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JAN 05 2018

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2:25 P.M.

January 5, 2018 AMENDED

Colorado Secretary of State

CITIZENS' REDISTRICTING COMMISSION

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.

(1) DECLARATION OF THE VOTERS OF COLORADO.

- (a) COMPETITIVE DISTRICTS IN CONGRESSIONAL ELECTIONS STRENGTHEN DEMOCRACY AND THE GOAL OF FAIR AND EFFECTIVE REPRESENTATION.
- (b) VOTERS 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 HAVE THEIR WRITTEN COMMENTS CONSIDERED BEFORE FINAL MAPS ARE ESTABLISHED, TO BE ABLE TO WATCH THE WITNESSES WHO DELIVER TESTIMONY AND REDISTRICTING COMMISSION'S DELIBERATIONS, AND TO HAVE THEIR CONCERNS HEARD BY A POLITICALLY BALANCED COMMISSION.
- (c) IN ORDER TO REPRESENT THE PUBLIC INTEREST, A REDISTRICTING COMMISSION SHOULD BE FREE OF UNACCOUNTABLE DECISION MAKING AND MUST INCLUDE COMMISSIONERS WHO ARE NOT AFFILIATED WITH ANY POLITICAL PARTY.
- (d) 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.
- (e) THE VOTERS FAVOR A CITIZENS' COMMISSION TO SET DISTRICT LINES BY PRIORITIZING CONSTITUTIONALLY GUARANTEED VOTING RIGHTS AS WELL AS FAIR AND EFFECTIVE REPRESENTATION OF CONSTITUENTS.

(2) DEFINITIONS. FOR PURPOSES OF THIS SECTION:

- (a) "CITIZENS' COMMISSION" OR "COMMISSION" MEANS THE CITIZENS' CONGRESSIONAL REDISTRICTING COMMISSION AS AUTHORIZED BY THIS SECTION.
- (b) "COMMUNITY OF INTEREST" IS ANY GROUP IN COLORADO THAT HAS OR IS REASONABLY LIKELY TO HAVE WITHIN THE NEXT DECADE ONE OR MORE ISSUES THAT REQUIRE CONGRESSIONAL REPRESENTATION, INCLUDING BUT NOT LIMITED TO MATTERS REFLECTING SHARED PUBLIC POLICY CONCERNS SUCH AS AGRICULTURE, EDUCATION, EMPLOYMENT, ENVIRONMENT, PUBLIC HEALTH, TRADE AREAS, TRANSPORTATION, AND WATER NEEDS AND SUPPLIES.

- (c) "COMPETITIVE" MEANS THAT DISTRICTS HAVE NOT BEEN DRAWN ~~FOR THE PURPOSE OF PROTECTING TO PROTECT~~ ONE OR MORE INCUMBENT MEMBERS OF THE HOUSE OF REPRESENTATIVES OR ~~FOR THE PURPOSE OF GUARANTEEING TO GUARANTEE~~ A POLITICAL PARTY CONTROL OF A DISTRICT FOR THE FOLLOWING DECADE, OR BOTH.
- (d) "CONGRESSIONAL DISTRICTS" OR "DISTRICTS" MEANS THE GEOGRAPHIC AREAS EQUAL TO THE NUMBER OF MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES TO WHICH COLORADO IS ENTITLED, BASED ON THE MOST RECENT DECENNIAL CENSUS.
- (e) "QUALIFIED APPELLANT" MEANS ANY COMMISSIONER OR ANY PERSON WHO TESTIFIED OR SUBMITTED WRITTEN COMMENTS TO THE CITIZENS' COMMISSION.
- (f) "STAFF" OR "NONPARTISAN STAFF" MEANS PERSONNEL ~~OF THE OFFICE~~ OF LEGISLATIVE COUNCIL AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES, OF THEIR SUCCESSOR OFFICES, THAT OPERATE UNDER THE AUSPICES OF THE GENERAL ASSEMBLY'S COMMITTEES ON LEGAL SERVICES AND LEGISLATIVE COUNCIL, OR THEIR SUCCESSOR COMMITTEES, AND ASSIGNED TO WORK WITH THE CITIZENS' COMMISSION.
- (g) "SUPER-MAJORITY" MEANS THE RECORD VOTE OF EIGHT COMMISSIONERS, AGREEING TO A DISTRICT MAP.

(3) OBJECTIVE OF REDISTRICTING. ~~The general assembly shall~~ AS AUTHORIZED IN THIS THIS SECTION 44, THE CITIZENS' COMMISSION MUST 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~~ MUST be made by congress, the ~~general assembly shall~~ CITIZENS' COMMISSION MUST divide the state into congressional districts accordingly, NOTWITHSTANDING ANY OTHER PROVISION OF LAW.

(4) COMPOSITION – COLORADO CITIZENS' CONGRESSIONAL REDISTRICTING COMMISSION.

- (a) BY JANUARY 5 ~~OF IN~~ THE YEAR ~~AFTER FOLLOWING~~ THE FEDERAL DECENNIAL CENSUS IS CONDUCTED, ANY PERSON WHO SEEKS TO SERVE AS AN APPOINTEE TO THE CITIZENS' COMMISSION MUST SUBMIT AN APPLICATION TO THE NONPARTISAN STAFF. STAFF MUST PREPARE AN APPLICATION FORM THAT WILL ALLOW APPOINTING AUTHORITIES TO EVALUATE A PERSON'S EXPERIENCE AND QUALIFICATIONS AND MUST PLACE SUCH APPLICATION ON THE GENERAL ASSEMBLY'S WEBSITE OR AT LEAST ONE COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC BY NOVEMBER 10 OF THE YEAR IN WHICH THE DECENNIAL CENSUS IS CONDUCTED. AFTER APPLICATIONS ARE SUBMITTED, STAFF MUST DETERMINE WHETHER EACH APPLICANT MEETS THE QUALIFICATIONS SPECIFIED IN THIS SUBSECTION (4). ALL APPLICATIONS ARE PUBLIC RECORDS.
- (b) THE NONPARTISAN STAFF MAY INCLUDE IN ~~MUST LIMIT~~ THE POOLS OF APPLICANTS FROM WHICH COMMISSIONERS ARE TO BE CHOSEN ~~TO ONLY~~ THOSE PERSONS WHO:

