Representative Gage Froerer proposes the following substitute bill:

1   **CONGRESSIONAL BOUNDARIES DESIGNATION**

2   2011 THIRD SPECIAL SESSION

3   STATE OF UTAH

4   **Chief Sponsor: Ralph Okerlund**

5   House Sponsor: Kenneth W. Sumsion

6   Cosponsor: J. Stuart Adams

8   **LONG TITLE**

9   The United States Congressional district boundary information may be found at

10   http://le.utah.gov.

11   Block assignment file security code: 9bdf4b9805a3d89e3df19a368fafa469

12   **General Description:**

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

14   establishes new United States Congressional district boundaries for Utah and makes

15   other technical corrections.

16   **Highlighted Provisions:**

17   This bill:

18   ▸   repeals current United States Congressional district boundaries for Utah and

19   establishes new United States Congressional district boundaries for Utah;

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

21   legal boundaries of United States Congressional district boundaries for Utah; and

22   ▸   makes technical corrections.

23   **Money Appropriated in this Bill:**

24   None

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25   **Other Special Clauses:**

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

27   representatives to the United States House of Representatives and on January 1, 2013,

28   for all other purposes.

29   **Utah Code Sections Affected:**

30   AMENDS:

31   **20A-13-102**, as last amended by Laws of Utah 2011, Chapter 74

32   **20A-13-102.2**, as enacted by Laws of Utah 2011, Chapter 74

33   **20A-13-103**, as repealed and reenacted by Laws of Utah 2001, Second Special Session,

34   Chapter 6

35   **20A-13-104**, as last amended by Laws of Utah 2005, Chapter 169

36   ENACTS:

37   **20A-13-101.1**, Utah Code Annotated 1953

38   **20A-13-101.5**, Utah Code Annotated 1953

39   REPEALS:

40   **20A-13-101 (Contingently Superseded)**, as last amended by Laws of Utah 2011,

41   Chapter 74

42   **20A-13-101 (Contingently Effective)**, as last amended by Laws of Utah 2007, Chapter

43   97

44   ══

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

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

47   **20A-13-101.1. Definitions.**

48   As used in this part:

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

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

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

52   tabulation from the 2010 decennial census.

53   (2) "Congressional block assignment file" means the electronic file that assigns each of

54   Utah's 115, 406 census blocks to a particular Congressional district.

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

56   **20A-13-101.5. Representatives to the United States Congress -- Four**

57 **representative districts -- When elected -- District boundaries.**

58   (1) (a) The state of Utah is divided into four districts for the election of representatives

59 to the Congress of the United States, with one member to be elected from each Congressional

60 district.

61   (b) At the general election to be held in 2012, and biennially thereafter, one

62 representative from each Congressional district shall be elected to serve in the Congress of the

63 United States.

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

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

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

67 Congressional district boundaries.

68   (3) (a) The Legislature enacts the numbers and boundaries of the Congressional

69 districts designated in the Congressional block assignment file that is the electronic component

70 of the bill that enacts this section.

71   (b) That Congressional block assignment file, and Congressional boundaries generated

72 from that Congressional block assignment file, may be accessed via the Utah Legislature's

73 website.

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

75   **20A-13-102. Congressional districts.**

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

77 Congressional block assignment file enacted by the Legislature[, and any other relevant

78 materials,] with the lieutenant governor's office.

79   (b) [Except as provided in Subsection (2), the] The legal boundaries of Utah's

80 Congressional districts are contained in the [official maps] Congressional block assignment file

81 on file with the lieutenant governor's office.

82   [(2) The following census blocks from the 2000 census are removed from

83 Congressional District 2 and placed into Congressional District 3: Census Tract 010205,

84 Blocks 1000, 1001, 3001, 3003, and 3004.]

85   [(3) When questions of interpretation of Congressional district boundaries arise, the

86 official maps on file in the lieutenant governor's office shall serve as the indication of the

87   legislative intent in drawing the Congressional district boundaries.]

88   [(4) Maps identifying the boundaries for Congressional districts may be viewed on the

89   Internet at the lieutenant governor's website.]

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

91   (i) generate maps of each Congressional district from the Congressional block

92   assignment file; and

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

94   website.

95   (b) If there is any inconsistency between the maps and the Congressional block

96   assignment file, the Congressional block assignment file is controlling.

