



Colorado Independent Redistricting Commissions Staff

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MEMORANDUM

October 5, 2021

TO: Independent Legislative Redistricting Commission

FROM: Colorado Independent Redistricting Commissions Staff

SUBJECT: Third State House of Representatives Staff Plan

Summary

This memorandum provides context and information about the third State House of Representatives Staff Plan (staff plan) submitted by the Colorado Independent Legislative Redistricting Commission's (commission) nonpartisan commission staff (staff) on October 5, 2021.

Description of State House Districts by Region

Eastern Plains. The Eastern Plains primarily contains the following districts: 47, 56, and 63.

Pueblo and San Luis Valley. Pueblo and the San Luis Valley primarily contain the following districts: 61 and 62.

Four Corners Area, Western Slope, and Mountains. The Four Corners Area, the Western Slope, and the Mountains primarily contain the following districts: 11, 26, 46, 49, 54, 55, 57, 58, 59, and 60.

Northern I-25 Corridor. The Northern I-25 Corridor primarily contains the following districts: 10, 12, 13, 33, 48, 50, 51, 52, 53, 64, and 65.

City and County of Denver, East, and North Metro Denver. The City and County of Denver and North Metro Denver primarily contain the following districts: 1, 2, 4, 5, 6, 7, 8, 9, 30, 31, 32, 34, 35, 36, 40, 41, and 42.

South Metro Denver and West Metro Denver. South Metro Denver and West Metro Denver primarily contain the following districts: 3, 22, 23, 24, 25, 27, 28, 29, 37, and 38.

Douglas County. Douglas County contains the following districts: 39, 43, 44, and 45.

El Paso County. El Paso County largely contains the following districts: 14, 15, 16, 17, 18, 19, 20 and 21.

Constitutional Criteria

Mathematical population equality. The staff plan complies with Colorado's constitutional standards by making a good-faith effort to achieve mathematical population equality and not exceeding the five percent deviation standard¹. In the staff plan, the most populous district is 2,258 people (or 2.54 percent) over the ideal district size and the least populous district is 2,095 people (or 2.36 percent) under the ideal district size. Taken together, these proposed districts have a deviation of 4.9 percent, which is less than the maximum constitutionally permitted 5 percent deviation.

Federal Voting Rights Act. The Colorado Constitution requires the commission to comply with the Voting Rights Act (VRA) in creating legislative redistricting plans.² Staff considered the VRA in drafting the staff plans. The commission's outside counsel has retained a VRA expert. Although the expert has not yet delivered her final report, she has shared with our outside counsel information concerning certain districts about which she had sufficient election results.

The issue is complicated in Colorado because there were no Hispanic candidates in recent statewide elections that our expert could use to compare projected results in newly drawn districts. However, she did identify certain existing districts in which she believed there was racially polarized voting. In those existing districts in which she had sufficient election results, she calculated the minimum Hispanic or non-Hispanic minority voting age population that she believed would be necessary for the Hispanic or non-Hispanic minority candidate of choice to be elected in the district.

Because of all of the changes in the population in the state, the newly created districts using the 2020 census data, do not match the existing districts. Nonetheless, comparing the newly drawn districts with the existing districts, staff believes that, in those areas in which it is possible to draw a minority-majority district, in which the expert has identified as having racially polarized voting, and in which there is meaningful overlap with the newly drawn districts, the Hispanic or non-Hispanic minority voting age population is sufficient that the Hispanic or non-Hispanic minority candidate of choice has a reasonable chance of being elected.

Contiguity. All portions of the districts in the staff plan are contiguous to other portions of the same districts.

Preservation of communities of interest and political subdivisions. When it was necessary for staff to divide a city or county to arrive at the required district population, nonpartisan staff attempted to keep communities of interest together, such as keeping the Roaring Fork Valley together when dividing Eagle County. To the extent possible, staff kept municipalities that include portions in two counties together or split those municipalities at the county border.

¹ The Colorado Constitution requires the commission to "[m]ake a good-faith effort to achieve mathematical population equality between districts, 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." Colo. Const. art. V., § 48.1 (1)(a).

² Colo. Const. art. V., §48.1 (1)(b).

Further, in drawing the staff plan, staff considered the public comments the commission has received and attempted to preserve as many communities of interest as possible.

Compactness. The commission has adopted the use of Reock and Polsby-Popper scores as a measure of compactness. Nonpartisan staff believes that the districts in the staff plan are reasonably compact. Some district border lines are irregular due to municipal boundaries or the shape of census blocks necessary to equalize the population. The commission has adopted a policy that requires staff to provide an explanation for those districts with a Roeck score less than 0.30 or a Polsby-Popper score less than 0.16, and to provide drive times between three cities in districts where the area of the district exceeds 5,000 square miles. Those explanations are provided in the compactness report.

Politically competitive districts. The commission has identified eight statewide races that it believes should be used in determining competitiveness.³ The report on election results accompanying the staff plan shows an average of the difference between the votes cast for Democratic and Republican candidates across these eight elections. A positive number indicates that there were more votes cast for the Republican candidates, and a negative number indicates that there were more votes cast for the Democratic candidates.

Diluting a racial or language minority group's electoral influence. To the extent that Article V, Section 48.1 (4)(b) of the Colorado Constitution is a restatement of the VRA, as described above, staff considered the VRA in drafting the staff plan. Nonpartisan staff considered communities of interest in creating this plan and does not believe that the electoral influence of any such community was diluted in this plan.

³ The eight elections are: from the 2016 General Election: Colorado Senator and President; from the 2018 General Election: Governor, Attorney General, Treasurer, Secretary of State, and at-large Regent of University of Colorado; and from 2020 General Election: Colorado Senator.