

1 **STATE SENATE BOUNDARY AMENDMENTS**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ralph Okerlund**

5 House Sponsor: Kenneth W. Sumsion

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

30

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 ~~[(+)]~~ (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.

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.