

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REVISED

LLS NO. R18-1185.01 Nicole Myers x4326

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SENATE CONCURRENT RESOLUTION 18-004

101 SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF
102 COLORADO AN AMENDMENT TO THE COLORADO CONSTITUTION
103 CONCERNING A CHANGE TO THE WAY THAT CONGRESSIONAL
104 DISTRICTS ARE DRAWN, AND, IN CONNECTION THEREWITH,
105 TAKING THE DUTY TO DRAW CONGRESSIONAL DISTRICTS AWAY
106 FROM THE STATE LEGISLATURE AND GIVING IT TO AN
107 INDEPENDENT COMMISSION, COMPOSED OF TWELVE CITIZENS
108 WHO POSSESS SPECIFIED QUALIFICATIONS; PROHIBITING ANY
109 ONE POLITICAL PARTY'S CONTROL OF THE COMMISSION BY
110 REQUIRING THAT ONE-THIRD OF COMMISSIONERS WILL NOT BE
111 AFFILIATED WITH ANY POLITICAL PARTY, ONE-THIRD OF THE
112 COMMISSIONERS WILL BE AFFILIATED WITH THE STATE'S
113 LARGEST POLITICAL PARTY, AND ONE-THIRD OF THE

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
May 4, 2018

SENATE
Amended 3rd Reading
April 30, 2018

SENATE
2nd Reading Unamended
April 27, 2018

101 COMMISSIONERS WILL BE AFFILIATED WITH THE STATE'S
102 SECOND LARGEST POLITICAL PARTY; PROHIBITING CERTAIN
103 PERSONS, INCLUDING PROFESSIONAL LOBBYISTS, FEDERAL
104 CAMPAIGN COMMITTEE EMPLOYEES, AND FEDERAL, STATE, AND
105 LOCAL ELECTED OFFICIALS, FROM SERVING ON THE
106 COMMISSION; LIMITING JUDICIAL REVIEW OF A MAP TO A
107 DETERMINATION BY THE SUPREME COURT OF WHETHER THE
108 COMMISSION OR ITS NONPARTISAN STAFF COMMITTED AN ABUSE
109 OF DISCRETION; REQUIRING THE COMMISSION TO DRAW
110 DISTRICTS WITH A FOCUS ON COMMUNITIES OF INTEREST AND
111 POLITICAL SUBDIVISIONS, SUCH AS CITIES AND COUNTIES, AND
112 THEN TO MAXIMIZE THE NUMBER OF COMPETITIVE
113 CONGRESSIONAL SEATS TO THE EXTENT POSSIBLE; AND
114 PROHIBITING MAPS FROM BEING DRAWN TO DILUTE THE
115 ELECTORAL INFLUENCE OF ANY RACIAL OR ETHNIC GROUP OR
116 TO PROTECT ANY INCUMBENT, ANY POLITICAL CANDIDATE, OR
117 ANY POLITICAL PARTY.

Resolution Summary

(Note: This summary applies to this resolution as introduced and does not reflect any amendments that may be subsequently adopted. If this resolution passes third reading in the house of introduction, a resolution summary that applies to the reengrossed version of this resolution will be available at <http://leg.colorado.gov/>.)

The concurrent resolution amends the state constitution to create the independent congressional redistricting commission (commission) and to transfer the general assembly's responsibility to divide the state into congressional districts to the commission. Specifically, the concurrent resolution:

- ! Specifies that the commission is appointed after each federal decennial census of the United States;
- ! Specifies that the commission consists of 12 members, 4 of whom must be registered with the state's largest political party, 4 of whom must be registered with the state's second largest political party, and 4 of whom must not be registered with any political party;
- ! Establishes the qualifications to serve on the commission

- and the method by which commissioners are appointed;
- ! Authorizes the commission to adopt rules and specifies how the commission is staffed, how the commission is funded, how the commission is organized, and sets forth the ethical obligations of the commissioners;
 - ! Requires the commission to provide the opportunity for public involvement, including multiple hearings, the ability to propose maps, and to testify at commission hearings, and requires hearings to comply with state statutes regarding open meetings;
 - ! Mandates that paid lobbying of the commission be disclosed to the secretary of state by the lobbyist within 72 hours of when the lobbying occurred or when the payment for lobbying occurred, whichever is earlier;
 - ! Establishes prioritized factors for the commission to use in drawing districts, including federal requirements, the preservation of communities of interest and political subdivisions, and maximizing the number of competitive districts;
 - ! Prohibits the commission from approving a map if it has been drawn for the purpose of protecting one or more members of or candidates for congress or a political party, and codifies current federal law and related existing federal requirements prohibiting maps drawn for the purpose of or that results in the denial or abridgement of a person's right to vote or electoral influence on account of a person's race, ethnic origin, or membership in a protected language group;
 - ! Requires at least 8 of the 12 commissioners, including at least 2 of the commissioners who are not registered with any political party, to approve a redistricting map and specifies the date by which a final map must be approved;
 - ! Specifies that nonpartisan staff will draft a preliminary redistricting map and up to 3 additional maps, and, in the event of deadlock by the commission, creates a process by which nonpartisan staff submit a final map to the Supreme Court for review based on specified criteria; and
 - ! Allows for judicial review of a commission approved or nonpartisan staff submitted redistricting map, and limits Supreme Court review to whether the commission or the staff committed an abuse of discretion.

1 *of the State of Colorado, the House of Representatives concurring herein:*

2 **SECTION 1.** At the election held on November 6, 2018, the
3 secretary of state shall submit to the registered electors of the state the
4 ballot title set forth in section 2 for the following amendment to the state
5 constitution:

6 In the constitution of the state of Colorado, **amend** section 44 of
7 article V as follows:

8 **Section 44. Representatives in congress - congressional**
9 **districts - commission created. (1) Declaration of the people.** THE
10 PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT:

11 (a) THE PRACTICE OF POLITICAL GERRYMANDERING, WHEREBY
12 CONGRESSIONAL DISTRICTS ARE PURPOSEFULLY DRAWN TO FAVOR ONE
13 POLITICAL PARTY OR INCUMBENT POLITICIAN OVER ANOTHER, MUST END;

14 (b) THE PUBLIC'S INTEREST IN PROHIBITING POLITICAL
15 GERRYMANDERING IS BEST ACHIEVED BY CREATING A NEW AND
16 INDEPENDENT COMMISSION THAT IS POLITICALLY BALANCED, PROVIDES
17 REPRESENTATION TO VOTERS NOT AFFILIATED WITH EITHER OF THE
18 STATE'S TWO LARGEST PARTIES, AND UTILIZES NONPARTISAN LEGISLATIVE
19 STAFF TO DRAW MAPS;

20 (c) THE REDISTRICTING COMMISSION SHOULD SET DISTRICT LINES
21 BY ENSURING CONSTITUTIONALLY GUARANTEED VOTING RIGHTS,
22 INCLUDING THE PROTECTION OF MINORITY GROUP VOTING, AS WELL AS
23 FAIR AND EFFECTIVE REPRESENTATION OF CONSTITUENTS USING
24 POLITICALLY NEUTRAL CRITERIA;

25 (d) COMPETITIVE ELECTIONS FOR MEMBERS OF THE UNITED
26 STATES HOUSE OF REPRESENTATIVES PROVIDE VOTERS WITH A
27 MEANINGFUL CHOICE AMONG CANDIDATES, PROMOTE A HEALTHY

1 DEMOCRACY, HELP ENSURE THAT CONSTITUENTS RECEIVE FAIR AND
2 EFFECTIVE REPRESENTATION, AND CONTRIBUTE TO THE POLITICAL
3 WELL-BEING OF KEY COMMUNITIES OF INTEREST AND POLITICAL
4 SUBDIVISIONS;

5 (e) FOR YEARS CERTAIN POLITICAL INTERESTS OPPOSED
6 COMPETITIVE DISTRICTS IN COLORADO BECAUSE THEY ARE PRIMARILY
7 CONCERNED ABOUT MAINTAINING THEIR OWN POLITICAL POWER AT THE
8 EXPENSE OF FAIR AND EFFECTIVE REPRESENTATION; AND

9 (f) CITIZENS WANT AND DESERVE AN INCLUSIVE AND MEANINGFUL
10 CONGRESSIONAL REDISTRICTING PROCESS THAT PROVIDES THE PUBLIC
11 WITH THE ABILITY TO BE HEARD AS REDISTRICTING MAPS ARE DRAWN, TO
12 BE ABLE TO WATCH THE WITNESSES WHO DELIVER TESTIMONY AND THE
13 REDISTRICTING COMMISSION'S DELIBERATIONS, AND TO HAVE THEIR
14 WRITTEN COMMENTS CONSIDERED BEFORE ANY PROPOSED MAP IS VOTED
15 UPON BY THE COMMISSION AS THE FINAL MAP.

16 (2) **Congressional districts - commission created.** THERE IS
17 HEREBY CREATED THE INDEPENDENT CONGRESSIONAL REDISTRICTING
18 COMMISSION. The ~~general assembly~~ COMMISSION shall divide the state
19 into as many congressional districts as there are representatives in
20 congress apportioned to this state by the congress of the United States for
21 the election of one representative to congress from each district. When a
22 new apportionment ~~shall be~~ IS made by congress, the ~~general assembly~~
23 COMMISSION shall divide the state into congressional districts accordingly.

24 (3) **Definitions.** AS USED IN THIS SECTION AND IN SECTIONS 44.1
25 THROUGH 44.6 OF THIS ARTICLE V, UNLESS THE CONTEXT OTHERWISE
26 REQUIRES:

27 (a) "COMMISSION" MEANS THE INDEPENDENT CONGRESSIONAL

1 REDISTRICTING COMMISSION CREATED IN SUBSECTION (2) OF THIS SECTION.

2 (b) (I) "COMMUNITY OF INTEREST" MEANS ANY GROUP IN
3 COLORADO THAT SHARES ONE OR MORE SUBSTANTIAL INTERESTS THAT
4 MAY BE THE SUBJECT OF FEDERAL LEGISLATIVE ACTION, IS COMPOSED OF
5 A REASONABLY PROXIMATE POPULATION, AND THUS SHOULD BE
6 CONSIDERED FOR INCLUSION WITHIN A SINGLE DISTRICT FOR PURPOSES OF
7 ENSURING ITS FAIR AND EFFECTIVE REPRESENTATION.

8 (II) SUCH INTERESTS INCLUDE BUT ARE NOT LIMITED TO MATTERS
9 REFLECTING:

10 (A) SHARED PUBLIC POLICY CONCERNS OF URBAN, RURAL,
11 AGRICULTURAL, INDUSTRIAL, OR TRADE AREAS; AND

12 (B) SHARED PUBLIC POLICY CONCERNS SUCH AS EDUCATION,
13 EMPLOYMENT, ENVIRONMENT, PUBLIC HEALTH, TRANSPORTATION, WATER
14 NEEDS AND SUPPLIES, AND ISSUES OF DEMONSTRABLE REGIONAL
15 SIGNIFICANCE.

16 (III) GROUPS THAT MAY COMPRISE A COMMUNITY OF INTEREST
17 INCLUDE RACIAL, ETHNIC, AND LANGUAGE MINORITY GROUPS, SUBJECT TO
18 COMPLIANCE WITH SUBSECTIONS (1)(b) AND (4)(b) OF SECTION 44.3 OF
19 THIS ARTICLE V, WHICH SUBSECTIONS PROTECT AGAINST THE DENIAL OR
20 ABRIDGEMENT OF THE RIGHT TO VOTE DUE TO A PERSON'S RACE OR
21 LANGUAGE MINORITY GROUP.

22 (IV) "COMMUNITY OF INTEREST" DOES NOT INCLUDE
23 RELATIONSHIPS WITH POLITICAL PARTIES, INCUMBENTS, OR POLITICAL
24 CANDIDATES.

25 (c) "RACE" OR "RACIAL" MEANS A CATEGORY OF RACE OR ETHNIC
26 ORIGIN DOCUMENTED IN THE FEDERAL DECENNIAL CENSUS.

27 (d) "REDISTRICTING YEAR" MEANS THE YEAR FOLLOWING THE

1 YEAR IN WHICH THE FEDERAL DECENNIAL CENSUS IS TAKEN.

2 (e) "STAFF" OR "NONPARTISAN STAFF" MEANS THE STAFF OF THE
3 GENERAL ASSEMBLY'S LEGISLATIVE COUNCIL AND OFFICE OF LEGISLATIVE
4 LEGAL SERVICES, OR THEIR SUCCESSOR OFFICES, WHO ARE ASSIGNED TO
5 ASSIST THE COMMISSION BY THE DIRECTORS OF THOSE OFFICES IN
6 ACCORDANCE WITH SECTION 44.2 OF THIS ARTICLE V.

7 (4) **Adjustment of dates.** IF ANY DATE PRESCRIBED IN SECTIONS
8 44.1 THROUGH 44.5 OF THIS ARTICLE V FALLS ON A SATURDAY, SUNDAY,
9 OR LEGAL HOLIDAY, THEN THE DATE IS EXTENDED TO THE NEXT DAY THAT
10 IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

11 In the constitution of the state of Colorado, **add** sections 44.1,
12 44.2, 44.3, 44.4, 44.5, and 44.6 to article V as follows:

13 **Section 44.1. Commission composition and appointment -**
14 **vacancies.** (1) AFTER EACH FEDERAL DECENNIAL CENSUS OF THE UNITED
15 STATES, THE MEMBERS OF THE COMMISSION SHALL BE APPOINTED AND
16 CONVENED AS PRESCRIBED IN THIS SECTION.

17 (2) THE COMMISSION CONSISTS OF TWELVE MEMBERS WHO HAVE
18 THE FOLLOWING QUALIFICATIONS:

19 (a) COMMISSIONERS MUST BE REGISTERED ELECTORS WHO VOTED
20 IN BOTH OF THE PREVIOUS TWO GENERAL ELECTIONS IN COLORADO;

21 (b) COMMISSIONERS MUST EITHER HAVE BEEN UNAFFILIATED WITH
22 ANY POLITICAL PARTY OR HAVE BEEN AFFILIATED WITH THE SAME
23 POLITICAL PARTY FOR A CONSECUTIVE PERIOD OF NO LESS THAN FIVE
24 YEARS AT THE TIME OF THE APPLICATION; AND

25 (c) NO PERSON MAY BE APPOINTED TO OR SERVE ON THE
26 COMMISSION IF HE OR SHE:

27 (I) IS OR HAS BEEN A CANDIDATE FOR FEDERAL ELECTIVE OFFICE

1 WITHIN THE LAST FIVE YEARS PRECEDING THE DATE ON WHICH
2 APPLICATIONS FOR APPOINTMENT TO THE COMMISSION ARE DUE UNDER
3 SUBSECTION (4) OF THIS SECTION;

4 (II) IS OR HAS BEEN, WITHIN THE LAST THREE YEARS PRECEDING
5 THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE
6 COMMISSION ARE DUE UNDER SUBSECTION (4) OF THIS SECTION,
7 COMPENSATED BY A MEMBER OF, OR A CAMPAIGN COMMITTEE
8 ADVOCATING THE ELECTION OF A CANDIDATE TO, THE UNITED STATES
9 HOUSE OF REPRESENTATIVES OR THE UNITED STATES SENATE;

10 (III) IS OR HAS BEEN, WITHIN THE LAST THREE YEARS PRECEDING
11 THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE
12 COMMISSION ARE DUE UNDER SUBSECTION (4) OF THIS SECTION, AN
13 ELECTED PUBLIC OFFICIAL AT THE FEDERAL, STATE, COUNTY, OR
14 MUNICIPAL LEVEL IN COLORADO;

15 (IV) IS OR HAS BEEN, WITHIN THE LAST THREE YEARS PRECEDING
16 THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE
17 COMMISSION ARE DUE UNDER SUBSECTION (4) OF THIS SECTION, AN
18 ELECTED POLITICAL PARTY OFFICIAL ABOVE THE PRECINCT LEVEL IN
19 COLORADO OR AN EMPLOYEE OF A POLITICAL PARTY;

20 (V) IS A MEMBER OF THE COMMISSION RESPONSIBLE FOR DIVIDING
21 THE STATE INTO SENATORIAL AND REPRESENTATIVE DISTRICTS OF THE
22 GENERAL ASSEMBLY; OR

23 (VI) IS OR HAS BEEN A PROFESSIONAL LOBBYIST REGISTERED TO
24 LOBBY WITH THE STATE OF COLORADO, WITH ANY MUNICIPALITY IN
25 COLORADO, OR AT THE FEDERAL LEVEL WITHIN THE LAST THREE YEARS
26 PRECEDING THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE
27 COMMISSION ARE DUE UNDER SUBSECTION (4) OF THIS SECTION.

1 (3) (a) BY AUGUST 10 OF THE YEAR PRIOR TO THE REDISTRICTING
2 YEAR, NONPARTISAN STAFF SHALL, AFTER HOLDING ONE OR MORE PUBLIC
3 HEARINGS, PREPARE AN APPLICATION FORM THAT WILL ALLOW APPOINTING
4 AUTHORITIES TO EVALUATE A PERSON'S EXPERIENCE AND QUALIFICATIONS
5 AND MAKE SUCH APPLICATION AVAILABLE ON THE GENERAL ASSEMBLY'S
6 WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC.

7 (b) THE APPLICATION FORM MUST CLEARLY STATE THE LEGAL
8 OBLIGATIONS AND EXPECTATIONS OF POTENTIAL APPOINTEES.
9 INFORMATION REQUIRED OF APPLICANTS MUST INCLUDE, BUT IS NOT
10 NECESSARILY LIMITED TO, PROFESSIONAL BACKGROUND, PARTY
11 AFFILIATION, A DESCRIPTION OF PAST POLITICAL ACTIVITY, A LIST OF ALL
12 POLITICAL AND CIVIC ORGANIZATIONS TO WHICH THE APPLICANT HAS
13 BELONGED WITHIN THE PREVIOUS FIVE YEARS, AND WHETHER THE
14 APPLICANT MEETS THE QUALIFICATIONS STATED IN SUBSECTION (2) OF THIS
15 SECTION. IN ADDITION, THE APPLICATION FORM MUST REQUIRE THE
16 APPLICANT TO EXPLAIN WHY THEY WANT TO SERVE ON THE COMMISSION
17 AND AFFORD THE APPLICANT AN OPPORTUNITY TO MAKE A STATEMENT
18 ABOUT HOW THEY WILL PROMOTE CONSENSUS AMONG COMMISSIONERS IF
19 APPOINTED TO THE COMMISSION. APPLICANTS MAY ALSO CHOOSE TO
20 INCLUDE UP TO FOUR LETTERS OF RECOMMENDATION WITH THEIR
21 APPLICATION.

22 (4) BY NOVEMBER 10 OF THE YEAR PRIOR TO THE REDISTRICTING
23 YEAR, ANY PERSON WHO SEEKS TO SERVE ON THE COMMISSION MUST
24 SUBMIT A COMPLETED APPLICATION TO NONPARTISAN STAFF. ALL
25 APPLICATIONS ARE PUBLIC RECORDS AND MUST BE POSTED PROMPTLY
26 AFTER RECEIPT ON THE GENERAL ASSEMBLY'S WEBSITE OR COMPARABLE
27 MEANS OF COMMUNICATING WITH THE PUBLIC.

1 (5) (a) NO LATER THAN JANUARY 5 OF THE REDISTRICTING YEAR,
2 THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL DESIGNATE
3 A PANEL TO REVIEW THE APPLICATIONS. THE PANEL MUST CONSIST OF THE
4 THREE JUSTICES OR JUDGES WHO MOST RECENTLY RETIRED FROM THE
5 COLORADO SUPREME COURT OR THE COLORADO COURT OF APPEALS,
6 APPOINTED SEQUENTIALLY STARTING WITH THE MOST RECENT JUSTICE OR
7 JUDGE TO RETIRE WHO HAS BEEN AFFILIATED WITH THE SAME POLITICAL
8 PARTY OR UNAFFILIATED WITH ANY POLITICAL PARTY FOR THE TWO YEARS
9 PRIOR TO APPOINTMENT; EXCEPT THAT NO APPOINTEE, WITHIN TWO YEARS
10 PRIOR TO APPOINTMENT, SHALL HAVE BEEN AFFILIATED WITH THE SAME
11 POLITICAL PARTY AS A JUSTICE OR JUDGE ALREADY APPOINTED TO THE
12 PANEL. IF ANY OF THE THREE JUSTICES OR JUDGES WHO MOST RECENTLY
13 RETIRED FROM THE COLORADO SUPREME COURT OR THE COLORADO
14 COURT OF APPEALS IS UNABLE OR UNWILLING TO SERVE ON THE PANEL OR
15 HAS BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO APPOINTMENT WITH
16 A POLITICAL PARTY ALREADY REPRESENTED ON THE PANEL, THEN THE
17 CHIEF JUSTICE SHALL APPOINT THE NEXT JUSTICE OR JUDGE WHO MOST
18 RECENTLY RETIRED FROM THE COLORADO SUPREME COURT OR THE
19 COLORADO COURT OF APPEALS AND WHO HAS NOT BEEN AFFILIATED
20 WITHIN TWO YEARS PRIOR TO APPOINTMENT WITH THE SAME POLITICAL
21 PARTY AS ANY JUSTICE OR JUDGE ALREADY APPOINTED TO THE PANEL. IF,
22 AFTER CONSIDERING ALL JUSTICES AND JUDGES WHO HAVE RETIRED FROM
23 THE COLORADO SUPREME COURT AND THE COLORADO COURT OF APPEALS,
24 FEWER THAN THREE ELIGIBLE PARTICIPANTS FOR THE PANEL HAVE BEEN
25 IDENTIFIED WHO ARE ABLE AND WILLING TO SERVE, THE CHIEF JUSTICE
26 SHALL APPOINT THE MOST RECENTLY RETIRED DISTRICT COURT JUDGE WHO
27 HAS NOT BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO APPOINTMENT

1 WITH THE SAME POLITICAL PARTY AS ANY PREVIOUS APPOINTEE TO THE
2 PANEL AND WHO ACCEPTS SUCH APPOINTMENT. NO JUSTICE OR JUDGE
3 SHALL SERVE BOTH ON THIS PANEL AND THE PANEL ASSISTING IN THE
4 PROCESS OF CHOOSING MEMBERS OF THE COMMISSION RESPONSIBLE FOR
5 DIVIDING THE STATE INTO STATE SENATE AND STATE HOUSE OF
6 REPRESENTATIVES DISTRICTS.

7 (b) ALL DECISIONS OF THE PANEL REGARDING THE SELECTION OF
8 APPLICANTS PURSUANT TO THIS SECTION REQUIRE THE AFFIRMATIVE
9 APPROVAL OF ALL THREE MEMBERS OF THE PANEL.

10 (c) THE GENERAL ASSEMBLY SHALL PRESCRIBE BY LAW THE
11 COMPENSATION OF MEMBERS OF THE PANEL. NONPARTISAN STAFF SHALL
12 ASSIST THE PANEL IN CARRYING OUT ITS DUTIES.

13 (6) AFTER APPLICATIONS ARE SUBMITTED, NONPARTISAN STAFF,
14 WITH THE COOPERATION AND ASSISTANCE OF THE SECRETARY OF STATE,
15 SHALL MAKE AN OBJECTIVE AND FACTUAL FINDING BASED ON, TO THE
16 EXTENT POSSIBLE, PUBLICLY AVAILABLE INFORMATION, INCLUDING
17 INFORMATION CONTAINED IN THE APPLICATION AND INFORMATION
18 CONTAINED WITHIN THE RECORDS MAINTAINED BY THE SECRETARY OF
19 STATE, WHETHER EACH APPLICANT MEETS THE QUALIFICATIONS SPECIFIED
20 IN SUBSECTION (2) OF THIS SECTION. NO LATER THAN JANUARY 11 OF THE
21 REDISTRICTING YEAR, NONPARTISAN STAFF SHALL MAKE ITS FINDINGS
22 PUBLICLY AVAILABLE AND NOTIFY THE APPLICANTS OF THE STAFF'S
23 FINDING. IF THE STAFF FINDS THAT AN APPLICANT IS NOT ELIGIBLE, THEN
24 THE STAFF SHALL INCLUDE THE REASONS IN ITS FINDING.

25 (7) BY JANUARY 18 OF THE REDISTRICTING YEAR, THE PANEL, IN
26 A PUBLIC MEETING, SHALL RANDOMLY SELECT BY LOT FROM ALL OF THE
27 APPLICANTS WHO WERE FOUND TO MEET THE QUALIFICATIONS SPECIFIED

1 IN SUBSECTION (2) OF THIS SECTION THE NAMES OF THREE HUNDRED
2 APPLICANTS WHO ARE AFFILIATED WITH THE STATE'S LARGEST POLITICAL
3 PARTY, THREE HUNDRED APPLICANTS WHO ARE AFFILIATED WITH THE
4 STATE'S SECOND LARGEST POLITICAL PARTY, AND FOUR HUNDRED FIFTY
5 APPLICANTS WHO ARE NOT AFFILIATED WITH ANY POLITICAL PARTY, OR
6 SUCH LESSER NUMBER AS THERE ARE TOTAL APPLICANTS WHO MEET THE
7 QUALIFICATIONS SPECIFIED IN SUBSECTION (2) OF THIS SECTION FOR EACH
8 OF THOSE GROUPS.

9 (8) (a) IN ONE OR MORE PUBLIC HEARINGS CONDUCTED ON OR
10 BEFORE FEBRUARY 1 OF THE REDISTRICTING YEAR, AFTER REVIEWING THE
11 APPLICATIONS OF THE APPLICANTS SELECTED IN ACCORDANCE WITH
12 SUBSECTION (7) OF THIS SECTION, THE PANEL SHALL IDENTIFY FIFTY
13 APPLICANTS WHO ARE AFFILIATED WITH THE STATE'S LARGEST POLITICAL
14 PARTY, FIFTY APPLICANTS WHO ARE AFFILIATED WITH THE STATE'S SECOND
15 LARGEST POLITICAL PARTY, AND FIFTY APPLICANTS WHO ARE
16 UNAFFILIATED WITH ANY POLITICAL PARTY AND WHO BEST DEMONSTRATE:

17 (I) EXPERIENCE IN ORGANIZING, REPRESENTING, ADVOCATING FOR,
18 ADJUDICATING THE INTERESTS OF, OR ACTIVELY PARTICIPATING IN
19 GROUPS, ORGANIZATIONS, OR ASSOCIATIONS IN COLORADO; AND

20 (II) RELEVANT ANALYTICAL SKILLS, THE ABILITY TO BE
21 IMPARTIAL, AND THE ABILITY TO PROMOTE CONSENSUS ON THE
22 COMMISSION.

23 (b) NO LATER THAN FEBRUARY 1 OF THE REDISTRICTING YEAR,
24 FROM THE APPLICANTS IDENTIFIED IN SUBSECTION (8)(a) OF THIS SECTION,
25 THE PANEL SHALL CHOOSE BY LOT SIX APPLICANTS TO SERVE ON THE
26 COMMISSION AS FOLLOWS:

27 (I) TWO COMMISSIONERS WHO ARE NOT AFFILIATED WITH ANY

1 POLITICAL PARTY;

2 (II) TWO COMMISSIONERS WHO ARE AFFILIATED WITH THE STATE'S
3 LARGEST POLITICAL PARTY; AND

4 (III) TWO COMMISSIONERS WHO ARE AFFILIATED WITH THE STATE'S
5 SECOND LARGEST POLITICAL PARTY.

6 (c) IN THE PROCESS OF CHOOSING APPLICANTS BY LOT FOR
7 APPOINTMENT TO THE COMMISSION, NO APPLICANT WHOSE NAME IS
8 CHOSEN MAY BE APPOINTED IF HE OR SHE IS REGISTERED TO VOTE IN A
9 CONGRESSIONAL DISTRICT THAT IS ALREADY REPRESENTED ON THE
10 COMMISSION; EXCEPT THAT, WHEN ALL THEN-EXISTING CONGRESSIONAL
11 DISTRICTS IN COLORADO ARE REPRESENTED ON THE COMMISSION, A
12 CONGRESSIONAL DISTRICT MAY BE REPRESENTED BY A SECOND
13 COMMISSIONER. NO CONGRESSIONAL DISTRICT MAY BE REPRESENTED BY
14 MORE THAN TWO COMMISSIONERS. ANY PERSONS WHOSE NAMES ARE
15 CHOSEN BUT DUPLICATE A CONGRESSIONAL DISTRICT'S REPRESENTATION
16 ON THE COMMISSION AND ARE NOT APPOINTED TO THE COMMISSION SHALL
17 BE ELIGIBLE FOR APPOINTMENT PURSUANT TO SUBSECTIONS (9) AND (10)
18 OF THIS SECTION.

19 (9) (a) BY FEBRUARY 16 OF THE REDISTRICTING YEAR, THE
20 MAJORITY LEADER OF THE STATE SENATE, THE MINORITY LEADER OF THE
21 STATE SENATE, THE MAJORITY LEADER OF THE STATE HOUSE OF
22 REPRESENTATIVES, AND THE MINORITY LEADER OF THE STATE HOUSE OF
23 REPRESENTATIVES SHALL EACH SELECT A POOL OF TEN APPLICANTS WHO
24 ARE AFFILIATED WITH ONE OF THE STATE'S TWO LARGEST POLITICAL
25 PARTIES FROM ALL APPLICATIONS SUBMITTED TO NONPARTISAN STAFF AND
26 NOTIFY THE PANEL OF THEIR SELECTIONS.

27 (b) AS DETERMINED BY THE LEGISLATIVE LEADERS IN SELECTING

1 THEIR RESPECTIVE POOLS, THE APPLICANTS SELECTED FOR EACH POOL
2 MUST MEET THE QUALIFICATIONS SET FORTH IN SUBSECTION (2) OF THIS
3 SECTION AND DEMONSTRATE THE QUALITIES LISTED IN SUBSECTION (8)(a)
4 OF THIS SECTION.

5 (c) FOR EACH CONGRESSIONAL DISTRICT NOT REPRESENTED BY A
6 COMMISSIONER APPOINTED PURSUANT TO SUBSECTIONS (8)(b) AND (8)(c)
7 OF THIS SECTION, EACH POOL MUST CONSIST OF AT LEAST ONE APPLICANT
8 WHO IS REGISTERED TO VOTE IN THAT CONGRESSIONAL DISTRICT.

9 (d) IF THERE IS AN INSUFFICIENT NUMBER OF AVAILABLE
10 APPLICANTS THAT MEET THE REQUIREMENTS OF SUBSECTION (9)(b) OF
11 THIS SECTION TO SELECT ANY COMPLETE POOL, THEN THE POOL MUST
12 CONSIST OF ONLY THOSE APPLICANTS WHO MEET THOSE REQUIREMENTS.

13 (10) BY MARCH 1 OF THE REDISTRICTING YEAR, THE PANEL OF
14 JUDGES SHALL SELECT, IN SUCH ORDER AS THE PANEL DETERMINES, ONE
15 COMMISSIONER FROM EACH LEGISLATIVE LEADER'S POOL OF APPLICANTS
16 AND TWO COMMISSIONERS FROM THOSE APPLICANTS WHO ARE NOT
17 AFFILIATED WITH ANY POLITICAL PARTY AND WHOSE NAMES WERE
18 RANDOMLY SELECTED BY LOT PURSUANT TO SUBSECTION (7) OF THIS
19 SECTION. THE PANEL OF JUDGES MUST ENSURE THAT THE COMMISSION
20 INCLUDES FOUR COMMISSIONERS WHO ARE NOT AFFILIATED WITH ANY
21 POLITICAL PARTY, FOUR COMMISSIONERS WHO ARE AFFILIATED WITH THE
22 STATE'S LARGEST POLITICAL PARTY, AND FOUR COMMISSIONERS WHO ARE
23 AFFILIATED WITH THE STATE'S SECOND LARGEST POLITICAL PARTY. THE
24 PANEL OF JUDGES MAY INTERVIEW APPLICANTS BEFORE MAKING THE
25 APPOINTMENTS. IN SELECTING APPLICANTS, THE PANEL SHALL, IN
26 ADDITION TO CONSIDERING APPLICANTS' OTHER QUALIFICATIONS:

27 (a) TO THE EXTENT POSSIBLE, ENSURE THAT THE COMMISSION

1 REFLECTS COLORADO'S RACIAL, ETHNIC, GENDER, AND GEOGRAPHIC
2 DIVERSITY;

3 (b) ENSURE THAT AT LEAST ONE COMMISSIONER IS REGISTERED TO
4 VOTE IN EACH CONGRESSIONAL DISTRICT BUT NO MORE THAN TWO
5 COMMISSIONERS ARE REGISTERED TO VOTE IN ANY SINGLE
6 CONGRESSIONAL DISTRICT;

7 (c) ENSURE THAT AT LEAST ONE COMMISSIONER RESIDES WEST OF
8 THE CONTINENTAL DIVIDE; AND

9 (d) ENSURE THAT ALL COMMISSIONERS MEET THE QUALIFICATIONS
10 SET FORTH IN SUBSECTION (2) OF THIS SECTION AND DEMONSTRATE THE
11 QUALITIES LISTED IN SUBSECTION (8)(a) OF THIS SECTION.

12 (11)(a) A COMMISSIONER'S POSITION ON THE COMMISSION WILL BE
13 DEEMED VACANT IF HE OR SHE, HAVING BEEN APPOINTED AS A REGISTERED
14 ELECTOR WHO IS NOT AFFILIATED WITH A POLITICAL PARTY, AFFILIATES
15 WITH A POLITICAL PARTY BEFORE THE SUPREME COURT HAS APPROVED A
16 PLAN PURSUANT TO SECTION 44.5 OF THIS ARTICLE V. A COMMISSIONER'S
17 POSITION ON THE COMMISSION WILL ALSO BE DEEMED VACANT IF HE OR
18 SHE, HAVING BEEN AFFILIATED WITH ONE OF THE STATE'S TWO LARGEST
19 POLITICAL PARTIES AT THE TIME OF APPOINTMENT, AFFILIATES WITH A
20 DIFFERENT POLITICAL PARTY OR BECOMES UNAFFILIATED WITH ANY
21 POLITICAL PARTY BEFORE THE SUPREME COURT HAS APPROVED A PLAN
22 PURSUANT TO SECTION 44.5 OF THIS ARTICLE V.

23 (b) ANY VACANCY ON THE COMMISSION, INCLUDING ONE THAT
24 OCCURS DUE TO DEATH, RESIGNATION, REMOVAL, FAILURE TO MEET THE
25 QUALIFICATIONS OF APPOINTMENT, REFUSAL OR INABILITY TO ACCEPT AN
26 APPOINTMENT, OR OTHERWISE, MUST BE FILLED AS SOON AS POSSIBLE BY
27 THE DESIGNATED APPOINTING AUTHORITY FROM THE DESIGNATED POOL OF

1 ELIGIBLE APPLICANTS FOR THAT COMMISSIONER'S POSITION AND IN THE
2 SAME MANNER AS THE ORIGINALLY CHOSEN COMMISSIONER; EXCEPT THAT
3 NO COMMISSIONER CHOSEN TO FILL A VACANCY WILL BE BYPASSED FOR
4 APPOINTMENT IF ALL CONGRESSIONAL DISTRICTS ARE ALREADY
5 REPRESENTED ON THE COMMISSION.

6 (12) FOR PURPOSES OF THIS SECTION, THE STATE'S TWO LARGEST
7 POLITICAL PARTIES SHALL BE DETERMINED BY THE NUMBER OF
8 REGISTERED ELECTORS AFFILIATED WITH EACH POLITICAL PARTY IN THE
9 STATE ACCORDING TO VOTER REGISTRATION DATA PUBLISHED BY THE
10 SECRETARY OF STATE FOR THE EARLIEST DAY IN JANUARY OF THE
11 REDISTRICTING YEAR FOR WHICH SUCH DATA IS PUBLISHED.

12 **Section 44.2. Commission organization - procedures -**
13 **transparency - voting requirements. (1) Initial organization, officers,**
14 **procedures, rules, and transparency. (a) THE GOVERNOR SHALL**
15 **CONVENE THE COMMISSION NO LATER THAN MARCH 15 OF THE**
16 **REDISTRICTING YEAR AND APPOINT A TEMPORARY CHAIRPERSON FROM THE**
17 **COMMISSION'S MEMBERS. UPON CONVENING, THE COMMISSION SHALL**
18 **ELECT A CHAIR AND A VICE-CHAIR, WHO ARE NOT MEMBERS OF THE SAME**
19 **POLITICAL PARTY, AND OTHER SUCH OFFICERS AS IT DETERMINES.**

20 (b) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL
21 AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES, OR
22 THE DIRECTORS OF SUCCESSOR NONPARTISAN OFFICES OF THE GENERAL
23 ASSEMBLY, SHALL APPOINT NONPARTISAN STAFF FROM THEIR RESPECTIVE
24 OFFICES AS NEEDED TO ASSIST THE COMMISSION AND THE PANEL OF
25 JUDGES AS DESCRIBED IN SECTION 44.1 OF THIS ARTICLE V. NONPARTISAN
26 STAFF SHALL ACQUIRE AND PREPARE ALL NECESSARY RESOURCES,
27 INCLUDING COMPUTER HARDWARE, SOFTWARE, AND DEMOGRAPHIC,

1 GEOGRAPHIC, AND POLITICAL DATABASES, AS FAR IN ADVANCE AS
2 NECESSARY TO ENABLE THE COMMISSION TO BEGIN ITS WORK
3 IMMEDIATELY UPON CONVENING.

4 (c) THE COMMISSION MAY RETAIN LEGAL COUNSEL IN ALL ACTIONS
5 AND PROCEEDINGS IN CONNECTION WITH THE PERFORMANCE OF ITS
6 POWERS, DUTIES, AND FUNCTIONS, INCLUDING REPRESENTATION OF THE
7 COMMISSION BEFORE ANY COURT.

8 (d) THE GENERAL ASSEMBLY SHALL APPROPRIATE SUFFICIENT
9 FUNDS FOR THE PAYMENT OF THE EXPENSES OF THE COMMISSION, THE
10 COMPENSATION AND EXPENSES OF NONPARTISAN STAFF, AND THE
11 COMPENSATION AND EXPENSES OF THE PANEL OF JUDGES AS DESCRIBED IN
12 SECTION 44.1 OF THIS ARTICLE V. MEMBERS OF THE COMMISSION SHALL
13 BE REIMBURSED FOR THEIR REASONABLE AND NECESSARY EXPENSES AND
14 MAY ALSO RECEIVE SUCH PER DIEM ALLOWANCE AS MAY BE ESTABLISHED
15 BY THE GENERAL ASSEMBLY. SUBJECT TO AVAILABLE APPROPRIATIONS,
16 HARDWARE AND SOFTWARE NECESSARY FOR THE DEVELOPMENT OF PLANS
17 MAY, AT THE REQUEST OF ANY COMMISSIONER, BE PROVIDED TO THE
18 COMMISSIONER. THE COMMISSION AND ITS STAFF MUST HAVE ACCESS TO
19 STATISTICAL INFORMATION COMPILED BY THE STATE AND ITS POLITICAL
20 SUBDIVISIONS AS NECESSARY FOR ITS DUTIES. STATE AGENCIES AND
21 POLITICAL SUBDIVISIONS SHALL COMPLY WITH REQUESTS FROM THE
22 COMMISSION AND ITS STAFF FOR SUCH STATISTICAL INFORMATION.

23 (e) THE COMMISSION SHALL ADOPT RULES TO GOVERN ITS
24 ADMINISTRATION AND OPERATION. THE COMMISSION MUST PROVIDE AT
25 LEAST SEVENTY-TWO HOURS OF ADVANCE PUBLIC NOTICE OF ALL
26 PROPOSED RULES PRIOR TO CONSIDERATION FOR ADOPTION; EXCEPT THAT
27 PROPOSED RULES MAY BE AMENDED DURING COMMISSION DELIBERATIONS

1 WITHOUT SUCH ADVANCE NOTICE OF SPECIFIC, RELATED AMENDMENTS.
2 NEITHER THE COMMISSION'S PROCEDURAL RULES NOR ITS MAPPING
3 DECISIONS ARE SUBJECT TO THE "STATE ADMINISTRATIVE PROCEDURE
4 ACT", ARTICLE 4 OF TITLE 24, C.R.S., OR ANY SUCCESSOR STATUTE. RULES
5 MUST INCLUDE BUT NEED NOT BE LIMITED TO THE FOLLOWING:

6 (I) THE HEARING PROCESS AND REVIEW OF MAPS SUBMITTED FOR
7 ITS CONSIDERATION;

8 (II) MAINTENANCE OF A RECORD OF THE COMMISSION'S ACTIVITIES
9 AND PROCEEDINGS, INCLUDING A RECORD OF WRITTEN AND ORAL
10 TESTIMONY RECEIVED, AND OF THE COMMISSION'S DIRECTIONS TO
11 NONPARTISAN STAFF ON PROPOSED CHANGES TO ANY PLAN AND THE
12 COMMISSION'S RATIONALE FOR SUCH CHANGES;

13 (III) THE PROCESS FOR REMOVING COMMISSIONERS FOR
14 PARTICIPATING IN COMMUNICATIONS PROHIBITED UNDER THIS SECTION;

15 (IV) THE PROCESS FOR RECOMMENDING CHANGES TO PLANS
16 SUBMITTED TO THE COMMISSION BY NONPARTISAN STAFF; AND

17 (V) THE ADOPTION OF A STATEWIDE MEETING AND HEARING
18 SCHEDULE, INCLUDING THE NECESSARY ELEMENTS OF ELECTRONIC
19 ATTENDANCE AT A COMMISSION HEARING.

20 (2) **Voting requirements.** A SIMPLE MAJORITY OF THE APPOINTED
21 COMMISSIONERS MAY APPROVE RULES AND PROCEDURAL DECISIONS. THE
22 ELECTION OF THE COMMISSION'S CHAIR AND VICE-CHAIR REQUIRES THE
23 AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS, INCLUDING THE
24 AFFIRMATIVE VOTE OF AT LEAST ONE COMMISSIONER WHO IS
25 UNAFFILIATED WITH ANY POLITICAL PARTY. REMOVAL OF ANY
26 COMMISSIONER AS PROVIDED IN THIS SECTION REQUIRES THE AFFIRMATIVE
27 VOTE OF AT LEAST EIGHT COMMISSIONERS, INCLUDING THE AFFIRMATIVE

1 VOTE OF AT LEAST TWO COMMISSIONERS WHO ARE UNAFFILIATED WITH
2 ANY POLITICAL PARTY. ADOPTION OF THE FINAL PLAN FOR SUBMISSION TO
3 THE SUPREME COURT AND THE ADOPTION OF A REVISED PLAN AFTER A
4 PLAN IS RETURNED TO THE COMMISSION FROM THE SUPREME COURT
5 REQUIRES THE AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS,
6 INCLUDING THE AFFIRMATIVE VOTE OF AT LEAST TWO COMMISSIONERS
7 WHO ARE UNAFFILIATED WITH ANY POLITICAL PARTY. THE COMMISSION
8 SHALL NOT VOTE UPON A FINAL PLAN UNTIL AT LEAST SEVENTY-TWO
9 HOURS AFTER IT HAS BEEN PROPOSED TO THE COMMISSION IN A PUBLIC
10 MEETING OR AT LEAST SEVENTY-TWO HOURS AFTER IT HAS BEEN AMENDED
11 BY THE COMMISSION IN A PUBLIC MEETING, WHICHEVER OCCURS LATER;
12 EXCEPT THAT COMMISSIONERS MAY UNANIMOUSLY WAIVE THE
13 SEVENTY-TWO HOUR REQUIREMENT.

14 (3) **Public involvement - hearing process.** (a) ALL COLORADO
15 RESIDENTS, INCLUDING INDIVIDUAL COMMISSIONERS, MAY PRESENT
16 PROPOSED REDISTRICTING MAPS OR WRITTEN COMMENTS, OR BOTH, FOR
17 THE COMMISSION'S CONSIDERATION.

