

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 21-0131.02 Pierce Lively x2059

HOUSE BILL 21-1047

HOUSE SPONSORSHIP

Kennedy,

SENATE SPONSORSHIP

Lee,

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.

HOUSE
Amended 2nd Reading
March 16, 2021

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 OR

1 IF THE REDISTRICTING POPULATION DATA PREPARED BY THE STAFF OF THE
2 LEGISLATIVE COUNCIL AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES,
3 OR ANY SUCCESSOR OFFICES, IN ACCORDANCE WITH SECTION 2-2-902 (4),
4 IS NOT MADE AVAILABLE TO COUNTIES BY JULY 31 OF THE REDISTRICTING
5 YEAR. IF EITHER OF THESE EXCEPTIONS APPLY, THE ESTABLISHMENT,
6 REVISION, OR ALTERATION OF DISTRICTS REQUIRED BY THIS SUBSECTION
7 (4) MUST BE COMPLETED BY DECEMBER 29, RATHER THAN SEPTEMBER 30,
8 OF THE ODD-NUMBERED YEAR FOLLOWING SUCH CENSUS.

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

16 (6) AS USED IN THIS SECTION AND SECTIONS 30-10-306.1 TO
17 30-10-306.4, UNLESS THE CONTEXT OTHERWISE REQUIRES:

18 (a) "ADVISORY COMMITTEE" MEANS A GROUP OF PERSONS WHO
19 ARE NOT NONPARTISAN STAFF OF THE COUNTY WHO ARE ASSIGNED TO
20 ASSIST THE COMMISSION BY THE BOARD OF COUNTY COMMISSIONERS. THE
21 BOARD OF COUNTY COMMISSIONERS MAY DELEGATE ANY FUNCTIONS BUT
22 THE FINAL ADOPTION OF A PLAN TO THE ADVISORY COMMITTEE. THE
23 ADVISORY COMMITTEE MUST BE COMPOSED OF AN EQUAL NUMBER OF
24 MEMBERS WHO ARE AFFILIATED WITH THE STATE'S LARGEST POLITICAL
25 PARTY, AFFILIATED WITH THE STATE'S SECOND LARGEST POLITICAL PARTY,
26 AND NOT AFFILIATED WITH ANY POLITICAL PARTY. FOR PURPOSES OF THIS
27 SUBSECTION (6)(a), THE STATE'S TWO LARGEST POLITICAL PARTIES SHALL

1 BE DETERMINED BY THE NUMBER OF REGISTERED ELECTORS AFFILIATED
2 WITH EACH POLITICAL PARTY IN THE STATE ACCORDING TO VOTER
3 REGISTRATION DATA PUBLISHED BY THE SECRETARY OF STATE FOR THE
4 EARLIEST DAY IN JANUARY OF THE REDISTRICTING YEAR FOR WHICH SUCH
5 DATA IS PUBLISHED.

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

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

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

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

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

26 (III) GROUPS THAT MAY COMPRISE A COMMUNITY OF INTEREST
27 INCLUDE RACIAL, ETHNIC, AND LANGUAGE MINORITY GROUPS, SUBJECT TO

1 COMPLIANCE WITH SECTIONS 30-10-306.3 (1)(b) AND (4)(b), WHICH
2 SUBSECTIONS PROTECT AGAINST THE DENIAL OR ABRIDGEMENT OF THE
3 RIGHT TO VOTE DUE TO A PERSON'S RACE OR LANGUAGE MINORITY GROUP.

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

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

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

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

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

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

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

25 **SECTION 3.** In Colorado Revised Statutes, **add** 30-10-306.1,
26 30-10-306.2, 30-10-306.3, and 30-10-306.4 as follows:

27 **30-10-306.1. Commission created - commission composition**

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

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

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

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

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

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

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

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

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

8 **30-10-306.2. Commission organization - procedures -**
9 **transparency - voting requirements.** (1) THE BOARD OF COUNTY
10 COMMISSIONERS SHALL APPOINT STAFF AS NEEDED TO ASSIST THE
11 COMMISSION. STAFF OR THE ADVISORY COMMITTEE SHALL ACQUIRE AND
12 PREPARE ALL NECESSARY RESOURCES, INCLUDING COMPUTER HARDWARE,
13 SOFTWARE, AND DEMOGRAPHIC, GEOGRAPHIC, AND POLITICAL DATABASES,
14 AS FAR IN ADVANCE AS NECESSARY TO ENABLE THE COMMISSION TO BEGIN
15 ITS WORK IMMEDIATELY UPON CONVENING.

