

## The Colorado Fair Redistricting Act

**Be it Enacted by the People of the State of Colorado. Article V of the constitution is amended as follows.**

### Section 44. Representatives in congress.

Statute text

The general assembly shall 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 44. Statement of Purpose.

THE PEOPLE OF THE STATE OF COLORADO HEREBY FIND AND DECLARE THAT FAIR POLITICAL REPRESENTATION REQUIRES THAT THE PRACTICE OF GERRYMANDERING, WHEREBY CONGRESSIONAL AND LEGISLATIVE DISTRICTS ARE PURPOSEFULLY DRAWN TO FAVOR ONE POLITICAL PARTY OVER ANOTHER, MUST END; THAT VOTERS ARE MORE LIKELY TO PARTICIPATE WHEN THEY FEEL THAT THEIR VOTE WILL COUNT AND THAT THEY HAVE A REASONABLE CHANCE OF ELECTING REPRESENTATIVES WHO REPRESENT THEIR INTERESTS; THAT MORE QUALIFIED CANDIDATES WILL PARTICIPATE IN ELECTORAL POLITICS IF THEY HAVE A REASONABLE CHANCE OF BEING ELECTED TO PUBLIC OFFICE ; AND, THAT THE INTERESTS OF THE PUBLIC ARE BEST SERVED BY THE CREATION OF AN INDEPENDENT COMMISSION OF BALANCED APPOINTMENTS TO OVERSEE THE MAPPING OF FAIR AND COMPETITIVE CONGRESSIONAL AND LEGISLATIVE DISTRICTS.

History

### Section 45. General assembly.

The general assembly shall consist of not more than thirty-five members of the senate and of not more than sixty-five members of the house of representatives, one to be elected from each senatorial and each representative district, respectively.

### Section 46. CONGRESSIONAL, Senatorial and representative districts.

Statute text

The state shall be divided into as many U.S. CONGRESSIONAL, STATE senatorial and STATE representative districts as there are members FOR EACH OF THOSE LEGISLATIVE BODIES.of the senate and house of representatives respectively, eEach district in each house LEGISLATIVE BODY MUST HAVE 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 STATE house OR STATE SENATE DISTRICT. DEVIATION IN POPULATION IN U.S. CONGRESSIONAL DISTRICTS MUST BE AS LOW AS PRACTICABLE. IN CREATING STATE LEGISLATIVE AND CONGRESSIONAL DISTRICTS, THE FAIR

REDISTRICTING COMMISSION SHALL NOT CONSIDER THE LOCATION OF THE PRIMARY LEGAL RESIDENCE OF CANDIDATES FOR OFFICE, INCUMBENT LEGISLATORS OR INCUMBENT MEMBERS OF CONGRESS.

**Section 47. Composition of districts.** Statute text

In the preparation of its plan for dividing the state into districts, the commission shall COMPLY WITH ALL FEDERAL LAWS GOVERNING REDISTRICTING AND SHALL apply the criteria set forth in the following paragraphs to the maximum extent practicable. The following paragraphs shall be applied and given priority in the order in which they are listed.

(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, 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 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.

(4) TO THE EXTENT PRACTICABLE, THE FAIR REDISTRICTING COMMISSION SHALL CREATE COMPETITIVE DISTRICTS. THE COMMISSION'S PLAN SHALL NOT BE DRAWN PURPOSELY TO FAVOR OR DISCRIMINATE AGAINST ANY POLITICAL PARTY OR GROUP. NOTWITHSTANDING SECTION 47(2) OF THIS ARTICLE, COUNTIES MAY ALSO BE DIVIDED IN ORDER TO CREATE COMPETITIVE DISTRICTS AS LONG AS SUCH DIVISION IS CONSISTENT WITH SECTION 47(3) OF THIS ARTICLE.

**Section 48. Revision and alteration of districts - reapportionment FAIR REDISTRICTING commission.**

Statute text  
(1) (a) ONCE EVERY TEN YEARS, After each federal census of the United States, THE CONGRESSIONAL DISTRICTS, STATE senatorial districts and STATE representative districts shall be established, revised, or altered, and the members of the congress, STATE senate and the STATE house of representatives apportioned among them, by a Colorado **reapportionment** FAIR REDISTRICTING commission consisting of **eleven** SEVEN 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** TWO BY LOT, **and four by the judicial department of the state** AND ONE BY THE MEMBERS OF THE FAIR REDISTRICTING COMMISSION.

