

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 21-0131.02 Pierce Lively x2059

HOUSE BILL 21-1047

HOUSE SPONSORSHIP

Kennedy,

SENATE SPONSORSHIP

(None),

House Committees

State, Civic, Military, & Veterans 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 establishes the process used by 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. In these counties, the bill:

- Requires the commissions to hold multiple hearings

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.

throughout the relevant counties that are broadcast and stored online and comply with state statutes regarding open meetings;

- Requires the commission to provide the opportunity for public involvement by providing the ability to propose and comment on maps and to testify at commission hearings both in person and electronically;
- Prohibits improper communication between a member of the commission and the staff of the commission;
- Mandates that paid lobbying of the commissions be disclosed to the secretary of state by the lobbyist;
- 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 incumbent members, or one or more declared candidates, of the board of county commissioners, or any 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 the commission to approve a redistricting map and specifies the date by which a final map must be approved;
- Specifies that the 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 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 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 recommends that counties establish independent county commissioner redistricting commissions and provides criteria to consider when creating these independent commissions.

The bill aligns the redistricting population data used to establish county commissioner districts with the redistricting population data used to establish congressional districts, state house of representative districts,

and state senate districts.

The bill also requires that, in a county where any number of county commissioners are not elected by the voters of the whole county and the board of county commissioners refers a measure to the voters of the county to change the method of electing county commissioners, the referred measure must provide at least 2 different methods of electing county commissioners.

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

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

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

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

19 (e) In the 2018 legislative session, the general assembly
20 unanimously supported two referred measures, Amendments Y and Z,

1 that reflected a bipartisan compromise to ensure fair redistricting of
2 congressional districts, state house of representative districts, and state
3 senate districts;

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

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

8 (h) Most Colorado counties elect their commissioners by the
9 voters of the whole county, but counties with populations over seventy
10 thousand are allowed to increase from three to five commissioners and
11 elect some or all of their commissioners by the voters of individual
12 districts; and

13 (i) While current law imposes very few limitations on how county
14 commissioner districts are to be drawn, it is of statewide interest that
15 voters in every Colorado county are empowered to elect commissioners
16 who will reflect the communities within the county and who will be
17 responsive and accountable to them.

18 (2) By enacting House Bill 21-1047, the general assembly intends
19 to ensure that counties that elect some or all of their commissioners by the
20 voters of individual districts are held to the same high standards that
21 Amendments Y and Z require of redistricting for congressional districts,
22 state house of representative districts, and state senate districts, including
23 fair criteria for drawing of districts, plans drawn by nonpartisan staff,
24 robust public participation, and where practicable, independent
25 commissions.

26 **SECTION 2.** In Colorado Revised Statutes, amend 30-10-306 as
27 follows:

1 **30-10-306. Commissioners' districts - vacancies - definitions.**

2 (1) Each county ~~shall~~ MUST be divided into three compact districts by the
3 board of county commissioners. Each district ~~shall~~ MUST be as nearly
4 equal in population as possible based on the ~~most recent federal census~~
5 ~~of the United States minus the number of persons serving a sentence of~~
6 ~~detention or confinement in any correctional facility in the county as~~
7 ~~indicated in the statistical report of the department of corrections for the~~
8 ~~most recent fiscal year~~ REDISTRICTING POPULATION DATA PREPARED BY
9 STAFF OF THE LEGISLATIVE COUNCIL AND OFFICE OF LEGISLATIVE LEGAL
10 SERVICES, OR ANY SUCCESSOR OFFICES, IN ACCORDANCE WITH SECTION
11 2-2-902. IN NO EVENT SHALL THERE BE MORE THAN FIVE PERCENT
12 DEVIATION BETWEEN THE MOST POPULOUS AND THE LEAST POPULOUS
13 DISTRICT IN EACH COUNTY, AT THE TIME SUCH DISTRICT BOUNDARIES ARE
14 ADOPTED. Each district ~~shall~~ MUST be numbered consecutively and ~~shall~~
15 MUST not be subject to alteration more often than once every two years.
16 One ~~commissioner shall~~ COUNTY COMMISSIONER MUST be elected from
17 each of such districts by the voters of the whole county. If any COUNTY
18 commissioner, during his or her term of office, moves from the district in
19 which he or she resided when elected, his or her office ~~shall~~ thereupon
20 ~~become~~ BECOMES vacant. All proceedings by the board of county
21 commissioners in formation of such districts not inconsistent with this
22 section are confirmed and validated.

23 (2) Each county having a population of seventy thousand or more
24 that has chosen to increase the members of the board of county
25 commissioners from three to five must be divided into three or five
26 districts by the board of county commissioners according to the method
27 of election described in section 30-10-306.5 (5) or (6) or section

