



## Legislation Text

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**To:** Board of County Commissioners

**Through:** Michelle Halstead, Director, Commissioners' Office

**Prepared By:**

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**Presenter:** Michelle Halstead, Director, Commissioners' Office; Ron Carl, County Attorney

**Subject:**

3:30 PM \*Redistricting Process Update and Discussion

**Purpose and Request:**

In early March, the Board provided staff direction to develop an advisory committee process to guide the County's redistricting efforts. Staff will present the plan for Board feedback and direction prior to implementation. Staff also will provide an update on HB21-1047, which may have an impact on the timing of redistricting activities.

**Background and Discussion:**

All counties in the state are required to examine their commissioner districts in the year following a federal census and ensure that each district is as close to equal in population as possible (30-10-306, C.R.S.). The new district boundaries are required to be adopted by the board of county commissioners by September 30, and statute requires a public meeting to review the new boundaries a month in advance of that deadline. Additionally, the Board must adopt a new precinct map after all Congressional, State Legislative, and County district boundaries are finalized through court process by January 2022.

Usually, the Census makes population data available to counties in April - but due to COVID-related delays with the count last year, the new population numbers will not be released until the end of September. This delay will make it impossible for counties to comply with the statutory deadline for redistricting. CCI has been working with the Demography Section in the Department of Local Affairs (DOLA) on some possible solutions.

Additionally, Rep. Kennedy has introduced HB 21-1047, which would add additional requirements on the redistricting process for those counties who elect commissioners by district.

Staff proposed the County consider adopting a decision-making process where the Board of County Commissioners retains final authority on map decisions. Some considerations for that process include establishing decision-making criteria as well as creating a citizen advisory group that would inform the Board's process and cultivate a larger public engagement process. Based on previous Board input, the team is proposing the following structure for a citizen advisory committee, decision-making process, and timeline for implementation. This proposal aligns with HB 21-1047, although Arapahoe County and others have advocated for an amendment that would shift county redistricting requirements to September 2023; at the time of submittal, the status of this amendment is unclear.

The Board would retain final decision-making authority on map decisions. The established citizen advisory group would inform that decision-making process and cultivate a larger public engagement process.

### ***Define Decision-Making Considerations***

- When drawing lines, use logical barriers (i.e. highways/streets, natural boundaries, political boundaries) as much as practical
- Not base district lines on precinct lines (this would be done in phase two)
- New Legislative criteria (in order of priority):
  - First Tier: “mathematical population equality” (no more than 5% deviation between most and least populous districts) + compliance with federal Voting Rights Act of 1965.
  - Second Tier: preserve “whole communities of interest” and “whole political subdivisions” (cities, towns, etc.) + “as compact as reasonably possible.”
  - Third Tier: to the extent “reasonably possible” then try to “maximize the number of political competitive districts.”
- Prohibited Considerations in Legislation:
  - Any district drawn “for the purpose of protecting one or more incumbent members” or declared candidates of the BOCC.
- Any district drawn “for the purpose or results in denial or abridgement of the right any citizen to vote” based on race, language minority, including diluting the impact of those racial or language minority groups in elections.

### ***Proposed Redistricting Advisory Committee***

- Role & Responsibilities
  - Create and present at least three proposed county commissioner district maps to the BOCC for

consideration and adoption consistent with state statute that is reflective of decision-making criteria and public input.

- Understand requirements, data and context to inform recommendation
- Provide input and direction to staff to draw initial maps for consideration in open meetings
- Provide input on proposed public engagement/communication plan in open meetings
- Participate in advisory committee meetings (open)
- Participate in and advocate for resident engagement in the process
- Review public feedback, providing staff direction on how to incorporate in map revisions
- Present recommendation to BOCC in open meetings
- Recognize unable to engage with elected officials, political party officials, peers, staff or colleagues on this topic outside of established committee processes (no side conversations/directions)
- Conduct self in accordance with group norms/charter
- Recognize all work is subject to Colorado open records act requirements, including correspondence, work product and communications between and among colleagues and staff.
- Proposed Members:
  - 9 county residents
    - Three members each representing Republican, Democrat, and Unaffiliated party registration
    - Current party affiliation has not changed since November 2020 election
    - Civic Interest
    - Willingness to listen and understand diverse viewpoints
    - Experience working with others to reach outcomes or decisions
    - Being fair/equitable
    - Geographic Diversity
    - Demographic Diversity
  - Open Application Process
    - Solicit through existing and new channels
    - Interviews by BOCC
    - Formal appointments

- Time Commitment
  - Monthly meetings beginning in June 2021 (60-90 min)
  - Potential for bi-monthly meetings (60 min) once data received (September - Dec)
  - Public Engagement Activities, a minimum of three events over six months (60 - 90 min)
  - Limited, six-month appointment (May - Dec)

***Proposed Implementation Timeline/Key Milestones***

- Mar/Apr 2021
  - BOCC approves redistricting approach (Early-Mar)
  - Establish staff team and refine project plan (Early-Mid Mar)
  - Develop communications plan for review (Mid-Mar)
  - BOCC finalizes redistricting process and plan (Early Apr)
  - Solicit Advisory Committee Members (Mid-Late Apr)
- May 2021:
  - Interview applicants (Early May)
  - Select Advisory Committee Members (mid-May)
  - BOCC Adopts Resolution Establishing Commission, Appointing Advisory Committee & Staff (May 25 meeting)
- June 2021
  - Committee Meeting 1: welcome, expectations, process, criteria (mid-June)
- July 2021:
  - Committee Meeting 2: Data review, inc. baseline, outreach/engagement approach (mid-July)
- August 2021:
  - Committee Meeting 3: Information from State, potential options, etc., based on ACS data (mid-August)
- September 2021:
  - 2020 Census data available (may come from state or direct)
  - Committee Meeting 4: Update on 2020 Data Knowledge, confirm map inputs to direct staff (post Labor Day)
  - Committee Meeting 5: Working meeting to review and refine initial maps, query staff, finalize map outreach (mid/end of September)
- October 2021:
  - Committee Meeting 6: Working meeting to finalize 3 preliminary maps based on data discussion; opportunity for questions prior to broader public hearings/engagement (early Oct)

- Public Engagement Maps (Early -Oct - Early November)
- Public Hearings (mid-October)
- Collation of public input, thematic issue identification
- November 2021:
  - Committee Meeting 7: Review public comment/input. Working meeting to revise/refine maps based on feedback (Early Nov)
  - Committee Meeting 8: Working meeting to revise final map(s) to recommend to BOCC and review presentation (Mid Nov)
- December 2021:
  - Committee meeting 9: Study Session to present maps/process/answer BOCC questions (Dec. 7)
  - Committee Meeting 10: Adoption of Final Map (Dec 14 BOCC Meeting)
- January 2022:
  - Adoption of completely new precinct map (second BOCC Jan Meeting)

**Fiscal Impact:** None at this time.

**Alternatives:** The Board could decide not to use an advisory committee to inform their decision-making process, completing this work as the commission itself.

**Alignment with Strategic Plan:**

- ☐ Be fiscally sustainable
- ☒ Provide essential and mandated service
- ☒ Be community focused

**Staff Recommendation:** For discussion and direction.

**Concurrence:** County Attorney's Office, Clerk & Recorder's Office, Information Technology Department.