

STATE BOARD OF EDUCATION

REDISTRICTING PLAN

2001 SECOND SPECIAL SESSION

STATE OF UTAH

Sponsor: Gerry A. Adair

This act modifies statutory provisions governing State Board of Education districts. This act eliminates current boundaries and establishes new boundaries. This act establishes election dates for each district to ensure that state board terms are staggered. This act establishes certain maps as the legal boundaries of state board districts and establishes procedures for addressing omissions and uncertain boundaries. This act takes effect January 1, 2002 for purposes of nominating and electing members of the State Board of Education and January 1, 2003 for all other purposes.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

20A-14-102.1, Utah Code Annotated 1953

20A-14-102.2, Utah Code Annotated 1953

REPEALS AND REENACTS:

20A-14-101, as enacted by Chapter 1, Laws of Utah 1995

20A-14-102, as last amended by Chapter 10, Laws of Utah 1997

20A-14-103, as last amended by Chapter 132, Laws of Utah 1998

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

Section 1. Section **20A-14-101** is repealed and reenacted to read:

20A-14-101. State Board of Education -- Number of members -- District boundaries.

(1) The State Board of Education shall consist of 15 members, with one member to be elected from each State Board of Education district.

(2) (a) 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 2000 national decennial census as the official data for establishing state board district boundaries.

(b) The numbers and boundaries of the state board districts are designated and established by the maps attached to the bill that enacts this section.

Section 2. Section **20A-14-102** is repealed and reenacted to read:

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

(1) (a) The Legislature shall file copies of the official maps enacted by the Legislature with the lieutenant governor's office.

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

(2) When questions of interpretation of state board 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 state board district boundaries.

(3) (a) Each county clerk shall obtain copies of the official maps for the clerk's county from the lieutenant governor's office.

(b) Each county clerk shall establish voting precincts and polling places within each state board district according to the procedures and requirements of Section 20A-5-303.

(4) Maps identifying the boundaries for state board districts may be viewed on the Internet at the lieutenant governor's website.

Section 3. Section **20A-14-102.1** is enacted to read:

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

(1) If any area of the state is omitted from a State Board of Education district in the maps enacted by the Legislature, the county clerk of the affected county, upon discovery of the omission, shall attach the area to the appropriate state board district according to the requirements of Subsections (2) and (3).

(2) If the area is surrounded by a state board district, the area shall be attached to that district.

(3) If the area is contiguous to two districts, the area shall be attached to the district that has the least population.

(4) Any attachment made under Subsection (1) shall be certified in writing and filed with the lieutenant governor.

Section 4. Section **20A-14-102.2** is enacted to read:

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

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

(a) a state school board member whose state school board district boundary is uncertain because the identifying feature 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 or another person resides in a particular state board district;

(b) a candidate for state school board whose state board district boundary is uncertain because the identifying feature 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 or another person resides in a particular state board district; or

(c) a person who is uncertain about which state board district contains the person's residence because the identifying feature used to establish the 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 state board district boundary;

(ii) the number of the state board district in which a person resides; or

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

(b) In order to make the determination required by Subsection (2)(a), the lieutenant governor shall review the official maps and obtain and review other relevant data such as 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, obtain and review any relevant data, and make a determination.

(d) If the lieutenant governor determines the precise location of the state board district boundary, the lieutenant governor shall:

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

(ii) send a copy of the certification to the affected party and the county clerk of the affected county.

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

(iii) the county clerk of the affected county.

Section 5. Section **20A-14-103** is repealed and reenacted to read:

20A-14-103. State Board of Education members -- When elected -- Qualifications --

Avoiding conflicts of interest.

(1) (a) In 2002 and every four years thereafter, one member each shall be elected from new Districts 2, 3, 5, 6, 9, 10, 14, and 15 to serve a four-year term.

(b) In 2004 and every four years thereafter, one member each shall be elected from new Districts 4, 7, 8, 11, 12, and 13 to serve a four-year term.

(c) (i) Because of the combination of certain former districts, the state school board members elected from old Districts 2 and 4 who will reside in new District 1 may not serve out the term for which they were elected, but shall stand for election in 2002 for a term of office of four years from the realigned district in which each resides.