1 30-10-306.7. WHEN APPLICABLE, THE BOARD OF COUNTY COMMISSIONERS
2 SHALL DIVIDE THE COUNTY INTO DISTRICTS IN ACCORDANCE WITH THE
3 FINAL REDISTRICTING PLAN APPROVED [REDACTED] IN ACCORDANCE WITH SECTION
4 30-10-306.4. The districts must be as nearly equal in population as
5 possible based on the ~~most recent federal census of the United States~~
6 ~~minus the number of persons serving a sentence of detention or~~
7 ~~confinement in any correctional facility in the county as indicated in the~~
8 ~~statistical report of the department of corrections for the most recent fiscal~~
9 ~~year~~ REDISTRICTING POPULATION DATA PREPARED BY STAFF OF THE
10 LEGISLATIVE COUNCIL AND OFFICE OF LEGISLATIVE LEGAL SERVICES, OR
11 ANY SUCCESSOR OFFICES, IN ACCORDANCE WITH SECTION 2-2-902. IN NO
12 EVENT SHALL THERE BE MORE THAN FIVE PERCENT DEVIATION BETWEEN
13 THE MOST POPULOUS AND THE LEAST POPULOUS DISTRICT IN EACH
14 COUNTY, AT THE TIME SUCH DISTRICT BOUNDARIES ARE ADOPTED. Each
15 district must be numbered consecutively and is not subject to alteration
16 more often than once every two years; except that, notwithstanding
17 subsection (3) of this section, the board may alter the districts to conform
18 to precinct boundaries that are changed in accordance with section
19 1-5-103 (1), based on the division of the state into congressional districts
20 or an approved plan for redistricting of the members of the general
21 assembly when necessary to ensure that no precinct is located in more
22 than one district. COUNTY commissioners are elected at large or from
23 districts according to the method of election described in section
24 30-10-306.5 (5) or (6) or section 30-10-306.7. If any COUNTY
25 commissioner required to be resident in a district moves during his or her
26 term of office from the district in which he or she resided when elected,
27 his or her office thereupon becomes vacant. All proceedings by the board

1 of county commissioners in formation of such districts not inconsistent
2 with this section are confirmed and validated.

3 (3) When a board of county commissioners determines to change
4 the boundaries of commissioner districts or when new districts are
5 created, such changes or additions ~~shall~~ MUST be made only in
6 odd-numbered years and, if made, ~~shall~~ MUST be completed by July 1 of
7 such year, except in cases of changes resulting from EITHER changes in
8 county boundaries OR FROM A FINAL REDISTRICTING PLAN [REDACTED] IN
9 ACCORDANCE WITH SECTION 30-10-306.4.

10 (4) Notwithstanding subsections (1) to (3) of this section, after
11 each federal census of the United States, each COMMISSIONER district
12 ~~shall~~ MUST be established, revised, or altered to assure that such districts
13 ~~shall be~~ ARE as nearly equal in population as possible based on ~~such~~
14 ~~census minus the number of persons serving a sentence of detention or~~
15 ~~confinement in any correctional facility in the county as indicated in the~~
16 ~~statistical report of the department of corrections for the most recent fiscal~~
17 ~~year~~ THE REDISTRICTING POPULATION DATA PREPARED BY STAFF OF THE
18 LEGISLATIVE COUNCIL AND OFFICE OF LEGISLATIVE LEGAL SERVICES, OR
19 ANY SUCCESSOR OFFICES, IN ACCORDANCE WITH SECTION 2-2-902. IN NO
20 EVENT SHALL THERE BE MORE THAN FIVE PERCENT DEVIATION BETWEEN
21 THE MOST POPULOUS AND THE LEAST POPULOUS DISTRICT IN EACH
22 COUNTY, AT THE TIME SUCH DISTRICT BOUNDARIES ARE ADOPTED. The
23 establishment, revision, or alteration of districts required by this
24 subsection (4) ~~shall~~ MUST be completed by September 30 of the
25 odd-numbered year following such census, UNLESS THE COUNTY IS
26 REQUIRED, PURSUANT TO 30-10-306.1 (1), TO ADOPT A FINAL
27 REDISTRICTING PLAN [REDACTED] IN ACCORDANCE WITH SECTION 30-10-306.4.

1 (5) No less than thirty days before adopting any resolution to
2 change the boundaries of commissioner districts, or create new
3 commissioner districts, UNLESS THE BOARD OF COUNTY COMMISSIONERS
4 IS MAKING SUCH CHANGES IN ACCORDANCE WITH A FINAL REDISTRICTING
5 PLAN IN ACCORDANCE WITH SECTION 30-10-306.4, the board of county
6 commissioners shall hold a public hearing on the proposed district
7 boundaries.

8 (6) AS USED IN THIS SECTION AND SECTIONS 30-10-306.1 TO
9 30-10-306.4, UNLESS THE CONTEXT OTHERWISE REQUIRES:

10 (a) "COMMISSION" MEANS A COUNTY COMMISSIONER DISTRICT
11 REDISTRICTING COMMISSION, WHETHER THE COMMISSION IS AN
12 INDEPENDENT COUNTY COMMISSIONER DISTRICT REDISTRICTING
13 COMMISSION OR NOT. A COUNTY COMMISSIONER DISTRICT REDISTRICTING
14 COMMISSION CAN BE MADE UP SOLELY OF THE MEMBERS OF A COUNTY'S
15 BOARD OF COUNTY COMMISSIONERS.

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

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

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

26 (B) SHARED PUBLIC POLICY CONCERNS SUCH AS EDUCATION,
27 EMPLOYMENT, ENVIRONMENT, PUBLIC HEALTH, TRANSPORTATION, WATER

1 NEEDS AND SUPPLIES, AND ISSUES OF DEMONSTRABLE REGIONAL
2 SIGNIFICANCE.

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

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

11 (c) "INDEPENDENT COMMISSION" MEANS AN INDEPENDENT COUNTY
12 COMMISSIONER DISTRICT REDISTRICTING COMMISSION CREATED IN
13 ACCORDANCE WITH SECTION 30-10-306.1 (2).

