

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0591.03 Pierce Lively x2059

HOUSE BILL 26-1038

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 CONCERNING COUNTY COMMISSIONER REDISTRICTING.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, certain boards of county commissioners must appoint county commissioner redistricting commissions to adopt plans to divide the relevant counties into as many county commissioner districts as there are county commissioners elected by voters of their district (plan). The bill requires these boards of county commissioners to appoint independent county commissioner redistricting commissions, modifies the criteria for who may serve on these commissions, and requires the boards of county commissioners to adopt a final plan that was one of the final

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

plans approved by an independent county commissioner redistricting commission. The bill also removes the role of advisory committees in the process of adopting a plan and divides that role among staff and the independent county commissioner redistricting commissions.

Further, the bill requires an independent county commissioner redistricting commission to adopt a numerical measure of county commissioner district competitiveness and to use that measure in determining county commissioner districts.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.**

3 (1) The general assembly finds and declares that:

4 (a) In order for our democratic republic to truly represent the
5 voices of the people, districts must be drawn such that the people have an
6 opportunity to elect representatives who are reflective of and responsive
7 and accountable to their constituents;

8 (b) The people are best served when districts are not drawn to
9 benefit particular parties or incumbents, but are instead drawn to ensure
10 representation for the various communities of interest and to maximize
11 the number of competitive districts;

12 (c) The federal "Voting Rights Act of 1965" prohibits voting
13 practices and procedures, including redistricting, that discriminate on the
14 basis of race, color, or language;

15 (d) Districts are redrawn after every decennial census for members
16 of congress, members of the general assembly, county commissioners,
17 school board members, city councillors, and special district
18 representatives;

19 (e) In the 2018 legislative session, the general assembly
20 unanimously supported two referred measures, Amendments Y and Z,
21 that reflected a bipartisan compromise to ensure fair redistricting of

1 congressional districts, state house of representative districts, and state
2 senate districts;

3 (f) At the general election in November 2018, seventy-one percent
4 of electors in the state approved Amendments Y and Z;

5 (g) The only partisan offices elected by districts in Colorado not
6 included in Amendments Y and Z were county commissioners; and

7 (h) It is of statewide interest that voters in every Colorado county
8 are empowered to elect commissioners who will reflect the communities
9 within the county and who will be responsive and accountable to them.

10 (2) The general assembly further finds and declares that most
11 Colorado counties elect their commissioners by the voters of the whole
12 county, but counties with populations over seventy thousand are allowed
13 to increase from three to five commissioners and elect some or all of their
14 commissioners by the voters of individual districts. By enacting this
15 House Bill ____, the general assembly intends to build upon HB21-1047
16 by further ensuring that county commissioner districts are drawn by
17 independent commissions and not by a sitting board of commissioners,
18 the members of which have a fundamental and inherent conflict of
19 interest in drawing a district in which they or a desired successor may run
20 for office in the future. The general assembly also intends to further
21 clarify what constitutes a competitive county commissioner district.

22 (3) The general assembly further finds and declares that, pursuant
23 to the Colorado supreme court's holding in *League of Women Voters of*
24 *Greeley v. Bd. of Cnty. Comm'rs of the Cnty. of Weld* 563 P.3d 1192
25 (Colo. 2025), as with HB21-1047, this House Bill _____ applies to
26 counties whether or not they are home rule counties.

27 **SECTION 2.** In Colorado Revised Statutes, 30-10-306, **amend**

1 (6)(b); **repeal** (6)(a) and (6)(d); and **add** (6)(d.5) as follows:

2 **30-10-306. Commissioners' districts - vacancies - definitions.**

3 (6) As used in this section and sections 30-10-306.1 to
4 30-10-306.4, unless the context otherwise requires:

5 (a) ~~"Advisory committee" means a group of persons who are not~~
6 ~~nonpartisan staff of the county who are assigned to assist the commission~~
7 ~~by the board of county commissioners. The board of county~~
8 ~~commissioners may delegate any functions but the final adoption of a~~
9 ~~plan to the advisory committee. The advisory committee must be~~
10 ~~composed of an equal number of members who are affiliated with the~~
11 ~~state's largest political party, affiliated with the state's second largest~~
12 ~~political party, and not affiliated with any political party. For purposes of~~
13 ~~this subsection (6)(a), the state's two largest political parties shall be~~
14 ~~determined by the number of registered electors affiliated with each~~
15 ~~political party in the state according to voter registration data published~~
16 ~~by the secretary of state for the earliest day in January of the redistricting~~
17 ~~year for which such data is published.~~

18 (b) ~~"Commission" means a county commissioner district~~
19 ~~redistricting commission, whether the commission is an independent~~
20 ~~county commissioner district redistricting commission or not. A county~~
21 ~~commissioner district redistricting commission can be made up solely of~~
22 ~~the members of a county's board of county commissioners~~ CREATED IN
23 ACCORDANCE WITH SECTION 30-10-306.1 (2).

24 (d) ~~"Independent commission" means an independent county~~
25 ~~commissioner district redistricting commission created in accordance with~~
26 ~~section 30-10-306.1 (2).~~

27 (d.5) "INDEPENDENT COMMITTEE" MEANS A COMMITTEE

1 COMPOSED OF AN EQUAL NUMBER OF MEMBERS WHO ARE AFFILIATED WITH
2 THE STATE'S LARGEST POLITICAL PARTY, AFFILIATED WITH THE STATE'S
3 SECOND-LARGEST POLITICAL PARTY, AND NOT AFFILIATED WITH ANY
4 POLITICAL PARTY. FOR PURPOSES OF THIS SUBSECTION (6)(d.5), THE
5 STATE'S TWO LARGEST POLITICAL PARTIES ARE DETERMINED BY THE
6 NUMBER OF REGISTERED ELECTORS AFFILIATED WITH EACH POLITICAL
7 PARTY IN THE STATE ACCORDING TO VOTER REGISTRATION DATA
8 PUBLISHED BY THE SECRETARY OF STATE FOR THE EARLIEST DAY IN
9 JANUARY OF THE REDISTRICTING YEAR FOR WHICH SUCH DATA IS
10 PUBLISHED. AN INDEPENDENT COMMITTEE SHALL NOT INCLUDE
11 NONPARTISAN STAFF OF THE COUNTY.

12 **SECTION 3.** In Colorado Revised Statutes, 30-10-306.1, **amend**
13 (1) introductory portion, (2) introductory portion, and (2)(c); **repeal** (2)(a)
14 and (2)(b); and **add** (2)(d), (2)(e), (2)(f), and (2)(g) as follows:

15 **30-10-306.1. Commission created - commission composition**
16 **and appointment.**

17 (1) The board of county commissioners in each of the following
18 counties must ~~designate~~ CONVENE a county commissioner district
19 redistricting commission ~~and are encouraged to convene an independent~~
20 ~~county commissioner district redistricting commission, in order to adopt~~
21 ~~a plan~~ APPROVE ONE OR MORE PLANS to divide the relevant county into as
22 many districts as there are county commissioners elected by voters of
23 their district:

24 (2) In appointing members to ~~an independent~~ A commission, a
25 board of county commissioners: ~~is encouraged to:~~

26 (a) ~~Appoint persons who accurately reflect the political affiliations~~
27 ~~of the residents of the county, including unaffiliated residents;~~

1 (b) ~~Appoint persons who accurately reflect the county's racial,~~
2 ~~ethnic, gender, and geographic diversity, and~~

3 (c) SHALL avoid conflicts of interest based on partisan alignments;

4 (d) SHALL ENSURE THAT THE COMMISSION IS AN INDEPENDENT
5 COMMITTEE;

6 (e) SHALL EITHER DIRECT THE COMMISSION TO APPROVE ONE FINAL
7 PLAN TO DIVIDE THE RELEVANT COUNTY INTO AS MANY DISTRICTS AS
8 THERE ARE COUNTY COMMISSIONERS ELECTED BY VOTERS OF THEIR
9 DISTRICT, WHICH PLAN THE BOARD OF COUNTY COMMISSIONERS SHALL
10 ADOPT AS THE FINAL PLAN, OR DIRECT THE COMMISSION TO APPROVE AT
11 LEAST THREE FINAL PLANS TO DIVIDE THE RELEVANT COUNTY INTO AS
12 MANY DISTRICTS AS THERE ARE COUNTY COMMISSIONERS ELECTED BY
13 VOTERS OF THEIR DISTRICT, WHICH PLANS THE BOARD OF COUNTY
14 COMMISSIONERS SHALL SELECT FROM IN DECIDING WHICH PLAN TO ADOPT
15 AS THE FINAL PLAN;

16 (f) SHALL NOT APPOINT ANY MEMBER TO A COMMISSION WHO IS A
17 CURRENTLY ELECTED COUNTY COMMISSIONER; AND

18 (g) IS ENCOURAGED TO APPOINT PERSONS WHO ACCURATELY
19 REFLECT THE COUNTY'S RACIAL, ETHNIC, GENDER, AND GEOGRAPHIC
20 DIVERSITY.

21 **SECTION 4.** In Colorado Revised Statutes, 30-10-306.2, **amend**
22 (1), (2), (3)(c), (3)(d), (4)(b)(I)(B), (4)(b)(I)(C), (4)(b)(I)(D), (4)(b)(I)(F),
23 (4)(b)(II), (4)(b)(III) as follows:

24 **30-10-306.2. Commission organization - procedures -**
25 **transparency - voting requirements.**

26 (1) The board of county commissioners shall appoint staff as
27 needed to assist the commission. Staff ~~or the advisory committee~~ shall

1 acquire and prepare all necessary resources, including computer
2 hardware, software, and demographic, geographic, and political
3 databases, as far in advance as necessary to enable the commission to
4 begin its work immediately upon convening.

5 (2) The commission shall not vote upon THE APPROVAL OF a final
6 plan OR SET OF FINAL PLANS until at least seventy-two hours after it has
7 been proposed to the commission in a public meeting or at least
8 seventy-two hours after it has been amended by the commission in a
9 public meeting, whichever occurs later.

10 (3) (c) The commission shall maintain a website through which
11 any county resident may submit proposed plans or written comments, or
12 both, without attending a hearing of the commission. The commission
13 shall ensure that the website is easily accessible and contains a record of
14 the commission's activities and proceedings, including the commission's
15 directions to staff ~~or an advisory committee~~ on proposed changes to any
16 plan and the commission's rationale for such changes.

17 (d) The commission shall publish all written comments pertaining
18 to redistricting on its website or comparable means of communicating
19 with the public as well as the name of the county resident submitting such
20 comments. If the commission ~~advisory committee~~, or staff have a
21 substantial basis to believe that a person submitting such comments has
22 not truthfully or accurately identified himself or herself, the commission
23 need not consider and need not publish such comments but must notify
24 the commenter in writing of this fact. The commission may withhold
25 comments, in whole or in part, from the website or comparable means of
26 communicating with the public that do not relate to redistricting plans,
27 policies, or communities of interest.

1 (4) (b) To ensure transparency in the redistricting process:

2 (I) (B) Except as provided in subsections (4)(b)(I)(D) and
3 (4)(b)(I)(F) of this section, a member of the commission shall not
4 communicate with staff or any members of the ~~advisory committee~~
5 BOARD OF COUNTY COMMISSIONERS, AND A MEMBER OF THE BOARD OF
6 COUNTY COMMISSIONERS SHALL NOT COMMUNICATE WITH A MEMBER OF
7 THE COMMISSION OR STAFF, on the mapping of county commissioner
8 districts unless the communication is during a public meeting or hearing
9 of the commission.

