

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 10-1408

BY REPRESENTATIVE(S) Weissmann, Court, Hullinghorst, Labuda,
Pommer, Ryden;
also SENATOR(S) Morse, Carroll M., Steadman.

CONCERNING STATUTORY DIRECTIONS CONCERNING CONGRESSIONAL
DISTRICTS.

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

SECTION 1. 2-1-102, Colorado Revised Statutes, is amended to read:

2-1-102. Neutral criteria for judicial determinations of congressional districts. (1) In determining whether one or more of the congressional districts established in section 2-1-101 are lawful and in adopting or enforcing any change to any such district, courts:

(a) Shall UTILIZE THE FOLLOWING FACTORS:

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

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

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

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

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

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

~~(HH) (I) Third, except when necessary to comply with subparagraph (F) or (H) of this paragraph (b) THE PRESERVATION OF political subdivisions such as counties, cities, and towns. shall be preserved intact and shall not be fragmented or dispersed across district lines. When applying this criterion, preservation of the most populous counties, cities, and towns shall take precedence. When county, city, or town boundaries are changed, adjustments, if any, in districts shall be as prescribed by law.~~

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

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

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

SECTION 2. 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.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO