

## **Colo. Const. Art. V, Section 48.1**

Current through all laws passed during the 2020 Regular and First Extraordinary Legislative Sessions and Measures approved at the November 2020 General Election

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LEGISLATIVE DEPARTMENT > Congressional and Legislative Apportionments**

### **Section 48.1. CRITERIA FOR DETERMINATION OF LEGISLATIVE DISTRICTS - DEFINITION**

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**(1)** In adopting a legislative redistricting plan, the commission shall:

**(a)** Make 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. Districts must be composed of contiguous geographic areas.

**(b)** Comply with the federal "Voting Rights Act of 1965", 52 U.S.C. sec. 50301, as amended.

**(2)**

**(a)** As much as is reasonably possible, the commission's plan must preserve whole communities of interest and whole political subdivisions, such as counties, cities, and towns. To facilitate the efficient and effective provision of governmental services, with regard to any county, city, city and county, or town whose population is less than a district's permitted population, the commission shall presume that such county, city, city and county, or town should be wholly contained within a district; except that a division of such county, city, city and county, or town is permitted where, based on a preponderance of the evidence in the record, a community of interest's legislative issues are more essential to the fair and effective representation of residents of the district. When the commission divides a county, city, city and county, or town, it shall minimize the number of divisions of that county, city, city and county, or town.

**(b)** Districts must be as compact as is reasonably possible.

**(3)**

**(a)** Thereafter, the commission shall, to the extent possible, maximize the number of politically competitive districts.

**(b)** In its hearings in various locations in the state, the commission shall solicit evidence relevant to competitiveness of elections in Colorado and shall assess such evidence in evaluating proposed maps.

**(c)** When the commission approves a plan, or when nonpartisan staff submits a plan in the absence of the commission's approval of a plan as provided in section 48.2 of this article V, the nonpartisan staff shall, within seventy-two hours of such action, make publicly available, and include in the commission's record, a report to demonstrate how the plan reflects the evidence presented to, and the findings concerning, the extent to which competitiveness in district elections is fostered consistent with the other criteria set forth in this section.

**(d)** For purposes of this subsection (3), "competitive" means having a reasonable potential for the party affiliation of the district's representative to change at least once between federal decennial censuses. Competitiveness may be measured by factors such as a proposed district's past election

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results, a proposed district's political party registration data, and evidence-based analyses of proposed districts.

**(4)**No map may be approved by the commission or given effect by the supreme court if:

**(a)**It has been drawn for the purpose of protecting one or more incumbent members, or one or more declared candidates, of the senate or house of representatives, or any political party; or

**(b)**It has been drawn for the purpose of or results in the denial or abridgement of the right of any citizen to vote on account of that person's race or membership in a language minority group, including diluting the impact of that racial or language minority group's electoral influence.

## History

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**Source: Referred 2018:** Entire section added, Amendment Z, L. 2018, p. 3106, effective upon proclamation of the Governor, December 19, 2018. See L. 2019, p. 4543.

COLORADO REVISED STATUTES

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