

<p>COLORADO SUPREME COURT 2 East 14th Avenue Denver, CO 80203</p>	
<p>Original Proceeding Pursuant to § 2-2-507(2.5)(b), C.R.S.</p>	
<p>In re: Proposed Changes to Borders Between State Legislative Districts</p>	
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<p><b>THE SECRETARY OF STATE'S REPLY IN SUPPORT OF PETITION TO ADJUST BORDERS BETWEEN STATE LEGISLATIVE DISTRICTS</b></p>	

## CERTIFICATE OF COMPLIANCE

Arising under a *sui generis* statutory provision, this Petition does not fall within the paradigm of C.A.R. 28. Specifically, because the relevant statute does not limit the number of redistricting adjustments the Secretary may propose, the brief should not be subject to the word limits established in C.A.R. 28(g). Nonetheless, I hereby certify that this brief complies with the formatting requirements set forth in C.A.R. 28 and 32.

I also hereby certify that this brief contains 943 words.

Notwithstanding the original nature of this action, I acknowledge that my brief may be stricken if it fails to comply with any of the requirements of C.A.R. 28 or 28.1 and C.A.R. 32.

*s/ Peter G. Baumann*

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PETER G. BAUMANN, #51620  
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## **BACKGROUND**

On February 3, 2021, the Secretary filed a Petition under § 2-2-507(2.5)(b) proposing certain adjustments to the senatorial and representative boundaries approved by this Court late last year. Secretary of State's Pet. to Adjust Borders Between State Legislative Districts ("Pet.") (Feb. 3, 2022). The Court called for responses from interested parties the same day, and the Colorado Independent Legislative Redistricting Commission ("the Commission") responded on February 17, 2022. Colo. Indep. Legislative Redistricting Comm'n's Br. in Resp. to Secretary of State's Pet. to Adjust Borders Between State Legislative Districts ("Br. in Resp.") (Feb. 17, 2022). No other interested party filed a brief in response.

## **ARGUMENT**

### **I. With the exception of Exhibit N, the Secretary stands by her previous recommendations.**

The Commission was the only interested party to respond to the Secretary's Petition. With one exception, the Commission "voted to

approve, and therefore endorses,” all of the proposed adjustments. Br. in Resp. at 9.

Accordingly, with the exception of Exhibit N, discussed in more detail below, the Secretary stands by the proposed adjustments included in her Petition, and urges the Court to approve those assignments. *See* § 2-2-507(2.5)(b) (“If the supreme court determines that the assignments made by the Secretary of state satisfy the criteria established in subsection (2.5)(a) of this section, the supreme court may approve said assignments.”).

**II. The Secretary withdraws her previous Exhibit N, and proposes a new adjustment that addresses the Commission’s concern.**

The only adjustment the Commission declined to endorse was the proposal from Weld County depicted on Exhibit N. *See* Br. in Resp. at 11; *see also* Pet. at 25.<sup>1</sup> The Commission correctly noted that the proposed adjustment in Exhibit N would have split the City of

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<sup>1</sup> To ensure consistency, this proposal was also labelled “Weld County – 4” in the Petition, and “Weld County – 12” in the Secretary’s internal labelling system.

Longmont, which the Commission expressly sought to avoid. *See Br. in Resp.* at 11.

Exhibit N concerned a boundary between SD17, to the South, and SD23, to the North. As initially approved, that boundary split four residential parcels, most notably 12070000085. *See Ex. N to Pet.* Because the boundary fell closer to the southern end of those parcels, Weld County, and the Secretary, proposed adjusting the boundary to that southern border. *See Pet.* at 25.

The reason for the split parcels, however, was that the City of Longmont's boundary itself splits those parcels, most clearly in 12070000085. Accordingly, moving the SD17-SD23 border to the southern edge of those parcels would orphan a small sliver of the City of Longmont in SD23.

In its Response, the Commission notes that “an adjustment similar to that proposed in Exhibit N could be made that does not result in a split of the City of Longmont boundary while still achieving the adjustment requested by the Secretary of State.” *Resp.* at 11–12. The

Secretary agrees. The Secretary consulted with Weld County, and now proposes a new Exhibit N, attached as Exhibit N-2.

Exhibit N-2 proposes moving the SD17-23 boundary to the northern edge of the split residential parcels. The northern end of those parcels is unincorporated Weld County, so the new proposed adjustment will keep the City of Longmont intact inside SD17, while not further splitting additional political subdivisions. *See Resp.* at 11 (discussing the Commission’s interest in preserving “whole communities of interest and political subdivisions such as counties, cities, and towns”) (quotations omitted).

Accordingly, the Secretary withdraws her previous Exhibit N, and instead respectfully requests that the Court adjust the boundary between SD17 and SD23 as proposed in Exhibit N-2.

**III. The Secretary respectfully asks the Court to align the SD21-SD24 boundary with the proposed adjustments found in Exhibits V and W.**

Finally, in reviewing its petition, the Department of State identified two omissions. In Exhibits V and W to the Petition, the Secretary proposed two relevant adjustments to house boundaries in

Adams County. *See* Pet. at 35–38; Exs. V, W to Pet.<sup>2</sup> The Commission raised no concerns with these proposed adjustments.

Upon further review, it was discovered that the boundaries in question not only run between house districts, but also between SD21 and SD 24. Accordingly, the Secretary submits a new Exhibit V, Exhibit V-2, and a new Exhibit W, Exhibit W-2, and respectfully asks the Court to approve an adjustment to not only the House boundaries, but the Senate boundaries as well, as detailed in Exhibits V-2 and W-2.

These proposals would comply with the statutory standard by largely moving territory from SD 24 (the more populated district) into SD 21 (the less populated district), without affecting any population. They would also ensure that the Senate and House districts align in these areas as intended by the Commission.

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<sup>2</sup> To ensure consistency, Exhibit V was also labelled “Adams – 2 in the Secretary’s Petition, and “Adams 4” in the Secretary’s internal labelling system. Exhibit W was also labelled “Adams County – 3” in the Secretary’s Petition, and “Adams 5” in the Secretary’s internal labelling system.

Exhibit V-2 and Exhibit W-2 include both the proposed House and Senate adjustments. The Secretary has conferred with Adams County, which does not oppose these requested adjustments. Nor do the proposed adjustments split any political subdivisions, which is what led to the Commission's objection to the former Exhibit N. As noted, the Commission does not object to identical adjustments to the House boundary in this area as is now being proposed to the Senate boundary.

### **CONCLUSION**

The Secretary respectfully asks the Court to enter an order approving the proposed adjustments to the state senatorial and representative maps detailed in the Exhibits attached to its Petition, and Exhibits N-2, V-2, and W-2 attached to this Reply.

Respectfully submitted on this 24th day of February, 2022.

PHILIP J. WEISER  
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*/s/ Peter G. Baumann*

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 24th day of February, 2022, a true and correct copy of the forgoing **THE SECRETARY OF STATE'S REPLY IN SUPPORT OF PETITION TO ADJUST BORDERS BETWEEN STATE LEGISLATIVE DISTRICTS** was served via the Court Electronic Filing System, upon all counsel who have entered an appearance at the time of the filing.

*s/Peter G. Baumann*



# Weld County Senate Redistricting

Comments:  
Senate B2

**Legend**

- Senate Districts
- Proposed Change
- Census Blocks
- Residential Split Parcels
- Parcels
- Longmont

DATE FILED: February 24, 2022 5:58 PM

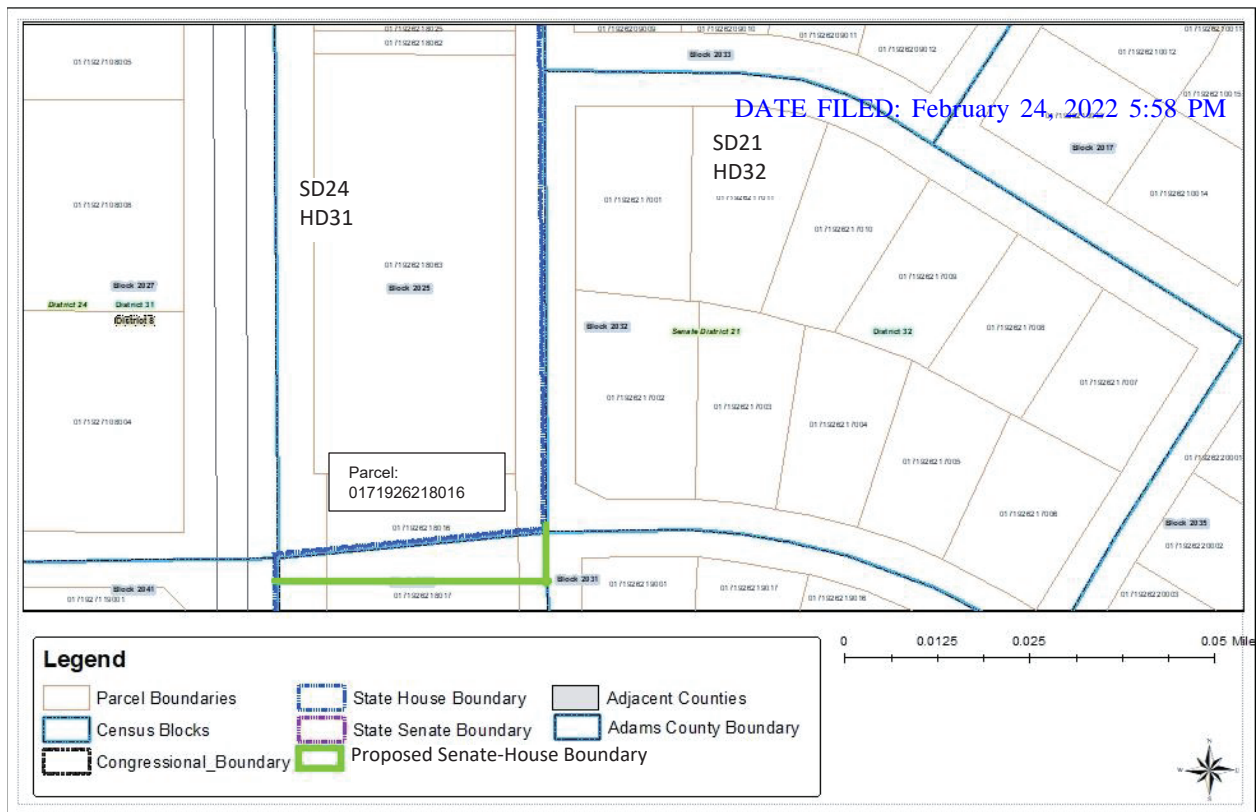
EXHIBIT N-2

Disclaimer

This product has been developed solely for internal use only by Weld County. The GIS database, applications, and data in the product is subject to constant change and the accuracy and completeness cannot be and is not guaranteed. The designation of lots or parcels or land uses in the database does not imply that the lots or parcels were legally created or that the land uses comply with applicable State or Local law. UNDER NO CIRCUMSTANCE SHALL ANY PART THE PRODUCT BE USED FOR FINAL DESIGN PURPOSES. WELD COUNTY MAKES NO WARRANTIES OR GUARANTEES, EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS, ACCURACY, OR CORRECTNESS OF SUCH PRODUCT, NOR ACCEPTS ANY LIABILITY ARISING FROM ANY INCORRECT, INCOMPLETE OR MISLEADING INFORMATION CONTAINED THEREIN.

Carly Koppes  
Weld County Clerk and Recorder

# EXHIBIT N-2



The Dark Blue line is the New State House District boundary.

The bright Green Line is the proposed State House District Boundary.



# EXHIBIT W-2