

## 2017-2018 #48 – Amended Draft

### Proposed constitutional initiative concerning Legislative Redistricting Reform

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Colorado Secretary of State

S.WARD 9:18 A.M.

#### **Text of 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. 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”.

(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 APPOINTED BY THE CHAIRPERSON OF THAT PARTY, OR BY THE LEADERSHIP OF THAT PARTY IN SUCH MANNER AS THE PARTY MAY PROVIDE BY RULE.

(b) FOUR MEMBERS MUST BE REGISTERED WITH THE STATE'S SECOND LARGEST POLITICAL PARTY AND APPOINTED BY THE CHAIRPERSON OF THAT PARTY, OR BY THE LEADERSHIP OF THAT PARTY IN SUCH MANNER AS THE PARTY MAY PROVIDE BY RULE.

(c) 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 FOR AT LEAST THE TWO YEARS PRIOR TO THE MEMBER'S APPOINTMENT. 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 (6) 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. ANY REFERENCE IN THIS SECTION TO A "GEOGRAPHIC AREA" REFERS TO THESE AREAS:

(I) ~~WEST~~WEST OF THE CONTINENTAL DIVIDE; AND

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

(5) THE TWO LARGEST POLITICAL PARTIES SHALL EACH SUBMIT THREE OF THEIR FOUR APPOINTMENTS TO THE SECRETARY OF STATE ACCORDING TO THE FOLLOWING SCHEDULE IN THE YEAR FOLLOWING THAT IN WHICH THE FEDERAL CENSUS IS TAKEN. IN THIS SECTION AND SECTION 48.3 OF THIS ARTICLE V, SUCH YEAR IS REFERRED TO AS THE "REDISTRICTING YEAR". UNTIL EACH CONGRESSIONAL DISTRICT AND GEOGRAPHIC AREA IS REPRESENTED ON THE COMMISSION, NO APPOINTMENT SHALL BE MADE BY ANY APPOINTING AUTHORITY TO A DISTRICT OR GEOGRAPHIC AREA ALREADY REPRESENTED ON THE COMMISSION.

(a) BY MARCH 10, THE LARGEST POLITICAL PARTY SHALL SUBMIT ONE APPOINTMENT.

(b) AFTER THE APPOINTMENT PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION AND BY MARCH 17, THE SECOND LARGEST POLITICAL PARTY SHALL SUBMIT TWO APPOINTMENTS. EACH PERSON APPOINTED MUST RESIDE IN A DIFFERENT CONGRESSIONAL DISTRICT OR DIFFERENT GEOGRAPHIC AREA THAN THE OTHER PERSON APPOINTED AND THE PERSON PREVIOUSLY APPOINTED BY THE LARGEST POLITICAL PARTY.

(c) AFTER THE APPOINTMENTS PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION AND BY MARCH 24, THE LARGEST POLITICAL PARTY SHALL SUBMIT TWO APPOINTMENTS. EACH PERSON APPOINTED MUST RESIDE IN A DIFFERENT CONGRESSIONAL DISTRICT OR DIFFERENT GEOGRAPHIC AREA THAN THE OTHER PERSON APPOINTED AND THE PERSONS PREVIOUSLY APPOINTED.

(d) AFTER THE APPOINTMENTS PURSUANT TO SUBSECTION (5)(c) OF THIS SECTION AND BY MARCH 31, THE SECOND LARGEST PARTY SHALL SUBMIT ONE APPOINTMENT. THE PERSON APPOINTED MUST RESIDE IN A DIFFERENT CONGRESSIONAL DISTRICT OR DIFFERENT GEOGRAPHIC AREA THAN THE PERSONS PREVIOUSLY APPOINTED.

(6) (a) THE FOUR INDEPENDENT MEMBERS OF THE COMMISSION SHALL BE SELECTED AS PROVIDED IN THIS SUBSECTION (6) OF THIS SECTION.

(b) 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 INDEPENDENT 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.

(c) APPLICATIONS MUST BE SUBMITTED NO LATER THAN MARCH 20 OF THE REDISTRICTING YEAR. WITHIN THREE BUSINESS DAYS THEREAFTER, THE SECRETARY OF STATE SHALL POST ALL APPLICATIONS ON THE SECRETARY'S WEBSITE. NO LATER THAN APRIL 1, THE SECRETARY SHALL EXAMINE EACH APPLICATION, 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'S WEBSITE, AND NOTIFY THE APPLICANT BY ELECTRONIC MAIL OF THE SECRETARY'S FINDING. IF THE SECRETARY FINDS THAT AN APPLICANT IS NOT ELIGIBLE, THEN THE SECRETARY SHALL INCLUDE THE REASONS THEREFOR IN HIS OR HER FINDING. IF THE SECRETARY 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'S ELECTRONIC MAIL NOTIFICATION, WHICH STATEMENT SHALL BE POSTED PROMPTLY WITH THE SECRETARY'S FINDING. IF AN APPLICANT SUBMITS A STATEMENT DISPUTING THE SECRETARY'S FINDING OF INELIGIBILITY, THE APPLICANT MAY BE CONSIDERED BY THE PANEL IN ACCORDANCE WITH SUBSECTION (6)(f) OF THIS SECTION IF THE PANEL DETERMINES THAT THE APPLICANT IS ELIGIBLE.

(d) NO LATER THAN MARCH 20 OF THE REDISTRICTING YEAR, THE SECRETARY OF STATE SHALL APPOINT A PANEL TO REVIEW THE APPLICATIONS. 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 (6)(d).

(e) 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 SHALL NOT AFFECT A MEMBER'S JUDICIAL SERVICE RETIREMENT BENEFITS.

(f) IN ONE OR MORE PUBLIC HEARINGS CONDUCTED IN ACCORDANCE WITH PROCEDURES DETERMINED BY THE PANEL, THE PANEL SHALL SELECT TWENTY ELIGIBLE APPLICANTS IT 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 RECOMMEND THOSE APPLICANTS THAT IT FINDS TO BE THE MOST QUALIFIED TO PERFORM THE DUTIES OF THE COMMISSION, AND, TO THE EXTENT PRACTICAL, RECOMMEND APPLICANTS WHO REPRESENT COLORADO'S RACIAL, ETHNIC, AND GEOGRAPHIC DIVERSITY, TAKING INTO CONSIDERATION THE GEOGRAPHIC REPRESENTATION REQUIREMENTS OF SUBSECTION (4) OF THIS SECTION AND THE GEOGRAPHIC REPRESENTATION OF THE SIX COMMISSIONERS PREVIOUSLY APPOINTED BY THE TWO LARGEST POLITICAL PARTIES. TO THE EXTENT POSSIBLE, THE PANEL SHALL RECOMMEND AN ODD NUMBER OF APPLICANTS GREATER THAN TWO FROM EACH UNREPRESENTED CONGRESSIONAL DISTRICT AND EACH UNREPRESENTED GEOGRAPHIC

AREA. MEMBERS OF THE PANEL SHALL HAVE NO EX PARTE COMMUNICATIONS REGARDING THE PERFORMANCE OF THEIR DUTIES UNDER THIS SUBSECTION (6)(f).

(g) 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, TO THE CHAIRPERSONS OF THE TWO LARGEST POLITICAL PARTIES, TO THE SIX COMMISSIONERS PREVIOUSLY APPOINTED BY THE TWO LARGEST POLITICAL PARTIES, AND TO THE SECRETARY OF STATE, WHO SHALL PROMPTLY POST THE PANEL'S RECOMMENDATIONS ON THE SECRETARY OF STATE'S WEBSITE.

(h) (I) NO LATER THAN APRIL 30 OF THE REDISTRICTING YEAR, THE SIX COMMISSIONERS PREVIOUSLY APPOINTED BY THE TWO LARGEST POLITICAL PARTIES SHALL, IN ONE OR MORE PUBLIC MEETINGS HELD AFTER NOTICE, SELECT THE COMMISSION'S FOUR INDEPENDENT MEMBERS FROM THE APPLICANTS RECOMMENDED BY THE PANEL IN ACCORDANCE WITH SUBSECTIONS (6)(h)(II) AND (6)(h)(III) OF THIS SECTION. THE NONPARTISAN RESEARCH STAFF OF THE GENERAL ASSEMBLY SHALL PROVIDE STAFF ASSISTANCE FOR THE MEETINGS.

(II) FOR EACH CONGRESSIONAL DISTRICT AND GEOGRAPHIC AREA NOT REPRESENTED ON THE COMMISSION BY ANY OF THE SIX COMMISSIONERS, THE COMMISSIONERS APPOINTED BY EACH POLITICAL PARTY SHALL, AS A GROUP, BEGINNING WITH THE COMMISSIONERS APPOINTED BY THE LARGEST POLITICAL PARTY, TAKE TURNS REMOVING ONE APPLICANT FROM THE LIST OF RECOMMENDED APPLICANTS WHO RESIDE IN THAT CONGRESSIONAL DISTRICT OR GEOGRAPHIC AREA UNTIL THERE IS ONLY ONE APPLICANT REMAINING, WHO SHALL BECOME A MEMBER OF THE COMMISSION.

(III) UPON COMPLETING THE SELECTION OF MEMBERS PURSUANT TO SUBSECTION (6)(h)(II) OF THIS SECTION, IF NECESSARY TO COMPLETE THE SELECTION OF FOUR INDEPENDENT MEMBERS, THE INDEPENDENT MEMBERS OF THE COMMISSION SHALL BE SELECTED AS FOLLOWS. THE COMMISSIONERS APPOINTED BY EACH POLITICAL PARTY SHALL, AS A GROUP, BEGINNING WITH THE COMMISSIONERS APPOINTED BY THE LARGEST POLITICAL PARTY, TAKE TURNS REMOVING ONE APPLICANT FROM THE REMAINING LIST OF RECOMMENDED APPLICANTS UNTIL THE TOTAL NUMBER OF APPLICANTS REMAINING PLUS THE NUMBER OF APPLICANTS SELECTED PURSUANT TO SUBSECTION (6)(h)(II) OF THIS SECTION TOTALS FOUR. THESE APPLICANTS SHALL BECOME THE INDEPENDENT MEMBERS OF THE COMMISSION.

(7) FOLLOWING THE SELECTION OF THE INDEPENDENT MEMBERS AS PROVIDED IN SUBSECTION (6) OF THIS SECTION, THE TWO LARGEST POLITICAL PARTIES SHALL EACH SUBMIT THEIR REMAINING APPOINTMENT TO THE SECRETARY OF STATE ACCORDING TO THE FOLLOWING SCHEDULE:

(a) BY MAY 3, THE LARGEST POLITICAL PARTY SHALL SUBMIT ITS APPOINTMENT. IF ANY CONGRESSIONAL DISTRICT OR GEOGRAPHIC AREA IS UNREPRESENTED ON THE COMMISSION AT THE TIME OF THE APPOINTMENT, THE PERSON APPOINTED MUST RESIDE IN AN UNREPRESENTED CONGRESSIONAL DISTRICT OR GEOGRAPHIC AREA.

(b) AFTER THE LARGEST POLITICAL PARTY SUBMITS ITS REMAINING APPOINTMENT AND BY MAY 5, THE SECOND LARGEST POLITICAL PARTY SHALL SUBMIT ITS APPOINTMENT. IF ANY CONGRESSIONAL DISTRICT OR GEOGRAPHIC AREA IS UNREPRESENTED ON THE COMMISSION AT THE TIME OF THE APPOINTMENT, THE PERSON APPOINTED MUST RESIDE IN AN UNREPRESENTED CONGRESSIONAL DISTRICT OR GEOGRAPHIC AREA.

(8) IF EITHER OF THE STATE'S TWO LARGEST POLITICAL PARTIES FAILS TO MAKE AN APPOINTMENT TO THE COMMISSION BY A DATE REQUIRED IN SUBSECTION (5) OR SUBSECTION (7) OF THIS SECTION, THEN SUCH APPOINTMENT IS FORFEITED, AND THE NUMBER OF COMMISSIONERS COMPRISING THE COMMISSION IS REDUCED ACCORDINGLY. A REDUCTION IN THE NUMBER OF COMMISSIONERS COMPRISING THE COMMISSION DOES NOT AFFECT THE MINIMUM NUMBER OF AFFIRMATIVE VOTES OF COMMISSIONERS REQUIRED TO APPROVE A MOTION AS SPECIFIED IN SECTION 48.3 (9) OF THIS ARTICLE V.

(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.

**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. 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 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~~ 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) 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.

(g) 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.

(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 OR APPROVAL OF ANY PLAN, REQUIRES THE AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS, INCLUDING THE AFFIRMATIVE VOTE OF AT LEAST ONE INDEPENDENT COMMISSIONER.

(10) THE COMMISSION SHALL NOT VOTE UPON A FINAL PLAN UNTIL AT LEAST ~~72~~ 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) (d) 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 ~~24~~TWENTY-FOUR HOURS AFTER IT HAS BEEN PUBLISHED ONLINE. STAFF SHALL KEEP EACH PLAN PREPARED CONFIDENTIAL UNTIL IT IS PUBLISHED ONLINE. 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.

(b) THE COMMISSION SHALL ENSURE THE PUBLIC HAS ADEQUATE OPPORTUNITY TO COMMENT DURING THE MAP DEVELOPMENT PROCESS. AT A MINIMUM, THE COMMISSION SHALL AFFORD THE PUBLIC AN OPPORTUNITY TO COMMENT AFTER THE PUBLICATION OF EACH STAFF PLAN AND SHALL ENSURE THE PUBLIC HAS THE ABILITY TO COMMENT TO THE COMMISSION THROUGH ELECTRONIC MAIL OR OTHER ELECTRONIC MEANS THROUGHOUT THE REDISTRICTING PROCESS.

(c) 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.

(d) 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 ~~THIRTEEN~~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~~COUNTY AND EAST OF THE ~~CONTINENTAL DIVIDE~~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 ~~FIFTY-FIVE~~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.