

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-0634.02 Pierce Lively x2059

HOUSE BILL 20-1073

HOUSE SPONSORSHIP

Kennedy and Larson,

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE DRAWING OF VOTING DISTRICTS BY COUNTY**
102 **GOVERNMENTS.**

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>.)

The bill requires the creation of independent county commissioner redistricting commissions (commissions) to divide counties that have any number of their county commissioners not elected by the voters of the whole county into county commissioner districts. The bill:

- ! Specifies that commissions are appointed both for counties that have any number of their county commissioners not

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

- elected by the voters of the whole county after each federal decennial census of the United States and when a county that has all of its commissioners elected by the voters of the whole county elects to have only some of its commissioners elected by the voters of the whole county;
- ! Specifies that the commissions consist of 7 members, 2 of whom must be registered with the state's largest political party, 2 of whom must be registered with the state's second largest political party, and 3 of whom must not be registered with any political party;
 - ! Establishes the qualifications to serve on the commissions and the method by which commissioners are appointed;
 - ! Authorizes the commissions to adopt rules and specifies how the commissions are staffed, how the commissions are funded, how the commissions are organized, and sets forth the ethical obligations of the commissioners;
 - ! Requires the commissions to provide the opportunity for public involvement, including multiple hearings, the ability to propose maps, and to testify at commission hearings, and requires hearings to comply with state statutes regarding open meetings;
 - ! Mandates that paid lobbying of the commissions be disclosed to the secretary of state by the lobbyist within 72 hours of when the lobbying occurred or when the payment for lobbying occurred, whichever is earlier;
 - ! Establishes prioritized factors for the commissions to use in drawing districts, including federal requirements, the preservation of communities of interest and political subdivisions, and maximizing the number of competitive districts;
 - ! Prohibits the commissions from approving a map if it has been drawn for the purpose of protecting one or more members of or candidates for county commissioner or a political party, and codifies current federal law and related existing federal requirements prohibiting maps drawn for the purpose of or that results in the denial or abridgement of a person's right to vote or electoral influence on account of a person's race, ethnic origin, or membership in a protected language group;
 - ! Requires a majority of commissioners to approve a redistricting map and specifies the date by which a final map must be approved;
 - ! Specifies that the nonpartisan staff of each commission will draft a preliminary redistricting map and up to 3 additional maps, and, in the event of deadlock by a commission,

creates a process by which nonpartisan staff submit a final map to a panel of district court judges for review based on specified criteria; and

- ! Requires judicial review of a commission-approved or nonpartisan staff-submitted redistricting map, and limits district court judicial panel review to whether a commission or the staff committed an abuse of discretion.

The bill also repeals anachronistic county precinct size rules and allows county clerk and recorders to redraw precincts less often.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds, declares, and determines that:

4 (a) The practice of political gerrymandering, whereby county
5 commissioner districts are purposefully drawn to favor one political party
6 or incumbent politician over another, must end;

7 (b) The public's interest in prohibiting political gerrymandering is
8 best achieved by creating new and independent commissions that are
9 politically balanced, provide representation to voters not affiliated with
10 either of the state's two largest parties, and utilize nonpartisan legislative
11 staff to draw maps;

12 (c) The redistricting commissions should set district lines by
13 ensuring constitutionally guaranteed voting rights, including the
14 protection of minority group voting, as well as fair and effective
15 representation of constituents using politically neutral criteria;

16 (d) Competitive elections for county commissioners provide
17 voters with a meaningful choice among candidates, promote a healthy
18 democracy, help ensure that constituents receive fair and effective
19 representation, and contribute to the political well-being of key
20 communities of interest and political subdivisions;

1 (e) Citizens want and deserve an inclusive and meaningful county
2 commissioner district redistricting process that provides the public with
3 the ability to be heard as redistricting maps are drawn, to be able to watch
4 the witnesses who deliver testimony and the redistricting commissions'
5 deliberations, and to have their written comments considered before any
6 proposed map is voted upon by the commissions as the final map; and

7 (f) Colorado citizens deserve to have access to this more equitable
8 and transparent county commissioner redistricting process irrespective of
9 whether the county they live in is a home rule county.

10 (2) By enacting House Bill 20-1073, the general assembly intends
11 to prohibit the political gerrymandering of county commissioner districts
12 by creating independent commissions that provide the public the
13 opportunity to be heard and that create county commissioner districts that
14 are equal in population, ensure constitutionally guaranteed voting rights,
15 and promote competitive elections in all counties that have any number
16 of their county commissioners not elected by the voters of the whole
17 county, irrespective of whether those are home rule counties.

18 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**
19 **with amendments,** 30-10-306 as follows:

20 **30-10-306. Commissioners' districts - vacancies - definitions.**

21 (1) (a) IN EACH COUNTY THAT HAS ALL OF ITS COUNTY COMMISSIONERS
22 ELECTED BY THE VOTERS OF THE WHOLE COUNTY, THE BOARD OF COUNTY
23 COMMISSIONERS SHALL DIVIDE THE COUNTY INTO A NUMBER OF COMPACT
24 DISTRICTS EQUAL TO THE TOTAL NUMBER OF COUNTY COMMISSIONERS.

25 (b) EACH DISTRICT IN EACH COUNTY THAT HAS ALL OF ITS COUNTY
26 COMMISSIONERS ELECTED BY THE VOTERS OF THE WHOLE COUNTY MUST
27 BE AS NEARLY EQUAL IN POPULATION AS POSSIBLE BASED ON THE MOST

1 RECENT FEDERAL CENSUS OF THE UNITED STATES.

2 (c) EACH DISTRICT IN EACH COUNTY THAT HAS ALL OF ITS COUNTY
3 COMMISSIONERS ELECTED BY THE VOTERS OF THE WHOLE COUNTY MUST
4 BE NUMBERED CONSECUTIVELY AND SHALL NOT BE SUBJECT TO
5 ALTERATION MORE OFTEN THAN ONCE EVERY TWO YEARS; EXCEPT THAT,
6 IN COUNTIES WITH FIVE COUNTY COMMISSIONERS, THE BOARD OF COUNTY
7 COMMISSIONERS MAY ALTER THE DISTRICTS TO CONFORM TO PRECINCT
8 BOUNDARIES THAT ARE CHANGED IN ACCORDANCE WITH SECTION 1-5-103
9 (1), BASED ON THE DIVISION OF THE STATE INTO CONGRESSIONAL
10 DISTRICTS OR AN APPROVED PLAN FOR REAPPORTIONMENT OF THE
11 MEMBERS OF THE GENERAL ASSEMBLY, WHEN NECESSARY TO ENSURE
12 THAT NO PRECINCT IS LOCATED IN MORE THAN ONE DISTRICT.

13 (d) ONE COUNTY COMMISSIONER MUST BE ELECTED FROM EACH
14 DISTRICT BY THE VOTERS OF THE WHOLE COUNTY.

15 (e) WHEN A BOARD OF COUNTY COMMISSIONERS IN ONE OF THESE
16 COUNTIES DETERMINES TO CHANGE THE BOUNDARIES OF COUNTY
17 COMMISSIONER DISTRICTS OR WHEN NEW DISTRICTS ARE CREATED, SUCH
18 CHANGES OR ADDITIONS SHALL BE MADE ONLY IN ODD-NUMBERED YEARS
19 AND, IF MADE, SHALL BE COMPLETED BY JULY 1 OF SUCH YEAR, EXCEPT IN
20 CASES OF CHANGES RESULTING FROM CHANGES IN COUNTY BOUNDARIES.

21 (2) (a) IN EACH COUNTY THAT HAS ANY NUMBER OF ITS COUNTY
22 COMMISSIONERS NOT ELECTED BY THE VOTERS OF THE WHOLE COUNTY,
23 THE COUNTY'S BOARD OF COMMISSIONERS SHALL DIVIDE THE COUNTY INTO
24 COUNTY COMMISSIONER DISTRICTS IN ACCORDANCE WITH THE FINAL PLAN
25 SUBMITTED BY A PANEL OF THREE DISTRICT COURT JUDGES TO THE BOARD
26 OF COUNTY COMMISSIONERS IN ACCORDANCE WITH SECTION 30-10-306.4
27 (7).

1 (b) COUNTY COMMISSIONERS SHALL BE ELECTED AT-LARGE OR
2 FROM DISTRICTS ACCORDING TO THE METHOD OF ELECTION DESCRIBED IN
3 SECTION 30-10-306.5 (5) OR (6) OR SECTION 30-10-306.7.

4 (3) NOTWITHSTANDING SUBSECTIONS (1) AND (2) OF THIS SECTION,
5 AFTER EACH FEDERAL CENSUS OF THE UNITED STATES:

6 (a) IN EACH COUNTY THAT HAS ALL OF ITS COUNTY
7 COMMISSIONERS ELECTED BY THE VOTERS OF THE WHOLE COUNTY, THE
8 BOARD OF COUNTY COMMISSIONERS SHALL ESTABLISH, REVISE, OR ALTER
9 EACH COUNTY COMMISSIONER DISTRICT TO ENSURE THAT SUCH DISTRICTS
10 SHALL BE AS NEARLY EQUAL IN POPULATION AS POSSIBLE BASED ON SUCH
11 CENSUS. THE ESTABLISHMENT, REVISION, OR ALTERATION OF SUCH
12 DISTRICTS REQUIRED BY THIS SUBSECTION (3)(a) SHALL BE COMPLETED BY
13 DECEMBER 29 OF THE ODD-NUMBERED YEAR FOLLOWING SUCH CENSUS.

14 (b) IN EACH COUNTY THAT HAS ANY NUMBER OF ITS COUNTY
15 COMMISSIONERS NOT ELECTED BY THE VOTERS OF THE WHOLE COUNTY,
16 THE BOARD OF COUNTY COMMISSIONERS SHALL ESTABLISH, REVISE, OR
17 ALTER EACH COUNTY COMMISSIONER DISTRICT IN ACCORDANCE WITH THE
18 FINAL PLAN SUBMITTED BY A PANEL OF THREE DISTRICT COURT JUDGES TO
19 THE BOARD OF COUNTY COMMISSIONERS IN ACCORDANCE WITH SECTION
20 30-10-306.4 (7).

21 (4) NO LESS THAN THIRTY DAYS BEFORE ADOPTING ANY
22 RESOLUTION TO CHANGE THE BOUNDARIES OF COUNTY COMMISSIONER
23 DISTRICTS OR CREATE NEW COUNTY COMMISSIONER DISTRICTS, UNLESS
24 THE BOARD OF COUNTY COMMISSIONERS IS MAKING SUCH CHANGES IN
25 ACCORDANCE WITH THE FINAL PLAN SUBMITTED BY A PANEL OF THREE
26 DISTRICT COURT JUDGES TO THE BOARD OF COUNTY COMMISSIONERS IN
27 ACCORDANCE WITH SECTION 30-10-306.4 (7), THE BOARD OF COUNTY

1 COMMISSIONERS SHALL HOLD A PUBLIC HEARING ON THE PROPOSED
2 DISTRICT BOUNDARIES.

3 (5) IF ANY DATE PRESCRIBED IN THIS SECTION OR SECTIONS
4 30-10-306.1 TO 30-10-306.4 FALLS ON A SATURDAY, SUNDAY, OR LEGAL
5 HOLIDAY, THEN THE DATE IS EXTENDED TO THE NEXT DAY THAT IS NOT A
6 SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

7 (6) IF ANY COUNTY COMMISSIONER, DURING HIS OR HER TERM OF
8 OFFICE, MOVES FROM THE DISTRICT IN WHICH HE OR SHE RESIDED WHEN
9 ELECTED, HIS OR HER OFFICE SHALL IMMEDIATELY BECOME VACANT.

10 (7) AS USED IN THIS SECTION AND SECTIONS 30-10-306.1 TO
11 30-10-306.4, UNLESS THE CONTEXT OTHERWISE REQUIRES:

12 (a) "COMMISSION" MEANS THE INDEPENDENT COUNTY
13 COMMISSIONER DISTRICT REDISTRICTING COMMISSION CREATED IN
14 SECTION 30-10-306.1.

15 (b) (I) "COMMUNITY OF INTEREST" MEANS ANY GROUP IN A
16 COUNTY THAT SHARES ONE OR MORE SUBSTANTIAL INTERESTS THAT MAY
17 BE THE SUBJECT OF ACTION BY THE BOARD OF COUNTY COMMISSIONERS,
18 IS COMPOSED OF A REASONABLY PROXIMATE POPULATION, AND SHOULD BE
19 CONSIDERED FOR INCLUSION WITHIN A SINGLE DISTRICT FOR PURPOSES OF
20 ENSURING ITS FAIR AND EFFECTIVE REPRESENTATION.

21 (II) SUCH INTERESTS INCLUDE BUT ARE NOT LIMITED TO MATTERS
22 REFLECTING:

23 (A) SHARED PUBLIC POLICY CONCERNS OF URBAN, RURAL,
24 AGRICULTURAL, INDUSTRIAL, OR TRADE AREAS; AND

25 (B) SHARED PUBLIC POLICY CONCERNS SUCH AS EDUCATION,
26 EMPLOYMENT, ENVIRONMENT, PUBLIC HEALTH, TRANSPORTATION, WATER
27 NEEDS AND SUPPLIES, AND ISSUES OF DEMONSTRABLE REGIONAL

1 SIGNIFICANCE.

2 (III) GROUPS THAT MAY COMPRISE A COMMUNITY OF INTEREST
3 INCLUDE RACIAL, ETHNIC, AND LANGUAGE MINORITY GROUPS, SUBJECT TO
4 COMPLIANCE WITH SECTION 30-10-306.3 (1)(b) AND (4)(b), WHICH
5 SUBSECTIONS PROTECT AGAINST THE DENIAL OR ABRIDGEMENT OF THE
6 RIGHT TO VOTE DUE TO A PERSON'S RACE OR LANGUAGE MINORITY GROUP.

7 (IV) "COMMUNITY OF INTEREST" DOES NOT INCLUDE
8 RELATIONSHIPS WITH POLITICAL PARTIES, INCUMBENTS, OR POLITICAL
9 CANDIDATES.

10 (c) "JUDICIAL PANEL" MEANS THE PANEL OF THREE DISTRICT
11 COURT JUDGES THAT REVIEWS THE FINAL PANEL OF THE COMMISSION IN
12 ACCORDANCE WITH SECTION 30-10-306.4 (7).

13 (d) "RACE" OR "RACIAL" MEANS A CATEGORY OF RACE OR ETHNIC
14 ORIGIN DOCUMENTED IN THE FEDERAL DECENNIAL CENSUS.

15 (e) "REDISTRICTING YEAR" MEANS THE YEAR FOLLOWING THE
16 YEAR IN WHICH THE FEDERAL DECENNIAL CENSUS IS TAKEN.

17 (f) "STAFF" MEANS THE NONPARTISAN STAFF OF THE COUNTY WHO
18 ARE ASSIGNED TO ASSIST THE COMMISSION BY THE BOARD OF COUNTY
19 COMMISSIONERS.

20 **SECTION 3.** In Colorado Revised Statutes, **add** 30-10-306.1,
21 30-10-306.2, 30-10-306.3, and 30-10-306.4 as follows:

22 **30-10-306.1. Commission created - commission composition**
23 **and appointment - vacancies.** (1) THE BOARD OF COUNTY
24 COMMISSIONERS IN EACH OF THE FOLLOWING COUNTIES MUST CONVENE AN
25 INDEPENDENT COUNTY COMMISSIONER DISTRICT REDISTRICTING
26 COMMISSION IN ACCORDANCE WITH THE PROCEDURES IN THIS SECTION AND
27 SECTION 30-10-306.2:

1 (a) EACH COUNTY THAT HAS ANY NUMBER OF ITS COUNTY
2 COMMISSIONERS NOT ELECTED BY THE VOTERS OF THE WHOLE COUNTY
3 AFTER EACH FEDERAL DECENNIAL CENSUS OF THE UNITED STATES;

4 (b) EACH COUNTY THAT HAS ALL OF ITS COUNTY COMMISSIONERS
5 ELECTED BY THE VOTERS OF THE WHOLE COUNTY THAT THEN ELECTS TO
6 HAVE ANY NUMBER OF ITS COUNTY COMMISSIONERS NOT ELECTED BY THE
7 VOTERS OF THE WHOLE COUNTY; AND

8 (c) EACH COUNTY THAT HAS ANY NUMBER OF ITS COUNTY
9 COMMISSIONERS NOT ELECTED BY THE VOTERS OF THE WHOLE COUNTY
10 THAT CHANGES THE NUMBER OF COUNTY COMMISSIONERS IN THE COUNTY.

11 (2) EACH COMMISSION ESTABLISHED BY A COUNTY UNDER
12 SUBSECTION (1) OF THIS SECTION MUST ADOPT A PLAN TO DIVIDE THE
13 RELEVANT COUNTY INTO AS MANY DISTRICTS AS THERE ARE COUNTY
14 COMMISSIONERS ELECTED BY VOTERS OF THEIR DISTRICT.

15 (3) EACH COMMISSION CONSISTS OF NINE MEMBERS WHO HAVE THE
16 FOLLOWING QUALIFICATIONS:

17 (a) MEMBERS OF THE COMMISSION MUST BE REGISTERED ELECTORS
18 WHO VOTED IN BOTH OF THE PREVIOUS TWO GENERAL ELECTIONS IN
19 COLORADO;

20 (b) MEMBERS OF THE COMMISSION MUST EITHER HAVE BEEN
21 UNAFFILIATED WITH ANY POLITICAL PARTY OR HAVE BEEN AFFILIATED
22 WITH THE SAME POLITICAL PARTY FOR A CONSECUTIVE PERIOD OF NO LESS
23 THAN FIVE YEARS AT THE TIME OF THE APPLICATION; AND

24 (c) NO PERSON MAY BE APPOINTED TO OR SERVE ON THE
25 COMMISSION IF HE OR SHE:

26 (I) IS OR HAS BEEN A CANDIDATE FOR THE BOARD OF COUNTY
27 COMMISSIONERS WITHIN THE LAST FIVE YEARS PRECEDING THE DATE ON

1 WHICH APPLICATIONS FOR APPOINTMENT TO THE COMMISSION ARE DUE
2 UNDER SUBSECTION (5) OF THIS SECTION;

3 (II) IS OR HAS BEEN, WITHIN THE LAST THREE YEARS PRECEDING
4 THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE
5 COMMISSION ARE DUE UNDER SUBSECTION (5) OF THIS SECTION,
6 COMPENSATED BY A MEMBER OF, OR A CAMPAIGN COMMITTEE
7 ADVOCATING THE ELECTION OF A CANDIDATE TO, A BOARD OF COUNTY
8 COMMISSIONERS;

9 (III) IS OR HAS BEEN, WITHIN THE LAST THREE YEARS PRECEDING
10 THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE
11 COMMISSION ARE DUE UNDER SUBSECTION (5) OF THIS SECTION, AN
12 ELECTED PUBLIC OFFICIAL AT THE FEDERAL, STATE, COUNTY, OR
13 MUNICIPAL LEVEL IN COLORADO;

14 (IV) IS OR HAS BEEN, WITHIN THE LAST THREE YEARS PRECEDING
15 THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE
16 COMMISSION ARE DUE UNDER SUBSECTION (5) OF THIS SECTION, AN
17 ELECTED POLITICAL PARTY OFFICIAL ABOVE THE PRECINCT LEVEL IN
18 COLORADO OR AN EMPLOYEE OF A POLITICAL PARTY;

19 (V) IS A MEMBER OF THE COMMISSION RESPONSIBLE FOR DIVIDING
20 THE STATE INTO CONGRESSIONAL DISTRICTS OR IS A MEMBER OF THE
21 COMMISSION RESPONSIBLE FOR DIVIDING THE STATE INTO SENATORIAL
22 AND REPRESENTATIVE DISTRICTS OF THE GENERAL ASSEMBLY; OR

23 (VI) IS OR HAS BEEN A PROFESSIONAL LOBBYIST REGISTERED TO
24 LOBBY WITH THE STATE OF COLORADO, WITH ANY MUNICIPALITY IN
25 COLORADO, OR AT THE FEDERAL LEVEL WITHIN THE LAST THREE YEARS
26 PRECEDING THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE
27 COMMISSION ARE DUE UNDER SUBSECTION (5) OF THIS SECTION.

1 (4) (a) BY AUGUST 10 OF THE YEAR PRIOR TO THE REDISTRICTING
2 YEAR, STAFF SHALL, AFTER HOLDING ONE OR MORE PUBLIC HEARINGS,
3 PREPARE AN APPLICATION FORM THAT WILL ALLOW A PANEL OF RETIRED
4 JUDGES ■ TO EVALUATE A PERSON'S EXPERIENCE AND QUALIFICATIONS
5 AND MAKE SUCH APPLICATION AVAILABLE ON THE COUNTY'S WEBSITE OR
6 COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC.

7 (b) THE APPLICATION FORM MUST CLEARLY STATE THE LEGAL
8 OBLIGATIONS AND EXPECTATIONS OF POTENTIAL APPOINTEES.
9 INFORMATION REQUIRED OF APPLICANTS MUST INCLUDE, BUT IS NOT
10 NECESSARILY LIMITED TO, PROFESSIONAL BACKGROUND, PARTY
11 AFFILIATION, A DESCRIPTION OF PAST POLITICAL ACTIVITY, A LIST OF ALL
12 POLITICAL AND CIVIC ORGANIZATIONS TO WHICH THE APPLICANT HAS
13 BELONGED WITHIN THE PREVIOUS FIVE YEARS, AND WHETHER THE
14 APPLICANT MEETS THE QUALIFICATIONS STATED IN SUBSECTION (3) OF THIS
15 SECTION. IN ADDITION, THE APPLICATION FORM MUST REQUIRE THE
16 APPLICANT TO EXPLAIN WHY THEY WANT TO SERVE ON THE COMMISSION
17 AND AFFORD THE APPLICANT AN OPPORTUNITY TO MAKE A STATEMENT
18 ABOUT HOW THEY WILL PROMOTE CONSENSUS AMONG MEMBERS OF THE
19 COMMISSION IF APPOINTED TO THE COMMISSION. APPLICANTS MAY ALSO
20 CHOOSE TO INCLUDE UP TO FOUR LETTERS OF RECOMMENDATION WITH
21 THEIR APPLICATION.

22 (5) BY NOVEMBER 10 OF THE YEAR PRIOR TO THE REDISTRICTING
23 YEAR, ANY PERSON WHO SEEKS TO SERVE ON THE COMMISSION MUST
24 SUBMIT A COMPLETED APPLICATION TO STAFF. ALL APPLICATIONS ARE
25 PUBLIC RECORDS AND MUST BE POSTED PROMPTLY AFTER RECEIPT ON THE
26 COUNTY'S WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH
27 THE PUBLIC.

1 (6) (a) NO LATER THAN JANUARY 5 OF THE REDISTRICTING YEAR,
2 THE CHIEF JUDGE FROM THE JUDICIAL DISTRICT THAT CONTAINS THE
3 RELEVANT COUNTY SHALL DESIGNATE A PANEL TO REVIEW THE
4 APPLICATIONS. THE PANEL MUST CONSIST OF THE THREE JUDGES WHO
5 MOST RECENTLY RETIRED FROM THE JUDICIAL DISTRICT, APPOINTED
6 SEQUENTIALLY STARTING WITH THE MOST RECENT JUDGE TO RETIRE WHO
7 HAS BEEN AFFILIATED WITH THE SAME POLITICAL PARTY OR UNAFFILIATED
8 WITH ANY POLITICAL PARTY FOR THE TWO YEARS PRIOR TO APPOINTMENT;
9 EXCEPT THAT NO APPOINTEE, WITHIN TWO YEARS PRIOR TO APPOINTMENT,
10 SHALL HAVE BEEN AFFILIATED WITH THE SAME POLITICAL PARTY AS A
11 JUDGE ALREADY APPOINTED TO THE PANEL. IF ANY OF THE THREE JUDGES
12 WHO MOST RECENTLY RETIRED FROM THE JUDICIAL DISTRICT IS UNABLE OR
13 UNWILLING TO SERVE ON THE PANEL OR HAS BEEN AFFILIATED WITHIN TWO
14 YEARS PRIOR TO APPOINTMENT WITH A POLITICAL PARTY ALREADY
15 REPRESENTED ON THE PANEL, THEN THE CHIEF JUDGE SHALL APPOINT THE
16 NEXT JUDGE WHO MOST RECENTLY RETIRED FROM THE JUDICIAL DISTRICT
17 AND WHO HAS NOT BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO
18 APPOINTMENT WITH THE SAME POLITICAL PARTY AS ANY JUDGE ALREADY
19 APPOINTED TO THE PANEL. NO JUDGE SHALL SERVE BOTH ON THIS PANEL
20 AND EITHER THE PANEL ASSISTING IN THE PROCESS OF CHOOSING MEMBERS
21 OF THE COMMISSION RESPONSIBLE FOR DIVIDING THE STATE INTO
22 CONGRESSIONAL DISTRICTS OR THE PANEL ASSISTING IN THE PROCESS OF
23 CHOOSING MEMBERS OF THE COMMISSION RESPONSIBLE FOR DIVIDING THE
24 STATE INTO STATE SENATE AND STATE HOUSE OF REPRESENTATIVE
25 DISTRICTS.

26 (b) ALL DECISIONS OF THE PANEL REGARDING THE SELECTION OF
27 APPLICANTS PURSUANT TO THIS SECTION REQUIRE THE AFFIRMATIVE

1 APPROVAL OF ALL THREE MEMBERS OF THE PANEL.

2 (c) THE BOARD OF COUNTY COMMISSIONERS SHALL PRESCRIBE BY
3 RESOLUTION THE COMPENSATION OF MEMBERS OF THE PANEL. STAFF
4 SHALL ASSIST THE PANEL IN CARRYING OUT ITS DUTIES.

5 (7) AFTER APPLICATIONS ARE SUBMITTED, STAFF, WITH THE
6 COOPERATION AND ASSISTANCE OF THE COUNTY CLERK AND RECORDER OF
7 THE RELEVANT COUNTY, SHALL MAKE AN OBJECTIVE AND FACTUAL
8 FINDING BASED ON, TO THE EXTENT POSSIBLE, PUBLICLY AVAILABLE
9 INFORMATION, INCLUDING INFORMATION CONTAINED IN THE APPLICATION
10 AND INFORMATION CONTAINED WITHIN THE RECORDS MAINTAINED BY THE
11 COUNTY CLERK AND RECORDER OF THE RELEVANT COUNTY, WHETHER
12 EACH APPLICANT MEETS THE QUALIFICATIONS SPECIFIED IN SUBSECTION
13 (3) OF THIS SECTION. NO LATER THAN JANUARY 11 OF THE REDISTRICTING
14 YEAR, STAFF SHALL MAKE ITS FINDINGS PUBLICLY AVAILABLE, AND NOTIFY
15 THE APPLICANTS OF THE STAFF'S FINDING. IF THE STAFF FINDS THAT AN
16 APPLICANT IS NOT ELIGIBLE, THEN THE STAFF SHALL INCLUDE THE
17 REASONS IN ITS FINDING.

18 (8) BY JANUARY 18 OF THE REDISTRICTING YEAR, THE PANEL, IN
19 A PUBLIC MEETING, SHALL RANDOMLY SELECT BY LOT FROM ALL OF THE
20 APPLICANTS WHO WERE FOUND TO MEET THE QUALIFICATIONS SPECIFIED
21 IN SUBSECTION (3) OF THIS SECTION THE NAMES OF TEN APPLICANTS WHO
22 ARE AFFILIATED WITH THE STATE'S LARGEST POLITICAL PARTY, TEN
23 APPLICANTS WHO ARE AFFILIATED WITH THE STATE'S SECOND LARGEST
24 POLITICAL PARTY, AND TEN APPLICANTS WHO ARE NOT AFFILIATED WITH
25 ANY POLITICAL PARTY, OR SUCH LESSER NUMBER AS THERE ARE TOTAL
26 APPLICANTS WHO MEET THE QUALIFICATIONS SPECIFIED IN SUBSECTION (3)
27 OF THIS SECTION FOR EACH OF THOSE GROUPS.

1 (9) BY MARCH 1 OF THE REDISTRICTING YEAR, AFTER REVIEWING
2 THE APPLICATIONS OF THE APPLICANTS SELECTED IN ACCORDANCE WITH
3 SUBSECTION (8) OF THIS SECTION, THE PANEL OF JUDGES SHALL SELECT, IN
4 SUCH ORDER AS THE PANEL DETERMINES:

5 (a) THREE MEMBERS OF THE COMMISSION WHO ARE NOT
6 AFFILIATED WITH ANY POLITICAL PARTY;

7 (b) THREE MEMBERS OF THE COMMISSION WHO ARE AFFILIATED
8 WITH THE STATE'S LARGEST POLITICAL PARTY; AND

9 (c) THREE MEMBERS OF THE COMMISSION WHO ARE AFFILIATED
10 WITH THE STATE'S SECOND LARGEST POLITICAL PARTY.

11 (10) IN SELECTING APPLICANTS UNDER SUBSECTION (8) OF THIS
12 SECTION, THE PANEL SHALL, TO THE EXTENT POSSIBLE:

13 (a) SELECT THE APPLICANTS WHO BEST DEMONSTRATE EXPERIENCE
14 IN ORGANIZING, REPRESENTING, ADVOCATING FOR, ADJUDICATING THE
15 INTERESTS OF, OR ACTIVELY PARTICIPATING IN GROUPS, ORGANIZATIONS,
16 OR ASSOCIATIONS IN COLORADO AND WHO BEST DEMONSTRATE RELEVANT
17 ANALYTICAL SKILLS, THE ABILITY TO BE IMPARTIAL, AND THE ABILITY TO
18 PROMOTE CONSENSUS ON THE COMMISSION;

19 (b) ENSURE THAT THE COMMISSION REFLECTS THE COUNTY'S
20 RACIAL, ETHNIC, GENDER, AND GEOGRAPHIC DIVERSITY;

21 (c) ENSURE THAT, IN COUNTIES WITH THREE COUNTY
22 COMMISSIONERS, AT LEAST TWO MEMBERS OF THE COMMISSION ARE
23 REGISTERED TO VOTE IN EACH COUNTY COMMISSIONER DISTRICT AND
24 THAT, IN COUNTIES WITH FIVE COUNTY COMMISSIONERS, AT LEAST ONE
25 MEMBER OF THE COMMISSION IS REGISTERED TO VOTE IN EACH COUNTY
26 COMMISSIONER DISTRICT; AND

27 (d) ENSURE THAT ALL MEMBERS OF THE COMMISSION MEET THE

1 QUALIFICATIONS SET FORTH IN SUBSECTION (3) OF THIS SECTION.

2 (11) (a) A MEMBER OF THE COMMISSION'S POSITION ON THE
3 COMMISSION WILL BE DEEMED VACANT IF HE OR SHE, HAVING BEEN
4 APPOINTED AS A REGISTERED ELECTOR WHO IS NOT AFFILIATED WITH A
5 POLITICAL PARTY, AFFILIATES WITH A POLITICAL PARTY BEFORE THE
6 JUDICIAL PANEL HAS APPROVED A PLAN PURSUANT TO SECTION
7 30-10-306.4 (7). A MEMBER OF THE COMMISSION'S POSITION ON THE
8 COMMISSION WILL ALSO BE DEEMED VACANT IF HE OR SHE, HAVING BEEN
9 AFFILIATED WITH ONE OF THE STATE'S TWO LARGEST POLITICAL PARTIES
10 AT THE TIME OF APPOINTMENT, AFFILIATES WITH A DIFFERENT POLITICAL
11 PARTY OR BECOMES UNAFFILIATED WITH ANY POLITICAL PARTY BEFORE
12 THE JUDICIAL PANEL HAS APPROVED A PLAN PURSUANT TO SECTION
13 30-10-306.4 (7).

14 (b) ANY VACANCY ON THE COMMISSION, INCLUDING ONE THAT
15 OCCURS DUE TO DEATH, RESIGNATION, REMOVAL, FAILURE TO MEET THE
16 QUALIFICATIONS OF APPOINTMENT, REFUSAL OR INABILITY TO ACCEPT AN
17 APPOINTMENT, OR OTHERWISE, MUST BE FILLED AS SOON AS POSSIBLE BY
18 THE DESIGNATED APPOINTING AUTHORITY FROM THE DESIGNATED POOL OF
19 ELIGIBLE APPLICANTS FOR THAT MEMBER OF THE COMMISSION'S POSITION
20 AND IN THE SAME MANNER AS THE ORIGINALLY CHOSEN MEMBER OF THE
21 COMMISSION; EXCEPT THAT NO MEMBER OF THE COMMISSION CHOSEN TO
22 FILL A VACANCY WILL BE BYPASSED FOR APPOINTMENT IF ALL COUNTY
23 COMMISSIONER DISTRICTS ARE ALREADY REPRESENTED ON THE
24 COMMISSION.

25 (12) FOR PURPOSES OF THIS SECTION, THE STATE'S TWO LARGEST
26 POLITICAL PARTIES SHALL BE DETERMINED BY THE NUMBER OF
27 REGISTERED ELECTORS AFFILIATED WITH EACH POLITICAL PARTY IN THE

1 STATE ACCORDING TO VOTER REGISTRATION DATA PUBLISHED BY THE
2 SECRETARY OF STATE FOR THE EARLIEST DAY IN JANUARY OF THE
3 REDISTRICTING YEAR FOR WHICH SUCH DATA IS PUBLISHED.

4 **30-10-306.2. Commission organization - procedures -**
5 **transparency - voting requirements.** (1) (a) THE CHAIR OF THE BOARD
6 OF COUNTY COMMISSIONERS SHALL CONVENE THE COMMISSION NO LATER
7 THAN MARCH 30 OF THE REDISTRICTING YEAR AND APPOINT A TEMPORARY
8 CHAIRPERSON FROM THE COMMISSION'S MEMBERS. UPON CONVENING, THE
9 COMMISSION SHALL ELECT A CHAIR AND A VICE-CHAIR WHO ARE NOT
10 MEMBERS OF THE SAME POLITICAL PARTY, AND OTHER SUCH OFFICERS AS
11 IT DETERMINES.

12 (b) THE BOARD OF COUNTY COMMISSIONERS SHALL APPOINT
13 NONPARTISAN STAFF AS NEEDED TO ASSIST THE COMMISSION. STAFF
14 SHALL ACQUIRE AND PREPARE ALL NECESSARY RESOURCES, INCLUDING
15 COMPUTER HARDWARE, SOFTWARE, AND DEMOGRAPHIC, GEOGRAPHIC,
16 AND POLITICAL DATABASES, AS FAR IN ADVANCE AS NECESSARY TO
17 ENABLE THE COMMISSION TO BEGIN ITS WORK IMMEDIATELY UPON
18 CONVENING.

19 (c) THE COMMISSION MAY RETAIN LEGAL COUNSEL IN ALL ACTIONS
20 AND PROCEEDINGS IN CONNECTION WITH THE PERFORMANCE OF ITS
21 POWERS, DUTIES, AND FUNCTIONS, INCLUDING REPRESENTATION OF THE
22 COMMISSION BEFORE ANY COURT.

23 (d) THE BOARD OF COUNTY COMMISSIONERS SHALL APPROPRIATE
24 SUFFICIENT FUNDS FOR THE PAYMENT OF THE EXPENSES OF THE
25 COMMISSION AND THE COMPENSATION AND EXPENSES OF STAFF. MEMBERS
26 OF THE COMMISSION SHALL BE REIMBURSED FOR THEIR REASONABLE AND
27 NECESSARY EXPENSES AND MAY ALSO RECEIVE SUCH PER DIEM

1 ALLOWANCE AS MAY BE ESTABLISHED BY THE BOARD OF COUNTY
2 COMMISSIONERS. SUBJECT TO AVAILABLE APPROPRIATIONS, HARDWARE
3 AND SOFTWARE NECESSARY FOR THE DEVELOPMENT OF PLANS MAY, AT
4 THE REQUEST OF ANY MEMBER OF THE COMMISSION, BE PROVIDED TO THE
5 MEMBER OF THE COMMISSION. THE COMMISSION AND ITS STAFF MUST
6 HAVE ACCESS TO STATISTICAL INFORMATION COMPILED BY THE STATE AND
7 ITS POLITICAL SUBDIVISIONS AS NECESSARY FOR ITS DUTIES. STATE
8 AGENCIES AND POLITICAL SUBDIVISIONS SHALL COMPLY WITH REQUESTS
9 FROM THE COMMISSION AND ITS STAFF FOR SUCH STATISTICAL
10 INFORMATION.

11 (e) THE COMMISSION SHALL ADOPT RULES TO GOVERN ITS
12 ADMINISTRATION AND OPERATION. THE COMMISSION MUST PROVIDE AT
13 LEAST SEVENTY-TWO HOURS OF ADVANCE PUBLIC NOTICE OF ALL
14 PROPOSED RULES PRIOR TO CONSIDERATION FOR ADOPTION; EXCEPT THAT
15 PROPOSED RULES MAY BE AMENDED DURING COMMISSION DELIBERATIONS
16 WITHOUT SUCH ADVANCE NOTICE OF SPECIFIC, RELATED AMENDMENTS.
17 NEITHER THE COMMISSION'S PROCEDURAL RULES NOR ITS MAPPING
18 DECISIONS ARE SUBJECT TO THE "STATE ADMINISTRATIVE PROCEDURE
19 ACT", ARTICLE 4 OF TITLE 24, OR ANY SUCCESSOR STATUTE. RULES MUST
20 INCLUDE BUT NEED NOT BE LIMITED TO THE FOLLOWING:

21 (I) THE HEARING PROCESS AND REVIEW OF MAPS SUBMITTED FOR
22 ITS CONSIDERATION;

23 (II) MAINTENANCE OF A RECORD OF THE COMMISSION'S ACTIVITIES
24 AND PROCEEDINGS, INCLUDING A RECORD OF WRITTEN AND ORAL
25 TESTIMONY RECEIVED, AND OF THE COMMISSION'S DIRECTIONS TO STAFF
26 ON PROPOSED CHANGES TO ANY PLAN AND THE COMMISSION'S RATIONALE
27 FOR SUCH CHANGES;

1 (III) THE PROCESS FOR REMOVING MEMBERS OF THE COMMISSION
2 FOR PARTICIPATING IN COMMUNICATIONS PROHIBITED UNDER THIS
3 SECTION;

4 (IV) THE PROCESS FOR RECOMMENDING CHANGES TO PLANS
5 SUBMITTED TO THE COMMISSION BY STAFF; AND

6 (V) THE ADOPTION OF A COUNTYWIDE MEETING AND HEARING
7 SCHEDULE, INCLUDING THE NECESSARY ELEMENTS OF ELECTRONIC
8 ATTENDANCE AT A COMMISSION HEARING.

9 (2) A SIMPLE MAJORITY OF THE APPOINTED MEMBERS OF THE
10 COMMISSION MAY APPROVE RULES AND PROCEDURAL DECISIONS. THE
11 AFFIRMATIVE VOTE OF AT LEAST SIX OF THE MEMBERS OF THE
12 COMMISSION, INCLUDING THE AFFIRMATIVE VOTE OF AT LEAST ONE
13 MEMBER OF THE COMMISSION WHO IS UNAFFILIATED WITH ANY POLITICAL
14 PARTY, IS REQUIRED FOR THE ELECTION OF THE COMMISSION'S CHAIR AND
15 VICE CHAIR, REMOVAL OF ANY COMMISSIONER AS PROVIDED IN THIS
16 SECTION, ADOPTION OF THE FINAL PLAN FOR SUBMISSION TO THE JUDICIAL
17 PANEL, AND THE ADOPTION OF A REVISED PLAN AFTER A PLAN IS RETURNED
18 TO THE COMMISSION FROM THE JUDICIAL PANEL. THE COMMISSION
19 SHALL NOT VOTE UPON A FINAL PLAN UNTIL AT LEAST SEVENTY-TWO
20 HOURS AFTER IT HAS BEEN PROPOSED TO THE COMMISSION IN A PUBLIC
21 MEETING OR AT LEAST SEVENTY-TWO HOURS AFTER IT HAS BEEN AMENDED
22 BY THE COMMISSION IN A PUBLIC MEETING, WHICHEVER OCCURS LATER;
23 EXCEPT THAT MEMBERS OF THE COMMISSION MAY UNANIMOUSLY WAIVE
24 THE SEVENTY-TWO HOUR REQUIREMENT.

25 (3)(a) ALL COUNTY RESIDENTS, INCLUDING INDIVIDUAL MEMBERS
26 OF THE COMMISSION, MAY PRESENT PROPOSED REDISTRICTING MAPS OR
27 WRITTEN COMMENTS, OR BOTH, FOR THE COMMISSION'S CONSIDERATION.

1 (b) THE COMMISSION MUST, TO THE MAXIMUM EXTENT
2 PRACTICABLE, PROVIDE OPPORTUNITIES FOR COUNTY RESIDENTS TO
3 PRESENT TESTIMONY AT HEARINGS HELD THROUGHOUT THE COUNTY. THE
4 COMMISSION SHALL NOT APPROVE A REDISTRICTING MAP UNTIL AT LEAST
5 ONE HEARING HAS BEEN HELD IN EACH COUNTY COMMISSIONER DISTRICT.
6 NO GATHERING OF MEMBERS OF THE COMMISSION CAN BE CONSIDERED A
7 HEARING FOR THIS PURPOSE UNLESS IT IS ATTENDED, IN PERSON OR
8 ELECTRONICALLY, BY AT LEAST SIX MEMBERS OF THE COMMISSION. THE
9 COMMISSION SHALL ESTABLISH BY RULE THE NECESSARY ELEMENTS OF
10 ELECTRONIC ATTENDANCE AT A COMMISSION HEARING.

11 (c) THE COMMISSION SHALL MAINTAIN A WEBSITE OR COMPARABLE
12 MEANS OF COMMUNICATING WITH THE PUBLIC THROUGH WHICH ANY
13 COUNTY RESIDENT MAY SUBMIT PROPOSED MAPS OR WRITTEN COMMENTS,
14 OR BOTH, WITHOUT ATTENDING A HEARING OF THE COMMISSION.

15 (d) THE COMMISSION SHALL PUBLISH ALL WRITTEN COMMENTS
16 PERTAINING TO REDISTRICTING ON ITS WEBSITE OR COMPARABLE MEANS
17 OF COMMUNICATING WITH THE PUBLIC AS WELL AS THE NAME OF THE
18 COUNTY RESIDENT SUBMITTING SUCH COMMENTS. IF THE COMMISSION OR
19 STAFF HAVE A SUBSTANTIAL BASIS TO BELIEVE THAT THE PERSON
20 SUBMITTING SUCH COMMENTS HAS NOT TRUTHFULLY OR ACCURATELY
21 IDENTIFIED HIMSELF OR HERSELF, THE COMMISSION NEED NOT CONSIDER
22 AND NEED NOT PUBLISH SUCH COMMENTS BUT MUST NOTIFY THE
23 COMMENTER IN WRITING OF THIS FACT. THE COMMISSION MAY WITHHOLD
24 COMMENTS, IN WHOLE OR IN PART, FROM THE WEBSITE OR COMPARABLE
25 MEANS OF COMMUNICATING WITH THE PUBLIC THAT DO NOT RELATE TO
26 REDISTRICTING MAPS, POLICIES, OR COMMUNITIES OF INTEREST.

27 (e) THE COMMISSION SHALL PROVIDE SIMULTANEOUS ACCESS TO

1 THE REGIONAL HEARINGS BY BROADCASTING THEM VIA ITS WEBSITE OR
2 COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC AND
3 MAINTAIN AN ARCHIVE OF SUCH HEARINGS FOR ONLINE PUBLIC REVIEW.

4 (4) (a) MEMBERS OF THE COMMISSION ARE GUARDIANS OF THE
5 PUBLIC TRUST AND ARE SUBJECT TO ANTIBRIBERY AND ABUSE OF PUBLIC
6 OFFICE REQUIREMENTS AS PROVIDED IN PARTS 3 AND 4 OF ARTICLE 8 OF
7 TITLE 18, AS AMENDED, OR ANY SUCCESSOR STATUTE.

8 (b) TO ENSURE TRANSPARENCY IN THE REDISTRICTING PROCESS:

9 (I) (A) THE COMMISSION AND THE MEMBERS OF THE COMMISSION
10 ARE SUBJECT TO OPEN MEETINGS REQUIREMENTS AS PROVIDED IN PART 4
11 OF ARTICLE 6 OF TITLE 24, AS AMENDED, OR ANY SUCCESSOR STATUTE.

12 (B) EXCEPT AS PROVIDED IN SUBSECTION (4)(b)(I)(D) OF THIS
13 SECTION, A MEMBER OF THE COMMISSION SHALL NOT COMMUNICATE WITH
14 STAFF ON THE MAPPING OF COUNTY COMMISSIONER DISTRICTS UNLESS THE
15 COMMUNICATION IS DURING A PUBLIC MEETING OR HEARING OF THE
16 COMMISSION.

17 (C) EXCEPT FOR PUBLIC INPUT AND COMMENT, STAFF SHALL NOT
18 HAVE ANY COMMUNICATIONS ABOUT THE CONTENT OR DEVELOPMENT OF
19 ANY PLAN OUTSIDE OF PUBLIC HEARINGS WITH ANYONE EXCEPT OTHER
20 STAFF MEMBERS. STAFF SHALL REPORT TO THE COMMISSION ANY ATTEMPT
21 BY ANYONE TO EXERT INFLUENCE OVER THE STAFF'S ROLE IN THE
22 DRAFTING OF PLANS.

23 (D) ONE OR MORE STAFF MAY BE DESIGNATED TO COMMUNICATE
24 WITH MEMBERS OF THE COMMISSION REGARDING ADMINISTRATIVE
25 MATTERS, THE DEFINITION AND SCOPE OF WHICH SHALL BE DETERMINED
26 BY THE COMMISSION.

27 (E) ANY MEMBER OF THE COMMISSION WHO PARTICIPATES IN A

1 COMMUNICATION PROHIBITED IN THIS SECTION MUST BE REMOVED FROM
2 THE COMMISSION, AND SUCH VACANCY MUST BE FILLED WITHIN SEVEN
3 DAYS.

4 (II) THE COMMISSION, EACH MEMBER OF THE COMMISSION, AND
5 STAFF ARE SUBJECT TO OPEN RECORDS REQUIREMENTS AS PROVIDED IN
6 PART 1 OF ARTICLE 72 OF TITLE 24, AS AMENDED, OR ANY SUCCESSOR
7 STATUTE; EXCEPT THAT MAPS IN DRAFT FORM AND NOT SUBMITTED TO THE
8 COMMISSION ARE NOT PUBLIC RECORDS SUBJECT TO DISCLOSURE. WORK
9 PRODUCT AND COMMUNICATIONS AMONG STAFF ARE SUBJECT TO
10 DISCLOSURE ONCE A PLAN IS SUBMITTED TO THE JUDICIAL PANEL.

11 (III) PERSONS WHO CONTRACT FOR OR RECEIVE COMPENSATION
12 FOR ADVOCATING TO THE COMMISSION, TO ONE OR MORE MEMBERS OF THE
13 COMMISSION, OR TO STAFF FOR THE ADOPTION OR REJECTION OF ANY MAP,
14 AMENDMENT TO A MAP, MAPPING APPROACH, OR MANNER OF COMPLIANCE
15 WITH ANY OF THE MAPPING CRITERIA SPECIFIED IN SECTION 30-10-306.3
16 ARE LOBBYISTS WHO MUST DISCLOSE TO THE SECRETARY OF STATE ANY
17 COMPENSATION CONTRACTED FOR, COMPENSATION RECEIVED, AND THE
18 PERSON OR ENTITY CONTRACTING OR PAYING FOR THEIR LOBBYING
19 SERVICES. SUCH DISCLOSURE MUST BE MADE NO LATER THAN
20 SEVENTY-TWO HOURS AFTER THE EARLIER OF EACH INSTANCE OF SUCH
21 LOBBYING OR ANY PAYMENT OF SUCH COMPENSATION. THE SECRETARY OF
22 STATE SHALL PUBLISH ON THE SECRETARY OF STATE'S WEBSITE OR
23 COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC THE NAMES
24 OF SUCH LOBBYISTS, AS WELL AS THE COMPENSATION RECEIVED AND THE
25 PERSONS OR ENTITIES FOR WHOM THEY WORK WITHIN TWENTY-FOUR
26 HOURS OF RECEIVING SUCH INFORMATION. THE SECRETARY OF STATE
27 SHALL ADOPT RULES TO FACILITATE THE COMPLETE AND PROMPT

1 REPORTING REQUIRED BY THIS SUBSECTION (4)(b)(III) AS WELL AS A
2 COMPLAINT PROCESS TO ADDRESS ANY LOBBYIST'S FAILURE TO REPORT A
3 FULL AND ACCURATE DISCLOSURE, WHICH COMPLAINT MUST BE HEARD BY
4 AN ADMINISTRATIVE LAW JUDGE, WHOSE DECISION MAY BE APPEALED TO
5 THE COURT OF APPEALS.

6 **30-10-306.3. Criteria for determination of county**
7 **commissioner districts - definition.** (1) IN ADOPTING A COUNTY
8 COMMISSIONER DISTRICT REDISTRICTING PLAN, THE COMMISSION SHALL:

9 (a) MAKE A GOOD-FAITH EFFORT TO ACHIEVE MATHEMATICAL
10 POPULATION EQUALITY BETWEEN DISTRICTS, AS REQUIRED BY THE
11 CONSTITUTION OF THE UNITED STATES, BUT IN NO EVENT SHALL THERE BE
12 MORE THAN FIVE PERCENT DEVIATION BETWEEN THE MOST POPULOUS AND
13 THE LEAST POPULOUS DISTRICT IN EACH COUNTY; AND

14 (b) COMPLY WITH THE FEDERAL "VOTING RIGHTS ACT OF 1965",
15 52 U.S.C. SEC. 10301, AS AMENDED.

16 (2) (a) AS MUCH AS IS REASONABLY POSSIBLE, THE COMMISSION'S
17 PLAN MUST PRESERVE WHOLE COMMUNITIES OF INTEREST AND WHOLE
18 POLITICAL SUBDIVISIONS, SUCH AS CITIES AND TOWNS; EXCEPT THAT A
19 DIVISION OF SUCH CITY OR TOWN IS PERMITTED WHERE, BASED ON A
20 PREPONDERANCE OF THE EVIDENCE IN THE RECORD, A COMMUNITY OF
21 INTEREST'S LEGISLATIVE ISSUES ARE MORE ESSENTIAL TO THE FAIR AND
22 EFFECTIVE REPRESENTATION OF RESIDENTS OF THE DISTRICT. WHEN THE
23 COMMISSION DIVIDES A CITY OR TOWN, IT SHALL MINIMIZE THE NUMBER OF
24 DIVISIONS OF THAT CITY OR TOWN.

25 (b) DISTRICTS MUST BE AS COMPACT AS IS REASONABLY POSSIBLE.

