

From: "Women's Democratic Club of Utah"
To: Marie Poulson, Billie Gay Larson
Date: 10/8/2011 6:06:34 PM
Subject: Get Involved with WDC This Week!
Attachments: [Mime.822](#)

WDC Members - Please participate in these important events in the coming week!

Â· Tuesday, October 11 at 5:00 PM - Wear pink or buy it at the ball park!

Pink Dot - Come out and show love and support for our fellow Lesbian, Gay, Bisexual and Transgender Utahns -- so they can come out! We're gathering at Spring Mobile Ballpark (home of the Bee's).

The pinkdot celebration begins at 5:00 PM, with entertainment from DJ Jesse Walker and other fun surprises! Pinkdot merchandise will be available for sale. The program will be emceed by Hope Woodside and Kurt Bestor, with performances from X-Factor contestants The Anser, Kurt Bestor, Lady Murasaki and Mona Stevens. Pink Dot Ambassadors Eric Alva, Ted and Holly Wilson, and Archie Archuletta will share their own Pink Dot stories.

At 6:20, we will begin forming the biggest human pinkdot Utah has ever seen!

Â· Tuesday, October 11 at 7:00 PM - Keep your pink shirt on! Meet us at the SLC Main Library Auditorium.

Redistricting Utah: A Community Process

Tuesday, October 11, 7:00 P.M.

Every ten years, the Utah State Legislature has a responsibility to redraw district boundaries based on census reports and reapportionment results. Redistricting impacts the boundaries for U.S. House of Representatives, the State House of Representatives, Utah Senate, and the Utah State Board of Education. Unfortunately, our Republican dominated legislature has once again decided to draw the boundaries to favor Republicans and suppress Democratic representation.

From: Marie Poulson
To:
Date: 10/6/2011 10:44:51 PM
Subject: Re: Anything a citizen can do re: Redistricting maps?
Attachments: [Text.htm](#)

Dear Lani,

Thank you for your message and your willingness to offer help. We have already voted on the redistricting maps for the Utah House and the Utah Senate. However, I have great concerns about the congressional proposed maps especially when it applies to our area. Holiday City will have three different congressmen and our area will go with Utah Valley in the third congressional district with Rep. Chavitz. The maps continue to change and I don't think the committee has responded to the public concern in this area. Perhaps what you could do is to write the members of the legislature with your concerns. We will address this again on October 17th. I do appreciate your input.

Marie Poulson

>>> Lani Kai Eggertsen-Goff 10/04/11 9:32 PM >>>
Ms. Poulson,

I am so disappointed to learn that the Republican majority is trying to push to approve the redistricting maps before the public can even see the maps, is there anything I can do?

Lani Eggertsen-Goff
6766 S. 1495 E.
Cottonwood Heights, UT
lkegoff@me.com

From: "Women's Democratic Club of Utah"
To: Marie Poulson, Billie Larson
Date: 9/30/2011 6:04:48 PM
Subject: Redistricting Rally on October 3rd at the Capitol
Attachments: [Mime.822](#)

Dear Marie Poulson,

Please join the Women's Democratic Club, Fair Boundaries, the League of Women Voters, AARP, Utah Citizens Council, Alliance for a Better Utah, Peaceful Uprising, Represent Me Utah and many others as we rally at the Capitol on Monday, October 3rd.

Our legislators have once again generated congressional, state senate and state house maps that gerrymander Utah into an embarrassing mess. On October 3rd, Governor Herbert has called for a special legislative session to vote on these terrible maps that split up communities and disenfranchise voters all across the state. These new voting districts, drawn with incumbency protection in mind, will negatively impact Utahns for another decade.

We need you to join the rally - public outcry changed GRAMA - it's time we make our voice heard again.

Parking will be difficult at the Capitol so we've arranged for parking and transport from 155 S 600 W (thank you Centro Civico).

Please arrive at the parking location between 10:00 and 10:30, so we can get everyone transported to the Capitol before 11:00.

Wear your WDC shirt, bring a sign if you want (please spell correctly, we don't want anyone to think we are from the tea party) and come and enjoy the fun as we share pizza and doughnuts, and take our legislators to task in the rotunda. We will rally in the rotunda from 12:00 to 1:00. Please join us, we need all hands on deck.

Here is the agenda for the day -

Speakers:

RepresentMeUtah -- Kelli

Fair Boundaries -- Glenn

Alliance for a Better UTAH -- Sheryl Allen

UCC -- Kelli is going to see if one of their Republican members can speak

Peaceful Uprising - Ashley Anderson or Deb Henry

LWV - Jen Gonnely or Gigi

Mayor Corroon (Mary is checking with him.)

[Unsubscribe](#)

From: Kelli Lundgren
To: Marie Poulson
Date: 10/2/2011 6:47:35 PM
Subject: Re: Please Vote NO on Redistricting's U.S. Congressional Map
Attachments: [Mime.822](#)

Thank you so much Marie. Good luck this week to all of us!

Kelli

On Oct 2, 2011, at 5:35 PM, Marie Poulson wrote:

> Dear Kelli,

>

> Thank you for your message. I apologize for the delay in answering. I am out of town and have had limited internet access. I fly home on the red-eye just in time for the circus of this redistricting session. I most certainly will not vote for the proposed congressional map. If possible, attend the rally Monday morning and continue to send this message to other representatives. Your input is greatly appreciated.

> Marie Poulson

> -----Original Message-----

> From: Kelli Lundgren

> To: Poulson, Marie

>

> Sent: 9/30/2011 1:47:48 PM

> Subject: Please Vote NO on Redistricting's U.S. Congressional Map

>

> Dear Representative Poulson,

>

> (I am in your district, by the way. In addition to below, it looks like Cottonwood Heights is carved up in the Senate and House maps as well.)

>

>

> Please JUST VOTE NO to Utah's new Sumsion06 Adopted FInal U.S. Congressional Map at next week's Legislative Session. Your NO vote WILL MATTER. If citizens can get enough NO votes in the Legislature we have a plan of action.

>

> This adopted map, dubbed the "pizza slice" plan, divides up communities of interest including rural and urban citizens, and purposefully dilutes the votes of unaffiliated voters and Democrats. This plan focuses on a narrow political agenda rather than keeping communities together, unfair to citizens, to minorities, and to democracy. Good plans have been submitted that keep communities together. (Utah Citizens Counsel Plan A, for example.)

>

> I am with a political action committee called RepresentMeUtah! Our group consists of two Independents, a Republican, a Democrat, a Libertarian and a Constitutionalist. (www.representmeutah.org) We have a plan for immediate action if we can get enough NO votes. But also, next year we intend to appeal to 950,000 unaffiliated Utah registered voters to get out and vote for legislative candidates who are willing to stand up for democracy, including standing up for fairness in this redistricting process.

>

> If you have any hesitation with this map, please vote NO.

>

>

>

> Best Regards,

>

>

>

From: Judith Nielsen
To: Marie Poulson
Date: 10/3/2011 8:22:58 AM
Subject: David Bolick 801-618-6472

please block current redistricting map!!!

From: Judith Nielsen
To: Marie Poulson
Date: 10/3/2011 9:58:02 AM
Subject: Lee Ann Walker 801-942-6814

vote No on current redistricting map

From: "Craig Shuler"
To: Marie Poulson
Date: 10/3/2011 11:26:32 PM
Subject: Fix Canyons District Congress boundaries
Attachments: [Mime.822](#)

Representative Marie Poulson, Cottonwood Heights

Representative Harper did some good work today. His SB3002S03 has some good improvements that resolve several of my concerns about the SB3002 gerrymander. The past week's secret meetings were shameful! It is apparently gerrymandered for no HONEST reason.

North, south, east and west parts of the state should each be kept together.

I like that central, southern, and SE Utah are with part of Utah Co. under Harper's plan, rather than with SLC and Bountiful and Tooele! Keeping the Wasatch Back in one district also has some logic.

It looks like any logical boundaries will divide Utah and Davis Counties into a two districts. Salt Lake County should also be in two, however, not four, in my opinion

CANYONS School District, where we live has particularly bad boundaries under SB3002S03. I'm in the doughnut hole district, but Between Creek Road and Draper Parkway, 13th East goes through 3 congressional districts. Draper west of I-15 is cutoff from the rest of Draper and Canyons district. Alta and Granite community are cutoff from Sandy. Can't you move the doughnut hole to the Salt Lake/Utah line to include all of Draper, Alta, and Granite, and Cottonwood Heights? That would at least get Salt Lake County out of the southern Utah district. And switch more of Alpine District or Provo into the southern Utah district?

I still think we would be better off going back to the Congress Garber D Plan or something else that keeps districts in each of the four directions and splits my Salt Lake County in no more than two districts, but at least switch back part of south Salt Lake County with part of Alpine and Provo School districts

Craig L. Shuler, CPA
Sandy, Utah
and Democratic state and county delegate, house district 48
home 801-572-9167
cell 801-599-7378

From: Kelli Lundgren
To: Marie Poulson
Date: 10/4/2011 4:32:34 PM
Subject: U.S. Congressional Map
Attachments: [Mime.822](#)

Hi Marie,

It was a pleasure meeting you today at the Legislative Redistricting Committee meeting. These last minute map changes have eliminated the public from the process. It's so discouraging but I suppose not surprising.

The U.S. Congressional Map tonight? Good luck. Please vote NO if warranted. I hear they are creating another new map today.

Kelli Lundgren
8782 Falcon Heights Ln
Cottonwood Heights
801-915-7515

From: Lani Kai Eggertsen-Goff
To: Marie Poulson
Date: 10/4/2011 9:31:28 PM
Subject: Anything a citizen can do re: Redistricting maps?
Attachments: [Mime.822](#)

Ms. Poulson,

I am so disappointed to learn that the Republican majority is trying to push to approve the redistricting maps before the public can even see the maps, is there anything I can do?

Lani Eggertsen-Goff
6766 S. 1495 E.
Cottonwood Heights, UT
lkegoff@me.com

From: Kelli Lundgren
To: Marie Poulson
Date: 9/30/2011 1:47:48 PM
Subject: Please Vote NO on Redistricting's U.S. Congressional Map
Attachments: [kellisignaturesml.tif](#), [Mime.822](#)

This is
the header
on the following
email →

Dear Representative Poulson,

(I am in your district, by the way. In addition to below, it looks like Cottonwood Heights is carved up in the Senate and House maps as well.)