14 (d) "PLAN" MEANS A DEPICTION OF THE BOUNDARIES OF COUNTY
15 COMMISSIONER DISTRICTS.

16 (e) "POPULATION" MEANS THE TOTAL POPULATION DATA
17 REFERENCED IN SECTION 2-2-901 AND PREPARED BY THE STAFF OF THE
18 LEGISLATIVE COUNCIL AND OFFICE OF LEGISLATIVE LEGAL SERVICES, OR
19 ANY SUCCESSOR OFFICES, IN ACCORDANCE WITH SECTION 2-2-902 (4).

20 (f) "RACE" OR "RACIAL" MEANS A CATEGORY OF RACE OR ETHNIC
21 ORIGIN DOCUMENTED IN THE FEDERAL DECENNIAL CENSUS.

22 (g) "REDISTRICTING YEAR" MEANS THE YEAR FOLLOWING THE
23 YEAR IN WHICH THE FEDERAL DECENNIAL CENSUS IS TAKEN OR THE YEAR
24 FOLLOWING A COUNTY ELECTING TO HAVE ANY NUMBER OF ITS COUNTY
25 COMMISSIONERS NOT ELECTED BY THE VOTERS OF THE WHOLE COUNTY.

26 (h) "STAFF" MEANS THE NONPARTISAN STAFF OF THE COUNTY WHO
27 ARE ASSIGNED TO ASSIST THE COMMISSION BY THE BOARD OF COUNTY

1 COMMISSIONERS AND, IF APPLICABLE, ANY ADVISORY COMMITTEE
2 APPOINTED IN ACCORDANCE WITH SECTION 30-10-306.2 (1).

3 **SECTION 3.** In Colorado Revised Statutes, **add** 30-10-306.1,
4 30-10-306.2, 30-10-306.3, and 30-10-306.4 as follows:

5 **30-10-306.1. Commission created - commission composition**
6 **and appointment.** (1) THE BOARD OF COUNTY COMMISSIONERS IN EACH
7 OF THE FOLLOWING COUNTIES MUST DESIGNATE A COUNTY COMMISSIONER
8 DISTRICT REDISTRICTING COMMISSION, AND ARE ENCOURAGED TO
9 CONVENE AN INDEPENDENT COUNTY COMMISSIONER DISTRICT
10 REDISTRICTING COMMISSION, IN ORDER TO ADOPT A PLAN TO DIVIDE THE
11 RELEVANT COUNTY INTO AS MANY DISTRICTS AS THERE ARE COUNTY
12 COMMISSIONERS ELECTED BY VOTERS OF THEIR DISTRICT:

13 (a) COUNTIES THAT HAVE ANY NUMBER OF THEIR COUNTY
14 COMMISSIONERS NOT ELECTED BY THE VOTERS OF THE WHOLE COUNTY,
15 AFTER EACH FEDERAL DECENNIAL CENSUS OF THE UNITED STATES;

16 (b) COUNTIES THAT HAVE ANY NUMBER OF THEIR COUNTY
17 COMMISSIONERS NOT ELECTED BY THE VOTERS OF THE WHOLE COUNTY
18 THAT CHANGE THE NUMBER OF COUNTY COMMISSIONERS IN THE COUNTY;
19 AND

20 (c) COUNTIES THAT HAVE ALL OF THEIR COUNTY COMMISSIONERS
21 ELECTED BY THE VOTERS OF THE WHOLE COUNTY THAT THEN ELECT TO
22 HAVE ANY NUMBER OF THEIR COUNTY COMMISSIONERS NOT ELECTED BY
23 THE VOTERS OF THE WHOLE COUNTY.

24 (2) IN APPOINTING MEMBERS TO AN INDEPENDENT COMMISSION, A
25 BOARD OF COUNTY COMMISSIONERS IS ENCOURAGED TO:

26 (a) APPOINT PERSONS WHO ACCURATELY REFLECT THE POLITICAL
27 AFFILIATIONS OF THE RESIDENTS OF THE COUNTY, INCLUDING

1 UNAFFILIATED RESIDENTS;

2 (b) APPOINT PERSONS WHO ACCURATELY REFLECT THE COUNTY'S
3 RACIAL, ETHNIC, GENDER, AND GEOGRAPHIC DIVERSITY; AND

4 (c) AVOID CONFLICTS OF INTEREST BASED ON PARTISAN
5 ALIGNMENTS.

6 (3) THE BOARD OF COUNTY COMMISSIONERS IN A COUNTY
7 DESCRIBED BY SUBSECTION (1) OF THIS SECTION MAY NOT REVISE OR
8 ALTER COUNTY COMMISSIONER DISTRICTS, BEYOND MAKING DE MINIMIS
9 REVISIONS OR ALTERATIONS, UNLESS THE BOARD OF COUNTY
10 COMMISSIONERS MAKES SUCH REVISIONS OR ALTERATIONS IN
11 ACCORDANCE WITH A FINAL REDISTRICTING PLAN PURSUANT TO
12 SECTION 30-10-306.4.

13 **30-10-306.2. Commission organization - procedures -**
14 **transparency - voting requirements.** (1) THE BOARD OF COUNTY
15 COMMISSIONERS SHALL APPOINT STAFF OR AN ADVISORY COMMITTEE AS
16 NEEDED TO ASSIST THE COMMISSION. THE BOARD OF COUNTY
17 COMMISSIONERS MAY DELEGATE ANY FUNCTIONS BUT THE FINAL
18 ADOPTION OF A PLAN TO THE ADVISORY COMMITTEE. FOR PURPOSES OF
19 THIS SECTION AND SECTIONS 30-10-306.3 AND 30-10-306.4, ANY SUCH
20 ADVISORY COMMITTEE SHALL BE CONSIDERED STAFF. STAFF SHALL
21 ACQUIRE AND PREPARE ALL NECESSARY RESOURCES, INCLUDING
22 COMPUTER HARDWARE, SOFTWARE, AND DEMOGRAPHIC, GEOGRAPHIC,
23 AND POLITICAL DATABASES, AS FAR IN ADVANCE AS NECESSARY TO
24 ENABLE THE COMMISSION TO BEGIN ITS WORK IMMEDIATELY UPON
25 CONVENING.

26 (2) THE COMMISSION SHALL NOT VOTE UPON A FINAL PLAN UNTIL
27 AT LEAST SEVENTY-TWO HOURS AFTER IT HAS BEEN PROPOSED TO THE

1 COMMISSION IN A PUBLIC MEETING OR AT LEAST SEVENTY-TWO HOURS
2 AFTER IT HAS BEEN AMENDED BY THE COMMISSION IN A PUBLIC MEETING,
3 WHICHEVER OCCURS LATER.

4 (3)(a) ALL COUNTY RESIDENTS, INCLUDING INDIVIDUAL MEMBERS
5 OF THE COMMISSION, MAY PRESENT PROPOSED REDISTRICTING PLANS OR
6 WRITTEN COMMENTS, OR BOTH, FOR THE COMMISSION'S CONSIDERATION.

7 (b) THE COMMISSION SHALL PROVIDE MEANINGFUL AND
8 SUBSTANTIAL OPPORTUNITIES FOR COUNTY RESIDENTS TO PRESENT
9 TESTIMONY, EITHER IN PERSON OR ELECTRONICALLY, AT HEARINGS. IF THE
10 HEARINGS ARE HELD IN PERSON, EACH HEARING MUST BE HELD IN A
11 DIFFERENT THIRD OF THE COUNTY. IF THE HEARINGS ARE HELD
12 ELECTRONICALLY, THE BOARD OF COUNTY COMMISSIONERS SHALL EITHER
13 SOLICIT FEEDBACK FROM THE WHOLE COUNTY FOR EACH HEARING OR
14 SOLICIT FEEDBACK FROM A DIFFERENT THIRD OF THE COUNTY FOR EACH
15 HEARING. THE BOARD OF COUNTY COMMISSIONERS SHALL ENSURE THAT
16 THESE HEARINGS ARE BROADLY PROMOTED THROUGHOUT THE COUNTY.
17 THE COMMISSION SHALL NOT APPROVE A REDISTRICTING PLAN UNTIL AT
18 LEAST THREE HEARINGS HAVE BEEN HELD. ■■■ NO GATHERING OF
19 MEMBERS OF THE COMMISSION CAN BE CONSIDERED A HEARING FOR THIS
20 PURPOSE UNLESS IT IS ATTENDED, IN PERSON OR ELECTRONICALLY, BY AT
21 LEAST A MAJORITY OF THE MEMBERS OF THE COMMISSION. THE
22 COMMISSION SHALL ESTABLISH ■■■ THE NECESSARY ELEMENTS OF
23 ELECTRONIC ATTENDANCE AT A COMMISSION HEARING.

24 (c) THE COMMISSION SHALL MAINTAIN A WEBSITE THROUGH WHICH
25 ANY COUNTY RESIDENT MAY SUBMIT PROPOSED PLANS OR WRITTEN
26 COMMENTS, OR BOTH, WITHOUT ATTENDING A HEARING OF THE
27 COMMISSION. THE COMMISSION SHALL ENSURE THAT THE WEBSITE IS

1 EASILY ACCESSIBLE AND CONTAINS A RECORD OF THE COMMISSION'S
2 ACTIVITIES AND PROCEEDINGS, INCLUDING THE COMMISSION'S DIRECTIONS
3 TO STAFF ON PROPOSED CHANGES TO ANY PLAN AND THE COMMISSION'S
4 RATIONALE FOR SUCH CHANGES.

5 (d) THE COMMISSION SHALL PUBLISH ALL WRITTEN COMMENTS
6 PERTAINING TO REDISTRICTING ON ITS WEBSITE OR COMPARABLE MEANS
7 OF COMMUNICATING WITH THE PUBLIC AS WELL AS THE NAME OF THE
8 COUNTY RESIDENT SUBMITTING SUCH COMMENTS. IF THE COMMISSION OR
9 STAFF HAVE A SUBSTANTIAL BASIS TO BELIEVE THAT A PERSON
10 SUBMITTING SUCH COMMENTS HAS NOT TRUTHFULLY OR ACCURATELY
11 IDENTIFIED HIMSELF OR HERSELF, THE COMMISSION NEED NOT CONSIDER
12 AND NEED NOT PUBLISH SUCH COMMENTS BUT MUST NOTIFY THE
13 COMMENTER IN WRITING OF THIS FACT. THE COMMISSION MAY WITHHOLD
14 COMMENTS, IN WHOLE OR IN PART, FROM THE WEBSITE OR COMPARABLE
15 MEANS OF COMMUNICATING WITH THE PUBLIC THAT DO NOT RELATE TO
16 REDISTRICTING PLANS, POLICIES, OR COMMUNITIES OF INTEREST.

