1 **STATE SENATE BOUNDARY AMENDMENTS**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ralph Okerlund**

5 House Sponsor: Kenneth W. Sumsion

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7 **LONG TITLE**

8 **General Description:**

9   This bill makes minor adjustments to Utah State Senate district boundaries to reconcile

10 United States Census data with state maps and to resolve certain election administration

11 issues.

12 **Highlighted Provisions:**

13   This bill:

14   ▸ defines terms;

15   ▸ makes changes to Utah State Senate district boundaries to reconcile United States

16 Census data with state maps;

17   ▸ makes changes to Utah State Senate district boundaries to resolve certain election

18 administration issues; and

19   ▸ makes technical corrections.

20 **Money Appropriated in this Bill:**

21   None

22 **Other Special Clauses:**

23   This bill provides an immediate effective date.

24 **Utah Code Sections Affected:**

25 AMENDS:

26   **36-1-101.5**, as enacted by Laws of Utah 2011, Third Special Session, Chapter 7

27   **36-1-103**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 7

28   **36-1-103.2**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 7

29   **36-1-105**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 7

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

32   Section 1. Section **36-1-101.5** is amended to read:

33   **36-1-101.5.   Utah State Senate -- District boundaries.**

34   (1) As used in this section:

35   (a) "County boundary" means the county boundary's location in the database as of

36 January 1, 2010.

37   (b) "Database" means the State Geographic Information Database created in Section

38 63F-1-507.

39   (c) "Local school district boundary" means the local school district boundary's location

40 in the database as of January 1, 2010.

41   (d) "Municipal boundary" means the municipal boundary's location in the database as

42 of January 1, 2010.

43   [(1)] (2) The Utah State Senate shall consist of 29 members, with one member to be

44 elected from each Utah State Senate district.

45   [(2) The] (3) Except as modified by Subsection (5), the Legislature adopts the official

46 census population figures and maps of the Bureau of the Census of the United States

47 Department of Commerce developed in connection with the taking of the 2010 national

48 decennial census as the official data for establishing Senate district boundaries.

49   [(3) (a) The] (4) (a) Except as modified by Subsection (5), the Legislature enacts the

50 numbers and boundaries of the Senate districts designated in the Senate block assignment file

51 that is the electronic component of the bill that enacts this section.

52   (b) That Senate block assignment file, and the Senate district boundaries generated

53 from that Senate block assignment file, together with the modifications made by Subsection

54 (5), may be accessed via the Utah Legislature's website.

55   (5) (a) The following census blocks from the 2010 Census are placed into Senate

56 District 1 and removed from Senate District 3: 490351133053025, 490351133053028, and

57 490351133053030.

58   (b) The following census block from the 2010 Census is placed into Senate District 6

59   and removed from Senate District 8: 490351135331005.

60   (c) The following census blocks from the 2010 Census are placed into Senate District 8

61   and removed from Senate District 6: 490351135331034, 490351135331035,

62   490351142001003, and 490351142001004.

63   (d) The following census blocks from the 2010 Census are placed into Senate District

64   11 and removed from Senate District 10: 490351146003002, and 490351146003003.

65   (e) The following census blocks from the 2010 Census are placed into Senate District

66   11 and removed from Senate District 14: 490490102172036, and 490490102173014.

67   (f) The following census block from the 2010 Census is placed into Senate District 12

68   and removed from Senate District 5: 490351135263001.

69   (g) The following census blocks from the 2010 Census are placed into Senate District

70   13 and removed from Senate District 14: 490490002051002, 490490002051003,

71   490490002051007, 490490002051025, and 490490002051026.

72   (h) The following census block from the 2010 Census is placed into Senate District 15

73   and removed from Senate District 7: 490490022011099.

74   (i) The following census block from the 2010 Census is placed into Senate District 15

75   and removed from Senate District 14: 490490101122091.

76   (j) The following census blocks from the 2010 Census are placed into Senate District

77   17 and removed from Senate District 12: 490451307032023, 490451307032030,

78   490451307033696, and 490451307033697.

79   (k) The following census blocks from the 2010 Census are placed into Senate District

80   17 and removed from Senate District 25: 490050012011029, 490050012021000,

81   490050012021001, 490050012022029, 490050012022030, 490050012022031, and

82   490050012022032.

