THIRD JUDICIAL DISTRICT COURT

SALT LAKE COUNTY, STATE OF UTAH

LEAGUE OF WOMEN VOTERS OF UTAH, MORMON WOMEN FOR ETHICAL GOVERNMENT, STEFANIE CONDIE, MALCOLM REID, VICTORIA REID, WENDY MARTIN, ELEANOR SUNDWALL, JACK MARKMAN, and DALE COX,

Plaintiffs,

v.

UTAH STATE LEGISLATURE; UTAH LEGISLATIVE REDISTRICTING COMMITTEE; SENATOR SCOTT SANDALL, in his official capacity; REPRESENTATIVE BRAD WILSON, in his official capacity; SENATOR J. STUART ADAMS, in his official capacity; and LIEUTENANT GOVERNOR DEIDRE HENDERSON, in her official capacity,

Defendants.

RULING

REGARDING NOVEMBER 21, 2025 ORDER CLARIFYING BOUNDARY ISSUES

AND

DENYING THE LEGISLATIVE DEFENDANTS' REQUEST FOR RECONSIDERATION AND FOR A STAY

Case No. 220901712

Judge Dianna M. Gibson

On November 21, 2025, this Court issued an Order Clarifying the Boundary Issues Raised by the Lieutenant Governor. Given the need for immediate guidance, the Court issued the Order and provided direction to the Lieutenant Governor's Office by the requested deadline. The Court advised its legal analysis both supporting the November 21, 2025 Order and evaluating the Legislative Defendants' requested relief would be issued separately at a later date. The following is the legal analysis.

Resolution of Boundary Issues

The Lieutenant Governor's Office sought clarification on eight boundary issues. In the November 21, 2025 Order Clarifying Boundary Issues Raised by the Lieutenant Governor's Office, the Court ordered that with regard to boundary issues #1-3 and 5-8, no boundary changes to Map 1 were necessary. This approach is supported by both the Plaintiffs' recommendation and it was one of the alternative options presented by the Lieutenant Governor's Office.

With regard to boundary issue #4, the Court followed the recommendation made by Plaintiffs to make a small adjustment to Map 1. While Map 1 could have been implemented as is, with no adjustments, Plaintiffs' recommended adjustment addresses the potential voter privacy concern and ensures Map 1 complies with Proposition 4 and continues to maintain "equal population." Different standards apply to legislatively-enacted congressional maps and court-implemented congressional maps.

In *Tennant v. Jefferson County Commission*, 567 U.S. 758 (2012), the U.S. Supreme Court held that Article I, § 2 of the U.S. Constitution requires that "as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's." *Id.* at 759. However, the "as nearly as is practicable" standard does not require that legislative-drawn congressional districts be drawn with "precise mathematical equality." *Id.* Rather, a state must justify population differences that could have been avoided by a good-faith effort to achieve absolute equality. *Id.* If the legislature can demonstrate that minor deviations—such as the 0.79% variance in *Tennant*—are necessary to achieve legitimate state objectives like avoiding contests between incumbents or not splitting political subdivisions, such deviations are permissible. *Id.* at 764-65.

In contrast, in *Chapman v. Meier*, 420 U.S. 1, 26 (1975), the U.S. Supreme Court imposed a heightened standard in evaluating whether a court-ordered congressional plan achieves equal population. The *Chapman* court reasoned that state legislatures are afforded leeway for state policies, but a court-drawn map "must ordinarily achieve the goal of population equality with little more than de minimis variation." *Id.* at 27. If there is more than a de minimis variation, it is the court's responsibility to "articulate precisely why a plan . . . with minimal population variance cannot be adopted." *Id.* And any deviation from approximate population equality in a court-ordered plan must be supported by the court's explicit "enunciation of historically significant state policy or unique features." *Id.* at 26. Without specific findings necessitating a departure, substantial population deviations are constitutionally impermissible in a court-ordered plan. *Id.* at 24. While it seems logical that moving a boundary line to encompass one house may lead to a de minimus deviation, absent an evidentiary hearing, the Court cannot make such a finding now. No evidence was presented to the Court to justify any deviations from the constitutional requirement to achieve equal population. And there are no findings that this Court can rely on to justify any deviation – even a de minimis one – now. So, absent those critical findings, this Court is bound to the standard of achieving equal population.