- (I) THROUGH THEIR APPLICATIONS, ESTABLISH THAT THEY HAVE DEMONSTRATED EXPERIENCE IN REPRESENTING OR ADVOCATING THE INTERESTS OF GROUPS, ORGANIZATIONS, OR ASSOCIATIONS, INCLUDING BUT NOT LIMITED TO ORGANIZING, CONSTITUENCY BUILDING, OR PUBLICLY SUPPORTING POLICY-RELATED OBJECTIVES, IN ADDITION TO THEIR COMPLIANCE WITH OTHER CONDITIONS TO OR LIMITATIONS ON APPOINTMENT AS PROVIDED IN THIS SECTION;
 - (II) MEET THE REQUIREMENTS FOR AFFILIATION WITH ONE OF THE STATE'S TWO LARGEST POLITICAL PARTIES OR, IN THE ALTERNATIVE, THEIR LACK OF AFFILIATION WITH ANY POLITICAL PARTIES; AND
 - (III) HAVE VOTED IN EACH OF THE LAST TWO GENERAL ELECTIONS.
- (c) ~~ON OR BEFORE~~ BY FEBRUARY 16, IN THE YEAR FOLLOWING THE YEAR IN WHICH THE FEDERAL DECENNIAL CENSUS IS CONDUCTED, NONPARTISAN STAFF MUST CHOOSE, BY LOT AND IN A PUBLIC SETTING AFTER NOTICE TO THE PUBLIC, SIX REGISTERED ELECTORS TO SERVE ON THE CITIZENS' COMMISSION FROM THE APPLICANTS THAT MEET THE QUALIFICATIONS IN THIS SECTION:
- (I) TWO COMMISSIONERS WHO ARE NOT, AND FOR THE PRECEDING THREE YEARS HAVE NOT BEEN, AFFILIATED WITH ANY POLITICAL PARTY;
 - (II) TWO COMMISSIONERS WHO ARE, AND FOR THE PRECEDING THREE YEARS HAVE BEEN, AFFILIATED WITH THE STATE'S LARGEST POLITICAL PARTY; AND
 - (III) TWO COMMISSIONERS WHO ARE, AND FOR THE PRECEDING THREE YEARS HAVE BEEN, AFFILIATED WITH THE STATE'S SECOND LARGEST POLITICAL PARTY.
- (d) BY FEBRUARY 20 IN THE YEAR FOLLOWING THE YEAR IN WHICH THE FEDERAL DECENNIAL CENSUS IS CONDUCTED, NONPARTISAN STAFF SHALL DELIVER TO THE PRESIDENT AND THE MINORITY LEADER OF THE STATE SENATE AND SPEAKER OF THE HOUSE AND THE MINORITY LEADER OF THE STATE HOUSE OF REPRESENTATIVES LISTS OF THE REMAINING NAMES IN THE POOLS OF APPLICANTS REPRESENTING THE TWO STATE'S LARGEST POLITICAL PARTIES AND THE APPLICATION FORMS COMPLETED BY THOSE PERSONS. BY MARCH 1 OF SUCH YEAR, EACH OF THESE FOUR LEGISLATIVE LEADERS MUST SELECT TEN NAMES OF QUALIFIED APPLICANTS FROM THE REMAINING APPLICATIONS AND DELIVER THEIR APPLICATIONS TO THE CHIEF JUDGE OF THE COLORADO COURT OF APPEALS. MOREOVER, BY MARCH 1 OF SUCH YEAR, THE NONPARTISAN STAFF SHALL SELECT AT LEAST TEN BUT NOT MORE THAN TWENTY NAMES OF QUALIFIED APPLICANTS WHO ARE UNAFFILIATED VOTERS FROM THE REMAINING APPLICATIONS AND DELIVER A LIST OF THEIR NAMES AND THEIR APPLICATIONS TO THE CHIEF JUDGE OF THE COLORADO COURT OF APPEALS. IF THERE ARE FEWER THAN THE NUMBER OF NAMES REFERENCED IN THIS SUBSECTION (4)(d) FOR ANY POOL OF QUALIFIED APPLICANTS TO BE SELECTED BY LEGISLATIVE LEADERS OR NONPARTISAN STAFF, A POOL SHALL CONSIST OF THE REMAINING APPLICANTS WHO MEET THE QUALIFICATIONS IN THIS SUBSECTION (4) FOR THAT APPOINTMENT TO THE COMMISSION. BY MARCH 24 OF SUCH YEAR, THE CHIEF JUDGE SHALL INDEPENDENTLY DECIDE THE IDENTITY

OF ONE COMMISSIONER FROM EACH LEGISLATIVE LEADER'S POOL OF ~~TEN~~ NAMES, AS WELL AS TWO COMMISSIONERS FROM THE STAFF'S POOL OF NAMES OF UNAFFILIATED VOTERS, FOR THE SOLE PURPOSE OF ENHANCING THE COMMISSION'S RACIAL AND GENDER DIVERSITY AND ASSURING REPRESENTATION OF ALL OF THE STATE'S EXISTING CONGRESSIONAL DISTRICTS ON THE COMMISSION. THE CHIEF JUDGE MAY INTERVIEW FINALISTS BEFORE MAKING THE APPOINTMENTS. THE CHIEF JUDGE MUST ENSURE THAT THE COMMISSION INCLUDES FOUR UNAFFILIATED VOTERS, FOUR MEMBERS OF THE STATE'S LARGEST POLITICAL PARTY, AND FOUR MEMBERS OF THE STATE'S SECOND LARGEST POLITICAL PARTY.

- (e) IN THE PROCESS OF PICKING NAMES FOR APPOINTMENTS TO THE COMMISSION, NO COMMISSIONER WHOSE NAME IS CHOSEN FROM THE ELIGIBLE APPLICANTS MAY BE APPOINTED IF HE OR SHE IS REGISTERED TO VOTE IN A CONGRESSIONAL DISTRICT THAT IS ALREADY REPRESENTED ON THE COMMISSION. ANY NAMES CHOSEN THAT DUPLICATE A CONGRESSIONAL DISTRICT'S REPRESENTATION ON THE COMMISSION SHALL BE RETURNED TO THE POOLS FOR PURPOSES OF THE SELECTION PROCESS IN SUBSECTION (4)(d) OF THIS SECTION. WHEN ALL THEN-EXISTING CONGRESSIONAL DISTRICTS IN COLORADO ARE REPRESENTED ON THE COMMISSION, A CONGRESSIONAL DISTRICT MAY BE REPRESENTED BY A SECOND COMMISSIONER, BUT NO CONGRESSIONAL DISTRICT MAY BE REPRESENTED BY MORE THAN TWO COMMISSIONERS.
- (f) AT LEAST ONE MEMBER OF THE CITIZENS' COMMISSION MUST RESIDE WEST OF THE CONTINENTAL DIVIDE. THE POOLS FROM WHICH COMMISSIONERS ARE CHOSEN SHOULD REFLECT, AS MUCH AS POSSIBLE, THE STATE'S THEN-EXISTING RACIAL AND GENDER DIVERSITY.
- (g) A COMMISSIONER'S POSITION ON THE CITIZENS' 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 CITIZENS' COMMISSION COMPLETES ITS WORK ACCORDING TO THE PROCESS PROVIDED IN THIS SECTION. ANY VACANCY ON THE CITIZENS' COMMISSION, INCLUDING ONE THAT OCCURS DUE TO DEATH, RESIGNATION, OR FAILURE TO MEET THE QUALIFICATIONS OF APPOINTMENT, MUST BE FILLED AS SOON AS POSSIBLE BY THE DESIGNATED APPOINTING AUTHORITY FROM THE REMAINING POOL OF ELIGIBLE APPLICANTS AND MUST BE FILLED IN THE SAME MANNER AS THE ORIGINALLY CHOSEN COMMISSIONER; PROVIDED, HOWEVER, THAT NO COMMISSIONER CHOSEN TO FILL A VACANCY WILL BE BYPASSED FOR APPOINTMENT IF ALL CONGRESSIONAL DISTRICTS ARE ALREADY REPRESENTED ON THE COMMISSION.
- (h) NO PERSON MAY BE APPOINTED TO, OR WILL BE PERMITTED TO SERVE ON, THE CITIZENS' COMMISSION IF HE OR SHE:

(I) IS A PROFESSIONAL LOBBYIST WHO IS REGISTERED TO LOBBY IN ANY STATE OR MUNICIPALITY OR IS REGISTERED TO LOBBY AT THE FEDERAL LEVEL;

(II) IS A CANDIDATE FOR THE UNITED STATES HOUSE OF REPRESENTATIVES;

(III) IS OR HAS BEEN, WITHIN THE LAST TWELVE MONTHS, COMPENSATED BY A MEMBER OF, OR A CAMPAIGN COMMITTEE ADVOCATING THE ELECTION OF A CANDIDATE TO, THE UNITED STATES HOUSE OF REPRESENTATIVES;

(IV) IS A MEMBER OF THE STATE'S REAPPORTIONMENT COMMISSION;

(V) HAS BEEN AN ELECTED POLITICAL PARTY OFFICIAL DURING THE PRECEDING FIVE YEARS; OR

(VI) HAS BEEN AN ELECTED PUBLIC OFFICIAL AT THE FEDERAL, STATE, OR LOCAL LEVELS DURING THE PRECEDING FIVE YEARS.

(h) IF ANY COMMISSIONER RUNS FOR CONGRESS BEFORE DISTRICT LINES ARE DRAWN AFTER THE NEXT CENSUS HAS BEEN COMPLETED, THE NONPARTISAN STAFF SHALL CONTRACT FOR, AND THE STATE SHALL PAY FOR, TEN BILLBOARDS PROMINENTLY DISPLAYING THE COMMISSIONER'S NAME, HIS OR HER PICTURE, AND THE FOLLOWING STATEMENT:

"I HELPED DRAW MY OWN DISTRICT LINES AS
A MEMBER OF THE REDISTRICTING COMMISSION."

SUCH COMMUNICATION MUST BE PRESENT IN THE DISTRICT IN WHICH THE COMMISSIONER IS RUNNING FOR SIXTY DAYS PRIOR TO THE PRIMARY ELECTION AND SIXTY DAYS PRIOR TO THE GENERAL ELECTION, IF THE COMMISSIONER IS A CANDIDATE IN THE GENERAL ELECTION. SUCH COMMUNICATION IS NOT A CONTRIBUTION TO ANY CAMPAIGN OR OTHER COMMITTEE AND MUST INCLUDE THE STATEMENT, "THIS COMMUNICATION IS PAID FOR BY THE STATE OF COLORADO."

(5) SUPER-MAJORITY REQUIRED. THE CITIZENS' COMMISSION CAN APPROVE A MAP TO SET CONGRESSIONAL DISTRICTS ONLY IF A SUPER-MAJORITY ADOPTS SUCH MAP. A MAP'S APPROVAL BY THE COMMISSIONERS REPRESENTING THE STATE'S TWO LARGEST POLITICAL PARTIES MAY BE VETOED BY ALL FOUR COMMISSIONERS WHO ARE UNAFFILIATED WITH A POLITICAL PARTY.

(6) PUBLIC INVOLVEMENT – HEARING PROCESS.

(a) ALL COLORADO RESIDENTS, INCLUDING BUT NOT LIMITED TO STAFF ACTING ON BEHALF OF THE CITIZENS' COMMISSION AND COMMISSIONERS INDIVIDUALLY, MAY PRESENT PROPOSED REDISTRICTING MAPS OR WRITTEN COMMENTS, OR BOTH, FOR THE COMMISSION'S CONSIDERATION.

(b) THE CITIZENS' COMMISSION MUST, TO THE MAXIMUM EXTENT PRACTICABLE, PROVIDE OPPORTUNITIES FOR CITIZENS TO PRESENT TESTIMONY AT HEARINGS HELD THROUGHOUT THE STATE. THE COMMISSION MUST NOT ~~APPROVE A REDISTRICTING MAP~~ ~~CONCLUDE ITS MAP-DRAWING~~ 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 SOUTH OF EL PASO COUNTY AND EAST OF THE CONTINENTAL DIVIDE. 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 CITIZENS' COMMISSION MUST 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 ONE OF THE HEARINGS REFERRED TO IN THIS SECTION.
- (d) THE CITIZENS' COMMISSION MUST POST ALL WRITTEN COMMENTS PERTAINING TO REDISTRICTING ON ITS WEBSITE AS WELL AS THE NAME OF THE COLORADO RESIDENT SUBMITTING SUCH COMMENTS. IF THE CITIZENS' 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 CITIZENS' COMMISSION NEED NOT CONSIDER AND NEED NOT POST SUCH COMMENTS BUT MUST NOTIFY THE COMMENTER IN WRITING OF THIS FACT. THE CITIZENS' COMMISSION MAY WITHHOLD COMMENTS, IN WHOLE OR IN PART, FROM THE WEBSITE THAT DO NOT RELATE TO REDISTRICTING MAPS OR POLICY.
- (e) THE CITIZENS' COMMISSION MUST PROVIDE SIMULTANEOUS ACCESS TO THE REGIONAL HEARINGS BY BROADCASTING THEM VIA ITS WEBSITE AND MAINTAIN AN ARCHIVE OF SUCH HEARINGS FOR PUBLIC REVIEW.

(7) DISTRICTING CRITERIA.

