

Colorado Revised Statutes: Title 2: Legislative:
2-1-102. Neutral Criteria for
Judicial Determinations of Congressional Districts.

TITLE 2. LEGISLATIVE. CONGRESSIONAL DISTRICTS.

ARTICLE 1. CONGRESSIONAL DISTRICTS.

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(1) In determining whether one or more of the congressional districts established in accordance with section 44 of article V of the state constitution are lawful and in adopting or enforcing any change to any such district, courts: (a) Shall utilize the following factors:

(I) 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) 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:

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

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

(III) The compactness of each congressional district; and

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

Case Notes, Annotation:

Each of the nonconstitutional factors that a court may consider must be interpreted in light of the foundational goal of congressional redistricting under the United States constitution: Fair and effective representation for all citizens. The minimization of disruption of existing boundary lines is only one among many factors that the court must balance. The statute gives the trial court broad discretion in striking this balance, and the consideration of competitiveness is consistent with the ultimate goal of maximizing fair and effective representation. The trial court's adoption of the Moreno/South map reasonably balanced these many factors and is supported by the evidence, and therefore was not an abuse of discretion. Hall v. Moreno, 2012 CO 14, 270 P.3d 961.

The incorporation of several of Denver's southern suburbs into the first district was reasonable, both because they share a community of interest and because incorporating suburbs elsewhere would have required splitting municipal boundaries. Current communities of interest, including the I-70 corridor, Rocky Mountain national park, the beetle-kill forest infestation, and higher education and its associated health and high-tech industries, justify the court's adoption of the second district, while the community of interest for this district from 10 years ago, the cleanup of Rocky Flats, is no longer relevant. The third district minimizes disruption of the existing district lines, thus maintaining communities of interest that remain important today. Hall v. Moreno, 2012 CO 14, 270 P.3d 961.

The addition of rural Douglas, Arapahoe, and Adams counties into the fourth district, in part to compensate for the transfer of Larimer county into the second district, is supported by those areas' community of interest in agriculture and drought, and it was appropriate for the court to look to the near future in identifying pending oil and gas development in these areas as a community of interest. The fifth district is largely unchanged other than the removal of Lake county, as necessitated by the requirement of population equality. Hall v. Moreno, 2012 CO 14, 270 P.3d 961.

The sixth district puts Aurora in a single district, unites the newer and fast-developing suburbs from northeast of Denver to southwest of Denver, and properly creates a competitive district. Similarly, the seventh district becomes more compact by including the older suburbs from north of Denver through Jefferson county, which share a community of interest in clean energy and replacing aging infrastructure. The seventh district also includes a significant Latino community of interest and properly creates a competitive district. Hall v. Moreno, 2012 CO 14, 270 P.3d 961.