

Final #44

REVISED VERSION

RECEIVED

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ELECTIONS
SECRETARY OF STATE

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

SECTION 1. Section 45 of article V of the constitution of the state of Colorado is amended to read:

Section 45. General assembly – composition of the senate and house of representatives. (1) ~~The general assembly shall consist of not more than thirty-five members of the senate and of not more than sixty-five members of the house of representatives, one to be elected from each senatorial and each representative district, respectively.~~ AT LEAST HALF THE MEMBERS OF THE SENATE SHALL BE ELECTED FROM SINGLE -SEAT SENATORIAL DISTRICTS , AND EACH SINGLE-SEAT SENATORIAL DISTRICT SHALL ELECT ONE MEMBER TO THE SENATE . NOT MORE THAN HALF THE MEMBERS OF THE SENATE SHALL BE ELECTED FROM AT -LARGE SENATORIAL DISTRICTS, AND EACH AT-LARGE SENATORIAL DISTRICT SHALL ELECT AT LEAST TWO MEMBERS TO THE SENATE WITH THE AT -LARGE SENATORIAL DISTRICTS POSSESSING AN EQUAL NUMBER OF MEMBERS WITH EACH OTHER .

(2) AT LEAST HALF THE MEMBERS OF THE HOUSE OF REPRESENTATIVES SHALL BE ELECTED FROM SINGLE-SEAT REPRESENTATIVE DISTRICTS , AND EACH SINGLE-SEAT REPRESENTATIVE DISTRICT SHALL ELECT ONE MEMBER OF THE HOUSE OF REPRESENTATIVES . NOT MORE THAN HALF THE MEMBERS OF THE HOUSE OF REPRESENTATIVES SHALL BE ELECTED FROM AT -LARGE REPRESENTATIVE DISTRICTS , AND EACH AT-LARGE REPRESENTATIVE DISTRICT SHALL ELECT AT LEAST TWO MEMBERS TO THE HOUSE OF REPRESENTATIVES WITH THE AT -LARGE REPRESENTATIVE DISTRICTS POSSESSING AN EQUAL NUMBER OF MEMBERS WITH EACH OTHER .

(3) LESS THAN FORTY -FIVE PERCENT OF THE MEMBERS OF EITHER HOUSE SHALL BE REGISTERED OR AFFILIATED WITH A POLITICAL PARTY BEFORE THE START OF THE LEGISLATIVE SESSION THAT FOLLOWS THE GENERAL ELECTION OF THE GENERAL ASSEMBLY .

(4) (a) THE NUMBER OF MEMBERS ELECTED FROM THE SINGLE -SEAT AND AT-LARGE DISTRICTS OF EACH HOUSE AND THE PROCESS TO LIMIT THE PERCENTAGE OF MEMBERS REGISTERED OR AFFILIATED WITH A POLITICAL PARTY WITHIN EACH HOUSE SHALL BE AS PRESCRIBED BY LAW.

(b) WHEN PRESCRIBING LAW UNDER THIS SUBSECTION , THE GENERAL ASSEMBLY SHALL CONSIDER THE FOLLOWING EXCERPT FROM PRESIDENT GEORGE WASHINGTON’S FAREWELL ADDRESS, SEPTEMBER 17, 1796:

I HAVE ALREADY INTIMATED TO YOU THE DANGER OF PARTIES IN THE STATE , WITH PARTICULAR REFERENCE TO THE FOUNDING OF THEM ON GEOGRAPHICAL DISCRIMINATIONS . LET ME NOW TAKE A MORE COMPREHENSIVE VIEW , AND WARN YOU IN THE MOST SOLEMN MANNER AGAINST THE BANEFUL EFFECTS OF THE SPIRIT OF PARTY ,

GENERALLY.

THIS SPIRIT, UNFORTUNATELY, IS INSEPARABLE FROM OUR NATURE, HAVING ITS ROOT IN THE STRONGEST PASSIONS OF THE HUMAN MIND. IT EXISTS UNDER DIFFERENT SHAPES IN ALL GOVERNMENTS, MORE OR LESS STIFLED, CONTROLLED, OR REPRESSED; BUT, IN THOSE OF THE POPULAR FORM, IT IS SEEN IN ITS GREATEST RANKNESS, AND IS TRULY THEIR WORST ENEMY.

