

APR 04 2014

Colorado Secretary of State

S.WARD 11:02 A.M.

2013-2014 #113

Amended Text

Revised Text

**REDISTRICTING/REAPPORTIONMENT  
CONGRESSIONAL AND LEGISLATIVE APPORTIONMENTS**

**Statement of Intent** — To create competitive congressional and legislative districts more competitive than current districts by requiring that districts be drawn in such a manner that the differences between the percentages of voters affiliated with parties in each district is limited, and that the difference between the percentage of registered voters statewide and those in each district varies by no more than a prescribed amount.

Be it enacted by the People of the State of Colorado:

In the constitution of the State of Colorado, amend ~~article V of~~ **section s 44-48 47** of **article V** as follows:

**Section 44. Representatives In Congress**

Add:

~~The general assembly shall divide the state into as many congressional districts as there are representatives in congress apportioned to this state by the congress of the United States for the election of one representative to congress from each district. When a new apportionment shall be made by congress, the general assembly shall divide the state into congressional districts accordingly, WITH THE POPULATION OF EACH DISTRICT EQUAL AS NEARLY AS POSSIBLE WITHOUT DIVIDING OR CREATING NEW PRECINCTS, AND WITH THE POPULATION OF EACH DISTRICT NOT MORE THAN ONE PERCENT GREATER OR LESSER THAN THE AVERAGE POPULATION OF THE DISTRICTS.~~

**Section 45. General Assembly**

Repeal.

Add:

~~THE GENERAL ASSEMBLY SHALL CONSIST OF 1). FOR THE SENATE, WHATEVER MULTIPLE OF THE STATE'S CONGRESSIONAL DISTRICTS GENERATES A NUMBER CLOSEST TO 35 WITH ONE MEMBER TO BE ELECTED FROM EACH DISTRICT, EXCEPT THAT WHEN THE NUMBER OF CONGRESSIONAL DISTRICTS ENDS IN THE NUMERAL ZERO, THE NUMBER OF STATE SENATE DISTRICTS SHALL BE 35, WITH ONE MEMBER TO BE ELECTED FROM EACH SENATORIAL DISTRICT, AND 2). FOR THE STATE HOUSE, TWICE THE NUMBER OF STATE SENATE DISTRICTS, ONE MEMBER TO BE ELECTED FROM EACH DISTRICT.~~

**Section 46. Senatorial And Representative Districts**

Add:

~~The state shall be divided into as many senatorial and representative districts as there are members of the senate and house of representatives respectively, each district in each house having a population as nearly equal as may be, as required by the constitution of the United~~

~~States, but in no event shall there be more than five percent deviation between the most populous and the least populous district in each house. EACH STATE SENATE DISTRICT SHALL BE ENTIRELY WITHIN THE BOUNDARY OF A CONGRESSIONAL DISTRICT, AND EACH STATE SENATE DISTRICT SHALL CONSIST OF TWO STATE HOUSE DISTRICTS.~~

