

## Amendment Z Legislative Redistricting

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

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

### 12 **Summary and Analysis**

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

16 **Redistricting.** The state legislature has 35 state senators and 65 state  
17 representatives. The U.S. Census is conducted every ten years, and afterward state  
18 legislative districts are redrawn to have nearly equal populations.

19 **Legislative redistricting process in Colorado.** Since voters approved its creation  
20 in 1974, the Colorado Reapportionment Commission (reapportionment commission) has  
21 convened after each U.S. Census to draw new state legislative district maps. The  
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23 the Governor, and the Chief Justice of the Colorado Supreme Court. Up to 6 of the  
24 11 members may be affiliated with the same political party. The state legislature  
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26 reapportionment commission is required to draft preliminary maps for state senate and  
27 house districts and hold public hearings on the maps throughout the state. Its final maps  
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29 the Colorado Supreme Court for approval.

30 Amendment Z replaces the reapportionment commission with the Independent  
31 Legislative Redistricting Commission (commission), which is charged with drawing the  
32 state's legislative districts. The new commission must have 12 members, 4 from the  
33 state's largest political party, which is currently the Democratic Party, 4 from the state's  
34 second largest political party, which is currently the Republican Party, and 4 who are not  
35 affiliated with any political party. These members are appointed from a pool of  
36 applicants as described below.

1        **Application and appointment process.** Amendment Z sets minimum qualifications  
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3 previous two general elections in Colorado, and have been either affiliated with the same  
4 party or unaffiliated with any party for the last five consecutive years. An applicant may  
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6 legislature within the last five years, or within the last three years been: a professional  
7 registered lobbyist; an elected public official; an elected political party official above the  
8 precinct level; or paid by a member of or candidate for the state legislature.  
9 Commissioners may not also serve on the Independent Congressional Redistricting  
10 Commission proposed in Amendment Y.

11        The measure requires nonpartisan legislative staff to prepare an application form for  
12 commissioners after receiving public input on the application at one or more public  
13 hearings. All applications submitted must be posted on a public website. Nonpartisan  
14 legislative staff must review commission applications to ensure applicants meet the  
15 minimum qualifications.

16        The Chief Justice of the Colorado Supreme Court designates a panel of three of the  
17 most recently retired judges from the Colorado Supreme Court or Colorado Court of  
18 Appeals to facilitate the selection of commissioners. No more than one of the three  
19 judges may be registered with any one political party, and the panel's decisions must be  
20 unanimous. Selected judges may not also serve on the panel that facilitates the  
21 selection of the proposed Independent Congressional Redistricting Commission. From  
22 all of the qualified applicants, the panel of retired judges randomly selects a pool of  
23 1,050 applicants. The panel then narrows the applicant pool to 150 applicants using  
24 criteria related to applicants' experience, analytical skills, and ability to be impartial and  
25 promote consensus.

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

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

1       **Criteria for drawing legislative district maps.** The U.S. and Colorado  
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3 possible. Under the federal Voting Rights Act of 1965, the state cannot change voting  
4 standards, practices, or procedures in a way that denies or limits the right to vote based  
5 on race or color or membership in a language minority group. In particular, the act  
6 requires that a minority group's voting strength not be diluted under a redistricting map.

7       Additionally, current state law requires, when drawing state legislative maps, that:

- 8       • districts be contiguous and as compact in area as possible;
- 9       • the division of counties and cities among multiple districts be minimized; and
- 10      • communities of interest be preserved where possible.

11       Amendment Z maintains these criteria, but prioritizes the preservation of  
12 communities of interest and certain political subdivisions that, in their entirety, fit within a  
13 district. It limits the splitting of cities, towns, and counties to those circumstances when a  
14 community of interest, which is a group sharing specific state legislative interests, has a  
15 reason for being kept together in a district that is more essential to the fair and effective  
16 representation of voters. The measure also incorporates principles of the Voting Rights  
17 Act into state law and prohibits the approval of a map that violates these principles.

18       After these criteria are considered, Amendment Z requires the commission to  
19 maximize the number of politically competitive districts, which are defined as having the  
20 reasonable potential for the party affiliation of the district's representative to change at  
21 least once over the decade, to the extent possible. Maps cannot be drawn for the  
22 purpose of protecting incumbents, candidates, or political parties.

23       **Map consideration and public involvement.** The measure directs nonpartisan  
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25 of Representatives, and requires them to consider public comments while developing the  
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34 prepare additional maps. The commission can adopt standards and guidelines for staff  
35 to follow when developing staff maps. Any commissioner can request at a public  
36 hearing that staff prepare additional maps or amendments to maps. The commission  
37 can adopt final maps at any time after the presentation of the first staff maps.

38       **Final maps.** Under the measure, the commission must adopt final maps for state  
39 senate and house districts and submit them to the Colorado Supreme Court for review.  
40 At least 8 of the 12 commissioners, including at least 2 unaffiliated commissioners, must  
41 approve the final maps, and the maps must be made public before the commission votes  
42 on them. If the commission fails to submit the final maps, staff maps must be submitted,  
43 without amendments, to the Colorado Supreme Court for judicial review.

1 The Colorado Supreme Court must approve the final maps unless the court finds that  
2 the commission abused its discretion in applying or failing to apply required criteria, in  
3 which case the court must return them to the commission. If returned, the commission  
4 has 12 days to hold a hearing and submit the revised maps to the Colorado Supreme  
5 Court. If the commission fails to submit revised maps, nonpartisan staff have an  
6 additional three days to submit revised maps. The Colorado Supreme Court must  
7 approve the legislative redistricting maps by December 29 of the redistricting year.

*For information on those issue committees that support or oppose the measures on the ballot at the **November 6, 2018**, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:*

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## 8 Arguments For

- 9 1) Amendment Z limits the role of partisan politics in the legislative redistricting  
10 process. Through the commissioner selection process, checks and balances are  
11 in place to ensure no one political party controls the commission. Applicants  
12 must be qualified to serve on the commission and, unlike the current  
13 reapportionment commission, lobbyists and politicians are prohibited from  
14 serving. The selection process limits the appointment power of party leaders by  
15 relying on retired judges and random selection. Republicans, Democrats, and  
16 unaffiliated voters must be appointed to the commission in equal numbers.  
17 Additionally, nonpartisan legislative staff draw the district maps, and each map's  
18 approval requires a supermajority vote of the commission, including at least two  
19 unaffiliated commissioners. These provisions encourage political compromise by  
20 keeping political parties and politicians with a vested interest in the outcome from  
21 controlling the redistricting process.
- 22 2) The measure makes the redistricting process more transparent and provides  
23 greater opportunity for public participation. Legislative redistricting is conducted  
24 by a more independent commission than currently exists, with safeguards  
25 against undue influence in the preparation and adoption of maps. The  
26 commission is subject to state open records and open meetings laws, and  
27 anyone paid to lobby the commission has 72 hours to disclose their lobbying  
28 activities. By requiring that map-related communications occur in public,  
29 Coloradans will be able to see exactly how the districts are drawn.
- 30 3) The measure brings structure to the redistricting process by using clear, ordered,  
31 and fair criteria in the drawing of districts. By prioritizing factors such as  
32 communities of interest, city and county lines, and political competitiveness, it  
33 provides specific direction to the commission about how it should evaluate  
34 proposed maps. It also prevents the adoption of maps that protect incumbents,  
35 candidates, or political parties, or maps that dilute the electoral influence of racial  
36 or ethnic minorities.

## 1 **Arguments Against**

- 2 1) Amendment Z reduces accountability in the redistricting process. The selection  
3 process the measure proposes will result in a group of commissioners who are  
4 not only not elected, but are not even accountable to elected officials. This  
5 process relies on unelected retired judges to screen applicants and select half of  
6 the commissioners. Further, the commission is staffed by government  
7 employees who are not accountable to the voters, and they may end up drawing  
8 the final maps if the commission cannot agree. Legislative staff may have a  
9 vested interest in the outcome of legislative elections that could bias their work  
10 drawing district maps.
- 11 2) The commissioner selection process outlined in the measure is complex, and half  
12 of the members are determined by random chance. This complicated and  
13 random selection process may prevent individuals with important experience and  
14 knowledge from becoming commissioners. While the goal of the random  
15 selection may be to remove politics from redistricting, unaffiliated commissioners  
16 with partisan views could still be selected, and the selection process may not  
17 result in a commission that can be impartial and promote consensus.
- 18 3) The measure outlines criteria that may be difficult to apply in an objective  
19 manner. For example, the broad definition of communities of interest is vague  
20 and open to interpretation. The measure also leaves the commission to  
21 determine what a competitive district is without specifying what factors to  
22 consider. Additionally, the four unaffiliated commissioners will have political  
23 leanings that may be difficult to discern, but that could sway how they apply the  
24 criteria and influence the final maps, since many critical votes require their  
25 support. The resulting maps may serve to protect certain segments of the  
26 population at the expense of others and could result in districts that make no  
27 sense to voters.

## 28 **Estimate of Fiscal Impact**

29 **State revenue.** Beginning in FY 2020-21, Amendment Z may minimally increase  
30 Secretary of State cash fund revenue from fines collected from lobbyists who fail to  
31 disclose the required information.

32 **State expenditures.** Overall, Amendment Z increases state expenditures to fund  
33 the Independent Legislative Redistricting Commission by \$252,065 in FY 2020-21, and  
34 decreases state expenditures by \$65,977 in FY 2021-22, as compared with the  
35 expenses for the current Reapportionment Commission.

# Last Draft as Mailed to Interested Parties

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## 28 Estimate of Fiscal Impact

29 **State revenue.** Beginning in FY 2020-21, Amendment Z may minimally increase  
30 Secretary of State cash fund revenue from fines collected from lobbyists who fail to  
31 disclose the required information.

32 **State expenditures.** Overall, Amendment Z increases state expenditures to fund  
33 the Independent Legislative Redistricting Commission by \$252,065 in FY 2020-21, and  
34 decreases state expenditures by \$65,977 in FY 2021-22, as compared with the  
35 expenses for the current Reapportionment Commission.

# Last Draft Comments from Interested Parties

## Amendment Z Legislative Redistricting

### Richard Brown, representing himself:

Well done, I have no suggestions

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

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

Page 3, lines 16 through 18, contains the following sentence at the end of the paragraph:

The measure also 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 Z"? "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:

The measure also 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:

I realize that the Front Range has a much larger population, but to be fair with the western slope, there should be TWO commissioners chosen from the western slope. We have been the fair-haired stepchild far too long and deserve more representation that this.

