

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

BILLPAPER

LLS NO. 21-0131.02 Pierce Lively x2059

HOUSE BILL

HOUSE SPONSORSHIP

Kennedy,

SENATE SPONSORSHIP

(None),

House Committees

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-____, 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, maps drawn by nonpartisan staff,
24 robust public participation, judicial review, and where practicable,
25 independent 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. Each district ~~shall~~ MUST be numbered
14 consecutively and ~~shall~~ MUST not be subject to alteration more often than
15 once every two years. One ~~commissioner shall~~ COUNTY COMMISSIONER
16 MUST be elected from each of such districts by the voters of the whole
17 county. If any COUNTY commissioner, during his or her term of office,
18 moves from the district in which he or she resided when elected, his or
19 her office ~~shall~~ thereupon ~~become~~ BECOMES vacant. All proceedings by
20 the board of county commissioners in formation of such districts not
21 inconsistent with this section are confirmed and validated.

22 (2) Each county having a population of seventy thousand or more
23 that has chosen to increase the members of the board of county
24 commissioners from three to five must be divided into three or five
25 districts by the board of county commissioners according to the method
26 of election described in section 30-10-306.5 (5) or (6) or section
27 30-10-306.7. WHEN APPLICABLE, THE BOARD OF COUNTY COMMISSIONERS

1 SHALL DIVIDE THE COUNTY INTO DISTRICTS IN ACCORDANCE WITH THE
2 FINAL REDISTRICTING PLAN APPROVED BY A PANEL OF JUDGES IN
3 ACCORDANCE WITH SECTION 30-10-306.4. The districts 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. Each district must be numbered consecutively
14 and is not subject to alteration more often than once every two years;
15 except that, notwithstanding subsection (3) of this section, the board may
16 alter the districts to conform to precinct boundaries that are changed in
17 accordance with section 1-5-103 (1), based on the division of the state
18 into congressional districts or an approved plan for redistricting of the
19 members of the general assembly when necessary to ensure that no
20 precinct is located in more than one district. COUNTY commissioners are
21 elected at large or from districts according to the method of election
22 described in section 30-10-306.5 (5) or (6) or section 30-10-306.7. If any
23 COUNTY commissioner required to be resident in a district moves during
24 his or her term of office from the district in which he or she resided when
25 elected, his or her office thereupon becomes vacant. All proceedings by
26 the board of county commissioners in formation of such districts not
27 inconsistent with this section are confirmed and validated.

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

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

26 (5) No less than thirty days before adopting any resolution to
27 change the boundaries of commissioner districts, or create new

1 commissioner districts, UNLESS THE BOARD OF COUNTY COMMISSIONERS
2 IS MAKING SUCH CHANGES IN ACCORDANCE WITH A FINAL REDISTRICTING
3 PLAN APPROVED BY A PANEL OF JUDGES IN ACCORDANCE WITH SECTION
4 30-10-306.4, the board of county commissioners shall hold a public
5 hearing on the proposed district boundaries.

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

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

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

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

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

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

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

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

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

12 (d) "JUDICIAL PANEL" MEANS THE PANEL OF THREE DISTRICT
13 COURT JUDGES THAT REVIEWS THE FINAL PLAN OF THE COMMISSION IN
14 ACCORDANCE WITH SECTION 30-10-306.4.

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

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

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

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

1 **SECTION 3.** In Colorado Revised Statutes, **add** 30-10-306.1,
2 30-10-306.2, 30-10-306.3, and 30-10-306.4 as follows:

3 **30-10-306.1. Commission created - commission composition**
4 **and appointment.** (1) THE BOARD OF COUNTY COMMISSIONERS IN EACH
5 OF THE FOLLOWING COUNTIES MUST DESIGNATE A COUNTY COMMISSIONER
6 DISTRICT REDISTRICTING COMMISSION, AND ARE ENCOURAGED TO
7 CONVENE AN INDEPENDENT COUNTY COMMISSIONER DISTRICT
8 REDISTRICTING COMMISSION, IN ORDER TO ADOPT A PLAN TO DIVIDE THE
9 RELEVANT COUNTY INTO AS MANY DISTRICTS AS THERE ARE COUNTY
10 COMMISSIONERS ELECTED BY VOTERS OF THEIR DISTRICT:

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

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

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

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

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

27 (b) APPOINT PERSONS WHO ACCURATELY REFLECT THE COUNTY'S

1 RACIAL, ETHNIC, GENDER, AND GEOGRAPHIC DIVERSITY; AND

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

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

11 **30-10-306.2. Commission organization - procedures -**
12 **transparency - voting requirements.** (1) THE BOARD OF COUNTY
13 COMMISSIONERS SHALL APPOINT STAFF AS NEEDED TO ASSIST THE
14 COMMISSION. STAFF SHALL ACQUIRE AND PREPARE ALL NECESSARY
15 RESOURCES, INCLUDING COMPUTER HARDWARE, SOFTWARE, AND
16 DEMOGRAPHIC, GEOGRAPHIC, AND POLITICAL DATABASES, AS FAR IN
17 ADVANCE AS NECESSARY TO ENABLE THE COMMISSION TO BEGIN ITS WORK
18 IMMEDIATELY UPON CONVENING.

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

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

27 (b) THE COMMISSION SHALL PROVIDE MEANINGFUL AND

1 SUBSTANTIAL OPPORTUNITIES FOR COUNTY RESIDENTS TO PRESENT
2 TESTIMONY, EITHER IN PERSON OR ELECTRONICALLY, AT HEARINGS HELD
3 THROUGHOUT THE COUNTY. THE BOARD OF COUNTY COMMISSIONERS
4 SHALL ENSURE THAT THESE HEARINGS ARE BROADLY PROMOTED
5 THROUGHOUT THE COUNTY. THE COMMISSION SHALL NOT APPROVE A
6 REDISTRICTING MAP UNTIL AT LEAST THREE HEARINGS HAVE BEEN HELD,
7 AND BEFORE EACH HEARING, THE BOARD OF COUNTY COMMISSIONERS
8 SHALL SOLICIT FEEDBACK FROM A DIFFERENT THIRD OF THE COUNTY
9 WHOSE FEEDBACK HAS NOT YET BEEN SOLICITED. NO GATHERING OF
10 MEMBERS OF THE COMMISSION CAN BE CONSIDERED A HEARING FOR THIS
11 PURPOSE UNLESS IT IS ATTENDED, IN PERSON OR ELECTRONICALLY, BY AT
12 LEAST TWO-THIRDS OF THE MEMBERS OF THE COMMISSION. THE
13 COMMISSION SHALL ESTABLISH BY RULE THE NECESSARY ELEMENTS OF
14 ELECTRONIC ATTENDANCE AT A COMMISSION HEARING.

15 (c) THE COMMISSION SHALL MAINTAIN A WEBSITE THROUGH WHICH
16 ANY COUNTY RESIDENT MAY SUBMIT PROPOSED MAPS OR WRITTEN
17 COMMENTS, OR BOTH, WITHOUT ATTENDING A HEARING OF THE
18 COMMISSION. THE COMMISSION SHALL ENSURE THAT THE WEBSITE IS
19 EASILY ACCESSIBLE AND CONTAINS A RECORD OF THE COMMISSION'S
20 ACTIVITIES AND PROCEEDINGS, INCLUDING THE COMMISSION'S DIRECTIONS
21 TO STAFF ON PROPOSED CHANGES TO ANY PLAN AND THE COMMISSION'S
22 RATIONALE FOR SUCH CHANGES.

23 (d) THE COMMISSION SHALL PUBLISH ALL WRITTEN COMMENTS
24 PERTAINING TO REDISTRICTING ON ITS WEBSITE OR COMPARABLE MEANS
25 OF COMMUNICATING WITH THE PUBLIC AS WELL AS THE NAME OF THE
26 COUNTY RESIDENT SUBMITTING SUCH COMMENTS. IF THE COMMISSION OR
27 STAFF HAVE A SUBSTANTIAL BASIS TO BELIEVE THAT A PERSON

1 SUBMITTING SUCH COMMENTS HAS NOT TRUTHFULLY OR ACCURATELY
2 IDENTIFIED HIMSELF OR HERSELF, THE COMMISSION NEED NOT CONSIDER
3 AND NEED NOT PUBLISH SUCH COMMENTS BUT MUST NOTIFY THE
4 COMMENTER IN WRITING OF THIS FACT. THE COMMISSION MAY WITHHOLD
5 COMMENTS, IN WHOLE OR IN PART, FROM THE WEBSITE OR COMPARABLE
6 MEANS OF COMMUNICATING WITH THE PUBLIC THAT DO NOT RELATE TO
7 REDISTRICTING MAPS, POLICIES, OR COMMUNITIES OF INTEREST.

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

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

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

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

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

26 (C) EXCEPT FOR PUBLIC INPUT AND COMMENT, STAFF SHALL NOT
27 HAVE ANY COMMUNICATIONS ABOUT THE CONTENT OR DEVELOPMENT OF

1 ANY PLAN OUTSIDE OF PUBLIC HEARINGS WITH ANYONE EXCEPT OTHER
2 STAFF MEMBERS. STAFF SHALL REPORT TO THE COMMISSION ANY ATTEMPT
3 BY ANYONE TO EXERT INFLUENCE OVER THE STAFF'S ROLE IN THE
4 DRAFTING OF PLANS.

5 (D) ONE OR MORE STAFF MAY BE DESIGNATED TO COMMUNICATE
6 WITH MEMBERS OF THE COMMISSION REGARDING ADMINISTRATIVE
7 MATTERS, THE DEFINITION AND SCOPE OF WHICH SHALL BE DETERMINED
8 BY THE COMMISSION.

9 (E) ANY MEMBER OF THE COMMISSION WHO PARTICIPATES IN A
10 COMMUNICATION PROHIBITED IN THIS SECTION MUST BE REMOVED FROM
11 THE COMMISSION, AND SUCH VACANCY MUST BE FILLED WITHIN SEVEN
12 DAYS. THE PROHIBITED COMMUNICATION MUST BE DOCUMENTED ON THE
13 WEBSITE AND SUBMITTED TO THE JUDICIAL PANEL ALONG WITH THE FINAL
14 PLAN APPROVED BY THE COMMISSION.

15 (II) THE COMMISSION, EACH MEMBER OF THE COMMISSION, AND
16 STAFF ARE SUBJECT TO OPEN RECORDS REQUIREMENTS AS PROVIDED IN
17 PART 1 OF ARTICLE 72 OF TITLE 24, AS AMENDED, OR ANY SUCCESSOR
18 STATUTE; EXCEPT THAT MAPS IN DRAFT FORM AND NOT SUBMITTED TO THE
19 COMMISSION ARE NOT PUBLIC RECORDS SUBJECT TO DISCLOSURE. WORK
20 PRODUCT AND COMMUNICATIONS AMONG STAFF ARE SUBJECT TO
21 DISCLOSURE ONCE A PLAN IS SUBMITTED TO THE JUDICIAL PANEL.

22 (III) PERSONS WHO CONTRACT FOR OR RECEIVE COMPENSATION
23 FOR ADVOCATING TO THE COMMISSION, TO ONE OR MORE MEMBERS OF THE
24 COMMISSION, OR TO STAFF FOR THE ADOPTION OR REJECTION OF ANY MAP,
25 AMENDMENT TO A MAP, MAPPING APPROACH, OR MANNER OF COMPLIANCE
26 WITH ANY OF THE MAPPING CRITERIA SPECIFIED IN SECTION 30-10-306.3
27 ARE LOBBYISTS WHO MUST DISCLOSE TO THE SECRETARY OF STATE ANY

1 COMPENSATION CONTRACTED FOR, COMPENSATION RECEIVED, AND THE
2 PERSON OR ENTITY CONTRACTING OR PAYING FOR THEIR LOBBYING
3 SERVICES. SUCH DISCLOSURE MUST BE MADE NO LATER THAN
4 SEVENTY-TWO HOURS AFTER THE EARLIER OF EACH INSTANCE OF SUCH
5 LOBBYING OR ANY PAYMENT OF SUCH COMPENSATION. THE SECRETARY OF
6 STATE SHALL PUBLISH ON THE SECRETARY OF STATE'S WEBSITE OR
7 COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC THE NAMES
8 OF SUCH LOBBYISTS, AS WELL AS THE COMPENSATION RECEIVED AND THE
9 PERSONS OR ENTITIES FOR WHOM THEY WORK WITHIN TWENTY-FOUR
10 HOURS OF RECEIVING SUCH INFORMATION. THE SECRETARY OF STATE
11 SHALL ADOPT RULES TO FACILITATE THE COMPLETE AND PROMPT
12 REPORTING REQUIRED BY THIS SUBSECTION (4)(b)(III) AS WELL AS A
13 COMPLAINT PROCESS TO ADDRESS ANY LOBBYIST'S FAILURE TO REPORT A
14 FULL AND ACCURATE DISCLOSURE, WHICH COMPLAINT MUST BE HEARD BY
15 AN ADMINISTRATIVE LAW JUDGE, WHOSE DECISION MAY BE APPEALED TO
16 THE COURT OF APPEALS.

17 **30-10-306.3. Criteria for determination of county**
18 **commissioner districts - definition.** (1) IN ADOPTING A COUNTY
19 COMMISSIONER DISTRICT REDISTRICTING PLAN, THE COMMISSION SHALL:

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

25 (b) COMPLY WITH THE FEDERAL "VOTING RIGHTS ACT OF 1965",
26 52 U.S.C. SEC. 10301, AS AMENDED.

27 (2) (a) AS MUCH AS IS REASONABLY POSSIBLE, THE COMMISSION'S

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

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

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

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

17 (c) WHEN THE COMMISSION APPROVES A PLAN, OR WHEN STAFF
18 SUBMITS A PLAN IN THE ABSENCE OF THE COMMISSION'S APPROVAL OF A
19 PLAN AS PROVIDED IN SECTION 30-10-306.4, THE STAFF SHALL, WITHIN
20 SEVENTY-TWO HOURS OF SUCH ACTION, MAKE PUBLICLY AVAILABLE, AND
21 INCLUDE IN THE COMMISSION'S RECORD, A REPORT TO DEMONSTRATE HOW
22 THE PLAN REFLECTS THE EVIDENCE PRESENTED TO, AND THE FINDINGS
23 CONCERNING, THE EXTENT TO WHICH COMPETITIVENESS IN DISTRICT
24 ELECTIONS IS FOSTERED CONSISTENT WITH THE OTHER CRITERIA SET FORTH
25 IN THIS SECTION.

26 (d) FOR PURPOSES OF THIS SUBSECTION (3), "COMPETITIVE" MEANS
27 HAVING A REASONABLE POTENTIAL FOR THE PARTY AFFILIATION OF THE

1 DISTRICT'S COUNTY COMMISSIONER TO CHANGE AT LEAST ONCE BETWEEN
2 FEDERAL DECENNIAL CENSUSES. COMPETITIVENESS MAY BE MEASURED BY
3 FACTORS SUCH AS A PROPOSED DISTRICT'S PAST ELECTION RESULTS, A
4 PROPOSED DISTRICT'S POLITICAL PARTY REGISTRATION DATA, AND
5 EVIDENCE-BASED ANALYSES OF PROPOSED DISTRICTS.