#### **Section 47. Composition of districts**

- (1) Each district shall be as compact in area as possible and the aggregate linear distance of all district boundaries shall be as short as possible. Each district shall consist of contiguous whole general election precincts. Districts of the same house shall not overlap.
- (2) Except when necessary to ~~meet the equal population requirements of Sections 44 and 46 or comply with subsection (4) of this section~~, no part of one county shall be added to all or part of another county in forming districts. Within counties whose territory is contained in more than one district of the same house, the number of cities and towns whose territory is contained in more than one district of the same house shall be as small as possible. When county, city, or town boundaries are changed, adjustments, if any, in legislative districts shall be as prescribed by law.
- (3) Communities of interest, including ethnic, cultural, economic, trade area, geographic, and demographic factors, shall be preserved within a single district wherever possible.
- (4) ~~THE DIFFERENCE BETWEEN THE PERCENTAGE NUMBER OF REGISTERED VOTERS AFFILIATED WITH EACH OF THE TWO POLITICAL PARTIES WITH THE GREATEST NUMBER OF AFFILIATED REGISTERED VOTERS STATEWIDE AS OF JANUARY 1 OF THE YEAR IN WHICH THE DISTRICTS ARE BEING DRAWN SHALL BE AS NEARLY AS PRACTICAL EQUAL IN EACH CONGRESSIONAL, STATE SENATE AND HOUSE DISTRICT TO THE DIFFERENCE BETWEEN THE PERCENTAGE NUMBER OF VOTERS SO AFFILIATED STATEWIDE, AND IN NO CASE SHALL THE DIFFERENCE VARY FROM THE STATEWIDE DIFFERENCE BY MORE THAN THREE PERCENT IN ANY CONGRESSIONAL DISTRICT OR BY MORE THAN SIX PERCENT IN ANY LEGISLATIVE DISTRICT, AND IN NO CASE SHALL THE PERCENTAGE OF UNAFFILIATED VOTERS IN ANY CONGRESSIONAL DISTRICT VARY BY MORE THAN THREE PERCENT AND IN ANY LEGISLATIVE DISTRICT BY MORE THAN SIX PERCENT FROM THE STATEWIDE PERCENTAGE OF UNAFFILIATED REGISTERED VOTERS.~~

#### **Section 48. Revision And Alteration Of Districts**

~~Repeal and add:~~

- ~~1. THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL ACQUIRE APPROPRIATE INFORMATION, REVIEW AND EVALUATE AVAILABLE FACILITIES, AND DEVELOP PROGRAMS AND PROCEDURES IN PREPARATION FOR DRAWING CONGRESSIONAL AND LEGISLATIVE REDISTRICTING PLANS ON THE BASIS OF EACH FEDERAL CENSUS.~~
- ~~2. BY DECEMBER 31 OF EACH YEAR ENDING IN ZERO AND IN 2014, THE OFFICE SHALL OBTAIN FROM THE UNITED STATES BUREAU OF THE CENSUS INFORMATION REGARDING~~

GEOGRAPHIC AND POLITICAL UNITS IN THIS STATE FOR WHICH FEDERAL CENSUS POPULATION DATA HAS BEEN GATHERED AND WILL BE TABULATED. FOR THE REDISTRICTING AND REAPPORTIONMENT TO BE CONDUCTED IN 2015, THE AGENCY SHALL OBTAIN AND USE DATA FROM THE 2010 CENSUS. THE LEGISLATIVE SERVICES AGENCY SHALL USE THE DATA SO OBTAINED TO:

A. PREPARE NECESSARY DESCRIPTIONS OF GEOGRAPHIC AND POLITICAL UNITS FOR WHICH CENSUS DATA WILL BE REPORTED, AND WHICH ARE SUITABLE FOR USE AS COMPONENTS OF LEGISLATIVE DISTRICTS.

B. PREPARE MAPS OF COUNTIES, CITIES AND OTHER GEOGRAPHIC UNITS WITHIN THE STATE, WHICH MAY BE USED TO ILLUSTRATE THE LOCATIONS OF LEGISLATIVE DISTRICT BOUNDARIES PROPOSED IN PLANS DRAWN IN ACCORDANCE WITH SECTION 47.

3. AS SOON AS POSSIBLE AFTER JANUARY 1 OF EACH YEAR ENDING IN ONE AND IN 2015, THE OFFICE SHALL FORMULATE AN ACT CONTAINING CONGRESSIONAL, STATE SENATE AND STATE HOUSE DISTRICTS DRAWN CONSISTENT WITH SECTIONS 44-47, AND SHALL, NOT LATER THAN APRIL 1 OF EACH YEAR ENDING IN ONE AND IN 2015, DELIVER TO THE SECRETARY OF THE SENATE AND THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES IDENTICAL BILLS EMBODYING THE PLAN OF LEGISLATIVE AND CONGRESSIONAL DISTRICTING IT RECOMMENDS. HOWEVER, IF THE POPULATION DATA FOR LEGISLATIVE DISTRICTING WHICH THE UNITED STATES CENSUS BUREAU IS REQUIRED TO PROVIDE THIS STATE UNDER PUB. L. NO. 94-171 AND, IF USED BY THE LEGISLATIVE SERVICES AGENCY, THE CORRESPONDING TOPOLOGICALLY INTEGRATED GEOGRAPHIC ENCODING AND REFERENCING DATA FILE FOR THAT POPULATION DATA ARE NOT AVAILABLE TO THE OFFICE ON OR BEFORE FEBRUARY 15 OF THE YEAR ENDING IN ONE, THE DATES SET FORTH IN SECTION (2) SHALL BE EXTENDED BY A NUMBER OF DAYS EQUAL TO THE NUMBER OF DAYS AFTER FEBRUARY 15 OF THE YEAR ENDING IN ONE THAT THE FEDERAL CENSUS POPULATION DATA AND THE TOPOLOGICALLY INTEGRATED GEOGRAPHIC ENCODING AND REFERENCING DATA FILE FOR LEGISLATIVE DISTRICTING BECOMES AVAILABLE.

4. THE GENERAL ASSEMBLY SHALL BRING THE BILL TO A VOTE IN EITHER THE SENATE OR THE HOUSE OF REPRESENTATIVES EXPEDITIOUSLY, BUT NOT LESS THAN THREE DAYS AFTER THE PLAN IS RECEIVED AND MADE AVAILABLE TO THE MEMBERS OF THE GENERAL ASSEMBLY, UNDER A PROCEDURE OR RULE PERMITTING NO AMENDMENTS EXCEPT THOSE OF A PURELY CORRECTIVE NATURE. IF THE BILL IS APPROVED BY THE FIRST HOUSE IN WHICH IT IS CONSIDERED, IT SHALL EXPEDITIOUSLY BE BROUGHT TO A VOTE IN THE SECOND HOUSE UNDER A SIMILAR PROCEDURE OR RULE. IF THE BILL EMBODYING THE PLAN SUBMITTED BY THE OFFICE UNDER THIS SUBSECTION FAILS TO BE APPROVED BY A CONSTITUTIONAL MAJORITY IN EITHER THE SENATE OR THE HOUSE OF REPRESENTATIVES, THE SECRETARY OF THE SENATE OR THE CHIEF CLERK OF THE HOUSE, AS THE CASE MAY BE, SHALL AT ONCE, BUT IN NO EVENT LATER THAN SEVEN DAYS AFTER THE DATE THE BILL FAILED TO BE APPROVED, TRANSMIT TO THE OFFICE INFORMATION WHICH THE SENATE OR HOUSE MAY DIRECT BY RESOLUTION REGARDING REASONS WHY THE PLAN WAS NOT APPROVED.

5. IF THE BILL EMBODYING THE PLAN SUBMITTED BY THE OFFICE FAILS TO BE ENACTED, THE OFFICE SHALL PREPARE A BILL EMBODYING A SECOND PLAN OF LEGISLATIVE AND CONGRESSIONAL DISTRICTING. THE BILL SHALL ADDRESS THE REASONS CITED BY THE SENATE OR HOUSE OF REPRESENTATIVES BY RESOLUTION, OR THE GOVERNOR BY VETO MESSAGE, FOR THE FAILURE TO APPROVE THE PLAN. IF A SECOND PLAN IS REQUIRED UNDER THIS SUBSECTION, THE BILL EMBODYING IT SHALL BE DELIVERED TO THE SECRETARY OF THE SENATE AND THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES NOT LATER THAN THIRTY-FIVE DAYS AFTER THE DATE OF THE VOTE BY WHICH THE SENATE OR THE HOUSE OF REPRESENTATIVES FAILS TO APPROVE THE BILL SUBMITTED UNDER SUBSECTION 1, OR THE DATE THE GOVERNOR VETOES OR FAILS TO APPROVE THE BILL. THE BILL SHALL BE BROUGHT TO A VOTE NOT LESS THAN SEVEN DAYS AFTER THE BILL IS SUBMITTED AND MADE AVAILABLE TO THE MEMBERS OF THE GENERAL ASSEMBLY, UNDER A PROCEDURE OR RULE PERMITTING NO AMENDMENTS EXCEPT THOSE OF A PURELY CORRECTIVE NATURE. IF THE BILL IS APPROVED

BY THE FIRST HOUSE IN WHICH IT IS CONSIDERED, IT SHALL EXPEDITIOUSLY BE BROUGHT TO A VOTE IN THE SECOND HOUSE UNDER A SIMILAR PROCEDURE OR RULE. IF THE BILL EMBODYING THE PLAN SUBMITTED BY THE OFFICE UNDER THIS SUBSECTION FAILS TO BE APPROVED BY A CONSTITUTIONAL MAJORITY IN EITHER THE SENATE OR THE HOUSE OF REPRESENTATIVES, THE SECRETARY OF THE SENATE OR THE CHIEF CLERK OF THE HOUSE, AS THE CASE MAY BE, SHALL TRANSMIT TO THE OFFICE INFORMATION WHICH THE SENATE OR HOUSE MAY DIRECT BY RESOLUTION REGARDING REASONS WHY THE PLAN WAS NOT APPROVED.

6. IF THE BILL EMBODYING THE PLAN SUBMITTED BY THE OFFICE UNDER SUBSECTION 5 FAILS TO BE ENACTED, THE SAME PROCEDURE AS PRESCRIBED BY SUBSECTION 2 SHALL BE FOLLOWED. IF A THIRD PLAN IS REQUIRED UNDER THIS SUBSECTION, THE BILL EMBODYING IT SHALL BE DELIVERED TO THE SECRETARY OF THE SENATE AND THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES NOT LATER THAN THIRTY-FIVE DAYS AFTER THE DATE OF THE VOTE BY WHICH THE SENATE OR THE HOUSE OF REPRESENTATIVES FAILS TO APPROVE THE BILL SUBMITTED UNDER SUBSECTION 2, OR THE DATE THE GOVERNOR VETOES OR FAILS TO APPROVE THE BILL. THE OFFICE SHALL SUBMIT A BILL UNDER THIS SUBSECTION SUFFICIENTLY IN ADVANCE OF SEPTEMBER 1 OF THE YEAR ENDING IN ONE AND IN 2015 TO PERMIT THE GENERAL ASSEMBLY TO CONSIDER THE PLAN PRIOR TO THAT DATE. IF IT IS NECESSARY TO SUBMIT A BILL UNDER THIS SUBSECTION, THE BILL SHALL BE BROUGHT TO A VOTE WITHIN THE SAME TIME PERIOD AFTER ITS DELIVERY TO THE SECRETARY OF THE SENATE AND THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES AS IS PRESCRIBED FOR THE BILL SUBMITTED UNDER SUBSECTION 2, BUT SHALL BE SUBJECT TO AMENDMENT IN THE SAME MANNER AS OTHER BILLS.

7. IF EITHER THE LEGISLATURE FAILS TO APPROVE A CONGRESSIONAL AND LEGISLATIVE DISTRICTING ACT SUBMITTED PURSUANT TO SUBSECTION 6 BY OCT. 1, OR IT DOES AND THE BILL IS VETOED BY THE GOVERNOR, THE STATE SUPREME COURT SHALL ADOPT ONE OF THE PLANS FORMULATED BY THE OFFICE BY DEC. 1, AND IT SHALL HAVE THE FORCE OF LAW.

#### **Section 49. SELF-EXECUTING AND SEVERABLE**

PROVISIONS OF THIS ARTICLE ARE SELF-EXECUTING AND SEVERABLE, AND SHALL SUPERSEDE CONFLICTING LAWS AND REGULATIONS. LAWS AND REGULATIONS MAY BE ENACTED TO FACILITATE THE OPERATION OF THESE AMENDED SECTIONS.

#### **Section 50. EFFECTIVE DATE**

THESE AMENDED SECTIONS SHALL BECOME EFFECTIVE UPON OFFICIAL DECLARATION OF THE VOTE HEREON BY PROCLAMATION OF THE GOVERNOR PURSUANT TO SECTION 1 (4) OF ARTICLE V.