

**First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 11-0716.01 Thomas Morris

**HOUSE BILL 11-1276**

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**HOUSE SPONSORSHIP**

**Brown,** Baumgardner, Bradford, Conti, DelGrosso, Holbert, Kerr J., Murray, Scott, Sonnenberg

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**A BILL FOR AN ACT**

101 **CONCERNING THE CRITERIA USED BY COURTS IN EVALUATING**  
102 **CONGRESSIONAL REDISTRICTING PLANS.**

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**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 prohibits courts from using nonneutral factors, including political party registration, political party election performance, and other factors that invite the court to speculate about the outcome of an election, in determining whether one or more congressional districts are lawful and in adopting or enforcing any change to a district. Requires courts to use

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.*

only neutral factors in the following order of precedence:

- ! First, population equality, contiguity, the use of whole general election precincts, and a prohibition on district overlap;
- ! Second, compliance with the federal "Voting Rights Act of 1965";
- ! Third, preservation of political subdivision boundaries, with precedence given to the most populous counties, cities, and towns;
- ! Fourth, preservation of communities of interest, including the traditional western slope and eastern plains communities of interest;
- ! Fifth, compactness; and
- ! Sixth, minimization of disruption to prior district lines.

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

2 **SECTION 1.** 2-1-102 (1) (b) (II), Colorado Revised Statutes, is  
3 amended to read:

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

10 (II) The preservation of communities of interest, including ethnic,  
11 cultural, economic, trade area, geographic, and demographic factors.  
12 **TRADITIONAL COMMUNITIES OF INTEREST IN COLORADO INCLUDE THE**  
13 **WESTERN SLOPE AND THE EASTERN PLAINS.**

14 **SECTION 2. Act subject to petition - effective date.** This act  
15 shall take effect at 12:01 a.m. on the day following the expiration of the  
16 ninety-day period after final adjournment of the general assembly (August  
17 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the  
2 state constitution against this act or an item, section, or part of this act  
3 within such period, then the act, item, section, or part shall not take effect  
4 unless approved by the people at the general election to be held in  
5 November 2012 and shall take effect on the date of the official  
6 declaration of the vote thereon by the governor.