For this reason, the Court concluded that maintaining equal population in each district must remain the priority. As such, the Court ordered that the minor adjustment proposed by Plaintiffs in their supplemental briefing and as reflected in Map 1A be implemented to address boundary issue #4, resolve any voter privacy concern and maintain equal population in each district.

The Legislative Defendants' request for relief

The Legislative Defendants submitted a Response to the Lieutenant Governor's Notice of Boundary Issues and Rule 52(b) Motion for Clarification. Instead of offering any guidance on the issues presented to the Court, i.e., a request to clarify the eight boundary issues raised by the Lieutenant Governor, the Legislative Defendants request the Court reconsider all of its rulings, stay the August 25, 2025 Ruling and Order enjoining the 2021 Congressional Map, stay the November 10 Ruling and Order enjoining H.B. 1011 (the amendments to Proposition 4) and H.B. 1012 (Map C), and order that the 2026 elections be conducted under the 2021 Congressional Map. (*Leg. Defs.' Response,* Dkt. No. 763, at 1, 3.) They argue this relief is justified because the Court's previous rulings are unconstitutional, they have effectively been denied the opportunity to appeal and the Court has no authority over the remedial process. The Court declines to grant the Legislative Defendants' requested relief for several and various reasons.

1. **The relief requested by the Legislative Defendants in their Response to the Notice of Boundary Issues is procedurally improper.**

The Legislative Defendants' Response to the Lieutenant Governor's *Notice of Boundary Issues* is procedurally improper and fails to comply with Utah Rules of Civil Procedure. The Response is not at all responsive to the limited issue before the Court. It does not substantively respond to the boundary issues; instead, it requests the Court reconsider and "stay" its August 25 and November 10 Ruling and Order. Utah law provides that courts may disregard matters that are not relevant to the issues at hand. *Gardiner v. York*, 2010 UT App 108, ¶ 21, 233 P.3d 500, 509 (citing Utah R. Civ. P. 10(h)). In addition, the request for reconsideration and a "stay" filed in the response violates Rule 7, which expressly prohibits a party from making a motion in what is otherwise a response to another party's motion. Utah R. Civ. P. 7(n) (stating "[a] party may not make a motion in a memorandum opposing a motion or in a reply memorandum."). This rule directs that any request for an "order" staying the August 25 and November 10 Ruling and Order be made by a separate motion in compliance with rules 7(b) and (c). *Id.* 7(b) (stating "[a] request for an order must be made by motion."); *id.* 7(c) (detailing the contents of a motion). Finally, any request for a stay must be made pursuant to rule 62(c). The Response does not even reference nor cite that rule.

In addition, the Legislative Defendants' Response contends that this Court erred in its legal analysis and conclusions in its rulings and effectively requests that the Court reconsider those rulings. This Court, however, has no obligation to reconsider its rulings, particularly given