10 (C) Except for public input and comment, staff shall not have any
11 communications about the content or development of any plan outside of
12 public hearings with anyone, ~~including any members of the advisory~~
13 ~~committee~~, except other staff members. ~~Likewise, except for public input~~
14 ~~and comment, members of the advisory committee shall not have any~~
15 ~~communications about the content or development of any plan outside of~~
16 ~~public hearings with anyone, including staff, except other members of the~~
17 ~~advisory committee.~~ Communications about the content or development
18 of any plan include communications about how plans will be drawn to
19 satisfy the criteria in section 30-10-306.3, specific parameters related to
20 the interpretation of the criteria in section 30-10-306.3, and requests for
21 the drawing of additional plans. Staff ~~or members of the advisory~~
22 ~~committee~~ shall report to the commission any attempt by anyone to exert
23 influence over the staff's ~~or advisory committee's~~ role in the drafting of
24 plans.

25 (D) One or more staff may be designated to communicate with
26 members of the commission ~~or advisory committee and, in the case of a~~
27 ~~commission that is composed of the board of county commissioners,~~

1 ~~administrative staff of the county~~, regarding administrative matters, the
2 definition and scope of which shall be determined by the commission.
3 ~~Likewise, one or more members of the advisory committee may be~~
4 ~~designated to communicate with members of the commission or staff~~
5 ~~regarding administrative matters, the definition and scope of which shall~~
6 ~~be determined by the commission.~~ Any communication that occurs
7 outside of a public meeting or hearing of the commission between staff,
8 SERVING IN THEIR ROLE AS STAFF TO THE COMMISSION, and a member of
9 ~~the advisory committee~~ COMMISSION OR BOARD OF COUNTY
10 COMMISSIONERS, beyond those allowed by this subsection (4)(b)(I)(D),
11 must be documented and made a part of the public record.

12 (F) Staff may make a completed proposed plan that staff prepared
13 as a result of a request made in a public hearing available to the public on
14 the commission's website. In addition, staff may communicate with a
15 member of the commission ~~or the advisory committee~~ to clarify directions
16 that were given to staff during a public meeting regarding the creation of
17 a proposed plan, so long as staff makes a record of the content of the
18 communication available to the public on the commission's website.

19 (II) The commission, each member of the commission, ~~the~~
20 ~~advisory committee, each member of the advisory committee,~~ and staff
21 are subject to open records requirements as provided in part 2 of article
22 72 of title 24, as amended, or any successor statute; except that plans in
23 draft form and not submitted to the commission are not public records
24 subject to disclosure. Work product and communications among staff
25 ~~members of the advisory committee,~~ and between staff SERVING IN THEIR
26 ROLE AS STAFF TO THE COMMISSION and ~~the advisory committee~~ A
27 MEMBER OF THE COMMISSION OR THE BOARD OF COUNTY COMMISSIONERS

1 are subject to disclosure once a plan is adopted by the board of county
2 commissioners.

3 (III) Persons who contract for or receive compensation for
4 advocating to the commission, to one or more members of the
5 commission, ~~to the advisory committee, to one or more members of the~~
6 ~~advisory committee~~, or to staff for the adoption or rejection of any plan,
7 amendment to a plan, mapping approach, or manner of compliance with
8 any of the mapping criteria specified in section 30-10-306.3 are lobbyists
9 who must disclose to the secretary of state any compensation contracted
10 for, compensation received, and the person or entity contracting or paying
11 for their lobbying services. Such disclosure must be made no later than
12 seventy-two hours after the earlier of each instance of such lobbying or
13 any payment of such compensation. The secretary of state shall publish
14 on the secretary of state's website or comparable means of communicating
15 with the public the names of such lobbyists, as well as the compensation
16 received and the persons or entities for whom they work within
17 twenty-four hours of receiving such information. The secretary of state
18 shall adopt rules to facilitate the complete and prompt reporting required
19 by this subsection (4)(b)(III) as well as a complaint process to address any
20 lobbyist's failure to report a full and accurate disclosure, which complaint
21 must be heard by an administrative law judge, whose decision may be
22 appealed to the court of appeals.

