

Prohibiting Gerrymandering

*Be it Enacted by the People of the State of Colorado:*

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

*Congressional and Legislative Appointments*

**SECTION 43.5. POLITICAL GERRYMANDERING PROHIBITED.**

THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT FAIR REPRESENTATION REQUIRES THAT THE PRACTICE OF POLITICAL GERRYMANDERING, WHEREBY CONGRESSIONAL AND LEGISLATIVE DISTRICTS ARE PURPOSEFULLY DRAWN TO FAVOR ONE POLITICAL PARTY OR INCUMBENT POLITICIAN OVER ANOTHER OR TO ACCOMPLISH POLITICAL GOALS, MUST END. THE PUBLIC'S INTERESTS IN PROHIBITING POLITICAL GERRYMANDERING AND IN MAPPING FAIR AND COMPETITIVE CONGRESSIONAL AND LEGISLATIVE DISTRICTS IS BEST ACCOMPLISHED BY AN INDEPENDENT COMMISSION OF BALANCED APPOINTMENTS THAT IS FREE FROM POLITICAL INFLUENCE AND THAT THIS SAME INDEPENDENT COMMISSION RELY ON NONPARTISAN LEGISLATIVE STAFF TO DIVIDE THE STATE INTO THESE DISTRICTS WITHOUT REGARD TO POLITICAL PRESSURES OR CONSIDERATIONS.

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

**Section 44. Representatives in congress.** The ~~general assembly~~ NONPARTISAN STAFF ASSIGNED TO THE COLORADO REDISTRICTING COMMISSION shall divide the state into as many congressional districts as there are representatives in congress apportioned to this state by the congress of the United States for the election of one representative to congress from each district. When a

new apportionment ~~shall be~~ IS made by congress, the ~~general assembly~~  
NONPARTISAN STAFF ASSIGNED TO THE COLORADO REDISTRICTING  
COMMISSION shall divide the state into congressional districts  
accordingly.

In the constitution of the state of Colorado, **amend** section 48 of  
article V as follows:

**Section 48. Colorado redistricting commission.** (1) (a) After  
each federal census of the United States, the COLORADO REDISTRICTING  
COMMISSION SHALL CONVENE IN ACCORDANCE WITH THIS SECTION.  
THE DIRECTORS OF THE GENERAL ASSEMBLY'S NONPARTISAN RESEARCH  
AND LEGAL SERVICES STAFF SHALL ASSIGN MEMBERS FROM HIS OR HER  
OFFICE TO SERVE AS NONPARTISAN STAFF ASSIGNED TO THE  
COMMISSION. THESE STAFF MEMBERS SHALL BE REFERRED TO IN THIS  
ARTICLE AS NONPARTISAN STAFF AND SHALL PROPOSE TO THE  
COMMISSION CONGRESSIONAL DISTRICTS AND senatorial districts and  
representative districts ~~shall be established, revised, or altered, and the  
members of the senate and the house of representatives apportioned  
among them, by a Colorado reapportionment~~ OF THE GENERAL  
ASSEMBLY. THE commission ~~consisting~~ CONSISTS of ~~eleven~~ TWELVE  
members ~~to be~~ appointed and having the qualifications as prescribed in  
this section. ~~Of such members, four shall be appointed by the legislative  
department, three by the executive department, and four by the judicial  
department of the state.~~

(b) The ~~four legislative members shall be~~ the speaker of the  
house of representatives, the minority leader of the house of  
representatives, ~~and the majority~~ PRESIDENT OF THE SENATE, and THE  
minority ~~leaders~~ LEADER of the senate ~~or the designee of any such~~

~~officer to serve in his or her stead, which acceptance of service or designation shall be made~~ SHALL EACH APPOINT TWO MEMBERS FROM HIS OR HER OWN PARTY SO THAT NO MORE THAN FOUR MEMBERS MAY BE REGISTERED WITH THE SAME PARTY FOR A TOTAL OF EIGHT MEMBERS, no later than ~~April 15~~ MARCH 25 of the year following that in which the federal census is taken. ~~The three executive members shall be appointed by the governor between April 15 and April 25 of such year, and the four judicial members shall be appointed by the chief justice of the Colorado supreme court between April 25 and May 5 of such year.~~

(c) THE EIGHT MEMBERS APPOINTED BY THE LEGISLATIVE LEADERS SHALL APPOINT, BY CONSENSUS, FOUR ADDITIONAL MEMBERS NO LATER THAN APRIL 1 OF THAT SAME YEAR. THE MEMBERS APPOINTED UNDER THIS SUBSECTION (c) MAY NOT BE, OR HAVE BEEN, AFFILIATED WITH ANY POLITICAL PARTY FOR A PERIOD OF ONE CALENDAR YEAR PRIOR TO THEIR APPOINTMENT.