- (a) THE CITIZENS' COMMISSION MUST UTILIZE THE FOLLOWING CRITERIA FOR ADOPTING A 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 MUST CONSIST OF CONTIGUOUS WHOLE GENERAL ELECTION PRECINCTS AND MUST NOT OVERLAP WITH ANY OTHER DISTRICT; AND
 - (II) COMPLIANCE WITH THE FEDERAL "VOTING RIGHTS ACT OF 1965", AS CODIFIED IN THE UNITED STATES CODE.
- (b) THE COMMISSION MUST APPROVE A MAP THAT PRIORITIZES COMMUNITIES OF INTEREST THAT NEED CONGRESSIONAL REPRESENTATION. THEREAFTER, THE COMMISSION MUST CONSIDER 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 MUST BE AS PRESCRIBED BY LAW;
 - (II) THE COMPACTNESS OF EACH CONGRESSIONAL DISTRICT; AND

(III) WHETHER THE DISTRICTS DRAWN WILL BE COMPETITIVE.

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

(8) JUDICIAL CONSIDERATION OF CITIZENS' COMMISSION ACTION OR INACTION.

(a) (I) IF THE CITIZENS' 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 MUST DETERMINE WHETHER THE COMMISSION'S APPROVED MAP IS IN ACCORD WITH THE UNITED STATES CONSTITUTION AND FEDERAL LAW AS WELL AS THIS SECTION OF THE STATE CONSTITUTION, FOSTERS FAIR AND EFFECTIVE REPRESENTATION, AND IS CONSISTENT WITH THE WEIGHT OF CREDIBLE, NON-REPETITIVE EVIDENCE IN THE RECORD DEVELOPED BEFORE THE COMMISSION. IF IT FINDS ANY OF THESE FACTORS IS NOT MET, THE SUPREME COURT MUST RETURN THE MAP TO THE COMMISSION WITH DIRECTIONS ABOUT THE CHANGES NEEDED TO ACHIEVE CONSTITUTIONAL COMPLIANCE.

(II) UPON RECEIPT OF DIRECTIONS FROM THE SUPREME COURT, THE CITIZENS' COMMISSION MUST ADOPT A MAP BY A SUPER-MAJORITY WITHIN TEN DAYS, WHICH MAP MAY BE APPEALED TO THE SUPREME COURT AS PROVIDED IN SUBSECTION (8)(a)(I).

(III) IF THE CITIZENS' 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 CITIZENS' COMMISSION. THE SUPREME COURT MUST ADOPT THE PROPOSED CHANGES THAT ARE MOST RESPONSIVE TO THE DIRECTIONS IT PROVIDED TO THE CITIZENS' COMMISSION.

(b) IF THE CITIZENS' COMMISSION FAILS TO ADOPT A MAP BY A SUPER-MAJORITY BY AUGUST 10 OF THE YEAR AFTER THE DECENNIAL CENSUS IS CONDUCTED, ANY COMMISSIONER MAY PRESENT A MAP TO THE SUPREME COURT BY AUGUST 31 OF THE YEAR AFTER THE DECENNIAL CENSUS IS CONDUCTED. THE SUPREME COURT MUST PLACE THE MATTER AT THE TOP OF ITS DOCKET AND RESOLVE IT AS EXPEDITIOUSLY AS POSSIBLE BY APPROVING THE MAP THAT, BASED ON THE RECORD ESTABLISHED BEFORE THE COMMISSION, MOST CLOSELY COMPLIES WITH THE REDISTRICTING FACTORS ~~IN THIS SECTION 44 APPROVED BY THE VOTERS IN 2018~~. THE COURT MUST APPROVE A MAP BY NOVEMBER 30 OF THE YEAR AFTER THE DECENNIAL CENSUS IS CONDUCTED.

(c) THE SUPREME COURT MUST ADOPT RULES GOVERNING THE FILING, BRIEFING, ARGUMENT, DECISION, PROCEDURES, AND TIME PERIODS FOR MATTERS APPEALED UNDER THIS SUBSECTION (8).

