

Exhibit E



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Transcript of Day 44 Segment

Date: March 11, 2020
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TRANSCRIPT OF VIDEO-RECORDED
UTAH HOUSE OF REPRESENTATIVES
2020 GENERAL SESSION
DAY 44
MARCH 11, 2020

Job No.: 558256

Pages: 1 - 18

Transcribed by: Christian Naaden

1 P R O C E E D I N G S

2 MR. SPEAKER: Madam Reading Clerk.

3 CLERK: First substitute, Senate Bill 115 bond
4 being amendments by Senator Cullimore. This --

5 MALE: What bill?

6 [talking in background, inaudible].

7 MALE: She skipped a whole bunch.

8 [talking in background, inaudible]

9 CLERK: Senate Bill 200 redistricting an
10 amendments by Senator Bramble. This bill was heard in
11 economic development and workforce services with a vote
12 of 7-0-3. The house sponsor's representative Carol
13 Moss.

14 MR. SPEAKER: Representative Moss.

15 REP. MOSS: Thank you, Mr. Speaker Pro Tem.
16 Senate Bill 200 redistricting amendments is a result of
17 15 months of negotiations between the legislative
18 committee and Better Boundaries who were those -- the
19 supporters of the Proposition 4.

20 I was part of that negotiating team since the
21 beginning of the session and I will just say that they
22 were often heated but civil discussions and there was a

1 great deal of debate on various points but we did reach
2 an agreement, I'm pleased to say.

3 And in reaching that agreement, we were able
4 to have full support of Better Boundaries as well as
5 the leadership in both chambers. If there's anything
6 I've learned here in my many years of service it's that
7 compromise requires that everybody give something.

8 And I believe a good compromise is when no one
9 gets everything they want but everybody gets something.
10 And I think that's what we were able to achieve here.

11 Actually the negotiations broke down
12 completely a few weeks ago and my good Senate sponsor
13 was able to revive them and we came back to the table
14 and we got a product that I think we can feel good
15 about.

16 It adequate -- the bill now adequately
17 addresses the concerns about the separation of powers
18 and it puts to rest any con- -- questions about
19 constitutionality by removing the Chief Justice from
20 the process and making other changes to Prop 4. That
21 was really the sticking point. We had out legislative
22 attorney who guided us through that process because we

1 don't want to be sued do we.

2 So the passage of this bill now protects the
3 core concept of Proposition 4 and it adds Utah to the
4 handful of states like our neighboring state of Idaho
5 as well as Montana who utilized some form of
6 redistricting commission to draw the maps. Now as you -
7 - if you look at the bill it's lengthy.

8 I would suggest if you want to know what
9 exactly is in it, you read the highlighted provisions
10 from lines 13 to 25 and if you want to know the
11 standards that the redistricting commission shall
12 follow you can see those on lines 354 to 366.

13 And the important thing to know is this
14 commission is still a seven-member commission and the
15 provisions of how they select the members are all in
16 here.

17 And it has input from both the majority and
18 the minority party and we also have, I think a key part
19 of this and that really addresses if the public is
20 concerned that this is really going to be a -- a good
21 commission that has a great deal of latitude to make
22 their own decisions about maps.

1 One million dollars has been appropriated for
2 them to staff their own commission, to go throughout
3 the state and -- and present to the public information
4 about the maps and be able to get public input just as
5 the legislative redistricting commission will be able
6 to do.

7 And with that I'd be happy to answer any
8 questions.

9 MR. SPEAKER: Thank you Representative Moss.
10 Discussion to the bill.

11 Representative Stenquist.

12 REP. STENQUIST: Thank you, Mr. Speaker. Would
13 the sponsor yield to a question?

14 REP. MOSS: I will.

15 MR. SPEAKER: Representative Moss will you
16 yield to a question?

17 REP. MOSS: Yes, I will.

18 MR. SPEAKER: Yes. Go ahead, Representative.

19 REP. STENQUIST: Mr. Speaker for
20 clarification, in addition to the legislative
21 redistricting committee and the independent
22 redistricting committee will the public also be able to

1 submit maps for consideration as they did the last
2 round of redistricting?

3 REP. MOSS: Yes, they will.

4 REP. STENQUIST: Thank you.

5 I want to applaud all of the parties that have
6 come together to reach this compromise. These -- these
7 types of discussions are -- I can -- I can imagine that
8 they -- they were heated as the floor sponsor
9 mentioned.

10 And it's -- it's heartening to see that
11 despite some sticking points and some disagreement that
12 a compromise was able to be reached, that different
13 parties were able to come together and that at the end
14 of the day there'll be a process that is
15 constitutionally sound, that's transparent and allows
16 the public to be involved as well.

17 I think that that this is -- this is a good
18 outcome for the state of Utah and for voters to be able
19 to make sure that we have a fair and -- and open
20 process when it comes time for redistricting in a few
21 years.

22 So, again, I applaud the sponsors and I

1 support this bill and -- and encourage my colleagues to
2 do the same.

