

## SB3002S05 compared with SB3002S04

~~{deleted text}~~ shows text that was in SB3002S04 but was deleted in SB3002S05.

inserted text shows text that was not in SB3002S04 but was inserted into SB3002S05.

**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 ~~{Brad L}~~Brian S. ~~{Dec}~~King proposes the following substitute bill:

### CONGRESSIONAL BOUNDARIES DESIGNATION

2011 THIRD SPECIAL SESSION

STATE OF UTAH

**Chief Sponsor: Ralph Okerlund**

House Sponsor: Kenneth W. Sumsion

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#### LONG TITLE

The United States Congressional district boundary information may be found at <http://le.utah.gov>.

Block assignment file security code:

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#### General Description:

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

#### Highlighted Provisions:

This bill:

- ▶ repeals current United States Congressional district boundaries for Utah and establishes new United States Congressional district boundaries for Utah;

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- ▶ establishes the block assignment file that is part of this bill in electronic form as the legal boundaries of United States Congressional district boundaries for Utah; 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 Utah representatives to the United States House of Representatives and on January 1, 2013, for all other purposes.

### Utah Code Sections Affected:

#### AMENDS:

**20A-13-102**, as last amended by Laws of Utah 2011, Chapter 74

**20A-13-102.2**, as enacted by Laws of Utah 2011, Chapter 74

**20A-13-103**, as repealed and reenacted by Laws of Utah 2001, Second Special Session, Chapter 6

**20A-13-104**, as last amended by Laws of Utah 2005, Chapter 169

#### ENACTS:

**20A-13-101.1**, Utah Code Annotated 1953

**20A-13-101.5**, Utah Code Annotated 1953

#### REPEALS:

**20A-13-101 (Contingently Superseded)**, as last amended by Laws of Utah 2011, Chapter 74

**20A-13-101 (Contingently Effective)**, as last amended by Laws of Utah 2007, Chapter 97

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

Section 1. Section **20A-13-101.1** is enacted to read:

**20A-13-101.1. Definitions.**

As used in this section:

(1) "Census block" means any one of the 115, 406 individual geographic areas into which the Bureau of the Census of the United States Department of Commerce has divided the

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

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

Section 2. Section **20A-13-101.5** is enacted to read:

**20A-13-101.5. Representatives to the United States Congress -- Four representative districts -- When elected -- District boundaries.**

(1) (a) The state of Utah is divided into four 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 2012, and biennially thereafter, one representative from each Congressional district shall be elected to serve in the Congress of the United States.

(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 Congressional district boundaries.

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

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

Section 3. Section **20A-13-102** is amended to read:

**20A-13-102. Congressional districts.**

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

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

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

~~[(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.]~~

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

(2) (a) The lieutenant governor shall:

(i) generate maps of each Congressional district from the Congressional 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 Congressional block assignment file, the Congressional block assignment file is controlling.

Section 4. Section **20A-13-102.2** is amended to read:

**20A-13-102.2. 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 Congressional 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 Utah's Congressional districts as ~~[shown on]~~ generated from the ~~[official maps]~~ Congressional block assignment file.

(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 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 reflect the boundaries of Utah's Congressional districts established by the Legislature in the

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[official maps] Congressional 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] Congressional 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 Utah Congressional 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 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 Utah's Congressional districts established by the Legislature in the [official maps] Congressional 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 maps] Congressional block assignment file; and

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(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 5. Section **20A-13-103** is amended to read:

### **20A-13-103. Omissions from maps -- How resolved.**

(1) If any area of the state is omitted from a Congressional district in the [~~maps~~] Congressional 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 Congressional district according to the requirements of Subsections (2) and (3).

(2) If the omitted area is surrounded by a single Congressional 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 Congressional 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 Census of the United States Department of Commerce developed in connection with the taking of the 2000 national decennial census~~] described in Subsection 20A-13-101.5(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 6. Section **20A-13-104** is amended to read:

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

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

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

(b) a candidate for Congressional representative whose Congressional district boundary is uncertain because the [~~identifying feature~~] boundary in the Congressional block assignment file used to establish the 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 Congressional district; or

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(c) a person who is uncertain about which Congressional district contains the person's residence because the [~~identifying feature~~] boundary in the Congressional block assignment file used to establish the 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 Congressional district boundary;
- (ii) the number of the Congressional 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~~] Congressional 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~~] Congressional block assignment file, obtain and review any relevant data, and make a determination.

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

(i) prepare a certification identifying the appropriate 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 Congressional 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 Congressional district number was identified; and

(iii) the county clerk of the affected county.

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### **Section 7. Repealer.**

This bill repeals:

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

**Section 20A-13-101 (Contingently Effective), Representatives to the United States Congress -- Four representative districts -- When elected -- District boundaries.**

### **Section 8. Effective date.**

This bill takes effect on January 1, 2012, for purposes of nominating and electing Utah representatives to the United States House of Representatives and on January 1, 2013, for all other purposes.