

## SB3001S02 compared with SB3001

~~{deleted text}~~ shows text that was in SB3001 but was deleted in SB3001S02.

inserted text shows text that was not in SB3001 but was inserted into SB3001S02.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

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

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#### 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:

~~{011dac663aa2b05ea7d7d6c3e2c43c94}~~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:

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- ▶ 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:**

None

### **Other Special Clauses:**

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

### **Utah Code Sections Affected:**

#### AMENDS:

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

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

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

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

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

#### ENACTS:

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

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

#### REPEALS:

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

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

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

#### **36-1-101.1. Definitions.**

As used in this section:

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

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which the Bureau of the Census of the United States Department of Commerce has divided the state of Utah, to each of which the Bureau of the Census has attached a discrete population tabulation from the 2010 decennial census.

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

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

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

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

(2) 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 2010 national decennial census as the official data for establishing Senate district boundaries.

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

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

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

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

(1) Unless otherwise provided by law, each senator elected from Senate Districts [~~1, 6, 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 the [~~2000~~] 2010 General Election shall serve out the term of office for which he or she was elected and shall represent the realigned district if he or she resides in that district.

(2) At the general election to be held in [~~2002~~] 2012, senators elected from Senate 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, 23, 24, 25, 27, and 29 shall be elected to serve a term of office of four years.

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

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(b) Consequently:

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

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

(4) (a) If one of the incumbent senators from new Senate District 4 files written notice with the lieutenant governor by close of business on January 3, 2012, that the senator will not seek election to the Senate from that Senate District 4, that incumbent senator may serve until January 1, 2013, and the other incumbent senator from District 4 shall serve out the term for which the member was elected, which is until January 1, 2015.

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

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

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

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

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

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

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

(b) [~~Except as provided in Subsection (2), the~~] The legal boundaries of Senate districts are contained in the [~~official maps~~] Senate block assignment file 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~~

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~~north from the old county boundary.]~~

~~[(b) The following census blocks from the 2000 census 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) Maps identifying the boundaries for Senate districts may be viewed on the Internet at the lieutenant governor's website.]~~

(2) (a) The lieutenant governor shall:

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

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

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

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

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

(1) Each county clerk shall obtain ~~[copies of the official maps]~~ a copy of the Senate block assignment file 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]~~ generated from the Senate block assignment file.

(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 county map and data to the lieutenant governor and to the Automated Geographic Reference Center for review.

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

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

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reflect the boundaries of Senate districts established by the Legislature in the [~~official maps~~]  
Senate block assignment file;

(ii) determine whether the county map and data 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 county map and data are correct or notify the county clerk that the county map and data are incorrect.

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

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

(ii) resubmit the corrected county map and data to the lieutenant governor 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 Senate district according to the procedures and requirements of Section 20A-5-303.

(b) Within five working days after approval of voting precincts and polling places 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 review.

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

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

(ii) determine whether the voting precinct 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 voting precinct map is correct or notify the county clerk that the map is incorrect.

(e) If the county clerk receives notice from the lieutenant governor that the voting precinct 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]~~ Senate block assignment file; and

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

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

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

(1) If any area of the state is omitted from a Utah State Senate district in the ~~[maps]~~ Senate block assignment file enacted by the Legislature, the county clerk of the affected county, upon discovery of the omission, shall attach the area to the appropriate Senate district according to the requirements of Subsections (2) and (3).

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

(3) If the omitted area is contiguous to two or more Senate districts, the county clerk shall attach the area ~~[shall be attached]~~ to the district that has the least population, as determined by 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 2010 national decennial census]~~ described in Subsection 36-1-101.5(2).

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

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]~~ boundary in the Senate block assignment file used to establish the Senate district boundary has been removed, modified, or is unable to be identified or who is uncertain about whether or not ~~[he]~~ the senator or another person resides in a particular Senate district;

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

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(c) a person who is uncertain about which Senate district contains the person's residence because the ~~[identifying feature]~~ boundary in the Senate block assignment file used to establish the Senate 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]~~ Senate block assignment file 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]~~ Senate block assignment file, 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 Senate district boundary and attaching a map, if necessary; and

(ii) send a copy of the certification to:

- (A) the affected party;
- (B) the county clerk of the affected county; and
- (C) the Automated Geographic Reference Center created under Section 63F-1-506.

(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. **Repealer.**



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This bill repeals:

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

Section 9. **Effective date.**

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

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**Legislative Review Note**

~~as of 9-30-11 11:53 AM~~

~~Office of Legislative Research and General Counsel}~~