

UTAH STATE SENATE BOUNDARIES AND ELECTION**DESIGNATION**

2021 SECOND SPECIAL SESSION

STATE OF UTAH

LONG TITLE**Redistricting Boundary Information:**

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

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

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

General Description:

This bill, which includes this printed text and the electronic data affiliated with this text that is available on the Legislature's website and also included in the accompanying electronic storage device, establishes new Utah State Senate district boundaries and election designations.

Highlighted Provisions:

This bill:

- ▶ repeals current Utah State Senate boundaries and establishes new Utah State Senate boundaries;
- ▶ designates the election year for each Utah State Senate district;
- ▶ establishes the block assignment file that is part of this bill in electronic form as the legal boundaries of the Utah State Senate districts;
- ▶ provides a hash code to verify the authenticity of the block assignment file; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides revisor instructions.

Utah Code Sections Affected:

32 AMENDS:

33 **36-1-101.1**, as last amended by Laws of Utah 2013, Chapter 454

34 **36-1-101.5**, as last amended by Laws of Utah 2021, Chapter 345

35 **36-1-102**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 7

36 **36-1-103**, as last amended by Laws of Utah 2013, Chapter 454

37 **36-1-103.2**, as last amended by Laws of Utah 2021, Chapter 162

38 **36-1-104**, as last amended by Laws of Utah 2018, Chapter 330

39 **36-1-105**, as last amended by Laws of Utah 2021, Chapters 162 and 345

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

41 **36-1-101.5**, as last amended by Laws of Utah 2021, Chapter 345

42 **36-1-102**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 7

43

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

45 Section 1. Section **36-1-101.1** is amended to read:

46 **36-1-101.1. Definitions.**

47 As used in this part:

48 (1) "Census block" means any one of the [~~115,406~~] 71,207 individual geographic areas
49 into which the Bureau of the Census of the United States Department of Commerce has divided
50 the state of Utah, to each of which the Bureau of the Census has attached a discrete population
51 tabulation from the [~~2010~~] 2020 decennial census.

52 (2) "Senate block assignment file" means the electronic file designated as ***FILE
53 NAME*** that assigns each of Utah's [~~115,406~~] 71,207 census blocks to a particular Utah
54 State Senate district.

55 (3) "Senate shapefile" means the electronic shapefile that:

56 (a) is the resulting projection of the Senate block assignment file; and

57 (b) stores the boundary of each of the 29 Utah State Senate districts.

58 (4) "Shapefile" means the digital vector storage format for storing geometric location
59 and associated attribute information.

60 Section 2. Section **36-1-101.5** is amended to read:

61 **36-1-101.5. Utah State Senate -- District boundaries.**

62 [~~(1) As used in this section:~~]

63 ~~[(a) "County boundary" means the county boundary's location in the database as of~~
 64 ~~January 1, 2010.]~~

65 ~~[(b) "Database" means the State Geographic Information Database created in Section~~
 66 ~~63A-16-506.]~~

67 ~~[(c) "Local school district boundary" means the local school district boundary's~~
 68 ~~location in the database as of January 1, 2010.]~~

69 ~~[(d) "Municipal boundary" means the municipal boundary's location in the database as~~
 70 ~~of January 1, 2010.]~~

71 ~~[(2)]~~ (1) The Utah State Senate shall consist of 29 members, with one member to be
 72 elected from each Utah State Senate district.

73 ~~[(3)]~~ (2) The Legislature adopts the official census population figures and maps of the
 74 Bureau of the Census of the United States Department of Commerce developed in connection
 75 with the taking of the ~~[2010]~~ 2020 national decennial census as the official data for establishing
 76 Senate district boundaries.

77 ~~[(4)]~~ (3) (a) ~~[Notwithstanding Subsection (3), the]~~ The Legislature enacts the district
 78 numbers and boundaries of the Senate districts designated in the Senate block assignment file
 79 and resulting Senate shapefile that is the electronic component of ~~[the bill that enacts this~~
 80 ~~section.]~~ this bill:

81 (i) for purposes of nominating and electing certain members of the Utah State Senate
 82 beginning January 1, 2022; and

83 (ii) for all other purposes beginning January 1, 2023.

