of city splits. In regards to state house and senate, he explained he would like to see the avoidance of city splits for these districts as well.

Commissioner Hillyard explained that South Jordan had enough population for one full house district and most of another. He then explained that the commissioners would be greatly helped in situations like this in hearing what area the partial seat should be combined with. Councilman Shelton and the commissioners then briefly discussed possible places for splits.

Casey Saxton from Riverton City addressed the commissioners. He explained that his comments would mostly address some proposed house districts. He expressed a concern that at least one map seemed to split Riverton in three districts with a majority of none, and then noted another map that split the city into four districts and worried that Riverton's interests would not be represented when split so many times. He then explained understanding that at some point a community had to be split, but hoped to see as few splits as possible, and suggested that at least one portion of cities with multiple splits might contain a district majority. He also mentioned some concerns regarding Summit County and Cache valley in the house maps as he had lived in those areas previously.

Stuart Hepworth then addressed the commissioners. He briefly presented on a house map he had drafted. Please refer to 47:08 in the recording to hear to hear Stuart's presentation. The recording is posted to the Public Notice Website on the October 21, 2021, post. <https://www.utah.gov/pmn/>.

Stuart mentioned some changes in the Provo area in this map compared to his previous maps, including keeping Springville and Provo separated. He also noted some changes to the Juab area, the southern portion of Salt Lake County, the Ogden area, and the northern area of Weber County. Commissioners then asked some specific questions regarding areas of the map, including Herriman and Weber. Stuart mentioned some strengths of his map, including all districts being road contiguous and strongly encouraged the commissioners to submit the map as is or with modifications to the legislature.

David Reese from South Jordan addressed the commissioners. He explained that he lived in Daybreak and saw Bangerter Highway as a good split in South Jordan. He explained hoping to see Daybreak kept intact and suggested if another split was required the Mountainview Corridor was a good option. He also expressed a support for slightly larger usage of deviations in order to keep cities and communities together, noting that larger deviations might be problematic. He mentioned understanding concerns with a larger rural district, but mentioned that other districts had larger areas. He explained his support for a district that was largely made up of the smaller counties. He also supported the idea presented by the commissioners to submit maps of different flavors to give the legislature options. Finally, he encouraged members of the audience to reach out to their legislators.

Shaun Murdock from Taylorsville addressed the commissioners. He thanked the commissioners for their work. He then expressed a concern with taking the pizza slice approach and taking a portion of Salt Lake County and then combining it with outside areas. He suggested that this approach left all districts with people they didn't have common interests with, mentioned having heard that St. George didn't want to be with Salt Lake and vice versa, yet they were. He also mentioned the unique concerns for different areas.

Council Member Tish Buroker from Riverton then addressed the commissioners. She mentioned that the districts in Riverton had different specifics but nonetheless Riverton was a united area and she expressed that she would like to see Riverton kept as whole as possible. She noted that some of the Orange Maps seemed to overly split Riverton. She and Commissioner Hillyard then briefly discussed where the necessary split in Riverton might be made.

Staff then read a letter from Tab Uno, a member of the public that addressed the commissioners in a previous meeting. This letter addressed Tab Uno's candidacy for the state house, and his concern that many of the drafted maps that would place him outside the district he had run for. The letter suggested that this placing him in another district would favor the incumbent and disfavor him, violating the commission's criteria despite their best efforts to avoid any favoring or disfavoring.

Commissioner Durham expressed that this was an issue that the commissioners had been wrestling with, and they had discussed that it may be that the commission ignoring where incumbents and candidates live and ignoring political data did in fact keep them in statutory compliance even with the concerns brought by Mr. Uno.

Commissioners and legal counsel briefly discussed this issue with the general agreement being that ignoring political data, incumbent data, and candidate data was their best approach.

Laurel Price from Herriman addressed the commissioners. She mentioned that she had worked as a congressional staffer and suggested that the logistics of having a single enormous rural district would be problematic, and she expressed that having each representative represent a portion of all Utahns was advantageous.

Stuart Hepworth again addressed the commissioners. He addressed the urban rural split mentioned by the previous speaker, and explained that while having multiple representatives for an area worked for some things, at some point he felt as though making each district a combination of urban and rural allowed some voters to be ignored.

### **VIII. Close Public Comment**

Chair Facer asked for any additional comments, hearing none, he moved to the next item of the meeting.

## **IX. Action Item: Approval of Final Maps for Submission to the Legislature**

Chair Facer noted that there was still needed discussion before maps could be approved.

Gordon Haight explained that staff hoped to take a quick recess to set up some screens for the commissioners and then return and have the commissioners discuss their proposed maps in detail.

Gordon then turned the time to Professor Nathan Persily from Stanford and a nationally recognized redistricting expert to address the commissioners.

Professor Persily addressed the commissioners and told them that their maps and their techniques had been very well done and suggested that the live streaming of the process should serve as a model to other commissions. He complimented the commissioners on their teamwork and expressed his hope that deciding on maps would continue to be done without too much disagreement. He noted being a resource to answer any questions.

Commissioner Hillyard asked if the maps seemed to meet the requirements of the commission and Professor Persily answered that while some of the criteria were harder to answer that question for, generally, yes.

Commissioner Hillyard and Professor Persily also briefly discussed the possibility of using publicly submitted maps.

Gordon explained that staff had reviewed all public submissions and noted all the maps that seemed worth considering and had given those maps as well as the maps created by each of the teams to the commissioners. He explained that the commissioners would then be deciding their final maps based on the drafted maps they had and suggested starting with the school board maps.

He proposed a voting methodology where each commissioner presents three maps for each category, and then the three maps with the highest votes being moved to the final 12, with a final vote then occurring for the group of 12 maps according to statute.

Gordon explained that another meeting would occur on the following Monday and that any final votes might occur that day. He explained his suggested approach for the remainder of this meeting, where he would invite Moon Duchin to present on the statistical analysis for each map and answer any questions regarding that analysis. He then explained that ideally the commissioners would discuss and ask any questions before then proposed their suggested maps.

Commissioner Thorne and Chair Facer briefly discussed the option of having particular categories for congressional maps and would revisit that idea when they arrived at congressional maps. Commissioner Durham mentioned that she did not want to vote for maps she felt were poor maps just to give options to the legislature. Commissioner Hillyard mentioned that he and Commissioner Thorne had not quite finished up some of their cleanup regarding things like city splits.

Chair Facer suggested that proposing a map and noting some needed changes was in the spirit of their work and this exercise.

Commissioner Hale also mentioned that maps would continue to be modifying in the coming days, including some modifications suggested by the public.

Gordon and Chair Facer explained that they had met with the Utah County school districts and the Salt Lake County school districts and that each had made some proposed changes to the Green School Board map and that staff had drafted a proposed modification based on those suggested changes for the green team to approve. Chair Facer also mentioned that the school districts had not expressed a lot of support for the UEA submitted map.

Commissioner Hale asked Chair Facer if they would prefer to eliminate maps or push maps forward. Chair Facer expressed that he would prefer to have maps pushed forward.

Commissioner Hale noted that she liked the Green and Purple maps, but also liked the Stuart Hepworth submitted map, though she noted a few suggestions. Commissioner Durham noted that in that Stuart Hepworth map, SH Public, parts of Springville and Mapleton and Spanish Fork were grouped with the Uintah Basin which seemed problematic.

Commissioner Hillyard mentioned that the Orange Map tried to respect the state education service centers and that Utah County was not included with the rural areas intentionally. He suggested that he thought it seemed important for a rural district for school board to avoid being overwhelmed by other areas, though he noted that the districts might get large, but he felt like the size and concerns were different than they were in like a congressional district.

Staff and commissioners clarified who had proposed what, with Commissioner Hale proposing Green, Purple, and SH Public, and Commissioner Hillyard proposing Orange.

Commissioner Hillyard noted some concerns with the Purple map regarding northern Utah, but liked parts of the Eastern and Southern parts of the map.

Commissioner Bishop expressed that he liked Orange, Green, and preferred the BDK map over the SH Public, and preferred those over the Purple map, but he would be willing to vote for either of those, noting some issues with northern Utah.