(b) Commission members shall be qualified electors of the state of Colorado AND must have voted in AT LEAST one of the last two GENERAL elections in which they were eligible to vote. THE TWO MEMBERS CHOSEN BY LOT SHALL BE SELECTED IN THE FOLLOWING MANNER FROM AMONG THOSE WHO HAVE APPLIED, VIA AN OPEN APPLICATION PROCESS CONDUCTED BY THE COLORADO SECRETARY OF STATE, TO BE CONSIDERED FOR A POSITION ON THE FAIR REDISTRICTING COMMISSION: THE COLORADO SECRETARY OF STATE SHALL FORWARD ALL NAMES AND BIOGRAPHICAL INFORMATION OF QUALIFIED APPLICANTS TO THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT. The chief justice shall RETURN THE NAMES OF AT LEAST 6 APPLICANTS from among ALL qualified applicants TO THE COLORADO SECRETARY OF STATE FOR INCLUSION IN THE SELECTION TO BE MADE BY LOT. SUCH APPLICANTS SHALL, IN THE CHIEF JUSTICE'S JUDGEMENT, BE ABLE TO bring fairness and balance to the commission. THE COLORADO SECRETARY OF STATE SHALL SELECT, BY LOT, FROM AMONG ALL NAMES SUBMITTED BY THE CHIEF JUSTICE TWO MEMBERS TO SERVE ON THE COMMISSION. THE TWO MEMBERS SELECTED BY LOT SHALL BE APPOINTED NO LATER THAN FEBRUARY 15TH OF THE YEAR FOLLOWING THAT IN WHICH THE FEDERAL CENSUS IS TAKEN. EACH OF THE TWO MEMBERS SELECTED BY LOT SHALL BE A REGISTERED COLORADO VOTER UNAFFILIATED WITH ANY POLITICAL PARTY FOR AT LEAST THREE YEARS PRIOR TO APPOINTMENT TO THE COMMISSION. The ffFour legislative members shall be the designees of the speaker of the house of representatives, the minority leader of the house of representatives, and the majority 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 shall be made no later than April 15 FEBRUARY 20TH of the year following that in which the federal census is taken. EACH OF THE FOUR DESIGNEES MUST BE REGISTERED COLORADO VOTERS AND MUST HAVE BEEN CONTINUOUSLY REGISTERED WITH THE SAME POLITICAL PARTY FOR AT LEAST TWO YEARS PRIOR TO APPOINTMENT TO THE COMMISSION. The three executive members shall be shall be appointed by the governor chief justice of the Colorado Supreme Court between April 15 andby April 25February 15th of such year. THE SEVENTH MEMBER OF THE COMMISSION, and the four judicial members SHALL BE APPOINTED BY THE AFFIRMATIVE VOTE OF AT LEAST FIVE OF THE SIX PREVIOUSLY APPOINTED MEMBERS OF THE COMMISSION BY no later than the chief justice of the Colorado supreme court between April 25 and May 5 MARCH 31 of such year. THE SEVENTH MEMBER OF THE COMMISSION SHALL BE A REGISTERED COLORADO VOTER WHO SHALL NOT BE AFFILIATED WITH ANY POLITICAL PARTY ALREADY REPRESENTED ON THE COMMISSION, NOR SHALL HE OR SHE HAVE BEEN AFFILIATED WITH ANY POLITICAL PARTY ALREADY REPRESENTED ON THE COMMISSION FOR AT LEAST TWO YEARS PRIOR TO APPOINTMENT TO THE COMMISSION.

(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. WITHIN THE

THREE YEARS PREVIOUS TO APPOINTMENT, MEMBERS SHALL NOT HAVE BEEN APPOINTED TO, ELECTED TO, OR A CANDIDATE FOR ANY OTHER PUBLIC OFFICE, NOT INCLUDING SCHOOL BOARD MEMBER OR OFFICER, AND SHALL NOT HAVE SERVED AS AN OFFICER OR EMPLOYEE OF A POLITICAL PARTY, OR SERVED AS A REGISTERED PAID LOBBYIST.

(d) No more than ~~six~~ TWO 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~~ NO MORE THAN ONE MEMBER SHALL BE APPOINTED FROM ANY CONGRESSIONAL DISTRICT. ~~congressional district shall have at least one resident as a commission member.~~

(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.

(F) If, for any reason, the fair redistricting commission fails to submit an agreed upon plan, the Colorado Supreme Court shall adopt a plan, IN ACCORDANCE WITH ALL

PROVISIONS OF SECTION 47 OF THIS ARTICLE, no later than fifty-five days prior to the date established in statute for the event commencing the candidate selection process in such year. ADDITIONALLY, if the agreed upon plan is challenged IN A COURT OF LAW, THE COLORADO SUPREME COURT SHALL HAVE ORIGINAL JURISDICTION AND SHALL HAVE DISCRETION TO ESTABLISH A PROCEDURE TO DISPOSE OF THE MATTER PROMPTLY, CONSISTENT WITH THE RIGHTS OF THE PARTIES, EITHER AFFIRMING THE ACTION OF THE FAIR REDISTRICTING COMMISSION OR REVERSING IT, IN WHICH LATTER CASE THE COURT SHALL REMAND IT WITH INSTRUCTIONS, POINTING OUT WHERE THE FAIR REDISTRICTING COMMISSION IS IN ERROR.

(G) ALL PROVISIONS REGARDING THE TIMELINE AND SUPREME COURT APPROVAL FOR THE REAPPORTIONMENT OF THE MEMBERS OF THE GENERAL ASSEMBLY AS SET FORTH IN SECTION 48 (E) OF THIS ARTICLE SHALL ALSO APPLY TO THE REDISTRICTING OF CONGRESSIONAL DISTRICTS IN THE STATE OF COLORADO.

(H) At least one commission member shall reside west of the continental divide.

(dI) 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](#) MARCH 31 of the year of their appointment, the COMMISSION [governor](#) shall convene [the commission and appoint a temporary chairman who shall preside until the commission](#) AND APPOINT THE SEVENTH MEMBER OF THE COMMISSION AND elects its own officers.

(J) A COMMISSIONER, DURING THE COMMISSIONER'S TERM OF OFFICE AND FOR THREE YEARS THEREAFTER, SHALL BE INELIGIBLE FOR COLORADO PUBLIC OFFICE OR FOR REGISTRATION AS A PAID LOBBYIST.

(K) FIVE COMMISSIONERS, INCLUDING THE CHAIR OR VICE-CHAIR, CONSTITUTE A QUORUM. FIVE OR MORE AFFIRMATIVE VOTES ARE REQUIRED FOR ANY OFFICIAL ACTION. WHERE A QUORUM IS PRESENT, THE FAIR REDISTRICTING COMMISSION SHALL CONDUCT BUSINESS IN MEETINGS OPEN TO THE PUBLIC, WITH 72 HOURS OR MORE PUBLIC NOTICE PROVIDED.

(L) THE FAIR REDISTRICTING COMMISSION SHALL CONDUCT NO FEWER THAN TWELVE (12) PUBLIC HEARINGS THROUGHOUT THE STATE ON THE PROPOSED PLAN, ALLOWING FOR COMMENTS AND QUESTIONS FROM MEMBERS OF THE PUBLIC. AT LEAST ONE PUBLIC HEARING SHALL BE CONDUCTED IN EACH CONGRESSIONAL DISTRICT. EACH PUBLIC HEARING SHALL BE PUBLICIZED AT LEAST TWO WEEKS PRIOR TO THE DATE OF THE MEETING.

(M) THE COMMISSION SHALL MAKE REDISTRICTING DATA AND MAPMAKING TOOLS AVAILABLE TO THE PUBLIC IN AT LEAST ONE LOCATION IN EACH CONGRESSIONAL DISTRICT. THE COMMISSION SHALL

ALLOW FOR THE SUBMISSION OF REDISTRICTING MAPS,  
RECOMMENDATIONS AND INQUIRIES FROM THE PUBLIC.

(fN) 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 AND FOR FEES AND EXPENSES INCURRED BY THE COMMISSION IN THE EVENT OF A LEGAL CHALLENGE TO THE COMMISSION'S PLAN. The commission shall have access to statistical information compiled by the state or its political subdivisions and COMPUTER SOFTWARE necessary for its reapportionment duties.

**Section 49. Conflicting provisions declared inapplicable.**

ANY PROVISIONS IN THE STATUTES OF THIS STATE IN CONFLICT OR INCONSISTENT WITH THIS ARTICLE ARE HEREBY DECLARED TO BE INAPPLICABLE TO THE MATTERS COVERED AND PROVIDED FOR IN THIS ARTICLE.

**Section 50. APPLICABILITY AND EFFECTIVE DATE.**

THE PROVISIONS OF THIS ARTICLE SHALL TAKE EFFECT ON DECEMBER 2, 2004 AND BE APPLICABLE THEREAFTER. LEGISLATION MAY BE ENACTED TO FACILITATE ITS OPERATIONS, BUT IN NO WAY LIMITING OR RESTRICTING THE PROVISIONS OF THIS ARTICLE OR THE POWERS HEREIN GRANTED.

**Section 51. SEVERABILITY.**

IF ANY PROVISION OF THIS ARTICLE OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCES IS HELD INVALID, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THE ARTICLE WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ARTICLE ARE DECLARED TO BE SEVERABLE.