**Amendment Z  
Legislative Redistricting  
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**Amendment Z  
Legislative Redistricting  
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**Amendment Z**  
**Legislative Redistricting**

1 **Ballot Title:** Shall there be an amendment to the Colorado constitution concerning a change to  
2 the manner in which state senate and state house of representatives districts are drawn, and, in  
3 connection therewith, reforming the existing legislative reapportionment commission by  
4 expanding the commission to twelve members and authorizing the appointment of members who  
5 possess specified qualifications; prohibiting any one political party's control of the commission by  
6 requiring that one-third of commissioners will not be affiliated with any political party, one-third of  
7 the commissioners will be affiliated with the state's largest political party, and one-third of the  
8 commissioners will be affiliated with the state's second largest political party; prohibiting certain  
9 persons, including professional lobbyists, federal campaign committee employees, and federal,  
10 state, and local elected officials, from serving on the commission; limiting judicial review of a map  
11 to a determination by the supreme court of whether the commission or its nonpartisan staff  
12 committed an abuse of discretion; requiring the commission to draw state legislative districts using  
13 communities of interest as well as political subdivisions, such as cities and counties, and then to  
14 maximize the number of competitive state legislative seats to the extent possible; and prohibiting  
15 maps from being drawn to dilute the electoral influence of any racial or ethnic group or to protect  
16 any incumbent, any political candidate, or any political 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 46 of article V as follows:

23 **Section 46. Senatorial and representative districts - commission created.**

24 (1) **Declaration of the people.** THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT:

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

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

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

36 (d) COMPETITIVE ELECTIONS FOR MEMBERS OF THE GENERAL ASSEMBLY PROVIDE VOTERS  
37 WITH A MEANINGFUL CHOICE AMONG CANDIDATES, PROMOTE A HEALTHY DEMOCRACY, HELP ENSURE  
38 THAT CONSTITUENTS RECEIVE FAIR AND EFFECTIVE REPRESENTATION, AND CONTRIBUTE TO THE  
39 POLITICAL WELL-BEING OF KEY COMMUNITIES OF INTEREST AND POLITICAL SUBDIVISIONS;

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

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

9 (2) **Legislative districts - commission created.** THERE IS HEREBY CREATED THE  
10 INDEPENDENT LEGISLATIVE REDISTRICTING COMMISSION. The ~~state~~ COMMISSION shall ~~be divided~~  
11 DIVIDE THE STATE into as many senatorial and representative districts as there are members of the  
12 senate and house of representatives respectively. ~~each district in each house having a population~~  
13 ~~as nearly equal as may be, as required by the constitution of the United States, but in no event~~  
14 ~~shall there be more than five percent deviation between the most populous and the least populous~~  
15 ~~district in each house.~~ AFTER EACH FEDERAL DECENNIAL CENSUS, THE SENATORIAL DISTRICTS AND  
16 REPRESENTATIVE DISTRICTS SHALL BE ESTABLISHED, REVISED, OR ALTERED, AND THE MEMBERS OF  
17 THE SENATE AND THE HOUSE OF REPRESENTATIVES APPORTIONED AMONG THEM, BY THE INDEPENDENT  
18 LEGISLATIVE REDISTRICTING COMMISSION.

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

21 (a) "COMMISSION" MEANS THE INDEPENDENT LEGISLATIVE REDISTRICTING COMMISSION  
22 CREATED IN SUBSECTION (2) OF THIS SECTION.

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

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

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

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

34 (III) GROUPS THAT MAY COMPRISE A COMMUNITY OF INTEREST INCLUDE RACIAL, ETHNIC, AND  
35 LANGUAGE MINORITY GROUPS, SUBJECT TO COMPLIANCE WITH SUBSECTIONS (1)(b) AND (4)(b) OF  
36 SECTION 48.1 OF THIS ARTICLE V, WHICH SUBSECTIONS PROTECT AGAINST THE DENIAL OR  
37 ABRIDGEMENT OF THE RIGHT TO VOTE DUE TO A PERSON'S RACE OR LANGUAGE MINORITY GROUP.

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



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

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

5 (e) "STAFF" OR "NONPARTISAN STAFF" MEANS THE STAFF OF THE GENERAL ASSEMBLY'S  
6 LEGISLATIVE COUNCIL AND OFFICE OF LEGISLATIVE LEGAL SERVICES, OR THEIR SUCCESSOR OFFICES,  
7 WHO ARE ASSIGNED TO ASSIST THE COMMISSION BY THE DIRECTORS OF THOSE OFFICES IN  
8 ACCORDANCE WITH SECTION 48 OF THIS ARTICLE V.

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

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

14 **Section 47. Commission composition and appointment - vacancies.** (1) AFTER EACH  
15 FEDERAL DECENNIAL CENSUS OF THE UNITED STATES, THE MEMBERS OF THE COMMISSION SHALL BE  
16 APPOINTED AND CONVENED AS PRESCRIBED IN THIS SECTION.

