

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

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Date

May 3, 2021

Committee on State, Civic, Military, & Veterans Affairs.

After consideration on the merits, the Committee recommends the following:

SB21-247 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 10, after line 20 insert:

2           "(c) THE INDEPENDENT CONGRESSIONAL REDISTRICTING  
3 COMMISSION AND THE INDEPENDENT LEGISLATIVE REDISTRICTING  
4 COMMISSION SHALL NOT APPROVE A FINAL PLAN TO BE SUBMITTED TO THE  
5 COLORADO SUPREME COURT UNLESS THE COMMISSION HAS HELD AT LEAST  
6 ONE PUBLIC HEARING GIVING THE PUBLIC AN OPPORTUNITY TO COMMENT  
7 ON A PLAN PRESENTED TO THE COMMISSION THAT WAS DEVELOPED USING  
8 THE FINAL CENSUS DATA, AS ADJUSTED IF SUCH ADJUSTMENT IS REQUIRED  
9 PURSUANT TO THIS SECTION."

10 Reletter succeeding paragraph accordingly.

11 Page 10, after line 21 insert:

12           "**SECTION 3.** In Colorado Revised Statutes, **add 2-2-903** as  
13 follows:

14           **2-2-903. Redistricting deadlines - legislative declaration.**

15 (1) THE GENERAL ASSEMBLY FINDS THAT:

16           (a) GIVEN THE EXTENSIVE DELAYS IN RECEIVING THE CENSUS  
17 DATA, THE INDEPENDENT CONGRESSIONAL REDISTRICTING COMMISSION  
18 AND THE INDEPENDENT LEGISLATIVE REDISTRICTING COMMISSION WILL  
19 LIKELY BE UNABLE TO ADOPT FINAL PLANS BY THE DEADLINES SET FORTH  
20 IN SECTIONS 44.4 (5)(b) AND 48.2 (5)(b) OF ARTICLE V OF THE STATE

1 CONSTITUTION. IN TURN, THE COLORADO SUPREME COURT WILL LIKELY BE  
2 PREVENTED FROM APPROVING OR DISAPPROVING SUCH MAPS BY  
3 NOVEMBER 1 AND NOVEMBER 15, AS REQUIRED BY SECTIONS 44.5 AND  
4 48.3 OF ARTICLE V OF THE STATE CONSTITUTION.

5 (b) COLORADO COURTS AND ELECTION STATUTES COMMONLY  
6 APPLY A SUBSTANTIAL COMPLIANCE STANDARD TO ELECTION MATTERS.  
7 COLORADO COURTS ALSO INTERPRET ELECTION REQUIREMENTS TO AVOID  
8 ABSURD RESULTS THAT WOULD BE PRODUCED BY AN OVERLY TECHNICAL  
9 APPLICATION OF A STATUTORY OR CONSTITUTIONAL REQUIREMENT.

10 (c) THE SUPREME COURT HAS INHERENT AUTHORITY OVER ITS OWN  
11 PROCEDURES AND IS AUTHORIZED BY SECTIONS 44.5 AND 48.3 OF ARTICLE  
12 V OF THE STATE CONSTITUTION TO DEVELOP THE RULES FOR JUDICIAL  
13 REVIEW OF REDISTRICTING PLANS.

14 (2) IN ANY LEGAL PROCEEDING CHALLENGING COMPLIANCE BY THE  
15 COMMISSIONS, THE COLORADO SUPREME COURT, OR NONPARTISAN STAFF  
16 WITH THE TECHNICAL RATHER THAN SUBSTANTIVE PROVISIONS THAT  
17 IMPLEMENT THE REDISTRICTING PROCESSES ESTABLISHED IN THE  
18 COLORADO CONSTITUTION AND RELATED STATUTES, A COURT SHALL  
19 ADJUDICATE SUCH DISPUTE WITH A VIEW TO ASCERTAINING WHETHER  
20 THERE WAS SUBSTANTIAL COMPLIANCE WITH THE REQUIREMENTS OF SUCH  
21 CONSTITUTIONAL OR STATUTORY PROVISIONS."

22 Renumber succeeding section accordingly.

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