

JANUARY 5 2108 AMENDED

Colorado Secretary of State

~~NON-PARTISAN~~ NONPARTISAN LEGISLATIVE REAPPORTIONMENT COMMISSION

*Be it enacted by the People of the State of Colorado:*

**SECTION 1.** In the constitution of the state of Colorado, **amend** section 47 of article V as follows:

**Section 47. Composition of districts.**

**(1) DECLARATION OF THE VOTERS OF COLORADO.**

- (a) COMPETITIVE DISTRICTS IN STATE LEGISLATIVE ELECTIONS STRENGTHEN DEMOCRACY AND THE GOAL OF FAIR AND EFFECTIVE REPRESENTATION.
- (b) VOTERS WANT AND DESERVE AN INCLUSIVE AND MEANINGFUL STATE LEGISLATIVE REDISTRICTING PROCESS THAT PROVIDES THE PUBLIC WITH THE ABILITY TO BE HEARD AS DISTRICT 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 REAPPORTIONMENT COMMISSION'S DELIBERATIONS, AND TO HAVE THEIR CONCERNS HEARD BY A POLITICALLY BALANCED COMMISSION.
- (c) IN ORDER TO REPRESENT THE PUBLIC INTEREST, A REAPPORTIONMENT 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 COMMISSION TO SET DISTRICT LINES BY PRIORITIZING CONSTITUTIONALLY GUARANTEED VOTING RIGHTS AS WELL AS FAIR AND EFFECTIVE REPRESENTATION OF CONSTITUENTS.

~~(2) Each district shall MUST be as compact in area as possible and the aggregate linear distance of all district boundaries shall MUST be as short as possible. Each district shall MUST consist of contiguous whole general election precincts. Districts of the same house shall MUST not overlap.~~

~~(2) Except when necessary to meet the equal population 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.~~

~~(2)(3)~~ Consistent with the provisions of this section and section 46 of this article, communities of interest, including ethnic, cultural, economic, trade area, geographic, and demographic factors, shall be preserved within a single district wherever possible. IN DRAWING DISTRICTS FOR THE STATE SENATE AND THE STATE HOUSE OF REPRESENTATIVES, THE STATE'S ~~NON-PARTISAN~~ NONPARTISAN LEGISLATIVE REAPPORTIONMENT COMMISSION MUST COMPLY WITH THE REQUIREMENTS OF THE CONSTITUTIONS OF THE UNITED STATES AND OF COLORADO, AS WELL AS THE FEDERAL "VOTING RIGHTS ACT OF 1965", AS CODIFIED IN THE UNITED STATES CODE. THEREAFTER, THE COMMISSION MUST APPROVE A MAP THAT PRIORITIZES COMMUNITIES OF INTEREST THAT NEED STATE LEGISLATIVE REPRESENTATION. DISTRICTS OF THE SAME HOUSE MUST NOT OVERLAP, AND EACH DISTRICT MUST CONSIST OF CONTIGUOUS WHOLE GENERAL ELECTION PRECINCTS AND BE AS COMPACT IN AREA AS POSSIBLE. THE AGGREGATE LINEAR DISTANCE OF ALL DISTRICT BOUNDARIES MUST BE AS SHORT AS POSSIBLE. FINALLY, THE COMMISSION MUST CONSIDER FACTORS INCLUDING BUT NOT LIMITED TO:

~~(a)(4)~~ 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; AND

~~(b)(4)~~ WHETHER THE DISTRICTS DRAWN WILL BE COMPETITIVE.

