

**2015-2016 #38
Congressional and Legislative Redistricting**

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Colorado Secretary of State

SWARD
12:14 A.M.

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

Section 1. In the constitution of the state of Colorado, **repeal and reenact** section 44 of article V as follows:

SECTION 44 CONGRESSIONAL AND LEGISLATIVE REDISTRICTING.

(1)(a) AFTER EACH FEDERAL CENSUS OF THE UNITED STATES, THE SENATORIAL DISTRICTS, REPRESENTATIVE DISTRICTS, AND CONGRESSIONAL DISTRICTS SHALL BE ESTABLISHED, REVISED, OR ALTERED, AND THE MEMBERS OF THE SENATE, THE HOUSE OF REPRESENTATIVES, AND CONGRESS AS APPORTIONED BY THE CONGRESS OF THE UNITED STATES TO THIS STATE DISTRIBUTED AMONG THEM, BY A COLORADO REDISTRICTING 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. THE APPOINTMENT PROCESS IS DESIGNED TO PRODUCE A COMMISSION THAT IS INDEPENDENT FROM LEGISLATIVE INFLUENCE AND REASONABLY REPRESENTATIVE OF THIS STATE'S DIVERSITY.

(b) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE, AND MINORITY LEADER OF THE SENATE SHALL EACH DESIGNATE ONE OF THE FOUR LEGISLATIVE MEMBERS OF THE COMMITTEE BY APRIL 5 OF THE YEAR FOLLOWING THAT IN WHICH THE FEDERAL CENSUS IS TAKEN. THE THREE EXECUTIVE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR BETWEEN APRIL 5 AND APRIL 15 OF SUCH YEAR, AND THE FOUR JUDICIAL MEMBERS SHALL BE APPOINTED BY THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT BETWEEN APRIL 15 AND APRIL 25 OF SUCH YEAR.

(c) COMMISSION MEMBERS SHALL BE QUALIFIED ELECTORS OF THE STATE OF COLORADO. EACH COMMISSION MEMBER SHALL APPLY THIS SECTION IN A MANNER THAT IS IMPARTIAL AND THAT REINFORCES PUBLIC CONFIDENCE IN THE INTEGRITY OF THE REDISTRICTING PROCESS. A COMMISSION MEMBER SHALL NOT BE OR HAVE BEEN AN ELECTED OFFICIAL AND SHALL NOT HAVE BEEN AN ELECTED LEGISLATIVE DISTRICT, COUNTY, OR STATE POLITICAL PARTY OFFICER WITHIN TWO YEARS OF HIS OR HER APPOINTMENT TO THE COMMISSION. A COMMISSION MEMBER SHALL BE INELIGIBLE FOR A PERIOD OF 10 YEARS BEGINNING FROM THE DATE OF APPOINTMENT TO HOLD ELECTIVE PUBLIC OFFICE AT THE FEDERAL, STATE, COUNTY, OR CITY LEVEL IN THIS STATE. A MEMBER OF THE COMMISSION SHALL BE INELIGIBLE FOR A PERIOD OF FIVE YEARS BEGINNING FROM THE DATE OF APPOINTMENT TO HOLD APPOINTIVE FEDERAL, STATE, OR LOCAL PUBLIC OFFICE, TO SERVE AS PAID STAFF FOR, OR AS A PAID CONSULTANT TO, THE CONGRESS, THE LEGISLATURE, OR ANY INDIVIDUAL LEGISLATOR, OR TO REGISTER AS A FEDERAL, STATE OR LOCAL LOBBYIST IN THIS STATE. NO MORE THAN SIX COMMISSION MEMBERS SHALL BE OR HAVE BEEN REGISTERED WITH THE SAME POLITICAL PARTY WITHIN TWO YEARS PRECEDING THEIR APPOINTMENT. NO MORE THAN

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FOUR COMMISSION MEMBERS 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.

(d) ANY VACANCY CREATED BY THE DEATH OR RESIGNATION OF A MEMBER, OR OTHERWISE, SHALL BE FILLED BY THE RESPECTIVE APPOINTING AUTHORITY. MEMBERS OF THE COMMISSION SHALL HOLD OFFICE UNTIL THEIR REDISTRICTING PLANS ARE IMPLEMENTED. NO LATER THAN MAY 1 OF THE YEAR OF THEIR APPOINTMENT, THE GOVERNOR SHALL CONVENE THE COMMISSION AND APPOINT A TEMPORARY CHAIRMAN WHO SHALL PRESIDE UNTIL THE COMMISSION ELECTS ITS OWN OFFICERS.

(e) WITHIN ONE HUNDRED THIRTEEN DAYS AFTER THE COMMISSION HAS BEEN CONVENEED OR THE NECESSARY CENSUS DATA ARE AVAILABLE, WHICHEVER IS LATER, THE COMMISSION SHALL PUBLISH PRELIMINARY PLANS FOR REDISTRICTING OF THE MEMBERS OF THE GENERAL ASSEMBLY AND CONGRESSIONAL DISTRICTS 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 FINALIZE ITS PLANS AND SUBMIT THE SAME TO THE COLORADO SUPREME COURT FOR REVIEW AND DETERMINATION AS TO COMPLIANCE WITH THIS SECTION. 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 PLANS. ANY LEGAL ARGUMENTS OR EVIDENCE CONCERNING SUCH PLANS 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 EITHER APPROVE A PLAN OR RETURN A PLAN AND THE COURT'S REASONS FOR DISAPPROVAL TO THE COMMISSION. IF A PLAN IS RETURNED, THE COMMISSION SHALL REVISE AND MODIFY IT TO CONFORM TO THE COURT'S REQUIREMENTS AND 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 AND CONGRESSIONAL 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 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

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ESTABLISHED IN STATUTE FOR THE EVENT COMMENCING THE CANDIDATE SELECTION PROCESS IN SUCH YEAR. THE COURT SHALL ORDER THAT SUCH A 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.

(f) 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 REDISTRICTING DUTIES.

(2) THE COMMISSION SHALL ESTABLISH SINGLE-MEMBER DISTRICTS FOR THE SENATE, HOUSE OF REPRESENTATIVES, AND CONGRESS USING THE FOLLOWING CRITERIA AS SET FORTH IN THE FOLLOWING ORDER OF PRIORITY:

(a) DISTRICTS SHALL COMPLY WITH THE UNITED STATES CONSTITUTION. CONGRESSIONAL DISTRICTS SHALL ACHIEVE POPULATION EQUALITY AS NEARLY AS IS PRACTICABLE, AND SENATORIAL AND REPRESENTATIVE DISTRICTS SHALL HAVE REASONABLY EQUAL POPULATION WITH OTHER DISTRICTS FOR THE SAME OFFICE, BUT IN NO EVENT SHALL THERE BE MORE THAN FIVE PERCENT DEVIATION BETWEEN THE MOST POPULOUS AND THE LEAST POPULOUS DISTRICT IN EACH HOUSE, EXCEPT WHERE DEVIATION IS REQUIRED TO COMPLY WITH THE FEDERAL VOTING RIGHTS ACT OR ALLOWABLE BY LAW.

(b) SENATORIAL, REPRESENTATIVE, AND CONGRESSIONAL DISTRICTS SHALL COMPLY WITH THE VOTING RIGHTS ACT.

(c) DISTRICTS SHALL NOT BE DRAWN WITH THE INTENT TO FAVOR OR DISFAVOR A POLITICAL PARTY OR AN INCUMBENT; AND DISTRICTS SHALL NOT BE DRAWN WITH THE INTENT OR RESULT OF DENYING OR ABRIDGING THE EQUAL OPPORTUNITY OF RACIAL OR LANGUAGE MINORITIES TO PARTICIPATE IN THE POLITICAL PROCESS OR TO DIMINISH THEIR ABILITY TO ELECT REPRESENTATIVES OF THEIR CHOICE.

(d) TO THE EXTENT POSSIBLE WITHOUT CONFLICTING WITH ANY OF THE PRECEDING CRITERIA, NO PART OF ONE COUNTY SHALL BE ADDED TO ALL OR PART OF ANOTHER COUNTY IN FORMING SENATORIAL, REPRESENTATIVE, AND CONGRESSIONAL 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.

(e) TO THE EXTENT PRACTICABLE, AND WHERE THIS DOES NOT CONFLICT WITH THE CRITERIA ABOVE, DISTRICTS SHALL BE AS COMPACT IN AREA AS POSSIBLE AND THE AGGREGATE LINEAR DISTANCE OF ALL DISTRICT BOUNDARIES SHALL BE AS SHORT AS POSSIBLE; DISTRICTS SHALL CONSIST OF CONTIGUOUS WHOLE GENERAL ELECTION PRECINCTS; AND DISTRICTS SHALL NOT OVERLAP.

(f) TO THE EXTENT PRACTICABLE, AND WHERE THIS DOES NOT CONFLICT WITH THE CRITERIA ABOVE, COMMUNITIES OF INTEREST, INCLUDING ETHNIC, CULTURAL, ECONOMIC, TRADE

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AREA. GEOGRAPHIC, AND DEMOGRAPHIC FACTORS, SHALL BE PRESERVED WITHIN SINGLE SENATORIAL, REPRESENTATIVE, AND CONGRESSIONAL DISTRICTS WHEREVER POSSIBLE.

Section 2. In the constitution of the state of Colorado, **repeal** sections 46, 47, and 48 of Article V.

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