

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

3 2002 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Loraine T. Pace**

6 **This act modifies provisions relating to information to be provided to the Automated**
7 **Geographic Reference Center. The act requires the lieutenant governor to submit to the**
8 **center copies of governor proclamations relating to the creation or annexation of counties**
9 **and copies of certifications relating to changes in Congressional, school, Senate, and House**
10 **districts. The act requires counties to submit information to the center relating to the**
11 **establishment, division, abolition, or change of voting precincts. The act requires the State**
12 **Tax Commission to submit to the center information it receives from local government**
13 **entities relating to changes in local government boundaries. The act also makes technical**
14 **changes.**

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

16 AMENDS:

17 **17-2-4**, Utah Code Annotated 1953

18 **17-2-9**, Utah Code Annotated 1953

19 **17-3-3**, as last amended by Chapter 68, Laws of Utah 1984

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

21 **20A-13-104**, as enacted by Chapter 6, Laws of Utah 2001, Second Special Session

22 **20A-14-102.2**, as enacted by Chapter 2, Laws of Utah 2001, Second Special Session

23 **36-1-105**, as enacted by Chapter 5, Laws of Utah 2001, Second Special Session

24 **36-1-204**, as enacted by Chapter 1, Laws of Utah 2001, Second Special Session

25 **63A-6-203**, as renumbered and amended by Chapter 212, Laws of Utah 1993

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

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



28 **17-2-4. When annexation effective -- Governor's proclamation.**

29 ~~[The]~~ (1) Upon receipt of the election result from the lieutenant governor under Section
 30 17-2-3, the governor ~~[must thereupon]~~ shall issue ~~[his]~~ a proclamation, stating ~~[therein]~~ the result
 31 of the vote in each of ~~[said]~~ the counties, and that the annexation of the one county to the other will
 32 take effect on the first Monday in January following.

33 (2) Within 30 days after the issuance of the governor's proclamation under Subsection (1),
 34 the lieutenant governor shall submit a copy of the proclamation to the Automated Geographic
 35 Reference Center created under Section 63A-6-202.

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

37 **17-2-9. When annexation effective -- Governor's proclamation.**

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

42 (2) Within 30 days after the issuance of the governor's proclamation under Subsection (1),
 43 the lieutenant governor shall submit a copy of the proclamation to the Automated Geographic
 44 Reference Center created under Section 63A-6-202.

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

46 **17-3-3. Certification of returns -- Governor's proclamation of creation of new county**
 47 **-- Name -- Judicial district.**

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

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

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

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

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

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

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

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

65 (3) Within 30 days after the issuance of the governor's proclamation under Subsection (2),
66 the lieutenant governor shall submit a copy of the proclamation to the Automated Geographic
67 Reference Center created under Section 63A-6-202.

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

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

72 **20A-5-303. Establishing, dividing, abolishing, and changing voting precincts --**
73 **Common polling places -- Combined voting precincts -- Counties.**

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

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

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

82 (b) The county legislative body shall:

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

85 (ii) divide those precincts before February 1.

86 (3) The county legislative body may not:

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

89 (b) alter or change the boundaries of any voting precinct after February 1, of a regular

90 general election year.

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

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

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

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

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

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

105 **20A-13-104. Uncertain boundaries -- How resolved.**

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

107 (a) a representative whose Congressional district boundary is uncertain because the
108 identifying feature used to establish the district boundary has been removed, modified, or is unable
109 to be identified or who is uncertain about whether or not he or another person resides in a
110 particular Congressional district;

111 (b) a candidate for Congressional representative whose Congressional district boundary
112 is uncertain because the identifying feature used to establish the district boundary has been
113 removed, modified, or is unable to be identified or who is uncertain about whether or not he or
114 another person resides in a particular Congressional district; or

115 (c) a person who is uncertain about which Congressional district contains the person's
116 residence because the identifying feature used to establish the district boundary has been removed,
117 modified, or is unable to be identified.

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

120 (i) the precise location of the Congressional district boundary;

121 (ii) the number of the Congressional district in which a person resides; or

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

123 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
124 governor shall review the official maps and obtain and review other relevant data such as census
125 block and tract descriptions, aerial photographs, aerial maps, or other data about the area.

126 (c) Within five days of receipt of the request, the lieutenant governor shall review the
127 maps, obtain and review any relevant data, and make a determination.

128 (d) When the lieutenant governor determines the location of the Congressional district
129 boundary, the lieutenant governor shall:

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

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

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

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

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

136 (e) If the lieutenant governor determines the number of the Congressional district in which
137 a particular person resides, the lieutenant governor shall send a letter identifying that district by
138 number to:

139 (i) the person;

140 (ii) the affected party who filed the petition, if different than the person whose

141 Congressional district number was identified; and

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

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

144 **20A-14-102.2. Uncertain boundaries -- How resolved.**

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

146 (a) a state school board member whose state school board district boundary is uncertain
147 because the identifying feature used to establish the district boundary has been removed, modified,
148 or is unable to be identified or who is uncertain about whether or not he or another person resides
149 in a particular state board district;

150 (b) a candidate for state school board whose state board district boundary is uncertain
151 because the identifying feature used to establish the district boundary has been removed, modified,

152 or is unable to be identified or who is uncertain about whether or not he or another person resides
153 in a particular state board district; or

154 (c) a person who is uncertain about which state board district contains the person's
155 residence because the identifying feature used to establish the district boundary has been removed,
156 modified, or is unable to be identified.

