

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0634.02 Pierce Lively x2059

HOUSE BILL 20-1073

HOUSE SPONSORSHIP

Kennedy,

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military 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 requires the creation of independent 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. The bill:

- ! Specifies that commissions are appointed both for counties that have any number of their county commissioners not

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.

- elected by the voters of the whole county after each federal decennial census of the United States and when a county that has all of its commissioners elected by the voters of the whole county elects to have only some of its commissioners elected by the voters of the whole county;
- ! Specifies that the commissions consist of 7 members, 2 of whom must be registered with the state's largest political party, 2 of whom must be registered with the state's second largest political party, and 3 of whom must not be registered with any political party;
 - ! Establishes the qualifications to serve on the commissions and the method by which commissioners are appointed;
 - ! Authorizes the commissions to adopt rules and specifies how the commissions are staffed, how the commissions are funded, how the commissions are organized, and sets forth the ethical obligations of the commissioners;
 - ! Requires the commissions to provide the opportunity for public involvement, including multiple hearings, the ability to propose maps, and to testify at commission hearings, and requires hearings to comply with state statutes regarding open meetings;
 - ! Mandates that paid lobbying of the commissions be disclosed to the secretary of state by the lobbyist within 72 hours of when the lobbying occurred or when the payment for lobbying occurred, whichever is earlier;
 - ! 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 members of or candidates for county commissioner or a 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 a majority of commissioners to approve a redistricting map and specifies the date by which a final map must be approved;
 - ! Specifies that the nonpartisan 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 nonpartisan 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 nonpartisan 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 also 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) The practice of political gerrymandering, whereby county
5 commissioner districts are purposefully drawn to favor one political party
6 or incumbent politician over another, must end;

7 (b) The public's interest in prohibiting political gerrymandering is
8 best achieved by creating new and independent commissions that are
9 politically balanced, provide representation to voters not affiliated with
10 either of the state's two largest parties, and utilize nonpartisan legislative
11 staff to draw maps;

12 (c) The redistricting commissions should set district lines by
13 ensuring constitutionally guaranteed voting rights, including the
14 protection of minority group voting, as well as fair and effective
15 representation of constituents using politically neutral criteria;

16 (d) Competitive elections for county commissioners provide
17 voters with a meaningful choice among candidates, promote a healthy
18 democracy, help ensure that constituents receive fair and effective
19 representation, and contribute to the political well-being of key
20 communities of interest and political subdivisions;

1 (e) Citizens want and deserve an inclusive and meaningful county
2 commissioner district redistricting process that provides the public with
3 the ability to be heard as redistricting maps are drawn, to be able to watch
4 the witnesses who deliver testimony and the redistricting commissions'
5 deliberations, and to have their written comments considered before any
6 proposed map is voted upon by the commissions as the final map; and

7 (f) Colorado citizens deserve to have access to this more equitable
8 and transparent county commissioner redistricting process irrespective of
9 whether the county they live in is a home rule county.

10 (2) By enacting House Bill 20-____, the general assembly intends
11 to prohibit the political gerrymandering of county commissioner districts
12 by creating independent commissions that provide the public the
13 opportunity to be heard and that create county commissioner districts that
14 are equal in population, ensure constitutionally guaranteed voting rights,
15 and promote competitive elections in all counties that have any number
16 of their county commissioners not elected by the voters of the whole
17 county, irrespective of whether those are home rule counties.

18 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**
19 **with amendments,** 30-10-306 as follows:

20 **30-10-306. Commissioners' districts - vacancies - definitions.**

21 (1)(a) IN EACH COUNTY THAT HAS ALL OF THEIR COUNTY COMMISSIONERS
22 ELECTED BY THE VOTERS OF THE WHOLE COUNTY, THE BOARD OF COUNTY
23 COMMISSIONERS SHALL DIVIDE THE COUNTY INTO A NUMBER OF COMPACT
24 DISTRICTS EQUAL TO THE TOTAL NUMBER OF COUNTY COMMISSIONERS.

25 (b) EACH DISTRICT IN EACH COUNTY THAT HAS ALL OF ITS COUNTY
26 COMMISSIONERS ELECTED BY THE VOTERS OF THE WHOLE COUNTY MUST
27 BE AS NEARLY EQUAL IN POPULATION AS POSSIBLE BASED ON THE MOST

1 RECENT FEDERAL CENSUS OF THE UNITED STATES.

2 (c) EACH DISTRICT IN EACH COUNTY THAT HAS ALL OF ITS COUNTY
3 COMMISSIONERS ELECTED BY THE VOTERS OF THE WHOLE COUNTY MUST
4 BE NUMBERED CONSECUTIVELY AND SHALL NOT BE SUBJECT TO
5 ALTERATION MORE OFTEN THAN ONCE EVERY TWO YEARS; EXCEPT THAT,
6 IN COUNTIES WITH FIVE COUNTY COMMISSIONERS, THE BOARD OF COUNTY
7 COMMISSIONERS MAY ALTER THE DISTRICTS TO CONFORM TO PRECINCT
8 BOUNDARIES THAT ARE CHANGED IN ACCORDANCE WITH SECTION 1-5-103
9 (1), BASED ON THE DIVISION OF THE STATE INTO CONGRESSIONAL
10 DISTRICTS OR AN APPROVED PLAN FOR REAPPORTIONMENT OF THE
11 MEMBERS OF THE GENERAL ASSEMBLY, WHEN NECESSARY TO ENSURE
12 THAT NO PRECINCT IS LOCATED IN MORE THAN ONE DISTRICT.

13 (d) ONE COUNTY COMMISSIONER MUST BE ELECTED FROM EACH
14 DISTRICT BY THE VOTERS OF THE WHOLE COUNTY.

15 (e) WHEN A BOARD OF COUNTY COMMISSIONERS IN ONE OF THESE
16 COUNTIES DETERMINES TO CHANGE THE BOUNDARIES OF COMMISSIONER
17 DISTRICTS OR WHEN NEW DISTRICTS ARE CREATED, SUCH CHANGES OR
18 ADDITIONS SHALL BE MADE ONLY IN ODD-NUMBERED YEARS AND, IF MADE,
19 SHALL BE COMPLETED BY JULY 1 OF SUCH YEAR, EXCEPT IN CASES OF
20 CHANGES RESULTING FROM CHANGES IN COUNTY BOUNDARIES.

21 (2) (a) IN EACH COUNTY THAT HAS ANY NUMBER OF ITS COUNTY
22 COMMISSIONERS NOT ELECTED BY THE VOTERS OF THE WHOLE COUNTY,
23 THE COUNTY'S BOARD OF COMMISSIONERS SHALL DIVIDE THE COUNTY INTO
24 COUNTY COMMISSIONER DISTRICTS IN ACCORDANCE WITH THE FINAL PLAN
25 SUBMITTED BY A PANEL OF THREE DISTRICT COURT JUDGES TO THE BOARD
26 OF COUNTY COMMISSIONERS IN ACCORDANCE WITH SECTION 30-10-306.4
27 (7).

1 (b) COUNTY COMMISSIONERS SHALL BE ELECTED AT-LARGE OR
2 FROM DISTRICTS ACCORDING TO THE METHOD OF ELECTION DESCRIBED IN
3 SECTION 30-10-306.5 (5) OR (6) OR SECTION 30-10-306.7.

4 (3) NOTWITHSTANDING SUBSECTIONS (1) AND (2) OF THIS SECTION,
5 AFTER EACH FEDERAL CENSUS OF THE UNITED STATES:

6 (a) IN EACH COUNTY THAT HAS ALL OF ITS COUNTY
7 COMMISSIONERS ELECTED BY THE VOTERS OF THE WHOLE COUNTY, THE
8 BOARD OF COUNTY COMMISSIONERS SHALL ESTABLISH, REVISE, OR ALTER
9 EACH COUNTY COMMISSIONER DISTRICT TO ENSURE THAT SUCH DISTRICTS
10 SHALL BE AS NEARLY EQUAL IN POPULATION AS POSSIBLE BASED ON SUCH
11 CENSUS. THE ESTABLISHMENT, REVISION, OR ALTERATION OF DISTRICTS
12 REQUIRED BY THIS SUBSECTION (3)(a) SHALL BE COMPLETED BY
13 DECEMBER 29 OF THE ODD-NUMBERED YEAR FOLLOWING SUCH CENSUS.

14 (b) IN EACH COUNTY THAT HAS ANY NUMBER OF THEIR COUNTY
15 COMMISSIONERS NOT ELECTED BY THE VOTERS OF THE WHOLE COUNTY,
16 THE BOARD OF COUNTY COMMISSIONERS SHALL ESTABLISH, REVISE, OR
17 ALTER EACH COUNTY COMMISSIONER DISTRICT IN ACCORDANCE WITH THE
18 FINAL PLAN SUBMITTED BY A PANEL OF THREE DISTRICT COURT JUDGES TO
19 THE BOARD OF COUNTY COMMISSIONERS IN ACCORDANCE WITH SECTION
20 30-10-306.4 (7).

