

## Amendment Y Congressional Redistricting

1 **Amendment Y proposes amending the Colorado Constitution to:**

- 2 ♦ create the Independent Congressional Redistricting Commission, consisting of  
3 an equal number of members from each of the state's two largest political parties  
4 and unaffiliated voters, to amend and approve congressional district maps drawn  
5 by nonpartisan legislative staff;
- 6 ♦ establish a process for selecting commissioners, new requirements for  
7 transparency and ethics, and a procedure for judicial review of commission  
8 maps; and
- 9 ♦ establish and prioritize the criteria the commission must use for adopting the  
10 state's U.S. congressional district map.

### 11 **Summary and Analysis**

12 Amendment Y establishes a new process for congressional redistricting.  
13 Amendment Z, which is also on the 2018 ballot, proposes a similar but separate process  
14 for state legislative redistricting.

15 ***Reapportionment and redistricting.*** The U.S. Census Bureau counts the U.S.  
16 population every ten years. After this, the congressional reapportionment process  
17 occurs, by which each state is granted seats in the U.S. House of Representatives  
18 based on its share of the total U.S. population. The states must then redraw their  
19 districts so that the number of people in each district is equal.

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21 seats in the U.S. House of Representatives. Under the state constitution, the state  
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28 Amendment Y transfers the authority to draw congressional district maps from the  
29 state legislature to a newly created Independent Congressional Redistricting  
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31 largest political party, which is currently the Democratic Party, 4 from the state's second  
32 largest political party, which is currently the Republican Party, and 4 who are not  
33 affiliated with any political party. These members are appointed from a pool of  
34 applicants as described below.

35 ***Application and appointment process.*** Amendment Y sets minimum qualifications  
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37 previous two general elections in Colorado, and have been either affiliated with the same  
38 party or unaffiliated with any party for the last five consecutive years. An applicant may

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2 within the last five years, or within the last three years been: a professional registered  
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4 level; or paid by a member of or candidate for Congress. Commissioners may not also  
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7 The measure requires nonpartisan legislative staff to prepare an application form for  
8 commissioners after receiving public input on the application at one or more public  
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12 The Chief Justice of the Colorado Supreme Court designates a panel of three of the  
13 most recently retired judges from the Colorado Supreme Court or Colorado Court of  
14 Appeals to facilitate the selection of commissioners. No more than one of the three  
15 judges may be registered with any one political party, and the panel's decisions must be  
16 unanimous. Selected judges may not also serve on the panel that facilitates the  
17 selection of the proposed Independent Legislative Redistricting Commission. From all of  
18 the qualified applicants, the panel of retired judges randomly selects a pool of 1,050  
19 applicants. The panel then narrows the applicant pool to 150 applicants using criteria  
20 related to applicants' experience, analytical skills, and ability to be impartial and promote  
21 consensus.

22 From the 150-person applicant pool, the panel randomly chooses 2 commissioners  
23 affiliated with the state's largest political party, 2 commissioners affiliated with the state's  
24 second largest political party, and 2 commissioners who are not affiliated with a political  
25 party. For the remaining 6 commissioners, the panel selects 2 additional unaffiliated  
26 commissioners from the pool of 1,050 applicants, and 4 commissioners from applicant  
27 pools determined by legislative leaders. The final 12-member commission will have  
28 4 Democrats, 4 Republicans, and 4 unaffiliated members, unless another political party  
29 becomes the largest or second largest political party in the state. The final composition  
30 of the commission should reflect Colorado's racial, ethnic, gender, and geographic  
31 diversity, and must include members from each congressional district, including at least  
32 one member from the Western Slope.

33 **Commission operations.** Under the measure, the commission is responsible for  
34 adopting rules to govern its administration and operation, and the commissioners are  
35 subject to open meeting laws. Staff for the commission must be assigned from  
36 nonpartisan legislative staff agencies. Commissioners are prohibited from  
37 communicating with nonpartisan legislative staff about any maps outside of a public  
38 meeting or hearing, and staff are prohibited from communicating with outside parties  
39 concerning the development of a redistricting map. Any commissioner who participates  
40 in prohibited communication must be removed from the commission. Any person who  
41 receives compensation for advocating to the commission, one or more commissioners,  
42 or staff is considered a lobbyist and must disclose his or her compensation and its  
43 source to the Secretary of State for publication.

1       **Criteria for drawing a congressional district map.** The U.S. Constitution requires  
2 that all congressional districts within a state have equal populations. Under the federal  
3 Voting Rights Act of 1965, the state cannot change voting standards, practices, or  
4 procedures in a way that denies or limits the right to vote based on race or color or  
5 membership in a language minority group. In particular, the act requires that a minority  
6 group's voting strength not be diluted under a redistricting map. Amendment Y  
7 incorporates principles of the Voting Rights Act into state law and prohibits the approval  
8 of a map that violates these principles.

9       Amendment Y also adds criteria for the commission to follow when adopting a map.  
10 After achieving population equality and complying with the Voting Rights Act, the  
11 commission must preserve whole political subdivisions and communities of interest as  
12 much as possible, and districts must be as compact as possible. After the consideration  
13 of these criteria, Amendment Y requires the commission to maximize the number of  
14 politically competitive districts, which are defined as having the reasonable potential for  
15 the party affiliation of the district's representative to change at least once over the  
16 decade, to the extent possible. Maps cannot be drawn for the purpose of protecting  
17 incumbents, candidates, or political parties.

