

<p>SUPREME COURT STATE OF COLORADO</p> <p>101 West Colfax Avenue, Suite 800 Denver, CO 80202</p>	<p>FILED IN THE SUPREME COURT</p> <p>AUG 24 2012</p> <p>OF THE STATE OF COLORADO Christopher T. Ryan, Clerk</p>
<p>ORIGINAL PROCEEDING PURSUANT TO § 2-2-507, C.R.S (2011)</p>	
<p>IN RE PROPOSED CHANGES TO BORDERS BETWEEN STATE SENATE AND HOUSE DISTRICTS DUE TO MAPPING ERRORS.</p>	
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<p>PETITION TO ALTER BOUNDARIES BETWEEN MULTIPLE STATE SENATE AND HOUSE DISTRICTS</p>	

Colorado Secretary of State Scott Gessler, by and through undersigned counsel, hereby petitions the Colorado Supreme Court to modify the boundaries between several State House districts and State Senate districts in order to rectify a number of minor discrepancies

between the maps generated by the Colorado Reapportionment Commission and maps and GIS data utilized by various Colorado counties. As detailed herein, these discrepancies have resulted in residential parcels that are split between districts, and in some cases include district boundary lines that are inconsistent with settled political boundary lines.

JURISDICTION

This Court has jurisdiction to rectify mapping errors pursuant to § 2-2-507, C.R.S. (2011).

INTRODUCTION

1. For the purposes of the 2010 census, the United States Census Bureau created a map in 2009 and drew census blocks reflecting physical features present in 2009 in all states, including Colorado.

2. In 2011, the Colorado Reapportionment Commission (“the Commission”) drew boundaries between State Senate districts and State House districts based on the census blocks drawn by the Census Bureau. This Court rejected the first plan adopted by the Commission.

In re Colorado General Assembly, 2011 Colo. LEXIS 894, Case No. 11SA282 (Colo. November 15, 2011).

3. In accordance with this Court's order, the Commission submitted new plans on November 29, 2011. This Court approved them on December 14, 2011.

4. After the Court's approval of the reapportionment plan, several counties discovered minor inconsistencies between the maps generated by the Commission and their own county maps and plats. The maps generated by the Commission deviate from county lines in a number of locations, thereby splitting parcels, cutting voters out of precincts with conveniently located polling places, and creating "pocket precincts" in some locations.

5. Section 2-2-507(2.5)(a) establishes a procedure that permits the Secretary of State to move boundary lines to avoid splitting of residential parcels. A county clerk and recorder who discovers that a border between two senatorial or representative districts may submit to documentation to the Secretary of State evidencing any such division. If the Secretary concludes that the border should be moved, then the

Secretary shall propose moving the border between two districts to a visible feature normally relied upon by the United States Census Bureau such that the border (a) does not split a residential parcel, (b) moves the remaining portion of the residential parcel into the least populated of the two districts, (c) complies with sections 46 and 47 of article V of the Colorado Constitution, (d) minimizes the impact on the affected community for purposes of establishing polling places, and (e) minimizes changes in distances from the reapportionment plan approved by this Court.

6. The clerks and recorders for the following counties have asked the Secretary to present proposed changes to the reapportionment lines for State House and State Senate districts.

Adams County

1. **Exhibit A** is Commission map showing the boundary lines between State Senate Districts. The map for Senate Districts 21, 24, and 25 is at page 10. **Exhibit B** is the Commission map for Colorado's House Districts. Western Adams County, which contains House Districts 30, 31, 32, 34, 35, and 56, is displayed at page 19.

2. **Exhibit C** is a series of detailed maps generated by the Adams County Clerk and Recorder displaying locations in which the lines drawn by the Commission for Senate Districts 21, 24, and 25 split residential parcels and/or are inconsistent with settled county borders.

3. The population of registered voters in the three affected Senate Districts is as follows:

- S.D. 21: 147,077
- S.D. 24: 147,254
- S.D. 25: 147, 272

4. Under the Secretary's proposal:

- S.D. 24 will lose 10 registered voters.
- S.D. 25 will lose 16 registered voters.
- S.D. 21 will gain 26 registered voters.

5. The detailed maps in **Exhibit C** display locations in which the boundary lines between these House Districts 30, 31, 32, 34, 35, and 56 split residential parcels and/or are inconsistent with settled county borders.

6. The total population in the six affected House Districts is as follows:

- H.D. 30: 77,896
- H.D. 31: 79,097
- H.D. 32: 75,960
- H.D. 34: 76,481
- H.D. 35: 79,266
- H.D. 56: 78,799

7. Under the Secretary's proposal:

- H.D. 30 will gain 2 registered voters.
- H.D. 31 will gain 1 registered voter.
- H.D. 32 will lose 3 registered voters.
- H.D. 34 will lose 54 registered voters.
- H.D. 35 will gain 56 registered voters.
- H.D. 56 will lose 2 registered voters.

8. The proposed changes are minimal and would not violate the Voting Rights Act. The ethnic breakdown of the Senate and House Districts is set forth in Exhibits A and B. The transfer of the minimal

numbers of voters between districts as outlined above will not significantly alter the racial or ethnic makeup of any Senate or House Districts located wholly or partly in Adams County.

Boulder County

9. **Exhibit A**, p.13, displays the Commission's boundaries between Senate Districts 16 and 18; **Exhibit D** is a series of detailed maps generated by the Boulder County Clerk and Recorder demonstrating locations in which the lines drawn by the Commission split residential parcels and/or are inconsistent with settled county borders.

10. The total population in the two affected Senate Districts is as follows:

- S.D. 16: 146,853
- S.D. 18: 140,144

11. Under the Secretary's proposal:

- S.D. 16 will gain 2 voters
- S.D. 18 will lose 2 voters

12. The proposed changes are minimal and would not violate the Voting Rights Act. The ethnic breakdown of the Senate and House Districts is set forth in Exhibits A and B. The transfer of the minimal numbers of voters between districts as outlined above will not significantly alter the racial or ethnic makeup of any Senate or House Districts located wholly or partly in Boulder County.

Broomfield County

13. **Exhibit A**, pp. 10 and 12, display the Commission's boundaries between Senate District 23 and Senate Districts 16, 17, 19, and 24; **Exhibit B**, p. 14, displays the Commission's boundaries between House Districts 33 and House Districts 12, 27, 29, 35, 56, and 63; **Exhibits E and F** are detailed maps generated by the Broomfield County Clerk and Recorder displaying locations in which the lines drawn by the Commission split residential parcels and/or are inconsistent with settled county borders.

14. **Zero** voters will be affected by the proposed changes.

Delta County

15. **Exhibit B**, p. 4, displays the Commission's boundaries between House Districts 54 and 61; **Exhibit G and H** display parcels that are split between House Districts 54 and 61 and/or that place rural voters in precincts that will require extensive travel in order to vote.

16. The total population in House Districts 54 and 61 is as follows:

- H.D. 54: 79,120
- H.D. 61: 79,176

17. Under the Secretary's proposal:

- H.D. 54 will lose approximately 15 voters.
- H.D. 61 will gain approximately 15 voters.

18. The proposed changes are minimal and would not violate the Voting Rights Act. The ethnic breakdown of the Senate and House Districts is set forth in Exhibits A and B. The transfer of the minimal numbers of voters between districts as outlined above will not significantly alter the racial or ethnic makeup of any Senate or House Districts located wholly or partly in Delta County.

Denver County

19. **Exhibit A**, p. 11, displays the Commission's boundaries between Senate Districts 26 and 31; **Exhibit B**, p. 18, displays the Commission's boundaries between House Districts 9 and 41; **Exhibit I** displays a census block that is located in Denver County, but that has been assigned to House District 41 and Senate District 26, both of which are associated with Arapahoe County.

20. Denver and Arapahoe County agree that the precinct identified in **Exhibit I** belongs to Denver County and should be part of Denver County's House and Senate districts.

21. Due to the split census block, the total population of the precinct identified in **Exhibit I** is unknown; however, the precinct contains a total of 51 registered voters.

22. The total populations of the affected Senate and House Districts are as follows:

- S.D. 26: 143,001
- S.D. 31: 147,183
- H.D. 9: 75,463

- H.D. 41: 75,905

23. As proposed herein:

- H.D. 41 and S.D. 26 would lose 51 registered voters.
- H.D. 9 and S.D. 31 would gain 51 registered voters.

