July 19, 2017

The Honorable Spencer J. Cox
Utah Lt. Governor’s Office
Utah State Capitol Building
Salt Lake City, UT 84114

Re: Utahns for Responsive Government Better Boundaries Redistricting Initiative Application

Dear Lt. Governor Spencer Cox:

As Co-Chairs of the Better Boundaries Campaign, we firmly believe that our current redistricting process requires reform. The Utah Constitution provides that “all political power is inherent in the people.” Our current redistricting process, however, undermines this fundamental Utah value because it allows incumbent politicians to manipulate the redistricting process by selecting the people who vote for them. This system has resulted in less competitive races and politicians who prioritize the demands of special interest groups over the needs of their constituents.

The Better Boundaries campaign is committed to bringing people of all political persuasions together to work toward combating the negative impact gerrymandering has had on Utah’s communities. The initiative will modify the current system of redistricting by establishing an independent redistricting commission and prescribing redistricting standards and requirements. This improved system will reinforce our democracy by making our elected officials more accountable, increasing the competitiveness of our elections, reducing polarization, and strengthening voter participation and civic engagement.

Decades of allowing politicians to pick their voters has resulted in less accountability in government and a staggering level of distrust among the electorate. When everyday Utahn’s voices are not being heard, our communities suffer. Addressing this dysfunction and restoring faith in our representative democracy is the challenge of our time. The Better Boundaries campaign is committed to tackling that challenge.
Sincerely,

Ralph Becker  Blake Moore  Karen Shepherd  Jeff Wright
Application for an Initiative or Referendum
Utah Code 20A-7-202

PLEASE NOTE: A copy of the proposed law must be attached to this application along with a statement indicating whether or not signature gatherers will be paid for their services.

Sponsor Statement

I, Ralph Becker, affirm that I am a resident of Utah and I have voted in a regular general election in Utah within the last three years.

5 South 500 West, # 102
Salt Lake City, UT 84101

Ralph Becker
Name of Sponsor (please type or print)

(801) 550-2812
Phone Number

Notary Seal

My commission expires 02/07/2018

To File this Form
Mail or deliver to
Lieutenant Governor's Office
Utah State Capitol
Suite 220
Salt Lake City, UT 84114-2325
Fax (801) 538-1133
For More Information call
(801) 538-1041
1.800.995.VOTE (8683)
elections@utah.gov

For Office Use Only

Entered
Copied

Received
JUL 20 2017
Spencer J. Cox
Lieutenant Governor
Date Received
Application for an Initiative or Referendum
Utah Code 20A-7-202

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Please type or print

Application must be completed by five sponsors

Sponsor Statement

I, Jeff Wright

Name of Sponsor (please type or print)

affirm that I am a resident of Utah and I have voted in a regular general election in Utah within the last three years.

2743 Meadow Creek Drive

City, State, Zip

Park City, UT 84060

Residence Address

(801) 983-6701

Phone Number

Subscribed and affirmed before me this 18th day of July, 2017

Sponsor's Signature

Notary Seal

Kathryn April Quist
NOTARY PUBLIC - STATE OF UTAH
My Comm. Exp. 02/07/2018
Commission # 674453

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Sponsor Statement

<table>
<thead>
<tr>
<th>Blake Moore</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Sponsor (please type or print)</td>
</tr>
</tbody>
</table>

1109 South 2000 East
City, State, Zip
Salt Lake City, UT 84108

(801) 456-6757
Phone Number

Affirm that I am a resident of Utah and I have voted in a regular general election in Utah within the last three years.