23 **SECTION 5.** In Colorado Revised Statutes, 30-10-306.3, **amend**
24 (1) introductory portion, (3)(a), (3)(c), (3)(d), (4) introductory portion,
25 and (5) as follows:

26 **30-10-306.3. Criteria for determination of county**
27 **commissioner districts - definitions.**

1 (1) In ~~adopting~~ APPROVING a county commissioner district
2 redistricting plan, the commission shall:

3 (3) (a) (I) Thereafter, the commission shall, to the extent
4 reasonably possible, maximize the number of politically competitive
5 districts.

6 (II) (A) TO COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION
7 (3)(a), THE COMMISSION SHALL ADOPT A COMPOSITE FORMULA THAT
8 GENERATES A COMPETITIVENESS MEASURE EXPRESSED AS A PERCENTAGE
9 TO MEASURE DISTRICT COMPETITIVENESS.

10 (B) BEFORE ADOPTING A COMPOSITE FORMULA, THE COMMISSION
11 SHALL MAKE THE COMPOSITE FORMULA AVAILABLE TO THE PUBLIC AND
12 SHALL PROVIDE THE PUBLIC SUFFICIENT TIME TO REVIEW AND COMMENT
13 ON THE COMPOSITE FORMULA.

14 (C) USING THE RESULTS OF THE COMPOSITE FORMULA IT ADOPTED,
15 THE COMMISSION SHALL FIRST ATTEMPT TO MAXIMIZE THE NUMBER OF
16 HIGHLY COMPETITIVE DISTRICTS AND THEN ATTEMPT TO MAXIMIZE THE
17 NUMBER OF MODERATELY COMPETITIVE DISTRICTS.

18 (3) (c) When the commission approves a plan, the staff ~~or~~
19 ~~advisory committee~~ shall, within seventy-two hours of such action, make
20 publicly available, and include in the commission's record, a report to
21 demonstrate how the plan reflects the evidence presented to, and the
22 findings concerning, the extent to which competitiveness in district
23 elections is fostered consistent with the other criteria set forth in this
24 section.

25 (d) ~~For purposes of this subsection (3);~~ AS USED IN THIS
26 SUBSECTION (3), UNLESS THE CONTEXT OTHERWISE REQUIRES:

27 (I) "Competitive" means having a reasonable potential for the

1 party affiliation of the district's county commissioner to change at least
2 once between federal decennial censuses. Competitiveness may be
3 measured by factors such as a proposed district's past election results, a
4 proposed district's political party registration data, and evidence-based
5 analyses of proposed districts.

6 (II) "COMPOSITE FORMULA" MEANS A FORMULA THAT INCLUDES,
7 AS DETERMINED BY THE COMMISSION:

8 (A) AVERAGES OF THE VOTE SHARE ACROSS THE MOST
9 REPRESENTATIVE COMBINATION OF NATIONAL, STATEWIDE, OR LOCAL
10 ELECTIONS, AS DETERMINED BY THE COMMISSION; AND

11 (B) MAY ALSO INCLUDE A PARTISAN VOTING INDEX PRODUCED BY
12 AN ORGANIZATION OTHER THAN THE COMMISSION.

13 (III) "HIGHLY COMPETITIVE DISTRICT" MEANS A DISTRICT WITH A
14 COMPETITIVENESS MEASURE EQUAL TO OR LESS THAN FIVE PERCENT.

15 (IV) "MODERATELY COMPETITIVE DISTRICT" MEANS A DISTRICT
16 WITH A COMPETITIVENESS MEASURE GREATER THAN FIVE PERCENT AND
17 LESS THAN OR EQUAL TO TEN PERCENT.

