

Commission Meeting Minutes

The following are the minutes of the Utah Independent Redistricting Commission meeting. The meeting was held on Friday, October 15, 2021, in Layton City Hall - 437 N Wasatch Dr, Layton UT 84041

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
Christelle Gatoro, Intern
Julianne Kidd, Intern
Cassidy Hansen, Intern
Sariah Benion, Intern
Joey Fica, Intern
Tab Uno
Thomas Prist
Elizabeth Carin
Katie Witt, Kaysville Mayor
Joy Petro, Layton Mayor
Paul Jacobs
Mary Jane Jacobs
Lance Evans
Jennifer Evens
Kurt Weiland
Jeff Parrott, The Salt Lake Tribune
Raymond Ward, Utah State Representative
Beverly Ward
Sharon A Bolos, West Haven City Mayor (virtually)
Katie Wright, Better Boundaries
Paul Sante
Chase Clyde, Utah Education Association (virtually)
Matt Cannon, Legal Counsel

I. Call to Order

Chair Facer began the meeting at 6:04 PM

II. Welcome – Chair Rex Facer

Chair Facer welcomed everyone to the meeting and noted that several mayors were in attendance, either in person or virtually. He then invited those mayors to briefly address the commission.

Mayor Joy Petro from Layton City addressed the commissioners. Mayor Petro welcomed everyone to Layton and explained her appreciation for the opportunity for the public to give comments. She briefly explained that she was trusting in the process and explained that her attendance was to help support everyone working on the redistricting process to best represent the people of Layton.

Mayor Katie Witt from Kaysville then addressed the commissioners. Mayor Witt explained that Kaysville had been well served and expressed a desire to avoid splitting communities to help ensure each community had a representative. She also noted that Clearfield was currently split into several districts and had no representative from Clearfield.

Mayor Bolos from West Haven then addressed the commissioners. Her comments noted that she felt she had positive relationships and representatives from each of the representatives with a district in West Haven but echoed Mayor Witt's comments regarding avoiding splits where possible.

Chair Facer thanked the Mayors for their comments and moved to the next agenda item.

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 how the commissioners were selected and introduced the commissioners, noting which commissioners were appointed by each political party. 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 also explained that all of the mapping sessions were live streamed on YouTube.

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, explaining that the Utah Independent Redistricting Commission is an advisory commission and would be submitting their maps to the legislature on November 1.

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.

IV. Presentation: Public Comments – Staff

Chair Facer turned the time to Sariah Morey to present on the commission's website uirc.utah.gov and how the public can use the website to submit comments. Sariah explained how the public can submit communities of interest, full maps, and written comments. She also explained where the public can access other comments received by the commission and the process to comment on the maps drafted by the commissioners. Tutorials and links to these resources can be found at uirc.utah.gov. In these comments 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.

A member of the public asked how the information collected by the commissioners and the maps they draw would interact with the process of the legislative redistricting committee.

Chair Facer explained that the commissioners would be delivering the 12 maps (3 of each district type) to the legislature and presenting it to the legislature on November 1. He explained that the legislature would give some consideration to the Utah Independent Redistricting Commission maps.

Commissioner Durham explained that to this point the process of the UIRC had been separate to the legislature and that the legislature had their own staff, their own data, and their own maps.

Commissioner Hillyard explained that the responsibility for redistricting fell to the legislature and that the Utah Independent Redistricting Commission would be giving their maps in an advisory capacity. He explained that the legislature had not presented any maps at this point, while the Utah Independent Redistricting Commission had made their maps available to modify them based on public input directly addressing the maps. He also explained the effect any mapping decisions had on other areas and the importance of the requirement of population deviations. He also posed the question to attendees on which areas should be grouped together.

Commissioner Hillyard also noted a debate for congressional districts on whether each district ought to have both rural and urban areas within the district. He explained that it would be possible to largely keep the Wasatch Front in three districts with one large rural district surrounding the remainder of the state, but that district would be very difficult to represent.

A member of the public asked for some clarification regarding the language of Proposition 4 and the compromise legislation and the Utah Independent Redistricting Commission's role as an advisory group. Commissioner Bishop explained that redistricting is given to the legislature constitutionally and the statute from the legislature established the Utah Independent Redistricting Commission as an advisory group as such.

V. Presentation: Public Hearing Format – Gordon Haight

Gordon Haight then explained the general process for giving public comment, including a five-minute time limit, and explained that the commission would work to apply comments to drafted maps. Gordon also explained that staff would be available after the meeting to answer questions about the software and other questions.

VI. Open Public Comment

Chair Facer invited the public to come and give public comments.

Commissioner Thorne explained that all comments would be recorded and included as a part of the public record.

Tab Uno then addressed the commissioners. He explained that he had been a candidate for the Utah House of representatives since 2018. He explained that he had traveled District 13 extensively. Tab explained some perceived issues with the 2010 boundaries for District 13. That said, he expressed a desire for the maps to remain somewhat similar at least for District 13, especially as some drafted maps would place him outside the district he had traditionally run for.

Commissioner Hillyard discussed the relative growth rate of District 13 compared to some other areas of the state and also explained that for state house candidates did need to live in their district.

Commissioner Hale explained that given the growth rates of areas like Layton, some shifts would have to happen in the area to keep population numbers equal.

Commissioner Baker addressed some of the details regarding precinct 15 in Syracuse, explaining that the County Clerk's hands had been essentially tied given the meeting of a house and senate boundary.

Paul Sante addressed the commissioners. His comments discussed the circumstances around Proposition 4, and the lack of coordination between the Utah Independent Redistricting Commission and the legislature. He also discussed circumstances regarding the food tax and Medicare expansion. He explained his hope that the maps drafted by the Utah Independent Redistricting would be considered.

Kurt Weiland addressed the commissioners. He expressed his thanks to the commissioners and explained his view regarding the difficulty of creating maps. He mentioned deep partisanship and asked about checks to prevent the legislature from creating partisan maps.

Commissioner Durham explained that public opinion and future elections were the primary checks.

Kurt expressed his support for the commission's work and expressed his view regarding the importance of voters choosing their representatives. Commissioner Hillyard explained that the legislature did have some of the same basic standards as the Utah Independent Redistricting Commission, focusing on population number as an objective criteria. He also referred to Chair Facer's previous comment that the commissioners had not been using any political data in any way.

Commissioner Durham echoed Commissioner Hillyard's comments regarding standards such as population deviations but restated that the legislature had essentially no checks regarding political data.

Commissioner Baker further explained that all the standards used by the Utah Independent Redistricting Commission are founded in the law, including Proposition 4.

Kurt explained that those standards were greatly appreciated, and explained his view that the political minority should have a proportional representation, noting his understanding of Commissioner Hillyard's comments that the Utah Independent Redistricting Commission was not considering political data in any way.

Representative Ray Ward from the Utah House of Representatives addressed the commissioners. He thanked the commissioners for their work and made some comments regarding Davis County. He noted that Davis County's growth rate was roughly proportional to the state's growth, noting a desire for little change in Davis County as such. He also noted that it seemed like a desire for very low deviations had resulted in some precincts essentially ending in a district outside their city. He expressed a desire to not see very small portions of cities cut away from the remainder of the city. Representative Ward mentioned some high-level concerns, looking at what areas gained and lost relative seats. He suggested that giving high level explanations would be very helpful.

Commissioner Durham explained that balancing various criteria makes mapping difficult, even when trying to focus on high level concerns. Commissioner Thorne explained that he and Commissioner Hillyard had started by focusing on keeping population deviations low, and then worked to consider cities and counties, which had improved their maps. Commissioner Hale explained that beyond cities and counties the commissioners had worked to keep communities of interest together, and explained that working to keep deviations low resulted in some frustrating splits. Commissioner Hale also thanked Representative Ward for his participation and encouraged him and the legislature to consider the maps drafted by the Utah Independent Redistricting Commission.

Representative Ward noted that some high-level annotation would assist in using the maps.

Commissioner Durham explained that the report submitted with maps would include explanations of maps.

Commissioner Hillyard explained that the timeframe the commissioners were working under were quickly approaching. He also explained that he hoped the report and explanations given by the commissioners with their maps would help them to be understood, and he mentioned that it was difficult to create a map that would make everyone happy, especially as it was difficult to know each community so extensively as to put lines in the perfect place.

Mary Jane Jacobs addressed the commissioners. She asked the commissioners about their deadline for submitting maps and giving public comment.

Chair Facer explained that the commissioners would be presenting their maps on November 1 and would be taking input until October 23.

Mary Jane asked about the constitutional language regarding redistricting.

Commissioner Bishop explained that the constitution gives the power to the legislature.

Commissioner Durham explained that the constitution does say that, but the manner in which the legislature decides redistricting was not explained, and so some felt that giving that power to the Utah Independent Redistricting Commission would be unconstitutional and others disagreed.

May Jane asked if the commissioners had started with the existing maps or started brand new.

Chair Facer explained that at least in his mapping experience, his team had tried to use the existing map and found the difficulties severe enough to simply start a new map.

Commissioner Thorne explained that his team had found that the required shifts from population numbers made it difficult to really match the existing districts.