[Signature]

Sponsor’s Signature

Subscribed and affirmed before me this 18th day of July 2017

[Signature]
Notary Public

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Utah Code 20A-7-202

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Sponsor Statement

<table>
<thead>
<tr>
<th>Tim Chambless</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Sponsor (please type or print)</td>
</tr>
</tbody>
</table>

1977 Scenic Drive

<table>
<thead>
<tr>
<th>Salt Lake City, UT 84108-3315</th>
</tr>
</thead>
<tbody>
<tr>
<td>City, State, Zip</td>
</tr>
</tbody>
</table>

(801) 467-2926

Phone Number

My commission expires 02/04/2018

Subscribed and affirmed before me this day of July 20, 2017

Notary Public

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<table>
<thead>
<tr>
<th>Sponsor Statement</th>
</tr>
</thead>
<tbody>
<tr>
<td>I, Rebecca Chavez-Houck, affirm that I am a resident of Utah and I have voted in a regular general election in Utah within the last three years.</td>
</tr>
<tr>
<td>643 East 16th Avenue</td>
</tr>
<tr>
<td>Salt Lake City, UT 84103</td>
</tr>
<tr>
<td>(801) 891-9292</td>
</tr>
<tr>
<td>Subscribed and affirmed before me this 18th day of July, 2017</td>
</tr>
<tr>
<td>My commission expires 02/07/2018</td>
</tr>
</tbody>
</table>

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UTAH INDEPENDENT REDISTRICTING COMMISSION AND STANDARDS ACT

LONG TITLE

General Description:

This initiative enacts provisions in Title 20A (Election Code) and amends provisions in Title 63G (General Government) and in Title 52 (Public Officers) of the Utah Code to establish the Utah Independent Redistricting Commission and to enact standards, procedures, and requirements related to redistricting by the Legislature and redistricting plans recommended by the Utah Independent Redistricting Commission.

Statement of Intent and Subject Matter:

This initiative creates the Utah Independent Redistricting Commission and establishes objective standards, procedures, and requirements for creating the boundaries of Utah’s congressional, state legislative, and other districts.

The Utah Constitution provides that “all political power is inherent in the people.” Yet, our current redistricting process undermines this fundamental Utah value, because it empowers incumbent politicians to select the people who vote for them and allows incumbent politicians to manipulate the redistricting process for their own personal and political gain. The current system has resulted in less competitive races, less accountability to constituents, and politicians who prioritize the demands of partisan and special interest groups over the needs of their constituents and our Utah communities. Politicians should not get to choose to whom they are accountable.

This initiative will modify the current system of redistricting by establishing the Utah Independent Redistricting Commission, which will draw district boundaries through an open and independent process and then submit recommended redistricting plans to the Legislature to enact or reject. Utahns will be allowed to provide input into how districts are drawn and to submit
their own redistricting plans for the Commission’s consideration.

This initiative also establishes redistricting standards and requirements, such as compliance with the Constitution and federal laws, population equality, keeping cities, towns, and counties together, creating compact and contiguous districts, and respecting traditional neighborhoods, communities, and natural features. This initiative also prohibits the Legislature and the Commission from using redistricting to favor or disfavor any particular person, group, or political party.

The improved redistricting system created by this initiative will strengthen our democracy by making our elected officials more accountable to the communities they represent, increasing the competitiveness of our elections, reducing polarization, and strengthening voter participation and civic engagement. This will help restore voter confidence in our government, which is critical to ensuring that the voices of Utahns are heard and that Utahns have a government of the people, by the people, and for the people.

**Highlighted Provisions:**

This initiative:

- Enacts redistricting standards, procedures, and requirements, including provisions related to the timing of redistricting;
- Establishes the Utah Independent Redistricting Commission;
- Provides that the Commission and the Legislature shall consider redistricting plans in a transparent manner that allows for public input;
- Requires the Commission to recommend redistricting plans for to the Legislature;
- Requires the Legislature to either enact or reject redistricting plans recommended by the Commission;
- Requires the Legislature to issue a detailed explanation if it enacts a redistricting plan other than a plan recommended by the Commission;
- Provides that the Commission may issue public statements, assessments, and reports in response to the Legislature enacting a redistricting plan other than a plan recommended by the Commission;
- Grants a private right of action to Utahns to seek and obtain a court-ordered injunction halting the enforcement or implementation of a redistricting plan that fails to abide by or conform to the redistricting standards, procedures, and requirements set forth in this initiative;
- Amends the Open and Public Meetings Act and the Government Records Access and Management Act to apply to the Commission; and
- Provides a severability clause.

