

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-1082.01 Jerry Barry

HOUSE BILL 10-1408

HOUSE SPONSORSHIP

Weissmann,

SENATE SPONSORSHIP

Morse,

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING** ██████████ **STATUTORY DIRECTIONS CONCERNING**
102 **CONGRESSIONAL DISTRICTS.**

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>.)

The bill repeals statutory direction to courts to use certain criteria in determining the lawfulness of and in adopting changes to congressional districts.

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.

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

2 **SECTION 1. Repeal.** 2-1-102, Colorado Revised Statutes, is
3 repealed as follows: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 section 2-1-101 are lawful and in
7 adopting or enforcing any change to any such district, courts:

8 (a) Shall UTILIZE THE FOLLOWING FACTORS:

9 ~~(a) Not utilize nonneutral factors. For purposes of this section,~~
10 ~~"nonneutral factors" include political party registration, political party~~
11 ~~election performance, and other factors that invite the court to speculate~~
12 ~~about the outcome of an election.~~

13 ~~(b) Utilize only neutral factors in the order of precedence~~
14 ~~established in this paragraph (b). For purposes of this section, a "neutral~~
15 ~~factor" means:~~

16 (I) First, A good faith effort to achieve precise mathematical
17 population equality between districts, justifying each variance, no matter
18 how small, as required by the constitution of the United States. Each
19 district shall consist of contiguous whole general election precincts.
20 Districts shall not overlap;

21 (II) ~~Second~~, Compliance with the federal "Voting Rights Act of
22 1965", in particular 42 U.S.C. sec. 1973; AND

23 (b) MAY, WITHOUT WEIGHT TO ANY FACTOR, UTILIZE FACTORS
24 INCLUDING BUT NOT LIMITED TO:

25 ~~(HH) (I) Third, except when necessary to comply with~~
26 ~~subparagraph (I) or (II) of this paragraph (b) THE PRESERVATION OF~~
27 ~~political subdivisions such as counties, cities, and towns. shall be~~

1 ~~preserved intact and shall not be fragmented or dispersed across district~~
2 ~~lines. When applying this criterion, preservation of the most populous~~
3 ~~counties, cities, and towns shall take precedence. When county, city, or~~
4 ~~town boundaries are changed, adjustments, if any, in districts shall be as~~
5 ~~prescribed by law.~~

6 ~~(IV) (II) Fourth, THE PRESERVATION OF communities of interest,~~
7 ~~including ethnic, cultural, economic, trade area, geographic, and~~
8 ~~demographic factors. shall be preserved within a single district whenever~~
9 ~~possible. Traditional communities of interest in Colorado include the~~
10 ~~western slope and the eastern plains.~~

11 ~~(V) (III) Fifth, Each THE COMPACTNESS OF EACH congressional~~
12 ~~district; shall be as compact in area as possible, and the aggregate linear~~
13 ~~distance of all district boundaries shall be as short as possible; and~~

14 ~~(VI) (IV) Sixth, THE MINIMIZATION OF disruption of prior district~~
15 ~~lines. shall be minimized.~~

16 **SECTION 2. Act subject to petition - effective date.** This act
17 shall take effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part shall not take effect
23 unless approved by the people at the general election to be held in
24 November 2010 and shall take effect on the date of the official
25 declaration of the vote thereon by the governor.