

## CHAPTER 272

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**GENERAL ASSEMBLY**

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## SENATE BILL 20-186

BY SENATOR(S) Fenberg and Holbert, Garcia, Bridges, Cooke, Donovan, Fields, Gonzales, Lee, Marble, Moreno, Pettersen, Priola, Rankin, Sonnenberg, Story, Tate, Todd, Winter, Woodward;  
also REPRESENTATIVE(S) Garnett and Neville, Becker, Buentello, Exum, Herod, Kipp, Lontine, Snyder.

**AN ACT****CONCERNING THE INDEPENDENT REDISTRICTING COMMISSIONS IN COLORADO.**

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

**SECTION 1.** In Colorado Revised Statutes, **repeal** 2-1-102 as follows:

**2-1-102. Neutral criteria for judicial determinations of congressional districts.** ~~(1) In determining whether one or more of the congressional districts established in accordance with section 44 of article V of the state constitution are lawful and in adopting or enforcing any change to any such district, courts:~~

~~(a) Shall utilize the following factors:~~

~~(i) A good faith effort to achieve precise mathematical population equality between districts, justifying each variance, no matter how small, as required by the constitution of the United States. Each district shall consist of contiguous whole general election precincts. Districts shall not overlap.~~

~~(ii) Compliance with the federal "Voting Rights Act of 1965", in particular 42 U.S.C. sec. 1973; and~~

~~(b) May, without weight to any factor, utilize factors including but not limited to:~~

~~(i) The preservation of political subdivisions such as counties, cities, and towns. When county, city, or town boundaries are changed, adjustments, if any, in districts shall be as prescribed by law.~~

~~(ii) The preservation of communities of interest, including ethnic, cultural,~~

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

~~economic, trade area, geographic, and demographic factors;~~

~~(III) The compactness of each congressional district; and~~

~~(IV) The minimization of disruption of prior district lines.~~

**SECTION 2.** In Colorado Revised Statutes, **add** 2-1-101.5, 2-1-103, 2-1-104, 2-1-105, 2-1-106, 2-1-107, 2-1-108, and 2-1-109 as follows:

**2-1-101.5. Definitions.** AS USED IN THIS ARTICLE 1, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CONGRESSIONAL COMMISSION" MEANS THE INDEPENDENT CONGRESSIONAL REDISTRICTING COMMISSION CREATED PURSUANT TO SECTION 44 OF ARTICLE V OF THE STATE CONSTITUTION.

(2) "MAJOR POLITICAL PARTY" MEANS ONE OF THE TWO LARGEST POLITICAL PARTIES AS DETERMINED BY THE NUMBER OF REGISTERED ELECTORS WITH EACH POLITICAL PARTY ACCORDING TO VOTER REGISTRATION DATA PUBLISHED BY THE SECRETARY OF STATE FOR THE EARLIEST DAY IN JANUARY OF THE YEAR IN WHICH MEMBERS OF THE CONGRESSIONAL COMMISSION ARE APPOINTED.

(3) "VOTING RIGHTS ACT OF 1965" MEANS THE FEDERAL STATUTE, CODIFIED AT 52 U.S.C. SEC. 10301 ET SEQ., AS REFERRED TO IN THE BALLOT MEASURE ADOPTED BY VOTERS IN 2018 TO ADD SECTION 48.1 (1)(b) TO ARTICLE V OF THE STATE CONSTITUTION.

**2-1-103. Citation for federal "Voting Rights Act of 1965" - legislative declaration.** (1) THE VOTERS OF COLORADO CONSIDERED AND OVERWHELMINGLY APPROVED LEGISLATIVELY REFERRED MEASURES AT THE 2018 GENERAL ELECTION TO ESTABLISH BALANCED COMMISSIONS TO SET DISTRICT LINES FOR BOTH THE UNITED STATES HOUSE OF REPRESENTATIVES AND THE COLORADO GENERAL ASSEMBLY.

(2) THE VOTERS WERE AWARE THAT AMONG THE PROTECTIONS PROVIDED BY THESE REFERRED MEASURES WAS THE INCORPORATION OF THE PROTECTIONS PROVIDED BY FEDERAL LAW INCLUDING THE "VOTING RIGHTS ACT OF 1965", AS AMENDED.

(3) BECAUSE OF A MISPRINT IN THE MEASURES REFERRING THESE CONSTITUTIONAL AMENDMENTS TO THE VOTERS, THE FEDERAL STATUTE WAS CORRECTLY CITED AS "THE FEDERAL 'VOTING RIGHTS ACT OF 1965'" BUT INCORRECTLY CITED AS "52 U.S.C. SEC. 50301, AS AMENDED" WHEN THE PROPER CITATION IS "52 U.S.C. SEC. 10301 ET SEQ., AS AMENDED."

(4) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT VOTER INTENT WAS CLEAR AND SHOULD NOT BE FRUSTRATED BY A CLERICAL ERROR IN REFERRING TO A FEDERAL LAW THAT HAS LONG BEEN APPLIED BY FEDERAL COURTS AND THE COLORADO COURTS IN THE REDISTRICTING CONTEXT AND WAS INTENDED TO BE APPLIED BASED ON THE MEASURES' CONTEXT AND LEGISLATIVE ANALYSES PROVIDED TO VOTER HOUSEHOLDS IN ADVANCE OF THE 2018 GENERAL ELECTION.

**2-1-104. Precinct boundaries.** (1) (a) PURSUANT TO THE PROVISIONS OF SECTIONS 1-5-101 AND 1-5-102, THE CLERK AND RECORDER OF EACH COUNTY, SUBJECT TO THE APPROVAL OF ITS BOARD OF COUNTY COMMISSIONERS, SHALL REDRAW THE GENERAL ELECTION PRECINCTS IN SUCH COUNTY TO ENSURE THAT NO GENERAL ELECTION PRECINCT IS CONTAINED WITHIN MORE THAN ONE STATE REPRESENTATIVE, STATE SENATORIAL, OR CONGRESSIONAL DISTRICT.

