

# UTAH INDEPENDENT REDISTRICTING COMMISSION AND STANDARDS ACT

## 1 LONG TITLE

### 2 General Description:

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

### 8 Statement of Intent and Subject Matter:

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

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

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

23 their own redistricting plans for the Commission's consideration.

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

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

36 **Highlighted Provisions:**

37 This initiative:

- 38     ▪ Enacts redistricting standards, procedures, and requirements, including provisions  
39         related to the timing of redistricting;
- 40     ▪ Establishes the Utah Independent Redistricting Commission;
- 41     ▪ Provides that the Commission and the Legislature shall consider redistricting plans in  
42         a transparent manner that allows for public input;
- 43     ▪ Requires the Commission to recommend redistricting plans for to the Legislature;
- 44     ▪ Requires the Legislature to either enact or reject redistricting plans recommended by  
45         the Commission;

- 46       ▪ Requires the Legislature to issue a detailed explanation if it enacts a redistricting plan  
47           other than a plan recommended by the Commission;
- 48       ▪ Provides that the Commission may issue public statements, assessments, and reports  
49           in response to the Legislature enacting a redistricting plan other than a plan  
50           recommended by the Commission;
- 51       ▪ Grants a private right of action to Utahns to seek and obtain a court-ordered  
52           injunction halting the enforcement or implementation of a redistricting plan that fails  
53           to abide by or conform to the redistricting standards, procedures, and requirements set  
54           forth in this initiative;
- 55       ▪ Amends the Open and Public Meetings Act and the Government Records Access and  
56           Management Act to apply to the Commission; and
- 57       ▪ Provides a severability clause.

58   **Monies Appropriated in this Initiative:**

59       None

60   **Other Special Clauses:**

61       None

62   **Utah Code Sections Affected:**

63       **ENACTS:**

- 64       ▪ **20A-19-101**, Utah Code Annotated 1953
- 65       ▪ **20A-19-102**, Utah Code Annotated 1953
- 66       ▪ **20A-19-103**, Utah Code Annotated 1953
- 67       ▪ **20A-19-104**, Utah Code Annotated 1953
- 68       ▪ **20A-19-201**, Utah Code Annotated 1953

- 69       ▪ **20A-19-202**, Utah Code Annotated 1953
- 70       ▪ **20A-19-203**, Utah Code Annotated 1953
- 71       ▪ **20A-19-204**, Utah Code Annotated 1953
- 72       ▪ **20A-19-301**, Utah Code Annotated 1953

73       **AMENDS:**

- 74       ▪ **63G-7-301**, as last amended by Laws of Utah 2017, Chapter 300
- 75       ▪ **63G-2-103**, as last amended by Laws of Utah 2017, Chapter 441
- 76       ▪ **52-4-103**, as last amended by Laws of Utah 2017, Chapter 441

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78       *Be it Enacted by the People of the State of Utah:*

79

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

81               **CHAPTER 19. UTAH INDEPENDENT REDISTRICTING COMMISSION AND**

82                                       **STANDARDS ACT**

83                                       **Part 1. General Provisions**

84               **20A-19-101. Title.**

85               This chapter is known as the “Utah Independent Redistricting Commission and Standards

86 Act.”

87

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

89               **20A-19-102. Permitted Times and Circumstances for Redistricting.**

90               Division of the state into congressional, legislative, and other districts, and modification

91 of existing divisions, is permitted only at the following times or under the following

92 circumstances:

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

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

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

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

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

102

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

104 **20A-19-103. Redistricting Standards and Requirements.**

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

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

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

113 (b) minimizing the division of municipalities and counties across multiple districts,  
114 giving first priority to minimizing the division of municipalities and second priority to

115 minimizing the division of counties;

116 (c) creating districts that are geographically compact;

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

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

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

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

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

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

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

133 (6) The Legislature and the Commission shall make computer software and information  
134 and data concerning proposed redistricting plans reasonably available to the public so that the  
135 public has a meaningful opportunity to review redistricting plans and to conduct the assessments  
136 described in Subsection (4).

137

138 Section 4. Section **20A-19-104** is enacted to read:

139 **20A-19-104. Severability.**

140 (1) The provisions of this chapter are severable.

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

145

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

147 **Part 2. Utah Independent Redistricting Commission**

148 **20A-19-201. Utah Independent Redistricting Commission – Selection of**

149 **Commissioners – Qualifications – Term – Vacancy – Compensation – Commission**

150 **Resources.**

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

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

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

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

156 (b) the president of the Senate;

157 (c) the speaker of the House of Representatives;

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

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

160 (f) the leadership of the majority political party in the Senate, including the president of

161 the Senate, jointly with the leadership of the same political party in the House of Representatives  
162 and the speaker of the House of Representatives if a member of that political party; and

163 (g) the leadership of the largest minority political party in the Senate jointly with the  
164 leadership of the same political party in the House of Representatives and the speaker of the  
165 House of Representatives if a member of that political party.

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

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

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

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

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

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

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

179 (6) Each commissioner:

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

182 (b) must not have been at any time during the four years preceding appointment to the  
183 Commission, and may not be during their service as commissioner or for four years thereafter:



184 (i) a lobbyist or principal, as those terms are defined under Section 36-11-102;  
185 (ii) a candidate for or holder of any elective office, including any local government  
186 office;  
187 (iii) a candidate for or holder of any office of a political party, excluding the office of  
188 political party delegate, or the recipient of compensation in any amount from a political party,  
189 political party committee, personal campaign committee, or any political action committee  
190 affiliated with a political party or controlled by an elected official or candidate for elective office,  
191 including any local government office;  
192 (iv) appointed by the governor or the Legislature to any other public office; or  
193 (v) employed by the Congress of the United States, the Legislature, or the holder of any  
194 position that reports directly to an elected official or to any person appointed by the governor or  
195 Legislature to any other public office.  
196 (7)(a) Each commissioner shall file with the Commission and with the governor a signed  
197 statement certifying that the commissioner:  
198 (i) meets and will continue to meet throughout their term as commissioner the applicable  
199 qualifications contained in this Section;  
200 (ii) will comply with the standards, procedures, and requirements applicable to  
201 redistricting contained in this chapter;  
202 (iii) will faithfully discharge the commissioner's duties in an independent, honest,  
203 transparent, and impartial manner; and  
204 (iv) will not engage in any effort to purposefully or unduly favor or disfavor any  
205 incumbent elected official, candidate or prospective candidate for elective office, or any political  
206 party.

207 (b) The Commission and the governor shall make available to the public the statements  
208 required under Subsection (7)(a).

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

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

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

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

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

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

230 vacancy.

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

233 (i) Section 63A-3-106;

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

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

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

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

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

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

247

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

249 **20A-19-202. Commission Code of Conduct – Quorum – Action by the Commission**  
250 **– Assessment of Proposed Redistricting Plans – Open and Public Meetings – Public**  
251 **Hearings – Ex Parte Communications.**

252 (1) The Commission shall conduct its activities in an independent, honest, transparent,

253 and impartial manner, and each commissioner and member of Commission, including staff and  
254 consultants employed or retained by the Commission, shall act in a manner that reflects  
255 creditably on the Commission.

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

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

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

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

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

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

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

274 (b) The Commission's website, or other equivalent electronic platform, must allow the  
275 public to submit redistricting plans and comments on redistricting plans to the Commission for

276 its consideration.

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

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

284 (i) one in the Bear River region—Box Elder, Cache, or Rich County;

285 (ii) one in the Southwest region—Beaver, Garfield, Iron, Kane, or Washington County;

286 (iii) one in the Mountain region—Summit, Utah, or Wasatch County;

287 (iv) one in the Central region—Juab, Millard, Piute, Sanpete, Sevier, or Wayne County;

288 (v) one in the Southeast region—Carbon, Emery, Grand, or San Juan County;

289 (vi) one in the Uintah Basin region—Daggett, Duchesne, or Uintah County; and

290 (vii) one in the Wasatch Front region—Davis, Morgan, Salt Lake, Tooele, or Weber  
291 County.

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

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

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

298 (a) the earlier of the 120th calendar day after the Legislature's receipt of the results of a

299 national decennial enumeration made by the authority of the United States or August 31st of that  
300 year; or

301 (b) no later than 120 calendar days after a change in the number of congressional,  
302 legislative, or other districts that results from an event other than a national decennial  
303 enumeration made by the authority of the United States.

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

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

314

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

316 **20A-19-203. Selection of Recommended Redistricting Plan.**

317 (1) The Commission shall prepare and, by the affirmative vote of at least five  
318 commissioners, adopt at least one and as many as three redistricting plans that the Commission  
319 determines divide the state into congressional, legislative, or other districts in a manner that  
320 satisfies the redistricting standards and requirements contained in this chapter as the  
321 Commission's recommended redistricting plan or plans no later than 30 calendar days following

322 completion of the public hearings required under Section 20A-19-202(9); and

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

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

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

335

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

337 **20A-19-204. Submission of Commission's Recommended Redistricting Plans to the**  
338 **Legislature – Consideration of Redistricting Plans by the Legislature – Report Required if**  
339 **Legislature Enacts Other Plan.**

340 (1)(a) The Commission shall submit to the president of the Senate, the speaker of the  
341 House of Representatives, and the director of the Office of Legislative Research and General  
342 Counsel, and make available to the public, the redistricting plan or plans recommended under  
343 Section 20A-19-203 and a detailed written report setting forth each plan's adherence to the  
344 redistricting standards and requirements contained in this chapter.

345 (b) The Commission shall make the submissions described in Subsection (1)(a), to the  
346 extent practicable, not less than 10 calendar days before the Senate or the House of  
347 Representatives votes on any redistricting plan permitted under Section 20A-19-102(1)-(2).

348 (2)(a) The Legislature shall either enact without change or amendment, other than  
349 technical corrections such as those authorized under Section 36-12-12, or reject the  
350 Commission's recommended redistricting plans submitted to the Legislature under Subsection  
351 (1).