**SECTION 2.** In the constitution of the state of Colorado, amend section 48 of article V as follows:

**Section 48. Revision and alteration of districts** ~~—NON-PARTISAN—NONPARTISAN~~ reapportionment commission.

**(1) APPOINTMENT OF COMMISSIONERS.**

(a) After each federal census of the United States, the senatorial districts and representative districts shall be established, revised, or altered, and the members of the senate and the house of representatives apportioned among them, by a Colorado ~~NON-PARTISAN-NONPARTISAN~~ reapportionment commission consisting of ~~eleven~~ TWELVE 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.~~

(b) ~~The four legislative members shall be the speaker of the house of representatives, the minority leader of the house of representatives, and the president of the senate and the minority leader of the senate, or the designee of any such officer to serve in his or her stead, which acceptance of service or designation shall be made no later than April 15 of the year following that in which the federal census is taken. The three executive members shall be appointed by the governor between April 15 and April 25 of such year, and the four judicial members shall be appointed by the chief justice of the Colorado supreme court between April 25 and May 5 of such year.~~ BY JANUARY 5 ~~OF IN~~ THE YEAR AFTER THE FEDERAL DECENNIAL CENSUS IS CONDUCTED, ANY PERSON WHO SEEKS TO SERVE AS AN APPOINTEE TO THE 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 (41). ALL APPLICATIONS ARE PUBLIC RECORDS.

~~(c) Commission members shall be qualified electors of the state of Colorado. No more than four commission members shall be members of the general assembly. No more than six commission members shall be affiliated with the same political party. No more than 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.~~ 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.

~~(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 reapportionment and redistricting plan is implemented. No later than May 15 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. 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 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.

~~(e) 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 finalize its plan and submit the same to the Colorado supreme court for review and determination as to compliance with sections 46 and 47 of this article. 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 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 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 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 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.~~ BY FEBRUARY 20

IN THE YEAR FOLLOWING THE YEAR IN WHICH THE FEDERAL DECENNIAL CENSUS IS CONDUCTED, NONPARTISAN STAFF MUST 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 MUST 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 (1)(c) 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 (1) FOR THAT APPOINTMENT TO THE COMMISSION. BY MARCH 24 OF SUCH YEAR, THE CHIEF JUDGE MUST 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.

(f) 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 MUST BE RETURNED TO THE POOLS FOR PURPOSES OF THE SELECTION PROCESS IN SUBSECTION (4)(e) OF THIS SECTION 48. 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.

(g) AT LEAST ONE MEMBER OF THE 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.

(h) A COMMISSIONER'S POSITION ON THE 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 COMMISSION COMPLETES ITS WORK ACCORDING TO THE PROCESS PROVIDED IN THIS SECTION. ANY VACANCY ON THE 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.

(i) NO PERSON MAY BE APPOINTED TO, OR WILL BE PERMITTED TO SERVE ON, THE 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 STATE SENATE OR STATE 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 EITHER THE STATE SENATE OR STATE HOUSE OF REPRESENTATIVES;

(IV) IS A MEMBER OF THE STATE'S CONGRESSIONAL REDISTRICTING 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.

(j) IF ANY COMMISSIONER RUNS FOR STATE SENATE OR THE STATE HOUSE OF REPRESENTATIVES BEFORE DISTRICT LINES ARE DRAWN AFTER THE NEXT CENSUS, EVERY COMMUNICATION PAID FOR BY THE CANDIDATE OR HIS OR HER COMMITTEE DURING THE SIXTY DAYS PRIOR TO THE PRIMARY ELECTION AND DURING THE SIXTY DAYS PRIOR TO THE GENERAL ELECTION, IF THE COMMISSIONER IS A CANDIDATE IN THE GENERAL ELECTION, MUST CONTAIN THE FOLLOWING STATEMENT:

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

SUCH COMMUNICATION IS NOT A CONTRIBUTION TO ANY CAMPAIGN AND MUST BE PROMINENTLY DISPLAYED ON SUCH COMMUNICATIONS IN THE SAME MANNER AS A CAMPAIGN FINANCE DISCLAIMER UNDER STATE LAW.

**(2) PUBLIC HEARINGS AND COMMENT ON MAPS.**

(a) THE COMMISSION MUST, TO THE MAXIMUM EXTENT PRACTICABLE, PROVIDE OPPORTUNITIES FOR COLORADO RESIDENTS TO PRESENT TESTIMONY AT REGIONAL HEARINGS HELD THROUGHOUT THE STATE. THE COMMISSION MUST NOT ADOPT A FINAL 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.

(b) THE COMMISSION MUST 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 MUST POST ALL WRITTEN COMMENTS PERTAINING TO REAPPORTIONMENT ON ITS WEBSITE AS WELL AS THE NAME OF THE COLORADO RESIDENT SUBMITTING SUCH COMMENTS.

(c) 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, 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.

(d) THE 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. THE COMMISSION MUST KEEP A PUBLIC RECORD OF ALL THE PROCEEDINGS OF THE COMMISSION AND MUST BE RESPONSIBLE FOR THE PUBLICATION AND DISTRIBUTION OF COPIES OF EACH PLAN.

**(3) REAPPORTIONMENT MAP APPROVAL; JUDICIAL REVIEW.**

(a) ON OR BEFORE AUGUST 10, THE COMMISSION MUST FINALIZE ITS PLAN, 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. 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.

(b) WHERE A PLAN IS SO APPROVED AND HAS NOT BEEN VETOED, THE COMMISSION MUST SUBMIT THE SAME TO THE COLORADO SUPREME COURT FOR REVIEW AND DETERMINATION AS TO THE MAP'S COMPLIANCE WITH THE UNITED STATES CONSTITUTION, THE FEDERAL VOTING RIGHTS ACT, AND SECTIONS 46 AND 47 OF THIS ARTICLE, AND AS TO WHETHER THE MAP FOSTERS FAIR AND EFFECTIVE REPRESENTATION AND IS CONSISTENT WITH THE WEIGHT OF CREDIBLE, NON-REPETITIVE EVIDENCE IN THE RECORD DEVELOPED BEFORE THE COMMISSION. THE SUPREME COURT MUST 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 MUST 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. IF THE COMMISSION CANNOT AGREE ON A PLAN BY A SUPER-MAJORITY VOTE BY AUGUST 10 OR IF THE COMMISSION CANNOT AGREE TO A PLAN BY A SUPER-MAJORITY VOTE WITHIN TEN DAYS AFTER THE COURT HAS RETURNED A MAP TO THE COMMISSION, ANY COMMISSIONER MAY FILE A PLAN WITH THE SUPREME COURT WITHIN SEVEN DAYS AFTER AUGUST 10 OR THE TEN-DAY PERIOD REFERENCED ABOVE AND PURSUE THE REVIEW PROCESS PROVIDED BY SUBSECTION (3)(c) OF THIS SECTION 48.

(c) UNDER THE CIRCUMSTANCES DESCRIBED IN SUBSECTION (3)(b) OF THIS SECTION 48, ANY COMMISSIONER MAY FILE A PLAN, CONSIDERED BY THE COMMISSION, WITH THE SUPREME COURT WITH THE RECORD DEVELOPED AT COMMISSION HEARINGS AND MEETINGS, AS WELL AS WRITTEN ARGUMENT IN SUPPORT OF SUCH PLAN. THE SUPREME COURT MUST 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 PERTINENT REQUIREMENTS OF LAW, THE COURT MUST ORDER THAT IT BE FILED WITH THE SECRETARY OF STATE. IF THERE ARE MULTIPLE PLANS THAT COMPLY, THE COURT MUST IDENTIFY THEM AND DIRECT THE COMMISSION TO ADOPT ONE OF THEM, INCLUDING SUCH TECHNICAL REVISIONS AS THE COURT MAY AUTHORIZE, WHICH TECHNICAL REVISIONS THE COMMISSION MAY ADOPT BY MAJORITY VOTE. IF THE SUPREME COURT FINDS NO PLAN COMPLIES WITH THE REQUIREMENTS OF LAW, IT MUST IDENTIFY A PLAN BEFORE THE COURT THAT COMES CLOSEST TO COMPLYING AND DIRECT THE

COMMISSION TO MODIFY THAT PLAN IN ORDER TO ACHIEVE COMPLIANCE WITH THE APPLICABLE LAWS AND MAY PROVIDE SUCH DIRECTIONS TO THE COMMISSION AS WILL FACILITATE ITS WORK. THE COMMISSION MUST APPROVE A MODIFIED PLAN BY MAJORITY VOTE, SUBJECT TO THE AUTHORITY OF ALL FOUR UNAFFILIATED COMMISSIONERS TO VETO SUCH PLAN, 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, FAILS TO PROVIDE FOR FAIR AND EFFECTIVE REPRESENTATION, OR IS INCONSISTENT WITH THE WEIGHT OF CREDIBLE, NON-REPETITIVE EVIDENCE IN THE RECORD DEVELOPED BEFORE THE COMMISSION. IF IT DOES MEET THOSE REQUIREMENTS, THE SUPREME COURT WILL ORDER THAT THE PLAN BE FILED WITH THE SECRETARY OF STATE.

(d) THE SUPREME COURT MUST 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 NOVEMBER 15. THE COURT MUST ORDER THAT SUCH PLAN BE FILED WITH THE SECRETARY OF STATE NO LATER THAN SUCH DATE.

(e) JUDICIAL REVIEW BY THE SUPREME COURT MUST TAKE PRECEDENCE OVER OTHER MATTERS BEFORE THE COURT, ALTHOUGH ANY APPEAL MUST HAVE THE SAME EXPEDITED TREATMENT GIVEN TO AN APPEAL OF A MAP FOR CONGRESSIONAL REDISTRICTING. THE SUPREME COURT MUST ADOPT RULES FOR SUCH PROCEEDINGS. ANY LEGAL ARGUMENTS OR EVIDENCE CONCERNING SUCH PLAN MUST BE SUBMITTED TO THE SUPREME COURT PURSUANT TO THE SCHEDULE ESTABLISHED BY THE COURT.

#### **(4) TRANSPARENCY AND ACCOUNTABILITY.**

(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 REAPPORTIONMENT 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 ~~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. SUCH DISCLOSURE



MUST 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 MUST BE HEARD BY AN ADMINISTRATIVE LAW JUDGE.

**(5) FUNDING OF COMMISSION ACTIVITIES AND STAFF.**

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 duties. THE COMMISSION AND ITS STAFF SHALL COOPERATE WITH THE CONGRESSIONAL REDISTRICTING COMMISSION AND ITS STAFF TO OPTIMIZE USE OF STATE RESOURCES. THE TWO COMMISSIONS MAY SHARE STAFF AND HOLD COORDINATED PUBLIC HEARINGS.

**(6) DEFINITIONS. FOR PURPOSES OF THIS SECTION:**

- (a) "COMMISSION" MEANS THE ~~NONPARTISAN~~ ~~NON-PARTISAN~~ REAPPORTIONMENT 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 STATE LEGISLATIVE 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 STATE SENATE OR STATE 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) "DISTRICTS" MEANS THE GEOGRAPHIC AREAS EQUAL TO THE NUMBER OF MEMBERS OF THE STATE SENATE OR STATE HOUSE OF REPRESENTATIVES, BASED ON THE MOST RECENT DECENNIAL CENSUS.
- (e) "QUALIFIED APPELLANT" MEANS ANY COMMISSIONER OR ANY PERSON WHO TESTIFIED OR SUBMITTED WRITTEN COMMENTS TO THE COMMISSION.
- (f) "STAFF" OR "NONPARTISAN STAFF" MEANS PERSONNEL ~~OF THE OFFICE~~ OF LEGISLATIVE COUNCIL AND ~~THE~~ OFFICE OF LEGISLATIVE LEGAL SERVICES, OR 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 COMMISSION.

(g) "SUPER-MAJORITY" MEANS THE RECORD VOTE OF EIGHT COMMISSIONERS, AGREEING TO A DISTRICT MAP.

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