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

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

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

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

25 (I) IS OR HAS BEEN A CANDIDATE FOR THE GENERAL ASSEMBLY WITHIN THE LAST FIVE YEARS  
26 PRECEDING THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE COMMISSION ARE DUE  
27 UNDER SUBSECTION (4) OF THIS SECTION;

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

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

36 (IV) IS OR HAS BEEN, WITHIN THE LAST THREE YEARS PRECEDING THE DATE ON WHICH  
37 APPLICATIONS FOR APPOINTMENT TO THE COMMISSION ARE DUE UNDER SUBSECTION (4) OF THIS

1 SECTION, AN ELECTED POLITICAL PARTY OFFICIAL ABOVE THE PRECINCT LEVEL IN COLORADO OR AN  
2 EMPLOYEE OF A POLITICAL PARTY;

3 (V) IS A MEMBER OF THE COMMISSION RESPONSIBLE FOR DIVIDING THE STATE INTO  
4 CONGRESSIONAL DISTRICTS; OR

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

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

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

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

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

1 CHIEF JUSTICE SHALL APPOINT THE MOST RECENTLY RETIRED DISTRICT COURT JUDGE WHO HAS NOT  
2 BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO APPOINTMENT WITH THE SAME POLITICAL PARTY AS ANY  
3 PREVIOUS APPOINTEE TO THE PANEL AND WHO ACCEPTS SUCH APPOINTMENT. NO JUSTICE OR JUDGE  
4 SHALL SERVE BOTH ON THIS PANEL AND THE PANEL ASSISTING IN THE PROCESS OF CHOOSING  
5 MEMBERS OF THE COMMISSION RESPONSIBLE FOR DIVIDING THE STATE INTO CONGRESSIONAL  
6 DISTRICTS.

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

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

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

20 (7) BY JANUARY 25 OF THE REDISTRICTING YEAR, THE PANEL, IN A PUBLIC MEETING, SHALL  
21 RANDOMLY SELECT BY LOT FROM ALL OF THE APPLICANTS WHO WERE FOUND TO MEET THE  
22 QUALIFICATIONS SPECIFIED IN SUBSECTION (2) OF THIS SECTION THE NAMES OF THREE HUNDRED  
23 APPLICANTS WHO ARE AFFILIATED WITH THE STATE'S LARGEST POLITICAL PARTY, THREE HUNDRED  
24 APPLICANTS WHO ARE AFFILIATED WITH THE STATE'S SECOND LARGEST POLITICAL PARTY, AND FOUR  
25 HUNDRED FIFTY APPLICANTS WHO ARE NOT AFFILIATED WITH ANY POLITICAL PARTY, OR SUCH LESSER  
26 NUMBER AS THERE ARE TOTAL APPLICANTS WHO MEET THE QUALIFICATIONS SPECIFIED IN SUBSECTION  
27 (2) OF THIS SECTION FOR EACH OF THOSE GROUPS.

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

34 (I) EXPERIENCE IN ORGANIZING, REPRESENTING, ADVOCATING FOR, ADJUDICATING THE  
35 INTERESTS OF, OR ACTIVELY PARTICIPATING IN GROUPS, ORGANIZATIONS, OR ASSOCIATIONS IN  
36 COLORADO; AND

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

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

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

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

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

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

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

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

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

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

30 (10) BY MARCH 16 OF THE REDISTRICTING YEAR, THE PANEL OF JUDGES SHALL SELECT, IN  
31 SUCH ORDER AS THE PANEL DETERMINES, ONE COMMISSIONER FROM EACH LEGISLATIVE LEADER'S  
32 POOL OF APPLICANTS AND TWO COMMISSIONERS FROM THOSE APPLICANTS WHO ARE NOT AFFILIATED  
33 WITH ANY POLITICAL PARTY AND WHOSE NAMES WERE RANDOMLY SELECTED BY LOT PURSUANT TO  
34 SUBSECTION (7) OF THIS SECTION. THE PANEL OF JUDGES MUST ENSURE THAT THE COMMISSION  
35 INCLUDES FOUR COMMISSIONERS WHO ARE NOT AFFILIATED WITH ANY POLITICAL PARTY, FOUR  
36 COMMISSIONERS WHO ARE AFFILIATED WITH THE STATE'S LARGEST POLITICAL PARTY, AND FOUR  
37 COMMISSIONERS WHO ARE AFFILIATED WITH THE STATE'S SECOND LARGEST POLITICAL PARTY. THE  
38 PANEL OF JUDGES MAY INTERVIEW APPLICANTS BEFORE MAKING THE APPOINTMENTS. IN SELECTING  
39 APPLICANTS, THE PANEL SHALL, IN ADDITION TO CONSIDERING APPLICANTS' OTHER QUALIFICATIONS:

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

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

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

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

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

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

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

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

30 **Section 48. Commission organization - procedures - transparency - voting**  
31 **requirements. (1) Initial organization, officers, procedures, rules, and transparency.**  
32 (a) THE GOVERNOR SHALL CONVENE THE COMMISSION NO LATER THAN MARCH 30 OF THE  
33 REDISTRICTING YEAR AND APPOINT A TEMPORARY CHAIRPERSON FROM THE COMMISSION'S MEMBERS.  
34 UPON CONVENING, THE COMMISSION SHALL ELECT A CHAIR AND A VICE-CHAIR, WHO ARE NOT MEMBERS  
35 OF THE SAME POLITICAL PARTY, AND OTHER SUCH OFFICERS AS IT DETERMINES.

