

Be it enacted by the people of the State of Colorado,

SECTION 1. In the constitution of the State of Colorado, **add** new section 44(3)(a) of Article V and **amend** existing sections 44(3)(a) through (g) of Article V as follows:

§ 44. Representatives in congress--congressional districts--commission created

(3)(a) CITIZEN POPULATION MEANS THE NUMBER OF PERSONS WHO ARE U.S. CITIZENS.

~~(a)~~(b) “Commission” means the independent congressional redistricting commission created in subsection (2) of this section.

~~(b)~~(c)~~(f)~~ “TRADITIONAL Community of interest” means: any group in Colorado that shares one or more substantial interests that may be the subject of federal legislative action, is composed of a reasonably proximate population, and thus should be considered for inclusion within a single district for purposes of ensuring its fair and effective representation.

(II) Such interests include but are not limited to matters reflecting:

(A) Shared public policy concerns of urban, rural, agricultural, industrial, or trade areas; and

(B) Shared public policy concerns such as education, employment, environment, public health, transportation, water needs and supplies, and issues of demonstrable regional significance.

(III) Groups that may comprise a TRADITIONAL community of interest include racial, ethnic, and language minority groups, subject to compliance with subsections (1)(b) and (4)(b) of section 44.3 of this article V, which subsections protect against the denial or abridgement of the right to vote due to a person’s race or language minority group.

(IV) “TRADITIONAL Community of interest” does not include relationships with political parties, incumbents, or political candidates.

(d) “GEOGRAPHICAL COMMUNITY OF INTEREST” MEANS ANY ONE OF THE FOLLOWING:

(I). THE WESTERN SLOPE OF COLORADO, WHICH IS COMPRISED OF ARCHULETA COUNTY, DELTA COUNTY, DOLORES COUNTY, EAGLE COUNTY, GARFIELD COUNTY, GRAND COUNTY, GUNNISON COUNTY, HINSDALE COUNTY, LA PLATA COUNTY, MESA COUNTY, MOFFAT COUNTY, MONTEZUMA COUNTY, MONTROSE COUNTY, PITKIN COUNTY, OURAY COUNTY, RIO BLANCO COUNTY, ROUTT COUNTY, SAN JUAN COUNTY, SAN MIGUEL COUNTY, AND SUMMIT COUNTY.

(II). THE EASTERN PLAINS OF COLORADO, WHICH IS COMPRISED OF BACA COUNTY, BENT COUNTY, CHEYENNE COUNTY, CROWLEY COUNTY, KIOWA COUNTY, KIT CARSON COUNTY, LINCOLN COUNTY, LOGAN COUNTY, MORGAN COUNTY, OTERO COUNTY, PHILLIPS COUNTY,

PROWERS COUNTY, SEDGWICK COUNTY, WASHINGTON COUNTY, AND YUMA COUNTY.

(III). PUEBLO COUNTY, HUERFANO COUNTY, LAS ANIMAS COUNTY, AND THE SAN LUIS VALLEY, WHICH IS COMPRISED OF ALAMOSA COUNTY, CONEJOS COUNTY, COSTILLA COUNTY, MINERAL COUNTY, RIO GRANDE COUNTY, AND SAGUACHE COUNTY.

(IV). BOULDER COUNTY AND LARIMER COUNTY.

(V). DOUGLAS COUNTY AND ELBERT COUNTY.

(VI). EL PASO COUNTY.

(VII). THE CITY AND COUNTY OF DENVER.

~~(e)~~(e) “Race” or “racial” means a category of race or ethnic origin documented in the federal decennial census.

~~(d)~~(f) “Redistricting year” means the year following the year in which the federal decennial census is taken.

~~(e)~~(g) “Staff” or “nonpartisan staff” means the staff of the general assembly’s legislative council and office of legislative legal services, or their successor offices, who are assigned to assist the commission by the directors of those offices in accordance with section 44.2 of this article V.

SECTION 2. In the constitution of the State of Colorado, **amend** sections 44.3(1) and (2), and **repeal** section (3) of Article V as follows:

§ 44.3. Criteria for determinations of congressional districts—definition

(1) ~~In adopting a congressional redistricting plan, the commission shall,~~ ANY CONGRESSIONAL DISTRICTING PLAN ADOPTED BY A COMMISSION, BY THE GENERAL ASSEMBLY, OR BY INITIATIVE MUST IMPLEMENT THE FOLLOWING CRITERIA, IN THE FOLLOWING ORDER.

(a) ~~Make a good faith effort to~~ ONE-PERSON, ONE VOTE. TO THE EXTENT POSSIBLE, EACH CONGRESSIONAL DISTRICT MUST achieve precise mathematical ~~population~~ equality between districts, ~~justifying each variance, no matter how small,~~ as required by the constitution of the United States.

(I) IF THE U.S. CENSUS BUREAU PRODUCES CITIZEN POPULATION FOR THE STATE OF COLORADO, THEN EACH DISTRICT MUST ACHIEVE, TO THE EXTENT POSSIBLE, PRECISE MATHEMATICAL EQUALITY BETWEEN DISTRICTS BASED ON CITIZEN POPULATION AS DETERMINED BY THE U.S. CENSUS BUREAU.

(II) IF THE U.S. CENSUS BUREAU DOES NOT PRODUCE CITIZEN POPULATION FOR THE STATE OF COLORADO, THEN EACH DISTRICT MUST ACHIEVE, TO THE EXTENT POSSIBLE, PRECISE MATHEMATICAL EQUALITY BETWEEN DISTRICTS BASED ON OVERALL POPULATION AS DETERMINED BY THE U.S. CENSUS BUREAU.

(b) Districts must be composed of contiguous geographic areas;

~~(b)~~ (c) DISTRICTS MUST ~~€~~Comply with the federal “Voting Rights Act of 1965”, 52 U.S.C. sec. 50301, as amended.

(d) ANY CONGRESSIONAL DISTRICTING PLAN ADOPTED BY A COMMISSION, BY THE GENERAL ASSEMBLY, OR BY INITIATIVE MAY NOT BE CREATED WITH, OR INFLUENCED BY, THE USE OF PARTISAN VOTER REGISTRATION DATA OR PARTISAN ELECTORAL PERFORMANCE OF ANY KIND.

(2) AFTER THE CRITERIA IN SECTION (1) HAVE BEEN MET, ANY CONGRESSIONAL DISTRICTING ADOPTED BY A COMMISSION, BY THE GENERAL ASSEMBLY, OR BY INITIATIVE MUST ADHERE TO THE CRITERIA BELOW IN SEQUENTIAL ORDER. THE CONGRESSIONAL REDISTRICTING PLAN MUST ADHERE TO THE FIRST CRITERION IN SUBSECTION (a) BELOW, THEN ADHERE TO EACH SUBSEQUENT CRITERION.

(a) ~~As much as is reasonably possible, the commission’s plan must preserve whole communities of interest and whole political subdivisions, such as counties, cities, and towns.~~ IF A COUNTY’S TOTAL POPULATION, EXCLUDING THE COUNTY’S NONCONTIGUOUS TERRITORY AND INCLUDING ENCLAVES OF OTHER COUNTIES WITHIN THE COUNTY’S BORDERS, IS GREATER THAN THE POPULATION NECESSARY FOR ONE OR MORE CONGRESSIONAL DISTRICTS, THEN THAT COUNTY MUST CONTAIN WITHIN IT THE MAXIMUM NUMBER OF WHOLE CONGRESSIONAL DISTRICTS POSSIBLE.

(b) NO COUNTY MAY BE DIVIDED AMONG MORE THAN TWO CONGRESSIONAL DISTRICTS.

(c) THE CONGRESSIONAL DISTRICTING PLAN MUST PRESERVE GEOGRAPHIC COMMUNITIES OF INTEREST, AS DEFINED IN SECTION 44.3, SUBSECTION (d), WITHIN A SINGLE CONGRESSIONAL DISTRICT UNLESS THE POPULATION OF THE WHOLE GEOGRAPHIC COMMUNITY OF INTEREST EXCEEDS THE POPULATION NECESSARY FOR A CONGRESSIONAL DISTRICT.

(d) NO PART OF ONE COUNTY MAY BE ADDED TO ALL OR PART OF ANOTHER COUNTY IN FORMING CONGRESSIONAL DISTRICTS, UNLESS NECESSARY TO ACHIEVE POPULATION EQUALITY IN SECTION (1)(a).

(e) THE NUMBER OF COUNTIES WHOSE TERRITORY IS CONTAINED IN MORE THAN ONE CONGRESSIONAL DISTRICT MUST BE AS SMALL AS POSSIBLE.

(f) THE NUMBER OF CITIES AND TOWNS WHOSE TERRITORY IS CONTAINED IN MORE THAN ONE CONGRESSIONAL DISTRICT MUST BE AS SMALL AS POSSIBLE.

(g) CITIES THAT ARE LOCATED IN MORE THAN ONE COUNTY SHOULD BE KEPT WHOLE.

(h) A CONGRESSIONAL DISTRICT MAP MAY INCLUDE TRADITIONAL COMMUNITIES OF INTEREST.

~~(b)~~ (i). Districts must be as compact as is reasonably possible.

~~(3)(a) Thereafter, the commission shall, to the extent possible, maximize the number of politically competitive districts.~~

~~(b) In its hearings in various locations in the state, the commission shall solicit evidence relevant to competitiveness of elections in Colorado and shall assess such evidence in evaluating proposed maps.~~

~~(c) When the commission approves a plan, or when nonpartisan staff submits a plan in the absence of the commission's approval of a plan as provided in section 44.4 of this article V, the nonpartisan staff shall, within seventy-two hours of such action, make publicly available, and include in the commission's record, a report to demonstrate how the plan reflects the evidence presented to, and the findings concerning, the extent to which competitiveness in district elections is fostered consistent with the other criteria set forth in this section.~~

~~(d) For purposes of this subsection (3), "competitive" means having a reasonable potential for the party affiliation of the district's representative to change at least once between federal decennial censuses. Competitiveness may be measured by factors such as a proposed district's past election results, a proposed district's political party registration data, and evidence-based analyses of proposed districts.~~

SECTION 3. Effective Date. This measure takes effect on the date of the official declaration of by the governor.
