

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 10-0147.01 Jerry Barry

HOUSE BILL 10-1210

HOUSE SPONSORSHIP

Weissmann, Carroll T., May

SENATE SPONSORSHIP

Morse, Shaffer B., Penry

House Committees

State, Veterans, & Military Affairs
Appropriations
Appropriations

Senate Committees

State, Veterans & Military Affairs
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE REDISTRICTING PROCESS.**

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://www.leg.state.co.us/billsummaries>.)

Executive Committee of the Legislative Council. The bill updates the permanent statutes relating to redistricting by requiring the Colorado reapportionment commission (commission) appointed in 2011 to designate in its plan which senatorial districts will stand for election in 2012 and which in 2014.

If a senator elected in 2010 vacates his or her seat prior to the start of the 2013 regular legislative session, the vacancy shall be filled from

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unam ended
April 27, 2010

HOUSE
3rd Reading Unam ended
March 16, 2010

HOUSE
Am ended 2nd Reading
March 15, 2010

the district from which the senator was elected; however, any election in 2012 shall be from the newly drawn district. If such senator vacates his or her seat on or after the start of the 2013 regular legislative session, the vacancy shall be filled from the newly drawn district.

The bill creates the redistricting account in the legislative department cash fund, and specifies the allowable uses of moneys in the account.

The bill contains a legislative declaration that, because 2012 is a presidential election year and precinct caucuses may be held on February 7, 2012, the time for the commission to complete its final plan is shortened. The declaration urges the commission and the Colorado supreme court to approve a final redistricting plan by December 14, 2011.

The legislative council will compile specified information and computer databases for use by the reapportionment commission and the general assembly in redrawing district boundaries. The director of research of the legislative council will acquire a computer system to prepare legislative districts. The bill specifies that election and voter registration information from the 2008 and 2010 general elections will be included in the computer database. The executive committee of the legislative council is authorized to adopt a policy for public access to the computerized database.

The bill makes arrangements for commission staff, offices, and meeting rooms and for assistance from state agencies.

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

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

4 **2-2-502. Definitions.** As used in this part 5:

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

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

10 **2-2-503. Designation of senatorial districts to elect in 2012 and**
11 **2014.** As a part of its preliminary and final reapportionment plans for
12 state senatorial districts, the commission shall designate those senatorial

1 districts in which state senators shall be elected at the general election to
2 be held in November ~~2002~~ 2012, and every four years thereafter, and
3 those senatorial districts in which state senators shall be elected at the
4 general election to be held in November ~~2004~~ 2014, and every four years
5 thereafter. Such designation of senatorial districts shall be filed with the
6 secretary of state as a part of the approved reapportionment plan required
7 to be filed by section 48 (1) (e) of article V of the state constitution.

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

10 **2-2-504. Holdover senators keep office - vacancies.** (2) If any
11 senator elected at the ~~2000~~ 2010 general election vacates his or her seat
12 prior to the convening of the regular legislative session in ~~2003~~ 2013,
13 such vacancy shall be filled from the district from which the senator was
14 elected in accordance with section 1-12-203, C.R.S. If such vacancy
15 occurs more than fifty-five days before the general election in ~~2002~~ 2012,
16 there shall be an election at the general election in ~~2002~~ 2012 for the
17 remainder of such senator's term from the senatorial district created by the
18 commission. Nomination of candidates at such election shall be in
19 accordance with article 4 of title 1, C.R.S.

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

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

1 **2-2-505.5. Presidential election years.** PURSUANT TO SECTION
2 1-3-102, C.R.S., IN ANY YEAR IN WHICH A PRESIDENTIAL ELECTION WILL
3 BE HELD, A POLITICAL PARTY MAY DECIDE TO HOLD ITS PRECINCT
4 CAUCUSES ON THE FIRST TUESDAY IN FEBRUARY. BECAUSE 2012 IS A
5 PRESIDENTIAL ELECTION YEAR, POLITICAL PARTIES MAY HOLD PRECINCT
6 CAUCUSES ON FEBRUARY 7, 2012. TO ALLOW COUNTY CLERKS SUFFICIENT
7 TIME TO REDRAW PRECINCT BOUNDARIES, PURSUANT TO SECTION 48(1)(e)
8 OF ARTICLE V OF THE STATE CONSTITUTION, THE COLORADO SUPREME
9 COURT IS REQUIRED TO APPROVE THE COMMISSION'S PLAN NO LATER THAN
10 FIFTY-FIVE DAYS BEFORE THE PRECINCT CAUCUSES OR BY DECEMBER 14,
11 2011. WHILE THIS DATE SHORTENS THE TIMELINE FOR THE COMMISSION
12 TO COMPLETE ITS FINAL PLAN, THE GENERAL ASSEMBLY URGES THE
13 COMMISSION TO COMPLETE ITS FINAL PLAN AND THE SUPREME COURT TO
14 APPROVE A FINAL PLAN BY THIS DATE.

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

17 **2-2-511. Applicability.** This part 5 shall apply to the Colorado
18 reapportionment commission appointed in ~~2001~~ 2011 and to state
19 senatorial and state representative districts created by said commission.

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

22 **2-2-901. Population data for redistricting - legislative**
23 **declaration.** (2) For purposes of redrawing the boundaries of
24 congressional, state senatorial, and state representative districts after the
25 federal census in the year ~~2000~~ 2010, the general assembly and the
26 Colorado reapportionment commission shall use population data supplied
27 by the United States bureau of the census that has been used to apportion

1 the seats in the United States house of representatives among the states.

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

5 **2-2-1601. Legislative department cash fund - redistricting**
6 **account - creation.** (2) EXCEPT FOR MONEYS IN THE REDISTRICTING
7 ACCOUNT CREATED PURSUANT TO SUBSECTION (2.5) OF THIS SECTION,
8 moneys in the legislative department cash fund are continuously
9 appropriated to the executive committee of the legislative council to pay
10 for expenses of the legislative department of the state of Colorado.
11 Moneys in the fund shall be expended consistent with any terms and
12 conditions imposed as a condition of receiving such moneys as gifts,
13 grants, or donations.

14 (2.5) THERE IS HEREBY CREATED IN THE LEGISLATIVE
15 DEPARTMENT CASH FUND THE REDISTRICTING ACCOUNT, REFERRED TO IN
16 THIS SUBSECTION (2.5) AS THE "ACCOUNT". THE ACCOUNT SHALL BE
17 COMPRISED OF ANY MONEYS APPROPRIATED OR TRANSFERRED TO THE
18 ACCOUNT AND ANY MONEYS RECEIVED BY THE COLORADO
19 REAPPORTIONMENT COMMISSION, CREATED PURSUANT TO SECTION 48 OF
20 ARTICLE V OF THE STATE CONSTITUTION, OR THE LEGISLATIVE COUNCIL
21 RELATED TO REDISTRICTING. MONEYS IN THE ACCOUNT ARE
22 CONTINUOUSLY APPROPRIATED TO THE REAPPORTIONMENT COMMISSION
23 AND TO THE LEGISLATIVE COUNCIL STAFF TO PAY FOR THE EXPENSE OF
24 REDISTRICTING THE CONGRESSIONAL AND STATE LEGISLATIVE DISTRICTS
25 IN THE STATE AND TO THE GENERAL ASSEMBLY TO PAY THE EXPENSES
26 RELATED TO A SPECIAL SESSION FOR CONGRESSIONAL REDISTRICTING. ALL
27 INTEREST EARNED ON THE INVESTMENT OF MONEYS IN THE ACCOUNT

1 SHALL BE CREDITED TO THE ACCOUNT. ANY MONEYS CREDITED TO THE
2 ACCOUNT AND UNEXPENDED AT THE END OF ANY GIVEN FISCAL YEAR
3 SHALL REMAIN IN THE ACCOUNT AND SHALL NOT REVERT OR BE
4 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND; EXCEPT THAT
5 ANY UNEXPENDED MONEYS REMAINING IN THE ACCOUNT AS OF JUNE 30,
6 2012, SHALL BE TRANSFERRED TO THE LEGISLATIVE DEPARTMENT CASH
7 FUND.

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

- 10 (1) "Census bureau" means the United States census bureau.
- 11 (2) "Commission" means the Colorado reapportionment
12 commission appointed in 2011 pursuant to the provisions of section 48 of
13 article V of the state constitution.
- 14 (3) "Congressional plan" means the plan for the redistricting of
15 congressional districts in Colorado based upon the census conducted in
16 2010 as provided by section 44 of article V of the state constitution.
- 17 (4) "Executive committee" means the executive committee of the
18 legislative council.
- 19 (5) "State plan" means a plan for the redistricting of Colorado
20 state senatorial and representative districts based upon the census
21 conducted in 2010 as provided in sections 45 through 48 of article V of
22 the state constitution.

23 **SECTION 9. Arrangements pending the organization of the**
24 **reapportionment commission.** (1) The general assembly hereby finds
25 that the redistricting of congressional and state senatorial and
26 representative districts requires the compilation, assimilation, and analysis
27 of large amounts of census data and maps; that the task of redistricting

1 involves complex mathematical analysis and a thorough consideration of
2 legal issues under the state and federal statutes and constitution; that 2010
3 census data and maps are being furnished to the states in computerized
4 form; that the one-hundred-twenty-day limitation on regular sessions of
5 the general assembly means that the enactment of a congressional plan
6 may require a special session; and that the arrangements set forth in this
7 section and section 10 of this act are provided in order to assure that the
8 commission and the general assembly will be as prepared as possible to
9 begin their substantive work as soon as possible.

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

13 (a) The office of legislative legal services;

14 (b) The division of local government in the department of local
15 affairs; and

16 (c) The department of state.

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

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

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

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

27 (d) Any available information indicating the location of cultural,

1 economic, geographic, demographic, and trade area factors in Colorado;
2 and

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

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

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

20 (2) Election and voter registration information for the 2008 and
21 2010 general elections shall be incorporated in the database for the
22 computerized redistricting system. Such information shall be taken or
23 derived from the official records of the secretary of state or, if such data
24 are not available from the secretary of state, from the official records of
25 the county clerks and recorders. Election and voter registration
26 information in the computerized system shall be considered to be official
27 election and voter registration data for all purposes related to redistricting

1 based upon the 2010 census.

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

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

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

24 **SECTION 12. Staff director - staff - hearings.** (1) The director
25 of research for the legislative council and the director of the office of
26 legislative legal services may appoint a staff director who shall keep a full
27 and true record of all proceedings of the commission and perform such

1 other duties as the commission may prescribe. The staff director shall
2 obtain and prepare the materials set forth in section 9 (3) of this act and
3 shall compile such other data or materials as the commission may direct.

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

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

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

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

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

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

11 **SECTION 15. Act subject to petition - effective date.** This act
12 shall take effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part shall not take effect
18 unless approved by the people at the general election to be held in
19 November 2010 and shall take effect on the date of the official
20 declaration of the vote thereon by the governor.