

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: March 4, 2022
Original Proceeding Pursuant to § 2-2-507(2.5)(b), C.R.S.	
In Re Proposed Changes to Borders Between State Legislative Districts.	Supreme Court Case No: 2022SA28
ORDER OF COURT	

Upon consideration of the Secretary of State’s (the “Secretary’s”) Petition to Adjust Borders Between State Legislative Districts, the Colorado Independent Legislative Redistricting Commission’s Response thereto, and the Secretary’s Reply, and being sufficiently advised in the premises,

IT IS HEREBY ORDERED as follows:

1. As to many of the adjustments proposed by the Secretary, the Secretary states, “The proposed adjustments to the border comply with the spirit, but not the plain language, of [section 2-2-507(2.5), C.R.S. (2021)].” In each such instance, the proposed adjustment moves the remaining portion of the split residential parcel into the more populated of the two districts at issue, notwithstanding the fact that section 2-2-507(2.5)(a)(ii) requires that the remaining portion be moved into the least populated of the two districts.
2. Section 2-2-507(2.5)(a)(ii) provides, in pertinent part:

If the secretary of state believes that the border should be moved, the secretary of state shall propose moving the border between the two districts to a visible feature normally relied upon by the United States census bureau such that the border . . . [m]oves the remaining portion of the residential parcel into the least populated of the two districts . . . .

3. Section 2-2-507(2.5)(b), in turn, provides, as pertinent here, “If the supreme court determines that the assignment [made by the Secretary] does not satisfy the criteria established in subsection (2.5)(a) of this section, the supreme court *shall* deny the proposed assignment.” (Emphasis added.)

4. In light of the foregoing, on or before 4:00 p.m. on March 11, 2022, the parties shall file simultaneous supplemental briefs containing no more than 3500 words, explaining, with citation to pertinent legal authority, the basis, if any, for this Court’s authority, to approve border adjustments that comply with the spirit but not the plain language of section 2-2-507(2.5). If any party believes that section 2-2-507(2.5) is not applicable, then that party’s supplemental brief shall address that issue, with citation to pertinent legal authority.

5. No extensions of the briefing schedule and no enlargements of the word limitations set forth above will be allowed.

BY THE COURT, MARCH 4, 2022.