

Representative Kenneth W. Sumsion proposes the following substitute bill:

UTAH STATE SENATE BOUNDARIES AND ELECTION

DESIGNATION

2011 THIRD SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Ralph Okerlund

House Sponsor: Kenneth W. Sumsion

LONG TITLE

Redistricting Boundary Information:

The Utah State Senate district boundary information may be found at <http://le.utah.gov>.

Block assignment file security code: c22268059ef9de91875db11f3fc897ae

General Description:

This bill, which includes this printed text and the electronic data affiliated with it, establishes new Utah State Senate district boundaries and makes other technical corrections.

Highlighted Provisions:

This bill:

- ▶ repeals current Utah State Senate district boundaries and establishes new Utah State Senate district boundaries;
- ▶ establishes election dates for each Utah State Senate district to ensure that Senate terms are staggered;
- ▶ establishes the block assignment file, which is part of this bill in electronic form, as the legal boundaries of Utah State Senate districts; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:



26 None

27 **Other Special Clauses:**

28 This bill takes effect on January 1, 2012, for purposes of nominating and electing
29 certain members of the Utah State Senate and on January 1, 2013, for all other
30 purposes.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **36-1-102**, as enacted by Laws of Utah 2001, Second Special Session, Chapter 5

34 **36-1-103**, as last amended by Laws of Utah 2011, Chapter 74

35 **36-1-103.2**, as enacted by Laws of Utah 2011, Chapter 74

36 **36-1-104**, as enacted by Laws of Utah 2001, Second Special Session, Chapter 5

37 **36-1-105**, as last amended by Laws of Utah 2005, Chapter 169

38 ENACTS:

39 **36-1-101.1**, Utah Code Annotated 1953

40 **36-1-101.5**, Utah Code Annotated 1953

41 REPEALS:

42 **36-1-101**, as last amended by Laws of Utah 2011, Chapter 74



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

45 Section 1. Section **36-1-101.1** is enacted to read:

46 **36-1-101.1. Definitions.**

47 As used in this section:

48 (1) "Census block" means any one of the 115, 406 individual geographic areas into
49 which the Bureau of the Census of the United States Department of Commerce has divided the
50 state of Utah, to each of which the Bureau of the Census has attached a discrete population
51 tabulation from the 2010 decennial census.

52 (2) "Senate block assignment file" means the electronic file that assigns each of Utah's
53 115, 406 census blocks to a particular Utah State Senate district.

54 Section 2. Section **36-1-101.5** is enacted to read:

55 **36-1-101.5. Utah State Senate -- District boundaries.**

56 (1) The Utah State Senate shall consist of 29 members, with one member to be elected

57 from each Utah State Senate district.

58 (2) The Legislature adopts the official census population figures and maps of the
59 Bureau of the Census of the United States Department of Commerce developed in connection
60 with the taking of the 2010 national decennial census as the official data for establishing Senate
61 district boundaries.

62 (3) (a) The Legislature enacts the numbers and boundaries of the Senate districts
63 designated in the Senate block assignment file that is the electronic component of the bill that
64 enacts this section.

65 (b) That Senate block assignment file, and the Senate district boundaries generated
66 from that Senate block assignment file, may be accessed via the Utah Legislature's website.

67 Section 3. Section **36-1-102** is amended to read:

68 **36-1-102. Election of senators -- Staggered terms.**

69 (1) Unless otherwise provided by law, each senator elected from Senate Districts [~~1, 6,~~
70 ~~8, 10, 13, 14, 16, 19, 20, 23, 24, 25, 27, and 29~~] 2, 3, 5, 9, 11, 12, 15, 17, 18, 21, 22, and 26 at
71 the [~~2000~~] 2010 General Election shall serve out the term of office for which he or she was
72 elected and shall represent the realigned district if he or she resides in that district.

73 (2) At the general election to be held in [~~2002~~] 2012, senators elected from Senate
74 Districts [~~2, 3, 4, 5, 7, 9, 11, 12, 15, 17, 18, 21, 22, 26, and 28~~] 1, 6, 7, 8, 10, 13, 14, 16, 19, 20,
75 23, 24, 25, 27, and 29 shall be elected to serve a term of office of four years.

76 (3) (a) Because the senator from Senate District 28 was appointed to fill a mid-term
77 vacancy that occurred more than two years before the next regular general election, Subsection
78 20A-1-503(3) requires that the vacancy be filled for the unexpired term at the next general
79 election.

80 (b) Consequently:

81 (i) at the general election to be held in 2012, the senator elected from Senate District 28
82 shall be elected to serve a term of office of two years; and

83 (ii) at the general election to be held in 2014, the senator elected from Senate District
84 28 shall be elected to serve a term of office of four years.

85 (4) (a) If one of the incumbent senators from new Senate District 4 files written notice
86 with the lieutenant governor by close of business on January 3, 2012, that the senator will not
87 seek election to the Senate from that Senate District 4, that incumbent senator may serve until

88 January 1, 2013, and the other incumbent senator from District 4 shall serve out the term for
89 which the member was elected, which is until January 1, 2015.

90 (b) (i) If one of the incumbent senators in Senate District 4 does not file the written
91 notice authorized by Subsection (4)(a), the lieutenant governor shall designate Senate District 4
92 as an office to be filled in the 2012 regular general election in the notice of election required by
93 Section 20A-5-101.

94 (ii) If the Subsection (4)(b)(i) contingency occurs:

95 (A) the senator elected from Senate District 4 at the 2012 regular general election shall
96 be elected to serve a term of office of two years; and

97 (B) the senator elected from Senate District 4 at the 2014 regular general election shall
98 be elected to serve a term of office of four years.

99 Section 4. Section **36-1-103** is amended to read:

100 **36-1-103. Senate districts -- Copies -- Legal boundaries.**

101 (1) (a) The Legislature shall file [~~copies of the official maps~~] a copy of the Senate
102 block assignment file enacted by the Legislature[~~, and any other relevant data,~~] with the
103 lieutenant governor's office.

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

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

112 [~~(b) The following census blocks from the 2000 census are removed from Senate~~
113 ~~District 11 and placed into Senate District 14: Census Tract 010205, Blocks 1000, 1001, 3001,~~
114 ~~3003, and 3004.~~]

115 [~~(3) When questions of interpretation of Senate district boundaries arise, the official~~
116 ~~maps on file in the lieutenant governor's office shall serve as the indication of the legislative~~
117 ~~intent in drawing the Senate district boundaries.~~]

118 [~~(4) Maps identifying the boundaries for Senate districts may be viewed on the Internet~~]

119 at the lieutenant governor's website.]

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

121 (i) generate maps of each Utah State Senate district from the Senate block assignment
122 file; and

123 (ii) ensure that those maps are available for viewing on the lieutenant governor's
124 website.

125 (b) If there is any inconsistency between the maps and the Senate block assignment
126 file, the Senate block assignment file is controlling.

127 Section 5. Section **36-1-103.2** is amended to read:

128 **36-1-103.2. County clerk, Automated Geographic Reference Center, and**
129 **lieutenant governor responsibilities -- Maps and voting precinct boundaries.**

130 (1) Each county clerk shall obtain [~~copies of the official maps~~] a copy of the Senate
131 block assignment file for the clerk's county from the lieutenant governor's office.

132 (2) (a) A county clerk may create one or more county maps that identify the boundaries
133 of Senate districts as [~~shown on the official maps~~] generated from the Senate block assignment
134 file.

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

139 (c) Within 30 days after receipt of a county map and data from a county clerk, the
140 Automated Geographic Reference Center shall:

141 (i) review the county map and data to evaluate if the county map and data accurately
142 reflect the boundaries of Senate districts established by the Legislature in the [~~official maps~~]
143 Senate block assignment file;

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

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

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

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

150 (i) make the corrections necessary to conform the county map and data to the [official
151 maps] Senate block assignment file; and

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

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

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

161 (c) Within 30 days after receipt of a voting precinct map from a county clerk, the
162 Automated Geographic Reference Center shall:

163 (i) review the voting precinct map to evaluate if the [county] voting precinct map
164 accurately reflects the boundaries of Senate districts established by the Legislature in the
165 [official maps] Senate block assignment file;

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

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

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

170 (e) If the county clerk receives notice from the lieutenant governor that the voting
171 precinct map is incorrect, the county clerk shall:

172 (i) make the corrections necessary to conform the voting precinct map to the [official
173 maps] Senate block assignment file; and

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

176 Section 6. Section **36-1-104** is amended to read:

177 **36-1-104. Omissions from maps -- How resolved.**

178 (1) If any area of the state is omitted from a Utah State Senate district in the [maps]
179 Senate block assignment file enacted by the Legislature, the county clerk of the affected
180 county, upon discovery of the omission, shall attach the area to the appropriate Senate district

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

182 (2) If the omitted area is surrounded by a single Senate district, the county clerk shall
183 attach the area [~~shall be attached~~] to that district.

184 (3) If the omitted area is contiguous to two or more Senate districts, the county clerk
185 shall attach the area [~~shall be attached~~] to the district that has the least population, as
186 determined by the official census population figures and maps [~~of the Bureau of the Census of~~
187 ~~the United States Department of Commerce developed in connection with the taking of the~~
188 ~~2000 2010 national decennial census~~] described in Subsection 36-1-101.5(2).

189 (4) [~~Any attachment~~] The county clerk shall certify in writing and file with the
190 lieutenant governor any attachment made under [~~Subsection (1) shall be certified in writing and~~
191 ~~filed with the lieutenant governor~~] this section.

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

193 **36-1-105. Uncertain boundaries -- How resolved.**

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

195 (a) a senator whose Utah State Senate district boundary is uncertain because the
196 [~~identifying feature~~] boundary in the Senate block assignment file used to establish the Senate
197 district boundary has been removed, modified, or is unable to be identified or who is uncertain
198 about whether or not [~~he~~] the senator or another person resides in a particular Senate district;

199 (b) a candidate for senator whose Senate district boundary is uncertain because the
200 [~~identifying feature~~] boundary in the Senate block assignment file used to establish the Senate
201 district boundary has been removed, modified, or is unable to be identified or who is uncertain
202 about whether or not [~~he~~] the candidate or another person resides in a particular Senate district;

203 or

204 (c) a person who is uncertain about which Senate district contains the person's
205 residence because the [~~identifying feature~~] boundary in the Senate block assignment file used to
206 establish the Senate district boundary has been removed, modified, or is unable to be identified.

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

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

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

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

212 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
213 governor shall review the [~~official maps~~] Senate block assignment file and obtain and review
214 other relevant data such as [~~census block and tract descriptions,~~] aerial photographs, aerial
215 maps, or other data about the area.

216 (c) Within five days of receipt of the request, the lieutenant governor shall review the
217 [~~maps~~] Senate block assignment file, obtain and review any relevant data, and make a
218 determination.

219 (d) When the lieutenant governor determines the location of the Senate district
220 boundary, the lieutenant governor shall:

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

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

224 (A) the affected party;

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

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

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

230 (i) the person;

231 (ii) the affected party who filed the petition, if different than the person whose Senate
232 district number was identified; and

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

234 **Section 8. Repealer.**

235 This bill repeals:

236 **Section 36-1-101, Utah State Senate -- District boundaries.**

237 **Section 9. Effective date.**

238 This bill takes effect on January 1, 2012, for purposes of nominating and electing
239 certain members of the Utah State Senate and on January 1, 2013, for all other purposes.