

Representative Suzanne Harrison 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: SB2005S05_BEF.txt

Block equivalency file security code: ed6951d30e4a819281c1d7502583881e

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



26 the legal boundaries of Utah State Board of Education districts; and

27 ▶ makes technical and conforming changes.

28 **Money Appropriated in this Bill:**

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

36 **20A-14-101.5**, as last amended by Laws of Utah 2021, Chapter 345

37 **20A-14-102**, as last amended by Laws of Utah 2013, Chapter 455

38 **20A-14-102.1**, as last amended by Laws of Utah 2018, Chapter 330

39 **20A-14-102.2**, as last amended by Laws of Utah 2021, Chapters 162 and 345

40 **20A-14-102.3**, as last amended by Laws of Utah 2021, Chapter 162

41 **20A-14-103**, as last amended by Laws of Utah 2018, Chapter 19

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

43 **20A-14-101.5**, as last amended by Laws of Utah 2021, Chapter 345

44 **20A-14-103**, as last amended by Laws of Utah 2018, Chapter 19



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

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

48 **20A-14-101.1. Definitions.**

49 As used in this part:

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

51 (2) "Board block [~~assignment~~] equivalency file" means the electronic file designated as
52 SB2005S05_BEF.txt that assigns each of Utah's [~~115,406~~] 71,207 census blocks to a particular
53 State Board of Education district.

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

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

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

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

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

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

64 **20A-14-101.5. State Board of Education -- Number of members -- State Board of**
65 **Education district boundaries.**

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

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

69 [~~(b) "Database" means the State Geographic Information Database created in Section~~
70 ~~63A-16-506.~~]

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

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

75 [~~(2)~~] (1) The State Board of Education shall consist of 15 members, with one member
76 to be elected from each State Board of Education district.

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

81 [~~(4)~~] (3) (a) Notwithstanding Subsection [~~(3)~~] (2), the Legislature enacts the district
82 numbers and boundaries of the State Board of Education districts designated in the Board block
83 equivalency file and resulting Board shapefile that is the electronic component of [~~the bill that~~
84 ~~enacts this section.~~] this bill:

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

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

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

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

92 **20A-14-102. State Board of Education districts -- Filing -- Legal boundaries.**

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

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

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

99 (i) verify the Board block equivalency file that the Legislature files under Subsection
100 (1) using block equivalency file security code "ed6951d30e4a819281c1d7502583881e" and the
101 resulting Board shapefile;

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

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

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

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

109 **20A-14-102.1. Omissions from maps -- How resolved.**

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

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

117 (3) If the omitted area is contiguous to two or more State Board of Education districts,
118 the county clerk shall attach the area to the district that has the least population, as determined

119 by the Utah Population Committee.

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

122 Section 5. Section **20A-14-102.2** is amended to read:

123 **20A-14-102.2. Uncertain boundaries -- How resolved.**

124 (1) As used in this section:

125 (a) "Affected party" means:

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

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

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

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

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

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

144 (ii) the number of the State Board of Education district in which an individual resides;

145 or

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

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

149 (i) the Board block equivalency file and the resulting Board shapefile; and

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

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

153 (i) complete the review [the Board block shapefile] described in Subsection (2)(b); and
154 ~~[(ii) review any relevant data; and]~~
155 ~~[(iii)]~~ (ii) make a determination.

156 (d) If the lieutenant governor determines the precise location of the State Board of
157 Education district boundary, the lieutenant governor shall:

158 (i) prepare a certification identifying the appropriate State Board of Education district
159 boundary and attaching a map, if necessary; and

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

161 (A) the affected party;

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

163 (C) the Utah Geospatial Resource Center created under Section [63A-16-505](#).

164 (e) If the lieutenant governor determines the number of the State Board of Education
165 district in which a particular individual resides, the lieutenant governor shall send a letter
166 identifying that district by number to:

167 (i) the individual;

168 (ii) the affected party who filed the petition, if different than the individual whose State
169 Board of Education district number was identified; and

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

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

172 **20A-14-102.3. County clerk, Utah Geospatial Resource Center, and lieutenant**
173 **governor responsibilities -- Maps and voting precinct boundaries.**

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

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

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

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

181 identifies the boundaries of State Board of Education districts within the county, the clerk shall
182 submit the county map and data to the lieutenant governor and to the Utah Geospatial Resource
183 Center for review.

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

186 (i) review the county map and data to evaluate if the county map and data accurately
187 reflect the boundaries of State Board of Education districts established by the Legislature in the
188 redistricting boundary data;

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

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

191 (d) The lieutenant governor shall either notify the county clerk that the county map and
192 data are correct or inform the county clerk that the county map and data are incorrect.

193 (e) If the county clerk receives notice from the lieutenant governor that the county map
194 and data submitted are incorrect, the county clerk shall:

195 (i) make the corrections necessary to conform the county map and data to the
196 redistricting boundary data; and

197 (ii) resubmit the corrected county map and data to the lieutenant governor for a new
198 review under this Subsection (3).

199 (4) (a) Subject to the requirements of this Subsection (4), each county clerk shall
200 establish voting precincts and polling places within each State Board of Education district
201 according to the procedures and requirements of Section [20A-5-303](#).

202 (b) Within five working days after approval of voting precincts and polling places by
203 the county legislative body as required by Section [20A-5-303](#), each county clerk shall submit a
204 voting precinct map identifying the boundaries of each voting precinct within the county to the
205 lieutenant governor and to the Utah Geospatial Resource Center for review.

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

208 (i) review the voting precinct map to evaluate if the voting precinct map accurately
209 reflects the boundaries of State Board of Education districts established by the Legislature in
210 the redistricting boundary data;

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

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

213 (d) The lieutenant governor shall either notify the county clerk that the voting precinct
214 map is correct or notify the county clerk that the voting precinct map is incorrect.

215 (e) If the county clerk receives notice from the lieutenant governor that the voting
216 precinct map is incorrect, the county clerk shall:

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

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

221 Section 7. Section **20A-14-103** is amended to read:

222 **20A-14-103. State Board of Education members -- Term -- Requirements.**

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

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

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

230 (ii) at the 2024 General Election, State Board of Education Districts 3, 4, 6, 7, 9, 12,
231 13, and 15; and

232 (b) a State Board of Education member representing a district described in Subsection
233 (1)(a)(ii) on the effective date of this bill shall represent the realigned district, if the State Board
234 of Education member resides in the realigned district, for a term of office that ends January 6,
235 2025.

236 (2) (a) (i) If one of the incumbent State Board of Education members from new District
237 6 files written notice with the lieutenant governor by close of business on January 3, 2022, that
238 the member will not seek election to the State Board of Education from District 6:

239 (A) the filing incumbent member may serve until January 3, 2023 in representation of
240 the district to which the member was elected at the 2020 General Election; and

241 (B) the other incumbent member from new District 6 shall serve out the term for which
242 the member was elected, in representation of new District 6, which is until January 6, 2025.

243 (ii) If neither or both incumbent State Board of Education members in new District 6
244 file the written notice described in Subsection (2)(a)(i):

245 (A) the incumbent members may serve until January 3, 2023, in representation of the
246 district to which the members were elected at the 2020 General Election;

247 (B) the lieutenant governor shall designate new District 6 as an office to be filled in the
248 2022 General Election in the notice of election required by Section [20A-5-101](#);

249 (C) the State Board of Education member elected from new District 6 at the 2022
250 General Election shall be elected to serve a term of office of two years; and

251 (D) the State Board of Education member elected from new District 6 at the 2024
252 General Election shall be elected to serve a term of office of four years.

253 (b) (i) If the incumbent State Board of Education member from new District 11 who
254 was elected at the 2020 General Election files written notice with the lieutenant governor by
255 close of business on January 3, 2022, that the member will not seek election to the State Board
256 of Education from District 11:

257 (A) the lieutenant governor shall designate new District 11 as an office to be filled in
258 the 2022 General Election in the notice of election that Section [20A-5-101](#) requires;

259 (B) the State Board of Education member elected from new District 11 at the 2022
260 General Election shall be elected to serve a term of office of two years; and

261 (C) the State Board of Education member elected from new District 11 at the 2024
262 General Election shall be elected to serve a term of office of four years.

263 (ii) If the incumbent State Board of Education member from new District 11 who was
264 elected at the 2018 General Election files written notice with the lieutenant governor by close
265 of business on January 3, 2022, that the member will not seek election to the State Board of
266 Education from District 11:

267 (A) the filing incumbent member may serve until January 3, 2023, in representation of
268 the district to which the member was elected at the 2018 General Election; and

269 (B) the other incumbent member from new District 11 shall serve out the term for
270 which the member was elected, in representation of new District 11, which is until January 6,
271 2025.

272 (iii) If neither or both incumbent State Board of Education members in new District 11
273 file the written notices described in Subsections (2)(b)(i) and (ii):

274 (A) the lieutenant governor shall designate new District 11 as an office to be filled in
275 the 2022 General Election in the notice of election required by Section 20A-5-101;

276 (B) the State Board of Education member elected from new District 11 at the 2022
277 General Election shall be elected to serve a term of office of two years; and

278 (C) the State Board of Education member elected from new District 11 at the 2024
279 General Election shall be elected to serve a term of office of four years.

280 [~~2~~] (3) (a) A person seeking election to the State Board of Education shall have been
281 a resident of the State Board of Education district in which the person is seeking election for at
282 least one year as of the date of the election.

283 (b) A person who has resided within the State Board of Education district, as the
284 boundaries of the district exist on the date of the election, for one year immediately preceding
285 the date of the election shall be considered to have met the requirements of this Subsection
286 [~~2~~] (3).

287 [~~3~~] (4) A State Board of Education member shall:

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

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

292 [~~4~~] (5) A State Board of Education member may not, during the member's term of
293 office, also serve as an employee of the State Board of Education.

294 Section 8. **Effective date.**

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

299 Section 9. **Revisor instructions.**

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

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

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

305 effective date.