Senator **John L. Valentine** proposes the following substitute bill:

ELECTION DISTRICT BOUNDARIES

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John L. Valentine

House Sponsor: John Dougall

Cosponsor: Howard A. Stephenson

LONG TITLE

General Description:

This bill modifies the boundaries of certain United States House of Representatives districts, State Senate districts, and State House districts and establishes certain review and evaluation requirements for the lieutenant governor, the Automated Geographic Reference Center, and county clerks.

Highlighted Provisions:

This bill:

▸   modifies a portion of the common boundary between United States House of Representatives District 2 and District 3;

▸   modifies a portion of the common boundary between Senate District 11 and Senate District 14;

▸   modifies a portion of the common boundary between House District 27 and House District 57;

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

▸   requires the Automated Geographic Reference Center to compare certain maps and data submitted by the county clerks with boundaries of Congressional, State School

26   Board, Senate, and House districts as established by the Legislature's official maps; and

27   ▸   makes technical changes.

28   **Money Appropriated in this Bill:**

29   None

30   **Other Special Clauses:**

31   This bill provides an immediate effective date.

32   **Utah Code Sections Affected:**

33   AMENDS:

34   **20A-13-101 (Contingently Superseded)**, as repealed and reenacted by Laws of Utah

35   2001, Second Special Session, Chapter 6

36   **20A-13-102**, as repealed and reenacted by Laws of Utah 2001, Second Special Session,

37   Chapter 6

38   **20A-14-102**, as repealed and reenacted by Laws of Utah 2001, Second Special Session,

39   Chapter 2

40   **36-1-101**, as last amended by Laws of Utah 2006, Chapter 12

41   **36-1-103**, as last amended by Laws of Utah 2006, Chapter 12

42   **36-1-201**, as last amended by Laws of Utah 2006, Chapter 12

43   **36-1-202**, as last amended by Laws of Utah 2006, Chapter 12

44   ENACTS:

45   **20A-13-102.2**, Utah Code Annotated 1953

46   **20A-14-102.3**, Utah Code Annotated 1953

47   **36-1-103.2**, Utah Code Annotated 1953

48   **36-1-202.2**, Utah Code Annotated 1953

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

51   Section 1. Section **20A-13-101 (Contingently Superseded)** is amended to read:

52   **20A-13-101 (Contingently Superseded).   Representatives to the United States**

53   **Congress -- Three representative districts -- When elected -- District boundaries.**

54   (1) (a) The state of Utah is divided into three districts for the election of representatives

55   to the Congress of the United States, with one member to be elected from each Congressional

56   district.

57   (b) At the general election to be held in 2002, and biennially thereafter, one

58   representative from each Congressional district shall be elected to serve in the Congress of the

59   United States.

60   (2) (a) The Legislature adopts the official census population figures and maps of the

61   Bureau of the Census of the United States Department of Commerce developed in connection

62   with the taking of the 2000 national decennial census as the official data for establishing

63   Congressional district boundaries.

64   (b) [The] Except as provided in Subsection (3), the numbers and boundaries of the

65   Congressional districts are designated and established by the maps attached to the bill that

66   enacts this section.

67   (3) The following census blocks from the 2000 census are removed from

68   Congressional District 2 and placed into Congressional District 3: Census Tract 010205,

69   Blocks 1000, 1001, 3001, 3003, and 3004.

70   Section 2. Section **20A-13-102** is amended to read:

71   **20A-13-102.   Official maps of Congressional districts.**

72   (1) (a) The Legislature shall file copies of the official maps enacted by the Legislature,

73   and any other relevant materials, with the lieutenant governor's office.

74   (b) [The] Except as provided in Subsection (2), the legal boundaries of Utah's

75   Congressional districts are contained in the official maps on file with the lieutenant governor's

76   office.

77   (2) The following census blocks from the 2000 census are removed from

78   Congressional District 2 and placed into Congressional District 3: Census Tract 010205,

79   Blocks 1000, 1001, 3001, 3003, and 3004.

80   [(2)] (3) When questions of interpretation of Congressional district boundaries arise,

81   the official maps on file in the lieutenant governor's office shall serve as the indication of the

82   legislative intent in drawing the Congressional district boundaries.

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

84   from the lieutenant governor's office.]

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

86   Congressional district according to the procedures and requirements of Section 20A-5-303.]

87   (4) Maps identifying the boundaries for Congressional districts may be viewed on the

88   Internet at the lieutenant governor's website.

89   Section 3. Section **20A-13-102.2** is enacted to read:

90   **20A-13-102.2. County clerk and lieutenant governor responsibilities -- Maps and**

91   **voting precinct boundaries.**

92   (1) Each county clerk shall obtain copies of the official maps for the clerk's county

93   from the lieutenant governor's office.

94   (2) (a) A county clerk may create one or more county maps that identify the boundaries

95   of Utah's Congressional districts as shown on the official maps.

96   (b) Before publishing or distributing any map or data created by the county clerk that

97   identifies the boundaries of Utah's Congressional districts within the county, the county clerk

98   shall submit the map and data to the lieutenant governor and to the Automated Geographic

99   Reference Center for review.

100   (c) Within 30 days after receipt of a map and data from a county clerk, the Automated

101   Geographic Reference Center shall:

102   (i) review the map and data to evaluate if the county map and data accurately reflect the

103   boundaries of Utah's Congressional districts established by the Legislature in the official maps;

104   (ii) determine whether the map and data are correct or incorrect; and

105   (iii) communicate those findings to the lieutenant governor.

106   (d) The lieutenant governor shall either notify the county clerk that the map and data

107   are correct or notify the county clerk that the map and data are incorrect.

108   (e) If the county clerk receives notice from the lieutenant governor that the map and

109   data submitted are incorrect, the county clerk shall:

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

111   and

112   (ii) resubmit the corrected map and data to the lieutenant governor and to the

113   Automated Geographic Reference Center for a new review under this Subsection (2).

114   (3) (a) Subject to the requirements of this Subsection (3), each county clerk shall

115   establish voting precincts and polling places within each Utah Congressional district according

116   to the procedures and requirements of Section 20A-5-303.

117   (b) Within five working days after approval of voting precincts and polling places by

118   the county legislative body as required by Section 20A-5-303, each county clerk shall submit a

119   voting precinct map identifying the boundaries of each voting precinct within the county to the

120   lieutenant governor and to the Automated Geographic Reference Center for review.

121   (c) Within 30 days after receipt of a map from a county clerk, the Automated

122   Geographic Reference Center shall:

123   (i) review the voting precinct map to evaluate if the county map accurately reflects the

124   boundaries of Utah's Congressional districts established by the Legislature in the official maps;

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

126   (iii) communicate those findings to the lieutenant governor.

127   (d) The lieutenant governor shall either notify the county clerk that the map is correct

128   or notify the county clerk that the map is incorrect.

129   (e) If the county clerk receives notice from the lieutenant governor that the map is

130   incorrect, the county clerk shall:

131   (i) make the corrections necessary to conform the voting precinct map to the official

132   maps; and

133   (ii) resubmit the corrected map to the lieutenant governor and to the Automated

134   Geographic Reference Center for a new review under this Subsection (3).

135   Section 4. Section **20A-14-102** is amended to read:

136   **20A-14-102.   Official maps of state board districts.**

137   (1) (a) The Legislature shall file copies of the official maps enacted by the Legislature

138   with the lieutenant governor's office.

139   (b) The legal boundaries of State Board of Education districts are contained in the

140   official maps on file with the lieutenant governor's office.

141   (2) When questions of interpretation of state board district boundaries arise, the official

142   maps on file in the lieutenant governor's office shall serve as the indication of the legislative

143   intent in drawing the state board district boundaries.

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

145   from the lieutenant governor's office.]

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

147   state board district according to the procedures and requirements of Section 20A-5-303.]

148   [(4)] (3) Maps identifying the boundaries for state board districts may be viewed on the

149   Internet at the lieutenant governor's website.

150   Section 5. Section **20A-14-102.3** is enacted to read:

151   **20A-14-102.3. County clerk and lieutenant governor responsibilities -- Maps and**

152   **voting precinct boundaries.**

153   (1) Each county clerk shall obtain copies of the official maps for the clerk's county

154   from the lieutenant governor's office.

155   (2) (a) A county clerk may create one or more county maps that identify the boundaries

156   of state board districts as shown on the official maps.

157   (b) Before publishing or distributing any map or data created by the county clerk that

158   identifies the boundaries of state board districts within the county, the clerk shall submit the

159   map and data to the lieutenant governor and to the Automated Geographic Reference Center for

160   review.

161   (c) Within 30 days after receipt of a map and data from a county clerk, the Automated

162   Geographic Reference Center shall:

163   (i) review the map and data to evaluate if the county map and data accurately reflect the

164   boundaries of state board districts established by the Legislature in the official maps;

165   (ii) determine whether the map and data are correct or incorrect; and

166   (iii) communicate those findings to the lieutenant governor.