Monies Appropriated in this Initiative:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:
- 20A-19-101, Utah Code Annotated 1953
- 20A-19-102, Utah Code Annotated 1953
- 20A-19-103, Utah Code Annotated 1953
- 20A-19-104, Utah Code Annotated 1953
- 20A-19-201, Utah Code Annotated 1953
Be it Enacted by the People of the State of Utah:

Section 1. Section 20A-19-101 is enacted to read:

CHAPTER 19. UTAH INDEPENDENT REDISTRICTING COMMISSION AND STANDARDS ACT


This chapter is known as the “Utah Independent Redistricting Commission and Standards Act.”

Section 2. Section 20A-19-102 is enacted to read:


Division of the state into congressional, legislative, and other districts, and modification of existing divisions, is permitted only at the following times or under the following conditions.
circumstances:

(1) no later than the first annual general legislative session after the Legislature's receipt of the results of a national decennial enumeration made by the authority of the United States;

(2) no later than the first annual general legislative session after a change in the number of congressional, legislative, or other districts resulting from an event other than a national decennial enumeration made by the authority of the United States;

(3) upon the issuance of a permanent injunction by a court of competent jurisdiction under Section 20A-19-301(2) and as provided in Section 20A-19-301(8);

(4) to conform with a final decision of a court of competent jurisdiction; or

(5) to make minor adjustments or technical corrections to district boundaries.

Section 3. Section 20A-19-103 is enacted to read:


(1) This Section establishes redistricting standards and requirements applicable to the Legislature and to the Utah Independent Redistricting Commission.

(2) The Legislature and the Commission shall abide by the following redistricting standards to the greatest extent practicable and in the following order of priority:

(a) adhering to the Constitution of the United States and federal laws, such as the Voting Rights Act, 52 U.S.C. Secs. 10101 through 10702, including, to the extent required, achieving equal population among districts using the most recent national decennial enumeration made by the authority of the United States;

(b) minimizing the division of municipalities and counties across multiple districts,

giving first priority to minimizing the division of municipalities and second priority to
minimizing the division of counties;

(c) creating districts that are geographically compact;

(d) creating districts that are contiguous and that allow for the ease of transportation throughout the district;

(e) preserving traditional neighborhoods and local communities of interest;

(f) following natural and geographic features, boundaries, and barriers; and

(g) maximizing boundary agreement among different types of districts.

(3) The Legislature and the Commission may not divide districts in a manner that purposefully or unduly favors or disfavors any incumbent elected official, candidate or prospective candidate for elective office, or any political party.

(4) The Legislature and the Commission shall use judicial standards and the best available data and scientific and statistical methods, including measures of partisan symmetry, to assess whether a proposed redistricting plan abides by and conforms to the redistricting standards contained in this Section, including the restrictions contained in Subsection (3).

(5) Partisan political data and information, such as partisan election results, voting records, political party affiliation information, and residential addresses of incumbent elected officials and candidates or prospective candidates for elective office, may not be considered by the Legislature or by the Commission, except as permitted under Subsection (4).

(6) The Legislature and the Commission shall make computer software and information and data concerning proposed redistricting plans reasonably available to the public so that the public has a meaningful opportunity to review redistricting plans and to conduct the assessments described in Subsection (4).
Section 4. Section 20A-19-104 is enacted to read:


(1) The provisions of this chapter are severable.

(2) If any word, phrase, sentence, or section of this chapter or the application of any word, phrase, sentence, or section of this chapter to any person or circumstance is held invalid by a final decision of a court of competent jurisdiction, the remainder of this chapter must be given effect without the invalid word, phrase, sentence, section, or application.

Section 5. Section 20A-19-201 is enacted to read:

Part 2. Utah Independent Redistricting Commission


(1) This Act creates the Utah Independent Redistricting Commission.

(2) The Utah Independent Redistricting Commission comprises seven commissioners appointed as provided in this Section.

(3) Each of the following appointing authorities shall appoint one commissioner:

(a) the governor, whose appointee shall serve as Commission chair;

(b) the president of the Senate;

(c) the speaker of the House of Representatives;

(d) the leader of the largest minority political party in the Senate;

(e) the leader of the largest minority political party in the House of Representatives;

(f) the leadership of the majority political party in the Senate, including the president of
the Senate, jointly with the leadership of the same political party in the House of Representatives and the speaker of the House of Representatives if a member of that political party. 