18 (b) THE COMMISSION MUST, TO THE MAXIMUM EXTENT
19 PRACTICABLE, PROVIDE OPPORTUNITIES FOR COLORADO RESIDENTS TO
20 PRESENT TESTIMONY AT HEARINGS HELD THROUGHOUT THE STATE. THE
21 COMMISSION SHALL NOT APPROVE A REDISTRICTING MAP UNTIL AT LEAST
22 THREE HEARINGS HAVE BEEN HELD IN EACH CONGRESSIONAL DISTRICT,
23 INCLUDING AT LEAST ONE HEARING THAT IS HELD IN A LOCATION WEST OF
24 THE CONTINENTAL DIVIDE AND AT LEAST ONE HEARING THAT IS HELD IN A
25 LOCATION EAST OF THE CONTINENTAL DIVIDE AND EITHER SOUTH OF EL
26 PASO COUNTY'S SOUTHERN BOUNDARY OR EAST OF ARAPAHOE COUNTY'S
27 EASTERN BOUNDARY. NO GATHERING OF COMMISSIONERS CAN BE

1 CONSIDERED A HEARING FOR THIS PURPOSE UNLESS IT IS ATTENDED, IN
2 PERSON OR ELECTRONICALLY, BY AT LEAST TEN COMMISSIONERS. THE
3 COMMISSION SHALL ESTABLISH BY RULE THE NECESSARY ELEMENTS OF
4 ELECTRONIC ATTENDANCE AT A COMMISSION HEARING.

5 (c) THE COMMISSION SHALL MAINTAIN A WEBSITE OR COMPARABLE
6 MEANS OF COMMUNICATING WITH THE PUBLIC THROUGH WHICH ANY
7 COLORADO RESIDENT MAY SUBMIT PROPOSED MAPS OR WRITTEN
8 COMMENTS, OR BOTH, WITHOUT ATTENDING A HEARING OF THE
9 COMMISSION.

10 (d) THE COMMISSION SHALL PUBLISH ALL WRITTEN COMMENTS
11 PERTAINING TO REDISTRICTING ON ITS WEBSITE OR COMPARABLE MEANS
12 OF COMMUNICATING WITH THE PUBLIC AS WELL AS THE NAME OF THE
13 COLORADO RESIDENT SUBMITTING SUCH COMMENTS. IF THE COMMISSION
14 OR NONPARTISAN STAFF HAVE A SUBSTANTIAL BASIS TO BELIEVE THAT THE
15 PERSON SUBMITTING SUCH COMMENTS HAS NOT TRUTHFULLY OR
16 ACCURATELY IDENTIFIED HIMSELF OR HERSELF, THE COMMISSION NEED
17 NOT CONSIDER AND NEED NOT PUBLISH SUCH COMMENTS BUT MUST
18 NOTIFY THE COMMENTER IN WRITING OF THIS FACT. THE COMMISSION MAY
19 WITHHOLD COMMENTS, IN WHOLE OR IN PART, FROM THE WEBSITE OR
20 COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC THAT DO NOT
21 RELATE TO REDISTRICTING MAPS, POLICIES, OR COMMUNITIES OF INTEREST.

22 (e) THE COMMISSION SHALL PROVIDE SIMULTANEOUS ACCESS TO
23 THE REGIONAL HEARINGS BY BROADCASTING THEM VIA ITS WEBSITE OR
24 COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC AND
25 MAINTAIN AN ARCHIVE OF SUCH HEARINGS FOR ONLINE PUBLIC REVIEW.

26 (4) **Ethical obligations - transparency - lobbyist reporting.**

27 (a) COMMISSIONERS ARE GUARDIANS OF THE PUBLIC TRUST AND ARE

1 SUBJECT TO ANTIBRIBERY AND ABUSE OF PUBLIC OFFICE REQUIREMENTS
2 AS PROVIDED IN PARTS 3 AND 4 OF ARTICLE 8 OF TITLE 18, C.R.S., AS
3 AMENDED, OR ANY SUCCESSOR STATUTE.

4 (b) TO ENSURE TRANSPARENCY IN THE REDISTRICTING PROCESS:

5 (I) (A) THE COMMISSION AND THE COMMISSIONERS ARE SUBJECT
6 TO OPEN MEETINGS REQUIREMENTS AS PROVIDED IN PART 4 OF ARTICLE 6
7 OF TITLE 24, C.R.S., AS AMENDED, OR ANY SUCCESSOR STATUTE.

8 (B) EXCEPT AS PROVIDED IN SUBSECTION (4)(b)(I)(D) OF THIS
9 SECTION, A COMMISSIONER SHALL NOT COMMUNICATE WITH NONPARTISAN
10 STAFF ON THE MAPPING OF CONGRESSIONAL DISTRICTS UNLESS THE
11 COMMUNICATION IS DURING A PUBLIC MEETING OR HEARING OF THE
12 COMMISSION.

13 (C) EXCEPT FOR PUBLIC INPUT AND COMMENT, NONPARTISAN
14 STAFF SHALL NOT HAVE ANY COMMUNICATIONS ABOUT THE CONTENT OR
15 DEVELOPMENT OF ANY PLAN OUTSIDE OF PUBLIC HEARINGS WITH ANYONE
16 EXCEPT OTHER STAFF MEMBERS. NONPARTISAN STAFF SHALL REPORT TO
17 THE COMMISSION ANY ATTEMPT BY ANYONE TO EXERT INFLUENCE OVER
18 THE STAFF'S ROLE IN THE DRAFTING OF PLANS.

19 (D) ONE OR MORE NONPARTISAN STAFF MAY BE DESIGNATED TO
20 COMMUNICATE WITH COMMISSIONERS REGARDING ADMINISTRATIVE
21 MATTERS, THE DEFINITION AND SCOPE OF WHICH SHALL BE DETERMINED
22 BY THE COMMISSION.

23 (E) ANY COMMISSIONER WHO PARTICIPATES IN A COMMUNICATION
24 PROHIBITED IN THIS SECTION MUST BE REMOVED FROM THE COMMISSION,
25 AND SUCH VACANCY MUST BE FILLED WITHIN SEVEN DAYS.

26 (II) THE COMMISSION, EACH COMMISSIONER, AND NONPARTISAN
27 STAFF ARE SUBJECT TO OPEN RECORDS REQUIREMENTS AS PROVIDED IN

1 PART 1 OF ARTICLE 72 OF TITLE 24, C.R.S., AS AMENDED, OR ANY
2 SUCCESSOR STATUTE; EXCEPT THAT MAPS IN DRAFT FORM AND NOT
3 SUBMITTED TO THE COMMISSION ARE NOT PUBLIC RECORDS SUBJECT TO
4 DISCLOSURE. WORK PRODUCT AND COMMUNICATIONS AMONG
5 NONPARTISAN STAFF ARE SUBJECT TO DISCLOSURE ONCE A PLAN IS
6 SUBMITTED TO THE SUPREME COURT.

7 (III) PERSONS WHO CONTRACT FOR OR RECEIVE COMPENSATION
8 FOR ADVOCATING TO THE COMMISSION, TO ONE OR MORE COMMISSIONERS,
9 OR TO THE NONPARTISAN STAFF FOR THE ADOPTION OR REJECTION OF ANY
10 MAP, AMENDMENT TO A MAP, MAPPING APPROACH, OR MANNER OF
11 COMPLIANCE WITH ANY OF THE MAPPING CRITERIA SPECIFIED IN SECTION
12 44.3 OF THIS ARTICLE V ARE LOBBYISTS WHO MUST DISCLOSE TO THE
13 SECRETARY OF STATE ANY COMPENSATION CONTRACTED FOR,
14 COMPENSATION RECEIVED, AND THE PERSON OR ENTITY CONTRACTING OR
15 PAYING FOR THEIR LOBBYING SERVICES. SUCH DISCLOSURE MUST BE MADE
16 NO LATER THAN SEVENTY-TWO HOURS AFTER THE EARLIER OF EACH
17 INSTANCE OF SUCH LOBBYING OR ANY PAYMENT OF SUCH COMPENSATION.
18 THE SECRETARY OF STATE SHALL PUBLISH ON THE SECRETARY OF STATE'S
19 WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC
20 THE NAMES OF SUCH LOBBYISTS AS WELL AS THE COMPENSATION
21 RECEIVED AND THE PERSONS OR ENTITIES FOR WHOM THEY WORK WITHIN
22 TWENTY-FOUR HOURS OF RECEIVING SUCH INFORMATION. THE SECRETARY
23 OF STATE SHALL ADOPT RULES TO FACILITATE THE COMPLETE AND PROMPT
24 REPORTING REQUIRED BY THIS SUBSECTION (4)(b)(III) AS WELL AS A
25 COMPLAINT PROCESS TO ADDRESS ANY LOBBYIST'S FAILURE TO REPORT A
26 FULL AND ACCURATE DISCLOSURE, WHICH COMPLAINT MUST BE HEARD BY
27 AN ADMINISTRATIVE LAW JUDGE, WHOSE DECISION MAY BE APPEALED TO

1 THE COURT OF APPEALS.

2 **Section 44.3. Criteria for determinations of congressional**
3 **districts - definition.** (1) IN ADOPTING A CONGRESSIONAL REDISTRICTING
4 PLAN, THE COMMISSION SHALL:

5 (a) MAKE A GOOD-FAITH EFFORT TO ACHIEVE PRECISE
6 MATHEMATICAL POPULATION EQUALITY BETWEEN DISTRICTS, JUSTIFYING
7 EACH VARIANCE, NO MATTER HOW SMALL, AS REQUIRED BY THE
8 CONSTITUTION OF THE UNITED STATES. DISTRICTS MUST BE COMPOSED OF
9 CONTIGUOUS GEOGRAPHIC AREAS;

10 (b) COMPLY WITH THE FEDERAL "VOTING RIGHTS ACT OF 1965",
11 52 U.S.C. SEC. 50301, AS AMENDED.

12 (2) (a) AS MUCH AS IS REASONABLY POSSIBLE, THE COMMISSION'S
13 PLAN MUST PRESERVE WHOLE COMMUNITIES OF INTEREST AND WHOLE
14 POLITICAL SUBDIVISIONS, SUCH AS COUNTIES, CITIES, AND TOWNS.

15 (b) DISTRICTS MUST BE AS COMPACT AS IS REASONABLY POSSIBLE.

16 (3) (a) THEREAFTER, THE COMMISSION SHALL, TO THE EXTENT
17 POSSIBLE, MAXIMIZE THE NUMBER OF POLITICALLY COMPETITIVE
18 DISTRICTS.

19 (b) IN ITS HEARINGS IN VARIOUS LOCATIONS IN THE STATE, THE
20 COMMISSION SHALL SOLICIT EVIDENCE RELEVANT TO COMPETITIVENESS OF
21 ELECTIONS IN COLORADO AND SHALL ASSESS SUCH EVIDENCE IN
22 EVALUATING PROPOSED MAPS.

23 (c) WHEN THE COMMISSION APPROVES A PLAN, OR WHEN
24 NONPARTISAN STAFF SUBMITS A PLAN IN THE ABSENCE OF THE
25 COMMISSION'S APPROVAL OF A PLAN AS PROVIDED IN SECTION 44.4 OF THIS
26 ARTICLE V, THE NONPARTISAN STAFF SHALL, WITHIN SEVENTY-TWO HOURS
27 OF SUCH ACTION, MAKE PUBLICLY AVAILABLE, AND INCLUDE IN THE

1 COMMISSION'S RECORD, A REPORT TO DEMONSTRATE HOW THE PLAN
2 REFLECTS THE EVIDENCE PRESENTED TO, AND THE FINDINGS CONCERNING,
3 THE EXTENT TO WHICH COMPETITIVENESS IN DISTRICT ELECTIONS IS
4 FOSTERED CONSISTENT WITH THE OTHER CRITERIA SET FORTH IN THIS
5 SECTION.

6 (d) FOR PURPOSES OF THIS SUBSECTION (3), "COMPETITIVE" MEANS
7 HAVING A REASONABLE POTENTIAL FOR THE PARTY AFFILIATION OF THE
8 DISTRICT'S REPRESENTATIVE TO CHANGE AT LEAST ONCE BETWEEN
9 FEDERAL DECENNIAL CENSUSES. COMPETITIVENESS MAY BE MEASURED BY
10 FACTORS SUCH AS A PROPOSED DISTRICT'S PAST ELECTION RESULTS, A
11 PROPOSED DISTRICT'S POLITICAL PARTY REGISTRATION DATA, AND
12 EVIDENCE-BASED ANALYSES OF PROPOSED DISTRICTS.

13 (4) NO MAP MAY BE APPROVED BY THE COMMISSION OR GIVEN
14 EFFECT BY THE SUPREME COURT IF:

15 (a) IT HAS BEEN DRAWN FOR THE PURPOSE OF PROTECTING ONE OR
16 MORE INCUMBENT MEMBERS, OR ONE OR MORE DECLARED CANDIDATES,
17 OF THE UNITED STATES HOUSE OF REPRESENTATIVES OR ANY POLITICAL
18 PARTY; OR

19 (b) IT HAS BEEN DRAWN FOR THE PURPOSE OF OR RESULTS IN THE
20 DENIAL OR ABRIDGEMENT OF THE RIGHT OF ANY CITIZEN TO VOTE ON
21 ACCOUNT OF THAT PERSON'S RACE OR MEMBERSHIP IN A LANGUAGE
22 MINORITY GROUP, INCLUDING DILUTING THE IMPACT OF THAT RACIAL OR
23 LANGUAGE MINORITY GROUP'S ELECTORAL INFLUENCE.

24 **Section 44.4. Preparation, amendment, and approval of plans**
25 **- public hearings and participation.** (1) THE COMMISSION SHALL BEGIN
26 BY CONSIDERING A PLAN, CREATED BY NONPARTISAN STAFF ALONE, TO BE
27 KNOWN AS THE "PRELIMINARY PLAN". THE PRELIMINARY PLAN MUST BE

1 PRESENTED AND PUBLISHED NO EARLIER THAN THIRTY DAYS AND NO
2 LATER THAN FORTY-FIVE DAYS AFTER THE COMMISSION HAS CONVENEED OR
3 THE NECESSARY CENSUS DATA ARE AVAILABLE, WHICHEVER IS LATER.
4 WITHIN THE FIRST TWENTY DAYS AFTER THE COMMISSION HAS CONVENEED,
5 ANY MEMBER OF THE PUBLIC AND ANY MEMBER OF THE COMMISSION MAY
6 SUBMIT WRITTEN COMMENTS TO NONPARTISAN STAFF ON THE CREATION
7 OF THE PRELIMINARY PLAN AND ON COMMUNITIES OF INTEREST THAT
8 REQUIRE REPRESENTATION IN ONE OR MORE SPECIFIC AREAS OF THE STATE.
9 NONPARTISAN STAFF SHALL CONSIDER SUCH COMMENTS IN CREATING THE
10 PRELIMINARY PLAN AND SUCH COMMENTS MUST BE PART OF THE RECORD
11 OF THE COMMISSION'S ACTIVITIES AND PROCEEDINGS. AT THE FIRST PUBLIC
12 HEARING AT WHICH THE PRELIMINARY PLAN IS PRESENTED, NONPARTISAN
13 STAFF SHALL EXPLAIN HOW THE PLAN WAS CREATED, HOW THE PLAN
14 ADDRESSES THE CATEGORIES OF PUBLIC COMMENTS RECEIVED, AND HOW
15 THE PLAN COMPLIES WITH THE CRITERIA PRESCRIBED IN SECTION 44.3 OF
16 THIS ARTICLE V.

17 (2) BY JULY 7 OF THE REDISTRICTING YEAR, THE COMMISSION
18 SHALL COMPLETE PUBLIC HEARINGS ON THE PRELIMINARY PLAN IN
19 SEVERAL PLACES THROUGHOUT THE STATE IN ACCORDANCE WITH SECTION
20 44.2 OF THIS ARTICLE V.

21 (3) SUBSEQUENT TO HEARINGS ON THE PRELIMINARY PLAN,
22 NONPARTISAN STAFF SHALL PREPARE, PUBLISH ONLINE, AND PRESENT TO
23 THE COMMISSION NO FEWER THAN THREE PLANS, EXCEPT AS PROVIDED IN
24 SUBSECTION (5) OF THIS SECTION. THESE PLANS WILL BE KNOWN AS THE
25 "STAFF PLANS" AND MUST BE NAMED AND NUMBERED SEQUENTIALLY FOR
26 PURPOSES OF SUBSECTION (6) OF THIS SECTION. STAFF PLANS MUST BE
27 PREPARED, PUBLISHED ONLINE, AND PRESENTED IN ACCORDANCE WITH A

1 TIMETABLE ESTABLISHED BY THE COMMISSION; EXCEPT THAT EACH STAFF
2 PLAN MUST BE PRESENTED TO THE COMMISSION NO FEWER THAN TEN DAYS
3 AFTER THE PRESENTATION OF ANY PREVIOUS STAFF PLAN AND NO FEWER
4 THAN TWENTY-FOUR HOURS AFTER IT HAS BEEN PUBLISHED ONLINE. IF THE
5 COMMISSION FAILS TO ESTABLISH A TIMETABLE FOR THE PRESENTATION OF
6 STAFF PLANS WITHIN TEN DAYS AFTER THE COMPLETION OF HEARINGS ON
7 THE PRELIMINARY PLAN, NONPARTISAN STAFF SHALL ESTABLISH SUCH
8 TIMETABLE. NONPARTISAN STAFF SHALL KEEP EACH PLAN CONFIDENTIAL
9 UNTIL IT IS PUBLISHED ONLINE OR BY A COMPARABLE MEANS OF
10 COMMUNICATING WITH THE PUBLIC USING GENERALLY AVAILABLE
11 TECHNOLOGIES. THE COMMISSION MAY PROVIDE DIRECTION, IF APPROVED
12 BY AT LEAST EIGHT COMMISSIONERS INCLUDING AT LEAST ONE
13 COMMISSIONER UNAFFILIATED WITH ANY POLITICAL PARTY, FOR THE
14 DEVELOPMENT OF STAFF PLANS THROUGH THE ADOPTION OF STANDARDS,
15 GUIDELINES, OR METHODOLOGIES TO WHICH NONPARTISAN STAFF SHALL
16 ADHERE, INCLUDING STANDARDS, GUIDELINES, OR METHODOLOGIES TO BE
17 USED TO EVALUATE A PLAN'S COMPETITIVENESS, CONSISTENT WITH
18 SECTION 44.3 (3)(d) OF THIS ARTICLE V. IN PREPARING ALL STAFF PLANS,
19 NONPARTISAN STAFF SHALL ALSO CONSIDER PUBLIC TESTIMONY AND
20 PUBLIC COMMENTS RECEIVED BY THE COMMISSION THAT ARE CONSISTENT
21 WITH THE CRITERIA SPECIFIED IN SECTION 44.3 OF THIS ARTICLE V.

22 (4) ANY COMMISSIONER OR GROUP OF COMMISSIONERS MAY
23 REQUEST NONPARTISAN STAFF TO PREPARE ADDITIONAL PLANS OR
24 AMENDMENTS TO PLANS. ANY SUCH REQUEST MUST BE MADE IN A PUBLIC
25 HEARING OF THE COMMISSION BUT DOES NOT REQUIRE COMMISSION
26 APPROVAL. PLANS OR AMENDMENTS DEVELOPED IN RESPONSE TO SUCH
27 REQUESTS ARE SEPARATE FROM STAFF PLANS FOR PURPOSES OF

1 SUBSECTION (6) OF THIS SECTION.

2 (5) (a) THE COMMISSION MAY ADOPT A FINAL PLAN AT ANY TIME
3 AFTER PRESENTATION OF THE FIRST STAFF PLAN, IN WHICH CASE
4 NONPARTISAN STAFF DOES NOT NEED TO PREPARE OR PRESENT
5 ADDITIONAL STAFF PLANS.

6 (b) NO LATER THAN SEPTEMBER 1 OF THE REDISTRICTING YEAR,
7 THE COMMISSION SHALL ADOPT A FINAL PLAN, WHICH MUST THEN BE
8 SUBMITTED TO THE SUPREME COURT FOR ITS REVIEW AND DETERMINATION
9 IN ACCORDANCE WITH SECTION 44.5 OF THIS ARTICLE V.

10 (c) THE COMMISSION MAY ADJUST THE DEADLINES SPECIFIED IN
11 THIS SECTION IF CONDITIONS OUTSIDE OF THE COMMISSION'S CONTROL
12 REQUIRE SUCH AN ADJUSTMENT TO ENSURE ADOPTING A FINAL PLAN AS
13 REQUIRED BY THIS SUBSECTION (5).

14 (d) THE COMMISSION MAY GRANT NONPARTISAN STAFF THE
15 AUTHORITY TO MAKE TECHNICAL DE MINIMIS ADJUSTMENTS TO THE
16 ADOPTED PLAN PRIOR TO ITS SUBMISSION TO THE SUPREME COURT.

17 (6) IF FOR ANY REASON THE COMMISSION DOES NOT ADOPT A FINAL
18 PLAN BY THE DATE SPECIFIED IN SUBSECTION (5) OF THIS SECTION, THEN
19 NONPARTISAN STAFF SHALL SUBMIT THE UNAMENDED THIRD STAFF PLAN
20 TO THE SUPREME COURT.

21 **Section 44.5. Supreme court review.** (1) THE SUPREME COURT
22 SHALL REVIEW THE SUBMITTED PLAN AND DETERMINE WHETHER THE PLAN
23 COMPLIES WITH THE CRITERIA LISTED IN SECTION 44.3 OF THIS ARTICLE V.
24 THE COURT'S REVIEW AND DETERMINATION SHALL TAKE PRECEDENCE
25 OVER OTHER MATTERS BEFORE THE COURT. THE SUPREME COURT SHALL
26 ADOPT RULES FOR SUCH PROCEEDINGS AND FOR THE PRODUCTION AND
27 PRESENTATION OF SUPPORTIVE EVIDENCE FOR SUCH PLAN. ANY LEGAL

1 ARGUMENTS CONCERNING SUCH PLAN MUST BE SUBMITTED TO THE
2 SUPREME COURT PURSUANT TO THE SCHEDULE ESTABLISHED BY THE
3 COURT.

4 (2) THE SUPREME COURT SHALL APPROVE THE PLAN SUBMITTED
5 UNLESS IT FINDS THAT THE COMMISSION OR NONPARTISAN STAFF, IN THE
6 CASE OF A STAFF PLAN SUBMITTED IN THE ABSENCE OF A
7 COMMISSION-APPROVED PLAN, ABUSED ITS DISCRETION IN APPLYING OR
8 FAILING TO APPLY THE CRITERIA LISTED IN SECTION 44.3 OF THIS ARTICLE
9 V, IN LIGHT OF THE RECORD BEFORE THE COMMISSION. THE SUPREME
10 COURT MAY CONSIDER ANY MAPS SUBMITTED TO THE COMMISSION IN
11 ASSESSING WHETHER THE COMMISSION OR NONPARTISAN STAFF, IN THE
12 CASE OF A STAFF PLAN SUBMITTED IN THE ABSENCE OF A
13 COMMISSION-APPROVED PLAN, ABUSED ITS DISCRETION.

14 (3) IF THE SUPREME COURT DETERMINES THAT THE SUBMITTED
15 PLAN CONSTITUTES AN ABUSE OF DISCRETION IN APPLYING OR FAILING TO
16 APPLY THE CRITERIA LISTED IN SECTION 44.3 OF THIS ARTICLE V, IN LIGHT
17 OF THE RECORD BEFORE THE COMMISSION, THE SUPREME COURT SHALL
18 RETURN THE PLAN TO THE COMMISSION WITH THE COURT'S REASONS FOR
19 DISAPPROVAL.

20 (4) (a) BY NOVEMBER 1 OF THE REDISTRICTING YEAR, THE
21 SUPREME COURT SHALL APPROVE THE PLAN SUBMITTED OR RETURN THE
22 PLAN TO THE COMMISSION.

23 (b) IF THE COURT RETURNS THE PLAN TO THE COMMISSION, THE
24 COMMISSION SHALL HAVE TWELVE DAYS TO HOLD A COMMISSION HEARING
25 THAT INCLUDES PUBLIC TESTIMONY AND TO RETURN AN ADOPTED PLAN
26 THAT RESOLVES THE COURT'S REASONS FOR DISAPPROVAL.

27 (c) IF THE COMMISSION FAILS TO ADOPT AND RETURN A PLAN TO

1 THE COURT WITHIN TWELVE DAYS, NONPARTISAN STAFF SHALL HAVE AN
2 ADDITIONAL THREE DAYS TO PREPARE A PLAN THAT RESOLVES THE
3 COURT'S REASONS FOR DISAPPROVAL AND RETURN IT TO THE COURT FOR
4 APPROVAL.

5 (d) THE SUPREME COURT SHALL REVIEW THE REVISED PLAN IN
6 ACCORDANCE WITH SUBSECTIONS (1), (2), AND (3) OF THIS SECTION.

7 (5) THE SUPREME COURT SHALL APPROVE A PLAN FOR THE
8 REDRAWING OF CONGRESSIONAL DISTRICTS NO LATER THAN DECEMBER 15
9 OF THE REDISTRICTING YEAR. THE COURT SHALL ORDER THAT SUCH PLAN
10 BE FILED WITH THE SECRETARY OF STATE NO LATER THAN SUCH DATE.

11 **Section 44.6. Severability.** IF ANY PROVISION OF SECTIONS 44.1
12 THROUGH 44.5 OF THIS ARTICLE V IS FOUND BY A COURT OF COMPETENT
13 JURISDICTION TO BE UNCONSTITUTIONAL, OR IF ANY APPLICATION OF
14 THESE SECTIONS IS FOUND BY SUCH A COURT TO BE UNCONSTITUTIONAL,
15 SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS
16 OF THE REMAINING PROVISIONS OF THESE SECTIONS THAT CAN BE GIVEN
17 EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION. THE
18 PROVISIONS OF SECTIONS 44.1 THROUGH 44.5 OF THIS ARTICLE V ARE
19 DEEMED AND DECLARED SEVERABLE.

20 **SECTION 2.** Each elector voting at the election may cast a vote
21 either "Yes/For" or "No/Against" on the following ballot title: "Shall
22 there be an amendment to the Colorado constitution concerning a change
23 to the way that congressional districts are drawn, and, in connection
24 therewith, taking the duty to draw congressional districts away from the
25 state legislature and giving it to an independent commission, composed
26 of twelve citizens who possess specified qualifications; prohibiting any
27 one political party's control of the commission by requiring that one-third

1 of commissioners will not be affiliated with any political party, one-third
2 of the commissioners will be affiliated with the state's largest political
3 party, and one-third of the commissioners will be affiliated with the state's
4 second largest political party; prohibiting certain persons, including
5 professional lobbyists, federal campaign committee employees, and
6 federal, state, and local elected officials, from serving on the commission;
7 limiting judicial review of a map to a determination by the supreme court
8 of whether the commission or its nonpartisan staff committed an abuse of
9 discretion; requiring the commission to draw districts with a focus on
10 communities of interest and political subdivisions, such as cities and
11 counties, and then to maximize the number of competitive congressional
12 seats to the extent possible; and prohibiting maps from being drawn to
13 dilute the electoral influence of any racial or ethnic group or to protect
14 any incumbent, any political candidate, or any political party?"

15 **SECTION 3.** Except as otherwise provided in section 1-40-123,
16 Colorado Revised Statutes, if at least fifty-five percent of the electors
17 voting on the ballot title vote "Yes/For", then the amendment will become
18 part of the state constitution.