(9) ETHICAL OBLIGATIONS – COMMISSIONERS AND STAFF.

(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:

(I) THE COMMISSION ~~AND~~; 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 OF TITLE 24 OF THE COLORADO REVISED STATUTES, AS AMENDED; AND

(II) ~~THE COMMISSION, THE COMMISSIONERS AND THE STAFF ARE SUBJECT TO STATE STATUTES REGARDING OPEN RECORDS AS REFLECTED IN~~ AND PART 1 OF ARTICLE 72 OF TITLE 24 OF THE COLORADO REVISED STATUTES, AS AMENDED.

~~(b)~~(c) PERSONS WHO CONTRACT FOR OR RECEIVE COMPENSATION FOR ADVOCATING TO THE COMMISSION, ONE OR MORE COMMISSIONERS, OR THE STAFF THE ADOPTION OF ANY MAP, AMENDMENT TO A MAP, MAPPING APPROACH, OR MANNER OF COMPLIANCE WITH ANY OF THE MAPPING CRITERIA IN SUBSECTION (87) 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 SHALL 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 MUST 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 WITHIN TWENTY-FOUR HOURS OF RECEIVING SUCH INFORMATION. THE SECRETARY MUST ADOPT RULES TO FACILITATE THE COMPLETE AND PROMPT REPORTING REQUIRED BY THIS SUBSECTION AS WELL AS A COMPLAINT PROCESS TO ADDRESS ANY LOBBYIST'S FAILURE TO REPORT FULLY AND ACCURATELY, WHICH COMPLAINT SHALL BE HEARD BY AN ADMINISTRATIVE LAW JUDGE.

(10) AUTHORITY TO ESTABLISH RULES.

AT ITS FIRST MEETING TO BE HELD ON OR BEFORE APRIL 7 OF THE YEAR AFTER THE YEAR THE DECENNIAL CENSUS IS CONDUCTED, THE CITIZENS' COMMISSION MUST MEET TO ADDRESS INITIAL PROCEDURAL RULES THAT WILL BE NECESSARY TO FACILITATE ITS GENERAL OPERATIONS AND COMPLIANCE WITH THIS SECTION, INCLUDING RULES THAT ADDRESS THE HEARING PROCESS, ELEMENTS OF THE MAPPING CRITERIA, REVIEW OF MAPS SUBMITTED FOR ITS CONSIDERATION, AND THE PROCESS FOR DEVELOPING A RECORD OF THE CITIZENS' COMMISSION'S PROCEEDINGS. THE CITIZENS' COMMISSION MUST PROVIDE AT LEAST SEVENTY-TWO HOURS OF ADVANCE NOTICE OF ALL PROPOSED RULES PRIOR TO CONSIDERATION FOR ADOPTION, ALTHOUGH PROPOSED RULES MAY BE AMENDED DURING COMMISSION DELIBERATIONS WITHOUT SUCH ADVANCE NOTICE OF SPECIFIC, RELATED AMENDMENTS. A SIMPLE MAJORITY OF APPOINTED COMMISSIONERS MAY APPROVE PROCEDURAL RULES AND PROCEDURAL DECISIONS. NEITHER THE COMMISSION'S PROCEDURAL

RULES NOR ITS MAPPING DECISIONS ARE SUBJECT TO THE ADMINISTRATIVE PROCEDURES ACT, AS REFLECTED IN PART 1 OF ARTICLE 4, TITLE 24, OF THE COLORADO REVISED STATUTES, AS AMENDED.

(11) OPERATIONAL FUNDING. THE GENERAL ASSEMBLY MUST APPROPRIATE FUNDS NECESSARY FOR THE CITIZENS' COMMISSION TO ACHIEVE ALL TASKS ASSIGNED TO IT UNDER THIS SECTION.

(12) EFFECTIVE DATE. THIS INITIATIVE MUST BE EFFECTIVE ON THE DAY THE RESULTS OF THE 2018 GENERAL ELECTION ARE CERTIFIED BY THE GOVERNOR.