

1 **STATE BOARD OF EDUCATION BOUNDARIES AND**
2 **ELECTION DESIGNATION**
3 2021 SECOND SPECIAL SESSION
4 STATE OF UTAH

5
6 **LONG TITLE**

7 **Redistricting Boundary Information:**

8 The Utah State Board of Education district boundary information may be found at
9 <https://le.utah.gov>.

10 Block assignment file: ***FILE NAME***

11 Block assignment file security code: ***HASH CODE***

12 **General Description:**

13 This bill, which includes this printed text and the electronic data affiliated with the text
14 that is available on the Legislature's website and also included in the accompanying
15 electronic storage device, establishes new Utah State Board of Education district
16 boundaries.

17 **Highlighted Provisions:**

18 This bill:

- 19 ▶ repeals current Utah State Board of Education district boundaries and establishes
20 new Utah State Board of Education district boundaries;
- 21 ▶ establishes election dates for Utah State Board of Education districts to ensure that
22 Utah State Board of Education terms are staggered;
- 23 ▶ establishes the block assignment file, which is part of this bill in electronic form, as
24 the legal boundaries of Utah State Board of Education districts; and
- 25 ▶ makes technical and conforming changes.

26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 This bill provides a special effective date.

30 This bill provides revisor instructions.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **20A-14-101.1**, as last amended by Laws of Utah 2013, Chapter 455

34 **20A-14-101.5**, as last amended by Laws of Utah 2021, Chapter 345

35 **20A-14-102**, as last amended by Laws of Utah 2013, Chapter 455

36 **20A-14-102.1**, as last amended by Laws of Utah 2018, Chapter 330

37 **20A-14-102.2**, as last amended by Laws of Utah 2021, Chapters 162 and 345

38 **20A-14-102.3**, as last amended by Laws of Utah 2021, Chapter 162

39 **20A-14-103**, as last amended by Laws of Utah 2018, Chapter 19

40 **Utah Code Sections Affected by Revisor Instructions:**

41 **20A-14-101.5**, as last amended by Laws of Utah 2021, Chapter 345

42 **20A-14-103**, as last amended by Laws of Utah 2018, Chapter 19

43

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

45 Section 1. Section **20A-14-101.1** is amended to read:

46 **20A-14-101.1. Definitions.**

47 As used in this part:

48 (1) "Board" means the State Board of Education.

49 (2) "Board block assignment file" means the electronic file designated as ***FILE

50 NAME*** that assigns each of Utah's [~~115,406~~] 71,207 census blocks to a particular State

51 Board of Education district.

52 (3) "Board shapefile" means the electronic shapefile that:

53 (a) is the resulting projection of the Board block assignment file; and

54 (b) stores the boundary of each of the 15 State Board of Education districts.

55 (4) "Census block" means any one of the [~~115,406~~] 71,207 individual geographic areas

56 into which the Bureau of the Census of the United States Department of Commerce has divided

57 the state of Utah, to each of which the Bureau of the Census has attached a discrete population

58 tabulation from the [~~2010~~] 2020 decennial census.

59 (5) "Shapefile" means the digital vector storage format for storing geometric location

60 and associated attribute information.

61 Section 2. Section **20A-14-101.5** is amended to read:

62 **20A-14-101.5. State Board of Education -- Number of members -- State Board of**