24. To ensure voter privacy, § 1-8-308(3)(b), C.R.S. (2011) provides that “[i]f the total number of votes cast and counted in any precinct...is less than ten, the returns for all such precincts in the political subdivision shall be reported together.” In the 2012 primary election, Denver County received only seven ballots from the precinct affected by the split census block. However, because that precinct is the only precinct in Denver County associated with H.D. 41 and S.D. 26, Denver County was unable to report its results without violating § 1-8-308(3)(b).

25. The proposed changes are minimal and would not violate the Voting Rights Act. The ethnic breakdown of the affected Senate and House Districts is set forth in Exhibits A and B. The transfer of the minimal numbers of voters between districts as outlined will ensure that district boundaries coincide with county lines, and will not

significantly alter the racial or ethnic makeup of any of the affected Senate or House Districts.

Douglas County

26. **Exhibit B**, p. 15, displays the Commission's boundaries between House Districts 39 and 44; **Exhibit J** displays parcel splits and small or empty precincts which contain zero or very few voters.

27. The total populations of the affected House Districts are as follows:

- H.D. 39: 76,741
- H.D. 44: 79,286

28. As proposed herein:

- H.D. 39 would lose 13 registered voters
- H.D. 44 would gain 13 registered voters

29. The proposed changes are minimal and would not violate the Voting Rights Act. The ethnic breakdown of the affected House Districts is set forth in Exhibits A and B. The transfer of the minimal numbers of voters between districts as outlined will ensure that district

boundaries coincide with county lines, and will not significantly alter the racial or ethnic makeup of any of the affected House Districts.

El Paso County

30. **Exhibit A**, p. 4, displays the Commission's boundaries between Senate Districts 2, 11, 9, and 12; **Exhibit B**, p. 17, displays the Commission's boundaries between House Districts 14, 15, 16, 17, 19, 20, 21. **Exhibit K** contains a series of maps displaying inaccurate boundary lines and parcels that are split between two or more of these districts.

31. The total population in each of the affected Senate districts is as follows:

- S.D. 2: 145,759
- S.D. 9: 145,975
- S.D. 11: 140,096
- S.D. 12: 141,046

32. The total population in each of the affected House districts is as follows:

- H.D. 14: 77,960

- H.D. 16: 77,568
- H.D. 19: 77,895
- H.D. 20: 78,942
- H.D. 21: 75,511

33. As proposed herein:

- S.D. 2 would gain 11 registered voters
- S.D. 9 would gain 29 registered voters
- S.D. 11 would lose 35 registered voters
- S.D. 12 would lose 5 registered voters
- H.D. 14 would gain 30 registered voters
- H.D. 16 would lose 30 registered voters
- H.D. 19 would lose 2 registered voters
- H.D. 20 would lose 2 registered voters
- H.D. 21 would gain 4 registered voters

Jefferson County

34. **Exhibit A**, p. 12, displays the Commission's boundaries between Senate Districts 16, 19, 20, and 22; **Exhibit B**, p. 21, displays the Commission's boundaries between House Districts 22, 23, 24, 25,

27, 28, and 29 ; **Exhibit L** contains a series of maps displaying inaccurate boundary lines and parcels that are split between two or more these districts.

35. The total populations of the affected Senate Districts are as follows.

- S.D. 16: 146,853
- S.D. 19: 140,983
- S.D. 20: 147,256
- S.D. 22: 147,168

36. The total populations of the affected House Districts are as follows:

- H.D. 22: 75,511
- H.D. 23: 78,098
- H.D. 24: 75,458
- H.D. 25: 77,411
- H.D. 27: 76,818
- H.D. 28: 75,476
- H.D. 29: 75,513

37. As proposed herein:

- S.D. 16 would lose 1 registered voter
- S.D. 20 would gain 3 registered voters
- S.D. 22 would lose 2 registered voters
- H.D. 24 would lose 4 registered voters
- H.D. 27 would lose 8 registered voters
- H.D. 25 would gain 12 registered voters

38. The proposed changes are minimal and would not violate the Voting Rights Act. The ethnic breakdown of the affected House Districts is set forth in Exhibits A and B. The transfer of the minimal numbers of voters between districts as outlined will ensure that district boundaries coincide with county lines, and will not significantly alter the racial or ethnic makeup of any of the affected Senate or House Districts.

Larimer County

39. **Exhibit A**, p. 7, displays the Commission's boundaries between Senate Districts 15 and 23; **Exhibit B**, p. 6, displays the Commission's boundaries between House Districts 49 and 52; **Exhibit**

M contains a map displaying inaccurate boundary lines and parcels that are split between two or more these districts.