167   (d) The lieutenant governor shall either notify the county clerk that the map and data

168   are correct or inform the county clerk that the map and data are incorrect.

169   (e) If the county clerk receives notice from the lieutenant governor that the map and

170   data submitted are incorrect, the county clerk shall:

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

172   and

173   (ii) resubmit the corrected map and data to the lieutenant governor for a new review

174   under this Subsection (2).

175   (3) (a) Subject to the requirements of this Subsection (3), each county clerk shall

176   establish voting precincts and polling places within each state board district according to the

177   procedures and requirements of Section 20A-5-303.

178   (b) Within five working days after approval of voting precincts and polling places by

179   the county legislative body as required by Section 20A-5-303, each county clerk shall submit a

180   voting precinct map identifying the boundaries of each voting precinct within the county to the

181 lieutenant governor and to the Automated Geographic Reference Center for review.

182   (c) Within 30 days after receipt of a map from a county clerk, the Automated

183 Geographic Reference Center shall:

184   (i) review the voting precinct map to evaluate if the county map accurately reflects the

185 boundaries of state board districts established by the Legislature in the official maps;

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

187   (iii) communicate those findings to the lieutenant governor.

188   (d) The lieutenant governor shall either notify the county clerk that the map is correct

189 or notify the county clerk that the map is incorrect.

190   (e) If the county clerk receives notice from the lieutenant governor that the map is

191 incorrect, the county clerk shall:

192   (i) make the corrections necessary to conform the voting precinct map to the official

193 maps; and

194   (ii) resubmit the corrected map to the lieutenant governor and to the Automated

195 Geographic Reference Center for a new review under this Subsection (3).

196   Section 6. Section **36-1-101** is amended to read:

197   **36-1-101.   Utah State Senate -- District boundaries.**

198   (1) As used in this chapter:

199   (a) "New county boundary" means the adjusted common boundary between Salt Lake

200 County and Utah County as certified by the lieutenant governor on December 29, 2005.

201   (b) "Old county boundary" means the common boundary between Salt Lake County

202 and Utah County before the boundary change certified by the lieutenant governor on December

203 29, 2005.

204   (c) "Southwestern intersection" means the western-most three way intersection of the

205 old county boundary, the new county boundary, and the boundary separating Senate District 9

206 and Senate District 11.

207   (2) The Utah State Senate shall consist of 29 members, with one member to be elected

208 from each Utah State Senate district.

209   (3) (a) The Legislature adopts the official census population figures and maps of the

210 Bureau of the Census of the United States Department of Commerce developed in connection

211 with the taking of the 2000 national decennial census as the official data for establishing Senate

212   district boundaries.

213   (b) Except as provided in Subsection (4), the numbers and boundaries of the Senate

214   districts are designated and established by the maps attached to the bill that enacts this section.

215   (4) (a) Because of the new county boundary separating Salt Lake County and Utah

216   County, the boundary separating Senate District 9 and Senate District 11 that followed the old

217   county boundary is changed to follow the new county boundary eastward from the

218   southwestern intersection to the point where the existing boundary of Senate District 9 turns

219   north from the old county boundary.

220   (b) The following census blocks from the 2000 census are removed from Senate

221   District 11 and placed into Senate District 14: Census Tract 010205, Blocks 1000, 1001, 3001,

222   3003, and 3004.

223   Section 7. Section **36-1-103** is amended to read:

224   **36-1-103.   Official maps of Senate districts.**

225   (1) (a) The Legislature shall file copies of the official maps enacted by the Legislature,

226   and any other relevant data, with the lieutenant governor's office.

227   (b) Except as provided in Subsection (2), the legal boundaries of Senate districts are

228   contained in the official maps on file with the lieutenant governor's office.

229   (2) (a) Because of the new county boundary separating Salt Lake County and Utah

230   County, the boundary separating Senate District 9 and Senate District 11 that followed the old

231   county boundary is changed to follow the new county boundary eastward from the

232   southwestern intersection to the point where the existing boundary of Senate District 9 turns

233   north from the old county boundary.

234   (b) The following census blocks from the 2000 census are removed from Senate

235   District 11 and placed into Senate District 14: Census Tract 010205, Blocks 1000, 1001, 3001,

236   3003, and 3004.

237   (3) When questions of interpretation of Senate district boundaries arise, the official

238   maps on file in the lieutenant governor's office shall serve as the indication of the legislative

239   intent in drawing the Senate district boundaries.

