# AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

**Agenda Item:** Fair Districts Colorado

**Action Requested:**

**Parties to the Agreement:**

**Term Begins:** **Term Ends:** **Grant Contract #:**

**Summary:**

Please see the attached information for discussion

**Fiscal Impact:**

**Submitted by:** Josh Ost **Submitter's Email Address:** jost@gunnisoncounty.org

**Finance Review:** ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

**County Attorney Review:** ○ Required ◉ Not Required

Comments:

Reveiwed by: Discharge Date: Certificate of Insurance Required

Yes ○ No ○

**County Manager Review:**

Comments:

Reveiwed by: GUNCOUNTY1\khaase Discharge Date: 4/13/2018

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 10

Agenda Date: 4/17/2018

*Revised April 2015*

# AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

**Agenda Item:** Visitor; Kathleen Curry; Fair Districts Colorado P

**Action Requested:**

**Parties to the Agreement:**

**Term Begins:** **Term Ends:** **Grant Contract #:**

**Summary:**

Please see the attached documentation for the 2/27 work session

**Fiscal Impact:**

**Submitted by:** Josh Ost **Submitter's Email Address:** jost@gunnisoncounty.org

**Finance Review:** ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

**County Attorney Review:** ○ Required ◉ Not Required

Comments:

Reveiwed by: Discharge Date: Certificate of Insurance Required

Yes ○ No ○

**County Manager Review:**

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 2/22/2018

○ Consent Agenda ○ Regular Agenda ○ Worksession Time Allotted: 20

Agenda Date: 2/27/2018

*Revised April 2015*

FAIR DISTRICTS COLORADO

# Redistricting Reform in Colorado: A Primer

## The Problem

The bipartisan push to reform the redistricting and reapportionment processes in Colorado is a struggle for the political heart and soul of our state. **Redistricting and reapportionment are the procedures for redrawing the boundaries of congressional and state legislative districts every 10 years to reflect population changes identified in the Census.**

All around the country, and in Colorado too, the system has been badly abused by party insiders. In both 2003 and 2011, Colorado's existing procedures for redistricting and reapportionment were dominated by partisan political appointees, resulting in bitterly divided and partisan affairs that lacked transparency, protected incumbent lawmakers, and resulted in a record low number of competitive congressional and legislative seats in a state that is near-evenly divided.

**The chief defect in the current system is a lack of safeguards to prevent political gerrymandering – or the drawing of legislative and congressional districts for the sole purpose of protecting a given party or a specific incumbent**. Gerrymandering is a prime mover of polarization in our politics, and polarization fuels the discord and dysfunction that predominates our political landscapes. When party bosses pick their own voters, it is the political parties that win. Allowing politicians to manipulate the drawing of their own legislative districts is a conflict of interest that fundamentally undermines representative government and, more practically, the fundamental ability for the voters to have a real voice in choosing their elected leaders.

When party nominees are granted seats so safe that they only need votes from their own party to win a general election, the path to political office begins and ends during the party nomination phase, where hardline voices overwhelmingly prevail. This leaves legislative institutions populated by hardline voices representing hardline constituencies. Therefore, **in gerrymandered districts, elected representatives are effectively representatives of their political party first, foremost, and always**.

## The Consequences

Colorado is one of the most competitive political states in the union – near evenly divided between Democrats, Republicans and Independents. But consider:

- **Only 3 of 65 seats in the Colorado State House of Representatives are competitive**, meaning that 95% of the seats in that chamber are 100% controlled by one party or the other.
- **Only 6 of 35 seats in the Colorado State Senate are competitive**, meaning 83% of the seats in that chamber are 100% controlled by one party or the other.
- **Only 1 of Colorado 7 Congressional Districts are competitive**, meaning 86% of the seats in Colorado's Congressional delegation are 100% controlled by one party or the other.
- **In 2016, the average Congressional race in Colorado was won by 23 percentage points,** or a raw vote margin of almost 90,000 voters.



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The prevalence of gerrymandered districts means Congressional seats become essentially the property of incumbent members until they decide to retire or run for another office. In Colorado, with only one competitive Congressional seat, that deprives 86% of Colorado voters from having a functional say in who represents them in Congress.

The problems created by gerrymandering have become so bad that a recent study found that Colorado's Statehouse was the second most polarized legislative chamber in the country.

## Colorado's Independent Voters Effectively Disenfranchised Under Current System

Colorado is broadly known as one of the nation's premier political battlegrounds. The presidency and control of the U.S. House and U.S. Senate frequently hang on the verdict of Colorado voters – and our status as a swing state is largely explained by the pivotal role played by Independent voters.

Today, Independents are the single largest voting bloc in Colorado.

**Remarkably, Independent voters are, for all intents and purposes, disenfranchised in the current redistricting and reapportionment processes.** The task of redrawing congressional lines is currently in the hands of the General Assembly, which is comprised entirely of Republicans and Democrats. Similarly, the Assembly has no requirement that Independents have a designated voice in the process. Even in cases where Independents have been appointed to the legislative reapportionment panel, they have almost always been badly outnumbered, and too often the Independents selected have been little more than proxies for one party or the other. In 2011, for example, the chairman of the reapportionment process was a nominal Independent, but voted with one party on 100% of the maps, drawing criticism from media observers.

The net effect is that Independents have no guaranteed role in the map drawing process, a reality that has left the largest group of voters effectively powerless to shape the building blocks of lawmaking in the state.

## Colorado's Map Drawing Processes in 2003 and 2011: A Case Study in Bitter Partisanship and Gerrymandering

In Colorado, both parties have taken their opportunities to gerrymander when they were in power and controlled the redistricting process.

**In 2003**, when the GOP controlled both houses of the General Assembly and the Governor's office, **Republicans conducted the infamous "Midnight Gerrymander"** and replaced court-approved congressional maps with maps drawn by party insiders, a never-seen-before gambit, attempting to guarantee Republicans had broad control of a majority of congressional districts for the next decade.



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**In 2011**, after an eight-month process that included input from citizens and organizations all across the state of Colorado, **Democrats, then broadly controlling the majority of levers of influence in the legislative map drawing process, rammed through brand new, never-before-seen maps without any public input in less than 24 hours**. These maps gave Democrats monopoly control of the Colorado statehouse, and were carefully drawn to protect incumbent Members.

In the aftermath of the ugly map drawing spectacles in 2003 and 2011, analysts and observers decried both the process and the outcome, and called for changes before the next round of map drawing in 2020.

## Historical Agreement Across Party Lines – Gerrymandering Is Bad for the Nation

For decades, gerrymandering has undermined the country's political institutions, a reality that has accelerated in recent years as the country has devolved into near-constant hostility and contempt between the political parties. In fact, two former presidents – Barack Obama and Ronald Reagan – have been two of history's most outspoken critics of gerrymandering and the need to end the conflict of interest of politicians drawing their own legislative maps. Their logic is as fresh and powerful now as ever:

> "If we want a better politics, it's not enough to just change a congressman or a senator or even a president," Obama said. "We have to change the system to reflect our better selves. We have to end the practice of drawing our congressional districts so that politicians can pick their voters and not the other way around."
>
> – **President Barack Obama**, State of the Union Address (2016)

> "The fact is gerrymandering has become a national scandal," said Reagan. "A look at the district lines shows how corrupt the whole process has become. The congressional map is a horror show of grotesque, contorted shapes. Districts jump back and forth over mountain ranges, cross large bodies of water, send out little tentacles to absorb special communities and ensure safe seats."
>
> – **President Ronald Reagan** (1987)

## A Plan to End Gerrymandering in Colorado: Fair Districts Colorado

A bipartisan group called Fair Districts Colorado has filed multiple initiatives for the 2018 election to reform redistricting and reapportionment in Colorado. **The measures, backed by a broad spectrum of influential leaders including former Governors Bill Owens (R) and Dick Lamm (D), would create an impartial process for drawing lines, ban gerrymandering, protect communities of interest – including rural and minority voting blocks – and guarantee Independents have a seat at the table in the map drawing process for the first time**. Specifically, the initiatives would:

- Create an independent commission balanced equally between Democrats, Republicans and Independents not affiliated with either of the two major parties to draw district boundaries. For



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the first time in Colorado, Independents would be guaranteed a seat at the table in the redistricting process.

- Have a panel of senior or retired judges select 20 Independent applicants deemed qualified for the commission, from which four are selected by a lottery-like process, thus, ensuring partisans are unable to game the system in the selection of Independent members. In other words, Independent members of the commission would need to be truly independent.

- Require a super-majority of commission members – including at least two of the Independent members – to support maps in order for them to become final, preventing a single political party from hijacking the map drawing process.

- Stipulate that only the commission's impartial, non-partisan professional staff may draw the initial maps. If the commission fails to agree on legislative and Congressional maps, the non-partisan staff's maps would become final.

- Require the redistricting commission to draw competitive districts, where realistically possible, that give either political party a chance to win.

- Protect communities of interest, including minority voters and rural communities from being manipulated for partisan reasons. The initiatives were specifically written to ensure that minority communities are protected and that more competitive districts lines will force politicians to work to earn minority voter support and represent their interests in office.

- Require the redistricting commission to conduct its business transparently, by subjecting it to open meetings, open records and other sunshine laws, a requirement that would end the kind of backroom meetings and last-minute partisan deal-making that has defined the map drawing process in Colorado.

- Enshrine requirements that ensure geographic blocs like the Western Slope, Eastern Plains, San Luis Valley, and the City of Aurora cannot be artificially diluted or divided.

## Who Supports the Fair Districts Reforms?

Bipartisan and independent leaders from across Colorado have endorsed the measures. A complete list of supporters follows.

| **Organizations:** | **Current and Former Elected Officials:** |
|---|---|
| Action 22 | Former Arapahoe County Commissioner John Brackney (R) |
| African Leadership Group | Former Senate Minority Leader and House Majority Leader Norma Anderson (R) |
| CleanSlateNow Institute | Former US Senator Hank Brown (R) |
| Colorado Association of Realtors | Former Secretary of State Bernie Buescher (D) |
| Colorado Business Roundtable | Former State Representative Kathleen Curry (U) |
| Colorado Concern | Former State Representative Brian DelGrosso (R) |
| Colorado Farm Bureau | Former Speaker of the House Mark Ferrandino (D) |
| Denver Metro Commercial Association of Realtors ® | Former House Majority Leader Tim Foster (R) |
| Douglas County Business Alliance | |



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| | |
|---|---|
| Fremont County Board of County Commissioners<br>Grand Junction Economic Partnership<br>Greater Boulder Green Party<br>Pro 15<br>The Centrist Project<br>The League of Women Voters of Colorado<br>South Metro Denver Chamber of Commerce<br><br>**Individuals:**<br>Steve Farber, President Brownstein Hyatt Farber Schreck<br>Ron Forthofer, Former Green Party Candidate for Congress<br>Jay Geyer, Candidate State House District 33<br>Harry Hempy, Former Green Party Candidate for Governor<br>Bob Loevy Professor Emeritus of Political Science, Colorado College<br>Steve Peterson, Candidate State Senate District 30<br>Eric Sondermann, Independent Political Commentator<br>John Straayer, Professor of Political Science, Colorado State University<br>Kent Thiry, Chairman and CEO, DaVita Inc. | Former State Senator Bob Hagedorn (D)<br>Former Mayor of Fruita Ken Henry (R)<br>Former Senate Majority and Minority Leader Mark Hillman (R)<br>Grand Junction City Councilman Chris Kennedy (D)<br>Former Governor Dick Lamm (D)<br>State Representative Larry Liston (R)<br>Boulder County Trustee Jim Martin (D)<br>Former Fruita City Council Member Stacey Mascarenas<br>Mesa County Commissioner Scott McInnis (R)<br>Former Speaker of the House Frank McNulty (R)<br>Former State Representative Carl Miller (D)<br>Former State Representative Clarice Navarro-Ratzlaff (R)<br>Former Mayor of Greeley and Former Senate President Tom Norton (R)<br>Former Governor Bill Owens (R)<br>Pueblo County Commissioner Sal Pace (D)<br>Former State Senator Josh Penry (R)<br>Former State Senator Jim Rizzuto (D)<br>Former Senate President Pro Tempore Ellen Roberts (U)<br>Former State Senator Chris Romer (D)<br>Former Speaker of the House Lola Spradley (R)<br>Former State Senator Ron Teck (R)<br>Former State Representative Steve Tool (R)<br>Former House Minority Leader and State Senator Larry Trujillo (R)<br>Former State Senator Ron Tupa (D)<br>Former State Representative Rob Witwer (R) |

## Who Is Against the Fair Districts Plan?

**Partisans, political operatives, and the very lawyers who have profited handsomely from map drawing litigation on both the left and the right have come out against the Fair District reforms**. On the right, a prominent lawyer attacked the Fair Districts plan, and the priority it places on competitive seats, calling the plan's prioritization of competitiveness and protecting communities of interest "corrupt."

Not far behind, a handful of progressive groups have attacked the reforms because they allow non-partisan staff to develop initial maps, and because, they argue, the Fair Districts plan inadequately protects minority voting rights. Ironically, some of the groups are supporting near identical measures to ban gerrymandering in other states.

None of these party line attacks hold water. In truth, the Fair Districts Reforms codify the Voting Rights Act, giving concrete protection to minority voting rights that map drawers and the courts simply cannot ignore. And the use of non-partisan legislative staff to prepare initial maps is vastly preferable to party operatives developing the maps, as has historically been the case. Attacks on using competitiveness as a criteria for map drawing also fall flat. Competitiveness goes to the heart of quality representation – far from a "corrupt" criteria, competitiveness forces elected representatives to represent their whole



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district, and not just their political party. **Real corruption in map drawing is brought about by partisan gerrymandering, a tool that the political parties aren't eager to give up.**

## Why 2018?

In the aftermath of the 2003 and 2011 map drawing fiascos, bipartisan efforts in the legislature backed by good government champions have attempted to reform how the state draws legislative and congressional lines. Each and every attempt has failed, usually at the behest of leaders in both parties. In the last analysis, any effort to make the redistricting and reapportionment processes independent and impartial undermine the power of the political parties. And the parties aren't giving up this power without a fight.

The time to pass redistricting and reapportionment reform is now. In 2020, a new Census will almost certainly give Colorado an 8th Congressional District. And meanwhile, rapid growth is changing the make-up and character of Colorado.

Will Colorado's growing population be given a meaningful choice about who represents them in the statehouse and in Washington, DC? Or will they be packed into legislative and congressional districts where the outcome is already decided in favor of one party or one incumbent?

**If the map drawing process isn't reformed now, Colorado – arguably the most competitive political state in the union – will be stuck once more with uncompetitive, gerrymandered districts manipulated by partisans at the behest of partisans for the benefit of partisans.**

Colorado deserves better. Fair Districts Colorado will give voters the opportunity in 2018 to create a better path.



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FAIR DISTRICTS COLORADO

# YES! I support Fair Districts Colorado!

Our redistricting process is broken. It's time that Colorado communities, not politicians, draw their districts. The Fair Districts Colorado initiatives will create new, independent commissions to redistrict both the state legislature and the U.S. Congress. Consisting of Republicans, Democrats and those unaffiliated with either major party, a supermajority vote will be required to prevent one party from hijacking the process.

☐ Yes, I want to be listed as a supporter of Fair Districts Colorado. I approve my name, title and organization as listed below and have the authority to do so. I understand my name, organization and title may be published in materials supporting Fair Districts Colorado and that it may be used in a press release, in advertisements or during a media event.

## Supporter Information

_____
Company or Organization Name (if you would like it listed and have the authority to do so)

_____
Name & Title (as you wish to be listed on any materials)

_____
Mailing Address

_____
City/State/Zip

_____ _____
Phone Number Twitter Handle

_____
E-Mail Address

_____ _____
Signature (Required) Date

## Sign me up to help in the following ways:

- ☐ Be quoted in campaign materials
- ☐ Volunteer/speak at local events
- ☐ Communicate with employees/members
- ☐ Place a link on my website
- ☐ Write a letter to the editor
- ☐ Write an opinion letter
- ☐ Post on social media sites
- ☐ Put a sign in my yard
- ☐ Use a bumper sticker
- ☐ Host an event at my home or business

Email: Info@FairDistrictsColorado.org
Address: 820 S. Monaco #284, Denver, CO 80224



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**Internal Use:**

_____
Signature Collected By

_____
Date and Time

Select One of the Following:

- ☐ Association
- ☐ Business
- ☐ Elected Official
- ☐ Individual



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RESOLUTION BY THE _____

Support of Fair Districts Colorado

WHEREAS, the _____, has a unique role representing _____; and

WHEREAS, the process of developing legislative and congressional districts is a high-stakes process, with broad ramifications to the state and the nation every 10-years the process is undertaken;

WHEREAS, the current system of drawing Colorado's legislative and Congressional district lines, which is almost entirely controlled by the political parties and incumbents who benefit from the drawing of those lines, is deeply flawed and badly broken; and

WHEREAS, allowing politicians to manipulate the drawing of their own legislative districts and pick the voters they represent is a conflict of interest that fundamentally undermines representative government, and, more practically, undermines the fundamental ability of the voters to have a real voice in choosing their elected leaders; and

WHEREAS, this conflict of interest results in districts that are heavily gerrymandered to favor a political party or a particular incumbent;

WHEREAS, despite Colorado being one of the most competitive states in the union - nearly evenly divided between Democrats, Republicans and Independents – Colorado's legislative and congressional maps are the anti-thesis of competitive, with of 3 of 65 statehouse seats competitive, 6 of 35 state senate seats competitive, and 1 of 7 congressional districts competitive;

WHEREAS, when party nominees are granted seats so safe that they only need votes from their own party to win a general election, the path to political office begins and ends during the party nomination phase, where hardline voices overwhelmingly prevail. This leaves legislative institutions populated by hardline voices representing hardline constituencies. Therefore, in gerrymandered districts, elected representatives are effectively representatives of their political party first, foremost, and always.

WHEREAS, the problems with the current map drawing process go beyond lack of competitiveness. Another crucial deficiency in the current process – there is no requirement that Independent voters are represented on the commissions that redraw legislative and Congressional district lines, a major gap that effectively disenfranchises 1/3 of the state's voters in the process of developing legislative and congressional maps; and

WHEREAS, the Fair Districts Colorado initiatives will create new, independent commissions to redistrict both the state legislature and the U.S. Congress; and

WHEREAS, the commissions will consist of an equal number of Republicans, Democrats, and those unaffiliated with either major party - the first time in Colorado history where those unaffiliated with

either major party will be guaranteed seats at the table during the map drawing process; and

WHEREAS, the Fair Districts Colorado initiatives will stipulate that only the commission's impartial, nonpartisan professional staff may draw the initial maps; and

WHEREAS, a super-majority of commission members - including at least two of the Independent members - will be required to support the maps for them to become final, preventing partisans from hijacking the map drawing process; and

WHEREAS, the commissions will be required to draw competitive districts, where realistically possible, that give either political party a chance to win; and

WHEREAS, the Fair Districts plan was carefully crafted to protect communities of interest, including minority voters and rural communities, from being manipulated for partisan reasons. The initiative was specifically written to ensure that minority communities are protected under the federal Voting Rights Act and that more competitive districts lines will force politicians to work to earn minority voter support and represent their interests in office.

WHEREAS, the commission meetings will conduct its business transparently, by subjecting it to open meetings, open records, and other sunshine laws, which will end the kind of backroom meetings and last-minute partisan game-playing that has defined the map drawing process in Colorado; now

WHEREAS, the Fair Districts proposal would prohibit once and for all the practice of gerrymandering to benefit a political party or incumbent;

WHEREAS, this Fair District proposal is backed by a number of leading Republican, Democratic and Independent leaders from all across the state.

WHEREAS, The time to pass redistricting and reapportionment reform is now. In 2020, a new Census will almost certainly give Colorado an 8th Congressional District. And meanwhile, rapid growth is changing the make-up and character of Colorado.

THEREFORE, BE IT RESOLVED THAT the _____, supports Fair Districts Colorado's initiatives that reform the redistricting process in Colorado.

APPROVED AND ADOPTED, by _____, this _____day of _____(month) of 201_.

Signed this _____day of _____(month) of 201_.

(Name) _____ (Title) _____

(Name) _____ (Title) _____

(Name) _____ (Title) _____

Paid for by Fair Districts Colorado

**2017-2018 #68 – Final Draft**

RECEIVED
NOV 03 2017
S.WARD
10:48 AM.
Colorado Secretary of State

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

**SECTION 1.** In the constitution of the state of Colorado, **amend** section 46 of article V as follows:

**Section 46. Fair legislative districts for fair elections – legislative declaration.** (1) (a) THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT, IN ORDER TO ENSURE FAIR LEGISLATIVE REPRESENTATION IN THE STATE SENATE AND THE STATE HOUSE OF REPRESENTATIVES, THE PRACTICE OF POLITICAL GERRYMANDERING, WHEREBY LEGISLATIVE DISTRICTS ARE PURPOSEFULLY DRAWN TO FAVOR ONE POLITICAL PARTY OR INCUMBENT POLITICIAN OVER ANOTHER, OR TO ACCOMPLISH POLITICAL GOALS, MUST END.

(b) THE PUBLIC'S INTEREST IN PROHIBITING POLITICAL GERRYMANDERING IS BEST ACHIEVED BY CREATING A NEW AND INDEPENDENT COMMISSION THAT IS POLITICALLY BALANCED, PROVIDES REPRESENTATION TO VOTERS NOT AFFILIATED WITH EITHER OF THE STATE'S TWO LARGEST PARTIES, AND UTILIZES NONPARTISAN LEGISLATIVE STAFF TO DIVIDE THE STATE INTO LEGISLATIVE DISTRICTS WITHOUT REGARD TO PARTISAN PRESSURES OR CONSIDERATIONS.

(c) THE PEOPLE FURTHER FIND AND DECLARE THAT THE CITIZENS OF COLORADO ARE BEST SERVED BY DRAWING DISTRICTS USING FAIR CRITERIA, BY DRAWING DISTRICTS THAT DO NOT ADVANTAGE OR DISADVANTAGE ANY POLITICAL PARTY, AND BY MAXIMIZING THE NUMBER OF POLITICALLY COMPETITIVE DISTRICTS.

(d) THE PEOPLE FURTHER FIND AND DECLARE THAT PUBLIC PARTICIPATION IN THE REDISTRICTING PROCESS IS A PRIORITY AND THAT THE INDEPENDENT LEGISLATIVE REDISTRICTING COMMISSION SHOULD ACT TRANSPARENTLY, HOLD ALL HEARINGS IN AN OPEN, PUBLIC FORUM, AFFORD THE PUBLIC AN OPPORTUNITY TO ENGAGE THROUGH PUBLIC COMMENT, AND BE ACCOUNTABLE, REPRESENTATIVE, RESPONSIVE, AND INDEPENDENT.

(2) The state shall be divided into as many senatorial and representative districts as there are members of the senate and house of representatives respectively, each district in each house having a population as nearly equal as may be, as required by the constitution of the United States, but in no event shall there be more than five percent deviation between the most populous and the least populous district in each house.

**SECTION 2.** In the constitution of the state of Colorado, **amend** section 47 of article V as follows:

**Section 47. Composition of districts.** (1) Each district shall be as compact in area as possible and the aggregate linear distance of all district boundaries shall be as short as possible. Each district shall consist of contiguous whole general election precincts. Districts of the same house shall not overlap.

(2) Except when necessary to meet the equal population requirements of ~~section 46~~ SECTION 46 (2) OF THIS ARTICLE V, no part of one county shall be added to all or part of another county in forming districts. Within counties whose territory is contained in more than one district of the same house, the number of cities and towns whose territory is contained in more than one district of the same house shall be as small as possible. When county, city, or town boundaries are changed, adjustments, if any, in legislative districts shall be as prescribed by law.

(3) Consistent with the provisions of this section and ~~section 46~~ SECTION 46 (2) of this article V, communities of interest, including RACIAL, ethnic, LANGUAGE GROUP, cultural, economic, trade area, geographic, and demographic factors, shall be preserved within a single district wherever possible.

(4) (a) IN DEVELOPING A PLAN FOR REDRAWING THE DISTRICTS OF THE MEMBERS OF THE GENERAL ASSEMBLY, THE INDEPENDENT LEGISLATIVE REDISTRICTING COMMISSION SHALL COMPLY WITH THE FEDERAL "VOTING RIGHTS ACT OF 1965", IN PARTICULAR 52 U.S.C. SEC. 10101.

(b) TO THE EXTENT POSSIBLE AFTER MEETING THE OTHER REQUIREMENTS OF THIS SECTION, THE COMMISSION SHALL MAXIMIZE THE NUMBER OF POLITICALLY COMPETITIVE LEGISLATIVE DISTRICTS.

(c) LEGISLATIVE REDISTRICTING PLANS SHALL NOT BE DRAWN TO PURPOSEFULLY ADVANTAGE OR DISADVANTAGE ANY POLITICAL PARTY OR PERSON.

**SECTION 3.** In the constitution of the state of Colorado, **repeal and reenact, with amendments,** section 48 of article V as follows:

**Section 48. Revision and alteration of districts – independent legislative redistricting commission.** (1) THE RESPONSIBILITY OF DIVIDING THE STATE INTO SENATORIAL AND REPRESENTATIVE DISTRICTS SHALL BE CARRIED OUT BY AN INDEPENDENT COMMISSION TO BE KNOWN AS THE INDEPENDENT LEGISLATIVE REDISTRICTING COMMISSION, WHICH IS HEREBY CREATED AND REFERRED TO IN THIS SECTION AND SECTIONS 48.3 AND 48.5 OF THIS ARTICLE V AS THE "COMMISSION". THE MEMBERS OF THE COMMISSION SHALL BE APPOINTED AS PRESCRIBED IN THIS SECTION IN THE YEAR FOLLOWING THAT IN WHICH THE FEDERAL CENSUS IS TAKEN. SUCH YEAR

IS REFERRED TO AS THE "REDISTRICTING YEAR" IN THIS SECTION AND SECTIONS 48.3 AND 48.5 OF THIS ARTICLE V.

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

(a) FOUR MEMBERS MUST BE REGISTERED WITH THE STATE'S LARGEST POLITICAL PARTY AND SHALL BE APPOINTED IN ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION.

(b) FOUR MEMBERS MUST BE REGISTERED WITH THE STATE'S SECOND LARGEST POLITICAL PARTY AND SHALL BE APPOINTED IN ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION.

(c) FOR A CONTINUOUS PERIOD BEGINNING WITH THE DATE OF THE GENERAL ELECTION IMMEDIATELY PRIOR TO THE MOST RECENT GENERAL ELECTION AND THROUGH THE DATE OF THE MEMBER'S APPOINTMENT, FOUR MEMBERS MUST HAVE EACH BEEN UNAFFILIATED WITH ANY POLITICAL PARTY OR REGISTERED WITH A POLITICAL PARTY OTHER THAN THE STATE'S TWO LARGEST POLITICAL PARTIES. SUCH MEMBERS ARE REFERRED TO IN THIS SECTION AND SECTIONS 48.3 AND 48.5 OF THIS ARTICLE V AS THE "INDEPENDENT MEMBERS" OF THE COMMISSION OR THE "INDEPENDENT COMMISSIONERS". THE INDEPENDENT MEMBERS SHALL BE APPOINTED IN ACCORDANCE WITH SUBSECTION (7) OF THIS SECTION.

(3) ALL COMMISSIONERS MUST BE REGISTERED ELECTORS OF THE STATE OF COLORADO. NO COMMISSIONER MAY BE AN INCUMBENT MEMBER OF THE GENERAL ASSEMBLY OR A CANDIDATE FOR THE GENERAL ASSEMBLY.

(4) (a) NO MORE THAN THREE MEMBERS OF THE COMMISSION MAY RESIDE IN ANY SINGLE CONGRESSIONAL DISTRICT. AT LEAST ONE MEMBER MUST RESIDE IN EACH CONGRESSIONAL DISTRICT.

(b) AT LEAST ONE MEMBER OF THE COMMISSION MUST RESIDE IN EACH OF THE FOLLOWING TWO AREAS OF THE STATE, AND ANY REFERENCE IN THIS SECTION TO A "GEOGRAPHIC AREA" REFERS TO THESE AREAS:

(I) WEST OF THE CONTINENTAL DIVIDE; AND

(II) EAST OF THE CONTINENTAL DIVIDE AND EITHER SOUTH OF EL PASO COUNTY'S SOUTHERN BOUNDARY OR EAST OF ARAPAHOE COUNTY'S EASTERN BOUNDARY.

(5) ALL APPOINTEES TO THE COMMISSION SHALL BE SUBJECT TO AN APPLICATION PROCESS AS FOLLOWS:

(a) NO LATER THAN FEBRUARY 1 OF THE REDISTRICTING YEAR, THE SECRETARY OF STATE SHALL ESTABLISH AND ANNOUNCE AN APPLICATION PROCESS FOR PERSONS DESIRING TO SERVE AS MEMBERS OF THE COMMISSION. THE PROCESS MUST INCLUDE AN APPLICATION FORM THAT MUST BE SUBMITTED ELECTRONICALLY TO THE SECRETARY OF STATE. IN ADDITION, THE SECRETARY OF STATE SHALL CONSULT AND COORDINATE WITH THE STATE'S COUNTY CLERK AND RECORDERS TO DEVELOP AND IMPLEMENT A PROGRAM TO ADVERTISE AND ENCOURAGE APPLICATIONS FROM ELIGIBLE PERSONS FROM ACROSS THE STATE.

(b) THE APPLICATION FORM MUST CLEARLY STATE LEGAL OBLIGATIONS AND EXPECTATIONS OF POTENTIAL APPOINTEES. INFORMATION REQUIRED OF APPLICANTS MUST INCLUDE, BUT NOT NECESSARILY BE LIMITED TO, PROFESSIONAL BACKGROUND, PARTY AFFILIATION, A DESCRIPTION OF PAST POLITICAL ACTIVITY, AND A LIST OF POLITICAL AND CIVIC ORGANIZATIONS TO WHICH THE APPLICANT HAS BELONGED WITHIN THE PREVIOUS FIVE YEARS. IN ADDITION, THE APPLICATION FORM MUST REQUIRE THE APPLICANT TO EXPLAIN WHY THE APPLICANT WANTS TO SERVE ON THE COMMISSION AND AFFORD APPLICANTS AN OPPORTUNITY TO MAKE A STATEMENT ABOUT HOW THE APPLICANT WILL PROMOTE CONSENSUS AMONG COMMISSIONERS IF APPOINTED TO THE COMMISSION. APPLICANTS MAY ALSO CHOOSE TO INCLUDE UP TO FOUR LETTERS OF RECOMMENDATION WITH THEIR APPLICATION.

(c) APPLICATIONS MUST BE SUBMITTED NO LATER THAN MARCH 10 OF THE REDISTRICTING YEAR. WITHIN THREE BUSINESS DAYS AFTER MARCH 10, THE SECRETARY OF STATE SHALL POST ALL APPLICATIONS ON THE SECRETARY OF STATE'S WEBSITE.

(6) APPOINTMENTS OF MEMBERS REGISTERED WITH THE STATE'S TWO LARGEST POLITICAL PARTIES MUST BE MADE FROM THE APPLICANTS WHO SUBMITTED APPLICATIONS TO THE SECRETARY OF STATE. NO APPOINTEE MAY RESIDE IN THE SAME CONGRESSIONAL DISTRICT OR THE SAME GEOGRAPHIC AREA AS ANY PREVIOUS APPOINTEE UNTIL ONE APPOINTMENT HAS BEEN MADE FROM EACH CONGRESSIONAL DISTRICT AND EACH GEOGRAPHIC AREA. FOR EACH APPOINTMENT, THE APPOINTING AUTHORITY MUST DESIGNATE ONE ALTERNATE WHO RESIDES IN THE SAME CONGRESSIONAL DISTRICT OR GEOGRAPHIC AREA AS THE APPOINTEE FOR WHOM HE OR SHE IS AN ALTERNATE. IF ANY OF THE EIGHT APPOINTMENTS MADE ACCORDING TO THIS SUBSECTION (6) VACATES HIS OR HER POSITION AT ANY TIME DURING HIS OR HER TERM, SUCH VACANCY SHALL BE FILLED BY THE DESIGNATED ALTERNATE. IF ANY APPOINTING AUTHORITY FAILS TO MAKE HIS OR HER APPOINTMENT BY A DATE REQUIRED IN THIS SUBSECTION (6), THEN SUCH APPOINTMENT IS

FORFEITED, AND THE NUMBER OF COMMISSIONERS COMPRISING THE COMMISSION IS REDUCED ACCORDINGLY. APPOINTMENTS MUST BE MADE ACCORDING TO THE FOLLOWING SCHEDULE IN THE REDISTRICTING YEAR:

(a) NO LATER THAN MARCH 18, THE SENATE MAJORITY LEADER SHALL APPOINT ONE MEMBER AND DESIGNATE ONE ALTERNATE.

(b) BETWEEN MARCH 19 AND MARCH 21, THE SENATE MINORITY LEADER SHALL APPOINT ONE MEMBER AND DESIGNATE ONE ALTERNATE.

(c) BETWEEN MARCH 22 AND MARCH 24, THE HOUSE MAJORITY LEADER SHALL APPOINT ONE MEMBER AND DESIGNATE ONE ALTERNATE.

(d) BETWEEN MARCH 25 AND MARCH 28, THE HOUSE MINORITY LEADER SHALL APPOINT TWO MEMBERS AND DESIGNATE TWO ALTERNATES.

(e) BETWEEN MARCH 29 AND MARCH 31, THE HOUSE MAJORITY LEADER SHALL APPOINT ONE MEMBER AND DESIGNATE ONE ALTERNATE.

(f) BETWEEN APRIL 1 AND APRIL 3, THE SENATE MINORITY LEADER SHALL APPOINT ONE MEMBER AND DESIGNATE ONE ALTERNATE.

(g) BETWEEN APRIL 4 AND APRIL 6, THE SENATE MAJORITY LEADER SHALL APPOINT ONE MEMBER AND ONE ALTERNATE.

(7) INDEPENDENT APPOINTEES TO THE COMMISSION SHALL BE SELECTED AS FOLLOWS:

(a) NO LATER THAN APRIL 1, THE SECRETARY OF STATE SHALL EXAMINE EACH APPLICATION FOR APPOINTMENT AS AN INDEPENDENT MEMBER OF THE COMMISSION, ISSUE AN ELIGIBILITY FINDING WHETHER THE APPLICANT MEETS THE QUALIFICATION SPECIFIED IN SUBSECTIONS (2)(c) AND (3) OF THIS SECTION, POST THE FINDING ON THE SECRETARY OF STATE'S WEBSITE, AND NOTIFY THE APPLICANT BY ELECTRONIC MAIL OF THE SECRETARY OF STATE'S FINDING. IF THE SECRETARY OF STATE FINDS THAT AN APPLICANT IS NOT ELIGIBLE, THEN THE SECRETARY OF STATE SHALL INCLUDE THE REASONS THEREFOR IN HIS OR HER FINDING. IF THE SECRETARY OF STATE FINDS THAT AN APPLICANT IS NOT ELIGIBLE, THE APPLICANT MAY WITHDRAW HIS OR HER APPLICATION OR SUBMIT A BRIEF STATEMENT DISPUTING THE FINDING WITHIN THREE BUSINESS DAYS AFTER THE DATE OF THE SECRETARY OF STATE'S ELECTRONIC MAIL NOTIFICATION, WHICH STATEMENT SHALL BE POSTED PROMPTLY WITH THE SECRETARY OF STATE'S FINDING. IF AN APPLICANT SUBMITS A STATEMENT DISPUTING THE SECRETARY OF STATE'S FINDING OF INELIGIBILITY, THE APPLICANT MAY BE

CONSIDERED BY THE PANEL IN ACCORDANCE WITH SUBSECTION (7)(d) OF THIS SECTION IF THE PANEL DETERMINES THAT THE APPLICANT IS ELIGIBLE.

(b) NO LATER THAN MARCH 20 OF THE REDISTRICTING YEAR, THE SECRETARY OF STATE SHALL DESIGNATE A PANEL TO REVIEW THE APPLICATIONS FOR APPOINTMENT AS AN INDEPENDENT MEMBER OF THE COMMISSION. THE PANEL MUST CONSIST OF THE THREE JUSTICES OR JUDGES WHO MOST RECENTLY RETIRED FROM THE COLORADO SUPREME COURT OR THE COLORADO COURT OF APPEALS, APPOINTED SEQUENTIALLY STARTING WITH THE MOST RECENT JUSTICE OR JUDGE TO RETIRE WHO HAS BEEN AFFILIATED WITH THE SAME POLITICAL PARTY OR UNAFFILIATED WITH ANY POLITICAL PARTY FOR THE TWO YEARS PRIOR TO APPOINTMENT, EXCEPT THAT NO APPOINTEE, WITHIN TWO YEARS PRIOR TO APPOINTMENT, SHALL HAVE BEEN AFFILIATED WITH THE SAME POLITICAL PARTY AS A JUSTICE OR JUDGE ALREADY APPOINTED TO THE PANEL. IF ANY OF THE THREE JUSTICES OR JUDGES WHO MOST RECENTLY RETIRED FROM THE COLORADO SUPREME COURT OR THE COLORADO COURT OF APPEALS IS UNABLE OR UNWILLING TO SERVE ON THE PANEL OR HAS BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO APPOINTMENT WITH A POLITICAL PARTY ALREADY REPRESENTED ON THE PANEL, THEN THE SECRETARY OF STATE SHALL APPOINT THE NEXT JUSTICE OR JUDGE WHO MOST RECENTLY RETIRED FROM THE COLORADO SUPREME COURT OR THE COLORADO COURT OF APPEALS AND WHO HAS NOT BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO APPOINTMENT WITH THE SAME POLITICAL PARTY AS ANY JUSTICE OR JUDGE ALREADY APPOINTED TO THE PANEL. IF, AFTER CONSIDERING ALL JUSTICES AND JUDGES WHO HAVE RETIRED FROM THE COLORADO SUPREME COURT AND THE COLORADO COURT OF APPEALS, FEWER THAN THREE ELIGIBLE PARTICIPANTS FOR THE PANEL HAVE BEEN IDENTIFIED, THE SECRETARY OF STATE SHALL APPOINT THE MOST RECENTLY RETIRED DISTRICT COURT JUDGE WHO HAS NOT BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO APPOINTMENT WITH THE SAME POLITICAL PARTY AS ANY PREVIOUS APPOINTEE TO THE PANEL AND WHO ACCEPTS SUCH APPOINTMENT. UPON REQUEST OF THE SECRETARY OF STATE, THE STATE COURT ADMINISTRATOR SHALL PROVIDE INFORMATION ABOUT JUSTICES AND JUDGES WHO RECENTLY RETIRED FROM THE COLORADO SUPREME COURT, THE COLORADO COURT OF APPEALS, AND THE STATE'S DISTRICT COURTS AS MAY BE NECESSARY FOR THE SECRETARY OF STATE TO PERFORM HIS OR HER DUTIES UNDER THIS SUBSECTION (7)(b).

(c) THE SECRETARY OF STATE SHALL REIMBURSE MEMBERS OF THE PANEL FOR NECESSARY TRAVEL AND OTHER REASONABLE EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES AND SHALL COMPENSATE MEMBERS OF THE PANEL FOR EACH DAY THAT THE PANEL MEETS IN AN AMOUNT

EQUAL TO ONE-TWENTIETH OF THE MONTHLY SALARY THEN CURRENTLY APPLICABLE TO ASSOCIATE JUSTICES OF THE COLORADO SUPREME COURT. SUCH REIMBURSEMENT AND COMPENSATION MUST NOT AFFECT A MEMBER'S JUDICIAL SERVICE RETIREMENT BENEFITS.

(d) IN ONE OR MORE PUBLIC HEARINGS OPEN TO PUBLIC TESTIMONY AND CONDUCTED IN ACCORDANCE WITH PROCEDURES DETERMINED BY THE PANEL, THE PANEL SHALL SELECT TWENTY ELIGIBLE APPLICANTS IT UNANIMOUSLY RECOMMENDS FOR APPOINTMENT AS INDEPENDENT MEMBERS OF THE COMMISSION, OR SUCH LESSER NUMBER AS THERE ARE TOTAL ELIGIBLE APPLICANTS. THE NONPARTISAN RESEARCH STAFF OF THE GENERAL ASSEMBLY SHALL PROVIDE STAFF ASSISTANCE TO THE PANEL FOR SUCH MEETINGS UPON THE REQUEST OF ANY MEMBER OF THE PANEL. THE PANEL MAY DETERMINE THE ELIGIBILITY OF ANY APPLICANT WHOSE QUALIFICATIONS UNDER SUBSECTIONS (2)(c) AND (3) OF THIS SECTION ARE IN QUESTION. THE PANEL SHALL, TO THE EXTENT PRACTICAL, RECOMMEND APPLICANTS WHO REPRESENT COLORADO'S RACIAL, ETHNIC, GENDER, AND GEOGRAPHIC DIVERSITY, TAKING INTO CONSIDERATION THE GEOGRAPHIC REPRESENTATION REQUIREMENTS OF SUBSECTION (4) OF THIS SECTION AND THE GEOGRAPHIC REPRESENTATION OF THE EIGHT COMMISSIONERS PREVIOUSLY APPOINTED BY THE SENATE MAJORITY LEADER, THE SENATE MINORITY LEADER, THE HOUSE MAJORITY LEADER, AND THE HOUSE MINORITY LEADER. TO THE EXTENT POSSIBLE, THE PANEL SHALL RECOMMEND NO FEWER THAN THREE APPLICANTS FROM EACH UNREPRESENTED CONGRESSIONAL DISTRICT AND EACH UNREPRESENTED GEOGRAPHIC AREA. ADDITIONALLY, THE PANEL SHALL RECOMMEND THOSE APPLICANTS WHO IT FINDS TO BE MOST QUALIFIED TO PERFORM THE DUTIES OF THE COMMISSION, WHO DO NOT DEMONSTRATE ALLEGIANCE OR FIDELITY TO EITHER OF THE STATE'S TWO LARGEST POLITICAL PARTIES, WHO ARE BEST ABLE TO NEUTRALLY APPLY AND ADMINISTER THEIR RESPONSIBILITIES AS COMMISSIONERS, AND WHO ARE MOST LIKELY TO PROMOTE CONSENSUS AMONG COMMISSIONERS. MEMBERS OF THE PANEL SHALL HAVE NO EX PARTE COMMUNICATIONS REGARDING THE PERFORMANCE OF THEIR DUTIES UNDER THIS SUBSECTION (7)(d).

(e) THE PANEL SHALL ISSUE ITS RECOMMENDATIONS NO LATER THAN APRIL 23 OF THE REDISTRICTING YEAR. THE PANEL SHALL FORWARD ITS RECOMMENDATIONS TO THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL, THE SENATE MAJORITY LEADER, THE SENATE MINORITY LEADER, THE HOUSE MAJORITY LEADER, THE HOUSE MINORITY LEADER, AND THE SECRETARY OF STATE, WHO SHALL PROMPTLY POST THE PANEL'S RECOMMENDATIONS ON THE SECRETARY OF STATE'S WEBSITE.

(f) NO LATER THAN APRIL 30 OF THE REDISTRICTING YEAR, THE SECRETARY OF STATE SHALL, IN A PUBLIC MEETING HELD AFTER NOTICE, RANDOMLY SELECT THE FOUR INDEPENDENT MEMBERS FROM THE APPLICANTS RECOMMENDED BY THE PANEL AS FOLLOWS:

(I) FOR EACH CONGRESSIONAL DISTRICT OR GEOGRAPHIC AREA UNREPRESENTED BY THE EIGHT APPOINTMENTS MADE BY THE SENATE MAJORITY LEADER, THE SENATE MINORITY LEADER, THE HOUSE MAJORITY LEADER, AND THE HOUSE MINORITY LEADER, THE SECRETARY OF STATE SHALL RANDOMLY SELECT THE NAME OF ONE APPLICANT FROM ALL RECOMMENDED APPLICANTS WHO RESIDE IN THAT CONGRESSIONAL DISTRICT OR GEOGRAPHIC AREA TO SERVE AS AN APPOINTEE TO THE COMMISSION. THE NAMES OF RECOMMENDED APPLICANTS NOT SELECTED MUST THEN BE INCLUDED IN THE POOL OF RECOMMENDED APPLICANTS FOR FURTHER CONSIDERATION PURSUANT TO SUBSECTION (7)(f)(II) OF THIS SECTION.

(II) FROM AMONG THE APPLICANTS REMAINING AFTER COMPLETING THE SELECTION OF INDEPENDENT MEMBERS PURSUANT TO SUBSECTION (7)(f)(I) OF THIS SECTION, THE SECRETARY OF STATE SHALL RANDOMLY SELECT SUCH NUMBER OF APPLICANTS AS NECESSARY SO THAT THE TOTAL NUMBER OF SELECTIONS MADE PURSUANT TO THIS SUBSECTION (7)(f) TOTALS FOUR; EXCEPT THAT, IF THE SELECTION OF ANY APPLICANT WOULD RESULT IN MORE THAN THREE COMMISSIONERS RESIDING IN A SINGLE CONGRESSIONAL DISTRICT, CONTRARY TO SECTION 48 (4)(a) OF THIS ARTICLE V, THEN THE SECRETARY OF STATE SHALL DISCARD THAT SELECTION AND CONTINUE TO RANDOMLY SELECT APPLICANTS UNTIL THE TOTAL NUMBER OF SELECTIONS MADE PURSUANT TO THIS SUBSECTION (7)(f) TOTALS FOUR AND NO MORE THAN THREE COMMISSIONERS RESIDE IN A SINGLE CONGRESSIONAL DISTRICT. THE FOUR APPLICANTS CHOSEN UPON CONCLUSION OF THE PROCESS DESCRIBED IN THIS SUBSECTION (7)(f) SHALL BECOME THE INDEPENDENT COMMISSIONERS.

(III) THE SECRETARY OF STATE SHALL THEN RANDOMLY SELECT FOUR ADDITIONAL NAMES FROM THE REMAINING APPLICANTS. THESE FOUR APPLICANTS SHALL SERVE AS ALTERNATES AND SHALL BE NUMBERED CONSECUTIVELY AS ALTERNATE ONE, ALTERNATE TWO, ALTERNATE THREE, AND ALTERNATE FOUR. THE ALTERNATES SHALL, IN ORDER AND IRRESPECTIVE OF CONGRESSIONAL DISTRICT OR GEOGRAPHIC AREA, FILL ANY VACANCIES BY THE INDEPENDENT COMMISSIONERS DURING THEIR TERMS.

(8) FOR PURPOSES OF THIS SECTION, THE STATE'S TWO LARGEST POLITICAL PARTIES SHALL BE DETERMINED BY THE NUMBER OF REGISTERED ELECTORS AFFILIATED WITH EACH POLITICAL PARTY IN THE STATE ACCORDING TO VOTER REGISTRATION DATA PUBLISHED BY THE SECRETARY OF STATE

FOR THE EARLIEST DAY IN JANUARY OF THE REDISTRICTING YEAR FOR WHICH SUCH DATA IS PUBLISHED.

**SECTION 4.** In the constitution of the state of Colorado, **add** sections 48.3 and 48.5 to article V as follows:

**Section 48.3. Commission organization – procedures – transparency – voting requirements.** (1) THE GOVERNOR SHALL CONVENE THE COMMISSION NO LATER THAN MAY 15 OF THE REDISTRICTING YEAR, APPOINTING A TEMPORARY CHAIRPERSON FROM THE COMMISSION'S MEMBERS. UPON CONVENING, THE COMMISSION SHALL ELECT A CHAIR AND A VICE-CHAIR, WHO MUST NOT BE MEMBERS OF THE SAME POLITICAL PARTY, AND SUCH OTHER OFFICERS AS IT DETERMINES.

(2) THE DIRECTORS OF THE NONPARTISAN RESEARCH AND LEGAL STAFFS OF THE GENERAL ASSEMBLY SHALL APPOINT NONPARTISAN STAFF FROM THEIR RESPECTIVE OFFICES AS NEEDED TO ASSIST THE COMMISSION. AS FAR IN ADVANCE AS NECESSARY TO ENABLE THE COMMISSION TO BEGIN ITS WORK IMMEDIATELY UPON CONVENING, THE NONPARTISAN STAFF SHALL ACQUIRE AND PREPARE ALL NECESSARY RESOURCES, INCLUDING HARDWARE, SOFTWARE, AND DEMOGRAPHIC, GEOGRAPHIC, AND POLITICAL DATABASES.

(3) THE COMMISSION MAY RETAIN LEGAL COUNSEL IN ALL ACTIONS AND PROCEEDINGS IN CONNECTION WITH THE PERFORMANCE OF ITS POWERS, DUTIES, AND FUNCTIONS, INCLUDING REPRESENTATION OF THE COMMISSION BEFORE THE SUPREME COURT PURSUANT TO SECTION 48.5 (7) OF THIS ARTICLE V.

(4) THE GENERAL ASSEMBLY SHALL APPROPRIATE SUFFICIENT FUNDS FOR THE COMPENSATION AND PAYMENT OF THE EXPENSES OF THE COMMISSION AND ITS STAFF. SUBJECT TO AVAILABLE APPROPRIATIONS, HARDWARE AND SOFTWARE NECESSARY FOR THE DEVELOPMENT OF PLANS MAY, AT THE REQUEST OF ANY COMMISSIONER, BE PROVIDED TO SUCH COMMISSIONER. THE COMMISSION AND ITS STAFF SHALL HAVE ACCESS TO STATISTICAL INFORMATION COMPILED BY THE STATE AND ITS POLITICAL SUBDIVISIONS AND NECESSARY FOR ITS DUTIES. STATE AGENCIES AND POLITICAL SUBDIVISIONS SHALL COMPLY WITH REQUESTS FROM THE COMMISSION AND ITS STAFF FOR SUCH STATISTICAL INFORMATION.

(5) THE COMMISSION SHALL ADOPT RULES TO GOVERN ITS ADMINISTRATION AND OPERATION, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

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

(b) THE PROCESS FOR REMOVING COMMISSIONERS FOR VIOLATING PUBLIC DISCLOSURE OR OPEN MEETINGS PROVISIONS OF THIS SECTION, OR PARTICIPATING IN COMMUNICATIONS PROHIBITED UNDER THIS SECTION;

(c) PROVIDING FOR ANY VACANCY CREATED BY THE DEATH, RESIGNATION, OR REMOVAL OF A COMMISSIONER, OR OTHERWISE, WHICH SHALL BE FILLED BY THE ALTERNATE DETERMINED AS PROVIDED IN SECTION 48 OF THIS ARTICLE V, OR IF SUCH ALTERNATE IS UNWILLING OR UNABLE TO SERVE, BY THE RESPECTIVE APPOINTING AUTHORITY. MEMBERS OF THE COMMISSION SHALL HOLD OFFICE UNTIL APRIL 30 OF THE NEXT REDISTRICTING YEAR.

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

(e) THE ADOPTION OF A STATEWIDE MEETING AND HEARING SCHEDULE.

(6) (a) EXCEPT AS PROVIDED IN SUBSECTION (6)(b) OF THIS SECTION, THE COMMISSION IS SUBJECT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, COLORADO REVISED STATUTES, OR ANY SUCCESSOR ACT.

(b) MAPS IN DRAFT FORM AND NOT SUBMITTED TO THE COMMISSION ARE NOT PUBLIC RECORDS SUBJECT TO DISCLOSURE. WORK PRODUCT AND COMMUNICATIONS BETWEEN COMMISSION STAFF ARE SUBJECT TO DISCLOSURE ONCE A PLAN IS SUBMITTED TO THE SUPREME COURT.

(7) (a) THE COMMISSION IS SUBJECT TO THE OPEN MEETINGS PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972" CONTAINED IN PART 4 OF ARTICLE 6 OF TITLE 24, COLORADO REVISED STATUTES, OR ANY SUCCESSOR ACT. FURTHERMORE, COMMUNICATIONS OUTSIDE OF A PUBLIC MEETING RELATING TO COMMISSION BUSINESS THAT INVOLVE MORE THAN THREE COMMISSIONERS ARE PROHIBITED.

(b) EXCEPT AS PROVIDED IN SUBSECTIONS (7)(c) AND (7)(d) OF THIS SECTION, COMMISSIONERS SHALL NOT COMMUNICATE WITH THE COMMISSION'S STAFF ON THE MAPPING OF LEGISLATIVE DISTRICTS UNLESS THE COMMUNICATION IS DURING A PUBLIC MEETING OR HEARING OF THE COMMISSION.

(c) EXCEPT FOR PUBLIC INPUT AND COMMENT SUCH AS IS PROVIDED FOR IN SECTION 48.5 (1)(c) AND SECTION 48.5 (4) OF THIS ARTICLE V, THE COMMISSION'S STAFF MEMBERS SHALL NOT HAVE ANY COMMUNICATIONS ABOUT THE CONTENT OR DEVELOPMENT OF ANY PLAN OUTSIDE OF PUBLIC HEARINGS WITH ANYONE EXCEPT OTHER STAFF MEMBERS. STAFF SHALL REPORT TO THE COMMISSION ANY ATTEMPT BY ANYONE TO EXERT INFLUENCE OVER THE DRAFTING OF PLANS.

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

(e) ANY COMMISSIONER WHO PARTICIPATES IN A COMMUNICATION PROHIBITED IN THIS SECTION SHALL BE REMOVED FROM THE COMMISSION AND REPLACED WITHIN SEVEN DAYS ACCORDING TO COMMISSION RULES.

(f) AT THE DIRECTION OF THE COMMISSION, ITS STAFF MAY CONSULT WITH EXPERTS RETAINED BY THE COMMISSION. WORK PRODUCT AND COMMUNICATIONS BETWEEN COMMISSION STAFF AND SUCH EXPERTS ARE SUBJECT TO DISCLOSURE UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, COLORADO REVISED STATUTES, OR ANY SUCCESSOR ACT, ONCE A PLAN IS SUBMITTED TO THE SUPREME COURT.

(8) ANY PERSON WHO RECEIVES COMPENSATION FOR ADVOCATING TO THE COMMISSION OR ITS MEMBERS CONCERNING THE ADOPTION OF ANY PLAN, ANY AMENDMENT TO A PLAN, PLAN APPROACH, OR MANNER OF COMPLIANCE WITH ANY OF THE PLAN CRITERIA SET FORTH IN SECTION 47 OF THIS ARTICLE V, OTHER THAN COMMISSION STAFF, IS A "PROFESSIONAL LOBBYIST" AS DEFINED IN SECTION 24-6-301(6), COLORADO REVISED STATUTES, OR ANY SUCCESSOR STATUTE, AND SHALL COMPLY WITH THE REQUIREMENTS APPLICABLE TO PROFESSIONAL LOBBYISTS, INCLUDING REGISTRATION AND FILING DISCLOSURE STATEMENTS, CONTAINED IN PART 3 OF ARTICLE 6 OF TITLE 24, COLORADO REVISED STATUTES, OR ANY SUCCESSOR STATUTES.

(9) ANY MOTION ADOPTED BY THE COMMISSION, INCLUDING THE ELECTION OF ITS OFFICERS AND THE AMENDMENT OF ANY PLAN, REQUIRES THE AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS, INCLUDING THE AFFIRMATIVE VOTE OF AT LEAST ONE INDEPENDENT COMMISSIONER. APPROVAL OF THE PRELIMINARY PLAN PURSUANT TO SECTION 48.5 (2) OF THIS ARTICLE V, ADOPTION OF THE FINAL PLAN FOR SUBMISSION TO THE SUPREME COURT PURSUANT TO SECTION 48.5 (6) OF THIS ARTICLE V, AND ADOPTION OF A REVISED PLAN PURSUANT TO SECTION 48.5

(7) OF THIS ARTICLE V MUST ALSO INCLUDE THE AFFIRMATIVE VOTE OF AT LEAST TWO INDEPENDENT COMMISSIONERS.

(10) THE COMMISSION SHALL NOT VOTE UPON A FINAL PLAN UNTIL AT LEAST SEVENTY-TWO HOURS AFTER IT HAS BEEN PROPOSED TO THE COMMISSION IN A PUBLIC MEETING OR AMENDED BY THE COMMISSION, WHICHEVER OCCURS LATER, UNLESS COMMISSIONERS UNANIMOUSLY WAIVE SUCH REQUIREMENT.

**Section 48.5. Preparation, amendment, and approval of plans.** (1) (a) THE COMMISSION SHALL BEGIN BY CONSIDERING PLANS CREATED BY ITS STAFF ALONE. PRIOR TO THE COMMISSION'S CONSIDERATION OF A PRELIMINARY PLAN, ITS NONPARTISAN STAFF SHALL PREPARE AND PRESENT TO THE COMMISSION NO FEWER THAN FOUR PLANS, EXCEPT AS PROVIDED IN SUBSECTION (1)(e) OF THIS SECTION. THESE PLANS SHALL BE KNOWN AS THE STAFF PLANS AND MUST BE NAMED AND NUMBERED SEQUENTIALLY FOR PURPOSES OF SUBSECTION (2) OF THIS SECTION. THE STAFF PLANS SHALL BE PREPARED, PUBLISHED ONLINE, AND PRESENTED ON A TIMETABLE ESTABLISHED BY THE COMMISSION, EXCEPT EACH STAFF PLAN SHALL BE PRESENTED TO THE COMMISSION NO FEWER THAN TEN DAYS AFTER THE PRESENTATION OF ANY PREVIOUS STAFF PLAN, AND EACH STAFF PLAN MUST BE PRESENTED TO THE COMMISSION NO FEWER THAN TWENTY-FOUR HOURS AFTER IT HAS BEEN PUBLISHED ONLINE. IF THE COMMISSION FAILS TO ESTABLISH A TIMETABLE FOR PRESENTATION OF STAFF PLANS BY JUNE 10 OF THE REDISTRICTING YEAR, STAFF SHALL ESTABLISH SUCH TIMETABLE. STAFF SHALL KEEP EACH PLAN PREPARED CONFIDENTIAL UNTIL IT IS PUBLISHED ONLINE.

(b) AT THE FIRST PUBLIC HEARING AT WHICH THE FIRST STAFF PLAN IS CONSIDERED, THE STAFF SHALL EXPLAIN HOW THE PLAN WAS CREATED AND HOW THE PLAN COMPLIES WITH THE CRITERIA PRESCRIBED IN SECTIONS 46 (2) AND 47 OF THIS ARTICLE V. THE COMMISSION MAY, UPON MOTION ADOPTED IN ACCORDANCE WITH SECTION 48.3 (9) OF THIS ARTICLE V, ADOPT CERTAIN PROVISIONS, ELEMENTS, OR TECHNIQUES, SUCH AS PLAN COMPONENTS, ELEMENTS OF PUBLIC TESTIMONY, OR A DEFINITION OF COMPETITIVENESS, TO WHICH STAFF SHALL ADHERE IN DEVELOPING A STAFF PLAN. IN PREPARING STAFF PLANS, STAFF MAY ALSO CONSIDER PUBLIC TESTIMONY AND PUBLIC COMMENTS RECEIVED BY THE COMMISSION THAT ARE CONSISTENT WITH THE CRITERIA SPECIFIED IN SECTIONS 46 AND 47 OF THIS ARTICLE V.

(c) SUBJECT TO AVAILABLE APPROPRIATIONS, THE COMMISSION SHALL MAKE USE OF REASONABLY AVAILABLE CURRENT TECHNOLOGY TO FACILITATE PUBLIC INPUT AND COMMENT ON THE WORK OF THE COMMISSION. AT A MINIMUM, THE COMMISSION SHALL ENSURE THE FOLLOWING:

(I) THE PUBLIC HAS THE ABILITY TO SUBMIT WRITTEN COMMENTS REGARDING PLANS AND SUGGEST PROPOSALS FOR PLANS, CONCEPTS FOR PLANS, AND AMENDMENTS TO PLANS AT ANY TIME VIA ELECTRONIC MEANS, STARTING NO LATER THAN THE INTRODUCTION OF THE FIRST STAFF PLAN. DURING PUBLIC MEETINGS OF THE COMMISSION, ANY COMMISSIONER MAY REQUEST THAT STAFF PREPARE FOR THE COMMISSION'S CONSIDERATION A PLAN PROPOSAL, PLAN CONCEPT, OR PLAN AMENDMENT SUGGESTED BY A MEMBER OF THE PUBLIC, IN ACCORDANCE WITH SUBSECTION (1)(d) OF THIS SECTION.

(II) THE PUBLIC HAS ADEQUATE OPPORTUNITY TO COMMENT DURING THE PLAN DEVELOPMENT PROCESS, INCLUDING, BUT NOT NECESSARILY LIMITED TO, AN OPPORTUNITY TO COMMENT AFTER THE PUBLICATION OF EACH STAFF PLAN AND PRIOR TO ANY VOTE TO APPROVE A PRELIMINARY PLAN OR TO ADOPT A FINAL PLAN.

(d) ANY MEMBER OF THE COMMISSION OR GROUP OF MEMBERS MAY REQUEST STAFF TO PREPARE ADDITIONAL PLANS OR AMENDMENTS TO PLANS. ANY SUCH REQUEST MUST BE MADE IN A PUBLIC HEARING OF THE COMMISSION BUT DOES NOT REQUIRE COMMISSION APPROVAL. PLANS OR AMENDMENTS DEVELOPED IN RESPONSE TO SUCH REQUESTS ARE SEPARATE FROM STAFF PLANS FOR PURPOSES OF SUBSECTION (2) OF THIS SECTION.

(e) THE COMMISSION MAY ADOPT A PRELIMINARY PLAN AT ANY TIME AFTER PRESENTATION OF THE FIRST STAFF PLAN, IN WHICH CASE THE STAFF DOES NOT NEED TO PREPARE OR PRESENT ADDITIONAL STAFF PLANS.

(2) WITHIN ONE HUNDRED THREE DAYS AFTER THE COMMISSION HAS BEEN CONVENED OR THE NECESSARY CENSUS DATA ARE AVAILABLE, WHICHEVER IS LATER, THE COMMISSION SHALL PUBLISH A PRELIMINARY PLAN. IF FOR ANY REASON THE COMMISSION DOES NOT APPROVE A PRELIMINARY PLAN FOR BOTH HOUSES BY SUCH DATE, THEN THE COMMISSION SHALL PUBLISH THE FOURTH STAFF PLAN AS THE COMMISSION'S PRELIMINARY PLAN. IF THE COMMISSION APPROVES DISTRICTS FOR ONE HOUSE OF THE GENERAL ASSEMBLY BUT NOT THE OTHER HOUSE, THEN THE PLAN FOR THE APPROVED HOUSE SHALL BE PUBLISHED AS THE PRELIMINARY PLAN FOR THAT HOUSE, AND THE FOURTH STAFF PLAN FOR THE HOUSE FOR WHICH THE COMMISSION DID NOT ADOPT A PLAN SHALL BE PUBLISHED AS THE PRELIMINARY PLAN FOR THAT HOUSE.

(3) FOLLOWING THE ADOPTION OF A PRELIMINARY PLAN AND PRIOR TO THE HOLDING OF PUBLIC HEARINGS ON ANY PRELIMINARY PLAN, THE COMMISSION SHALL POST THE PLAN ELECTRONICALLY FOR PUBLIC INSPECTION.

(4) WITHIN FORTY-FIVE DAYS AFTER THE DATE OF THE PUBLICATION OF THE PRELIMINARY PLAN, THE COMMISSION SHALL COMPLETE PUBLIC HEARINGS ON THE PRELIMINARY PLAN IN SEVERAL PLACES THROUGHOUT THE STATE. THE COMMISSION SHALL HOLD NO FEWER THAN THREE HEARINGS IN EACH CONGRESSIONAL DISTRICT, AND THE COMMISSION MUST CONDUCT AT LEAST ONE HEARING IN PERSON IN EACH CONGRESSIONAL DISTRICT. OTHER HEARINGS MAY BE CONDUCTED REMOTELY, THROUGH VIDEO-CONFERENCE OR OTHER AVAILABLE TECHNOLOGY. IN NO CASE, HOWEVER, SHALL THE COMMISSION CONDUCT FEWER THAN TWO IN-PERSON HEARINGS WEST OF THE CONTINENTAL DIVIDE OR FEWER THAN TWO IN-PERSON HEARINGS FROM SOUTH OF EL PASO COUNTY AND EAST OF THE CONTINENTAL DIVIDE.

(5) SUBSEQUENT TO HEARINGS ON THE PRELIMINARY PLAN, THE COMMISSION SHALL RECONVENE. ANY MEMBER OF THE COMMISSION OR GROUP OF MEMBERS MAY REQUEST THE COMMISSION'S STAFF TO PREPARE ADDITIONAL PLANS OR AMENDMENTS TO PLANS, BUT SUCH REQUESTS MUST BE MADE IN A PUBLIC HEARING OF THE COMMISSION.

(6) (a) NO LATER THAN ONE HUNDRED TWENTY-THREE DAYS PRIOR TO THE DATE ESTABLISHED IN STATUTE FOR PRECINCT CAUCUSES IN THE SECOND YEAR FOLLOWING THE YEAR IN WHICH THE CENSUS WAS TAKEN OR, IF THE ELECTION LAWS DO NOT PROVIDE FOR PRECINCT CAUCUSES, NO LATER THAN ONE HUNDRED TWENTY-THREE DAYS PRIOR TO THE DATE ESTABLISHED IN STATUTE FOR THE EVENT COMMENCING THE CANDIDATE SELECTION PROCESS IN SUCH YEAR, THE COMMISSION SHALL FINALIZE ITS PLAN AND SUBMIT THE SAME TO THE COLORADO SUPREME COURT FOR REVIEW AND DETERMINATION IN ACCORDANCE WITH SUBSECTION (7) OF THIS SECTION.

(b) THE COMMISSION MAY ADJUST THE DEADLINES SPECIFIED IN THIS SECTION IF CONDITIONS OUTSIDE OF THE COMMISSION'S CONTROL REQUIRE SUCH AN ADJUSTMENT TO ENSURE ADOPTING A FINAL PLAN AS REQUIRED BY THIS SUBSECTION (6).

(c) THE COMMISSION MAY GRANT ITS STAFF THE AUTHORITY TO MAKE TECHNICAL, DE MINIMIS ADJUSTMENTS TO THE ADOPTED PLAN PRIOR TO ITS SUBMISSION TO THE SUPREME COURT.

(d) IF FOR ANY REASON THE COMMISSION DOES NOT APPROVE A FINAL PLAN FOR BOTH HOUSES OF THE GENERAL ASSEMBLY BY THE DATE REQUIRED, THEN THE COMMISSION SHALL SUBMIT THE

PRELIMINARY PLAN AS THE COMMISSION'S FINAL PLAN. IF THE COMMISSION APPROVES DISTRICTS FOR ONE HOUSE OF THE GENERAL ASSEMBLY BUT NOT THE OTHER HOUSE, THEN THE PLAN FOR THE APPROVED HOUSE SHALL BE SUBMITTED AS THE FINAL PLAN FOR THAT HOUSE, AND THE PRELIMINARY PLAN SHALL BE SUBMITTED AS THE FINAL PLAN FOR THE HOUSE FOR WHICH THE COMMISSION DID NOT APPROVE DISTRICTS.

(7) (a) THE SUPREME COURT SHALL REVIEW THE SUBMITTED PLAN AND DETERMINE WHETHER THE PLAN COMPLIES WITH SECTIONS 46 (2) AND 47 OF THIS ARTICLE V. THE COURT'S REVIEW AND DETERMINATION SHALL TAKE PRECEDENCE OVER OTHER MATTERS BEFORE THE COURT. THE SUPREME COURT SHALL ADOPT RULES FOR SUCH PROCEEDINGS AND FOR THE PRODUCTION AND PRESENTATION OF SUPPORTIVE EVIDENCE FOR SUCH PLAN. ANY LEGAL ARGUMENTS OR EVIDENCE CONCERNING SUCH PLAN SHALL BE SUBMITTED TO THE SUPREME COURT PURSUANT TO THE SCHEDULE ESTABLISHED BY THE COURT. THE SUPREME COURT SHALL EITHER APPROVE THE PLAN OR RETURN THE PLAN TO THE COMMISSION WITH THE COURT'S REASONS FOR DISAPPROVAL UNDER SECTIONS 46 (2) AND 47 OF THIS ARTICLE V.

(b) IF THE PLAN IS RETURNED, THE COURT SHALL SPECIFY A DATE BY WHICH THE COMMISSION MUST SUBMIT A REVISED PLAN TO THE COURT. NO LATER THAN SUCH DATE, THE COMMISSION SHALL SUBMIT A REVISED PLAN TO THE COURT THAT CONFORMS TO THE COURT'S REQUIREMENTS. IF THE COMMISSION FAILS TO SUBMIT A REVISED PLAN TO THE COURT BY THE DATE REQUIRED, THE COMMISSION'S STAFF SHALL, WITHIN TWO BUSINESS DAYS THEREAFTER, SUBMIT A REVISED PLAN TO THE COURT THAT CONFORMS TO THE COURT'S REQUIREMENTS.

(c) THE SUPREME COURT SHALL APPROVE A PLAN FOR THE REDRAWING OF SENATORIAL AND REPRESENTATIVE DISTRICTS BY A DATE THAT WILL ALLOW SUFFICIENT TIME FOR SUCH PLAN TO BE FILED WITH THE SECRETARY OF STATE NO LATER THAN SIXTY-EIGHT DAYS PRIOR TO THE DATE ESTABLISHED IN STATUTE FOR PRECINCT CAUCUSES IN THE SECOND YEAR FOLLOWING THE YEAR IN WHICH THE CENSUS WAS TAKEN OR, IF THE ELECTION LAWS DO NOT PROVIDE FOR PRECINCT CAUCUSES, NO LATER THAN FIFTY-FIVE DAYS PRIOR TO THE DATE ESTABLISHED IN STATUTE FOR THE EVENT COMMENCING THE CANDIDATE SELECTION PROCESS IN SUCH YEAR. THE COURT SHALL ORDER THAT SUCH PLAN BE FILED WITH THE SECRETARY OF STATE NO LATER THAN SUCH DATE.

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S.WARD
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Colorado Secretary of State

**2017-2018 #67 – Final Draft**

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

**SECTION 1.** In the constitution of the state of Colorado, **amend** section 46 of article V as follows:

**Section 46. Fair legislative districts for fair elections – legislative declaration.** (1) (a) THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT, IN ORDER TO ENSURE FAIR LEGISLATIVE REPRESENTATION IN THE STATE SENATE AND THE STATE HOUSE OF REPRESENTATIVES, THE PRACTICE OF POLITICAL GERRYMANDERING, WHEREBY LEGISLATIVE DISTRICTS ARE PURPOSEFULLY DRAWN TO FAVOR ONE POLITICAL PARTY OR INCUMBENT POLITICIAN OVER ANOTHER, OR TO ACCOMPLISH POLITICAL GOALS, MUST END.

(b) THE PUBLIC'S INTEREST IN PROHIBITING POLITICAL GERRYMANDERING IS BEST ACHIEVED BY CREATING A NEW AND INDEPENDENT COMMISSION THAT IS POLITICALLY BALANCED, PROVIDES REPRESENTATION TO VOTERS NOT AFFILIATED WITH EITHER OF THE STATE'S TWO LARGEST PARTIES, AND UTILIZES NONPARTISAN LEGISLATIVE STAFF TO DIVIDE THE STATE INTO LEGISLATIVE DISTRICTS WITHOUT REGARD TO PARTISAN PRESSURES OR CONSIDERATIONS.

(c) THE PEOPLE FURTHER FIND AND DECLARE THAT THE CITIZENS OF COLORADO ARE BEST SERVED BY DRAWING DISTRICTS USING FAIR CRITERIA, BY DRAWING DISTRICTS THAT DO NOT ADVANTAGE OR DISADVANTAGE ANY POLITICAL PARTY, AND BY MAXIMIZING THE NUMBER OF POLITICALLY COMPETITIVE DISTRICTS.

(d) THE PEOPLE FURTHER FIND AND DECLARE THAT PUBLIC PARTICIPATION IN THE REDISTRICTING PROCESS IS A PRIORITY AND THAT THE INDEPENDENT LEGISLATIVE REDISTRICTING COMMISSION SHOULD ACT TRANSPARENTLY, HOLD ALL HEARINGS IN AN OPEN, PUBLIC FORUM, AFFORD THE PUBLIC AN OPPORTUNITY TO ENGAGE THROUGH PUBLIC COMMENT, AND BE ACCOUNTABLE, REPRESENTATIVE, RESPONSIVE, AND INDEPENDENT.

(2) The state shall be divided into as many senatorial and representative districts as there are members of the senate and house of representatives respectively, each district in each house having a population as nearly equal as may be, as required by the constitution of the United States, but in no event shall there be more than five percent deviation between the most populous and the least populous district in each house.

**SECTION 2.** In the constitution of the state of Colorado, **amend** section 47 of article V as follows:

**Section 47. Composition of districts.** (1) Each district shall be as compact in area as possible and the aggregate linear distance of all district boundaries shall be as short as possible. Each district shall consist of contiguous whole general election precincts. Districts of the same house shall not overlap.

(2) Except when necessary to meet the equal population requirements of ~~section 46~~ SECTION 46 (2) OF THIS ARTICLE V, no part of one county shall be added to all or part of another county in forming districts. Within counties whose territory is contained in more than one district of the same house, the number of cities and towns whose territory is contained in more than one district of the same house shall be as small as possible. When county, city, or town boundaries are changed, adjustments, if any, in legislative districts shall be as prescribed by law.

(3) Consistent with the provisions of this section and ~~section 46~~ SECTION 46 (2) of this article V, communities of interest, including RACIAL, ethnic, LANGUAGE GROUP, cultural, economic, trade area, geographic, and demographic factors, shall be preserved within a single district wherever possible.

(4) (a) IN DEVELOPING A PLAN FOR REDRAWING THE DISTRICTS OF THE MEMBERS OF THE GENERAL ASSEMBLY, THE INDEPENDENT LEGISLATIVE REDISTRICTING COMMISSION SHALL COMPLY WITH THE FEDERAL "VOTING RIGHTS ACT OF 1965", IN PARTICULAR 52 U.S.C. SEC. 10101.

(b) TO THE EXTENT POSSIBLE AFTER MEETING THE OTHER REQUIREMENTS OF THIS SECTION, THE COMMISSION SHALL MAXIMIZE THE NUMBER OF POLITICALLY COMPETITIVE LEGISLATIVE DISTRICTS.

(c) LEGISLATIVE REDISTRICTING PLANS SHALL NOT BE DRAWN TO PURPOSEFULLY ADVANTAGE OR DISADVANTAGE ANY POLITICAL PARTY OR PERSON.

**SECTION 3.** In the constitution of the state of Colorado, **repeal and reenact, with amendments,** section 48 of article V as follows:

**Section 48. Revision and alteration of districts – independent legislative redistricting commission.** (1) THE RESPONSIBILITY OF DIVIDING THE STATE INTO SENATORIAL AND REPRESENTATIVE DISTRICTS SHALL BE CARRIED OUT BY AN INDEPENDENT COMMISSION TO BE KNOWN AS THE INDEPENDENT LEGISLATIVE REDISTRICTING COMMISSION, WHICH IS HEREBY CREATED AND REFERRED TO IN THIS SECTION AND SECTIONS 48.3 AND 48.5 OF THIS ARTICLE V AS THE "COMMISSION". THE MEMBERS OF THE COMMISSION SHALL BE APPOINTED AS PRESCRIBED IN THIS SECTION IN THE YEAR FOLLOWING THAT IN WHICH THE FEDERAL CENSUS IS TAKEN. SUCH YEAR

IS REFERRED TO AS THE "REDISTRICTING YEAR" IN THIS SECTION AND SECTIONS 48.3 AND 48.5 OF THIS ARTICLE V.

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

(a) FOUR MEMBERS MUST BE REGISTERED WITH THE STATE'S LARGEST POLITICAL PARTY AND SHALL BE APPOINTED IN ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION.

(b) FOUR MEMBERS MUST BE REGISTERED WITH THE STATE'S SECOND LARGEST POLITICAL PARTY AND SHALL BE APPOINTED IN ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION.

(c) FOR A CONTINUOUS PERIOD BEGINNING WITH THE DATE OF THE GENERAL ELECTION IMMEDIATELY PRIOR TO THE MOST RECENT GENERAL ELECTION AND THROUGH THE DATE OF THE MEMBER'S APPOINTMENT, FOUR MEMBERS MUST HAVE EACH BEEN UNAFFILIATED WITH ANY POLITICAL PARTY OR REGISTERED WITH A POLITICAL PARTY OTHER THAN THE STATE'S TWO LARGEST POLITICAL PARTIES. SUCH MEMBERS ARE REFERRED TO IN THIS SECTION AND SECTIONS 48.3 AND 48.5 OF THIS ARTICLE V AS THE "INDEPENDENT MEMBERS" OF THE COMMISSION OR THE "INDEPENDENT COMMISSIONERS". THE INDEPENDENT MEMBERS SHALL BE APPOINTED IN ACCORDANCE WITH SUBSECTION (7) OF THIS SECTION.

(3) ALL COMMISSIONERS MUST BE REGISTERED ELECTORS OF THE STATE OF COLORADO. NO COMMISSIONER MAY BE AN INCUMBENT MEMBER OF THE GENERAL ASSEMBLY OR A CANDIDATE FOR THE GENERAL ASSEMBLY.

(4) (a) NO MORE THAN THREE MEMBERS OF THE COMMISSION MAY RESIDE IN ANY SINGLE CONGRESSIONAL DISTRICT, AND AT LEAST ONE MEMBER MUST RESIDE IN EACH CONGRESSIONAL DISTRICT.

(b) AT LEAST ONE MEMBER OF THE COMMISSION MUST RESIDE IN EACH OF THE FOLLOWING TWO AREAS OF THE STATE, AND ANY REFERENCE IN THIS SECTION TO A "GEOGRAPHIC AREA" REFERS TO THESE AREAS:

(I) WEST OF THE CONTINENTAL DIVIDE; AND

(II) EAST OF THE CONTINENTAL DIVIDE AND EITHER SOUTH OF EL PASO COUNTY'S SOUTHERN BOUNDARY OR EAST OF ARAPAHOE COUNTY'S EASTERN BOUNDARY.

(5) ALL APPOINTEES TO THE COMMISSION SHALL BE SUBJECT TO AN APPLICATION PROCESS AS FOLLOWS:

(a) NO LATER THAN FEBRUARY 1 OF THE REDISTRICTING YEAR, THE SECRETARY OF STATE SHALL ESTABLISH AND ANNOUNCE AN APPLICATION PROCESS FOR PERSONS DESIRING TO SERVE AS MEMBERS OF THE COMMISSION. THE PROCESS MUST INCLUDE AN APPLICATION FORM THAT MUST BE SUBMITTED ELECTRONICALLY TO THE SECRETARY OF STATE. IN ADDITION, THE SECRETARY OF STATE SHALL CONSULT AND COORDINATE WITH THE STATE'S COUNTY CLERK AND RECORDERS TO DEVELOP AND IMPLEMENT A PROGRAM TO ADVERTISE AND ENCOURAGE APPLICATIONS FROM ELIGIBLE PERSONS FROM ACROSS THE STATE.

(b) THE APPLICATION FORM MUST CLEARLY STATE LEGAL OBLIGATIONS AND EXPECTATIONS OF POTENTIAL APPOINTEES. INFORMATION REQUIRED OF APPLICANTS MUST INCLUDE, BUT NOT NECESSARILY BE LIMITED TO, PROFESSIONAL BACKGROUND, PARTY AFFILIATION, A DESCRIPTION OF PAST POLITICAL ACTIVITY, AND A LIST OF POLITICAL AND CIVIC ORGANIZATIONS TO WHICH THE APPLICANT HAS BELONGED WITHIN THE PREVIOUS FIVE YEARS. IN ADDITION, THE APPLICATION FORM MUST REQUIRE THE APPLICANT TO EXPLAIN WHY THE APPLICANT WANTS TO SERVE ON THE COMMISSION AND AFFORD APPLICANTS AN OPPORTUNITY TO MAKE A STATEMENT ABOUT HOW THE APPLICANT WILL PROMOTE CONSENSUS AMONG COMMISSIONERS IF APPOINTED TO THE COMMISSION. APPLICANTS MAY ALSO CHOOSE TO INCLUDE UP TO FOUR LETTERS OF RECOMMENDATION WITH THEIR APPLICATION.

(c) APPLICATIONS MUST BE SUBMITTED NO LATER THAN MARCH 10 OF THE REDISTRICTING YEAR. WITHIN THREE BUSINESS DAYS AFTER MARCH 10, THE SECRETARY OF STATE SHALL POST ALL APPLICATIONS ON THE SECRETARY OF STATE'S WEBSITE.

(6) APPOINTMENTS OF MEMBERS REGISTERED WITH THE STATE'S TWO LARGEST POLITICAL PARTIES MUST BE MADE FROM THE APPLICANTS WHO SUBMITTED APPLICATIONS TO THE SECRETARY OF STATE. NO APPOINTEE MAY RESIDE IN THE SAME CONGRESSIONAL DISTRICT OR THE SAME GEOGRAPHIC AREA AS ANY PREVIOUS APPOINTEE UNTIL ONE APPOINTMENT HAS BEEN MADE FROM EACH CONGRESSIONAL DISTRICT AND EACH GEOGRAPHIC AREA. FOR EACH APPOINTMENT, THE APPOINTING AUTHORITY MUST DESIGNATE ONE ALTERNATE WHO RESIDES IN THE SAME CONGRESSIONAL DISTRICT OR GEOGRAPHIC AREA AS THE APPOINTEE FOR WHOM HE OR SHE IS AN ALTERNATE. IF ANY OF THE EIGHT APPOINTMENTS MADE ACCORDING TO THIS SUBSECTION (6) VACATES HIS OR HER POSITION AT ANY TIME DURING HIS OR HER TERM, SUCH VACANCY SHALL BE FILLED BY THE DESIGNATED ALTERNATE. IF ANY APPOINTING AUTHORITY FAILS TO MAKE HIS OR HER APPOINTMENT BY A DATE REQUIRED IN THIS SUBSECTION (6), THEN SUCH APPOINTMENT IS

FORFEITED, AND THE NUMBER OF COMMISSIONERS COMPRISING THE COMMISSION IS REDUCED ACCORDINGLY. APPOINTMENTS MUST BE MADE ACCORDING TO THE FOLLOWING SCHEDULE IN THE REDISTRICTING YEAR:

(a) NO LATER THAN MARCH 18, THE SENATE MAJORITY LEADER SHALL APPOINT ONE MEMBER AND DESIGNATE ONE ALTERNATE.

(b) BETWEEN MARCH 19 AND MARCH 21, THE SENATE MINORITY LEADER SHALL APPOINT ONE MEMBER AND DESIGNATE ONE ALTERNATE.

(c) BETWEEN MARCH 22 AND MARCH 24, THE HOUSE MAJORITY LEADER SHALL APPOINT ONE MEMBER AND DESIGNATE ONE ALTERNATE.

(d) BETWEEN MARCH 25 AND MARCH 28, THE HOUSE MINORITY LEADER SHALL APPOINT TWO MEMBERS AND DESIGNATE TWO ALTERNATES.

(e) BETWEEN MARCH 29 AND MARCH 31, THE HOUSE MAJORITY LEADER SHALL APPOINT ONE MEMBER AND DESIGNATE ONE ALTERNATE.

(f) BETWEEN APRIL 1 AND APRIL 3, THE SENATE MINORITY LEADER SHALL APPOINT ONE MEMBER AND DESIGNATE ONE ALTERNATE.

(g) BETWEEN APRIL 4 AND APRIL 6, THE SENATE MAJORITY LEADER SHALL APPOINT ONE MEMBER AND ONE ALTERNATE.

(7) INDEPENDENT APPOINTEES TO THE COMMISSION SHALL BE SELECTED AS FOLLOWS:

(a) NO LATER THAN APRIL 1, THE SECRETARY OF STATE SHALL EXAMINE EACH APPLICATION FOR APPOINTMENT AS AN INDEPENDENT MEMBER OF THE COMMISSION, ISSUE AN ELIGIBILITY FINDING WHETHER THE APPLICANT MEETS THE QUALIFICATION SPECIFIED IN SUBSECTIONS (2)(c) AND (3) OF THIS SECTION, POST THE FINDING ON THE SECRETARY OF STATE'S WEBSITE, AND NOTIFY THE APPLICANT BY ELECTRONIC MAIL OF THE SECRETARY OF STATE'S FINDING. IF THE SECRETARY OF STATE FINDS THAT AN APPLICANT IS NOT ELIGIBLE, THEN THE SECRETARY OF STATE SHALL INCLUDE THE REASONS THEREFOR IN HIS OR HER FINDING. IF THE SECRETARY OF STATE FINDS THAT AN APPLICANT IS NOT ELIGIBLE, THE APPLICANT MAY WITHDRAW HIS OR HER APPLICATION OR SUBMIT A BRIEF STATEMENT DISPUTING THE FINDING WITHIN THREE BUSINESS DAYS AFTER THE DATE OF THE SECRETARY OF STATE'S ELECTRONIC MAIL NOTIFICATION, WHICH STATEMENT SHALL BE POSTED PROMPTLY WITH THE SECRETARY OF STATE'S FINDING. IF AN APPLICANT SUBMITS A STATEMENT DISPUTING THE SECRETARY OF STATE'S FINDING OF INELIGIBILITY, THE APPLICANT MAY BE

CONSIDERED BY THE PANEL IN ACCORDANCE WITH SUBSECTION (7)(d) OF THIS SECTION IF THE PANEL DETERMINES THAT THE APPLICANT IS ELIGIBLE.

(b) NO LATER THAN MARCH 20 OF THE REDISTRICTING YEAR, THE SECRETARY OF STATE SHALL DESIGNATE A PANEL TO REVIEW THE APPLICATIONS FOR APPOINTMENT AS AN INDEPENDENT MEMBER OF THE COMMISSION. THE PANEL SHALL CONSIST OF THE THREE SENIOR JUDGES MOST RECENTLY APPOINTED TO PERFORM TEMPORARY JUDICIAL DUTIES PURSUANT TO THE PROVISIONS OF SECTION 5 (3) OF ARTICLE VI, APPOINTED SEQUENTIALLY STARTING WITH THE MOST RECENTLY APPOINTED SENIOR JUDGE WHO HAS BEEN AFFILIATED WITH THE SAME POLITICAL PARTY OR UNAFFILIATED WITH ANY POLITICAL PARTY FOR THE TWO YEARS PRIOR TO APPOINTMENT, EXCEPT THAT NO APPOINTEE, WITHIN TWO YEARS PRIOR TO APPOINTMENT, SHALL HAVE BEEN AFFILIATED WITH THE SAME POLITICAL PARTY AS A SENIOR JUDGE ALREADY APPOINTED TO THE PANEL. IF ANY OF THE THREE MOST RECENTLY APPOINTED SENIOR JUDGES IS UNABLE OR UNWILLING TO SERVE ON THE PANEL OR HAS BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO APPOINTMENT WITH A POLITICAL PARTY ALREADY REPRESENTED ON THE PANEL, THEN THE SECRETARY OF STATE SHALL APPOINT THE NEXT MOST RECENTLY APPOINTED SENIOR JUDGE WHO HAS NOT BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO APPOINTMENT WITH THE SAME POLITICAL PARTY AS ANY SENIOR JUDGE ALREADY APPOINTED TO THE PANEL. UPON REQUEST OF THE SECRETARY OF STATE, THE COURT ADMINISTRATOR APPOINTED PURSUANT TO SECTION 5 (3) OF ARTICLE VI SHALL PROVIDE INFORMATION ABOUT RECENTLY APPOINTED SENIOR JUDGES AS MAY BE NECESSARY FOR THE SECRETARY OF STATE TO PERFORM HIS OR HER DUTIES UNDER THIS SUBSECTION (7)(b).

(c) THE SECRETARY OF STATE SHALL REIMBURSE MEMBERS OF THE PANEL FOR NECESSARY TRAVEL AND OTHER REASONABLE EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES AND SHALL COMPENSATE MEMBERS OF THE PANEL FOR EACH DAY THAT THE PANEL MEETS IN AN AMOUNT EQUAL TO ONE-TWENTIETH OF THE MONTHLY SALARY THEN CURRENTLY APPLICABLE TO ASSOCIATE JUSTICES OF THE COLORADO SUPREME COURT. SUCH REIMBURSEMENT AND COMPENSATION MUST NOT AFFECT A MEMBER'S JUDICIAL SERVICE RETIREMENT BENEFITS.

(d) IN ONE OR MORE PUBLIC HEARINGS OPEN TO PUBLIC TESTIMONY AND CONDUCTED IN ACCORDANCE WITH PROCEDURES DETERMINED BY THE PANEL, THE PANEL SHALL SELECT TWENTY ELIGIBLE APPLICANTS IT UNANIMOUSLY RECOMMENDS FOR APPOINTMENT AS INDEPENDENT MEMBERS OF THE COMMISSION, OR SUCH LESSER NUMBER AS THERE ARE TOTAL ELIGIBLE APPLICANTS. THE NONPARTISAN RESEARCH STAFF OF THE GENERAL ASSEMBLY SHALL PROVIDE

STAFF ASSISTANCE TO THE PANEL FOR SUCH MEETINGS UPON THE REQUEST OF ANY MEMBER OF THE PANEL. THE PANEL MAY DETERMINE THE ELIGIBILITY OF ANY APPLICANT WHOSE QUALIFICATIONS UNDER SUBSECTIONS (2)(c) AND (3) OF THIS SECTION ARE IN QUESTION. THE PANEL SHALL, TO THE EXTENT PRACTICAL, RECOMMEND APPLICANTS WHO REPRESENT COLORADO'S RACIAL, ETHNIC, GENDER, AND GEOGRAPHIC DIVERSITY, TAKING INTO CONSIDERATION THE GEOGRAPHIC REPRESENTATION REQUIREMENTS OF SUBSECTION (4) OF THIS SECTION AND THE GEOGRAPHIC REPRESENTATION OF THE EIGHT COMMISSIONERS PREVIOUSLY APPOINTED BY THE SENATE MAJORITY LEADER, THE SENATE MINORITY LEADER, THE HOUSE MAJORITY LEADER, AND THE HOUSE MINORITY LEADER. TO THE EXTENT POSSIBLE, THE PANEL SHALL RECOMMEND NO FEWER THAN THREE APPLICANTS FROM EACH UNREPRESENTED CONGRESSIONAL DISTRICT AND EACH UNREPRESENTED GEOGRAPHIC AREA. ADDITIONALLY, THE PANEL SHALL RECOMMEND THOSE APPLICANTS WHO IT FINDS TO BE MOST QUALIFIED TO PERFORM THE DUTIES OF THE COMMISSION, WHO DO NOT DEMONSTRATE ALLEGIANCE OR FIDELITY TO EITHER OF THE STATE'S TWO LARGEST POLITICAL PARTIES, WHO ARE BEST ABLE TO NEUTRALLY APPLY AND ADMINISTER THEIR RESPONSIBILITIES AS COMMISSIONERS, AND WHO ARE MOST LIKELY TO PROMOTE CONSENSUS AMONG COMMISSIONERS. MEMBERS OF THE PANEL SHALL HAVE NO EX PARTE COMMUNICATIONS REGARDING THE PERFORMANCE OF THEIR DUTIES UNDER THIS SUBSECTION (7)(d).

(e) THE PANEL SHALL ISSUE ITS RECOMMENDATIONS NO LATER THAN APRIL 23 OF THE REDISTRICTING YEAR. THE PANEL SHALL FORWARD ITS RECOMMENDATIONS TO THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL, THE SENATE MAJORITY LEADER, THE SENATE MINORITY LEADER, THE HOUSE MAJORITY LEADER, THE HOUSE MINORITY LEADER, AND THE SECRETARY OF STATE, WHO SHALL PROMPTLY POST THE PANEL'S RECOMMENDATIONS ON THE SECRETARY OF STATE'S WEBSITE.

(f) NO LATER THAN APRIL 30 OF THE REDISTRICTING YEAR, THE SECRETARY OF STATE SHALL, IN A PUBLIC MEETING HELD AFTER NOTICE, RANDOMLY SELECT THE FOUR INDEPENDENT MEMBERS FROM THE APPLICANTS RECOMMENDED BY THE PANEL AS FOLLOWS:

(I) FOR EACH CONGRESSIONAL DISTRICT OR GEOGRAPHIC AREA UNREPRESENTED BY THE EIGHT APPOINTMENTS MADE BY THE SENATE MAJORITY LEADER, THE SENATE MINORITY LEADER, THE HOUSE MAJORITY LEADER, AND THE HOUSE MINORITY LEADER, THE SECRETARY OF STATE SHALL RANDOMLY SELECT THE NAME OF ONE APPLICANT FROM ALL RECOMMENDED APPLICANTS WHO RESIDE IN THAT CONGRESSIONAL DISTRICT OR GEOGRAPHIC AREA TO SERVE AS AN APPOINTEE TO

THE COMMISSION. THE NAMES OF RECOMMENDED APPLICANTS NOT SELECTED MUST THEN BE INCLUDED IN THE POOL OF RECOMMENDED APPLICANTS FOR FURTHER CONSIDERATION PURSUANT TO SUBSECTION (7)(f)(II) OF THIS SECTION.

(II) FROM AMONG THE APPLICANTS REMAINING AFTER COMPLETING THE SELECTION OF INDEPENDENT MEMBERS PURSUANT TO SUBSECTION (7)(f)(I) OF THIS SECTION, THE SECRETARY OF STATE SHALL RANDOMLY SELECT SUCH NUMBER OF APPLICANTS AS NECESSARY SO THAT THE TOTAL NUMBER OF SELECTIONS MADE PURSUANT TO THIS SUBSECTION (7)(f) TOTALS FOUR; EXCEPT THAT, IF THE SELECTION OF ANY APPLICANT WOULD RESULT IN MORE THAN THREE COMMISSIONERS RESIDING IN A SINGLE CONGRESSIONAL DISTRICT, CONTRARY TO SECTION 48 (4)(a) OF THIS ARTICLE V, THEN THE SECRETARY OF STATE SHALL DISCARD THAT SELECTION AND CONTINUE TO RANDOMLY SELECT APPLICANTS UNTIL THE TOTAL NUMBER OF SELECTIONS MADE PURSUANT TO THIS SUBSECTION (7)(f) TOTALS FOUR AND NO MORE THAN THREE COMMISSIONERS RESIDE IN A SINGLE CONGRESSIONAL DISTRICT. THE FOUR APPLICANTS CHOSEN UPON CONCLUSION OF THE PROCESS DESCRIBED IN THIS SUBSECTION (7)(f) SHALL BECOME THE INDEPENDENT COMMISSIONERS.

(III) THE SECRETARY OF STATE SHALL THEN RANDOMLY SELECT FOUR ADDITIONAL NAMES FROM THE REMAINING APPLICANTS. THESE FOUR APPLICANTS SHALL SERVE AS ALTERNATES AND SHALL BE NUMBERED CONSECUTIVELY AS ALTERNATE ONE, ALTERNATE TWO, ALTERNATE THREE, AND ALTERNATE FOUR. THE ALTERNATES SHALL, IN ORDER AND IRRESPECTIVE OF CONGRESSIONAL DISTRICT OR GEOGRAPHIC AREA, FILL ANY VACANCIES BY THE INDEPENDENT COMMISSIONERS DURING THEIR TERMS.

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

**SECTION 4.** In the constitution of the state of Colorado, **add** sections 48.3 and 48.5 to article V as follows:

**Section 48.3. Commission organization – procedures – transparency – voting requirements.** (1) THE GOVERNOR SHALL CONVENE THE COMMISSION NO LATER THAN MAY 15 OF THE REDISTRICTING YEAR, APPOINTING A TEMPORARY CHAIRPERSON FROM THE COMMISSION'S

MEMBERS. UPON CONVENING, THE COMMISSION SHALL ELECT A CHAIR AND A VICE-CHAIR, WHO MUST NOT BE MEMBERS OF THE SAME POLITICAL PARTY, AND SUCH OTHER OFFICERS AS IT DETERMINES.

(2) THE DIRECTORS OF THE NONPARTISAN RESEARCH AND LEGAL STAFFS OF THE GENERAL ASSEMBLY SHALL APPOINT NONPARTISAN STAFF FROM THEIR RESPECTIVE OFFICES AS NEEDED TO ASSIST THE COMMISSION. AS FAR IN ADVANCE AS NECESSARY TO ENABLE THE COMMISSION TO BEGIN ITS WORK IMMEDIATELY UPON CONVENING, THE NONPARTISAN STAFF SHALL ACQUIRE AND PREPARE ALL NECESSARY RESOURCES, INCLUDING HARDWARE, SOFTWARE, AND DEMOGRAPHIC, GEOGRAPHIC, AND POLITICAL DATABASES.

(3) THE COMMISSION MAY RETAIN LEGAL COUNSEL IN ALL ACTIONS AND PROCEEDINGS IN CONNECTION WITH THE PERFORMANCE OF ITS POWERS, DUTIES, AND FUNCTIONS, INCLUDING REPRESENTATION OF THE COMMISSION BEFORE THE SUPREME COURT PURSUANT TO SECTION 48.5 (7) OF THIS ARTICLE V.

(4) THE GENERAL ASSEMBLY SHALL APPROPRIATE SUFFICIENT FUNDS FOR THE COMPENSATION AND PAYMENT OF THE EXPENSES OF THE COMMISSION AND ITS STAFF. SUBJECT TO AVAILABLE APPROPRIATIONS, HARDWARE AND SOFTWARE NECESSARY FOR THE DEVELOPMENT OF PLANS MAY, AT THE REQUEST OF ANY COMMISSIONER, BE PROVIDED TO SUCH COMMISSIONER. THE COMMISSION AND ITS STAFF SHALL HAVE ACCESS TO STATISTICAL INFORMATION COMPILED BY THE STATE AND ITS POLITICAL SUBDIVISIONS AND NECESSARY FOR ITS DUTIES. STATE AGENCIES AND POLITICAL SUBDIVISIONS SHALL COMPLY WITH REQUESTS FROM THE COMMISSION AND ITS STAFF FOR SUCH STATISTICAL INFORMATION.

(5) THE COMMISSION SHALL ADOPT RULES TO GOVERN ITS ADMINISTRATION AND OPERATION, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

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

(b) THE PROCESS FOR REMOVING COMMISSIONERS FOR VIOLATING PUBLIC DISCLOSURE OR OPEN MEETINGS PROVISIONS OF THIS SECTION, OR PARTICIPATING IN COMMUNICATIONS PROHIBITED UNDER THIS SECTION;

(c) PROVIDING FOR ANY VACANCY CREATED BY THE DEATH, RESIGNATION, OR REMOVAL OF A COMMISSIONER, OR OTHERWISE, WHICH SHALL BE FILLED BY THE ALTERNATE DETERMINED AS PROVIDED IN SECTION 48 OF THIS ARTICLE V, OR IF SUCH ALTERNATE IS UNWILLING OR UNABLE TO SERVE, BY THE RESPECTIVE APPOINTING AUTHORITY. MEMBERS OF THE COMMISSION SHALL HOLD OFFICE UNTIL APRIL 30 OF THE NEXT REDISTRICTING YEAR.

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

(e) THE ADOPTION OF A STATEWIDE MEETING AND HEARING SCHEDULE.

(6) (a) EXCEPT AS PROVIDED IN SUBSECTION (6)(b) OF THIS SECTION, THE COMMISSION IS SUBJECT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, COLORADO REVISED STATUTES, OR ANY SUCCESSOR ACT.

(b) MAPS IN DRAFT FORM AND NOT SUBMITTED TO THE COMMISSION ARE NOT PUBLIC RECORDS SUBJECT TO DISCLOSURE. WORK PRODUCT AND COMMUNICATIONS BETWEEN COMMISSION STAFF ARE SUBJECT TO DISCLOSURE ONCE A PLAN IS SUBMITTED TO THE SUPREME COURT.

(7) (a) THE COMMISSION IS SUBJECT TO THE OPEN MEETINGS PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972" CONTAINED IN PART 4 OF ARTICLE 6 OF TITLE 24, COLORADO REVISED STATUTES, OR ANY SUCCESSOR ACT. FURTHERMORE, COMMUNICATIONS OUTSIDE OF A PUBLIC MEETING RELATING TO COMMISSION BUSINESS THAT INVOLVE MORE THAN THREE COMMISSIONERS ARE PROHIBITED.

(b) EXCEPT AS PROVIDED IN SUBSECTIONS (7)(c) AND (7)(d) OF THIS SECTION, COMMISSIONERS SHALL NOT COMMUNICATE WITH THE COMMISSION'S STAFF ON THE MAPPING OF LEGISLATIVE DISTRICTS UNLESS THE COMMUNICATION IS DURING A PUBLIC MEETING OR HEARING OF THE COMMISSION.

(c) EXCEPT FOR PUBLIC INPUT AND COMMENT SUCH AS IS PROVIDED FOR IN SECTION 48.5 (1)(c) AND SECTION 48.5 (4) OF THIS ARTICLE V, THE COMMISSION'S STAFF MEMBERS SHALL NOT HAVE ANY COMMUNICATIONS ABOUT THE CONTENT OR DEVELOPMENT OF ANY PLAN OUTSIDE OF PUBLIC HEARINGS WITH ANYONE EXCEPT OTHER STAFF MEMBERS. STAFF SHALL REPORT TO THE COMMISSION ANY ATTEMPT BY ANYONE TO EXERT INFLUENCE OVER THE DRAFTING OF PLANS.

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

(e) ANY COMMISSIONER WHO PARTICIPATES IN A COMMUNICATION PROHIBITED IN THIS SECTION SHALL BE REMOVED FROM THE COMMISSION AND REPLACED WITHIN SEVEN DAYS ACCORDING TO COMMISSION RULES.

(f) AT THE DIRECTION OF THE COMMISSION, ITS STAFF MAY CONSULT WITH EXPERTS RETAINED BY THE COMMISSION. WORK PRODUCT AND COMMUNICATIONS BETWEEN COMMISSION STAFF AND SUCH EXPERTS ARE SUBJECT TO DISCLOSURE UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, COLORADO REVISED STATUTES, OR ANY SUCCESSOR ACT, ONCE A PLAN IS SUBMITTED TO THE SUPREME COURT.

(8) ANY PERSON WHO RECEIVES COMPENSATION FOR ADVOCATING TO THE COMMISSION OR ITS MEMBERS CONCERNING THE ADOPTION OF ANY PLAN, ANY AMENDMENT TO A PLAN, PLAN APPROACH, OR MANNER OF COMPLIANCE WITH ANY OF THE PLAN CRITERIA SET FORTH IN SECTION 47 OF THIS ARTICLE V, OTHER THAN COMMISSION STAFF, IS A "PROFESSIONAL LOBBYIST" AS DEFINED IN SECTION 24-6-301(6), COLORADO REVISED STATUTES, OR ANY SUCCESSOR STATUTE, AND SHALL COMPLY WITH THE REQUIREMENTS APPLICABLE TO PROFESSIONAL LOBBYISTS, INCLUDING REGISTRATION AND FILING DISCLOSURE STATEMENTS, CONTAINED IN PART 3 OF ARTICLE 6 OF TITLE 24, COLORADO REVISED STATUTES, OR ANY SUCCESSOR STATUTES.

(9) ANY MOTION ADOPTED BY THE COMMISSION, INCLUDING THE ELECTION OF ITS OFFICERS AND THE AMENDMENT OF ANY PLAN, REQUIRES THE AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS, INCLUDING THE AFFIRMATIVE VOTE OF AT LEAST ONE INDEPENDENT COMMISSIONER. APPROVAL OF THE PRELIMINARY PLAN PURSUANT TO SECTION 48.5 (2) OF THIS ARTICLE V, ADOPTION OF THE FINAL PLAN FOR SUBMISSION TO THE SUPREME COURT PURSUANT TO SECTION 48.5 (6) OF THIS ARTICLE V, AND ADOPTION OF A REVISED PLAN PURSUANT TO SECTION 48.5 (7) OF THIS ARTICLE V MUST ALSO INCLUDE THE AFFIRMATIVE VOTE OF AT LEAST TWO INDEPENDENT COMMISSIONERS.

(10) THE COMMISSION SHALL NOT VOTE UPON A FINAL PLAN UNTIL AT LEAST SEVENTY-TWO HOURS AFTER IT HAS BEEN PROPOSED TO THE COMMISSION IN A PUBLIC MEETING OR AMENDED BY

THE COMMISSION, WHICHEVER OCCURS LATER, UNLESS COMMISSIONERS UNANIMOUSLY WAIVE SUCH REQUIREMENT.

**Section 48.5. Preparation, amendment, and approval of plans.** (1) (a) THE COMMISSION SHALL BEGIN BY CONSIDERING PLANS CREATED BY ITS STAFF ALONE. PRIOR TO THE COMMISSION'S CONSIDERATION OF A PRELIMINARY PLAN, ITS NONPARTISAN STAFF SHALL PREPARE AND PRESENT TO THE COMMISSION NO FEWER THAN FOUR PLANS, EXCEPT AS PROVIDED IN SUBSECTION (1)(e) OF THIS SECTION. THESE PLANS SHALL BE KNOWN AS THE STAFF PLANS AND MUST BE NAMED AND NUMBERED SEQUENTIALLY FOR PURPOSES OF SUBSECTION (2) OF THIS SECTION. THE STAFF PLANS SHALL BE PREPARED, PUBLISHED ONLINE, AND PRESENTED ON A TIMETABLE ESTABLISHED BY THE COMMISSION, EXCEPT EACH STAFF PLAN SHALL BE PRESENTED TO THE COMMISSION NO FEWER THAN TEN DAYS AFTER THE PRESENTATION OF ANY PREVIOUS STAFF PLAN, AND EACH STAFF PLAN MUST BE PRESENTED TO THE COMMISSION NO FEWER THAN TWENTY-FOUR HOURS AFTER IT HAS BEEN PUBLISHED ONLINE. IF THE COMMISSION FAILS TO ESTABLISH A TIMETABLE FOR PRESENTATION OF STAFF PLANS BY JUNE 10 OF THE REDISTRICTING YEAR, STAFF SHALL ESTABLISH SUCH TIMETABLE. STAFF SHALL KEEP EACH PLAN PREPARED CONFIDENTIAL UNTIL IT IS PUBLISHED ONLINE.

(b) AT THE FIRST PUBLIC HEARING AT WHICH THE FIRST STAFF PLAN IS CONSIDERED, THE STAFF SHALL EXPLAIN HOW THE PLAN WAS CREATED AND HOW THE PLAN COMPLIES WITH THE CRITERIA PRESCRIBED IN SECTIONS 46 (2) AND 47 OF THIS ARTICLE V. THE COMMISSION MAY, UPON MOTION ADOPTED IN ACCORDANCE WITH SECTION 48.3 (9) OF THIS ARTICLE V, ADOPT CERTAIN PROVISIONS, ELEMENTS, OR TECHNIQUES, SUCH AS PLAN COMPONENTS, ELEMENTS OF PUBLIC TESTIMONY, OR A DEFINITION OF COMPETITIVENESS, TO WHICH STAFF SHALL ADHERE IN DEVELOPING A STAFF PLAN. IN PREPARING STAFF PLANS, STAFF MAY ALSO CONSIDER PUBLIC TESTIMONY AND PUBLIC COMMENTS RECEIVED BY THE COMMISSION THAT ARE CONSISTENT WITH THE CRITERIA SPECIFIED IN SECTIONS 46 (2) AND 47 OF THIS ARTICLE V.

(c) SUBJECT TO AVAILABLE APPROPRIATIONS, THE COMMISSION SHALL MAKE USE OF REASONABLY AVAILABLE CURRENT TECHNOLOGY TO FACILITATE PUBLIC INPUT AND COMMENT ON THE WORK OF THE COMMISSION. AT A MINIMUM, THE COMMISSION SHALL ENSURE THE FOLLOWING:

(I) THE PUBLIC HAS THE ABILITY TO SUBMIT WRITTEN COMMENTS REGARDING PLANS AND SUGGEST PROPOSALS FOR PLANS, CONCEPTS FOR PLANS, AND AMENDMENTS TO PLANS AT ANY TIME VIA ELECTRONIC MEANS, STARTING NO LATER THAN THE INTRODUCTION OF THE FIRST STAFF PLAN. DURING PUBLIC MEETINGS OF THE COMMISSION, ANY COMMISSIONER MAY REQUEST THAT STAFF

PREPARE FOR THE COMMISSION'S CONSIDERATION A PLAN PROPOSAL, PLAN CONCEPT, OR PLAN AMENDMENT SUGGESTED BY A MEMBER OF THE PUBLIC, IN ACCORDANCE WITH SUBSECTION (1)(d) OF THIS SECTION.

(II) THE PUBLIC HAS ADEQUATE OPPORTUNITY TO COMMENT DURING THE PLAN DEVELOPMENT PROCESS, INCLUDING, BUT NOT NECESSARILY LIMITED TO, AN OPPORTUNITY TO COMMENT AFTER THE PUBLICATION OF EACH STAFF PLAN AND PRIOR TO ANY VOTE TO APPROVE A PRELIMINARY PLAN OR TO ADOPT A FINAL PLAN.

(d) ANY MEMBER OF THE COMMISSION OR GROUP OF MEMBERS MAY REQUEST STAFF TO PREPARE ADDITIONAL PLANS OR AMENDMENTS TO PLANS. ANY SUCH REQUEST MUST BE MADE IN A PUBLIC HEARING OF THE COMMISSION BUT DOES NOT REQUIRE COMMISSION APPROVAL. PLANS OR AMENDMENTS DEVELOPED IN RESPONSE TO SUCH REQUESTS ARE SEPARATE FROM STAFF PLANS FOR PURPOSES OF SUBSECTION (2) OF THIS SECTION.

(e) THE COMMISSION MAY ADOPT A PRELIMINARY PLAN AT ANY TIME AFTER PRESENTATION OF THE FIRST STAFF PLAN, IN WHICH CASE THE STAFF DOES NOT NEED TO PREPARE OR PRESENT ADDITIONAL STAFF PLANS.