6 (4) NO MAP MAY BE APPROVED BY THE BOARD OF COUNTY
7 COMMISSIONERS OR THE COMMISSION, OR GIVEN EFFECT BY THE JUDICIAL
8 PANEL IF THE MAP:

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

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

17 **30-10-306.4. Deadlines for preparation, amendment, and**
18 **approval of plans - judicial panel review.** (1) THE BOARD OF COUNTY
19 COMMISSIONERS SHALL ESTABLISH DEADLINES TO ENSURE THAT THE
20 JUDICIAL PANEL ESTABLISHED PURSUANT TO SUBSECTION (2) OF THIS
21 SECTION SHALL APPROVE A PLAN FOR THE REDRAWING OF COUNTY
22 COMMISSIONER DISTRICTS NO LATER THAN DECEMBER 29 OF THE
23 REDISTRICTING YEAR. THESE DEADLINES MUST INCLUDE DATES BY WHICH
24 THE FOLLOWING MUST BE ACCOMPLISHED:

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

27 (b) THE APPOINTMENT OF STAFF AS NEEDED TO ASSIST THE

1 COMMISSION AND THE ACQUISITION OF ALL NECESSARY RESOURCES TO
2 ENABLE THE COMMISSION TO BEGIN ITS WORK, IN ACCORDANCE WITH
3 SECTION 30-10-306.2 (1);

4 (c) THE CREATION OF A WEBSITE AND A METHOD FOR COUNTY
5 RESIDENTS TO PRESENT TESTIMONY, IN ACCORDANCE WITH SECTION
6 30-10-306.2 (3);

7 (d) THE SUBMISSION OF WRITTEN COMMENTS TO STAFF BY ANY
8 MEMBER OF THE PUBLIC AND ANY MEMBER OF THE COMMISSION ON THE
9 CREATION OF THE PLAN FOR COUNTY COMMISSIONER DISTRICTS, CREATED
10 BY STAFF ALONE, TO BE KNOWN AS THE "PRELIMINARY PLAN" AND ON
11 COMMUNITIES OF INTEREST THAT REQUIRE REPRESENTATION IN ONE OR
12 MORE SPECIFIC AREAS OF THE COUNTY. STAFF SHALL CONSIDER SUCH
13 COMMENTS IN CREATING THE PRELIMINARY PLAN, AND SUCH COMMENTS
14 SHALL BE PART OF THE RECORD OF THE COMMISSION'S ACTIVITIES AND
15 PROCEEDINGS.

16 (e) THE CREATION, PRESENTATION TO THE COMMISSION, AND
17 PUBLISHING ONLINE OF THE PRELIMINARY PLAN. AT THE FIRST PUBLIC
18 HEARING AT WHICH THE PRELIMINARY PLAN IS PRESENTED, STAFF SHALL
19 EXPLAIN HOW THE PLAN WAS CREATED, HOW THE PLAN ADDRESSES THE
20 CATEGORIES OF PUBLIC COMMENTS RECEIVED, AND HOW THE PLAN
21 COMPLIES WITH THE CRITERIA PRESCRIBED IN SECTION 30-10-306.3.

22 (f) THREE PUBLIC HEARINGS ON THE PRELIMINARY PLAN, IN
23 ACCORDANCE WITH 30-10-306.2 (3)(b), IN WHICH THE COMMISSION
24 SOLICITS FEEDBACK FROM A DIFFERENT THIRD OF THE COUNTY WHOSE
25 FEEDBACK HAS NOT YET BEEN SOLICITED, EITHER IN PERSON OR
26 ELECTRONICALLY;

27 (g) THE CREATION, PRESENTATION TO THE COMMISSION, AND

1 PUBLISHING ONLINE OF NO FEWER THAN THREE ADDITIONAL PLANS
2 PREPARED BY STAFF. THESE PLANS WILL BE KNOWN AS THE "STAFF PLANS".
3 STAFF SHALL KEEP EACH STAFF PLAN CONFIDENTIAL UNTIL IT IS PUBLISHED
4 ONLINE OR BY A COMPARABLE MEANS OF COMMUNICATING WITH THE
5 PUBLIC USING GENERALLY AVAILABLE TECHNOLOGIES. THE COMMISSION
6 MAY PROVIDE DIRECTION FOR THE DEVELOPMENT OF STAFF PLANS
7 THROUGH THE ADOPTION OF STANDARDS, GUIDELINES, OR
8 METHODOLOGIES TO WHICH STAFF SHALL ADHERE, INCLUDING
9 STANDARDS, GUIDELINES, OR METHODOLOGIES TO BE USED TO EVALUATE
10 A PLAN'S COMPETITIVENESS, CONSISTENT WITH SECTION 30-10-306.3
11 (3)(d). IN PREPARING ALL STAFF PLANS, STAFF SHALL ALSO CONSIDER
12 PUBLIC TESTIMONY AND PUBLIC COMMENTS RECEIVED BY THE
13 COMMISSION THAT ARE CONSISTENT WITH THE CRITERIA SPECIFIED IN
14 SECTION 30-10-306.3.

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

20 (i) THE ADOPTION OF A FINAL PLAN BY THE COMMISSION AND THE
21 SUBMISSION BY THE COMMISSION OF THAT FINAL PLAN TO THE JUDICIAL
22 PANEL FOR ITS REVIEW AND DETERMINATION IN ACCORDANCE WITH
23 SUBSECTION (2) OF THIS SECTION. AT THE TIME OF SUBMISSION OF THE
24 FINAL REDISTRICTING PLAN TO THE JUDICIAL PANEL, THE COMMISSION
25 SHALL PROVIDE THE JUDICIAL PANEL WITH A COPY OF ALL MAPS SHOWING
26 THE DIVISION OF THE COUNTY INTO COUNTY COMMISSIONER DISTRICTS
27 AND NECESSARY SUPPORTIVE EVIDENCE PURSUANT TO THE JUDICIAL

1 PANEL RULES ADOPTED FOR SUCH PROCEEDINGS.

2 (j) THE REVIEW BY THE JUDICIAL PANEL OF THE PLAN SUBMITTED
3 BY THE COMMISSION IN ACCORDANCE WITH SUBSECTION (2) OF THIS
4 SECTION. IF THE JUDICIAL PANEL DETERMINES THAT THE SUBMITTED PLAN
5 CONSTITUTES AN ABUSE OF DISCRETION IN APPLYING OR FAILING TO APPLY
6 THE CRITERIA LISTED IN SECTION 30-10-306.3, IN LIGHT OF THE RECORD
7 BEFORE THE COMMISSION, THE JUDICIAL PANEL SHALL RETURN THE PLAN
8 TO THE COMMISSION WITH THE JUDICIAL PANEL'S REASONS FOR
9 DISAPPROVAL.

10 (k) THE HOLDING OF AN ADDITIONAL COMMISSION HEARING THAT
11 INCLUDES PUBLIC TESTIMONY, IF THE JUDICIAL PANEL RETURNS THE PLAN
12 TO THE COMMISSION;

13 (l) THE ADOPTION BY THE COMMISSION OF A REVISED PLAN THAT
14 RESOLVES THE JUDICIAL PANEL'S REASONS FOR DISAPPROVAL;

15 (m) THE APPROVAL OF THE REVISED PLAN BY THE JUDICIAL PANEL,
16 OR IF THE JUDICIAL PANEL DOES NOT APPROVE OF THE REVISED PLAN,
17 APPROVAL OF A PLAN THAT MEETS THE CRITERIA LISTED IN SECTION
18 30-10-306.3; AND

19 (n) THE ORDER OF THE JUDICIAL PANEL THAT THE FINAL PLAN
20 APPROVED BY THE JUDICIAL PANEL BE FILED WITH THE BOARD OF COUNTY
21 COMMISSIONERS.

22 (2) (a) THE JUDICIAL PANEL THAT CONDUCTS THE REVIEW OF THE
23 COMMISSION-APPROVED PLANS SHALL CONSIST OF THREE DISTRICT COURT
24 JUDGES DESIGNATED BY THE CHIEF JUDGE OF THE JUDICIAL DISTRICT THAT
25 CONTAINS THE COUNTY. THE CHIEF JUDGE SHALL SELECT ONLY THOSE
26 DISTRICT COURT JUDGES WHO ARE REGULARLY SITTING JUDGES.

27 (b) IN COMPLETING ITS REVIEW OF THE PLANS SUBMITTED BY THE

1 COMMISSION, THE JUDICIAL PANEL SHALL REVIEW THE SUBMITTED PLANS
2 AND DETERMINE WHETHER THE PLAN COMPLIES WITH THE CRITERIA LISTED
3 IN SECTION 30-10-306.3. THE JUDICIAL PANEL SHALL APPROVE THE PLAN
4 SUBMITTED UNLESS IT FINDS THAT THE COMMISSION ABUSED ITS
5 DISCRETION IN APPLYING OR FAILING TO APPLY THE CRITERIA LISTED IN
6 SECTION 30-10-306.3, IN LIGHT OF THE RECORD BEFORE THE COMMISSION.
7 THE JUDICIAL PANEL MAY CONSIDER ANY MAPS SUBMITTED TO THE
8 COMMISSION IN ASSESSING WHETHER THE COMMISSION ABUSED ITS
9 DISCRETION.

10 (c) THE JUDICIAL PANEL'S REVIEW AND DETERMINATION SHALL
11 TAKE PRECEDENCE OVER OTHER MATTERS BEFORE THE JUDICIAL DISTRICT.

12 (d) THE JUDICIAL PANEL SHALL ADOPT RULES FOR SUCH
13 PROCEEDINGS AND FOR THE PRODUCTION AND PRESENTATION OF
14 SUPPORTIVE EVIDENCE FOR SUCH PLAN.

15 (e) ANY LEGAL ARGUMENTS CONCERNING SUCH PLAN SHALL BE
16 SUBMITTED TO THE JUDICIAL PANEL.

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

24 (b) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
25 CONTRARY, IF THE REDISTRICTING POPULATION DATA PREPARED BY THE
26 STAFF OF THE LEGISLATIVE COUNCIL AND OFFICE OF LEGISLATIVE LEGAL
27 SERVICES, OR ANY SUCCESSOR OFFICES, IN ACCORDANCE WITH SECTION

1 2-2-902 (4), IS NOT MADE AVAILABLE TO COUNTIES BY JULY 31 OF THE
2 REDISTRICTING YEAR, THE BOARD OF COUNTY COMMISSIONERS OF A
3 COUNTY MAY ESTABLISH THE DEADLINES IN SUBSECTION (1) OF THIS
4 SECTION TO ENSURE THAT THE JUDICIAL PANEL ESTABLISHED PURSUANT
5 TO SUBSECTION (2) OF THIS SECTION APPROVES A PLAN FOR THE
6 REDRAWING OF COUNTY COMMISSIONER DISTRICTS NO LATER THAN
7 DECEMBER 29 OF THE SECOND ODD YEAR AFTER THE FEDERAL DECENNIAL
8 CENSUS.

9 (4) THE COMMISSION MAY GRANT ITS STAFF THE AUTHORITY TO
10 MAKE TECHNICAL DE MINIMIS ADJUSTMENTS TO THE ADOPTED PLAN PRIOR
11 TO THEIR SUBMISSION TO THE JUDICIAL PANEL.

12 (5) UPON SUBMISSION OF THE PLAN APPROVED BY THE JUDICIAL
13 PANEL TO THE BOARD OF COUNTY COMMISSIONERS, THE COMMISSION
14 SHALL PROVIDE COPIES OF THE PUBLISHED PLAN TO THE SECRETARY OF
15 STATE AND THE DEPARTMENT OF LOCAL AFFAIRS.

16 (6) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
17 CONTRARY, A COUNTY COMMISSIONER MAY REMAIN ON THE BOARD OF
18 COUNTY COMMISSIONERS, EVEN IF HE OR SHE NO LONGER RESIDES IN THE
19 DISTRICT HE OR SHE REPRESENTS, UNTIL THE NEXT ELECTION CONCERNING
20 THE REPRESENTATION OF THE DISTRICT REPRESENTED BY THE COUNTY
21 COMMISSIONER, SO LONG AS THE COUNTY COMMISSIONER RESIDED IN THE
22 DISTRICT HE OR SHE REPRESENTED IMMEDIATELY BEFORE THE JUDICIAL
23 PANEL APPROVED A PLAN FOR THE REDRAWING OF COUNTY COMMISSIONER
24 DISTRICTS IN ACCORDANCE WITH THIS SECTION.