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

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

24 (b) THE COMMISSION SHALL PROVIDE MEANINGFUL AND
25 SUBSTANTIAL OPPORTUNITIES FOR COUNTY RESIDENTS TO PRESENT
26 TESTIMONY, EITHER IN PERSON OR ELECTRONICALLY, AT HEARINGS. IF THE
27 HEARINGS ARE HELD IN PERSON, EACH HEARING MUST BE HELD IN A

1 DIFFERENT THIRD OF THE COUNTY. IF THE HEARINGS ARE HELD
2 ELECTRONICALLY, THE BOARD OF COUNTY COMMISSIONERS SHALL EITHER
3 SOLICIT FEEDBACK FROM THE WHOLE COUNTY FOR EACH HEARING OR
4 SOLICIT FEEDBACK FROM A DIFFERENT THIRD OF THE COUNTY FOR EACH
5 HEARING. THE BOARD OF COUNTY COMMISSIONERS SHALL ENSURE THAT
6 THESE HEARINGS ARE BROADLY PROMOTED THROUGHOUT THE COUNTY.
7 THE COMMISSION SHALL NOT APPROVE A REDISTRICTING PLAN UNTIL AT
8 LEAST THREE HEARINGS HAVE BEEN HELD. [REDACTED] NO GATHERING OF
9 MEMBERS OF THE COMMISSION CAN BE CONSIDERED A HEARING FOR THIS
10 PURPOSE UNLESS IT IS ATTENDED, IN PERSON OR ELECTRONICALLY, BY AT
11 LEAST A MAJORITY OF THE MEMBERS OF THE COMMISSION. THE
12 COMMISSION SHALL ESTABLISH [REDACTED] THE NECESSARY ELEMENTS OF
13 ELECTRONIC ATTENDANCE AT A COMMISSION HEARING.

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

22 (d) THE COMMISSION SHALL PUBLISH ALL WRITTEN COMMENTS
23 PERTAINING TO REDISTRICTING ON ITS WEBSITE OR COMPARABLE MEANS
24 OF COMMUNICATING WITH THE PUBLIC AS WELL AS THE NAME OF THE
25 COUNTY RESIDENT SUBMITTING SUCH COMMENTS. IF THE COMMISSION,
26 ADVISORY COMMITTEE, OR STAFF HAVE A SUBSTANTIAL BASIS TO BELIEVE
27 THAT A PERSON SUBMITTING SUCH COMMENTS HAS NOT TRUTHFULLY OR

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

8 (e) THE COMMISSION SHALL PROVIDE SIMULTANEOUS ACCESS TO
9 THE 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 OR ANY MEMBERS OF THE ADVISORY COMMITTEE ON THE MAPPING
24 OF COUNTY COMMISSIONER DISTRICTS UNLESS THE COMMUNICATION IS
25 DURING A PUBLIC MEETING OR HEARING OF THE 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, INCLUDING ANY
2 MEMBERS OF THE ADVISORY COMMITTEE, EXCEPT OTHER STAFF MEMBERS.
3 LIKEWISE, EXCEPT FOR PUBLIC INPUT AND COMMENT, MEMBERS OF THE
4 ADVISORY COMMITTEE SHALL NOT HAVE ANY COMMUNICATIONS ABOUT
5 THE CONTENT OR DEVELOPMENT OF ANY PLAN OUTSIDE OF PUBLIC
6 HEARINGS WITH ANYONE, INCLUDING STAFF, EXCEPT OTHER MEMBERS OF
7 THE ADVISORY COMMITTEE. COMMUNICATIONS ABOUT THE CONTENT OR
8 DEVELOPMENT OF ANY PLAN INCLUDE COMMUNICATIONS ABOUT HOW
9 PLANS WILL BE DRAWN TO SATISFY THE CRITERIA IN SECTION 30-10-306.3,
10 SPECIFIC PARAMETERS RELATED TO THE INTERPRETATION OF THE CRITERIA
11 IN SECTION 30-10-306.3, AND REQUESTS FOR THE DRAWING OF
12 ADDITIONAL PLANS. STAFF OR MEMBERS OF THE ADVISORY COMMITTEE
13 SHALL REPORT TO THE COMMISSION ANY ATTEMPT BY ANYONE TO EXERT
14 INFLUENCE OVER THE STAFF'S OR ADVISORY COMMITTEE'S ROLE IN THE
15 DRAFTING OF PLANS.