(2) WITHIN ONE HUNDRED THREE DAYS AFTER THE COMMISSION HAS BEEN CONVENED OR THE NECESSARY CENSUS DATA ARE AVAILABLE, WHICHEVER IS LATER, THE COMMISSION SHALL PUBLISH A PRELIMINARY PLAN. IF FOR ANY REASON THE COMMISSION DOES NOT APPROVE A PRELIMINARY PLAN FOR BOTH HOUSES BY SUCH DATE, THEN THE COMMISSION SHALL PUBLISH THE FOURTH STAFF PLAN AS THE COMMISSION'S PRELIMINARY PLAN. IF THE COMMISSION APPROVES DISTRICTS FOR ONE HOUSE OF THE GENERAL ASSEMBLY BUT NOT THE OTHER HOUSE, THEN THE PLAN FOR THE APPROVED HOUSE SHALL BE PUBLISHED AS THE PRELIMINARY PLAN FOR THAT HOUSE, AND THE FOURTH STAFF PLAN FOR THE HOUSE FOR WHICH THE COMMISSION DID NOT ADOPT A PLAN SHALL BE PUBLISHED AS THE PRELIMINARY PLAN FOR THAT HOUSE.

(3) FOLLOWING THE ADOPTION OF A PRELIMINARY PLAN AND PRIOR TO THE HOLDING OF PUBLIC HEARINGS ON ANY PRELIMINARY PLAN, THE COMMISSION SHALL POST THE PLAN ELECTRONICALLY FOR PUBLIC INSPECTION.

(4) WITHIN FORTY-FIVE DAYS AFTER THE DATE OF THE PUBLICATION OF THE PRELIMINARY PLAN, THE COMMISSION SHALL COMPLETE PUBLIC HEARINGS ON THE PRELIMINARY PLAN IN SEVERAL PLACES THROUGHOUT THE STATE. THE COMMISSION SHALL HOLD NO FEWER THAN THREE HEARINGS

IN EACH CONGRESSIONAL DISTRICT, AND THE COMMISSION MUST CONDUCT AT LEAST ONE HEARING IN PERSON IN EACH CONGRESSIONAL DISTRICT. OTHER HEARINGS MAY BE CONDUCTED REMOTELY, THROUGH VIDEO-CONFERENCE OR OTHER AVAILABLE TECHNOLOGY. IN NO CASE, HOWEVER, SHALL THE COMMISSION CONDUCT FEWER THAN TWO IN-PERSON HEARINGS WEST OF THE CONTINENTAL DIVIDE OR FEWER THAN TWO IN-PERSON HEARINGS FROM SOUTH OF EL PASO COUNTY AND EAST OF THE CONTINENTAL DIVIDE.

(5) SUBSEQUENT TO HEARINGS ON THE PRELIMINARY PLAN, THE COMMISSION SHALL RECONVENE. ANY MEMBER OF THE COMMISSION OR GROUP OF MEMBERS MAY REQUEST THE COMMISSION'S STAFF TO PREPARE ADDITIONAL PLANS OR AMENDMENTS TO PLANS, BUT SUCH REQUESTS MUST BE MADE IN A PUBLIC HEARING OF THE COMMISSION.

(6) (a) NO LATER THAN ONE HUNDRED TWENTY-THREE DAYS PRIOR TO THE DATE ESTABLISHED IN STATUTE FOR PRECINCT CAUCUSES IN THE SECOND YEAR FOLLOWING THE YEAR IN WHICH THE CENSUS WAS TAKEN OR, IF THE ELECTION LAWS DO NOT PROVIDE FOR PRECINCT CAUCUSES, NO LATER THAN ONE HUNDRED TWENTY-THREE DAYS PRIOR TO THE DATE ESTABLISHED IN STATUTE FOR THE EVENT COMMENCING THE CANDIDATE SELECTION PROCESS IN SUCH YEAR, THE COMMISSION SHALL FINALIZE ITS PLAN AND SUBMIT THE SAME TO THE COLORADO SUPREME COURT FOR REVIEW AND DETERMINATION IN ACCORDANCE WITH SUBSECTION (7) OF THIS SECTION.

(b) THE COMMISSION MAY ADJUST THE DEADLINES SPECIFIED IN THIS SECTION IF CONDITIONS OUTSIDE OF THE COMMISSION'S CONTROL REQUIRE SUCH AN ADJUSTMENT TO ENSURE ADOPTING A FINAL PLAN AS REQUIRED BY THIS SUBSECTION (6).

(c) THE COMMISSION MAY GRANT ITS STAFF THE AUTHORITY TO MAKE TECHNICAL, DE MINIMIS ADJUSTMENTS TO THE ADOPTED PLAN PRIOR TO ITS SUBMISSION TO THE SUPREME COURT.

(d) IF FOR ANY REASON THE COMMISSION DOES NOT APPROVE A FINAL PLAN FOR BOTH HOUSES OF THE GENERAL ASSEMBLY BY THE DATE REQUIRED, THEN THE COMMISSION SHALL SUBMIT THE PRELIMINARY PLAN AS THE COMMISSION'S FINAL PLAN. IF THE COMMISSION APPROVES DISTRICTS FOR ONE HOUSE OF THE GENERAL ASSEMBLY BUT NOT THE OTHER HOUSE, THEN THE PLAN FOR THE APPROVED HOUSE SHALL BE SUBMITTED AS THE FINAL PLAN FOR THAT HOUSE, AND THE PRELIMINARY PLAN SHALL BE SUBMITTED AS THE FINAL PLAN FOR THE HOUSE FOR WHICH THE COMMISSION DID NOT APPROVE DISTRICTS.

(7) (a) THE SUPREME COURT SHALL REVIEW THE SUBMITTED PLAN AND DETERMINE WHETHER THE PLAN COMPLIES WITH SECTIONS 46 (2) AND 47 OF THIS ARTICLE V. THE COURT'S REVIEW AND DETERMINATION SHALL TAKE PRECEDENCE OVER OTHER MATTERS BEFORE THE COURT. THE SUPREME COURT SHALL ADOPT RULES FOR SUCH PROCEEDINGS AND FOR THE PRODUCTION AND PRESENTATION OF SUPPORTIVE EVIDENCE FOR SUCH PLAN. ANY LEGAL ARGUMENTS OR EVIDENCE CONCERNING SUCH PLAN SHALL BE SUBMITTED TO THE SUPREME COURT PURSUANT TO THE SCHEDULE ESTABLISHED BY THE COURT. THE SUPREME COURT SHALL EITHER APPROVE THE PLAN OR RETURN THE PLAN TO THE COMMISSION WITH THE COURT'S REASONS FOR DISAPPROVAL UNDER SECTIONS 46 (2) AND 47 OF THIS ARTICLE V.

(b) IF THE PLAN IS RETURNED, THE COURT SHALL SPECIFY A DATE BY WHICH THE COMMISSION MUST SUBMIT A REVISED PLAN TO THE COURT. NO LATER THAN SUCH DATE, THE COMMISSION SHALL SUBMIT A REVISED PLAN TO THE COURT THAT CONFORMS TO THE COURT'S REQUIREMENTS. IF THE COMMISSION FAILS TO SUBMIT A REVISED PLAN TO THE COURT BY THE DATE REQUIRED, THE COMMISSION'S STAFF SHALL, WITHIN TWO BUSINESS DAYS THEREAFTER, SUBMIT A REVISED PLAN TO THE COURT THAT CONFORMS TO THE COURT'S REQUIREMENTS.

(c) THE SUPREME COURT SHALL APPROVE A PLAN FOR THE REDRAWING OF SENATORIAL AND REPRESENTATIVE DISTRICTS BY A DATE THAT WILL ALLOW SUFFICIENT TIME FOR SUCH PLAN TO BE FILED WITH THE SECRETARY OF STATE NO LATER THAN SIXTY-EIGHT DAYS PRIOR TO THE DATE ESTABLISHED IN STATUTE FOR PRECINCT CAUCUSES IN THE SECOND YEAR FOLLOWING THE YEAR IN WHICH THE CENSUS WAS TAKEN OR, IF THE ELECTION LAWS DO NOT PROVIDE FOR PRECINCT CAUCUSES, NO LATER THAN FIFTY-FIVE DAYS PRIOR TO THE DATE ESTABLISHED IN STATUTE FOR THE EVENT COMMENCING THE CANDIDATE SELECTION PROCESS IN SUCH YEAR. THE COURT SHALL ORDER THAT SUCH PLAN BE FILED WITH THE SECRETARY OF STATE NO LATER THAN SUCH DATE.

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Colorado Secretary of State

# 2017-2018 #69 – Original and Final Draft

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

**SECTION 1.** In Colorado Revised Statutes, **recreate and reenact, with amendments,** 2-1-101 as follows:

**2-1-101. Fair congressional districts for fair elections – legislative declaration.** (1) THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT, IN ORDER TO ENSURE FAIR CONGRESSIONAL REPRESENTATION, THE PRACTICE OF POLITICAL GERRYMANDERING, WHEREBY CONGRESSIONAL DISTRICTS ARE PURPOSEFULLY DRAWN TO FAVOR ONE POLITICAL PARTY OR INCUMBENT POLITICIAN OVER ANOTHER, OR TO ACCOMPLISH POLITICAL GOALS, MUST END.

(2) THE PUBLIC'S INTEREST IN PROHIBITING POLITICAL GERRYMANDERING IS BEST ACHIEVED BY CREATING A NEW AND INDEPENDENT COMMISSION THAT IS POLITICALLY BALANCED, PROVIDES REPRESENTATION TO VOTERS NOT AFFILIATED WITH EITHER OF THE STATE'S TWO LARGEST PARTIES, AND UTILIZES NONPARTISAN LEGISLATIVE STAFF TO DIVIDE THE STATE INTO CONGRESSIONAL DISTRICTS WITHOUT REGARD TO PARTISAN PRESSURES OR CONSIDERATIONS.

(3) THE PEOPLE FURTHER FIND AND DECLARE THAT THE CITIZENS OF COLORADO ARE BEST SERVED BY DRAWING DISTRICTS USING FAIR CRITERIA, BY DRAWING DISTRICTS THAT DO NOT ADVANTAGE OR DISADVANTAGE ANY POLITICAL PARTY, AND BY MAXIMIZING THE NUMBER OF POLITICALLY COMPETITIVE DISTRICTS.

(4) THE PEOPLE FURTHER FIND AND DECLARE THAT PUBLIC PARTICIPATION IN THE REDISTRICTING PROCESS IS A PRIORITY AND THAT THE INDEPENDENT CONGRESSIONAL REDISTRICTING COMMISSION SHOULD ACT TRANSPARENTLY, HOLD ALL HEARINGS IN AN OPEN, PUBLIC FORUM, AFFORD THE PUBLIC AN OPPORTUNITY TO ENGAGE THROUGH PUBLIC COMMENT, AND BE ACCOUNTABLE, REPRESENTATIVE, RESPONSIVE, AND INDEPENDENT.

**SECTION 2.** In Colorado Revised Statutes, 2-1-102, **amend** (1); and **add with amended and relocated provisions** (2) as follows:

**2-1-102. Fair criteria for determinations of congressional districts.** (1) In ~~determining whether one or more of the~~ ESTABLISHING congressional districts ~~established in accordance with section 44 of article V of the state constitution are lawful and in adopting or enforcing any change to any such district, courts~~ THE INDEPENDENT CONGRESSIONAL REDISTRICTING COMMISSION AND ITS STAFF SHALL:

(a) ~~Shall utilize the following factors:~~(I) MAKE a good faith effort to achieve precise mathematical population equality between districts, justifying each variance, no matter how small, as required by the constitution of the United States. Each district shall consist of contiguous whole general election precincts. Districts shall not overlap.

(II) ~~COMPLIANCE~~ COMPLY with the federal "Voting Rights Act of 1965", in particular ~~42 U.S.C. sec. 1973~~52 U.S.C. sec. 10101; and

(III) NOT PREPARE ANY CONGRESSIONAL REDISTRICTING PLAN TO PURPOSEFULLY ADVANTAGE OR DISADVANTAGE ANY POLITICAL PARTY OR PERSON;

(b) ~~May, without weight to any factor, utilize~~ CONSIDER THE FOLLOWING factors, ~~including but not limited to~~ WITHOUT WEIGHT TO ANY FACTOR:

(I) The preservation of political subdivisions such as counties, cities, and towns. When county, city, or town boundaries are changed, adjustments, if any, in districts shall be as prescribed by law.

(II) The preservation of communities of interest, including RACIAL, ethnic, LANGUAGE GROUP, cultural, economic, trade area, geographic, and demographic factors; AND

(III) The compactness of each congressional district; and

(IV) ~~The minimization of disruption of prior district lines;~~

(c) AFTER ADHERING TO THE PROVISIONS OF SUBSECTION (1)(a) OF THIS SECTION AND AFTER CONSIDERING THE FACTORS LISTED IN SUBSECTION (1)(b) OF THIS SECTION, MAXIMIZE THE NUMBER OF POLITICALLY COMPETITIVE CONGRESSIONAL DISTRICTS.

(2) **[Formerly 2-1-100.5]** ~~The general assembly hereby finds and declares that~~ The state of Colorado shall be divided into districts pursuant to the official figures of the most recent decennial census of the United States. ~~The general assembly further finds and declares that~~ Such figures are the most reliable data that the state has available, and ~~that~~ the use of any other data or of any data adjustments may create a serious risk of inaccuracy and injustice in establishing congressional districts to represent the citizens of Colorado.

**SECTION 3. Repeal of provision being relocated in this act.** In Colorado Revised Statutes, **repeal** 2-1-100.5.

**SECTION 4.** In Colorado Revised Statutes, **add** 2-1-103, 2-1-104, 2-1-105, and 2-1-106 as follows:

**2-1-103. Congressional districts – independent congressional redistricting commission - appointment.** (1) THE RESPONSIBILITY OF THE GENERAL ASSEMBLY TO DIVIDE THE STATE INTO CONGRESSIONAL DISTRICTS ESTABLISHED IN ARTICLE V, SECTION 44 OF THE COLORADO CONSTITUTION SHALL BE CARRIED OUT BY AN INDEPENDENT COMMISSION TO BE KNOWN AS THE INDEPENDENT CONGRESSIONAL REDISTRICTING COMMISSION, WHICH IS HEREBY CREATED AND REFERRED TO IN THIS ARTICLE 1 AS THE "COMMISSION".

(2) AFTER EACH FEDERAL CENSUS OF THE UNITED STATES, THE MEMBERS OF THE.COMMISSION SHALL BE APPOINTED AND CONVENED AS PRESCRIBED IN THIS ARTICLE 1 TO DIVIDE THE STATE INTO AS MANY CONGRESSIONAL DISTRICTS AS THERE ARE REPRESENTATIVES IN CONGRESS APPORTIONED TO THIS STATE BY THE CONGRESS OF THE UNITED STATES FOR THE ELECTION OF ONE REPRESENTATIVE TO CONGRESS FROM EACH DISTRICT. IN THIS ARTICLE 1, THE YEAR FOLLOWING THAT IN WHICH THE FEDERAL CENSUS IS TAKEN IS REFERRED TO AS THE "REDISTRICTING YEAR".

(3) THE COMMISSION CONSISTS OF TWELVE MEMBERS WHO HAVE THE FOLLOWING QUALIFICATIONS:

(a) FOUR MEMBERS MUST BE REGISTERED WITH THE STATE'S LARGEST POLITICAL PARTY AND SHALL BE APPOINTED IN ACCORDANCE WITH SUBSECTION (7) OF THIS SECTION.

(b) FOUR MEMBERS MUST BE REGISTERED WITH THE STATE'S SECOND LARGEST POLITICAL PARTY AND SHALL BE APPOINTED IN ACCORDANCE WITH SUBSECTION (7) OF THIS SECTION.

(c) FOR A CONTINUOUS PERIOD BEGINNING WITH THE DATE OF THE GENERAL ELECTION IMMEDIATELY PRIOR TO THE MOST RECENT GENERAL ELECTION AND THROUGH THE DATE OF THE MEMBER'S APPOINTMENT, FOUR MEMBERS MUST HAVE EACH BEEN UNAFFILIATED WITH ANY POLITICAL PARTY OR REGISTERED WITH A POLITICAL PARTY OTHER THAN THE STATE'S TWO LARGEST POLITICAL PARTIES. SUCH MEMBERS ARE REFERRED TO IN THIS ARTICLE 1 AS THE "INDEPENDENT MEMBERS" OF THE COMMISSION OR THE "INDEPENDENT COMMISSIONERS". THE INDEPENDENT MEMBERS SHALL BE APPOINTED IN ACCORDANCE WITH SUBSECTION (8) OF THIS SECTION.

(4) ALL COMMISSIONERS MUST BE REGISTERED ELECTORS OF THE STATE OF COLORADO. NO COMMISSIONER MAY BE AN INCUMBENT MEMBER OF CONGRESS OR A CANDIDATE FOR CONGRESS. NO COMMISSIONER MAY SERVE SIMULTANEOUSLY AS A MEMBER OF THE COLORADO REAPPORTIONMENT COMMISSION OR ANY SUCCESSOR BODY RESPONSIBLE FOR DIVIDING THE STATE INTO SENATORIAL AND REPRESENTATIVE DISTRICTS OF THE GENERAL ASSEMBLY.

(5) (a) NO MORE THAN THREE MEMBERS OF THE COMMISSION MAY RESIDE IN ANY SINGLE CONGRESSIONAL DISTRICT. AT LEAST ONE MEMBER MUST RESIDE IN EACH CONGRESSIONAL DISTRICT.

(b) AT LEAST ONE MEMBER OF THE COMMISSION MUST RESIDE IN EACH OF THE FOLLOWING TWO AREAS OF THE STATE. ANY REFERENCE IN THIS SECTION TO A "GEOGRAPHIC AREA" REFERS TO THESE AREAS:

(I) WEST OF THE CONTINENTAL DIVIDE; AND

(II) EAST OF THE CONTINENTAL DIVIDE AND EITHER SOUTH OF EL PASO COUNTY'S SOUTHERN BOUNDARY OR EAST OF ARAPAHOE COUNTY'S EASTERN BOUNDARY.

(6) ALL APPOINTEES TO THE COMMISSION SHALL BE SUBJECT TO AN APPLICATION PROCESS AS FOLLOWS:

(a) NO LATER THAN FEBRUARY 1 OF THE REDISTRICTING YEAR, THE SECRETARY OF STATE SHALL ESTABLISH AND ANNOUNCE AN APPLICATION PROCESS FOR PERSONS DESIRING TO SERVE AS MEMBERS OF THE COMMISSION. THE PROCESS MUST INCLUDE AN APPLICATION FORM THAT MUST BE SUBMITTED ELECTRONICALLY TO THE SECRETARY OF STATE. IN ADDITION, THE SECRETARY OF STATE SHALL CONSULT AND COORDINATE WITH THE STATE'S COUNTY CLERK AND RECORDERS TO DEVELOP AND IMPLEMENT A PROGRAM TO ADVERTISE AND ENCOURAGE APPLICATIONS FROM ELIGIBLE PERSONS FROM ACROSS THE STATE.

(b) THE APPLICATION FORM MUST CLEARLY STATE LEGAL OBLIGATIONS AND EXPECTATIONS OF POTENTIAL APPOINTEES. INFORMATION REQUIRED OF APPLICANTS MUST INCLUDE, BUT NOT NECESSARILY BE LIMITED TO, PROFESSIONAL BACKGROUND, PARTY AFFILIATION, A DESCRIPTION OF PAST POLITICAL ACTIVITY, AND A LIST OF POLITICAL AND CIVIC ORGANIZATIONS TO WHICH THE APPLICANT HAS BELONGED WITHIN THE PREVIOUS FIVE YEARS. IN ADDITION, THE APPLICATION FORM MUST REQUIRE THE APPLICANT TO EXPLAIN WHY THE APPLICANT WANTS TO SERVE ON THE COMMISSION AND AFFORD APPLICANTS AN OPPORTUNITY TO MAKE A STATEMENT ABOUT HOW THE APPLICANT WILL PROMOTE CONSENSUS AMONG COMMISSIONERS IF APPOINTED TO THE COMMISSION. APPLICANTS MAY ALSO CHOOSE TO INCLUDE UP TO FOUR LETTERS OF RECOMMENDATION WITH THEIR APPLICATION.

(c) APPLICATIONS MUST BE SUBMITTED NO LATER THAN MARCH 10 OF THE REDISTRICTING YEAR. WITHIN THREE BUSINESS DAYS THEREAFTER, THE SECRETARY OF STATE SHALL POST ALL APPLICATIONS ON THE SECRETARY OF STATE'S WEBSITE.

(7) APPOINTMENTS OF MEMBERS REGISTERED WITH THE STATE'S TWO LARGEST POLITICAL PARTIES MUST BE MADE FROM THE APPLICANTS WHO SUBMITTED APPLICATIONS TO THE SECRETARY OF STATE. NO APPOINTEE MAY RESIDE IN THE SAME CONGRESSIONAL DISTRICT OR THE SAME GEOGRAPHIC AREA AS ANY PREVIOUS APPOINTEE UNTIL ONE APPOINTMENT HAS BEEN MADE FROM EACH CONGRESSIONAL DISTRICT AND EACH GEOGRAPHIC AREA. FOR EACH APPOINTMENT, THE APPOINTING AUTHORITY MUST DESIGNATE ONE ALTERNATE WHO RESIDES IN THE SAME CONGRESSIONAL DISTRICT OR GEOGRAPHIC AREA AS THE APPOINTEE FOR WHOM HE OR SHE IS AN ALTERNATE. IF ANY OF THE EIGHT APPOINTMENTS MADE ACCORDING TO THIS SUBSECTION (7) VACATES HIS OR HER POSITION AT ANY TIME DURING HIS OR HER TERM, SUCH VACANCY SHALL BE FILLED BY THE DESIGNATED ALTERNATE. IF ANY APPOINTING AUTHORITY FAILS TO MAKE HIS OR HER APPOINTMENT BY A DATE REQUIRED IN THIS SUBSECTION (7), THEN SUCH APPOINTMENT IS FORFEITED, AND THE NUMBER OF COMMISSIONERS COMPRISING THE COMMISSION IS REDUCED ACCORDINGLY. APPOINTMENTS MUST BE MADE ACCORDING TO THE FOLLOWING SCHEDULE IN THE REDISTRICTING YEAR:

(a) NO LATER THAN MARCH 18, THE SENATE MAJORITY LEADER SHALL APPOINT ONE MEMBER AND DESIGNATE ONE ALTERNATE.

(b) BETWEEN MARCH 19 AND MARCH 21, THE SENATE MINORITY LEADER SHALL APPOINT ONE MEMBER AND DESIGNATE ONE ALTERNATE.

(c) BETWEEN MARCH 22 AND MARCH 24, THE HOUSE MAJORITY LEADER SHALL APPOINT ONE MEMBER AND DESIGNATE ONE ALTERNATE.

(d) BETWEEN MARCH 25 AND MARCH 28, THE HOUSE MINORITY LEADER SHALL APPOINT TWO MEMBERS AND DESIGNATE TWO ALTERNATES.

(e) BETWEEN MARCH 29 AND MARCH 31, THE HOUSE MAJORITY LEADER SHALL APPOINT ONE MEMBER AND DESIGNATE ONE ALTERNATE.

(f) BETWEEN APRIL 1 AND APRIL 3, THE SENATE MINORITY LEADER SHALL APPOINT ONE MEMBER AND DESIGNATE ONE ALTERNATE.

(g) BETWEEN APRIL 4 AND APRIL 6, THE SENATE MAJORITY LEADER SHALL APPOINT ONE MEMBER AND ONE ALTERNATE.

(8) INDEPENDENT APPOINTEES TO THE COMMISSION SHALL BE SELECTED AS FOLLOWS:

(a) NO LATER THAN APRIL 1, THE SECRETARY OF STATE SHALL EXAMINE EACH APPLICATION FOR APPOINTMENT AS AN INDEPENDENT MEMBER OF THE COMMISSION, ISSUE AN ELIGIBILITY FINDING WHETHER THE APPLICANT MEETS THE QUALIFICATION SPECIFIED IN SUBSECTIONS (3)(c) AND (4) OF THIS SECTION, POST THE FINDING ON THE SECRETARY OF STATE'S WEBSITE, AND NOTIFY THE APPLICANT BY ELECTRONIC MAIL OF THE SECRETARY OF STATE'S FINDING. IF THE SECRETARY OF STATE FINDS THAT AN APPLICANT IS NOT ELIGIBLE, THEN THE SECRETARY OF STATE SHALL INCLUDE THE REASONS THEREFOR IN HIS OR HER FINDING. IF THE SECRETARY OF STATE FINDS THAT AN APPLICANT IS NOT ELIGIBLE, THE APPLICANT MAY WITHDRAW HIS OR HER APPLICATION OR SUBMIT A BRIEF STATEMENT DISPUTING THE FINDING WITHIN THREE BUSINESS DAYS AFTER THE DATE OF THE SECRETARY OF STATE'S ELECTRONIC MAIL NOTIFICATION, WHICH STATEMENT SHALL BE POSTED PROMPTLY WITH THE SECRETARY OF STATE'S FINDING. IF AN APPLICANT SUBMITS A STATEMENT DISPUTING THE SECRETARY OF STATE'S FINDING OF INELIGIBILITY, THE APPLICANT MAY BE CONSIDERED BY THE PANEL IN ACCORDANCE WITH SUBSECTION (8)(d) OF THIS SECTION IF THE PANEL DETERMINES THAT THE APPLICANT IS ELIGIBLE.

(b) NO LATER THAN MARCH 20 OF THE REDISTRICTING YEAR, THE SECRETARY OF STATE SHALL DESIGNATE A PANEL TO REVIEW THE APPLICATIONS FOR APPOINTMENT AS AN INDEPENDENT MEMBER OF THE COMMISSION. THE PANEL MUST CONSIST OF THE THREE JUSTICES OR JUDGES WHO MOST RECENTLY RETIRED FROM THE COLORADO SUPREME COURT OR THE COLORADO COURT OF APPEALS, APPOINTED SEQUENTIALLY STARTING WITH THE MOST RECENT JUSTICE OR JUDGE TO RETIRE WHO HAS BEEN AFFILIATED WITH THE SAME POLITICAL PARTY OR UNAFFILIATED WITH ANY POLITICAL PARTY FOR THE TWO YEARS PRIOR TO APPOINTMENT, EXCEPT THAT NO APPOINTEE, WITHIN TWO YEARS PRIOR TO APPOINTMENT, SHALL HAVE BEEN AFFILIATED WITH THE SAME POLITICAL PARTY AS A JUSTICE OR JUDGE ALREADY APPOINTED TO THE PANEL. IF ANY OF THE THREE JUSTICES OR JUDGES WHO MOST RECENTLY RETIRED FROM THE COLORADO SUPREME COURT OR THE COLORADO COURT OF APPEALS IS UNABLE OR UNWILLING TO SERVE ON THE PANEL OR HAS BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO APPOINTMENT WITH A POLITICAL PARTY ALREADY REPRESENTED ON THE PANEL, THEN THE SECRETARY OF STATE SHALL APPOINT THE NEXT JUSTICE OR JUDGE WHO MOST RECENTLY RETIRED FROM THE COLORADO SUPREME COURT OR THE COLORADO COURT OF APPEALS

AND WHO HAS NOT BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO APPOINTMENT WITH THE SAME POLITICAL PARTY AS ANY JUSTICE OR JUDGE ALREADY APPOINTED TO THE PANEL. IF, AFTER CONSIDERING ALL JUSTICES AND JUDGES WHO HAVE RETIRED FROM THE COLORADO SUPREME COURT AND THE COLORADO COURT OF APPEALS, FEWER THAN THREE ELIGIBLE PARTICIPANTS FOR THE PANEL HAVE BEEN IDENTIFIED, THE SECRETARY OF STATE SHALL APPOINT THE MOST RECENTLY RETIRED DISTRICT COURT JUDGE WHO HAS NOT BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO APPOINTMENT WITH THE SAME POLITICAL PARTY AS ANY PREVIOUS APPOINTEE TO THE PANEL AND WHO ACCEPTS SUCH APPOINTMENT. UPON REQUEST OF THE SECRETARY OF STATE, THE STATE COURT ADMINISTRATOR SHALL PROVIDE INFORMATION ABOUT JUSTICES AND JUDGES WHO RECENTLY RETIRED FROM THE COLORADO SUPREME COURT, THE COLORADO COURT OF APPEALS, AND THE STATE'S DISTRICT COURTS AS MAY BE NECESSARY FOR THE SECRETARY OF STATE TO PERFORM HIS OR HER DUTIES UNDER THIS SUBSECTION (8)(b).