(b) NOT MORE THAN ONE WEEK AFTER SUCH APPROVAL OF PRECINCT BOUNDARIES AND IN ACCORDANCE WITH SECTIONS 1-5-101 AND 1-5-102, THE BOARD OF COUNTY COMMISSIONERS SHALL FILE WITH THE SECRETARY OF STATE A COPY OF THE COUNTY PRECINCT BOUNDARY MAP SHOWING THEREON THE REVISED AND REESTABLISHED GENERAL ELECTION PRECINCT BOUNDARIES AND THE BOUNDARIES OF ANY LEGISLATIVE OR CONGRESSIONAL DISTRICT, IF SAID COUNTY IS DIVIDED INTO TWO OR MORE STATE REPRESENTATIVE, STATE SENATORIAL, OR CONGRESSIONAL DISTRICTS.

(2) THE BOARD OF COUNTY COMMISSIONERS SHALL NOTIFY THE COUNTY CHAIR OF EACH OF THE TWO MAJOR POLITICAL PARTIES OF ANY GENERAL ELECTION PRECINCT BOUNDARIES REVISED AND REESTABLISHED IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION WITHIN FIVE DAYS AFTER THE ESTABLISHMENT OF PRECINCT BOUNDARIES IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

**2-1-105. Maps of legislative districts.** (1) AT THE TIME OF SUBMISSION OF A FINAL CONGRESSIONAL PLAN TO THE COLORADO SUPREME COURT FOR ITS REVIEW AND DETERMINATION IN ACCORDANCE WITH SECTION 44.5 OF ARTICLE V OF THE STATE CONSTITUTION, THE CONGRESSIONAL COMMISSION SHALL PROVIDE THE SUPREME COURT WITH A COPY OF ALL MAPS SHOWING THE DIVISION OF THE STATE INTO LEGISLATIVE DISTRICTS AND NECESSARY SUPPORTIVE EVIDENCE, PURSUANT TO THE SUPREME COURT RULES ADOPTED FOR SUCH PROCEEDINGS.

(2) AS SOON AS POSSIBLE AFTER APPROVAL OF A FINAL PLAN BY THE COLORADO SUPREME COURT, THE CONGRESSIONAL COMMISSION SHALL PREPARE AND FILE WITH THE SECRETARY OF STATE COPIES OF CENSUS MAPS SHOWING THEREON EACH LEGISLATIVE DISTRICT AND A DESCRIPTION OF EACH DISTRICT IN TERMS OF OFFICIAL CENSUS UNITS. THE CONGRESSIONAL COMMISSION SHALL ALSO FILE WITH THE COUNTY CLERK AND RECORDER IN EACH COUNTY THE NECESSARY MAPS AND DESCRIPTIONS OF EACH LEGISLATIVE DISTRICT LOCATED WITHIN THE BOUNDARIES OF SUCH COUNTY.

**2-1-106. Attachments and detachments.** (1) IF ANY AREA OF THE STATE IS OMITTED FROM THE REDISTRICTING PLAN APPROVED BY THE COLORADO SUPREME COURT, INADVERTENTLY OR BY VIRTUE OF THE COMPLEXITIES OF THE CENSUS MATERIALS USED IN THE DEVELOPMENT OF THE PLAN, THE SECRETARY OF STATE, UPON DISCOVERY OF SUCH OMISSION, SHALL DETERMINE TO WHICH CONGRESSIONAL DISTRICT THE AREA SHOULD BE ASSIGNED AS FOLLOWS:

(a) IF THE AREA IS SURROUNDED BY A CONGRESSIONAL DISTRICT, THE AREA MUST BE ASSIGNED TO SAID DISTRICT; AND

(b) IF THE AREA IS CONTIGUOUS TO TWO OR MORE CONGRESSIONAL DISTRICTS, THE AREA MUST BE ASSIGNED TO THE DISTRICT THAT HAS THE LEAST POPULATION ACCORDING TO THE LATEST NATIONAL CENSUS.

(2) IF ANY AREA OF THE STATE IS INCLUDED IN TWO OR MORE CONGRESSIONAL DISTRICTS IN THE REDISTRICTING PLAN APPROVED BY THE COLORADO SUPREME COURT, INADVERTENTLY OR BY VIRTUE OF THE COMPLEXITIES OF THE CENSUS MATERIALS USED IN THE DEVELOPMENT OF THE PLAN, THE SECRETARY OF STATE, UPON DISCOVERY OF SUCH INCLUSION, SHALL DETACH SAID AREA FROM THE CONGRESSIONAL DISTRICT OR DISTRICTS HAVING THE LARGEST POPULATION AND SHALL DESIGNATE SUCH AREA AS BEING ASSIGNED TO THE DISTRICT HAVING THE LEAST POPULATION; EXCEPT THAT, IF SUCH AREA IS WHOLLY SURROUNDED BY A CONGRESSIONAL DISTRICT AND INADVERTENTLY IS ALSO INCLUDED IN ANOTHER DISTRICT, THE SECRETARY OF STATE SHALL ASSIGN SUCH AREA TO THE DISTRICT WHOLLY SURROUNDING SUCH AREA, REGARDLESS OF POPULATION.

