

CONGRESSIONAL THREE MEMBER PLAN

2001 SECOND SPECIAL SESSION

STATE OF UTAH

Sponsor: Michael G. Waddoups

This act modifies statutory provisions governing United States Congressional districts. This act eliminates current boundaries and establishes new boundaries. This act establishes certain maps as the legal boundaries of Congressional districts and establishes procedures for addressing omissions and uncertain boundaries. This act takes effect January 1, 2002 for purposes of nominating and electing representatives to the Congress of the United States and January 1, 2003 for all other purposes.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

20A-13-104, Utah Code Annotated 1953

REPEALS AND REENACTS:

20A-13-101, as enacted by Chapter 1, Laws of Utah 1995

20A-13-102, as last amended by Chapter 79, Laws of Utah 1996

20A-13-103, as enacted by Chapter 1, Laws of Utah 1995

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **20A-13-101** is repealed and reenacted to read:

20A-13-101. Representatives to the United States Congress -- Three representative districts -- When elected -- District boundaries.

(1) (a) The state of Utah is divided into three districts for the election of representatives to the Congress of the United States, with one member to be elected from each Congressional district.

(b) At the general election to be held in 2002, and biennially thereafter, one representative from each Congressional district shall be elected to serve in the Congress of the United States.

(2) (a) 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 2000 national decennial census as the official data for establishing Congressional

district boundaries.

(b) The numbers and boundaries of the Congressional districts are designated and established by the maps attached to the bill that enacts this section.

Section 2. Section **20A-13-102** is repealed and reenacted to read:

20A-13-102. Official maps of Congressional districts.

(1) (a) The Legislature shall file copies of the official maps enacted by the Legislature, and any other relevant materials, with the lieutenant governor's office.

(b) The legal boundaries of Utah's Congressional districts are contained in the official maps on file with the lieutenant governor's office.

(2) When questions of interpretation of Congressional district boundaries arise, the official maps on file in the lieutenant governor's office shall serve as the indication of the legislative intent in drawing the Congressional district boundaries.

(3) (a) Each county clerk shall obtain copies of the official maps for the clerk's county from the lieutenant governor's office.

(b) Each county clerk shall establish voting precincts and polling places within each Congressional district according to the procedures and requirements of Section 20A-5-303.

(4) Maps identifying the boundaries for Congressional districts may be viewed on the Internet at the lieutenant governor's website.

Section 3. Section **20A-13-103** is repealed and reenacted to read:

20A-13-103. Omissions from maps -- How resolved.

(1) If any area of the state is omitted from a Congressional district in the maps enacted by the Legislature, the county clerk of the affected county, upon discovery of the omission, shall attach the area to the appropriate Congressional district according to the requirements of Subsections (2) and (3).

(2) If the area is surrounded by a Congressional district, the area shall be attached to that district.

(3) If the area is contiguous to two districts, the area shall be attached to the district that has the least population, as determined by the official census population figures and maps of the Bureau

of Census of the United States Department of Commerce developed in connection with the taking of the 2000 national decennial census.

(4) Any attachment made under Subsection (1) shall be certified in writing and filed with the lieutenant governor.

Section 4. Section **20A-13-104** is enacted to read:

20A-13-104. Uncertain boundaries -- How resolved.

(1) As used in this section, "affected party" means:

(a) a representative whose Congressional district boundary is uncertain because the identifying feature used to establish the district boundary has been removed, modified, or is unable to be identified or who is uncertain about whether or not he or another person resides in a particular Congressional district;

(b) a candidate for Congressional representative whose Congressional district boundary is uncertain because the identifying feature used to establish the district boundary has been removed, modified, or is unable to be identified or who is uncertain about whether or not he or another person resides in a particular Congressional district; or

(c) a person who is uncertain about which Congressional district contains the person's residence because the identifying feature used to establish the district boundary has been removed, modified, or is unable to be identified.

(2) (a) An affected party may file a written request petitioning the lieutenant governor to determine:

(i) the precise location of the Congressional district boundary;

(ii) the number of the Congressional district in which a person resides; or

(iii) both Subsections (2)(a)(i) and (ii).

(b) In order to make the determination required by Subsection (2)(a), the lieutenant governor shall review the official maps and obtain and review other relevant data such as census block and tract descriptions, aerial photographs, aerial maps, or other data about the area.

