SB2006S03 compared with SB2006S01

{deleted text} shows text that was in SB2006S01 but was deleted in SB2006S03.

inserted text shows text that was not in SB2006S01 but was inserted into SB2006S03.

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. Riebe}Representative Suzanne Harrison proposes the following substitute bill:

UTAH STATE SENATE 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 Senate district boundary information may be found at https://le.utah.gov.

Block equivalency file: {SB2006S01_BEF}SB2006S03_BEF.txt

Block equivalency file security code: d167554cc1ad4ede49ba364ef103143a

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 Senate district boundaries and election designations.

Highlighted Provisions:

This bill:

▸ repeals current Utah State Senate boundaries and establishes new Utah State Senate boundaries;

▸ designates the election year for each Utah State Senate district;

▸ establishes the block equivalency file that is part of this bill in electronic form as the legal boundaries of the Utah State Senate 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:

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

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

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

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

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

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

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

Utah Code Sections Affected by Revisor Instructions:

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

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

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

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

36-1-101.1. 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.

(2) "Senate block [assignment] equivalency file" means the electronic file designated as {SB2006S01_BEF}SB2006S03_BEF.txt that assigns each of Utah's [115,406] 71,207 census blocks to a particular Utah State Senate district.

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

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

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

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

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

36-1-101.5.   Utah State Senate -- 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 Utah State Senate shall consist of 29 members, with one member to be elected from each Utah State Senate 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 Senate district boundaries.

[(4)] (3) (a) [Notwithstanding Subsection (3), the] The Legislature enacts the district

numbers and boundaries of the Senate districts designated in the <u>Senate block equivalency file</u> <u>and resulting</u> Senate shapefile that is the electronic component of [~~the bill that enacts this~~ ~~section.~~] <u>this bill</u>:

(i) <u>for purposes of nominating and electing certain members of the Utah State Senate</u> <u>beginning January 1, 2022; and</u>

(ii) <u>for all other purposes beginning January 1, 2023.</u>

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

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

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

[~~(1)~~] Unless otherwise provided by law, [~~each senator elected from~~] <u>and</u> <u>notwithstanding Subsection 20A-1-503(3):</u>

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

(a) <u>at the 2022 General Election,</u> Senate Districts [~~2, 3, 5, 9, 11, 12, 15, 17, 18, 21, 22,~~ ~~and 26~~] <u>1, 3, 5, 7, 8, 11, 13, 16, 17, 21, 23, 24, 25, and 26; and</u>

(b) <u>at the</u> [~~2010~~] <u>2024</u> General Election [~~shall serve out the term of office for which he~~ ~~or she was elected~~]<u>, Senate Districts 2, 4, 6, 9, 10, 12, 14, 15, 18, 19, 20, 22, 27, 28, and 29;</u> and

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

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

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

[~~(b) Consequently:~~]

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

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

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

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

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

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

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

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

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

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

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

(2) (a) The lieutenant governor shall:

(i) verify the Senate block equivalency file that the Legislature filed under Subsection (1) using block equivalency file security code "d167554cc1ad4ede49ba364ef103143a" and the resulting Senate shapefile;

[(i)] (ii) generate maps of each Utah State Senate district from the Senate 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 Senate shapefile resulting from the Senate block equivalency file, the Senate shapefile is controlling.

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

36-1-103.2. 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 Senate shapefile in 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 Senate 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 Senate 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 Senate 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 Senate 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 Senate 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 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 6. Section **36-1-104** is amended to read:

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

(1) If any area of the state is omitted from a Utah State Senate district in the Senate 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 Senate district according to the requirements of Subsections (2) and (3).

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

(3) If the omitted area is contiguous to two or more Senate 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 7. Section **36-1-105** is amended to read:

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

(1) As used in this section:

(a) "Affected party" means:

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

(ii) a candidate for senator whose Senate district boundary is uncertain because the feature used to establish the district boundary in the Senate 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 Senate district; or

(iii) an individual who is uncertain about which Senate district contains the individual's residence because the feature used to establish the district boundary in the Senate 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 Senate district boundary.

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

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

(ii) the number of the Senate 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 Senate block equivalency file and the resulting Senate 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] after the day on which the lieutenant
governor receives the request described in Subsection (2)(a), the lieutenant governor shall:

[(i) review the Senate shapefile;]

[(ii) review any relevant data; and]

(i) complete the review described in Subsection (2)(b); and

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

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

(i) prepare a certification identifying the appropriate Senate 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 Senate 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
Senate district number was identified; and

(iii) the county clerk of the affected county.

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 36-1-101.5, from "this bill" to the bill's designated chapter number in the

Laws of Utah; and

   (2) in Section 36-1-102, from "the effective date of this bill" to the bill's actual effective date.