26 (3) (a) THEREAFTER, THE COMMISSION SHALL, TO THE EXTENT
27 POSSIBLE, MAXIMIZE THE NUMBER OF POLITICALLY COMPETITIVE

1 DISTRICTS.

2 (b) IN ITS HEARINGS IN VARIOUS LOCATIONS IN THE COUNTY, THE
3 COMMISSION SHALL SOLICIT EVIDENCE RELEVANT TO COMPETITIVENESS OF
4 ELECTIONS IN THE COUNTY AND SHALL ASSESS SUCH EVIDENCE IN
5 EVALUATING PROPOSED MAPS.

6 (c) WHEN THE COMMISSION APPROVES A PLAN, OR WHEN STAFF
7 SUBMITS A PLAN IN THE ABSENCE OF THE COMMISSION'S APPROVAL OF A
8 PLAN AS PROVIDED IN SECTION 30-10-306.4, THE STAFF SHALL, WITHIN
9 SEVENTY-TWO HOURS OF SUCH ACTION, MAKE PUBLICLY AVAILABLE, AND
10 INCLUDE IN THE COMMISSION'S RECORD, A REPORT TO DEMONSTRATE HOW
11 THE PLAN REFLECTS THE EVIDENCE PRESENTED TO, AND THE FINDINGS
12 CONCERNING, THE EXTENT TO WHICH COMPETITIVENESS IN DISTRICT
13 ELECTIONS IS FOSTERED CONSISTENT WITH THE OTHER CRITERIA SET FORTH
14 IN THIS SECTION.

15 (d) FOR PURPOSES OF THIS SUBSECTION (3), "COMPETITIVE" MEANS
16 HAVING A REASONABLE POTENTIAL FOR THE PARTY AFFILIATION OF THE
17 DISTRICT'S COUNTY COMMISSIONER TO CHANGE AT LEAST ONCE BETWEEN
18 FEDERAL DECENNIAL CENSUSES. COMPETITIVENESS MAY BE MEASURED BY
19 FACTORS SUCH AS A PROPOSED DISTRICT'S PAST ELECTION RESULTS, A
20 PROPOSED DISTRICT'S POLITICAL PARTY REGISTRATION DATA, AND
21 EVIDENCE-BASED ANALYSES OF PROPOSED DISTRICTS.

22 (4) NO MAP MAY BE APPROVED BY THE COMMISSION OR GIVEN
23 EFFECT BY THE JUDICIAL PANEL IF:

24 (a) IT HAS BEEN DRAWN FOR THE PURPOSE OF PROTECTING ONE OR
25 MORE INCUMBENT MEMBERS, OR ONE OR MORE DECLARED CANDIDATES,
26 OF THE BOARD OF COUNTY COMMISSIONERS, OR ANY POLITICAL PARTY; OR

27 (b) IT HAS BEEN DRAWN FOR THE PURPOSE OF OR RESULTS IN THE

1 DENIAL OR ABRIDGEMENT OF THE RIGHT OF ANY CITIZEN TO VOTE ON
2 ACCOUNT OF THAT PERSON'S RACE OR MEMBERSHIP IN A LANGUAGE
3 MINORITY GROUP, INCLUDING DILUTING THE IMPACT OF THAT RACIAL OR
4 LANGUAGE MINORITY GROUP'S ELECTORAL INFLUENCE.

5 **30-10-306.4. Preparation, amendment, and approval of plans**
6 **- public hearings and participation - district court review.** (1) THE

7 COMMISSION SHALL BEGIN BY CONSIDERING A PLAN FOR COUNTY
8 COMMISSIONER DISTRICTS, CREATED BY ITS STAFF ALONE, TO BE KNOWN
9 AS THE "PRELIMINARY PLAN". THE PRELIMINARY PLAN MUST BE
10 PRESENTED AND PUBLISHED ONLINE NO EARLIER THAN THIRTY DAYS AND
11 NO LATER THAN FORTY-FIVE DAYS AFTER THE COMMISSION HAS CONVENEED
12 OR THE NECESSARY CENSUS DATA ARE AVAILABLE, WHICHEVER IS LATER.
13 WITHIN THE FIRST TWENTY DAYS AFTER THE COMMISSION HAS CONVENEED,
14 ANY MEMBER OF THE PUBLIC AND ANY MEMBER OF THE COMMISSION MAY
15 SUBMIT WRITTEN COMMENTS TO STAFF ON THE CREATION OF THE
16 PRELIMINARY PLAN AND ON COMMUNITIES OF INTEREST THAT REQUIRE
17 REPRESENTATION IN ONE OR MORE SPECIFIC AREAS OF THE COUNTY. STAFF
18 SHALL CONSIDER SUCH COMMENTS IN CREATING THE PRELIMINARY PLAN,
19 AND SUCH COMMENTS SHALL BE PART OF THE RECORD OF THE
20 COMMISSION'S ACTIVITIES AND PROCEEDINGS. AT THE FIRST PUBLIC
21 HEARING AT WHICH THE PRELIMINARY PLAN IS PRESENTED, STAFF SHALL
22 EXPLAIN HOW THE PLAN WAS CREATED, HOW THE PLAN ADDRESSES THE
23 CATEGORIES OF PUBLIC COMMENTS RECEIVED, AND HOW THE PLAN
24 COMPLIES WITH THE CRITERIA PRESCRIBED IN SECTION 30-10-306.3.

25 (2) BY JULY 21 OF THE REDISTRICTING YEAR, THE COMMISSION
26 SHALL COMPLETE PUBLIC HEARINGS ON THE PRELIMINARY PLAN IN
27 SEVERAL PLACES THROUGHOUT THE COUNTY IN ACCORDANCE WITH

1 SECTION 30-10-306.2.

2 (3) SUBSEQUENT TO HEARINGS ON THE PRELIMINARY PLAN, STAFF
3 SHALL PREPARE, PUBLISH ONLINE, AND PRESENT TO THE COMMISSION NO
4 FEWER THAN THREE PLANS, EXCEPT AS PROVIDED IN SUBSECTION (5) OF
5 THIS SECTION. THESE PLANS WILL BE KNOWN AS THE "STAFF PLANS" AND
6 MUST BE NAMED AND NUMBERED SEQUENTIALLY FOR PURPOSES OF
7 SUBSECTION (6) OF THIS SECTION. STAFF PLANS MUST BE PREPARED,
8 PUBLISHED ONLINE, AND PRESENTED IN ACCORDANCE WITH A TIMETABLE
9 ESTABLISHED BY THE COMMISSION; EXCEPT THAT EACH STAFF PLAN MUST
10 BE PRESENTED TO THE COMMISSION NO FEWER THAN TEN DAYS AFTER THE
11 PRESENTATION OF ANY PREVIOUS STAFF PLAN, AND NO FEWER THAN
12 TWENTY-FOUR HOURS AFTER IT HAS BEEN PUBLISHED ONLINE. IF THE
13 COMMISSION FAILS TO ESTABLISH A TIMETABLE FOR THE PRESENTATION OF
14 STAFF PLANS WITHIN TEN DAYS AFTER THE COMPLETION OF HEARINGS ON
15 THE PRELIMINARY PLAN, STAFF SHALL ESTABLISH SUCH TIMETABLE. STAFF
16 SHALL KEEP EACH PLAN CONFIDENTIAL UNTIL IT IS PUBLISHED ONLINE OR
17 BY A COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC USING
18 GENERALLY AVAILABLE TECHNOLOGIES. THE COMMISSION MAY PROVIDE
19 DIRECTION, IF APPROVED BY AT LEAST SIX MEMBERS OF THE COMMISSION
20 INCLUDING AT LEAST ONE COMMISSIONER UNAFFILIATED WITH ANY
21 POLITICAL PARTY, FOR THE DEVELOPMENT OF STAFF PLANS THROUGH THE
22 ADOPTION OF STANDARDS, GUIDELINES, OR METHODOLOGIES TO WHICH
23 STAFF SHALL ADHERE, INCLUDING STANDARDS, GUIDELINES, OR
24 METHODOLOGIES TO BE USED TO EVALUATE A PLAN'S COMPETITIVENESS,
25 CONSISTENT WITH SECTION 30-10-306.3 (3)(d). IN PREPARING ALL STAFF
26 PLANS, STAFF SHALL ALSO CONSIDER PUBLIC TESTIMONY AND PUBLIC
27 COMMENTS RECEIVED BY THE COMMISSION THAT ARE CONSISTENT WITH

1 THE CRITERIA SPECIFIED IN SECTION 30-10-306.3.

2 (4) ANY MEMBER OF THE COMMISSION OR GROUP OF MEMBERS OF
3 THE COMMISSION MAY REQUEST STAFF TO PREPARE ADDITIONAL PLANS OR
4 AMENDMENTS TO PLANS. ANY SUCH REQUEST MUST BE MADE IN A PUBLIC
5 HEARING OF THE COMMISSION BUT DOES NOT REQUIRE COMMISSION
6 APPROVAL. PLANS OR AMENDMENTS DEVELOPED IN RESPONSE TO SUCH
7 REQUESTS ARE SEPARATE FROM STAFF PLANS FOR PURPOSES OF
8 SUBSECTION (6) OF THIS SECTION.

9 (5) (a) THE COMMISSION MAY ADOPT A FINAL PLAN AT ANY TIME
10 AFTER PRESENTATION OF THE FIRST STAFF PLANS, IN WHICH CASE STAFF
11 DOES NOT NEED TO PREPARE OR PRESENT ADDITIONAL STAFF PLANS.

12 (b) NO LATER THAN SEPTEMBER 15 OF THE REDISTRICTING YEAR,
13 THE COMMISSION SHALL ADOPT A FINAL PLAN, WHICH MUST THEN BE
14 SUBMITTED TO THE JUDICIAL PANEL FOR ITS REVIEW AND DETERMINATION
15 IN ACCORDANCE WITH SUBSECTION (7) OF THIS SECTION.

16 (c) THE COMMISSION MAY ADJUST THE DEADLINES SPECIFIED IN
17 THIS SECTION IF CONDITIONS OUTSIDE OF THE COMMISSION'S CONTROL
18 REQUIRE SUCH AN ADJUSTMENT TO ENSURE ADOPTING A FINAL PLAN AS
19 REQUIRED BY THIS SUBSECTION (5).

20 (d) THE COMMISSION MAY GRANT ITS STAFF THE AUTHORITY TO
21 MAKE TECHNICAL DE MINIMIS ADJUSTMENTS TO THE ADOPTED PLAN PRIOR
22 TO THEIR SUBMISSION TO THE JUDICIAL PANEL.

