

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REENGROSSED

LLS NO. R18-1186.01 Nicole Myers x4326

SCR18-005

SENATE SPONSORSHIP

Grantham and Fenberg, Jahn

HOUSE SPONSORSHIP

Duran and Neville P.,

Senate Committees

State, Veterans, & Military Affairs
Legislative Council
Appropriations

House Committees

SENATE CONCURRENT RESOLUTION 18-005

101 SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF
102 COLORADO AN AMENDMENT TO THE COLORADO CONSTITUTION
103 CONCERNING A CHANGE TO THE MANNER IN WHICH STATE
104 SENATE AND STATE HOUSE OF REPRESENTATIVES DISTRICTS ARE
105 DRAWN, AND, IN CONNECTION THEREWITH, REFORMING THE
106 EXISTING LEGISLATIVE REAPPORTIONMENT COMMISSION BY
107 EXPANDING THE COMMISSION TO TWELVE MEMBERS AND
108 AUTHORIZING THE APPOINTMENT OF MEMBERS WHO POSSESS
109 SPECIFIED QUALIFICATIONS; PROHIBITING ANY ONE POLITICAL
110 PARTY'S CONTROL OF THE COMMISSION BY REQUIRING THAT
111 ONE-THIRD OF COMMISSIONERS WILL NOT BE AFFILIATED WITH
112 ANY POLITICAL PARTY, ONE-THIRD OF THE COMMISSIONERS
113 WILL BE AFFILIATED WITH THE STATE'S LARGEST POLITICAL

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.

SENATE
Amended 3rd Reading
April 30, 2018

SENATE
2nd Reading Unamended
April 27, 2018

101 PARTY, AND ONE-THIRD OF THE COMMISSIONERS WILL BE
102 AFFILIATED WITH THE STATE'S SECOND LARGEST POLITICAL
103 PARTY; PROHIBITING CERTAIN PERSONS, INCLUDING
104 PROFESSIONAL LOBBYISTS, FEDERAL CAMPAIGN COMMITTEE
105 EMPLOYEES, AND FEDERAL, STATE, AND LOCAL ELECTED
106 OFFICIALS, FROM SERVING ON THE COMMISSION; LIMITING
107 JUDICIAL REVIEW OF A MAP TO A DETERMINATION BY THE
108 SUPREME COURT OF WHETHER THE COMMISSION OR ITS
109 NONPARTISAN STAFF COMMITTED AN ABUSE OF DISCRETION;
110 REQUIRING THE COMMISSION TO DRAW STATE LEGISLATIVE
111 DISTRICTS USING COMMUNITIES OF INTEREST AS WELL AS
112 POLITICAL SUBDIVISIONS, SUCH AS CITIES AND COUNTIES, AND
113 THEN TO MAXIMIZE THE NUMBER OF COMPETITIVE STATE
114 LEGISLATIVE SEATS TO THE EXTENT POSSIBLE; AND
115 PROHIBITING MAPS FROM BEING DRAWN TO DILUTE THE
116 ELECTORAL INFLUENCE OF ANY RACIAL OR ETHNIC GROUP OR
117 TO PROTECT ANY INCUMBENT, ANY POLITICAL CANDIDATE, OR
118 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 legislative redistricting commission (commission) to divide the state into state senate and state representative legislative districts. 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 state legislative office 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 46 of
7 article V as follows:

8 **Section 46. Senatorial and representative districts -**
9 **commission created. (1) Declaration of the people.** THE PEOPLE OF THE
10 STATE OF COLORADO FIND AND DECLARE THAT:

11 (a) THE PRACTICE OF POLITICAL GERRYMANDERING, WHEREBY
12 LEGISLATIVE 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 GENERAL
26 ASSEMBLY PROVIDE VOTERS WITH A MEANINGFUL CHOICE AMONG
27 CANDIDATES, PROMOTE A HEALTHY DEMOCRACY, HELP ENSURE THAT

