

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0304.01 Jerry Barry x4341

SENATE BILL 20-186

SENATE SPONSORSHIP

Fenberg and Holbert, Garcia

HOUSE SPONSORSHIP

Garnett and Neville, Becker

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 CONCERNING THE INDEPENDENT REDISTRICTING COMMISSIONS IN
102 COLORADO.

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/>.)

Executive Committee of the Legislative Council. Section 1 of the bill repeals the existing statutory criteria for congressional districts.

Sections 2 to 12 of the bill establish statutory provisions concerning congressional districts established by the new independent congressional redistricting commission (congressional commission) and update the existing statutory provisions related to the independent

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.

legislative redistricting commission (legislative commission), including:

- ! Stating the general assembly's intent that the commissions apply the correct federal citation to the "Voting Rights Act of 1965" rather than the incorrect citation contained in the Colorado constitution;
- ! Requiring the legislative commission to designate which year an election for each senate district takes place and to specify from which district a new senator is elected when there is a vacancy in a senatorial district;
- ! Requiring the commissions to provide maps of the proposed and final congressional and legislative districts to county clerks, the Colorado supreme court, and the secretary of state;
- ! Requiring boards of county commissioners to approve new precinct boundaries and to notify the secretary of state and major party chairs of the new precinct boundaries;
- ! Specifying how the secretary of state may correct a redistricting plan if an approved plan fails to include property in any district, includes property in more than one district, or splits a residential parcel;
- ! Specifying that the boundaries of a district approved in a redistricting plan do not change if there is a change in a county or municipal boundary; and
- ! Requiring the secretary of state to provide maps of districts to candidates.

Section 13 of the bill repeals outdated provisions that prohibited the state from using population figures adjusted through statistical sampling for redistricting and requires the commissions to use the total population used by the federal census bureau in reapportioning the seats in congress.

Sections 14 to 17 of the bill make conforming amendments to update the statutes on the redistricting account in the legislative cash fund, the "Colorado Open Records Act", and duties of county commissioners to reflect the congressional and legislative commissions.

Sections 18 to 24 of the bill contain nonstatutory provisions relating to the congressional and legislative commissions as required by the state constitution, including:

- ! Appointing nonpartisan staff to assist the commissions;
- ! Directing staff to prepare forms for and review applications from persons interested in serving on the commissions and assisting the panels of retired justices and judges who appoint members of the commissions;
- ! Assembling the necessary hardware, software, and information necessary for the commissions and nonpartisan staff to redistrict congressional and legislative districts; and

! Establishing the necessary procedures for the judicial panels, commissions, and nonpartisan staff to receive a per diem and reimbursement of expenses.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal** 2-1-102 as
3 follows:

4 **2-1-102. Neutral criteria for judicial determinations of**
5 **congressional districts.** ~~(1) In determining whether one or more of the~~
6 ~~congressional districts established in accordance with section 44 of article~~
7 ~~V of the state constitution are lawful and in adopting or enforcing any~~
8 ~~change to any such district, courts:~~

9 (a) ~~Shall utilize the following factors:~~

10 (I) ~~A good faith effort to achieve precise mathematical population~~
11 ~~equality between districts, justifying each variance, no matter how small,~~
12 ~~as required by the constitution of the United States. Each district shall~~
13 ~~consist of contiguous whole general election precincts. Districts shall not~~
14 ~~overlap.~~

15 (II) ~~Compliance with the federal "Voting Rights Act of 1965", in~~
16 ~~particular 42 U.S.C. sec. 1973; and~~

17 (b) ~~May, without weight to any factor, utilize factors including but~~
18 ~~not limited to:~~

19 (I) ~~The preservation of political subdivisions such as counties,~~
20 ~~cities, and towns. When county, city, or town boundaries are changed,~~
21 ~~adjustments, if any, in districts shall be as prescribed by law.~~

22 (II) ~~The preservation of communities of interest, including ethnic,~~
23 ~~cultural, economic, trade area, geographic, and demographic factors;~~

24 (III) ~~The compactness of each congressional district; and~~

1 ~~(IV) The minimization of disruption of prior district lines.~~

2 **SECTION 2.** In Colorado Revised Statutes, **add** 2-1-101.5,
3 2-1-103, 2-1-104, 2-1-105, 2-1-106, 2-1-107, 2-1-108, and 2-1-109 as
4 follows:

5 **2-1-101.5. Definitions.** AS USED IN THIS ARTICLE 1, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

7 (1) "CONGRESSIONAL COMMISSION" MEANS THE INDEPENDENT
8 CONGRESSIONAL REDISTRICTING COMMISSION CREATED PURSUANT TO
9 SECTION 44 OF ARTICLE V OF THE STATE CONSTITUTION.

10 (2) "MAJOR POLITICAL PARTY" MEANS ONE OF THE TWO LARGEST
11 POLITICAL PARTIES AS DETERMINED BY THE NUMBER OF REGISTERED
12 ELECTORS WITH EACH POLITICAL PARTY ACCORDING TO VOTER
13 REGISTRATION DATA PUBLISHED BY THE SECRETARY OF STATE FOR THE
14 EARLIEST DAY IN JANUARY OF THE YEAR IN WHICH MEMBERS OF THE
15 CONGRESSIONAL COMMISSION ARE APPOINTED.

16 (3) "VOTING RIGHTS ACT OF 1965" MEANS THE FEDERAL STATUTE,
17 CODIFIED AT 52 U.S.C. SEC. 10301 ET SEQ., AS REFERRED TO IN THE
18 BALLOT MEASURE ADOPTED BY VOTERS IN 2018 TO ADD SECTION 48.1
19 (1)(b) TO ARTICLE V OF THE STATE CONSTITUTION.

20 **2-1-103. Citation for federal "Voting Rights Act of 1965" -**
21 **legislative declaration.** (1) THE VOTERS OF COLORADO CONSIDERED AND
22 OVERWHELMINGLY APPROVED LEGISLATIVELY REFERRED MEASURES AT
23 THE 2018 GENERAL ELECTION TO ESTABLISH BALANCED COMMISSIONS TO
24 SET DISTRICT LINES FOR BOTH THE UNITED STATES HOUSE OF
25 REPRESENTATIVES AND THE COLORADO GENERAL ASSEMBLY.

26 (2) THE VOTERS WERE AWARE THAT AMONG THE PROTECTIONS
27 PROVIDED BY THESE REFERRED MEASURES WAS THE INCORPORATION OF

1 THE PROTECTIONS PROVIDED BY FEDERAL LAW INCLUDING THE "VOTING
2 RIGHTS ACT OF 1965", AS AMENDED.

3 (3) BECAUSE OF A MISPRINT IN THE MEASURES REFERRING THESE
4 CONSTITUTIONAL AMENDMENTS TO THE VOTERS, THE FEDERAL STATUTE
5 WAS CORRECTLY CITED AS "THE FEDERAL 'VOTING RIGHTS ACT OF 1965"
6 BUT INCORRECTLY CITED AS "52 U.S.C. SEC. 50301, AS AMENDED" WHEN
7 THE PROPER CITATION IS "52 U.S.C. SEC. 10301 ET SEQ., AS AMENDED."

8 (4) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT VOTER
9 INTENT WAS CLEAR AND SHOULD NOT BE FRUSTRATED BY A CLERICAL
10 ERROR IN REFERRING TO A FEDERAL LAW THAT HAS LONG BEEN APPLIED BY
11 FEDERAL COURTS AND THE COLORADO COURTS IN THE REDISTRICTING
12 CONTEXT AND WAS INTENDED TO BE APPLIED BASED ON THE MEASURES'
13 CONTEXT AND LEGISLATIVE ANALYSES PROVIDED TO VOTER HOUSEHOLDS
14 IN ADVANCE OF THE 2018 GENERAL ELECTION.

15 **2-1-104. Precinct boundaries.** (1) (a) PURSUANT TO THE
16 PROVISIONS OF SECTIONS 1-5-101 AND 1-5-102, THE BOARD OF COUNTY
17 COMMISSIONERS OF EACH COUNTY SHALL REDRAW THE GENERAL
18 ELECTION PRECINCTS IN SUCH COUNTY TO ENSURE THAT NO GENERAL
19 ELECTION PRECINCT IS CONTAINED WITHIN MORE THAN ONE STATE
20 REPRESENTATIVE, STATE SENATORIAL, OR CONGRESSIONAL DISTRICT.

21 (b) NOT MORE THAN ONE WEEK AFTER SUCH APPROVAL OF
22 PRECINCT BOUNDARIES AND IN ACCORDANCE WITH SECTIONS 1-5-101 AND
23 1-5-102, THE BOARD OF COUNTY COMMISSIONERS SHALL FILE WITH THE
24 SECRETARY OF STATE A COPY OF THE COUNTY PRECINCT BOUNDARY MAP
25 SHOWING THEREON THE REVISED AND REESTABLISHED GENERAL ELECTION
26 PRECINCT BOUNDARIES AND THE BOUNDARIES OF ANY LEGISLATIVE OR
27 CONGRESSIONAL DISTRICT, IF SAID COUNTY IS DIVIDED INTO TWO OR MORE

1 STATE REPRESENTATIVE, STATE SENATORIAL, OR CONGRESSIONAL
2 DISTRICTS.

3 (2) THE BOARD OF COUNTY COMMISSIONERS SHALL NOTIFY THE
4 COUNTY CHAIR OF EACH OF THE TWO MAJOR POLITICAL PARTIES OF ANY
5 GENERAL ELECTION PRECINCT BOUNDARIES REVISED AND REESTABLISHED
6 IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION WITHIN FIVE DAYS
7 AFTER THE ESTABLISHMENT OF PRECINCT BOUNDARIES IN ACCORDANCE
8 WITH THE PROVISIONS OF THIS SECTION.

9 **2-1-105. Maps of legislative districts.** (1) AT THE TIME OF
10 SUBMISSION OF A FINAL CONGRESSIONAL PLAN TO THE COLORADO
11 SUPREME COURT FOR ITS REVIEW AND DETERMINATION IN ACCORDANCE
12 WITH SECTION 44.5 OF ARTICLE V OF THE STATE CONSTITUTION, THE
13 CONGRESSIONAL COMMISSION SHALL PROVIDE THE SUPREME COURT WITH
14 A COPY OF ALL MAPS SHOWING THE DIVISION OF THE STATE INTO
15 LEGISLATIVE DISTRICTS AND NECESSARY SUPPORTIVE EVIDENCE,
16 PURSUANT TO THE SUPREME COURT RULES ADOPTED FOR SUCH
17 PROCEEDINGS.

18 (2) AS SOON AS POSSIBLE AFTER APPROVAL OF A FINAL PLAN BY
19 THE COLORADO SUPREME COURT, THE CONGRESSIONAL COMMISSION
20 SHALL PREPARE AND FILE WITH THE SECRETARY OF STATE COPIES OF
21 CENSUS MAPS SHOWING THEREON EACH LEGISLATIVE DISTRICT AND A
22 DESCRIPTION OF EACH DISTRICT IN TERMS OF OFFICIAL CENSUS UNITS. THE
23 CONGRESSIONAL COMMISSION SHALL ALSO FILE WITH THE COUNTY CLERK
24 AND RECORDER IN EACH COUNTY THE NECESSARY MAPS AND
25 DESCRIPTIONS OF EACH LEGISLATIVE DISTRICT LOCATED WITHIN THE
26 BOUNDARIES OF SUCH COUNTY.

27 **2-1-106. Attachments and detachments.** (1) IF ANY AREA OF

1 THE STATE IS OMITTED FROM THE REDISTRICTING PLAN APPROVED BY THE
2 COLORADO SUPREME COURT, INADVERTENTLY OR BY VIRTUE OF THE
3 COMPLEXITIES OF THE CENSUS MATERIALS USED IN THE DEVELOPMENT OF
4 THE PLAN, THE SECRETARY OF STATE, UPON DISCOVERY OF SUCH
5 OMISSION, SHALL DETERMINE TO WHICH CONGRESSIONAL DISTRICT THE
6 AREA SHOULD BE ASSIGNED AS FOLLOWS:

7 (a) IF THE AREA IS SURROUNDED BY A CONGRESSIONAL DISTRICT,
8 THE AREA MUST BE ASSIGNED TO SAID DISTRICT; AND

9 (b) IF THE AREA IS CONTIGUOUS TO TWO OR MORE CONGRESSIONAL
10 DISTRICTS, THE AREA MUST BE ASSIGNED TO THE DISTRICT THAT HAS THE
11 LEAST POPULATION ACCORDING TO THE LATEST NATIONAL CENSUS.

12 (2) IF ANY AREA OF THE STATE IS INCLUDED IN TWO OR MORE
13 CONGRESSIONAL DISTRICTS IN THE REDISTRICTING PLAN APPROVED BY THE
14 COLORADO SUPREME COURT, INADVERTENTLY OR BY VIRTUE OF THE
15 COMPLEXITIES OF THE CENSUS MATERIALS USED IN THE DEVELOPMENT OF
16 THE PLAN, THE SECRETARY OF STATE, UPON DISCOVERY OF SUCH
17 INCLUSION, SHALL DETACH SAID AREA FROM THE CONGRESSIONAL
18 DISTRICT OR DISTRICTS HAVING THE LARGEST POPULATION AND SHALL
19 DESIGNATE SUCH AREA AS BEING ASSIGNED TO THE DISTRICT HAVING THE
20 LEAST POPULATION; EXCEPT THAT, IF SUCH AREA IS WHOLLY SURROUNDED
21 BY A CONGRESSIONAL DISTRICT AND INADVERTENTLY IS ALSO INCLUDED
22 IN ANOTHER DISTRICT, THE SECRETARY OF STATE SHALL ASSIGN SUCH
23 AREA TO THE DISTRICT WHOLLY SURROUNDING SUCH AREA, REGARDLESS
24 OF POPULATION.

25 (3) (a) IF A COUNTY CLERK AND RECORDER DISCOVERS THAT A
26 BORDER BETWEEN TWO CONGRESSIONAL DISTRICTS DIVIDES A
27 RESIDENTIAL PARCEL BETWEEN THE TWO DISTRICTS AND THE CLERK AND

1 RECORDER WISHES TO HAVE THE BORDER MOVED, THE CLERK AND
2 RECORDER SHALL SUBMIT TO THE SECRETARY OF STATE DOCUMENTATION,
3 SATISFACTORY TO THE SECRETARY OF STATE, EVIDENCING SUCH DIVISION.
4 IF THE SECRETARY OF STATE BELIEVES THAT THE BORDER SHOULD BE
5 MOVED, THE SECRETARY OF STATE SHALL PROPOSE MOVING THE BORDER
6 BETWEEN THE TWO DISTRICTS TO A VISIBLE FEATURE NORMALLY RELIED
7 UPON BY THE UNITED STATES CENSUS BUREAU SUCH THAT THE BORDER:

8 (I) DOES NOT SPLIT A RESIDENTIAL PARCEL;

9 (II) MOVES THE REMAINING PORTION OF THE RESIDENTIAL PARCEL
10 INTO THE LEAST POPULATED OF THE TWO DISTRICTS; EXCEPT THAT, IF THE
11 BORDER IS A BORDER BETWEEN BOTH CONGRESSIONAL DISTRICTS, THE
12 REMAINING PORTION OF THE RESIDENTIAL PARCEL MUST BE MOVED INTO
13 THE LEAST POPULATED OF THE TWO CONGRESSIONAL DISTRICTS;

14 (III) WOULD NOT RESULT IN A VIOLATION OF SECTION 44.3 (1)(a)
15 OF ARTICLE V OF THE STATE CONSTITUTION BASED UPON THE LATEST
16 NATIONAL CENSUS;

17 (IV) MINIMIZES THE IMPACT ON THE AFFECTED COMMUNITY FOR
18 PURPOSES OF ESTABLISHING POLLING LOCATIONS; AND

19 (V) MINIMIZES CHANGES IN DISTANCES FROM THE REDISTRICTING
20 PLAN APPROVED BY THE COLORADO SUPREME COURT.

21 (b) IF THE SECRETARY OF STATE PROPOSES MOVING ANY BORDER
22 PURSUANT TO THIS SUBSECTION (3), THE SECRETARY OF STATE SHALL
23 DESCRIBE ANY POTENTIAL CHANGES IN POPULATIONS OF AFFECTED
24 CONGRESSIONAL DISTRICTS, BASED ON THE LATEST NATIONAL CENSUS, TO
25 THE COLORADO SUPREME COURT. IF THE SUPREME COURT DETERMINES
26 THAT THE ASSIGNMENTS MADE BY THE SECRETARY OF STATE SATISFY THE
27 CRITERIA ESTABLISHED IN SUBSECTION (3)(a) OF THIS SECTION, THE

1 SUPREME COURT MAY APPROVE SAID ASSIGNMENTS. IF THE SUPREME
2 COURT DETERMINES THAT THE ASSIGNMENT DOES NOT SATISFY THE
3 CRITERIA ESTABLISHED IN SUBSECTION (3)(a) OF THIS SECTION, THE
4 SUPREME COURT SHALL DENY THE PROPOSED ASSIGNMENT.

5 (4) FOLLOWING THE ASSIGNMENT OF ANY AREA PURSUANT TO THE
6 PROVISIONS OF SUBSECTION (1) OR (2) OF THIS SECTION, THE SECRETARY
7 OF STATE SHALL CERTIFY THE POPULATION OF SUCH ASSIGNED AREA AND
8 ANY CHANGES IN POPULATIONS OF AFFECTED CONGRESSIONAL DISTRICTS,
9 BASED ON THE LATEST NATIONAL CENSUS, TO THE COLORADO SUPREME
10 COURT. IF THE SUPREME COURT DETERMINES THAT THE ASSIGNMENTS
11 MADE BY THE SECRETARY OF STATE WOULD NOT RESULT IN A VIOLATION
12 OF THE POPULATION REQUIREMENTS OF SECTION 44.3 (1)(a) OF ARTICLE V
13 OF THE STATE CONSTITUTION, THE SUPREME COURT SHALL APPROVE SAID
14 ASSIGNMENTS. IF THE SUPREME COURT DETERMINES THAT THE
15 ASSIGNMENTS WOULD RESULT IN A VIOLATION OF THE POPULATION
16 REQUIREMENTS OF SECTION 44.3 (1)(a) OF ARTICLE V OF THE STATE
17 CONSTITUTION, THE SUPREME COURT SHALL CERTIFY A REVISED
18 REAPPORTIONMENT PLAN TO THE SECRETARY OF STATE.

19 **2-1-107. Changes in county and municipal boundaries.**
20 WHENEVER THE BOUNDARIES OF A CONGRESSIONAL DISTRICT COINCIDE
21 WITH THE BOUNDARIES OF A COUNTY OR MUNICIPALITY AND SAID COUNTY
22 OR MUNICIPAL BOUNDARIES ARE CHANGED BY ANNEXATION OR
23 DETACHMENT, THE BOUNDARIES OF THE CONGRESSIONAL DISTRICT REMAIN
24 THE SAME UNTIL SUCH TIME AS A NEW REDISTRICTING IS MADE FOLLOWING
25 A NATIONAL CENSUS AS PROVIDED IN SECTIONS 44 TO 44.6 OF ARTICLE V
26 OF THE STATE CONSTITUTION.

27 **2-1-108. Published plan and records.** (1) UPON SUBMISSION OF

1 THE CONGRESSIONAL REDISTRICTING PLAN APPROVED BY THE COLORADO
2 SUPREME COURT, THE CONGRESSIONAL COMMISSION SHALL PROVIDE
3 COPIES OF THE PUBLISHED PLAN TO THE SECRETARY OF STATE.

4 (2) THE SECRETARY OF STATE SHALL PROVIDE ANY CANDIDATE
5 FOR LEGISLATIVE OFFICE OR ANY COLORADO CITIZEN WITH A COPY OF A
6 MAP SHOWING THE BOUNDARIES FOR ANY CONGRESSIONAL DISTRICT UPON
7 REQUEST. INDIVIDUAL DISTRICT MAPS MUST BE PROVIDED TO ANY
8 RESIDENT OF A CONGRESSIONAL DISTRICT WITHOUT CHARGE. A NOMINAL
9 CHARGE, NOT TO EXCEED THE ACTUAL COST, MAY BE DETERMINED AND
10 COLLECTED PURSUANT TO SECTION 24-21-104 (3) FOR COPIES OF
11 CONGRESSIONAL DISTRICT MAPS FOR WHICH AN INDIVIDUAL IS NOT A
12 RESIDENT.

13 **2-1-109. Applicability.** THIS ARTICLE 1 APPLIES TO EACH
14 CONGRESSIONAL COMMISSION AND TO CONGRESSIONAL DISTRICTS
15 CREATED BY SAID COMMISSION.

16 **SECTION 3.** In Colorado Revised Statutes, **amend** 2-2-502 as
17 follows:

18 **2-2-502. Definitions.** As used in this part 5:

19 (1) "LEGISLATIVE commission" means the ~~Colorado~~
20 ~~reapportionment~~ INDEPENDENT LEGISLATIVE REDISTRICTING commission,
21 created pursuant to ~~section 48~~ SECTION 46 of article V of the state
22 constitution. ~~and appointed in 2011.~~

23 (2) "Major political party" means one of the two LARGEST political
24 parties whose candidate for governor at the last preceding gubernatorial
25 election received the first and second greatest number of votes AS
26 DETERMINED BY THE NUMBER OF REGISTERED ELECTORS WITH EACH
27 POLITICAL PARTY ACCORDING TO VOTER REGISTRATION DATA PUBLISHED

1 BY THE SECRETARY OF STATE FOR THE EARLIEST DAY IN JANUARY OF THE
2 YEAR IN WHICH MEMBERS OF THE INDEPENDENT CONGRESSIONAL
3 REDISTRICTING COMMISSION ARE APPOINTED.

4 (3) "VOTING RIGHTS ACT OF 1965" MEANS THE FEDERAL STATUTE,
5 CODIFIED AT 52 U.S.C. SEC. 10301 ET SEQ., AS REFERRED TO IN THE
6 BALLOT MEASURE ADOPTED BY VOTERS IN 2018 TO ADD SECTION 48.1
7 (1)(b) TO ARTICLE V OF THE STATE CONSTITUTION.

8 **SECTION 4.** In Colorado Revised Statutes, **amend 2-2-503** as
9 follows:

10 **2-2-503. Designation of senatorial districts to elect in years**
11 **ending in 2 and 4.** As a part of its preliminary and final ~~reapportionment~~
12 REDISTRICTING plans for state senatorial districts, the LEGISLATIVE
13 commission shall designate those senatorial districts in which state
14 senators ~~shall be~~ ARE elected at the general election to be held in
15 November ~~2012~~ OF THE NEXT YEAR ENDING IN 2, and every four years
16 thereafter, and those senatorial districts in which state senators ~~shall be~~
17 ARE elected at the general election to be held in November ~~2014~~ OF THE
18 NEXT YEAR ENDING IN 4, and every four years thereafter. Such designation
19 of senatorial districts ~~shall~~ MUST be filed with the secretary of state as a
20 part of the approved ~~reapportionment~~ REDISTRICTING plan required to be
21 filed by ~~section 48 (1)(e)~~ SECTION 48.3 (5) of article V of the state
22 constitution.

23 **SECTION 5.** In Colorado Revised Statutes, **amend 2-2-504** as
24 follows:

25 **2-2-504. Holdover senators keep office - vacancies.** (1) Nothing
26 in this part 5 or in any ~~reapportionment~~ REDISTRICTING plan ~~shall be~~
27 ~~construed to cause the removal of~~ REMOVES any senator from his or her

1 office for the term for which the senator was elected, and each such
2 senator shall serve the term for which he or she was elected.

3 (2) If any senator elected at ~~the 2010~~ A general election IN A YEAR
4 ENDING IN 0 vacates his or her seat prior to the convening of the regular
5 legislative session in ~~2013~~ THE NEXT YEAR ENDING IN 3, such vacancy
6 ~~shall~~ MUST be filled from the district from which the senator was elected
7 in accordance with section 1-12-203. ~~C.R.S.~~ If such vacancy occurs more
8 than fifty-five days before the general election in ~~2012~~ THE NEXT YEAR
9 ENDING IN 2, there ~~shall~~ MUST be an election at the general election in
10 ~~2012~~ THAT YEAR ENDING IN 2 for the remainder of such senator's term
11 from the senatorial district created by the LEGISLATIVE commission.
12 Nomination of candidates at such election ~~shall~~ MUST be in accordance
13 with article 4 of title 1. ~~C.R.S.~~

14 (3) If any senator elected at ~~the 2010~~ A general election IN A YEAR
15 ENDING IN 0 vacates his or her seat on or after the convening of the
16 regular legislative session in ~~2013~~ THE NEXT YEAR ENDING IN 3, such
17 vacancy ~~shall~~ MUST be filled from the senatorial district created by the
18 LEGISLATIVE commission in accordance with section 1-12-203. ~~C.R.S.~~

19 **SECTION 6.** In Colorado Revised Statutes, **amend** 2-2-505 as
20 follows:

21 **2-2-505. Maps of legislative districts.** (1) ~~Following the~~
22 ~~development of a preliminary plan, as required by section 48 (1)(c) of~~
23 ~~article V of the state constitution, and prior to the holding of public~~
24 ~~hearings on any preliminary plan, the commission may file with each~~
25 ~~county clerk and recorder and each county chairman of the two major~~
26 ~~political parties a copy of the preliminary reapportionment plan showing~~
27 ~~the proposed state senatorial and representative districts in which such~~

1 county is located, together with a state outline map of legislative districts.
2 A complete state plan may be provided to the state chairmen of the two
3 major political parties.

4 (2) At the time of submission of a final reapportionment
5 REDISTRICTING plan to the Colorado supreme court for its review and
6 determination in accordance with ~~section 48 (1)(e)~~ SECTION 48.3 of article
7 V of the state constitution, the LEGISLATIVE commission shall provide the
8 supreme court with a copy of all maps showing the division of the state
9 into legislative districts and necessary supportive evidence, pursuant to
10 the supreme court rules adopted for such proceedings.

11 (3) As soon as possible after approval of a final plan by the
12 Colorado supreme court, the LEGISLATIVE commission shall prepare and
13 file with the secretary of state copies of census maps showing thereon
14 each legislative district and a description of each district in terms of
15 official census units. The LEGISLATIVE commission shall also file with the
16 county clerk and recorder in each county the necessary maps and
17 descriptions of each legislative district ~~which is~~ located within the
18 boundaries of such county.

19 **SECTION 7.** In Colorado Revised Statutes, **repeal** 2-2-505.5 as
20 follows:

21 **2-2-505.5. Presidential election years.** Pursuant to ~~section~~
22 ~~1-3-102, C.R.S., in any year in which a presidential election will be held,~~
23 ~~a political party may decide to hold its precinct caucuses on the first~~
24 ~~Tuesday in February. Because 2012 is a presidential election year,~~
25 ~~political parties may hold precinct caucuses on February 7, 2012. To~~
26 ~~allow county clerks sufficient time to redraw precinct boundaries,~~
27 ~~pursuant to section 48 (1)(e) of article V of the state constitution, the~~

1 Colorado supreme court is required to approve the commission's plan no
2 later than fifty-five days before the precinct caucuses or by December 14,
3 2011. While this date shortens the timeline for the commission to
4 complete its final plan, the general assembly urges the commission to
5 complete its final plan and the supreme court to approve a final plan by
6 this date.

7 **SECTION 8.** In Colorado Revised Statutes, 2-2-507, **amend** (1)
8 introductory portion, (2), (2.5)(a)(III), (2.5)(a)(V), (2)(b), and (3) as
9 follows:

10 **2-2-507. Attachments and detachments.** (1) If any area of the
11 state is omitted from the ~~reapportionment~~ REDISTRICTING plan approved
12 by the Colorado supreme court, inadvertently or by virtue of the
13 complexities of the census materials used in the development of the plan,
14 the secretary of state, upon discovery of such omission, shall determine
15 to which senatorial or representative district the area should be assigned
16 as follows:

17 (2) If any area of the state is included in two or more senatorial or
18 representative districts in the ~~reapportionment~~ REDISTRICTING plan
19 approved by the Colorado supreme court, inadvertently or by virtue of the
20 complexities of the census materials used in the development of the plan,
21 the secretary of state, upon discovery of such inclusion, shall detach said
22 area from the senatorial or representative district or districts having the
23 largest population and shall designate such area as being assigned to the
24 district having the least population; except that, if such area is wholly
25 surrounded by a senatorial or representative district and ~~by inadvertence~~
26 INADVERTENTLY is also included in another district, the secretary of state
27 shall assign such area to the district wholly surrounding such area,

1 regardless of population.

2 (2.5) (a) If a county clerk and recorder discovers that a border
3 between two senatorial or representative districts divides a residential
4 parcel between the two districts and the clerk and recorder wishes to have
5 the border moved, the clerk and recorder shall submit to the secretary of
6 state documentation, satisfactory to the secretary of state, evidencing such
7 division. If the secretary of state believes that the border should be
8 moved, the secretary of state shall propose moving the border between the
9 two districts to a visible feature normally relied upon by the United States
10 census bureau such that the border:

11 (III) Would not result in a violation of ~~section 46 or 47~~ SECTION
12 48.1 (1)(a) of article V of the state constitution based upon the latest
13 national census;

14 (V) Minimizes changes in distances from the ~~reapportionment~~
15 REDISTRICTING plan approved by the Colorado supreme court.

16 (b) If the secretary of state proposes moving any border pursuant
17 to this subsection (2.5), the secretary of state shall describe any potential
18 changes in populations of affected senatorial or representative districts,
19 based on the latest national census, to the Colorado supreme court. If the
20 supreme court determines that the assignments made by the secretary of
21 state satisfy the criteria established in ~~paragraph (a) of this subsection~~
22 ~~(2.5)~~ SUBSECTION (2.5)(a) OF THIS SECTION, the supreme court may
23 approve said assignments. If the supreme court determines that the
24 assignment does not satisfy the criteria established in ~~paragraph (a) of this~~
25 ~~subsection (2.5)~~ SUBSECTION (2.5)(a) OF THIS SECTION, the supreme court
26 shall deny the proposed assignment.

27 (3) Following the assignment of any area pursuant to the

1 provisions of subsection (1) or (2) of this section, the secretary of state
2 shall certify the population of such assigned area and any changes in
3 populations of affected senatorial or representative districts, based on the
4 latest national census, to the Colorado supreme court. If the supreme
5 court determines that the assignments made by the secretary of state
6 would not result in a violation of the population requirements of ~~section~~
7 ~~46~~ SECTION 48.1 of article V of the state constitution, the supreme court
8 shall approve said assignments. If the supreme court determines that the
9 assignments would result in a violation of the population requirements of
10 ~~section 46~~ SECTION 48.1 of article V of the state constitution, the supreme
11 court shall certify a revised reapportionment plan to the secretary of state.

12 **SECTION 9.** In Colorado Revised Statutes, **amend 2-2-508** as
13 follows:

14 **2-2-508. Changes in county and municipal boundaries.**
15 Whenever the boundaries of a senatorial or representative district
16 coincide with the boundaries of a county or municipality, and said county
17 or municipal boundaries are changed by annexation or detachment, the
18 boundaries of the senatorial or representative district shall remain the
19 same until such time as a new ~~reapportionment~~ REDISTRICTING is made
20 following a national census as provided in ~~section 48~~ SECTIONS 46 TO 48.4
21 of article V of the state constitution.

22 **SECTION 10.** In Colorado Revised Statutes, **amend 2-2-509** as
23 follows:

24 **2-2-509. Published plan and records.** (1) Upon submission of
25 the ~~reapportionment~~ REDISTRICTING plan approved by the Colorado
26 supreme court to the secretary of state, the LEGISLATIVE commission shall
27 provide all copies of the published plan and ~~all commission records~~ to the

1 secretary of state.

2 (2) The secretary of state shall provide any candidate for
3 legislative office or any Colorado citizen with a copy of a map showing
4 the boundaries for any legislative district upon request. Individual district
5 maps ~~shall~~ MUST be provided to any resident of a legislative district
6 without charge. A nominal charge, NOT TO EXCEED THE ACTUAL COST,
7 may be determined and collected pursuant to section 24-21-104 (3)
8 ~~C.R.S.~~, for copies of district maps for which an individual is not a
9 resident.

10 **SECTION 11.** In Colorado Revised Statutes, **repeal** 2-2-510 as
11 follows:

12 **2-2-510. Commission meetings - open to public.** ~~Meetings of the~~
13 ~~commission shall be open to the public and shall be subject to the~~
14 ~~provisions of part 4 of article 6 of title 24, C.R.S.~~

15 **SECTION 12.** In Colorado Revised Statutes, **amend** 2-2-511 as
16 follows:

17 **2-2-511. Applicability.** This part 5 ~~shall apply~~ APPLIES to the
18 ~~Colorado reapportionment~~ LEGISLATIVE commission appointed in ~~2011~~
19 YEARS ENDING IN 1 and to state senatorial and state representative districts
20 created by said commission.

21 **SECTION 13.** In Colorado Revised Statutes, **amend** 2-2-901 as
22 follows:

23 **2-2-901. Population data for redistricting - legislative**
24 **declaration.** (1) The general assembly hereby finds and declares that:

25 (a) ~~Section 44~~ SECTION 44.1 of article V of the state constitution
26 requires ~~the general assembly~~ THAT A REDISTRICTING COMMISSION BE
27 APPOINTED to divide the state into congressional districts after each new

1 apportionment of seats in the United States house of representatives, and
2 a new apportionment occurs after each federal decennial census OF ALL
3 PERSONS RESIDING IN EACH STATE, INCLUDING COLORADO;

4 (b) ~~Section 48~~ SECTION 47 of article V of the state constitution
5 requires that a reapportionment commission be appointed after each
6 federal census OF ALL PERSONS RESIDING IN EACH STATE, INCLUDING
7 COLORADO, to establish, revise, and alter the state senatorial and
8 representative districts; AND

9 (c) ~~These sections imply that the general assembly and the~~
10 ~~reapportionment commission~~ COMMISSIONS EACH must perform their
11 constitutional duty to redraw the boundaries of congressional and state
12 legislative districts using TOTAL population data derived from the latest
13 federal census, so that the equal population requirements of the federal
14 and state constitutions can be satisfied.

15 (d) ~~Federal officials have proposed using statistical sampling~~
16 ~~techniques to modify the traditional headcount of the population;~~

17 (e) ~~The United States supreme court has held that the federal~~
18 ~~census act prohibits the use of statistically adjusted population data to~~
19 ~~apportion seats in the United States house of representatives among the~~
20 ~~states;~~

21 (f) ~~Many have argued that statistically adjusted population data~~
22 ~~does not satisfy the requirement of the federal constitution for an "actual~~
23 ~~enumeration" of the population;~~

24 (g) ~~There is no reason for congress to use one set of population~~
25 ~~data for apportionment of seats in congress and for state redistricting~~
26 ~~authorities to use a different set of data to redraw congressional and state~~
27 ~~legislative district boundaries, and the federal government would incur~~

1 additional costs by furnishing two sets of data to the states;

2 (h) Using different population data for redistricting would subject
3 the state of Colorado to the risk of litigation over the appropriate
4 population figures, which form the very foundation of any congressional
5 or state legislative redistricting plan;

6 (i) It is therefore necessary to establish the intent of the general
7 assembly that the same population data be used in the congressional and
8 state legislative redistricting processes as is used for purposes of
9 apportioning seats in the United States house of representatives among
10 the states.

11 (2) For purposes of redrawing the boundaries of congressional,
12 state senatorial, and state representative districts after the federal census
13 in the year 2010 2020, AND AFTER EACH FEDERAL DECENNIAL CENSUS
14 THEREAFTER, the ~~general assembly and the Colorado reapportionment~~
15 ~~commission~~ DULY CONSTITUTED REDISTRICTING COMMISSIONS shall use
16 TOTAL population data ~~supplied by~~ BASED UPON the United States bureau
17 of the ~~census~~ CENSUS' POPULATION that has been used to apportion the
18 seats in the United States house of representatives among the states.

19 **SECTION 14.** In Colorado Revised Statutes, 2-2-1601, **amend**
20 (2) and (2.5) as follows:

21 **2-2-1601. Legislative department cash fund - redistricting**
22 **accounts - creation - definition - repeal.** (2) Except for ~~moneys~~ MONEY
23 in the CONGRESSIONAL REDISTRICTING ACCOUNT AND THE LEGISLATIVE
24 redistricting account created pursuant to subsection (2.5) of this section,
25 ~~moneys~~ MONEY in the legislative department cash fund ~~are~~ IS
26 continuously appropriated to the executive committee of the legislative
27 council to pay for expenses of the legislative department of the state of

1 Colorado. ~~Moneys~~ MONEY in the fund shall be expended consistent with
2 any terms and conditions imposed as a condition of receiving such
3 ~~moneys~~ MONEY as gifts, grants, or donations.

4 (2.5) (a) There ~~is hereby~~ ARE created in the legislative department
5 cash fund the CONGRESSIONAL redistricting account, referred to in this
6 subsection (2.5) as the "CONGRESSIONAL account", AND THE LEGISLATIVE
7 REDISTRICTING ACCOUNT, REFERRED TO IN THIS SUBSECTION (2.5) AS THE
8 "LEGISLATIVE ACCOUNT". The ~~account shall be~~ CONGRESSIONAL AND
9 LEGISLATIVE ACCOUNTS ARE comprised of any ~~moneys~~ MONEY
10 appropriated or transferred to the ~~account~~ ACCOUNTS and any ~~moneys~~
11 MONEY received by the ~~Colorado reapportionment~~ INDEPENDENT
12 CONGRESSIONAL REDISTRICTING COMMISSION, CREATED PURSUANT TO
13 SECTION 44 OF ARTICLE V OF THE STATE CONSTITUTION; THE
14 INDEPENDENT LEGISLATIVE REDISTRICTING commission, created pursuant
15 to ~~section 48~~ SECTION 46 of article V of the state constitution; or the
16 legislative council related to redistricting. ~~Moneys~~ MONEY in the
17 CONGRESSIONAL account ~~are~~ IS continuously appropriated to the
18 ~~reapportionment commission~~ INDEPENDENT CONGRESSIONAL
19 REDISTRICTING COMMISSION and to the legislative council staff to pay for
20 the expense of redistricting the congressional ~~and state legislative~~ districts
21 in the state. ~~and to the general assembly to pay the expenses related to a~~
22 ~~special session for congressional redistricting~~ MONEY IN THE LEGISLATIVE
23 ACCOUNT IS CONTINUOUSLY APPROPRIATED TO THE INDEPENDENT
24 LEGISLATIVE REDISTRICTING COMMISSION AND TO THE LEGISLATIVE
25 COUNCIL STAFF TO PAY FOR THE EXPENSE OF REDISTRICTING THE STATE
26 LEGISLATIVE DISTRICTS IN THE STATE. All interest earned on the
27 investment of ~~moneys~~ MONEY in the ~~account shall~~ ACCOUNTS MUST be

1 credited to the ~~account~~ ACCOUNTS. Any ~~moneys~~ MONEY credited to the
2 ~~account~~ ACCOUNTS and unexpended at the end of any given fiscal year
3 ~~shall remain~~ REMAINS in the ~~account~~ ACCOUNTS and ~~shall~~ IS not ~~revert~~
4 REVERTED or ~~be~~ transferred to the general fund or any other fund; except
5 that any unexpended ~~moneys~~ MONEY remaining in the ~~account~~ ACCOUNTS
6 as of ~~June 30, 2012, shall~~ JUNE 30 OF ANY YEAR ENDING IN 2 MUST be
7 transferred to the legislative department cash fund.

8 (b) (I) ON THE EFFECTIVE DATE OF THIS SUBSECTION (2.5)(b), THE
9 STATE TREASURER SHALL DEDUCT TWO MILLION FIVE HUNDRED THOUSAND
10 DOLLARS FROM THE LEGISLATIVE DEPARTMENT CASH FUND AND TRANSFER
11 ONE MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS TO THE
12 CONGRESSIONAL ACCOUNT AND ONE MILLION TWO HUNDRED FIFTY
13 THOUSAND DOLLARS TO THE LEGISLATIVE ACCOUNT.

14 (II) THIS SUBSECTION (2.5)(b) IS REPEALED, EFFECTIVE JULY 1,
15 2022.

16 **SECTION 15.** In Colorado Revised Statutes, 24-72-202, **amend**
17 (8) as follows:

18 **24-72-202. Definitions.** As used in this part 2, unless the context
19 otherwise requires:

20 (8) For purposes of subsections (6) and (6.5) of this section and
21 sections 24-72-203 (2)(b) and 24-6-402 (2)(d)(III), the members of the
22 ~~Colorado reapportionment commission shall be~~ INDEPENDENT
23 CONGRESSIONAL REDISTRICTING COMMISSION AND THE INDEPENDENT
24 LEGISLATIVE REDISTRICTING COMMISSION ARE considered elected
25 officials.

26 **SECTION 16.** In Colorado Revised Statutes, 30-10-306, **amend**
27 (2) as follows:

1 **30-10-306. Commissioners' districts - vacancies.** (2) Each
2 county having a population of seventy thousand or more ~~which~~ THAT has
3 chosen to increase the members of the board of county commissioners
4 from three to five ~~shall~~ MUST be divided into three or five districts by the
5 board of county commissioners according to the method of election
6 described in section 30-10-306.5 (5) or (6) or section 30-10-306.7. The
7 districts ~~shall~~ MUST be as nearly equal in population as possible based on
8 the most recent federal census of the United States minus the number of
9 persons serving a sentence of detention or confinement in any
10 correctional facility in the county as indicated in the statistical report of
11 the department of corrections for the most recent fiscal year. Each district
12 ~~shall~~ MUST be numbered consecutively and ~~shall~~ IS not ~~be~~ subject to
13 alteration more often than once every two years; except that,
14 notwithstanding subsection (3) of this section, the board may alter the
15 districts to conform to precinct boundaries that are changed in accordance
16 with section 1-5-103 (1), ~~C.R.S.~~, based on the division of the state into
17 congressional districts or an approved plan for ~~reapportionment~~
18 REDISTRICTING of the members of the general assembly when necessary
19 to ensure that no precinct is located in more than one district.
20 Commissioners ~~shall be~~ ARE elected at large or from districts according
21 to the method of election described in section 30-10-306.5 (5) or (6) or
22 section 30-10-306.7. If any commissioner required to be resident in a
23 district moves during his OR HER term of office from the district in which
24 he OR SHE resided when elected, his OR HER office ~~shall~~ thereupon
25 ~~become~~ BECOMES vacant. All proceedings by the board of county
26 commissioners in formation of such districts not inconsistent with this
27 section are confirmed and validated.

1 **SECTION 17.** In Colorado Revised Statutes, 30-10-306.7,
2 **amend** (5)(a) as follows:

3 **30-10-306.7. Procedure for electing county commissioners.**

4 (5) (a) If a majority of the votes cast on the question are in favor of
5 changing the method of electing the five commissioners or providing for
6 three commissioners, as provided in ~~subparagraph (H) or subparagraph~~
7 ~~(HH) of paragraph (a) of subsection (2)~~ SUBSECTION (2)(a)(II) OR
8 (2)(a)(III) of this section, the board of county commissioners shall change
9 the boundaries of the commissioner districts so as to create three districts
10 as nearly equal in population as possible based on the most recent federal
11 census of the United States minus the number of persons serving a
12 sentence of detention or confinement in any correctional facility in the
13 county as indicated in the statistical report of the department of
14 corrections for the most recent fiscal year. The districts ~~shall~~ MUST be
15 numbered consecutively and ~~shall~~ ARE not be subject to alteration more
16 often than once every two years; except that, notwithstanding section
17 30-10-306 (3), the board may alter the districts to conform to precinct
18 boundaries that are changed in accordance with section 1-5-103 (1),
19 ~~C.R.S.~~, based on the division of the state into congressional districts or an
20 approved plan for ~~reapportionment~~ REDISTRICTING of the members of the
21 general assembly when necessary to ensure that no precinct is located in
22 more than one district. All other provisions of sections 1-4-205 (3)(a)
23 ~~C.R.S.~~, and 30-10-306 (2) and (3) relating to the method of electing
24 members, as provided in this ~~paragraph (a), shall be~~ SUBSECTION (5)(a),
25 ARE applicable; except that, when districts are created, such changes ~~shall~~
26 MUST be completed by July 1 of the odd-numbered year immediately
27 preceding the general election.

1 **SECTION 18. Definitions.** As used in sections 18 to 24 of this
2 act:

3 (1) "Census bureau" means the United States census bureau.

4 (2) "Congressional commission" means the independent
5 congressional redistricting commission established pursuant to section 44
6 of article V of the state constitution.

7 (3) "Congressional plan" means the plan for the redistricting of
8 congressional districts in Colorado based upon the census conducted in
9 2020 as provided by sections 44 to 44.6 of article V of the state
10 constitution.

11 (4) "Executive committee" means the executive committee of the
12 legislative council.

13 (5) "Judicial panels" means the panels of retired justices or judges
14 designated by the chief justice of the Colorado supreme court pursuant to
15 sections 44.1 (5) and 47 (5) of article V of the state constitution to select
16 members of the congressional and legislative commissions.

17 (6) "Legislative commission" means the independent legislative
18 redistricting commission established pursuant to section 46 of article V
19 of the state constitution.

20 (7) "Legislative plan" means a plan for the redistricting of
21 Colorado state senatorial and representative districts based upon the
22 census conducted in 2020 as provided in sections 46 to 48.4 of article V
23 of the state constitution.

24 (8) "Nonpartisan staff" means employees of the legislative council
25 staff and the office of legislative legal services designated pursuant to
26 section 19 (1) of this act.

27 **SECTION 19. Nonpartisan staff - staff director - hearings.**

1 (1) Pursuant to sections 44.2 (1)(b) and 48 (1)(b) of article V of the state
2 constitution, the director of research for the legislative council and the
3 director of the office of legislative legal services are to assign nonpartisan
4 staff from their offices as they deem necessary to carry out the provisions
5 of sections 44 to 48.4 of article V of the state constitution and of this act.

6 (2) The director of research for the legislative council and the
7 director of the office of legislative legal services may appoint a
8 nonpartisan staff director who shall keep a full and true record of all
9 proceedings of the congressional and legislative commissions and
10 perform such other duties as the commissions may prescribe. The
11 nonpartisan staff director shall obtain and prepare the materials set forth
12 in section 19 (3) of this act and shall compile such other data or materials
13 as the congressional or legislative commission may direct.

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

20 (4) The congressional and legislative commissions may have the
21 use of the committee rooms in the state capitol building and the
22 legislative services building for their hearings.

23 **SECTION 20. Application form - review - judicial panels -**
24 **compensation.** (1) As required by sections 44.1 (3) and 47 (3) of article
25 V of the state constitution, nonpartisan staff shall:

26 (a) Develop an application form for persons interested in serving
27 on the congressional or legislative commission;

1 (b) With the assistance of the secretary of state, make objective
2 and factual findings as to whether each applicant meets the constitutional
3 qualifications to serve on the congressional or legislative commission;
4 and

5 (c) Assist the judicial panels appointed pursuant to sections 44.1
6 (5) and 47 (5) of article V of the state constitution in selecting members
7 of the congressional and legislative commissions.

8 (2) Members of the judicial panels receive a per diem of one
9 hundred fifty dollars for each day that the member works. Members of the
10 panels are to be reimbursed for actual and necessary expenses incurred
11 while performing official duties, together with mileage at the rate at
12 which members of the general assembly are reimbursed pursuant to
13 section 2-2-317, Colorado Revised Statutes.

14 (3) The panels appointed pursuant to sections 44.1 (5) and 47 (5)
15 of article V of the state constitution may have the use of the committee
16 rooms in the state capitol building and the legislative services building for
17 its hearings.

18 **SECTION 21. Arrangements pending the organization of the**
19 **redistricting commissions.** (1) The general assembly finds that the
20 redistricting of congressional and state senatorial and representative
21 districts requires the compilation, assimilation, and analysis of large
22 amounts of census data and maps; that the task of redistricting involves
23 complex mathematical analysis and a thorough consideration of legal
24 issues under the state and federal statutes and constitution; that 2020
25 census data and maps are being furnished to the states in computerized
26 form; and that the arrangements set forth in this section and section 22 of
27 this act are provided in order to assure that the congressional and

1 legislative commissions are as prepared as possible to begin their
2 substantive work as soon as possible.

3 (2) The following offices shall provide the legislative council staff
4 any necessary assistance prior to the appointment of the commissions:

5 (a) The office of legislative legal services;

6 (b) The division of local government in the department of local
7 affairs; and

8 (c) The department of state.

9 (3) The legislative council staff shall make the following materials
10 available to the congressional and legislative commissions:

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

13 (b) A computer database of population data built from the Public
14 Law 94-171 files received from the census bureau, including racial and
15 ethnic data;

16 (c) A computer database of election and voter registration
17 information for the 2018 and 2020 general elections;

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

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

23 (4) The executive committee may make arrangements for office
24 space for the congressional and legislative commissions and its staff prior
25 to the convening of the commissions, including but not limited to the
26 leasing of appropriate facilities and office equipment.

27 **SECTION 22. Computer system.** (1) The director of research

1 of the legislative council is responsible for acquiring a computerized
2 system that uses census data and maps to prepare congressional and
3 legislative plans in conformity with statutory and constitutional criteria
4 and within the applicable time constraints. The director of research may
5 contract for the acquisition of computer hardware and software and for
6 the provision of computer services as are necessary to accomplish the
7 tasks of this subsection (1). The computer system must be available for
8 use by the congressional commission for the congressional plan and by
9 the legislative commission for the legislative plan.

10 (2) Election and voter registration information for the 2018 and
11 2020 general elections must be incorporated in the database for the
12 computerized redistricting system. Such information is to be taken or
13 derived from the official records of the secretary of state or, if such data
14 are not available from the secretary of state, from the official records of
15 the county clerks and recorders. Election and voter registration
16 information in the computerized system must be considered to be official
17 election and voter registration data for all purposes related to redistricting
18 based upon the 2020 census.

19 **SECTION 23. Congressional commission - organizational**
20 **provisions - compensation - expenses.** (1) Members of the
21 congressional commission are appointed and convened, and the officers
22 of the commission elected, pursuant to sections 44.1 and 44.2 of article
23 V of the state constitution.

24 (2) Members of the congressional commission receive a per diem
25 of ninety-nine dollars for attendance at regularly scheduled meetings of
26 the commission and are reimbursed for actual and necessary expenses
27 incurred while performing official duties, together with mileage at the

1 rate at which members of the general assembly are reimbursed pursuant
2 to section 2-2-317, Colorado Revised Statutes. A member of the
3 commission who is a state officer or employee shall not claim per diem
4 compensation from more than one source for official activities on the
5 same day.

6 (3) All expenses incurred by the congressional commission,
7 including per diem compensation and mileage of commission members
8 and expenses of employees, are paid upon vouchers signed by the chair
9 of the commission, or in his or her absence or unavailability, the
10 vice-chair or the staff director upon instruction by the chair in each
11 instance and drawn upon money appropriated for use by the commission.
12 The director of research of the legislative council shall also sign all such
13 vouchers, except vouchers for the payment of per diem compensation and
14 mileage of commission members.

15 **SECTION 24. Legislative commission - organizational**
16 **provisions - compensation - expenses.** (1) Members of the legislative
17 commission are appointed and convened, and the officers of the
18 commission elected, pursuant to sections 47 and 48 of article V of the
19 state constitution.

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

1 same day.

2 (3) All expenses incurred by the legislative commission, including
3 per diem compensation and mileage of commission members and
4 expenses of employees, are paid upon vouchers signed by the chair of the
5 commission, or in his or her absence or unavailability, the vice-chair or
6 the staff director upon instruction by the chair in each instance and drawn
7 upon money appropriated for use by the commission. The director of
8 research of the legislative council shall also sign all such vouchers, except
9 vouchers for the payment of per diem compensation and mileage of
10 commission members.

11 **SECTION 25. Act subject to petition - effective date.** This act
12 takes 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 5, 2020, if adjournment sine die is on May 6, 2020); 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 will not take effect
18 unless approved by the people at the general election to be held in
19 November 2020 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.