

## HB3001S05 compared with HB3001S04

~~{deleted text}~~ shows text that was in HB3001S04 but was deleted in HB3001S05.

inserted text shows text that was not in HB3001S04 but was inserted into HB3001S05.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

~~{Representative Merlynn T. Newbold}~~Senator Ralph Okerlund proposes the following substitute bill:

### UTAH STATE HOUSE BOUNDARIES DESIGNATION

2011 THIRD SPECIAL SESSION

STATE OF UTAH

**Chief Sponsor: Kenneth W. Sumsion**

Senate Sponsor: Ralph Okerlund

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#### LONG TITLE

##### **Redistricting Boundary Information:**

The Utah State House district boundary information may be found at <http://le.utah.gov>.

Block assignment file security code:

~~{e6d3bae8fe9e311e90f7b5558b5ef7e5}~~022f7fe506c274e50f7df0f929ce85cf

##### **General Description:**

This bill, which includes this printed text and the electronic data affiliated with it, establishes new Utah State House district boundaries and makes other technical corrections.

##### **Highlighted Provisions:**

This bill:

- ▶ repeals current Utah State House boundaries and establishes new Utah State House

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boundaries;

- ▶ establishes the block assignment file that is part of this bill in electronic form as the legal boundaries of Utah State House districts; and
- ▶ makes technical corrections.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

This bill takes effect on January 1, 2012, for purposes of nominating and electing members of the Utah State House and on January 1, 2013, for all other purposes.

### Utah Code Sections Affected:

AMENDS:

**36-1-202**, as last amended by Laws of Utah 2011, Chapter 74

**36-1-202.2**, as enacted by Laws of Utah 2011, Chapter 74

**36-1-203**, as enacted by Laws of Utah 2001, Second Special Session, Chapter 1

**36-1-204**, as last amended by Laws of Utah 2005, Chapter 169

ENACTS:

**36-1-201.1**, Utah Code Annotated 1953

**36-1-201.5**, Utah Code Annotated 1953

REPEALS:

**36-1-201**, as last amended by Laws of Utah 2011, Chapter 74

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

Section 1. Section **36-1-201.1** is enacted to read:

**36-1-201.1. Definitions.**

As used in this section:

(1) "Census block" means any one of the 115, 406 individual geographic areas into which the Bureau of the Census of the United States Department of Commerce has divided the state of Utah, to each of which the Bureau of the Census has attached a discrete population tabulation from the 2010 decennial census.

(2) "House block assignment file" means the electronic file that assigns each of Utah's 115, 406 census blocks to a particular Utah House district.

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Section 2. Section **36-1-201.5** is enacted to read:

### **36-1-201.5. Utah House of Representatives -- House district boundaries.**

(1) The Utah House of Representatives shall consist of 75 members, with one member to be elected from each Utah House of Representative district.

(2) 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 2010 national decennial census as the official data for establishing House district boundaries.

(3) (a) The Legislature enacts the numbers and boundaries of the House districts designated by the House block assignment file that is the electronic component of the bill that enacts this section.

(b) That House block assignment file, and the legislative boundaries generated from that block assignment file, may be accessed via the Utah Legislature's website.

Section 3. Section **36-1-202** is amended to read:

### **36-1-202. House districts -- Filing -- Legal boundaries.**

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

(b) [~~Except as provided in Subsection (2), the~~] The legal boundaries of House districts are contained in the [~~official maps~~] House block assignment file on file with the lieutenant governor's office.

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

~~[(b) The following census blocks from the 2000 census are removed from House District 27 and placed into House District 57: Census Tract 010205, Blocks 1000, 1001, 3001, 3003, and 3004.]~~

~~[(3) When questions of interpretation of House 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 House district boundaries.]~~

~~[(4) Maps identifying the boundaries for House districts may be viewed on the Internet~~

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at the lieutenant governor's website.]

(2) (a) The lieutenant governor shall:

(i) generate maps of each House district from the House block assignment file; and

(ii) ensure that those maps are available for viewing on the lieutenant governor's website.

(b) If there is any inconsistency between the maps and the House block assignment file, the House block assignment file is controlling.

Section 4. Section **36-1-202.2** is amended to read:

### **36-1-202.2. County clerk, Automated Geographic Reference Center, and lieutenant governor responsibilities -- Maps and voting precinct boundaries.**

(1) Each county clerk shall obtain [~~copies of the official maps~~] a copy of the House block assignment file for the clerk's county from the lieutenant governor's office.

(2) (a) A county clerk may create one or more county maps that identify the boundaries of House districts as [~~shown on the official maps~~] generated from the House block assignment file.

