Senator **Ralph Okerlund** proposes the following substitute bill:

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2 **UTAH STATE HOUSE BOUNDARIES DESIGNATION**

3 2011 THIRD SPECIAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Kenneth W. Sumsion**

6 Senate Sponsor: Ralph Okerlund

7

8 **LONG TITLE**

9 **Redistricting Boundary Information:**

10 The Utah State House district boundary information may be found at http://le.utah.gov.

11 Block assignment file security code: 022f7fe506c274e50f7df0f929ce85cf

12 **General Description:**

13 This bill, which includes this printed text and the electronic data affiliated with it,

14 establishes new Utah State House district boundaries and makes other technical

15 corrections.

16 **Highlighted Provisions:**

17 This bill:

18 ▸ repeals current Utah State House boundaries and establishes new Utah State House

19 boundaries;

20 ▸ establishes the block assignment file that is part of this bill in electronic form as the

21 legal boundaries of Utah State House districts; and

22 ▸ makes technical corrections.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 This bill takes effect on January 1, 2012, for purposes of nominating and electing

27   members of the Utah State House and on January 1, 2013, for all other purposes.

28   **Utah Code Sections Affected:**

29   AMENDS:

30   **36-1-202**, as last amended by Laws of Utah 2011, Chapter 74

31   **36-1-202.2**, as enacted by Laws of Utah 2011, Chapter 74

32   **36-1-203**, as enacted by Laws of Utah 2001, Second Special Session, Chapter 1

33   **36-1-204**, as last amended by Laws of Utah 2005, Chapter 169

34   ENACTS:

35   **36-1-201.1**, Utah Code Annotated 1953

36   **36-1-201.5**, Utah Code Annotated 1953

37   REPEALS:

38   **36-1-201**, as last amended by Laws of Utah 2011, Chapter 74

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

41   Section 1. Section **36-1-201.1** is enacted to read:

42   **36-1-201.1. Definitions.**

43   As used in this section:

44   (1) "Census block" means any one of the 115, 406 individual geographic areas into

45   which the Bureau of the Census of the United States Department of Commerce has divided the

46   state of Utah, to each of which the Bureau of the Census has attached a discrete population

47   tabulation from the 2010 decennial census.

48   (2) "House block assignment file" means the electronic file that assigns each of Utah's

49   115, 406 census blocks to a particular Utah House district.

50   Section 2. Section **36-1-201.5** is enacted to read:

51   **36-1-201.5. Utah House of Representatives -- House district boundaries.**

52   (1) The Utah House of Representatives shall consist of 75 members, with one member

53   to be elected from each Utah House of Representative district.

54   (2) The Legislature adopts the official census population figures and maps of the

55   Bureau of the Census of the United States Department of Commerce developed in connection

56   with the taking of the 2010 national decennial census as the official data for establishing House

57   district boundaries.

58   (3) (a) The Legislature enacts the numbers and boundaries of the House districts

59   designated by the House block assignment file that is the electronic component of the bill that

60   enacts this section.

61   (b) That House block assignment file, and the legislative boundaries generated from

62   that block assignment file, may be accessed via the Utah Legislature's website.

63   Section 3. Section **36-1-202** is amended to read:

64   **36-1-202. House districts -- Filing -- Legal boundaries.**

65   (1) (a) The Legislature shall file [copies of the official maps] a copy of the House block

66   assignment file enacted by the Legislature[, and any other relevant materials,] with the

67   lieutenant governor's office.

68   (b) [Except as provided in Subsection (2), the] The legal boundaries of House districts

69   are contained in the [official maps] House block assignment file on file with the lieutenant

70   governor's office.

71   [(2) (a) Because of the new county boundary separating Salt Lake County and Utah

72   County, the boundary separating House District 51 and House District 27 that follows the old

73   county boundary is changed to follow the new county boundary.]

74   [(b) The following census blocks from the 2000 census are removed from House

75   District 27 and placed into House District 57: Census Tract 010205, Blocks 1000, 1001, 3001,

76   3003, and 3004.]

77   [(3) When questions of interpretation of House district boundaries arise, the official

78   maps on file in the lieutenant governor's office shall serve as the indication of the legislative

79   intent in drawing the House district boundaries.]

80   [(4) Maps identifying the boundaries for House districts may be viewed on the Internet

81   at the lieutenant governor's website.]

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

83   (i) generate maps of each House district from the House block assignment file; and

84   (ii) ensure that those maps are available for viewing on the lieutenant governor's

85   website.

86   (b) If there is any inconsistency between the maps and the House block assignment file,

87   the House block assignment file is controlling.

88   Section 4. Section **36-1-202.2** is amended to read:

89   **36-1-202.2.   County clerk, Automated Geographic Reference Center, and**

90   **lieutenant governor responsibilities -- Maps and voting precinct boundaries.**

91   (1) Each county clerk shall obtain [copies of the official maps] a copy of the House

92   block assignment file for the clerk's county from the lieutenant governor's office.

93   (2) (a) A county clerk may create one or more county maps that identify the boundaries

94   of House districts as [shown on the official maps] generated from the House block assignment

95   file.

96   (b) Before publishing or distributing any map or data created by the county clerk that

97   identifies the boundaries of House districts within the county, the clerk shall submit the county

98   map and data to the lieutenant governor and to the Automated Geographic Reference Center for

99   review.