Commissioner Thorne expressed his support for the Orange Map, the BDK map, and the SH Public Map.

Commissioner Durham expressed support for the Green Map, the BDK map, and the Orange Map.

Commissioner Baker expressed support for the Green, Orange, and Purple maps.

Commissioner Hillyard noted some concerns with the SH map and the Purple map, and clarified his support for Orange, BDK, and Green.

Chair Facer expressed support for the Purple Map, the Green Map particularly with the changes from the school boards, and suggested he would be willing to support the BDK map. Commissioner Hale mentioned some concerns with the BDK map given the larger number of district splits compared to other maps. Commissioner Hillyard also mentioned some concerns with the BDK map in Summit County. He and other commissioners briefly discussed the possibility of fixing the spilt he mentioned.

Cassidy Hansen from the staff mentioned that the school district boundaries sometimes interacted poorly with the census blocks, and so small level fixes might be necessary and could easily be done to help avoid some of the small splits.

Chair Facer mentioned he felt that keeping school districts intact was very much in the spirit of the commission's statutory requirements and noted that the BDK map did indeed have more splits than some of the other maps. He asked if that seemed problematic enough to change opinions.

Chair Facer asked to clarify Commissioner Bishop's proposals, he suggested that his final proposal might go to Purple based on the efforts spent on it, and Commissioner Hale suggested that she would change from BDK to Purple as well.

Staff explained that with these proposals, Purple, Green and Orange would be the maps to move into the final packet of 12.

Chair Facer then suggested moving onto the senate maps.

Gordon explained that Moon Duchin was online to present analysis of the senate maps. Please refer to 2:24:13 in the recording to hear to hear moon's presentation. The recording is posted to the Public Notice Website on the October 21, 2021, post. <https://www.utah.gov/pmn/>

Moon's analysis included no partisan information, and examined criteria such as split counties when compared to an ensemble of computer-generated maps.

In this presentation Professor Persily and Moon focused on the fact that many of the criteria had a different map that performed best, and essentially explained that there was no best map being considered; each criteria represented tradeoffs.

Chair Facer then invited the commissioners to discuss senate maps and make their proposals for the maps to move forward. Chair Facer proposed moving the Purple, Orange and Green maps forward, suggesting that some of the smallest city splits be addressed in the Green Map.

Commissioner Baker clarified that a lot of those very small splits in every map would be something that he would like to see cleaned up.

Commissioner Hale also suggested moving the Green Map forward, particularly if some of the small city splits such as 4 or 16 people could be cleaned up.

Commissioner Bishop expressed that he only liked one of the public submissions, JE, for the senate maps and asked if any of the other commissioners had thoughts on any of the public submissions.

Commissioner Baker expressed that he liked the TD map. Commissioner Hale mentioned that the JE public submission had the largest number of city splits. Commissioner Durham mentioned that the JE map had some innovative ideas for southeastern Utah, though she didn't know if it was a positive step. Commissioner Hillyard expressed some issues around Iron County and Cache County in the JE map. He also mentioned some concerns with the Green Map, particularly around the Uintah Basin and San Juan County.

Chair Facer mentioned that it did seem to reflect what some people had said in Moab. He also suggested that in the Green Map because San Juan and Grand County were in different districts he would recommend moving the Spanish Valley area to be with Grand County.

Commissioner Hale also mentioned some Goshute tribal land just south of Tooele.



Commissioner Baker noted that he had some issues finding his favorite senate maps, as they were difficult to evaluate and no clear best maps emerged. He suggested moving the Green, Purple, and Public TD maps forward.

Commissioner Thorne expressed support for Orange, Purple, and SH.

Commissioner Hillyard expressed support for Orange, Purple, and SH.

Commissioner Durham expressed support for Purple, Green, and TD.

Commissioner Bishop expressed that he didn't love any of the senate maps. He expressed support for Orange, Purple, and Green.

Commissioner Hale expressed support for Orange, Purple, and Green, noting some required cleanup.

Staff clarified that with these proposals, Orange, Purple, and Green would move into the final packet of 12 maps.

Chair Facer suggested moving onto the house maps.

Moon Duchin then presented on the house maps. Please refer to 2:50:26 in the recording to hear moon's presentation. The recording is posted to the Public Notice Website on the October 21, 2021, post.

<https://www.utah.gov/pmn/>

Moon's analysis included no partisan information, and examined criteria such as split counties when compared to an ensemble of computer-generated maps.

Commissioner Hillyard mentioned that while some public comment had suggested that Roosevelt should not be included in the with Uintah County, it was difficult to do, and something that most if not all of the maps had been unable to facilitate. He also expressed some concerns with having Clearfield split multiple times, particularly given the splits Clearfield had previously dealt with.

Chair Facer noted that in the Purple 2 map Clearfield was split only twice, and further noted that he and Commissioner Hale had modified Cache County in that map. He and staff then quickly presented the changes Purple Team made to the Purple 2 map.

Commissioners discussed some specific cities in northern Utah and how certain cities were split in the existing map. Commissioners discussed what sort of population deviation they could deal with for house boundaries. Commissioner Baker suggested that any high deviation needed to have a good reason, but if the reason was good enough it would justify a higher deviation.

Commissioner Bishop echoed the concern regarding Roosevelt mentioned by Commissioner Hillyard.

Commissioner Hillyard also mentioned some concerns with the domino effects of splitting Summit County.

Commissioners discussed how each map approached the districts around Duchesne and Uintah counties.

Commissioner Hillyard proposed the Green Map, Purple 2, and Orange 1, noting some issues in particularly Cache County in other maps.

Commissioner Thorne noted some concern with the population deviation in the Green map. He proposed Orange 1, Orange 3, and Purple 2.

Commissioner Hillyard suggested that each map that is moved forward take time to look at Clearfield and Roosevelt and suggested that the Green Map might have its deviations tightened up if possible.

Commissioner Baker spoke to the Green Map, noting having Cedar City and Enoch together as a district and the efforts made to keep the Hispanic population in Ogden intact. He and Commissioner Durham noted that their larger deviation was permissible and was justified by the low city splits. They also noted being open to working to reduce the population.

Commissioner Baker proposed the Green Map, Purple 2, and the TD map.

Commissioner Durham proposed Orange 3, Purple, and Green.

Commissioner Bishop expressed some dissatisfaction with the method being used to finalize maps and some dissatisfaction with all the house maps. He then proposed Purple, Green, and Orange 1.

Chair Facer proposed Purple, Green, and Orange 1.

Commissioner Hale proposed Orange 1, Purple, and Green.

Staff clarified that with these proposals, Orange 1, Purple 2-4, and Green would be moved forward, subject to having Green Team work on their deviation and each map look at Clearfield and Roosevelt.

Commissioner Hillyard explained that he had tried to consider if there were clear philosophies to discuss for the house maps like there were for the congressional maps. He didn't see clear philosophies but felt that the maps moved forward did show different approaches. Chair Facer agreed.

Gordon explained that he wanted to try to identify themes to look at before discussing the congressional maps, as some maps had strong similarities and others clear differences.

Commissioner Durham expressed that she was having difficulty identifying themes because each map brought its own questions and concerns and various areas to look at.

Gordon suggested that while that was true, the small number of districts in congressional maps might lend themselves to themes, such as having a fully urban district or not.

Commissioner Durham explained that she would remain free to vote for the maps she saw as best without being totally locked in by themes, hoping to avoid maps.

Commissioner Hillard expressed that it might be useful for the teams to explain their reasoning in their maps. He also expressed that while he felt that he personally could not support each individual map selected, he saw his job as supporting the group of maps moved forward. He also expressed that he felt that the requirement for three maps allowed for options to be moved forward that some commissioners liked more than others.

Commissioner Durham expressed that she felt that finding consensus could be done in the way it was for the other maps, looking for a majority vote. She felt that it would be difficult to get consensus on the congressional maps and a majority was appropriate.

Commissioner Thorne expressed that he felt that moving a package of three maps with different philosophies was the best way to get some consensus.

Commissioner Durham expressed her disagreement with that notion, explaining that she did not want to push forward any map she felt did not meet the criteria of the commission.