63 **Education district boundaries.**64 ~~[(1) As used in this section:]~~65 ~~[(a) "County boundary" means the county boundary's location in the database as of~~
66 ~~January 1, 2010.]~~67 ~~[(b) "Database" means the State Geographic Information Database created in Section~~
68 ~~63A-16-506.]~~69 ~~[(c) "Local school district boundary" means the local school district boundary's~~
70 ~~location in the database as of January 1, 2010.]~~71 ~~[(d) "Municipal boundary" means the municipal boundary's location in the database as~~
72 ~~of January 1, 2010.]~~73 ~~[(2)]~~ (1) The State Board of Education shall consist of 15 members, with one member
74 to be elected from each State Board of Education district.75 ~~[(3)]~~ (2) The Legislature adopts the official census population figures and maps of the
76 Bureau of the Census of the United States Department of Commerce developed in connection
77 with the taking of the ~~[2010]~~ 2020 national decennial census as the official data for establishing
78 State Board of Education district boundaries.79 ~~[(4)]~~ (3) (a) Notwithstanding Subsection ~~[(3)]~~ (2), the Legislature enacts the district
80 numbers and boundaries of the State Board of Education districts designated in the Board block
81 assignment file and resulting Board shapefile that is the electronic component of ~~[the bill that~~
82 ~~enacts this section.]~~ this bill:83 (i) for purposes of nominating and electing certain members of the State Board of
84 Education beginning January 1, 2022; and85 (ii) for all other purposes beginning January 1, 2023.86 (b) ~~[That]~~ The Legislature shall ensure that the Board shapefile, and the State Board of
87 Education district boundaries generated from [that] the Board shapefile, [may be accessed via]
88 are accessible on the Utah Legislature's website.89 Section 3. Section **20A-14-102** is amended to read:90 **20A-14-102. State Board of Education districts -- Filing -- Legal boundaries.**91 (1) (a) The Legislature shall file a copy of the Board ~~[shapefile]~~ block assignment file
92 enacted by the Legislature and the resulting Board shapefile with the lieutenant governor's
93 office.

94 (b) The legal boundaries of State Board of Education districts are contained in the
95 Board shapefile on file with the lieutenant governor's office.

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

97 (i) verify the Board block assignment file that the Legislature files under Subsection (1)
98 using ***HASH CODE*** and the resulting Board shapefile;

99 [(+)] (ii) generate maps of each State Board of Education district from the Board
100 shapefile; and

101 [(+)] (iii) ensure that [~~those~~] the district maps are available for viewing on the
102 lieutenant governor's website.

103 (b) If there is any inconsistency between the district maps and the Board shapefile
104 resulting from the Board block assignment file, the Board shapefile is controlling.

105 Section 4. Section **20A-14-102.1** is amended to read:

106 **20A-14-102.1. Omissions from maps -- How resolved.**

107 (1) If any area of the state is omitted from a State Board of Education district in the
108 Board shapefile [~~enacted by the Legislature~~] in the possession of the lieutenant governor's
109 office, the county clerk of the affected county, upon discovery of the omission, shall attach the
110 area to the appropriate State Board of Education district according to the requirements of
111 Subsections (2) and (3).

112 (2) If the omitted area is surrounded by a single State Board of Education district, the
113 county clerk shall attach the area to that district.

114 (3) If the omitted area is contiguous to two or more State Board of Education districts,
115 the county clerk shall attach the area to the district that has the least population, as determined
116 by the Utah Population Committee.

117 (4) The county clerk shall certify in writing and file with the lieutenant governor any
118 attachment made under this section.

119 Section 5. Section **20A-14-102.2** is amended to read:

120 **20A-14-102.2. Uncertain boundaries -- How resolved.**

121 (1) As used in this section:

122 (a) "Affected party" means:

123 (i) a state school board member whose State Board of Education district boundary is
124 uncertain because the feature used to establish the district boundary in the Board shapefile has

125 been removed, modified, or is unable to be identified or who is uncertain about whether the
126 member or another individual resides in a particular State Board of Education district;

127 (ii) a candidate for state school board whose State Board of Education district
128 boundary is uncertain because the feature used to establish the district boundary in the Board
129 shapefile has been removed, modified, or is unable to be identified or who is uncertain about
130 whether the candidate or another individual resides in a particular State Board of Education
131 district; or

132 (iii) an individual who is uncertain about which State Board of Education district
133 contains the individual's residence because the feature used to establish the district boundary in
134 the Board shapefile has been removed, modified, or is unable to be identified.

135 (b) "Feature" means a geographic or other tangible or intangible mark such as a road or
136 political subdivision boundary that is used to establish a State Board of Education district
137 boundary.

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

140 (i) the precise location of the State Board of Education district boundary;
141 (ii) the number of the State Board of Education district in which an individual resides;

142 or

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

144 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
145 governor shall review:

146 (i) the Board block assignment file and the resulting Board shapefile; and

147 (ii) any other relevant data such as aerial photographs, aerial maps, or other data about
148 the area.

149 (c) Within five days of receipt of the request, the lieutenant governor shall:

150 (i) complete the review [the Board block shapefile] described in Subsection (2)(b); and
151 ~~[(ii) review any relevant data; and]~~

152 ~~[(iii)]~~ (ii) make a determination.

153 (d) If the lieutenant governor determines the precise location of the State Board of
154 Education district boundary, the lieutenant governor shall:

155 (i) prepare a certification identifying the appropriate State Board of Education district

156 boundary and attaching a map, if necessary; and

157 (ii) send a copy of the certification to:

158 (A) the affected party;

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

160 (C) the Utah Geospatial Resource Center created under Section 63A-16-505.

161 (e) If the lieutenant governor determines the number of the State Board of Education

162 district in which a particular individual resides, the lieutenant governor shall send a letter

163 identifying that district by number to:

164 (i) the individual;

165 (ii) the affected party who filed the petition, if different than the individual whose State

166 Board of Education district number was identified; and

167 (iii) the county clerk of the affected county.

168 Section 6. Section **20A-14-102.3** is amended to read:

169 **20A-14-102.3. County clerk, Utah Geospatial Resource Center, and lieutenant**
170 **governor responsibilities -- Maps and voting precinct boundaries.**

171 (1) As used in this section, "redistricting boundary data" means the Board shapefile in
172 the possession of the lieutenant governor's office.

173 (2) Each county clerk shall obtain a copy of the redistricting boundary data for the
174 clerk's county from the lieutenant governor's office.

175 (3) (a) A county clerk may create one or more county maps that identify the boundaries
176 of State Board of Education districts as generated from the redistricting boundary data.

177 (b) Before publishing or distributing any map or data created by the county clerk that
178 identifies the boundaries of State Board of Education districts within the county, the clerk shall
179 submit the county map and data to the lieutenant governor and to the Utah Geospatial Resource
180 Center for review.

181 (c) Within 30 days after receipt of a county map and data from a county clerk, the Utah
182 Geospatial Resource Center shall:

183 (i) review the county map and data to evaluate if the county map and data accurately
184 reflect the boundaries of State Board of Education districts established by the Legislature in the
185 redistricting boundary data;

186 (ii) determine whether the county map and data are 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 county map and
189 data are correct or inform the county clerk that the county map and data are incorrect.

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

192 (i) make the corrections necessary to conform the county map and data to the
193 redistricting boundary data; and

194 (ii) resubmit the corrected county map and data to the lieutenant governor for a new
195 review under this Subsection (3).

196 (4) (a) Subject to the requirements of this Subsection (4), each county clerk shall
197 establish voting precincts and polling places within each State Board of Education district
198 according to the procedures and requirements of Section 20A-5-303.

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

203 (c) Within 30 days after receipt of a voting precinct map from a county clerk, the Utah
204 Geospatial Resource Center shall:

205 (i) review the voting precinct map to evaluate if the voting precinct map accurately
206 reflects the boundaries of State Board of Education districts established by the Legislature in
207 the redistricting boundary data;

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

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

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

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

214 (i) make the corrections necessary to conform the voting precinct map to the
215 redistricting boundary data; and

216 (ii) resubmit the corrected voting precinct map to the lieutenant governor and to the
217 Utah Geospatial Resource Center for a new review under this Subsection (4).

218 Section 7. Section **20A-14-103** is amended to read:

219 **20A-14-103. State Board of Education members -- Term -- Requirements.**

220 (1) Unless otherwise provided by law[; ~~each State Board of Education member elected~~
221 ~~from a State Board of Education district at a nonpartisan election shall serve out the term of~~
222 ~~office for which that member was elected.~~] and except as provided in Subsection (2):

223 (a) voters in the following districts shall elect a State Board of Education member for a
224 term of four years:

225 (i) at the 2022 General Election, State Board of Education Districts 1, 2, 4, 5, 8, 9, and
226 14; and

227 (ii) at the 2024 General Election, State Board of Education Districts 3, 6, 7, 10, 11, 12,
228 13, and 15; and

229 (b) a State Board of Education member representing a district described in Subsection
230 (1)(a)(ii) on the effective date of this bill shall represent the realigned district, if the State Board
231 of Education member resides in the realigned district, for a term of office that ends January 6,
232 2025.