100   (c) Within 30 days after receipt of a county map and data from a county clerk, the

101 Automated Geographic Reference Center shall:

102   (i) review the county map and data to evaluate if the county map and data accurately

103 reflect the boundaries of House districts established by the Legislature in the [official maps]

104 House block assignment file;

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

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

107   (d) The lieutenant governor shall either notify the county clerk that the county map and

108 data are correct or notify the county clerk that the county map and data are incorrect.

109   (e) If the county clerk receives notice from the lieutenant governor that the county map

110 and data submitted are incorrect, the county clerk shall:

111   (i) make the corrections necessary to conform the county map and data to the [official

112 maps] House block assignment file; and

113   (ii) resubmit the corrected county map and data to the lieutenant governor and to the

114 Automated Geographic Reference Center for a new review under this Subsection (2).

115   (3) (a) Subject to the requirements of this Subsection (3), each county clerk shall

116 establish voting precincts and polling places within each House district according to the

117 procedures and requirements of Section 20A-5-303.

118   (b) Within five working days after approval of voting precincts and polling places by

119 the county legislative body as required by Section 20A-5-303, each county clerk shall submit a

120   voting precinct map identifying the boundaries of each voting precinct within the county to the

121   lieutenant governor and to the Automated Geographic Reference Center for review.

122   (c) Within 30 days after receipt of a voting precinct map from a county clerk, the

123   Automated Geographic Reference Center shall:

124   (i) review the voting precinct map to evaluate if the county map accurately reflects the

125   boundaries of House districts established by the Legislature in the [official maps] House block

126   assignment file;

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

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

129   (d) The lieutenant governor shall either notify the county clerk that the voting precinct

130   map is correct or notify the county clerk that the voting precinct map is incorrect.

131   (e) If the county clerk receives notice from the lieutenant governor that the voting

132   precinct map is incorrect, the county clerk shall:

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

134   maps] House block assignment file; and

135   (ii) resubmit the corrected voting precinct map to the lieutenant governor and to the

136   Automated Geographic Reference Center for a new review under this Subsection (3).

137   Section 5. Section **36-1-203** is amended to read:

138   **36-1-203.   Omissions from maps -- How resolved.**

139   (1) If any area of the state is omitted from a Utah House of Representatives district in

140   the [maps] House block assignment file enacted by the Legislature, the county clerk of the

141   affected county, upon discovery of the omission, shall attach the area to the appropriate House

142   district according to the requirements of Subsections (2) and (3).

143   (2) If the omitted area is surrounded by a single House district, the county clerk shall

144   attach the area [shall be attached] to that district.

145   (3) If the omitted area is contiguous to two or more House districts, the county clerk

146   shall attach the area [shall be attached] to the district that has the least population, as

147   determined by the official census population figures and maps [of the Bureau of the Census of

148   the United States Department of Commerce developed in connection with the taking of the

149   2000 2010 national decennial census] described in Subsection 36-1-201.5(2).

150   (4) [Any attachment] The county clerk shall certify in writing and file with the

151   lieutenant governor any attachment made under [Subsection (1) shall be certified in writing and

152   filed with the lieutenant governor] this section.

153   Section 6. Section **36-1-204** is amended to read:

154   **36-1-204.   Uncertain boundaries -- How resolved.**

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

156   (a) a representative whose Utah House of Representatives district boundary is uncertain

157   because the [identifying feature] boundary in the House block assignment file used to establish

158   the House district boundary has been removed, modified, or is unable to be identified or who is

159   uncertain about whether or not [he] the representative or another person resides in a particular

160   House district;

161   (b) a candidate for representative whose House district boundary is uncertain because

162   the [identifying feature] boundary in the House block assignment file used to establish the

163   district boundary has been removed, modified, or is unable to be identified or who is uncertain

164   about whether or not [he] the candidate or another person resides in a particular House district;

165   or

166   (c) a person who is uncertain about which House district contains the person's

167   residence because the [identifying feature] boundary in the House block assignment file used to

168   establish the House district boundary has been removed, modified, or is unable to be identified.

169   (2) (a) An affected party may file a written request petitioning the lieutenant governor

170   to determine:

171   (i) the precise location of the House district boundary;

172   (ii) the number of the House district in which a person resides; or

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

174   (b) In order to make the determination required by Subsection (2)(a), the lieutenant

175   governor shall review the [official maps] House block assignment file and obtain and review

176   other relevant data such as [census block and tract descriptions,] aerial photographs, aerial

177   maps, or other data about the area.

178   (c) Within five days of receipt of the request, the lieutenant governor shall review the

179   [maps] House block assignment file, obtain and review any relevant data, and make a

180   determination.

181   (d) When the lieutenant governor determines the location of the House district

182   boundary, the lieutenant governor shall:

183   (i) prepare a certification identifying the appropriate House district boundary and

184   attaching a map, if necessary; and

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

186   (A) the affected party;

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

188   (C) the Automated Geographic Reference Center created under Section 63F-1-506.

189   (e) If the lieutenant governor determines the number of the House district in which a

190   particular person resides, the lieutenant governor shall send a letter identifying that district by

191   number to:

192   (i) the person;

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

194   district number was identified; and

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

196   Section 7. **Repealer.**

197   This bill repeals:

198   Section **36-1-201, Utah House of Representatives -- District boundaries.**

199   Section 8. **Effective date.**

200   This bill takes effect on January 1, 2012, for purposes of nominating and electing

201   certain members of the Utah State House and on January 1, 2013, for all other purposes.