Gordon explained that he understood, but wanted to clarify that it may be that they then moved forward three maps with a similar approach rather than giving options.

Commissioner Durham expressed that she didn't see a problem there.

Commissioner Bishop expressed disagreement that it wouldn't be a problem to give options, as he had strong disagreement with districts that were exclusively rural or exclusively urban. He expressed that he would be willing to support a map with a district as such as long as there was another map moved forward that had districts with an urban rural mix. He also expressed that he felt that the importance of maintaining the core of prior districts was key. He also expressed his focus on having a low or even zero deviation for these maps. He agreed with Commissioner Thorne that moving three different philosophies forward was the correct approach. He then mentioned some public support for having a mix of urban and rural in districts.

Commissioner Durham expressed that Commissioner Bishop would have to convince a majority of the commission to agree with that viewpoint.

Commissioner Durham and Bishop discussed whether their job was to convince the legislature to take their maps or if their job was to deliver maps and a report defending those maps. Commissioner Durham expressed that she wanted to push back on starting with categories to promote different philosophies, particularly if that was to defend having an urban rural mix, explaining that she had heard no requests from rural communities to join with urban communities or vice versa.

Commissioner Bishop disagreed, and explained that he felt that special interest groups were pushing the commission to gerrymander. He felt that if the commission did not give the legislature options in their congressional maps they had no chance of being adopted.

Commissioner Durham explained that she was willing to debate on a map by map basis, she just opposed to starting the discussion with categories that weren't part of their criteria.

Commissioner Baker suggested that he wanted to propose his three maps.

Gordon noted that Moon had analysis to share first if that was okay.

Moon Duchin then presented on the congressional maps. Please refer to 3:24:07 in the recording to hear moon's presentation. The recording is posted to the Public Notice Website on the October 21, 2021, post. <https://www.utah.gov/pmn/>. This presentation included nonpartisan data similar to the previous two presentations looking at things like county and city splits.

Gordon explained that staff had asked Moon for some analysis on urban rural splits/mixes.

Professor Persily clarified what the commissioners meant when it came to an urban rural mix, clarifying that at least for some commissioners, it would mean that each district had an urban and rural area. He then suggested that something like population density could be used for that.

Commissioner Hillyard mentioned that he felt that it was important for each congressional representative to have a portion of federal land in their district given the percentage of Utah owned by the federal government.

Commissioner Hillyard and Professor Persily discussed this and clarified that Commissioner Hillyard felt that each of the populous counties need to be in a district with a less populous area. Professor Persily explained he was looking for a criteria to measure, which was why he proposed population density.

Commissioner Baker expressed some concern that population density didn't necessarily take counties and cities into consideration. Professor Persily clarified that he would see population density as just other criteria to evaluate, but not the only criteria or even the most important criteria. Commissioner Durham expressed her concern that focusing on population density removed some of the human experience and perceptions involved in people's lives and redistricting. She also expressed concern that focusing on an urban rural mix led to worse representation for each group. Professor Persily explained that he understood the conversation, but was working to give another perspective and possible analysis to the discussion being had.

Commissioner Durham asked what the possibilities were to get this information without committing to including an urban rural map.

Professor Persily explained that it was analysis that could be carried out in very little time.

Commissioner Durham explained that she wasn't opposed to seeing the data, she was just skeptical of the usefulness or the importance of an urban rural map.

Gordon and Professor Persily explained that they could get this data and that might inform the commission in finding a category, or it might be determined that the data was not helpful.

Commissioner Baker expressed interest in seeing the data.

Chair Facer asked if this was analysis to be done during this meeting for a future meeting.

Staff and Professor Persily explained that this analysis could be done now.

Commissioner Hillyard raised some concerns with putting San Juan county with Washington County in general. Staff and Professor Persily clarified that this analysis wouldn't suggest new or different maps.

Professor Persily explained that each criteria represented a tradeoff, and that the commissioners might decide that this data was not helpful to them. He and Moon discussed the technical details of what would be measured, and Professor Persily suggested looking at average density of each district as the primary measure.

Professor Persily explained that Moon would be presenting population density in two ways, both average density and highest compared to lowest. He then turned the time to Moon.