16 (D) ONE OR MORE STAFF MAY BE DESIGNATED TO COMMUNICATE
17 WITH MEMBERS OF THE COMMISSION OR ADVISORY COMMITTEE IN THE
18 CASE OF A COMMISSION THAT IS COMPOSED OF THE BOARD OF COUNTY
19 COMMISSIONERS, ADMINISTRATIVE STAFF OF THE COUNTY, REGARDING
20 ADMINISTRATIVE MATTERS, THE DEFINITION AND SCOPE OF WHICH SHALL
21 BE DETERMINED BY THE COMMISSION. LIKEWISE, ONE OR MORE MEMBERS
22 OF THE ADVISORY COMMITTEE MAY BE DESIGNATED TO COMMUNICATE
23 WITH MEMBERS OF THE COMMISSION OR STAFF REGARDING
24 ADMINISTRATIVE MATTERS, THE DEFINITION AND SCOPE OF WHICH SHALL
25 BE DETERMINED BY THE COMMISSION. ANY COMMUNICATION THAT
26 OCCURS OUTSIDE OF A PUBLIC MEETING OR HEARING OF THE COMMISSION
27 BETWEEN STAFF AND A MEMBER OF THE ADVISORY COMMITTEE, BEYOND

1 THOSE ALLOWED BY THIS SUBSECTION (4)(b)(I)(D), MUST BE
2 DOCUMENTED AND MADE A PART OF THE PUBLIC RECORD.

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

7 (II) THE COMMISSION, EACH MEMBER OF THE COMMISSION, THE
8 ADVISORY COMMITTEE, EACH MEMBER OF THE ADVISORY COMMITTEE, AND
9 STAFF ARE SUBJECT TO OPEN RECORDS REQUIREMENTS AS PROVIDED IN
10 PART 1 OF ARTICLE 72 OF TITLE 24, AS AMENDED, OR ANY SUCCESSOR
11 STATUTE; EXCEPT THAT PLANS IN DRAFT FORM AND NOT SUBMITTED TO
12 THE COMMISSION ARE NOT PUBLIC RECORDS SUBJECT TO DISCLOSURE.
13 WORK PRODUCT AND COMMUNICATIONS AMONG STAFF, MEMBERS OF THE
14 ADVISORY COMMITTEE, AND BETWEEN STAFF AND THE ADVISORY
15 COMMITTEE ARE SUBJECT TO DISCLOSURE ONCE A PLAN IS ADOPTED BY
16 THE BOARD OF COUNTY COMMISSIONERS.

17 (III) PERSONS WHO CONTRACT FOR OR RECEIVE COMPENSATION
18 FOR ADVOCATING TO THE COMMISSION, TO ONE OR MORE MEMBERS OF THE
19 COMMISSION, TO THE ADVISORY COMMITTEE, TO ONE OR MORE MEMBERS
20 OF THE ADVISORY COMMITTEE, OR TO STAFF FOR THE ADOPTION OR
21 REJECTION OF ANY PLAN, AMENDMENT TO A PLAN, MAPPING APPROACH, OR
22 MANNER OF COMPLIANCE WITH ANY OF THE MAPPING CRITERIA SPECIFIED
23 IN SECTION 30-10-306.3 ARE LOBBYISTS WHO MUST DISCLOSE TO THE
24 SECRETARY OF STATE ANY COMPENSATION CONTRACTED FOR,
25 COMPENSATION RECEIVED, AND THE PERSON OR ENTITY CONTRACTING OR
26 PAYING FOR THEIR LOBBYING SERVICES. SUCH DISCLOSURE MUST BE MADE
27 NO LATER THAN SEVENTY-TWO HOURS AFTER THE EARLIER OF EACH

1 INSTANCE OF SUCH LOBBYING OR ANY PAYMENT OF SUCH COMPENSATION.
2 THE SECRETARY OF STATE SHALL PUBLISH ON THE SECRETARY OF STATE'S
3 WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC
4 THE NAMES OF SUCH LOBBYISTS, AS WELL AS THE COMPENSATION
5 RECEIVED AND THE PERSONS OR ENTITIES FOR WHOM THEY WORK WITHIN
6 TWENTY-FOUR HOURS OF RECEIVING SUCH INFORMATION. THE SECRETARY
7 OF STATE SHALL ADOPT RULES TO FACILITATE THE COMPLETE AND PROMPT
8 REPORTING REQUIRED BY THIS SUBSECTION (4)(b)(III) AS WELL AS A
9 COMPLAINT PROCESS TO ADDRESS ANY LOBBYIST'S FAILURE TO REPORT A
10 FULL AND ACCURATE DISCLOSURE, WHICH COMPLAINT MUST BE HEARD BY
11 AN ADMINISTRATIVE LAW JUDGE, WHOSE DECISION MAY BE APPEALED TO
12 THE COURT OF APPEALS.

13 **30-10-306.3. Criteria for determination of county**
14 **commissioner districts - definition.** (1) IN ADOPTING A COUNTY
15 COMMISSIONER DISTRICT REDISTRICTING PLAN, THE COMMISSION SHALL:

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

22 (b) COMPLY WITH THE FEDERAL "VOTING RIGHTS ACT OF 1965",
23 52 U.S.C. SEC. 10301, AS AMENDED.

24 (2) (a) AS MUCH AS IS REASONABLY POSSIBLE, THE COMMISSION'S
25 PLAN MUST PRESERVE WHOLE COMMUNITIES OF INTEREST AND WHOLE
26 POLITICAL SUBDIVISIONS, SUCH AS CITIES AND TOWNS; EXCEPT THAT A
27 DIVISION OF SUCH CITY OR TOWN IS PERMITTED WHERE, BASED ON A

1 PREPONDERANCE OF THE EVIDENCE IN THE RECORD, A COMMUNITY OF
2 INTEREST'S LEGISLATIVE ISSUES ARE MORE ESSENTIAL TO THE FAIR AND
3 EFFECTIVE REPRESENTATION OF RESIDENTS OF THE DISTRICT. WHEN THE
4 COMMISSION DIVIDES A CITY OR TOWN, IT SHALL MINIMIZE THE NUMBER OF
5 DIVISIONS OF THAT CITY OR TOWN.

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

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

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

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

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

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

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

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

11 (5) IN ATTEMPTING TO ACHIEVE POPULATION EQUALITY BETWEEN
12 DISTRICTS IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION
13 (1)(a) OF THIS SECTION, STAFF OR AN ADVISORY COMMITTEE MAY USE THE
14 FEDERAL DECENNIAL PUB.L. 94-171 DATA PUBLISHED FOR THE STATE BY
15 THE UNITED STATES CENSUS BUREAU BEFORE IT IS PREPARED BY THE
16 STAFF OF THE LEGISLATIVE COUNCIL AND OFFICE OF LEGISLATIVE LEGAL
17 SERVICES, OR ANY SUCCESSOR OFFICES, IN ACCORDANCE WITH SECTION
18 2-2-902 (4), SO LONG AS THE COMMISSION ENSURES THAT THE FINAL PLAN
19 IT APPROVES SATISFIES THE REQUIREMENTS OF SUBSECTION (1)(a) OF THIS
20 SECTION WITH THE TOTAL POPULATION DATA REFERENCED IN SECTION
21 2-2-901 AND PREPARED BY THE STAFF OF THE LEGISLATIVE COUNCIL AND
22 OFFICE OF LEGISLATIVE LEGAL SERVICES, OR ANY SUCCESSOR OFFICES, IN
23 ACCORDANCE WITH SECTION 2-2-902 (4).

24 **30-10-306.4. Deadlines for preparation, amendment, and**
25 **approval of plans.** (1) THE BOARD OF COUNTY COMMISSIONERS SHALL
26 ESTABLISH DEADLINES TO ENSURE THAT THE BOARD OF COUNTY
27 COMMISSIONERS SHALL ADOPT A PLAN FOR THE REDRAWING OF COUNTY

1 COMMISSIONER DISTRICTS NO LATER THAN DECEMBER 29 OF THE
2 REDISTRICTING YEAR. THESE DEADLINES MUST INCLUDE DATES BY WHICH
3 THE FOLLOWING MUST BE ACCOMPLISHED:

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

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

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

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

1 ADVISORY COMMITTEE SHALL ADHERE, INCLUDING STANDARDS,
2 GUIDELINES, OR METHODOLOGIES TO BE USED TO EVALUATE A PLAN'S
3 COMPETITIVENESS, CONSISTENT WITH SECTION 30-10-306.3 (3)(d).

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

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

13 [REDACTED]

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

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

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

26 [REDACTED]

27 (3) THE COMMISSION MAY GRANT ITS STAFF THE AUTHORITY TO

1 MAKE TECHNICAL DE MINIMIS ADJUSTMENTS TO THE ADOPTED PLAN.

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

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

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

16 **30-10-306.7. Procedure for electing county commissioners.**

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

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

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

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

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

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

1 However, the county clerk and recorder, subject to approval by the board,
2 may establish one precinct for every two thousand active eligible electors.

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

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

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

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

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

1 as follows:

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

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