

CHAPTER 52

**GOVERNMENT - COUNTY**

SENATE BILL 02-007

BY SENATOR(S) Hillman;  
also REPRESENTATIVE(S) Kester, Garcia, and Hoppe.

**AN ACT**

**CONCERNING COUNTY COMMISSIONER REDISTRICTING.**

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

**SECTION 1.** 30-10-306 (1), (2), and (4), Colorado Revised Statutes, are amended, and the said 30-10-306 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**30-10-306. Commissioners' districts - vacancies.** (1) Each county shall be divided into three compact districts by the board of county commissioners. Each district shall be as nearly equal in population as possible BASED ON THE MOST RECENT FEDERAL CENSUS OF THE UNITED STATES MINUS THE NUMBER OF PERSONS SERVING A SENTENCE OF DETENTION OR CONFINEMENT IN ANY CORRECTIONAL FACILITY IN THE COUNTY AS INDICATED IN THE STATISTICAL REPORT OF THE DEPARTMENT OF CORRECTIONS FOR THE MOST RECENT FISCAL YEAR. EACH DISTRICT shall be numbered consecutively and shall not be subject to alteration more often than once every two years. One commissioner shall be elected from each of such districts by the voters of the whole county. If any commissioner, during his OR HER term of office, moves from the district in which he OR SHE resided when elected, his OR HER office shall thereupon become vacant. All proceedings by the board of county commissioners in formation of such districts not inconsistent with this section are confirmed and validated.

(2) Each county having a population of seventy thousand or more which has chosen to increase the members of the board of county commissioners from three to five shall be divided into three or five districts by the board of county commissioners according to the method of election described in section 30-10-306.5 (5) or (6) or section 30-10-306.7. The districts shall be as nearly equal in population as possible BASED ON THE MOST RECENT FEDERAL CENSUS OF THE UNITED STATES MINUS THE

---

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

NUMBER OF PERSONS SERVING A SENTENCE OF DETENTION OR CONFINEMENT IN ANY CORRECTIONAL FACILITY IN THE COUNTY AS INDICATED IN THE STATISTICAL REPORT OF THE DEPARTMENT OF CORRECTIONS FOR THE MOST RECENT FISCAL YEAR. EACH DISTRICT shall be numbered consecutively, and shall not be subject to alteration more often than once every two years; EXCEPT THAT, NOTWITHSTANDING SUBSECTION (3) OF THIS SECTION, THE BOARD MAY ALTER THE DISTRICTS TO CONFORM TO PRECINCT BOUNDARIES THAT ARE CHANGED IN ACCORDANCE WITH SECTION 1-5-103 (1), C.R.S., BASED ON THE DIVISION OF THE STATE INTO CONGRESSIONAL DISTRICTS OR AN APPROVED PLAN FOR REAPPORTIONMENT OF THE MEMBERS OF THE GENERAL ASSEMBLY WHEN NECESSARY TO ENSURE THAT NO PRECINCT IS LOCATED IN MORE THAN ONE DISTRICT. Commissioners shall be elected at large or from districts according to the method of election described in section 30-10-306.5 (5) or (6) or section 30-10-306.7. If any commissioner required to be resident in a district moves during his term of office from the district in which he resided when elected, his office shall thereupon become vacant. All proceedings by the board of county commissioners in formation of such districts not inconsistent with this section are confirmed and validated.

(4) Notwithstanding subsections (1) to (3) of this section, after each federal census of the United States, each district shall be established, revised, or altered to assure that such districts shall be as nearly equal in population as possible based on such census ~~in the following odd-numbered year and~~ MINUS THE NUMBER OF PERSONS SERVING A SENTENCE OF DETENTION OR CONFINEMENT IN ANY CORRECTIONAL FACILITY IN THE COUNTY AS INDICATED IN THE STATISTICAL REPORT OF THE DEPARTMENT OF CORRECTIONS FOR THE MOST RECENT FISCAL YEAR. THE ESTABLISHMENT, REVISION, OR ALTERATION OF DISTRICTS REQUIRED BY THIS SUBSECTION (4) shall be completed by September 30 of ~~such year~~ THE ODD-NUMBERED YEAR FOLLOWING SUCH CENSUS.

(5) NO LESS THAN THIRTY DAYS BEFORE ADOPTING ANY RESOLUTION TO CHANGE THE BOUNDARIES OF COMMISSIONER DISTRICTS OR CREATE NEW COMMISSIONER DISTRICTS, THE BOARD OF COUNTY COMMISSIONERS SHALL HOLD A PUBLIC HEARING ON THE PROPOSED DISTRICT BOUNDARIES.

**SECTION 2.** 30-10-306.7 (5) (a), Colorado Revised Statutes, is amended to read:

**30-10-306.7. Procedure for electing county commissioners.** (5) (a) If a majority of the votes cast on the question are in favor of changing the method of electing the five commissioners or providing for three commissioners, as provided in subparagraph (II) or subparagraph (III) of paragraph (a) of subsection (2) of this section, the board of county commissioners shall change the boundaries of the commissioner districts so as to create three districts as nearly equal in population as possible ~~which~~ BASED ON THE MOST RECENT FEDERAL CENSUS OF THE UNITED STATES MINUS THE NUMBER OF PERSONS SERVING A SENTENCE OF DETENTION OR CONFINEMENT IN ANY CORRECTIONAL FACILITY IN THE COUNTY AS INDICATED IN THE STATISTICAL REPORT OF THE DEPARTMENT OF CORRECTIONS FOR THE MOST RECENT FISCAL YEAR. THE DISTRICTS shall be numbered consecutively and ~~which~~ shall not be subject to alteration more often than once every two years; EXCEPT THAT, NOTWITHSTANDING SECTION 30-10-306 (3), THE BOARD MAY ALTER THE DISTRICTS TO CONFORM TO PRECINCT BOUNDARIES THAT ARE CHANGED IN ACCORDANCE WITH SECTION 1-5-103 (1), C.R.S., BASED ON THE DIVISION OF THE STATE INTO

CONGRESSIONAL DISTRICTS OR AN APPROVED PLAN FOR REAPPORTIONMENT OF THE MEMBERS OF THE GENERAL ASSEMBLY WHEN NECESSARY TO ENSURE THAT NO PRECINCT IS LOCATED IN MORE THAN ONE DISTRICT. All other provisions of sections 1-4-205 (3) (a), C.R.S., and 30-10-306 (2) and (3) relating to the method of electing members, as provided in this paragraph (a), shall be applicable; except that, when districts are created, such changes shall be completed by July 1 of the odd-numbered year immediately preceding the general election.

**SECTION 3. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 27, 2002