40. The total populations of the affected Senate districts are as follows:

- S.D. 15: 140,984
- S.D. 23: 143,410

41. The total populations of the affected House districts are as follows:

- H.D. 49: 79,079
- H.D. 52: 79,190

42. As proposed herein, the parcel split between Senate Districts 15 and 23 would be remedied by shifting the boundary to a line coincident with the boundary line for House District 49. As proposed:

- S.D. 15 would lose two voters
- S.D. 23 would gain two voters

43. The proposed changes are minimal and would not violate the Voting Rights Act. The ethnic breakdown of the affected Senate Districts is set forth in Exhibits A and B. The transfer of the minimal

numbers of voters between districts as outlined will ensure that district boundaries coincide with county lines, and will not significantly alter the racial or ethnic makeup of any of the affected Senate Districts.

Mesa County

44. **Exhibit B**, p. 4, displays the Commission's boundaries between House Districts 54 and 55; **Exhibit N** contains a series of maps displaying inaccurate boundary lines and parcels that are split between two or more these districts.

45. The total populations in the affected House districts are as follows:

- H.D: 54: 79,120
- H.D. 55: 79,119

46. As proposed herein:

- H.D. 54 would lose 52 voters
- H.D. 55 would gain 235 voters

47. The proposed changes are minimal and would not violate the Voting Rights Act. The ethnic breakdown of the affected House Districts is set forth in Exhibits A and B. The transfer of the minimal

numbers of voters between districts as outlined will ensure that district boundaries coincide with county lines, and will not significantly alter the racial or ethnic makeup of any of the affected House Districts.

Pueblo County

48. **Exhibit A**, p.2, displays the Commission's boundaries between Senate Districts 3 and 35; **Exhibit B**, p. 2, displays the Commission's boundaries between House Districts 46, 47, and 62; **Exhibit O** contains a series of maps displaying inaccurate boundary lines and parcels that are split between two or more these districts.

49. The total populations in the affected Senate districts are as follows:

- S.D. 3: 140,106
- S.D. 35: 140,347

50. The total populations in the affected House districts are as follows:

- H.D. 46: 79,208
- H.D. 47: 78,781
- H.D. 62: 78,435

51. As proposed herein:

- S.D. 3 will gain 2 voters
- S.D. 35 will lose 2 voters
- H.D. 46 will lose 13 voters
- H.D. 47 will gain 37 voters
- H.D. 62 will lose 24 voters

52. The proposed changes are minimal and would not violate the Voting Rights Act. The ethnic breakdown of the affected Senate and House Districts is set forth in Exhibits A and B. The transfer of the minimal numbers of voters between districts as outlined will ensure that district boundaries coincide with county lines, and will not significantly alter the racial or ethnic makeup of any of the affected Senate and House Districts.

Weld County

53. **Exhibit B**, pp. 8-9, displays the Commission's boundaries between House Districts 48 and 50; **Exhibit P** contains a map displaying inaccurate lines that split a residential parcel between House Districts 48 and 50.

54. The total populations in the affected House districts are as follows:

- H.D. 33: 78,215
- H.D. 50: 78,602

55. A total of two registered voters are affected by the split parcel. Those voters are currently assigned to H.D. 50. The Secretary proposes to move the boundary line of H.D. 50 to correspond with the parcel line, while keeping the two voters in H.D. 50. Accordingly, a total of **zero** voters would be affected by this change.

56. The proposed changes are minimal and would not violate the Voting Rights Act. The ethnic breakdown of the affected House Districts is set forth in Exhibit B. The transfer of the minimal numbers of voters between districts as outlined will ensure that district boundaries coincide with county lines, and will not significantly alter the racial or ethnic makeup of any of the affected House Districts.

WHEREFORE, for the reasons set forth in this petition, the Secretary of State respectfully requests that the Court modify the boundaries of the Senate and House districts identified above in order

to correct mapping errors that resulted in inaccuracies in the maps adopted by the Colorado Reapportionment Commission.

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CERTIFICATE OF SERVICE

This is to certify that I have duly served the within **PETITION TO ALTER BOUNDARIES BETWEEN MULTIPLE STATE SENATE AND HOUSE DISTRICTS** upon all parties herein by electronic mail this 24th day of August, 2012 addressed as follows:

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