Please JUST VOTE NO to Utah's new Sumsion06 Adopted Final U.S. Congressional Map at next week's Legislative Session. Your NO vote WILL MATTER. If citizens can get enough NO votes in the Legislature we have a plan of action.

This adopted map, dubbed the "pizza slice" plan, divides up communities of interest including rural and urban citizens, and purposefully dilutes the votes of unaffiliated voters and Democrats. This plan focuses on a narrow political agenda rather than keeping communities together, unfair to citizens, to minorities, and to democracy. Good plans have been submitted that keep communities together. (Utah Citizens Counsel Plan A, for example.)

I am with a political action committee called RepresentMeUtah! Our group consists of two Independents, a Republican, a Democrat, a Libertarian and a Constitutionalist. (www.representmeutah.org) We have a plan for immediate action if we can get enough NO votes. But also, next year we intend to appeal to 950,000 unaffiliated Utah registered voters to get out and vote for legislative candidates who are willing to stand up for democracy, including standing up for fairness in this redistricting process.

If you have any hesitation with this map, please vote NO.

Best Regards,

Kelli Lundgren
Cottonwood Heights Resident
RepresentMeUtah!
kelli@xmission.com
www.RepresentMeUtah.org
801-915-7515

Handwritten signature or scribble, possibly reading "M. J. ...".

From: Steven Goold
BC: Marie Poulson, Marie Poulson
Date: 9/29/2011 11:00:34 AM
Subject: Please don't play politics!
Attachments: [Mime.822](#)

Daily Herald

IN OUR VIEW

A really bad pizza recipe

Posted: Thursday, September 22, 2011 12:03 am |



PIZZA SLICE REDISTRICTING

[Buy this photo](#)

In the effort to redraw Utah's congressional districts, two of the three Utah County-based lawmakers on the commission charged with making a proposal say they like what's been dubbed the "pizza slice" plan.

That's the plan with the points of the new congressional districts in Salt Lake County.

Never mind that this plan would water down Utah County's clout in Washington, without any compensating benefits. And never mind that these lawmakers are supposed to represent their local constituents.

The alternative to pizza is doughnuts. This approach would create poorly named "doughnut holes," or zones encompassing one or more of the main urban areas: Salt Lake County for sure, Utah County being the next obvious choice, and Davis County and its environs a third possibility. In some of these plans, the new Utah fourth district would cover a lot of the state's rural areas.

Note that a district comprising Utah County and a few other small chunks would focus a U.S. representative's attention squarely on this valley. You'd think that area lawmakers would naturally

continued
→

Note that a district comprising Utah County and a few other small chunks would focus a U.S. representative's attention squarely on this valley. You'd think that area lawmakers would naturally favor the idea.

But no. Rep. Ken Sumsion, R-American Fork, the House chair for the committee, and Rep. Francis Gibson, R-Mapleton, are favoring the pizza slice plan.

"I would like our congressional delegation unified in representing all the interests of Utah," Sumsion says. Defenders of the slice idea say it would force members of Congress to pay attention to rural areas in the four districts, since each slice would include some rural zones.

But it's easy to flip that argument over. A pizza slice plan is likely to turn rural voters into a minority in each district, thus diminishing their clout. The pizza plan could virtually disenfranchise them as representatives respond to the majority.

By contrast, if rural areas make up the bulk of a district, that district will have the undivided attention of at least one member of Congress, and the peripheral attention of all the others. The interests of rural Utah will affect the state, starting with energy development. Nobody will be ignoring those factors.

Is the pizza plan more fair? No. But Gibson frets:

"My initial leanings are that a doughnut hole plan has some negative connotation in what people say gerrymandering is," he said. "I would probably lean into dividing the state more equally."

Of course the dominant GOP wants to avoid charges of gerrymandering. The 2000 redistricting still brings the accusation that it fiddled with the boundaries too much in a vain attempt to defeat Utah's lone D.C. Democrat, Rep. Jim Matheson.

Moreover, the population of districts will be more or less equal regardless which plan is chosen, so equality is not the issue.

When the first rumors of the pizza slice plan came out of the oven, Utah Democrats derided it as blatant gerrymandering. Pizza advocates now seem intent on making prophets of those Democrats. The slices, however they are cut, will look like gerrymandering.

Politicians don't usually hand their opponents so much political ammunition, so it has to be wondered what's in their heads. There's something awkward and forced about Republican claims that the pizza slice plan is fairer or provides some special benefit to rural areas. The argument seems especially out of place when it comes from Utah County Republicans.

There's nothing wrong with asking that Utah County receive appropriate voting power in acknowledgement of its rapid growth in the last decade. We are an urban center of more than a half-million people. That it is plainly a distinct political, geographical, historic and economic entity.

Why would Republican lawmakers from our county be willing to let our influence be diluted in service to a plan whose justifications are really shaky.

Speaker of the House Becky Lockhart, R-Provo, continues to straddle the fence -- another oddity. She heads the dominant party in one chamber and should use her clout to do the right thing. It's one thing to give all sides some say during a debate, but this issue is too important to leave to chance. A bit of muscle should be exercised.

Read more:

http://www.heraldextra.com/news/opinion/article_98f55877-58ef-562c-a05e-ebfe64587d2f.html#ixzz1ZMTXADsy

From: Brian Somers
To: Brian Somers
BC: Marie Poulson
Date: 9/28/2011 3:59:24 PM
Subject: Governor Calls Special Session
Attachments: [IMAGE.jpg](#), [9.28 Governor Calls Special Session.pdf](#), [Mime.822](#)

The attachment contains the following content:

For Immediate Release

September 28, 2011

Contact: Ally Isom
Deputy Chief of Staff
801.538.1503 desk
801.864.7268 cell
aisom@utah.gov

Governor Calls Special Session for Monday

Salt Lake City – Just after noon today, Governor Gary R. Herbert signed a proclamation convening the Utah Legislature in a Special Session to address seven legislative issues next Monday, October 3, at 9:00 a.m.

“Redistricting is an important responsibility that the Utah Constitution assigns to the Legislature. Several other issues have come to my attention which I have added to the call for the Legislature to consider while they are in special session. These are, in large measure, technical and clean-up amendments to state law.”

Among the items the Governor has asked the Legislature to consider are: changes to workers’ compensation insurance requirements; modifications to the requirement that certain members of the Board of Regents represent less populous counties; and adding the presidential primary to the regular primary ballot. The complete text of the proclamation can be found at:

<http://www.utah.gov/governor/docs/SpecialSessionOctober2011.pdf>

###

Brian Somers
Associate Director of Communications
Office of Governor Gary R. Herbert
801.538.1053 - office
801.538.1150 - cell

GARY R. HERBERT
GOVERNOR

STATE OF UTAH
OFFICE OF THE GOVERNOR
SALT LAKE CITY, UTAH
84114-2220

GREG BELL
LIEUTENANT GOVERNOR

For Immediate Release

September 28, 2011

Contact: Ally Isom
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<http://www.utah.gov/governor/docs/SpecialSessionOctober2011.pdf>

###

From: Rhoda Struhs
To: Dems-Home
Date: 9/20/2011 3:25:05 PM
Subject: From Brian King: Democratic Lawyers

FROM BRIAN KING:

Dear House Dems,

The Utah Democratic Lawyers Council has a group of attorneys that want to work as a "rapid response" team to assist us as Democratic legislators in dealing with issues that come up during the legislative session. They would like to meet with as many Democratic legislators as are interested to discuss how they can be of greatest assistance and identify specific bills or issues we anticipate we'll have to deal with in the coming session.

They will be in the House Democratic caucus room to discuss bills, issues and strategy tomorrow, Wednesday morning at 8:30am. Please come if you can!

Thanks,
Brian

Mozilla Firefox
File Edit View History Bookmarks Tools Help
Pandora Radio - Listen to Free Interne... file:///F:/GW-Archi...ail/email2078.html x +
Back Forward file:///F:/GW-Archive/HOUSE/ppainter/mail/email2078.html Reload Stop Google Home
Most Visited Latest Headlines Legislative Login CNN.com - Breaking ... The Washington Postb ... Salt Lake City and Uta... Utah Local News - Salt... Slate Magazine Gmail - Inbox (9) - vics...

From: Rich Amon
To: Brad Dee, Carl Wimmer, Evan Vickers, Fred Cox, Gage Froerer, Janice Fisher, Lynn Hemingway, Neal Hendrickson, Patrick Painter, Wayne Harper, David Hinkins, Karen Mayne, Kevin Van Tassell, Lyle Hillyard, Mark Madsen, David Butterfield, Derek Brown, Evan Vickers, Lynn Hemingway, J. Adams
CC: Mark Bleazard
Date: 9/15/2011 8:41:40 AM
Subject: Infrastructure and General Government Appropriations Subcommittee Meetings

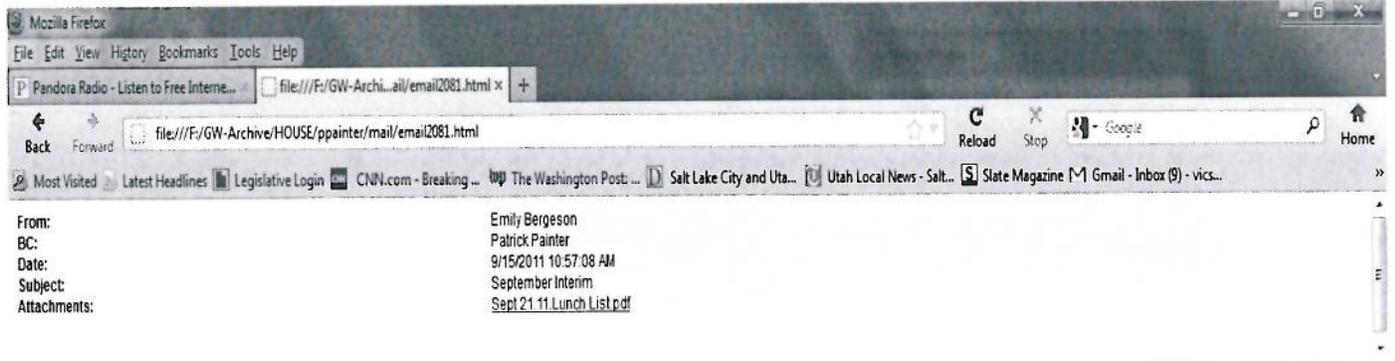
Committee members,

A clarification on our meeting schedule. The Redistricting Committee scheduled their meeting for next Thursday, which causes conflicts with several members of IGG appropriations subcommittee. The co-chairs have therefore determined to move our meeting date to Friday, October 21. There will not be any IGG meetings in September. Instead the subcommittee will meet all day on Thursday, October 20 and Friday, October 21 (the two days after Interim).