(3)(a) IF A COUNTY CLERK AND RECORDER DISCOVERS THAT A BORDER BETWEEN TWO CONGRESSIONAL DISTRICTS DIVIDES A RESIDENTIAL PARCEL BETWEEN THE TWO DISTRICTS AND THE CLERK AND RECORDER WISHES TO HAVE THE BORDER MOVED, THE CLERK AND RECORDER SHALL SUBMIT TO THE SECRETARY OF STATE DOCUMENTATION, SATISFACTORY TO THE SECRETARY OF STATE, EVIDENCING SUCH DIVISION. IF THE SECRETARY OF STATE BELIEVES THAT THE BORDER SHOULD BE MOVED, THE SECRETARY OF STATE SHALL PROPOSE MOVING THE BORDER BETWEEN THE TWO DISTRICTS TO A VISIBLE FEATURE NORMALLY RELIED UPON BY THE UNITED STATES CENSUS BUREAU SUCH THAT THE BORDER:

(I) DOES NOT SPLIT A RESIDENTIAL PARCEL;

(II) MOVES THE REMAINING PORTION OF THE RESIDENTIAL PARCEL INTO THE LEAST POPULATED OF THE TWO DISTRICTS; EXCEPT THAT, IF THE BORDER IS A BORDER BETWEEN BOTH CONGRESSIONAL DISTRICTS, THE REMAINING PORTION OF THE RESIDENTIAL PARCEL MUST BE MOVED INTO THE LEAST POPULATED OF THE TWO CONGRESSIONAL DISTRICTS;

(III) WOULD NOT RESULT IN A VIOLATION OF SECTION 44.3 (1)(a) OF ARTICLE V OF THE STATE CONSTITUTION BASED UPON THE LATEST NATIONAL CENSUS;

(IV) MINIMIZES THE IMPACT ON THE AFFECTED COMMUNITY FOR PURPOSES OF ESTABLISHING POLLING LOCATIONS; AND

(V) MINIMIZES CHANGES IN DISTANCES FROM THE REDISTRICTING PLAN APPROVED BY THE COLORADO SUPREME COURT.

(b) IF THE SECRETARY OF STATE PROPOSES MOVING ANY BORDER PURSUANT TO THIS SUBSECTION (3), THE SECRETARY OF STATE SHALL DESCRIBE ANY POTENTIAL CHANGES IN POPULATIONS OF AFFECTED CONGRESSIONAL DISTRICTS, BASED ON THE LATEST NATIONAL CENSUS, TO THE COLORADO SUPREME COURT. IF THE SUPREME COURT DETERMINES THAT THE ASSIGNMENTS MADE BY THE SECRETARY OF STATE SATISFY THE CRITERIA ESTABLISHED IN SUBSECTION (3)(a) OF THIS SECTION, THE SUPREME COURT MAY APPROVE SAID ASSIGNMENTS. IF THE SUPREME COURT DETERMINES THAT THE ASSIGNMENT DOES NOT SATISFY THE CRITERIA ESTABLISHED IN SUBSECTION (3)(a) OF THIS SECTION, THE SUPREME COURT SHALL DENY THE PROPOSED ASSIGNMENT.

(4) FOLLOWING THE ASSIGNMENT OF ANY AREA PURSUANT TO THE PROVISIONS OF

SUBSECTION (1) OR (2) OF THIS SECTION, THE SECRETARY OF STATE SHALL CERTIFY THE POPULATION OF SUCH ASSIGNED AREA AND ANY CHANGES IN POPULATIONS OF AFFECTED CONGRESSIONAL DISTRICTS, BASED ON THE LATEST NATIONAL CENSUS, TO THE COLORADO SUPREME COURT. IF THE SUPREME COURT DETERMINES THAT THE ASSIGNMENTS MADE BY THE SECRETARY OF STATE WOULD NOT RESULT IN A VIOLATION OF THE POPULATION REQUIREMENTS OF SECTION 44.3 (1)(a) OF ARTICLE V OF THE STATE CONSTITUTION, THE SUPREME COURT SHALL APPROVE SAID ASSIGNMENTS. IF THE SUPREME COURT DETERMINES THAT THE ASSIGNMENTS WOULD RESULT IN A VIOLATION OF THE POPULATION REQUIREMENTS OF SECTION 44.3 (1)(a) OF ARTICLE V OF THE STATE CONSTITUTION, THE SUPREME COURT SHALL CERTIFY A REVISED REAPPORTIONMENT PLAN TO THE SECRETARY OF STATE.

**2-1-107. Changes in county and municipal boundaries.** WHENEVER THE BOUNDARIES OF A CONGRESSIONAL DISTRICT COINCIDE WITH THE BOUNDARIES OF A COUNTY OR MUNICIPALITY AND SAID COUNTY OR MUNICIPAL BOUNDARIES ARE CHANGED BY ANNEXATION OR DETACHMENT, THE BOUNDARIES OF THE CONGRESSIONAL DISTRICT REMAIN THE SAME UNTIL SUCH TIME AS A NEW REDISTRICTING IS MADE FOLLOWING A NATIONAL CENSUS AS PROVIDED IN SECTIONS 44 TO 44.6 OF ARTICLE V OF THE STATE CONSTITUTION.

**2-1-108. Published plan and records.** (1) UPON SUBMISSION OF THE CONGRESSIONAL REDISTRICTING PLAN APPROVED BY THE COLORADO SUPREME COURT, THE CONGRESSIONAL COMMISSION SHALL PROVIDE COPIES OF THE PUBLISHED PLAN TO THE SECRETARY OF STATE.

(2) THE SECRETARY OF STATE SHALL PROVIDE ANY CANDIDATE FOR LEGISLATIVE OFFICE OR ANY COLORADO CITIZEN WITH A COPY OF A MAP SHOWING THE BOUNDARIES FOR ANY CONGRESSIONAL DISTRICT UPON REQUEST. INDIVIDUAL DISTRICT MAPS MUST BE PROVIDED TO ANY RESIDENT OF A CONGRESSIONAL DISTRICT WITHOUT CHARGE. A NOMINAL CHARGE, NOT TO EXCEED THE ACTUAL COST, MAY BE DETERMINED AND COLLECTED PURSUANT TO SECTION 24-21-104 (3) FOR COPIES OF CONGRESSIONAL DISTRICT MAPS FOR WHICH AN INDIVIDUAL IS NOT A RESIDENT.

**2-1-109. Applicability.** THIS ARTICLE 1 APPLIES TO EACH CONGRESSIONAL COMMISSION AND TO CONGRESSIONAL DISTRICTS CREATED BY SAID COMMISSION.

**SECTION 3.** In Colorado Revised Statutes, **amend** 2-2-502 as follows:

**2-2-502. Definitions.** As used in this part 5:

(1) "LEGISLATIVE commission" means the ~~Colorado reapportionment~~ INDEPENDENT LEGISLATIVE REDISTRICTING commission, created pursuant to ~~section 48~~ SECTION 46 of article V of the state constitution. ~~and appointed in 2011.~~

(2) "Major political party" means one of the two LARGEST political parties whose candidate for governor at the last preceding gubernatorial election received the first and second greatest number of votes AS DETERMINED BY THE NUMBER OF REGISTERED ELECTORS WITH EACH POLITICAL PARTY ACCORDING TO VOTER REGISTRATION DATA PUBLISHED BY THE SECRETARY OF STATE FOR THE EARLIEST DAY IN JANUARY OF THE YEAR IN WHICH MEMBERS OF THE INDEPENDENT CONGRESSIONAL REDISTRICTING COMMISSION ARE APPOINTED.

(3) "VOTING RIGHTS ACT OF 1965" MEANS THE FEDERAL STATUTE, CODIFIED AT 52 U.S.C. SEC. 10301 ET SEQ., AS REFERRED TO IN THE BALLOT MEASURE ADOPTED BY VOTERS IN 2018 TO ADD SECTION 48.1 (1)(b) TO ARTICLE V OF THE STATE CONSTITUTION.

**SECTION 4.** In Colorado Revised Statutes, **amend 2-2-503** as follows:

**2-2-503. Designation of senatorial districts to elect in years ending in 2 and 4.** As a part of its preliminary and final ~~reapportionment~~ REDISTRICTING plans for state senatorial districts, the LEGISLATIVE commission shall designate those senatorial districts in which state senators ~~shall be~~ ARE elected at the general election to be held in November ~~2012~~ OF THE NEXT YEAR ENDING IN 2, and every four years thereafter, and those senatorial districts in which state senators ~~shall be~~ ARE elected at the general election to be held in November ~~2014~~ OF THE NEXT YEAR ENDING IN 4, and every four years thereafter. Such designation of senatorial districts ~~shall~~ MUST be filed with the secretary of state as a part of the approved ~~reapportionment~~ REDISTRICTING plan required to be filed by ~~section 48 (1)(c)~~ SECTION 48.3 (5) of article V of the state constitution.

**SECTION 5.** In Colorado Revised Statutes, **amend 2-2-504** as follows:

**2-2-504. Holdover senators keep office - vacancies.** (1) Nothing in this part 5 or in any ~~reapportionment~~ REDISTRICTING plan ~~shall be construed to cause the removal of~~ REMOVES any senator from his or her office for the term for which the senator was elected, and each such senator shall serve the term for which he or she was elected.

(2) If any senator elected at ~~the 2010~~ A general election IN A YEAR ENDING IN 0 vacates his or her seat prior to the convening of the regular legislative session in ~~2013~~ THE NEXT YEAR ENDING IN 3, such vacancy ~~shall~~ MUST be filled from the district from which the senator was elected in accordance with section 1-12-203. ~~C.R.S.~~ If such vacancy occurs more than fifty-five days before the general election in ~~2012~~ THE NEXT YEAR ENDING IN 2, there ~~shall~~ MUST be an election at the general election in ~~2012~~ THAT YEAR ENDING IN 2 for the remainder of such senator's term from the senatorial district created by the LEGISLATIVE commission. Nomination of candidates at such election ~~shall~~ MUST be in accordance with article 4 of title 1. ~~C.R.S.~~

(3) If any senator elected at ~~the 2010~~ A general election IN A YEAR ENDING IN 0 vacates his or her seat on or after the convening of the regular legislative session in ~~2013~~ THE NEXT YEAR ENDING IN 3, such vacancy ~~shall~~ MUST be filled from the senatorial district created by the LEGISLATIVE commission in accordance with section 1-12-203. ~~C.R.S.~~

**SECTION 6.** In Colorado Revised Statutes, **amend 2-2-505** as follows:

**2-2-505. Maps of legislative districts.** (1) ~~Following the development of a preliminary plan, as required by section 48 (1)(c) of article V of the state constitution, and prior to the holding of public hearings on any preliminary plan, the commission may file with each county clerk and recorder and each county chairman of the two major political parties a copy of the preliminary reapportionment plan~~

~~showing the proposed state senatorial and representative districts in which such county is located, together with a state outline map of legislative districts. A complete state plan may be provided to the state chairmen of the two major political parties.~~

(2) At the time of submission of a final ~~reapportionment~~ REDISTRICTING plan to the Colorado supreme court for its review and determination in accordance with ~~section 48 (1)(c)~~ SECTION 48.3 of article V of the state constitution, the LEGISLATIVE commission shall provide the supreme court with a copy of all maps showing the division of the state into legislative districts and necessary supportive evidence, pursuant to the supreme court rules adopted for such proceedings.

