

HB2005S01 compared with HB2005

~~{deleted text}~~ shows text that was in HB2005 but was deleted in HB2005S01.

inserted text shows text that was not in HB2005 but was inserted into HB2005S01.

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Representative Joel K. Briscoe proposes the following substitute bill:

UTAH STATE HOUSE BOUNDARIES DESIGNATION

2021 SECOND SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: Scott D. Sandall

LONG TITLE

Redistricting Boundary Information:

The Utah State House of Representatives district boundary information may be found at <https://le.utah.gov>.

Block equivalency file: ~~{HB2005_BEF}~~HB2005S01_BEF.txt

Block equivalency file security code:

~~{12acdd41d1bb9fcedccc526cd9f74eb2}~~3d979c48b0c1f86474897c80d6f1ef2d

General Description:

This bill, which includes this printed text and the electronic data affiliated with this text that is available on the Legislature's website and also included on the electronic storage device accompanying this bill when presented to the governor, establishes new Utah State House of Representative district boundaries.

Highlighted Provisions:

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This bill:

- ▶ repeals current Utah State House of Representatives boundaries and establishes new Utah State House of Representatives boundaries;
- ▶ establishes the block equivalency file that is part of this bill in electronic form as the legal boundaries of the Utah State House of Representatives districts;
- ▶ provides a hash code to verify the authenticity of the block equivalency file; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides revisor instructions.

Utah Code Sections Affected:

AMENDS:

36-1-201.1, as last amended by Laws of Utah 2017, Chapter 243

36-1-201.5, as last amended by Laws of Utah 2021, Chapter 345

36-1-202, as last amended by Laws of Utah 2013, Chapter 382

36-1-202.2, as last amended by Laws of Utah 2021, Chapter 162

36-1-203, as last amended by Laws of Utah 2018, Chapter 330

36-1-204, as last amended by Laws of Utah 2021, Chapters 162 and 345

Utah Code Sections Affected by Revisor Instructions:

36-1-201.5, as last amended by Laws of Utah 2021, Chapter 345

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

Section 1. Section **36-1-201.1** is amended to read:

36-1-201.1. Definitions.

As used in this part:

(1) "Census block" means any one of the [~~115,406~~] 71,207 individual geographic areas into 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~~] 2020 decennial census.

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(2) "House block [~~assignment~~] equivalency file" means the electronic file designated as ~~{HB2005_BEF}~~HB2005S01_BEF.txt that assigns each of Utah's [~~115, 406~~] 71,207 census blocks to a particular Utah State House of Representatives district.

(3) "House shapefile" means the electronic shapefile that:

(a) is the resulting projection of the House block equivalency file; and

(b) stores the boundary of each of the 75 Utah House of Representatives districts.

(4) "Shapefile" means the digital vector storage format for storing geometric location and associated attribute information [~~and includes the boundary change in Subsection 36-1-201.5(4)(b).~~].

Section 2. Section **36-1-201.5** is amended to read:

36-1-201.5. Utah State House of Representatives -- House district boundaries.

~~[(1) As used in this section:]~~

~~[(a) "County boundary" means the county boundary's location in the database as of January 1, 2017.]~~

~~[(b) "Database" means the State Geographic Information Database created in Section 63A-16-506.]~~

~~[(c) "Local school district boundary" means the local school district boundary's location in the database as of January 1, 2010.]~~

~~[(d) "Municipal boundary" means the municipal boundary's location in the database as of January 1, 2010.]~~

~~[(2)]~~ (1) The Utah State House of Representatives shall consist of 75 members, with one member to be elected from each Utah House of Representative district.

~~[(3)]~~ (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~~] 2020 national decennial census as the official data for establishing House district boundaries.

~~[(4)]~~ (3) (a) [~~Notwithstanding Subsection (3), and except as modified by Subsection (4)(b), the~~] The Legislature enacts the district numbers and boundaries of the House of Representatives districts designated [~~by the~~] in the House block equivalency file and resulting House shapefile that is the electronic component of [2013 General Session H.B. 366, State House Boundary Amendments:] this bill:

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(i) for purposes of nominating and electing members of the Utah State House of Representatives beginning January 1, 2022; and

(ii) for all other purposes beginning January 1, 2023.

~~[(b) The boundary between House District 1 and House District 5 in the shapefile described in Subsection (4)(a) is changed to follow the county boundary of Box Elder County and Cache County from the intersection of Cache, Box Elder, and Weber counties, north to the intersection of House District 1, House District 3, and House District 5.]~~

~~[(c)]~~ (b) [That] The Legislature shall ensure that the House shapefile, and the legislative boundaries generated from [that] the House shapefile, [may be accessed via] are accessible on the Utah Legislature's website.

Section 3. Section **36-1-202** is amended to read:

36-1-202. House districts -- Filing -- Legal boundaries.

(1) (a) The Legislature shall file a copy of the House ~~[shapefile]~~ block equivalency file enacted by the Legislature and the resulting House shapefile with the lieutenant governor's office.

(b) The legal boundaries of House districts are contained in the House shapefile on file with the lieutenant governor's office.

(2) (a) The lieutenant governor shall:

(i) verify the House block equivalency file that the Legislature files under Subsection (1) using block equivalency file security code
"{12acdd41d1bb9fcedccc526cd9f74eb2}3d979c48b0c1f86474897c80d6f1ef2d" and the corresponding House shapefile;

~~[(+)]~~ (ii) generate maps of each House district from the House shapefile; and

~~[(+)]~~ (iii) ensure that [those] the district maps are available for viewing on the lieutenant governor's website.

(b) If there is any inconsistency between the district maps and the House shapefile resulting from the House block equivalency file, the House shapefile is controlling.

Section 4. Section **36-1-202.2** is amended to read:

36-1-202.2. County clerk, Utah Geospatial Resource Center, and lieutenant governor responsibilities -- Maps and voting precinct boundaries.

(1) As used in this section, "redistricting boundary data" means the House shapefile in

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the possession of the lieutenant governor's office.

(2) Each county clerk shall obtain a copy of the redistricting boundary data for the clerk's county from the lieutenant governor's office.

(3) (a) A county clerk may create one or more county maps that identify the boundaries of House districts as generated from the redistricting boundary data.

(b) Before publishing or distributing any map or data created by the county clerk that identifies the boundaries of House districts within the county, the clerk shall submit the county map and data to the lieutenant governor and to the Utah Geospatial Resource Center for review.

(c) Within 30 days after receipt of a county map and data from a county clerk, the Utah Geospatial Resource Center shall:

(i) review the county map and data to evaluate if the county map and data accurately reflect the boundaries of House districts established by the Legislature in the redistricting boundary data;

(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 redistricting boundary data; and

(ii) resubmit the corrected county map and data to the lieutenant governor and to the Utah Geospatial Resource Center for a new review under this Subsection (3).

(4) (a) Subject to the requirements of this Subsection (4), each county clerk shall establish voting precincts and polling places within each House 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 Utah Geospatial Resource Center for review.

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(c) Within 30 days after receipt of a voting precinct map from a county clerk, the Utah Geospatial Resource Center shall:

(i) review the voting precinct map to evaluate if the county map accurately reflects the boundaries of House districts established by the Legislature in the redistricting boundary data;

(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 voting precinct 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 redistricting boundary data; and

(ii) resubmit the corrected voting precinct map to the lieutenant governor and to the Utah Geospatial Resource Center for a new review under this Subsection (4).

Section 5. Section **36-1-203** is amended to read:

36-1-203. Omissions from maps -- How resolved.

(1) If any area of the state is omitted from a Utah State House of Representatives district in the House shapefile [~~enacted by the Legislature~~] in the possession of the lieutenant governor's office, the county clerk of the affected county, upon discovery of the omission, shall attach the area to the appropriate House district according to the requirements of Subsections (2) and (3).

(2) If the omitted area is surrounded by a single House district, the county clerk shall attach the area to that district.

(3) If the omitted area is contiguous to two or more House districts, the county clerk shall attach the area to the district that has the least population, as determined by the Utah Population Committee.

(4) The county clerk shall certify in writing and file with the lieutenant governor any attachment made under this section.

Section 6. Section **36-1-204** is amended to read:

36-1-204. Uncertain boundaries -- How resolved.

(1) As used in this section:

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(a) "Affected party" means:

(i) a representative whose Utah State House of Representatives district boundary is uncertain because the feature used to establish the district boundary in the House shapefile has been removed, modified, or is unable to be identified or who is uncertain about whether the representative or another individual resides in a particular House district;

(ii) a candidate for representative whose House district boundary is uncertain because the feature used to establish the district boundary in the House shapefile has been removed, modified, or is unable to be identified or who is uncertain about whether the candidate or another individual resides in a particular House district; or

(iii) an individual who is uncertain about which House district contains the individual's residence because the feature used to establish the district boundary in the House shapefile has been removed, modified, or is unable to be identified.

(b) "Feature" means a geographic or other identifiable tangible or intangible object such as a road or political subdivision boundary that is used to establish a House district boundary.

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

(i) the precise location of the House district boundary;

(ii) the number of the House district in which an individual 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:

(i) the House block equivalency file and the resulting House shapefile; and

(ii) any other relevant data such as aerial photographs, aerial maps, or other data about the area.

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

(i) complete the review [the House shapefile;] described in Subsection (2)(b); and

~~[(ii) review any relevant data; and]~~

~~[(iii)]~~ (ii) make a determination.

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

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(i) prepare a certification identifying the appropriate House 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 Utah Geospatial Resource Center created under Section 63A-16-505.

(e) If the lieutenant governor determines the number of the House district in which a particular individual resides, the lieutenant governor shall send a letter identifying that district by number to:

(i) the individual;

(ii) the affected party who filed the petition, if different than the individual whose House district number was identified; and

(iii) the county clerk of the affected county.

Section 7. **Effective date.**

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

Section 8. **Revisor instructions.**

The Legislature intends that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, replace the references in Section 36-1-201.5 from "this bill" to the bill's designated chapter number in the Laws of Utah.