83   (l) The following census blocks from the 2010 Census are placed into Senate District

84   18 and removed from Senate District 20: 490572105121012, 490572105121013,

85   490572105121014, and 490572107011001.

86   (m) The following census blocks from the 2010 Census are placed into Senate District

87   19 and removed from Senate District 20: 490572103041012, 490572103041052,

88   490572103041053, and 490572104021005.

89   (n) The following census blocks from the 2010 Census are placed into Senate District

90   19 and removed from Senate District 26: 490439643062073, 490439643062086,

91   490439643062087, 490439643062088, 490439643062090, 490439643062091,

92   490439643062092, 490439643062093, and 490439643062101.

93   (o) The following census blocks from the 2010 Census are placed into Senate District

94   20 and removed from Senate District 18: 490111252002104, 490111252002105,

95   490111252002106, 490111252002186, 490111253011000, 490111253011001,

96   490111253011002, 490111253012000, 490111253012001, 490111253013000,

97   490111253013001, and 490111253013032.

98   (p) The following census blocks from the 2010 Census are placed into Senate District

99   20 and removed from Senate District 19: 490572003001087 and 490572003001088.

100   (q) The following census blocks from the 2010 Census are placed into Senate District

101   21 and removed from Senate District 22: 490111258081000, 490111258081001,

102   490111258081002, and 490111258083001.

103   (r) The following census blocks from the 2010 Census are placed into Senate District

104   23 and removed from Senate District 22: 490111263041048, 490111263041049,

105   490111263041070, 490111263041084, and 490111263041086.

106   (s) The following census blocks from the 2010 Census are placed into Senate District

107   24 and removed from Senate District 7: 490490104092048, 490490104092052,

108   490490104092053, 490490104092054, and 490490104092055.

109   (t) The following census blocks from the 2010 Census are placed into Senate District

110   28 and removed from Senate District 29: 490532711004012, 490532711004013,

111   490532711004014, 490532711004035, 490532712001032, and 490532712001033.

112   (u) The boundary between Senate District 14 and Senate District 15 is changed to

113   follow the Pleasant Grove municipal boundary south of 1000 South between 1320 East Street

114 and 1500 East Street in Pleasant Grove.

115   (v) The boundary between Senate District 17 and Senate District 25 is changed to

116 follow the Nibley municipal boundary from the intersection of 2200 South and 1200 West

117 Streets, then along the same municipal boundary generally south then west to the intersection

118 of Highway 89 and Kendell Mae Lane.

119   (w) The boundary between Senate District 19 and Senate District 26 is changed to

120 follow the local school district boundary from the intersection of the local school district

121 boundary with the shared boundary between Summit County and Rich County, then along the

122 same local school district boundary generally south and west to the intersection of the local

123 school district boundary with Promontory Ranch Road.

124   Section 2. Section **36-1-103** is amended to read:

125   **36-1-103.   Senate districts -- Copies -- Legal boundaries.**

126   (1) (a) The Legislature shall file a copy of the Senate block assignment file enacted by

127 the Legislature with the lieutenant governor's office.

128   (b) [The] Except as provided in Subsection 36-1-101.5(5), the legal boundaries of

129 Senate districts are contained in the Senate block assignment file on file with the lieutenant

130 governor's office.

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

132   (i) generate maps of each Utah State Senate district from the Senate block assignment

133 file and modifications to boundaries made in Subsection 36-1-101.5(5); and

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

135 website.

136   (b) If there is any inconsistency between the maps [and], the Senate block assignment

137 file, and the modifications made to boundaries in Subsection 36-1-101.5(5), the Senate block

138 assignment file [is] as adjusted by the modifications to boundaries made in Subsection

139 36-1-101.5(5) are controlling.

140   Section 3. Section **36-1-103.2** is amended to read:

141   **36-1-103.2.   County clerk, Automated Geographic Reference Center, and**

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

143   (1) As used in this section, "redistricting boundary data" means the Senate block

144   assignment file and any modifications made to the Senate district boundaries by Subsection

145   36-1-101.5(5).

146   [(1)] (2) Each county clerk shall obtain a copy of the [Senate block assignment file]

147   redistricting boundary data for the clerk's county from the lieutenant governor's office.