(3) As soon as possible after approval of a final plan by the Colorado supreme court, the LEGISLATIVE commission shall prepare and file with the secretary of state copies of census maps showing thereon each legislative district and a description of each district in terms of official census units. The LEGISLATIVE commission shall also file with the county clerk and recorder in each county the necessary maps and descriptions of each legislative district ~~which is~~ located within the boundaries of such county.

**SECTION 7.** In Colorado Revised Statutes, **repeal** 2-2-505.5 as follows:

~~**2-2-505.5. Presidential election years.** Pursuant to section 1-3-102, C.R.S., in any year in which a presidential election will be held, a political party may decide to hold its precinct caucuses on the first Tuesday in February. Because 2012 is a presidential election year, political parties may hold precinct caucuses on February 7, 2012. To allow county clerks sufficient time to redraw precinct boundaries, pursuant to section 48 (1)(c) of article V of the state constitution, the Colorado supreme court is required to approve the commission's plan no later than fifty-five days before the precinct caucuses or by December 14, 2011. While this date shortens the timeline for the commission to complete its final plan, the general assembly urges the commission to complete its final plan and the supreme court to approve a final plan by this date.~~

**SECTION 8.** In Colorado Revised Statutes, 2-2-506, **amend** (1)(a) as follows:

~~**2-2-506. Precinct boundaries.** (1) (a) Pursuant to the provisions of sections 1-5-101 and 1-5-102, C.R.S., the CLERK AND RECORDER OF EACH COUNTY, SUBJECT TO THE APPROVAL OF ITS board of county commissioners, ~~of each county~~ shall redraw the general election precincts in such county to ensure that no general election precinct is contained within more than one state representative, state senatorial, or congressional district.~~

**SECTION 9.** In Colorado Revised Statutes, 2-2-507, **amend** (1) introductory portion, (2), (2.5)(a)(III), (2.5)(a)(V), (2.5)(b), and (3) as follows:

~~**2-2-507. Attachments and detachments.** (1) If any area of the state is omitted from the ~~reapportionment~~ REDISTRICTING plan approved by the Colorado supreme court, inadvertently or by virtue of the complexities of the census materials used in the development of the plan, the secretary of state, upon discovery of such omission, shall determine to which senatorial or representative district the area should be~~

assigned as follows:

(2) If any area of the state is included in two or more senatorial or representative districts in the ~~reapportionment~~ REDISTRICTING plan approved by the Colorado supreme court, inadvertently or by virtue of the complexities of the census materials used in the development of the plan, the secretary of state, upon discovery of such inclusion, shall detach said area from the senatorial or representative district or districts having the largest population and shall designate such area as being assigned to the district having the least population; except that, if such area is wholly surrounded by a senatorial or representative district and ~~by inadvertence~~ INADVERTENTLY is also included in another district, the secretary of state shall assign such area to the district wholly surrounding such area, regardless of population.

(2.5) (a) If a county clerk and recorder discovers that a border between two senatorial or representative districts divides a residential parcel between the two districts and the clerk and recorder wishes to have the border moved, the clerk and recorder shall submit to the secretary of state documentation, satisfactory to the secretary of state, evidencing such division. If the secretary of state believes that the border should be moved, the secretary of state shall propose moving the border between the two districts to a visible feature normally relied upon by the United States census bureau such that the border:

(III) Would not result in a violation of ~~section 46 or 47~~ SECTION 48.1 (1)(a) of article V of the state constitution based upon the latest national census;

(V) Minimizes changes in distances from the ~~reapportionment~~ REDISTRICTING plan approved by the Colorado supreme court.

(b) If the secretary of state proposes moving any border pursuant to this subsection (2.5), the secretary of state shall describe any potential changes in populations of affected senatorial or representative districts, based on the latest national census, to the Colorado supreme court. If the supreme court determines that the assignments made by the secretary of state satisfy the criteria established in ~~paragraph (a) of this subsection (2.5)~~ SUBSECTION (2.5)(a) OF THIS SECTION, the supreme court may approve said assignments. If the supreme court determines that the assignment does not satisfy the criteria established in ~~paragraph (a) of this subsection (2.5)~~ SUBSECTION (2.5)(a) OF THIS SECTION, the supreme court shall deny the proposed assignment.

(3) Following the assignment of any area pursuant to the provisions of subsection (1) or (2) of this section, the secretary of state shall certify the population of such assigned area and any changes in populations of affected senatorial or representative districts, based on the latest national census, to the Colorado supreme court. If the supreme court determines that the assignments made by the secretary of state would not result in a violation of the population requirements of ~~section 46~~ SECTION 48.1 of article V of the state constitution, the supreme court shall approve said assignments. If the supreme court determines that the assignments would result in a violation of the population requirements of ~~section 46~~ SECTION 48.1 of article V of the state constitution, the supreme court shall certify a revised reapportionment plan to the secretary of state.



**SECTION 10.** In Colorado Revised Statutes, **amend** 2-2-508 as follows:

**2-2-508. Changes in county and municipal boundaries.** Whenever the boundaries of a senatorial or representative district coincide with the boundaries of a county or municipality, and said county or municipal boundaries are changed by annexation or detachment, the boundaries of the senatorial or representative district shall remain the same until such time as a new ~~reapportionment~~ REDISTRICTING is made following a national census as provided in ~~section 48~~ SECTIONS 46 TO 48.4 of article V of the state constitution.

**SECTION 11.** In Colorado Revised Statutes, **amend** 2-2-509 as follows:

**2-2-509. Published plan and records.** (1) Upon submission of the ~~reapportionment~~ REDISTRICTING plan approved by the Colorado supreme court to the secretary of state, the LEGISLATIVE commission shall provide ~~all~~ copies of the published plan ~~and all commission records~~ to the secretary of state.

(2) The secretary of state shall provide any candidate for legislative office or any Colorado citizen with a copy of a map showing the boundaries for any legislative district upon request. Individual district maps ~~shall~~ MUST be provided to any resident of a legislative district without charge. A nominal charge, NOT TO EXCEED THE ACTUAL COST, may be determined and collected pursuant to section 24-21-104 (3) ~~C.R.S.~~; for copies of district maps for which an individual is not a resident.

**SECTION 12.** In Colorado Revised Statutes, **repeal** 2-2-510 as follows:

**2-2-510. Commission meetings - open to public.** ~~Meetings of the commission shall be open to the public and shall be subject to the provisions of part 4 of article 6 of title 24, C.R.S.~~

**SECTION 13.** In Colorado Revised Statutes, **amend** 2-2-511 as follows:

**2-2-511. Applicability.** This part 5 ~~shall apply~~ APPLIES to the Colorado ~~reapportionment~~ LEGISLATIVE commission appointed in ~~2011~~ YEARS ENDING IN 1 and to state senatorial and state representative districts created by said commission.

**SECTION 14.** In Colorado Revised Statutes, **amend as amended by House Bill 20-1010** 2-2-901 as follows:

**2-2-901. Population data for redistricting.** For purposes of redrawing the boundaries of congressional, state senatorial, and state representative districts after each federal census, the independent legislative and congressional redistricting commissions established pursuant to sections 44 and 46 of article V of the state constitution shall use TOTAL population data supplied by the United States census bureau THAT HAS BEEN USED TO APPORTION THE SEATS IN THE UNITED STATES HOUSE OF REPRESENTATIVES AMONG THE STATES as adjusted by the legislative council staff and office of legislative legal services, or any successor offices, pursuant to section 2-2-902.

**SECTION 15.** In Colorado Revised Statutes, 2-2-1601, **amend** (2) and (2.5) as follows:

**2-2-1601. Legislative department cash fund - redistricting accounts - creation - definition - repeal.** (2) Except for ~~moneys~~ MONEY in the CONGRESSIONAL REDISTRICTING ACCOUNT AND THE LEGISLATIVE redistricting account created pursuant to subsection (2.5) of this section, ~~moneys~~ MONEY in the legislative department cash fund ~~are~~ is continuously appropriated to the executive committee of the legislative council to pay for expenses of the legislative department of the state of Colorado. ~~Moneys~~ MONEY in the fund shall be expended consistent with any terms and conditions imposed as a condition of receiving such ~~moneys~~ MONEY as gifts, grants, or donations.

(2.5) (a) There ~~is hereby~~ ARE created in the legislative department cash fund the CONGRESSIONAL redistricting account, referred to in this subsection (2.5) as the "CONGRESSIONAL account", AND THE LEGISLATIVE REDISTRICTING ACCOUNT, REFERRED TO IN THIS SUBSECTION (2.5) AS THE "LEGISLATIVE ACCOUNT". ~~The account shall be~~ CONGRESSIONAL AND LEGISLATIVE ACCOUNTS ARE comprised of any ~~moneys~~ MONEY appropriated or transferred to the ~~account~~ ACCOUNTS and any ~~moneys~~ MONEY received by the ~~Colorado reapportionment~~ INDEPENDENT CONGRESSIONAL REDISTRICTING COMMISSION, CREATED PURSUANT TO SECTION 44 OF ARTICLE V OF THE STATE CONSTITUTION; THE INDEPENDENT LEGISLATIVE REDISTRICTING commission, created pursuant to ~~section 48~~ SECTION 46 of article V of the state constitution; or the legislative council related to redistricting. ~~Moneys~~ MONEY in the CONGRESSIONAL account ~~are~~ IS continuously appropriated to the ~~reapportionment commission~~ INDEPENDENT CONGRESSIONAL REDISTRICTING COMMISSION and to the legislative council staff to pay for the expense of redistricting the congressional and state legislative districts in the state. ~~and to the general assembly to pay the expenses related to a special session for congressional redistricting~~ MONEY IN THE LEGISLATIVE ACCOUNT IS CONTINUOUSLY APPROPRIATED TO THE INDEPENDENT LEGISLATIVE REDISTRICTING COMMISSION AND TO THE LEGISLATIVE COUNCIL STAFF TO PAY FOR THE EXPENSE OF REDISTRICTING THE STATE LEGISLATIVE DISTRICTS IN THE STATE. All interest earned on the investment of ~~moneys~~ MONEY in the ~~account shall~~ ACCOUNTS MUST be credited to the ~~account~~ ACCOUNTS. Any ~~moneys~~ MONEY credited to the ~~account~~ ACCOUNTS and unexpended at the end of any given fiscal year ~~shall remain~~ REMAINS in the ~~account~~ ACCOUNTS and ~~shall~~ IS not ~~revert~~ REVERTED or be transferred to the general fund or any other fund; except that any unexpended ~~moneys~~ MONEY remaining in the ~~account~~ ACCOUNTS as of ~~June 30, 2012, shall~~ JUNE 30 OF ANY YEAR ENDING IN 2 MUST be transferred to the legislative department cash fund.

(b) (I) ON THE EFFECTIVE DATE OF THIS SUBSECTION (2.5)(b), THE STATE TREASURER SHALL DEDUCT TWO MILLION DOLLARS FROM THE LEGISLATIVE DEPARTMENT CASH FUND AND TRANSFER ONE MILLION DOLLARS TO THE CONGRESSIONAL ACCOUNT AND ONE MILLION DOLLARS TO THE LEGISLATIVE ACCOUNT.

(II) THIS SUBSECTION (2.5)(b) IS REPEALED, EFFECTIVE JULY 1, 2022.