(ii) If one of the incumbent state school board members from new District 1 indicates in writing to the lieutenant governor that the school board member will not seek reelection, that incumbent state school board member may serve until January 1, 2003 and the other incumbent state school board member shall serve out the term for which the member was elected, which is until January 1, 2005.

(2) A member shall:

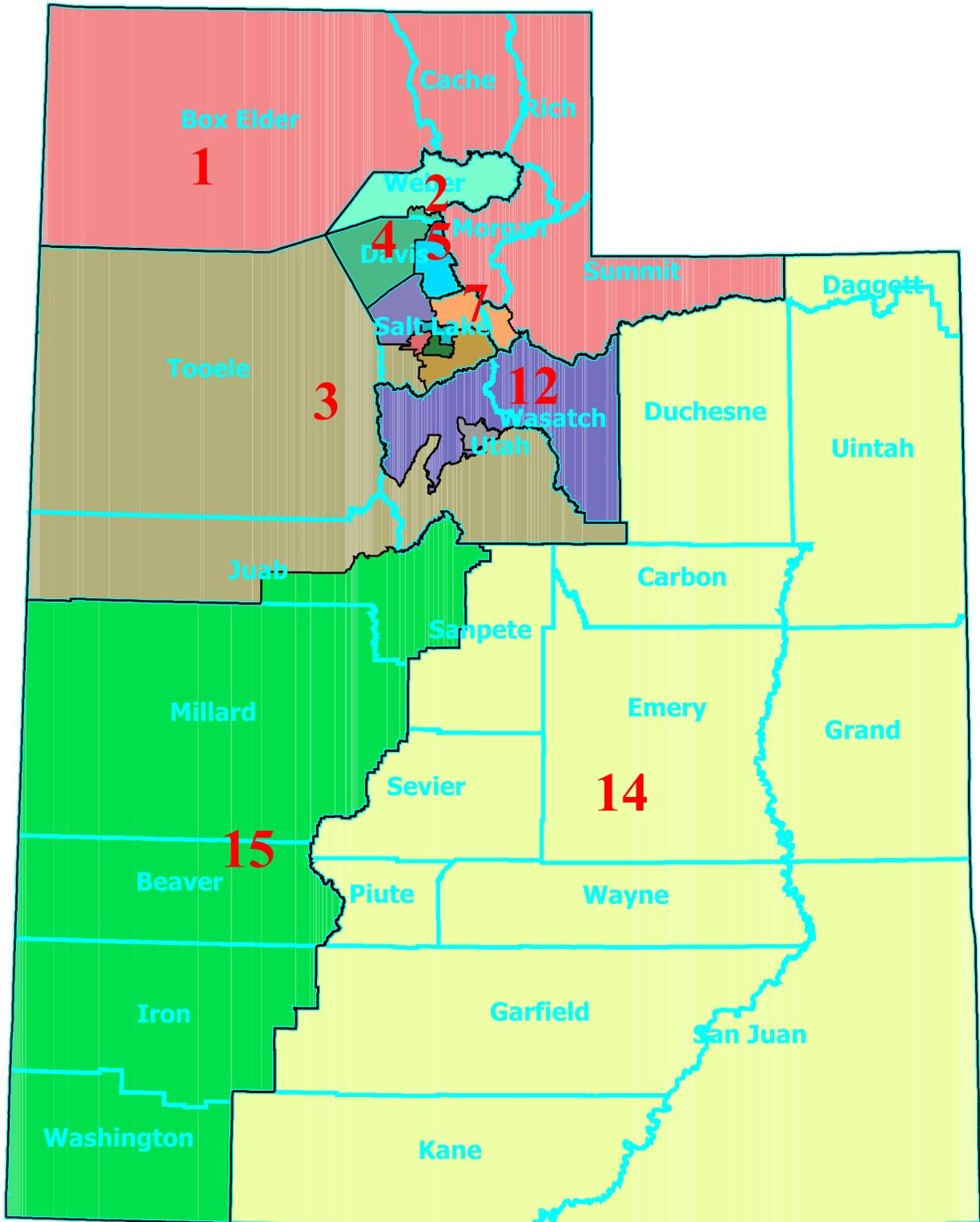
(a) be and remain a registered voter in the board district from which the member was elected or appointed; and

