

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. R18-1185.01 Nicole Myers x4326

SCR18-004

SENATE SPONSORSHIP

Grantham and Fenberg, Jahn

HOUSE SPONSORSHIP

(None),

Senate Committees

State, Veterans, & Military Affairs

House Committees

SENATE CONCURRENT RESOLUTION 18-004

101 SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF
102 COLORADO AN AMENDMENT TO THE COLORADO CONSTITUTION
103 CONCERNING CONGRESSIONAL REDISTRICTING.

Resolution Summary

(Note: This summary applies to this resolution as introduced and does not reflect any amendments that may be subsequently adopted. If this resolution passes third reading in the house of introduction, a resolution summary that applies to the reengrossed version of this resolution will be available at <http://leg.colorado.gov/>.)

The concurrent resolution amends the state constitution to create the independent congressional redistricting commission (commission) and to transfer the general assembly's responsibility to divide the state into congressional districts to the commission. Specifically, the concurrent resolution:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- ! Specifies that the commission is appointed after each federal decennial census of the United States;
- ! Specifies that the commission consists of 12 members, 4 of whom must be registered with the state's largest political party, 4 of whom must be registered with the state's second largest political party, and 4 of whom must not be registered with any political party;
- ! Establishes the qualifications to serve on the commission and the method by which commissioners are appointed;
- ! Authorizes the commission to adopt rules and specifies how the commission is staffed, how the commission is funded, how the commission is organized, and sets forth the ethical obligations of the commissioners;
- ! Requires the commission to provide the opportunity for public involvement, including multiple hearings, the ability to propose maps, and to testify at commission hearings, and requires hearings to comply with state statutes regarding open meetings;
- ! Mandates that paid lobbying of the commission be disclosed to the secretary of state by the lobbyist within 72 hours of when the lobbying occurred or when the payment for lobbying occurred, whichever is earlier;
- ! Establishes prioritized factors for the commission to use in drawing districts, including federal requirements, the preservation of communities of interest and political subdivisions, and maximizing the number of competitive districts;
- ! Prohibits the commission from approving a map if it has been drawn for the purpose of protecting one or more members of or candidates for congress or a political party, and codifies current federal law and related existing federal requirements prohibiting maps drawn for the purpose of or that results in the denial or abridgement of a person's right to vote or electoral influence on account of a person's race, ethnic origin, or membership in a protected language group;
- ! Requires at least 8 of the 12 commissioners, including at least 2 of the commissioners who are not registered with any political party, to approve a redistricting map and specifies the date by which a final map must be approved;
- ! Specifies that nonpartisan staff will draft a preliminary redistricting map and up to 3 additional maps, and, in the event of deadlock by the commission, creates a process by which nonpartisan staff submit a final map to the Supreme Court for review based on specified criteria; and

! Allows for judicial review of a commission approved or nonpartisan staff submitted redistricting map, and limits Supreme Court review to whether the commission or the staff committed an abuse of discretion.

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

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

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

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

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

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

21 (c) THE REDISTRICTING COMMISSION SHOULD SET DISTRICT LINES
22 BY ENSURING CONSTITUTIONALLY GUARANTEED VOTING RIGHTS,
23 INCLUDING THE PROTECTION OF MINORITY GROUP VOTING, AS WELL AS

1 FAIR AND EFFECTIVE REPRESENTATION OF CONSTITUENTS USING
2 POLITICALLY NEUTRAL CRITERIA;

3 (d) COMPETITIVE ELECTIONS FOR MEMBERS OF THE UNITED
4 STATES HOUSE OF REPRESENTATIVES PROVIDE VOTERS WITH A
5 MEANINGFUL CHOICE AMONG CANDIDATES, PROMOTE A HEALTHY
6 DEMOCRACY, HELP ENSURE THAT CONSTITUENTS RECEIVE FAIR AND
7 EFFECTIVE REPRESENTATION, AND CONTRIBUTE TO THE POLITICAL
8 WELL-BEING OF KEY COMMUNITIES OF INTEREST AND POLITICAL
9 SUBDIVISIONS;