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

159 (i) the precise location of the state board district boundary;

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

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

162 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
163 governor shall review the official maps and obtain and review other relevant data such as aerial
164 photographs, aerial maps, or other data about the area.

165 (c) Within five days of receipt of the request, the lieutenant governor shall review the
166 maps, obtain and review any relevant data, and make a determination.

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

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

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

172 (A) the affected party [and];

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

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

175 (e) If the lieutenant governor determines the number of the state board district in which
176 a particular person resides, the lieutenant governor shall send a letter identifying that district by
177 number to:

178 (i) the person;

179 (ii) the affected party who filed the petition, if different than the person whose state board
180 district number was identified; and

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

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

183 **36-1-105. Uncertain boundaries -- How resolved.**

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

185 (a) a senator whose Utah State Senate district boundary is uncertain because the identifying
186 feature used to establish the district boundary has been removed, modified, or is unable to be
187 identified or who is uncertain about whether or not he or another person resides in a particular
188 Senate district;189 (b) a candidate for senator whose Senate district boundary is uncertain because the
190 identifying feature used to establish the district boundary has been removed, modified, or is unable
191 to be identified or who is uncertain about whether or not he or another person resides in a
192 particular Senate district; or193 (c) a person who is uncertain about which Senate district contains the person's residence
194 because the identifying feature used to establish the district boundary has been removed, modified,
195 or is unable to be identified.196 (2) (a) An affected party may file a written request petitioning the lieutenant governor to
197 determine:

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

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

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

201 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
202 governor shall review the official maps and obtain and review other relevant data such as census
203 block and tract descriptions, aerial photographs, aerial maps, or other data about the area.204 (c) Within five days of receipt of the request, the lieutenant governor shall review the
205 maps, obtain and review any relevant data, and make a determination.206 (d) When the lieutenant governor determines the location of the Senate district boundary,
207 the lieutenant governor shall:208 (i) prepare a certification identifying the appropriate boundary and attaching a map, if
209 necessary; and

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

211 (A) the affected party [~~and~~];212 (B) the county clerk of the affected county[~~;~~]; and213 (C) the Automated Geographic Reference Center created under Section 63A-6-202.

214 (e) If the lieutenant governor determines the number of the Senate district in which a
215 particular person resides, the lieutenant governor shall send a letter identifying that district by
216 number to:

- 217 (i) the person;
- 218 (ii) the affected party who filed the petition, if different than the person whose Senate
219 district number was identified; and
- 220 (iii) the county clerk of the affected county.

221 Section 8. Section **36-1-204** is amended to read:

222 **36-1-204. Uncertain boundaries -- How resolved.**

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

224 (a) a representative whose Utah House of Representatives district boundary is uncertain
225 because the identifying feature used to establish the district boundary has been removed, modified,
226 or is unable to be identified or who is uncertain about whether or not he or another person resides
227 in a particular House district;

228 (b) a candidate for representative whose House district boundary is uncertain because the
229 identifying feature used to establish the district boundary has been removed, modified, or is unable
230 to be identified or who is uncertain about whether or not he or another person resides in a
231 particular House district; or

232 (c) a person who is uncertain about which House district contains the person's residence
233 because the identifying feature used to establish the district boundary has been removed, modified,
234 or is unable to be identified.

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

- 237 (i) the precise location of the House district boundary;
- 238 (ii) the number of the House district in which a person resides; or
- 239 (iii) both Subsections (2)(a)(i) and (ii).

240 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
241 governor shall review the official maps and obtain and review other relevant data such as census
242 block and tract descriptions, aerial photographs, aerial maps, or other data about the area.

243 (c) Within five days of receipt of the request, the lieutenant governor shall review the
244 maps, obtain and review any relevant data, and make a determination.

245 (d) When the lieutenant governor determines the location of the House district boundary,
246 the lieutenant governor shall:

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

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

250 (A) the affected party [and];

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

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

253 (e) If the lieutenant governor determines the number of the House district in which a
254 particular person resides, the lieutenant governor shall send a letter identifying that district by
255 number to:

256 (i) the person;

257 (ii) the affected party who filed the petition, if different than the person whose House
258 district number was identified; and

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

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

261 **63A-6-203. State Geographic Information Database.**

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

263 (2) The database shall:

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

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

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

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

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

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

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

275 (4) At least annually, the State Tax Commission shall deliver to the center information the

276 State Tax Commission receives under Sections 10-1-116, 11-13-5.5, 11-13-5.6, 17A-1-102,
277 17B-2-215, and 17B-4-201 relating to the creation or modification of the boundaries of the
278 political subdivisions that are the subject of those sections.

Legislative Review Note
as of 1-17-02 4:51 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel