

## CHAPTER 70

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**GOVERNMENT - COUNTY**

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**HOUSE BILL 21-1047**

BY REPRESENTATIVE(S) Kennedy, Amabile, Arndt, Bird, Duran, Exum, Gonzales-Gutierrez, Gray, Herod, Hooton, Lontine, Ortiz, Snyder, Valdez A., Weissman, Bennett, Mullica, Garnett;  
also SENATOR(S) Lee, Jaquez Lewis, Moreno, Winter.

**AN ACT****CONCERNING THE DRAWING OF VOTING DISTRICTS BY COUNTY GOVERNMENTS.**

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

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

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

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

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

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

(e) In the 2018 legislative session, the general assembly unanimously supported two referred measures, Amendments Y and Z, that reflected a bipartisan compromise to ensure fair redistricting of congressional districts, state house of representative districts, and state senate districts;

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

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

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

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

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

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

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

**30-10-306. Commissioners' districts - vacancies - definitions.** (1) Each county ~~shall~~ MUST be divided into three compact districts by the board of county commissioners. Each district ~~shall~~ MUST be as nearly equal in population as possible based on the ~~most recent federal census of the United States minus the number of persons serving a sentence of detention or confinement in any correctional facility in the county as indicated in the statistical report of the department of corrections for the most recent fiscal year~~ REDISTRICTING POPULATION DATA PREPARED BY STAFF OF THE LEGISLATIVE COUNCIL AND OFFICE OF LEGISLATIVE LEGAL SERVICES, OR ANY SUCCESSOR OFFICES, IN ACCORDANCE WITH SECTION 2-2-902. IN NO EVENT SHALL THERE BE MORE THAN FIVE PERCENT DEVIATION BETWEEN THE MOST POPULOUS AND THE LEAST POPULOUS DISTRICT IN EACH COUNTY, AT THE TIME SUCH DISTRICT BOUNDARIES ARE ADOPTED. Each district ~~shall~~ MUST be numbered consecutively and ~~shall~~ MUST not be subject to alteration more often than once every two years. One ~~commissioner shall~~ COUNTY COMMISSIONER MUST be elected from each of such districts by the voters of the whole county. If any COUNTY commissioner, during his or her term of office, moves from the district in which he or she resided when elected, his or her office ~~shall~~ thereupon ~~become~~ BECOMES vacant. All proceedings by the board of county commissioners in formation of such districts not inconsistent with this section are confirmed and validated.

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

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

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

(4) Notwithstanding subsections (1) to (3) of this section, after each federal census of the United States, each COMMISSIONER district ~~shall~~ MUST be established, revised, or altered to assure that such districts ~~shall be~~ ARE as nearly equal in population as possible based on ~~such census minus the number of persons serving a sentence of detention or confinement in any correctional facility in the county as indicated in the statistical report of the department of corrections for the most recent fiscal year~~ THE REDISTRICTING POPULATION DATA PREPARED BY STAFF OF THE LEGISLATIVE COUNCIL AND OFFICE OF LEGISLATIVE LEGAL SERVICES, OR ANY SUCCESSOR OFFICES, IN ACCORDANCE WITH SECTION 2-2-902. IN NO EVENT SHALL THERE BE MORE THAN FIVE PERCENT DEVIATION BETWEEN THE MOST POPULOUS AND THE LEAST POPULOUS DISTRICT IN EACH COUNTY, AT THE TIME SUCH DISTRICT BOUNDARIES ARE ADOPTED. The establishment, revision, or alteration of districts required by this subsection (4) ~~shall~~ MUST be completed by September 30 of the SECOND odd-numbered year following such census. If A DISTRICT IS REVISED OR ALTERED IN ACCORDANCE WITH THIS SUBSECTION (4) IN A MANNER THAT EXCLUDES THE RESIDENCE OF A COUNTY COMMISSIONER ELECTED TO REPRESENT THE DISTRICT, THE COUNTY COMMISSIONER REMAINS ELIGIBLE AND MAY CONTINUE TO HOLD THE OFFICE OF COUNTY COMMISSIONER UNTIL HIS OR HER TERM OF OFFICE EXPIRES.

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

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

(a) "ADVISORY COMMITTEE" MEANS A GROUP OF PERSONS WHO ARE NOT NONPARTISAN STAFF OF THE COUNTY WHO ARE ASSIGNED TO ASSIST THE COMMISSION BY THE BOARD OF COUNTY COMMISSIONERS. THE BOARD OF COUNTY COMMISSIONERS MAY DELEGATE ANY FUNCTIONS BUT THE FINAL ADOPTION OF A PLAN TO THE ADVISORY COMMITTEE. THE ADVISORY COMMITTEE MUST BE COMPOSED OF AN EQUAL NUMBER OF MEMBERS WHO ARE AFFILIATED WITH THE STATE'S LARGEST POLITICAL PARTY, AFFILIATED WITH THE STATE'S SECOND LARGEST POLITICAL PARTY, AND NOT AFFILIATED WITH ANY POLITICAL PARTY. FOR PURPOSES OF THIS SUBSECTION (6)(a), THE STATE'S TWO LARGEST POLITICAL PARTIES SHALL BE DETERMINED BY THE NUMBER OF REGISTERED ELECTORS AFFILIATED WITH EACH POLITICAL PARTY IN THE STATE ACCORDING TO VOTER REGISTRATION DATA PUBLISHED BY THE SECRETARY OF STATE FOR THE EARLIEST DAY IN JANUARY OF THE REDISTRICTING YEAR FOR WHICH SUCH DATA IS PUBLISHED.

(b) "COMMISSION" MEANS A COUNTY COMMISSIONER DISTRICT REDISTRICTING COMMISSION, WHETHER THE COMMISSION IS AN INDEPENDENT COUNTY COMMISSIONER DISTRICT REDISTRICTING COMMISSION OR NOT. A COUNTY COMMISSIONER DISTRICT REDISTRICTING COMMISSION CAN BE MADE UP SOLELY OF THE MEMBERS OF A COUNTY'S BOARD OF COUNTY COMMISSIONERS.

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

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

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

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

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

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

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

(e) "PLAN" MEANS A DEPICTION OF THE BOUNDARIES OF COUNTY COMMISSIONER DISTRICTS.

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

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

(h) "REDISTRICTING YEAR" MEANS THE SECOND ODD-NUMBERED YEAR FOLLOWING THE YEAR IN WHICH THE FEDERAL DECENNIAL CENSUS IS TAKEN OR THE YEAR FOLLOWING A COUNTY ELECTING TO HAVE ANY NUMBER OF ITS COUNTY COMMISSIONERS NOT ELECTED BY THE VOTERS OF THE WHOLE COUNTY.

(i) "STAFF" MEANS THE NONPARTISAN STAFF OF THE COUNTY WHO ARE ASSIGNED TO ASSIST THE COMMISSION BY THE BOARD OF COUNTY COMMISSIONERS.

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

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

(a) COUNTIES THAT HAVE ANY NUMBER OF THEIR COUNTY COMMISSIONERS NOT ELECTED BY THE VOTERS OF THE WHOLE COUNTY;

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

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

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

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

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

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

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

**30-10-306.2. Commission organization - procedures - transparency - voting requirements.** (1) THE BOARD OF COUNTY COMMISSIONERS SHALL APPOINT STAFF AS NEEDED TO ASSIST THE COMMISSION. STAFF OR THE ADVISORY COMMITTEE SHALL ACQUIRE AND PREPARE ALL NECESSARY RESOURCES, INCLUDING COMPUTER HARDWARE, SOFTWARE, AND DEMOGRAPHIC, GEOGRAPHIC, AND POLITICAL DATABASES, AS FAR IN ADVANCE AS NECESSARY TO ENABLE THE COMMISSION TO BEGIN ITS WORK IMMEDIATELY UPON CONVENING.

(2) THE COMMISSION SHALL NOT VOTE UPON A FINAL PLAN UNTIL AT LEAST SEVENTY-TWO HOURS AFTER IT HAS BEEN PROPOSED TO THE COMMISSION IN A PUBLIC MEETING OR AT LEAST SEVENTY-TWO HOURS AFTER IT HAS BEEN AMENDED BY THE COMMISSION IN A PUBLIC MEETING, WHICHEVER OCCURS LATER.

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

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

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

ENSURE THAT THE WEBSITE IS EASILY ACCESSIBLE AND CONTAINS A RECORD OF THE COMMISSION'S ACTIVITIES AND PROCEEDINGS, INCLUDING THE COMMISSION'S DIRECTIONS TO STAFF OR AN ADVISORY COMMITTEE ON PROPOSED CHANGES TO ANY PLAN AND THE COMMISSION'S RATIONALE FOR SUCH CHANGES.

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

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

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

(b) TO ENSURE TRANSPARENCY IN THE REDISTRICTING PROCESS:

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

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

(C) EXCEPT FOR PUBLIC INPUT AND COMMENT, STAFF SHALL NOT HAVE ANY COMMUNICATIONS ABOUT THE CONTENT OR DEVELOPMENT OF ANY PLAN OUTSIDE OF PUBLIC HEARINGS WITH ANYONE, INCLUDING ANY MEMBERS OF THE ADVISORY COMMITTEE, EXCEPT OTHER STAFF MEMBERS. LIKEWISE, EXCEPT FOR PUBLIC INPUT AND COMMENT, MEMBERS OF THE ADVISORY COMMITTEE SHALL NOT HAVE ANY COMMUNICATIONS ABOUT THE CONTENT OR DEVELOPMENT OF ANY PLAN OUTSIDE OF PUBLIC HEARINGS WITH ANYONE, INCLUDING STAFF, EXCEPT OTHER MEMBERS OF THE ADVISORY COMMITTEE. COMMUNICATIONS ABOUT THE CONTENT OR DEVELOPMENT OF ANY PLAN INCLUDE COMMUNICATIONS ABOUT HOW PLANS WILL BE DRAWN TO SATISFY THE CRITERIA IN SECTION 30-10-306.3, SPECIFIC PARAMETERS RELATED TO THE INTERPRETATION OF THE CRITERIA IN SECTION 30-10-306.3, AND

REQUESTS FOR THE DRAWING OF ADDITIONAL PLANS. STAFF OR MEMBERS OF THE ADVISORY COMMITTEE SHALL REPORT TO THE COMMISSION ANY ATTEMPT BY ANYONE TO EXERT INFLUENCE OVER THE STAFF'S OR ADVISORY COMMITTEE'S ROLE IN THE DRAFTING OF PLANS.

(D) ONE OR MORE STAFF MAY BE DESIGNATED TO COMMUNICATE WITH MEMBERS OF THE COMMISSION OR ADVISORY COMMITTEE AND, IN THE CASE OF A COMMISSION THAT IS COMPOSED OF THE BOARD OF COUNTY COMMISSIONERS, ADMINISTRATIVE STAFF OF THE COUNTY, REGARDING ADMINISTRATIVE MATTERS, THE DEFINITION AND SCOPE OF WHICH SHALL BE DETERMINED BY THE COMMISSION. LIKEWISE, ONE OR MORE MEMBERS OF THE ADVISORY COMMITTEE MAY BE DESIGNATED TO COMMUNICATE WITH MEMBERS OF THE COMMISSION OR STAFF REGARDING ADMINISTRATIVE MATTERS, THE DEFINITION AND SCOPE OF WHICH SHALL BE DETERMINED BY THE COMMISSION. ANY COMMUNICATION THAT OCCURS OUTSIDE OF A PUBLIC MEETING OR HEARING OF THE COMMISSION BETWEEN STAFF AND A MEMBER OF THE ADVISORY COMMITTEE, BEYOND THOSE ALLOWED BY THIS SUBSECTION (4)(b)(I)(D), MUST BE DOCUMENTED AND MADE A PART OF THE PUBLIC RECORD.

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

(II) THE COMMISSION, EACH MEMBER OF THE COMMISSION, THE ADVISORY COMMITTEE, EACH MEMBER OF THE ADVISORY COMMITTEE, AND STAFF ARE SUBJECT TO OPEN RECORDS REQUIREMENTS AS PROVIDED IN PART 2 OF ARTICLE 72 OF TITLE 24, AS AMENDED, OR ANY SUCCESSOR STATUTE; EXCEPT THAT PLANS IN DRAFT FORM AND NOT SUBMITTED TO THE COMMISSION ARE NOT PUBLIC RECORDS SUBJECT TO DISCLOSURE. WORK PRODUCT AND COMMUNICATIONS AMONG STAFF, MEMBERS OF THE ADVISORY COMMITTEE, AND BETWEEN STAFF AND THE ADVISORY COMMITTEE ARE SUBJECT TO DISCLOSURE ONCE A PLAN IS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS.

(III) PERSONS WHO CONTRACT FOR OR RECEIVE COMPENSATION FOR ADVOCATING TO THE COMMISSION, TO ONE OR MORE MEMBERS OF THE COMMISSION, TO THE ADVISORY COMMITTEE, TO ONE OR MORE MEMBERS OF THE ADVISORY COMMITTEE, OR TO STAFF FOR THE ADOPTION OR REJECTION OF ANY PLAN, AMENDMENT TO A PLAN, MAPPING APPROACH, OR MANNER OF COMPLIANCE WITH ANY OF THE MAPPING CRITERIA SPECIFIED IN SECTION 30-10-306.3 ARE LOBBYISTS WHO MUST DISCLOSE TO THE SECRETARY OF STATE ANY COMPENSATION CONTRACTED FOR, COMPENSATION RECEIVED, AND THE PERSON OR ENTITY CONTRACTING OR PAYING FOR THEIR LOBBYING SERVICES. SUCH DISCLOSURE MUST BE MADE NO LATER THAN SEVENTY-TWO HOURS AFTER THE EARLIER OF EACH INSTANCE OF SUCH LOBBYING OR ANY PAYMENT OF SUCH COMPENSATION. THE SECRETARY OF STATE SHALL PUBLISH ON THE SECRETARY OF STATE'S WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC THE NAMES OF SUCH LOBBYISTS, AS WELL AS THE COMPENSATION RECEIVED AND THE PERSONS OR ENTITIES FOR WHOM THEY WORK WITHIN TWENTY-FOUR HOURS OF RECEIVING SUCH INFORMATION. THE SECRETARY OF STATE SHALL ADOPT RULES TO FACILITATE THE COMPLETE AND PROMPT REPORTING REQUIRED BY THIS SUBSECTION (4)(b)(III) AS WELL AS A COMPLAINT PROCESS TO ADDRESS ANY LOBBYIST'S FAILURE TO REPORT A FULL AND ACCURATE



DISCLOSURE, WHICH COMPLAINT MUST BE HEARD BY AN ADMINISTRATIVE LAW JUDGE, WHOSE DECISION MAY BE APPEALED TO THE COURT OF APPEALS.

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

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

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

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

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

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

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

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

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

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

(a) 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; OR

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

(5) SO LONG AS THE COMMISSION HAS COMPLIED WITH THE REQUIREMENTS OF SUBSECTIONS (1) THROUGH (4) OF THIS SECTION, IN ADOPTING A COUNTY COMMISSIONER REDISTRICTING PLAN, THE COMMISSION MAY CONSIDER CONGRESSIONAL DISTRICTS, STATE HOUSE OF REPRESENTATIVE DISTRICTS, AND STATE SENATE DISTRICTS IN ORDER TO MINIMIZE THE NUMBER OF NECESSARY VOTING PRECINCTS IN A COUNTY.

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

(1) THE BOARD OF COUNTY COMMISSIONERS SHALL ESTABLISH DEADLINES TO ENSURE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL ADOPT A PLAN FOR THE REDRAWING OF COUNTY COMMISSIONER DISTRICTS NO LATER THAN SEPTEMBER 30 OF THE REDISTRICTING YEAR. THESE DEADLINES MUST INCLUDE DATES BY WHICH THE FOLLOWING MUST BE ACCOMPLISHED:

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

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

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

(d) THE SUBMISSION OF WRITTEN COMMENTS TO STAFF OR AN ADVISORY COMMITTEE BY ANY MEMBER OF THE PUBLIC AND ANY MEMBER OF THE COMMISSION ON THE CREATION OF NOT LESS THAN THREE PLANS FOR COUNTY COMMISSIONER DISTRICTS, CREATED BY STAFF OR AN ADVISORY COMMITTEE ALONE, AND ON COMMUNITIES OF INTEREST THAT REQUIRE REPRESENTATION IN ONE OR MORE SPECIFIC AREAS OF THE COUNTY. STAFF OR AN ADVISORY COMMITTEE SHALL CONSIDER SUCH COMMENTS IN CREATING THE PLANS, AND SUCH COMMENTS SHALL BE PART OF THE RECORD OF THE COMMISSION'S ACTIVITIES AND PROCEEDINGS. STAFF AND THE ADVISORY COMMITTEE SHALL KEEP EACH PLAN CONFIDENTIAL UNTIL IT IS PUBLISHED ONLINE OR BY A COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC USING GENERALLY AVAILABLE TECHNOLOGIES. THE COMMISSION MAY PROVIDE DIRECTION FOR THE DEVELOPMENT OF THESE PLANS THROUGH THE ADOPTION OF STANDARDS, GUIDELINES, OR METHODOLOGIES TO WHICH STAFF AND THE ADVISORY COMMITTEE SHALL ADHERE, INCLUDING STANDARDS, GUIDELINES, OR METHODOLOGIES TO BE USED TO EVALUATE A PLAN'S COMPETITIVENESS, CONSISTENT WITH SECTION 30-10-306.3 (3)(d).

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

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

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

(h) THE ADOPTION OF A FINAL PLAN BY THE COMMISSION.

(2) THE COMMISSION MAY ADJUST THE DEADLINES SPECIFIED IN SUBSECTION (1) OF THIS SECTION, IF CONDITIONS OUTSIDE OF THE COMMISSION'S CONTROL REQUIRE SUCH AN ADJUSTMENT TO ENSURE THAT THE BOARD OF COUNTY COMMISSIONERS CAN APPROVE A PLAN FOR THE REDRAWING OF COUNTY COMMISSIONER DISTRICTS NO LATER THAN SEPTEMBER 30 OF THE REDISTRICTING YEAR.

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

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

(5) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A COUNTY COMMISSIONER MAY REMAIN ON THE BOARD OF COUNTY COMMISSIONERS, EVEN IF HE OR SHE NO LONGER RESIDES IN THE DISTRICT HE OR SHE REPRESENTS, UNTIL THE EXPIRATION OF HIS OR HER TERM OF OFFICE, SO LONG AS THE COUNTY COMMISSIONER RESIDED IN THE DISTRICT HE OR SHE REPRESENTED IMMEDIATELY BEFORE A PLAN FOR THE REDRAWING OF COUNTY COMMISSIONER DISTRICTS WAS ADOPTED IN ACCORDANCE WITH THIS SECTION.

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

**30-10-306.7. Procedure for electing county commissioners.** (3) (a) Subject to referral as provided in this subsection (3), a board of county commissioners may pass a resolution ~~changing the method of electing the members of the board or~~ decreasing the membership of the board, as provided in subsection (2) of this section. Prior to the ninetieth day before the next general election, the board of county commissioners shall request that the county clerk and recorder place the resolution on the ballot for referral to the registered electors of the county at the next general election.

(b) SUBJECT TO REFERRAL AS PROVIDED IN THIS SUBSECTION (3), A BOARD OF COUNTY COMMISSIONERS MAY PASS A RESOLUTION CHANGING THE METHOD OF

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

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

**1-5-101. Establishing precincts and polling places for partisan elections.**

~~(2) In counties that use paper ballots, the county clerk and recorder, subject to approval by the board of county commissioners, shall establish at least one precinct for every six hundred active eligible electors, with boundaries that take into consideration municipal and school district boundary lines whenever possible. However, the county clerk and recorder, subject to approval by the board of county commissioners, may establish one precinct for every seven hundred fifty active eligible electors.~~

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

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

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

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

**2-2-901. Population data for redistricting.** For purposes of redrawing the boundaries of congressional, state senatorial, ~~and state representative, districts~~ AND COUNTY COMMISSIONER DISTRICTS after each federal census, the independent legislative and congressional redistricting commissions established pursuant to sections 44 and 46 of article V of the state constitution AND THE COUNTY COMMISSIONER DISTRICT REDISTRICTING COMMISSIONS ESTABLISHED PURSUANT TO SECTION 30-10-306.1 shall use total population data supplied by the United States

census bureau that has been used to apportion the seats in the United States house of representatives among the states as adjusted by the legislative council staff and office of legislative legal services, or any successor offices, pursuant to section 2-2-902.

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

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

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

Approved: April 29, 2021