21 (4) NO LESS THAN THIRTY DAYS BEFORE ADOPTING ANY
22 RESOLUTION TO CHANGE THE BOUNDARIES OF COUNTY COMMISSIONER
23 DISTRICTS OR CREATE NEW COUNTY COMMISSIONER DISTRICTS, UNLESS
24 THE BOARD OF COUNTY COMMISSIONERS IS MAKING SUCH CHANGES IN
25 ACCORDANCE WITH THE FINAL PLAN SUBMITTED BY A PANEL OF THREE
26 DISTRICT COURT JUDGES TO THE BOARD OF COUNTY COMMISSIONERS IN
27 ACCORDANCE WITH SECTION 30-10-306.4 (7), THE BOARD OF COUNTY

1 COMMISSIONERS SHALL HOLD A PUBLIC HEARING ON THE PROPOSED
2 DISTRICT BOUNDARIES.

3 (5) IF ANY DATE PRESCRIBED IN THIS SECTION OR SECTIONS
4 30-10-306.1 TO 30-10-306.4 FALLS ON A SATURDAY, SUNDAY, OR LEGAL
5 HOLIDAY, THEN THE DATE IS EXTENDED TO THE NEXT DAY THAT IS NOT A
6 SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

7 (6) IF ANY COUNTY COMMISSIONER, DURING HIS OR HER TERM OF
8 OFFICE, MOVES FROM THE DISTRICT IN WHICH HE OR SHE RESIDED WHEN
9 ELECTED, HIS OR HER OFFICE SHALL IMMEDIATELY BECOME VACANT.

10 (7) AS USED IN THIS SECTION AND SECTIONS 30-10-306.1 TO
11 30-10-306.4, UNLESS THE CONTEXT OTHERWISE REQUIRES:

12 (a) "COMMISSION" MEANS THE INDEPENDENT COUNTY
13 COMMISSIONER DISTRICT REDISTRICTING COMMISSION CREATED IN
14 SECTION 30-10-306.1.

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

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

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

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

1 SIGNIFICANCE.

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

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

10 (c) "JUDICIAL PANEL" MEANS THE PANEL OF THREE DISTRICT
11 COURT JUDGES THAT REVIEWS THE FINAL PANEL OF THE COMMISSION IN
12 ACCORDANCE WITH SECTION 30-10-306.5 (7).

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

15 (e) "REDISTRICTING YEAR" MEANS THE YEAR FOLLOWING THE
16 YEAR IN WHICH THE FEDERAL DECENNIAL CENSUS IS TAKEN.

17 (f) "STAFF" OR "NONPARTISAN STAFF" MEANS THE STAFF OF THE
18 COUNTY WHO ARE ASSIGNED TO ASSIST THE COMMISSION BY THE BOARD
19 OF COUNTY COMMISSIONERS.

20 **SECTION 3.** In Colorado Revised Statutes, **add** 30-10-306.1,
21 30-10-306.2, 30-10-306.3, and 30-10-306.4 as follows:

22 **30-10-306.1. Commission created - commission composition**
23 **and appointment - vacancies.** (1) THE BOARD OF COUNTY
24 COMMISSIONERS IN EACH OF THE FOLLOWING COUNTIES MUST CONVENE AN
25 INDEPENDENT COUNTY COMMISSIONER DISTRICT REDISTRICTING
26 COMMISSION IN ACCORDANCE WITH THE PROCEDURES IN THIS SECTION AND
27 SECTION 30-10-306.2:

1 (a) EACH COUNTY THAT HAS ANY NUMBER OF ITS COUNTY
2 COMMISSIONERS NOT ELECTED BY THE VOTERS OF THE WHOLE COUNTY
3 AFTER EACH FEDERAL DECENNIAL CENSUS OF THE UNITED STATES;

4 (b) EACH COUNTY THAT HAS ALL OF ITS COMMISSIONERS ELECTED
5 BY THE VOTERS OF THE WHOLE COUNTY THAT THEN ELECTS TO HAVE ONLY
6 SOME OF ITS COMMISSIONERS ELECTED BY THE VOTERS OF THE WHOLE
7 COUNTY; AND

8 (c) EACH COUNTY THAT HAS ANY NUMBER OF THEIR COUNTY
9 COMMISSIONERS NOT ELECTED BY THE VOTERS OF THE WHOLE COUNTY
10 THAT CHANGES THE NUMBER OF COUNTY COMMISSIONERS IN THE COUNTY.

11 (2) EACH COMMISSION ESTABLISHED BY A COUNTY UNDER
12 SUBSECTION (1) OF THIS SECTION MUST ADOPT A PLAN TO DIVIDE THE
13 RELEVANT COUNTY INTO AS MANY DISTRICTS AS THERE ARE
14 COMMISSIONERS ELECTED BY VOTERS OF THEIR DISTRICT.

15 (3) EACH COMMISSION CONSISTS OF SEVEN MEMBERS WHO HAVE
16 THE FOLLOWING QUALIFICATIONS:

17 (a) COMMISSIONERS MUST BE REGISTERED ELECTORS WHO VOTED
18 IN BOTH OF THE PREVIOUS TWO GENERAL ELECTIONS IN COLORADO;

19 (b) COMMISSIONERS MUST EITHER HAVE BEEN UNAFFILIATED WITH
20 ANY POLITICAL PARTY OR HAVE BEEN AFFILIATED WITH THE SAME
21 POLITICAL PARTY FOR A CONSECUTIVE PERIOD OF NO LESS THAN FIVE
22 YEARS AT THE TIME OF THE APPLICATION; AND

23 (c) NO PERSON MAY BE APPOINTED TO OR SERVE ON THE
24 COMMISSION IF HE OR SHE:

25 (I) IS OR HAS BEEN A CANDIDATE FOR THE BOARD OF COUNTY
26 COMMISSIONERS WITHIN THE LAST FIVE YEARS PRECEDING THE DATE ON
27 WHICH APPLICATIONS FOR APPOINTMENT TO THE COMMISSION ARE DUE

1 UNDER SUBSECTION (5) OF THIS SECTION;

2 (II) IS OR HAS BEEN, WITHIN THE LAST THREE YEARS PRECEDING
3 THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE
4 COMMISSION ARE DUE UNDER SUBSECTION (5) OF THIS SECTION,
5 COMPENSATED BY A MEMBER OF, OR A CAMPAIGN COMMITTEE
6 ADVOCATING THE ELECTION OF A CANDIDATE TO, A BOARD OF COUNTY
7 COMMISSIONERS;

8 (III) IS OR HAS BEEN, WITHIN THE LAST THREE YEARS PRECEDING
9 THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE
10 COMMISSION ARE DUE UNDER SUBSECTION (5) OF THIS SECTION, AN
11 ELECTED PUBLIC OFFICIAL AT THE FEDERAL, STATE, COUNTY, OR
12 MUNICIPAL LEVEL IN COLORADO;

13 (IV) IS OR HAS BEEN, WITHIN THE LAST THREE YEARS PRECEDING
14 THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE
15 COMMISSION ARE DUE UNDER SUBSECTION (5) OF THIS SECTION, AN
16 ELECTED POLITICAL PARTY OFFICIAL ABOVE THE PRECINCT LEVEL IN
17 COLORADO OR AN EMPLOYEE OF A POLITICAL PARTY;

18 (V) IS A MEMBER OF THE COMMISSION RESPONSIBLE FOR DIVIDING
19 THE STATE INTO CONGRESSIONAL DISTRICTS OR IS A MEMBER OF THE
20 COMMISSION RESPONSIBLE FOR DIVIDING THE STATE INTO SENATORIAL
21 AND REPRESENTATIVE DISTRICTS OF THE GENERAL ASSEMBLY; OR

22 (VI) IS OR HAS BEEN A PROFESSIONAL LOBBYIST REGISTERED TO
23 LOBBY WITH THE STATE OF COLORADO, WITH ANY MUNICIPALITY IN
24 COLORADO, OR AT THE FEDERAL LEVEL WITHIN THE LAST THREE YEARS
25 PRECEDING THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE
26 COMMISSION ARE DUE UNDER SUBSECTION (5) OF THIS SECTION.

27 (4) (a) BY AUGUST 10 OF THE YEAR PRIOR TO THE REDISTRICTING

1 YEAR, NONPARTISAN STAFF SHALL, AFTER HOLDING ONE OR MORE PUBLIC
2 HEARINGS, PREPARE AN APPLICATION FORM THAT WILL ALLOW A PANEL OF
3 RETIRED JUDGES AND JUSTICES TO EVALUATE A PERSON'S EXPERIENCE AND
4 QUALIFICATIONS AND MAKE SUCH APPLICATION AVAILABLE ON THE
5 COUNTY'S WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH
6 THE PUBLIC.

7 (b) THE APPLICATION FORM MUST CLEARLY STATE THE LEGAL
8 OBLIGATIONS AND EXPECTATIONS OF POTENTIAL APPOINTEES.
9 INFORMATION REQUIRED OF APPLICANTS MUST INCLUDE, BUT IS NOT
10 NECESSARILY LIMITED TO, PROFESSIONAL BACKGROUND, PARTY
11 AFFILIATION, A DESCRIPTION OF PAST POLITICAL ACTIVITY, A LIST OF ALL
12 POLITICAL AND CIVIC ORGANIZATIONS TO WHICH THE APPLICANT HAS
13 BELONGED WITHIN THE PREVIOUS FIVE YEARS, AND WHETHER THE
14 APPLICANT MEETS THE QUALIFICATIONS STATED IN SUBSECTION (3) OF THIS
15 SECTION. IN ADDITION, THE APPLICATION FORM MUST REQUIRE THE
16 APPLICANT TO EXPLAIN WHY THEY WANT TO SERVE ON THE COMMISSION
17 AND AFFORD THE APPLICANT AN OPPORTUNITY TO MAKE A STATEMENT
18 ABOUT HOW THEY WILL PROMOTE CONSENSUS AMONG COMMISSIONERS IF
19 APPOINTED TO THE COMMISSION. APPLICANTS MAY ALSO CHOOSE TO
20 INCLUDE UP TO FOUR LETTERS OF RECOMMENDATION WITH THEIR
21 APPLICATION.

22 (5) BY NOVEMBER 10 OF THE YEAR PRIOR TO THE REDISTRICTING
23 YEAR, ANY PERSON WHO SEEKS TO SERVE ON THE COMMISSION MUST
24 SUBMIT A COMPLETED APPLICATION TO NONPARTISAN STAFF. ALL
25 APPLICATIONS ARE PUBLIC RECORDS AND MUST BE POSTED PROMPTLY
26 AFTER RECEIPT ON THE COUNTY'S WEBSITE OR COMPARABLE MEANS OF
27 COMMUNICATING WITH THE PUBLIC.

1 (6) (a) NO LATER THAN JANUARY 5 OF THE REDISTRICTING YEAR,
2 THE CHIEF JUDGE FROM THE JUDICIAL DISTRICT THAT CONTAINS THE
3 RELEVANT COUNTY SHALL DESIGNATE A PANEL TO REVIEW THE
4 APPLICATIONS. THE PANEL MUST CONSIST OF THE THREE JUDGES WHO
5 MOST RECENTLY RETIRED FROM THE JUDICIAL DISTRICT, APPOINTED
6 SEQUENTIALLY STARTING WITH THE MOST RECENT JUDGE TO RETIRE WHO
7 HAS BEEN AFFILIATED WITH THE SAME POLITICAL PARTY OR UNAFFILIATED
8 WITH ANY POLITICAL PARTY FOR THE TWO YEARS PRIOR TO APPOINTMENT;
9 EXCEPT THAT NO APPOINTEE, WITHIN TWO YEARS PRIOR TO APPOINTMENT,
10 SHALL HAVE BEEN AFFILIATED WITH THE SAME POLITICAL PARTY AS A
11 JUDGE ALREADY APPOINTED TO THE PANEL. IF ANY OF THE THREE JUDGES
12 WHO MOST RECENTLY RETIRED FROM THE JUDICIAL DISTRICT IS UNABLE OR
13 UNWILLING TO SERVE ON THE PANEL OR HAS BEEN AFFILIATED WITHIN TWO
14 YEARS PRIOR TO APPOINTMENT WITH A POLITICAL PARTY ALREADY
15 REPRESENTED ON THE PANEL, THEN THE CHIEF JUDGE SHALL APPOINT THE
16 NEXT JUDGE WHO MOST RECENTLY RETIRED FROM THE JUDICIAL DISTRICT
17 AND WHO HAS NOT BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO
18 APPOINTMENT WITH THE SAME POLITICAL PARTY AS ANY JUDGE ALREADY
19 APPOINTED TO THE PANEL. NO JUDGE SHALL SERVE BOTH ON THIS PANEL
20 AND EITHER THE PANEL ASSISTING IN THE PROCESS OF CHOOSING MEMBERS
21 OF THE COMMISSION RESPONSIBLE FOR DIVIDING THE STATE INTO
22 CONGRESSIONAL DISTRICTS OR THE PANEL ASSISTING IN THE PROCESS OF
23 CHOOSING MEMBERS OF THE COMMISSION RESPONSIBLE FOR DIVIDING THE
24 STATE INTO STATE SENATE AND STATE HOUSE OF REPRESENTATIVE
25 DISTRICTS.

26 (b) ALL DECISIONS OF THE PANEL REGARDING THE SELECTION OF
27 APPLICANTS PURSUANT TO THIS SECTION REQUIRE THE AFFIRMATIVE

1 APPROVAL OF ALL THREE MEMBERS OF THE PANEL.

2 (c) THE BOARD OF COUNTY COMMISSIONERS SHALL PRESCRIBE BY
3 LAW THE COMPENSATION OF MEMBERS OF THE PANEL. NONPARTISAN
4 STAFF SHALL ASSIST THE PANEL IN CARRYING OUT ITS DUTIES.

5 (7) AFTER APPLICATIONS ARE SUBMITTED, NONPARTISAN STAFF,
6 WITH THE COOPERATION AND ASSISTANCE OF THE COUNTY CLERK AND
7 RECORDER OF THE RELEVANT COUNTY, SHALL MAKE AN OBJECTIVE AND
8 FACTUAL FINDING BASED ON, TO THE EXTENT POSSIBLE, PUBLICLY
9 AVAILABLE INFORMATION, INCLUDING INFORMATION CONTAINED IN THE
10 APPLICATION AND INFORMATION CONTAINED WITHIN THE RECORDS
11 MAINTAINED BY THE COUNTY CLERK AND RECORDER OF THE RELEVANT
12 COUNTY, WHETHER EACH APPLICANT MEETS THE QUALIFICATIONS
13 SPECIFIED IN SUBSECTION (3) OF THIS SECTION. NO LATER THAN JANUARY
14 11 OF THE REDISTRICTING YEAR, NONPARTISAN STAFF SHALL MAKE ITS
15 FINDINGS PUBLICLY AVAILABLE, AND NOTIFY THE APPLICANTS OF THE
16 STAFF'S FINDING. IF THE STAFF FINDS THAT AN APPLICANT IS NOT ELIGIBLE,
17 THEN THE STAFF SHALL INCLUDE THE REASONS IN ITS FINDING.

18 (8) BY MARCH 1 OF THE REDISTRICTING YEAR, THE PANEL OF
19 JUDGES SHALL SELECT, IN SUCH ORDER AS THE PANEL DETERMINES:

20 (a) THREE COMMISSIONERS WHO ARE NOT AFFILIATED WITH ANY
21 POLITICAL PARTY;

22 (b) TWO COMMISSIONERS WHO ARE AFFILIATED WITH THE STATE'S
23 LARGEST POLITICAL PARTY; AND

24 (c) TWO COMMISSIONERS WHO ARE AFFILIATED WITH THE STATE'S
25 SECOND LARGEST POLITICAL PARTY.

26 (9) IN SELECTING APPLICANTS UNDER SUBSECTION (8) OF THIS
27 SECTION, THE PANEL SHALL, TO THE EXTENT POSSIBLE:

1 (a) SELECT THE APPLICANTS WHO BEST DEMONSTRATE EXPERIENCE
2 IN ORGANIZING, REPRESENTING, ADVOCATING FOR, ADJUDICATING THE
3 INTERESTS OF, OR ACTIVELY PARTICIPATING IN GROUPS, ORGANIZATIONS,
4 OR ASSOCIATIONS IN COLORADO AND WHO BEST DEMONSTRATE RELEVANT
5 ANALYTICAL SKILLS, THE ABILITY TO BE IMPARTIAL, AND THE ABILITY TO
6 PROMOTE CONSENSUS ON THE COMMISSION;

7 (b) ENSURE THAT THE COMMISSION REFLECTS THE COUNTY'S
8 RACIAL, ETHNIC, GENDER, AND GEOGRAPHIC DIVERSITY;

9 (c) ENSURE THAT AT LEAST ONE COMMISSIONER IS REGISTERED TO
10 VOTE IN EACH COUNTY COMMISSIONER DISTRICT BUT NO MORE THAN TWO
11 COMMISSIONERS ARE REGISTERED TO VOTE IN ANY SINGLE COUNTY
12 COMMISSIONER DISTRICT; AND

13 (d) ENSURE THAT ALL COMMISSIONERS MEET THE QUALIFICATIONS
14 SET FORTH IN SUBSECTION (3) OF THIS SECTION.

15 (10)(a) A COMMISSIONER'S POSITION ON THE COMMISSION WILL BE
16 DEEMED VACANT IF HE OR SHE, HAVING BEEN APPOINTED AS A REGISTERED
17 ELECTOR WHO IS NOT AFFILIATED WITH A POLITICAL PARTY, AFFILIATES
18 WITH A POLITICAL PARTY BEFORE THE JUDICIAL PANEL HAS APPROVED A
19 PLAN PURSUANT TO SECTION 30-10-306.4(7). A COMMISSIONER'S POSITION
20 ON THE COMMISSION WILL ALSO BE DEEMED VACANT IF HE OR SHE, HAVING
21 BEEN AFFILIATED WITH ONE OF THE STATE'S TWO LARGEST POLITICAL
22 PARTIES AT THE TIME OF APPOINTMENT, AFFILIATES WITH A DIFFERENT
23 POLITICAL PARTY OR BECOMES UNAFFILIATED WITH ANY POLITICAL PARTY
24 BEFORE THE JUDICIAL PANEL HAS APPROVED A PLAN PURSUANT TO
25 SECTION 30-10-306.4 (7).

26 (b) ANY VACANCY ON THE COMMISSION, INCLUDING ONE THAT
27 OCCURS DUE TO DEATH, RESIGNATION, REMOVAL, FAILURE TO MEET THE

1 QUALIFICATIONS OF APPOINTMENT, REFUSAL OR INABILITY TO ACCEPT AN
2 APPOINTMENT, OR OTHERWISE, MUST BE FILLED AS SOON AS POSSIBLE BY
3 THE DESIGNATED APPOINTING AUTHORITY FROM THE DESIGNATED POOL OF
4 ELIGIBLE APPLICANTS FOR THAT COMMISSIONER'S POSITION AND IN THE
5 SAME MANNER AS THE ORIGINALLY CHOSEN COMMISSIONER; EXCEPT THAT
6 NO COMMISSIONER CHOSEN TO FILL A VACANCY WILL BE BYPASSED FOR
7 APPOINTMENT IF ALL COUNTY COMMISSIONER DISTRICTS ARE ALREADY
8 REPRESENTED ON THE COMMISSION.

9 (11) FOR PURPOSES OF THIS SECTION, THE STATE'S TWO LARGEST
10 POLITICAL PARTIES SHALL BE DETERMINED BY THE NUMBER OF
11 REGISTERED ELECTORS AFFILIATED WITH EACH POLITICAL PARTY IN THE
12 STATE ACCORDING TO VOTER REGISTRATION DATA PUBLISHED BY THE
13 SECRETARY OF STATE FOR THE EARLIEST DAY IN JANUARY OF THE
14 REDISTRICTING YEAR FOR WHICH SUCH DATA IS PUBLISHED.

15 **30-10-306.2. Commission organization - procedures -**
16 **transparency - voting requirements.** (1) (a) THE CHAIR OF THE BOARD
17 OF COUNTY COMMISSIONERS SHALL CONVENE THE COMMISSION NO LATER
18 THAN MARCH 30 OF THE REDISTRICTING YEAR AND APPOINT A TEMPORARY
19 CHAIRPERSON FROM THE COMMISSION'S MEMBERS. UPON CONVENING, THE
20 COMMISSION SHALL ELECT A CHAIR AND A VICE-CHAIR WHO ARE NOT
21 MEMBERS OF THE SAME POLITICAL PARTY, AND OTHER SUCH OFFICERS AS
22 IT DETERMINES.

23 (b) THE BOARD OF COUNTY COMMISSIONERS SHALL APPOINT
24 NONPARTISAN STAFF AS NEEDED TO ASSIST THE COMMISSION.
25 NONPARTISAN STAFF SHALL ACQUIRE AND PREPARE ALL NECESSARY
26 RESOURCES, INCLUDING COMPUTER HARDWARE, SOFTWARE, AND
27 DEMOGRAPHIC, GEOGRAPHIC, AND POLITICAL DATABASES, AS FAR IN

1 ADVANCE AS NECESSARY TO ENABLE THE COMMISSION TO BEGIN ITS WORK
2 IMMEDIATELY UPON CONVENING.

3 (c) THE COMMISSION MAY RETAIN LEGAL COUNSEL IN ALL ACTIONS
4 AND PROCEEDINGS IN CONNECTION WITH THE PERFORMANCE OF ITS
5 POWERS, DUTIES, AND FUNCTIONS, INCLUDING REPRESENTATION OF THE
6 COMMISSION BEFORE ANY COURT.

7 (d) THE BOARD OF COUNTY COMMISSIONERS SHALL APPROPRIATE
8 SUFFICIENT FUNDS FOR THE PAYMENT OF THE EXPENSES OF THE
9 COMMISSION AND THE COMPENSATION AND EXPENSES OF NONPARTISAN
10 STAFF. MEMBERS OF THE COMMISSION SHALL BE REIMBURSED FOR THEIR
11 REASONABLE AND NECESSARY EXPENSES AND MAY ALSO RECEIVE SUCH
12 PER DIEM ALLOWANCE AS MAY BE ESTABLISHED BY THE BOARD OF COUNTY
13 COMMISSIONERS. SUBJECT TO AVAILABLE APPROPRIATIONS, HARDWARE
14 AND SOFTWARE NECESSARY FOR THE DEVELOPMENT OF PLANS MAY, AT
15 THE REQUEST OF ANY COMMISSIONER, BE PROVIDED TO THE
16 COMMISSIONER. THE COMMISSION AND ITS STAFF MUST HAVE ACCESS TO
17 STATISTICAL INFORMATION COMPILED BY THE STATE AND ITS POLITICAL
18 SUBDIVISIONS AS NECESSARY FOR ITS DUTIES. STATE AGENCIES AND
19 POLITICAL SUBDIVISIONS SHALL COMPLY WITH REQUESTS FROM THE
20 COMMISSION AND ITS STAFF FOR SUCH STATISTICAL INFORMATION.

21 (e) THE COMMISSION SHALL ADOPT RULES TO GOVERN ITS
22 ADMINISTRATION AND OPERATION. THE COMMISSION MUST PROVIDE AT
23 LEAST SEVENTY-TWO HOURS OF ADVANCE PUBLIC NOTICE OF ALL
24 PROPOSED RULES PRIOR TO CONSIDERATION FOR ADOPTION; EXCEPT THAT
25 PROPOSED RULES MAY BE AMENDED DURING COMMISSION DELIBERATIONS
26 WITHOUT SUCH ADVANCE NOTICE OF SPECIFIC, RELATED AMENDMENTS.
27 NEITHER THE COMMISSION'S PROCEDURAL RULES NOR ITS MAPPING

1 DECISIONS ARE SUBJECT TO THE "STATE ADMINISTRATIVE PROCEDURE
2 ACT", ARTICLE 4 OF TITLE 24, OR ANY SUCCESSOR STATUTE. RULES MUST
3 INCLUDE BUT NEED NOT BE LIMITED TO THE FOLLOWING:

4 (I) THE HEARING PROCESS AND REVIEW OF MAPS SUBMITTED FOR
5 ITS CONSIDERATION;

6 (II) MAINTENANCE OF A RECORD OF THE COMMISSION'S ACTIVITIES
7 AND PROCEEDINGS, INCLUDING A RECORD OF WRITTEN AND ORAL
8 TESTIMONY RECEIVED, AND OF THE COMMISSION'S DIRECTIONS TO
9 NONPARTISAN STAFF ON PROPOSED CHANGES TO ANY PLAN AND THE
10 COMMISSION'S RATIONALE FOR SUCH CHANGES;

11 (III) THE PROCESS FOR REMOVING COMMISSIONERS FOR
12 PARTICIPATING IN COMMUNICATIONS PROHIBITED UNDER THIS SECTION;

13 (IV) THE PROCESS FOR RECOMMENDING CHANGES TO PLANS
14 SUBMITTED TO THE COMMISSION BY NONPARTISAN STAFF; AND

15 (V) THE ADOPTION OF A COUNTYWIDE MEETING AND HEARING
16 SCHEDULE, INCLUDING THE NECESSARY ELEMENTS OF ELECTRONIC
17 ATTENDANCE AT A COMMISSION HEARING.

18 (2) A SIMPLE MAJORITY OF THE APPOINTED COMMISSIONERS MAY
19 APPROVE RULES AND PROCEDURAL DECISIONS, THE ELECTION OF THE
20 COMMISSION'S CHAIR AND VICE-CHAIR, REMOVAL OF ANY COMMISSIONER
21 AS PROVIDED IN THIS SECTION, ADOPTION OF THE FINAL PLAN FOR
22 SUBMISSION TO THE JUDICIAL PANEL, AND THE ADOPTION OF A REVISED
23 PLAN AFTER A PLAN IS RETURNED TO THE COMMISSION FROM THE JUDICIAL
24 PANEL. THE COMMISSION SHALL NOT VOTE UPON A FINAL PLAN UNTIL AT
25 LEAST SEVENTY-TWO HOURS AFTER IT HAS BEEN PROPOSED TO THE
26 COMMISSION IN A PUBLIC MEETING OR AT LEAST SEVENTY-TWO HOURS
27 AFTER IT HAS BEEN AMENDED BY THE COMMISSION IN A PUBLIC MEETING,

1 WHICHEVER OCCURS LATER; EXCEPT THAT COMMISSIONERS MAY
2 UNANIMOUSLY WAIVE THE SEVENTY-TWO HOUR REQUIREMENT.

3 (3) (a) ALL COUNTY RESIDENTS, INCLUDING INDIVIDUAL
4 COMMISSIONERS, MAY PRESENT PROPOSED REDISTRICTING MAPS OR
5 WRITTEN COMMENTS, OR BOTH, FOR THE COMMISSION'S CONSIDERATION.

6 (b) THE COMMISSION MUST, TO THE MAXIMUM EXTENT
7 PRACTICABLE, PROVIDE OPPORTUNITIES FOR COUNTY RESIDENTS TO
8 PRESENT TESTIMONY AT HEARINGS HELD THROUGHOUT THE COUNTY. THE
9 COMMISSION SHALL NOT APPROVE A REDISTRICTING MAP UNTIL AT LEAST
10 ONE HEARING HAS BEEN HELD IN EACH COUNTY COMMISSIONER DISTRICT.
11 NO GATHERING OF COMMISSIONERS CAN BE CONSIDERED A HEARING FOR
12 THIS PURPOSE UNLESS IT IS ATTENDED, IN PERSON OR ELECTRONICALLY, BY
13 AT LEAST A MAJORITY OF COMMISSIONERS. THE COMMISSION SHALL
14 ESTABLISH BY RULE THE NECESSARY ELEMENTS OF ELECTRONIC
15 ATTENDANCE AT A COMMISSION HEARING.

16 (c) THE COMMISSION SHALL MAINTAIN A WEBSITE OR COMPARABLE
17 MEANS OF COMMUNICATING WITH THE PUBLIC THROUGH WHICH ANY
18 COUNTY RESIDENT MAY SUBMIT PROPOSED MAPS OR WRITTEN COMMENTS,
19 OR BOTH, WITHOUT ATTENDING A HEARING OF THE COMMISSION.

20 (d) THE COMMISSION SHALL PUBLISH ALL WRITTEN COMMENTS
21 PERTAINING TO REDISTRICTING ON ITS WEBSITE OR COMPARABLE MEANS
22 OF COMMUNICATING WITH THE PUBLIC AS WELL AS THE NAME OF THE
23 COUNTY RESIDENT SUBMITTING SUCH COMMENTS. IF THE COMMISSION OR
24 NONPARTISAN STAFF HAVE A SUBSTANTIAL BASIS TO BELIEVE THAT THE
25 PERSON SUBMITTING SUCH COMMENTS HAS NOT TRUTHFULLY OR
26 ACCURATELY IDENTIFIED HIMSELF OR HERSELF, THE COMMISSION NEED
27 NOT CONSIDER AND NEED NOT PUBLISH SUCH COMMENTS BUT MUST

1 NOTIFY THE COMMENTER IN WRITING OF THIS FACT. THE COMMISSION MAY
2 WITHHOLD COMMENTS, IN WHOLE OR IN PART, FROM THE WEBSITE OR
3 COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC THAT DO NOT
4 RELATE TO REDISTRICTING MAPS, POLICIES, OR COMMUNITIES OF INTEREST.

5 (e) THE COMMISSION SHALL PROVIDE SIMULTANEOUS ACCESS TO
6 THE REGIONAL HEARINGS BY BROADCASTING THEM VIA ITS WEBSITE OR
7 COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC AND
8 MAINTAIN AN ARCHIVE OF SUCH HEARINGS FOR ONLINE PUBLIC REVIEW.

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

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

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

17 (B) EXCEPT AS PROVIDED IN SUBSECTION (4)(b)(I)(D) OF THIS
18 SECTION, A COMMISSIONER SHALL NOT COMMUNICATE WITH NONPARTISAN
19 STAFF ON THE MAPPING OF COUNTY COMMISSIONER DISTRICTS UNLESS THE
20 COMMUNICATION IS DURING A PUBLIC MEETING OR HEARING OF THE
21 COMMISSION.

22 (C) EXCEPT FOR PUBLIC INPUT AND COMMENT, NONPARTISAN
23 STAFF SHALL NOT HAVE ANY COMMUNICATIONS ABOUT THE CONTENT OR
24 DEVELOPMENT OF ANY PLAN OUTSIDE OF PUBLIC HEARINGS WITH ANYONE
25 EXCEPT OTHER STAFF MEMBERS. NONPARTISAN STAFF SHALL REPORT TO
26 THE COMMISSION ANY ATTEMPT BY ANYONE TO EXERT INFLUENCE OVER
27 THE STAFF'S ROLE IN THE DRAFTING OF PLANS.

1 (D) ONE OR MORE NONPARTISAN STAFF MAY BE DESIGNATED TO
2 COMMUNICATE WITH COMMISSIONERS REGARDING ADMINISTRATIVE
3 MATTERS, THE DEFINITION AND SCOPE OF WHICH SHALL BE DETERMINED
4 BY THE COMMISSION.

5 (E) ANY COMMISSIONER WHO PARTICIPATES IN A COMMUNICATION
6 PROHIBITED IN THIS SECTION MUST BE REMOVED FROM THE COMMISSION,
7 AND SUCH VACANCY MUST BE FILLED WITHIN SEVEN DAYS.

8 (II) THE COMMISSION, EACH COMMISSIONER, AND NONPARTISAN
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 MAPS IN DRAFT FORM AND NOT SUBMITTED TO THE
12 COMMISSION ARE NOT PUBLIC RECORDS SUBJECT TO DISCLOSURE. WORK
13 PRODUCT AND COMMUNICATIONS AMONG NONPARTISAN STAFF ARE
14 SUBJECT TO DISCLOSURE ONCE A PLAN IS SUBMITTED TO THE JUDICIAL
15 PANEL.

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

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

11 **30-10-306.3. Criteria for determination of county**
12 **commissioner districts - definition.** (1) IN ADOPTING A COUNTY
13 COMMISSIONER DISTRICT REDISTRICTING PLAN, THE COMMISSION SHALL:

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

19 (b) COMPLY WITH THE FEDERAL "VOTING RIGHTS ACT OF 1965",
20 52 U.S.C. SEC. 50301, AS AMENDED.

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

1 COMMISSION DIVIDES A CITY OR TOWN, IT SHALL MINIMIZE THE NUMBER OF
2 DIVISIONS OF THAT CITY OR TOWN.

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

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

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

11 (c) WHEN THE COMMISSION APPROVES A PLAN, OR WHEN
12 NONPARTISAN STAFF SUBMITS A PLAN IN THE ABSENCE OF THE
13 COMMISSION'S APPROVAL OF A PLAN AS PROVIDED IN SECTION
14 30-10-306.4, THE NONPARTISAN STAFF SHALL, WITHIN SEVENTY-TWO
15 HOURS OF SUCH ACTION, MAKE PUBLICLY AVAILABLE, AND INCLUDE IN THE
16 COMMISSION'S RECORD, A REPORT TO DEMONSTRATE HOW THE PLAN
17 REFLECTS THE EVIDENCE PRESENTED TO, AND THE FINDINGS CONCERNING,
18 THE EXTENT TO WHICH COMPETITIVENESS IN DISTRICT ELECTIONS IS
19 FOSTERED CONSISTENT WITH THE OTHER CRITERIA SET FORTH IN THIS
20 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 MAP MAY BE APPROVED BY THE COMMISSION OR GIVEN
2 EFFECT BY THE JUDICIAL PANEL IF:

3 (a) IT 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) IT 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 **30-10-306.4. Preparation, amendment, and approval of plans**

12 **- public hearings and participation - district court review.** (1) THE
13 COMMISSION SHALL BEGIN BY CONSIDERING A PLAN FOR COUNTY
14 COMMISSIONER DISTRICTS, CREATED BY ITS NONPARTISAN STAFF ALONE,
15 TO BE KNOWN AS THE "PRELIMINARY PLAN". THE PRELIMINARY PLAN MUST
16 BE PRESENTED AND PUBLISHED NO EARLIER THAN THIRTY DAYS AND NO
17 LATER THAN FORTY-FIVE DAYS AFTER THE COMMISSION HAS CONVENED OR
18 THE NECESSARY CENSUS DATA ARE AVAILABLE, WHICHEVER IS LATER.
19 WITHIN THE FIRST TWENTY DAYS AFTER THE COMMISSION HAS CONVENED,
20 ANY MEMBER OF THE PUBLIC AND ANY MEMBER OF THE COMMISSION MAY
21 SUBMIT WRITTEN COMMENTS TO NONPARTISAN STAFF ON THE CREATION
22 OF THE PRELIMINARY PLAN AND ON COMMUNITIES OF INTEREST THAT
23 REQUIRE REPRESENTATION IN ONE OR MORE SPECIFIC AREAS OF THE
24 COUNTY. NONPARTISAN STAFF SHALL CONSIDER SUCH COMMENTS IN
25 CREATING THE PRELIMINARY PLAN, AND SUCH COMMENTS SHALL BE PART
26 OF THE RECORD OF THE COMMISSION'S ACTIVITIES AND PROCEEDINGS. AT
27 THE FIRST PUBLIC HEARING AT WHICH THE PRELIMINARY PLAN IS

1 PRESENTED, NONPARTISAN STAFF SHALL EXPLAIN HOW THE PLAN WAS
2 CREATED, HOW THE PLAN ADDRESSES THE CATEGORIES OF PUBLIC
3 COMMENTS RECEIVED, AND HOW THE PLAN COMPLIES WITH THE CRITERIA
4 PRESCRIBED IN SECTION 30-10-306.3.

5 (2) BY JULY 21 OF THE REDISTRICTING YEAR, THE COMMISSION
6 SHALL COMPLETE PUBLIC HEARINGS ON THE PRELIMINARY PLAN IN
7 SEVERAL PLACES THROUGHOUT THE COUNTY IN ACCORDANCE WITH
8 SECTION 30-10-306.2.

9 (3) SUBSEQUENT TO HEARINGS ON THE PRELIMINARY PLAN,
10 NONPARTISAN STAFF SHALL PREPARE, PUBLISH ONLINE, AND PRESENT TO
11 THE COMMISSION NO FEWER THAN THREE PLANS, EXCEPT AS PROVIDED IN
12 SUBSECTION (5) OF THIS SECTION. THESE PLANS WILL BE KNOWN AS THE
13 "STAFF PLANS" AND MUST BE NAMED AND NUMBERED SEQUENTIALLY FOR
14 PURPOSES OF SUBSECTION (6) OF THIS SECTION. STAFF PLANS MUST BE
15 PREPARED, PUBLISHED ONLINE, AND PRESENTED IN ACCORDANCE WITH A
16 TIMETABLE ESTABLISHED BY THE COMMISSION; EXCEPT THAT EACH STAFF
17 PLAN MUST BE PRESENTED TO THE COMMISSION NO FEWER THAN TEN DAYS
18 AFTER THE PRESENTATION OF ANY PREVIOUS STAFF PLAN, AND NO FEWER
19 THAN TWENTY-FOUR HOURS AFTER IT HAS BEEN PUBLISHED ONLINE. IF THE
20 COMMISSION FAILS TO ESTABLISH A TIMETABLE FOR THE PRESENTATION OF
21 STAFF PLANS WITHIN TEN DAYS AFTER THE COMPLETION OF HEARINGS ON
22 THE PRELIMINARY PLAN, NONPARTISAN STAFF SHALL ESTABLISH SUCH
23 TIMETABLE. NONPARTISAN STAFF SHALL KEEP EACH PLAN CONFIDENTIAL
24 UNTIL IT IS PUBLISHED ONLINE OR BY A COMPARABLE MEANS OF
25 COMMUNICATING WITH THE PUBLIC USING GENERALLY AVAILABLE
26 TECHNOLOGIES. THE COMMISSION MAY PROVIDE DIRECTION, IF APPROVED
27 BY A MAJORITY OF THE COMMISSIONERS, FOR THE DEVELOPMENT OF STAFF

1 PLANS THROUGH THE ADOPTION OF STANDARDS, GUIDELINES, OR
2 METHODOLOGIES TO WHICH NONPARTISAN STAFF SHALL ADHERE,
3 INCLUDING STANDARDS, GUIDELINES, OR METHODOLOGIES TO BE USED TO
4 EVALUATE A PLAN'S COMPETITIVENESS, CONSISTENT WITH SECTION
5 30-10-306.3 (3)(d). IN PREPARING ALL STAFF PLANS, NONPARTISAN STAFF
6 SHALL ALSO CONSIDER PUBLIC TESTIMONY AND PUBLIC COMMENTS
7 RECEIVED BY THE COMMISSION THAT ARE CONSISTENT WITH THE CRITERIA
8 SPECIFIED IN SECTION 30-10-306.3.

9 (4) ANY COMMISSIONER OR GROUP OF COMMISSIONERS MAY
10 REQUEST NONPARTISAN STAFF TO PREPARE ADDITIONAL PLANS OR
11 AMENDMENTS TO PLANS. ANY SUCH REQUEST MUST BE MADE IN A PUBLIC
12 HEARING OF THE COMMISSION BUT DOES NOT REQUIRE COMMISSION
13 APPROVAL. PLANS OR AMENDMENTS DEVELOPED IN RESPONSE TO SUCH
14 REQUESTS ARE SEPARATE FROM STAFF PLANS FOR PURPOSES OF
15 SUBSECTION (6) OF THIS SECTION.

16 (5) (a) THE COMMISSION MAY ADOPT A FINAL PLAN AT ANY TIME
17 AFTER PRESENTATION OF THE FIRST STAFF PLANS, IN WHICH CASE
18 NONPARTISAN STAFF DOES NOT NEED TO PREPARE OR PRESENT
19 ADDITIONAL STAFF PLANS.

20 (b) NO LATER THAN SEPTEMBER 15 OF THE REDISTRICTING YEAR,
21 THE COMMISSION SHALL ADOPT A FINAL PLAN, WHICH MUST THEN BE
22 SUBMITTED TO THE JUDICIAL PANEL FOR ITS REVIEW AND DETERMINATION
23 IN ACCORDANCE WITH SUBSECTION (7) OF THIS SECTION.

24 (c) THE COMMISSION MAY ADJUST THE DEADLINES SPECIFIED IN
25 THIS SECTION IF CONDITIONS OUTSIDE OF THE COMMISSION'S CONTROL
26 REQUIRE SUCH AN ADJUSTMENT TO ENSURE ADOPTING A FINAL PLAN AS
27 REQUIRED BY THIS SUBSECTION (5).

1 (d) THE COMMISSION MAY GRANT ITS NONPARTISAN STAFF THE
2 AUTHORITY TO MAKE TECHNICAL DE MINIMIS ADJUSTMENTS TO THE
3 ADOPTED PLAN PRIOR TO THEIR SUBMISSION TO THE JUDICIAL PANEL.

4 (6) IF, FOR ANY REASON, THE COMMISSION DOES NOT ADOPT A
5 FINAL PLAN BY THE DATE SPECIFIED IN SUBSECTION (5) OF THIS SECTION,
6 THEN NONPARTISAN STAFF SHALL SUBMIT THE UNAMENDED THIRD STAFF
7 PLAN TO THE JUDICIAL PANEL FOR REVIEW PURSUANT TO SUBSECTION (7)
8 OF THIS SECTION.

9 (7) (a) A JUDICIAL PANEL, PURSUANT TO SUBSECTION (7)(b) OF
10 THIS SECTION, SHALL REVIEW THE SUBMITTED PLAN AND DETERMINE
11 WHETHER THE PLAN COMPLIES WITH THE CRITERIA LISTED IN SECTION
12 30-10-306.3. THE JUDICIAL PANEL'S REVIEW AND DETERMINATION SHALL
13 TAKE PRECEDENCE OVER OTHER MATTERS BEFORE THE JUDICIAL DISTRICT.
14 THE JUDICIAL PANEL SHALL ADOPT RULES FOR SUCH PROCEEDINGS AND
15 FOR THE PRODUCTION AND PRESENTATION OF SUPPORTIVE EVIDENCE FOR
16 SUCH PLAN. ANY LEGAL ARGUMENTS CONCERNING SUCH PLAN SHALL BE
17 SUBMITTED TO THE JUDICIAL PANEL PURSUANT TO THE SCHEDULE
18 ESTABLISHED BY THE JUDICIAL PANEL.

19 (b) THE JUDICIAL PANEL THAT CONDUCTS THE REVIEW OF THE
20 COMMISSION-APPROVED PLAN SHALL CONSIST OF THREE DISTRICT COURT
21 JUDGES DESIGNATED BY THE CHIEF JUDGE OF THE JUDICIAL DISTRICT THAT
22 CONTAINS THE COUNTY. THE CHIEF JUDGE SHALL SELECT ONLY THOSE
23 DISTRICT COURT JUDGES WHO ARE REGULARLY SITTING JUDGES.

24 (c) THE JUDICIAL PANEL SHALL APPROVE THE PLAN SUBMITTED
25 UNLESS IT FINDS THAT THE COMMISSION OR NONPARTISAN STAFF, IN THE
26 CASE OF A STAFF PLAN SUBMITTED IN THE ABSENCE OF A
27 COMMISSION-APPROVED PLAN, ABUSED ITS DISCRETION IN APPLYING OR

1 FAILING TO APPLY THE CRITERIA LISTED IN SECTION 30-10-306.3, IN LIGHT
2 OF THE RECORD BEFORE THE COMMISSION. THE JUDICIAL PANEL MAY
3 CONSIDER ANY MAPS SUBMITTED TO THE COMMISSION IN ASSESSING
4 WHETHER THE COMMISSION OR NONPARTISAN STAFF, IN THE CASE OF A
5 STAFF PLAN SUBMITTED IN THE ABSENCE OF A COMMISSION-APPROVED
6 PLAN, ABUSED ITS DISCRETION.

7 (d) IF THE JUDICIAL PANEL DETERMINES THAT THE SUBMITTED
8 PLAN CONSTITUTES AN ABUSE OF DISCRETION IN APPLYING OR FAILING TO
9 APPLY THE CRITERIA LISTED IN SECTION 30-10-306.3, IN LIGHT OF THE
10 RECORD BEFORE THE COMMISSION, THE JUDICIAL PANEL SHALL RETURN
11 THE PLAN TO THE COMMISSION WITH THE JUDICIAL PANEL'S REASONS FOR
12 DISAPPROVAL.

13 (e) (I) BY NOVEMBER 15 OF THE REDISTRICTING YEAR, THE
14 JUDICIAL PANEL SHALL APPROVE OR RETURN TO THE COMMISSION THE
15 SUBMITTED PLAN.

16 (II) IF THE JUDICIAL PANEL RETURNS THE PLAN TO THE
17 COMMISSION, THE COMMISSION SHALL HAVE TWELVE DAYS TO HOLD A
18 COMMISSION HEARING THAT INCLUDES PUBLIC TESTIMONY AND TO RETURN
19 AN ADOPTED PLAN THAT RESOLVES THE JUDICIAL PANEL'S REASONS FOR
20 DISAPPROVAL.

21 (III) IF THE COMMISSION FAILS TO ADOPT AND RETURN A PLAN TO
22 THE JUDICIAL PANEL WITHIN TWELVE DAYS, NONPARTISAN STAFF SHALL
23 HAVE AN ADDITIONAL THREE DAYS TO PREPARE A PLAN THAT RESOLVES
24 THE JUDICIAL PANEL'S REASONS FOR DISAPPROVAL AND RETURN IT TO THE
25 COURT FOR APPROVAL.

26 (IV) THE JUDICIAL PANEL SHALL REVIEW THE REVISED PLAN IN
27 ACCORDANCE WITH SUBSECTIONS (7)(b) TO (7)(d) OF THIS SECTION.

1 (f) THE JUDICIAL PANEL SHALL APPROVE A PLAN FOR THE
2 REDRAWING OF COUNTY COMMISSIONER DISTRICTS NO LATER THAN
3 DECEMBER 29 OF THE REDISTRICTING YEAR. THE JUDICIAL PANEL SHALL
4 ORDER THAT SUCH PLAN BE FILED WITH THE BOARD OF COUNTY
5 COMMISSIONERS NO LATER THAN SUCH DATE.

6 **SECTION 4.** In Colorado Revised Statutes, 30-10-306.5, **amend**
7 (2), (3)(b), (5)(b), (5)(c), (6)(b), and (6)(c) as follows:

8 **30-10-306.5. Procedure to increase number of county**
9 **commissioners.** (2) Subject to referral as provided in this subsection (2),
10 a board of county commissioners may pass a resolution increasing its
11 membership to five members and designating not fewer than two of the
12 methods of election set forth in subsection (5) or (6) of this section. The
13 resolution shall be referred to the registered electors of the county at a
14 general election. If a majority of votes cast are in favor of the referred
15 resolution, the board of county commissioners shall take such action as
16 is necessary to assure that the increased number of county commissioners
17 are elected, ~~at the next general election~~ according to the procedure for
18 election contained in the referred resolution ~~which~~ THAT received the
19 largest number of votes cast, EITHER AT THE FIRST GENERAL ELECTION
20 MORE THAN ONE YEAR AFTER A PANEL OF THREE DISTRICT COURT JUDGES
21 HAS SUBMITTED THE FINAL PLAN OF THE INDEPENDENT COUNTY
22 COMMISSIONER REDISTRICTING COMMISSION TO THE BOARD OF COUNTY
23 COMMISSIONERS IN ACCORDANCE WITH SECTION 30-10-306.4, OR IF SUCH
24 A PLAN IS NOT REQUIRED, AT THE NEXT GENERAL ELECTION.

25 (3) (b) If a majority of the votes cast on a question placed on the
26 ballot pursuant to ~~paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a)
27 OF THIS SECTION are in favor of increasing the membership, the board of

1 county commissioners shall pass a resolution increasing the membership
2 to five members and providing for the election of the increased number
3 of county commissioners, ~~at the next general election~~ according to the
4 procedure for election specified in such question ~~which~~ THAT received the
5 largest number of votes cast, EITHER AT THE FIRST GENERAL ELECTION
6 MORE THAN ONE YEAR AFTER A PANEL OF THREE DISTRICT COURT JUDGES
7 HAS SUBMITTED THE FINAL PLAN OF THE INDEPENDENT COUNTY
8 COMMISSIONER REDISTRICTING COMMISSION TO THE BOARD OF COUNTY
9 COMMISSIONERS IN ACCORDANCE WITH SECTION 30-10-306.4, OR IF SUCH
10 A PLAN IS NOT REQUIRED, AT THE NEXT GENERAL ELECTION.

11 (5) (b) If the first general election after the voters' approval of
12 such increase OR, IF APPLICABLE, THE LATER OF EITHER THE FIRST
13 GENERAL ELECTION AFTER THE VOTERS' APPROVAL OF SUCH INCREASE OR
14 MORE THAN ONE YEAR AFTER A PANEL OF THREE DISTRICT COURT JUDGES
15 HAS SUBMITTED THE FINAL PLAN OF THE INDEPENDENT COUNTY
16 COMMISSIONER REDISTRICTING COMMISSION TO THE BOARD OF COUNTY
17 COMMISSIONERS IN ACCORDANCE WITH SECTION 30-10-306.4, is held in
18 1976 or any fourth year thereafter, two members resident in districts and
19 one at-large member shall be elected to four-year terms at said election,
20 and one at-large member shall be elected to fill the vacancy until the next
21 general election, and two members, one resident in a district and one at
22 large, shall be elected to four-year terms at said next general election.
23 Thereafter, three members, two resident in districts and one at large, shall
24 be elected at the general elections ~~which~~ THAT occur each four years after
25 the first general election following such resolution OR, IF APPLICABLE, THE
26 LATER OF EITHER THE FIRST GENERAL ELECTION FOLLOWING SUCH
27 RESOLUTION OR MORE THAN ONE YEAR AFTER A PANEL OF THREE DISTRICT

1 COURT JUDGES HAS SUBMITTED THE FINAL PLAN OF THE INDEPENDENT
2 COUNTY COMMISSIONER REDISTRICTING COMMISSION TO THE BOARD OF
3 COUNTY COMMISSIONERS IN ACCORDANCE WITH SECTION 30-10-306.4, and
4 two members, one resident in a district and one at large, shall be elected
5 at the general election ~~which~~ THAT occurs two years after ~~the first~~ SUCH
6 general election ~~following such resolution~~ and every fourth year
7 thereafter.

8 (c) If the first general election after the voters' approval of such
9 increase OR, IF APPLICABLE, THE LATER OF EITHER THE FIRST GENERAL
10 ELECTION AFTER THE VOTERS' APPROVAL OF SUCH INCREASE OR MORE
11 THAN ONE YEAR AFTER A PANEL OF THREE DISTRICT COURT JUDGES HAS
12 SUBMITTED THE FINAL PLAN OF THE INDEPENDENT COUNTY COMMISSIONER
13 REDISTRICTING COMMISSION TO THE BOARD OF COUNTY COMMISSIONERS
14 IN ACCORDANCE WITH SECTION 30-10-306.4, is held in 1978 or any fourth
15 year thereafter, two members, one resident in a district and one AT-LARGE,
16 shall be elected to four-year terms at said election, and one at-large
17 member shall be elected to fill the vacancy until the next general election,
18 and three members, two resident in districts and one at large, shall be
19 elected to four-year terms at said next general election. Thereafter, two
20 members, one resident in a district and one at large, shall be elected at the
21 general elections ~~which~~ THAT occurs each four years after the first general
22 election following such resolution OR, IF APPLICABLE, THE LATER OF
23 EITHER THE FIRST GENERAL ELECTION FOLLOWING SUCH RESOLUTION OR
24 MORE THAN ONE YEAR AFTER A PANEL OF THREE DISTRICT COURT JUDGES
25 HAS SUBMITTED THE FINAL PLAN OF THE INDEPENDENT COUNTY
26 COMMISSIONER REDISTRICTING COMMISSION TO THE BOARD OF COUNTY
27 COMMISSIONERS IN ACCORDANCE WITH SECTION 30-10-306.4, and three

1 members, two resident in districts and one at large, shall be elected at the
2 general election ~~which~~ THAT occurs two years after ~~the first~~ SUCH general
3 election ~~following such resolution~~ and every fourth year thereafter.

4 (6) (b) If the first general election after the voters' approval of
5 such increase OR, IF APPLICABLE, THE LATER OF EITHER THE FIRST
6 GENERAL ELECTION AFTER THE VOTERS' APPROVAL OF SUCH INCREASE OR
7 MORE THAN ONE YEAR AFTER A PANEL OF THREE DISTRICT COURT JUDGES
8 HAS SUBMITTED THE FINAL PLAN OF THE INDEPENDENT COUNTY
9 COMMISSIONER REDISTRICTING COMMISSION TO THE BOARD OF COUNTY
10 COMMISSIONERS IN ACCORDANCE WITH SECTION 30-10-306.4, is held in
11 1982 or any fourth year thereafter, two members resident in districts shall
12 be elected to four-year terms at said election, and one member resident in
13 a district shall be elected to fill the vacancy until the next general election,
14 and three members resident in districts shall be elected to four-year terms
15 at said next general election. Thereafter, two members resident in districts
16 shall be elected at the general elections ~~which~~ THAT occur each four years
17 after the first general election following such resolution OR, IF
18 APPLICABLE, THE LATER OF EITHER THE FIRST GENERAL ELECTION
19 FOLLOWING SUCH RESOLUTION OR MORE THAN ONE YEAR AFTER A PANEL
20 OF THREE DISTRICT COURT JUDGES HAS SUBMITTED THE FINAL PLAN OF THE
21 INDEPENDENT COUNTY COMMISSIONER REDISTRICTING COMMISSION TO
22 THE BOARD OF COUNTY COMMISSIONERS IN ACCORDANCE WITH SECTION
23 30-10-306.4, and three members resident in districts shall be elected at
24 the general election ~~which~~ THAT occurs two years after ~~the first~~ SUCH
25 general election ~~following such resolution~~ and every fourth year
26 thereafter.

27 (c) If the first general election after the voters' approval of such

1 increase OR, IF APPLICABLE, THE LATER OF EITHER THE FIRST GENERAL
2 ELECTION AFTER THE VOTERS' APPROVAL OF SUCH INCREASE OR MORE
3 THAN ONE YEAR AFTER A PANEL OF THREE DISTRICT COURT JUDGES HAS
4 SUBMITTED THE FINAL PLAN OF THE INDEPENDENT COUNTY COMMISSIONER
5 REDISTRICTING COMMISSION TO THE BOARD OF COUNTY COMMISSIONERS
6 IN ACCORDANCE WITH SECTION 30-10-306.4, is held in 1984 or any fourth
7 year thereafter, three members resident in districts shall be elected to
8 four-year terms at said election, and one member resident in a district
9 shall be elected to fill the vacancy until the next general election, and two
10 members resident in districts shall be elected to four-year terms at said
11 next general election. Thereafter, three members resident in districts shall
12 be elected at the general elections ~~which~~ THAT occur each four years after
13 the first general election following such resolution OR, IF APPLICABLE, THE
14 LATER OF EITHER THE FIRST GENERAL ELECTION FOLLOWING SUCH
15 RESOLUTION OR MORE THAN ONE YEAR AFTER A PANEL OF THREE DISTRICT
16 COURT JUDGES HAS SUBMITTED THE FINAL PLAN OF THE INDEPENDENT
17 COUNTY COMMISSIONER REDISTRICTING COMMISSION TO THE BOARD OF
18 COUNTY COMMISSIONERS IN ACCORDANCE WITH SECTION 30-10-306.4, and
19 two members resident in districts shall be elected at the general election
20 ~~which~~ THAT occurs two years after ~~the first~~ SUCH general election
21 ~~following such resolution~~ and every fourth year thereafter.

22 **SECTION 5.** In Colorado Revised Statutes, 30-10-306.7, **amend**
23 (2)(b) and (5)(a) as follows:

24 **30-10-306.7. Procedure for electing county commissioners.**

25 (2) (b) The registered electors of such a county may, either by
26 referendum or by initiative, decrease the members of the board of county
27 commissioners from five to three. In such case, the term of office of all

1 members serving on the board shall expire at the time the next duly
2 elected board OF ONLY THREE COUNTY COMMISSIONERS takes the oath of
3 office ~~following the first general election after the voters' approval of~~
4 ~~such decrease~~, and three new members shall be elected in accordance
5 with sections 1-4-205 (2) ~~C.R.S.~~, and 30-10-306. Two seats, as
6 determined by lot, shall be elected for four-year terms and the remaining
7 seat shall be elected for a two-year term of office in accordance with
8 sections 1-4-205 (2) ~~C.R.S.~~, and 30-10-306. The county clerk and
9 recorder shall make any necessary changes to effectuate the decrease in
10 membership.

11 (5) (a) If a majority of the votes cast on the question are in favor
12 of changing the method of electing the five commissioners or providing
13 for three commissioners, as provided in ~~subparagraph (H) or~~
14 ~~subparagraph (III) of paragraph (a) of subsection (2)~~ SUBSECTION
15 (2)(a)(II) OR (2)(a)(III) of this section, EITHER NONE OR SOME OF THE
16 COMMISSIONERS WILL BE ELECTED BY THE VOTERS OF THE WHOLE
17 COUNTY:

18 (I) IF NONE OF THE COMMISSIONERS WILL BE ELECTED BY THE
19 VOTERS OF THE WHOLE COUNTY, the board of county commissioners shall
20 change the boundaries of the commissioner districts ~~so as to create three~~
21 ~~districts as nearly equal in population as possible based on the most recent~~
22 ~~federal census of the United States minus the number of persons serving~~
23 ~~a sentence of detention or confinement in any correctional facility in the~~
24 ~~county as indicated in the statistical report of the department of~~
25 ~~corrections for the most recent fiscal year. The districts shall be numbered~~
26 ~~consecutively and shall not be subject to alteration more often than once~~
27 ~~every two years; except that, notwithstanding section 30-10-306 (3), the~~

1 board may alter the districts to conform to precinct boundaries that are
2 changed in accordance with section 1-5-103 (1), C.R.S., based on the
3 division of the state into congressional districts or an approved plan for
4 reapportionment of the members of the general assembly when necessary
5 to ensure that no precinct is located in more than one district. All other
6 provisions of sections 1-4-205 (3)(a), C.R.S., and 30-10-306 (2) and (3)
7 relating to the method of electing members, as provided in this paragraph
8 (a), shall be applicable; except that, when districts are created, such
9 changes shall be completed by July 1 of the odd-numbered year
10 immediately preceding the general election. IN ACCORDANCE WITH THE
11 PROCEDURES OF SECTIONS 30-10-306 (1) AND (4); AND

12 (II) IF SOME OF THE COMMISSIONERS IN COUNTY WILL BE ELECTED
13 BY THE VOTERS OF THE WHOLE COUNTY, THE BOARD OF COUNTY
14 COMMISSIONERS SHALL CHANGE THE BOUNDARIES OF THE COMMISSIONER
15 DISTRICTS IN ACCORDANCE WITH THE PROCEDURES OF SECTION 30-10-306
16 (2).

17 **SECTION 6.** In Colorado Revised Statutes, 1-5-101, **amend** (3);
18 **repeal** (2); and **add** (7) as follows:

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

1 (3) In a county that uses an electronic or electromechanical voting
2 system, the county clerk and recorder, subject to approval by the board of
3 county commissioners, shall establish at least one precinct for every one
4 thousand five hundred active eligible electors IN THE COUNTY AT THE
5 TIME OF THE MOST RECENT FEDERAL DECENNIAL CENSUS, SO LONG AS NO
6 PRECINCT HAS MORE THAN FOUR THOUSAND ELIGIBLE ELECTORS AT ANY
7 TIME. However, the county clerk and recorder, subject to approval by the
8 board, may establish one precinct for every two thousand active eligible
9 electors IN THE COUNTY AT THE TIME OF THE MOST RECENT FEDERAL
10 DECENNIAL CENSUS, SO LONG AS NO PRECINCT HAS MORE THAN FOUR
11 THOUSAND ELIGIBLE ELECTORS AT ANY TIME.

12 (7) IN ANY COUNTY THAT HAS ANY NUMBER OF ITS COUNTY
13 COMMISSIONERS NOT ELECTED BY THE VOTERS OF THE WHOLE COUNTY,
14 THE COUNTY CLERK AND RECORDER MAY ALTER THE PRECINCT
15 BOUNDARIES WHEN NECESSARY TO ENSURE THAT NO PRECINCT IS LOCATED
16 IN MORE THAN ONE COUNTY COMMISSIONER DISTRICT.

17 **SECTION 7. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part will not take effect
24 unless approved by the people at the general election to be held in
25 November 2020 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.