

ELECTION LAW CHANGES

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad L. Dee

Senate Sponsor: _____

LONG TITLE

General Description:

This bill establishes certain review and evaluation requirements for the lieutenant governor, the Automated Geographic Reference Center, and county clerks.

Highlighted Provisions:

This bill:

▶ prohibits a county legislative body from establishing a voting precinct that crosses the boundary of any congressional district, State Board of Education district, Senate district, or House district;

▶ establishes requirements for county clerks to submit certain maps or data to the lieutenant governor for review and evaluation;

▶ requires the Automated Geographic Reference Center to compare certain maps or data submitted by the county clerks with boundaries of congressional, State School Board, Senate, and House districts as established by the Legislature's official maps; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides effective dates.

Utah Code Sections Affected:



28 AMENDS:

29 **20A-5-303 (Superseded 03/08/12)**, as last amended by Laws of Utah 2008, Chapter 71

30 **20A-5-303 (Effective 03/08/12)**, as last amended by Laws of Utah 2010, Chapter 130

31 **20A-13-102**, as repealed and reenacted by Laws of Utah 2001, Second Special Session,

32 Chapter 6

33 **20A-14-102**, as repealed and reenacted by Laws of Utah 2001, Second Special Session,

34 Chapter 2

35 **36-1-103**, as last amended by Laws of Utah 2006, Chapter 12

36 **36-1-202**, as last amended by Laws of Utah 2006, Chapter 12

37 ENACTS:

38 **20A-5-304**, Utah Code Annotated 1953



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

41 Section 1. Section **20A-5-303 (Superseded 03/08/12)** is amended to read:

42 **20A-5-303 (Superseded 03/08/12). Establishing, dividing, abolishing, and**
43 **changing voting precincts -- Common polling places -- Combined voting precincts --**
44 **Counties.**

45 (1) (a) After receiving recommendations from the county clerk, the county legislative
46 body may establish, divide, abolish, and change voting precincts.

47 ~~[(b) Within 30 days after the establishment, division, abolition, or change of a voting~~
48 ~~precinct under this section, the county legislative body shall file with the Automated~~
49 ~~Geographic Reference Center, created under Section 63F-1-506, a notice describing the action~~
50 ~~taken and specifying the resulting boundaries of each voting precinct affected by the action.]~~

51 (b) The county clerk shall submit a voting precinct map identifying the boundary of
52 each voting precinct within the county for review in accordance with Subsection 20A-5-304(4).

53 (2) (a) The county legislative body shall alter or divide voting precincts so that each
54 voting precinct contains not more than 1,250 active voters.

55 (b) The county legislative body shall:

56 (i) identify those precincts that may reach the limit of active voters in a precinct under
57 Subsection (2)(a) or that becomes too large to facilitate the election process; and

58 (ii) divide those precincts on or before January 1, of a general election year.

59 (3) The county legislative body may not:
 60 (a) establish or abolish any voting precinct after January 1 of a regular general election
 61 year; [or]

62 (b) alter or change the boundaries of any voting precinct after January 1 of a regular
 63 general election year[-]; or

64 (c) establish, alter, or change the boundaries of any voting precinct so that a voting
 65 precinct crosses the boundary of any designated election district as defined by Section
 66 20A-5-304.

67 (4) (a) For the purpose of voting in an election, the county legislative body may
 68 establish a common polling place for two or more whole voting precincts.

69 (b) At least 90 days before the election, the county legislative body shall designate:

70 (i) the voting precincts that will vote at the common polling place; and

71 (ii) the location of the common polling place.

72 (c) A county may use one set of election judges for the common polling place under
 73 this Subsection (4).

74 (5) Each county shall have at least two polling places open for voting on the date of the
 75 election.

76 (6) Each common polling place shall have at least one voting device that is accessible
 77 for individuals with disabilities in accordance with Public Law 107-252, the Help America
 78 Vote Act of 2002.

79 Section 2. Section **20A-5-303 (Effective 03/08/12)** is amended to read:

80 **20A-5-303 (Effective 03/08/12). Establishing, dividing, abolishing, and changing**
 81 **voting precincts -- Common polling places -- Combined voting precincts -- Counties.**

82 (1) (a) After receiving recommendations from the county clerk, the county legislative
 83 body may establish, divide, abolish, and change voting precincts.

84 ~~[(b) Within 30 days after the establishment, division, abolition, or change of a voting~~
 85 ~~precinct under this section, the county legislative body shall file with the Automated~~
 86 ~~Geographic Reference Center, created under Section 63F-1-506, a notice describing the action~~
 87 ~~taken and specifying the resulting boundaries of each voting precinct affected by the action.]~~

88 (b) The county clerk shall submit a voting precinct map identifying the boundary of
 89 each voting precinct within the county for review in accordance with Subsection 20A-5-304(4).

90 (2) (a) The county legislative body shall alter or divide voting precincts so that each
91 voting precinct contains not more than 1,250 active voters.

92 (b) The county legislative body shall:

93 (i) identify those precincts that may reach the limit of active voters in a precinct under
94 Subsection (2)(a) or that becomes too large to facilitate the election process; and

95 (ii) divide those precincts on or before January 1, of a general election year.

96 (3) Notwithstanding Subsection (2)(a), the county legislative body may not:

97 (a) establish or abolish any voting precinct after January 1 of a regular general election
98 year;

99 (b) alter or change the boundaries of any voting precinct after January 1 of a regular
100 general election year; ~~or~~

101 (c) establish, divide, abolish, alter, or change a voting precinct between January 1 of a
102 year immediately preceding the year in which an enumeration is required by the United States
103 Constitution and the day on which the Legislature divides the state into districts in accordance
104 with Utah Constitution, Article IX, Section 1[-]; or

105 (d) establish, alter, or change the boundaries of any voting precinct so that a voting
106 precinct crosses the boundary of any designated election district as defined by Section
107 20A-5-304.

108 (4) (a) For the purpose of voting in an election, the county legislative body may
109 establish a common polling place for two or more whole voting precincts.

110 (b) At least 90 days before the election, the county legislative body shall designate:

111 (i) the voting precincts that will vote at the common polling place; and

112 (ii) the location of the common polling place.

113 (c) A county may use one set of election judges for the common polling place under
114 this Subsection (4).

115 (5) Each county shall have at least two polling places open for voting on the date of the
116 election.

117 (6) Each common polling place shall have at least one voting device that is accessible
118 for individuals with disabilities in accordance with Public Law 107-252, the Help America
119 Vote Act of 2002.

120 Section 3. Section **20A-5-304** is enacted to read:

121 20A-5-304. Designated election district -- Publishing maps or data by the county
122 clerk -- Review process.

123 (1) As used in this section, "designated election district" means the areas of the state
124 designated for:

125 (a) a congressional district under Section 20A-13-102;

126 (b) a State Board of Education district under Section 20A-14-102;

127 (c) a Senate district under Section 36-1-103; and

128 (d) a House district under Section 36-1-202.

129 (2) A county clerk shall obtain a copy of the official maps for the county clerk's county
130 from the lieutenant governor.

131 (3) (a) A county clerk may create one or more county maps that identify the boundaries
132 of a designated election district as shown on the official maps.

133 (b) Before publishing or distributing any map or data created by the county clerk that
134 identifies the boundaries of a designated election district within the county, the county clerk
135 shall submit the map or data for review to the:

136 (i) lieutenant governor; and

137 (ii) Automated Geographic Reference Center created under Section 63F-1-506.

138 (c) Within 30 days after receipt of a map or data from a county clerk, the Automated
139 Geographic Reference Center shall:

140 (i) review the map or data to evaluate whether the county map or data accurately
141 reflects the boundaries of the designated election district established by the Legislature in the
142 official maps;

143 (ii) determine whether the map or data is correct or incorrect; and

144 (iii) communicate the determination to the lieutenant governor.

145 (d) The lieutenant governor shall notify the county clerk that the map or data is correct
146 or incorrect.

147 (e) If the county clerk receives notice from the lieutenant governor that the map or data
148 submitted is incorrect, the county clerk shall:

149 (i) make the corrections necessary to conform the map or data to the official maps; and

150 (ii) resubmit the corrected map or data for a review in accordance with Subsections

151 (3)(b) and (c).

152 (4) (a) Within five business days of a county legislative body establishing or changing
153 a voting precinct in accordance with Section 20A-5-303, the county clerk shall submit a voting
154 precinct map identifying the boundary of each voting precinct within the county for review to
155 the:

- 156 (i) lieutenant governor; and
- 157 (ii) Automated Geographic Reference Center created under Section 63F-1-506.

158 (b) Within 30 days after receipt of a voting precinct map from a county clerk under
159 Subsection (4)(a), the Automated Geographic Reference Center shall:

160 (i) review the voting precinct map to evaluate whether the map accurately reflects the
161 boundaries of the designated election district established by the Legislature in the official
162 maps;

- 163 (ii) determine whether the map is correct or incorrect; and
- 164 (iii) communicate the determination to the lieutenant governor.

165 (c) The lieutenant governor shall notify the county clerk that the map is correct or
166 incorrect.

167 (d) If the county clerk receives notice from the lieutenant governor that the map is
168 incorrect, the county clerk shall:

- 169 (i) make the corrections necessary to conform the voting precinct map to the official
170 maps; and
- 171 (ii) resubmit the corrected map for a review in accordance with Subsections (4)(a) and
172 (b).

173 Section 4. Section **20A-13-102** is amended to read:

174 **20A-13-102. Official maps of congressional districts.**

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

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

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

182 ~~[(3) (a) Each county clerk shall obtain copies of the official maps for the clerk's county~~

183 from the lieutenant governor's office.]

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

186 ~~[(4)]~~ (3) Maps identifying the boundaries for congressional districts may be viewed on
187 the Internet at the lieutenant governor's website.

188 (4) In accordance with Section 20A-5-304, a county clerk may publish or distribute a
189 map or data that identifies the boundaries of a congressional district.

190 Section 5. Section **20A-14-102** is amended to read:

191 **20A-14-102. Official maps of state board districts.**

192 (1) (a) The Legislature shall file copies of the official maps enacted by the Legislature
193 with the lieutenant governor's office.

194 (b) The legal boundaries of State Board of Education districts are contained in the
195 official maps on file with the lieutenant governor's office.

196 (2) When questions of interpretation of ~~[state board]~~ State Board of Education district
197 boundaries arise, the official maps on file in the lieutenant governor's office shall serve as the
198 indication of the legislative intent in drawing the ~~[state board]~~ State Board of Education district
199 boundaries.

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

202 ~~[(b) Each county clerk shall establish voting precincts and polling places within each~~
203 ~~state board district according to the procedures and requirements of Section 20A-5-303.]~~

204 ~~[(4)]~~ (3) Maps identifying the boundaries for ~~[state board]~~ State Board of Education
205 districts may be viewed on the Internet at the lieutenant governor's website.

206 (4) In accordance with Section 20A-5-304, a county clerk may publish or distribute a
207 map or data that identifies the boundaries of a State Board of Education district.

208 Section 6. Section **36-1-103** is amended to read:

209 **36-1-103. Official maps of Senate districts.**

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

212 (b) Except as provided in Subsection (2), the legal boundaries of Senate districts are
213 contained in the official maps on file with the lieutenant governor's office.

214 (2) Because of the new county boundary separating Salt Lake County and Utah County,
215 the boundary separating Senate District 9 and Senate District 11 that followed the old county
216 boundary is changed to follow the new county boundary eastward from the southwestern
217 intersection to the point where the existing boundary of Senate District 9 turns north from the
218 old county boundary.

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

222 ~~[(4)(a) Each county clerk shall obtain copies of the official maps for the clerk's county
223 from the lieutenant governor's office.]~~

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

226 [(5)] (4) Maps identifying the boundaries for Senate districts may be viewed on the
227 Internet at the lieutenant governor's website.

228 (5) In accordance with Section 20A-5-304, a county clerk may publish or distribute a
229 map or data that identifies the boundaries of a Senate district.

230 Section 7. Section **36-1-202** is amended to read:

231 **36-1-202. Official maps of House districts.**

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

234 (b) Except as provided in Subsection (2), the legal boundaries of House districts are
235 contained in the official maps on file with the lieutenant governor's office.

236 (2) Because of the new county boundary separating Salt Lake County and Utah County,
237 the boundary separating House District 51 and House District 27 that follows the old county
238 boundary is changed to follow the new county boundary.

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

242 ~~[(4)(a) Each county clerk shall obtain copies of the official maps for the clerk's county
243 from the lieutenant governor's office.]~~

244 ~~[(b) Each county clerk shall establish voting precincts and polling places within each~~

245 ~~House district according to the procedures and requirements of Section 20A-5-303.]~~

246 [~~(5)~~] (4) Maps identifying the boundaries for House districts may be viewed on the
247 Internet at the lieutenant governor's website.

248 (5) In accordance with Section 20A-5-304, a county clerk may publish or distribute a
249 map or data that identifies the boundaries of a House district.

250 Section 8. **Effective date.**

251 This bill takes effect on May 10, 2011, except that the amendments to Section
252 20A-5-303 (Effective 03/08/12) in this bill take effect on March 8, 2012.

Legislative Review Note

as of 2-25-11 10:52 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 366

SHORT TITLE: Election Law Changes

SPONSOR: Dee, B.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enacting this bill will cost the Lt. Governor's Office \$71,200 in one-time General Fund in FY 2012 for software development and testing.

| STATE BUDGET DETAIL TABLE | FY 2011 | FY 2012 | FY 2013 |
|-------------------------------------|---------|------------|---------|
| Revenue | \$0 | \$0 | \$0 |
| Expenditure: | | | |
| General Fund, One-Time | \$0 | \$71,200 | \$0 |
| Total Expenditure | \$0 | \$71,200 | \$0 |
| Net Impact, All Funds (Rev.-Exp.) | \$0 | (\$71,200) | \$0 |
| Net Impact, General/Education Funds | \$0 | (\$71,200) | \$0 |

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.