(c) THE SECRETARY OF STATE SHALL REIMBURSE MEMBERS OF THE PANEL FOR NECESSARY TRAVEL AND OTHER REASONABLE EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES AND SHALL COMPENSATE MEMBERS OF THE PANEL FOR EACH DAY THAT THE PANEL MEETS IN AN AMOUNT EQUAL TO ONE-TWENTIETH OF THE MONTHLY SALARY THEN CURRENTLY APPLICABLE TO ASSOCIATE JUSTICES OF THE COLORADO SUPREME COURT. SUCH REIMBURSEMENT AND COMPENSATION MUST NOT AFFECT A MEMBER'S SERVICE RETIREMENT BENEFITS UNDER ARTICLE 51 OF TITLE 24.

(d) IN ONE OR MORE PUBLIC HEARINGS OPEN TO PUBLIC TESTIMONY AND CONDUCTED IN ACCORDANCE WITH PROCEDURES DETERMINED BY THE PANEL, THE PANEL SHALL SELECT TWENTY ELIGIBLE APPLICANTS IT UNANIMOUSLY RECOMMENDS FOR APPOINTMENT AS INDEPENDENT MEMBERS OF THE COMMISSION, OR SUCH LESSER NUMBER AS THERE ARE TOTAL ELIGIBLE APPLICANTS. THE NONPARTISAN RESEARCH STAFF OF THE GENERAL ASSEMBLY SHALL PROVIDE STAFF ASSISTANCE TO THE PANEL FOR SUCH MEETINGS UPON THE REQUEST OF ANY MEMBER OF THE PANEL. THE PANEL MAY DETERMINE THE ELIGIBILITY OF ANY APPLICANT WHOSE QUALIFICATIONS UNDER SUBSECTIONS (3)(c) AND (4) OF THIS SECTION ARE IN QUESTION. THE PANEL SHALL, TO THE EXTENT PRACTICAL, RECOMMEND APPLICANTS WHO REPRESENT COLORADO'S RACIAL, ETHNIC, GENDER, AND GEOGRAPHIC DIVERSITY, TAKING INTO CONSIDERATION THE GEOGRAPHIC REPRESENTATION REQUIREMENTS OF SUBSECTION (5) OF THIS SECTION AND THE GEOGRAPHIC REPRESENTATION OF THE EIGHT COMMISSIONERS PREVIOUSLY APPOINTED BY THE SENATE MAJORITY LEADER, THE SENATE MINORITY LEADER, THE HOUSE MAJORITY LEADER, AND THE HOUSE MINORITY

LEADER. TO THE EXTENT POSSIBLE, THE PANEL SHALL RECOMMEND NO FEWER THAN THREE APPLICANTS FROM EACH UNREPRESENTED CONGRESSIONAL DISTRICT AND EACH UNREPRESENTED GEOGRAPHIC AREA. ADDITIONALLY, THE PANEL SHALL RECOMMEND THOSE APPLICANTS WHO IT FINDS TO BE MOST QUALIFIED TO PERFORM THE DUTIES OF THE COMMISSION, WHO DO NOT DEMONSTRATE ALLEGIANCE OR FIDELITY TO EITHER OF THE STATE'S TWO LARGEST POLITICAL PARTIES, WHO ARE BEST ABLE TO NEUTRALLY APPLY AND ADMINISTER THEIR RESPONSIBILITIES AS COMMISSIONERS, AND WHO ARE MOST LIKELY TO PROMOTE CONSENSUS AMONG COMMISSIONERS. MEMBERS OF THE PANEL SHALL HAVE NO EX PARTE COMMUNICATIONS REGARDING THE PERFORMANCE OF THEIR DUTIES UNDER THIS SUBSECTION (8)(d).

(e) THE PANEL SHALL ISSUE ITS RECOMMENDATIONS NO LATER THAN APRIL 23 OF THE REDISTRICTING YEAR. THE PANEL SHALL FORWARD ITS RECOMMENDATIONS TO THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL, THE SENATE MAJORITY LEADER, THE SENATE MINORITY LEADER, THE HOUSE MAJORITY LEADER, THE HOUSE MINORITY LEADER, AND THE SECRETARY OF STATE, WHO SHALL PROMPTLY POST THE PANEL'S RECOMMENDATIONS ON THE SECRETARY OF STATE'S WEBSITE.

(f) NO LATER THAN APRIL 30 OF THE REDISTRICTING YEAR, THE SECRETARY OF STATE SHALL, IN A PUBLIC MEETING HELD AFTER NOTICE, RANDOMLY SELECT THE FOUR INDEPENDENT MEMBERS FROM THE APPLICANTS RECOMMENDED BY THE PANEL AS FOLLOWS:

(I) FOR EACH CONGRESSIONAL DISTRICT OR GEOGRAPHIC AREA UNREPRESENTED BY THE EIGHT APPOINTMENTS MADE BY THE SENATE MAJORITY LEADER, THE SENATE MINORITY LEADER, THE HOUSE MAJORITY LEADER, AND THE HOUSE MINORITY LEADER, THE SECRETARY OF STATE SHALL RANDOMLY SELECT THE NAME OF ONE APPLICANT FROM ALL RECOMMENDED APPLICANTS WHO RESIDE IN THAT CONGRESSIONAL DISTRICT OR GEOGRAPHIC AREA TO SERVE AS AN APPOINTEE TO THE COMMISSION. THE NAMES OF RECOMMENDED APPLICANTS NOT SELECTED MUST THEN BE INCLUDED IN THE POOL OF RECOMMENDED APPLICANTS FOR FURTHER CONSIDERATION PURSUANT TO SUBSECTION (8)(f)(II) OF THIS SECTION.

(II) FROM AMONG THE APPLICANTS REMAINING AFTER COMPLETING THE SELECTION OF INDEPENDENT MEMBERS PURSUANT TO SUBSECTION (8)(f)(I) OF THIS SECTION, THE SECRETARY OF STATE SHALL RANDOMLY SELECT SUCH NUMBER OF APPLICANTS AS NECESSARY SO THAT THE TOTAL NUMBER OF SELECTIONS MADE PURSUANT TO THIS SUBSECTION (8)(f) TOTALS FOUR; EXCEPT THAT, IF THE SELECTION OF ANY APPLICANT WOULD RESULT IN MORE THAN THREE COMMISSIONERS

RESIDING IN A SINGLE CONGRESSIONAL DISTRICT, CONTRARY TO SECTION 2-1-103 (5), THEN THE SECRETARY OF STATE SHALL DISCARD THAT SELECTION AND CONTINUE TO RANDOMLY SELECT APPLICANTS UNTIL THE TOTAL NUMBER OF SELECTIONS MADE PURSUANT TO THIS SUBSECTION (8)(f) TOTALS FOUR AND NO MORE THAN THREE COMMISSIONERS RESIDE IN A SINGLE CONGRESSIONAL DISTRICT. THE FOUR APPLICANTS CHOSEN UPON CONCLUSION OF THE PROCESS DESCRIBED IN THIS SUBSECTION (8)(f) SHALL BECOME THE INDEPENDENT COMMISSIONERS.

(III) THE SECRETARY OF STATE SHALL THEN RANDOMLY SELECT FOUR ADDITIONAL NAMES FROM THE REMAINING APPLICANTS. THESE FOUR APPLICANTS SHALL SERVE AS ALTERNATES AND SHALL BE NUMBERED CONSECUTIVELY AS ALTERNATE ONE, ALTERNATE TWO, ALTERNATE THREE, AND ALTERNATE FOUR. THE ALTERNATES SHALL, IN ORDER AND IRRESPECTIVE OF CONGRESSIONAL DISTRICT OR GEOGRAPHIC AREA, FILL ANY VACANCIES BY THE INDEPENDENT COMMISSIONERS DURING THEIR TERMS.

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

**2-1-104. Commission organization – procedures – transparency – voting requirements.** (1) THE GOVERNOR SHALL CONVENE THE COMMISSION NO LATER THAN MAY 15 OF THE REDISTRICTING YEAR, APPOINTING A TEMPORARY CHAIRPERSON FROM THE COMMISSION'S MEMBERS. UPON CONVENING, THE COMMISSION SHALL ELECT A CHAIR AND A VICE-CHAIR, WHO MUST NOT BE MEMBERS OF THE SAME POLITICAL PARTY, AND SUCH OTHER OFFICERS AS IT DETERMINES.

(2) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL APPOINT NONPARTISAN STAFF FROM THEIR RESPECTIVE OFFICES AS NEEDED TO ASSIST THE COMMISSION. AS FAR IN ADVANCE AS NECESSARY TO ENABLE THE COMMISSION TO BEGIN ITS WORK IMMEDIATELY UPON CONVENING, THE NONPARTISAN STAFF SHALL ACQUIRE AND PREPARE ALL NECESSARY RESOURCES, INCLUDING HARDWARE, SOFTWARE, AND DEMOGRAPHIC, GEOGRAPHIC, AND POLITICAL DATABASES.

(3) THE COMMISSION MAY RETAIN LEGAL COUNSEL IN ALL ACTIONS AND PROCEEDINGS IN CONNECTION WITH THE PERFORMANCE OF ITS POWERS, DUTIES, AND FUNCTIONS, INCLUDING REPRESENTATION OF THE COMMISSION BEFORE THE DISTRICT COURT AND THE SUPREME COURT PURSUANT TO SECTION 2-1-105 (7) AND (8).

(4) THE GENERAL ASSEMBLY SHALL APPROPRIATE SUFFICIENT FUNDS FOR THE COMPENSATION AND PAYMENT OF THE EXPENSES OF THE COMMISSION AND ITS STAFF. SUBJECT TO AVAILABLE APPROPRIATIONS, HARDWARE AND SOFTWARE NECESSARY FOR THE DEVELOPMENT OF PLANS MAY, AT THE REQUEST OF ANY COMMISSIONER, BE PROVIDED TO SUCH COMMISSIONER. THE COMMISSION AND ITS STAFF MUST HAVE ACCESS TO STATISTICAL INFORMATION COMPILED BY THE STATE AND ITS POLITICAL SUBDIVISIONS AND NECESSARY FOR ITS DUTIES. STATE AGENCIES AND POLITICAL SUBDIVISIONS SHALL COMPLY WITH REQUESTS FROM THE COMMISSION AND ITS STAFF FOR SUCH STATISTICAL INFORMATION.

(5) THE COMMISSION SHALL ADOPT RULES TO GOVERN ITS ADMINISTRATION AND OPERATION, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

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

(b) THE PROCESS FOR REMOVING COMMISSIONERS FOR VIOLATING PUBLIC DISCLOSURE OR OPEN MEETINGS PROVISIONS OF THIS ARTICLE 1, OR PARTICIPATING IN COMMUNICATIONS PROHIBITED UNDER THIS ARTICLE 1;

(c) PROVIDING FOR ANY VACANCY CREATED BY THE DEATH, RESIGNATION, OR REMOVAL OF A COMMISSIONER, OR OTHERWISE, WHICH SHALL BE FILLED BY THE ALTERNATE DETERMINED AS PROVIDED IN SECTION 2-1-103, OR IF SUCH ALTERNATE IS UNWILLING OR UNABLE TO SERVE, BY THE RESPECTIVE APPOINTING AUTHORITY. MEMBERS OF THE COMMISSION SHALL HOLD OFFICE UNTIL APRIL 30 OF THE NEXT REDISTRICTING YEAR.

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

(e) THE ADOPTION OF A STATEWIDE MEETING AND HEARING SCHEDULE.

(6) (a) EXCEPT AS PROVIDED IN SUBSECTION (6)(b) OF THIS SECTION, THE COMMISSION IS SUBJECT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24.

(b) MAPS IN DRAFT FORM AND NOT SUBMITTED TO THE COMMISSION ARE NOT PUBLIC RECORDS SUBJECT TO DISCLOSURE. WORK PRODUCT AND COMMUNICATIONS BETWEEN COMMISSION STAFF ARE SUBJECT TO DISCLOSURE ONCE A PLAN IS SUBMITTED TO THE SUPREME COURT.

(7) (a) THE COMMISSION IS SUBJECT TO THE OPEN MEETINGS PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972" CONTAINED IN PART 4 OF ARTICLE 6 OF TITLE 24. FURTHERMORE, COMMUNICATIONS OUTSIDE OF A PUBLIC MEETING RELATING TO COMMISSION BUSINESS THAT INVOLVE MORE THAN THREE COMMISSIONERS ARE PROHIBITED.

(b) EXCEPT AS PROVIDED IN SUBSECTIONS (7)(c) AND (7)(d) OF THIS SECTION, COMMISSIONERS SHALL NOT COMMUNICATE WITH THE COMMISSION'S STAFF ON THE MAPPING OF CONGRESSIONAL DISTRICTS UNLESS THE COMMUNICATION IS DURING A PUBLIC MEETING OR HEARING OF THE COMMISSION.

(c) EXCEPT FOR PUBLIC INPUT AND COMMENT SUCH AS IS PROVIDED FOR IN SECTION 2-1-105 (2) AND (3), THE COMMISSION'S STAFF MEMBERS SHALL NOT HAVE ANY COMMUNICATIONS ABOUT THE CONTENT OR DEVELOPMENT OF ANY PLAN OUTSIDE OF PUBLIC HEARINGS WITH ANYONE EXCEPT OTHER STAFF MEMBERS. STAFF SHALL REPORT TO THE COMMISSION ANY ATTEMPT BY ANYONE TO EXERT INFLUENCE OVER THE DRAFTING OF PLANS.

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

(e) ANY COMMISSIONER WHO PARTICIPATES IN A COMMUNICATION PROHIBITED IN THIS SECTION SHALL BE REMOVED FROM THE COMMISSION AND REPLACED WITHIN SEVEN DAYS ACCORDING TO COMMISSION RULES.

(f) AT THE DIRECTION OF THE COMMISSION, ITS STAFF MAY CONSULT WITH EXPERTS RETAINED BY THE COMMISSION. WORK PRODUCT AND COMMUNICATIONS BETWEEN COMMISSION STAFF AND SUCH EXPERTS ARE SUBJECT TO DISCLOSURE UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, ONCE A PLAN IS SUBMITTED TO THE SUPREME COURT.

(8) ANY PERSON WHO RECEIVES COMPENSATION FOR ADVOCATING TO THE COMMISSION OR ITS MEMBERS CONCERNING THE ADOPTION OF ANY PLAN, ANY AMENDMENT TO A PLAN, PLAN APPROACH,

OR MANNER OF COMPLIANCE WITH ANY OF THE PLAN CRITERIA SET FORTH IN SECTION 2-1-102, OTHER THAN COMMISSION STAFF, IS A "PROFESSIONAL LOBBYIST" AS DEFINED IN SECTION 24-6-301(6), AND SHALL COMPLY WITH THE REQUIREMENTS APPLICABLE TO PROFESSIONAL LOBBYISTS, INCLUDING REGISTRATION AND FILING DISCLOSURE STATEMENTS, CONTAINED IN PART 3 OF ARTICLE 6 OF TITLE 24.

(9) ANY MOTION ADOPTED BY THE COMMISSION, INCLUDING THE ELECTION OF ITS OFFICERS AND THE AMENDMENT OF ANY PLAN,. REQUIRES THE AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS, INCLUDING THE AFFIRMATIVE VOTE OF AT LEAST ONE INDEPENDENT COMMISSIONER. ADOPTION OF THE FINAL PLAN FOR SUBMISSION TO THE SUPREME COURT PURSUANT TO SECTION 2-1-105 (7) AND ADOPTION OF A REVISED PLAN PURSUANT TO SECTION 2-1-105 (9) MUST ALSO INCLUDE THE AFFIRMATIVE VOTE OF AT LEAST TWO INDEPENDENT COMMISSIONERS.

(10) THE COMMISSION SHALL NOT VOTE UPON A FINAL PLAN UNTIL AT LEAST SEVENTY-TWO HOURS AFTER IT HAS BEEN PROPOSED TO THE COMMISSION IN A PUBLIC MEETING OR AMENDED BY THE COMMISSION, WHICHEVER OCCURS LATER, UNLESS COMMISSIONERS UNANIMOUSLY WAIVE SUCH REQUIREMENT.

**2-1-105. Preparation, amendment, and approval of plans.** (1) THE COMMISSION SHALL BEGIN BY CONSIDERING A PLAN CREATED BY ITS STAFF ALONE. AT THE FIRST PUBLIC HEARING AT WHICH SUCH PLAN IS CONSIDERED, THE STAFF SHALL EXPLAIN HOW THE PLAN WAS CREATED AND HOW THE PLAN COMPLIES WITH THE CRITERIA PRESCRIBED IN SECTION 2-1-102. WITHIN THIRTY DAYS AFTER THE COMMISSION HAS BEEN CONVENED, OR THE NECESSARY CENSUS DATA ARE AVAILABLE, WHICHEVER IS LATER, COMMISSION STAFF SHALL PUBLISH A PRELIMINARY REDISTRICTING PLAN.

(2) WITHIN FORTY-FIVE DAYS AFTER THE DATE OF THE PUBLICATION OF THE PRELIMINARY PLAN, THE COMMISSION SHALL COMPLETE PUBLIC HEARINGS ON THE PRELIMINARY PLAN IN SEVERAL PLACES THROUGHOUT THE STATE. THE COMMISSION SHALL HOLD NO FEWER THAN THREE HEARINGS IN EACH CONGRESSIONAL DISTRICT, AND THE COMMISSION MUST CONDUCT AT LEAST ONE HEARING IN PERSON IN EACH CONGRESSIONAL DISTRICT. OTHER HEARINGS MAY BE CONDUCTED REMOTELY, THROUGH VIDEO-CONFERENCE OR OTHER AVAILABLE TECHNOLOGY. IN NO CASE, HOWEVER, SHALL THE COMMISSION CONDUCT FEWER THAN TWO IN-PERSON HEARINGS WEST OF THE CONTINENTAL DIVIDE OR FEWER THAN TWO IN-PERSON HEARINGS FROM SOUTH OF EL PASO COUNTY AND EAST OF THE CONTINENTAL DIVIDE.

(3) SUBJECT TO AVAILABLE APPROPRIATIONS, THE COMMISSION SHALL MAKE USE OF REASONABLY AVAILABLE CURRENT TECHNOLOGY TO FACILITATE PUBLIC INPUT AND COMMENT ON THE WORK OF THE COMMISSION. AT A MINIMUM, THE COMMISSION SHALL ENSURE THE FOLLOWING:

(a) THE PUBLIC HAS THE ABILITY TO SUBMIT WRITTEN COMMENTS REGARDING PLANS AND SUGGEST PROPOSALS FOR PLANS, CONCEPTS FOR PLANS, AND AMENDMENTS TO PLANS AT ANY TIME VIA ELECTRONIC MEANS, STARTING NO LATER THAN THE PUBLICATION OF THE PRELIMINARY PLAN. DURING PUBLIC MEETINGS OF THE COMMISSION, ANY COMMISSIONER MAY REQUEST THAT STAFF PREPARE FOR THE COMMISSION'S CONSIDERATION A PLAN PROPOSAL, PLAN CONCEPT, OR PLAN AMENDMENT SUGGESTED BY A MEMBER OF THE PUBLIC, IN ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION.

(b) THE PUBLIC HAS ADEQUATE OPPORTUNITY TO COMMENT DURING THE PLAN DEVELOPMENT PROCESS, INCLUDING, BUT NOT NECESSARILY LIMITED TO, AN OPPORTUNITY TO COMMENT AFTER THE PUBLICATION OF THE PRELIMINARY PLAN AND EACH STAFF PLAN AND PRIOR TO ANY VOTE TO ADOPT A FINAL PLAN.

(4) SUBSEQUENT TO HEARINGS ON THE PRELIMINARY PLAN, THE NONPARTISAN STAFF SHALL PREPARE, PUBLISH ONLINE, AND PRESENT TO THE COMMISSION NO FEWER THAN THREE PLANS, EXCEPT AS PROVIDED IN SUBSECTION (6) OF THIS SECTION. THESE PLANS WILL BE KNOWN AS THE STAFF PLANS AND MUST BE NAMED AND NUMBERED SEQUENTIALLY FOR PURPOSES OF SUBSECTION (8) OF THIS SECTION. STAFF PLANS MUST BE PREPARED, PUBLISHED ONLINE, AND PRESENTED ON A TIMETABLE ESTABLISHED BY THE COMMISSION, EXCEPT EACH STAFF PLAN MUST BE PRESENTED TO THE COMMISSION NO FEWER THAN TEN DAYS AFTER THE PRESENTATION OF ANY PREVIOUS STAFF PLAN, AND EACH STAFF PLAN MUST BE PRESENTED TO THE COMMISSION NO FEWER THAN TWENTY-FOUR HOURS AFTER IT HAS BEEN PUBLISHED ONLINE. IF THE COMMISSION FAILS TO ESTABLISH A TIMETABLE FOR PRESENTATION OF STAFF PLANS BY AUGUST 1 OF THE REDISTRICTING YEAR, STAFF SHALL ESTABLISH SUCH TIMETABLE. STAFF SHALL KEEP EACH PLAN PREPARED CONFIDENTIAL UNTIL IT IS PUBLISHED ONLINE. THE COMMISSION MAY, UPON MOTION ADOPTED IN ACCORDANCE WITH SECTION 2-1-104 (9), ADOPT CERTAIN PROVISIONS, ELEMENTS, OR TECHNIQUES, SUCH AS PLAN COMPONENTS, ELEMENTS OF PUBLIC TESTIMONY, OR A DEFINITION OF COMPETITIVENESS, TO WHICH STAFF SHALL ADHERE IN DEVELOPING A STAFF PLAN. IN PREPARING STAFF PLANS, STAFF MAY ALSO CONSIDER PUBLIC TESTIMONY AND PUBLIC COMMENTS RECEIVED BY THE COMMISSION THAT ARE CONSISTENT WITH THE CRITERIA SPECIFIED IN SECTION 2-1-102.

(5) ANY COMMISSIONER OR GROUP OF COMMISSIONERS MAY REQUEST THE COMMISSION'S STAFF TO PREPARE ADDITIONAL PLANS OR AMENDMENTS TO PLANS. ANY SUCH REQUEST MUST BE MADE IN A PUBLIC HEARING OF THE COMMISSION BUT DOES NOT REQUIRE COMMISSION APPROVAL. PLANS OR AMENDMENTS DEVELOPED IN RESPONSE TO SUCH REQUESTS ARE SEPARATE FROM STAFF PLANS, FOR PURPOSES OF SUBSECTION (8) OF THIS SECTION.

(6) THE COMMISSION MAY ADOPT A FINAL PLAN AT ANY TIME AFTER PRESENTATION OF THE FIRST STAFF PLAN,.IN WHICH CASE THE STAFF DOES NOT NEED TO PREPARE OR PRESENT ADDITIONAL STAFF PLANS.

(7) (a) NO LATER THAN SEPTEMBER 15 OF THE REDISTRICTING YEAR, THE COMMISSION SHALL ADOPT A FINAL PLAN, WHICH SHALL THEN BE SUBMITTED TO THE COLORADO SUPREME COURT FOR ITS REVIEW AND DETERMINATION IN ACCORDANCE WITH SUBSECTION (9) OF THIS SECTION.

(b) THE COMMISSION MAY ADJUST THE DEADLINES SPECIFIED IN THIS SECTION IF CONDITIONS OUTSIDE OF THE COMMISSION'S CONTROL REQUIRE SUCH AN ADJUSTMENT TO ENSURE ADOPTING A FINAL PLAN AS REQUIRED BY THIS SUBSECTION (7).

(c) THE COMMISSION MAY GRANT ITS STAFF THE AUTHORITY TO MAKE TECHNICAL, DE MINIMIS ADJUSTMENTS TO THE ADOPTED PLAN PRIOR TO ITS SUBMISSION TO THE SUPREME COURT.

(8) IF FOR ANY REASON THE COMMISSION DOES NOT ADOPT A FINAL PLAN BY THE DATE SPECIFIED IN SUBSECTION (7) OF THIS SECTION, THE NONPARTISAN STAFF SHALL SUBMIT THE THIRD STAFF PLAN TO THE DISTRICT COURT. THE COURT MAY MAKE CHANGES TO THE PLAN SUBMITTED, BUT ONLY IF THE CHANGES IMPROVE COMPLIANCE WITH THE CRITERIA SPECIFIED IN SECTION 2-1-102. THE COURT MAY APPOINT A SPECIAL MASTER TO ASSIST THE COURT. NO LATER THAN OCTOBER 31, THE COURT SHALL APPROVE A CONGRESSIONAL REDISTRICTING PLAN, INCLUDING ITS FINDINGS REGARDING COMPLIANCE WITH THE CRITERIA SPECIFIED IN SECTION 2-1-102. UPON APPROVAL, THE COURT SHALL SUBMIT ITS PLAN AND ITS FINDINGS TO THE COLORADO SUPREME COURT FOR REVIEW PURSUANT TO SUBSECTION (9) OF THIS SECTION.

(9) (a) THE SUPREME COURT SHALL REVIEW THE SUBMITTED PLAN AND DETERMINE WHETHER THE PLAN COMPLIES WITH SECTION 2-1-102. THE COURT'S REVIEW AND DETERMINATION SHALL TAKE PRECEDENCE OVER OTHER MATTERS BEFORE THE COURT. THE SUPREME COURT SHALL ADOPT RULES FOR SUCH PROCEEDINGS AND FOR THE PRODUCTION AND PRESENTATION OF SUPPORTIVE EVIDENCE FOR SUCH PLAN. ANY LEGAL ARGUMENTS OR EVIDENCE CONCERNING SUCH PLAN SHALL

BE SUBMITTED TO THE SUPREME COURT PURSUANT TO THE SCHEDULE ESTABLISHED BY THE COURT. THE SUPREME COURT SHALL EITHER APPROVE THE PLAN OR RETURN THE PLAN TO THE COMMISSION WITH THE COURT'S REASONS FOR DISAPPROVAL UNDER SECTION 2-1-102.

(b) IF THE PLAN IS RETURNED, THE COURT SHALL SPECIFY A DATE BY WHICH THE COMMISSION MUST SUBMIT A REVISED PLAN TO THE COURT. NO LATER THAN SUCH DATE, THE COMMISSION SHALL SUBMIT A REVISED PLAN TO THE COURT THAT CONFORMS TO THE COURT'S REQUIREMENTS. IF THE COMMISSION FAILS TO SUBMIT A REVISED PLAN TO THE COURT BY THE DATE REQUIRED, THE COMMISSION'S STAFF SHALL, WITHIN TWO BUSINESS DAYS THEREAFTER, SUBMIT A REVISED PLAN TO THE COURT THAT CONFORMS TO THE COURT'S REQUIREMENTS.

(c) THE SUPREME COURT SHALL APPROVE A PLAN FOR THE REDRAWING OF CONGRESSIONAL DISTRICTS NO LATER THAN NOVEMBER 15 IF THE COMMISSION SUBMITS A FINAL PLAN TO THE SUPREME COURT PURSUANT TO SUBSECTION (7) OF THIS SECTION, AND NO LATER THAN DECEMBER 20 IF THE DISTRICT COURT SUBMITS A PLAN TO THE SUPREME COURT PURSUANT TO SUBSECTION (8) OF THIS SECTION. THE COURT SHALL ORDER THAT SUCH PLAN BE FILED WITH THE SECRETARY OF STATE NO LATER THAN SUCH DATE.

**2-1-106. Severability.** IF ANY PROVISION OF THIS ARTICLE 1 OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS ARTICLE 1 THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ARTICLE 1 ARE DECLARED TO BE SEVERABLE.

**To: Interested parties**
**Date: March 13, 2018**
**Re: Compromise Redistricting/Reapportionment Reforms**

Nationally, there is broad-based momentum to end rampant abuses in the congressional redistricting and legislative reapportionment processes. While gerrymandering and other forms of partisan gamesmanship have long been a prominent feature of the decennial map-drawing efforts, the negative consequences have become especially obvious in this period of unprecedented partisanship. Though there are differences from state to state in approach and in who is pressing for map-drawing reform, there is overwhelming agreement in the American body politic that new and independent mechanisms for drawing legislative and congressional maps are needed.

For the past year, there have been two major efforts to reform the map-drawing process in Colorado. With a new Census around the corner, and dramatic growth and population shifts set to give Colorado an eighth Congressional seat, there is widespread belief among leaders in both parties and from advocates for unaffiliated voters that the current processes — largely controlled by incumbents and party leaders with the most to gain or lose from the decennial exercise — must be reformed.

While the two sides have had a very public and spirited disagreement about which plans were better, in truth, their approaches had more in common than not.

In recognition of these broad agreements and, more pointedly, in recognition that a big and expensive ballot fight between competing reform measures would likely result in mutual assured destruction of redistricting and reapportionment reform — the two sides began negotiating in hopes of finding a plan to end gerrymandering that both could support.

Later this week, the sides intend to make their compromise plans public.

**COMPROMISE REDISTRICTING/REAPPORTIONMENT MEASURE OVERVIEW**
The compromise plans builds on areas of broad agreement, including:

1. Creation of independent commissions, with expanded representation for unaffiliateds.
2. Map-drawing criteria that prohibit gerrymandering and address federal voting laws, communities of interest, political subdivisions, compactness and competitiveness.
3. A map-drawing process that starts with non-partisan staff, includes input from commissioners and the public; calls for adoption of a final map by a super majority; and includes heightened scrutiny for any judicial challenges.
4. Robust ethical, transparency and public-participation guidelines.

**1. Independent Commissions:** Independent commissions would, once and for all, end the effective monopoly that the party establishments and their elected incumbents have over the redistricting and reapportionment processes.

> **Commission makeup:** Two, 12-person independent commissions — one for redistricting and one for reapportionment — would be equally split between Republicans, Democrats and unaffiliateds. This is the first time unaffiliateds would be guaranteed an equal seat at the table during the map-drawing process, which is both a win for what is now the largest group of voters in Colorado, but also a powerful check on the power of partisanship in the process.
>
> **Commissioner selection:** Commissioners would be picked through an application, lottery and selection process layered with checks and balances to ensure that neither party is able to unduly game who gets on the commission, to guarantee that the unaffiliateds on the commission are not "wolves in sheep's clothing" for either party, and to ensure commissioners are experienced, objective and represent a broad

cross-section of the state. Lobbyists, current or former elected officials, and executives from both political parties would not be entitled to serve.

**2. Map drawing criteria and rules:** Map-drawing would be based on largely traditional criteria, but would include and define competitiveness and prohibit gerrymandering or incumbent protection.

**Criteria:** Members of the new independent commissions would draw maps based on a set of largely traditional criteria:

- According to federal laws, including the federal Voting Rights Act and the requirement that districts have equal population;
- To protect communities of interest (read that: groups of individuals with common issues and interests, like agriculture, race, ethnicity, water, transportation issues, or geographic consideration like the San Luis Valley or Western Slope);
- And to be compact and, in the case of legislative districts, to minimize the break-up of towns or counties except in special cases where a subset of a county has an interest or set of issues that, through showing of an elevated evidentiary standard, trumps the goal of keeping that town or county in a single district.

**Maximizing competitiveness:** The measures would add a new and critical criteria to the map-making process — after balancing the above requirements, the new independent commission would be required to maximize the number of districts that could change hands from one party to another during the life of the maps. The competitiveness requirement would, for the first time, require the newly formed independent commission to draw legislative and congressional districts in a way that promotes bona fide electoral competition whenever and wherever possible.

**Ending gerrymandering:** Additionally, the plans out-and-out ban gerrymandering districts for the benefit of an incumbent or a political party.

**3. Map-drawing and approval:** The process to create legislative and congressional districts is a straightforward one and is uniform for the both redistricting and reapportionment.

**Commissioner selection and public participation:** First, the commissioners will be selected. Second, the public will be invited to provide comments to the commission and non-partisan staff about key features they would like to see in legislative and congressional maps.

**Preliminary map, statewide meetings:** Next, nonpartisan commission staff develop a first map which would form the basis for input in a series of statewide meetings and comment periods.

**Updated and new maps:** After many months' worth of a comprehensive public input and vetting process by the commission — including requirements that meetings be held in all corners of the state — the nonpartisan commission staff will prepare a new map — or maps — to guide the final phase of the commission's deliberations and decision making. After staff develops this map, final deliberations by the commission will occur.

**Final approval:** In the end, the final map must be approved by a 2/3 vote of the commission and with the consent of at least 2 unaffiliated members — a requirement intended to prevent the two parties from agreeing on maps that would protect incumbents at the expense of competitiveness and other core criteria.

**Incentive to avoid deadlock:** In the event a 2/3 vote cannot be achieved, the final map drawn by nonpartisan staff will become the final map. While the supermajority vote requirement sets a high bar and a need for consensus on the commission, this mechanism — that the final nonpartisan staff staff map will become final in the event of deadlock — creates powerful incentive for the commission to collaborate and compromise. In the end, the commission will feel very real structural pressure — either get to a broad-based compromise and a 2/3 vote in favor of a final map, or cede final say over the maps to the nonpartisan commission staff.

**Judicial review:** After the commission approves a final map — or in the case of deadlock, after the staff's map becomes final — any judicial challenges to the final maps will face a heightened level of scrutiny. The Supreme Court could reject the final maps only if it can be shown that the commission — or in the case of gridlock, the nonpartisan commission staff — abused its discretion. This elevated standard of review will prevent the court from making policy-level judgements — in other words, judicial review will not be an exercise in which map the Court likes more or less — and instead limit intervention to circumstances when the commission obviously ignored or misapplied map-drawing criteria. It is believed that this tight framework for judicial review will limit the historic trend in Colorado, that is repeating itself around the country, whereby the courts have disproportionate say in the drawing of legislative and congressional maps.

**4. Public involvement**

Open meeting and open record requirements that govern official conduct in Colorado would also apply to the work of the commission, giving new transparency to a process that, historically, has been dominated by backroom deal-making.

**Open records and notice:** Commissioners and staff will be subject to open record rules. Additionally, commissions must provide 72 hours advance notice of proposed rules (prior to consideration for adoption), and 72 hours advance notice after introduction or amendment of a map, whichever is later, before voting.

**Public hearings:** The commissions must provide opportunities for the public to testify at hearings held around the state, and no map may be approved until at least 3 hearings have been held in each congressional district.

**Additional public participation:** Any Colorado resident may present a map or comments, and the commissions will be required to maintain a website or sites through which any member of the public may submit maps or comments. The measures also call for live, online broadcast of regional hearings and maintenance of an archive for public review.

**Transparency:** Consultants paid to advocate to the commission are considered lobbyists and must disclose their clients and compensation to the Secretary of State within 72 hours of beginning lobbying or receiving compensation.

S.WARD
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Colorado Secretary of State

**2017-2018 #171 – FINAL**

# Legislative redistricting – constitutional measure

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

**SECTION 1.** In the constitution of the state of Colorado, **amend** section 46 of article V as follows:

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

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

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

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

(d) COMPETITIVE ELECTIONS FOR MEMBERS OF THE GENERAL ASSEMBLY PROVIDE VOTERS WITH A MEANINGFUL CHOICE AMONG CANDIDATES, PROMOTE A HEALTHY DEMOCRACY, WILL HELP ENSURE THAT CONSTITUENTS RECEIVE FAIR AND EFFECTIVE

REPRESENTATION, AND CAN CONTRIBUTE TO THE POLITICAL WELL-BEING OF KEY COMMUNITIES OF INTEREST AND POLITICAL SUBDIVISIONS;

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

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

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

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

(a) "COMMISSION" MEANS THE INDEPENDENT LEGISLATIVE REDISTRICTING COMMISSION.

(b) (I) "COMMUNITY OF INTEREST" MEANS ANY GROUP IN COLORADO THAT SHARES ONE OR MORE SUBSTANTIAL INTERESTS THAT MAY BE THE SUBJECT OF STATE LEGISLATIVE

ACTION, IS COMPOSED OF A REASONABLY PROXIMATE POPULATION, AND THUS SHOULD BE CONSIDERED FOR INCLUSION WITHIN A SINGLE DISTRICT FOR PURPOSES OF ENSURING ITS FAIR AND EFFECTIVE REPRESENTATION.

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

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

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

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

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

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

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

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

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

**SECTION 2.** In the constitution of the state of Colorado, **repeal and reenact, with amendments,** section 47 of article V as follows:

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

(2) THE COMMISSION SHALL CONSIST OF TWELVE MEMBERS WHO HAVE THE FOLLOWING QUALIFICATIONS:

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

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

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

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

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

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

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

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

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

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

(b) THE APPLICATION FORM MUST CLEARLY STATE THE LEGAL OBLIGATIONS AND EXPECTATIONS OF POTENTIAL APPOINTEES. INFORMATION REQUIRED OF APPLICANTS MUST INCLUDE, BUT NOT NECESSARILY BE LIMITED TO, PROFESSIONAL BACKGROUND, PARTY AFFILIATION, A DESCRIPTION OF PAST POLITICAL ACTIVITY, A LIST OF ALL POLITICAL AND

CIVIC ORGANIZATIONS TO WHICH THE APPLICANT HAS BELONGED WITHIN THE PREVIOUS FIVE YEARS, AND WHETHER THE APPLICANT MEETS THE QUALIFICATIONS STATED IN SUBSECTION (2) OF THIS SECTION. IN ADDITION, THE APPLICATION FORM MUST REQUIRE THE APPLICANT TO EXPLAIN WHY THE APPLICANT WANTS TO SERVE ON THE COMMISSION AND AFFORD THE APPLICANT AN OPPORTUNITY TO MAKE A STATEMENT ABOUT HOW THE APPLICANT WILL PROMOTE CONSENSUS AMONG COMMISSIONERS IF APPOINTED TO THE COMMISSION. APPLICANTS MAY ALSO CHOOSE TO INCLUDE UP TO FOUR LETTERS OF RECOMMENDATION WITH THEIR APPLICATION.

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

(5) (a) NO LATER THAN JANUARY 5 OF THE REDISTRICTING YEAR, THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL DESIGNATE A PANEL TO REVIEW THE APPLICATIONS. THE PANEL MUST CONSIST OF THE THREE JUSTICES OR JUDGES WHO MOST RECENTLY RETIRED FROM THE COLORADO SUPREME COURT OR THE COLORADO COURT OF APPEALS, APPOINTED SEQUENTIALLY STARTING WITH THE MOST RECENT JUSTICE OR JUDGE TO RETIRE WHO HAS BEEN AFFILIATED WITH THE SAME POLITICAL PARTY OR UNAFFILIATED WITH ANY POLITICAL PARTY FOR THE TWO YEARS PRIOR TO APPOINTMENT, EXCEPT THAT NO APPOINTEE, WITHIN TWO YEARS PRIOR TO APPOINTMENT, SHALL HAVE BEEN AFFILIATED WITH THE SAME POLITICAL PARTY AS A JUSTICE OR JUDGE ALREADY APPOINTED TO THE PANEL. IF ANY OF THE THREE JUSTICES OR JUDGES WHO MOST RECENTLY RETIRED FROM THE COLORADO SUPREME COURT OR THE COLORADO COURT OF APPEALS IS UNABLE OR UNWILLING TO SERVE ON THE

PANEL OR HAS BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO APPOINTMENT WITH A POLITICAL PARTY ALREADY REPRESENTED ON THE PANEL, THEN THE CHIEF JUSTICE SHALL APPOINT THE NEXT JUSTICE OR JUDGE WHO MOST RECENTLY RETIRED FROM THE COLORADO SUPREME COURT OR THE COLORADO COURT OF APPEALS AND WHO HAS NOT BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO APPOINTMENT WITH THE SAME POLITICAL PARTY AS ANY JUSTICE OR JUDGE ALREADY APPOINTED TO THE PANEL. IF, AFTER CONSIDERING ALL JUSTICES AND JUDGES WHO HAVE RETIRED FROM THE COLORADO SUPREME COURT AND THE COLORADO COURT OF APPEALS, FEWER THAN THREE ELIGIBLE PARTICIPANTS FOR THE PANEL HAVE BEEN IDENTIFIED WHO ARE ABLE AND WILLING TO SERVE, THE CHIEF JUSTICE SHALL APPOINT THE MOST RECENTLY RETIRED DISTRICT COURT JUDGE WHO HAS NOT BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO APPOINTMENT WITH THE SAME POLITICAL PARTY AS ANY PREVIOUS APPOINTEE TO THE PANEL AND WHO ACCEPTS SUCH APPOINTMENT. NO JUSTICE OR JUDGE SHALL SERVE BOTH ON THIS PANEL AND THE PANEL ASSISTING IN THE PROCESS OF CHOOSING MEMBERS OF THE COMMISSION RESPONSIBLE FOR DIVIDING THE STATE INTO CONGRESSIONAL DISTRICTS.

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

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

(6) AFTER APPLICATIONS ARE SUBMITTED, THE NONPARTISAN STAFF, WITH THE COOPERATION AND ASSISTANCE OF THE SECRETARY OF STATE, SHALL MAKE AN OBJECTIVE AND FACTUAL FINDING BASED, TO THE EXTENT POSSIBLE, ON PUBLICLY AVAILABLE

INFORMATION, INCLUDING INFORMATION CONTAINED IN THE APPLICATION AND INFORMATION CONTAINED WITHIN THE RECORDS MAINTAINED BY THE SECRETARY OF STATE, WHETHER EACH APPLICANT MEETS THE QUALIFICATIONS SPECIFIED IN SUBSECTION (2) OF THIS SECTION. NO LATER THAN JANUARY 11 OF THE REDISTRICTING YEAR, THE NONPARTISAN STAFF SHALL MAKE ITS FINDINGS PUBLICLY AVAILABLE, AND NOTIFY THE APPLICANTS OF THE STAFF'S FINDING. IF THE STAFF FINDS THAT AN APPLICANT IS NOT ELIGIBLE, THEN THE STAFF SHALL INCLUDE THE REASONS THEREFOR IN ITS FINDING.

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) BY MARCH 16 OF THE REDISTRICTING YEAR, THE PANEL OF JUDGES SHALL SELECT, IN SUCH ORDER AS THE PANEL DETERMINES, ONE COMMISSIONER FROM EACH LEGISLATIVE LEADER'S POOL OF APPLICANTS AND TWO COMMISSIONERS FROM THOSE APPLICANTS WHO ARE NOT AFFILIATED WITH ANY POLITICAL PARTY AND WHOSE NAMES WERE RANDOMLY SELECTED BY LOT PURSUANT TO SUBSECTION (7) OF THIS SECTION. THE PANEL OF JUDGES MUST ENSURE THAT THE COMMISSION INCLUDES FOUR COMMISSIONERS WHO ARE NOT

AFFILIATED WITH ANY POLITICAL PARTY, FOUR COMMISSIONERS WHO ARE AFFILIATED WITH THE STATE'S LARGEST POLITICAL PARTY, AND FOUR COMMISSIONERS WHO ARE AFFILIATED WITH THE STATE'S SECOND LARGEST POLITICAL PARTY. THE PANEL OF JUDGES MAY INTERVIEW APPLICANTS BEFORE MAKING THE APPOINTMENTS. IN SELECTING APPLICANTS, THE PANEL SHALL, IN ADDITION TO CONSIDERING APPLICANTS' OTHER QUALIFICATIONS:

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

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

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

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

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

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

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

**SECTION 3.** In the constitution of the state of Colorado, **repeal and reenact, with amendments,** section 48 of article V as follows:

**Section 48. Commission organization – procedures – transparency – voting requirements.** (1) **Initial organization, officers, procedures, rules, and transparency.**

(a) THE GOVERNOR SHALL CONVENE THE COMMISSION NO LATER THAN MARCH 30 OF THE REDISTRICTING YEAR, APPOINTING A TEMPORARY CHAIRPERSON FROM THE COMMISSION'S MEMBERS. UPON CONVENING, THE COMMISSION SHALL ELECT A CHAIR AND A VICE-CHAIR, WHO MUST NOT BE MEMBERS OF THE SAME POLITICAL PARTY, AND SUCH OTHER OFFICERS AS IT DETERMINES.

(b) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES, OR THE DIRECTORS OF SUCCESSOR

NONPARTISAN OFFICES OF THE GENERAL ASSEMBLY, SHALL APPOINT NONPARTISAN STAFF FROM THEIR RESPECTIVE OFFICES AS NEEDED TO ASSIST THE COMMISSION AND THE PANEL OF JUDGES AS DESCRIBED IN SECTION 47 OF THIS ARTICLE V. AS FAR IN ADVANCE AS NECESSARY TO ENABLE THE COMMISSION TO BEGIN ITS WORK IMMEDIATELY UPON CONVENING, THE NONPARTISAN STAFF SHALL ACQUIRE AND PREPARE ALL NECESSARY RESOURCES, INCLUDING HARDWARE, SOFTWARE, AND DEMOGRAPHIC, GEOGRAPHIC, AND POLITICAL DATABASES.

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

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

(e) THE COMMISSION SHALL ADOPT RULES TO GOVERN ITS ADMINISTRATION AND OPERATION. THE COMMISSION MUST PROVIDE AT LEAST SEVENTY-TWO HOURS OF ADVANCE PUBLIC NOTICE OF ALL PROPOSED RULES PRIOR TO CONSIDERATION FOR ADOPTION, BUT

PROPOSED RULES MAY BE AMENDED DURING COMMISSION DELIBERATIONS WITHOUT SUCH ADVANCE NOTICE OF SPECIFIC, RELATED AMENDMENTS. NEITHER THE COMMISSION'S PROCEDURAL RULES NOR ITS MAPPING DECISIONS ARE SUBJECT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT". RULES MUST INCLUDE BUT NEED NOT BE LIMITED TO THE FOLLOWING:

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

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

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

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

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

(2) **Voting requirements.** A SIMPLE MAJORITY OF THE APPOINTED COMMISSIONERS MAY APPROVE RULES AND PROCEDURAL DECISIONS. THE ELECTION OF THE COMMISSION'S CHAIR AND VICE-CHAIR REQUIRES THE AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS, INCLUDING THE AFFIRMATIVE VOTE OF AT LEAST ONE COMMISSIONER WHO IS NOT AFFILIATED WITH ANY POLITICAL PARTY. REMOVAL OF ANY COMMISSIONER AS PROVIDED IN THIS SECTION REQUIRES THE AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS, INCLUDING THE AFFIRMATIVE VOTE OF AT LEAST TWO COMMISSIONERS WHO ARE UNAFFILIATED WITH ANY POLITICAL PARTY. ADOPTION OF THE FINAL PLAN FOR SUBMISSION

TO THE SUPREME COURT AND THE ADOPTION OF A REVISED PLAN AFTER A PLAN IS RETURNED TO THE COMMISSION FROM THE SUPREME COURT REQUIRES THE AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS, INCLUDING THE AFFIRMATIVE VOTE OF AT LEAST TWO COMMISSIONERS WHO ARE UNAFFILIATED WITH ANY POLITICAL PARTY. THE COMMISSION SHALL NOT VOTE UPON A FINAL PLAN UNTIL AT LEAST SEVENTY-TWO HOURS AFTER IT HAS BEEN PROPOSED TO THE COMMISSION IN A PUBLIC MEETING OR AT LEAST SEVENTY-TWO HOURS AFTER IT HAS BEEN AMENDED BY THE COMMISSION IN A PUBLIC MEETING, WHICHEVER OCCURS LATER, UNLESS COMMISSIONERS UNANIMOUSLY WAIVE SUCH SEVENTY-TWO HOUR REQUIREMENT.

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

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

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

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

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

(4) **Ethical obligations, transparency, lobbyist reporting.** (a) COMMISSIONERS ARE GUARDIANS OF THE PUBLIC TRUST AND ARE SUBJECT TO ANTI-BRIBERY AND ABUSE OF PUBLIC OFFICE STATUTES AS REFLECTED IN PARTS 3 AND 4 OF ARTICLE 8 OF TITLE 18 OF THE COLORADO REVISED STATUTES, AS AMENDED, OR ANY SUCCESSOR STATUTE.

(b) TO ENSURE TRANSPARENCY IN THE REDISTRICTING PROCESS:

(I) (A) THE COMMISSION AND THE COMMISSIONERS ARE SUBJECT TO STATE STATUTES REGARDING OPEN MEETINGS AS PROVIDED IN PART 4 OF ARTICLE 6 OF TITLE 24 OF THE COLORADO REVISED STATUTES, AS AMENDED, OR ANY SUCCESSOR STATUTE.

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

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

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

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

(II) THE COMMISSION, THE COMMISSIONERS, AND THE STAFF ARE SUBJECT TO STATE STATUTES REGARDING OPEN RECORDS AS REFLECTED IN PART 1 OF ARTICLE 72 OF TITLE 24 OF THE COLORADO REVISED STATUTES, AS AMENDED, OR ANY SUCCESSOR STATUTE. HOWEVER, MAPS IN DRAFT FORM AND NOT SUBMITTED TO THE COMMISSION ARE NOT PUBLIC RECORDS SUBJECT TO DISCLOSURE. WORK PRODUCT AND COMMUNICATIONS AMONG

COMMISSION STAFF MEMBERS ARE SUBJECT TO DISCLOSURE ONCE A PLAN IS SUBMITTED TO THE SUPREME COURT.

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

**SECTION 4.** In the constitution of the state of Colorado, **add** sections 48.1, 48.2, 48.3, and 48.4 to article V as follows:

**SECTION 48.1. Criteria for determination of legislative districts.** (1) IN ADOPTING A LEGISLATIVE REDISTRICTING PLAN, THE COMMISSION SHALL:

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

(b) COMPLY WITH THE FEDERAL "VOTING RIGHTS ACT OF 1965", AS CODIFIED IN THE UNITED STATES CODE, AS AMENDED.

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

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

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

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

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

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

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

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

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

OR MEMBERSHIP IN A LANGUAGE MINORITY GROUP, INCLUDING BY DILUTING THE IMPACT OF THAT RACIAL OR LANGUAGE MINORITY GROUP'S ELECTORAL INFLUENCE.

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

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

(3) SUBSEQUENT TO HEARINGS ON THE PRELIMINARY SENATE PLAN AND THE PRELIMINARY HOUSE PLAN, THE NONPARTISAN STAFF SHALL PREPARE, PUBLISH ONLINE, AND PRESENT TO THE COMMISSION NO FEWER THAN THREE PLANS FOR THE STATE SENATE AND THREE PLANS FOR THE STATE HOUSE OF REPRESENTATIVES, EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION. THESE PLANS WILL BE KNOWN AS THE STAFF PLANS AND MUST BE NAMED AND NUMBERED SEQUENTIALLY FOR PURPOSES OF SUBSECTION (7) OF THIS SECTION. STAFF PLANS MUST BE PREPARED, PUBLISHED ONLINE, AND PRESENTED IN ACCORDANCE WITH A TIMETABLE ESTABLISHED BY THE COMMISSION, EXCEPT EACH STAFF PLAN MUST BE PRESENTED TO THE COMMISSION NO FEWER THAN TEN DAYS AFTER THE PRESENTATION OF ANY PREVIOUS STAFF PLAN, AND EACH STAFF PLAN MUST BE PRESENTED TO THE COMMISSION NO FEWER THAN TWENTY-FOUR HOURS AFTER IT HAS BEEN PUBLISHED ONLINE. IF THE COMMISSION FAILS TO ESTABLISH A TIMETABLE FOR PRESENTATION OF STAFF PLANS WITHIN TEN DAYS AFTER THE COMPLETION OF HEARINGS ON THE PRELIMINARY PLAN, STAFF SHALL ESTABLISH SUCH TIMETABLE. STAFF SHALL KEEP EACH PLAN PREPARED CONFIDENTIAL UNTIL IT IS PUBLISHED ONLINE OR OTHERWISE USING GENERALLY AVAILABLE TECHNOLOGIES. THE COMMISSION MAY PROVIDE DIRECTION, IF APPROVED BY AT LEAST EIGHT COMMISSIONERS INCLUDING AT LEAST ONE COMMISSIONER WHO IS NOT AFFILIATED WITH ANY POLITICAL PARTY, FOR THE DEVELOPMENT OF STAFF PLANS THROUGH THE ADOPTION OF STANDARDS, GUIDELINES, OR METHODOLOGIES TO WHICH STAFF SHALL ADHERE, INCLUDING STANDARDS, GUIDELINES, OR METHODOLOGIES TO BE USED TO EVALUATE A PLAN'S COMPETITIVENESS, CONSISTENT WITH SECTION 48.1 (3) (d) OF THIS ARTICLE V. IN PREPARING ALL STAFF PLANS, STAFF SHALL ALSO CONSIDER PUBLIC TESTIMONY AND PUBLIC COMMENTS RECEIVED BY THE COMMISSION THAT ARE CONSISTENT WITH THE CRITERIA SPECIFIED IN SECTION 48.1 OF THIS ARTICLE V.

(4) ANY COMMISSIONER OR GROUP OF COMMISSIONERS MAY REQUEST THE COMMISSION'S STAFF TO PREPARE ADDITIONAL PLANS OR AMENDMENTS TO PLANS. ANY SUCH REQUEST MUST BE MADE IN A PUBLIC HEARING OF THE COMMISSION BUT DOES NOT REQUIRE COMMISSION APPROVAL. PLANS OR AMENDMENTS DEVELOPED IN RESPONSE TO SUCH REQUESTS ARE SEPARATE FROM STAFF PLANS, FOR PURPOSES OF SUBSECTION (7) OF THIS SECTION.

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

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

(b) THE COMMISSION MAY ADJUST THE DEADLINES SPECIFIED IN THIS SECTION IF CONDITIONS OUTSIDE OF THE COMMISSION'S CONTROL REQUIRE SUCH AN ADJUSTMENT TO ENSURE ADOPTING A FINAL PLAN AS REQUIRED BY THIS SUBSECTION (6).

(c) THE COMMISSION MAY GRANT ITS STAFF THE AUTHORITY TO MAKE TECHNICAL, DE MINIMIS ADJUSTMENTS TO THE ADOPTED SENATE AND HOUSE PLANS PRIOR TO THEIR SUBMISSION TO THE SUPREME COURT.

(7) IF FOR ANY REASON THE COMMISSION DOES NOT ADOPT A FINAL PLAN FOR BOTH HOUSES OF THE GENERAL ASSEMBLY BY THE DATE SPECIFIED IN SUBSECTION (6) OF THIS SECTION, THEN THE NONPARTISAN STAFF SHALL SUBMIT THE UNAMENDED THIRD STAFF PLAN

TO THE SUPREME COURT FOR REVIEW PURSUANT TO SECTION 48.3 OF THIS ARTICLE V. IF THE COMMISSION APPROVES A PLAN FOR ONE HOUSE OF THE GENERAL ASSEMBLY BUT NOT THE OTHER HOUSE, THEN THE PLAN FOR THE APPROVED HOUSE SHALL BE SUBMITTED TO THE SUPREME COURT AS THE FINAL PLAN FOR THAT HOUSE, AND THE UNAMENDED THIRD STAFF PLAN SHALL BE SUBMITTED TO THE SUPREME COURT AS THE FINAL PLAN FOR THE HOUSE FOR WHICH THE COMMISSION DID NOT APPROVE A PLAN.

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

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

(3) IF THE SUPREME COURT DETERMINES THAT THE SUBMITTED STATE SENATE PLAN OR THE SUBMITTED STATE HOUSE OF REPRESENTATIVES PLAN CONSTITUTES AN ABUSE OF

DISCRETION IN APPLYING OR FAILING TO APPLY THE CRITERIA LISTED IN SECTION 48.1 OF THIS ARTICLE V, IN LIGHT OF THE RECORD BEFORE THE COMMISSION, THE SUPREME COURT SHALL RETURN THE RESPECTIVE PLAN TO THE COMMISSION WITH THE COURT'S REASONS FOR DISAPPROVAL.

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

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

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

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

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

**Section 48.4. Severability.** IF ANY PROVISION OF SECTIONS 47 THROUGH 48.3 OF THIS ARTICLE V IS FOUND BY A COURT OF COMPETENT JURISDICTION TO BE UNCONSTITUTIONAL, OR IF ANY APPLICATION OF THESE SECTIONS IS FOUND BY SUCH A COURT TO BE UNCONSTITUTIONAL, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR

APPLICATIONS OF THE REMAINING PROVISIONS OF THESE SECTIONS THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION. THUS, THE PROVISIONS OF SECTIONS 47 THROUGH 48.3 OF THIS ARTICLE V ARE DEEMED AND DECLARED SEVERABLE.

**2017-2018 #170 – FINAL Draft**

2:54 P.M.
S.WARD
RECEIVED
APR 06 2018
Colorado Secretary of State

# Congressional redistricting – constitutional measure

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

**SECTION 1.** In the constitution of the state of Colorado, **amend** section 44 of article V as follows:

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

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

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

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

(d) COMPETITIVE ELECTIONS FOR MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES PROVIDE VOTERS WITH A MEANINGFUL CHOICE AMONG CANDIDATES, PROMOTE A HEALTHY DEMOCRACY, WILL HELP ENSURE THAT CONSTITUENTS RECEIVE FAIR

AND EFFECTIVE REPRESENTATION, AND CAN CONTRIBUTE TO THE POLITICAL WELL-BEING OF KEY COMMUNITIES OF INTEREST AND POLITICAL SUBDIVISIONS;

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

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

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

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

(a) "COMMISSION" MEANS THE INDEPENDENT CONGRESSIONAL REDISTRICTING COMMISSION.

(b) (I) "COMMUNITY OF INTEREST" MEANS ANY GROUP IN COLORADO THAT SHARES ONE OR MORE SUBSTANTIAL INTERESTS THAT MAY BE THE SUBJECT OF FEDERAL LEGISLATIVE

ACTION, IS COMPOSED OF A REASONABLY PROXIMATE POPULATION, AND THUS SHOULD BE CONSIDERED FOR INCLUSION WITHIN A SINGLE DISTRICT FOR PURPOSES OF ENSURING ITS FAIR AND EFFECTIVE REPRESENTATION.

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

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

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

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

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

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

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

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

(4) **Adjustment of dates.** IF ANY DATE PRESCRIBED IN ARTICLES 44.1 TO 44.5 OF THIS ARTICLE V FOR THE PERFORMING OF ANY ACT FALLS ON A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THEN THE DATE IS EXTENDED TO THE NEXT DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

**SECTION 2.** In the constitution of the state of Colorado, **add** sections 44.1, 44.2, 44.3, 44.4, 44.5, and 44.6 to article V as follows:

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

(2) THE COMMISSION SHALL CONSIST OF TWELVE MEMBERS WHO HAVE THE FOLLOWING QUALIFICATIONS:

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

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

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

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

(II) IS OR HAS BEEN, WITHIN THE LAST THREE YEARS THAT PRECEDE THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE COMMISSION ARE DUE UNDER SUBSECTION (4) OF THIS SECTION, COMPENSATED BY A MEMBER OF, OR A CAMPAIGN COMMITTEE ADVOCATING

THE ELECTION OF A CANDIDATE TO, THE UNITED STATES HOUSE OF REPRESENTATIVES OR THE UNITED STATES SENATE;

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

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

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

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

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

(b) THE APPLICATION FORM MUST CLEARLY STATE THE LEGAL OBLIGATIONS AND EXPECTATIONS OF POTENTIAL APPOINTEES. INFORMATION REQUIRED OF APPLICANTS MUST

INCLUDE, BUT NOT NECESSARILY BE LIMITED TO, PROFESSIONAL BACKGROUND, PARTY AFFILIATION, A DESCRIPTION OF PAST POLITICAL ACTIVITY, A LIST OF ALL POLITICAL AND CIVIC ORGANIZATIONS TO WHICH THE APPLICANT HAS BELONGED WITHIN THE PREVIOUS FIVE YEARS, AND WHETHER THE APPLICANT MEETS THE QUALIFICATIONS STATED IN SUBSECTION (2) OF THIS SECTION. IN ADDITION, THE APPLICATION FORM MUST REQUIRE THE APPLICANT TO EXPLAIN WHY THE APPLICANT WANTS TO SERVE ON THE COMMISSION AND AFFORD THE APPLICANT AN OPPORTUNITY TO MAKE A STATEMENT ABOUT HOW THE APPLICANT WILL PROMOTE CONSENSUS AMONG COMMISSIONERS IF APPOINTED TO THE COMMISSION. APPLICANTS MAY ALSO CHOOSE TO INCLUDE UP TO FOUR LETTERS OF RECOMMENDATION WITH THEIR APPLICATION.

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

(5) (a) NO LATER THAN JANUARY 5 OF THE REDISTRICTING YEAR, THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL DESIGNATE A PANEL TO REVIEW THE APPLICATIONS. THE PANEL MUST CONSIST OF THE THREE JUSTICES OR JUDGES WHO MOST RECENTLY RETIRED FROM THE COLORADO SUPREME COURT OR THE COLORADO COURT OF APPEALS, APPOINTED SEQUENTIALLY STARTING WITH THE MOST RECENT JUSTICE OR JUDGE TO RETIRE WHO HAS BEEN AFFILIATED WITH THE SAME POLITICAL PARTY OR UNAFFILIATED WITH ANY POLITICAL PARTY FOR THE TWO YEARS PRIOR TO APPOINTMENT, EXCEPT THAT NO APPOINTEE, WITHIN TWO YEARS PRIOR TO APPOINTMENT, SHALL HAVE BEEN AFFILIATED WITH THE SAME POLITICAL PARTY AS A JUSTICE OR JUDGE ALREADY APPOINTED TO THE PANEL. IF ANY OF THE

THREE JUSTICES OR JUDGES WHO MOST RECENTLY RETIRED FROM THE COLORADO SUPREME COURT OR THE COLORADO COURT OF APPEALS IS UNABLE OR UNWILLING TO SERVE ON THE PANEL OR HAS BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO APPOINTMENT WITH A POLITICAL PARTY ALREADY REPRESENTED ON THE PANEL, THEN THE CHIEF JUSTICE SHALL APPOINT THE NEXT JUSTICE OR JUDGE WHO MOST RECENTLY RETIRED FROM THE COLORADO SUPREME COURT OR THE COLORADO COURT OF APPEALS AND WHO HAS NOT BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO APPOINTMENT WITH THE SAME POLITICAL PARTY AS ANY JUSTICE OR JUDGE ALREADY APPOINTED TO THE PANEL. IF, AFTER CONSIDERING ALL JUSTICES AND JUDGES WHO HAVE RETIRED FROM THE COLORADO SUPREME COURT AND THE COLORADO COURT OF APPEALS, FEWER THAN THREE ELIGIBLE PARTICIPANTS FOR THE PANEL HAVE BEEN IDENTIFIED WHO ARE ABLE AND WILLING TO SERVE, THE CHIEF JUSTICE SHALL APPOINT THE MOST RECENTLY RETIRED DISTRICT COURT JUDGE WHO HAS NOT BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO APPOINTMENT WITH THE SAME POLITICAL PARTY AS ANY PREVIOUS APPOINTEE TO THE PANEL AND WHO ACCEPTS SUCH APPOINTMENT. NO JUSTICE OR JUDGE SHALL SERVE BOTH ON THIS PANEL AND THE PANEL ASSISTING IN THE PROCESS OF CHOOSING MEMBERS OF THE COMMISSION RESPONSIBLE FOR DIVIDING THE STATE INTO STATE SENATE AND STATE HOUSE OF REPRESENTATIVES DISTRICTS.

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

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

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

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

(8) (a) IN ONE OR MORE PUBLIC HEARINGS CONDUCTED ON OR BEFORE FEBRUARY 1 OF THE REDISTRICTING YEAR, AFTER REVIEWING THE APPLICATIONS OF THE APPLICANTS SELECTED IN ACCORDANCE WITH SUBSECTION (7) OF THIS SECTION, THE PANEL SHALL IDENTIFY FIFTY APPLICANTS WHO ARE AFFILIATED WITH THE STATE'S LARGEST POLITICAL PARTY, FIFTY APPLICANTS WHO ARE AFFILIATED WITH THE STATE'S SECOND LARGEST

POLITICAL PARTY, AND FIFTY APPLICANTS WHO ARE UNAFFILIATED WITH ANY POLITICAL PARTY AND WHO BEST DEMONSTRATE:

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

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

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

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

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

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

(c) IN THE PROCESS OF CHOOSING APPLICANTS BY LOT FOR APPOINTMENT TO THE COMMISSION, NO APPLICANT WHOSE NAME IS CHOSEN MAY BE APPOINTED IF HE OR SHE IS REGISTERED TO VOTE IN A CONGRESSIONAL DISTRICT THAT IS ALREADY REPRESENTED ON THE COMMISSION, EXCEPT THAT, WHEN ALL THEN-EXISTING CONGRESSIONAL DISTRICTS IN COLORADO ARE REPRESENTED ON THE COMMISSION, A CONGRESSIONAL DISTRICT MAY BE REPRESENTED BY A SECOND COMMISSIONER. REGARDLESS, NO CONGRESSIONAL DISTRICT MAY BE REPRESENTED BY MORE THAN TWO COMMISSIONERS. ANY PERSONS WHOSE NAMES ARE CHOSEN, BUT THAT DUPLICATE A CONGRESSIONAL DISTRICT'S REPRESENTATION ON THE

COMMISSION AND ARE NOT APPOINTED TO THE COMMISSION, SHALL NEVERTHELESS BE ELIGIBLE FOR APPOINTMENT PURSUANT TO SUBSECTIONS (9) AND (10) OF THIS SECTION.

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

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

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

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

(10) BY MARCH 1 OF THE REDISTRICTING YEAR, THE PANEL OF JUDGES SHALL SELECT, IN SUCH ORDER AS THE PANEL DETERMINES, ONE COMMISSIONER FROM EACH LEGISLATIVE LEADER'S POOL OF APPLICANTS AND TWO COMMISSIONERS FROM THOSE APPLICANTS WHO ARE NOT AFFILIATED WITH ANY POLITICAL PARTY AND WHOSE NAMES WERE RANDOMLY

SELECTED BY LOT PURSUANT TO SUBSECTION (7) OF THIS SECTION. THE PANEL OF JUDGES MUST ENSURE THAT THE COMMISSION INCLUDES FOUR COMMISSIONERS WHO ARE NOT AFFILIATED WITH ANY POLITICAL PARTY, FOUR COMMISSIONERS WHO ARE AFFILIATED WITH THE STATE'S LARGEST POLITICAL PARTY, AND FOUR COMMISSIONERS WHO ARE AFFILIATED WITH THE STATE'S SECOND LARGEST POLITICAL PARTY. THE PANEL OF JUDGES MAY INTERVIEW APPLICANTS BEFORE MAKING THE APPOINTMENTS. IN SELECTING APPLICANTS, THE PANEL SHALL, IN ADDITION TO CONSIDERING APPLICANTS' OTHER QUALIFICATIONS:

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

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

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

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

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

BECOMES UNAFFILIATED WITH ANY POLITICAL PARTY BEFORE THE SUPREME COURT HAS APPROVED A PLAN PURSUANT TO SECTION 44.5 OF THIS ARTICLE V.

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

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

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

(b) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES, OR THE DIRECTORS OF SUCCESSOR

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

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

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

(e) THE COMMISSION SHALL ADOPT RULES TO GOVERN ITS ADMINISTRATION AND OPERATION. THE COMMISSION MUST PROVIDE AT LEAST SEVENTY-TWO HOURS OF ADVANCE

PUBLIC NOTICE OF ALL PROPOSED RULES PRIOR TO CONSIDERATION FOR ADOPTION, BUT PROPOSED RULES MAY BE AMENDED DURING COMMISSION DELIBERATIONS WITHOUT SUCH ADVANCE NOTICE OF SPECIFIC, RELATED AMENDMENTS. NEITHER THE COMMISSION'S PROCEDURAL RULES NOR ITS MAPPING DECISIONS ARE SUBJECT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT". RULES MUST INCLUDE BUT NEED NOT BE LIMITED TO THE FOLLOWING:

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

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

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

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

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

(2) **Voting requirements.** A SIMPLE MAJORITY OF THE APPOINTED COMMISSIONERS MAY APPROVE RULES AND PROCEDURAL DECISIONS. THE ELECTION OF THE COMMISSION'S CHAIR AND VICE-CHAIR REQUIRES THE AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS, INCLUDING THE AFFIRMATIVE VOTE OF AT LEAST ONE COMMISSIONER WHO IS NOT AFFILIATED WITH ANY POLITICAL PARTY. REMOVAL OF ANY COMMISSIONER AS PROVIDED IN THIS SECTION REQUIRES THE AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS, INCLUDING THE AFFIRMATIVE VOTE OF AT LEAST TWO COMMISSIONERS WHO ARE

UNAFFILIATED WITH ANY POLITICAL PARTY. ADOPTION OF THE FINAL PLAN FOR SUBMISSION TO THE SUPREME COURT AND THE ADOPTION OF A REVISED PLAN AFTER A PLAN IS RETURNED TO THE COMMISSION FROM THE SUPREME COURT REQUIRES THE AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS, INCLUDING THE AFFIRMATIVE VOTE OF AT LEAST TWO COMMISSIONERS WHO ARE UNAFFILIATED WITH ANY POLITICAL PARTY. THE COMMISSION SHALL NOT VOTE UPON A FINAL PLAN UNTIL AT LEAST SEVENTY-TWO HOURS AFTER IT HAS BEEN PROPOSED TO THE COMMISSION IN A PUBLIC MEETING OR AT LEAST SEVENTY-TWO HOURS AFTER IT HAS BEEN AMENDED BY THE COMMISSION IN A PUBLIC MEETING, WHICHEVER OCCURS LATER, UNLESS COMMISSIONERS UNANIMOUSLY WAIVE SUCH SEVENTY-TWO HOUR REQUIREMENT.

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

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

BY RULE THE NECESSARY ELEMENTS OF ELECTRONIC ATTENDANCE AT A COMMISSION HEARING.

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

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

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

(4) **Ethical obligations, transparency, lobbyist reporting.** (a) COMMISSIONERS ARE GUARDIANS OF THE PUBLIC TRUST AND ARE SUBJECT TO ANTI-BRIBERY AND ABUSE OF PUBLIC OFFICE STATUTES AS REFLECTED IN PARTS 3 AND 4 OF ARTICLE 8 OF TITLE 18 OF THE COLORADO REVISED STATUTES, AS AMENDED, OR ANY SUCCESSOR STATUTE.

(b) TO ENSURE TRANSPARENCY IN THE REDISTRICTING PROCESS:

(I) (A) THE COMMISSION AND THE COMMISSIONERS ARE SUBJECT TO STATE STATUTES REGARDING OPEN MEETINGS AS PROVIDED IN PART 4 OF ARTICLE 6 OF TITLE 24 OF THE COLORADO REVISED STATUTES, AS AMENDED, OR ANY SUCCESSOR STATUTE.

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

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

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

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

(II) THE COMMISSION, THE COMMISSIONERS, AND THE STAFF ARE SUBJECT TO STATE STATUTES REGARDING OPEN RECORDS AS REFLECTED IN PART 1 OF ARTICLE 72 OF TITLE 24 OF THE COLORADO REVISED STATUTES, AS AMENDED, OR ANY SUCCESSOR STATUTE. HOWEVER, MAPS IN DRAFT FORM AND NOT SUBMITTED TO THE COMMISSION ARE NOT PUBLIC RECORDS SUBJECT TO DISCLOSURE. WORK PRODUCT AND COMMUNICATIONS AMONG

COMMISSION STAFF MEMBERS ARE SUBJECT TO DISCLOSURE ONCE A PLAN IS SUBMITTED TO THE SUPREME COURT.

(III) PERSONS WHO CONTRACT FOR OR RECEIVE COMPENSATION FOR ADVOCATING TO THE COMMISSION, TO ONE OR MORE COMMISSIONERS, OR TO THE STAFF FOR THE ADOPTION OR REJECTION OF ANY MAP, AMENDMENT TO A MAP, MAPPING APPROACH, OR MANNER OF COMPLIANCE WITH ANY OF THE MAPPING CRITERIA SPECIFIED IN SECTION 44.3 OF THIS ARTICLE V ARE LOBBYISTS WHO MUST DISCLOSE TO THE SECRETARY OF STATE ANY COMPENSATION CONTRACTED FOR, COMPENSATION RECEIVED, AND THE PERSON OR ENTITY CONTRACTING OR PAYING FOR THEIR LOBBYING SERVICES. SUCH DISCLOSURE MUST BE MADE NO LATER THAN SEVENTY-TWO HOURS AFTER THE EARLIER OF EACH INSTANCE OF SUCH LOBBYING OR ANY PAYMENT OF SUCH COMPENSATION. THE SECRETARY OF STATE SHALL PUBLISH ON THE SECRETARY OF STATE'S WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC THE NAMES OF SUCH LOBBYISTS, AS WELL AS THE COMPENSATION RECEIVED AND THE PERSONS OR ENTITIES FOR WHOM THEY WORK WITHIN TWENTY-FOUR HOURS OF RECEIVING SUCH INFORMATION. THE SECRETARY OF STATE SHALL ADOPT RULES TO FACILITATE THE COMPLETE AND PROMPT REPORTING REQUIRED BY THIS SUBSECTION (4) (b) (III), AS WELL AS A COMPLAINT PROCESS TO ADDRESS ANY LOBBYIST'S FAILURE TO REPORT FULLY AND ACCURATELY, WHICH COMPLAINT MUST BE HEARD BY AN ADMINISTRATIVE LAW JUDGE, WHOSE DECISION MAY BE APPEALED TO THE COURT OF APPEALS.

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

(a) MAKE A GOOD FAITH EFFORT TO ACHIEVE PRECISE MATHEMATICAL POPULATION EQUALITY BETWEEN DISTRICTS, JUSTIFYING EACH VARIANCE, NO MATTER HOW SMALL, AS

REQUIRED BY THE CONSTITUTION OF THE UNITED STATES. DISTRICTS MUST BE COMPOSED OF CONTIGUOUS GEOGRAPHIC AREAS.

(b) COMPLY WITH THE FEDERAL "VOTING RIGHTS ACT OF 1965", AS CODIFIED IN THE UNITED STATES CODE, AS AMENDED.

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

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

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

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

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

(d) FOR PURPOSES OF THIS SUBSECTION (3), "COMPETITIVE" MEANS HAVING A REASONABLE POTENTIAL FOR THE PARTY AFFILIATION OF THE DISTRICT'S REPRESENTATIVE TO CHANGE AT LEAST ONCE BETWEEN FEDERAL DECENNIAL CENSUSES. COMPETITIVENESS MAY BE MEASURED BY FACTORS SUCH AS A PROPOSED DISTRICT'S PAST ELECTION RESULTS,

A PROPOSED DISTRICT'S POLITICAL PARTY REGISTRATION DATA, AND EVIDENCE-BASED ANALYSES OF PROPOSED DISTRICTS.

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

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

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

**Section 44.4. Preparation, amendment, and approval of plans – public hearings and participation.** (1) THE COMMISSION SHALL BEGIN BY CONSIDERING A PLAN CREATED BY ITS STAFF ALONE, TO BE KNOWN AS THE "PRELIMINARY PLAN". SUCH PLAN MUST BE PRESENTED AND PUBLISHED NO EARLIER THAN THIRTY DAYS AFTER THE COMMISSION HAS CONVENED, AND NO LATER THAN FORTY-FIVE DAYS AFTER THE COMMISSION HAS CONVENED OR THE NECESSARY CENSUS DATA ARE AVAILABLE, WHICHEVER IS LATER. WITHIN THE FIRST TWENTY DAYS AFTER THE COMMISSION HAS CONVENED, ANY MEMBER OF THE PUBLIC AND ANY MEMBER OF THE COMMISSION MAY SUBMIT WRITTEN COMMENTS TO THE STAFF ON THE CREATION OF THE PRELIMINARY PLAN AND ON COMMUNITIES OF INTEREST THAT REQUIRE REPRESENTATION IN ONE OR MORE SPECIFIC AREAS OF THE STATE. THE STAFF SHALL CONSIDER SUCH COMMENTS IN CREATING THE PRELIMINARY PLAN, AND SUCH COMMENTS MUST BE PART OF THE RECORD OF THE COMMISSION'S ACTIVITIES AND PROCEEDINGS. AT THE FIRST PUBLIC HEARING AT WHICH SUCH PLAN IS PRESENTED, THE STAFF SHALL EXPLAIN HOW

THE PLAN WAS CREATED, HOW THE PLAN ADDRESSES THE CATEGORIES OF PUBLIC COMMENTS RECEIVED, AND HOW THE PLAN COMPLIES WITH THE CRITERIA PRESCRIBED IN SECTION 44.3 OF THIS ARTICLE V.

(2) BY JULY 7 OF THE REDISTRICTING YEAR, THE COMMISSION SHALL COMPLETE PUBLIC HEARINGS ON THE PRELIMINARY PLAN IN SEVERAL PLACES THROUGHOUT THE STATE IN ACCORDANCE WITH SECTION 44.2 OF THIS ARTICLE V.

(3) SUBSEQUENT TO HEARINGS ON THE PRELIMINARY PLAN, THE NONPARTISAN STAFF SHALL PREPARE, PUBLISH ONLINE, AND PRESENT TO THE COMMISSION NO FEWER THAN THREE PLANS, EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION. THESE PLANS WILL BE KNOWN AS THE STAFF PLANS AND MUST BE NAMED AND NUMBERED SEQUENTIALLY FOR PURPOSES OF SUBSECTION (7) OF THIS SECTION. STAFF PLANS MUST BE PREPARED, PUBLISHED ONLINE, AND PRESENTED IN ACCORDANCE WITH A TIMETABLE ESTABLISHED BY THE COMMISSION, EXCEPT EACH STAFF PLAN MUST BE PRESENTED TO THE COMMISSION NO FEWER THAN TEN DAYS AFTER THE PRESENTATION OF ANY PREVIOUS STAFF PLAN, AND EACH STAFF PLAN MUST BE PRESENTED TO THE COMMISSION NO FEWER THAN TWENTY-FOUR HOURS AFTER IT HAS BEEN PUBLISHED ONLINE. IF THE COMMISSION FAILS TO ESTABLISH A TIMETABLE FOR PRESENTATION OF STAFF PLANS WITHIN TEN DAYS AFTER THE COMPLETION OF HEARINGS ON THE PRELIMINARY PLAN, STAFF SHALL ESTABLISH SUCH TIMETABLE. STAFF SHALL KEEP EACH PLAN PREPARED CONFIDENTIAL UNTIL IT IS PUBLISHED ONLINE OR OTHERWISE USING GENERALLY AVAILABLE TECHNOLOGIES. THE COMMISSION MAY PROVIDE DIRECTION, IF APPROVED BY AT LEAST EIGHT COMMISSIONERS INCLUDING AT LEAST ONE COMMISSIONER WHO IS NOT AFFILIATED WITH ANY POLITICAL PARTY, FOR THE DEVELOPMENT OF STAFF PLANS THROUGH THE ADOPTION OF STANDARDS, GUIDELINES, OR METHODOLOGIES TO WHICH STAFF SHALL ADHERE, INCLUDING STANDARDS, GUIDELINES, OR

METHODOLOGIES TO BE USED TO EVALUATE A PLAN'S COMPETITIVENESS, CONSISTENT WITH SECTION 44.3 (3) (d) OF THIS ARTICLE V. IN PREPARING ALL STAFF PLANS, STAFF SHALL ALSO CONSIDER PUBLIC TESTIMONY AND PUBLIC COMMENTS RECEIVED BY THE COMMISSION THAT ARE CONSISTENT WITH THE CRITERIA SPECIFIED IN SECTION 44.3 OF THIS ARTICLE V.

(4) ANY COMMISSIONER OR GROUP OF COMMISSIONERS MAY REQUEST THE COMMISSION'S STAFF TO PREPARE ADDITIONAL PLANS OR AMENDMENTS TO PLANS. ANY SUCH REQUEST MUST BE MADE IN A PUBLIC HEARING OF THE COMMISSION BUT DOES NOT REQUIRE COMMISSION APPROVAL. PLANS OR AMENDMENTS DEVELOPED IN RESPONSE TO SUCH REQUESTS ARE SEPARATE FROM STAFF PLANS, FOR PURPOSES OF SUBSECTION (7) OF THIS SECTION.

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

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

(b) THE COMMISSION MAY ADJUST THE DEADLINES SPECIFIED IN THIS SECTION IF CONDITIONS OUTSIDE OF THE COMMISSION'S CONTROL REQUIRE SUCH AN ADJUSTMENT TO ENSURE ADOPTING A FINAL PLAN AS REQUIRED BY THIS SUBSECTION (6).

(c) THE COMMISSION MAY GRANT ITS STAFF THE AUTHORITY TO MAKE TECHNICAL, DE MINIMIS ADJUSTMENTS TO THE ADOPTED PLAN PRIOR TO ITS SUBMISSION TO THE SUPREME COURT.

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

**Section 44.5. Supreme court review.** (1) THE SUPREME COURT SHALL REVIEW THE SUBMITTED PLAN AND DETERMINE WHETHER THE PLAN COMPLIES WITH THE CRITERIA LISTED IN SECTION 44.3 OF THIS ARTICLE V. THE COURT'S REVIEW AND DETERMINATION SHALL TAKE PRECEDENCE OVER OTHER MATTERS BEFORE THE COURT. THE SUPREME COURT SHALL ADOPT RULES FOR SUCH PROCEEDINGS AND FOR THE PRODUCTION AND PRESENTATION OF SUPPORTIVE EVIDENCE FOR SUCH PLAN. ANY LEGAL ARGUMENTS CONCERNING SUCH PLAN MUST BE SUBMITTED TO THE SUPREME COURT PURSUANT TO THE SCHEDULE ESTABLISHED BY THE COURT.

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

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

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

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

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

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

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

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