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

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

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

15 (2) **Legislative districts - commission created.** THERE IS HEREBY
16 CREATED THE INDEPENDENT LEGISLATIVE REDISTRICTING COMMISSION.
17 The ~~state~~ COMMISSION shall ~~be divided~~ DIVIDE THE STATE into as many
18 senatorial and representative districts as there are members of the senate
19 and house of representatives respectively. ~~each district in each house~~
20 ~~having a population as nearly equal as may be, as required by the~~
21 ~~constitution of the United States, but in no event shall there be more than~~
22 ~~five percent deviation between the most populous and the least populous~~
23 ~~district in each house.~~

24 (3) **Definitions.** AS USED IN THIS SECTION AND IN SECTIONS 47
25 THROUGH 48.4 OF THIS ARTICLE V, UNLESS THE CONTEXT OTHERWISE
26 REQUIRES:

27 (a) "COMMISSION" MEANS THE INDEPENDENT LEGISLATIVE

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 STATE LEGISLATIVE ACTION, IS COMPOSED OF A
5 REASONABLY PROXIMATE POPULATION, AND THUS SHOULD BE CONSIDERED
6 FOR INCLUSION WITHIN A SINGLE DISTRICT FOR PURPOSES OF ENSURING ITS
7 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 48.1 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 48 OF THIS ARTICLE V.

7 (4) **Adjustment of dates.** IF ANY DATE PRESCRIBED IN SECTIONS
8 47 THROUGH 48.3 OF THIS ARTICLE V FALLS ON A SATURDAY, SUNDAY, OR
9 LEGAL HOLIDAY, THEN THE DATE IS EXTENDED TO THE NEXT DAY THAT IS
10 NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

11 In the constitution of the state of Colorado, **repeal and reenact,**
12 **with amendments,** section 47 of article V as follows:

13 **Section 47. 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 THE GENERAL ASSEMBLY

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 GENERAL
9 ASSEMBLY;

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 CONGRESSIONAL DISTRICTS; OR

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

27 (3) (a) BY AUGUST 10 OF THE YEAR PRIOR TO THE REDISTRICTING

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

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

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

27 (5) (a) NO LATER THAN JANUARY 5 OF THE REDISTRICTING YEAR,

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

1 PANEL AND WHO ACCEPTS SUCH APPOINTMENT. NO JUSTICE OR JUDGE
2 SHALL SERVE BOTH ON THIS PANEL AND THE PANEL ASSISTING IN THE
3 PROCESS OF CHOOSING MEMBERS OF THE COMMISSION RESPONSIBLE FOR
4 DIVIDING THE STATE INTO CONGRESSIONAL DISTRICTS.

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

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

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

23 (7) BY JANUARY 25 OF THE REDISTRICTING YEAR, THE PANEL, IN
24 A PUBLIC MEETING, SHALL RANDOMLY SELECT BY LOT FROM ALL OF THE
25 APPLICANTS WHO WERE FOUND TO MEET THE QUALIFICATIONS SPECIFIED
26 IN SUBSECTION (2) OF THIS SECTION THE NAMES OF THREE HUNDRED
27 APPLICANTS WHO ARE AFFILIATED WITH THE STATE'S LARGEST POLITICAL

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

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

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

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

21 (b) NO LATER THAN FEBRUARY 15 OF THE REDISTRICTING YEAR,
22 FROM THE APPLICANTS IDENTIFIED IN SUBSECTION (8)(a) OF THIS SECTION,
23 THE PANEL SHALL CHOOSE BY LOT SIX APPLICANTS TO SERVE ON THE
24 COMMISSION AS FOLLOWS:

25 (I) TWO COMMISSIONERS WHO ARE NOT AFFILIATED WITH ANY
26 POLITICAL PARTY;

27 (II) TWO COMMISSIONERS WHO ARE AFFILIATED WITH THE STATE'S

1 LARGEST POLITICAL PARTY; AND

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

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

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

25 (b) AS DETERMINED BY THE LEGISLATIVE LEADERS IN SELECTING
26 THEIR RESPECTIVE POOLS, THE APPLICANTS SELECTED FOR EACH POOL
27 MUST MEET THE QUALIFICATIONS SET FORTH IN SUBSECTION (2) OF THIS

1 SECTION AND DEMONSTRATE THE QUALITIES LISTED IN SUBSECTION (8)(a)
2 OF THIS SECTION.

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

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

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

25 (a) TO THE EXTENT POSSIBLE, ENSURE THAT THE COMMISSION
26 REFLECTS COLORADO'S RACIAL, ETHNIC, GENDER, AND GEOGRAPHIC
27 DIVERSITY;

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

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

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

10 (11)(a) A COMMISSIONER'S POSITION ON THE COMMISSION WILL BE
11 DEEMED VACANT IF HE OR SHE, HAVING BEEN APPOINTED AS A REGISTERED
12 ELECTOR WHO IS NOT AFFILIATED WITH A POLITICAL PARTY, AFFILIATES
13 WITH A POLITICAL PARTY BEFORE THE SUPREME COURT HAS APPROVED A
14 PLAN PURSUANT TO SECTION 48.3 OF THIS ARTICLE V. A COMMISSIONER'S
15 POSITION ON THE COMMISSION WILL ALSO BE DEEMED VACANT IF HE OR
16 SHE, HAVING BEEN AFFILIATED WITH ONE OF THE STATE'S TWO LARGEST
17 POLITICAL PARTIES AT THE TIME OF APPOINTMENT, AFFILIATES WITH A
18 DIFFERENT POLITICAL PARTY OR BECOMES UNAFFILIATED WITH ANY
19 POLITICAL PARTY BEFORE THE SUPREME COURT HAS APPROVED A PLAN
20 PURSUANT TO SECTION 48.3 OF THIS ARTICLE V.

21 (b) ANY VACANCY ON THE COMMISSION, INCLUDING ONE THAT
22 OCCURS DUE TO DEATH, RESIGNATION, REMOVAL, FAILURE TO MEET THE
23 QUALIFICATIONS OF APPOINTMENT, REFUSAL OR INABILITY TO ACCEPT AN
24 APPOINTMENT, OR OTHERWISE, MUST BE FILLED AS SOON AS POSSIBLE BY
25 THE DESIGNATED APPOINTING AUTHORITY FROM THE DESIGNATED POOL OF
26 ELIGIBLE APPLICANTS FOR THAT COMMISSIONER'S POSITION AND IN THE
27 SAME MANNER AS THE ORIGINALLY CHOSEN COMMISSIONER; EXCEPT THAT

1 NO COMMISSIONER CHOSEN TO FILL A VACANCY WILL BE BYPASSED FOR
2 APPOINTMENT IF ALL CONGRESSIONAL DISTRICTS ARE ALREADY
3 REPRESENTED ON THE COMMISSION.

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

10 In the constitution of the state of Colorado, **repeal and reenact,**
11 **with amendments,** section 48 of article V as follows:

12 **Section 48. 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 30 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 47 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 47 OF THIS ARTICLE V. MEMBERS OF THE COMMISSION SHALL BE
13 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 LEGISLATIVE 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 NONPARTISAN STAFF FOR THE ADOPTION OR REJECTION OF ANY MAP,
10 AMENDMENT TO A MAP, MAPPING APPROACH, OR MANNER OF COMPLIANCE
11 WITH ANY OF THE MAPPING CRITERIA SPECIFIED IN SECTION 48.1 OF THIS
12 ARTICLE V ARE LOBBYISTS WHO MUST DISCLOSE TO THE SECRETARY OF
13 STATE ANY COMPENSATION CONTRACTED FOR, COMPENSATION RECEIVED,
14 AND THE PERSON OR ENTITY CONTRACTING OR PAYING FOR THEIR
15 LOBBYING SERVICES. SUCH DISCLOSURE MUST BE MADE NO LATER THAN
16 SEVENTY-TWO HOURS AFTER THE EARLIER OF EACH INSTANCE OF SUCH
17 LOBBYING OR ANY PAYMENT OF SUCH COMPENSATION. THE SECRETARY OF
18 STATE SHALL PUBLISH ON THE SECRETARY OF STATE'S WEBSITE OR
19 COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC THE NAMES
20 OF SUCH LOBBYISTS, AS WELL AS THE COMPENSATION RECEIVED AND THE
21 PERSONS OR ENTITIES FOR WHOM THEY WORK WITHIN TWENTY-FOUR
22 HOURS OF RECEIVING SUCH INFORMATION. THE SECRETARY OF STATE
23 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 In the constitution of the state of Colorado, **add** sections 48.1,
3 48.2, 48.3, and 48.4 to article V as follows:

4 **Section 48.1. Criteria for determination of legislative districts**

5 **- definition.** (1) IN ADOPTING A LEGISLATIVE REDISTRICTING PLAN, THE
6 COMMISSION SHALL:

7 (a) MAKE A GOOD-FAITH EFFORT TO ACHIEVE MATHEMATICAL
8 POPULATION EQUALITY BETWEEN DISTRICTS, AS REQUIRED BY THE
9 CONSTITUTION OF THE UNITED STATES, BUT IN NO EVENT SHALL THERE BE
10 MORE THAN FIVE PERCENT DEVIATION BETWEEN THE MOST POPULOUS AND
11 THE LEAST POPULOUS DISTRICT IN EACH HOUSE. DISTRICTS MUST BE
12 COMPOSED OF CONTIGUOUS GEOGRAPHIC AREAS.

13 (b) COMPLY WITH THE FEDERAL "VOTING RIGHTS ACT OF 1965",
14 52 U.S.C. SEC. 50301, AS AMENDED.

15 (2) (a) AS MUCH AS IS REASONABLY POSSIBLE, THE COMMISSION'S
16 PLAN MUST PRESERVE WHOLE COMMUNITIES OF INTEREST AND WHOLE
17 POLITICAL SUBDIVISIONS, SUCH AS COUNTIES, CITIES, AND TOWNS. TO
18 FACILITATE THE EFFICIENT AND EFFECTIVE PROVISION OF GOVERNMENTAL
19 SERVICES, WITH REGARD TO ANY COUNTY, CITY, CITY AND COUNTY, OR
20 TOWN WHOSE POPULATION IS LESS THAN A DISTRICT'S PERMITTED
21 POPULATION, THE COMMISSION SHALL PRESUME THAT SUCH COUNTY, CITY,
22 CITY AND COUNTY, OR TOWN SHOULD BE WHOLLY CONTAINED WITHIN A
23 DISTRICT; EXCEPT THAT A DIVISION OF SUCH COUNTY, CITY, CITY AND
24 COUNTY, OR TOWN IS PERMITTED WHERE, BASED ON A PREPONDERANCE OF
25 THE EVIDENCE IN THE RECORD, A COMMUNITY OF INTEREST'S LEGISLATIVE
26 ISSUES ARE MORE ESSENTIAL TO THE FAIR AND EFFECTIVE
27 REPRESENTATION OF RESIDENTS OF THE DISTRICT. WHEN THE COMMISSION

1 DIVIDES A COUNTY, CITY, CITY AND COUNTY, OR TOWN, IT SHALL MINIMIZE
2 THE NUMBER OF DIVISIONS OF THAT COUNTY, CITY, CITY AND COUNTY, OR
3 TOWN.

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

5 (3) (a) THEREAFTER, THE COMMISSION SHALL, TO THE EXTENT
6 POSSIBLE, MAXIMIZE THE NUMBER OF POLITICALLY COMPETITIVE
7 DISTRICTS.

8 (b) IN ITS HEARINGS IN VARIOUS LOCATIONS IN THE STATE, THE
9 COMMISSION SHALL SOLICIT EVIDENCE RELEVANT TO COMPETITIVENESS OF
10 ELECTIONS IN COLORADO AND SHALL ASSESS SUCH EVIDENCE IN
11 EVALUATING PROPOSED MAPS.

12 (c) WHEN THE COMMISSION APPROVES A PLAN, OR WHEN
13 NONPARTISAN STAFF SUBMITS A PLAN IN THE ABSENCE OF THE
14 COMMISSION'S APPROVAL OF A PLAN AS PROVIDED IN SECTION 48.2 OF THIS
15 ARTICLE V, THE NONPARTISAN STAFF SHALL, WITHIN SEVENTY-TWO HOURS
16 OF SUCH ACTION, MAKE PUBLICLY AVAILABLE, AND INCLUDE IN THE
17 COMMISSION'S RECORD, A REPORT TO DEMONSTRATE HOW THE PLAN
18 REFLECTS THE EVIDENCE PRESENTED TO, AND THE FINDINGS CONCERNING,
19 THE EXTENT TO WHICH COMPETITIVENESS IN DISTRICT ELECTIONS IS
20 FOSTERED CONSISTENT WITH THE OTHER CRITERIA SET FORTH IN THIS
21 SECTION.

