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SWARD

2015-2016 #144 - Amended

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2:50 P.M.

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 48 of article V as follows:

Section 48. Revision and alteration of districts —Reapportionment.

(1) VOTER DECLARATION OF INTENT:

- (a) THE UNITED STATES SUPREME COURT HAS APPROVED OF THE USE OF INITIATIVE TO AUTHORIZE A FREE-STANDING COMMISSION INSTEAD OF THE LEGISLATURE TO DRAW LEGISLATIVE DISTRICTS FOR MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES, ALSO KNOWN AS "REDISTRICTING";
- (b) THE VOTERS PREVIOUSLY APPROVED SUCH A COMMISSION, THE COLORADO REAPPORTIONMENT COMMISSION, TO DRAW LEGISLATIVE DISTRICTS FOR MEMBERS OF THE COLORADO GENERAL ASSEMBLY, ALSO KNOWN AS "REAPPORTIONMENT";
- (c) THE VOTERS SEEK TO ADOPT A COMBINED DISTRICTING PROCESS THAT PUTS AN EMPHASIS ON THE PUBLIC INTEREST.

(12) COMMISSION OBJECTIVES – MEMBERSHIP. (a) After each federal census of the United States, THE COMMISSION CREATED BY THIS SECTION SHALL:

(I) 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, AND WHEN A NEW APPORTIONMENT SHALL BE MADE BY CONGRESS, THE COMMISSION SHALL DIVIDE THE STATE INTO CONGRESSIONAL DISTRICTS ACCORDINGLY; AND

(II) ESTABLISH, REVISE, OR ALTER the senatorial districts and representative districts ~~TO EFFECT STATE LEGISLATIVE REDISTRICTING shall be established, revised, or altered, and the members of the senate and the house of representatives shall be apportioned among them, by a Colorado commission consisting of eleven members, to be appointed and having the qualifications as prescribed in this section. Of such members, four shall be appointed by the legislative department, three by the executive department, and four by the judicial department of the state.~~

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(b) THE COMMISSION SHALL CONSIST OF NINE MEMBERS, TO BE APPOINTED AND HAVING THE QUALIFICATIONS AS PRESCRIBED IN THIS SECTION. OF SUCH MEMBERS, FOUR SHALL BE APPOINTED BY THE LEGISLATIVE DEPARTMENT, TWO BY THE EXECUTIVE DEPARTMENT, AND THREE BY THE JUDICIAL DEPARTMENT OF THE STATE.

(bc) The four legislative members shall be APPOINTEES OF the speaker of the house of representatives, the minority leader of the house of representatives, and the ~~majority president~~ and minority leaders of the senate, ~~or the designee of any such officer to serve in his or her stead, which acceptance of service or designation~~ APPOINTMENTS shall be made no later than April 15 JANUARY 20 of

the year following that in which the federal census is taken. The ~~three~~ TWO executive members shall be appointed by the governor between ~~April 15~~ JANUARY 21 and ~~April 25~~ FEBRUARY 10 of such year, and the ~~four~~ THREE judicial members shall be appointed by the chief justice of the Colorado supreme court between ~~April 25~~ FEBRUARY 11 and ~~May 5~~ MARCH 10 of such year. EACH LEGISLATIVE MEMBER SHALL BE REGISTERED TO VOTE AS AFFILIATED WITH THE POLITICAL PARTY OF HIS OR HER CHOICE ON THE DATE OF APPOINTMENT AND SHALL HAVE BEEN SO AFFILIATED FOR THE PREVIOUS TWO YEARS. THE EXECUTIVE MEMBERS SHALL EACH BE REGISTERED TO VOTE AS AFFILIATED WITH A MAJOR POLITICAL PARTY ON THE DATE OF APPOINTMENT AND SHALL HAVE BEEN SO AFFILIATED FOR THE PREVIOUS TWO YEARS, ALTHOUGH THE TWO EXECUTIVE MEMBERS CANNOT BE AFFILIATED WITH THE SAME MAJOR POLITICAL PARTY. THE JUDICIAL MEMBERS SHALL HAVE BEEN REGISTERED TO VOTE, BUT NOT AFFILIATED WITH ANY POLITICAL PARTY, FOR AT LEAST TWO YEARS PRIOR TO THE DATE OF APPOINTMENT AND SHALL BE SO REGISTERED ON THE DATE OF APPOINTMENT.

(d) By JANUARY 10 OF THE YEAR AFTER THE YEAR IN WHICH THE DECENNIAL CENSUS IS CONDUCTED, ANY PERSON WHO SEEKS TO SERVE AS AN APPOINTEE TO THE COMMISSION AS AN APPOINTEE OF THE CHIEF JUSTICE SHALL SUBMIT AN APPLICATION TO DESIGNATED STAFF OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES WHO IS ASSISTING THE COMMISSION. SUCH STAFF SHALL PREPARE AN APPLICATION FORM FOR THAT PURPOSE AND PLACE IT ON THE GENERAL ASSEMBLY'S WEBSITE BY NOVEMBER 10 OF THE YEAR IN WHICH THE DECENNIAL CENSUS IS CONDUCTED. WHEN APPLICATIONS ARE SUBMITTED, STAFF SHALL DETERMINE WHETHER EACH APPLICANT MEETS THE QUALIFICATIONS SPECIFIED IN SUBSECTION-PARAGRAPH (bc) OF THIS SUBSECTION (2). By JANUARY 20, STAFF SHALL TRANSMIT TO THE CHIEF JUSTICE THE APPLICATIONS OF ALL APPLICANTS DETERMINED TO MEET THE SPECIFIED QUALIFICATIONS, AND THE CHIEF JUSTICE MUST PICK APPOINTEES FROM THESE APPLICANTS.

(ee) Commission members shall be ~~qualified~~ REGISTERED electors of the state of Colorado. ~~No more than four commission members shall be members of the general assembly.~~ No more than ~~six~~ THREE commission members shall be affiliated with the same political party. No more than ~~four~~ ONE commission ~~members~~ MEMBER MAY RESIDE IN ANY ~~shall be residents of the same congressional district, and each congressional district shall have at least one resident as a commission member.~~ At least one commission member shall reside west of the continental divide.

(f) NO PERSON MAY BE APPOINTED TO, OR WILL BE PERMITTED TO SERVE ON, THE COMMISSION IF HE OR SHE IS:

(I) A MEMBER OF THE UNITED STATES HOUSE OF REPRESENTATIVES, THE STATE SENATE, OR STATE HOUSE OF REPRESENTATIVES;

(II) A CANDIDATE FOR THE UNITED STATES HOUSE OF REPRESENTATIVES, THE STATE SENATE, OR STATE HOUSE OF REPRESENTATIVES; OR

(IV) COMPENSATED BY A MEMBER OF, OR A CAMPAIGN COMMITTEE ADVOCATING THE ELECTION OF A CANDIDATE TO, THE UNITED STATES HOUSE OF REPRESENTATIVES, THE STATE SENATE, OR STATE HOUSE OF REPRESENTATIVES.

(dg) Any vacancy created by the death or resignation of a member, or, AFTER THE DATE OF APPOINTMENT, CHANGING ONE'S PARTY AFFILIATION OR BECOMING AFFILIATED WITH ANY POLITICAL PARTY IF APPOINTED AS AN UNAFFILIATED COMMISSIONER otherwise, shall be filled by the respective appointing authority. Members of the commission shall hold office until their reapportionment and redistricting plan is ~~plans are~~ PLANS ARE implemented. No later than ~~May 15~~ MARCH 31 of the year of their appointment, the governor shall convene the commission and ~~appoint a temporary chairman who shall preside until the commission elects~~ SHALL ELECT its own officers.

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(h) BEGINNING AT ITS FIRST MEETING, THE COMMISSION SHALL ADDRESS INITIAL PROCEDURAL RULES THAT WILL BE NECESSARY TO FACILITATE ITS GENERAL OPERATIONS AND COMPLIANCE WITH THIS SECTION, INCLUDING RULES TO GENERALLY INFORM THE PUBLIC ABOUT THE HEARING PROCESS, THE VARIOUS ELEMENTS OF THE PLAN CRITERIA THAT THE COMMISSION MAY LEGALLY CONSIDER, THE PROCESS BY WHICH THE COMMISSION CAN REVIEW PLANS SUBMITTED FOR ITS CONSIDERATION, AND THE PROCESS FOR DEVELOPING A RECORD OF THE COMMISSION'S PROCEEDINGS. THE COMMISSION SHALL DETERMINE THE MEANS OF OPTIMIZING THE PUBLIC RESOURCES, INCLUDING THE USE OF STAFF TO ASSIST IN REDISTRICTING AND REAPPORTIONMENT AND THE SCHEDULING OF COORDINATED HEARINGS ON BOTH MATTERS. THE COMMISSION SHALL PROVIDE AT LEAST SEVENTY-TWO HOURS OF ADVANCE NOTICE OF ALL PROPOSED RULES PRIOR TO CONSIDERATION FOR ADOPTION. A MAJORITY OF APPOINTED COMMISSIONERS MAY APPROVE PROCEDURAL RULES AND PROCEDURAL DECISIONS. NEITHER THE COMMISSION'S PROCEDURAL RULES NOR ITS ADOPTED PLANS ARE SUBJECT TO THE ADMINISTRATIVE PROCEDURES ACT, AS REFLECTED IN PART 1 OF ARTICLE 4, TITLE 24, C.R.S., AS AMENDED.

~~(ei) Within one hundred thirteen days after the commission has been convened or the necessary census data are available, whichever is later, the commission shall publish a preliminary plan for reapportionment of the members of the general assembly and shall hold public hearings thereon in several places throughout the state within forty five days after the date of such publication. 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, TO THE MAXIMUM EXTENT PRACTICABLE, PROVIDE OPPORTUNITIES FOR COLORADO RESIDENTS TO PRESENT TESTIMONY AT REGIONAL HEARINGS HELD THROUGHOUT THE STATE. THE COMMISSION SHALL NOT ADOPT A PLAN UNTIL AT LEAST THREE HEARINGS HAVE BEEN HELD IN EACH CONGRESSIONAL DISTRICT, INCLUDING AT LEAST ONE HEARING WEST OF THE CONTINENTAL DIVIDE AND AT LEAST ONE

HEARING SOUTH OF EL PASO COUNTY AND EAST OF THE CONTINENTAL DIVIDE. THE COMMISSION SHALL ALSO MAINTAIN A WEBSITE THROUGH WHICH ANY COLORADO RESIDENT MAY SUBMIT PROPOSED PLANS OR WRITTEN COMMENTS, OR BOTH, WITHOUT ATTENDING ONE OF THE HEARINGS REFERRED TO IN THIS SECTION. THE COMMISSION SHALL POST ALL WRITTEN COMMENTS PERTAINING TO REAPPORTIONMENT ON ITS WEBSITE AS WELL AS THE NAME OF THE COLORADO RESIDENT SUBMITTING SUCH COMMENTS. ALL COLORADO RESIDENTS, INCLUDING BUT NOT LIMITED TO STAFF ACTING ON BEHALF OF THE COMMISSION AND COMMISSIONERS INDIVIDUALLY, MAY PRESENT PROPOSED REAPPORTIONMENT PLANS OR WRITTEN COMMENTS, OR BOTH, FOR CONSIDERATION. 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 OR IS NOT A COLORADO RESIDENT, THE COMMISSION NEED NOT CONSIDER AND NEED NOT POST SUCH COMMENTS. THE COMMISSION MAY WITHHOLD COMMENTS, IN WHOLE OR IN PART, FROM THE WEBSITE THAT DO NOT RELATE TO REAPPORTIONMENT PLANS OR POLICY. THE COMMISSION SHALL PROVIDE SIMULTANEOUS ACCESS TO THE REGIONAL HEARINGS BY BROADCASTING THEM VIA ITS WEBSITE AND MAINTAIN AN ARCHIVE OF SUCH HEARINGS FOR PUBLIC REVIEW.

(3) LEGISLATIVE REAPPORTIONMENT. (a) ON OR BEFORE AUGUST 10 IN THE YEAR FOLLOWING THE YEAR IN WHICH THE CENSUS WAS CONDUCTED, the commission shall finalize its plan FOR LEGISLATIVE REAPPORTIONMENT, BUT THE COMMISSION CAN APPROVE A PLAN THAT SETS OUT DISTRICTS FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE ONLY IF A SUPER-MAJORITY ADOPTS SUCH PLAN. ~~and~~ WHERE A PLAN IS SO APPROVED, THE COMMISSION SHALL submit the same to the Colorado supreme court for review and determination as to compliance with sections 46 and 47 of this article; PROVIDED THAT THE COMMISSION SHALL DRAW A PLAN THAT FOSTERS COMPETITIVENESS WITHIN DISTRICTS WHERE CONSISTENT WITH THE OTHER CRITERIA TO BE CONSIDERED AS SET FORTH IN THIS SUBSECTION. Such 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; ~~except that the final submission must be made no later than ninety 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 ninety days prior to the date established in statute for the event commencing the candidate selection process in such year.~~ The supreme court shall DETERMINE IF THE COMMISSION ABUSED ITS DISCRETION AND either approve the plan or return the plan and the court's reasons for disapproval to the commission. If the plan is returned, the commission shall revise and modify it to conform to the court's requirements and, IF A SUPER-MAJORITY ADOPTS THE AMENDED PLAN, resubmit the plan to the court within the time period specified by the court. The supreme court shall approve a plan for the redrawing of the districts of the members of the general assembly by a date that will allow sufficient time for such plan to be filed with the secretary of state BY, IF

PRACTICABLE, ~~no later than NOVEMBER 1 fifty five 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. The commission shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of copies of each plan.

(~~4~~b) IF THE COMMISSION CANNOT AGREE ON A PLAN BY A SUPER-MAJORITY VOTE BY AUGUST 10, ANY COMMISSIONER MAY FILE A PLAN WITH THE SUPREME COURT BY AUGUST 20 WITH THE RECORD DEVELOPED AT COMMISSION HEARINGS AND MEETINGS, AS WELL AS WRITTEN ARGUMENT IN SUPPORT OF SUCH PLAN. THE SUPREME COURT SHALL DETERMINE WHICH PLAN OR PLANS PRESENTED TO IT COMPLY WITH THE REQUIREMENTS OF LAW AS PROVIDED IN OR REFERRED TO BY THIS SECTION. IF THERE IS ONLY ONE SUCH PLAN THAT COMPLIES WITH THE REQUIREMENTS OF LAW, THE COURT SHALL ORDER THAT IT BE FILED WITH THE SECRETARY OF STATE. IF THERE ARE MULTIPLE PLANS THAT COMPLY, THE COURT SHALL IDENTIFY THEM AND DIRECT THE COMMISSION TO ADOPT ONE OF THEM, INCLUDING SUCH TECHNICAL REVISIONS AS THE COURT MAY AUTHORIZE, WHICH THE COMMISSION SHALL DO BY MAJORITY VOTE. IF THE SUPREME COURT FINDS NO PLAN COMPLIES WITH THE REQUIREMENTS OF LAW, IT SHALL IDENTIFY A PLAN BEFORE THE COURT THAT COMES CLOSEST TO COMPLYING AND DIRECT THE COMMISSION TO MODIFY THAT PLAN IN ORDER TO ACHIEVE COMPLIANCE AND MAY PROVIDE SUCH DIRECTIONS TO THE COMMISSION AS WILL FACILITATE ITS WORK. THE COMMISSION SHALL APPROVE A MODIFIED PLAN BY MAJORITY VOTE AND SUBMIT THE PLAN TO THE COURT FOR APPROVAL, ACCORDING TO A SCHEDULE ESTABLISHED BY THE COURT. THE COURT MAY REJECT SUCH PLAN IF THE MODIFIED PLAN FAILS TO MEET THE REQUIREMENTS OF LAW OR, IF IT MEETS THOSE REQUIREMENTS, ORDER THAT THE PLAN BE FILED WITH THE SECRETARY OF STATE.

(4) CONGRESSIONAL REDISTRICTING. (a) THE COMMISSION SHALL USE THE PROCEDURES FOR PUBLIC INVOLVEMENT SET FORTH IN SUBSECTION (~~1~~2)(e) OF THIS SECTION IN ORDER TO OBTAIN PUBLIC INPUT ABOUT A CONGRESSIONAL REDISTRICTING MAP FOR THE STATE.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMISSION SHALL UTILIZE THE FOLLOWING CRITERIA FOR ADOPTING A CONGRESSIONAL REDISTRICTING MAP:

(I) 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, SUCH THAT EACH DISTRICT SHALL CONSIST OF CONTIGUOUS WHOLE GENERAL ELECTION PRECINCTS AND SHALL NOT OVERLAP WITH ANY OTHER DISTRICT; AND

(II) COMPLIANCE WITH THE FEDERAL "VOTING RIGHTS ACT OF 1965", AS CODIFIED IN THE UNITED STATES CODE.

THE COMMISSION MAY WITHOUT WEIGHT TO ANY FACTOR, UTILIZE FACTORS INCLUDING BUT NOT LIMITED TO:

(I) THE PRESERVATION OF POLITICAL SUBDIVISIONS SUCH AS COUNTIES, CITIES, AND TOWNS, BUT 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 ETHNIC, CULTURAL, ECONOMIC, TRADE AREA, GEOGRAPHIC, AND DEMOGRAPHIC FACTORS; AND

(III) THE COMPACTNESS OF EACH CONGRESSIONAL DISTRICT.

(c) THE COMMISSION SHALL DRAW A CONGRESSIONAL REDISTRICTING MAP THAT FOSTERS COMPETITIVENESS WITHIN DISTRICTS WHERE CONSISTENT WITH THE OTHER CRITERIA SET FORTH IN THIS SUBSECTION.

(d) EMPLOYING THESE CRITERIA, THE COMMISSION SHALL ADOPT A MAP ON OR BEFORE AUGUST 10 OF THE YEAR AFTER THE DECENNIAL CENSUS IS CONDUCTED.

(e) IF THE COMMISSION ADOPTS A MAP BY A SUPER-MAJORITY, A QUALIFIED APPELLANT MAY, WITHIN TEN DAYS AFTER THE MAP IS ADOPTED, APPEAL THE MAP'S LEGAL ADEQUACY TO THE SUPREME COURT. THE SUPREME COURT SHALL DETERMINE WHETHER THE COMMISSION ABUSED ITS DISCRETION. IF IT FINDS AN ABUSE OF DISCRETION BASED ON THE RECORD DEVELOPED BEFORE THE COMMISSION, THE SUPREME COURT SHALL RETURN THE MAP TO THE COMMISSION WITH DIRECTIONS ABOUT THE CHANGES NEEDED TO ACHIEVE CONSTITUTIONAL COMPLIANCE.

(I) UPON RECEIPT OF DIRECTIONS FROM THE SUPREME COURT, THE COMMISSION SHALL ADOPT A MAP BY A SUPER-MAJORITY WITHIN TEN DAYS, WHICH MAP MAY BE APPEALED TO THE SUPREME COURT AS PROVIDED IN SUBSECTION (84)(a).

(II) IF THE COMMISSION DOES NOT ADOPT A MAP BY A SUPER-MAJORITY WITHIN TEN DAYS AFTER RECEIPT OF DIRECTIONS FROM THE SUPREME COURT, ANY QUALIFIED APPELLANT WHO PARTICIPATED IN THE SUPREME COURT'S REVIEW OF THE INITIAL MAP MAY APPEAL TO THE SUPREME COURT ON OR BEFORE THE FIFTEENTH DAY AFTER RECEIPT OF DIRECTIONS FROM THE SUPREME COURT AND PROPOSE CHANGES TO THE MAP THE COURT RETURNED TO THE COMMISSION. THE SUPREME COURT SHALL ADOPT THE PROPOSED CHANGES THAT ARE MOST RESPONSIVE TO THE DIRECTIONS IT PROVIDED TO THE COMMISSION.

(f) IF THE COMMISSION FAILS TO ADOPT A MAP BY A SUPER-MAJORITY BY AUGUST 10 OF THE YEAR AFTER THE DECENNIAL CENSUS IS CONDUCTED, A QUALIFIED APPELLANT MAY THEREAFTER APPEAL TO THE DENVER DISTRICT COURT.

(I) THE DISTRICT COURT SHALL CONSIDER THE RECORD DEVELOPED BEFORE THE COMMISSION, AS WELL AS ANY ADDITIONAL TESTIMONY AND EXHIBITS THE COURT DEEMS RELEVANT, IN REACHING A DECISION ON THE CONGRESSIONAL DISTRICT MAP. THE DISTRICT COURT SHALL ENTER AN ORDER ESTABLISHING THE STATE'S CONGRESSIONAL MAP BY NOVEMBER 1 IN THE YEAR AFTER THE DECENNIAL CENSUS IS CONDUCTED.

(II) ANY PARTY TO THE LITIGATION WHO IS DISSATISFIED WITH THE DISTRICT COURT'S RULING, IN WHOLE OR IN PART, MAY APPEAL DIRECTLY TO THE SUPREME COURT WHICH SHALL PLACE THE MATTER AT THE TOP OF ITS DOCKET AND RESOLVE IT AS EXPEDITIOUSLY AS POSSIBLE. IN CONDUCTING SUCH REVIEW, THE SUPREME COURT SHALL DETERMINE WHETHER THE DISTRICT COURT ABUSED ITS DISCRETION. THE SUPREME COURT SHALL RULE ON THE CONSTITUTIONAL ADEQUACY OF THE MAP ON OR BEFORE NOVEMBER 30 OF THE YEAR AFTER THE DECENNIAL CENSUS IS CONDUCTED.

(III) IF THE MAP APPROVED BY THE DISTRICT COURT IS CONSTITUTIONALLY INADEQUATE AND NO OTHER MAP PRESENTED AT THE DISTRICT COURT BY A PARTY OR AN INTERVENOR SATISFIES ALL OF THE RELEVANT CRITERIA IN THIS SECTION, THE COURT SHALL REMAND THE MATTER TO THE DENVER DISTRICT COURT WITH DIRECTIONS TO ADOPT A MAP BY DECEMBER 20 OF THE YEAR AFTER THE DECENNIAL CENSUS IS CONDUCTED, WHICH MAP MUST ADDRESS SPECIFIC LEGAL INADEQUACIES AND MAY BE APPEALED TO THE SUPREME COURT AND EXPEDITED ON THE COURT'S CALENDAR TO THE MAXIMUM EXTENT POSSIBLE.

(g) THE SUPREME COURT SHALL ADOPT RULES GOVERNING THE FILING, BRIEFING, ARGUMENT, DECISION, PROCEDURES, AND TIME PERIODS FOR MATTERS APPEALED UNDER SUBSECTION (4).

(5) ENSURING AN OPEN AND FAIR PROCESS. (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, TITLE 18 OF THE COLORADO REVISED STATUTES, AS AMENDED.

(b) TO ENSURE TRANSPARENCY IN THE REDISTRICTING PROCESS, THE COMMISSION, THE COMMISSIONERS, AND THE COMMISSION'S STAFF ARE SUBJECT TO STATE STATUTES REGARDING OPEN MEETINGS AND OPEN RECORDS AS REFLECTED IN PART 4 OF ARTICLE 6 AND PART 1 OF ARTICLE 72 OF TITLE 24 OF THE COLORADO REVISED STATUTES, AS AMENDED.

(c) PERSONS WHO CONTRACT OR RECEIVE COMPENSATION FOR ADVOCATING TO THE COMMISSION, ONE OR MORE COMMISSIONERS, OR THE STAFF THE ADOPTION OF ANY PLAN, AMENDMENT TO A PLAN, PLAN APPROACH, OR MANNER OF COMPLIANCE WITH ANY OF THE PLAN CRITERIA IN THIS SECTION AND SECTIONS 46 AND 47 OF THIS ARTICLE 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. THE SECRETARY SHALL PUBLISH ON THAT OFFICE'S WEBSITE THE NAMES OF SUCH LOBBYISTS, AS WELL AS THE COMPENSATION RECEIVED AND THE PERSONS OR ENTITIES FOR WHOM THEY WORK. THE SECRETARY SHALL ADOPT RULES TO FACILITATE THE COMPLETE AND PROMPT REPORTING REQUIRED BY THIS SUBSECTION.

(6) DEFINITIONS. FOR PURPOSES OF THIS SECTION:

- (a) "COMMISSION" MEANS THE COLORADO LEGISLATIVE AND CONGRESSIONAL REDISTRICTING COMMISSION;
- (b) "COMPETITIVENESS" MEANS THE REASONABLE POTENTIAL FOR A DISTRICT'S REPRESENTATION TO CHANGE POLITICAL PARTIES AT LEAST ONCE DURING THE DECADE BETWEEN FEDERAL CENSUSES AND SHALL BE MEASURED ON FACTORS INCLUDING A PROPOSED DISTRICT'S HISTORIC POLITICAL PERFORMANCE DATA AND CURRENT AND PROJECTED POLITICAL PARTY REGISTRATION DATA;
- (c) "QUALIFIED APPELLANT" MEANS ANY COMMISSIONER OR ANY PERSON WHO TESTIFIED OR SUBMITTED WRITTEN COMMENTS TO THE COMMISSION;
- (d) "STAFF" MEANS PERSONNEL OF THE OFFICE OF LEGISLATIVE COUNCIL AND OFFICE OF LEGISLATIVE LEGAL SERVICES, ASSIGNED TO WORK WITH THE COMMISSION; AND
- (e) "SUPER-MAJORITY" MEANS A VOTE REFLECTING THE AGREEMENT OF SIX COMMISSIONERS.

(f) (7) The general assembly shall appropriate sufficient funds for the compensation and payment of the expenses of the commission members and any staff employed by it. The commission shall have access to statistical information compiled by the state or its political subdivisions and necessary for its reapportionment AND REDISTRICTING duties.

SECTION 2. In the constitution of the state of Colorado, **amend** section 44 of article V as follows:

Section 44. Representatives in congress. ~~The general assembly~~ COLORADO LEGISLATIVE AND CONGRESSIONAL REDISTRICTING COMMISSION shall DETERMINE CONGRESSIONAL DISTRICT BOUNDARIES AFTER EACH DECENNIAL CENSUS, AS SET FORTH IN SECTION 48 OF THIS CONSTITUTION. ~~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 made by congress, the general assembly shall divide the state into congressional districts accordingly.~~

SECTION 3. THIS INITIATIVE SHALL BE EFFECTIVE ON THE DAY THE RESULTS OF THE 2016 GENERAL ELECTION ARE CERTIFIED BY THE GOVERNOR.