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

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

21 (2) **Congressional districts - commission created.** THERE IS
22 HEREBY CREATED THE INDEPENDENT CONGRESSIONAL REDISTRICTING
23 COMMISSION. The ~~general assembly~~ COMMISSION shall divide the state
24 into as many congressional districts as there are representatives in
25 congress apportioned to this state by the congress of the United States for
26 the election of one representative to congress from each district. When a
27 new apportionment ~~shall be~~ IS made by congress, the ~~general assembly~~

1 COMMISSION shall divide the state into congressional districts accordingly.

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

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

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

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

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

17 (B) SHARED PUBLIC POLICY CONCERNS SUCH AS EDUCATION,
18 EMPLOYMENT, ENVIRONMENT, PUBLIC HEALTH, TRANSPORTATION, WATER
19 NEEDS AND SUPPLIES, AND ISSUES OF DEMONSTRABLE REGIONAL
20 SIGNIFICANCE.

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

27 (IV) "COMMUNITY OF INTEREST" DOES NOT INCLUDE

1 RELATIONSHIPS WITH POLITICAL PARTIES, INCUMBENTS, OR POLITICAL
2 CANDIDATES.

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

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

7 (e) "STAFF" OR "NONPARTISAN STAFF" MEANS THE STAFF OF THE
8 GENERAL ASSEMBLY'S LEGISLATIVE COUNCIL AND OFFICE OF LEGISLATIVE
9 LEGAL SERVICES, OR THEIR SUCCESSOR OFFICES, WHO ARE ASSIGNED TO
10 ASSIST THE COMMISSION BY THE DIRECTORS OF THOSE OFFICES IN
11 ACCORDANCE WITH SECTION 44.2 OF THIS ARTICLE V.

12 (4) **Adjustment of dates.** IF ANY DATE PRESCRIBED IN SECTIONS
13 44.1 THROUGH 44.5 OF THIS ARTICLE V FALLS ON A SATURDAY, SUNDAY,
14 OR LEGAL HOLIDAY, THEN THE DATE IS EXTENDED TO THE NEXT DAY THAT
15 IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

16 In the constitution of the state of Colorado, **add** sections 44.1,
17 44.2, 44.3, 44.4, 44.5, and 44.6 to article V as follows:

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

22 (2) THE COMMISSION CONSISTS OF TWELVE MEMBERS WHO HAVE
23 THE FOLLOWING QUALIFICATIONS:

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

26 (b) COMMISSIONERS MUST EITHER HAVE BEEN UNAFFILIATED WITH
27 ANY POLITICAL PARTY OR HAVE BEEN AFFILIATED WITH THE SAME

1 POLITICAL PARTY FOR A CONSECUTIVE PERIOD OF NO LESS THAN FIVE
2 YEARS AT THE TIME OF THE APPLICATION; AND

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

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

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

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

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

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

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

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

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

27 (4) BY NOVEMBER 10 OF THE YEAR PRIOR TO THE REDISTRICTING

1 YEAR, ANY PERSON WHO SEEKS TO SERVE ON THE COMMISSION MUST
2 SUBMIT A COMPLETED APPLICATION TO NONPARTISAN STAFF. ALL
3 APPLICATIONS ARE PUBLIC RECORDS AND MUST BE POSTED PROMPTLY
4 AFTER RECEIPT ON THE GENERAL ASSEMBLY'S WEBSITE OR COMPARABLE
5 MEANS OF COMMUNICATING WITH THE PUBLIC.

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

1 THE COLORADO SUPREME COURT AND THE COLORADO COURT OF APPEALS,
2 FEWER THAN THREE ELIGIBLE PARTICIPANTS FOR THE PANEL HAVE BEEN
3 IDENTIFIED WHO ARE ABLE AND WILLING TO SERVE, THE CHIEF JUSTICE
4 SHALL APPOINT THE MOST RECENTLY RETIRED DISTRICT COURT JUDGE WHO
5 HAS NOT BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO APPOINTMENT
6 WITH THE SAME POLITICAL PARTY AS ANY PREVIOUS APPOINTEE TO THE
7 PANEL AND WHO ACCEPTS SUCH APPOINTMENT. NO JUSTICE OR JUDGE
8 SHALL SERVE BOTH ON THIS PANEL AND THE PANEL ASSISTING IN THE
9 PROCESS OF CHOOSING MEMBERS OF THE COMMISSION RESPONSIBLE FOR
10 DIVIDING THE STATE INTO STATE SENATE AND STATE HOUSE OF
11 REPRESENTATIVES DISTRICTS.