17 (e) THE COMMISSION SHALL PROVIDE SIMULTANEOUS ACCESS TO
18 THE [REDACTED] HEARINGS BY BROADCASTING THEM VIA ITS WEBSITE OR
19 COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC, ALLOWING
20 BOTH ELECTRONIC AND IN-PERSON PUBLIC TESTIMONY, AND MAINTAINING
21 AN ARCHIVE OF SUCH HEARINGS FOR ONLINE PUBLIC REVIEW.

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

26 (b) TO ENSURE TRANSPARENCY IN THE REDISTRICTING PROCESS:
27 (I) (A) THE COMMISSION AND THE MEMBERS OF THE COMMISSION

1 ARE SUBJECT TO OPEN MEETINGS REQUIREMENTS AS PROVIDED IN PART 4
2 OF ARTICLE 6 OF TITLE 24, AS AMENDED, OR ANY SUCCESSOR STATUTE.

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

8 (C) EXCEPT FOR PUBLIC INPUT AND COMMENT, STAFF SHALL NOT
9 HAVE ANY COMMUNICATIONS ABOUT THE CONTENT OR DEVELOPMENT OF
10 ANY PLAN OUTSIDE OF PUBLIC HEARINGS WITH ANYONE EXCEPT OTHER
11 STAFF MEMBERS. STAFF SHALL REPORT TO THE COMMISSION ANY ATTEMPT
12 BY ANYONE TO EXERT INFLUENCE OVER THE STAFF'S ROLE IN THE
13 DRAFTING OF PLANS.

14 (D) ONE OR MORE STAFF MAY BE DESIGNATED TO COMMUNICATE
15 WITH MEMBERS OF THE COMMISSION, AND IN THE CASE OF A COMMISSION
16 THAT IS COMPOSED OF THE BOARD OF COUNTY COMMISSIONERS,
17 ADMINISTRATIVE STAFF OF THE COUNTY, REGARDING ADMINISTRATIVE
18 MATTERS, THE DEFINITION AND SCOPE OF WHICH SHALL BE DETERMINED
19 BY THE COMMISSION.

20 (E) IF A MEMBER PARTICIPATES IN A COMMUNICATION PROHIBITED
21 BY THIS SECTION, THE COMMUNICATION AND ANY COMPLAINTS
22 ASSOCIATED WITH IT MUST BE MADE PART OF THE PUBLIC RECORD AND
23 DOCUMENTED ON THE WEBSITE.

24 (II) THE COMMISSION, EACH MEMBER OF THE COMMISSION, AND
25 STAFF ARE SUBJECT TO OPEN RECORDS REQUIREMENTS AS PROVIDED IN
26 PART 1 OF ARTICLE 72 OF TITLE 24, AS AMENDED, OR ANY SUCCESSOR
27 STATUTE; EXCEPT THAT PLANS IN DRAFT FORM AND NOT SUBMITTED TO

1 THE COMMISSION ARE NOT PUBLIC RECORDS SUBJECT TO DISCLOSURE.
2 WORK PRODUCT AND COMMUNICATIONS AMONG STAFF ARE SUBJECT TO
3 DISCLOSURE ONCE A PLAN IS ADOPTED BY THE BOARD OF COUNTY
4 COMMISSIONERS.

5 (III) PERSONS WHO CONTRACT FOR OR RECEIVE COMPENSATION
6 FOR ADVOCATING TO THE COMMISSION, TO ONE OR MORE MEMBERS OF THE
7 COMMISSION, OR TO STAFF FOR THE ADOPTION OR REJECTION OF ANY PLAN,
8 AMENDMENT TO A PLAN, MAPPING APPROACH, OR MANNER OF
9 COMPLIANCE WITH ANY OF THE MAPPING CRITERIA SPECIFIED IN SECTION
10 30-10-306.3 ARE LOBBYISTS WHO MUST DISCLOSE TO THE SECRETARY OF
11 STATE ANY COMPENSATION CONTRACTED FOR, COMPENSATION RECEIVED,
12 AND THE PERSON OR ENTITY CONTRACTING OR PAYING FOR THEIR
13 LOBBYING SERVICES. SUCH DISCLOSURE MUST BE MADE NO LATER THAN
14 SEVENTY-TWO HOURS AFTER THE EARLIER OF EACH INSTANCE OF SUCH
15 LOBBYING OR ANY PAYMENT OF SUCH COMPENSATION. THE SECRETARY OF
16 STATE SHALL PUBLISH ON THE SECRETARY OF STATE'S WEBSITE OR
17 COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC THE NAMES
18 OF SUCH LOBBYISTS, AS WELL AS THE COMPENSATION RECEIVED AND THE
19 PERSONS OR ENTITIES FOR WHOM THEY WORK WITHIN TWENTY-FOUR
20 HOURS OF RECEIVING SUCH INFORMATION. THE SECRETARY OF STATE
21 SHALL ADOPT RULES TO FACILITATE THE COMPLETE AND PROMPT
22 REPORTING REQUIRED BY THIS SUBSECTION (4)(b)(III) AS WELL AS A
23 COMPLAINT PROCESS TO ADDRESS ANY LOBBYIST'S FAILURE TO REPORT A
24 FULL AND ACCURATE DISCLOSURE, WHICH COMPLAINT MUST BE HEARD BY
25 AN ADMINISTRATIVE LAW JUDGE, WHOSE DECISION MAY BE APPEALED TO
26 THE COURT OF APPEALS.

27 **30-10-306.3. Criteria for determination of county**

1 **commissioner districts - definition.** (1) IN ADOPTING A COUNTY
2 COMMISSIONER DISTRICT REDISTRICTING PLAN, THE COMMISSION SHALL:

3 (a) MAKE A GOOD-FAITH EFFORT TO ACHIEVE MATHEMATICAL
4 POPULATION EQUALITY BETWEEN DISTRICTS, AS REQUIRED BY THE
5 CONSTITUTION OF THE UNITED STATES, BUT IN NO EVENT SHALL THERE BE
6 MORE THAN FIVE PERCENT DEVIATION BETWEEN THE MOST POPULOUS AND
7 THE LEAST POPULOUS DISTRICT IN EACH COUNTY, AT THE TIME SUCH
8 DISTRICT BOUNDARIES ARE ADOPTED; AND

9 (b) COMPLY WITH THE FEDERAL "VOTING RIGHTS ACT OF 1965",
10 52 U.S.C. SEC. 10301, AS AMENDED.

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

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

21 (3) (a) THEREAFTER, THE COMMISSION SHALL, TO THE EXTENT
22 REASONABLY POSSIBLE, MAXIMIZE THE NUMBER OF POLITICALLY
23 COMPETITIVE DISTRICTS.

24 (b) IN ITS HEARINGS IN VARIOUS LOCATIONS IN THE COUNTY, THE
25 COMMISSION SHALL SOLICIT EVIDENCE RELEVANT TO COMPETITIVENESS OF
26 ELECTIONS IN THE COUNTY AND SHALL ASSESS SUCH EVIDENCE IN
27 EVALUATING PROPOSED PLANS.

1 (c) WHEN THE COMMISSION APPROVES A PLAN, ■■■ THE STAFF
2 SHALL, WITHIN SEVENTY-TWO HOURS OF SUCH ACTION, MAKE PUBLICLY
3 AVAILABLE, AND INCLUDE IN THE COMMISSION'S RECORD, A REPORT TO
4 DEMONSTRATE HOW THE PLAN REFLECTS THE EVIDENCE PRESENTED TO,
5 AND THE FINDINGS CONCERNING, THE EXTENT TO WHICH COMPETITIVENESS
6 IN DISTRICT ELECTIONS IS FOSTERED CONSISTENT WITH THE OTHER
7 CRITERIA SET FORTH IN THIS SECTION.

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

15 (4) NO PLAN MAY BE APPROVED BY THE BOARD OF COUNTY
16 COMMISSIONERS OR THE COMMISSION IF THE PLAN:

17 (a) HAS BEEN DRAWN FOR THE PURPOSE OF PROTECTING ONE OR
18 MORE INCUMBENT MEMBERS, OR ONE OR MORE DECLARED CANDIDATES,
19 OF THE BOARD OF COUNTY COMMISSIONERS, OR ANY POLITICAL PARTY; OR

20 (b) HAS BEEN DRAWN FOR THE PURPOSE OF OR RESULTS IN THE
21 DENIAL OR ABRIDGEMENT OF THE RIGHT OF ANY CITIZEN TO VOTE ON
22 ACCOUNT OF THAT PERSON'S RACE OR MEMBERSHIP IN A LANGUAGE
23 MINORITY GROUP, INCLUDING DILUTING THE IMPACT OF THAT RACIAL OR
24 LANGUAGE MINORITY GROUP'S ELECTORAL INFLUENCE.

25 **30-10-306.4. Deadlines for preparation, amendment, and**
26 **approval of plans.** (1) THE BOARD OF COUNTY COMMISSIONERS SHALL
27 ESTABLISH DEADLINES TO ENSURE THAT THE BOARD OF COUNTY

1 COMMISSIONERS SHALL ADOPT A PLAN FOR THE REDRAWING OF COUNTY
2 COMMISSIONER DISTRICTS NO LATER THAN DECEMBER 29 OF THE
3 REDISTRICTING YEAR. THESE DEADLINES MUST INCLUDE DATES BY WHICH
4 THE FOLLOWING MUST BE ACCOMPLISHED:

5 (a) THE DESIGNATION OF A COMMISSION, IN ACCORDANCE WITH
6 SECTION 30-10-306.1;

7 (b) THE APPOINTMENT OF STAFF AS NEEDED TO ASSIST THE
8 COMMISSION AND THE ACQUISITION OF ALL NECESSARY RESOURCES TO
9 ENABLE THE COMMISSION TO BEGIN ITS WORK, IN ACCORDANCE WITH
10 SECTION 30-10-306.2 (1);

11 (c) THE CREATION OF A WEBSITE AND A METHOD FOR COUNTY
12 RESIDENTS TO PRESENT TESTIMONY, IN ACCORDANCE WITH SECTION
13 30-10-306.2 (3);