Commissioner Hillyard noted that keeping the cores of prior districts intact was a criteria required in statute. He also explained his view that if the Utah Independent Redistricting Commission were to change the seats too drastically the maps would not pass the legislature. His comments focused on the ripple effect that occurred while mapping and the changes that the population necessitated. He ended his comments by noting that to his knowledge none of the commissioner teams had focused on matching existing maps as closely as possible.

Commissioner Thorne noted that his team had worked to draft maps that started in different areas of the state.

Mary Jane suggested that the commissioners look at parts of the maps that seemed problematic to inform their maps, noting the large number of splits in Clearfield and suggesting that Clearfield could be split fewer times.

Commissioner Thorne explained that staff was working to help commissioners avoid splitting cities when possible. Commissioner Durham noted that they had more sophisticated tools than ten years previous. Commissioner Hillyard noted that they had worked with County Clerks to avoid situations that created problematic precincts.

Commissioner Bishop explained that old maps had made decisions intentionally, and that some district would end up as the buckle.

Commissioner Durham explained that the commission live-streaming mapping also created a record to allow those intentional decisions to be revisited.

Commissioner Hale noted that, as Commissioner Hillyard had said, the commissioners and staff were working to get input from the general public, county clerks, the state superintendent, and similar groups to really inform their maps.

Chase Clyde from the UEA then addressed the commissioners. He thanked the commissioners for taking input from educators and explained that educators were working on school board maps for submission. He also suggested that the commissioners take advantage of the allowed population deviation to keep school districts together.

Commissioner Hillyard noted that the sooner those maps were submitted the better. He explained his concerns with the quickly approaching deadline. Commissioner Durham also noted that she had really liked some of the publicly submitted maps, and they commissioners would consider and use submitted maps.

Commissioner Bishop presented his question of what areas communities would like to see in their district. His example was that Davis County was too large for only one school board district, and asked what areas the remainder of Davis County should be included with.

Mayor Witt explained that Weber and Davis counties have a lot in common, including things like Hill Airforce Base.

Commissioner Bishop asked about within Davis County.

Mayor Witt explained that South Weber had a unique identity being so close to Weber, and that Kaysville had a unique identify but wasn't sure how to speak for the other cities.

Mayor Petro agreed that Davis has a lot in common with Weber County. She mentioned that Layton was the largest city in the county, and had enjoyed their current representation and noted that she understood that things would change and she appreciated the nonpartisan approach from the commissioners.

Tab Uno explained that Sunset was a unique community, given its small size compared to some of the adjacent neighbors. He explained his view that northern Davis was a unique area and that Davis would have more in common with Weber, but that he might see northern and southern Davis Counties as different places.

VII. Close Public Comment

With no additional comments Chair Facer concluded the public comment portion of the meeting.

VIII. Open House

IX. Discussion: Map Refinement

Chair Facer invited Gordon to speak regarding map refinement.

Gordon explained that he had been excited and impressed with the analysis done regarding drafted maps and the improvements the commissioners had made based on that analysis as well as the public comment received in public hearings.

Gordon then explained that the staff had been working to start on a report, and one area of that report would look at the criteria in statute and explain how analysis was done to examine those criteria. He went on to explain that through their legal counsel, staff had been able to work with outside experts on redistricting. He then explained that the commission had focused on not using partisan data as to not unduly favor or disfavor a party. Gordon explained that staff and outside experts will present on analysis in general and how analysis might be completed regarding favoring a group without giving any political data to the commissioners.

Commissioner Hillyard asked how they would use that analysis without getting political data, as he did not want to receive any political data.

Gordon expressed his support for the commissioners to not see or use political data, and explained that he and outside experts were working to consider how to carry out and use analysis regarding favoring or disfavoring without giving the commissioners political data.

Gordon then explained that with the approaching deadline, he was also focused on giving other analysis to the commissioners to refine their maps.

Commissioner Bishop asked how political data analysis would be used if the commissioners were not going to see or use that data.

Gordon explained that the analysis needed to be included in the report to address the criteria regarding favoring or disfavoring.

Commissioner Durham expressed her feelings that it was strange to give that data to the legislature when they already had that data.

Gordon explained that he simply wanted to include a section of the report regarding each criteria.

Chair Facer also mentioned that there were discussions with counsel to ensure compliance with both statute and adopted criteria.

Cassidy Hansen then addressed the commissioners regarding criteria and refinement. She complimented the commissioners on using analysis to reduce things like city splits. Cassidy then briefly presented on future analysis, please refer to 1:43:03 in the recording to hear Cassidy's presentation. The recording is posted to the Public Notice Website on the October 15, 2021, post. <https://www.utah.gov/pmn/>.