(c) Within five days of receipt of the request, the lieutenant governor shall review the maps, obtain and review any relevant data, and make a determination.

(d) When the lieutenant governor determines the location of the Congressional district boundary, the lieutenant governor shall:

(i) prepare a certification identifying the appropriate boundary and attaching a map, if necessary; and

(ii) send a copy of the certification to the affected party and the county clerk of the affected county.

(e) If the lieutenant governor determines the number of the Congressional district in which a particular person resides, the lieutenant governor shall send a letter identifying that district by number to:

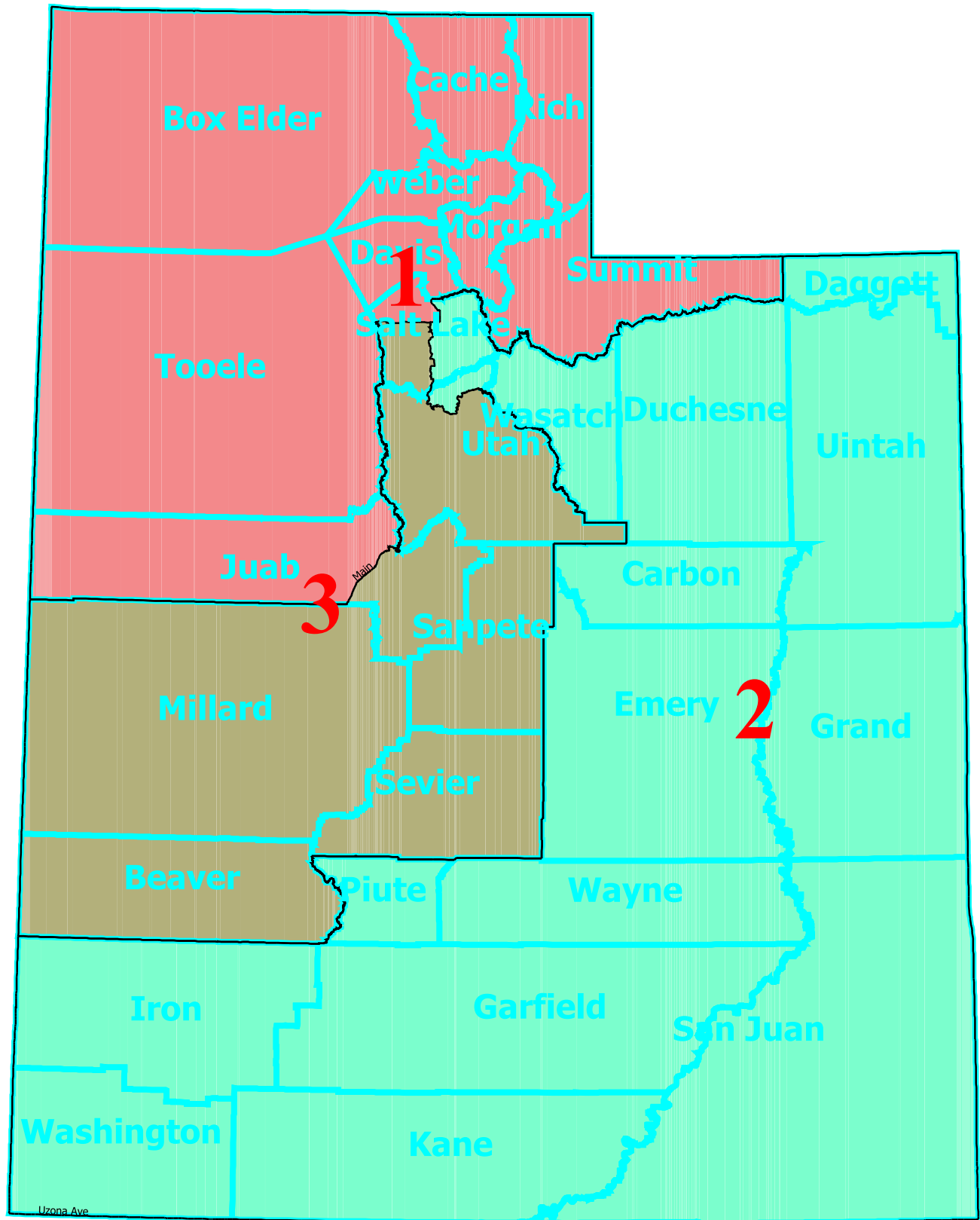
(i) the person;

(ii) the affected party who filed the petition, if different than the person whose Congressional district number was identified; and

(iii) the county clerk of the affected county.