14 (d) THE SUBMISSION OF WRITTEN COMMENTS TO STAFF BY ANY
15 MEMBER OF THE PUBLIC AND ANY MEMBER OF THE COMMISSION ON THE
16 CREATION OF NOT LESS THAN THREE PLANS FOR COUNTY COMMISSIONER
17 DISTRICTS, CREATED BY STAFF ALONE, AND ON COMMUNITIES OF
18 INTEREST THAT REQUIRE REPRESENTATION IN ONE OR MORE SPECIFIC
19 AREAS OF THE COUNTY. STAFF SHALL CONSIDER SUCH COMMENTS IN
20 CREATING THE PLAN, AND SUCH COMMENTS SHALL BE PART OF THE
21 RECORD OF THE COMMISSION'S ACTIVITIES AND PROCEEDINGS. STAFF
22 SHALL KEEP EACH PLAN CONFIDENTIAL UNTIL IT IS PUBLISHED ONLINE OR
23 BY A COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC USING
24 GENERALLY AVAILABLE TECHNOLOGIES. THE COMMISSION MAY PROVIDE
25 DIRECTION FOR THE DEVELOPMENT OF THESE PLANS THROUGH THE
26 ADOPTION OF STANDARDS, GUIDELINES, OR METHODOLOGIES TO WHICH
27 STAFF SHALL ADHERE, INCLUDING STANDARDS, GUIDELINES, OR

1 METHODOLOGIES TO BE USED TO EVALUATE A PLAN'S COMPETITIVENESS,
2 CONSISTENT WITH SECTION 30-10-306.3 (3)(d).

3 (e) THE CREATION, PRESENTATION TO THE COMMISSION, AND
4 PUBLISHING ONLINE OF THE PLANS. AT PUBLIC HEARINGS AT WHICH THE
5 PLANS ARE PRESENTED, STAFF SHALL EXPLAIN HOW THE PLANS WERE
6 CREATED, HOW THE PLANS ADDRESS THE CATEGORIES OF PUBLIC
7 COMMENTS RECEIVED, AND HOW THE PLANS COMPLY WITH THE CRITERIA
8 PRESCRIBED IN SECTION 30-10-306.3.

9 (f) THREE PUBLIC HEARINGS ON THE PLANS, IN ACCORDANCE WITH
10 30-10-306.2 (3)(b), IN WHICH THE COMMISSION SOLICITS FEEDBACK FROM
11 THE COUNTY;

12 [REDACTED]

13 (g) THE REQUEST BY ANY MEMBER OF THE COMMISSION OR GROUP
14 OF MEMBERS OF THE COMMISSION FOR STAFF TO PREPARE ADDITIONAL
15 PLANS OR AMENDMENTS TO PLANS. ANY SUCH REQUEST MUST BE MADE IN
16 A PUBLIC HEARING OF THE COMMISSION BUT DOES NOT REQUIRE
17 COMMISSION APPROVAL.

18 (h) THE ADOPTION OF A FINAL PLAN BY THE COMMISSION. [REDACTED]

19 (2) THE COMMISSION MAY ADJUST THE DEADLINES SPECIFIED IN
20 SUBSECTION (1) OF THIS SECTION, IF CONDITIONS OUTSIDE OF THE
21 COMMISSION'S CONTROL REQUIRE SUCH AN ADJUSTMENT TO ENSURE THAT
22 THE BOARD OF COUNTY COMMISSIONERS CAN APPROVE A PLAN FOR THE
23 REDRAWING OF COUNTY COMMISSIONER DISTRICTS NO LATER THAN
24 DECEMBER 29 OF THE REDISTRICTING YEAR.

25 [REDACTED]

26 (3) THE COMMISSION MAY GRANT ITS STAFF THE AUTHORITY TO
27 MAKE TECHNICAL DE MINIMIS ADJUSTMENTS TO THE ADOPTED PLAN.

1 (4) UPON ADOPTION OF THE PLAN APPROVED BY THE COMMISSION,
2 THE COMMISSION SHALL PROVIDE COPIES OF THE PUBLISHED PLAN TO THE
3 SECRETARY OF STATE AND THE DEPARTMENT OF LOCAL AFFAIRS.

4 (5) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
5 CONTRARY, A COUNTY COMMISSIONER MAY REMAIN ON THE BOARD OF
6 COUNTY COMMISSIONERS, EVEN IF HE OR SHE NO LONGER RESIDES IN THE
7 DISTRICT HE OR SHE REPRESENTS, UNTIL THE NEXT ELECTION CONCERNING
8 THE REPRESENTATION OF THE DISTRICT REPRESENTED BY THE COUNTY
9 COMMISSIONER, SO LONG AS THE COUNTY COMMISSIONER RESIDED IN THE
10 DISTRICT HE OR SHE REPRESENTED IMMEDIATELY BEFORE A PLAN FOR
11 THE REDRAWING OF COUNTY COMMISSIONER DISTRICTS WAS ADOPTED IN
12 ACCORDANCE WITH THIS SECTION.