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

98   **20A-13-102.2. County clerk, Automated Geographic Reference Center, and**

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

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

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

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

103   of Utah's Congressional districts as [shown on] generated from the [official maps]

104   Congressional block assignment file.

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

106   identifies the boundaries of Utah's Congressional districts within the county, the county clerk

107   shall submit the county map and data to the lieutenant governor and to the Automated

108   Geographic Reference Center for review.

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

110   Automated Geographic Reference Center shall:

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

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

113   [official maps] Congressional block assignment file;

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

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

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

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

118   (e) If the county clerk receives notice from the lieutenant governor that the <u>county</u> map
119   and data submitted are incorrect, the county clerk shall:
120   (i) make the corrections necessary to conform the <u>county</u> map and data to the [official
121   maps] <u>Congressional block assignment file</u>; and
122   (ii) resubmit the corrected <u>county</u> map and data to the lieutenant governor and to the
123   Automated Geographic Reference Center for a new review under this Subsection (2).
124   (3) (a) Subject to the requirements of this Subsection (3), each county clerk shall
125   establish voting precincts and polling places within each Utah Congressional district according
126   to the procedures and requirements of Section 20A-5-303.
127   (b) Within five working days after approval of voting precincts and polling places by
128   the county legislative body as required by Section 20A-5-303, each county clerk shall submit a
129   voting precinct map identifying the boundaries of each voting precinct within the county to the
130   lieutenant governor and to the Automated Geographic Reference Center for review.
131   (c) Within 30 days after receipt of a map from a county clerk, the Automated
132   Geographic Reference Center shall:
133   (i) review the voting precinct map to evaluate if the [county] <u>voting precinct</u> map
134   accurately reflects the boundaries of Utah's Congressional districts established by the
135   Legislature in the [official maps] <u>Congressional block assignment file</u>;
136   (ii) determine whether the <u>voting precinct</u> map is correct or incorrect; and
137   (iii) communicate those findings to the lieutenant governor.
138   (d) The lieutenant governor shall either notify the county clerk that the <u>voting precinct</u>
139   map is correct or notify the county clerk that the map is incorrect.
140   (e) If the county clerk receives notice from the lieutenant governor that the <u>voting</u>
141   <u>precinct</u> map is incorrect, the county clerk shall:
142   (i) make the corrections necessary to conform the voting precinct map to the [official
143   maps] <u>Congressional block assignment file</u>; and
144   (ii) resubmit the corrected <u>voting precinct</u> map to the lieutenant governor and to the
145   Automated Geographic Reference Center for a new review under this Subsection (3).
146   Section 5. Section **20A-13-103** is amended to read:
147   **20A-13-103.   Omissions from maps -- How resolved.**
148   (1) If any area of the state is omitted from a Congressional district in the [maps]

149 Congressional block assignment file enacted by the Legislature, the county clerk of the affected

150 county, upon discovery of the omission, shall attach the area to the appropriate Congressional

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

152   (2) If the omitted area is surrounded by a single Congressional district, the county clerk

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

154   (3) If the omitted area is contiguous to two or more Congressional districts, the county

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

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

157 United States Department of Commerce developed in connection with the taking of the 2000

158 national decennial census] described in Subsection 20A-13-101.5(2).

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

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

161 filed with the lieutenant governor] this section.

162   Section 6. Section **20A-13-104** is amended to read:

163   **20A-13-104.   Uncertain boundaries -- How resolved.**

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

165   (a) a representative whose Congressional district boundary is uncertain because the

166 [identifying feature] boundary in the Congressional block assignment file used to establish the

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

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

169 Congressional district;

170   (b) a candidate for Congressional representative whose Congressional district boundary

171 is uncertain because the [identifying feature] boundary in the Congressional block assignment

172 file used to establish the district boundary has been removed, modified, or is unable to be

173 identified or who is uncertain about whether or not [he] the candidate or another person resides

174 in a particular Congressional district; or

175   (c) a person who is uncertain about which Congressional district contains the person's

176 residence because the [identifying feature] boundary in the Congressional block assignment file

177 used to establish the district boundary has been removed, modified, or is unable to be

178 identified.

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

180   to determine:

181   (i) the precise location of the Congressional district boundary;

182   (ii) the number of the Congressional district in which a person resides; or

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

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

185   governor shall review the [official maps] Congressional block assignment file and obtain and

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

187   aerial maps, or other data about the area.

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

189   [maps] Congressional block assignment file, obtain and review any relevant data, and make a

190   determination.

191   (d) When the lieutenant governor determines the location of the Congressional district

192   boundary, the lieutenant governor shall:

193   (i) prepare a certification identifying the appropriate boundary and attaching a map, if

194   necessary; and

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

196   (A) the affected party;

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

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

199   (e) If the lieutenant governor determines the number of the Congressional district in

200   which a particular person resides, the lieutenant governor shall send a letter identifying that

201   district by number to:

202   (i) the person;

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

204   Congressional district number was identified; and

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

206   Section 7. **Repealer.**

207   This bill repeals:

208   Section **20A-13-101 (Contingently Superseded), Representatives to the United**

209   **States Congress -- Three representative districts -- When elected -- District boundaries.**

210   Section **20A-13-101 (Contingently Effective), Representatives to the United States**

211   **Congress -- Four representative districts -- When elected -- District boundaries.**

212   Section 8. **Effective date.**

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

214   representatives to the United States House of Representatives and on January 1, 2013, for all

215   other purposes.