

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

LLS NO. R18-1186.01 Nicole Myers x4326

SCR18-005

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SENATE CONCURRENT RESOLUTION 18-005

101 SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF
102 COLORADO AN AMENDMENT TO THE COLORADO CONSTITUTION
103 CONCERNING LEGISLATIVE 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 legislative redistricting commission (commission) to divide the state into state senate and state representative legislative districts. Specifically, the concurrent resolution:

! Specifies that the commission is appointed after each

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.

SENATE
2nd Reading Unamended
April 27, 2018

- 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 state legislative office 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 46 of
8 article V as follows:

9 **Section 46. Senatorial and representative districts -**
10 **commission created. (1) Declaration of the people.** THE PEOPLE OF THE
11 STATE OF COLORADO FIND AND DECLARE THAT:

12 (a) THE PRACTICE OF POLITICAL GERRYMANDERING, WHEREBY
13 LEGISLATIVE 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
24 FAIR AND EFFECTIVE REPRESENTATION OF CONSTITUENTS USING

1 POLITICALLY NEUTRAL CRITERIA;

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

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

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

19 (2) **Legislative districts - commission created.** THERE IS HEREBY
20 CREATED THE INDEPENDENT LEGISLATIVE REDISTRICTING COMMISSION.
21 The ~~state~~ COMMISSION shall ~~be divided~~ DIVIDE THE STATE into as many
22 senatorial and representative districts as there are members of the senate
23 and house of representatives respectively. ~~each district in each house~~
24 ~~having a population as nearly equal as may be, as required by the~~
25 ~~constitution of the United States, but in no event shall there be more than~~
26 ~~five percent deviation between the most populous and the least populous~~
27 ~~district in each house.~~

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

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

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

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

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

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

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

26 (IV) "COMMUNITY OF INTEREST" DOES NOT INCLUDE
27 RELATIONSHIPS WITH POLITICAL PARTIES, INCUMBENTS, OR POLITICAL

1 CANDIDATES.

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

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

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

11 (4) **Adjustment of dates.** IF ANY DATE PRESCRIBED IN SECTIONS
12 47 THROUGH 48.3 OF THIS ARTICLE V FALLS ON A SATURDAY, SUNDAY, OR
13 LEGAL HOLIDAY, THEN THE DATE IS EXTENDED TO THE NEXT DAY THAT IS
14 NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

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

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

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

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

25 (b) COMMISSIONERS MUST EITHER HAVE BEEN UNAFFILIATED WITH
26 ANY POLITICAL PARTY OR HAVE BEEN AFFILIATED WITH THE SAME
27 POLITICAL PARTY FOR A CONSECUTIVE PERIOD OF NO LESS THAN FIVE

1 YEARS AT THE TIME OF THE APPLICATION; AND

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

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

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

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

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

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

26 (VI) IS OR HAS BEEN A PROFESSIONAL LOBBYIST REGISTERED TO
27 LOBBY WITH THE STATE OF COLORADO, WITH ANY MUNICIPALITY IN

1 COLORADO, OR AT THE FEDERAL LEVEL WITHIN THE LAST THREE YEARS
2 PRECEDING THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE
3 COMMISSION ARE DUE UNDER SUBSECTION (4) OF THIS SECTION.

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

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

25 (4) BY NOVEMBER 10 OF THE YEAR PRIOR TO THE REDISTRICTING
26 YEAR, ANY PERSON WHO SEEKS TO SERVE ON THE COMMISSION MUST
27 SUBMIT A COMPLETED APPLICATION TO NONPARTISAN STAFF. ALL

1 APPLICATIONS ARE PUBLIC RECORDS AND MUST BE POSTED PROMPTLY
2 AFTER RECEIPT ON THE GENERAL ASSEMBLY'S WEBSITE OR COMPARABLE
3 MEANS OF COMMUNICATING WITH THE PUBLIC.

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

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

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

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

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

27 (7) BY JANUARY 25 OF THE REDISTRICTING YEAR, THE PANEL, IN

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

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

19 (I) EXPERIENCE IN ORGANIZING, REPRESENTING, ADVOCATING FOR,
20 ADJUDICATING THE INTERESTS OF, OR ACTIVELY PARTICIPATING IN
21 GROUPS, ORGANIZATIONS, OR ASSOCIATIONS IN COLORADO; AND

22 (II) RELEVANT ANALYTICAL SKILLS, THE ABILITY TO BE
23 IMPARTIAL, AND THE ABILITY TO PROMOTE CONSENSUS ON THE
24 COMMISSION.

25 (b) NO LATER THAN FEBRUARY 15 OF THE REDISTRICTING YEAR,
26 FROM THE APPLICANTS IDENTIFIED IN SUBSECTION (8)(a) OF THIS SECTION,
27 THE PANEL SHALL CHOOSE BY LOT SIX APPLICANTS TO SERVE ON THE

1 COMMISSION AS FOLLOWS:

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

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

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

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

21 (9) (a) BY FEBRUARY 16 OF THE REDISTRICTING YEAR, THE
22 MAJORITY LEADER OF THE STATE SENATE, THE MINORITY LEADER OF THE
23 STATE SENATE, THE MAJORITY LEADER OF THE STATE HOUSE OF
24 REPRESENTATIVES, AND THE MINORITY LEADER OF THE STATE HOUSE OF
25 REPRESENTATIVES SHALL EACH SELECT A POOL OF TEN APPLICANTS WHO
26 ARE AFFILIATED WITH ONE OF THE STATE'S TWO LARGEST POLITICAL
27 PARTIES FROM ALL APPLICATIONS SUBMITTED TO NONPARTISAN STAFF AND

1 NOTIFY THE PANEL OF THEIR SELECTIONS.

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

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

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

15 (10) BY MARCH 16 OF THE REDISTRICTING YEAR, THE PANEL OF
16 JUDGES SHALL SELECT, IN SUCH ORDER AS THE PANEL DETERMINES, ONE
17 COMMISSIONER FROM EACH LEGISLATIVE LEADER'S POOL OF APPLICANTS
18 AND TWO COMMISSIONERS FROM THOSE APPLICANTS WHO ARE NOT
19 AFFILIATED WITH ANY POLITICAL PARTY AND WHOSE NAMES WERE
20 RANDOMLY SELECTED BY LOT PURSUANT TO SUBSECTION (7) OF THIS
21 SECTION. THE PANEL OF JUDGES MUST ENSURE THAT THE COMMISSION
22 INCLUDES FOUR COMMISSIONERS WHO ARE NOT AFFILIATED WITH ANY
23 POLITICAL PARTY, FOUR COMMISSIONERS WHO ARE AFFILIATED WITH THE
24 STATE'S LARGEST POLITICAL PARTY, AND FOUR COMMISSIONERS WHO ARE
25 AFFILIATED WITH THE STATE'S SECOND LARGEST POLITICAL PARTY. THE
26 PANEL OF JUDGES MAY INTERVIEW APPLICANTS BEFORE MAKING THE
27 APPOINTMENTS. IN SELECTING APPLICANTS, THE PANEL SHALL, IN

1 ADDITION TO CONSIDERING APPLICANTS' OTHER QUALIFICATIONS:

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

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

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

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

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

25 (b) ANY VACANCY ON THE COMMISSION, INCLUDING ONE THAT
26 OCCURS DUE TO DEATH, RESIGNATION, REMOVAL, FAILURE TO MEET THE
27 QUALIFICATIONS OF APPOINTMENT, REFUSAL OR INABILITY TO ACCEPT AN

1 APPOINTMENT, OR OTHERWISE, MUST BE FILLED AS SOON AS POSSIBLE BY
2 THE DESIGNATED APPOINTING AUTHORITY FROM THE DESIGNATED POOL OF
3 ELIGIBLE APPLICANTS FOR THAT COMMISSIONER'S POSITION AND IN THE
4 SAME MANNER AS THE ORIGINALLY CHOSEN COMMISSIONER; EXCEPT THAT
5 NO COMMISSIONER CHOSEN TO FILL A VACANCY WILL BE BYPASSED FOR
6 APPOINTMENT IF ALL CONGRESSIONAL DISTRICTS ARE ALREADY
7 REPRESENTED ON THE COMMISSION.

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

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

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

24 (b) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL
25 AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES, OR
26 THE DIRECTORS OF SUCCESSOR NONPARTISAN OFFICES OF THE GENERAL
27 ASSEMBLY, SHALL APPOINT NONPARTISAN STAFF FROM THEIR RESPECTIVE

1 OFFICES AS NEEDED TO ASSIST THE COMMISSION AND THE PANEL OF
2 JUDGES AS DESCRIBED IN SECTION 47 OF THIS ARTICLE V. NONPARTISAN
3 STAFF SHALL ACQUIRE AND PREPARE ALL NECESSARY RESOURCES,
4 INCLUDING COMPUTER HARDWARE, SOFTWARE, AND DEMOGRAPHIC,
5 GEOGRAPHIC, AND POLITICAL DATABASES, AS FAR IN ADVANCE AS
6 NECESSARY TO ENABLE THE COMMISSION TO BEGIN ITS WORK
7 IMMEDIATELY UPON CONVENING.

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

12 (d) THE GENERAL ASSEMBLY SHALL APPROPRIATE SUFFICIENT
13 FUNDS FOR THE PAYMENT OF THE EXPENSES OF THE COMMISSION, THE
14 COMPENSATION AND EXPENSES OF NONPARTISAN STAFF, AND THE
15 COMPENSATION AND EXPENSES OF THE PANEL OF JUDGES AS DESCRIBED IN
16 SECTION 47 OF THIS ARTICLE V. MEMBERS OF THE COMMISSION SHALL BE
17 REIMBURSED FOR THEIR REASONABLE AND NECESSARY EXPENSES AND
18 MAY ALSO RECEIVE SUCH PER DIEM ALLOWANCE AS MAY BE ESTABLISHED
19 BY THE GENERAL ASSEMBLY. SUBJECT TO AVAILABLE APPROPRIATIONS,
20 HARDWARE AND SOFTWARE NECESSARY FOR THE DEVELOPMENT OF PLANS
21 MAY, AT THE REQUEST OF ANY COMMISSIONER, BE PROVIDED TO THE
22 COMMISSIONER. THE COMMISSION AND ITS STAFF MUST HAVE ACCESS TO
23 STATISTICAL INFORMATION COMPILED BY THE STATE AND ITS POLITICAL
24 SUBDIVISIONS AS NECESSARY FOR ITS DUTIES. STATE AGENCIES AND
25 POLITICAL SUBDIVISIONS SHALL COMPLY WITH REQUESTS FROM THE
26 COMMISSION AND ITS STAFF FOR SUCH STATISTICAL INFORMATION.

27 (e) THE COMMISSION SHALL ADOPT RULES TO GOVERN ITS

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

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

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

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

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

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

24 (2) **Voting requirements.** A SIMPLE MAJORITY OF THE APPOINTED
25 COMMISSIONERS MAY APPROVE RULES AND PROCEDURAL DECISIONS. THE
26 ELECTION OF THE COMMISSION'S CHAIR AND VICE-CHAIR REQUIRES THE
27 AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS, INCLUDING THE

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

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

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

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

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

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

26 (e) THE COMMISSION SHALL PROVIDE SIMULTANEOUS ACCESS TO
27 THE REGIONAL HEARINGS BY BROADCASTING THEM VIA ITS WEBSITE OR

1 COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC AND
2 MAINTAIN AN ARCHIVE OF SUCH HEARINGS FOR ONLINE PUBLIC REVIEW.

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

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

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

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

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

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

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

27 (E) ANY COMMISSIONER WHO PARTICIPATES IN A COMMUNICATION

1 PROHIBITED IN THIS SECTION MUST BE REMOVED FROM THE COMMISSION,
2 AND SUCH VACANCY MUST BE FILLED WITHIN SEVEN DAYS.

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

11 (III) PERSONS WHO CONTRACT FOR OR RECEIVE COMPENSATION
12 FOR ADVOCATING TO THE COMMISSION, TO ONE OR MORE COMMISSIONERS,
13 OR TO NONPARTISAN STAFF FOR THE ADOPTION OR REJECTION OF ANY MAP,
14 AMENDMENT TO A MAP, MAPPING APPROACH, OR MANNER OF COMPLIANCE
15 WITH ANY OF THE MAPPING CRITERIA SPECIFIED IN SECTION 48.1 OF THIS
16 ARTICLE V ARE LOBBYISTS WHO MUST DISCLOSE TO THE SECRETARY OF
17 STATE ANY COMPENSATION CONTRACTED FOR, COMPENSATION RECEIVED,
18 AND THE PERSON OR ENTITY CONTRACTING OR PAYING FOR THEIR
19 LOBBYING SERVICES. SUCH DISCLOSURE MUST BE MADE NO LATER THAN
20 SEVENTY-TWO HOURS AFTER THE EARLIER OF EACH INSTANCE OF SUCH
21 LOBBYING OR ANY PAYMENT OF SUCH COMPENSATION. THE SECRETARY OF
22 STATE SHALL PUBLISH ON THE SECRETARY OF STATE'S WEBSITE OR
23 COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC THE NAMES
24 OF SUCH LOBBYISTS, AS WELL AS THE COMPENSATION RECEIVED AND THE
25 PERSONS OR ENTITIES FOR WHOM THEY WORK WITHIN TWENTY-FOUR
26 HOURS OF RECEIVING SUCH INFORMATION. THE SECRETARY OF STATE
27 SHALL ADOPT RULES TO FACILITATE THE COMPLETE AND PROMPT

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

6 In the constitution of the state of Colorado, **add** sections 48.1,
7 48.2, 48.3, and 48.4 to article V as follows:

8 **Section 48.1. Criteria for determination of legislative districts**

9 **- definition.** (1) IN ADOPTING A LEGISLATIVE REDISTRICTING PLAN, THE
10 COMMISSION SHALL:

11 (a) MAKE A GOOD-FAITH EFFORT TO ACHIEVE MATHEMATICAL
12 POPULATION EQUALITY BETWEEN DISTRICTS, AS REQUIRED BY THE
13 CONSTITUTION OF THE UNITED STATES, BUT IN NO EVENT SHALL THERE BE
14 MORE THAN FIVE PERCENT DEVIATION BETWEEN THE MOST POPULOUS AND
15 THE LEAST POPULOUS DISTRICT IN EACH HOUSE. DISTRICTS MUST BE
16 COMPOSED OF CONTIGUOUS GEOGRAPHIC AREAS.

17 (b) COMPLY WITH THE FEDERAL "VOTING RIGHTS ACT OF 1965",
18 52 U.S.C. SEC. 50301, AS AMENDED.

19 (2) (a) AS MUCH AS IS REASONABLY POSSIBLE, THE COMMISSION'S
20 PLAN MUST PRESERVE WHOLE COMMUNITIES OF INTEREST AND WHOLE
21 POLITICAL SUBDIVISIONS, SUCH AS COUNTIES, CITIES, AND TOWNS. TO
22 FACILITATE THE EFFICIENT AND EFFECTIVE PROVISION OF GOVERNMENTAL
23 SERVICES, WITH REGARD TO ANY COUNTY, CITY, CITY AND COUNTY, OR
24 TOWN WHOSE POPULATION IS LESS THAN A DISTRICT'S PERMITTED
25 POPULATION, THE COMMISSION SHALL PRESUME THAT SUCH COUNTY, CITY,
26 CITY AND COUNTY, OR TOWN SHOULD BE WHOLLY CONTAINED WITHIN A
27 DISTRICT; EXCEPT THAT A DIVISION OF SUCH COUNTY, CITY, CITY AND

1 COUNTY, OR TOWN IS PERMITTED WHERE, BASED ON A PREPONDERANCE OF
2 THE EVIDENCE IN THE RECORD, A COMMUNITY OF INTEREST'S LEGISLATIVE
3 ISSUES ARE MORE ESSENTIAL TO THE FAIR AND EFFECTIVE
4 REPRESENTATION OF RESIDENTS OF THE DISTRICT. WHEN THE COMMISSION
5 DIVIDES A COUNTY, CITY, CITY AND COUNTY, OR TOWN, IT SHALL MINIMIZE
6 THE NUMBER OF DIVISIONS OF THAT COUNTY, CITY, CITY AND COUNTY, OR
7 TOWN.

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

9 (3) (a) THEREAFTER, THE COMMISSION SHALL, TO THE EXTENT
10 POSSIBLE, MAXIMIZE THE NUMBER OF POLITICALLY COMPETITIVE
11 DISTRICTS.

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

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

26 (d) FOR PURPOSES OF THIS SUBSECTION (3), "COMPETITIVE" MEANS
27 HAVING A REASONABLE POTENTIAL FOR THE PARTY AFFILIATION OF THE

1 DISTRICT'S REPRESENTATIVE TO CHANGE AT LEAST ONCE BETWEEN
2 FEDERAL DECENNIAL CENSUSES. COMPETITIVENESS MAY BE MEASURED BY
3 FACTORS SUCH AS A PROPOSED DISTRICT'S PAST ELECTION RESULTS, A
4 PROPOSED DISTRICT'S POLITICAL PARTY REGISTRATION DATA, AND
5 EVIDENCE-BASED ANALYSES OF PROPOSED DISTRICTS.

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

8 (a) IT HAS BEEN DRAWN FOR THE PURPOSE OF PROTECTING ONE OR
9 MORE INCUMBENT MEMBERS, OR ONE OR MORE DECLARED CANDIDATES,
10 OF THE SENATE OR HOUSE OF REPRESENTATIVES, OR ANY POLITICAL
11 PARTY; OR

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

17 **Section 48.2. Preparation, amendment, and approval of plans**
18 **- public hearings and participation.** (1) THE COMMISSION SHALL BEGIN
19 BY CONSIDERING A PLAN FOR THE STATE SENATE AND A PLAN FOR THE
20 STATE HOUSE OF REPRESENTATIVES, CREATED BY ITS NONPARTISAN STAFF
21 ALONE, TO BE KNOWN AS THE "PRELIMINARY SENATE PLAN" AND THE
22 "PRELIMINARY HOUSE PLAN". SUCH PLANS MUST BE PRESENTED AND
23 PUBLISHED NO EARLIER THAN THIRTY DAYS AND NO LATER THAN
24 FORTY-FIVE DAYS AFTER THE COMMISSION HAS CONVENEED OR THE
25 NECESSARY CENSUS DATA ARE AVAILABLE, WHICHEVER IS LATER. WITHIN
26 THE FIRST TWENTY DAYS AFTER THE COMMISSION HAS CONVENEED, ANY
27 MEMBER OF THE PUBLIC AND ANY MEMBER OF THE COMMISSION MAY

1 SUBMIT WRITTEN COMMENTS TO NONPARTISAN STAFF ON THE CREATION
2 OF THE PRELIMINARY PLANS AND ON COMMUNITIES OF INTEREST THAT
3 REQUIRE REPRESENTATION IN ONE OR MORE SPECIFIC AREAS OF THE STATE.
4 NONPARTISAN STAFF SHALL CONSIDER SUCH COMMENTS IN CREATING THE
5 PRELIMINARY PLANS, AND SUCH COMMENTS SHALL BE PART OF THE
6 RECORD OF THE COMMISSION'S ACTIVITIES AND PROCEEDINGS. AT THE
7 FIRST PUBLIC HEARING AT WHICH THE PRELIMINARY PLANS ARE
8 PRESENTED, NONPARTISAN STAFF SHALL EXPLAIN HOW THE PLANS WERE
9 CREATED, HOW THE PLANS ADDRESS THE CATEGORIES OF PUBLIC
10 COMMENTS RECEIVED, AND HOW THE PLANS COMPLY WITH THE CRITERIA
11 PRESCRIBED IN SECTION 48.1 OF THIS ARTICLE V.

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

16 (3) SUBSEQUENT TO HEARINGS ON THE PRELIMINARY SENATE PLAN
17 AND THE PRELIMINARY HOUSE PLAN, NONPARTISAN STAFF SHALL PREPARE,
18 PUBLISH ONLINE, AND PRESENT TO THE COMMISSION NO FEWER THAN
19 THREE PLANS FOR THE STATE SENATE AND THREE PLANS FOR THE STATE
20 HOUSE OF REPRESENTATIVES, EXCEPT AS PROVIDED IN SUBSECTION (5) OF
21 THIS SECTION. THESE PLANS WILL BE KNOWN AS THE "STAFF PLANS" AND
22 MUST BE NAMED AND NUMBERED SEQUENTIALLY FOR PURPOSES OF
23 SUBSECTION (6) OF THIS SECTION. STAFF PLANS MUST BE PREPARED,
24 PUBLISHED ONLINE, AND PRESENTED IN ACCORDANCE WITH A TIMETABLE
25 ESTABLISHED BY THE COMMISSION; EXCEPT THAT EACH STAFF PLAN MUST
26 BE PRESENTED TO THE COMMISSION NO FEWER THAN TEN DAYS AFTER THE
27 PRESENTATION OF ANY PREVIOUS STAFF PLAN, AND NO FEWER THAN

1 TWENTY-FOUR HOURS AFTER IT HAS BEEN PUBLISHED ONLINE. IF THE
2 COMMISSION FAILS TO ESTABLISH A TIMETABLE FOR THE PRESENTATION OF
3 STAFF PLANS WITHIN TEN DAYS AFTER THE COMPLETION OF HEARINGS ON
4 THE PRELIMINARY PLAN, NONPARTISAN STAFF SHALL ESTABLISH SUCH
5 TIMETABLE. NONPARTISAN STAFF SHALL KEEP EACH PLAN CONFIDENTIAL
6 UNTIL IT IS PUBLISHED ONLINE OR BY A COMPARABLE MEANS OF
7 COMMUNICATING WITH THE PUBLIC USING GENERALLY AVAILABLE
8 TECHNOLOGIES. THE COMMISSION MAY PROVIDE DIRECTION, IF APPROVED
9 BY AT LEAST EIGHT COMMISSIONERS INCLUDING AT LEAST ONE
10 COMMISSIONER UNAFFILIATED WITH ANY POLITICAL PARTY, FOR THE
11 DEVELOPMENT OF STAFF PLANS THROUGH THE ADOPTION OF STANDARDS,
12 GUIDELINES, OR METHODOLOGIES TO WHICH NONPARTISAN STAFF SHALL
13 ADHERE, INCLUDING STANDARDS, GUIDELINES, OR METHODOLOGIES TO BE
14 USED TO EVALUATE A PLAN'S COMPETITIVENESS, CONSISTENT WITH
15 SUBSECTION (3)(d) OF SECTION 48.1 OF THIS ARTICLE V. IN PREPARING ALL
16 STAFF PLANS, NONPARTISAN STAFF SHALL ALSO CONSIDER PUBLIC
17 TESTIMONY AND PUBLIC COMMENTS RECEIVED BY THE COMMISSION THAT
18 ARE CONSISTENT WITH THE CRITERIA SPECIFIED IN SECTION 48.1 OF THIS
19 ARTICLE V.

20 (4) ANY COMMISSIONER OR GROUP OF COMMISSIONERS MAY
21 REQUEST NONPARTISAN STAFF TO PREPARE ADDITIONAL PLANS OR
22 AMENDMENTS TO PLANS. ANY SUCH REQUEST MUST BE MADE IN A PUBLIC
23 HEARING OF THE COMMISSION BUT DOES NOT REQUIRE COMMISSION
24 APPROVAL. PLANS OR AMENDMENTS DEVELOPED IN RESPONSE TO SUCH
25 REQUESTS ARE SEPARATE FROM STAFF PLANS, FOR PURPOSES OF
26 SUBSECTION (6) OF THIS SECTION.

27 (5) (a) THE COMMISSION MAY ADOPT A FINAL SENATE OR HOUSE

1 PLAN AT ANY TIME AFTER PRESENTATION OF THE FIRST STAFF PLANS, IN
2 WHICH CASE NONPARTISAN STAFF DOES NOT NEED TO PREPARE OR PRESENT
3 ADDITIONAL STAFF PLANS FOR THE HOUSE FOR WHICH A MAP HAS BEEN
4 ADOPTED.

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

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

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

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

1 **Section 48.3. Supreme court review.** (1) THE SUPREME COURT
2 SHALL REVIEW THE SUBMITTED PLANS AND DETERMINE WHETHER THE
3 PLANS COMPLY WITH THE CRITERIA LISTED IN SECTION 48.1 OF THIS
4 ARTICLE V. THE COURT'S REVIEW AND DETERMINATION SHALL TAKE
5 PRECEDENCE OVER OTHER MATTERS BEFORE THE COURT. THE SUPREME
6 COURT SHALL ADOPT RULES FOR SUCH PROCEEDINGS AND FOR THE
7 PRODUCTION AND PRESENTATION OF SUPPORTIVE EVIDENCE FOR SUCH
8 PLANS. ANY LEGAL ARGUMENTS CONCERNING SUCH PLANS SHALL BE
9 SUBMITTED TO THE SUPREME COURT PURSUANT TO THE SCHEDULE
10 ESTABLISHED BY THE COURT.

11 (2) THE SUPREME COURT SHALL APPROVE THE PLANS SUBMITTED
12 UNLESS IT FINDS THAT THE COMMISSION OR NONPARTISAN STAFF, IN THE
13 CASE OF A STAFF PLAN SUBMITTED IN THE ABSENCE OF A
14 COMMISSION-APPROVED PLAN, ABUSED ITS DISCRETION IN APPLYING OR
15 FAILING TO APPLY THE CRITERIA LISTED IN SECTION 48.1 OF THIS ARTICLE
16 V, IN LIGHT OF THE RECORD BEFORE THE COMMISSION. THE SUPREME
17 COURT MAY CONSIDER ANY MAPS SUBMITTED TO THE COMMISSION IN
18 ASSESSING WHETHER THE COMMISSION OR NONPARTISAN STAFF, IN THE
19 CASE OF A STAFF PLAN SUBMITTED IN THE ABSENCE OF A
20 COMMISSION-APPROVED PLAN, ABUSED ITS DISCRETION.

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

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

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

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

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

16 (5) THE SUPREME COURT SHALL APPROVE PLANS FOR THE
17 REDRAWING OF STATE SENATE DISTRICTS AND STATE HOUSE OF
18 REPRESENTATIVE DISTRICTS NO LATER THAN DECEMBER 29 OF THE
19 REDISTRICTING YEAR. THE COURT SHALL ORDER THAT SUCH PLANS BE
20 FILED WITH THE SECRETARY OF STATE NO LATER THAN SUCH DATE.

21 **Section 48.4. Severability.** IF ANY PROVISION OF SECTIONS 46
22 THROUGH 48.3 OF THIS ARTICLE V IS FOUND BY A COURT OF COMPETENT
23 JURISDICTION TO BE UNCONSTITUTIONAL, OR IF ANY APPLICATION OF
24 THESE SECTIONS IS FOUND BY SUCH A COURT TO BE UNCONSTITUTIONAL,
25 SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS
26 OF THE REMAINING PROVISIONS OF THESE SECTIONS THAT CAN BE GIVEN
27 EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION. THE

1 PROVISIONS OF SECTIONS 46 THROUGH 48.3 OF THIS ARTICLE V ARE
2 DEEMED AND DECLARED SEVERABLE.

3 **SECTION 2.** Each elector voting at the election may cast a vote
4 either "Yes/For" or "No/Against" on the following ballot title: "Shall
5 there be an amendment to the Colorado constitution concerning
6 legislative redistricting?"

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