~~(e)~~ (d) Commission members ~~shall~~ MUST be qualified electors of the state of Colorado. COMMISSION MEMBERS MAY NOT BE A REGISTERED LOBBYIST, INCUMBENT MEMBERS OF THE GENERAL ASSEMBLY OR CONGRESS, OR A CURRENT CANDIDATE FOR SUCH OFFICE. ~~No more than four commission members shall be members of the general assembly. No more than six commission members shall be affiliated with the same political party.~~ No more than four commission members ~~shall~~ MAY be residents of the same congressional district, and each congressional district ~~shall~~ MUST have at least one resident as a commission member SO LONG AS COLORADO HAS BEEN APPORTIONED NO MORE THAN TWELVE CONGRESSIONAL DISTRICTS. At least one commission member ~~shall~~ MUST reside west of the continental divide.

~~(d)~~ (e) Any vacancy created by the death or resignation of a member, or otherwise, shall be filled by the respective appointing authority. Members of the commission shall hold office until ~~their reapportionment and~~ A redistricting plan is implemented. No later than ~~May 15~~ APRIL 8 of the year of their appointment, the governor shall convene the commission and appoint a temporary ~~chairman~~ CHAIRPERSON who shall preside until the commission elects its own officers. COMMISSION OFFICERS SHALL BE ELECTED WITH AN AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSION MEMBERS.

~~(e)~~ (2) (a) (I) Within ~~one hundred thirteen~~ THIRTY days after the commission has been convened or the necessary census data are available, whichever is later, the ~~commission~~ NONPARTISAN STAFF shall publish a ~~preliminary~~ AN INITIAL REDISTRICTING plan for ~~reapportionment of the members of~~ CONGRESS AND, NO LATER THAN FOURTEEN DAYS AFTER THAT, FOR the general assembly. ~~and~~ NONPARTISAN STAFF SHALL KEEP EACH PLAN CONFIDENTIAL UNTIL IT HAS BEEN PRESENTED TO THE COMMISSION AT A PROPERLY NOTICED MEETING OR HEARING OF THE COMMISSION. IF, FOR ANY REASON, NONPARTISAN STAFF IS UNABLE TO PRESENT INITIAL PLANS TO THE COMMISSION, THE NONPARTISAN STAFF SHALL SUBMIT THE INITIAL PLANS DIRECTLY TO THE SUPREME COURT FOR THE COURT'S CONSIDERATION RELATED TO WHETHER THE PLANS ADHERE TO THE CRITERIA OUTLINED IN THIS SECTION.

(II) IN ADDITION TO THE PROVISIONS FURTHER IDENTIFIED IN THIS SUBSECTION (II), THE COMMISSION SHALL BE SUBJECT TO THE COLORADO SUNSHINE AND OPEN MEETINGS LAWS, INCLUDING BUT NOT LIMITED TO C.R.S. 24-6-401,402 OR SUCCESSOR LAWS. FOR THE

PURPOSE OF THIS SECTION, PROPER NOTICE FOR A MEETING OR HEARING OF THE COMMISSION SHALL BE POSTED ON A WEBSITE DEDICATED BY NONPARTISAN STAFF FOR THE PURPOSE OF MAPPING DISTRICTS AT LEAST SEVEN DAYS PRIOR TO SUCH MEETING OR HEARING THE TIME, PLACE AND AGENDA FOR SUCH MEETING OR HEARING;

(A) A COMMISSIONER SHALL NOT INITIATE, PERMIT OR CONSIDER EX PARTE COMMUNICATIONS, OR CONSIDER COMMUNICATIONS TO THE COMMISSIONER IF SUCH COMMUNICATION IS MADE OUTSIDE OF A PROPERLY NOTICED PUBLIC HEARING OF THE COMMISSION;

(B) COMMISSIONERS MAY COMMUNICATE WITH ONE ANOTHER PROVIDED THAT COMMUNICATION BETWEEN MORE THAN THREE COMMISSIONERS MAY ONLY BE CONDUCTED DURING A PROPERLY NOTICED PUBLIC MEETING OR HEARING OF THE COMMISSION. ALL COMMUNICATION WITH STAFF OUTSIDE OF A PROPERLY NOTICED MEETING OR HEARING OF THE COMMISSION IS PROHIBITED;

(C) NONPARTISAN STAFF ONLY MAY COMMUNICATE WITH OTHER NONPARTISAN STAFF WHO HAVE BEEN IDENTIFIED FOR SUCH PURPOSE. WORKPRODUCT AND COMMUNICATIONS BETWEEN NONPARTISAN STAFF SHALL NOT BE CONSIDERED PUBLIC DOCUMENTS UNTIL PRESENTED TO THE COMMISSION DURING A PROPERLY NOTICED MEETING OR HEARING OF THE COMMISSION;

(D) ANY COMMISSIONER BEING FOUND TO HAVE PARTICIPATED IN COMMUNICATIONS PROHIBITED UNDER THIS SECTION SHALL BE REMOVED FROM THE COMMISSION AND REPLACED BY A NEW COMMISSIONER APPOINTED BY THE SAME AUTHORITY HAVING APPOINTED THE COMMISSIONER REMOVED FROM THE COMMISSION.

STAFF SHALL REPORT TO THE COMMISSION ANY ATTEMPTS TO CONDUCT ANY COMMUNICATION PROHIBITED UNDER THIS SECTION AND SHALL REPORT TO THE COMMISSION ANY ATTEMPTS TO EXERT EX PARTE INFLUENCE OVER THE DRAFTING OF PLANS.

(b) NOTWITHSTANDING ANY CONTRARY DIRECTION FROM THE COMMISSION, NONPARTISAN STAFF SHALL NOT DRAW ANY DISTRICT FOR THE PURPOSE OF FAVORING A POLITICAL PARTY, INCUMBENT LEGISLATOR, MEMBER OF CONGRESS, OR OTHER PERSON OR GROUP, OR FOR THE PURPOSE OF AUGMENTING OR DILUTING THE VOTING STRENGTH OF A LANGUAGE OR RACIAL MINORITY GROUP. FOR THE PURPOSE OF ESTABLISHING COMPETITIVE DISTRICTS, NONPARTISAN STAFF MAY USE AND CONSIDER ELECTION PERFORMANCE DATA. STAFF SHALL NOT USE OR CONSIDER POLITICAL AFFILIATIONS OF REGISTERED VOTERS WHEN DRAFTING ANY PLAN.

(c) IN ESTABLISHING CONGRESSIONAL AND LEGISLATIVE DISTRICTS, NONPARTISAN STAFF SHALL UTILIZE THE FOLLOWING CRITERIA IN THE FOLLOWING ORDER:

(I) EQUAL POPULATION AS PROVIDED BY LAW AND CONSISTENT WITH SECTION 46 OF THIS ARTICLE;

(II) COMPLIANCE WITH THE FEDERAL "VOTING RIGHTS ACT OF 1965", IN PARTICULAR 42 U.S.C. SEC. 1973;

(III) EXCEPT WHEN NECESSARY TO COMPLY WITH PARAGRAPH (I) OR (II) OF THIS SUBSECTION (c), POLITICAL SUBDIVISIONS SUCH AS COUNTIES, CITIES AND TOWNS SHALL BE PRESERVED INTACT AND SHALL NOT BE FRAGMENTED OR DISPERSED ACROSS DISTRICT LINES CONSISTENT WITH SECTION 47 OF THIS ARTICLE:

(IV) COMPACTNESS AND CONTIGUITY CONSISTENT WITH

SECTION 47 OF THIS ARTICLE,

(V) THE DISTRICTS ESTABLISHED SHALL BE AS FAIR AND COMPETITIVE AS PRACTICABLE, WHILE PRESERVING, TO THE EXTENT PRACTICABLE, RECOGNIZABLE COMMUNITIES OF INTEREST, INCLUDING ETHNIC, CULTURAL, ECONOMIC, TRADE AREA, GEOGRAPHIC, AND DEMOGRAPHIC FACTORS CONSISTENT WITH SECTION 47 OF THIS ARTICLE.

(3) (a) THE COMMISSION shall hold public hearings ~~thereon~~ ON THE PLANS in several places throughout the state within forty-five days after the date of ~~such~~ THE publication OF THE INITIAL PLANS. ADOPTION OF ANY PLAN REQUIRES THE AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS. IF THE COMMISSION VOTES ON AN INITIAL PLAN AND DOES NOT APPROVE THE PLAN, THE COMMISSION SHALL PROMPTLY PUBLISH AND PROVIDE THE NONPARTISAN STAFF WRITTEN REASONS WHY THE PLAN WAS NOT APPROVED.

(b) IF THE COMMISSION REJECTS A PLAN PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3), THE NONPARTISAN STAFF SHALL PREPARE A SECOND PLAN, TAKING INTO ACCOUNT THE REASONS CITED BY THE COMMISSION FOR DISAPPROVAL OF THE INITIAL PLAN. IF A SECOND PLAN IS REQUIRED UNDER THIS PARAGRAPH (b), THE COMMISSION SHALL VOTE ON THE PLAN NOT LESS THAN SEVEN DAYS AFTER THE PLAN WAS SUBMITTED. IF THE COMMISSION VOTES ON A PLAN PURSUANT TO THIS PARAGRAPH (b) AND DOES NOT APPROVE THE PLAN, THE COMMISSION SHALL PROMPTLY PUBLISH AND PROVIDE THE NONPARTISAN STAFF WRITTEN REASONS WHY THE PLAN WAS NOT APPROVED.

(c) IF THE COMMISSION REJECTS A PLAN PURSUANT TO

PARAGRAPH (b) OF THIS SUBSECTION (3), THE NONPARTISAN STAFF SHALL PREPARE A THIRD PLAN, TAKING INTO ACCOUNT THE REASONS CITED BY THE COMMISSION FOR THE DISAPPROVAL OF THE SECOND PLAN. IF A THIRD PLAN IS REQUIRED UNDER THIS PARAGRAPH (c), THE COMMISSION SHALL VOTE ON THE PLAN NOT LESS THAN SEVEN DAYS AFTER THE PLAN WAS SUBMITTED. IF THE COMMISSION DOES NOT APPROVE A PLAN PURSUANT TO THIS PARAGRAPH (c), THE COMMISSION SHALL SUBMIT THE INITIAL PLAN TO THE SUPREME COURT AS SPECIFIED IN PARAGRAPH (e) OF THIS SUBSECTION (3).

(d) No later than one hundred ~~twenty-three~~ FORTY-SEVEN days prior to the date established in statute for precinct caucuses in the second year following the year in which the census was taken or, if the election laws do not provide for precinct caucuses, no later than one hundred ~~twenty-three~~ FORTY-SEVEN days prior to the date established in statute for the event commencing the candidate selection process in such year, the commission shall finalize ~~its plan~~ and EACH PLAN.

(e) (I) THE COMMISSION SHALL PROMPTLY submit the ~~same~~ PLANS to the Colorado supreme court for review and determination as to compliance with sections 46, ~~and~~ 47 AND 48 of this article. Such review and determination ~~shall take~~ TAKES precedence over other matters before the court.

(II) The supreme court shall adopt rules for such proceedings and for the production and presentation of supportive evidence for ~~such plan~~. Any THE PLANS. Legal arguments or evidence concerning ~~such plan~~ shall THE PLANS MUST be submitted to the supreme court pursuant to the schedule established by the court; except that the final submission must be made no later than ~~ninety~~ ONE HUNDRED TWELVE days prior to

the date established in statute for precinct caucuses in the second year following the year in which the census was taken or, if the election laws do not provide for precinct caucuses, no later than ~~ninety~~ ONE HUNDRED TWELVE days prior to the date established in statute for the event commencing the candidate selection process in such year.

(f) (I) The supreme court shall either approve the ~~plan~~ PLANS or return ~~the plan~~ ONE OR MORE PLANS and the court's reasons for disapproval to the commission. If ~~the~~ A plan is returned, the commission shall revise and modify it to conform to the court's requirements and resubmit the plan to the court within the time period specified by the court. ADOPTION OF A PLAN PURSUANT TO THIS SUBPARAGRAPH (I) REQUIRES THE AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS.

(II) IF THE COMMISSION HAS NOT ADOPTED A PLAN WITHIN THE TIME PERIOD SPECIFIED BY THE COURT FOR THE COMMISSION TO ACT, THE NONPARTISAN STAFF SHALL PREPARE A PLAN TO CONFORM TO THE COURT'S REQUIREMENTS AND SUBMIT THE PLAN TO THE COURT WITHIN THE TIME PERIOD SPECIFIED BY THE COURT FOR THE STAFF TO ACT.

(III) The supreme court shall approve ~~a plan for the redrawing of the districts of the members of the general assembly~~ EACH REDISTRICTING PLAN by a date that will allow sufficient time for ~~such plan~~ THE PLANS to be filed with the secretary of state no later than ~~fifty-five~~ SEVENTY-SEVEN days prior to the date established in statute for precinct caucuses in the second year following the year in which the census was taken or, if the election laws do not provide for precinct caucuses, no later than ~~fifty-five~~ SEVENTY-SEVEN days prior to the date established in statute for the event commencing the candidate selection process in such year. The court shall order that ~~such~~ EACH plan be filed

with the secretary of state no later than such date. The commission shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of copies of each plan.

~~(4)~~ (4) The general assembly shall appropriate sufficient funds for the compensation and payment of the expenses of the commission members and any staff employed by it. The commission shall have access to statistical information compiled by the state or its political subdivisions and necessary for its reapportionment duties.