

CHAPTER 352

GENERAL ASSEMBLY

HOUSE BILL 10-1210

BY REPRESENTATIVE(S) Weissmann, Carroll T., May, Court, Labuda, Merrifield, Priola, Stephens, Todd, Vigil;
also SENATOR(S) Morse, Shaffer B., Penry, Steadman.

AN ACT**CONCERNING THE REDISTRICTING PROCESS.**

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

SECTION 1. 2-2-502 (1), Colorado Revised Statutes, is amended to read:

2-2-502. Definitions. As used in this part 5:

(1) "Commission" means the Colorado reapportionment commission, created pursuant to section 48 of article V of the state constitution and appointed in ~~2001~~ 2011.

SECTION 2. 2-2-503, Colorado Revised Statutes, is amended to read:

2-2-503. Designation of senatorial districts to elect in 2012 and 2014. As a part of its preliminary and final reapportionment plans for state senatorial districts, the commission shall designate those senatorial districts in which state senators shall be elected at the general election to be held in November ~~2002~~ 2012, and every four years thereafter, and those senatorial districts in which state senators shall be elected at the general election to be held in November ~~2004~~ 2014, and every four years thereafter. Such designation of senatorial districts shall be filed with the secretary of state as a part of the approved reapportionment plan required to be filed by section 48 (1) (e) of article V of the state constitution.

SECTION 3. 2-2-504 (2) and (3), Colorado Revised Statutes, are amended to read:

2-2-504. Holdover senators keep office - vacancies. (2) If any senator elected

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

at the ~~2000~~ 2010 general election vacates his or her seat prior to the convening of the regular legislative session in ~~2003~~ 2013, such vacancy shall be filled from the district from which the senator was elected in accordance with section 1-12-203, C.R.S. If such vacancy occurs more than fifty-five days before the general election in ~~2002~~ 2012, there shall be an election at the general election in ~~2002~~ 2012 for the remainder of such senator's term from the senatorial district created by the commission. Nomination of candidates at such election shall be in accordance with article 4 of title 1, C.R.S.

(3) If any senator elected at the ~~2000~~ 2010 general election vacates his or her seat on or after the convening of the regular legislative session in ~~2003~~ 2013, such vacancy shall be filled from the senatorial district created by the commission in accordance with section 1-12-203, C.R.S.

SECTION 4. Part 5 of article 2 of title 2, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

2-2-505.5. Presidential election years. PURSUANT TO SECTION 1-3-102, C.R.S., IN ANY YEAR IN WHICH A PRESIDENTIAL ELECTION WILL BE HELD, A POLITICAL PARTY MAY DECIDE TO HOLD ITS PRECINCT CAUCUSES ON THE FIRST TUESDAY IN FEBRUARY. BECAUSE 2012 IS A PRESIDENTIAL ELECTION YEAR, POLITICAL PARTIES MAY HOLD PRECINCT CAUCUSES ON FEBRUARY 7, 2012. TO ALLOW COUNTY CLERKS SUFFICIENT TIME TO REDRAW PRECINCT BOUNDARIES, PURSUANT TO SECTION 48 (1) (e) OF ARTICLE V OF THE STATE CONSTITUTION, THE COLORADO SUPREME COURT IS REQUIRED TO APPROVE THE COMMISSION'S PLAN NO LATER THAN FIFTY-FIVE DAYS BEFORE THE PRECINCT CAUCUSES OR BY DECEMBER 14, 2011. WHILE THIS DATE SHORTENS THE TIMELINE FOR THE COMMISSION TO COMPLETE ITS FINAL PLAN, THE GENERAL ASSEMBLY URGES THE COMMISSION TO COMPLETE ITS FINAL PLAN AND THE SUPREME COURT TO APPROVE A FINAL PLAN BY THIS DATE.

SECTION 5. 2-2-511, Colorado Revised Statutes, is amended to read:

2-2-511. Applicability. This part 5 shall apply to the Colorado reapportionment commission appointed in ~~2001~~ 2011 and to state senatorial and state representative districts created by said commission.

SECTION 6. 2-2-901 (2), Colorado Revised Statutes, is amended to read:

2-2-901. Population data for redistricting - legislative declaration. (2) For purposes of redrawing the boundaries of congressional, state senatorial, and state representative districts after the federal census in the year ~~2000~~ 2010, the general assembly and the Colorado reapportionment commission shall use population data supplied by the United States bureau of the census that has been used to apportion the seats in the United States house of representatives among the states.

SECTION 7. 2-2-1601 (2), Colorado Revised Statutes, is amended, and the said 2-2-1601 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

2-2-1601. Legislative department cash fund - redistricting account - creation.
(2) EXCEPT FOR MONEYS IN THE REDISTRICTING ACCOUNT CREATED PURSUANT TO

SUBSECTION (2.5) OF THIS SECTION, moneys in the legislative department cash fund are continuously appropriated to the executive committee of the legislative council to pay for expenses of the legislative department of the state of Colorado. Moneys in the fund shall be expended consistent with any terms and conditions imposed as a condition of receiving such moneys as gifts, grants, or donations.

(2.5) THERE IS HEREBY CREATED IN THE LEGISLATIVE DEPARTMENT CASH FUND THE REDISTRICTING ACCOUNT, REFERRED TO IN THIS SUBSECTION (2.5) AS THE "ACCOUNT". THE ACCOUNT SHALL BE COMPRISED OF ANY MONEYS APPROPRIATED OR TRANSFERRED TO THE ACCOUNT AND ANY MONEYS RECEIVED BY THE COLORADO REAPPORTIONMENT COMMISSION, CREATED PURSUANT TO SECTION 48 OF ARTICLE V OF THE STATE CONSTITUTION, OR THE LEGISLATIVE COUNCIL RELATED TO REDISTRICTING. MONEYS IN THE ACCOUNT ARE CONTINUOUSLY APPROPRIATED TO THE REAPPORTIONMENT COMMISSION AND TO THE LEGISLATIVE COUNCIL STAFF TO PAY FOR THE EXPENSE OF REDISTRICTING THE CONGRESSIONAL AND STATE LEGISLATIVE DISTRICTS IN THE STATE AND TO THE GENERAL ASSEMBLY TO PAY THE EXPENSES RELATED TO A SPECIAL SESSION FOR CONGRESSIONAL REDISTRICTING. ALL INTEREST EARNED ON THE INVESTMENT OF MONEYS IN THE ACCOUNT SHALL BE CREDITED TO THE ACCOUNT. ANY MONEYS CREDITED TO THE ACCOUNT AND UNEXPENDED AT THE END OF ANY GIVEN FISCAL YEAR SHALL REMAIN IN THE ACCOUNT AND SHALL NOT REVERT OR BE TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND; EXCEPT THAT ANY UNEXPENDED MONEYS REMAINING IN THE ACCOUNT AS OF JUNE 30, 2012, SHALL BE TRANSFERRED TO THE LEGISLATIVE DEPARTMENT CASH FUND.

SECTION 8. Definitions. As used in sections 9 through 13 of this act:

- (1) "Census bureau" means the United States census bureau.
- (2) "Commission" means the Colorado reapportionment commission appointed in 2011 pursuant to the provisions of section 48 of article V of the state constitution.
- (3) "Congressional plan" means the plan for the redistricting of congressional districts in Colorado based upon the census conducted in 2010 as provided by section 44 of article V of the state constitution.
- (4) "Executive committee" means the executive committee of the legislative council.
- (5) "State plan" means a plan for the redistricting of Colorado state senatorial and representative districts based upon the census conducted in 2010 as provided in sections 45 through 48 of article V of the state constitution.

SECTION 9. Arrangements pending the organization of the reapportionment commission. (1) The general assembly hereby finds that the redistricting of congressional and state senatorial and representative districts requires the compilation, assimilation, and analysis of large amounts of census data and maps; that the task of redistricting involves complex mathematical analysis and a thorough consideration of legal issues under the state and federal statutes and constitution; that 2010 census data and maps are being furnished to the states in computerized form; that the one-hundred-twenty-day limitation on regular sessions

of the general assembly means that the enactment of a congressional plan may require a special session; and that the arrangements set forth in this section and section 10 of this act are provided in order to assure that the commission and the general assembly will be as prepared as possible to begin their substantive work as soon as possible.

(2) Upon the request of the executive committee, the following offices shall provide the legislative council any necessary staff assistance prior to the appointment of the commission:

- (a) The office of legislative legal services;
- (b) The division of local government in the department of local affairs; and
- (c) The department of state.

(3) The legislative council shall make the following materials available to the commission:

(a) A computer database describing all units of census geography built from the TIGER line file received from the census bureau;

(b) A computer database of population data built from the Public Law 94-171 files received from the census bureau conforming with section 2-2-901, Colorado Revised Statutes, including racial and ethnic data;

(c) A computer database of election and voter registration information for the 2008 and 2010 general elections;

(d) Any available information indicating the location of cultural, economic, geographic, demographic, and trade area factors in Colorado; and

(e) Any available information or analysis of state and federal court decisions concerning redistricting.

(4) The executive committee may make arrangements for office space for the commission and its staff prior to the convening of the commission, including but not limited to the leasing of appropriate facilities and office equipment.

SECTION 10. Computer system. (1) The director of research of the legislative council shall be responsible for acquiring a computerized system that uses census data and maps to prepare congressional and state plans in conformity with statutory and constitutional criteria and within the applicable time constraints. Upon approval by the executive committee, the director of research may contract for the acquisition of computer hardware and software and for the provision of computer services as are necessary to accomplish the tasks of this subsection (1). The computer system shall be available for use by the general assembly for purposes of the congressional plan and by the commission for the state plan.

(2) Election and voter registration information for the 2008 and 2010 general elections shall be incorporated in the database for the computerized redistricting

system. Such information shall be taken or derived from the official records of the secretary of state or, if such data are not available from the secretary of state, from the official records of the county clerks and recorders. Election and voter registration information in the computerized system shall be considered to be official election and voter registration data for all purposes related to redistricting based upon the 2010 census.

(3) The executive committee shall adopt a policy governing access by private persons and governmental agencies other than the general assembly and the commission to the computer databases developed pursuant to this section and section 9 (3) of this act, which policy may include reasonable charges for such access. Any moneys received pursuant to this subsection (3) shall be credited to the redistricting account in the legislative department cash fund created pursuant to section 2-2-1601, Colorado Revised Statutes.

SECTION 11. Reapportionment commission - organizational provisions - compensation. (1) Members of the commission shall be appointed and convened, and the officers of the commission elected, pursuant to the provisions of section 48 of article V of the state constitution.

(2) Members of the commission shall receive a per diem of ninety-nine dollars for attendance at regularly scheduled meetings of the commission. Members of the commission shall be reimbursed for actual and necessary expenses incurred while performing official duties, together with mileage at the rate at which members of the general assembly are reimbursed pursuant to section 2-2-317, Colorado Revised Statutes. A member of the commission who is a state officer or employee shall not claim per diem compensation from more than one source for official activities on the same day.

SECTION 12. Staff director - staff - hearings. (1) The director of research for the legislative council and the director of the office of legislative legal services may appoint a staff director who shall keep a full and true record of all proceedings of the commission and perform such other duties as the commission may prescribe. The staff director shall obtain and prepare the materials set forth in section 9 (3) of this act and shall compile such other data or materials as the commission may direct.

(2) The staff director of the commission may appoint, with the consent of the director of research for the legislative council and the director of the office of legislative legal services, such employees and consultants as he or she deems necessary to carry out the provisions of section 48 of article V of the state constitution, of part 5 of article 2 of title 2, Colorado Revised Statutes, and of this act.

(3) The commission may request additional information or staff assistance it deems necessary from the agencies of state government, and such agencies shall furnish such information or assistance to the extent feasible within existing appropriations or in accordance with any contract between the agency and the commission.

(4) The commission may have the use of the committee rooms in the state capitol building and the legislative services building for its hearings.

SECTION 13. Commission expenses. All expenses incurred by the commission, including per diem compensation and mileage of commission members and salaries and expenses of employees, shall be paid upon vouchers signed by the presiding officer of the commission, or in his or her absence or unavailability, the vice chair or the staff director upon instruction by the presiding officer in each instance and drawn upon moneys appropriated for use by the commission. All such vouchers, except vouchers for the payment of per diem compensation and mileage of commission members, shall also be signed by the director of research of the legislative council.

SECTION 14. 1-40-124.5 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

1-40-124.5. Ballot information booklet. (3) (e) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (3) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (e), THE STATE TREASURER SHALL DEDUCT ONE MILLION ONE HUNDRED TWENTY-NINE THOUSAND SIX HUNDRED SEVEN DOLLARS FROM THE BALLOT INFORMATION PUBLICATION AND DISTRIBUTION REVOLVING FUND AND TRANSFER SUCH SUM TO THE REDISTRICTING ACCOUNT WITHIN THE LEGISLATIVE DEPARTMENT CASH FUND.

SECTION 15. Act subject to petition - 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 (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 7, 2010