(b) Before publishing or distributing any map or data created by the county clerk that identifies the boundaries of House districts within the county, the clerk shall submit the county map and data to the lieutenant governor and to the Automated Geographic Reference Center for review.

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

(i) review the county map and data to evaluate if the county map and data accurately reflect the boundaries of House districts established by the Legislature in the [~~official maps~~] House block assignment file;

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

(iii) communicate those findings to the lieutenant governor.

(d) The lieutenant governor shall either notify the county clerk that the county map and data are correct or notify the county clerk that the county map and data are incorrect.

(e) If the county clerk receives notice from the lieutenant governor that the county map and data submitted are incorrect, the county clerk shall:

(i) make the corrections necessary to conform the county map and data to the [~~official~~

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~~maps]~~ House block assignment file; and

(ii) resubmit the corrected county map and data to the lieutenant governor and to the Automated Geographic Reference Center for a new review under this Subsection (2).

(3) (a) Subject to the requirements of this Subsection (3), each county clerk shall establish voting precincts and polling places within each House district according to the procedures and requirements of Section 20A-5-303.

(b) Within five working days after approval of voting precincts and polling places by the county legislative body as required by Section 20A-5-303, each county clerk shall submit a voting precinct map identifying the boundaries of each voting precinct within the county to the lieutenant governor and to the Automated Geographic Reference Center for review.

(c) Within 30 days after receipt of a voting precinct map from a county clerk, the Automated Geographic Reference Center shall:

(i) review the voting precinct map to evaluate if the county map accurately reflects the boundaries of House districts established by the Legislature in the [~~official maps]~~ House block assignment file;

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

(iii) communicate those findings to the lieutenant governor.

(d) The lieutenant governor shall either notify the county clerk that the voting precinct map is correct or notify the county clerk that the voting precinct map is incorrect.

(e) If the county clerk receives notice from the lieutenant governor that the voting precinct map is incorrect, the county clerk shall:

(i) make the corrections necessary to conform the voting precinct map to the [~~official maps]~~ House block assignment file; and

(ii) resubmit the corrected voting precinct map to the lieutenant governor and to the Automated Geographic Reference Center for a new review under this Subsection (3).

Section 5. Section **36-1-203** is amended to read:

### **36-1-203. Omissions from maps -- How resolved.**

(1) If any area of the state is omitted from a Utah House of Representatives district in the [~~maps]~~ House block assignment file enacted by the Legislature, the county clerk of the affected county, upon discovery of the omission, shall attach the area to the appropriate House district according to the requirements of Subsections (2) and (3).

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(2) If the omitted area is surrounded by a single House district, the county clerk shall attach the area [~~shall be attached~~] to that district.

(3) If the omitted area is contiguous to two or more House districts, the county clerk shall attach 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 the Census of the United States Department of Commerce developed in connection with the taking of the 2000-2010 national decennial census~~] described in Subsection 36-1-201.5(2).

(4) [~~Any attachment~~] The county clerk shall certify in writing and file with the lieutenant governor any attachment made under [~~Subsection (1) shall be certified in writing and filed with the lieutenant governor~~] this section.

Section 6. Section **36-1-204** is amended to read:

### **36-1-204. Uncertain boundaries -- How resolved.**

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

(a) a representative whose Utah House of Representatives district boundary is uncertain because the [~~identifying feature~~] boundary in the House block assignment file used to establish the House district boundary has been removed, modified, or is unable to be identified or who is uncertain about whether or not [~~he~~] the representative or another person resides in a particular House district;

(b) a candidate for representative whose House district boundary is uncertain because the [~~identifying feature~~] boundary in the House block assignment file 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~~] the candidate or another person resides in a particular House district;  
or

(c) a person who is uncertain about which House district contains the person's residence because the [~~identifying feature~~] boundary in the House block assignment file used to establish the House 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 House district boundary;
- (ii) the number of the House district in which a person resides; or
- (iii) both Subsections (2)(a)(i) and (ii).

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(b) In order to make the determination required by Subsection (2)(a), the lieutenant governor shall review the [~~official maps~~] House block assignment file 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~~] House block assignment file, obtain and review any relevant data, and make a determination.

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

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

(ii) send a copy of the certification to:

(A) the affected party;

(B) the county clerk of the affected county; and

(C) the Automated Geographic Reference Center created under Section 63F-1-506.

(e) If the lieutenant governor determines the number of the House 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 House district number was identified; and

(iii) the county clerk of the affected county.

### Section 7. **Repealer.**

This bill repeals:

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

### Section 8. **Effective date.**

This bill takes effect on January 1, 2012, for purposes of nominating and electing certain members of the Utah State House and on January 1, 2013, for all other purposes.