18       **Map consideration and public involvement.** The measure directs nonpartisan  
19 commission staff to create a preliminary redistricting map, and requires them to consider  
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32 presentation of the first staff map.

33       **Final map.** Under the measure, the commission must adopt a final map and submit  
34 it to the Colorado Supreme Court for review. At least 8 of the 12 commissioners,  
35 including at least 2 unaffiliated commissioners, must approve the final map, and the map  
36 must be made public before the commission votes on it. If the commission fails to  
37 submit a final map, a staff map must be submitted, without amendments, to the Colorado  
38 Supreme Court for judicial review.

39       The Colorado Supreme Court must approve the final map unless the court finds that  
40 the commission abused its discretion in applying or failing to apply required criteria, in  
41 which case the court must return it to the commission. If returned, the commission has  
42 12 days to hold a hearing and submit a revised map to the Colorado Supreme Court. If  
43 the commission fails to submit a revised map, nonpartisan staff have an additional three  
44 days to submit a revised map. The Colorado Supreme Court must approve a  
45 congressional redistricting map by December 15 of the redistricting year.

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## 1 Arguments For

- 2 1) Amendment Y limits the role of partisan politics in the congressional redistricting  
3 process by transferring the legislature's role to an independent commission. The  
4 measure creates a system of checks and balances to ensure that no one political  
5 party controls the commission. Republicans, Democrats, and unaffiliated voters  
6 must be appointed to the commission in equal numbers. Lobbyists and  
7 politicians are prohibited from serving on the new commission. Additionally,  
8 nonpartisan legislative staff draw the district maps, and a map's approval  
9 requires a supermajority vote of the commission, including at least two  
10 unaffiliated commissioners. These provisions encourage political compromise by  
11 keeping political parties and politicians with a vested interest in the outcome from  
12 controlling the redistricting process.
- 13 2) The measure makes the redistricting process more transparent and provides  
14 greater opportunity for public participation. Congressional redistricting is  
15 conducted by an independent commission in public meetings, with safeguards  
16 against undue influence in the preparation and adoption of maps. All Coloradans  
17 will have the opportunity to engage in the process because the commission will  
18 conduct meetings throughout the state rather than only at the State Capitol. The  
19 commission is subject to state open records and open meetings laws, and  
20 anyone paid to lobby the commission has 72 hours to disclose their lobbying  
21 activities. By requiring that map-related communications occur in public,  
22 Coloradans will be able to see exactly how the districts are drawn.
- 23 3) The measure brings structure to the redistricting process by using clear, ordered,  
24 and fair criteria in the drawing of districts. By prioritizing factors such as  
25 communities of interest, city and county lines, and political competitiveness, it  
26 provides specific direction to the commission about how it should evaluate  
27 proposed maps. It also prevents the adoption of a map that protects incumbents,  
28 candidates, or political parties, or a map that dilutes the electoral influence of  
29 racial or ethnic minorities. Along with these prioritized criteria, the measure  
30 prescribes a structured court review process and provides more guidance  
31 regarding the court's role than has existed in prior redistricting cycles.

## 32 Arguments Against

- 33 1) Amendment Y takes accountability out of the redistricting process. Unlike state  
34 legislators who are subject to election and campaign finance requirements,  
35 unelected commissioners are not accountable to the voters of Colorado. The  
36 selection process relies on unelected retired judges to screen applicants and

1 select half of the commissioners. Further, the commission is staffed by  
2 government employees who are not accountable to the voters, and they may end  
3 up drawing the final map if the commission cannot reach an agreement.

4 2) The commissioner selection process outlined in the measure is complex, and half  
5 of the members are determined by random chance. This complicated and  
6 random selection process may prevent individuals with important experience and  
7 knowledge from becoming commissioners. While the goal of the random  
8 selection may be to remove politics from redistricting, unaffiliated commissioners  
9 with partisan views could still be selected, and the selection process may not  
10 result in a commission that can be impartial and promote consensus.

11 3) The measure outlines criteria that may be difficult to apply in an objective  
12 manner. For example, the broad definition of communities of interest is vague  
13 and open to interpretation. The measure also leaves the commission to  
14 determine what a competitive district is without specifying what factors to  
15 consider. Additionally, the four unaffiliated commissioners will have political  
16 leanings that may be difficult to discern, but that could sway how they apply the  
17 criteria and influence the final map, since many critical votes require their  
18 support. The resulting map may serve to protect certain segments of the  
19 population at the expense of others and could result in districts that make no  
20 sense to voters.

## 21 **Estimate of Fiscal Impact**

22 **State revenue.** Beginning in FY 2020-21, Amendment Y may minimally increase  
23 Secretary of State cash fund revenue from fines collected from lobbyists who fail to  
24 disclose the required information.

25 **State expenditures.** Overall, Amendment Y increases state expenditures to fund  
26 the commission by \$31,479 in FY 2020-21 and \$642,745 in FY 2021-22 as compared  
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26       disclose the required information.

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28       the commission by \$31,479 in FY 2020-21 and \$642,745 in FY 2021-22 as compared  
29       with the expenses for the current process.

# Last Draft Comments from Interested Parties

## Amendment Y Congressional Redistricting

### Richard Brown, representing himself:

I think this is well done. It is fair and balanced and will be useful to the voters.

### Bill Hobbs, representing Fair Maps Colorado as the proponents:

On behalf of Fair Maps Colorado, an issue committee supporting Amendment Y, I am submitting the following comment on the third draft of the Blue Book analysis.

Page 3, lines 6 through 8, contains the following sentence at the end of the paragraph:

Amendment Y incorporates principles of the Voting Rights Act into state law and prohibits the commission from adopting a map that violates its provisions. (Emphasis added.)

This sentence raises some concern. What does "its provisions" refer to? "Amendment Y"? "The Voting Rights Act"? "state law"? The sentence might be a little clearer if "its provisions" is replaced by "these principles". Also, it is not only "the commission" that is prohibited from violating the measure's VRA principles, but also the Supreme Court when it reviews a map. To address these concerns, we suggest rewording the sentence as follows:

Amendment Y incorporates principles of the Voting Rights Act into state law and prohibits approval of a map that violates these principles.

Thank you for your consideration, and thank you for your courtesy and thoughtful work throughout the process of preparing the Blue Book analysis.

### Virginia Selby, representing herself:

Here again, to be fair to the western slope, there should be TWO commissioners selected from the western slope.

**Amendment Y  
Congressional Redistricting  
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Contact List**

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**Amendment Y  
Congressional Redistricting  
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**Amendment Y**  
**Congressional Redistricting**

1 **Ballot Title:** Shall there be an amendment to the Colorado constitution concerning a change to  
2 the way that congressional districts are drawn, and, in connection therewith, taking the duty to  
3 draw congressional districts away from the state legislature and giving it to an independent  
4 commission, composed of twelve citizens who possess specified qualifications; prohibiting any  
5 one political party's control of the commission by requiring that one-third of commissioners will  
6 not be affiliated with any political party, one-third of the commissioners will be affiliated with the  
7 state's largest political party, and one-third of the commissioners will be affiliated with the state's  
8 second largest political party; prohibiting certain persons, including professional lobbyists, federal  
9 campaign committee employees, and federal, state, and local elected officials, from serving on  
10 the commission; limiting judicial review of a map to a determination by the supreme court of  
11 whether the commission or its nonpartisan staff committed an abuse of discretion; requiring the  
12 commission to draw districts with a focus on communities of interest and political subdivisions,  
13 such as cities and counties, and then to maximize the number of competitive congressional seats  
14 to the extent possible; and prohibiting maps from being drawn to dilute the electoral influence of  
15 any racial or ethnic group or to protect any incumbent, any political candidate, or any political  
16 party?

17 *Be It Resolved by the Senate of the Seventy-first General Assembly of the State of*  
18 *Colorado, the House of Representatives concurring herein:*

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

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

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

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

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

33 (c) THE REDISTRICTING COMMISSION SHOULD SET DISTRICT LINES BY ENSURING  
34 CONSTITUTIONALLY GUARANTEED VOTING RIGHTS, INCLUDING THE PROTECTION OF MINORITY GROUP  
35 VOTING, AS WELL AS FAIR AND EFFECTIVE REPRESENTATION OF CONSTITUENTS USING POLITICALLY  
36 NEUTRAL CRITERIA;

37 (d) COMPETITIVE ELECTIONS FOR MEMBERS OF THE UNITED STATES HOUSE OF  
38 REPRESENTATIVES PROVIDE VOTERS WITH A MEANINGFUL CHOICE AMONG CANDIDATES, PROMOTE A  
39 HEALTHY DEMOCRACY, HELP ENSURE THAT CONSTITUENTS RECEIVE FAIR AND EFFECTIVE

1 REPRESENTATION, AND CONTRIBUTE TO THE POLITICAL WELL-BEING OF KEY COMMUNITIES OF INTEREST  
2 AND POLITICAL SUBDIVISIONS;

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

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

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

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

19 (a) "COMMISSION" MEANS THE INDEPENDENT CONGRESSIONAL REDISTRICTING COMMISSION  
20 CREATED IN SUBSECTION (2) OF THIS SECTION.

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

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

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

29 (B) SHARED PUBLIC POLICY CONCERNS SUCH AS EDUCATION, EMPLOYMENT, ENVIRONMENT,  
30 PUBLIC HEALTH, TRANSPORTATION, WATER NEEDS AND SUPPLIES, AND ISSUES OF DEMONSTRABLE  
31 REGIONAL SIGNIFICANCE.

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

36 (IV) "COMMUNITY OF INTEREST" DOES NOT INCLUDE RELATIONSHIPS WITH POLITICAL PARTIES,  
37 INCUMBENTS, OR POLITICAL CANDIDATES.

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

1 (d) "REDISTRICTING YEAR" MEANS THE YEAR FOLLOWING THE YEAR IN WHICH THE FEDERAL  
2 DECENNIAL CENSUS IS TAKEN.

3 (e) "STAFF" OR "NONPARTISAN STAFF" MEANS THE STAFF OF THE GENERAL ASSEMBLY'S  
4 LEGISLATIVE COUNCIL AND OFFICE OF LEGISLATIVE LEGAL SERVICES, OR THEIR SUCCESSOR OFFICES,  
5 WHO ARE ASSIGNED TO 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 44.1 THROUGH 44.5 OF  
8 THIS ARTICLE V FALLS ON A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THEN THE DATE IS EXTENDED TO  
9 THE NEXT DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

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

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

15 (2) THE COMMISSION CONSISTS OF TWELVE MEMBERS WHO HAVE THE FOLLOWING  
16 QUALIFICATIONS:

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

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

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

23 (I) IS OR HAS BEEN A CANDIDATE FOR FEDERAL ELECTIVE OFFICE WITHIN THE LAST FIVE YEARS  
24 PRECEDING THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE COMMISSION ARE DUE  
25 UNDER SUBSECTION (4) OF THIS SECTION;

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

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

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

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

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

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

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

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

26 (5) (a) NO LATER THAN JANUARY 5 OF THE REDISTRICTING YEAR, THE CHIEF JUSTICE OF THE  
27 COLORADO SUPREME COURT SHALL DESIGNATE A PANEL TO REVIEW THE APPLICATIONS. THE PANEL  
28 MUST CONSIST OF THE THREE JUSTICES OR JUDGES WHO MOST RECENTLY RETIRED FROM THE  
29 COLORADO SUPREME COURT OR THE COLORADO COURT OF APPEALS, APPOINTED SEQUENTIALLY  
30 STARTING WITH THE MOST RECENT JUSTICE OR JUDGE TO RETIRE WHO HAS BEEN AFFILIATED WITH THE  
31 SAME POLITICAL PARTY OR UNAFFILIATED WITH ANY POLITICAL PARTY FOR THE TWO YEARS PRIOR TO  
32 APPOINTMENT; EXCEPT THAT NO APPOINTEE, WITHIN TWO YEARS PRIOR TO APPOINTMENT, SHALL HAVE  
33 BEEN AFFILIATED WITH THE SAME POLITICAL PARTY AS A JUSTICE OR JUDGE ALREADY APPOINTED TO  
34 THE PANEL. IF ANY OF THE THREE JUSTICES OR JUDGES WHO MOST RECENTLY RETIRED FROM THE  
35 COLORADO SUPREME COURT OR THE COLORADO COURT OF APPEALS IS UNABLE OR UNWILLING TO  
36 SERVE ON THE PANEL OR HAS BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO APPOINTMENT WITH A  
37 POLITICAL PARTY ALREADY REPRESENTED ON THE PANEL, THEN THE CHIEF JUSTICE SHALL APPOINT THE  
38 NEXT JUSTICE OR JUDGE WHO MOST RECENTLY RETIRED FROM THE COLORADO SUPREME COURT OR  
39 THE COLORADO COURT OF APPEALS AND WHO HAS NOT BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO  
40 APPOINTMENT WITH THE SAME POLITICAL PARTY AS ANY JUSTICE OR JUDGE ALREADY APPOINTED TO  
41 THE PANEL. IF, AFTER CONSIDERING ALL JUSTICES AND JUDGES WHO HAVE RETIRED FROM THE  
42 COLORADO SUPREME COURT AND THE COLORADO COURT OF APPEALS, FEWER THAN THREE ELIGIBLE  
43 PARTICIPANTS FOR THE PANEL HAVE BEEN IDENTIFIED WHO ARE ABLE AND WILLING TO SERVE, THE  
44 CHIEF JUSTICE SHALL APPOINT THE MOST RECENTLY RETIRED DISTRICT COURT JUDGE WHO HAS NOT  
45 BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO APPOINTMENT WITH THE SAME POLITICAL PARTY AS ANY  
46 PREVIOUS APPOINTEE TO THE PANEL AND WHO ACCEPTS SUCH APPOINTMENT. NO JUSTICE OR JUDGE

1 SHALL SERVE BOTH ON THIS PANEL AND THE PANEL ASSISTING IN THE PROCESS OF CHOOSING  
2 MEMBERS OF THE COMMISSION RESPONSIBLE FOR DIVIDING THE STATE INTO STATE SENATE AND STATE  
3 HOUSE OF REPRESENTATIVES DISTRICTS.

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

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

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

17 (7) BY JANUARY 18 OF THE REDISTRICTING YEAR, THE PANEL, IN A PUBLIC MEETING, SHALL  
18 RANDOMLY SELECT BY LOT FROM ALL OF THE APPLICANTS WHO WERE FOUND TO MEET THE  
19 QUALIFICATIONS SPECIFIED IN SUBSECTION (2) OF THIS SECTION THE NAMES OF THREE HUNDRED  
20 APPLICANTS WHO ARE AFFILIATED WITH THE STATE'S LARGEST POLITICAL PARTY, THREE HUNDRED  
21 APPLICANTS WHO ARE AFFILIATED WITH THE STATE'S SECOND LARGEST POLITICAL PARTY, AND FOUR  
22 HUNDRED FIFTY APPLICANTS WHO ARE NOT AFFILIATED WITH ANY POLITICAL PARTY, OR SUCH LESSER  
23 NUMBER AS THERE ARE TOTAL APPLICANTS WHO MEET THE QUALIFICATIONS SPECIFIED IN SUBSECTION  
24 (2) OF THIS SECTION FOR EACH OF THOSE GROUPS.

25 (8) (a) IN ONE OR MORE PUBLIC HEARINGS CONDUCTED ON OR BEFORE FEBRUARY 1 OF THE  
26 REDISTRICTING YEAR, AFTER REVIEWING THE APPLICATIONS OF THE APPLICANTS SELECTED IN  
27 ACCORDANCE WITH SUBSECTION (7) OF THIS SECTION, THE PANEL SHALL IDENTIFY FIFTY APPLICANTS  
28 WHO ARE AFFILIATED WITH THE STATE'S LARGEST POLITICAL PARTY, FIFTY APPLICANTS WHO ARE  
29 AFFILIATED WITH THE STATE'S SECOND LARGEST POLITICAL PARTY, AND FIFTY APPLICANTS WHO ARE  
30 UNAFFILIATED WITH ANY POLITICAL PARTY AND WHO BEST DEMONSTRATE:

31 (I) EXPERIENCE IN ORGANIZING, REPRESENTING, ADVOCATING FOR, ADJUDICATING THE  
32 INTERESTS OF, OR ACTIVELY PARTICIPATING IN GROUPS, ORGANIZATIONS, OR ASSOCIATIONS IN  
33 COLORADO; AND

34 (II) RELEVANT ANALYTICAL SKILLS, THE ABILITY TO BE IMPARTIAL, AND THE ABILITY TO  
35 PROMOTE CONSENSUS ON THE COMMISSION.

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

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

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

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

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

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

18 (b) AS DETERMINED BY THE LEGISLATIVE LEADERS IN SELECTING THEIR RESPECTIVE POOLS,  
19 THE APPLICANTS SELECTED FOR EACH POOL MUST MEET THE QUALIFICATIONS SET FORTH IN  
20 SUBSECTION (2) OF THIS SECTION AND DEMONSTRATE THE QUALITIES LISTED IN SUBSECTION (8)(a) OF  
21 THIS SECTION.

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

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

28 (10) BY MARCH 1 OF THE REDISTRICTING YEAR, THE PANEL OF JUDGES SHALL SELECT, IN SUCH  
29 ORDER AS THE PANEL DETERMINES, ONE COMMISSIONER FROM EACH LEGISLATIVE LEADER'S POOL OF  
30 APPLICANTS AND TWO COMMISSIONERS FROM THOSE APPLICANTS WHO ARE NOT AFFILIATED WITH ANY  
31 POLITICAL PARTY AND WHOSE NAMES WERE RANDOMLY SELECTED BY LOT PURSUANT TO SUBSECTION  
32 (7) OF THIS SECTION. THE PANEL OF JUDGES MUST ENSURE THAT THE COMMISSION INCLUDES FOUR  
33 COMMISSIONERS WHO ARE NOT AFFILIATED WITH ANY POLITICAL PARTY, FOUR COMMISSIONERS WHO  
34 ARE AFFILIATED WITH THE STATE'S LARGEST POLITICAL PARTY, AND FOUR COMMISSIONERS WHO ARE  
35 AFFILIATED WITH THE STATE'S SECOND LARGEST POLITICAL PARTY. THE PANEL OF JUDGES MAY  
36 INTERVIEW APPLICANTS BEFORE MAKING THE APPOINTMENTS. IN SELECTING APPLICANTS, THE PANEL  
37 SHALL, IN ADDITION TO CONSIDERING APPLICANTS' OTHER QUALIFICATIONS:

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

40 (b) ENSURE THAT AT LEAST ONE COMMISSIONER IS REGISTERED TO VOTE IN EACH  
41 CONGRESSIONAL DISTRICT BUT NO MORE THAN TWO COMMISSIONERS ARE REGISTERED TO VOTE IN  
42 ANY SINGLE CONGRESSIONAL DISTRICT;



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

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

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

14 (b) ANY VACANCY ON THE COMMISSION, INCLUDING ONE THAT OCCURS DUE TO DEATH,  
15 RESIGNATION, REMOVAL, FAILURE TO MEET THE QUALIFICATIONS OF APPOINTMENT, REFUSAL OR  
16 INABILITY TO ACCEPT AN APPOINTMENT, OR OTHERWISE, MUST BE FILLED AS SOON AS POSSIBLE BY THE  
17 DESIGNATED APPOINTING AUTHORITY FROM THE DESIGNATED POOL OF ELIGIBLE APPLICANTS FOR THAT  
18 COMMISSIONER'S POSITION AND IN THE SAME MANNER AS THE ORIGINALLY CHOSEN COMMISSIONER;  
19 EXCEPT THAT NO COMMISSIONER CHOSEN TO FILL A VACANCY WILL BE BYPASSED FOR APPOINTMENT IF  
20 ALL CONGRESSIONAL DISTRICTS ARE ALREADY REPRESENTED ON THE COMMISSION.

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

25 **Section 44.2. Commission organization - procedures - transparency - voting**  
26 **requirements. (1) Initial organization, officers, procedures, rules, and transparency.**

27 (a) THE GOVERNOR SHALL CONVENE THE COMMISSION NO LATER THAN MARCH 15 OF THE  
28 REDISTRICTING YEAR AND APPOINT A TEMPORARY CHAIRPERSON FROM THE COMMISSION'S MEMBERS.  
29 UPON CONVENING, THE COMMISSION SHALL ELECT A CHAIR AND A VICE-CHAIR, WHO ARE NOT MEMBERS  
30 OF THE SAME POLITICAL PARTY, AND OTHER SUCH OFFICERS AS IT DETERMINES.

31 (b) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL AND THE DIRECTOR OF THE  
32 OFFICE OF LEGISLATIVE LEGAL SERVICES, OR THE DIRECTORS OF SUCCESSOR NONPARTISAN OFFICES  
33 OF THE GENERAL ASSEMBLY, SHALL APPOINT NONPARTISAN STAFF FROM THEIR RESPECTIVE OFFICES  
34 AS NEEDED TO ASSIST THE COMMISSION AND THE PANEL OF JUDGES AS DESCRIBED IN SECTION 44.1  
35 OF THIS ARTICLE V. NONPARTISAN STAFF SHALL ACQUIRE AND PREPARE ALL NECESSARY RESOURCES,  
36 INCLUDING COMPUTER HARDWARE, SOFTWARE, AND DEMOGRAPHIC, GEOGRAPHIC, AND POLITICAL  
37 DATABASES, AS FAR IN ADVANCE AS NECESSARY TO ENABLE THE COMMISSION TO BEGIN ITS WORK  
38 IMMEDIATELY UPON CONVENING.

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

42 (d) THE GENERAL ASSEMBLY SHALL APPROPRIATE SUFFICIENT FUNDS FOR THE PAYMENT OF  
43 THE EXPENSES OF THE COMMISSION, THE COMPENSATION AND EXPENSES OF NONPARTISAN STAFF,

1 AND THE COMPENSATION AND EXPENSES OF THE PANEL OF JUDGES AS DESCRIBED IN SECTION 44.1 OF  
2 THIS ARTICLE V. MEMBERS OF THE COMMISSION SHALL BE REIMBURSED FOR THEIR REASONABLE AND  
3 NECESSARY EXPENSES AND MAY ALSO RECEIVE SUCH PER DIEM ALLOWANCE AS MAY BE ESTABLISHED  
4 BY THE GENERAL ASSEMBLY. SUBJECT TO AVAILABLE APPROPRIATIONS, HARDWARE AND SOFTWARE  
5 NECESSARY FOR THE DEVELOPMENT OF PLANS MAY, AT THE REQUEST OF ANY COMMISSIONER, BE  
6 PROVIDED TO THE COMMISSIONER. THE COMMISSION AND ITS STAFF MUST HAVE ACCESS TO  
7 STATISTICAL INFORMATION COMPILED BY THE STATE AND ITS POLITICAL SUBDIVISIONS AS NECESSARY  
8 FOR ITS DUTIES. STATE AGENCIES AND POLITICAL SUBDIVISIONS SHALL COMPLY WITH REQUESTS FROM  
9 THE COMMISSION AND ITS STAFF FOR SUCH STATISTICAL INFORMATION.

10 (e) THE COMMISSION SHALL ADOPT RULES TO GOVERN ITS ADMINISTRATION AND OPERATION.  
11 THE COMMISSION MUST PROVIDE AT LEAST SEVENTY-TWO HOURS OF ADVANCE PUBLIC NOTICE OF ALL  
12 PROPOSED RULES PRIOR TO CONSIDERATION FOR ADOPTION; EXCEPT THAT PROPOSED RULES MAY BE  
13 AMENDED DURING COMMISSION DELIBERATIONS WITHOUT SUCH ADVANCE NOTICE OF SPECIFIC,  
14 RELATED AMENDMENTS. NEITHER THE COMMISSION'S PROCEDURAL RULES NOR ITS MAPPING  
15 DECISIONS ARE SUBJECT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24,  
16 C.R.S., OR ANY SUCCESSOR STATUTE. RULES MUST INCLUDE BUT NEED NOT BE LIMITED TO THE  
17 FOLLOWING:

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

19 (II) MAINTENANCE OF A RECORD OF THE COMMISSION'S ACTIVITIES AND PROCEEDINGS,  
20 INCLUDING A RECORD OF WRITTEN AND ORAL TESTIMONY RECEIVED, AND OF THE COMMISSION'S  
21 DIRECTIONS TO NONPARTISAN STAFF ON PROPOSED CHANGES TO ANY PLAN AND THE COMMISSION'S  
22 RATIONALE FOR SUCH CHANGES;

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

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

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

29 (2) **Voting requirements.** A SIMPLE MAJORITY OF THE APPOINTED COMMISSIONERS MAY  
30 APPROVE RULES AND PROCEDURAL DECISIONS. THE ELECTION OF THE COMMISSION'S CHAIR AND VICE-  
31 CHAIR REQUIRES THE AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS, INCLUDING THE  
32 AFFIRMATIVE VOTE OF AT LEAST ONE COMMISSIONER WHO IS UNAFFILIATED WITH ANY POLITICAL PARTY.  
33 REMOVAL OF ANY COMMISSIONER AS PROVIDED IN THIS SECTION REQUIRES THE AFFIRMATIVE VOTE OF  
34 AT LEAST EIGHT COMMISSIONERS, INCLUDING THE AFFIRMATIVE VOTE OF AT LEAST TWO  
35 COMMISSIONERS WHO ARE UNAFFILIATED WITH ANY POLITICAL PARTY. ADOPTION OF THE FINAL PLAN  
36 FOR SUBMISSION TO THE SUPREME COURT AND THE ADOPTION OF A REVISED PLAN AFTER A PLAN IS  
37 RETURNED TO THE COMMISSION FROM THE SUPREME COURT REQUIRES THE AFFIRMATIVE VOTE OF AT  
38 LEAST EIGHT COMMISSIONERS, INCLUDING THE AFFIRMATIVE VOTE OF AT LEAST TWO COMMISSIONERS  
39 WHO ARE UNAFFILIATED WITH ANY POLITICAL PARTY. THE COMMISSION SHALL NOT VOTE UPON A FINAL  
40 PLAN UNTIL AT LEAST SEVENTY-TWO HOURS AFTER IT HAS BEEN PROPOSED TO THE COMMISSION IN A  
41 PUBLIC MEETING OR AT LEAST SEVENTY-TWO HOURS AFTER IT HAS BEEN AMENDED BY THE COMMISSION  
42 IN A PUBLIC MEETING, WHICHEVER OCCURS LATER; EXCEPT THAT COMMISSIONERS MAY UNANIMOUSLY  
43 WAIVE THE SEVENTY-TWO HOUR REQUIREMENT.