22 (d) FOR PURPOSES OF THIS SUBSECTION (3), "COMPETITIVE" MEANS
23 HAVING A REASONABLE POTENTIAL FOR THE PARTY AFFILIATION OF THE
24 DISTRICT'S REPRESENTATIVE TO CHANGE AT LEAST ONCE BETWEEN
25 FEDERAL DECENNIAL CENSUSES. COMPETITIVENESS MAY BE MEASURED BY
26 FACTORS SUCH AS A PROPOSED DISTRICT'S PAST ELECTION RESULTS, A
27 PROPOSED DISTRICT'S POLITICAL PARTY REGISTRATION DATA, AND

1 EVIDENCE-BASED ANALYSES OF PROPOSED DISTRICTS.

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

4 (a) IT HAS BEEN DRAWN FOR THE PURPOSE OF PROTECTING ONE OR
5 MORE INCUMBENT MEMBERS, OR ONE OR MORE DECLARED CANDIDATES,
6 OF THE SENATE OR HOUSE OF REPRESENTATIVES, OR ANY POLITICAL
7 PARTY; OR

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

13 **Section 48.2. Preparation, amendment, and approval of plans**

14 **- public hearings and participation.** (1) THE COMMISSION SHALL BEGIN
15 BY CONSIDERING A PLAN FOR THE STATE SENATE AND A PLAN FOR THE
16 STATE HOUSE OF REPRESENTATIVES, CREATED BY ITS NONPARTISAN STAFF
17 ALONE, TO BE KNOWN AS THE "PRELIMINARY SENATE PLAN" AND THE
18 "PRELIMINARY HOUSE PLAN". SUCH PLANS MUST BE PRESENTED AND
19 PUBLISHED NO EARLIER THAN THIRTY DAYS AND NO LATER THAN
20 FORTY-FIVE DAYS AFTER THE COMMISSION HAS CONVENED OR THE
21 NECESSARY CENSUS DATA ARE AVAILABLE, WHICHEVER IS LATER. WITHIN
22 THE FIRST TWENTY DAYS AFTER THE COMMISSION HAS CONVENED, ANY
23 MEMBER OF THE PUBLIC AND ANY MEMBER OF THE COMMISSION MAY
24 SUBMIT WRITTEN COMMENTS TO NONPARTISAN STAFF ON THE CREATION
25 OF THE PRELIMINARY PLANS AND ON COMMUNITIES OF INTEREST THAT
26 REQUIRE REPRESENTATION IN ONE OR MORE SPECIFIC AREAS OF THE STATE.
27 NONPARTISAN STAFF SHALL CONSIDER SUCH COMMENTS IN CREATING THE

1 PRELIMINARY PLANS, AND SUCH COMMENTS SHALL BE PART OF THE
2 RECORD OF THE COMMISSION'S ACTIVITIES AND PROCEEDINGS. AT THE
3 FIRST PUBLIC HEARING AT WHICH THE PRELIMINARY PLANS ARE
4 PRESENTED, NONPARTISAN STAFF SHALL EXPLAIN HOW THE PLANS WERE
5 CREATED, HOW THE PLANS ADDRESS THE CATEGORIES OF PUBLIC
6 COMMENTS RECEIVED, AND HOW THE PLANS COMPLY WITH THE CRITERIA
7 PRESCRIBED IN SECTION 48.1 OF THIS ARTICLE V.

8 (2) BY JULY 21 OF THE REDISTRICTING YEAR, THE COMMISSION
9 SHALL COMPLETE PUBLIC HEARINGS ON THE PRELIMINARY SENATE PLAN
10 AND THE PRELIMINARY HOUSE PLAN IN SEVERAL PLACES THROUGHOUT THE
11 STATE IN ACCORDANCE WITH SECTION 48 OF THIS ARTICLE V.

