

**REPORTING OF DATA TO THE AUTOMATED
GEOGRAPHIC REFERENCE CENTER**

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Loraine T. Pace

This act modifies provisions relating to information to be provided to the Automated Geographic Reference Center. The act requires the lieutenant governor to submit to the center copies of certifications relating to changes in Congressional, school, Senate, and House districts. The act requires counties to submit to the State Tax Commission information relating to changes in county boundaries due to annexation or the creation of a new county. The act requires counties to submit information to the center relating to the establishment, division, abolition, or change of voting precincts. The act requires the State Tax Commission to submit to the center information it receives from local government entities relating to changes in local government boundaries. The act also makes technical changes.

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

AMENDS:

17-2-4, Utah Code Annotated 1953

17-2-9, Utah Code Annotated 1953

17-3-3, as last amended by Chapter 68, Laws of Utah 1984

20A-5-303, as last amended by Chapter 45, Laws of Utah 1999

20A-13-104, as enacted by Chapter 6, Laws of Utah 2001, Second Special Session

20A-14-102.2, as enacted by Chapter 2, Laws of Utah 2001, Second Special Session

36-1-105, as enacted by Chapter 5, Laws of Utah 2001, Second Special Session

36-1-204, as enacted by Chapter 1, Laws of Utah 2001, Second Special Session

63A-6-203, as renumbered and amended by Chapter 212, Laws of Utah 1993

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

Section 1. Section **17-2-4** is amended to read:

17-2-4. When annexation effective -- Governor's proclamation.

[The] (1) Upon receipt of the election result from the lieutenant governor under Section

17-2-3, the governor [must thereupon] shall issue [his] a proclamation, stating [therein] the result of the vote in each of [said] the counties, and that the annexation of the one county to the other will take effect on the first Monday in January following.

(2) (a) Within 30 days after the issuance of the governor's proclamation under Subsection (1), the legislative body of the annexing county shall send a notice to the State Tax Commission.

(b) Each notice under Subsection (2)(a) shall include:

(i) a copy of the Governor's proclamation;

(ii) a certification that all necessary legal requirements relating to the annexation have been completed; and

(iii) a map or plat that delineates an accurate metes and bounds description of the annexing county following annexation.

Section 2. Section **17-2-9** is amended to read:

17-2-9. When annexation effective -- Governor's proclamation.

~~[The]~~ (1) Upon receipt of the lieutenant governor's certification under Section 17-2-8, the governor [must thereupon] shall issue [his] a proclamation, stating [therein] the result of the vote in each county, and that the annexation of [such] the territory to the annexing county will take effect on the first Monday in January following.

(2) (a) Within 30 days after the issuance of the governor's proclamation under Subsection (1), the legislative body of the annexing county shall send a notice to the State Tax Commission.

(b) Each notice under Subsection (2)(a) shall include:

(i) a copy of the Governor's proclamation;

(ii) a certification that all necessary legal requirements relating to the annexation have been completed; and

(iii) a map or plat that delineates an accurate metes and bounds description of the area that was annexed.

Section 3. Section **17-3-3** is amended to read:

17-3-3. Certification of returns -- Governor's proclamation of creation of new county -- Name -- Judicial district.

(1) The certified abstract of [such] returns [must] under Section 17-3-2 shall be filed in the office of the lieutenant governor, who shall certify the result to the governor.

(2) If it appears that any proposition submitted to the electors as provided in this chapter has been carried in the affirmative by a majority vote of the qualified electors residing in that portion of the county proposed as a new county, and also by a majority vote of the qualified electors residing in the remaining portion of [such] that county, the governor [must] shall issue [his] a proclamation, stating [therein]:

(a) the result of the vote in each division of [said] the county[;];

(b) the name and boundaries of [such] the new county[~~, and~~];

(c) the boundaries of the original county as changed by the creation of [such] the new county[~~, and~~];

(d) that the creation of [such] the new county will take effect on the first Monday in January following; [~~and the same shall be a county of this state from and after 12:00 noon of said first Monday in the following January. The governor shall designate in said proclamation~~]

(e) the name proposed in [said] the petition as the name of [such] the new county[;]; and [~~shall also state therein~~]

(f) the judicial district to which [such] the new county [~~shall belong~~] belongs.

(3) (a) Within 30 days after the issuance of the governor's proclamation under Subsection (2), the legislative body of the county from which the greatest portion of the new county was taken shall send a notice to the State Tax Commission.

(b) Each notice under Subsection (3)(a) shall include:

(i) a copy of the Governor's proclamation;

(ii) a certification that all necessary legal requirements relating to the creation of the new county have been completed; and

(iii) a map or plat that delineates an accurate metes and bounds description of the new county.

(4) The new county that is the subject of the governor's proclamation under Subsection (2) shall be a county of the state from and after 12 noon of the first Monday in January following the

issuance of the governor's proclamation.

Section 4. Section **20A-5-303** is amended to read:

20A-5-303. Establishing, dividing, abolishing, and changing voting precincts -- Common polling places -- Combined voting precincts -- Counties.

(1) (a) The county legislative body may establish, divide, abolish, and change voting precincts.

(b) Within 30 days after the establishment, division, abolition, or change of a voting precinct under this section, the county legislative body shall file with the Automated Geographic Reference Center, created under Section 63A-6-202, a notice describing the action taken and specifying the resulting boundaries of each voting precinct affected by the action.

(2) (a) The county legislative body shall alter or divide voting precincts so that each voting precinct contains not more than 1,000 active voters.

(b) The county legislative body shall:

(i) identify those precincts that may reach 1,000 active voters or become too large to facilitate the election process; and

(ii) divide those precincts before February 1.

(3) The county legislative body may not:

(a) establish or abolish any voting precinct after February 1, of a regular general election year; or

(b) alter or change the boundaries of any voting precinct after February 1, of a regular general election year.

(4) For the purpose of balloting on regular primary or regular general election day, the county legislative body may establish a common polling place for two or more whole voting precincts according to the following requirements:

(a) the total population of the voters authorized to vote at the common polling place may not exceed 3,000 active voters;

(b) the voting precincts voting at the common polling place shall all lie within the same legislative district; and

(c) the voting precincts voting at, and the location of, the common polling place shall be designated at least 90 days before the election.

(5) In addition to the authorizations contained in Subsection (4), in regular primary elections only, the county legislative body may combine voting precincts and use one set of election judges for the combined precincts if the ballots for each of the combined precincts are identical.

Section 5. Section **20A-13-104** is amended to read:

20A-13-104. Uncertain boundaries -- How resolved.

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

(a) a representative whose Congressional 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 Congressional district;

(b) a candidate for Congressional representative whose Congressional 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 Congressional district; or

(c) a person who is uncertain about which Congressional 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 Congressional district boundary;

(ii) the number of the Congressional 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 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,

obtain and review any relevant data, and make a determination.

(d) When the lieutenant governor determines the location of the Congressional 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:

(A) the affected party [~~and~~];

(B) the county clerk of the affected county[-]; and

(C) the Automated Geographic Reference Center created under Section 63A-6-202.

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

(iii) the county clerk of the affected county.

Section 6. Section **20A-14-102.2** is amended 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:

(A) the affected party [~~and~~];

(B) the county clerk of the affected county[~~;~~]; and

(C) the Automated Geographic Reference Center created under Section 63A-6-202.

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

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

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

(a) a senator whose Utah State Senate 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 Senate district;

(b) a candidate for senator whose Senate 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 Senate district; or

(c) a person who is uncertain about which Senate 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 Senate district boundary;
- (ii) the number of the Senate 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 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, obtain and review any relevant data, and make a determination.

(d) When the lieutenant governor determines the location of the Senate 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:

(A) the affected party [and];

(B) the county clerk of the affected county[.]; and

(C) the Automated Geographic Reference Center created under Section 63A-6-202.

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

(iii) the county clerk of the affected county.

Section 8. 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 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 House district;

(b) a candidate for representative whose House 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 House district; or

(c) a person who is uncertain about which House 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 House district boundary;

(ii) the number of the House 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 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, 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 boundary and attaching a map, if necessary; and

(ii) send a copy of the certification to:

(A) the affected party [~~and~~];

(B) the county clerk of the affected county[~~;~~]; and

(C) the Automated Geographic Reference Center created under Section 63A-6-202.

(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 9. Section **63A-6-203** is amended to read:

63A-6-203. State Geographic Information Database.

(1) There is created a State Geographic Information Database to be managed by the center.

(2) The database shall:

(a) serve as the central reference for all information contained in any GIS database by any state agency;

(b) serve as a clearing house and repository for all data layers required by multiple users; and

(c) serve as a standard format for geographic information acquired, purchased, or produced by any state agency.

(3) Each state agency that acquires, purchases, or produces digital geographic information data shall:

(a) inform the center of the existence of the data layers and their geographic extent;

(b) allow the center access to all data classified public; and

(c) comply with any database requirements established by the center.

(4) At least annually, the State Tax Commission shall deliver to the center information the State Tax Commission receives under Sections 10-1-116, 11-13-5.5, 11-13-5.6, 17-2-4, 17-2-9, 17-3-3, 17A-1-102, 17B-2-215, and 17B-4-201 relating to the creation or modification of the boundaries of the political subdivisions that are the subject of those sections.