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

4           (b) THE COMMISSION MUST, TO THE MAXIMUM EXTENT PRACTICABLE, PROVIDE  
5 OPPORTUNITIES FOR COLORADO RESIDENTS TO PRESENT TESTIMONY AT HEARINGS HELD  
6 THROUGHOUT THE STATE. THE COMMISSION SHALL NOT APPROVE A REDISTRICTING MAP UNTIL AT  
7 LEAST THREE HEARINGS HAVE BEEN HELD IN EACH CONGRESSIONAL DISTRICT, INCLUDING AT LEAST  
8 ONE HEARING THAT IS HELD IN A LOCATION WEST OF THE CONTINENTAL DIVIDE AND AT LEAST ONE  
9 HEARING THAT IS HELD IN A LOCATION EAST OF THE CONTINENTAL DIVIDE AND EITHER SOUTH OF EL  
10 PASO COUNTY'S SOUTHERN BOUNDARY OR EAST OF ARAPAHOE COUNTY'S EASTERN BOUNDARY. NO  
11 GATHERING OF COMMISSIONERS CAN BE CONSIDERED A HEARING FOR THIS PURPOSE UNLESS IT IS  
12 ATTENDED, IN PERSON OR ELECTRONICALLY, BY AT LEAST TEN COMMISSIONERS. THE COMMISSION  
13 SHALL ESTABLISH BY RULE THE NECESSARY ELEMENTS OF ELECTRONIC ATTENDANCE AT A COMMISSION  
14 HEARING.

15           (c) THE COMMISSION SHALL MAINTAIN A WEBSITE OR COMPARABLE MEANS OF  
16 COMMUNICATING WITH THE PUBLIC THROUGH WHICH ANY COLORADO RESIDENT MAY SUBMIT  
17 PROPOSED MAPS OR WRITTEN COMMENTS, OR BOTH, WITHOUT ATTENDING A HEARING OF THE  
18 COMMISSION.

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

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

31           (4) **Ethical obligations - transparency - lobbyist reporting.** (a) COMMISSIONERS ARE  
32 GUARDIANS OF THE PUBLIC TRUST AND ARE SUBJECT TO ANTIBRIBERY AND ABUSE OF PUBLIC OFFICE  
33 REQUIREMENTS AS PROVIDED IN PARTS 3 AND 4 OF ARTICLE 8 OF TITLE 18, C.R.S., AS AMENDED, OR  
34 ANY SUCCESSOR STATUTE.

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

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

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

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

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

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

12 (II) THE COMMISSION, EACH COMMISSIONER, AND NONPARTISAN STAFF ARE SUBJECT TO OPEN  
13 RECORDS REQUIREMENTS AS PROVIDED IN PART 1 OF ARTICLE 72 OF TITLE 24, C.R.S., AS AMENDED,  
14 OR ANY SUCCESSOR STATUTE; EXCEPT THAT MAPS IN DRAFT FORM AND NOT SUBMITTED TO THE  
15 COMMISSION ARE NOT PUBLIC RECORDS SUBJECT TO DISCLOSURE. WORK PRODUCT AND  
16 COMMUNICATIONS AMONG NONPARTISAN STAFF ARE SUBJECT TO DISCLOSURE ONCE A PLAN IS  
17 SUBMITTED TO THE SUPREME COURT.

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

34 **Section 44.3. Criteria for determinations of congressional districts - definition.**

35 (1) IN ADOPTING A CONGRESSIONAL REDISTRICTING PLAN, THE COMMISSION SHALL:

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

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

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

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

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

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

10 (c) WHEN THE COMMISSION APPROVES A PLAN, OR WHEN NONPARTISAN STAFF SUBMITS A  
11 PLAN IN THE ABSENCE OF THE COMMISSION'S APPROVAL OF A PLAN AS PROVIDED IN SECTION 44.4 OF  
12 THIS ARTICLE V, THE NONPARTISAN STAFF SHALL, WITHIN SEVENTY-TWO HOURS OF SUCH ACTION,  
13 MAKE PUBLICLY AVAILABLE, AND INCLUDE IN THE COMMISSION'S RECORD, A REPORT TO DEMONSTRATE  
14 HOW THE PLAN REFLECTS THE EVIDENCE PRESENTED TO, AND THE FINDINGS CONCERNING, THE EXTENT  
15 TO WHICH COMPETITIVENESS IN DISTRICT ELECTIONS IS FOSTERED CONSISTENT WITH THE OTHER  
16 CRITERIA SET FORTH IN THIS SECTION.