3 Thank you, Mr. Speaker.

4 MR. SPEAKER: Thank you Representative for the
5 discussion to the bill.

6 Representative King.

7 REP. KING: Thank you, Mr. Speaker.

8 This has been ob- -- obviously something
9 that's been fought over by many different parties over
10 a long period of time since the passage of Proposition
11 4.

12 And it would be -- it'd take me a while to
13 list all the people who owe -- are owed thanks but they
14 include individuals from both sides of the aisle. They
15 include my good colleague from Holiday to the -- to the
16 left of me. They include our former representative,
17 Rebecca Chavez-Houck and -- and many, many others.

18 But I just want to say for those who are
19 concerned and there are people who are very concerned
20 about whether this compromise goes too far. It does
21 preserve and maintain the core of what we're looking
22 for in trying to make significant incremental progress

1 in removing the redistricting process from partisan or
2 political considerations.

3 Is it perfect, no. But if you take a look,
4 colleagues, at lines 362 through 365 of the bill, you
5 will see that it prohibits -- create -- the independent
6 commission is prohibited from taking into account,
7 favoring or disfavoring an incumbent elected official,
8 a candidate or prospective candidate of -- for elected
9 office or a political party.

10 Those are important and significant components
11 of what makes up an independent recommendation from
12 this redistricting commission.

13 I think that along with -- and there's a lot
14 more than that. I highlight those simply because those
15 are some of the high profile considerations that we
16 need to take into account in determining whether this
17 is insulating redistricting from being a political
18 partisan process.

19 There are other aspects to it also but -- but
20 I think it's important that we recognize this bill
21 represents a significant improvement over the status
22 quo, over our current system of redistricting in terms

1 of insulating that process from undue political
2 consideration.

3 I commend it to you and ask for your support.

4 MR. SPEAKER: Thank you for the discussion to
5 the bill.

6 Representative Nelson.

7 REP. NELSON: Thank you, Mr. Speaker.

8 I would like to make a few comments on this
9 bill. I -- I support the bill because it is a
10 significant improvement over the proposition that was
11 passed and whenever we approached or revised what the
12 people have done, we approach with caution and respect
13 for what the people enacted through the initiative
14 process but the changes made in this bill are
15 necessary.

16 Three of the top ones, the -- the sponsor
17 mentioned a few but one obvious one was to remove the
18 Chief Justice of Supreme Court from the process of --
19 of selecting the commission and selecting plans for
20 redistricting.

21 That was an inappropriate -- I think
22 unconstitutional incursion in the separation of powers.

1 So, that had to be done.

2 The -- another thing was the -- the
3 independent commission would use our staff which would
4 create a conflict of interest between our redistricting
5 responsibility and that of the independent commission.

6 Another change was the -- the proposition
7 allowed -- or provided a private right of action which
8 would have allowed any citizen in the state to sue if
9 they were unhappy with the final redistricting plan.

10 That would have resulted in endless chaos and
11 redistricting plans would have been tied up in courts
12 indefinitely. That had to be removed.

13 And so, this bill is much improved over what
14 the people came up with. The initiative process as we
15 know is very difficult because there's no way to
16 debate, there's no way to amend, it just is what it is
17 and the people approved it and -- and this bill
18 represents positive improvements on it.

19 In summary, I support an independent
20 redistricting commission. The most important point to
21 note here is that this commission is advisory only. It
22 is not binding on this body. The legislature retains

1 its ultimate constitutional authority to draw
2 legislative and congressional and other boundaries. It
3 preserves our authority.

4 My major concern in redistricting and our role
5 in that is when we draw our own districts. When
6 legislatures draw their own districts, that creates an
7 inherent conflict of interest, the same as a judge
8 deciding his or her own case. When we draw our own
9 districts, that's a conflict of interest. That's why
10 when we set salaries for legislatures, we don't do that
11 directly.

12 We have an advisory commission to propose
13 legislative salaries and this -- you know, this
14 redistricting commission would provide that same
15 function of providing a cushion, providing some advice
16 so -- to ameliorate that conflict of interest that we
17 have. But ultimate authority is still left with the
18 legislature.

19 The other important thing I'd like to point
20 out is on line 345, 346, it does something new that I
21 have supported for years now and that is allowing for a
22 numerical deviation in the drawing of legislative

1 districts up to 10 percent, which the Supreme Court
2 does allow and which will allow us a little bit more
3 flexibility as we draw our own districts when that time
4 comes so that we can more faithfully preserve county
5 and -- and municipal boundaries.

6 That 10 percent deviation will allow smaller
7 rural districts, will -- will allow the preservation of
8 rural representation in this body, which is so crucial,
9 very important that we -- that we allow that deviation
10 that the Supreme Court has given us.

11 So, on balance, I support this. This gives
12 what the people wanted, an independent advisory
13 redistricting commission leading ultimate authority to
14 us as legislators and in all respects is a major
15 improvement on what the initiative did and I certainly
16 support it and urge our -- our support for the bill.

