

CHAPTER 202

ELECTIONS

HOUSE BILL 97-1354

BY REPRESENTATIVES McPherson, Lamborn, and Young;
also SENATOR Wells.

AN ACT

CONCERNING COMPUTER SYSTEMS FOR USE IN REAPPORTIONMENT, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Computer system for court-ordered reapportionment. (1) The general assembly hereby finds that the United States court of appeals for the tenth circuit has ordered the state of Colorado to implement a remedial plan of redistricting consistent with its opinion in *Sanchez v. State of Colorado*, 97 F.3d 1303 (10th Cir. 1996), and with section 2 of the federal "Voting Rights Act", 42 U.S.C. sec. 1973. The general assembly further finds that in order to accomplish that task, a computer system needs to be developed, which shall incorporate a data base as described in this section.

(2) The director of research of the legislative council shall be responsible for the development of a computer system for use in the court-ordered reapportionment process. Upon approval by the executive committee of the legislative council, the director of research may contract for the acquisition of such computer software and hardware, and for the provision of such computer services, as are necessary to develop the computer system. The computer system shall be developed so as to be available for use during the 1997 legislative interim.

(3) The data base prepared for the computer system shall incorporate official United States bureau of the census 1990 population figures and racial and ethnic data. The data base shall also include election returns and voter registration information from the 1988 and 1990 general elections.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(4) The data base shall include only the geographic area encompassed by house districts 44, 45, 46, 47, 60, and 61.

SECTION 2. 1-5-101, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

(5) IN ORDER TO FACILITATE THE PREPARATION OF A COMPUTERIZED DATA BASE FOR USE IN THE REAPPORTIONMENT PROCESS THAT WILL TAKE PLACE AFTER THE DECENNIAL CENSUS IN THE YEAR 2000, THE COUNTY CLERK AND RECORDER OF EACH COUNTY, SUBJECT TO APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS, SHALL ESTABLISH PRECINCT BOUNDARIES WHICH SHALL REMAIN IN EFFECT UNTIL AFTER THE GENERAL ELECTION IN 2000; EXCEPT THAT THE PRECINCTS SO ESTABLISHED MAY BE SUBDIVIDED WITHIN THE BOUNDARIES OF THE ORIGINAL PRECINCT. SUCH PRECINCTS SHALL BE ESTABLISHED NO LATER THAN TWENTY-NINE DAYS PRIOR TO THE PRECINCT CAUCUS DAY IN 1998; EXCEPT THAT, IN COUNTIES AFFECTED BY THE REAPPORTIONMENT PLAN REQUIRED BY *SANCHEZ V. STATE OF COLORADO*, 97 F.3d 1303 (10TH CIR. 1996), SUCH PRECINCTS SHALL BE ESTABLISHED WITHIN TWO WEEKS AFTER THE FEDERAL DISTRICT COURT APPROVES OF SUCH REAPPORTIONMENT PLAN. IN ESTABLISHING PRECINCT BOUNDARIES PURSUANT TO THE PROVISIONS OF THIS SUBSECTION (5), COUNTY CLERK AND RECORDERS AND BOARDS OF COUNTY COMMISSIONERS SHALL TO THE EXTENT REASONABLY POSSIBLE UTILIZE NATURAL AND MAN-MADE BOUNDARIES THAT MEET THE REQUIREMENTS FOR VISIBLE FEATURES ADOPTED BY THE UNITED STATES BUREAU OF THE CENSUS.

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the legislative council, the sum of four hundred thousand dollars (\$400,000), or so much thereof as may be necessary, for the implementation of section 1 of this act. This amount is appropriated pursuant to a final court order for case #94-1471. This amount is exempt from the statutory limit on state general fund appropriations pursuant to section 24-75-201.1 (1) (a) (III) (B), Colorado Revised Statutes. The moneys appropriated by this section shall become available upon passage of this act and shall remain available until June 30, 1998; except that the Executive Committee of the Legislative Council may order that no further moneys be obligated for the development of the computer system specified in section 1 of this act if it determines that developments in the case of *Sanchez v. State of Colorado* warrant such action, and any unused moneys shall revert to the general fund.

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

Approved: May 27, 1997