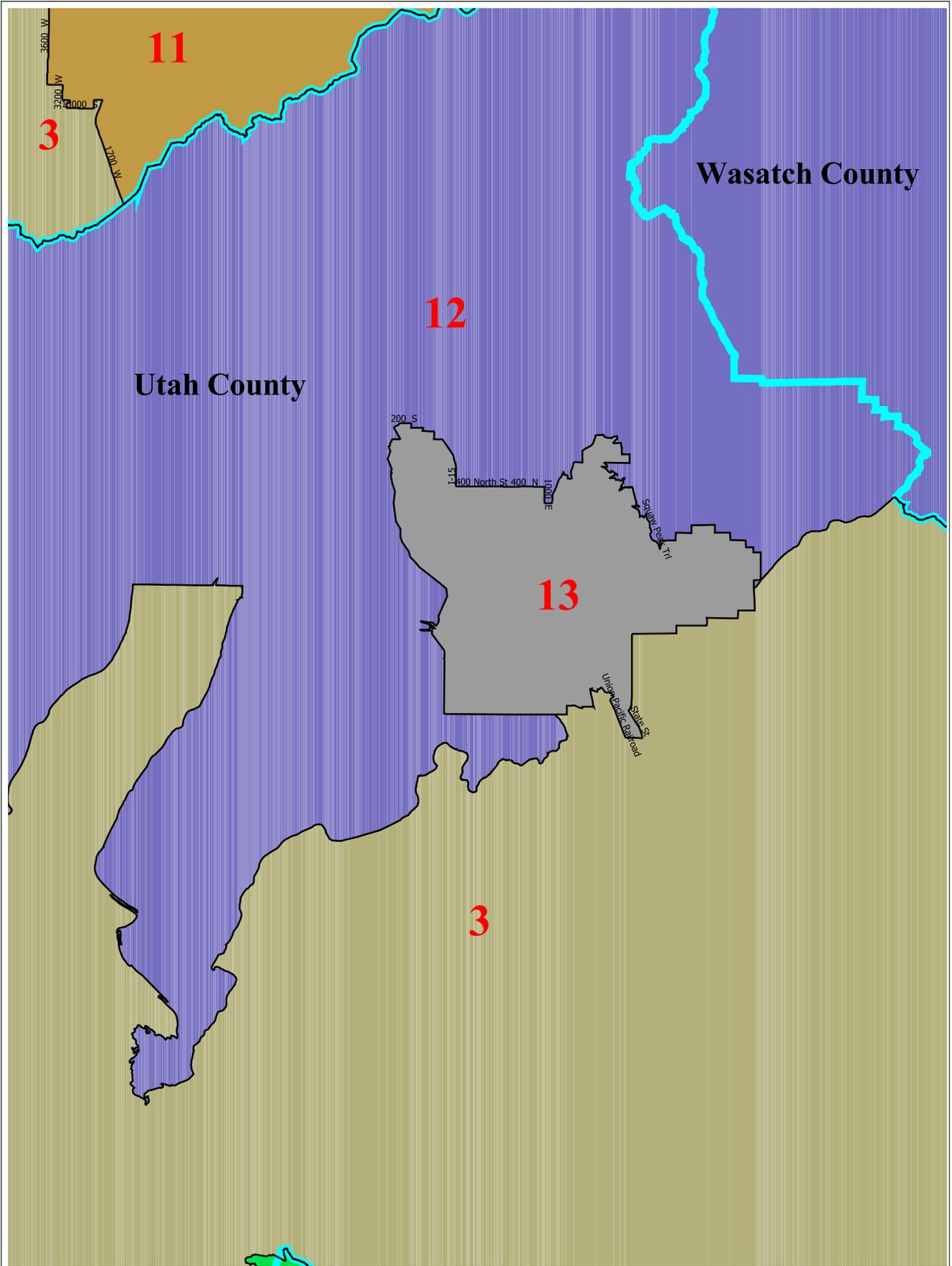
(b) maintain his primary residence within the board district from which the member was elected or appointed.

(3) A member of the State Board of Education may not, during the member's term of office, also serve as an employee of the board, the Utah State Office of Education, or the Utah State Office of Rehabilitation.

Section 6. **Effective date.**

This act takes effect January 1, 2002 for purposes of nominating and electing representatives to the State Board of Education and January 1, 2003 for all other purposes.





-  Counties
-  Cities
-  Districts

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 Utah State School Board - Utah County