**SECTION 16.** In Colorado Revised Statutes, 24-72-202, **amend** (8) as follows:

**24-72-202. Definitions.** As used in this part 2, unless the context otherwise requires:

(8) For purposes of subsections (6) and (6.5) of this section and sections 24-72-203 (2)(b) and 24-6-402 (2)(d)(III), the members of the ~~Colorado reapportionment commission shall be~~ INDEPENDENT CONGRESSIONAL REDISTRICTING COMMISSION AND THE INDEPENDENT LEGISLATIVE REDISTRICTING COMMISSION ARE considered elected officials.

**SECTION 17.** In Colorado Revised Statutes, 30-10-306, **amend** (2) as follows:

**30-10-306. Commissioners' districts - vacancies.** (2) Each county having a population of seventy thousand or more ~~which~~ THAT has chosen to increase the members of the board of county commissioners from three to five ~~shall~~ MUST be divided into three or five districts by the board of county commissioners according to the method of election described in section 30-10-306.5 (5) or (6) or section 30-10-306.7. The districts ~~shall~~ MUST be as nearly equal in population as possible based on the most recent federal census of the United States minus the number of persons serving a sentence of detention or confinement in any correctional facility in the county as indicated in the statistical report of the department of corrections for the most recent fiscal year. Each district ~~shall~~ MUST be numbered consecutively and ~~shall~~ IS not be subject to alteration more often than once every two years; except that, notwithstanding subsection (3) of this section, the board may alter the districts to conform to precinct boundaries that are changed in accordance with section 1-5-103 (1), ~~C.R.S.~~, based on the division of the state into congressional districts or an approved plan for ~~reapportionment~~ REDISTRICTING of the members of the general assembly when necessary to ensure that no precinct is located in more than one district. Commissioners ~~shall be~~ ARE elected at large or from districts according to the method of election described in section 30-10-306.5 (5) or (6) or section 30-10-306.7. If any commissioner required to be resident in a district moves during his OR HER term of office from the district in which he OR SHE resided when elected, his OR HER office ~~shall~~ thereupon ~~become~~ BECOMES vacant. All proceedings by the board of county commissioners in formation of such districts not inconsistent with this section are confirmed and validated.

**SECTION 18.** In Colorado Revised Statutes, 30-10-306.7, **amend** (5)(a) as follows:

**30-10-306.7. Procedure for electing county commissioners.** (5) (a) If a majority of the votes cast on the question are in favor of changing the method of electing the five commissioners or providing for three commissioners, as provided in ~~subparagraph (II) or subparagraph (III) of paragraph (a) of subsection (2)~~ SUBSECTION (2)(a)(II) OR (2)(a)(III) of this section, the board of county commissioners shall change the boundaries of the commissioner districts so as to create three districts as nearly equal in population as possible based on the most recent federal census of the United States minus the number of persons serving a sentence of detention or confinement in any correctional facility in the county as indicated in the statistical report of the department of corrections for the most recent fiscal year. The districts ~~shall~~ MUST be numbered consecutively and ~~shall~~ ARE not be subject to alteration more often than once every two years; except that, notwithstanding section 30-10-306 (3), the board may alter the districts to conform to precinct boundaries that are changed in accordance with section 1-5-103 (1), ~~C.R.S.~~, based on the division of the state into congressional districts or an approved plan for ~~reapportionment~~ REDISTRICTING of the members of the general assembly

when necessary to ensure that no precinct is located in more than one district. All other provisions of sections 1-4-205 (3)(a) C.R.S., and 30-10-306 (2) and (3) relating to the method of electing members, as provided in this paragraph (a), shall be SUBSECTION (5)(a), ARE applicable; except that, when districts are created, such changes shall MUST be completed by July 1 of the odd-numbered year immediately preceding the general election.

**SECTION 19. Definitions.** As used in sections 19 to 25 of this act:

(1) "Census bureau" means the United States census bureau.

(2) "Congressional commission" means the independent congressional redistricting commission established pursuant to section 44 of article V of the state constitution.

(3) "Congressional plan" means the plan for the redistricting of congressional districts in Colorado based upon the census conducted in 2020 as provided by sections 44 to 44.6 of article V of the state constitution.

(4) "Executive committee" means the executive committee of the legislative council.

(5) "Judicial panels" means the panels of retired justices or judges designated by the chief justice of the Colorado supreme court pursuant to sections 44.1 (5) and 47 (5) of article V of the state constitution to select members of the congressional and legislative commissions.

(6) "Legislative commission" means the independent legislative redistricting commission established pursuant to section 46 of article V of the state constitution.

(7) "Legislative plan" means a plan for the redistricting of Colorado state senatorial and representative districts based upon the census conducted in 2020 as provided in sections 46 to 48.4 of article V of the state constitution.

(8) "Nonpartisan staff" means employees of the legislative council staff and the office of legislative legal services designated pursuant to section 20 (1) of this act.

**SECTION 20. Nonpartisan staff - staff director - hearings.** (1) Pursuant to sections 44.2 (1)(b) and 48 (1)(b) of article V of the state constitution, the director of research for the legislative council and the director of the office of legislative legal services are to assign nonpartisan staff from their offices as they deem necessary to carry out the provisions of sections 44 to 48.4 of article V of the state constitution and of this act.

(2) The director of research for the legislative council and the director of the office of legislative legal services may appoint a nonpartisan staff director who shall keep a full and true record of all proceedings of the congressional and legislative commissions and perform such other duties as the commissions may prescribe. The nonpartisan staff director shall obtain and prepare the materials set forth in section 20 (3) of this act and shall compile such other data or materials as the congressional or legislative commission may direct.

(3) The congressional or legislative commission may request additional information or staff assistance it deems necessary from the agencies of state government, and such agencies shall furnish such information or assistance to the extent feasible within existing appropriations or in accordance with any contract between the agency and the commission.

(4) The congressional and legislative commissions may have the use of the committee rooms in the state capitol building and the legislative services building for their hearings.

**SECTION 21. Application form - review - judicial panels - compensation.**

(1) As required by sections 44.1 (3) and 47 (3) of article V of the state constitution, nonpartisan staff shall:

(a) Develop an application form for persons interested in serving on the congressional or legislative commission;

(b) With the assistance of the secretary of state, make objective and factual findings as to whether each applicant meets the constitutional qualifications to serve on the congressional or legislative commission; and

(c) Assist the judicial panels appointed pursuant to sections 44.1 (5) and 47 (5) of article V of the state constitution in selecting members of the congressional and legislative commissions.

(2) Members of the judicial panels receive a per diem of one hundred fifty dollars for each day that the member works. Members of the panels are to be reimbursed for actual and necessary expenses incurred while performing official duties, together with mileage at the rate at which members of the general assembly are reimbursed pursuant to section 2-2-317, Colorado Revised Statutes.

(3) The panels appointed pursuant to sections 44.1 (5) and 47 (5) of article V of the state constitution may have the use of the committee rooms in the state capitol building and the legislative services building for its hearings.

**SECTION 22. Arrangements pending the organization of the redistricting commissions.** (1) The general assembly finds that the redistricting of congressional and state senatorial and representative districts requires the compilation, assimilation, and analysis of large amounts of census data and maps; that the task of redistricting involves complex mathematical analysis and a thorough consideration of legal issues under the state and federal statutes and constitution; that 2020 census data and maps are being furnished to the states in computerized form; and that the arrangements set forth in this section and section 23 of this act are provided in order to assure that the congressional and legislative commissions are as prepared as possible to begin their substantive work as soon as possible.

(2) The following offices shall provide the legislative council staff any necessary assistance prior to the appointment of the commissions:

(a) The office of legislative legal services;

- (b) The division of local government in the department of local affairs; and
- (c) The department of state.

(3) The legislative council staff shall make the following materials available to the congressional and legislative commissions:

- (a) A computer database describing all units of census geography built from the TIGER line file received from the census bureau;
- (b) A computer database of population data built from the Public Law 94-171 files received from the census bureau, including racial and ethnic data;
- (c) A computer database of election and voter registration information for the 2018 and 2020 general elections;
- (d) Any available information indicating the location of cultural, economic, geographic, demographic, and trade area factors in Colorado; and
- (e) Any available information or analysis of state and federal court decisions concerning redistricting.

(4) The executive committee may make arrangements for office space for the congressional and legislative commissions and its staff prior to the convening of the commissions, including but not limited to the leasing of appropriate facilities and office equipment.

**SECTION 23. Computer system.** (1) The director of research of the legislative council is responsible for acquiring a computerized system that uses census data and maps to prepare congressional and legislative plans in conformity with statutory and constitutional criteria and within the applicable time constraints. The director of research may contract for the acquisition of computer hardware and software and for the provision of computer services as are necessary to accomplish the tasks of this subsection (1). The computer system must be available for use by the congressional commission for the congressional plan and by the legislative commission for the legislative plan.

(2) Election and voter registration information for the 2018 and 2020 general elections must be incorporated in the database for the computerized redistricting system. Such information is to be taken or derived from the official records of the secretary of state or, if such data are not available from the secretary of state, from the official records of the county clerks and recorders. Election and voter registration information in the computerized system must be considered to be official election and voter registration data for all purposes related to redistricting based upon the 2020 census.

**SECTION 24. Congressional commission - organizational provisions - compensation - expenses.** (1) Members of the congressional commission are appointed and convened, and the officers of the commission elected, pursuant to sections 44.1 and 44.2 of article V of the state constitution.

(2) Members of the congressional commission receive a per diem of two hundred dollars for attendance at regularly scheduled meetings of the commission and are reimbursed for actual and necessary expenses incurred while performing official duties, together with mileage at the rate at which members of the general assembly are reimbursed pursuant to section 2-2-317, Colorado Revised Statutes. A member of the commission who is a state officer or employee shall not claim per diem compensation from more than one source for official activities on the same day.

(3) All expenses incurred by the congressional commission, including per diem compensation and mileage of commission members and expenses of employees, are paid upon vouchers signed by the chair of the commission, or in his or her absence or unavailability, the vice-chair or the staff director upon instruction by the chair in each instance and drawn upon money appropriated for use by the commission. The director of research of the legislative council shall also sign all such vouchers, except vouchers for the payment of per diem compensation and mileage of commission members.

**SECTION 25. Legislative commission - organizational provisions - compensation - expenses.** (1) Members of the legislative commission are appointed and convened, and the officers of the commission elected, pursuant to sections 47 and 48 of article V of the state constitution.

(2) Members of the legislative commission receive a per diem of two hundred dollars for attendance at regularly scheduled meetings of the commission and are reimbursed for actual and necessary expenses incurred while performing official duties, together with mileage at the rate at which members of the general assembly are reimbursed pursuant to section 2-2-317, Colorado Revised Statutes. A member of the commission who is a state officer or employee shall not claim per diem compensation from more than one source for official activities on the same day.

(3) All expenses incurred by the legislative commission, including per diem compensation and mileage of commission members and expenses of employees, are paid upon vouchers signed by the chair of the commission, or in his or her absence or unavailability, the vice-chair or the staff director upon instruction by the chair in each instance and drawn upon money appropriated for use by the commission. The director of research of the legislative council shall also sign all such vouchers, except vouchers for the payment of per diem compensation and mileage of commission members.

**SECTION 26. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: July 11, 2020