18 (V) "VOTE SHARE" MEANS, FOR AN ELECTION, THE TOTAL SHARE
19 OF VOTES CAST FOR THE CANDIDATES OF THE STATE'S LARGEST AND
20 SECOND-LARGEST POLITICAL PARTIES, EXPRESSED AS A PERCENTAGE,
21 EXCLUDING VOTES CAST FOR THE CANDIDATES OF ANY OTHER POLITICAL
22 PARTY.

23 (4) No plan may be approved by the ~~board of county~~
24 ~~commissioners or the~~ commission if the plan:

25 (5) So long as the commission has complied with the requirements
26 of subsections (1) through (4) of this section, in ~~adopting~~ APPROVING a
27 county commissioner redistricting plan, the commission may consider

1 congressional districts, state house of representative districts, and state
2 senate districts ~~in order~~ to minimize the number of necessary voting
3 precincts in a county.

4 **SECTION 6.** In Colorado Revised Statutes, 30-10-306.4, **amend**
5 (1)(b), (1)(d), (1)(e), and (1)(g) as follows:

6 **30-10-306.4. Deadlines for preparation, amendment, and**
7 **approval of plans.**

8 (1) The board of county commissioners shall establish deadlines
9 to ensure that the board of county commissioners shall adopt a plan for
10 the redrawing of county commissioner districts no later than September
11 30 of the redistricting year. These deadlines must include dates by which
12 the following must be accomplished:

13 (b) The appointment of staff ~~and an advisory committee~~ as needed
14 to assist the commission and the acquisition of all necessary resources to
15 enable the commission to begin its work, in accordance with section
16 30-10-306.2 (1);

17 (d) The submission of written comments to staff ~~or an advisory~~
18 ~~committee~~ by any member of the public and any member of the
19 commission on the creation of not less than three plans for county
20 commissioner districts, created by staff ~~or an advisory committee~~ alone,
21 and on communities of interest that require representation in one or more
22 specific areas of the county. Staff ~~or an advisory committee~~ shall consider
23 such comments in creating the plans, and such comments shall be part of
24 the record of the commission's activities and proceedings. Staff ~~and the~~
25 ~~advisory committee~~ shall keep each plan confidential until it is published
26 online or by a comparable means of communicating with the public using
27 generally available technologies. The commission may provide direction

1 for the development of these plans through the adoption of standards,
2 guidelines, or methodologies to which staff and the advisory committee
3 shall adhere; including standards, guidelines, or methodologies to be used
4 to evaluate a plan's competitiveness, consistent with ~~section 30-10-306.3~~
5 ~~(3)(d)~~ SECTION 30-10-306.3 (3).

6 (e) The creation, presentation to the commission, and publishing
7 online of the plans. At public hearings at which the plans are presented,
8 staff or an advisory committee shall explain how the plans were created,
9 how the plans address the categories of public comments received, and
10 how the plans comply with the criteria prescribed in section 30-10-306.3.

11 (g) The request by any member of the commission or group of
12 members of the commission for staff or an advisory committee to prepare
13 additional plans or amendments to plans. Any such request must be made
14 in a public hearing of the commission but does not require commission
15 approval.

16 **SECTION 7. Act subject to petition - effective date -**
17 **applicability.**

18 (1) This act takes effect at 12:01 a.m. on the day following the
19 expiration of the ninety-day period after final adjournment of the general
20 assembly (August 12, 2026, if adjournment sine die is on May 13, 2026);
21 except that, if a referendum petition is filed pursuant to section 1 (3) of
22 article V of the state constitution against this act or an item, section, or
23 part of this act within such period, then the act, item, section, or part will
24 not take effect unless approved by the people at the general election to be
25 held in November 2026 and, in such case, will take effect on the date of
26 the official declaration of the vote thereon by the governor.

27 (2) This act applies to the adoption of a county commissioner

1 district redistricting plan that occurs after the effective date of this act and
2 does not require the adjustment or readoption of a county commissioner
3 district redistricting plan that has been adopted as of the effective date of
4 this act.