Moon Duchin then presented on population density. Please refer to 4:06:10 in the recording to hear the analysis in detail. The recording is posted to the Public Notice Website on the October 21, 2021, post. <https://www.utah.gov/pmn/>.

This presentation looked at analysis such as city splits as well as the population deviation of the districts in each map.

Discussion in this presentation focused on finding ways to utilize this density measure, with one take away being that the public maps being discussed along with Orange 2 and Green 1 having a far lower population density than the other maps, meaning a stronger mix of urban and rural in each district.

Commissioner Durham critiqued that each of the maps with low population density split Salt Lake County into three parts rather than two, and she expressed that she felt that this splitting of Salt Lake County diluted the voice of voters.

Commissioner Bishop expressed disagreement with Commissioner Durham.

Commissioner Hillyard noted that ten years ago he had worried that all four representatives would be from the Wasatch Front and that had happened. As such he thought that the critique that rural voters would overwhelm a district was a poor critique.

Commissioner Durham explained that she didn't understand why Salt Lake County would be split into three parts when it only had to be split into two.

Professor Persily expressed that maybe the information wasn't particularly helpful, and Commissioner Durham responded that it was educational.

Chair Facer explained that he had heard Commissioner Bishop express that he would support a group of maps if one of them had an urban rural mix and he had not heard anybody express that they would support a group if one of them only split Salt Lake County once. He asked if there was opportunity for a compromise there.

Commissioner Durham expressed that she would like to see how all the maps stacked up first, and then perhaps discussing the possibility of such a compromise after seeing how the votes for maps stacked up. She explained she did not want to vote for a map she disagreed with just because it fit into a certain category.

Chair Facer explained his understanding that having each commissioner propose their top three would allow the maps to be narrowed down and the discussion to continue.

Commissioner Baker expressed that he wasn't understanding the full process being utilized, but did feel like it was important to have their maps selected soon for cleanup and so votes needed to happen soon.

Gordon discussed possibilities to move forward.

Commissioner Baker suggested voting on the top maps now, as it wasn't the final vote and not fully binding.

Chair Facer asked if Commissioner Baker would then vote first.

Commissioner Baker proposed Purple 4, SH Compact, and SF Public.

Commissioner Durham proposed Purple 4, SH Compact, and EW Public.

Commissioner Thorne Proposed Purple 4, Orange 3, and CV Public.

Chair Facer proposed Purple 4, Orange 3, and SH Mixed Compact.

Commissioner Hillyard proposed Orange 2, explaining the basis for each district in that map. He then voted for CV public and SH Mixed Compact.

Commissioner Hale proposed Purple 4, SH Compact, and Orange 3.

Commissioner Hillyard expressed that he had some issue with any single district that put all of the southern half of the state as he felt that was too large of a district.

Commissioner Durham mentioned some concerns with Orange 3 in Davis, and Salt Lake Counties.

Commissioner Bishop expressed his dissatisfaction with the way in which many of the three maps proposed fell into the same general philosophy. He explained that he felt all of the maps proposed so far did not consider the criteria for cores of prior districts and that many of the public submissions had deviations that would lead to litigation. He expressed his belief that the Green map was the best option. He explained his view that if that map wasn't moved forward the commission had failed.

Commissioner Durham suggested Commissioner Bishop vote for that map then, regardless of the disagreements they had.

Commissioner Bishop expressed that he felt the package of maps needed to include a map that every commissioner could strongly support. He explained his view that the Purple 4 map ignored the idea of having an urban rural mix and took a philosophical approach similar to the approach used in the 80s, and an approach he felt was intentionally abandoned. He expressed some support for the Orange 2 map, but felt one district was too large. He again explained that he felt at this rate the commission's work had been wasted.

Chair Facer argued that the SH Mixed Compact had the urban rural mix and the proper deviation.

Commissioner Bishop expressed that that map had other problems. He then expressed his view that this approach from the commissioner would lead to a worthless experience when presenting to the legislature.

Commissioner Durham expressed her view that the commission was created to do the legislature's work for them, it was created as response to public perception that the redistricting process should be changed. She suggested that the core or prior districts criteria was something that might be needed to be revisited.