36 (b) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL AND THE DIRECTOR OF THE  
37 OFFICE OF LEGISLATIVE LEGAL SERVICES, OR THE DIRECTORS OF SUCCESSOR NONPARTISAN OFFICES  
38 OF THE GENERAL ASSEMBLY, SHALL APPOINT NONPARTISAN STAFF FROM THEIR RESPECTIVE OFFICES  
39 AS NEEDED TO ASSIST THE COMMISSION AND THE PANEL OF JUDGES AS DESCRIBED IN SECTION 47 OF  
40 THIS ARTICLE V. NONPARTISAN STAFF SHALL ACQUIRE AND PREPARE ALL NECESSARY RESOURCES,  
41 INCLUDING COMPUTER HARDWARE, SOFTWARE, AND DEMOGRAPHIC, GEOGRAPHIC, AND POLITICAL  
42 DATABASES, AS FAR IN ADVANCE AS NECESSARY TO ENABLE THE COMMISSION TO BEGIN ITS WORK  
43 IMMEDIATELY UPON CONVENING.

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

4 (d) THE GENERAL ASSEMBLY SHALL APPROPRIATE SUFFICIENT FUNDS FOR THE PAYMENT OF  
5 THE EXPENSES OF THE COMMISSION, THE COMPENSATION AND EXPENSES OF NONPARTISAN STAFF,  
6 AND THE COMPENSATION AND EXPENSES OF THE PANEL OF JUDGES AS DESCRIBED IN SECTION 47 OF  
7 THIS ARTICLE V. MEMBERS OF THE COMMISSION SHALL BE REIMBURSED FOR THEIR REASONABLE AND  
8 NECESSARY EXPENSES AND MAY ALSO RECEIVE SUCH PER DIEM ALLOWANCE AS MAY BE ESTABLISHED  
9 BY THE GENERAL ASSEMBLY. SUBJECT TO AVAILABLE APPROPRIATIONS, HARDWARE AND SOFTWARE  
10 NECESSARY FOR THE DEVELOPMENT OF PLANS MAY, AT THE REQUEST OF ANY COMMISSIONER, BE  
11 PROVIDED TO THE COMMISSIONER. THE COMMISSION AND ITS STAFF MUST HAVE ACCESS TO  
12 STATISTICAL INFORMATION COMPILED BY THE STATE AND ITS POLITICAL SUBDIVISIONS AS NECESSARY  
13 FOR ITS DUTIES. STATE AGENCIES AND POLITICAL SUBDIVISIONS SHALL COMPLY WITH REQUESTS FROM  
14 THE COMMISSION AND ITS STAFF FOR SUCH STATISTICAL INFORMATION.

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

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

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

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

30 (IV) THE PROCESS FOR RECOMMENDING CHANGES TO PLANS SUBMITTED TO THE COMMISSION  
31 BY NONPARTISAN STAFF; AND  
32

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

35 (2) **Voting requirements.** A SIMPLE MAJORITY OF THE APPOINTED COMMISSIONERS MAY  
36 APPROVE RULES AND PROCEDURAL DECISIONS. THE ELECTION OF THE COMMISSION'S CHAIR AND VICE-  
37 CHAIR REQUIRES THE AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS, INCLUDING THE  
38 AFFIRMATIVE VOTE OF AT LEAST ONE COMMISSIONER WHO IS UNAFFILIATED WITH ANY POLITICAL PARTY.  
39 REMOVAL OF ANY COMMISSIONER AS PROVIDED IN THIS SECTION REQUIRES THE AFFIRMATIVE VOTE OF  
40 AT LEAST EIGHT COMMISSIONERS, INCLUDING THE AFFIRMATIVE VOTE OF AT LEAST TWO  
41 COMMISSIONERS WHO ARE UNAFFILIATED WITH ANY POLITICAL PARTY. ADOPTION OF THE FINAL PLAN  
42 FOR SUBMISSION TO THE SUPREME COURT AND THE ADOPTION OF A REVISED PLAN AFTER A PLAN IS  
43 RETURNED TO THE COMMISSION FROM THE SUPREME COURT REQUIRES THE AFFIRMATIVE VOTE OF AT  
44 LEAST EIGHT COMMISSIONERS, INCLUDING THE AFFIRMATIVE VOTE OF AT LEAST TWO COMMISSIONERS

1 WHO ARE UNAFFILIATED WITH ANY POLITICAL PARTY. THE COMMISSION SHALL NOT VOTE UPON A FINAL  
2 PLAN UNTIL AT LEAST SEVENTY-TWO HOURS AFTER IT HAS BEEN PROPOSED TO THE COMMISSION IN A  
3 PUBLIC MEETING OR AT LEAST SEVENTY-TWO HOURS AFTER IT HAS BEEN AMENDED BY THE COMMISSION  
4 IN A PUBLIC MEETING, WHICHEVER OCCURS LATER; EXCEPT THAT COMMISSIONERS MAY UNANIMOUSLY  
5 WAIVE THE SEVENTY-TWO HOUR REQUIREMENT.