THE ALTERNATE DOMINATION OF ONE FACTION OVER ANOTHER, SHARPENED BY THE SPIRIT OF REVENGE, NATURAL TO PARTY DISSENSION, WHICH IN DIFFERENT AGES AND COUNTRIES HAS PERPETRATED THE MOST HORRID ENORMITIES, IS ITSELF A FRIGHTFUL DESPOTISM. BUT THIS LEADS AT LENGTH TO A MORE FORMAL AND PERMANENT DESPOTISM. THE DISORDERS AND MISERIES, WHICH RESULT, GRADUALLY INCLINE THE MINDS OF MEN TO SEEK SECURITY AND REPOSE IN THE ABSOLUTE POWER OF AN INDIVIDUAL; AND SOONER OR LATER THE CHIEF OF SOME PREVAILING FACTION, MORE ABLE OR MORE FORTUNATE THAN HIS COMPETITORS, TURNS THIS DISPOSITION TO THE PURPOSES OF HIS OWN ELEVATION, ON THE RUINS OF PUBLIC LIBERTY.

WITHOUT LOOKING FORWARD TO AN EXTREMITY OF THIS KIND (WHICH NEVERTHELESS OUGHT NOT TO BE ENTIRELY OUT OF SIGHT), THE COMMON AND CONTINUAL MISCHIEFS OF THE SPIRIT OF PARTY ARE SUFFICIENT TO MAKE IT THE INTEREST AND DUTY OF A WISE PEOPLE TO DISCOURAGE AND RESTRAIN IT.

IT SERVES ALWAYS TO DISTRACT THE PUBLIC COUNCILS, AND ENFEEBLE THE PUBLIC ADMINISTRATION. IT AGITATES THE COMMUNITY WITH ILL-FOUNDED JEALOUSIES AND FALSE ALARMS; KINDLES THE ANIMOSITY OF ONE PART AGAINST ANOTHER, FOMENTS OCCASIONALLY RIOT AND INSURRECTION. IT OPENS THE DOOR TO FOREIGN INFLUENCE AND CORRUPTION, WHICH FIND A FACILITATED ACCESS TO THE GOVERNMENT ITSELF THROUGH THE CHANNELS OF PARTY PASSIONS. THUS THE POLICY AND THE WILL OF ONE COUNTRY ARE SUBJECTED TO THE POLICY AND WILL OF ANOTHER.

THERE IS AN OPINION, THAT PARTIES IN FREE COUNTRIES ARE USEFUL CHECKS UPON THE ADMINISTRATION OF THE GOVERNMENT, AND SERVE TO KEEP ALIVE THE SPIRIT OF LIBERTY. THIS WITHIN CERTAIN LIMITS IS PROBABLY TRUE; AND IN GOVERNMENTS OF A

MONARCHICAL CAST, PATRIOTISM MAY LOOK WITH INDULGENCE , IF NOT WITH FAVOR, UPON THE SPIRIT OF PARTY . BUT IN THOSE OF THE POPULAR CHARACTER , IN GOVERNMENTS PURELY ELECTIVE , IT IS A SPIRIT NOT TO BE ENCOURAGED . FROM THEIR NATURAL TENDENCY , IT IS CERTAIN THERE WILL ALWAYS BE ENOUGH OF THAT SPIRIT FOR EVERY SALUTARY PURPOSE . AND, THERE BEING CONSTANT DANGER OF EXCESS, THE EFFORT OUGHT TO BE , BY FORCE OF PUBLIC OPINION, TO MITIGATE AND ASSUAGE IT . A FIRE NOT TO BE QUENCHED, IT DEMANDS A UNIFORM VIGILANCE TO PREVENT ITS BURSTING INTO A FLAME , LEST, INSTEAD OF WARMING , IT SHOULD CONSUME.

SECTION 2. Section 46 of article V of the constitution of the state of Colorado is amended to read:

Section 46. Senatorial and representative districts. ~~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.~~ THE SECRETARY OF STATE SHALL PERIODICALLY DETERMINE THE MOST POPULAR FIRST AND SECOND POLITICAL PARTIES AMONGST VOTERS IN THE GENERAL ELECTION OF THE GENERAL ASSEMBLY. THE FIRST HALF OF THE SINGLE-SEAT DISTRICTS OF EACH HOUSE SHALL POSSESS A SIGNIFICANTLY GREATER NUMBER OF VOTERS ASSOCIATED WITH THE FIRST POLITICAL PARTY AS MAY BE ACHIEVED, AND THE SECOND HALF OF THE SINGLE -SEAT DISTRICTS OF EACH HOUSE SHALL POSSESS A SIGNIFICANTLY GREATER NUMBER OF VOTERS ASSOCIATED WITH THE SECOND POLITICAL PARTY AS MAY BE ACHIEVED . EACH AT-LARGE DISTRICT SHALL POSSESS AN EQUAL NUMBER OF VOTERS ASSOCIATED WITH THE FIRST AND SECOND POLITICAL PARTIES AS MAY BE ACHIEVED.

SECTION 3. Section 47 (1) and (2) of article V of the constitution of the state of Colorado is amended to read:

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 SINGLE-SEAT district shall consist of contiguous whole general election precincts. ~~Districts of the same house shall not overlap.~~ SINGLE-SEAT DISTRICTS OF THE SAME HOUSE SHALL NOT OVERLAP, AND AT-LARGE DISTRICTS OF THE SAME HOUSE SHALL NOT OVERLAP . WITH RESPECT TO EACH HOUSE, EACH AT-LARGE DISTRICT SHALL OVERLAP SINGLE -SEAT DISTRICTS TO AVOID THE DIVISION OF ANY SINGLE -SEAT DISTRICT BETWEEN TWO AT -LARGE DISTRICTS WHEREVER POSSIBLE .

(2) Except when necessary to meet the ~~equal population~~ POLITICAL PARTY requirements

of section 46, 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.

SECTION 4. Section 48 (1) of article V of the constitution of the state of Colorado is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

Section 48. Revision and alteration of districts – reapportionment commission. (1)

(g) NOTWITHSTANDING ANY OTHER PROVISION OF LAW , EACH SENATOR OF THE GENERAL ASSEMBLY ELECTED IN 2010 PURSUANT TO SECTION 2-2-103, COLORADO REVISED STATUTES, IS ENCOURAGED TO RESIGN FROM OFFICE AFTER THE 2012 GENERAL ELECTION TO CONSERVE STATE FINANCIAL RESOURCES, AND EACH VACANT SEAT CREATED THROUGH RESIGNATION SHALL REMAIN UNFILLED. HALF THE SENATORS OF THE GENERAL ASSEMBLY ELECTED FROM SINGLE - SEAT DISTRICTS IN 2012 SHALL SERVE A REDUCED TERM OF TWO YEARS . THIS PARAGRAPH IS REPEALED AFTER THE GENERAL ELECTION OF 2014.

(h) THE DISTRICTS OF THE GENERAL ASSEMBLY SHALL BE REAPPORTIONED IN ACCORDANCE WITH THIS SUBSECTION TO IMPLEMENT SINGLE -SEAT AND AT-LARGE DISTRICTS COMMENCING WITH THE 2012 ELECTION, EXCEPT ALL DATES AND TIME PERIODS REQUIRING AN ACTION WITHIN THIS SUBSECTION SHALL BE ESTABLISHED BY THE GOVERNOR TO FACILITATE THE REAPPORTIONMENT . THIS PARAGRAPH IS REPEALED UPON COMPLETION OF THE REAPPORTIONMENT FOR THE GENERAL ASSEMBLY FOR THE GENERAL ELECTION OF 2012.

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MAR 05 2010 11:20 a.m.
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ELECTIONS
SECRETARY OF STATE

March 5, 2010

Bernie Beuscher
Secretary of State
1700 Broadway, Suite 270
Denver, CO 80290

Dear Mr. Beuscher:

Please find attached the materials for proposed citizen initiative measure 2009-2010 #44 that concerns the Colorado General Assembly Reorganization. The materials include the original version of the initiative submitted on Feb. 16, 2010, a revised version of the initiative, and a marked document showing the revisions between the original and revised versions.

Sincerely,



D'Arcy Straub