SB2005S03 compared with SB2005S02

{deleted text} shows text that was in SB2005S02 but was deleted in SB2005S03.

inserted text shows text that was not in SB2005S02 but was inserted into SB2005S03.

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 bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

{Senator Kathleen A}Representative Raymond P. {Riebe}Ward proposes the following substitute bill:

STATE BOARD OF EDUCATION BOUNDARIES AND ELECTION DESIGNATION

2021 SECOND SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

House Sponsor: Paul Ray

LONG TITLE

Redistricting Boundary Information:

> The Utah State Board of Education district boundary information may be found at https://le.utah.gov.
>
> Block equivalency file: {SB2005S02_BEF}SB2005S03_BEF.txt
>
> Block equivalency file security code: 4d12c91b563424e1e43ca79c735bfa96

General Description:

> This bill, which includes this printed text and the electronic data affiliated with the 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 Board of Education district boundaries.

Highlighted Provisions:

This bill:

▸ repeals current Utah State Board of Education district boundaries and establishes new Utah State Board of Education district boundaries;

▸ establishes election dates for Utah State Board of Education districts to ensure that Utah State Board of Education terms are staggered;

▸ establishes the block equivalency file, which is part of this bill in electronic form, as the legal boundaries of Utah State Board of Education districts; 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:

20A-14-101.1, as last amended by Laws of Utah 2013, Chapter 455

20A-14-101.5, as last amended by Laws of Utah 2021, Chapter 345

20A-14-102, as last amended by Laws of Utah 2013, Chapter 455

20A-14-102.1, as last amended by Laws of Utah 2018, Chapter 330

20A-14-102.2, as last amended by Laws of Utah 2021, Chapters 162 and 345

20A-14-102.3, as last amended by Laws of Utah 2021, Chapter 162

20A-14-103, as last amended by Laws of Utah 2018, Chapter 19

Utah Code Sections Affected by Revisor Instructions:

20A-14-101.5, as last amended by Laws of Utah 2021, Chapter 345

20A-14-103, as last amended by Laws of Utah 2018, Chapter 19

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

Section 1. Section **20A-14-101.1** is amended to read:

20A-14-101.1. Definitions.

As used in this part:

(1) "Board" means the State Board of Education.

(2) "Board block [assignment] equivalency file" means the electronic file designated as {SB2005S02_BEF}SB2005S03_BEF.txt that assigns each of Utah's [115,406] 71,207 census blocks to a particular State Board of Education district.

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

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

(b) stores the boundary of each of the 15 State Board of Education districts.

(4) "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.

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

Section 2. Section **20A-14-101.5** is amended to read:

20A-14-101.5.   State Board of Education -- Number of members -- State Board of Education district boundaries.

[(1) As used in this section:]

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

[(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 State Board of Education shall consist of 15 members, with one member to be elected from each State Board of Education 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

State Board of Education district boundaries.

[(4)] (3) (a) Notwithstanding Subsection [(3)] (2), the Legislature enacts the district numbers and boundaries of the State Board of Education districts designated in the Board block equivalency file and resulting Board shapefile that is the electronic component of [the bill that enacts this section.] this bill:

(i) for purposes of nominating and electing certain members of the State Board of Education beginning January 1, 2022; and

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

(b) [That] The Legislature shall ensure that the Board shapefile, and the State Board of Education district boundaries generated from [that] the Board shapefile, [may be accessed via] are accessible on the Utah Legislature's website.

Section 3. Section **20A-14-102** is amended to read:

20A-14-102. State Board of Education districts -- Filing -- Legal boundaries.

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

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

(2) (a) The lieutenant governor shall:

(i) verify the Board block equivalency file that the Legislature files under Subsection (1) using block equivalency file security code "4d12c91b563424e1e43ca79c735bfa96" and the resulting Board shapefile;

[(i)] (ii) generate maps of each State Board of Education district from the Board shapefile; and

[(ii)] (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 Board shapefile resulting from the Board block equivalency file, the Board shapefile is controlling.

Section 4. Section **20A-14-102.1** is amended to read:

20A-14-102.1. Omissions from maps -- How resolved.

(1) If any area of the state is omitted from a State Board of Education district in the

Board 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 State Board of Education district according to the requirements of Subsections (2) and (3).

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

(3) If the omitted area is contiguous to two or more State Board of Education 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 5. Section **20A-14-102.2** is amended to read:

20A-14-102.2.   Uncertain boundaries -- How resolved.

(1) As used in this section:

(a) "Affected party" means:

(i) a state school board member whose State Board of Education district boundary is uncertain because the feature used to establish the district boundary in the Board shapefile has been removed, modified, or is unable to be identified or who is uncertain about whether the member or another individual resides in a particular State Board of Education district;

(ii) a candidate for state school board whose State Board of Education district boundary is uncertain because the feature used to establish the district boundary in the Board 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 State Board of Education district; or

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

(b) "Feature" means a geographic or other tangible or intangible mark such as a road or political subdivision boundary that is used to establish a State Board of Education district boundary.

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

to determine:

(i) the precise location of the State Board of Education district boundary;

(ii) the number of the State Board of Education 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 Board block equivalency file and the resulting Board 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 Board block shapefile] described in Subsection (2)(b); and

[(ii) review any relevant data; and]

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

(d) If the lieutenant governor determines the precise location of the State Board of

Education district boundary, the lieutenant governor shall:

(i) prepare a certification identifying the appropriate State Board of Education 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 State Board of Education

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 State

Board of Education district number was identified; and

(iii) the county clerk of the affected county.

Section 6. Section **20A-14-102.3** is amended to read:

20A-14-102.3. 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 Board shapefile <u>in the possession of the lieutenant governor's office</u>.

(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 State Board of Education 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 State Board of Education 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 State Board of Education 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 inform 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 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 State Board of Education 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.

(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 voting precinct map accurately reflects the boundaries of State Board of Education 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 7. Section **20A-14-103** is amended to read:

20A-14-103.   State Board of Education members -- Term -- Requirements.

(1) Unless otherwise provided by law[, each State Board of Education member elected from a State Board of Education district at a nonpartisan election shall serve out the term of office for which that member was elected.] and except as provided in Subsection (2):

(a) voters in the following districts shall elect a State Board of Education member for a term of four years:

(i) at the 2022 General Election, State Board of Education Districts 1, 2, 5, 8, 10, 11, and 14; and

(ii) at the 2024 General Election, State Board of Education Districts 3, 4, 6, 7, 9, 12, 13, and 15; and

(b) a State Board of Education member representing a district described in Subsection (1)(a)(ii) on the effective date of this bill shall represent the realigned district, if the State Board of Education member resides in the realigned district, for a term of office that ends January 6,

2025.

(2) (a) A person seeking election to the State Board of Education shall have been a resident of the State Board of Education district in which the person is seeking election for at least one year as of the date of the election.

(b) A person who has resided within the State Board of Education district, as the boundaries of the district exist on the date of the election, for one year immediately preceding the date of the election shall be considered to have met the requirements of this Subsection (2).

(3) A State Board of Education member shall:

(a) be and remain a registered voter in the State Board of Education district from which the member was elected or appointed; and

(b) maintain the member's primary residence within the State Board of Education district from which the member was elected or appointed during the member's term of office.

(4) A State Board of Education member may not, during the member's term of office, also serve as an employee of the State Board of Education.

Section 8. **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 9. **Revisor instructions.**

The Legislature intends that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, replace the following references:

(1) in Section 20A-14-101.5, from "this bill" to the bill's designated chapter number in the Laws of Utah; and

(2) in Section 20A-14-103, from "the effective date of this bill" to the bill's actual effective date.