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (III) PERSONS WHO CONTRACT FOR OR RECEIVE COMPENSATION FOR ADVOCATING TO THE  
22 COMMISSION, TO ONE OR MORE COMMISSIONERS, OR TO NONPARTISAN STAFF FOR THE ADOPTION OR  
23 REJECTION OF ANY MAP, AMENDMENT TO A MAP, MAPPING APPROACH, OR MANNER OF COMPLIANCE  
24 WITH ANY OF THE MAPPING CRITERIA SPECIFIED IN SECTION 48.1 OF THIS ARTICLE V ARE LOBBYISTS  
25 WHO MUST DISCLOSE TO THE SECRETARY OF STATE ANY COMPENSATION CONTRACTED FOR,  
26 COMPENSATION RECEIVED, AND THE PERSON OR ENTITY CONTRACTING OR PAYING FOR THEIR  
27 LOBBYING SERVICES. SUCH DISCLOSURE MUST BE MADE NO LATER THAN SEVENTY-TWO HOURS AFTER  
28 THE EARLIER OF EACH INSTANCE OF SUCH LOBBYING OR ANY PAYMENT OF SUCH COMPENSATION. THE  
29 SECRETARY OF STATE SHALL PUBLISH ON THE SECRETARY OF STATE'S WEBSITE OR COMPARABLE  
30 MEANS OF COMMUNICATING WITH THE PUBLIC THE NAMES OF SUCH LOBBYISTS, AS WELL AS THE  
31 COMPENSATION RECEIVED AND THE PERSONS OR ENTITIES FOR WHOM THEY WORK WITHIN TWENTY-  
32 FOUR HOURS OF RECEIVING SUCH INFORMATION. THE SECRETARY OF STATE SHALL ADOPT RULES TO  
33 FACILITATE THE COMPLETE AND PROMPT REPORTING REQUIRED BY THIS SUBSECTION (4)(b)(III) AS  
34 WELL AS A COMPLAINT PROCESS TO ADDRESS ANY LOBBYIST'S FAILURE TO REPORT A FULL AND  
35 ACCURATE DISCLOSURE, WHICH COMPLAINT MUST BE HEARD BY AN ADMINISTRATIVE LAW JUDGE,  
36 WHOSE DECISION MAY BE APPEALED TO THE COURT OF APPEALS.

37 In the constitution of the state of Colorado, **add** sections 48.1, 48.2, 48.3, and 48.4 to  
38 article V as follows:

39 **Section 48.1. Criteria for determination of legislative districts - definition.** (1) IN  
40 ADOPTING A LEGISLATIVE REDISTRICTING PLAN, THE COMMISSION SHALL:

41 (a) MAKE A GOOD-FAITH EFFORT TO ACHIEVE MATHEMATICAL POPULATION EQUALITY  
42 BETWEEN DISTRICTS, AS REQUIRED BY THE CONSTITUTION OF THE UNITED STATES, BUT IN NO EVENT  
43 SHALL THERE BE MORE THAN FIVE PERCENT DEVIATION BETWEEN THE MOST POPULOUS AND THE LEAST



1 POPULOUS DISTRICT IN EACH HOUSE. DISTRICTS MUST BE COMPOSED OF CONTIGUOUS GEOGRAPHIC  
2 AREAS.

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

5 (2) (a) AS MUCH AS IS REASONABLY POSSIBLE, THE COMMISSION'S PLAN MUST PRESERVE  
6 WHOLE COMMUNITIES OF INTEREST AND WHOLE POLITICAL SUBDIVISIONS, SUCH AS COUNTIES, CITIES,  
7 AND TOWNS. TO FACILITATE THE EFFICIENT AND EFFECTIVE PROVISION OF GOVERNMENTAL SERVICES,  
8 WITH REGARD TO ANY COUNTY, CITY, CITY AND COUNTY, OR TOWN WHOSE POPULATION IS LESS THAN  
9 A DISTRICT'S PERMITTED POPULATION, THE COMMISSION SHALL PRESUME THAT SUCH COUNTY, CITY,  
10 CITY AND COUNTY, OR TOWN SHOULD BE WHOLLY CONTAINED WITHIN A DISTRICT; EXCEPT THAT A  
11 DIVISION OF SUCH COUNTY, CITY, CITY AND COUNTY, OR TOWN IS PERMITTED WHERE, BASED ON A  
12 PREPONDERANCE OF THE EVIDENCE IN THE RECORD, A COMMUNITY OF INTEREST'S LEGISLATIVE ISSUES  
13 ARE MORE ESSENTIAL TO THE FAIR AND EFFECTIVE REPRESENTATION OF RESIDENTS OF THE DISTRICT.  
14 WHEN THE COMMISSION DIVIDES A COUNTY, CITY, CITY AND COUNTY, OR TOWN, IT SHALL MINIMIZE THE  
15 NUMBER OF DIVISIONS OF THAT COUNTY, CITY, CITY AND COUNTY, OR TOWN.

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

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

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

22 (c) WHEN THE COMMISSION APPROVES A PLAN, OR WHEN NONPARTISAN STAFF SUBMITS A  
23 PLAN IN THE ABSENCE OF THE COMMISSION'S APPROVAL OF A PLAN AS PROVIDED IN SECTION 48.2 OF  
24 THIS ARTICLE V, THE NONPARTISAN STAFF SHALL, WITHIN SEVENTY-TWO HOURS OF SUCH ACTION,  
25 MAKE PUBLICLY AVAILABLE, AND INCLUDE IN THE COMMISSION'S RECORD, A REPORT TO DEMONSTRATE  
26 HOW THE PLAN REFLECTS THE EVIDENCE PRESENTED TO, AND THE FINDINGS CONCERNING, THE EXTENT  
27 TO WHICH COMPETITIVENESS IN DISTRICT ELECTIONS IS FOSTERED CONSISTENT WITH THE OTHER  
28 CRITERIA SET FORTH IN THIS SECTION.

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

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

36 (a) IT HAS BEEN DRAWN FOR THE PURPOSE OF PROTECTING ONE OR MORE INCUMBENT  
37 MEMBERS, OR ONE OR MORE DECLARED CANDIDATES, OF THE SENATE OR HOUSE OF  
38 REPRESENTATIVES, OR ANY POLITICAL PARTY; OR

39 (b) IT HAS BEEN DRAWN FOR THE PURPOSE OF OR RESULTS IN THE DENIAL OR ABRIDGEMENT  
40 OF THE RIGHT OF ANY CITIZEN TO VOTE ON ACCOUNT OF THAT PERSON'S RACE OR MEMBERSHIP IN A

1 LANGUAGE MINORITY GROUP, INCLUDING DILUTING THE IMPACT OF THAT RACIAL OR LANGUAGE  
2 MINORITY GROUP'S ELECTORAL INFLUENCE.

3       **Section 48.2. Preparation, amendment, and approval of plans - public hearings and**  
4 **participation.** (1) THE COMMISSION SHALL BEGIN BY CONSIDERING A PLAN FOR THE STATE SENATE  
5 AND A PLAN FOR THE STATE HOUSE OF REPRESENTATIVES, CREATED BY ITS NONPARTISAN STAFF  
6 ALONE, TO BE KNOWN AS THE "PRELIMINARY SENATE PLAN" AND THE "PRELIMINARY HOUSE PLAN".  
7 SUCH PLANS MUST BE PRESENTED AND PUBLISHED NO EARLIER THAN THIRTY DAYS AND NO LATER THAN  
8 FORTY-FIVE DAYS AFTER THE COMMISSION HAS CONVENED OR THE NECESSARY CENSUS DATA ARE  
9 AVAILABLE, WHICHEVER IS LATER. WITHIN THE FIRST TWENTY DAYS AFTER THE COMMISSION HAS  
10 CONVENED, ANY MEMBER OF THE PUBLIC AND ANY MEMBER OF THE COMMISSION MAY SUBMIT WRITTEN  
11 COMMENTS TO NONPARTISAN STAFF ON THE CREATION OF THE PRELIMINARY PLANS AND ON  
12 COMMUNITIES OF INTEREST THAT REQUIRE REPRESENTATION IN ONE OR MORE SPECIFIC AREAS OF THE  
13 STATE. NONPARTISAN STAFF SHALL CONSIDER SUCH COMMENTS IN CREATING THE PRELIMINARY  
14 PLANS, AND SUCH COMMENTS SHALL BE PART OF THE RECORD OF THE COMMISSION'S ACTIVITIES AND  
15 PROCEEDINGS. AT THE FIRST PUBLIC HEARING AT WHICH THE PRELIMINARY PLANS ARE PRESENTED,  
16 NONPARTISAN STAFF SHALL EXPLAIN HOW THE PLANS WERE CREATED, HOW THE PLANS ADDRESS THE  
17 CATEGORIES OF PUBLIC COMMENTS RECEIVED, AND HOW THE PLANS COMPLY WITH THE CRITERIA  
18 PRESCRIBED IN SECTION 48.1 OF THIS ARTICLE V.

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

22       (3) SUBSEQUENT TO HEARINGS ON THE PRELIMINARY SENATE PLAN AND THE PRELIMINARY  
23 HOUSE PLAN, NONPARTISAN STAFF SHALL PREPARE, PUBLISH ONLINE, AND PRESENT TO THE  
24 COMMISSION NO FEWER THAN THREE PLANS FOR THE STATE SENATE AND THREE PLANS FOR THE STATE  
25 HOUSE OF REPRESENTATIVES, EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION. THESE  
26 PLANS WILL BE KNOWN AS THE "STAFF PLANS" AND MUST BE NAMED AND NUMBERED SEQUENTIALLY  
27 FOR PURPOSES OF SUBSECTION (6) OF THIS SECTION. STAFF PLANS MUST BE PREPARED, PUBLISHED  
28 ONLINE, AND PRESENTED IN ACCORDANCE WITH A TIMETABLE ESTABLISHED BY THE COMMISSION;  
29 EXCEPT THAT EACH STAFF PLAN MUST BE PRESENTED TO THE COMMISSION NO FEWER THAN TEN DAYS  
30 AFTER THE PRESENTATION OF ANY PREVIOUS STAFF PLAN, AND NO FEWER THAN TWENTY-FOUR HOURS  
31 AFTER IT HAS BEEN PUBLISHED ONLINE. IF THE COMMISSION FAILS TO ESTABLISH A TIMETABLE FOR THE  
32 PRESENTATION OF STAFF PLANS WITHIN TEN DAYS AFTER THE COMPLETION OF HEARINGS ON THE  
33 PRELIMINARY PLAN, NONPARTISAN STAFF SHALL ESTABLISH SUCH TIMETABLE. NONPARTISAN STAFF  
34 SHALL KEEP EACH PLAN CONFIDENTIAL UNTIL IT IS PUBLISHED ONLINE OR BY A COMPARABLE MEANS OF  
35 COMMUNICATING WITH THE PUBLIC USING GENERALLY AVAILABLE TECHNOLOGIES. THE COMMISSION  
36 MAY PROVIDE DIRECTION, IF APPROVED BY AT LEAST EIGHT COMMISSIONERS INCLUDING AT LEAST ONE  
37 COMMISSIONER UNAFFILIATED WITH ANY POLITICAL PARTY, FOR THE DEVELOPMENT OF STAFF PLANS  
38 THROUGH THE ADOPTION OF STANDARDS, GUIDELINES, OR METHODOLOGIES TO WHICH NONPARTISAN  
39 STAFF SHALL ADHERE, INCLUDING STANDARDS, GUIDELINES, OR METHODOLOGIES TO BE USED TO  
40 EVALUATE A PLAN'S COMPETITIVENESS, CONSISTENT WITH SUBSECTION (3)(d) OF SECTION 48.1 OF  
41 THIS ARTICLE V. IN PREPARING ALL STAFF PLANS, NONPARTISAN STAFF SHALL ALSO CONSIDER PUBLIC  
42 TESTIMONY AND PUBLIC COMMENTS RECEIVED BY THE COMMISSION THAT ARE CONSISTENT WITH THE  
43 CRITERIA SPECIFIED IN SECTION 48.1 OF THIS ARTICLE V.