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

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

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

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

31 **Section 44.4. Preparation, amendment, and approval of plans - public hearings and**  
32 **participation.** (1) THE COMMISSION SHALL BEGIN BY CONSIDERING A PLAN, CREATED BY  
33 NONPARTISAN STAFF ALONE, TO BE KNOWN AS THE "PRELIMINARY PLAN". THE PRELIMINARY PLAN MUST  
34 BE PRESENTED AND PUBLISHED NO EARLIER THAN THIRTY DAYS AND NO LATER THAN FORTY-FIVE DAYS  
35 AFTER THE COMMISSION HAS CONVENED OR THE NECESSARY CENSUS DATA ARE AVAILABLE,  
36 WHICHEVER IS LATER. WITHIN THE FIRST TWENTY DAYS AFTER THE COMMISSION HAS CONVENED, ANY  
37 MEMBER OF THE PUBLIC AND ANY MEMBER OF THE COMMISSION MAY SUBMIT WRITTEN COMMENTS TO  
38 NONPARTISAN STAFF ON THE CREATION OF THE PRELIMINARY PLAN AND ON COMMUNITIES OF INTEREST  
39 THAT REQUIRE REPRESENTATION IN ONE OR MORE SPECIFIC AREAS OF THE STATE. NONPARTISAN  
40 STAFF SHALL CONSIDER SUCH COMMENTS IN CREATING THE PRELIMINARY PLAN AND SUCH COMMENTS  
41 MUST BE PART OF THE RECORD OF THE COMMISSION'S ACTIVITIES AND PROCEEDINGS. AT THE FIRST  
42 PUBLIC HEARING AT WHICH THE PRELIMINARY PLAN IS PRESENTED, NONPARTISAN STAFF SHALL EXPLAIN

1 HOW THE PLAN WAS CREATED, HOW THE PLAN ADDRESSES THE CATEGORIES OF PUBLIC COMMENTS  
2 RECEIVED, AND HOW THE PLAN COMPLIES WITH THE CRITERIA PRESCRIBED IN SECTION 44.3 OF THIS  
3 ARTICLE V.

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

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

28 (4) ANY COMMISSIONER OR GROUP OF COMMISSIONERS MAY REQUEST NONPARTISAN STAFF  
29 TO PREPARE ADDITIONAL PLANS OR AMENDMENTS TO PLANS. ANY SUCH REQUEST MUST BE MADE IN A  
30 PUBLIC HEARING OF THE COMMISSION BUT DOES NOT REQUIRE COMMISSION APPROVAL. PLANS OR  
31 AMENDMENTS DEVELOPED IN RESPONSE TO SUCH REQUESTS ARE SEPARATE FROM STAFF PLANS FOR  
32 PURPOSES OF SUBSECTION (6) OF THIS SECTION.

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

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

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

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



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

4 **Section 44.5. Supreme court review.** (1) THE SUPREME COURT SHALL REVIEW THE  
5 SUBMITTED PLAN AND DETERMINE WHETHER THE PLAN COMPLIES WITH THE CRITERIA LISTED IN  
6 SECTION 44.3 OF THIS ARTICLE V. THE COURT'S REVIEW AND DETERMINATION SHALL TAKE  
7 PRECEDENCE OVER OTHER MATTERS BEFORE THE COURT. THE SUPREME COURT SHALL ADOPT RULES  
8 FOR SUCH PROCEEDINGS AND FOR THE PRODUCTION AND PRESENTATION OF SUPPORTIVE EVIDENCE  
9 FOR SUCH PLAN. ANY LEGAL ARGUMENTS CONCERNING SUCH PLAN MUST BE SUBMITTED TO THE  
10 SUPREME COURT PURSUANT TO THE SCHEDULE ESTABLISHED BY THE COURT.

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

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

22 (4) (a) BY NOVEMBER 1 OF THE REDISTRICTING YEAR, THE SUPREME COURT SHALL APPROVE  
23 THE PLAN SUBMITTED OR RETURN THE PLAN TO THE COMMISSION.  
24

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

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

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

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

36 **Section 44.6. Severability.** IF ANY PROVISION OF SECTIONS 44.1 THROUGH 44.5 OF THIS  
37 ARTICLE V IS FOUND BY A COURT OF COMPETENT JURISDICTION TO BE UNCONSTITUTIONAL, OR IF ANY  
38 APPLICATION OF THESE SECTIONS IS FOUND BY SUCH A COURT TO BE UNCONSTITUTIONAL, SUCH  
39 INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THE REMAINING PROVISIONS  
40 OF THESE SECTIONS THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION.  
41 THE PROVISIONS OF SECTIONS 44.1 THROUGH 44.5 OF THIS ARTICLE V ARE DEEMED AND DECLARED  
42 SEVERABLE.

1           **SECTION 2.** Each elector voting at the election may cast a vote either "Yes/For" or  
2 "No/Against" on the following ballot title: "Shall there be an amendment to the Colorado  
3 constitution concerning a change to the way that congressional districts are drawn, and, in  
4 connection therewith, taking the duty to draw congressional districts away from the state  
5 legislature and giving it to an independent commission, composed of twelve citizens who possess  
6 specified qualifications; prohibiting any one political party's control of the commission by requiring  
7 that one-third of commissioners will not be affiliated with any political party, one-third of the  
8 commissioners will be affiliated with the state's largest political party, and one-third of the  
9 commissioners will be affiliated with the state's second largest political party; prohibiting certain  
10 persons, including professional lobbyists, federal campaign committee employees, and federal,  
11 state, and local elected officials, from serving on the commission; limiting judicial review of a map  
12 to a determination by the supreme court of whether the commission or its nonpartisan staff  
13 committed an abuse of discretion; requiring the commission to draw districts with a focus on  
14 communities of interest and political subdivisions, such as cities and counties, and then to  
15 maximize the number of competitive congressional seats to the extent possible; and prohibiting  
16 maps from being drawn to dilute the electoral influence of any racial or ethnic group or to protect  
17 any incumbent, any political candidate, or any political party?"

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