84 (b) ~~[That]~~ The Legislature shall ensure that the Senate shapefile, and the Senate district
 85 boundaries generated from ~~[that]~~ the Senate shapefile, ~~[may be accessed via]~~ are accessible on
 86 the Utah Legislature's website.

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

88 **36-1-102. Election of senators -- Staggered terms.**

89 ~~[(1)]~~ Unless otherwise provided by law, ~~[each senator elected from]~~ and
 90 notwithstanding Subsection 20A-1-503(3):

91 (1) voters in the following districts shall elect a senator for a term of four years:

92 (a) at the 2022 General Election, Senate Districts 2, 3, 4, 5, 9, 11, 12, 14, 15, 17, 18,
 93 21, 22, [and] 26, and 28; and

94 (b) at the ~~[2010]~~ 2024 General Election [~~shall serve out the term of office for which he~~
95 ~~or she was elected~~], Senate Districts 1, 6, 7, 8, 10, 13, 15, 19, 20, 23, 24, 25, 27, and 29; and

96 (2) a senator representing a district described in Subsection (1)(b) on the effective date
97 of this bill shall represent the realigned district, if [he or she] the senator resides in [that] the
98 realigned district, for a term of office that ends January 1, 2025.

99 ~~[(2) At the general election to be held in 2012, senators elected from Senate Districts 1,~~
100 ~~6, 7, 8, 10, 13, 14, 16, 19, 20, 23, 24, 25, 27, and 29 shall be elected to serve a term of office of~~
101 ~~four years.]~~

102 ~~[(3)(a) Because the senator from Senate District 28 was appointed to fill a mid-term~~
103 ~~vacancy that occurred more than two years before the next regular general election, Subsection~~
104 ~~20A-1-503(3) requires that the vacancy be filled for the unexpired term at the next general~~
105 ~~election.]~~

106 ~~[(b) Consequently:]~~

107 ~~[(i) at the general election to be held in 2012, the senator elected from Senate District~~
108 ~~28 shall be elected to serve a term of office of two years; and]~~

109 ~~[(ii) at the general election to be held in 2014, the senator elected from Senate District~~
110 ~~28 shall be elected to serve a term of office of four years.]~~

111 ~~[(4)(a) If one of the incumbent senators from new Senate District 4 files written notice~~
112 ~~with the lieutenant governor by close of business on January 3, 2012, that the senator will not~~
113 ~~seek election to the Senate from that Senate District 4, that incumbent senator may serve until~~
114 ~~January 1, 2013, and the other incumbent senator from District 4 shall serve out the term for~~
115 ~~which the member was elected, which is until January 1, 2015.]~~

116 ~~[(b)(i) If one of the incumbent senators in Senate District 4 does not file the written~~
117 ~~notice authorized by Subsection (4)(a), the lieutenant governor shall designate Senate District 4~~
118 ~~as an office to be filled in the 2012 regular general election in the notice of election required by~~
119 ~~Section 20A-5-101.]~~

120 ~~[(ii) If the Subsection (4)(b)(i) contingency occurs:]~~

121 ~~[(A) the senator elected from Senate District 4 at the 2012 regular general election shall~~
122 ~~be elected to serve a term of office of two years; and]~~

123 ~~[(B) the senator elected from Senate District 4 at the 2014 regular general election shall~~
124 ~~be elected to serve a term of office of four years.]~~

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

126 **36-1-103. Senate districts -- Filing -- Legal boundaries.**

127 (1) (a) The Legislature shall file a copy of the Senate [~~shapefile~~] block assignment file
128 enacted by the Legislature and the resulting Senate shapefile with the lieutenant governor's
129 office.

130 (b) The legal boundaries of Senate districts are contained in the Senate shapefile on file
131 with the lieutenant governor's office.

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

133 (i) verify the Senate block assignment file that the Legislature filed under Subsection
134 (1) using ***HASH CODE*** and the resulting Senate shapefile;

135 [(~~ii~~)] (ii) generate maps of each Utah State Senate district from the Senate shapefile;
136 and

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

139 (b) If there is any inconsistency between the district maps and the Senate shapefile
140 resulting from the Senate block assignment file, the Senate shapefile is controlling.