148   [(2)] (3) (a) A county clerk may create one or more county maps that identify the

149   boundaries of Senate districts as generated from the [Senate block assignment file] redistricting

150   boundary data.

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

152   identifies the boundaries of Senate districts within the county, the clerk shall submit the county

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

154   review.

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

156   Automated Geographic Reference Center shall:

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

158   reflect the boundaries of Senate districts established by the Legislature in the [Senate block

159   assignment file] redistricting boundary data;

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

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

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

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

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

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

166   (i) make the corrections necessary to conform the county map and data to the [Senate

167   block assignment file] redistricting boundary data; and

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

169   Automated Geographic Reference Center for a new review under this Subsection [(2)] (3).

170   [(3)] (4) (a) Subject to the requirements of this Subsection [(3)] (4), each county clerk

171   shall establish voting precincts and polling places within each Senate district according to the

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

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

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

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

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

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

178   Automated Geographic Reference Center shall:

179   (i) review the voting precinct map to evaluate if the voting precinct map accurately

180   reflects the boundaries of Senate districts established by the Legislature in the [Senate block

181   assignment file] redistricting boundary data;

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

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

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

185   map is correct or notify the county clerk that the map is incorrect.

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

187   precinct map is incorrect, the county clerk shall:

188   (i) make the corrections necessary to conform the voting precinct map to the [Senate

189   block assignment file] redistricting boundary data; and

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

191   Automated Geographic Reference Center for a new review under this Subsection [(3)] (4).

192   Section 4. Section **36-1-105** is amended to read:

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

194   (1) As used in this section[, "affected]:

195   (a) "Affected party" means:

196   [(a)] (i) a senator whose Utah State Senate district boundary is uncertain because the

197   [boundary] feature used to establish the district boundary in the Senate block assignment file

198 [used to establish the Senate district boundary] or in any modifications to the boundary made in

199 Subsection 36-1-101.5(5) has been removed, modified, or is unable to be identified or who is

200 uncertain about whether or not the senator or another person resides in a particular Senate

201 district;

202   [(b)] (ii) a candidate for senator whose Senate district boundary is uncertain because

203 the [boundary] feature used to establish the district boundary in the Senate block assignment

204 file [used to establish the Senate district boundary] or in any modifications to the boundary

205 made in Subsection 36-1-101.5(5) has been removed, modified, or is unable to be identified or

206 who is uncertain about whether or not the candidate or another person resides in a particular

207 Senate district; or

208   [(c)] (iii) a person who is uncertain about which Senate district contains the person's

209 residence because the [boundary] feature used to establish the district boundary in the Senate

210 block assignment file [used to establish the Senate district boundary] or in any modifications to

211 the boundary made in Subsection 36-1-101.5(5) has been removed, modified, or is unable to be

212 identified.

213   (b) "Feature" means a geographic or other tangible or intangible mark such as a road or

214 political subdivision boundary that is used to establish a Senate district boundary.

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

216 to determine:

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

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

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

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

221 governor shall review:

222   (i) the Senate block assignment file [and obtain and review]:

223   (ii) the modifications to the boundary made in Subsection 36-1-101.5(5); and

224   (iii) other relevant data such as aerial photographs, aerial maps, or other data about the

225 area.

226   (c) Within five days of receipt of the request, the lieutenant governor shall:

227   (i) review the Senate block assignment file[, obtain and]:

228   (ii) review the modifications to the boundary made in Subsection 36-1-101.5(5);

229   (iii) review any relevant data[.]; and

230   (iv) make a determination.

231   (d) When the lieutenant governor determines the location of the Senate district

232   boundary, the lieutenant governor shall:

233   (i) prepare a certification identifying the appropriate Senate district boundary and

234   attaching a map, if necessary; and

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

236   (A) the affected party;

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

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

239   (e) If the lieutenant governor determines the number of the Senate district in which a

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

241   number to:

242   (i) the person;

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

244   district number was identified; and

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

246   Section 5. **Effective date.**

247   If approved by two-thirds of all the members elected to each house, this bill takes effect

248   upon approval by the governor, or the day following the constitutional time limit of Utah

249   Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,

250   the date of veto override.