233 (2) (a) (i) If one of the incumbent State Board of Education members from new District
234 6 files written notice with the lieutenant governor by close of business on January 3, 2022, that
235 the member will not seek election to the State Board of Education from District 6:

236 (A) the filing incumbent member may serve until January 3, 2023 in representation of
237 the district to which the member was elected at the 2020 General Election; and

238 (B) the other incumbent member from new District 6 shall serve out the term for which
239 the member was elected, in representation of new District 6, which is until January 6, 2025.

240 (ii) If neither or both incumbent State Board of Education members in new District 6
241 file the written notice described in Subsection (2)(a)(i):

242 (A) the incumbent members may serve until January 3, 2023, in representation of the
243 district to which the members were elected at the 2020 General Election;

244 (B) the lieutenant governor shall designate new District 6 as an office to be filled in the
245 2022 General Election in the notice of election required by Section 20A-5-101;

246 (C) the State Board of Education member elected from new District 6 at the 2022
247 General Election shall be elected to serve a term of office of two years; and

248 (D) the State Board of Education member elected from new District 6 at the 2024

249 General Election shall be elected to serve a term of office of four years.

250 (b) (i) If the incumbent State Board of Education member from new District 11 who
251 was elected at the 2020 General Election files written notice with the lieutenant governor by
252 close of business on January 3, 2022, that the member will not seek election to the State Board
253 of Education from District 11:

254 (A) the lieutenant governor shall designate new District 11 as an office to be filled in
255 the 2022 General Election in the notice of election that Section 20A-5-101 requires;

256 (B) the State Board of Education member elected from new District 11 at the 2022
257 General Election shall be elected to serve a term of office of two years; and

258 (C) the State Board of Education member elected from new District 11 at the 2024
259 General Election shall be elected to serve a term of office of four years.

260 (ii) If the incumbent State Board of Education member from new District 11 who was
261 elected at the 2018 General Election files written notice with the lieutenant governor by close
262 of business on January 3, 2022, that the member will not seek election to the State Board of
263 Education from District 11:

264 (A) the filing incumbent member may serve until January 3, 2023, in representation of
265 the district to which the member was elected at the 2018 General Election; and

266 (B) the other incumbent member from new District 11 shall serve out the term for
267 which the member was elected, in representation of new District 11, which is until January 6,
268 2025.

269 (iii) If neither or both incumbent State Board of Education members in new District 11
270 file the written notices described in Subsections (2)(b)(i) and (ii):

271 (A) the lieutenant governor shall designate new District 11 as an office to be filled in
272 the 2022 General Election in the notice of election required by Section 20A-5-101;

273 (B) the State Board of Education member elected from new District 11 at the 2022
274 General Election shall be elected to serve a term of office of two years; and

275 (C) the State Board of Education member elected from new District 11 at the 2024
276 General Election shall be elected to serve a term of office of four years.

277 ~~(2)~~ (3) (a) A person seeking election to the State Board of Education shall have been
278 a resident of the State Board of Education district in which the person is seeking election for at
279 least one year as of the date of the election.

280 (b) A person who has resided within the State Board of Education district, as the
281 boundaries of the district exist on the date of the election, for one year immediately preceding
282 the date of the election shall be considered to have met the requirements of this Subsection
283 [~~(2)~~] (3).

284 [~~(3)~~] (4) A State Board of Education member shall:

285 (a) be and remain a registered voter in the State Board of Education district from which
286 the member was elected or appointed; and

287 (b) maintain the member's primary residence within the State Board of Education
288 district from which the member was elected or appointed during the member's term of office.

289 [~~(4)~~] (5) A State Board of Education member may not, during the member's term of
290 office, also serve as an employee of the State Board of Education.

291 Section 8. **Effective date.**

292 If approved by two-thirds of all the members elected to each house, this bill takes effect
293 upon approval by the governor, or the day following the constitutional time limit of Utah
294 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
295 the date of veto override.

296 Section 9. **Revisor instructions.**

297 The Legislature intends that the Office of Legislative Research and General Counsel, in
298 preparing the Utah Code database for publication, replace the following references:

299 (1) in Section 20A-14-101.5, from "this bill" to the bill's designated chapter number in
300 the Laws of Utah; and

301 (2) in Section 20A-14-103, from "the effective date of this bill" to the bill's actual
302 effective date.