44       (4) ANY COMMISSIONER OR GROUP OF COMMISSIONERS MAY REQUEST NONPARTISAN STAFF  
45 TO PREPARE ADDITIONAL PLANS OR AMENDMENTS TO PLANS. ANY SUCH REQUEST MUST BE MADE IN A  
46 PUBLIC HEARING OF THE COMMISSION BUT DOES NOT REQUIRE COMMISSION APPROVAL. PLANS OR

1 AMENDMENTS DEVELOPED IN RESPONSE TO SUCH REQUESTS ARE SEPARATE FROM STAFF PLANS, FOR  
2 PURPOSES OF SUBSECTION (6) OF THIS SECTION.

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

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

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

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

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

24 **Section 48.3. Supreme court review.** (1) THE SUPREME COURT SHALL REVIEW THE  
25 SUBMITTED PLANS AND DETERMINE WHETHER THE PLANS COMPLY WITH THE CRITERIA LISTED IN  
26 SECTION 48.1 OF THIS ARTICLE V. THE COURT'S REVIEW AND DETERMINATION SHALL TAKE  
27 PRECEDENCE OVER OTHER MATTERS BEFORE THE COURT. THE SUPREME COURT SHALL ADOPT RULES  
28 FOR SUCH PROCEEDINGS AND FOR THE PRODUCTION AND PRESENTATION OF SUPPORTIVE EVIDENCE  
29 FOR SUCH PLANS. ANY LEGAL ARGUMENTS CONCERNING SUCH PLANS SHALL BE SUBMITTED TO THE  
30 SUPREME COURT PURSUANT TO THE SCHEDULE ESTABLISHED BY THE COURT.

31 (2) THE SUPREME COURT SHALL APPROVE THE PLANS SUBMITTED UNLESS IT FINDS THAT THE  
32 COMMISSION OR NONPARTISAN STAFF, IN THE CASE OF A STAFF PLAN SUBMITTED IN THE ABSENCE OF  
33 A COMMISSION-APPROVED PLAN, ABUSED ITS DISCRETION IN APPLYING OR FAILING TO APPLY THE  
34 CRITERIA LISTED IN SECTION 48.1 OF THIS ARTICLE V, IN LIGHT OF THE RECORD BEFORE THE  
35 COMMISSION. THE SUPREME COURT MAY CONSIDER ANY MAPS SUBMITTED TO THE COMMISSION IN  
36 ASSESSING WHETHER THE COMMISSION OR NONPARTISAN STAFF, IN THE CASE OF A STAFF PLAN  
37 SUBMITTED IN THE ABSENCE OF A COMMISSION-APPROVED PLAN, ABUSED ITS DISCRETION.

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

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

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

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

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

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

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

23 **SECTION 2.** Each elector voting at the election may cast a vote either "Yes/For" or  
24 "No/Against" on the following ballot title: "Shall there be an amendment to the Colorado  
25 constitution concerning a change to the manner in which state senate and state house of  
26 representatives districts are drawn, and, in connection therewith, reforming the existing legislative  
27 reapportionment commission by expanding the commission to twelve members and authorizing  
28 the appointment of members who possess specified qualifications; prohibiting any one political  
29 party's control of the commission by requiring that one-third of commissioners will not be affiliated  
30 with any political party, one-third of the commissioners will be affiliated with the state's largest  
31 political party, and one-third of the commissioners will be affiliated with the state's second largest  
32 political party; prohibiting certain persons, including professional lobbyists, federal campaign  
33 committee employees, and federal, state, and local elected officials, from serving on the  
34 commission; limiting judicial review of a map to a determination by the supreme court of whether  
35 the commission or its nonpartisan staff committed an abuse of discretion; requiring the  
36 commission to draw state legislative districts using communities of interest as well as political  
37 subdivisions, such as cities and counties, and then to maximize the number of competitive state  
38 legislative seats to the extent possible; and prohibiting maps from being drawn to dilute the  
39 electoral influence of any racial or ethnic group or to protect any incumbent, any political  
40 candidate, or any political party?"

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