23 (6) IF, FOR ANY REASON, THE COMMISSION DOES NOT ADOPT A
24 FINAL PLAN BY THE DATE SPECIFIED IN SUBSECTION (5) OF THIS SECTION,
25 THEN STAFF SHALL SUBMIT THE UNAMENDED THIRD STAFF PLAN TO THE
26 JUDICIAL PANEL FOR REVIEW PURSUANT TO SUBSECTION (7) OF THIS
27 SECTION.

1 (7) (a) A JUDICIAL PANEL, PURSUANT TO SUBSECTION (7)(b) OF
2 THIS SECTION, SHALL REVIEW THE SUBMITTED PLAN AND DETERMINE
3 WHETHER THE PLAN COMPLIES WITH THE CRITERIA LISTED IN SECTION
4 30-10-306.3. THE JUDICIAL PANEL'S REVIEW AND DETERMINATION SHALL
5 TAKE PRECEDENCE OVER OTHER MATTERS BEFORE THE JUDICIAL DISTRICT.
6 THE JUDICIAL PANEL SHALL ADOPT RULES FOR SUCH PROCEEDINGS AND
7 FOR THE PRODUCTION AND PRESENTATION OF SUPPORTIVE EVIDENCE FOR
8 SUCH PLAN. ANY LEGAL ARGUMENTS CONCERNING SUCH PLAN SHALL BE
9 SUBMITTED TO THE JUDICIAL PANEL PURSUANT TO THE SCHEDULE
10 ESTABLISHED BY THE JUDICIAL PANEL.

11 (b) THE JUDICIAL PANEL THAT CONDUCTS THE REVIEW OF THE
12 COMMISSION-APPROVED PLAN SHALL CONSIST OF THREE DISTRICT COURT
13 JUDGES DESIGNATED BY THE CHIEF JUDGE OF THE JUDICIAL DISTRICT THAT
14 CONTAINS THE COUNTY. THE CHIEF JUDGE SHALL SELECT ONLY THOSE
15 DISTRICT COURT JUDGES WHO ARE REGULARLY SITTING JUDGES.

16 (c) THE JUDICIAL PANEL SHALL APPROVE THE PLAN SUBMITTED
17 UNLESS IT FINDS THAT THE COMMISSION OR STAFF, IN THE CASE OF A STAFF
18 PLAN SUBMITTED IN THE ABSENCE OF A COMMISSION-APPROVED PLAN,
19 ABUSED ITS DISCRETION IN APPLYING OR FAILING TO APPLY THE CRITERIA
20 LISTED IN SECTION 30-10-306.3, IN LIGHT OF THE RECORD BEFORE THE
21 COMMISSION. THE JUDICIAL PANEL MAY CONSIDER ANY MAPS SUBMITTED
22 TO THE COMMISSION IN ASSESSING WHETHER THE COMMISSION OR STAFF,
23 IN THE CASE OF A STAFF PLAN SUBMITTED IN THE ABSENCE OF A
24 COMMISSION-APPROVED PLAN, ABUSED ITS DISCRETION.

25 (d) IF THE JUDICIAL PANEL DETERMINES THAT THE SUBMITTED
26 PLAN CONSTITUTES AN ABUSE OF DISCRETION IN APPLYING OR FAILING TO
27 APPLY THE CRITERIA LISTED IN SECTION 30-10-306.3, IN LIGHT OF THE

1 RECORD BEFORE THE COMMISSION, THE JUDICIAL PANEL SHALL RETURN
2 THE PLAN TO THE COMMISSION WITH THE JUDICIAL PANEL'S REASONS FOR
3 DISAPPROVAL.

4 (e) (I) BY NOVEMBER 15 OF THE REDISTRICTING YEAR, THE
5 JUDICIAL PANEL SHALL APPROVE OR RETURN TO THE COMMISSION THE
6 SUBMITTED PLAN.

7 (II) IF THE JUDICIAL PANEL RETURNS THE PLAN TO THE
8 COMMISSION, THE COMMISSION SHALL HAVE TWELVE DAYS TO HOLD A
9 COMMISSION HEARING THAT INCLUDES PUBLIC TESTIMONY AND TO RETURN
10 AN ADOPTED PLAN THAT RESOLVES THE JUDICIAL PANEL'S REASONS FOR
11 DISAPPROVAL.

12 (III) IF THE COMMISSION FAILS TO ADOPT AND RETURN A PLAN TO
13 THE JUDICIAL PANEL WITHIN TWELVE DAYS, STAFF SHALL HAVE AN
14 ADDITIONAL THREE DAYS TO PREPARE A PLAN THAT RESOLVES THE
15 JUDICIAL PANEL'S REASONS FOR DISAPPROVAL AND RETURN IT TO THE
16 COURT FOR APPROVAL.

17 (IV) THE JUDICIAL PANEL SHALL REVIEW THE REVISED PLAN IN
18 ACCORDANCE WITH SUBSECTIONS (7)(b) TO (7)(d) OF THIS SECTION.

19 (f) THE JUDICIAL PANEL SHALL APPROVE A PLAN FOR THE
20 REDRAWING OF COUNTY COMMISSIONER DISTRICTS NO LATER THAN
21 DECEMBER 29 OF THE REDISTRICTING YEAR. THE JUDICIAL PANEL SHALL
22 ORDER THAT SUCH PLAN BE FILED WITH THE BOARD OF COUNTY
23 COMMISSIONERS NO LATER THAN SUCH DATE.

24 **SECTION 4.** In Colorado Revised Statutes, 30-10-306.5, **amend**
25 (2), (3)(b), (5)(b), (5)(c), (6)(b), and (6)(c) as follows:

26 **30-10-306.5. Procedure to increase number of county**
27 **commissioners.** (2) Subject to referral as provided in this subsection (2),

1 a board of county commissioners may pass a resolution increasing its
2 membership to five members and designating not fewer than two of the
3 methods of election set forth in subsection (5) or (6) of this section. The
4 resolution shall be referred to the registered electors of the county at a
5 general election. If a majority of votes cast are in favor of the referred
6 resolution, the board of county commissioners shall take such action as
7 is necessary to assure that the increased number of county commissioners
8 are elected, ~~at the next general election~~ according to the procedure for
9 election contained in the referred resolution ~~which~~ THAT received the
10 largest number of votes cast, EITHER AT THE FIRST GENERAL ELECTION
11 MORE THAN ONE YEAR AFTER A PANEL OF THREE DISTRICT COURT JUDGES
12 HAS SUBMITTED THE FINAL PLAN OF THE INDEPENDENT COUNTY
13 COMMISSIONER REDISTRICTING COMMISSION TO THE BOARD OF COUNTY
14 COMMISSIONERS IN ACCORDANCE WITH SECTION 30-10-306.4, OR IF SUCH
15 A PLAN IS NOT REQUIRED, AT THE NEXT GENERAL ELECTION.

16 (3) (b) If a majority of the votes cast on a question placed on the
17 ballot pursuant to ~~paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a)
18 OF THIS SECTION are in favor of increasing the membership, the board of
19 county commissioners shall pass a resolution increasing the membership
20 to five members and providing for the election of the increased number
21 of county commissioners, ~~at the next general election~~ according to the
22 procedure for election specified in such question ~~which~~ THAT received the
23 largest number of votes cast, EITHER AT THE FIRST GENERAL ELECTION
24 MORE THAN ONE YEAR AFTER A PANEL OF THREE DISTRICT COURT JUDGES
25 HAS SUBMITTED THE FINAL PLAN OF THE INDEPENDENT COUNTY
26 COMMISSIONER REDISTRICTING COMMISSION TO THE BOARD OF COUNTY
27 COMMISSIONERS IN ACCORDANCE WITH SECTION 30-10-306.4, OR IF SUCH

1 A PLAN IS NOT REQUIRED, AT THE NEXT GENERAL ELECTION.

2 (5) (b) If the first general election after the voters' approval of
3 such increase OR, IF APPLICABLE, THE LATER OF EITHER THE FIRST
4 GENERAL ELECTION AFTER THE VOTERS' APPROVAL OF SUCH INCREASE OR
5 MORE THAN ONE YEAR AFTER A PANEL OF THREE DISTRICT COURT JUDGES
6 HAS SUBMITTED THE FINAL PLAN OF THE INDEPENDENT COUNTY
7 COMMISSIONER REDISTRICTING COMMISSION TO THE BOARD OF COUNTY
8 COMMISSIONERS IN ACCORDANCE WITH SECTION 30-10-306.4, is held in
9 1976 or any fourth year thereafter, two members resident in districts and
10 one at-large member shall be elected to four-year terms at said election,
11 and one at-large member shall be elected to fill the vacancy until the next
12 general election, and two members, one resident in a district and one at
13 large, shall be elected to four-year terms at said next general election.
14 Thereafter, three members, two resident in districts and one at large, shall
15 be elected at the general elections ~~which~~ THAT occur each four years after
16 the first general election following such resolution OR, IF APPLICABLE, THE
17 LATER OF EITHER THE FIRST GENERAL ELECTION FOLLOWING SUCH
18 RESOLUTION OR MORE THAN ONE YEAR AFTER A PANEL OF THREE DISTRICT
19 COURT JUDGES HAS SUBMITTED THE FINAL PLAN OF THE INDEPENDENT
20 COUNTY COMMISSIONER REDISTRICTING COMMISSION TO THE BOARD OF
21 COUNTY COMMISSIONERS IN ACCORDANCE WITH SECTION 30-10-306.4, and
22 two members, one resident in a district and one at large, shall be elected
23 at the general election ~~which~~ THAT occurs two years after ~~the first~~ SUCH
24 general election ~~following such resolution~~ and every fourth year
25 thereafter.

26 (c) If the first general election after the voters' approval of such
27 increase OR, IF APPLICABLE, THE LATER OF EITHER THE FIRST GENERAL

1 ELECTION AFTER THE VOTERS' APPROVAL OF SUCH INCREASE OR MORE
2 THAN ONE YEAR AFTER A PANEL OF THREE DISTRICT COURT JUDGES HAS
3 SUBMITTED THE FINAL PLAN OF THE INDEPENDENT COUNTY COMMISSIONER
4 REDISTRICTING COMMISSION TO THE BOARD OF COUNTY COMMISSIONERS
5 IN ACCORDANCE WITH SECTION 30-10-306.4, is held in 1978 or any fourth
6 year thereafter, two members, one resident in a district and one AT-LARGE,
7 shall be elected to four-year terms at said election, and one at-large
8 member shall be elected to fill the vacancy until the next general election,
9 and three members, two resident in districts and one at large, shall be
10 elected to four-year terms at said next general election. Thereafter, two
11 members, one resident in a district and one at large, shall be elected at the
12 general elections ~~which~~ THAT occurs each four years after the first general
13 election following such resolution OR, IF APPLICABLE, THE LATER OF
14 EITHER THE FIRST GENERAL ELECTION FOLLOWING SUCH RESOLUTION OR
15 MORE THAN ONE YEAR AFTER A PANEL OF THREE DISTRICT COURT JUDGES
16 HAS SUBMITTED THE FINAL PLAN OF THE INDEPENDENT COUNTY
17 COMMISSIONER REDISTRICTING COMMISSION TO THE BOARD OF COUNTY
18 COMMISSIONERS IN ACCORDANCE WITH SECTION 30-10-306.4, and three
19 members, two resident in districts and one at large, shall be elected at the
20 general election ~~which~~ THAT occurs two years after ~~the first~~ SUCH general
21 election ~~following such resolution~~ and every fourth year thereafter.