17 Thank you.

18 MR. SPEAKER: Further discussion to the bill.
19 Representative Arent.

20 REP. ARENT: Thank you, Mr. Speaker will the
21 sponsor yield to a question.

22 MR. SPEAKER: Representative Moss will you

1 yield to a question?

2 REP. MOSS: Yes, I will.

3 MR. SPEAKER: Go ahead.

4 REP. ARENT: Thank you. Other than those items
5 just mentioned by the good representative from Tooele,
6 could you explain any other differences between this
7 legislation and the proposition that was passed by the
8 voters?

9 REP. MOSS: Just a moment, I'm consulting with
10 our attorney.

11 [talking in background, inaudible]

12 REP. MOSS: Well, most of them have been
13 mentioned by the good representative from Grantsville
14 but the other one was the immunity clause.

15 [talking in background, inaudible]

16 REP. ARENT: Thank you and I --

17 REP. MOSS: It's an immunity waiver.

18 REP. ARENT: Thank you and I apologize for
19 referring to the good representative from Grantsville
20 as coming from Tooele.

21 MR. SPEAKER: Thank you. Further discussion to
22 the bill.

1 Representative Briscoe.

2 REP. BRISCOE: Thank you, Mr. Speaker.

3 I too rise in support of this redistricting
4 amendments and pleased that all parties were able to
5 come to something agreeable. A few months before the
6 legislative session I was able to speak with a couple
7 members of California's redistricting commission.

8 One of the gentlemen was an independent, one
9 was a republican and I don't know if our independent
10 and advisory board -- body will function like they did
11 but things they did that I loved, they -- they had
12 multiple meetings across the state.

13 When they re- -- returned to Sacramento to
14 write -- to draft and draw new lines they publicly
15 noticed their meetings, they were open to the public.
16 Before they drew lines in a particular section for
17 California they no- -- they noticed it and allowed
18 people to comment.

19 They drew the lines on a wide screen so people
20 across the entire state of California could follow what
21 they were doing. When they were done they allowed
22 public comment on the lines they had drawn and then

1 they voted.

2 Another thing they did and I don't know
3 whether this is in legislation or simply they decided
4 to do it as a matter of policy, when they drew the new
5 lines for the legislature they did not put on the map
6 the location of current sitting legislators. They
7 simply drew lines that made sense. I -- I hope that our
8 independent redistricting commission does the same.

9 Thank you.

10 MR. SPEAKER: Representative Moss that
11 concludes our discussion. Back to you for submission on
12 the bill.

13 REP. MOSS: Thank you very much. I appreciate
14 the questions and the comments.

15 One thing I will mention, and I didn't think
16 of when the good representative from Millcreek asked
17 and that's the legislature is required to let the
18 commission present maps to them but they're not
19 required to -- the legislation does not have to vote on
20 them.

21 And I -- I'd like to read in inclusion a -- a
22 statement -- short statement from Better Boundaries.

1 While compromise legislation requires give and
2 take on the part of all parties involved, we believe
3 that Sen- -- Senate Bill 200 addresses legislative
4 concerns while at the same time preserving the
5 guidelines and expectations of the work of the Utah
6 independent advisory redistricting commission.

7 And I too want to say, I -- I -- I honor the
8 public's decision and its proposition and their vote on
9 it and I wanted to in every way try to preserve what
10 they wanted in this proposition. I'll just say also
11 that I came in in the year 2001 and unknown to me
12 redistricting occurred.

13 But my first redistricting involved lots of
14 funny little hand drawn lines that took out my home and
15 something they came to call the Moss keyhole because
16 another person was afraid I would run against them.

17 That was pretty egregious but we don't have
18 that now, we didn't in the last one and -- and -- and
19 to -- to the extent that I saw before. So, I think this
20 will be even better and I'm very eager to see the
21 public hold to account the commission and the
22 legislature as the process moves forward.

1 We should always honor the public and hope
2 that they will be vigilant in being an active partner
3 in this process.

4 That concludes my summary.

5 MR. SPEAKER: Thank you Representative Moss.
6 Voting's open on Senate Bill 200.

7 [bell chimes]

8 MR. SPEAKER: Representative Ferry.

9 [bell chimes]

10 MR. SPEAKER: Representative Carol Moss.

11 [bell chimes]

12 MR. SPEAKER: Seeing all those present have
13 voted, voting's closed. Senate Bill 200 passes the
14 houses with 67 yes votes and 4 no votes, will be signed
15 by the speaker, return to the Senate for the signature
16 of the president.

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CERTIFICATE OF TRANSCRIBER

I, Chris Naaden, a transcriber, hereby declare under penalty of perjury that to the best of my ability from the audio recordings and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome, the above 17 pages contain a full, true and correct transcription of the tape-recording that I received regarding the event listed on the caption on page 1.

I further declare that I have no interest in the event of the action.

October 22, 2024

Chris Naaden

(558256, Day 44 Audio segment)



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