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

142 **36-1-103.2. County clerk, Utah Geospatial Resource Center, and lieutenant**
143 **governor responsibilities -- Maps and voting precinct boundaries.**

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

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

148 (3) (a) A county clerk may create one or more county maps that identify the boundaries
149 of Senate districts as generated from the redistricting boundary data.

150 (b) Before publishing or distributing any map or data created by the county clerk that
151 identifies the boundaries of Senate districts within the county, the clerk shall submit the county
152 map and data to the lieutenant governor and to the Utah Geospatial Resource Center for
153 review.

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

156 (i) review the county map and data to evaluate if the county map and data accurately
157 reflect the boundaries of Senate districts established by the Legislature in the redistricting
158 boundary data;

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

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

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

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

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

167 (ii) resubmit the corrected county map and data to the lieutenant governor and to the
168 Utah Geospatial Resource Center for a new review under this Subsection (3).

169 (4) (a) Subject to the requirements of this Subsection (4), each county clerk shall
170 establish voting precincts and polling places within each Senate district according to the
171 procedures and requirements of Section 20A-5-303.

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

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

178 (i) review the voting precinct map to evaluate if the voting precinct map accurately
179 reflects the boundaries of Senate districts established by the Legislature in the redistricting
180 boundary data;

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

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

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

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

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

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

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

192 **36-1-104. Omissions from maps -- How resolved.**

193 (1) If any area of the state is omitted from a Utah State Senate district in the Senate
194 shapefile [~~enacted by the Legislature~~] in the possession of the lieutenant governor's office, the
195 county clerk of the affected county, upon discovery of the omission, shall attach the area to the
196 appropriate Senate district according to the requirements of Subsections (2) and (3).

197 (2) If the omitted area is surrounded by a single Senate district, the county clerk shall
198 attach the area to that district.

199 (3) If the omitted area is contiguous to two or more Senate districts, the county clerk
200 shall attach the area to the district that has the least population, as determined by the Utah
201 Population Committee.

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

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

205 **36-1-105. Uncertain boundaries -- How resolved.**

206 (1) As used in this section:

207 (a) "Affected party" means:

208 (i) a senator whose Utah State Senate district boundary is uncertain because the feature
209 used to establish the district boundary in the Senate shapefile has been removed, modified, or is
210 unable to be identified or who is uncertain about whether the senator or another individual
211 resides in a particular Senate district;

212 (ii) a candidate for senator whose Senate district boundary is uncertain because the
213 feature used to establish the district boundary in the Senate shapefile has been removed,
214 modified, or is unable to be identified or who is uncertain about whether the candidate or
215 another individual resides in a particular Senate district; or

216 (iii) an individual who is uncertain about which Senate district contains the individual's
217 residence because the feature used to establish the district boundary in the Senate shapefile has

218 been removed, modified, or is unable to be identified.

219 (b) "Feature" means a geographic or other tangible or intangible mark such as a road or
220 political subdivision boundary that is used to establish a Senate district boundary.

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

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

224 (ii) the number of the Senate district in which an individual resides; or

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

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

228 (i) the Senate block assignment file and the resulting Senate shapefile; and

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

231 (c) Within five days [~~of receipt of the request~~] after the day on which the lieutenant
232 governor receives the request described in Subsection (2)(a), the lieutenant governor shall:

233 [~~(i) review the Senate shapefile;~~]

234 [~~(ii) review any relevant data; and~~]

235 (i) complete the review described in Subsection (2)(b); and

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

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

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

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

242 (A) the affected party;

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

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

245 (e) If the lieutenant governor determines the number of the Senate district in which a
246 particular individual resides, the lieutenant governor shall send a letter identifying that district
247 by number to:

248 (i) the individual;

249 (ii) the affected party who filed the petition, if different than the individual whose
250 Senate district number was identified; and

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

252 Section 8. **Effective date.**

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

257 Section 9. **Revisor instructions.**

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

260 (1) in Section 36-1-101.5, from "this bill" to the bill's designated chapter number in the
261 Laws of Utah; and

262 (2) in Section 36-1-102, from "the effective date of this bill" to the bill's actual
263 effective date.