In this presentation Cassidy explained that using an outside group suggested by legal counsel, drafted maps would be compared to thousands of computer-generated maps to gain a larger comparison than simply comparing the commissioner's maps to each other. She noted that these computer generated maps could not replace the maps drafted by the commissioners as they lacked nuance, but they would serve for analysis.

Commissioner Durham asked how this data would be presented.

Gordon explained that outside experts would be presenting on how data was used in Michigan to explain how they would carry out analysis on the Utah maps. He mentioned that seeing how data was used in Michigan continued to prevent the commissioners from seeing Utah political data.

Moon Duchin from MGGG Redistricting Lab at Tufts, and Tyler Jarvis from BYU presented to the commissioners. Please refer to 1:46:52 in the recording to hear Cassidy's presentation. The recording is posted to the Public Notice Website on the October 15, 2021, post. <https://www.utah.gov/pmn/>.

This presentation explained how ensembles of random computer-generated plans are created. This presentation also used Michigan maps to explain what analysis can be carried out, including county splits, compactness, proportional number of districts, and other criteria.

Gordon explained that he wanted to have Moon and Tyler explain their analysis in more detail in the upcoming Monday meeting and look at analysis for things like county splits on that day.

Commissioner Thorne explained that he did not see competitive districts as a data piece included in commission criteria and he would not like to see that data.

Moon explained that the criteria shown for Michigan were just options and that the commissioners could request the data they would like to see.

Chair Facer explained his understanding that commissioners were concerned with the potential of inadvertently seeing any political data, and staff's desire to have that information to ensure compliance with the favoring or disfavoring requirement.

Commissioner Durham expressed that she did not want to see political data, but also did not want to submit a map that favored or disfavored a party.

Commissioner Hillyard and Commissioner Durham briefly discussed how they could use that analysis without needing to see extensive political data and also ensure no favoring or disfavoring. Commissioner Bishop expressed concerns about values that certain analysis may be imparting or choosing not to impart. He explained he felt it was important to decide carefully what numbers to include in the report.

Moon explained that using the ensemble of plans is helpful because it allows a large number of maps to be compared to directly, rather than an ideal.

Commissioner Thorne expressed his concerns about including anything approaching partisan data, including the competitiveness of districts.

Commissioner Durham explained that with that said, that data may be required to avoid favoring or disfavoring.

Commissioner Hillyard explained that if this data would be given to improve maps, they should have used it from the first place. He expressed discomfort with using any political data, and noted that several experts may disagree with each other.

Commissioner Hillyard and Commissioner Durham discussed how to use the criteria regarding favoring and disfavoring, and whether ignoring political data would suffice for that criteria.

Gordon explained that from the staff perspective, they would like to include analysis showing just how well drafted maps do or do not fulfill criteria, including avoiding favoring or disfavoring. He explained that staff would like that data in the report.

Commissioner Durham explained her understanding that not using political data could be interpreted as fulfilling the requirement. Gordon and commissioners discussed how data can be used by the commissioners and included in the report, with Commissioner Thorne suggesting that this outside analysis could be included in the report and noting that the commissioners had not used partisan data.

Chair Facer explained his understanding that staff would like to have this data to fulfill criteria, but commissioners were hesitant to see any remotely political data.

Gordon explained that the staff understood the decisions to avoid political data and incumbency, and noted that they used the data from Michigan to avoid that information. He explained that staff felt that including this analysis in the report helped add additional credibility.

Chair Facer explained his understanding that staff could look at this data without sharing it with the commissioners to avoid them seeing any political data, and then decide with legal counsel if and how the commissioners should respond to any worrying trends, including a response of simply saying that the commissioners had not used political data.

Commissioner Baker expressed some concern with having political data even near the commission while maps are still being drawn. He suggested that he did not want to see any partisan political data until after maps were drafted and finalized.

Commissioners discussed being open to viewing this data only after maps were finalized to discuss how to use this criteria for future commissioners.

Matt Cannon invited the commissioners to reexamine the criteria regarding favoring and disfavoring before the meeting on Monday and explained that legal counsel would present more on why they felt this analysis and discussion was important, focusing on the word undue. He suggested that it could be interpreted to be outcome-based and as such this analysis being discussed may be necessary. He also noted that staff's desire to avoid showing political data to the commissioners seemed possible while still getting this information to staff and counsel.

Gordon also explained that likely only himself and Cassidy would see the data being discussed.

Commissioner Hillyard and Gordon discussed how this favoring or disfavoring criteria stacked up with other criteria.

Gordon also explained that maps needed to be narrowed down to a final 12 and that would be discussed in the Monday meeting as well.

Commissioner Baker also explained that the sooner 12 maps are decided on the sooner cleanup can occur.

X. Adjourn

Commissioner Hillyard motioned to adjourn the meeting.

The meeting was adjourned.