

SB0113S03 compared with SB0113S01

~~deleted text~~ shows text that was in SB0113S01 but was deleted in SB0113S03.

inserted text shows text that was not in SB0113S01 but was inserted into SB0113S03.

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Senator ~~Gene Davis~~John L. Valentine proposes the following substitute bill:

ELECTION DISTRICT BOUNDARIES

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John L. Valentine

House Sponsor: John Dougall

Cosponsor:

Howard A. Stephenson

LONG TITLE

General Description:

This bill modifies the boundaries of certain United States House of Representatives districts, State Senate districts, and State House districts and establishes certain review and evaluation requirements for the lieutenant governor, the Automated Geographic Reference Center, and county clerks.

Highlighted Provisions:

This bill:

- ▶ modifies a portion of the common boundary between United States House of Representatives District 2 and District 3;
- ▶ modifies a portion of the common boundary between Senate District 11 and Senate

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District 14;

- ▶ modifies a portion of the common boundary between House District 27 and House District 57;
- ▶ establishes requirements for county clerks to submit certain maps and data to the lieutenant governor for ~~verification~~ review and evaluation;
- ▶ requires the ~~lieutenant governor~~ Automated Geographic Reference Center to compare certain maps and data submitted by the county clerks with boundaries of Congressional, State School Board, Senate, and House districts as established by the ~~legislature's~~ Legislature's official maps; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:

AMENDS:

20A-13-101 (Contingently Superseded), as repealed and reenacted by Laws of Utah 2001, Second Special Session, Chapter 6

20A-13-102, as repealed and reenacted by Laws of Utah 2001, Second Special Session, Chapter 6

20A-14-102, as repealed and reenacted by Laws of Utah 2001, Second Special Session, Chapter 2

36-1-101, as last amended by Laws of Utah 2006, Chapter 12

36-1-103, as last amended by Laws of Utah 2006, Chapter 12

36-1-201, as last amended by Laws of Utah 2006, Chapter 12

36-1-202, as last amended by Laws of Utah 2006, Chapter 12

ENACTS:

20A-13-102.2, Utah Code Annotated 1953

20A-14-102.3, Utah Code Annotated 1953

36-1-103.2, Utah Code Annotated 1953

36-1-202.2, Utah Code Annotated 1953

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

Section 1. Section **20A-13-101 (Contingently Superseded)** is amended to read:

20A-13-101 (Contingently Superseded). Representatives to the United States Congress -- Three representative districts -- When elected -- District boundaries.

(1) (a) The state of Utah is divided into three districts for the election of representatives to the Congress of the United States, with one member to be elected from each Congressional district.

(b) At the general election to be held in 2002, and biennially thereafter, one representative from each Congressional district shall be elected to serve in the Congress of the United States.

(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 Congressional district boundaries.

(b) ~~[The]~~ Except as provided in Subsection (3), the numbers and boundaries of the Congressional districts are designated and established by the maps attached to the bill that enacts this section.

(3) The following census blocks from the 2000 census ~~{shall be}~~are removed from Congressional District 2 and placed into Congressional District 3: Census Tract 010205, Blocks 1000, 1001, 3001, 3003, and 3004.

Section 2. Section **20A-13-102** is amended to read:

20A-13-102. Official maps of Congressional districts.

(1) (a) The Legislature shall file copies of the official maps enacted by the Legislature, and any other relevant materials, with the lieutenant governor's office.

(b) ~~[The]~~ Except as provided in Subsection (2), the legal boundaries of Utah's Congressional districts are contained in the official maps on file with the lieutenant governor's office.

(2) The following census blocks from the 2000 census ~~{shall be}~~are removed from Congressional District 2 and placed into Congressional District 3: Census Tract 010205, Blocks 1000, 1001, 3001, 3003, and 3004.

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~~[(2)]~~ (3) When questions of interpretation of Congressional 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 Congressional 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 Congressional district according to the procedures and requirements of Section 20A-5-303.]~~

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

Section 3. Section **20A-13-102.2** is enacted to read:

20A-13-102.2. County clerk and lieutenant governor responsibilities -- Maps and voting precinct boundaries.

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

(2) (a) A county clerk may create one or more county maps that identify the boundaries of Utah's Congressional districts as shown on the official maps.

(b) Before publishing or distributing any map or data created by the county clerk that identifies the boundaries of Utah's Congressional districts within the county, the county clerk shall submit the map and data to the lieutenant governor and to the Automated Geographic Reference Center for review ~~{and verification}.~~

(c) Within ~~{five working}~~ 30 days after receipt of a map and data from a county clerk, the ~~{lieutenant governor}~~ Automated Geographic Reference Center shall:

(i) review the map and data to ~~{ensure that}~~ evaluate if the county map and data accurately reflect the boundaries of Utah's Congressional districts established by the ~~{legislature}~~ Legislature in the official maps: ~~{and}~~

(ii) ~~{either certify}~~ determine whether the map and data ~~{as}~~ are correct or incorrect;
and

(iii) communicate those findings to the lieutenant governor.

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

(~~{d}~~) e If the county clerk receives notice from the lieutenant governor that the map and

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data submitted are incorrect, the county clerk shall:

(i) make the corrections necessary to conform the map and data to the official maps~~};~~
and

(ii) resubmit the corrected map and data to the lieutenant governor ~~for~~
certification~~};~~and to the Automated Geographic Reference Center for a new review under this
Subsection (2).

(3) (a) Subject to the requirements of this Subsection (3), each county clerk shall
establish voting precincts and polling places within each Utah Congressional district according
to the procedures and requirements of Section 20A-5-303.

(b) ~~{Before submitting recommended}~~Within five working days after approval of
voting precincts and polling places ~~{to}~~by the county legislative body as required by Section
20A-5-303, each county clerk shall submit a voting precinct map identifying the boundaries of
each voting precinct within the county to the lieutenant governor and to the Automated
Geographic Reference Center for ~~{official verification}~~review.

(c) Within ~~{five working}~~30 days after receipt of a map from a county clerk, the
~~{lieutenant governor}~~Automated Geographic Reference Center shall:

(i) review the voting precinct map to ~~{ensure that}~~evaluate if the county map
accurately reflects the boundaries of Utah's Congressional districts established by the
~~{legislature}~~Legislature in the official maps;~~};~~ and

~~——~~ ~~{ii} either certify the voting precinct map as}~~

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

(iii) communicate those findings to the lieutenant governor.

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

~~{d}~~e If the county clerk receives notice from the lieutenant governor that the map is
incorrect, the county clerk shall:

(i) make the corrections necessary to conform the voting precinct map to the official
maps~~};~~ and

(ii) resubmit the corrected map to the lieutenant governor ~~for certification~~};and to the
Automated Geographic Reference Center for a new review under this Subsection (3).

Section 4. Section **20A-14-102** is amended to read:

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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)]~~ (3) Maps identifying the boundaries for state board districts may be viewed on the Internet at the lieutenant governor's website.

Section 5. Section **20A-14-102.3** is enacted to read:

20A-14-102.3. County clerk and lieutenant governor responsibilities -- Maps and voting precinct boundaries.

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

(2) (a) A county clerk may create one or more county maps that identify the boundaries of state board districts as shown on the official maps.

(b) Before publishing or distributing any map or data created by the county clerk that identifies the boundaries of state board districts within the county, the clerk shall submit the map and data to the lieutenant governor [and to the Automated Geographic Reference Center](#) for review ~~{and verification}~~.

(c) Within ~~{five working}~~30 days after receipt of a map and data from a county clerk, the ~~{lieutenant governor}~~[Automated Geographic Reference Center](#) shall:

(i) review the map and data to ~~{ensure that}~~[evaluate if](#) the county map and data accurately reflect the boundaries of state board districts established by the ~~{legislature}~~[Legislature](#) in the official maps; ~~{and}~~

(ii) ~~{either certify}~~[determine whether](#) the map and data ~~{as}~~[are correct or incorrect](#);

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and

(iii) communicate those findings to the lieutenant governor.

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

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

(i) make the corrections necessary to conform the map and data to the official maps~~f~~~~t~~;
and

(ii) resubmit the corrected map and data to the lieutenant governor for ~~certification~~~~a~~ new review under this Subsection (2).

(3) (a) Subject to the requirements of this Subsection (3), 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.

(b) ~~Before submitting recommended~~ Within five working days after approval of voting precincts and polling places ~~to~~~~by~~ the county legislative body as required by Section 20A-5-303, each county clerk shall submit a voting precinct map identifying the boundaries of each voting precinct within the county to the lieutenant governor and to the Automated Geographic Reference Center for ~~official verification~~~~review~~.

(c) Within ~~five working~~~~30~~ days after receipt of a map from a county clerk, the ~~lieutenant governor~~~~Automated Geographic Reference Center~~ shall:

(i) review the voting precinct map to ~~ensure that~~~~evaluate if~~ the county map accurately reflects the boundaries of state board districts established by the ~~legislature~~~~Legislature~~ in the official maps;~~f~~~~and~~

~~either certify the voting precinct map as~~

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

(iii) communicate those findings to the lieutenant governor.

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

(~~f~~~~d~~~~e~~) If the county clerk receives notice from the lieutenant governor that the map is incorrect, the county clerk shall:

(i) make the corrections necessary to conform the voting precinct map to the official

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maps; and

(ii) resubmit the corrected map to the lieutenant governor ~~for certification~~ and to the Automated Geographic Reference Center for a new review under this Subsection (3).

Section 6. Section **36-1-101** is amended to read:

36-1-101. Utah State Senate -- District boundaries.

(1) As used in this chapter:

(a) "New county boundary" means the adjusted common boundary between Salt Lake County and Utah County as certified by the lieutenant governor on December 29, 2005.

(b) "Old county boundary" means the common boundary between Salt Lake County and Utah County before the boundary change certified by the lieutenant governor on December 29, 2005.

(c) "Southwestern intersection" means the western-most three way intersection of the old county boundary, the new county boundary, and the boundary separating Senate District 9 and Senate District 11.

(2) The Utah State Senate shall consist of 29 members, with one member to be elected from each Utah State Senate district.

(3) (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 Senate district boundaries.

(b) Except as provided in Subsection (4), the numbers and boundaries of the Senate districts are designated and established by the maps attached to the bill that enacts this section.

(4) (a) Because of the new county boundary separating Salt Lake County and Utah County, the boundary separating Senate District 9 and Senate District 11 that followed the old county boundary is changed to follow the new county boundary eastward from the southwestern intersection to the point where the existing boundary of Senate District 9 turns north from the old county boundary.

(b) The following census blocks from the 2000 census ~~shall be~~ are removed from Senate District 11 and placed into Senate District 14: Census Tract 010205, Blocks 1000, 1001, 3001, 3003, and 3004.

Section 7. Section **36-1-103** is amended to read:

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36-1-103. Official maps of Senate districts.

(1) (a) The Legislature shall file copies of the official maps enacted by the Legislature, and any other relevant data, with the lieutenant governor's office.

(b) Except as provided in Subsection (2), the legal boundaries of Senate districts are contained in the official maps on file with the lieutenant governor's office.

(2) (a) Because of the new county boundary separating Salt Lake County and Utah County, the boundary separating Senate District 9 and Senate District 11 that followed the old county boundary is changed to follow the new county boundary eastward from the southwestern intersection to the point where the existing boundary of Senate District 9 turns north from the old county boundary.

