

**UTAH STATE SENATE BOUNDARIES AND ELECTION****DESIGNATION**

2011 THIRD SPECIAL SESSION

STATE OF UTAH

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**LONG TITLE****Redistricting Boundary Information:**

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

Block assignment file security code: \_\_\_\_\_

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ repeals current Utah State Senate district boundaries and establishes new Utah State Senate district boundaries;
- ▶ establishes election dates for each Utah State Senate district to ensure that Senate terms are staggered;
- ▶ establishes the block assignment file, which is part of this bill in electronic form, as the legal boundaries of Utah State Senate 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 certain members of the Utah State Senate and on January 1, 2013 for all other purposes.

**Utah Code Sections Affected:**

AMENDS:

**36-1-102**, as enacted by Laws of Utah 2001, Second Special Session, Chapter 5

**36-1-103**, as last amended by Laws of Utah 2011, Chapter 74

32           **36-1-103.2**, as enacted by Laws of Utah 2011, Chapter 74

33           **36-1-104**, as enacted by Laws of Utah 2001, Second Special Session, Chapter 5

34           **36-1-105**, as last amended by Laws of Utah 2005, Chapter 169

35 ENACTS:

36           **36-1-101.1**, Utah Code Annotated 1953

37           **36-1-101.5**, Utah Code Annotated 1953

38 REPEALS:

39           **36-1-101**, as last amended by Laws of Utah 2011, Chapter 74

40

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

42           Section 1. Section **36-1-101.1** is enacted to read:

43           **36-1-101.1. Definitions.**

44           As used in this Section:

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

49           (2) "Senate block assignment file" means the electronic file that assigns each of Utah's  
50 115, 406 census blocks to a particular Utah State Senate district.

51           Section 2. Section **36-1-101.5** is enacted to read:

52           **36-1-101.5. Utah State Senate -- District boundaries.**

53           (1) The Utah State Senate shall consist of 29 members, with one member to be elected  
54 from each Utah State Senate district.

55           (2) The Legislature adopts the official census population figures and maps of the  
56 Bureau of the Census of the United States Department of Commerce developed in connection  
57 with the taking of the 2010 national decennial census as the official data for establishing Senate  
58 district boundaries.

59           (3) (a) The Legislature enacts the numbers and boundaries of the Senate districts  
60 designated in the Senate block assignment file that is the electronic component of the bill that  
61 enacts this section.

62           (b) That Senate block assignment file, and the Senate district boundaries generated

63 from that Senate block assignment file, may be accessed via the Utah Legislature's website.

64 Section 3. Section **36-1-102** is amended to read:

65 **36-1-102. Election of senators -- Staggered terms.**

66 (1) Unless otherwise provided by law, each senator elected from Senate Districts [~~1, 6,~~  
67 ~~8, 10, 13, 14, 16, 19, 20, 23, 24, 25, 27, and 29~~] 2, 3, 5, 9, 11, 12, 15, 17, 18, 21, 22, and 26 at  
68 the [~~2000~~] 2010 General Election shall serve out the term of office for which he or she was  
69 elected and shall represent the realigned district if he or she resides in that district.

70 (2) At the general election to be held in [~~2002~~] 2012, senators elected from Senate  
71 Districts [~~2, 3, 4, 5, 7, 9, 11, 12, 15, 17, 18, 21, 22, 26, and 28~~] 1, 6, 7, 8, 10, 13, 14, 16, 19, 20,  
72 23, 24, 25, 27, and 29 shall be elected to serve a term of office of four years.

73 (3) (a) Because the Senator from Senate District 28 was appointed to fill a mid-term  
74 vacancy that occurred more than two years before the next regular general election, Subsection  
75 20A-1-503(3) requires that the vacancy be filled for the unexpired term at the next general  
76 election.

77 (b) Consequently:

78 (i) at the general election to be held in 2012, the Senator elected from Senate District  
79 28 shall be elected to serve a term of office of two years; and

80 (ii) at the general election to be held in 2014, the Senator elected from Senate District  
81 28 shall be elected to serve a term of office of four years.

82 (4) (a) If one of the incumbent Senators from new Senate District 4 files written notice  
83 with the lieutenant governor by close of business on January 3, 2012 that the Senator will not  
84 seek election to the Senate from that Senate District 4, that incumbent Senator may serve until  
85 January 1, 2013 and the other incumbent Senator from District 4 shall serve out the term for  
86 which the member was elected, which is until January 1, 2015.

87 (b) (i) If one of the incumbent Senators in Senate District 4 does not file the written  
88 notice authorized by Subsection (4)(a), the lieutenant governor shall designate Senate District 4  
89 as an office to be filled in the 2012 regular general election in the notice of election required by  
90 Section 20A-5-101.

91 (ii) If the Subsection (4)(b)(i) contingency occurs:

92 (A) the Senator elected from Senate District 4 at the 2012 regular general election shall  
93 be elected to serve a term of office of two years; and

94 (B) the Senator elected from Senate District 4 at the 2014 regular general election shall  
95 be elected to serve a term of office of four years.

96 Section 4. Section **36-1-103** is amended to read:

97 **36-1-103. Senate districts -- Copies -- Legal boundaries.**

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

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

104 [~~(2)(a) Because of the new county boundary separating Salt Lake County and Utah~~  
105 ~~County, the boundary separating Senate District 9 and Senate District 11 that followed the old~~  
106 ~~county boundary is changed to follow the new county boundary eastward from the~~  
107 ~~southwestern intersection to the point where the existing boundary of Senate District 9 turns~~  
108 ~~north from the old county boundary.~~]

109 [~~(b) The following census blocks from the 2000 census are removed from Senate~~  
110 ~~District 11 and placed into Senate District 14: Census Tract 010205, Blocks 1000, 1001, 3001,~~  
111 ~~3003, and 3004.~~]

112 [~~(3) When questions of interpretation of Senate district boundaries arise, the official~~  
113 ~~maps on file in the lieutenant governor's office shall serve as the indication of the legislative~~  
114 ~~intent in drawing the Senate district boundaries.~~]

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

117 (2) (a) The lieutenant governor shall:

118 (i) generate maps of each Utah State Senate district from the Senate block assignment  
119 file; and

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

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

124 Section 5. Section **36-1-103.2** is amended to read:

125           **36-1-103.2. County clerk, Automated Geographic Reference Center, and**  
126 **lieutenant governor responsibilities -- Maps and voting precinct boundaries.**

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

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

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

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

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

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

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

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

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

147           (i) make the corrections necessary to conform the county map and data to the [~~official~~  
148 ~~maps~~] Senate block assignment file; and

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

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

154           (b) Within five working days after approval of voting precincts and polling places by  
155 the county legislative body as required by Section 20A-5-303, each county clerk shall submit a

156 voting precinct map identifying the boundaries of each voting precinct within the county to the  
 157 lieutenant governor and to the Automated Geographic Reference Center for review.

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

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

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

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

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

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

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

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

173 Section 6. Section **36-1-104** is amended to read:

174 **36-1-104. Omissions from maps -- How resolved.**

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

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

181 (3) If the omitted area is contiguous to two or more Senate districts, the the county  
 182 clerk shall attach the area [~~shall be attached~~] to the district that has the least population, as  
 183 determined by the official census population figures and maps [~~of the Bureau of the Census of~~  
 184 ~~the United States Department of Commerce developed in connection with the taking of the~~  
 185 ~~2000-2010 national decennial census~~] described in Subsection 36-1-101.5(2).

186 (4) [~~Any attachment~~] The county clerk shall certify in writing and file with the

187 lieutenant governor any attachment made under [~~Subsection (1) shall be certified in writing and~~  
188 ~~filed with the lieutenant governor]~~ this section.

189 Section 7. Section **36-1-105** is amended to read:

190 **36-1-105. Uncertain boundaries -- How resolved.**

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

192 (a) a senator whose Utah State Senate district boundary is uncertain because the  
193 [~~identifying feature~~] boundary in the Senate block assignment file used to establish the Senate  
194 district boundary has been removed, modified, or is unable to be identified or who is uncertain  
195 about whether or not [~~he~~] the Senator or another person resides in a particular Senate district;

196 (b) a candidate for senator whose Senate district boundary is uncertain because the  
197 [~~identifying feature~~] boundary in the Senate block assignment file used to establish the Senate  
198 district boundary has been removed, modified, or is unable to be identified or who is uncertain  
199 about whether or not [~~he~~] the candidate or another person resides in a particular Senate district;

200 or

201 (c) a person who is uncertain about which Senate district contains the person's  
202 residence because the [~~identifying feature~~] boundary in the Senate block assignment file used to  
203 establish the Senate district boundary has been removed, modified, or is unable to be identified.

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

206 (i) the precise location of the Senate district boundary;

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

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

209 (b) In order to make the determination required by Subsection (2)(a), the lieutenant  
210 governor shall review the [~~official maps~~] Senate block assignment file and obtain and review  
211 other relevant data such as [~~census block and tract descriptions,~~] aerial photographs, aerial  
212 maps, or other data about the area.

213 (c) Within five days of receipt of the request, the lieutenant governor shall review the  
214 [~~maps~~] Senate block assignment file, obtain and review any relevant data, and make a  
215 determination.

216 (d) When the lieutenant governor determines the location of the Senate district  
217 boundary, the lieutenant governor shall:

- 218 (i) prepare a certification identifying the appropriate Senate district boundary and  
219 attaching a map, if necessary; and
- 220 (ii) send a copy of the certification to:
- 221 (A) the affected party;
- 222 (B) the county clerk of the affected county; and
- 223 (C) the Automated Geographic Reference Center created under Section 63F-1-506.
- 224 (e) If the lieutenant governor determines the number of the Senate district in which a  
225 particular person resides, the lieutenant governor shall send a letter identifying that district by  
226 number to:
- 227 (i) the person;
- 228 (ii) the affected party who filed the petition, if different than the person whose Senate  
229 district number was identified; and
- 230 (iii) the county clerk of the affected county.

231 Section 8. **Repealer.**

232 This bill repeals:

233 Section **36-1-101, Utah State Senate -- District boundaries.**

234 Section 9. **Effective date.**

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