

29 None

30 **Other Special Clauses:**

31 This bill provides a special effective date.

32 This bill provides revisor instructions.

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **36-1-101.1**, as last amended by Laws of Utah 2013, Chapter 454

36 **36-1-101.5**, as last amended by Laws of Utah 2021, Chapter 345

37 **36-1-102**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 7

38 **36-1-103**, as last amended by Laws of Utah 2013, Chapter 454

39 **36-1-103.2**, as last amended by Laws of Utah 2021, Chapter 162

40 **36-1-104**, as last amended by Laws of Utah 2018, Chapter 330

41 **36-1-105**, as last amended by Laws of Utah 2021, Chapters 162 and 345

42 **Utah Code Sections Affected by Revisor Instructions:**

43 **36-1-101.5**, as last amended by Laws of Utah 2021, Chapter 345

44 **36-1-102**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 7



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

47 Section 1. Section **36-1-101.1** is amended to read:

48 **36-1-101.1. Definitions.**

49 As used in this part:

50 (1) "Census block" means any one of the [~~115,406~~] 71,207 individual geographic areas
51 into which the Bureau of the Census of the United States Department of Commerce has divided
52 the state of Utah, to each of which the Bureau of the Census has attached a discrete population
53 tabulation from the [~~2010~~] 2020 decennial census.

54 (2) "Senate block [~~assignment~~] equivalency file" means the electronic file designated
55 as SB2006S02_BEF.txt that assigns each of Utah's [~~115,406~~] 71,207 census blocks to a

56 particular Utah State Senate district.

57 (3) "Senate shapefile" means the electronic shapefile that;

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

59 (b) stores the boundary of each of the 29 Utah State Senate districts.

60 (4) "Shapefile" means the digital vector storage format for storing geometric location
61 and associated attribute information.

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

63 **36-1-101.5. Utah State Senate -- District boundaries.**

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

65 [~~(a) "County boundary" means the county boundary's location in the database as of
66 January 1, 2010.~~]

67 [~~(b) "Database" means the State Geographic Information Database created in Section
68 63A-16-506.~~]

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

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

73 [~~(2)~~] (1) The Utah State Senate shall consist of 29 members, with one member to be
74 elected from each Utah State Senate district.

75 [~~(3)~~] (2) The Legislature adopts the official census population figures and maps of the
76 Bureau of the Census of the United States Department of Commerce developed in connection
77 with the taking of the [~~2010~~] 2020 national decennial census as the official data for establishing
78 Senate district boundaries.

79 [~~(4)~~] (3) (a) [~~Notwithstanding Subsection (3), the~~] The Legislature enacts the district
80 numbers and boundaries of the Senate districts designated in the Senate block equivalency file
81 and resulting Senate shapefile that is the electronic component of [~~the bill that enacts this~~
82 section.] this bill:

83 (i) for purposes of nominating and electing certain members of the Utah State Senate
84 beginning January 1, 2022; and

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

86 (b) ~~[That]~~ The Legislature shall ensure that the Senate shapefile, and the Senate district
87 boundaries generated from [that] the Senate shapefile, [may be accessed via] are accessible on
88 the Utah Legislature's website.

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

90 **36-1-102. Election of senators -- Staggered terms.**

91 ~~[(1)]~~ Unless otherwise provided by law, [each senator elected from] and
92 notwithstanding Subsection [20A-1-503\(3\)](#):

93 (1) voters in the following districts, as designated in the Senate block equivalency file,
94 shall elect a senator for a term of four years:

95 (a) at the 2022 General Election, Senate Districts [2, 3, 5, 9, 11, 12, 15, 17, 18, 21, 22,
96 and 26] [1, 5, 6, 7, 9, 11, 12, 13, 14, 18, 19, 20, 21, 23, and 28](#); and

97 (b) at the [2010] [2024](#) General Election [shall serve out the term of office for which he
98 or she was elected], [Senate Districts 2, 3, 4, 8, 10, 15, 16, 17, 22, 24, 25, 26, 27, and 29](#); and

99 (2) a senator representing a district described in Subsection (1)(b) on the effective date
100 of this bill shall represent the realigned district, if [he or she] the senator resides in [that] the
101 realigned district, for a term of office that ends January 1, 2025.

102 ~~[(2) At the general election to be held in 2012, senators elected from Senate Districts 1,~~
103 ~~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~~
104 ~~four years.]~~

105 ~~[(3) (a) Because the senator from Senate District 28 was appointed to fill a mid-term~~
106 ~~vacancy that occurred more than two years before the next regular general election, Subsection~~
107 ~~[20A-1-503\(3\)](#) requires that the vacancy be filled for the unexpired term at the next general~~
108 ~~election.]~~

109 ~~[(b) Consequently:]~~

110 ~~[(i) at the general election to be held in 2012, the senator elected from Senate District~~
111 ~~28 shall be elected to serve a term of office of two years; and]~~

112 ~~[(ii) at the general election to be held in 2014, the senator elected from Senate District~~
113 ~~28 shall be elected to serve a term of office of four years.]~~

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

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

123 ~~[(ii) If the Subsection (4)(b)(i) contingency occurs:]~~

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

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

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

129 **36-1-103. Senate districts -- Filing -- Legal boundaries.**

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

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

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

136 (i) verify the Senate block equivalency file that the Legislature filed under Subsection

137 (1) using block equivalency file security code "4dde7d733138e1360e155dfaf98a0cd5" and the
138 resulting Senate shapefile;

139 ~~(i)~~ (ii) generate maps of each Utah State Senate district from the Senate shapefile;
140 and

141 ~~(i)~~ (iii) ensure that ~~those~~ the district maps are available for viewing on the
142 lieutenant governor's website.

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

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

146 **36-1-103.2. County clerk, Utah Geospatial Resource Center, and lieutenant**
147 **governor responsibilities -- Maps and voting precinct boundaries.**

148 (1) As used in this section, "redistricting boundary data" means the Senate shapefile in
149 the possession of the lieutenant governor's office.

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

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

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

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

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

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

- 164 (iii) communicate those findings to the lieutenant governor.
- 165 (d) The lieutenant governor shall either notify the county clerk that the county map and
166 data are correct or notify the county clerk that the county map and data are incorrect.
- 167 (e) If the county clerk receives notice from the lieutenant governor that the county map
168 and data submitted are incorrect, the county clerk shall:
- 169 (i) make the corrections necessary to conform the county map and data to the
170 redistricting boundary data; and
- 171 (ii) resubmit the corrected county map and data to the lieutenant governor and to the
172 Utah Geospatial Resource Center for a new review under this Subsection (3).
- 173 (4) (a) Subject to the requirements of this Subsection (4), each county clerk shall
174 establish voting precincts and polling places within each Senate district according to the
175 procedures and requirements of Section 20A-5-303.
- 176 (b) Within five working days after approval of voting precincts and polling places by
177 the county legislative body as required by Section 20A-5-303, each county clerk shall submit a
178 voting precinct map identifying the boundaries of each voting precinct within the county to the
179 lieutenant governor and to the Utah Geospatial Resource Center for review.
- 180 (c) Within 30 days after receipt of a voting precinct map from a county clerk, the Utah
181 Geospatial Resource Center shall:
- 182 (i) review the voting precinct map to evaluate if the voting precinct map accurately
183 reflects the boundaries of Senate districts established by the Legislature in the redistricting
184 boundary data;
- 185 (ii) determine whether the voting precinct map is correct or incorrect; and
- 186 (iii) communicate those findings to the lieutenant governor.
- 187 (d) The lieutenant governor shall either notify the county clerk that the voting precinct
188 map is correct or notify the county clerk that the map is incorrect.
- 189 (e) If the county clerk receives notice from the lieutenant governor that the voting
190 precinct map is incorrect, the county clerk shall:

191 (i) make the corrections necessary to conform the voting precinct map to the
192 redistricting boundary data; and

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

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

196 **36-1-104. Omissions from maps -- How resolved.**

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

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

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

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

208 Section 7. Section **36-1-105** is amended to read:

209 **36-1-105. Uncertain boundaries -- How resolved.**

210 (1) As used in this section:

211 (a) "Affected party" means:

212 (i) a senator whose Utah State Senate district boundary is uncertain because the feature
213 used to establish the district boundary in the Senate shapefile has been removed, modified, or is
214 unable to be identified or who is uncertain about whether the senator or another individual
215 resides in a particular Senate district;

216 (ii) a candidate for senator whose Senate district boundary is uncertain because the
217 feature used to establish the district boundary in the Senate shapefile has been removed,

218 modified, or is unable to be identified or who is uncertain about whether the candidate or
219 another individual resides in a particular Senate district; or

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

223 (b) "Feature" means a geographic or other tangible or intangible mark such as a road or
224 political subdivision boundary that is used to establish a Senate district boundary.

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

- 227 (i) the precise location of the Senate district boundary;
- 228 (ii) the number of the Senate district in which an individual resides; or
- 229 (iii) both Subsections (2)(a)(i) and (ii).

230 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
231 governor shall review:

- 232 (i) the Senate block equivalency file and the resulting Senate shapefile; and
- 233 (ii) any other relevant data such as aerial photographs, aerial maps, or other data about
234 the area.

235 (c) Within five days ~~[of receipt of the request]~~ after the day on which the lieutenant
236 governor receives the request described in Subsection (2)(a), the lieutenant governor shall:

- 237 ~~[(i) review the Senate shapefile;]~~
- 238 ~~[(ii) review any relevant data; and]~~
- 239 (i) complete the review described in Subsection (2)(b); and
- 240 ~~[(iii)]~~ (ii) make a determination.

241 (d) When the lieutenant governor determines the location of the Senate district
242 boundary, the lieutenant governor shall:

- 243 (i) prepare a certification identifying the appropriate Senate district boundary and
244 attaching a map, if necessary; and

- 245 (ii) send a copy of the certification to:
- 246 (A) the affected party;
- 247 (B) the county clerk of the affected county; and
- 248 (C) the Utah Geospatial Resource Center created under Section [63A-16-505](#).
- 249 (e) If the lieutenant governor determines the number of the Senate district in which a
- 250 particular individual resides, the lieutenant governor shall send a letter identifying that district
- 251 by number to:
- 252 (i) the individual;
- 253 (ii) the affected party who filed the petition, if different than the individual whose
- 254 Senate district number was identified; and
- 255 (iii) the county clerk of the affected county.

256 Section 8. **Effective date.**

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

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

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

260 the date of veto override.

261 Section 9. **Revisor instructions.**

262 The Legislature intends that the Office of Legislative Research and General Counsel, in

263 preparing the Utah Code database for publication, replace the following references:

- 264 (1) in Section [36-1-101.5](#), from "this bill" to the bill's designated chapter number in the
- 265 Laws of Utah; and
- 266 (2) in Section [36-1-102](#), from "the effective date of this bill" to the bill's actual
- 267 effective date.