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

355 (3) The Legislature may not enact any redistricting plan permitted under Section 20A-  
356 19-102(1)-(2) until adequate time has been afforded to the Commission and to the chief justice of  
357 the Supreme Court of the State of Utah to satisfy their duties under this chapter, including the  
358 consideration and assessment of redistricting plans, public hearings, and the selection of one or  
359 more recommended redistricting plans.

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

367 (5)(a) If a redistricting plan other than a plan submitted to the Legislature under



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

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

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

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

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

380

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

382 **Part 3. Private Right of Action for Utahns**

383 **20A-19-301. Right of Action and Injunctive Relief.**

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

387 (2) If a court of competent jurisdiction determines in any action brought under this  
388 Section that a redistricting plan enacted by the Legislature fails to abide by or conform to the  
389 redistricting standards, procedures, and requirements set forth in this chapter, the court shall  
390 issue a permanent injunction barring enforcement or implementation of the redistricting plan. In

391 addition, the court may issue a temporary restraining order or preliminary injunction that  
392 temporarily stays enforcement or implementation of the redistricting plan at issue if the court  
393 determines that:

394 (a) the plaintiff is likely to show by a preponderance of the evidence that a permanent  
395 injunction under this Subsection should issue, and

396 (b) issuing a temporary restraining order or preliminary injunction is in the public  
397 interest.

398 (3) A plaintiff bringing an action under this Section is not required to give or post a  
399 bond, security, or collateral in connection with obtaining any relief under this Section.

400 (4) In any action brought under this Section, the court shall review or evaluate the  
401 redistricting plan at issue de novo.

402 (5) If a plaintiff bringing an action under this Section is successful in obtaining any relief  
403 under Subsection (2), the court shall order the defendant in the action to promptly pay reasonable  
404 compensation for actual, necessary services rendered by an attorney, consulting or testifying  
405 expert, or other professional, or any corporation, association, or other entity or group of other  
406 persons, employed or engaged by the plaintiff, and to promptly reimburse the attorney,  
407 consulting or testifying expert, or other professional, or any corporation, association, or other  
408 entity or group of other persons, employed or engaged by the plaintiff for actual, necessary  
409 expenses. If there is more than one defendant in the action, each of the defendants is jointly and  
410 severally liable for the compensation and expenses awarded by the court.

411 (6) In any action brought under this Section, the court may order a plaintiff to pay  
412 reasonable compensation for actual, necessary services rendered by an attorney, consulting or  
413 testifying expert, or other professional, or any corporation, association, or other entity or group

414 of other persons, employed or engaged by a defendant, and to promptly reimburse the attorney,  
415 consulting or testifying expert, or other professional, or any corporation, association, or other  
416 entity or group of other persons, employed or engaged by a defendant for actual, necessary  
417 expenses, only if the court determines that:

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

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

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

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

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

433

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

436 **63G-7-301. Waivers of immunity.**

437 ...

438 (2) Immunity from suit of each governmental entity is waived:

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

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

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

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

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

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

457 (g) as to any action brought to obtain relief from a land use regulation that imposes a  
458 substantial burden on the free exercise of religion under Title 63L, Chapter 5, Utah Religious  
459 Land Use Act;

- 460 (h) except as provided in Subsection 63G-7-201(3), as to any injury caused by:
- 461 (i) a defective, unsafe, or dangerous condition of any highway, road, street, alley,  
462 crosswalk, sidewalk, culvert, tunnel, bridge, viaduct, or other structure located on them; or
- 463 (ii) any defective or dangerous condition of a public building, structure, dam,  
464 reservoir, or other public improvement; [~~and~~]
- 465 (i) subject to Subsections 63G-7-101(4) and 63G-7-201(4), as to any injury proximately  
466 caused by a negligent act or omission of an employee committed within the scope of  
467 employment[-]; and
- 468 (j) as to any action or suit brought under Section 20A-19-301 and as to any  
469 compensation or expenses awarded under Section 20A-19-301(5).

470

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

473 **63G-2-103. Definitions.**

474 As used in this chapter:

475 . . .

476 (11)(a) "Governmental entity" means:

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

481 (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal  
482 Analyst, Office of Legislative Research and General Counsel, the Legislature, and legislative

483 committees, except any political party, group, caucus, or rules or sifting committee of the  
484 Legislature;

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

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

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

492 (b) "Governmental entity" also means:

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

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

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

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

500 (v) the Utah Independent Redistricting Commission.

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

503 ...

504

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

506 **52-4-103. Definitions.**

507 As used in this chapter:

508 ...

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

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

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

514 (B) consists of two or more persons;

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

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

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

519 (A) consists of two or more persons;

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

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

525 (b) "Public body" includes:

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

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

- 529           (iii) the Utah Independent Redistricting Commission.
- 530           (c) "Public body" does not include:
- 531           (i) a political party, a political group, or a political caucus;
- 532           (ii) a conference committee, a rules committee, or a sifting committee of the Legislature;
- 533           (iii) a school community council or charter trust land council as defined in Section 53A-
- 534 1a-108.1; or
- 535           (iv) the Economic Development Legislative Liaison Committee created in Section 36-30-
- 536 201.

537

538           **END OF UTAH INDEPENDENT REDISTRICTING COMMISSION AND STANDARDS**

539

**ACT INITIATIVE**

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