(4) The appointing authorities described in Subsection (3) shall appoint their commissioners no later than 30 calendar days following:

(a) the receipt by the Legislature of a national decennial enumeration made by the authority of the United States; or

(b) a change in the number of congressional, legislative, or other districts resulting from an event other than a national decennial enumeration made by the authority of the United States.

(5) Commissioners appointed under Subsection (3)(f) and Subsection (3)(g), in addition to the qualifications and conditions in Subsection (6), may not have at any time during the preceding five years:

(a) been affiliated with any political party for the purposes of Section 20A-2-107;

(b) voted in any political party's regular primary election or any political party's municipal primary election; or

(c) been a delegate to a political party convention.

(6) Each commissioner:

(a) must have been at all times an active voter, as defined in Section 20A-1-102(1), during the four years preceding appointment to the Commission;

(b) must not have been at any time during the four years preceding appointment to the Commission, and may not be during their service as commissioner or for four years thereafter.
(i) a lobbyist or principal, as those terms are defined under Section 36-11-102;

(ii) a candidate for or holder of any elective office, including any local government office;

(iii) a candidate for or holder of any office of a political party, excluding the office of political party delegate, or the recipient of compensation in any amount from a political party, political party committee, personal campaign committee, or any political action committee affiliated with a political party or controlled by an elected official or candidate for elective office, including any local government office;

(iv) appointed by the governor or the Legislature to any other public office; or

(v) employed by the Congress of the United States, the Legislature, or the holder of any position that reports directly to an elected official or to any person appointed by the governor or Legislature to any other public office.

(7)(a) Each commissioner shall file with the Commission and with the governor a signed statement certifying that the commissioner:

(i) meets and will continue to meet throughout their term as commissioner the applicable qualifications contained in this Section;

(ii) will comply with the standards, procedures, and requirements applicable to redistricting contained in this chapter;

(iii) will faithfully discharge the commissioner’s duties in an independent, honest, transparent, and impartial manner; and

(iv) will not engage in any effort to purposefully or unduly favor or disfavor any incumbent elected official, candidate or prospective candidate for elective office, or any political party.
(b) The Commission and the governor shall make available to the public the statements required under Subsection (7)(a).

(8)(a) A commissioner's term lasts until a successor is appointed or until that commissioner's death, resignation, or removal.

(b) A commissioner may resign at any time by providing written notice to the Commission and to the governor.

(c) A commissioner may be removed only by a majority vote of the speaker of the House of Representatives and the leader of the largest minority political party in the House of Representatives and the president of the Senate and leader of the largest minority political party in the Senate, and may be removed only for failure to meet the qualifications of this Section, incapacity, or for other good cause, such as substantial neglect of duty or gross misconduct in office.

(9)(a) The appointing authority that appointed a commissioner shall fill a vacancy caused by the death, resignation, or removal of that commissioner within 21 calendar days after the vacancy occurs.

(b) If the appointing authority at the time of the vacancy is of a different political party than that of the appointing authority when the original appointment was made, then the corresponding appointing authority of the same political party in the Senate, the House, or the leadership, as the case may be, as the appointing authority that made the original appointment must make the appointment to fill the vacancy.

(10) If an appointing authority fails to appoint a commissioner or to fill a vacancy by the deadlines provided in this Section, then the chief justice of the Supreme Court of the State of Utah shall appoint that commissioner within 14 calendar days after the failure to appoint or fill a
vacancy.

(11)(a) Commissioners may not receive compensation or benefits for their service, but may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules of the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) A commissioner may decline to receive per diem and travel expenses.

(12)(a) The Legislature shall appropriate adequate funds for the Commission to carry out its duties, and shall make available to the Commission such personnel, facilities, equipment, and other resources as the Commission may reasonably request.

(b) The Office of Legislative Research and General Counsel shall provide the technical staff, legal assistance, computer equipment, computer software, and other equipment and resources to the Commission that the Commission reasonably requests.

(c) The Commission has procurement and contracting authority, and upon a majority vote, may procure the services of staff, legal counsel, consultants, and experts, and may acquire the computers, data, software, and other equipment and resources that are necessary to carry out its duties effectively.

Section 6. Section 20A-19-202 is enacted to read:


(1) The Commission shall conduct its activities in an independent, honest, transparent,
and impartial manner, and each commissioner and member of Commission, including staff and
consultants employed or retained by the Commission, shall act in a manner that reflects
creditably on the Commission.

(2) The Commission shall meet upon the request of a majority of commissioners.

(3) Attendance of a majority of commissioners at a meeting constitutes a quorum for the
conduct of Commission business and the taking of official Commission actions.

(4) The Commission takes official actions by majority vote of commissioners at a
meeting at which a quorum is present, except as otherwise provided in this chapter.

(5)(a) The Commission may consider any redistricting plan submitted to the Commission
by any person or organization, including commissioners.

(b) The Commission shall make available to each commissioner and to the public all
plans or elements of plans submitted to the Commission or to any commissioner.

(6) Upon the affirmative vote of at least three commissioners, the Commission shall
conduct the assessments described in Section 20A-19-103(4) of any redistricting plan being
considered by the Commission or by the Legislature, and shall promptly make the assessments
available to the public.

(7)(a) The Commission shall establish and maintain a website, or other equivalent
electronic platform, to disseminate information about the Commission, including records of its
meetings and public hearings, proposed redistricting plans, and assessments of and reports on
redistricting plans, and to allow the public to view its meetings and public hearings in both live
and in archived form.

(b) The Commission’s website, or other equivalent electronic platform, must allow the
public to submit redistricting plans and comments on redistricting plans to the Commission for.
its consideration.

(8) The Commission is subject to Title 52, Chapter 4, Open and Public Meetings Act, Secs. 52-4-101 to 52-4-305, and to Title 63G, Chapter 2, Government Records Access and Management Act, Secs. 63G-2-101 to 63G-2-804.

(9)(a) The Commission shall, by majority vote, determine the number, locations, and dates of the public hearings to be held by the Commission, but the Commission shall hold no fewer than seven public hearings throughout the state in connection with each redistricting that is permitted under Section 20A-19-102(1)-(2) as follows:

(i) one in the Bear River region—Box Elder, Cache, or Rich County;
(ii) one in the Southwest region—Beaver, Garfield, Iron, Kane, or Washington County;
(iii) one in the Mountain region—Summit, Utah, or Wasatch County;
(iv) one in the Central region—Juab, Millard, Piute, Sanpete, Sevier, or Wayne County;
(v) one in the Southeast region—Carbon, Emery, Grand, or San Juan County;
(vi) one in the Uintah Basin region—Daggett, Duchesne, or Uintah County; and
(vii) one in the Wasatch Front region—Davis, Morgan, Salt Lake, Tooele, or Weber County.

(b) The Commission shall hold at least two public hearings in a first or second class county but not in the same county.

(10) Each public hearing must provide those in attendance a reasonable opportunity to submit written and oral comments to the Commission and to propose redistricting plans for the Commission's consideration.

(11) The Commission must hold the public hearings required under Subsection (9) by:

(a) the earlier of the 120th calendar day after the Legislature’s receipt of the results of a
national decennial enumeration made by the authority of the United States or August 31st of that
year; or

(b) no later than 120 calendar days after a change in the number of congressional,

legislative, or other districts that results from an event other than a national decennial
enumeration made by the authority of the United States.

(12)(a) A commissioner may not engage in any private communication with any person
other than other commissioners, Commission personnel, including consultants retained by the
Commission, and employees of the Office of Legislative Research and General Counsel, that is
material to any redistricting plan or element of a plan pending before the Commission or
intended to be proposed for Commission consideration, without making the communication, or a
detailed and accurate description of the communication including the names of all parties to the
communication and the plan or element of the plan, available to the Commission and to the
public.

(b) A commissioner shall make the disclosure required by Subsection (12)(a) before the
redistricting plan or element of a plan is considered by the Commission.

Section 7. Section 20A-19-203 is enacted to read:

20A-19-203. Selection of Recommended Redistricting Plan.

(1) The Commission shall prepare and, by the affirmative vote of at least five
commissioners, adopt at least one and as many as three redistricting plans that the Commission
determines divide the state into congressional, legislative, or other districts in a manner that
satisfies the redistricting standards and requirements contained in this chapter as the
Commission’s recommended redistricting plan or plans no later than 30 calendar days following.
completion of the public hearings required under Section 20A-19-202(9); and

(2)(a) If the Commission fails to adopt a redistricting plan by the deadline identified in Subsection (1), the Commission shall submit no fewer than two redistricting plans to the chief justice of the Supreme Court of the State of Utah.

(b) The chief justice of the Supreme Court of the State of Utah shall, as soon as practicable, select from the submitted plans at least one and as many as three redistricting plans that the chief justice determines divide the state into congressional, legislative, and other districts in a manner that satisfies the redistricting standards and requirements contained in this chapter as the Commission’s recommended redistricting plan or plans.

(c) Of the plans submitted by the Commission to the chief justice of the Supreme Court of the State of Utah under Subsection (2)(a), at least one plan must be supported by the commissioner appointed under Section 20A-19-201(3)(f), and at least one plan must be supported by the commissioner appointed under Section 20A-19-201(3)(g).

Section 8. Section 20A-19-204 is enacted to read:


(1)(a) The Commission shall submit to the president of the Senate, the speaker of the House of Representatives, and the director of the Office of Legislative Research and General Counsel, and make available to the public, the redistricting plan or plans recommended under Section 20A-19-203 and a detailed written report setting forth each plan’s adherence to the redistricting standards and requirements contained in this chapter.
(b) The Commission shall make the submissions described in Subsection (1)(a), to the extent practicable, not less than 10 calendar days before the Senate or the House of Representatives votes on any redistricting plan permitted under Section 20A-19-102(1)-(2).

(2)(a) The Legislature shall either enact without change or amendment, other than technical corrections such as those authorized under Section 36-12-12, or reject the Commission’s recommended redistricting plans submitted to the Legislature under Subsection (1).

(b) The president of the Senate and the speaker of the House of Representatives may direct legislative staff to prepare a legislative review note and a legislative fiscal note on the Commission’s recommended redistricting plan or plans.

(3) The Legislature may not enact any redistricting plan permitted under Section 20A-19-102(1)-(2) until adequate time has been afforded to the Commission and to the chief justice of the Supreme Court of the State of Utah to satisfy their duties under this chapter, including the consideration and assessment of redistricting plans, public hearings, and the selection of one or more recommended redistricting plans.

(4) The Legislature may not enact a redistricting plan or modification of any redistricting plan unless the plan or modification has been made available to the public by the Legislature, including by making it available on the Legislature’s website, or other equivalent electronic platform, for a period of no less than 10 calendar days and in a manner and format that allows the public to assess the plan for adherence to the redistricting standards and requirements contained in this chapter and that allows the public to submit comments on the plan to the Legislature.

(5)(a) If a redistricting plan other than a plan submitted to the Legislature under
Subsection (1) is enacted by the Legislature, then no later than seven calendar days after its 
 enactment the Legislature shall issue to the public a detailed written report setting forth the 
 reasons for rejecting the plan or plans submitted to the Legislature under Subsection (1) and a 
 detailed explanation of why the redistricting plan enacted by the Legislature better satisfies the 
 redistricting standards and requirements contained in this chapter.

(b) The Commission may, by majority vote, issue public statements, assessments, and 
 reports in response to:

(i) any report by the Legislature described in Subsection (5)(a); 

(ii) the Legislature’s consideration or enactment of any redistricting plan, including any 
 plan submitted to the Legislature under Subsection (1); or 

(iii) the Legislature’s consideration or enactment of any modification to a redistricting 
 plan.

Section 9. Section 20A-19-301 is enacted to read:

Part 3. Private Right of Action for Utahns

20A-19-301. Right of Action and Injunctive Relief.

(1) Each person who resides or is domiciled in the state, or whose executive office or 
 principal place of business is located in the state, may bring an action in a court of competent 
 jurisdiction to obtain any of the relief available under Subsection (2).

(2) If a court of competent jurisdiction determines in any action brought under this 
 Section that a redistricting plan enacted by the Legislature fails to abide by or conform to the 
 redistricting standards, procedures, and requirements set forth in this chapter, the court shall 
 issue a permanent injunction barring enforcement or implementation of the redistricting plan. In
addition, the court may issue a temporary restraining order or preliminary injunction that
temporarily stays enforcement or implementation of the redistricting plan at issue if the court
determines that:
(a) the plaintiff is likely to show by a preponderance of the evidence that a permanent
injunction under this Subsection should issue, and
(b) issuing a temporary restraining order or preliminary injunction is in the public
interest.
(3) A plaintiff bringing an action under this Section is not required to give or post a
bond, security, or collateral in connection with obtaining any relief under this Section.
(4) In any action brought under this Section, the court shall review or evaluate the
redistricting plan at issue de novo.
(5) If a plaintiff bringing an action under this Section is successful in obtaining any relief
under Subsection (2), the court shall order the defendant in the action to promptly pay reasonable
compensation for actual, necessary services rendered by an attorney, consulting or testifying
expert, or other professional, or any corporation, association, or other entity or group of other
persons, employed or engaged by the plaintiff, and to promptly reimburse the attorney,
consulting or testifying expert, or other professional, or any corporation, association, or other
entity or group of other persons, employed or engaged by the plaintiff for actual, necessary
expenses. If there is more than one defendant in the action, each of the defendants is jointly and
severally liable for the compensation and expenses awarded by the court.
(6) In any action brought under this Section, the court may order a plaintiff to pay
reasonable compensation for actual, necessary services rendered by an attorney, consulting or
testifying expert, or other professional, or any corporation, association, or other entity or group.
of other persons, employed or engaged by a defendant, and to promptly reimburse the attorney,
consulting or testifying expert, or other professional, or any corporation, association, or other
entity or group of other persons, employed or engaged by a defendant for actual, necessary
expenses, only if the court determines that:

(a) the plaintiff brought the action for an improper purpose, such as to harass or to cause
unnecessary delay or needless increase in the cost of litigation;

(b) the plaintiff's claims, defenses, and other legal contentions are not warranted by
existing law or by a nonfrivolous argument for the extension, modification, or reversal of
existing law or the establishment of new law; or

(c) the plaintiff's allegations and other factual contentions do not have any evidentiary
support, or if specifically so identified, are not likely to have evidentiary support after a
reasonable opportunity for further investigation or discovery.

(7) Notwithstanding Title 63G, Chapter 7, Governmental Immunity Act of Utah, a
governmental entity named as a defendant in any action brought under this Section is not
immune from such action or from payment of compensation or reimbursement of expenses
awarded by the court under Subsection (5).

(8) Upon the issuance of a permanent injunction under Subsection (2), the Legislature
may enact a new or alternative redistricting plan that abides by and conforms to the redistricting
standards, procedures, and requirements of this chapter.

Section 10. Section 63G-7-301, Governmental Immunity Act of Utah, is amended to
read:

63G-7-301. Waivers of immunity.
(2) Immunity from suit of each governmental entity is waived:

(a) as to any action brought to recover, obtain possession of, or quiet title to real or personal property;

(b) as to any action brought to foreclose mortgages or other liens on real or personal property, to determine any adverse claim on real or personal property, or to obtain an adjudication about any mortgage or other lien that the governmental entity may have or claim on real or personal property;

(c) as to any action based on the negligent destruction, damage, or loss of goods, merchandise, or other property while it is in the possession of any governmental entity or employee, if the property was seized for the purpose of forfeiture under any provision of state law;

(d) subject to Subsection 63G-7-302(1), as to any action brought under the authority of Utah Constitution, Article I, Section 22, for the recovery of compensation from the governmental entity when the governmental entity has taken or damaged private property for public uses without just compensation;

(e) subject to Subsection 63G-7-302(2), as to any action brought to recover attorney fees under Sections 63G-2-405 and 63G-2-802;

(f) for actual damages under Title 67, Chapter 21, Utah Protection of Public Employees Act;

(g) as to any action brought to obtain relief from a land use regulation that imposes a substantial burden on the free exercise of religion under Title 63L, Chapter 5, Utah Religious Land Use Act;
(h) except as provided in Subsection 63G-7-201(3), as to any injury caused by:

(i) a defective, unsafe, or dangerous condition of any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge, viaduct, or other structure located on them; or

(ii) any defective or dangerous condition of a public building, structure, dam, reservoir, or other public improvement; [and]

(i) subject to Subsections 63G-7-101(4) and 63G-7-201(4), as to any injury proximately caused by a negligent act or omission of an employee committed within the scope of employment[ ]; and

(j) as to any action or suit brought under Section 20A-19-301 and as to any compensation or expenses awarded under Section 20A-19-301(5).

Section 11. Section 63G-2-103, Government Records Access and Management Act, is amended to read:

63G-2-103. Definitions.

As used in this chapter:

... 

(11)(a) “Governmental entity” means:

(i) executive department agencies of the state, the offices of the governor, lieutenant governor, state auditor, attorney general, and state treasurer, the Board of Pardons and Parole, the Board of Examiners, the National Guard, the Career Service Review Office, the State Board of Education, the State Board of Regents, and the State Archives;

(ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal Analyst, Office of Legislative Research and General Counsel, the Legislature, and legislative
committees, except any political party, group, caucus, or rules or sifting committee of the Legislature;

(iii) courts, the Judicial Council, the Office of the Court Administrator, and similar administrative units in the judicial branch;

(iv) any state-funded institution of higher education or public education; or

(v) any political subdivision of the state, but, if a political subdivision has adopted an ordinance or a policy relating to information practices pursuant to Section 63G-2-701, this chapter shall apply to the political subdivision to the extent specified in Section 63G-2-701 or as specified in any other section of this chapter that specifically refers to political subdivisions.

(b) "Governmental entity" also means:

(i) every office, agency, board, bureau, committee, department, advisory board, or commission of an entity listed in Subsection (11)(a) that is funded or established by the government to carry out the public's business;

(ii) as defined in Section 11-13-103, an interlocal entity or joint or cooperative undertaking; and

(iii) as defined in Section 11-13a-102, a governmental nonprofit corporation; [and]

(iv) an association as defined in Section 53A-1-1601[.]; and

(v) the Utah Independent Redistricting Commission.

(c) "Governmental entity" does not include the Utah Educational Savings Plan created in Section 53B-8a-103.

Section 12. Section 52-4-103, Open and Public Meetings Act, is amended to read:
524-103. Definitions.

As used in this chapter:

... 

(9)(a) “Public body” means any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:

(i) any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:

(A) is created by the Utah Constitution, statute, rule, ordinance, or resolution;

(B) consists of two or more persons;

(C) expends, disburses, or is supported in whole or in part by tax revenue; and

(D) is vested with the authority to make decisions regarding the public's business; or

(ii) any administrative, advisory, executive, or policymaking body of an association, as defined in Section 53A-1-1601, that:

(A) consists of two or more persons;

(B) expends, disburses, or is supported in whole or in part by dues paid by a public school or whose employees participate in a benefit or program described in Title 49, Utah State Retirement and Insurance Benefit Act; and

(C) is vested with authority to make decisions regarding the participation of a public school or student in an interscholastic activity as defined in Section 53A-1-1601.

(b) “Public body” includes:

(i) as defined in Section 11-13-103, an interlocal entity or joint or cooperative undertaking; [and]

(ii) as defined in Section 11-13a-102, a governmental nonprofit corporation[; and]
(iii) the Utah Independent Redistricting Commission.

(c) "Public body" does not include:

(i) a political party, a political group, or a political caucus;

(ii) a conference committee, a rules committee, or a sifting committee of the Legislature;

(iii) a school community council or charter trust land council as defined in Section 53A-1a-108.1; or

(iv) the Economic Development Legislative Liaison Committee created in Section 36-30-201.

END OF UTAH INDEPENDENT REDISTRICTING COMMISSION AND STANDARDS

ACT INITIATIVE

Persons gathering signatures for the petition may be paid for doing so.