12 (3) SUBSEQUENT TO HEARINGS ON THE PRELIMINARY SENATE PLAN
13 AND THE PRELIMINARY HOUSE PLAN, NONPARTISAN STAFF SHALL PREPARE,
14 PUBLISH ONLINE, AND PRESENT TO THE COMMISSION NO FEWER THAN
15 THREE PLANS FOR THE STATE SENATE AND THREE PLANS FOR THE STATE
16 HOUSE OF REPRESENTATIVES, EXCEPT AS PROVIDED IN SUBSECTION (5) OF
17 THIS SECTION. THESE PLANS WILL BE KNOWN AS THE "STAFF PLANS" AND
18 MUST BE NAMED AND NUMBERED SEQUENTIALLY FOR PURPOSES OF
19 SUBSECTION (6) OF THIS SECTION. STAFF PLANS MUST BE PREPARED,
20 PUBLISHED ONLINE, AND PRESENTED IN ACCORDANCE WITH A TIMETABLE
21 ESTABLISHED BY THE COMMISSION; EXCEPT THAT EACH STAFF PLAN MUST
22 BE PRESENTED TO THE COMMISSION NO FEWER THAN TEN DAYS AFTER THE
23 PRESENTATION OF ANY PREVIOUS STAFF PLAN, AND NO FEWER THAN
24 TWENTY-FOUR HOURS AFTER IT HAS BEEN PUBLISHED ONLINE. IF THE
25 COMMISSION FAILS TO ESTABLISH A TIMETABLE FOR THE PRESENTATION OF
26 STAFF PLANS WITHIN TEN DAYS AFTER THE COMPLETION OF HEARINGS ON
27 THE PRELIMINARY PLAN, NONPARTISAN STAFF SHALL ESTABLISH SUCH

1 TIMETABLE. NONPARTISAN STAFF SHALL KEEP EACH PLAN CONFIDENTIAL
2 UNTIL IT IS PUBLISHED ONLINE OR BY A COMPARABLE MEANS OF
3 COMMUNICATING WITH THE PUBLIC USING GENERALLY AVAILABLE
4 TECHNOLOGIES. THE COMMISSION MAY PROVIDE DIRECTION, IF APPROVED
5 BY AT LEAST EIGHT COMMISSIONERS INCLUDING AT LEAST ONE
6 COMMISSIONER UNAFFILIATED WITH ANY POLITICAL PARTY, FOR THE
7 DEVELOPMENT OF STAFF PLANS THROUGH THE ADOPTION OF STANDARDS,
8 GUIDELINES, OR METHODOLOGIES TO WHICH NONPARTISAN STAFF SHALL
9 ADHERE, INCLUDING STANDARDS, GUIDELINES, OR METHODOLOGIES TO BE
10 USED TO EVALUATE A PLAN'S COMPETITIVENESS, CONSISTENT WITH
11 SUBSECTION (3)(d) OF SECTION 48.1 OF THIS ARTICLE V. IN PREPARING ALL
12 STAFF PLANS, NONPARTISAN STAFF SHALL ALSO CONSIDER PUBLIC
13 TESTIMONY AND PUBLIC COMMENTS RECEIVED BY THE COMMISSION THAT
14 ARE CONSISTENT WITH THE CRITERIA SPECIFIED IN SECTION 48.1 OF THIS
15 ARTICLE V.

16 (4) ANY COMMISSIONER OR GROUP OF COMMISSIONERS MAY
17 REQUEST NONPARTISAN STAFF TO PREPARE ADDITIONAL PLANS OR
18 AMENDMENTS TO PLANS. ANY SUCH REQUEST MUST BE MADE IN A PUBLIC
19 HEARING OF THE COMMISSION BUT DOES NOT REQUIRE COMMISSION
20 APPROVAL. PLANS OR AMENDMENTS DEVELOPED IN RESPONSE TO SUCH
21 REQUESTS ARE SEPARATE FROM STAFF PLANS, FOR PURPOSES OF
22 SUBSECTION (6) OF THIS SECTION.

23 (5) (a) THE COMMISSION MAY ADOPT A FINAL SENATE OR HOUSE
24 PLAN AT ANY TIME AFTER PRESENTATION OF THE FIRST STAFF PLANS, IN
25 WHICH CASE NONPARTISAN STAFF DOES NOT NEED TO PREPARE OR PRESENT
26 ADDITIONAL STAFF PLANS FOR THE HOUSE FOR WHICH A MAP HAS BEEN
27 ADOPTED.

1 (b) NO LATER THAN SEPTEMBER 15 OF THE REDISTRICTING YEAR,
2 THE COMMISSION SHALL ADOPT FINAL SENATE AND HOUSE PLANS, WHICH
3 MUST THEN BE SUBMITTED TO THE SUPREME COURT FOR ITS REVIEW AND
4 DETERMINATION IN ACCORDANCE WITH SECTION 48.3 OF THIS ARTICLE V.

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

9 (d) THE COMMISSION MAY GRANT ITS NONPARTISAN STAFF THE
10 AUTHORITY TO MAKE TECHNICAL DE MINIMIS ADJUSTMENTS TO THE
11 ADOPTED SENATE AND HOUSE PLANS PRIOR TO THEIR SUBMISSION TO THE
12 SUPREME COURT.

13 (6) IF, FOR ANY REASON, THE COMMISSION DOES NOT ADOPT A
14 FINAL PLAN FOR BOTH HOUSES OF THE GENERAL ASSEMBLY BY THE DATE
15 SPECIFIED IN SUBSECTION (5) OF THIS SECTION, THEN NONPARTISAN STAFF
16 SHALL SUBMIT THE UNAMENDED THIRD STAFF PLAN TO THE SUPREME
17 COURT FOR REVIEW PURSUANT TO SECTION 48.3 OF THIS ARTICLE V. IF THE
18 COMMISSION APPROVES A PLAN FOR ONE HOUSE OF THE GENERAL
19 ASSEMBLY BUT NOT THE OTHER HOUSE, THEN THE PLAN FOR THE
20 APPROVED HOUSE SHALL BE SUBMITTED TO THE SUPREME COURT AS THE
21 FINAL PLAN FOR THAT HOUSE, AND THE UNAMENDED THIRD STAFF PLAN
22 SHALL BE SUBMITTED TO THE SUPREME COURT AS THE FINAL PLAN FOR THE
23 HOUSE FOR WHICH THE COMMISSION DID NOT APPROVE A PLAN.

24 **Section 48.3. Supreme court review.** (1) THE SUPREME COURT
25 SHALL REVIEW THE SUBMITTED PLANS AND DETERMINE WHETHER THE
26 PLANS COMPLY WITH THE CRITERIA LISTED IN SECTION 48.1 OF THIS
27 ARTICLE V. THE COURT'S REVIEW AND DETERMINATION SHALL TAKE

1 PRECEDENCE OVER OTHER MATTERS BEFORE THE COURT. THE SUPREME
2 COURT SHALL ADOPT RULES FOR SUCH PROCEEDINGS AND FOR THE
3 PRODUCTION AND PRESENTATION OF SUPPORTIVE EVIDENCE FOR SUCH
4 PLANS. ANY LEGAL ARGUMENTS CONCERNING SUCH PLANS SHALL BE
5 SUBMITTED TO THE SUPREME COURT PURSUANT TO THE SCHEDULE
6 ESTABLISHED BY THE COURT.

7 (2) THE SUPREME COURT SHALL APPROVE THE PLANS SUBMITTED
8 UNLESS IT FINDS THAT THE COMMISSION OR NONPARTISAN STAFF, IN THE
9 CASE OF A STAFF PLAN SUBMITTED IN THE ABSENCE OF A
10 COMMISSION-APPROVED PLAN, ABUSED ITS DISCRETION IN APPLYING OR
11 FAILING TO APPLY THE CRITERIA LISTED IN SECTION 48.1 OF THIS ARTICLE
12 V, IN LIGHT OF THE RECORD BEFORE THE COMMISSION. THE SUPREME
13 COURT MAY CONSIDER ANY MAPS SUBMITTED TO THE COMMISSION IN
14 ASSESSING WHETHER THE COMMISSION OR NONPARTISAN STAFF, IN THE
15 CASE OF A STAFF PLAN SUBMITTED IN THE ABSENCE OF A
16 COMMISSION-APPROVED PLAN, ABUSED ITS DISCRETION.