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

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

18 (6) AFTER APPLICATIONS ARE SUBMITTED, NONPARTISAN STAFF,
19 WITH THE COOPERATION AND ASSISTANCE OF THE SECRETARY OF STATE,
20 SHALL MAKE AN OBJECTIVE AND FACTUAL FINDING BASED ON, TO THE
21 EXTENT POSSIBLE, PUBLICLY AVAILABLE INFORMATION, INCLUDING
22 INFORMATION CONTAINED IN THE APPLICATION AND INFORMATION
23 CONTAINED WITHIN THE RECORDS MAINTAINED BY THE SECRETARY OF
24 STATE, WHETHER EACH APPLICANT MEETS THE QUALIFICATIONS SPECIFIED
25 IN SUBSECTION (2) OF THIS SECTION. NO LATER THAN JANUARY 11 OF THE
26 REDISTRICTING YEAR, NONPARTISAN STAFF SHALL MAKE ITS FINDINGS
27 PUBLICLY AVAILABLE AND NOTIFY THE APPLICANTS OF THE STAFF'S

1 FINDING. IF THE STAFF FINDS THAT AN APPLICANT IS NOT ELIGIBLE, THEN
2 THE STAFF SHALL INCLUDE THE REASONS IN ITS FINDING.

3 (7) BY JANUARY 18 OF THE REDISTRICTING YEAR, THE PANEL, IN
4 A PUBLIC MEETING, SHALL RANDOMLY SELECT BY LOT FROM ALL OF THE
5 APPLICANTS WHO WERE FOUND TO MEET THE QUALIFICATIONS SPECIFIED
6 IN SUBSECTION (2) OF THIS SECTION THE NAMES OF THREE HUNDRED
7 APPLICANTS WHO ARE AFFILIATED WITH THE STATE'S LARGEST POLITICAL
8 PARTY, THREE HUNDRED APPLICANTS WHO ARE AFFILIATED WITH THE
9 STATE'S SECOND LARGEST POLITICAL PARTY, AND FOUR HUNDRED FIFTY
10 APPLICANTS WHO ARE NOT AFFILIATED WITH ANY POLITICAL PARTY, OR
11 SUCH LESSER NUMBER AS THERE ARE TOTAL APPLICANTS WHO MEET THE
12 QUALIFICATIONS SPECIFIED IN SUBSECTION (2) OF THIS SECTION FOR EACH
13 OF THOSE GROUPS.

14 (8) (a) IN ONE OR MORE PUBLIC HEARINGS CONDUCTED ON OR
15 BEFORE FEBRUARY 1 OF THE REDISTRICTING YEAR, AFTER REVIEWING THE
16 APPLICATIONS OF THE APPLICANTS SELECTED IN ACCORDANCE WITH
17 SUBSECTION (7) OF THIS SECTION, THE PANEL SHALL IDENTIFY FIFTY
18 APPLICANTS WHO ARE AFFILIATED WITH THE STATE'S LARGEST POLITICAL
19 PARTY, FIFTY APPLICANTS WHO ARE AFFILIATED WITH THE STATE'S SECOND
20 LARGEST POLITICAL PARTY, AND FIFTY APPLICANTS WHO ARE
21 UNAFFILIATED WITH ANY POLITICAL PARTY AND WHO BEST DEMONSTRATE:

22 (I) EXPERIENCE IN ORGANIZING, REPRESENTING, ADVOCATING FOR,
23 ADJUDICATING THE INTERESTS OF, OR ACTIVELY PARTICIPATING IN
24 GROUPS, ORGANIZATIONS, OR ASSOCIATIONS IN COLORADO; AND

25 (II) RELEVANT ANALYTICAL SKILLS, THE ABILITY TO BE
26 IMPARTIAL, AND THE ABILITY TO PROMOTE CONSENSUS ON THE
27 COMMISSION.

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

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

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

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

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

24 (9) (a) BY FEBRUARY 16 OF THE REDISTRICTING YEAR, THE
25 MAJORITY LEADER OF THE STATE SENATE, THE MINORITY LEADER OF THE
26 STATE SENATE, THE MAJORITY LEADER OF THE STATE HOUSE OF
27 REPRESENTATIVES, AND THE MINORITY LEADER OF THE STATE HOUSE OF

1 REPRESENTATIVES SHALL EACH SELECT A POOL OF TEN APPLICANTS WHO
2 ARE AFFILIATED WITH ONE OF THE STATE'S TWO LARGEST POLITICAL
3 PARTIES FROM ALL APPLICATIONS SUBMITTED TO NONPARTISAN STAFF AND
4 NOTIFY THE PANEL OF THEIR SELECTIONS.

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

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

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

18 (10) BY MARCH 1 OF THE REDISTRICTING YEAR, THE PANEL OF
19 JUDGES SHALL SELECT, IN SUCH ORDER AS THE PANEL DETERMINES, ONE
20 COMMISSIONER FROM EACH LEGISLATIVE LEADER'S POOL OF APPLICANTS
21 AND TWO COMMISSIONERS FROM THOSE APPLICANTS WHO ARE NOT
22 AFFILIATED WITH ANY POLITICAL PARTY AND WHOSE NAMES WERE
23 RANDOMLY SELECTED BY LOT PURSUANT TO SUBSECTION (7) OF THIS
24 SECTION. THE PANEL OF JUDGES MUST ENSURE THAT THE COMMISSION
25 INCLUDES FOUR COMMISSIONERS WHO ARE NOT AFFILIATED WITH ANY
26 POLITICAL PARTY, FOUR COMMISSIONERS WHO ARE AFFILIATED WITH THE
27 STATE'S LARGEST POLITICAL PARTY, AND FOUR COMMISSIONERS WHO ARE

1 AFFILIATED WITH THE STATE'S SECOND LARGEST POLITICAL PARTY. THE
2 PANEL OF JUDGES MAY INTERVIEW APPLICANTS BEFORE MAKING THE
3 APPOINTMENTS. IN SELECTING APPLICANTS, THE PANEL SHALL, IN
4 ADDITION TO CONSIDERING APPLICANTS' OTHER QUALIFICATIONS:

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

8 (b) ENSURE THAT AT LEAST ONE COMMISSIONER IS REGISTERED TO
9 VOTE IN EACH CONGRESSIONAL DISTRICT BUT NO MORE THAN TWO
10 COMMISSIONERS ARE REGISTERED TO VOTE IN ANY SINGLE
11 CONGRESSIONAL DISTRICT;

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

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

17 (11)(a) A COMMISSIONER'S POSITION ON THE COMMISSION WILL BE
18 DEEMED VACANT IF HE OR SHE, HAVING BEEN APPOINTED AS A REGISTERED
19 ELECTOR WHO IS NOT AFFILIATED WITH A POLITICAL PARTY, AFFILIATES
20 WITH A POLITICAL PARTY BEFORE THE SUPREME COURT HAS APPROVED A
21 PLAN PURSUANT TO SECTION 44.5 OF THIS ARTICLE V. A COMMISSIONER'S
22 POSITION ON THE COMMISSION WILL ALSO BE DEEMED VACANT IF HE OR
23 SHE, HAVING BEEN AFFILIATED WITH ONE OF THE STATE'S TWO LARGEST
24 POLITICAL PARTIES AT THE TIME OF APPOINTMENT, AFFILIATES WITH A
25 DIFFERENT POLITICAL PARTY OR BECOMES UNAFFILIATED WITH ANY
26 POLITICAL PARTY BEFORE THE SUPREME COURT HAS APPROVED A PLAN
27 PURSUANT TO SECTION 44.5 OF THIS ARTICLE V.

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

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

17 **Section 44.2. Commission organization - procedures -**
18 **transparency - voting requirements. (1) Initial organization, officers,**
19 **procedures, rules, and transparency. (a) THE GOVERNOR SHALL**
20 **CONVENE THE COMMISSION NO LATER THAN MARCH 15 OF THE**
21 **REDISTRICTING YEAR AND APPOINT A TEMPORARY CHAIRPERSON FROM THE**
22 **COMMISSION'S MEMBERS. UPON CONVENING, THE COMMISSION SHALL**
23 **ELECT A CHAIR AND A VICE-CHAIR, WHO ARE NOT MEMBERS OF THE SAME**
24 **POLITICAL PARTY, AND OTHER SUCH OFFICERS AS IT DETERMINES.**

25 (b) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL
26 AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES, OR
27 THE DIRECTORS OF SUCCESSOR NONPARTISAN OFFICES OF THE GENERAL

1 ASSEMBLY, SHALL APPOINT NONPARTISAN STAFF FROM THEIR RESPECTIVE
2 OFFICES AS NEEDED TO ASSIST THE COMMISSION AND THE PANEL OF
3 JUDGES AS DESCRIBED IN SECTION 44.1 OF THIS ARTICLE V. NONPARTISAN
4 STAFF SHALL ACQUIRE AND PREPARE ALL NECESSARY RESOURCES,
5 INCLUDING COMPUTER HARDWARE, SOFTWARE, AND DEMOGRAPHIC,
6 GEOGRAPHIC, AND POLITICAL DATABASES, AS FAR IN ADVANCE AS
7 NECESSARY TO ENABLE THE COMMISSION TO BEGIN ITS WORK
8 IMMEDIATELY UPON CONVENING.

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

13 (d) THE GENERAL ASSEMBLY SHALL APPROPRIATE SUFFICIENT
14 FUNDS FOR THE PAYMENT OF THE EXPENSES OF THE COMMISSION, THE
15 COMPENSATION AND EXPENSES OF NONPARTISAN STAFF, AND THE
16 COMPENSATION AND EXPENSES OF THE PANEL OF JUDGES AS DESCRIBED IN
17 SECTION 44.1 OF THIS ARTICLE V. MEMBERS OF THE COMMISSION SHALL
18 BE REIMBURSED FOR THEIR REASONABLE AND NECESSARY EXPENSES AND
19 MAY ALSO RECEIVE SUCH PER DIEM ALLOWANCE AS MAY BE ESTABLISHED
20 BY THE GENERAL ASSEMBLY. SUBJECT TO AVAILABLE APPROPRIATIONS,
21 HARDWARE AND SOFTWARE NECESSARY FOR THE DEVELOPMENT OF PLANS
22 MAY, AT THE REQUEST OF ANY COMMISSIONER, BE PROVIDED TO THE
23 COMMISSIONER. THE COMMISSION AND ITS STAFF MUST HAVE ACCESS TO
24 STATISTICAL INFORMATION COMPILED BY THE STATE AND ITS POLITICAL
25 SUBDIVISIONS AS NECESSARY FOR ITS DUTIES. STATE AGENCIES AND
26 POLITICAL SUBDIVISIONS SHALL COMPLY WITH REQUESTS FROM THE
27 COMMISSION AND ITS STAFF FOR SUCH STATISTICAL INFORMATION.

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

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

13 (II) MAINTENANCE OF A RECORD OF THE COMMISSION'S ACTIVITIES
14 AND PROCEEDINGS, INCLUDING A RECORD OF WRITTEN AND ORAL
15 TESTIMONY RECEIVED, AND OF THE COMMISSION'S DIRECTIONS TO
16 NONPARTISAN STAFF ON PROPOSED CHANGES TO ANY PLAN AND THE
17 COMMISSION'S RATIONALE FOR SUCH CHANGES;

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

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

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

25 (2) **Voting requirements.** A SIMPLE MAJORITY OF THE APPOINTED
26 COMMISSIONERS MAY APPROVE RULES AND PROCEDURAL DECISIONS. THE
27 ELECTION OF THE COMMISSION'S CHAIR AND VICE-CHAIR REQUIRES THE

1 AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS, INCLUDING THE
2 AFFIRMATIVE VOTE OF AT LEAST ONE COMMISSIONER WHO IS
3 UNAFFILIATED WITH ANY POLITICAL PARTY. REMOVAL OF ANY
4 COMMISSIONER AS PROVIDED IN THIS SECTION REQUIRES THE AFFIRMATIVE
5 VOTE OF AT LEAST EIGHT COMMISSIONERS, INCLUDING THE AFFIRMATIVE
6 VOTE OF AT LEAST TWO COMMISSIONERS WHO ARE UNAFFILIATED WITH
7 ANY POLITICAL PARTY. ADOPTION OF THE FINAL PLAN FOR SUBMISSION TO
8 THE SUPREME COURT AND THE ADOPTION OF A REVISED PLAN AFTER A
9 PLAN IS RETURNED TO THE COMMISSION FROM THE SUPREME COURT
10 REQUIRES THE AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS,
11 INCLUDING THE AFFIRMATIVE VOTE OF AT LEAST TWO COMMISSIONERS
12 WHO ARE UNAFFILIATED WITH ANY POLITICAL PARTY. THE COMMISSION
13 SHALL NOT VOTE UPON A FINAL PLAN UNTIL AT LEAST SEVENTY-TWO
14 HOURS AFTER IT HAS BEEN PROPOSED TO THE COMMISSION IN A PUBLIC
15 MEETING OR AT LEAST SEVENTY-TWO HOURS AFTER IT HAS BEEN AMENDED
16 BY THE COMMISSION IN A PUBLIC MEETING, WHICHEVER OCCURS LATER;
17 EXCEPT THAT COMMISSIONERS MAY UNANIMOUSLY WAIVE THE
18 SEVENTY-TWO HOUR REQUIREMENT.

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

23 (b) THE COMMISSION MUST, TO THE MAXIMUM EXTENT
24 PRACTICABLE, PROVIDE OPPORTUNITIES FOR COLORADO RESIDENTS TO
25 PRESENT TESTIMONY AT HEARINGS HELD THROUGHOUT THE STATE. THE
26 COMMISSION SHALL NOT APPROVE A REDISTRICTING MAP UNTIL AT LEAST
27 THREE HEARINGS HAVE BEEN HELD IN EACH CONGRESSIONAL DISTRICT,

1 INCLUDING AT LEAST ONE HEARING THAT IS HELD IN A LOCATION WEST OF
2 THE CONTINENTAL DIVIDE AND AT LEAST ONE HEARING THAT IS HELD IN A
3 LOCATION EAST OF THE CONTINENTAL DIVIDE AND EITHER SOUTH OF EL
4 PASO COUNTY'S SOUTHERN BOUNDARY OR EAST OF ARAPAHOE COUNTY'S
5 EASTERN BOUNDARY. NO GATHERING OF COMMISSIONERS CAN BE
6 CONSIDERED A HEARING FOR THIS PURPOSE UNLESS IT IS ATTENDED, IN
7 PERSON OR ELECTRONICALLY, BY AT LEAST TEN COMMISSIONERS. THE
8 COMMISSION SHALL ESTABLISH BY RULE THE NECESSARY ELEMENTS OF
9 ELECTRONIC ATTENDANCE AT A COMMISSION HEARING.

10 (c) THE COMMISSION SHALL MAINTAIN A WEBSITE OR COMPARABLE
11 MEANS OF COMMUNICATING WITH THE PUBLIC THROUGH WHICH ANY
12 COLORADO RESIDENT MAY SUBMIT PROPOSED MAPS OR WRITTEN
13 COMMENTS, OR BOTH, WITHOUT ATTENDING A HEARING OF THE
14 COMMISSION.

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

27 (e) THE COMMISSION SHALL PROVIDE SIMULTANEOUS ACCESS TO

1 THE REGIONAL HEARINGS BY BROADCASTING THEM VIA ITS WEBSITE OR
2 COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC AND
3 MAINTAIN AN ARCHIVE OF SUCH HEARINGS FOR ONLINE PUBLIC REVIEW.

4 (4) **Ethical obligations - transparency - lobbyist reporting.**

5 (a) COMMISSIONERS ARE GUARDIANS OF THE PUBLIC TRUST AND ARE
6 SUBJECT TO ANTIBRIBERY AND ABUSE OF PUBLIC OFFICE REQUIREMENTS
7 AS PROVIDED IN PARTS 3 AND 4 OF ARTICLE 8 OF TITLE 18, C.R.S., AS
8 AMENDED, OR ANY SUCCESSOR STATUTE.

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

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

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

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

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

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

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

12 (III) PERSONS WHO CONTRACT FOR OR RECEIVE COMPENSATION
13 FOR ADVOCATING TO THE COMMISSION, TO ONE OR MORE COMMISSIONERS,
14 OR TO THE NONPARTISAN STAFF FOR THE ADOPTION OR REJECTION OF ANY
15 MAP, AMENDMENT TO A MAP, MAPPING APPROACH, OR MANNER OF
16 COMPLIANCE WITH ANY OF THE MAPPING CRITERIA SPECIFIED IN SECTION
17 44.3 OF THIS ARTICLE V ARE LOBBYISTS WHO MUST DISCLOSE TO THE
18 SECRETARY OF STATE ANY COMPENSATION CONTRACTED FOR,
19 COMPENSATION RECEIVED, AND THE PERSON OR ENTITY CONTRACTING OR
20 PAYING FOR THEIR LOBBYING SERVICES. SUCH DISCLOSURE MUST BE MADE
21 NO LATER THAN SEVENTY-TWO HOURS AFTER THE EARLIER OF EACH
22 INSTANCE OF SUCH LOBBYING OR ANY PAYMENT OF SUCH COMPENSATION.
23 THE SECRETARY OF STATE SHALL PUBLISH ON THE SECRETARY OF STATE'S
24 WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC
25 THE NAMES OF SUCH LOBBYISTS AS WELL AS THE COMPENSATION
26 RECEIVED AND THE PERSONS OR ENTITIES FOR WHOM THEY WORK WITHIN
27 TWENTY-FOUR HOURS OF RECEIVING SUCH INFORMATION. THE SECRETARY

1 OF STATE SHALL ADOPT RULES TO FACILITATE THE COMPLETE AND PROMPT
2 REPORTING REQUIRED BY THIS SUBSECTION (4)(b)(III) AS WELL AS A
3 COMPLAINT PROCESS TO ADDRESS ANY LOBBYIST'S FAILURE TO REPORT A
4 FULL AND ACCURATE DISCLOSURE, WHICH COMPLAINT MUST BE HEARD BY
5 AN ADMINISTRATIVE LAW JUDGE, WHOSE DECISION MAY BE APPEALED TO
6 THE COURT OF APPEALS.

7 **Section 44.3. Criteria for determinations of congressional**
8 **districts - definition.** (1) IN ADOPTING A CONGRESSIONAL REDISTRICTING
9 PLAN, THE COMMISSION SHALL:

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

15 (b) COMPLY WITH THE FEDERAL "VOTING RIGHTS ACT OF 1965",
16 52 U.S.C. SEC. 50301, AS AMENDED.

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

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

21 (3) (a) THEREAFTER, THE COMMISSION SHALL, TO THE EXTENT
22 POSSIBLE, MAXIMIZE THE NUMBER OF POLITICALLY COMPETITIVE
23 DISTRICTS.

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

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

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

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

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

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

1 LANGUAGE MINORITY GROUP'S ELECTORAL INFLUENCE.

2 **Section 44.4. Preparation, amendment, and approval of plans**

3 **- public hearings and participation.** (1) THE COMMISSION SHALL BEGIN

4 BY CONSIDERING A PLAN, CREATED BY NONPARTISAN STAFF ALONE, TO BE

5 KNOWN AS THE "PRELIMINARY PLAN". THE PRELIMINARY PLAN MUST BE

6 PRESENTED AND PUBLISHED NO EARLIER THAN THIRTY DAYS AND NO

7 LATER THAN FORTY-FIVE DAYS AFTER THE COMMISSION HAS CONVENEED OR

8 THE NECESSARY CENSUS DATA ARE AVAILABLE, WHICHEVER IS LATER.

9 WITHIN THE FIRST TWENTY DAYS AFTER THE COMMISSION HAS CONVENEED,

10 ANY MEMBER OF THE PUBLIC AND ANY MEMBER OF THE COMMISSION MAY

11 SUBMIT WRITTEN COMMENTS TO NONPARTISAN STAFF ON THE CREATION

12 OF THE PRELIMINARY PLAN AND ON COMMUNITIES OF INTEREST THAT

13 REQUIRE REPRESENTATION IN ONE OR MORE SPECIFIC AREAS OF THE STATE.

14 NONPARTISAN STAFF SHALL CONSIDER SUCH COMMENTS IN CREATING THE

15 PRELIMINARY PLAN AND SUCH COMMENTS MUST BE PART OF THE RECORD

16 OF THE COMMISSION'S ACTIVITIES AND PROCEEDINGS. AT THE FIRST PUBLIC

17 HEARING AT WHICH THE PRELIMINARY PLAN IS PRESENTED, NONPARTISAN

18 STAFF SHALL EXPLAIN HOW THE PLAN WAS CREATED, HOW THE PLAN

19 ADDRESSES THE CATEGORIES OF PUBLIC COMMENTS RECEIVED, AND HOW

20 THE PLAN COMPLIES WITH THE CRITERIA PRESCRIBED IN SECTION 44.3 OF

21 THIS ARTICLE V.

22 (2) BY JULY 7 OF THE REDISTRICTING YEAR, THE COMMISSION

23 SHALL COMPLETE PUBLIC HEARINGS ON THE PRELIMINARY PLAN IN

24 SEVERAL PLACES THROUGHOUT THE STATE IN ACCORDANCE WITH SECTION

25 44.2 OF THIS ARTICLE V.

26 (3) SUBSEQUENT TO HEARINGS ON THE PRELIMINARY PLAN,

27 NONPARTISAN STAFF SHALL PREPARE, PUBLISH ONLINE, AND PRESENT TO

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

27 (4) ANY COMMISSIONER OR GROUP OF COMMISSIONERS MAY

1 REQUEST NONPARTISAN STAFF TO PREPARE ADDITIONAL PLANS OR
2 AMENDMENTS TO PLANS. ANY SUCH REQUEST MUST BE MADE IN A PUBLIC
3 HEARING OF THE COMMISSION BUT DOES NOT REQUIRE COMMISSION
4 APPROVAL. PLANS OR AMENDMENTS DEVELOPED IN RESPONSE TO SUCH
5 REQUESTS ARE SEPARATE FROM STAFF PLANS FOR PURPOSES OF
6 SUBSECTION (6) OF THIS SECTION.

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

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

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

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

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

26 **Section 44.5. Supreme court review.** (1) THE SUPREME COURT
27 SHALL REVIEW THE SUBMITTED PLAN AND DETERMINE WHETHER THE PLAN

1 COMPLIES WITH THE CRITERIA LISTED IN SECTION 44.3 OF THIS ARTICLE V.
2 THE COURT'S REVIEW AND DETERMINATION SHALL TAKE PRECEDENCE
3 OVER OTHER MATTERS BEFORE THE COURT. THE SUPREME COURT SHALL
4 ADOPT RULES FOR SUCH PROCEEDINGS AND FOR THE PRODUCTION AND
5 PRESENTATION OF SUPPORTIVE EVIDENCE FOR SUCH PLAN. ANY LEGAL
6 ARGUMENTS CONCERNING SUCH PLAN MUST BE SUBMITTED TO THE
7 SUPREME COURT PURSUANT TO THE SCHEDULE ESTABLISHED BY THE
8 COURT.

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

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

25 (4) (a) BY NOVEMBER 1 OF THE REDISTRICTING YEAR, THE
26 SUPREME COURT SHALL APPROVE THE PLAN SUBMITTED OR RETURN THE
27 PLAN TO THE COMMISSION.

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

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

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

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

16 **Section 44.6. Severability.** IF ANY PROVISION OF SECTIONS 44.1
17 THROUGH 44.5 OF THIS ARTICLE V IS FOUND BY A COURT OF COMPETENT
18 JURISDICTION TO BE UNCONSTITUTIONAL, OR IF ANY APPLICATION OF
19 THESE SECTIONS IS FOUND BY SUCH A COURT TO BE UNCONSTITUTIONAL,
20 SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS
21 OF THE REMAINING PROVISIONS OF THESE SECTIONS THAT CAN BE GIVEN
22 EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION. THE
23 PROVISIONS OF SECTIONS 44.1 THROUGH 44.5 OF THIS ARTICLE V ARE
24 DEEMED AND DECLARED SEVERABLE.

25 **SECTION 2.** Each elector voting at the election may cast a vote
26 either "Yes/For" or "No/Against" on the following ballot title: "Shall
27 there be an amendment to the Colorado constitution concerning

1 congressional redistricting?"

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