Rich Amon

Richard Amon
Office of the Legislative Fiscal Analyst
Capital Facilities, Debt Service and Public Finance
(801) 538-1034
ramon@utah.gov

x
8:28 AM
3/16/2012



Representatives,

Just a reminder of Interim Wednesday September 21st. Caucus will begin at approximately 12:30 PM, there will be discussion of redistricting including the process of the October Special Session. Attached is the lunch list, please call Kathy by **NOON** Monday, September 19th to make any changes; (801) 538-1279.

See you next week
-Emily

Emily Bergeson
Assistant to the Speaker
House of Representatives
(801) 538-1029



From: Christensen, Mike (Chelsea Lloyd)

To: LRSTAFF

BC: Patrick Painter

Date: 9/30/2011 5:45:18 PM

Subject: Special Session Bills

Attachments: [Special Session October 2011.pdf](#), [SB3001_000.pdf](#), [SB3002_000.pdf](#), [SB3003_000.pdf](#), [HB3001_000.pdf](#), [HB3002_000.pdf](#)

Attached is the special session call issued by Governor Herbert and the bills that address the call issues. To view the text of the redistricting bills, please view the attached documents. To view the maps referred to in the bill text, use the following links:

Utah State House Boundaries & Election Designation: <http://www.redistrictutah.com/maps/hb3001>

State Board of Education Boundaries & Election Designation: <http://www.redistrictutah.com/maps/hb3002>

Utah State Senate Boundaries & Election Designation: <http://www.redistrictutah.com/maps/sb3001>

Congressional Boundaries Designation: <http://www.redistrictutah.com/maps/sb3002>

If we can be of further assistance please call. Our main number is 801-538-1032. Thank you.

Michael Christensen



Gary Richard Herbert

PROCLAMATION

WHEREAS, since the adjournment of the 2011 General Session of the Fifty-Ninth Legislature of the State of Utah, matters have arisen that require immediate legislative attention;

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature into Special Session; and

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, call the Fifty-Ninth Legislature of the State of Utah into a Third Special Session at the Utah State Capitol, in Salt Lake City, Utah, on the 3rd day of October 2011, at 9:00 a.m., for the following purposes:

- (1) to divide the state into congressional, legislative and other districts pursuant to Utah Constitution Article IX and to address related matters;
- (2) to consider amendments to the Utah Labor Code to address requirements related to workers' compensation insurance for owners of certain entities and to make technical and related changes;
- (3) to consider amendments to the Elections Code to modify the requirements for placing presidential candidates on the regular primary ballot and to make technical and related changes;
- (4) to consider amendments to the Uniform Driver License Act to modify provisions relating to the driver license suspension period and other sentencing requirements for certain alcohol or drug related offenses and to make technical and related changes;
- (5) to consider amendments to the State System of Higher Education Code to modify the requirements for the appointment of representatives of less populous counties to the Board of Regents and to make technical and related changes;
- (6) to consider a concurrent resolution recognizing the 75th Anniversary of the Welfare System of The Church of Jesus Christ of Latter-day Saints;

(7) to consider a concurrent resolution urging Utah's Congressional delegation to resolve the Scofield land transfer issue.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 28th day of September, 2011.

Gary R. Herbert
Governor

Greg Bell
Lieutenant Governor

ATTEST:

1 **UTAH STATE SENATE BOUNDARIES AND ELECTION**
2 **DESIGNATION**

3 2011 THIRD SPECIAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Ralph Okerlund**

6 House Sponsor: Kenneth W. Sumsion

7
8 **LONG TITLE**

9 **Redistricting Boundary Information:**

10 The Utah State Senate district boundary information may be found at <http://le.utah.gov>.
11 Block assignment file security code: 011dac663aa2b05ea7d7d6c3e2c43c94

12 **General Description:**

13 This bill, which includes this printed text and the electronic data affiliated with it,
14 establishes new Utah State Senate district boundaries and makes other technical
15 corrections.

16 **Highlighted Provisions:**

17 This bill:

- 18 ▶ repeals current Utah State Senate district boundaries and establishes new Utah State
- 19 Senate district boundaries;
- 20 ▶ establishes election dates for each Utah State Senate district to ensure that Senate
- 21 terms are staggered;
- 22 ▶ establishes the block assignment file, which is part of this bill in electronic form, as
- 23 the legal boundaries of Utah State Senate districts; and
- 24 ▶ makes technical corrections.

25 **Money Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**



28 This bill takes effect on January 1, 2012, for purposes of nominating and electing
29 certain members of the Utah State Senate and on January 1, 2013, for all other
30 purposes.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **36-1-102**, as enacted by Laws of Utah 2001, Second Special Session, Chapter 5

34 **36-1-103**, as last amended by Laws of Utah 2011, Chapter 74

35 **36-1-103.2**, as enacted by Laws of Utah 2011, Chapter 74

36 **36-1-104**, as enacted by Laws of Utah 2001, Second Special Session, Chapter 5

37 **36-1-105**, as last amended by Laws of Utah 2005, Chapter 169

38 ENACTS:

39 **36-1-101.1**, Utah Code Annotated 1953

40 **36-1-101.5**, Utah Code Annotated 1953

41 REPEALS:

42 **36-1-101**, as last amended by Laws of Utah 2011, Chapter 74



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

45 Section 1. Section **36-1-101.1** is enacted to read:

46 **36-1-101.1. Definitions.**

47 As used in this section:

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

52 (2) "Senate block assignment file" means the electronic file that assigns each of Utah's
53 115, 406 census blocks to a particular Utah State Senate district.

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

55 **36-1-101.5. Utah State Senate -- District boundaries.**

56 (1) The Utah State Senate shall consist of 29 members, with one member to be elected
57 from each Utah State Senate district.

58 (2) The Legislature adopts the official census population figures and maps of the

59 Bureau of the Census of the United States Department of Commerce developed in connection
60 with the taking of the 2010 national decennial census as the official data for establishing Senate
61 district boundaries.

62 (3) (a) The Legislature enacts the numbers and boundaries of the Senate districts
63 designated in the Senate block assignment file that is the electronic component of the bill that
64 enacts this section.

65 (b) That Senate block assignment file, and the Senate district boundaries generated
66 from that Senate block assignment file, may be accessed via the Utah Legislature's website.

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

68 **36-1-102. Election of senators -- Staggered terms.**

69 (1) Unless otherwise provided by law, each senator elected from Senate Districts [~~1, 6;~~
70 ~~8, 10, 13, 14, 16, 19, 20, 23, 24, 25, 27, and 29]~~ 2, 3, 5, 9, 11, 12, 15, 17, 18, 21, 22, and 26 at
71 the [~~2000~~] 2010 General Election shall serve out the term of office for which he or she was
72 elected and shall represent the realigned district if he or she resides in that district.

73 (2) At the general election to be held in [~~2002~~] 2012, senators elected from Senate
74 Districts [~~2, 3, 4, 5, 7, 9, 11, 12, 15, 17, 18, 21, 22, 26, and 28]~~ 1, 6, 7, 8, 10, 13, 14, 16, 19, 20,
75 23, 24, 25, 27, and 29 shall be elected to serve a term of office of four years.

76 (3) (a) Because the senator from Senate District 28 was appointed to fill a mid-term
77 vacancy that occurred more than two years before the next regular general election, Subsection
78 20A-1-503(3) requires that the vacancy be filled for the unexpired term at the next general
79 election.

80 (b) Consequently:

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

83 (ii) at the general election to be held in 2014, the senator elected from Senate District
84 28 shall be elected to serve a term of office of four years.

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

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

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

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

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

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

100 **36-1-103. Senate districts -- Copies -- Legal boundaries.**

101 (1) (a) The Legislature shall file [~~copies of the official maps~~] a copy of the Senate
 102 block assignment file enacted by the Legislature[~~, and any other relevant data,~~] with the
 103 lieutenant governor's office.

104 (b) [~~Except as provided in Subsection (2), the~~] The legal boundaries of Senate districts
 105 are contained in the [~~official maps~~] Senate block assignment file on file with the lieutenant
 106 governor's office.

107 [~~(2) (a) Because of the new county boundary separating Salt Lake County and Utah~~
 108 ~~County, the boundary separating Senate District 9 and Senate District 11 that followed the old~~
 109 ~~county boundary is changed to follow the new county boundary eastward from the~~
 110 ~~southwestern intersection to the point where the existing boundary of Senate District 9 turns~~
 111 ~~north from the old county boundary.~~]

112 [~~(b) The following census blocks from the 2000 census are removed from Senate~~
 113 ~~District 11 and placed into Senate District 14: Census Tract 010205, Blocks 1000, 1001, 3001,~~
 114 ~~3003, and 3004.~~]

115 [~~(3) When questions of interpretation of Senate district boundaries arise, the official~~
 116 ~~maps on file in the lieutenant governor's office shall serve as the indication of the legislative~~
 117 ~~intent in drawing the Senate district boundaries.~~]

118 [~~(4) Maps identifying the boundaries for Senate districts may be viewed on the Internet~~
 119 ~~at the lieutenant governor's website.~~]

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

121 (i) generate maps of each Utah State Senate district from the Senate block assignment
122 file; and

123 (ii) ensure that those maps are available for viewing on the lieutenant governor's
124 website.

125 (b) If there is any inconsistency between the maps and the Senate block assignment
126 file, the Senate block assignment file is controlling.

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

128 **36-1-103.2. County clerk, Automated Geographic Reference Center, and**
129 **lieutenant governor responsibilities -- Maps and voting precinct boundaries.**

130 (1) Each county clerk shall obtain [~~copies of the official maps~~] a copy of the Senate
131 block assignment file for the clerk's county from the lieutenant governor's office.

132 (2) (a) A county clerk may create one or more county maps that identify the boundaries
133 of Senate districts as [~~shown on the official maps~~] generated from the Senate block assignment
134 file.

135 (b) Before publishing or distributing any map or data created by the county clerk that
136 identifies the boundaries of Senate districts within the county, the clerk shall submit the county
137 map and data to the lieutenant governor and to the Automated Geographic Reference Center for
138 review.

139 (c) Within 30 days after receipt of a county map and data from a county clerk, the
140 Automated Geographic Reference Center shall:

141 (i) review the county map and data to evaluate if the county map and data accurately
142 reflect the boundaries of Senate districts established by the Legislature in the [~~official maps~~]
143 Senate block assignment file;

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

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

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

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

150 (i) make the corrections necessary to conform the county map and data to the [~~official~~
151 maps] Senate block assignment file; and

152 (ii) resubmit the corrected county map and data to the lieutenant governor and to the
153 Automated Geographic Reference Center for a new review under this Subsection (2).

154 (3) (a) Subject to the requirements of this Subsection (3), each county clerk shall
155 establish voting precincts and polling places within each Senate district according to the
156 procedures and requirements of Section 20A-5-303.

157 (b) Within five working days after approval of voting precincts and polling places by
158 the county legislative body as required by Section 20A-5-303, each county clerk shall submit a
159 voting precinct map identifying the boundaries of each voting precinct within the county to the
160 lieutenant governor and to the Automated Geographic Reference Center for review.

161 (c) Within 30 days after receipt of a voting precinct map from a county clerk, the
162 Automated Geographic Reference Center shall:

163 (i) review the voting precinct map to evaluate if the [~~county~~] voting precinct map
164 accurately reflects the boundaries of Senate districts established by the Legislature in the
165 [~~official maps~~] Senate block assignment file;

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

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

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

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

172 (i) make the corrections necessary to conform the voting precinct map to the [~~official~~
173 ~~maps~~] Senate block assignment file; and

174 (ii) resubmit the corrected voting precinct map to the lieutenant governor and to the
175 Automated Geographic Reference Center for a new review under this Subsection (3).

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

177 **36-1-104. Omissions from maps -- How resolved.**

178 (1) If any area of the state is omitted from a Utah State Senate district in the [~~maps~~]
179 Senate block assignment file enacted by the Legislature, the county clerk of the affected
180 county, upon discovery of the omission, shall attach the area to the appropriate Senate district
181 according to the requirements of Subsections (2) and (3).

182 (2) If the omitted area is surrounded by a single Senate district, the county clerk shall

183 attach the area [~~shall be attached~~] to that district.

184 (3) If the omitted area is contiguous to two or more Senate districts, the county clerk
 185 shall attach the area [~~shall be attached~~] to the district that has the least population, as
 186 determined by the official census population figures and maps [~~of the Bureau of the Census of~~
 187 ~~the United States Department of Commerce developed in connection with the taking of the~~
 188 ~~2000-2010 national decennial census~~] described in Subsection 36-1-101.5(2).

189 (4) [~~Any attachment~~] The county clerk shall certify in writing and file with the
 190 lieutenant governor any attachment made under [~~Subsection (1) shall be certified in writing and~~
 191 ~~filed with the lieutenant governor~~] this section.

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

193 **36-1-105. Uncertain boundaries -- How resolved.**

194 (1) As used in this section, "affected party" means:

195 (a) a senator whose Utah State Senate district boundary is uncertain because the
 196 [~~identifying feature~~] boundary in the Senate block assignment file used to establish the Senate
 197 district boundary has been removed, modified, or is unable to be identified or who is uncertain
 198 about whether or not [~~he~~] the senator or another person resides in a particular Senate district;

199 (b) a candidate for senator whose Senate district boundary is uncertain because the
 200 [~~identifying feature~~] boundary in the Senate block assignment file used to establish the Senate
 201 district boundary has been removed, modified, or is unable to be identified or who is uncertain
 202 about whether or not [~~he~~] the candidate or another person resides in a particular Senate district;
 203 or

204 (c) a person who is uncertain about which Senate district contains the person's
 205 residence because the [~~identifying feature~~] boundary in the Senate block assignment file used to
 206 establish the Senate district boundary has been removed, modified, or is unable to be identified.

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

- 209 (i) the precise location of the Senate district boundary;
- 210 (ii) the number of the Senate district in which a person resides; or
- 211 (iii) both Subsections (2)(a)(i) and (ii).

212 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
 213 governor shall review the [~~official maps~~] Senate block assignment file and obtain and review

214 other relevant data such as [~~census block and tract descriptions;~~] aerial photographs, aerial
215 maps, or other data about the area.

216 (c) Within five days of receipt of the request, the lieutenant governor shall review the
217 [~~maps~~] Senate block assignment file, obtain and review any relevant data, and make a
218 determination.

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

221 (i) prepare a certification identifying the appropriate Senate district boundary and
222 attaching a map, if necessary; and

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

224 (A) the affected party;

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

226 (C) the Automated Geographic Reference Center created under Section 63F-1-506.

227 (e) If the lieutenant governor determines the number of the Senate district in which a
228 particular person resides, the lieutenant governor shall send a letter identifying that district by
229 number to:

230 (i) the person;

231 (ii) the affected party who filed the petition, if different than the person whose Senate
232 district number was identified; and

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

234 **Section 8. Repealer.**

235 This bill repeals:

236 Section **36-1-101, Utah State Senate -- District boundaries.**

237 Section 9. **Effective date.**

238 This bill takes effect on January 1, 2012, for purposes of nominating and electing
239 certain members of the Utah State Senate and on January 1, 2013, for all other purposes.

Legislative Review Note
as of **9-30-11 11:53 AM**

Office of Legislative Research and General Counsel

1 **CONGRESSIONAL BOUNDARIES DESIGNATION**

2 2011 THIRD SPECIAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ralph Okerlund**

5 House Sponsor: Kenneth W. Sumsion

6

7 **LONG TITLE**

8 The United States Congressional district boundary information may be found at

9 <http://le.utah.gov>.

10 Block assignment file security code: fb0a3fae285cadfbbb576a46b4528e85

11 **General Description:**

12 This bill, which includes this printed text and the electronic data affiliated with it,
13 establishes new United States Congressional district boundaries for Utah and makes
14 other technical corrections.

15 **Highlighted Provisions:**

16 This bill:

- 17 ▶ repeals current United States Congressional district boundaries for Utah and
- 18 establishes new United States Congressional district boundaries for Utah;
- 19 ▶ establishes the block assignment file that is part of this bill in electronic form as the
- 20 legal boundaries of United States Congressional district boundaries for Utah; and
- 21 ▶ makes technical corrections.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 This bill takes effect on January 1, 2012, for purposes of nominating and electing Utah
26 representatives to the United States House of Representatives and on January 1, 2013,
27 for all other purposes.



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **20A-13-102**, as last amended by Laws of Utah 2011, Chapter 74

31 **20A-13-102.2**, as enacted by Laws of Utah 2011, Chapter 74

32 **20A-13-103**, as repealed and reenacted by Laws of Utah 2001, Second Special Session,
33 Chapter 6

34 **20A-13-104**, as last amended by Laws of Utah 2005, Chapter 169

35 ENACTS:

36 **20A-13-101.1**, Utah Code Annotated 1953

37 **20A-13-101.5**, Utah Code Annotated 1953

38 REPEALS:

39 **20A-13-101 (Contingently Superseded)**, as last amended by Laws of Utah 2011,
40 Chapter 74

41 **20A-13-101 (Contingently Effective)**, as last amended by Laws of Utah 2007, Chapter
42 97

43

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

45 Section 1. Section **20A-13-101.1** is enacted to read:

46 **20A-13-101.1. Definitions.**

47 As used in this section:

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

52 (2) "Congressional block assignment file" means the electronic file that assigns each of
53 Utah's 115, 406 census blocks to a particular Congressional district.

54 Section 2. Section **20A-13-101.5** is enacted to read:

55 **20A-13-101.5. Representatives to the United States Congress -- Four**
56 **representative districts -- When elected -- District boundaries.**

57 (1) (a) The state of Utah is divided into four districts for the election of representatives
58 to the Congress of the United States, with one member to be elected from each Congressional

59 district.

60 (b) At the general election to be held in 2012, and biennially thereafter, one
61 representative from each Congressional district shall be elected to serve in the Congress of the
62 United States.

63 (2) The Legislature adopts the official census population figures and maps of the
64 Bureau of the Census of the United States Department of Commerce developed in connection
65 with the taking of the 2010 national decennial census as the official data for establishing
66 Congressional district boundaries.

67 (3) (a) The Legislature enacts the numbers and boundaries of the Congressional
68 districts designated in the Congressional block assignment file that is the electronic component
69 of the bill that enacts this section.

70 (b) That Congressional block assignment file, and Congressional boundaries generated
71 from that Congressional block assignment file, may be accessed via the Utah Legislature's
72 website.

73 Section 3. Section **20A-13-102** is amended to read:

74 **20A-13-102. Congressional districts.**

75 (1) (a) The Legislature shall file ~~[copies of the official maps]~~ a copy of the
76 Congressional block assignment file enacted by the Legislature~~[, and any other relevant~~
77 ~~materials;]~~ with the lieutenant governor's office.

78 (b) ~~[Except as provided in Subsection (2), the]~~ The legal boundaries of Utah's
79 Congressional districts are contained in the ~~[official maps]~~ Congressional block assignment file
80 on file with the lieutenant governor's office.

81 ~~[(2) The following census blocks from the 2000 census are removed from~~
82 ~~Congressional District 2 and placed into Congressional District 3: Census Tract 010205;~~
83 ~~Blocks 1000, 1001, 3001, 3003, and 3004.]~~

84 ~~[(3) When questions of interpretation of Congressional district boundaries arise, the~~
85 ~~official maps on file in the lieutenant governor's office shall serve as the indication of the~~
86 ~~legislative intent in drawing the Congressional district boundaries.]~~

87 ~~[(4) Maps identifying the boundaries for Congressional districts may be viewed on the~~
88 ~~Internet at the lieutenant governor's website.]~~

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

90 (i) generate maps of each Congressional district from the Congressional block
91 assignment file; and
92 (ii) ensure that those maps are available for viewing on the lieutenant governor's
93 website.

94 (b) If there is any inconsistency between the maps and the Congressional block
95 assignment file, the Congressional block assignment file is controlling.

96 Section 4. Section 20A-13-102.2 is amended to read:

97 **20A-13-102.2. County clerk, Automated Geographic Reference Center, and**
98 **lieutenant governor responsibilities -- Maps and voting precinct boundaries.**

99 (1) Each county clerk shall obtain [~~copies of the official maps~~] a copy of the
100 Congressional block assignment file for the clerk's county from the lieutenant governor's office.

101 (2) (a) A county clerk may create one or more county maps that identify the boundaries
102 of Utah's Congressional districts as [~~shown on~~] generated from the [~~official maps~~]
103 Congressional block assignment file.

104 (b) Before publishing or distributing any map or data created by the county clerk that
105 identifies the boundaries of Utah's Congressional districts within the county, the county clerk
106 shall submit the county map and data to the lieutenant governor and to the Automated
107 Geographic Reference Center for review.

108 (c) Within 30 days after receipt of a county map and data from a county clerk, the
109 Automated Geographic Reference Center shall:

110 (i) review the county map and data to evaluate if the county map and data accurately
111 reflect the boundaries of Utah's Congressional districts established by the Legislature in the
112 [~~official maps~~] Congressional block assignment file;

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

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

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

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

119 (i) make the corrections necessary to conform the county map and data to the [~~official~~
120 maps] Congressional block assignment file; and

121 (ii) resubmit the corrected county map and data to the lieutenant governor and to the
122 Automated Geographic Reference Center for a new review under this Subsection (2).

123 (3) (a) Subject to the requirements of this Subsection (3), each county clerk shall
124 establish voting precincts and polling places within each Utah Congressional district according
125 to the procedures and requirements of Section 20A-5-303.

126 (b) Within five working days after approval of voting precincts and polling places by
127 the county legislative body as required by Section 20A-5-303, each county clerk shall submit a
128 voting precinct map identifying the boundaries of each voting precinct within the county to the
129 lieutenant governor and to the Automated Geographic Reference Center for review.

130 (c) Within 30 days after receipt of a map from a county clerk, the Automated
131 Geographic Reference Center shall:

132 (i) review the voting precinct map to evaluate if the [~~county~~] voting precinct map
133 accurately reflects the boundaries of Utah's Congressional districts established by the
134 Legislature in the [~~official maps~~] Congressional block assignment file;

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

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

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

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

141 (i) make the corrections necessary to conform the voting precinct map to the [~~official~~
142 ~~maps~~] Congressional block assignment file; and

143 (ii) resubmit the corrected voting precinct map to the lieutenant governor and to the
144 Automated Geographic Reference Center for a new review under this Subsection (3).

145 Section 5. Section **20A-13-103** is amended to read:

146 **20A-13-103. Omissions from maps -- How resolved.**

147 (1) If any area of the state is omitted from a Congressional district in the [~~maps~~]
148 Congressional block assignment file enacted by the Legislature, the county clerk of the affected
149 county, upon discovery of the omission, shall attach the area to the appropriate Congressional
150 district according to the requirements of Subsections (2) and (3).

151 (2) If the omitted area is surrounded by a single Congressional district, the county clerk

152 shall attach the area [~~shall be attached~~] to that district.

153 (3) If the omitted area is contiguous to two or more Congressional districts, the county
154 clerk shall attach the area [~~shall be attached~~] to the district that has the least population, as
155 determined by the official census population figures and maps [~~of the Bureau of Census of the~~
156 ~~United States Department of Commerce developed in connection with the taking of the 2000~~
157 ~~national decennial census~~] described in Subsection 20A-13-101.5(2).

158 (4) [~~Any attachment~~] The county clerk shall certify in writing and file with the
159 lieutenant governor any attachment made under [~~Subsection (1) shall be certified in writing and~~
160 ~~filed with the lieutenant governor~~] this section.

161 Section 6. Section **20A-13-104** is amended to read:

162 **20A-13-104. Uncertain boundaries -- How resolved.**

163 (1) As used in this section, "affected party" means:

164 (a) a representative whose Congressional district boundary is uncertain because the
165 [~~identifying feature~~] boundary in the Congressional block assignment file used to establish the
166 district boundary has been removed, modified, or is unable to be identified or who is uncertain
167 about whether or not [~~he~~] the representative or another person resides in a particular
168 Congressional district;

169 (b) a candidate for Congressional representative whose Congressional district boundary
170 is uncertain because the [~~identifying feature~~] boundary in the Congressional block assignment
171 file used to establish the district boundary has been removed, modified, or is unable to be
172 identified or who is uncertain about whether or not [~~he~~] the candidate or another person resides
173 in a particular Congressional district; or

174 (c) a person who is uncertain about which Congressional district contains the person's
175 residence because the [~~identifying feature~~] boundary in the Congressional block assignment file
176 used to establish the district boundary has been removed, modified, or is unable to be
177 identified.

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

- 180 (i) the precise location of the Congressional district boundary;
- 181 (ii) the number of the Congressional district in which a person resides; or
- 182 (iii) both Subsections (2)(a)(i) and (ii).

183 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
184 governor shall review the [~~official maps~~] Congressional block assignment file and obtain and
185 review other relevant data such as [~~census block and tract descriptions,~~] aerial photographs,
186 aerial maps, or other data about the area.

187 (c) Within five days of receipt of the request, the lieutenant governor shall review the
188 [~~maps~~] Congressional block assignment file, obtain and review any relevant data, and make a
189 determination.

190 (d) When the lieutenant governor determines the location of the Congressional district
191 boundary, the lieutenant governor shall:

192 (i) prepare a certification identifying the appropriate boundary and attaching a map, if
193 necessary; and

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

195 (A) the affected party;

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

197 (C) the Automated Geographic Reference Center created under Section 63F-1-506.

198 (e) If the lieutenant governor determines the number of the Congressional district in
199 which a particular person resides, the lieutenant governor shall send a letter identifying that
200 district by number to:

201 (i) the person;

202 (ii) the affected party who filed the petition, if different than the person whose
203 Congressional district number was identified; and

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

205 **Section 7. Repealer.**

206 This bill repeals:

207 Section **20A-13-101 (Contingently Superseded), Representatives to the United**
208 **States Congress -- Three representative districts -- When elected -- District boundaries.**

209 Section **20A-13-101 (Contingently Effective), Representatives to the United States**
210 **Congress -- Four representative districts -- When elected -- District boundaries.**

211 **Section 8. Effective date.**

212 This bill takes effect on January 1, 2012, for purposes of nominating and electing Utah
213 representatives to the United States House of Representatives and on January 1, 2013, for all

S.B. 3002

09-30-11 4:35 PM

214 other purposes.

Legislative Review Note
as of 9-30-11 2:32 PM

Office of Legislative Research and General Counsel

1 **AMENDMENTS TO DRIVER LICENSE SUSPENSION FOR**
2 **DRIVING UNDER THE INFLUENCE OFFENSES**

3 2011 THIRD SPECIAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Scott K. Jenkins**

6 House Sponsor: _____

8 **LONG TITLE**

9 **Committee Note:**

10 The Transportation Interim Committee recommended this bill.

11 **General Description:**

12 This bill modifies the Uniform Driver License Act by amending provisions relating to
13 the driver license suspension periods for certain driving under the influence offenses.

14 **Highlighted Provisions:**

15 This bill:

- 16 ▶ provides that if the Driver License Division determines that a peace officer had
17 reasonable grounds to believe that a person was driving a motor vehicle in violation
18 of certain driving under the influence offenses and the arrest was made on or after
19 July 1, 2009, the Driver License Division shall, if the person is 19 years of age or
20 older but under 21 years of age at the time of arrest, suspend the person's license or
21 permit to operate a motor vehicle:
- 22 • for a period of six months for a first suspension; or
 - 23 • until the person is 21 years of age or for a period of two years, whichever is
24 longer, for a second or subsequent suspension for an offense that occurred
25 within the previous 10 years.

26 **Money Appropriated in this Bill:**

27 None



28 **Other Special Clauses:**

29 This bill provides an immediate effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **53-3-223**, as last amended by Laws of Utah 2011, Chapter 312



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

35 Section 1. Section **53-3-223** is amended to read:

36 **53-3-223. Chemical test for driving under the influence -- Temporary license --**

37 **Hearing and decision -- Suspension and fee -- Judicial review.**

38 (1) (a) If a peace officer has reasonable grounds to believe that a person may be
39 violating or has violated Section 41-6a-502, prohibiting the operation of a vehicle with a
40 certain blood or breath alcohol concentration and driving under the influence of any drug,
41 alcohol, or combination of a drug and alcohol or while having any measurable controlled
42 substance or metabolite of a controlled substance in the person's body in violation of Section
43 41-6a-517, the peace officer may, in connection with arresting the person, request that the
44 person submit to a chemical test or tests to be administered in compliance with the standards
45 under Section 41-6a-520.

46 (b) In this section, a reference to Section 41-6a-502 includes any similar local
47 ordinance adopted in compliance with Subsection 41-6a-510(1).

48 (2) The peace officer shall advise a person prior to the person's submission to a
49 chemical test that a test result indicating a violation of Section 41-6a-502 or 41-6a-517 shall,
50 and the existence of a blood alcohol content sufficient to render the person incapable of safely
51 driving a motor vehicle may, result in suspension or revocation of the person's license to drive
52 a motor vehicle.

53 (3) If the person submits to a chemical test and the test results indicate a blood or
54 breath alcohol content in violation of Section 41-6a-502 or 41-6a-517, or if a peace officer
55 makes a determination, based on reasonable grounds, that the person is otherwise in violation
56 of Section 41-6a-502, a peace officer shall, on behalf of the division and within 24 hours of
57 arrest, give notice of the division's intention to suspend the person's license to drive a motor
58 vehicle.

59 (4) (a) When a peace officer gives notice on behalf of the division, the peace officer
60 shall:

61 (i) take the Utah license certificate or permit, if any, of the driver;

62 (ii) issue a temporary license certificate effective for only 29 days from the date of
63 arrest; and

64 (iii) supply to the driver, in a manner specified by the division, basic information
65 regarding how to obtain a prompt hearing before the division.

66 (b) A citation issued by a peace officer may, if provided in a manner specified by the
67 division, also serve as the temporary license certificate.

68 (5) As a matter of procedure, a peace officer shall send to the division within 10
69 calendar days after the day on which notice is provided:

70 (a) the person's license certificate;

71 (b) a copy of the citation issued for the offense;

72 (c) a signed report in a manner specified by the division indicating the chemical test
73 results, if any; and

74 (d) any other basis for the peace officer's determination that the person has violated
75 Section 41-6a-502 or 41-6a-517.

76 (6) (a) Upon request in a manner specified by the division, the division shall grant to
77 the person an opportunity to be heard within 29 days after the date of arrest. The request to be
78 heard shall be made within 10 calendar days of the day on which notice is provided under
79 Subsection (5).

80 (b) (i) Except as provided in Subsection (6)(b)(ii), a hearing, if held, shall be before the
81 division in:

82 (A) the county in which the arrest occurred; or

83 (B) a county that is adjacent to the county in which the arrest occurred.

84 (ii) The division may hold a hearing in some other county if the division and the person
85 both agree.

86 (c) The hearing shall be documented and shall cover the issues of:

87 (i) whether a peace officer had reasonable grounds to believe the person was driving a
88 motor vehicle in violation of Section 41-6a-502 or 41-6a-517;

89 (ii) whether the person refused to submit to the test; and

90 (iii) the test results, if any.

91 (d) (i) In connection with a hearing the division or its authorized agent:

92 (A) may administer oaths and may issue subpoenas for the attendance of witnesses and
93 the production of relevant books and papers; or

94 (B) may issue subpoenas for the attendance of necessary peace officers.

95 (ii) The division shall pay witness fees and mileage from the Transportation Fund in
96 accordance with the rates established in Section 78B-1-119.

97 (e) The division may designate one or more employees to conduct the hearing.

98 (f) Any decision made after a hearing before any designated employee is as valid as if
99 made by the division.

100 (7) (a) If, after a hearing, the division determines that a peace officer had reasonable
101 grounds to believe that the person was driving a motor vehicle in violation of Section
102 41-6a-502 or 41-6a-517, if the person failed to appear before the division as required in the
103 notice, or if a hearing is not requested under this section, the division shall:

104 (i) if the person is 21 years of age or older at the time of arrest and the arrest was made
105 on or after July 1, 2009, suspend the person's license or permit to operate a motor vehicle for a
106 period of:

107 (A) 120 days beginning on the 30th day after the date of arrest for a first suspension; or

108 (B) two years beginning on the 30th day after the date of arrest for a second or
109 subsequent suspension for an offense that occurred within the previous 10 years;

110 (ii) if the person is 19 years of age or older but under 21 years of age at the time of
111 arrest and the arrest was made on or after July 1, ~~2011~~ 2009:

112 (A) suspend the person's license or permit to operate a motor vehicle:

113 (I) for a period of six months, beginning on the 30th day after the date of arrest for a
114 first suspension; or

115 (II) until the person is 21 years of age or for a period of two years, whichever is longer,
116 beginning on the 30th day after the date of arrest for a second or subsequent suspension for an
117 offense that occurred within the previous 10 years; or

118 (B) deny the person's application for a license or learner's permit:

119 (I) for a period of six months for a first suspension, if the person has not been issued an
120 operator license; or

121 (II) until the person is 21 years of age or for a period of two years, whichever is longer,
122 beginning on the 30th day after the date of arrest for a second or subsequent suspension for an
123 offense that occurred within the previous 10 years; or

124 (iii) if the person is under 19 years of age at the time of arrest and the arrest was made
125 on or after July 1, 2009:

126 (A) suspend the person's license or permit to operate a motor vehicle:

127 (I) for a period of two years beginning on the 30th day after the date of arrest for a first
128 suspension; or

129 (II) until the person is 21 years of age or for a period of two years, whichever is longer,
130 beginning on the 30th day after the date of arrest for a second or subsequent suspension for an
131 offense that occurred within the previous 10 years; or

132 (B) deny the person's application for a license or learner's permit:

133 (I) for a period of two years for a first suspension, if the person has not been issued an
134 operator license; or

135 (II) until the person is 21 years of age or for a period of two years, whichever is longer,
136 beginning on the 30th day after the date of arrest for a second or subsequent suspension for an
137 offense that occurred within the previous 10 years.

138 (b) The division shall deny or suspend a person's license for the denial and suspension
139 periods in effect:

140 (i) prior to July 1, 2009, for an offense that was committed prior to July 1, 2009; or

141 (ii) from July 1, 2009, through June 30, 2011, if:

142 (A) the person was 20 years 6 months of age or older but under 21 years of age at the
143 time of arrest; and

144 (B) the conviction under Subsection (2) is for an offense that was committed on or
145 after July 1, 2009, and prior to July 1, 2011.

146 (c) (i) Notwithstanding the provisions in Subsection (7)(a)(i)(A), the division shall
147 reinstate a person's license prior to completion of the 120 day suspension period imposed under
148 Subsection (7)(a)(i)(A):

149 (A) immediately upon receiving written verification of the person's dismissal of a
150 charge for a violation of Section 41-6a-502 or 41-6a-517, if the written verification is received
151 prior to completion of the suspension period; or

152 (B) no sooner than 60 days beginning on the 30th day after the date of arrest upon
153 receiving written verification of the person's reduction of a charge for a violation of Section
154 41-6a-502 or 41-6a-517, if the written verification is received prior to completion of the
155 suspension period.

156 (ii) Notwithstanding the provisions in Subsection (7)(a)(i)(A) or (7)(b), the division
157 shall reinstate a person's license prior to completion of the 120-day suspension period imposed
158 under Subsection (7)(a)(i)(A) immediately upon receiving written verification of the person's
159 conviction of impaired driving under Section 41-6a-502.5 if:

160 (A) the written verification is received prior to completion of the suspension period;
161 and

162 (B) the reporting court notifies the Driver License Division that the defendant is
163 participating in or has successfully completed the program of a driving under the influence
164 court as defined in Section 41-6a-501.

165 (iii) If a person's license is reinstated under this Subsection (7)(c), the person is
166 required to pay the license reinstatement fees under Subsections 53-3-105(23) and (24).

167 (iv) The driver license reinstatements authorized under this Subsection (7)(c) only
168 apply to a 120 day suspension period imposed under Subsection (7)(a)(i)(A).

169 (8) (a) The division shall assess against a person, in addition to any fee imposed under
170 Subsection 53-3-205(12) for driving under the influence, a fee under Section 53-3-105 to cover
171 administrative costs, which shall be paid before the person's driving privilege is reinstated.
172 This fee shall be cancelled if the person obtains an unappealed division hearing or court
173 decision that the suspension was not proper.

174 (b) A person whose license has been suspended by the division under this section
175 following an administrative hearing may file a petition within 30 days after the suspension for a
176 hearing on the matter which, if held, is governed by Section 53-3-224.

177 **Section 2. Effective date.**

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

Legislative Review Note
as of 9-21-11 6:29 PM

Office of Legislative Research and General Counsel

1 **UTAH STATE HOUSE BOUNDARIES DESIGNATION**

2 2011 THIRD SPECIAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kenneth W. Sumsion**

5 Senate Sponsor: Ralph Okerlund

6

7 **LONG TITLE**

8 **Redistricting Boundary Information:**

9 The Utah State House district boundary information may be found at <http://le.utah.gov>.
10 Block assignment file security code: b8d84ca26f5beaddc5d236a0449fe1ca

11 **General Description:**

12 This bill, which includes this printed text and the electronic data affiliated with it,
13 establishes new Utah State House district boundaries and makes other technical
14 corrections.

15 **Highlighted Provisions:**

- 16 This bill:
- 17 ▶ repeals current Utah State House boundaries and establishes new Utah State House
 - 18 boundaries;
 - 19 ▶ establishes the block assignment file that is part of this bill in electronic form as the
 - 20 legal boundaries of Utah State House districts; and
 - 21 ▶ makes technical corrections.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 This bill takes effect on January 1, 2012, for purposes of nominating and electing
26 members of the Utah State House and on January 1, 2013, for all other purposes.

27 **Utah Code Sections Affected:**



28 AMENDS:

29 **36-1-202**, as last amended by Laws of Utah 2011, Chapter 74

30 **36-1-202.2**, as enacted by Laws of Utah 2011, Chapter 74

31 **36-1-203**, as enacted by Laws of Utah 2001, Second Special Session, Chapter 1

32 **36-1-204**, as last amended by Laws of Utah 2005, Chapter 169

33 ENACTS:

34 **36-1-201.1**, Utah Code Annotated 1953

35 **36-1-201.5**, Utah Code Annotated 1953

36 REPEALS:

37 **36-1-201**, as last amended by Laws of Utah 2011, Chapter 74



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

40 Section 1. Section **36-1-201.1** is enacted to read:

41 **36-1-201.1. Definitions.**

42 As used in this section:

43 (1) "Census block" means any one of the 115, 406 individual geographic areas into
44 which the Bureau of the Census of the United States Department of Commerce has divided the
45 state of Utah, to each of which the Bureau of the Census has attached a discrete population
46 tabulation from the 2010 decennial census.

47 (2) "House block assignment file" means the electronic file that assigns each of Utah's
48 115, 406 census blocks to a particular Utah House district.

49 Section 2. Section **36-1-201.5** is enacted to read:

50 **36-1-201.5. Utah House of Representatives -- House district boundaries.**

51 (1) The Utah House of Representatives shall consist of 75 members, with one member
52 to be elected from each Utah House of Representative district.

53 (2) The Legislature adopts the official census population figures and maps of the
54 Bureau of the Census of the United States Department of Commerce developed in connection
55 with the taking of the 2010 national decennial census as the official data for establishing House
56 district boundaries.

57 (3) (a) The Legislature enacts the numbers and boundaries of the House districts
58 designated by the House block assignment file that is the electronic component of the bill that

59 enacts this section.

60 (b) That House block assignment file, and the legislative boundaries generated from
61 that block assignment file, may be accessed via the Utah Legislature's website.

62 Section 3. Section **36-1-202** is amended to read:

63 **36-1-202. House districts -- Filing -- Legal boundaries.**

64 (1) (a) The Legislature shall file ~~[copies of the official maps]~~ a copy of the House block
65 assignment file enacted by the Legislature~~[-and any other relevant materials,]~~ with the
66 lieutenant governor's office.

67 (b) ~~[Except as provided in Subsection (2), the]~~ The legal boundaries of House districts
68 are contained in the ~~[official maps]~~ House block assignment file on file with the lieutenant
69 governor's office.

70 ~~[(2) (a) Because of the new county boundary separating Salt Lake County and Utah~~
71 ~~County, the boundary separating House District 51 and House District 27 that follows the old~~
72 ~~county boundary is changed to follow the new county boundary.]~~

73 ~~[(b) The following census blocks from the 2000 census are removed from House~~
74 ~~District 27 and placed into House District 57: Census Tract 010205, Blocks 1000, 1001, 3001,~~
75 ~~3003, and 3004.]~~

76 ~~[(3) When questions of interpretation of House district boundaries arise, the official~~
77 ~~maps on file in the lieutenant governor's office shall serve as the indication of the legislative~~
78 ~~intent in drawing the House district boundaries.]~~

79 ~~[(4) Maps identifying the boundaries for House districts may be viewed on the Internet~~
80 ~~at the lieutenant governor's website.]~~

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

82 (i) generate maps of each House district from the House block assignment file; and

83 (ii) ensure that those maps are available for viewing on the lieutenant governor's
84 website.

85 (b) If there is any inconsistency between the maps and the House block assignment file,
86 the House block assignment file is controlling.

87 Section 4. Section **36-1-202.2** is amended to read:

88 **36-1-202.2. County clerk, Automated Geographic Reference Center, and**
89 **lieutenant governor responsibilities -- Maps and voting precinct boundaries.**

90 (1) Each county clerk shall obtain [~~copies of the official maps~~] a copy of the House
91 block assignment file for the clerk's county from the lieutenant governor's office.

92 (2) (a) A county clerk may create one or more county maps that identify the boundaries
93 of House districts as [~~shown on the official maps~~] generated from the House block assignment
94 file.

95 (b) Before publishing or distributing any map or data created by the county clerk that
96 identifies the boundaries of House districts within the county, the clerk shall submit the county
97 map and data to the lieutenant governor and to the Automated Geographic Reference Center for
98 review.

99 (c) Within 30 days after receipt of a county map and data from a county clerk, the
100 Automated Geographic Reference Center shall:

101 (i) review the county map and data to evaluate if the county map and data accurately
102 reflect the boundaries of House districts established by the Legislature in the [~~official maps~~]
103 House block assignment file;

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

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

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

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

110 (i) make the corrections necessary to conform the county map and data to the [~~official~~
111 ~~maps~~] House block assignment file; and

112 (ii) resubmit the corrected county map and data to the lieutenant governor and to the
113 Automated Geographic Reference Center for a new review under this Subsection (2).

114 (3) (a) Subject to the requirements of this Subsection (3), each county clerk shall
115 establish voting precincts and polling places within each House district according to the
116 procedures and requirements of Section 20A-5-303.

117 (b) Within five working days after approval of voting precincts and polling places by
118 the county legislative body as required by Section 20A-5-303, each county clerk shall submit a
119 voting precinct map identifying the boundaries of each voting precinct within the county to the
120 lieutenant governor and to the Automated Geographic Reference Center for review.

121 (c) Within 30 days after receipt of a voting precinct map from a county clerk, the
122 Automated Geographic Reference Center shall:

123 (i) review the voting precinct map to evaluate if the county map accurately reflects the
124 boundaries of House districts established by the Legislature in the ~~[official maps]~~ House block
125 assignment file;

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

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

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

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

132 (i) make the corrections necessary to conform the voting precinct map to the ~~[official~~
133 ~~maps]~~ House block assignment file; and

134 (ii) resubmit the corrected voting precinct map to the lieutenant governor and to the
135 Automated Geographic Reference Center for a new review under this Subsection (3).

136 Section 5. Section **36-1-203** is amended to read:

137 **36-1-203. Omissions from maps -- How resolved.**

138 (1) If any area of the state is omitted from a Utah House of Representatives district in
139 the ~~[maps]~~ House block assignment file enacted by the Legislature, the county clerk of the
140 affected county, upon discovery of the omission, shall attach the area to the appropriate House
141 district according to the requirements of Subsections (2) and (3).

142 (2) If the omitted area is surrounded by a single House district, the county clerk shall
143 attach the area ~~[shall be attached]~~ to that district.

144 (3) If the omitted area is contiguous to two or more House districts, the county clerk
145 shall attach the area ~~[shall be attached]~~ to the district that has the least population, as
146 determined by the official census population figures and maps ~~[of the Bureau of the Census of~~
147 ~~the United States Department of Commerce developed in connection with the taking of the~~
148 ~~2000-2010 national decennial census]~~ described in Subsection 36-1-201.5(2).

149 (4) ~~[Any attachment]~~ The county clerk shall certify in writing and file with the
150 lieutenant governor any attachment made under ~~[Subsection (1) shall be certified in writing and~~
151 ~~filed with the lieutenant governor]~~ this section.

152 Section 6. Section **36-1-204** is amended to read:

153 **36-1-204. Uncertain boundaries -- How resolved.**

154 (1) As used in this section, "affected party" means:

155 (a) a representative whose Utah House of Representatives district boundary is uncertain
156 because the [~~identifying feature~~] boundary in the House block assignment file used to establish
157 the House district boundary has been removed, modified, or is unable to be identified or who is
158 uncertain about whether or not [~~he~~] the representative or another person resides in a particular
159 House district;

160 (b) a candidate for representative whose House district boundary is uncertain because
161 the [~~identifying feature~~] boundary in the House block assignment file used to establish the
162 district boundary has been removed, modified, or is unable to be identified or who is uncertain
163 about whether or not [~~he~~] the candidate or another person resides in a particular House district;
164 or

165 (c) a person who is uncertain about which House district contains the person's
166 residence because the [~~identifying feature~~] boundary in the House block assignment file used to
167 establish the House district boundary has been removed, modified, or is unable to be identified.

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

- 170 (i) the precise location of the House district boundary;
171 (ii) the number of the House district in which a person resides; or
172 (iii) both Subsections (2)(a)(i) and (ii).

173 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
174 governor shall review the [~~official maps~~] House block assignment file and obtain and review
175 other relevant data such as [~~census block and tract descriptions,~~] aerial photographs, aerial
176 maps, or other data about the area.

177 (c) Within five days of receipt of the request, the lieutenant governor shall review the
178 [~~maps~~] House block assignment file, obtain and review any relevant data, and make a
179 determination.

180 (d) When the lieutenant governor determines the location of the House district
181 boundary, the lieutenant governor shall:

- 182 (i) prepare a certification identifying the appropriate House district boundary and

183 attaching a map, if necessary; and
184 (ii) send a copy of the certification to:
185 (A) the affected party;
186 (B) the county clerk of the affected county; and
187 (C) the Automated Geographic Reference Center created under Section 63F-1-506.
188 (e) If the lieutenant governor determines the number of the House district in which a
189 particular person resides, the lieutenant governor shall send a letter identifying that district by
190 number to:
191 (i) the person;
192 (ii) the affected party who filed the petition, if different than the person whose House
193 district number was identified; and
194 (iii) the county clerk of the affected county.
195 **Section 7. Repealer.**
196 This bill repeals:
197 **Section 36-1-201, Utah House of Representatives -- District boundaries.**
198 **Section 8. Effective date.**
199 This bill takes effect on January 1, 2012, for purposes of nominating and electing
200 certain members of the Utah State House and on January 1, 2013, for all other purposes.

Legislative Review Note
as of 9-30-11 11:54 AM

Office of Legislative Research and General Counsel

1 **STATE BOARD OF EDUCATION BOUNDARIES AND**
2 **ELECTION DESIGNATION**

3 2011 THIRD SPECIAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Kenneth W. Sumsion**

6 Senate Sponsor: Ralph Okerlund

7
8 **LONG TITLE**

9 **Redistricting Boundary Information:**

10 The State Board of Education district boundary information may be found at
11 <http://le.utah.gov>.

12 Block assignment file security code: 43dcc31231a0fb585694785beddd144c

13 **General Description:**

14 This bill, which includes this printed text and the electronic data affiliated with it,
15 establishes new State Board of Education district boundaries and makes other technical
16 corrections.

17 **Highlighted Provisions:**

18 This bill:

- 19 ▶ repeals current State Board of Education district boundaries and establishes new
- 20 State Board of Education district boundaries;
- 21 ▶ establishes election dates for State Board of Education districts to ensure that State
- 22 Board of Education terms are staggered;
- 23 ▶ establishes the block assignment file, which is part of this bill in electronic form, as
- 24 the legal boundaries of State Board of Education districts; and
- 25 ▶ makes technical corrections.

26 **Money Appropriated in this Bill:**

27 None



28 **Other Special Clauses:**

29 This bill takes effect on January 1, 2012, for purposes of nominating and electing
30 certain members of the State Board of Education and on January 1, 2013, for all other
31 purposes.

32 **Utah Code Sections Affected:**

33 AMENDS:

- 34 **20A-14-102**, as last amended by Laws of Utah 2011, Chapter 74
- 35 **20A-14-102.1**, as enacted by Laws of Utah 2001, Second Special Session, Chapter 2
- 36 **20A-14-102.2**, as last amended by Laws of Utah 2005, Chapter 169
- 37 **20A-14-102.3**, as enacted by Laws of Utah 2011, Chapter 74
- 38 **20A-14-103**, as last amended by Laws of Utah 2011, Chapter 297

39 ENACTS:

- 40 **20A-14-101.1**, Utah Code Annotated 1953
- 41 **20A-14-101.5**, Utah Code Annotated 1953

42 REPEALS:

- 43 **20A-14-101**, as repealed and reenacted by Laws of Utah 2001, Second Special Session,
44 Chapter 2



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

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

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

49 As used in this section:

- 50 (1) "Board" means the State Board of Education.
- 51 (2) "Board block assignment file" means the electronic file that assigns each of Utah's
52 115, 406 census blocks to a particular State Board of Education district.
- 53 (3) "Census block" means any one of the 115, 406 individual geographic areas into
54 which the Bureau of the Census of the United States Department of Commerce has divided the
55 state of Utah, to each of which the Bureau of the Census has attached a discrete population
56 tabulation from the 2010 decennial census.

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

58 **20A-14-101.5. State Board of Education -- Number of members -- State Board of**

59 **Education district boundaries.**

60 (1) The State Board of Education shall consist of 15 members, with one member to be
61 elected from each State Board of Education district.

62 (2) The Legislature adopts the official census population figures and maps of the
63 Bureau of the Census of the United States Department of Commerce developed in connection
64 with the taking of the 2010 national decennial census as the official data for establishing State
65 Board of Education district boundaries.

66 (3) (a) The Legislature enacts the numbers and boundaries of the State Board of
67 Education districts designated in the Board block assignment file that is the electronic
68 component of the bill that enacts this section.

69 (b) That Board block assignment file, and the State Board of Education district
70 boundaries generated from that Board block assignment file, may be accessed via the Utah
71 Legislature's website.

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

73 **20A-14-102. State Board of Education districts.**

74 (1) (a) The Legislature shall file [~~copies of the official maps~~] a copy of the Board block
75 assignment file enacted by the Legislature with the lieutenant governor's office.

76 (b) The legal boundaries of State Board of Education districts are contained in the
77 [~~official maps~~] Board block assignment file on file with the lieutenant governor's office.

78 [~~(2) When questions of interpretation of state board district boundaries arise, the~~
79 ~~official maps on file in the lieutenant governor's office shall serve as the indication of the~~
80 ~~legislative intent in drawing the state board district boundaries.]~~

81 [~~(3) Maps identifying the boundaries for state board districts may be viewed on the~~
82 ~~Internet at the lieutenant governor's website.]~~

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

84 (i) generate maps of each State Board of Education district from the Board block
85 assignment file; and

86 (ii) ensure that those maps are available for viewing on the lieutenant governor's
87 website.

88 (b) If there is any inconsistency between the maps and the Board block assignment file,
89 the Board block assignment file is controlling.

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

91 **20A-14-102.1. Omissions from maps -- How resolved.**

92 (1) If any area of the state is omitted from a State Board of Education district in the
93 ~~[maps]~~ Board block assignment file enacted by the Legislature, the county clerk of the affected
94 county, upon discovery of the omission, shall attach the area to the appropriate ~~[state board]~~
95 State Board of Education district according to the requirements of Subsections (2) and (3).

96 (2) If the omitted area is surrounded by a ~~[state board]~~ single State Board of Education
97 district, the county clerk shall attach the area ~~[shall be attached]~~ to that district.

98 (3) If the omitted area is contiguous to two or more State Board of Education districts,
99 the county clerk shall attach the area ~~[shall be attached]~~ to the district that has the least
100 population, as determined by the official census population figures and maps described in
101 Subsection 20A-14-101.5(2).

102 (4) ~~[Any attachment]~~ The county clerk shall certify in writing and file with the
103 lieutenant governor any attachment made under ~~[Subsection (1) shall be certified in writing and~~
104 ~~filed with the lieutenant governor]~~ this section.

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

106 **20A-14-102.2. Uncertain boundaries -- How resolved.**

107 (1) As used in this section, "affected party" means:

108 (a) a state school board member whose ~~[state school board]~~ State Board of Education
109 district boundary is uncertain because the ~~[identifying feature]~~ boundary in the Board block
110 assignment file used to establish the district boundary has been removed, modified, or is unable
111 to be identified or who is uncertain about whether or not ~~[he]~~ the member or another person
112 resides in a particular ~~[state board]~~ State Board of Education district;

113 (b) a candidate for state school board whose ~~[state board]~~ State Board of Education
114 district boundary is uncertain because the ~~[identifying feature]~~ boundary in the Board block
115 assignment file used to establish the district boundary has been removed, modified, or is unable
116 to be identified or who is uncertain about whether or not ~~[he]~~ the candidate or another person
117 resides in a particular ~~[state board]~~ State Board of Education district; or

118 (c) a person who is uncertain about which ~~[state board]~~ State Board of Education
119 district contains the person's residence because the ~~[identifying feature]~~ boundary in the Board
120 block assignment file used to establish the State Board of Education district boundary has been

121 removed, modified, or is unable to be identified.

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

124 (i) the precise location of the [~~state board~~] State Board of Education district boundary;

125 (ii) the number of the [~~state board~~] State Board of Education district in which a person
126 resides; or

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

128 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
129 governor shall review the [~~official maps~~] Board block assignment file and obtain and review
130 other relevant data such as aerial photographs, aerial maps, or other data about the area.

131 (c) Within five days of receipt of the request, the lieutenant governor shall review the
132 [~~maps~~] Board block assignment file, obtain and review any relevant data, and make a
133 determination.

134 (d) If the lieutenant governor determines the precise location of the [~~state board~~] State
135 Board of Education district boundary, the lieutenant governor shall:

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

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

139 (A) the affected party;

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

141 (C) the Automated Geographic Reference Center created under Section 63F-1-506.

142 (e) If the lieutenant governor determines the number of the [~~state board~~] State Board of
143 Education district in which a particular person resides, the lieutenant governor shall send a
144 letter identifying that district by number to:

145 (i) the person;

146 (ii) the affected party who filed the petition, if different than the person whose [~~state~~
147 ~~board~~] State Board of Education district number was identified; and

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

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

150 **20A-14-102.3. County clerk, Automated Geographic Reference Center, and**
151 **lieutenant governor responsibilities -- Maps and voting precinct boundaries.**

152 (1) Each county clerk shall obtain [~~copies of the official maps~~] a copy of the Board
153 block assignment file for the clerk's county from the lieutenant governor's office.

154 (2) (a) A county clerk may create one or more county maps that identify the boundaries
155 of [~~state board~~] State Board of Education districts as [~~shown on the official maps~~] generated
156 from the Board block assignment file.

157 (b) Before publishing or distributing any map or data created by the county clerk that
158 identifies the boundaries of [~~state board~~] State Board of Education districts within the county,
159 the clerk shall submit the county map and data to the lieutenant governor and to the Automated
160 Geographic Reference Center for review.

161 (c) Within 30 days after receipt of a county map and data from a county clerk, the
162 Automated Geographic Reference Center shall:

163 (i) review the county map and data to evaluate if the county map and data accurately
164 reflect the boundaries of [~~state board~~] State Board of Education districts established by the
165 Legislature in the [~~official maps~~] Board block assignment file;

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

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

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

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

172 (i) make the corrections necessary to conform the county map and data to the [~~official~~
173 ~~maps~~] Board block assignment file; and

174 (ii) resubmit the corrected county map and data to the lieutenant governor for a new
175 review under this Subsection (2).

176 (3) (a) Subject to the requirements of this Subsection (3), each county clerk shall
177 establish voting precincts and polling places within each [~~state board~~] State Board of Education
178 district according to the procedures and requirements of Section 20A-5-303.

179 (b) Within five working days after approval of voting precincts and polling places by
180 the county legislative body as required by Section 20A-5-303, each county clerk shall submit a
181 voting precinct map identifying the boundaries of each voting precinct within the county to the
182 lieutenant governor and to the Automated Geographic Reference Center for review.

183 (c) Within 30 days after receipt of a voting precinct map from a county clerk, the
184 Automated Geographic Reference Center shall:

185 (i) review the voting precinct map to evaluate if the [~~county~~] voting precinct map
186 accurately reflects the boundaries of [~~state board~~] State Board of Education districts established
187 by the Legislature in the [~~official maps~~] Board block assignment file;

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

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

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

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

194 (i) make the corrections necessary to conform the voting precinct map to the [~~official~~
195 ~~maps~~] Board block assignment file; and

196 (ii) resubmit the corrected voting precinct map to the lieutenant governor and to the
197 Automated Geographic Reference Center for a new review under this Subsection (3).

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

199 **20A-14-103. State Board of Education members -- When elected -- Qualifications**
200 **-- Avoiding conflicts of interest.**

201 [~~(1) (a) In 2002 and every four years thereafter, one member each shall be elected from~~
202 ~~new Districts 2, 3, 5, 6, 9, 10, 14, and 15 to serve a four-year term.]~~

203 [~~(b) In 2004 and every four years thereafter, one member each shall be elected from~~
204 ~~new Districts 4, 7, 8, 11, 12, and 13 to serve a four-year term.]~~

205 [~~(c) (i) Because of the combination of certain former districts, the state school board~~
206 ~~members elected from old Districts 2 and 4 who will reside in new District 1 may not serve out~~
207 ~~the term for which they were elected, but shall stand for election in 2002 for a term of office of~~
208 ~~four years from the realigned district in which each resides.]~~

209 [~~(ii) If one of the incumbent state school board members from new District 1 indicates~~
210 ~~in writing to the lieutenant governor that the school board member will not seek reelection, that~~
211 ~~incumbent state school board member may serve until January 1, 2003 and the other incumbent~~
212 ~~state school board member shall serve out the term for which the member was elected, which is~~
213 ~~until January 1, 2005.]~~

214 (1) (a) Unless otherwise provided by law, each State Board of Education member
215 elected from a State Board of Education District at the 2010 general election shall:

216 (i) serve out the term of office for which that member was elected; and

217 (ii) represent the realigned district if the member resides in that district.

218 (b) At the general election to be held in 2012, a State Board of Education member
219 elected from State Board of Education Districts 4, 7, 8, 10, 11, 12, 13, and 15 shall be elected
220 to serve a term of office of four years.

221 (c) In order to ensure that the terms of approximately half of the State Board of
222 Education members expire every two years:

223 (i) at the general election to be held in 2012, the State Board of Education member
224 elected from State Board of Education District 1 shall be elected to serve a term of office of
225 two years; and

226 (ii) at the general election to be held in 2014, the State Board of Education member
227 elected from State Board of Education District 1 shall be elected to serve a term of office of
228 four years.

229 (2) (a) A person seeking election to the [~~state school board~~] State Board of Education
230 shall have been a resident of the [~~state school board~~] State Board of Education district in which
231 the person is seeking election for at least one year as of the date of the election.

232 (b) A person who has resided within the [~~state school board~~] State Board of Education
233 district, as the boundaries of the district exist on the date of the election, for one year
234 immediately preceding the date of the election shall be considered to have met the requirements
235 of this Subsection (2).

236 (3) A State Board of Education member shall:

237 (a) be and remain a registered voter in the [~~state board~~] State Board of Education
238 district from which the member was elected or appointed; and

239 (b) maintain the member's primary residence within the [~~state board~~] State Board of
240 Education district from which the member was elected or appointed during the member's term
241 of office.

242 (4) A [~~member of the~~] State Board of Education member may not, during the member's
243 term of office, also serve as an employee of:

244 (a) the [~~board~~] State Board of Education;

09-30-11 4:53 PM

H.B. 3002

245 (b) the Utah State Office of Education; or

246 (c) the Utah State Office of Rehabilitation.

247 Section 8. **Repealer.**

248 This bill repeals:

249 Section **20A-14-101, State Board of Education -- Number of members -- District**
250 **boundaries.**

251 Section 9. **Effective date.**

252 This bill takes effect on January 1, 2012, for purposes of nominating and electing
253 certain members of the State Board of Education and on January 1, 2013, for all other
254 purposes.

Legislative Review Note

as of 9-30-11 11:51 AM

Office of Legislative Research and General Counsel