17 (3) IF THE SUPREME COURT DETERMINES THAT THE SUBMITTED
18 STATE SENATE PLAN OR THE SUBMITTED STATE HOUSE OF
19 REPRESENTATIVES PLAN CONSTITUTES AN ABUSE OF DISCRETION IN
20 APPLYING OR FAILING TO APPLY THE CRITERIA LISTED IN SECTION 48.1 OF
21 THIS ARTICLE V, IN LIGHT OF THE RECORD BEFORE THE COMMISSION, THE
22 SUPREME COURT SHALL RETURN THE RESPECTIVE PLAN TO THE
23 COMMISSION WITH THE COURT'S REASONS FOR DISAPPROVAL.

24 (4) (a) BY NOVEMBER 15 OF THE REDISTRICTING YEAR, THE
25 SUPREME COURT SHALL APPROVE OR RETURN TO THE COMMISSION THE
26 SUBMITTED STATE SENATE PLAN AND THE SUBMITTED STATE HOUSE OF
27 REPRESENTATIVES PLAN.

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

5 (c) IF THE COMMISSION FAILS TO ADOPT AND RETURN A PLAN TO
6 THE COURT WITHIN TWELVE DAYS, NONPARTISAN STAFF SHALL HAVE AN
7 ADDITIONAL THREE DAYS TO PREPARE A PLAN THAT RESOLVES THE
8 COURT'S REASONS FOR DISAPPROVAL AND RETURN IT TO THE COURT FOR
9 APPROVAL.

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

12 (5) THE SUPREME COURT SHALL APPROVE PLANS FOR THE
13 REDRAWING OF STATE SENATE DISTRICTS AND STATE HOUSE OF
14 REPRESENTATIVE DISTRICTS NO LATER THAN DECEMBER 29 OF THE
15 REDISTRICTING YEAR. THE COURT SHALL ORDER THAT SUCH PLANS BE
16 FILED WITH THE SECRETARY OF STATE NO LATER THAN SUCH DATE.

17 **Section 48.4. Severability.** IF ANY PROVISION OF SECTIONS 46
18 THROUGH 48.3 OF THIS ARTICLE V IS FOUND BY A COURT OF COMPETENT
19 JURISDICTION TO BE UNCONSTITUTIONAL, OR IF ANY APPLICATION OF
20 THESE SECTIONS IS FOUND BY SUCH A COURT TO BE UNCONSTITUTIONAL,
21 SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS
22 OF THE REMAINING PROVISIONS OF THESE SECTIONS THAT CAN BE GIVEN
23 EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION. THE
24 PROVISIONS OF SECTIONS 46 THROUGH 48.3 OF THIS ARTICLE V ARE
25 DEEMED AND DECLARED SEVERABLE.

26 **SECTION 2.** Each elector voting at the election may cast a vote
27 either "Yes/For" or "No/Against" on the following ballot title: "Shall

1 there be an amendment to the Colorado constitution concerning a change
2 to the manner in which state senate and state house of representatives
3 districts are drawn, and, in connection therewith, reforming the existing
4 legislative reapportionment commission by expanding the commission to
5 twelve members and authorizing the appointment of members who
6 possess specified qualifications; prohibiting any one political party's
7 control of the commission by requiring that one-third of commissioners
8 will not be affiliated with any political party, one-third of the
9 commissioners will be affiliated with the state's largest political party, and
10 one-third of the commissioners will be affiliated with the state's second
11 largest political party; prohibiting certain persons, including professional
12 lobbyists, federal campaign committee employees, and federal, state, and
13 local elected officials, from serving on the commission; limiting judicial
14 review of a map to a determination by the supreme court of whether the
15 commission or its nonpartisan staff committed an abuse of discretion;
16 requiring the commission to draw state legislative districts using
17 communities of interest as well as political subdivisions, such as cities
18 and counties, and then to maximize the number of competitive state
19 legislative seats to the extent possible; and prohibiting maps from being
20 drawn to dilute the electoral influence of any racial or ethnic group or to
21 protect any incumbent, any political candidate, or any political party?"

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