(b) The following census blocks from the 2000 census ~~shall be~~are removed from Senate District 11 and placed into Senate District 14: Census Tract 010205, Blocks 1000, 1001, 3001, 3003, and 3004.

(3) When questions of interpretation of Senate 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 Senate district boundaries.

~~[(4) (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 Senate district according to the procedures and requirements of Section 20A-5-303.]~~

~~[(5)]~~ (4) Maps identifying the boundaries for Senate districts may be viewed on the Internet at the lieutenant governor's website.

Section 8. Section **36-1-103.2** is enacted to read:

36-1-103.2. County clerk and lieutenant governor responsibilities -- Maps and voting precinct boundaries.

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

(2) (a) A county clerk may create one or more county maps that identify the boundaries of Senate districts as shown on the official maps.

(b) Before publishing or distributing any map or data created by the county clerk that identifies the boundaries of Senate districts within the county, the clerk shall submit the map

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and data to the lieutenant governor and to the Automated Geographic Reference Center for review ~~{ and verification }~~.

(c) Within ~~{five working}~~ 30 days after receipt of a map and data from a county clerk, the ~~{lieutenant governor}~~ Automated Geographic Reference Center shall:

(i) review the map and data to ~~{ensure that}~~ evaluate if the county map and data accurately reflect the boundaries of Senate districts established by the ~~{legislature}~~ Legislature in the official maps; ~~{ and }~~

(ii) ~~{either certify}~~ determine whether the map and data ~~{as}~~ are correct or incorrect;
and

(iii) communicate those findings to the lieutenant governor.

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

~~{d}~~ e If the county clerk receives notice from the lieutenant governor that the map and data submitted are incorrect, the county clerk shall:

(i) make the corrections necessary to conform the map and data to the official maps ~~{}~~;
and

(ii) resubmit the corrected map and data to the lieutenant governor ~~{for certification}~~ and to the Automated Geographic Reference Center for review a new review under this Subsection (2).

(3) (a) Subject to the requirements of this Subsection (3), each county clerk shall establish voting precincts and polling places within each Senate district according to the procedures and requirements of Section 20A-5-303.

(b) ~~{Before submitting recommended}~~ Within five working days after approval of voting precincts and polling places ~~{to}~~ by the county legislative body as required by Section 20A-5-303, each county clerk shall submit a voting precinct map identifying the boundaries of each voting precinct within the county to the lieutenant governor and to the Automated Geographic Reference Center for ~~{official verification}~~ review.

(c) Within ~~{five working}~~ 30 days after receipt of a map from a county clerk, the ~~{lieutenant governor}~~ Automated Geographic Reference Center shall:

(i) review the voting precinct map to ~~{ensure that}~~ evaluate if the county map accurately reflects the boundaries of Senate districts established by the ~~{legislature}~~ Legislature

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in the official maps; ~~and~~

~~(ii) either certify the voting precinct map as~~

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

(iii) communicate those findings to the lieutenant governor.

(d) The lieutenant governor shall either notify the county clerk that the map is correct

or notify the county clerk that the map is incorrect.

(~~d~~e) If the county clerk receives notice from the lieutenant governor that the map is incorrect, the county clerk shall:

(i) make the corrections necessary to conform the voting precinct map to the official maps~~; and~~; and

(ii) resubmit the corrected map to the lieutenant governor ~~for certification~~ and to the Automated Geographic Reference Center for a new review under this Subsection (3).

Section 9. Section **36-1-201** is amended to read:

36-1-201. Utah House of Representatives -- District boundaries.

(1) The Utah House of Representatives shall consist of 75 members, with one member to be elected from each Utah House of Representatives 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 House district boundaries.

(b) Except as provided in Subsection (3), the numbers and boundaries of the House districts are designated and established by the maps attached to the bill that enacts this section.

(3) (a) Because of the new county boundary separating Salt Lake County and Utah County, the boundary separating House District 51 and House District 27 that follows the old county boundary is changed to follow the new county boundary.

(b) The following census blocks from the 2000 census ~~shall be~~ are removed from House District 27 and placed into House District 57: Census Tract 010205, Blocks 1000, 1001, 3001, 3003, and 3004.

Section 10. Section **36-1-202** is amended to read:

36-1-202. Official maps of House districts.

(1) (a) ~~The~~ The Legislature shall file copies of the official maps enacted by the

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Legislature, and any other relevant materials, with the lieutenant governor's office.

(b) Except as provided in Subsection (2), the legal boundaries of House districts are contained in the official maps on file with the lieutenant governor's office.

(2) (a) Because of the new county boundary separating Salt Lake County and Utah County, the boundary separating House District 51 and House District 27 that follows the old county boundary is changed to follow the new county boundary.

(b) The following census blocks from the 2000 census ~~shall be~~are removed from House District 27 and placed into House District 57: Census Tract 010205, Blocks 1000, 1001, 3001, 3003, and 3004.

(3) When questions of interpretation of House 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 House district boundaries.

~~[(4)(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 House district according to the procedures and requirements of Section 20A-5-303.]~~

~~[(5)]~~ (4) Maps identifying the boundaries for House districts may be viewed on the Internet at the lieutenant governor's website.

Section 11. Section **36-1-202.2** is enacted to read:

36-1-202.2. County clerk and lieutenant governor responsibilities -- Maps and voting precinct boundaries.

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

(2) (a) A county clerk may create one or more county maps that identify the boundaries of House districts as shown on the official maps.

(b) Before publishing or distributing any map or data created by the county clerk that identifies the boundaries of House districts within the county, the clerk shall submit the map and data to the lieutenant governor ~~and to the Automated Geographic Reference Center~~ for review ~~and verification~~.

(c) Within ~~five working~~30 days after receipt of a map and data from a county clerk, the ~~lieutenant governor~~Automated Geographic Reference Center shall:

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(i) review the map and data to ~~ensure that~~evaluate if the county map and data accurately reflect the boundaries of House districts established by the ~~legislature~~Legislature in the official maps; ~~and~~

(ii) ~~either certify~~determine whether the map and data ~~as~~are correct or incorrect; and

(iii) communicate those findings to the lieutenant governor.

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

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

(i) make the corrections necessary to conform the map and data to the official maps~~;~~; and

(ii) resubmit the corrected map and data to the lieutenant governor ~~for certification~~and to the Automated Geographic Reference Center for a new review under this Subsection (2).

(3) (a) Subject to the requirements of this Subsection (3), each county clerk shall establish voting precincts and polling places within each House district according to the procedures and requirements of Section 20A-5-303.

(b) ~~Before submitting recommended~~Within five working days after approval of voting precincts and polling places ~~to~~by the county legislative body as required by Section 20A-5-303, each county clerk shall submit a voting precinct map identifying the boundaries of each voting precinct within the county to the lieutenant governor and to the Automated Geographic Reference Center for ~~official verification~~review.

(c) Within ~~five working~~30 days after receipt of a map from a county clerk, the ~~lieutenant governor~~Automated Geographic Reference Center shall:

(i) review the voting precinct map to ~~ensure that~~evaluate if the county map accurately reflects the boundaries of House districts established by the ~~legislature~~Legislature in the official maps; ~~and~~

~~(ii) either certify the voting precinct map as~~

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

(iii) communicate those findings to the lieutenant governor.

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

(~~d~~e) If the county clerk receives notice from the lieutenant governor that the map is incorrect, the county clerk shall:

(i) make the corrections necessary to conform the voting precinct map to the official maps~~;~~; and

(ii) resubmit the corrected map to the lieutenant governor ~~for certification~~ and to the Automated Geographic Reference Center for a new review under this Subsection (3).

Section 12. **Effective date.**

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