Commissioner Bishop expressed his view that just because they didn't like that criteria it still had to be taken into consideration.

Commissioner Durham expressed that she had taken it into consideration.

Commissioner Bishop explained that if three similar maps were pushed forward they would not be respected.

Commissioner Durham explained that the discussion was not done, the vote was to identify finalist maps.

Gordon expressed that some of the public maps being discussed likely did have a population deviation that wasn't permissible. He suggested that perhaps staff and commissioners could take time to refine the maps being discussed in the coming days.

Commissioner Throne explained that the current vote had been for each commissioner preferred maps. He suggested taking a vote to find a map in each category.

Chair Facer asked what the categories were.

Commissioner Thorne responded the categories would be urban rural mix, one urban, or two urban.

Commissioners discussed what maps would fit into each category.

Commissioner Durham expressed that this left her in a difficult position of splitting Salt Lake County three ways. She suggested that if one of the urban rural mixed maps split Salt Lake into two parts instead of three she would be more comfortable with it.

Commissioner Thorne proposed voting on a package of maps to find a map in each of the mentioned categories.

Commissioners discussed the possible mechanics of such a vote and deciding what maps fit into what category.

Commissioner Baker asked if they were removing the vote just taken regarding congressional maps and explained that that would be an approach he didn't understand.

Chair Facer expressed that he felt the challenge was finding a way to get all the commissioners into agreement. He explained that he hoped they could find a way to get the whole commission to act as one.

Commissioner Durham responded that they always acted as the full commission, regardless of individual votes. She wondered if they should return to the discussion in the next day's meeting. She expressed that she would be uncomfortable being forced to vote for a map she disagreed with.

Commissioner Baker expressed not understanding how the process was moving and not liking the direction being moved.

Commissioner Bishop expressed support for Commissioner Thorne's suggestion on categories, he then suggested moving forward with Purple 4, Orange 3, and the Green Map as he felt those maps represented the categories.

Commissioner Durham expressed issues with splitting Salt Lake County into three parts.

Commissioner Baker noted hearing from mayors during this meeting regarding splitting Salt Lake into more than two parts.

Commissioner Bishop and Commissioner Durham discussed the possibility of an urban rural map splitting Salt Lake County only once and Commissioner Bishop expressed his view that one of the parts was too urban.

Commissioner Bishop explained he could support any group of maps as long as one of them was an urban rural mix he was comfortable with.

Commissioner Durham expressed disagreement with Commissioner Bishop and argued that the job of the commission was not to give maps the legislature would like. Commissioner Bishop expressed that if they were going to move forward with three maps of the same philosophy, he simply could not support it.

Commissioner Durham explained she didn't understand why they had to take Commissioner Bishop's approach. Commissioner Bishop responded that this was an avenue for a compromise. He felt that there was an opportunity to create a group of maps that left each commissioner satisfied.

Commissioner Durham responded that they hadn't voted on that.

Commissioner Hillyard expressed his view if it looked like Salt Lake County had been the very strongest consideration the legislature would ignore them. He then explained that he saw compromise as important.

Commissioner Thorn suggested moving forward with Green, Purple, and a new map with one district fully in Salt Lake County.

Commissioner Durham asked - why Green? She explained that two of the three members of green had stopped supporting that map, and that only Commissioner Bishop still supported it. She suggested that a compromise plan was not the only strategy forward and that a vote would suffice.

Commissioner Hale asked counsel to remind commissioners how the voting process worked in statute.

Matt Cannon explained the language of SB 200, including a criteria for each map to be approved by at least five members, with a further process if five members would not vote for a map.

Chair Facer suggested perhaps revisiting the issue and taking the night to consider how to proceed. He explained that from the outset his goal had been consensus for all maps, though that may not be possible. He asked if there was any discussion. After hearing no discussion, he suggested a motion to adjourn and having a vote on the congressional maps included on the agenda for Saturday's meeting.

## **X. Discussion: Map Refinement/ Final/Report/Presentation – Gordon Haight**

### **XI. Adjourn**

*Commissioner Hale motioned to adjourn.*

*The meeting was adjourned.*