13 **SECTION 4.** In Colorado Revised Statutes, 30-10-306.7, **amend**
14 (3) as follows:

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

16 (3) (a) Subject to referral as provided in this subsection (3), a board of
17 county commissioners may pass a resolution ~~changing the method of~~
18 ~~electing the members of the board~~ or decreasing the membership of the
19 board, as provided in subsection (2) of this section. Prior to the ninetieth
20 day before the next general election, the board of county commissioners
21 shall request that the county clerk and recorder place the resolution on the
22 ballot for referral to the registered electors of the county at the next
23 general election.

24 (b) SUBJECT TO REFERRAL AS PROVIDED IN THIS SUBSECTION (3),
25 A BOARD OF COUNTY COMMISSIONERS MAY PASS A RESOLUTION CHANGING
26 THE METHOD OF ELECTING THE MEMBERS OF THE BOARD. THE RESOLUTION
27 SHALL BE REFERRED TO THE REGISTERED ELECTORS OF THE COUNTY AT A

1 GENERAL ELECTION. IF ANY NUMBER OF THE COUNTY COMMISSIONERS ARE
2 NOT ELECTED BY THE VOTERS OF THE WHOLE COUNTY WHEN THE BOARD
3 OF COUNTY COMMISSIONERS PASSES THIS RESOLUTION, THEN THE
4 RESOLUTION MUST DESIGNATE NO FEWER THAN TWO OF THE METHODS OF
5 ELECTION SET FORTH IN SUBSECTION (2) OF THIS SECTION. IF A MAJORITY
6 OF VOTES CAST ARE IN FAVOR OF THE RESOLUTION, THE BOARD OF COUNTY
7 COMMISSIONERS SHALL TAKE SUCH ACTION AS IS NECESSARY TO ENSURE
8 THAT THE COUNTY COMMISSIONERS ARE ELECTED AT THE NEXT GENERAL
9 ELECTION ACCORDING TO THE PROCEDURE FOR ELECTION CONTAINED IN
10 THE RESOLUTION THAT RECEIVED THE LARGEST NUMBER OF VOTES CAST.

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

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

22 (3) (a) ~~In a county that uses an electronic or electromechanical~~
23 ~~voting system, the~~ EVERY county clerk and recorder, subject to approval
24 by the board of county commissioners, shall establish at least one precinct
25 for every one thousand five hundred active eligible electors IN THE
26 COUNTY AT THE TIME OF THE MOST RECENT FEDERAL DECENNIAL CENSUS.
27 However, the county clerk and recorder, subject to approval by the board,

1 may establish one precinct for every two thousand active eligible electors.

2 (b) THE PRECINCTS ESTABLISHED BY THE COUNTY CLERK AND
3 RECORDER IN SUBSECTION (3)(a) OF THIS SECTION NEED NOT BE MODIFIED
4 UNTIL THE PRECINCTS HAVE MORE THAN TWICE AS MANY ELECTORS AS
5 THEY DID AT THE TIME OF THE MOST RECENT FEDERAL DECENNIAL CENSUS,
6 OR WHEN THEY WERE ESTABLISHED BY THE COUNTY CLERK AND
7 RECORDER, WHICHEVER IS LATER.

8 (7) IN ANY COUNTY, THE COUNTY CLERK AND RECORDER MAY
9 ALTER THE PRECINCT BOUNDARIES WHEN NECESSARY TO ENSURE THAT NO
10 PRECINCT IS LOCATED IN MORE THAN ONE COUNTY COMMISSIONER
11 DISTRICT.

12 **SECTION 6.** In Colorado Revised Statutes, **amend** 2-2-901 as
13 follows:

14 **2-2-901. Population data for redistricting.** For purposes of
15 redrawing the boundaries of congressional, state senatorial, **and** state
16 representative, ~~districts~~ AND COUNTY COMMISSIONER DISTRICTS after each
17 federal census, the independent legislative and congressional redistricting
18 commissions established pursuant to sections 44 and 46 of article V of the
19 state constitution AND THE COUNTY COMMISSIONER DISTRICT
20 REDISTRICTING COMMISSIONS ESTABLISHED PURSUANT TO SECTION
21 30-10-306.1 shall use total population data supplied by the United States
22 census bureau that has been used to apportion the seats in the United
23 States house of representatives among the states as adjusted by the
24 legislative council staff and office of legislative legal services, or any
25 successor offices, pursuant to section 2-2-902.

26 **SECTION 7.** In Colorado Revised Statutes, 2-2-902, **amend** (4)
27 as follows:

1 **2-2-902. Accurate census data - electronic record of prisoner**
2 **home address - adjustment of census data - definitions.** (4) Pursuant
3 to subsection (5) of this section, nonpartisan staff shall prepare
4 redistricting population data to reflect incarcerated persons at their
5 residential addresses in this state rather than their place of incarceration.
6 This data prepared by nonpartisan staff is the necessary census data
7 provided to and to be used by the independent legislative and
8 congressional redistricting commissions established pursuant to sections
9 44 and 46 of article V of the state constitution AND IN THE
10 ESTABLISHMENT OF COUNTY COMMISSIONER DISTRICTS PURSUANT TO
11 SECTION 30-10-306. The data is the population basis of congressional
12 districts, COUNTY COMMISSIONER DISTRICTS, state house of representative
13 districts, and state senate districts. Nonpartisan staff shall make this
14 census data available to the independent legislative and congressional
15 redistricting commissions and to members of the public and any county
16 or local governmental entity of Colorado upon request.

17 **SECTION 8. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety.