



## Colorado Independent Redistricting Commissions Staff

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## MEMORANDUM

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September 23, 2021

**TO:** Independent Legislative Redistricting Commission

**FROM:** Colorado Independent Redistricting Commissions Staff

**SUBJECT:** Second State Senate Staff Plan

### Summary

This memorandum provides context and information about the second State Senate Staff Plan (staff plan) submitted by the Colorado Independent Legislative Redistricting Commission's (commission) nonpartisan commission staff (staff) on September 23, 2021.

### Description of State Senate Districts by Region

**Eastern Plains.** The Eastern Plains are in Senate Districts 1 and 3. Senate District 1 consists of the whole counties of Logan, Morgan, Phillips, Sedgwick, Washington, and Yuma, plus much of rural Weld County and some of Larimer County east of Fort Collins. Senate District 3 consists of the whole counties of Baca, Bent, Cheyenne, Crowley, Elbert, Huerfano, Kiowa, Kit Carson, Lincoln, Las Animas, Otero, and Prowers, as well as eastern areas of El Paso County.

**Pueblo and San Luis Valley.** Pueblo County is entirely contained in Senate District 35 with no other counties. The six counties of the San Luis Valley (Alamosa, Conejos, Costilla, Mineral, Rio Grande, and Saguache) are kept together and included in Senate District 6, which extends to Southwest Colorado.

**Four Corners Area, Western Slope, and Mountains.** Senate Districts 5, 6, 7, 8, and 22 are in this area. The Roaring Fork Valley is kept together in Senate District 5, which contains portions of Delta, Eagle, Garfield, and Montrose Counties as well as the whole counties of Gunnison, Hinsdale, and Pitkin. Senate District 6 includes the rest of Montrose County, all of the San Luis Valley, and Archuleta, Dolores, La Plata, Montezuma, Ouray, San Juan, and San Miguel Counties. Senate District 7 is primarily a Mesa County district but also includes the town of Cedaredge in Delta County. Senate District 8 includes the remainder of Eagle and Garfield Counties, as well as the northwest and mountain counties of Clear Creek, Gilpin, Grand, Jackson, Moffat, Rio Blanco, Routt, and Summit. Senate District 22 includes Chaffee, Custer,

Fremont, Lake, Park, and Teller Counties, along with some rural portions of Douglas and Jefferson County.

**Northern I-25 Corridor.** The northern I-25 corridor is included in:

- Senate District 13 – Weld County, including Greeley and Fort Lupton;
- Senate District 14 – Fort Collins (Larimer County);
- Senate District 15 – Larimer County excluding Fort Collins, Estes Park, and a portion to the east of Fort Collins that is in Senate District 1;
- Senate District 17 – Lafayette, Longmont, and Louisville in eastern Boulder County and including the Weld County portion of Longmont and some areas around it;
- Senate District 18 – all of the rest of Boulder County, including the cities of Boulder and Superior, plus the area around Estes Park in Larimer County; and
- Senate District 23 – the City and County of Broomfield; Boulder County enclaves in Broomfield; the city of Erie in Boulder and Weld Counties; the Weld County Carbon Valley cities of Dacono, Firestone, Frederick, and Mead; and the portion of Johnstown in Weld County.

**City and County of Denver and North Metro Denver.** Senate Districts 31, 33, and 34 are wholly within the City and County of Denver. Senate District 32 contains some enclaves of Arapahoe County along with southern Denver, and the far southwest and southeast parts of Denver are with Arapahoe County in Senate District 26. North Metro Adams County is included in Senate Districts 11, 21, and 24, as well as a small portion of Adams County Arvada in Senate District 19. Senate District 25 includes Aurora portions of Adams County and the area east of Denver International Airport in a district with more of Aurora in Arapahoe County.

**South Metro Denver and West Metro Denver.** A portion of eastern Arapahoe County is in Senate District 21 with eastern Adams County, and some Denver enclaves and portions of unincorporated Arapahoe County are in Senate District 32 with Denver. Arapahoe County Aurora is included in Senate Districts 25, 28, and 29, while eastern Arapahoe County is included in Senate Districts 26 and 27. Senate Districts 16, 19, and 20 are wholly in Jefferson County, except for the Adams County portion of Arvada in Senate District 19. Senate District 27 includes unincorporated portions of Jefferson County in southwest metro Denver with Arapahoe County, and Senate District 22 includes rural southern Jefferson County with rural southern Douglas County and smaller central Colorado counties.

**Douglas County.** Senate Districts 4 (primarily Parker and Castle Rock) and 30 (primarily Highlands Ranch and Roxborough Park) are wholly in Douglas County, and the rest of the county is in Senate District 22.

**El Paso County.** Senate Districts 2, 9, 10, and 12 are fully contained in El Paso County, with each containing some of the city of Colorado Springs. Portions of El Paso County are also in Senate District 3, along with southeastern Colorado.

## 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 standard<sup>1</sup>. In the staff plan, the most populous district is 4,321 people (or 2.55 percent) over the ideal district size, and the least populous district is 3,918 people (or 2.43 percent) under the ideal district size. Taken together, these proposed districts have a deviation of 4.99 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.<sup>2</sup> Staff considered the VRA in drafting the staff plans. The commission's outside counsel has retained a VRA expert who will conduct an analysis of voting patterns in various locations of the state to determine if the minority and the white majority vote as distinct voting blocs. The commission's outside counsel will review this information with the VRA expert to determine whether the creation of a "majority-minority district" is required under the VRA. Because this determination has not yet been made, and there is no court precedent for a "majority-minority district" in the state senate, staff has not drawn a district with a majority minority population to comply with the VRA.

**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, staff attempted to keep communities of interest together, such as keeping the Roaring Fork Valley in a single district. To the extent possible, staff kept municipalities that include portions in two counties together or split those municipalities at the county border. 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, as well as a review of the drive times between cities in certain large districts. 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 Reock 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. These 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.<sup>3</sup> 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

<sup>1</sup> 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).

<sup>2</sup> Colo. Const. art. V., §48.1 (1)(b).

<sup>3</sup> 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.

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.