22 (6) (b) If the first general election after the voters' approval of
23 such increase OR, IF APPLICABLE, THE LATER OF EITHER THE FIRST
24 GENERAL ELECTION AFTER THE VOTERS' APPROVAL OF SUCH INCREASE OR
25 MORE THAN ONE YEAR AFTER A PANEL OF THREE DISTRICT COURT JUDGES
26 HAS SUBMITTED THE FINAL PLAN OF THE INDEPENDENT COUNTY
27 COMMISSIONER REDISTRICTING COMMISSION TO THE BOARD OF COUNTY

1 COMMISSIONERS IN ACCORDANCE WITH SECTION 30-10-306.4, is held in
2 1982 or any fourth year thereafter, two members resident in districts shall
3 be elected to four-year terms at said election, and one member resident in
4 a district shall be elected to fill the vacancy until the next general election,
5 and three members resident in districts shall be elected to four-year terms
6 at said next general election. Thereafter, two members resident in districts
7 shall be elected at the general elections ~~which~~ THAT occur each four years
8 after the first general election following such resolution OR, IF
9 APPLICABLE, THE LATER OF EITHER THE FIRST GENERAL ELECTION
10 FOLLOWING SUCH RESOLUTION OR MORE THAN ONE YEAR AFTER A PANEL
11 OF THREE DISTRICT COURT JUDGES HAS SUBMITTED THE FINAL PLAN OF THE
12 INDEPENDENT COUNTY COMMISSIONER REDISTRICTING COMMISSION TO
13 THE BOARD OF COUNTY COMMISSIONERS IN ACCORDANCE WITH SECTION
14 30-10-306.4, and three members resident in districts shall be elected at
15 the general election ~~which~~ THAT occurs two years after ~~the first~~ SUCH
16 general election ~~following such resolution~~ and every fourth year
17 thereafter.

18 (c) If the first general election after the voters' approval of such
19 increase OR, IF APPLICABLE, THE LATER OF EITHER THE FIRST GENERAL
20 ELECTION AFTER THE VOTERS' APPROVAL OF SUCH INCREASE OR MORE
21 THAN ONE YEAR AFTER A PANEL OF THREE DISTRICT COURT JUDGES HAS
22 SUBMITTED THE FINAL PLAN OF THE INDEPENDENT COUNTY COMMISSIONER
23 REDISTRICTING COMMISSION TO THE BOARD OF COUNTY COMMISSIONERS
24 IN ACCORDANCE WITH SECTION 30-10-306.4, is held in 1984 or any fourth
25 year thereafter, three members resident in districts shall be elected to
26 four-year terms at said election, and one member resident in a district
27 shall be elected to fill the vacancy until the next general election, and two

1 members resident in districts shall be elected to four-year terms at said
2 next general election. Thereafter, three members resident in districts shall
3 be elected at the general elections ~~which~~ THAT occur each four years after
4 the first general election following such resolution OR, IF APPLICABLE, THE
5 LATER OF EITHER THE FIRST GENERAL ELECTION FOLLOWING SUCH
6 RESOLUTION OR MORE THAN ONE YEAR AFTER A PANEL OF THREE DISTRICT
7 COURT JUDGES HAS SUBMITTED THE FINAL PLAN OF THE INDEPENDENT
8 COUNTY COMMISSIONER REDISTRICTING COMMISSION TO THE BOARD OF
9 COUNTY COMMISSIONERS IN ACCORDANCE WITH SECTION 30-10-306.4, and
10 two members resident in districts shall be elected at the general election
11 ~~which~~ THAT occurs two years after ~~the first~~ SUCH general election
12 ~~following such resolution~~ and every fourth year thereafter.

13 **SECTION 5.** In Colorado Revised Statutes, 30-10-306.7, **amend**
14 (2)(b) and (5)(a) as follows:

15 **30-10-306.7. Procedure for electing county commissioners.**

16 (2) (b) The registered electors of such a county may, either by
17 referendum or by initiative, decrease the members of the board of county
18 commissioners from five to three. In such case, the term of office of all
19 members serving on the board shall expire at the time the next duly
20 elected board OF ONLY THREE COUNTY COMMISSIONERS takes the oath of
21 office ~~following the first general election after the voters' approval of~~
22 ~~such decrease~~, and three new members shall be elected in accordance
23 with sections 1-4-205 (2) ~~C.R.S.~~, and 30-10-306. Two seats, as
24 determined by lot, shall be elected for four-year terms and the remaining
25 seat shall be elected for a two-year term of office in accordance with
26 sections 1-4-205 (2) ~~C.R.S.~~, and 30-10-306. The county clerk and
27 recorder shall make any necessary changes to effectuate the decrease in

1 membership.

2 (5) (a) If a majority of the votes cast on the question are in favor
3 of changing the method of electing the five commissioners or providing
4 for three commissioners, as provided in ~~subparagraph (H) or~~
5 ~~subparagraph (III) of paragraph (a) of subsection (2)~~ SUBSECTION
6 (2)(a)(II) OR (2)(a)(III) of this section, EITHER NONE, SOME, OR ALL OF THE
7 COMMISSIONERS WILL BE ELECTED BY THE VOTERS OF THE WHOLE
8 COUNTY:

9 (I) IF NONE OF THE COMMISSIONERS WILL BE ELECTED BY THE
10 VOTERS OF THE WHOLE COUNTY, the board of county commissioners shall
11 change the boundaries of the commissioner districts ~~so as to create three~~
12 ~~districts as nearly equal in population as possible based on the most recent~~
13 ~~federal census of the United States minus the number of persons serving~~
14 ~~a sentence of detention or confinement in any correctional facility in the~~
15 ~~county as indicated in the statistical report of the department of~~
16 ~~corrections for the most recent fiscal year. The districts shall be numbered~~
17 ~~consecutively and shall not be subject to alteration more often than once~~
18 ~~every two years; except that, notwithstanding section 30-10-306 (3), the~~
19 ~~board may alter the districts to conform to precinct boundaries that are~~
20 ~~changed in accordance with section 1-5-103 (1), C.R.S., based on the~~
21 ~~division of the state into congressional districts or an approved plan for~~
22 ~~reapportionment of the members of the general assembly when necessary~~
23 ~~to ensure that no precinct is located in more than one district. All other~~
24 ~~provisions of sections 1-4-205 (3)(a), C.R.S., and 30-10-306 (2) and (3)~~
25 ~~relating to the method of electing members, as provided in this paragraph~~
26 ~~(a), shall be applicable; except that, when districts are created, such~~
27 ~~changes shall be completed by July 1 of the odd-numbered year~~

1 ~~immediately preceding the general election.~~ IN ACCORDANCE WITH THE
2 PROCEDURES OF SECTIONS 30-10-306 (1) AND (4); AND

3 (II) IF SOME OR ALL OF THE COMMISSIONERS IN A COUNTY WILL BE
4 ELECTED BY THE VOTERS OF THE WHOLE COUNTY, THE BOARD OF COUNTY
5 COMMISSIONERS SHALL CHANGE THE BOUNDARIES OF THE COMMISSIONER
6 DISTRICTS IN ACCORDANCE WITH THE PROCEDURES OF SECTION 30-10-306
7 (2).

8 **SECTION 6.** In Colorado Revised Statutes, 1-5-101, **amend** (3);
9 **repeal** (2); and **add** (7) as follows:

10 **1-5-101. Establishing precincts and polling places for partisan**
11 **elections.** (2) ~~In counties that use paper ballots, the county clerk and~~
12 ~~recorder, subject to approval by the board of county commissioners, shall~~
13 ~~establish at least one precinct for every six hundred active eligible~~
14 ~~electors, with boundaries that take into consideration municipal and~~
15 ~~school district boundary lines whenever possible. However, the county~~
16 ~~clerk and recorder, subject to approval by the board of county~~
17 ~~commissioners, may establish one precinct for every seven hundred fifty~~
18 ~~active eligible electors.~~

19 (3) In a county that uses an electronic or electromechanical voting
20 system, the county clerk and recorder, subject to approval by the board of
21 county commissioners, shall establish at least one precinct for every one
22 thousand five hundred active eligible electors IN THE COUNTY AT THE
23 TIME OF THE MOST RECENT FEDERAL DECENNIAL CENSUS, SO LONG AS NO
24 PRECINCT HAS MORE THAN FOUR THOUSAND ELIGIBLE ELECTORS AT ANY
25 TIME. However, the county clerk and recorder, subject to approval by the
26 board, may establish one precinct for every two thousand active eligible
27 electors IN THE COUNTY AT THE TIME OF THE MOST RECENT FEDERAL

1 DECENNIAL CENSUS, SO LONG AS NO PRECINCT HAS MORE THAN FOUR
2 THOUSAND ELIGIBLE ELECTORS AT ANY TIME.

3 (7) IN ANY COUNTY THAT HAS ANY NUMBER OF ITS COUNTY
4 COMMISSIONERS NOT ELECTED BY THE VOTERS OF THE WHOLE COUNTY,
5 THE COUNTY CLERK AND RECORDER MAY ALTER THE PRECINCT
6 BOUNDARIES WHEN NECESSARY TO ENSURE THAT NO PRECINCT IS LOCATED
7 IN MORE THAN ONE COUNTY COMMISSIONER DISTRICT.

8 **SECTION 7. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly (August
11 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
12 referendum petition is filed pursuant to section 1 (3) of article V of the
13 state constitution against this act or an item, section, or part of this act
14 within such period, then the act, item, section, or part will not take effect
15 unless approved by the people at the general election to be held in
16 November 2020 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.