240   [(4) (a) Each county clerk shall obtain copies of the official maps for the clerk's county

241   from the lieutenant governor's office.]

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

243   Senate district according to the procedures and requirements of Section 20A-5-303.]

244   [(5)] (4) Maps identifying the boundaries for Senate districts may be viewed on the

245   Internet at the lieutenant governor's website.

246   Section 8. Section **36-1-103.2** is enacted to read:

247   **36-1-103.2. County clerk and lieutenant governor responsibilities -- Maps and**

248   **voting precinct boundaries.**

249   (1) Each county clerk shall obtain copies of the official maps for the clerk's county

250   from the lieutenant governor's office.

251   (2) (a) A county clerk may create one or more county maps that identify the boundaries

252   of Senate districts as shown on the official maps.

253   (b) Before publishing or distributing any map or data created by the county clerk that

254   identifies the boundaries of Senate districts within the county, the clerk shall submit the map

255   and data to the lieutenant governor and to the Automated Geographic Reference Center for

256   review.

257   (c) Within 30 days after receipt of a map and data from a county clerk, the Automated

258   Geographic Reference Center shall:

259   (i) review the map and data to evaluate if the county map and data accurately reflect the

260   boundaries of Senate districts established by the Legislature in the official maps;

261   (ii) determine whether the map and data are correct or incorrect; and

262   (iii) communicate those findings to the lieutenant governor.

263   (d) The lieutenant governor shall either notify the county clerk that the map and data

264   are correct or notify the county clerk that the map and data are incorrect.

265   (e) If the county clerk receives notice from the lieutenant governor that the map and

266   data submitted are incorrect, the county clerk shall:

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

268   and

269   (ii) resubmit the corrected map and data to the lieutenant governor and to the

270   Automated Geographic Reference Center for review a new review under this Subsection (2).

271   (3) (a) Subject to the requirements of this Subsection (3), each county clerk shall

272   establish voting precincts and polling places within each Senate district according to the

273   procedures and requirements of Section 20A-5-303.

274   (b) Within five working days after approval of voting precincts and polling places by

275 the county legislative body as required by Section 20A-5-303, each county clerk shall submit a

276 voting precinct map identifying the boundaries of each voting precinct within the county to the

277 lieutenant governor and to the Automated Geographic Reference Center for review.

278   (c) Within 30 days after receipt of a map from a county clerk, the Automated

279 Geographic Reference Center shall:

280   (i) review the voting precinct map to evaluate if the county map accurately reflects the

281 boundaries of Senate districts established by the Legislature in the official maps;

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

283   (iii) communicate those findings to the lieutenant governor.

284   (d) The lieutenant governor shall either notify the county clerk that the map is correct

285 or notify the county clerk that the map is incorrect.

286   (e) If the county clerk receives notice from the lieutenant governor that the map is

287 incorrect, the county clerk shall:

288   (i) make the corrections necessary to conform the voting precinct map to the official

289 maps; and

290   (ii) resubmit the corrected map to the lieutenant governor and to the Automated

291 Geographic Reference Center for a new review under this Subsection (3).

292   Section 9. Section **36-1-201** is amended to read:

293   **36-1-201.   Utah House of Representatives -- District boundaries.**

294   (1) The Utah House of Representatives shall consist of 75 members, with one member

295 to be elected from each Utah House of Representatives district.

296   (2) (a) The Legislature adopts the official census population figures and maps of the

297 Bureau of the Census of the United States Department of Commerce developed in connection

298 with the taking of the 2000 national decennial census as the official data for establishing House

299 district boundaries.

300   (b) Except as provided in Subsection (3), the numbers and boundaries of the House

301 districts are designated and established by the maps attached to the bill that enacts this section.

302   (3) (a) Because of the new county boundary separating Salt Lake County and Utah

303 County, the boundary separating House District 51 and House District 27 that follows the old

304 county boundary is changed to follow the new county boundary.

305   (b) The following census blocks from the 2000 census are removed from House

306   District 27 and placed into House District 57: Census Tract 010205, Blocks 1000, 1001, 3001,

307   3003, and 3004.

308   Section 10. Section **36-1-202** is amended to read:

309   **36-1-202.   Official maps of House districts.**

310   (1) (a) The Legislature shall file copies of the official maps enacted by the Legislature,

311   and any other relevant materials, with the lieutenant governor's office.

312   (b) Except as provided in Subsection (2), the legal boundaries of House districts are

313   contained in the official maps on file with the lieutenant governor's office.

314   (2) (a) Because of the new county boundary separating Salt Lake County and Utah

315   County, the boundary separating House District 51 and House District 27 that follows the old

316   county boundary is changed to follow the new county boundary.

317   (b) The following census blocks from the 2000 census are removed from House

318   District 27 and placed into House District 57: Census Tract 010205, Blocks 1000, 1001, 3001,

319   3003, and 3004.

320   (3) When questions of interpretation of House district boundaries arise, the official

321   maps on file in the lieutenant governor's office shall serve as the indication of the legislative

322   intent in drawing the House district boundaries.

323   [(4) (a) Each county clerk shall obtain copies of the official maps for the clerk's county

324   from the lieutenant governor's office.]

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

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

327   [(5)] (4) Maps identifying the boundaries for House districts may be viewed on the

328   Internet at the lieutenant governor's website.

329   Section 11. Section **36-1-202.2** is enacted to read:

330   **36-1-202.2.   County clerk and lieutenant governor responsibilities -- Maps and**

331   **voting precinct boundaries.**

332   (1) Each county clerk shall obtain copies of the official maps for the clerk's county

333   from the lieutenant governor's office.

334   (2) (a) A county clerk may create one or more county maps that identify the boundaries

335   of House districts as shown on the official maps.

336   (b) Before publishing or distributing any map or data created by the county clerk that
337   identifies the boundaries of House districts within the county, the clerk shall submit the map
338   and data to the lieutenant governor and to the Automated Geographic Reference Center for
339   review.
340   (c) Within 30 days after receipt of a map and data from a county clerk, the Automated
341   Geographic Reference Center shall:
342   (i) review the map and data to evaluate if the county map and data accurately reflect the
343   boundaries of House districts established by the Legislature in the official maps;
344   (ii) determine whether the map and data are correct or incorrect; and
345   (iii) communicate those findings to the lieutenant governor.
346   (d) The lieutenant governor shall either notify the county clerk that the map and data
347   are correct or notify the county clerk that the map and data are incorrect.
348   (e) If the county clerk receives notice from the lieutenant governor that the map and
349   data submitted are incorrect, the county clerk shall:
350   (i) make the corrections necessary to conform the map and data to the official maps;
351   and
352   (ii) resubmit the corrected map and data to the lieutenant governor and to the
353   Automated Geographic Reference Center for a new review under this Subsection (2).
354   (3) (a) Subject to the requirements of this Subsection (3), each county clerk shall
355   establish voting precincts and polling places within each House district according to the
356   procedures and requirements of Section 20A-5-303.
357   (b) Within five working days after approval of voting precincts and polling places by
358   the county legislative body as required by Section 20A-5-303, each county clerk shall submit a
359   voting precinct map identifying the boundaries of each voting precinct within the county to the
360   lieutenant governor and to the Automated Geographic Reference Center for review.
361   (c) Within 30 days after receipt of a map from a county clerk, the Automated
362   Geographic Reference Center shall:
363   (i) review the voting precinct map to evaluate if the county map accurately reflects the
364   boundaries of House districts established by the Legislature in the official maps;
365   (ii) determine whether the map is correct or incorrect; and
366   (iii) communicate those findings to the lieutenant governor.

367   (d) The lieutenant governor shall either notify the county clerk that the map is correct

368 or notify the county clerk that the map is incorrect.

369   (e) If the county clerk receives notice from the lieutenant governor that the map is

370 incorrect, the county clerk shall:

371   (i) make the corrections necessary to conform the voting precinct map to the official

372 maps; and

373   (ii) resubmit the corrected map to the lieutenant governor and to the Automated

374 Geographic Reference Center for a new review under this Subsection (3).

375   Section 12. **Effective date.**

376   If approved by two-thirds of all the members elected to each house, this bill takes effect

377 upon approval by the governor, or the day following the constitutional time limit of Utah

378 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,

379 the date of veto override.

FISCAL NOTE

S.B. 113 3rd Sub. (Ivory)

SHORT TITLE: **Election District Boundaries**

SPONSOR: **Valentine, J.**

2011 GENERAL SESSION, STATE OF UTAH

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

Enacting this bill will cost the Lt. Governor's Office $61,200 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	$61,200	$0
Total Expenditure	$0	$61,200	$0
Net Impact, All Funds (Rev.-Exp.)	$0	($61,200)	$0
Net Impact, General/Education Funds	$0	($61,200)	$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.

2/21/2011, 11:44 AM, Lead Analyst: Allred, S./Attorney: JLF

Office of the Legislative Fiscal Analyst