that the request is not being made through a motion and merely repeats previously rejected arguments without any attempt to address the Court's legal analysis and identify any specific error. Utah courts have consistently held that "[m]otions to reconsider are not recognized by the Utah Rules of Civil Procedure." *Tschaggeny v. Milbank Ins. Co.*, 2007 UT 37, ¶ 15, 163 P.3d 615, 619. Utah's appellate courts have made clear that trial courts are under no obligation to reconsider what has already been decided. *Burdick v. Horner Townsend & Kent, Inc.*, 2015 UT 8, ¶ 34, 345 P.3d 531 (stating "any decision to address or not to address the merits of such a motion is highly discretionary" (internal quotations and citation omitted)); *CBS Enterprises LLC v. Sorenson*, 2018 UT App 2, ¶ 11 (stating appellate courts "afford district courts discretion in deciding whether to entertain [motions to reconsider]"). In certain circumstances, a district court may choose to reassess a prior ruling, specifically when there has been an intervening change of authority, new evidence has become available, or the court is convinced that its prior decision was clearly erroneous and would work a manifest injustice." *Koerber v. Mismash*, 2015 UT App 237, ¶ 36, 359 P.3d 701, 712 (quoting *McLaughlin v. Schenk*, 2013 UT 20, ¶ 36, 299 P.3d 1139 (citation and internal quotation marks omitted)). The Legislative Defendants have not established that any of these three exceptions exist here.

2. **The arguments presented to support reconsideration or a stay of any ruling or order fail.**

   a. **There is no merit to the argument the Legislative Defendants have had no opportunity to appeal.**

The Legislative Defendants' assert that they have "had no opportunity to appeal" in this case (*see Leg. Defs.' Resp.*, at 1). Other than making this bare assertion, the Legislative Defendants have presented no evidence to show that they were prevented from appealing the Court's August 25, 2025 Ruling and Order, the September 6, 2025 Amended Ruling and Order Adopting the Parties' Scheduling Order and Clarifying the Court's August 25, 2025 Ruling *or* the November 10, 2025 Ruling and Order. No additional order was or is needed from this Court before the Legislative Defendants could file an appeal. Procedurally, the Court cannot issue a "final" order at this stage because there are unadjudicated claims.[1] The August 25, 2025 Ruling and Order along with the September 6, 2025 Amended Ruling and Order – which enjoined S.B. 200, reinstated Proposition 4 and enjoined the 2021 Congressional Map – are the critical Rulings in this case because they necessitated the remedial process that the parties engaged in. The Court recognizes that the Legislative Defendants disagree with those rulings. Nothing has prevented the Legislative Defendants from filing an interlocutory appeal to challenge the merits of the

[1] This Court and the Utah Supreme Court both denied the Legislative Defendants' request to stay proceedings after this Court issued its August 25, 2025 Ruling and Order. But a denial of a stay does not preclude or impact in any way a party's ability to request an interlocutory appeal. In fact, it is not uncommon for cases at the district court to move forward while an issue is taken up on an interlocutory appeal. Therefore, moving forward with an appeal of the August 25, 2025 Ruling and Order to the Supreme Court and continuing with the remedial process in the district court was a viable option not taken.

Court's rulings. In fact, earlier this year, the Legislature created for itself a statutory right to *immediately* appeal any injunction issued against any state law to the Utah Supreme Court. *See* Utah Code Ann. § 78B-5-1002 (*effective* May 7, 2025). Given the importance of ensuring that a constitutionally compliant congressional map is in place for the 2026 elections, there is no doubt the Utah Supreme Court would have immediately taken the appeal and issued a decision in time for the 2026 elections. Notably, in this case, the Utah Supreme Court heard the Legislative Defendants' interlocutory appeal of this Court's ruling that Amendment D was misleading and that votes related to Amendment D would not be counted. The Utah Supreme Court issued a ruling in approximately five weeks. The Utah Supreme Court would have done the same on these pending issues. However, even as of December 4, 2025, no appeal has been filed.

In addition, the Legislative Defendants contend that "litigation delays," including the timing of the Court's August 25 and November 10, 2025 Rulings and Orders, not only foreclosed their ability to appeal but effectively forced them comply with the Court's remedial orders under protest. (*Leg. Defs.' Resp.*, p. 5.) Publicly, it has been alleged that this Court intentionally delayed issuing the November 10, 2025 Ruling and Order – to the last minute – to preclude the Legislative Defendants from having any opportunity to appeal.[2] Any suggestion that this Court delayed issuing any ruling to force compliance with the remedial process or to preclude an appeal is unfounded.

A simple review of the docket, the parties' filings, and the audio recordings of the August 29, 2025 hearing and the scheduling discussion at the end of the October 24, 2025 hearing reveals the opposite. The record reveals that the Court did not dictate the remedial proceedings, nor did it create the schedule to which the parties and the Court would be bound. Rather, the Court invited discussion regarding the remedial process during the August 29, 2025 hearing. While no Utah court has engaged in a remedial process related to redistricting, both counsel indicated that they have litigated against each other in other states and are familiar with these types of remedial procedures. As a result, the Court requested the Lieutenant Governor's office set the deadline and respectfully requested as much time as possible for the parties and the Court. On September 2, 2025, the Lieutenant Governor set the deadline as November 10, 2025(*See*

[2] The Legislative Defendants imply that the Court delayed its rulings to preclude an appeal. The implication is not supported by the record. The timeline leading up to the August 25, 2025 Ruling and Order is as follows: Oral arguments were held on January 31, 2025. The Court requested supplemental briefing from the parties on March 31, 2025. The parties completed briefing on April 15, 2025. The Court took an additional four months after the supplemental briefing to issue a 76-page, single-spaced ruling and order, covering numerous constitutional issues raised by both parties that are all effectively matters of first impression in Utah. Given the important issues and the impact the Court's decision would have on the Legislative Defendants, Plaintiffs and the people of Utah, this Court had a duty to consider and thoroughly analyze the parties' arguments and to issue a comprehensive decision. The issues presented and the appropriate relief to be granted were not simple matters; thus, a simple decision would not have been adequate, given the consequential nature of the Court's ruling. The number of issues presented by the parties, along with the complexity of the issues before the Court, contributed to the time needed to complete the August 25, 2025 Ruling and Order.

Lieutenant Governor Deidre Henderson's Notice of Deadline to Receive Congressional Maps, Docket 494.)

The Court requested the parties – Plaintiffs' counsel and the Legislature's counsel – to discuss the proceedings and propose a schedule. The parties filed a ***stipulated*** schedule with the Court, outlining the remedial process and the requested deadlines. (*See* Docket 500.) The Court adopted the stipulation – without any change to the process or the deadlines – in the September 6, 2025 Amended Ruling and Order. (*See* Docket 506.) The parties neither proposed nor requested the Court issue a ruling any earlier than November 10, 2025, notwithstanding that Plaintiffs and the Legislative Defendants' counsel privately discussed the possibility of requesting a ruling by November 3. (*See Pls' Supp'l Response*, Docket 784.) Plaintiffs suggested a November 3 deadline, but the Legislative Defendants did not stipulate to that date. As a result, November 3 was not included in the stipulated schedule submitted to the Court. (*Id.*) Had the Legislative Defendants requested a deadline other than November 10, 2025, the Court would have issued its ruling by that deadline.

The record also reflects that the Court extended deadlines for the parties at every opportunity, including granting every request for additional time made by the Legislative Defendants. The Court gave the parties the opportunity to consult their clients, to propose the remedial process, and to set the schedule. Further complicating matters, the Legislature enacted H.B. 1011, which amended Proposition 4 and lead to even more legal issues (*a new Motion to Amend adding six more causes of action and a new Motion for Preliminary Injunction*) being presented to the Court for a decision in what was already a tight schedule. In fact, when counsel for the Legislative Defendants had a conflict that would prevent counsel from attending the previously scheduled November 3, 2025 oral arguments on Plaintiffs' Motion for Preliminary Injunction on H.B. 1011 (amendments to Proposition 4) and H.B. 1012 (Map C), the Court rescheduled the hearing to November 4, 2025, leaving the Court only six days to finalize and issue what turned out to be an 89-page, single-spaced decision. This Court did not intentionally delay any decision to foreclose the Legislative Defendants' appeal rights or force them to participate in the remedial process. Any such assertion is simply not supported by the record in this case.

b. **The Legislative Defendants stipulated to the remedial procedure implemented in this case, which expressly contemplated that the Court *could* be put in a position to select a congressional map – proposed by Plaintiffs – if the Legislature's newly enacted congressional map failed to comply with Proposition 4.**

Surprisingly, the Legislative Defendants now challenge the Court's authority over the remedial procedure implemented in this case since August 29, 2025. On September 4, 2025, the parties submitted a Stipulated Motion for Scheduling Order, proposing the remedial procedure and the deadlines everyone worked to in this case, which this Court adopted in the September 6,

2025 Ruling and Order. (*See* Docket 500, 502, 506.) The stipulated remedial process always contemplated the possibility that this Court *may* be obligated to adopt a constitutionally compliant congressional map proposed by Plaintiffs.[3] (*See Stipulated Motion for Scheduling Order*, Docket 500.) The remedial proceedings specifically provided the opportunity for the Legislature to enact a new congressional map by October 6, 2025. (*Id.*) Then, only "if" Plaintiffs objected to the new congressional map, Plaintiffs would submit their proposed congressional maps that same day. (*Id.*) In addition, the parties agreed that only existing parties in the case – specifically the Plaintiffs – would have an opportunity to submit a proposed map; third parties would submit their maps to the Legislature. (*Id.*) The Court adopted that proposed schedule without change. (*See August 29, 2025 Amended Ruling and Order Adopting the Parties' Scheduling Order and Clarifying the Court's August 25, 2025 Ruling*, Docket 506.) When Plaintiffs objected to the Legislature's Map C, the Court held the agreed evidentiary hearing and evaluated the Legislature's enacted Map C for compliance with Proposition 4. When the Court found that it failed to comply with Proposition 4, then the Court was required to consider the only other maps submitted to the Court – those submitted by Plaintiffs – and determine if they comply with Proposition 4. Map 1 did. Had the Legislature's Map C complied with Proposition 4, the remainder of the remedial proceedings would not have been necessary.

c. **This Court's authority to adopt a lawful congressional map – where the Legislature's Map C fails to comply with Proposition 4 – is rooted firmly in the law.**

Now, after having agreed to and participated in the remedial process without objection and after the Court issued the November 10, 2025 Ruling choosing Map 1, the Legislative Defendants cannot now assert that the Court lacked authority to preside over the remedial proceedings. Given the stipulation, that argument is waived. *State v. Johnson*, 2017 UT 76, ¶ 16 n.4, 416 P.3d 443, 450 (stating a "stipulation of the parties" results in an "express" waiver). Further, a party cannot challenge a stipulated issue without showing the stipulation was invalid. *Redev. Agency of Salt Lake City v. Tanner*, 740 P.2d 1296, 1299-1300 (Utah 1987). Legislative Defendants made no showing that their stipulation was not valid. And, if there was some mistake in their stipulation, the Legislative Defendants never requested the Court correct or change it.

Now, for the first time and despite the plain language of the stipulation that contemplates this exact possibility, the Legislative Defendants contend that this Court only had the authority to

[3] The Legislative Defendants argue that they questioned whether a court-imposed remedy was appropriate in their summary judgment briefing. The Court did not rule on that specific issue and instead – after issuing the August 25, 2025 Ruling and Order – held a hearing on August 29, 2025 to discuss how to proceed. The remedial process put in place was discussed at that hearing and the Court requested the parties discuss the path forward and reach an agreement on the schedule. There were no objections to the process that included the Legislature enacting a new map, and Plaintiffs filing proposed maps for the Court to consider if they contended that the Legislature's map did not comply with Proposition 4. And as Plaintiffs point out, the Legislative Defendants did not argue nor include any legal analysis in its proposed Findings of Fact and Conclusions of Law that the Court did not have legal authority over the remedial process or to choose one of Plaintiffs' maps if the Court found that Map C violated Proposition 4.

enjoin Map C, but not to adopt a remedial. They also argue that the court-imposed remedial map violates the Utah Constitution, the federal Elections Clause and "transgresses the ordinary bounds of judicial review" violating separation of powers. The U.S. Supreme Court decision in *Growe v. Emison*, 507 U.S. 25 (1993), which was authored by Justice Scalia, forecloses each of these arguments. In *Growe*, the Minnesota legislature enacted unlawful legislative maps following the 1991 Census and failed to enact a congressional map. *Id.* at 27-31. Lawsuits were filed in both federal and state court seeking declaratory and injunctive relief (in the form of court-imposed remedial maps), and the federal court enjoined the state court from imposing its chosen remedial map. *Id.* at 31. The U.S. Supreme Court unanimously reversed the federal court, explaining: "[i]n the reapportionment context, the Court has required federal judges to defer consideration of disputes involving redistricting where the State, through its legislative or judicial branch, has begun to address that highly political task itself." *Id.* at 33 (emphasis in original). The Court then held that "*[t]he power of the judiciary of a State to require a valid reapportionment or to formulate a valid redistricting plan has not only been recognized by this Court but appropriate action by the States in such cases has been specifically encouraged.*" *Id.* (*quoting Scott v. Germano*, 381 U.S. 407, 409 (1965) (per curiam)) (emphasis added). Moreover, the *Growe* Court emphasized that U.S. Supreme Court precedent requires that state trial courts act in time to ensure an orderly election process, stating: "We fail to see the relevance of the speed of appellate review. [*Scott v.*] *Germano* . . . does not require appellate review of the plan prior to the election, and such a requirement would ignore the reality that States must often redistrict in the most exigent circumstances. . . ." *Id.* at 35. The *Growe* Court re-affirmed clearly the power of state courts to impose congressional maps in the absence of a lawfully enacted map by a state legislature. *Id.* at 36. Notably, the Minnesota Constitution provides that "[a]t its first session after each enumeration . . . the legislature shall have the power to prescribe the bounds of congressional and legislative districts." Minn. Const. art. IV, § 3. Yet the U.S. Supreme Court unanimously held that the Minnesota state courts were empowered to impose remedial congressional and legislative maps in the absence of a lawful legislatively enacted map.

Further, the Court's adoption of a congressional map that was submitted by the Plaintiffs in this case and not proposed by the Legislature does not exceed the ordinary bounds of judicial review and does not violate separation of powers. The U.S. Supreme Court in *Growe* sanctioned this remedial procedure. State courts, including the Florida Supreme Court, have affirmed a state trial court's selection of a remedial congressional map proposed by plaintiffs after the state legislature's map was found to violate the state's ban on partisan favoritism. *See League of Women Voters of Florida v. Detzner*, 179 So.3d 258, 261 (Fla. 2015), abrogated on other grounds[4] by *Black Voters Matter Capacity Bldg. Inst., Inc. v. Sec'y, Fla. Dep't of State*, 415 So. 3d 180 (Fla. 2025). In fact, the *Detzner* court rejected the Florida legislature's challenge to the

[4] In the *Black Voters Matter* case, the Florida Supreme Court abrogated the prior holding that compliance with the state's Non-Diminishment Clause automatically satisfies the strict scrutiny requirements of the federal Equal Protection Clause. The decision also clarifies the challenger's burden of proof in challenging an electoral map. It does not abrogate or reverse the holding that sate courts have the authority to adopt a court-ordered map.

court-selected remedial map proposed by a party in the case, reasoning that the goal of remedial proceedings is to ensure the chosen remedial map's compliance with state law. *Id.* That court also recognized that "[a]ll parties had a full opportunity to review and comment upon the various proposed plans submitted to the trial court" in a hearing and through a process "agreed to by the parties." *Id.* at 261-62. Other state supreme courts recognize a state trial court's legitimate role and obligation to "adopt valid remedial maps." *Clarke v. Wisconsin Elections Comm'n*, 998 N.W.2d 370, 396 (Wis. 2023) ("Should the legislative process produce a map that remedies the [unlawful] issues . . . there would be no need for this court to adopt remedial maps."); *League of Women Voters of Pa. v. Commonwealth*, 645 Pa. 576, 582 n. 6 (Pa. 2018) (citing Pennsylvania's Constitutional provision guaranteeing judicial remedies, stating: "When the legislature is unable or chooses not to act, it becomes the judiciary's role to ensure a valid districting scheme."); *Avalos v. Davidson,* No. 01 CV 2897, 2002 WL 1895406, at *1 (Colo. Dist. Ct. Jan. 25, 2002), *aff'd sub nom. Beauprez v. Avalos*, 42 P.3d 642 (Colo. 2002) (ordering use of plaintiffs' proposed map and stating: "Since there has been a failure of the legislative branch and the Governor to adopt a constitutionally acceptable redistricting plan for the state of Colorado in a timely fashion, the Court must now act and establish a constitutional redistricting plan for Colorado."); *Soto Palmer v. Hobbs*, 2024 WL 1138939, at *2 (W.D. Wash. March 15, 2024), *aff'd* 150 F.4th 1131 (9th Cir. 2025) (ordering use of plaintiffs' proposed map); *Bone Shirt v. Hazeltine,* 387 F. Supp 2d 1035, 1048 (D.S.D. 2005), *aff'd* 461 F.3d 1011 (8th Cir. 2006) ("The court may fashion its own remedy or use a remedy proposed by plaintiffs.").

While a state court's role in redistricting is new to Utah, this judicial function is neither new nor novel. It is well settled that when the political branches fail to enact lawful electoral maps, the judiciary's duty to provide an effective remedy is not discretionary. Rather, courts have a fundamental obligation to uphold constitutional rights and to ensure a lawful electoral map is in place, including by adopting one proposed by a party in the proceedings. This authority is firmly rooted in both federal and state court precedent. Without the court's remedial power, the right to vote could be rendered illusory and the constitutional guarantee of free and lawful elections would go unfulfilled.

d. **The Legislative Defendants' attempt to challenge the Court's findings of fact, based on the Lieutenant Governor Officer's request for clarification of boundaries, fails.**

The Legislative Defendants assert that the boundary issues raised by the Lieutenant Governor shows that the Court's finding – that Map 1 better complies with Proposition 4's neutral redistricting criteria "to the greatest extent practicable" is "a fiction" because "Plaintiffs' [Map 1] has been shown to be functionally equivalent to the Legislature's Map C on Proposition 4's tier 1 criteria." (*Leg. Defs.' Response*, at 2, 10.) The Court disagrees.

The boundary issues raised by the Lieutenant Governor's office is a direct result of the party's stipulation to use the 2020 Census municipal boundary file for both "creating and

assessing remedial maps."[5] (*Stipulation,* Docket 526, ¶ 5 (Sept. 16, 2025).) That Stipulation is binding on the parties. That Stipulation is also reflected in S.B. 1012, which enacted Map C, stating: "the Legislature adopts the official census population figures and maps of the Bureau of the Census of the United States Department of Commerce developed in connection with the taking of the 2020 national decennial census *as the official data for establishing Congressional district boundaries.*" Utah State Legislature, S.B. 1012, Utah Code § 20A-13-101.5 (2). The time to address any minor discrepances between the Census municipality files and the UGRC files would have been during the October 23 and 24, 2025 evidentiary hearing. No one presented evidence regarding the UGRC files during the hearing. No evidence has been presented that these files were not previously available during the hearing. The fact that the UGRC files do not precisely line up with the 2020 Census municipal boundary file is not a legal basis to challenge the Court's findings. And as the Lieutenant Governor's office offered, one valid option to address the inconsistencies in the boundary lines is to "make no change." (*See generally Lt. Gov.'s Supp. Resp.,* Docket 767.) Because making no change to Map 1 for seven of the eight issues was a valid option recommended by both the Lieutenant Governor's Office and Plaintiffs' experts and subsequently ordered by the Court in the November 21, 2025 Order Clarifying Boundary Issues (*see* Docket 780), there is no valid legal basis to challenge the Court's findings with regard to Map 1 and Map C. Further, these minor boundary questions do not justify a stay of any of the Court's rulings or orders.

But even if the Court were to agree that Map 1 and Map C were "functionally equivalent" in complying with Proposition 4's neutral redistricting criteria, the Legislative Defendants fail to show that the Court's other findings regarding Map C are clearly erroneous. To be clear, the Court found – based on the Legislative Defendants' own expert testimony of Dr. Trende – that Map C was drawn in violation of Proposition 4. Proposition 4 states that "[p]artisan political data and information, such as partisan election results, voting records, political party affiliation information . . . may not be considered by the Legislature" in drawing maps. Utah Code § 20A-19-103(6). Even H.B. 1011, which amended Proposition 4, did not change this requirement. Dr. Trende, however, testified that he drew Map C using Dave's Redistricting Application ("DRA"), a map-drawing tool that displays partisan information on the screen while electoral lines are being drawn. In fact, Dr. Trende admitted that partisan political data was on display as he drew Map C, which would have disclosed the partisan political score for each individual precinct as it was selected for inclusion or exclusion from a district. (*November 10 Ruling and Order*, Docket 735, p. 36-37, 72.)

Even the Legislature has rejected maps drawn using DRA. During the 2021 redistricting cycle the co-chair of the Legislative Redistricting Committee, Senator Steve Sandall, criticized the Independent Redistricting Commission for accepting a map submitted by a constituent who

[5] The parties also agreed to include five metro townships as municipalities since they were counted as municipalities at the time of the Census, were still classified as municipalities at the time of the Census and were still classified as municipalities under Utah law, with just a different categorization. (Pls.' Response, at 4 (discussing *Stipulation*).)

used DRA. He stated that because the constituent "drew off of Dave's Redistricting tool exclusively," the Commission had "accepted a map that has political data involved exclusively in it." (*Id.* at 73-74.) Senator Sandall reiterated this stance in a podcast released on September 18, 2025, shortly before the special legislative session began. He explained that if he observed a map was drawn on DRA, as a committee chair, he would be "really hesitant at the work they had done..." (*Id.*) The undisputed evidence presented in this case showed that the Legislative Defendants' own expert, Dr. Sean Trende, exclusively used DRA when he was drawing Map C and that partisan data was displayed on the screen during the map-drawing process. Even by the Legislature's own professed standards and course of conduct, Map C should have been rejected by the Legislative Redistricting Committee because Dr. Trende used DRA to create it. None of these facts were disputed during the evidentiary hearing and the Legislative Defendants fail to show that the Court clearly erred in making these findings.

The Court also found that Map C was an extreme partisan gerrymander. The Court specifically found that Map C violates Proposition 4 by *both* unduly and purposefully favoring the majority party (i.e., Republican party) at the expense of minority voters (i.e., Democrats, Independents, etc.). (*See generally November 10 Ruling and Order*, Docket 735, p. 74-81.) The Legislative Defendants fail to address, let alone show, that the Court erred in making these findings.

CONCLUSION

For the reasons stated herein, the Court DENIES the Legislative Defendants' request both to reconsider the August 25, September 6 and November 10, 2025 Rulings and Orders.

DATED December 5, 2025.

STATE OF UTAH

Judge Diann[illegible]
Third District Court

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 220901712 by the method and on the date specified.

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12/05/2025 /s/ SHAI ALVAREZ

Date: _____ _____

Signature