Section 5. Effective date.

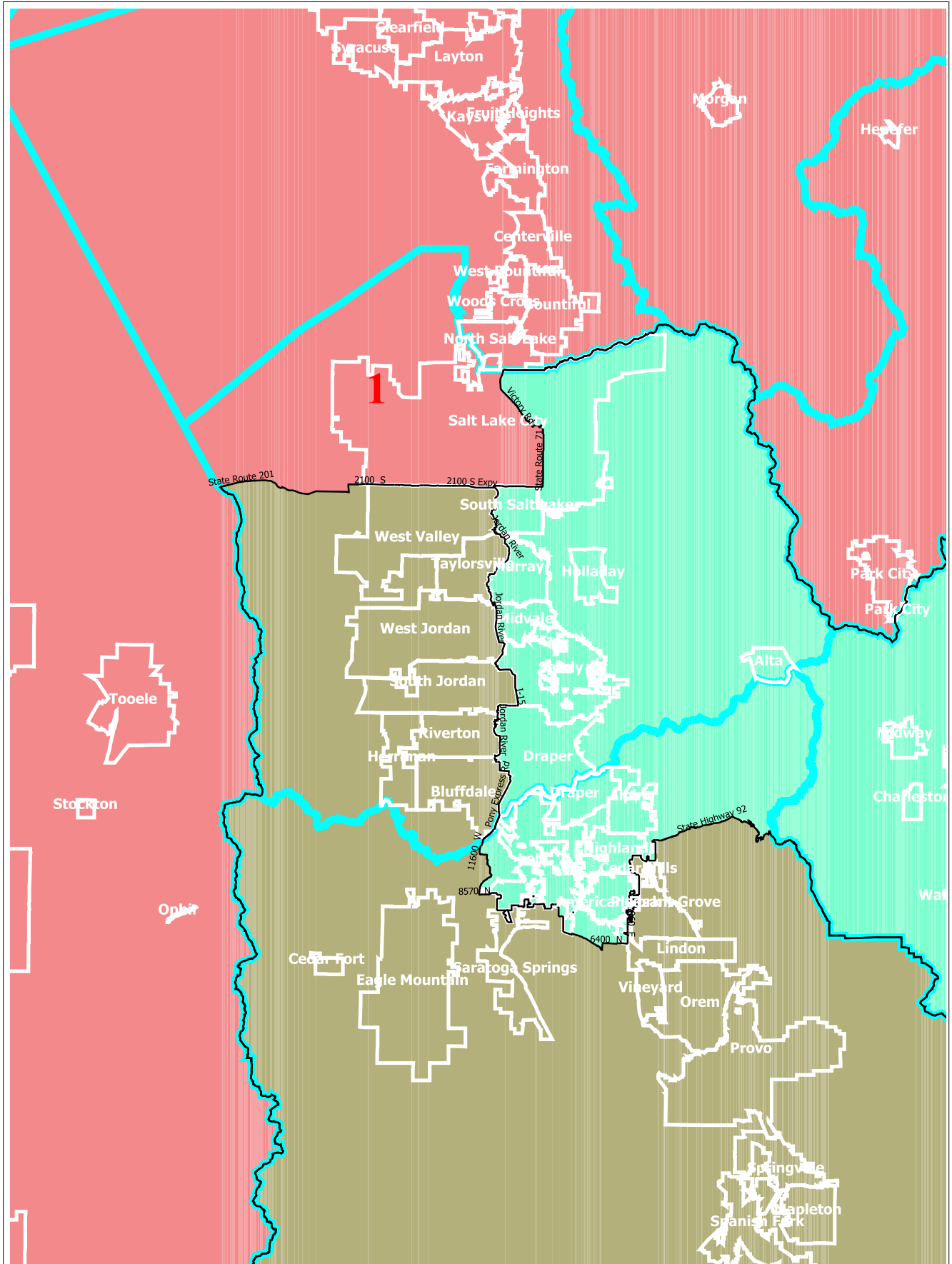
This act takes effect on January 1, 2002 for purposes of nominating and electing representatives to the Congress of the United States and on January 1, 2003 for all other purposes.



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Three Member Congressional - Overview



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