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

27 **30-10-306.7. Procedure for electing county commissioners.**

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

9 (b) SUBJECT TO REFERRAL AS PROVIDED IN THIS SUBSECTION (3),
10 A BOARD OF COUNTY COMMISSIONERS MAY PASS A RESOLUTION CHANGING
11 THE METHOD OF ELECTING THE MEMBERS OF THE BOARD. THE RESOLUTION
12 SHALL BE REFERRED TO THE REGISTERED ELECTORS OF THE COUNTY AT A
13 GENERAL ELECTION. IF ANY NUMBER OF THE COUNTY COMMISSIONERS ARE
14 NOT ELECTED BY THE VOTERS OF THE WHOLE COUNTY WHEN THE BOARD
15 OF COUNTY COMMISSIONERS PASSES THIS RESOLUTION, THEN THE
16 RESOLUTION MUST DESIGNATE NO FEWER THAN TWO OF THE METHODS OF
17 ELECTION SET FORTH IN SUBSECTION (2) OF THIS SECTION. IF A MAJORITY
18 OF VOTES CAST ARE IN FAVOR OF THE RESOLUTION, THE BOARD OF COUNTY
19 COMMISSIONERS SHALL TAKE SUCH ACTION AS IS NECESSARY TO ENSURE
20 THAT THE COUNTY COMMISSIONERS ARE ELECTED AT THE NEXT GENERAL
21 ELECTION ACCORDING TO THE PROCEDURE FOR ELECTION CONTAINED IN
22 THE RESOLUTION THAT RECEIVED THE LARGEST NUMBER OF VOTES CAST.

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

25 **1-5-101. Establishing precincts and polling places for partisan**
26 **elections.** (2) ~~In counties that use paper ballots, the county clerk and~~
27 ~~recorder, subject to approval by the board of county commissioners, shall~~

1 ~~establish at least one precinct for every six hundred active eligible~~
2 ~~electors, with boundaries that take into consideration municipal and~~
3 ~~school district boundary lines whenever possible. However, the county~~
4 ~~clerk and recorder, subject to approval by the board of county~~
5 ~~commissioners, may establish one precinct for every seven hundred fifty~~
6 ~~active eligible electors.~~

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

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

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

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

26 **2-2-901. Population data for redistricting.** For purposes of
27 redrawing the boundaries of congressional, state senatorial, ~~and~~ state

1 representative, ~~districts~~ AND COUNTY COMMISSIONER DISTRICTS after each
2 federal census, the independent legislative and congressional redistricting
3 commissions established pursuant to sections 44 and 46 of article V of the
4 state constitution AND THE COUNTY COMMISSIONER DISTRICT
5 REDISTRICTING COMMISSIONS ESTABLISHED PURSUANT TO SECTION
6 30-10-306.1 shall use total population data supplied by the United States
7 census bureau that has been used to apportion the seats in the United
8 States house of representatives among the states as adjusted by the
9 legislative council staff and office of legislative legal services, or any
10 successor offices, pursuant to section 2-2-902.

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

13 **2-2-902. Accurate census data - electronic record of prisoner**
14 **home address - adjustment of census data - definitions.** (4) Pursuant
15 to subsection (5) of this section, nonpartisan staff shall prepare
16 redistricting population data to reflect incarcerated persons at their
17 residential addresses in this state rather than their place of incarceration.
18 This data prepared by nonpartisan staff is the necessary census data
19 provided to and to be used by the independent legislative and
20 congressional redistricting commissions established pursuant to sections
21 44 and 46 of article V of the state constitution AND IN THE
22 ESTABLISHMENT OF COUNTY COMMISSIONER DISTRICTS PURSUANT TO
23 SECTION 30-10-306. The data is the population basis of congressional
24 districts, COUNTY COMMISSIONER DISTRICTS, state house of representative
25 districts, and state senate districts. Nonpartisan staff shall make this
26 census data available to the independent legislative and congressional
27 redistricting commissions and to members of the public and any county

1 or local governmental entity of Colorado upon request.

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