

THE COLORADO FAIR REDISTRICTING ACT #2

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

Sections 44, 46, 47, and 48 of Article V of the constitution of the state of Colorado are amended, and the said Article V is further amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS, to read:

Section 44. ~~Representatives in congress.~~

~~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.—~~

FAIR POLITICAL REPRESENTATION.

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 FAIR REDISTRICTING COMMISSION OF BALANCED APPOINTMENTS TO OVERSEE THE MAPPING OF FAIR AND COMPETITIVE CONGRESSIONAL AND LEGISLATIVE DISTRICTS.

Section 46. CONGRESSIONAL, Senatorial and representative districts.

The state shall be divided into as many U.S. CONGRESSIONAL, STATE senatorial and STATE representative districts as there are members ~~of the senate and house of representatives respectively~~, FOR EACH OF THOSE LEGISLATIVE BODIES. ~~e~~Each district in each ~~house having~~ LEGISLATIVE BODY SHALL HAVE 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 SHALL 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 ANY CANDIDATE FOR OFFICE, INCUMBENT LEGISLATOR OR INCUMBENT MEMBER OF CONGRESS.

Section 47. Composition of districts.

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, EACH DISTRICT SHALL BE COMPETITIVE. NO DISTRICT SHALL 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.

(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 COMMISSION.

(b) Commission members shall be qualified electors of the state of Colorado AND SHALL 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 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 SIX 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 four~~ Four legislative COMMISSION members shall be ~~the designees of~~ APPOINTED, IN THE FOLLOWING ORDER, BY the

speaker of the house of representatives, the minority leader of the house of representatives, ~~and the majority~~ PRESIDENT OF THE SENATE and THE 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~~ BETWEEN FEBRUARY 16 AND FEBRUARY 25 of the year following that in which the federal census is taken. ~~The three executive members shall be 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.~~—EACH OF THE FOUR LEGISLATIVE APPOINTEES SHALL BE A REGISTERED COLORADO VOTER WHO HAS BEEN CONTINUOUSLY REGISTERED WITH THE SAME POLITICAL PARTY FOR THE THREE YEARS PRIOR TO APPOINTMENT TO THE COMMISSION. THE SEVENTH MEMBER OF THE COMMISSION SHALL BE APPOINTED BY THE AFFIRMATIVE VOTE OF AT LEAST FIVE OF THE SIX PREVIOUSLY APPOINTED MEMBERS OF THE COMMISSION BY MARCH 31 OF SUCH YEAR. THE SEVENTH MEMBER OF THE COMMISSION SHALL BE A REGISTERED COLORADO VOTER WHO HAS NOT BEEN AFFILIATED WITH ANY POLITICAL PARTY ALREADY REPRESENTED ON THE COMMISSION IN THE THREE 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.~~ 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 congressional district shall have at least one resident as a commission member.~~ At least one commission member shall reside west of the continental divide. NO MORE THAN ONE MEMBER SHALL BE APPOINTED FROM ANY CONGRESSIONAL DISTRICT. IN THE EVENT THAT THE STATE OF COLORADO HAS FEWER THAN SEVEN CONGRESSIONAL DISTRICTS, EACH CONGRESSIONAL DISTRICT SHALL BE REPRESENTED ON THE COMMISSION AND UP TO TWO MEMBERS MAY BE APPOINTED FROM ANY ONE CONGRESSIONAL DISTRICT. NO PERSON SHALL BE APPOINTED TO THE COMMISSION WHO CURRENTLY HOLDS ELECTED OFFICE IN THE STATE OF COLORADO OR WHO HAS WITHIN THE PREVIOUS THREE YEARS BEEN APPOINTED TO, ELECTED TO, OR A CANDIDATE FOR ANY ELECTED PUBLIC OFFICE, AND SHALL NOT HAVE SERVED AS AN OFFICER OR EMPLOYEE OF A POLITICAL PARTY, OR SERVED AS A REGISTERED PAID LOBBYIST. DURING THE MEMBER'S TERM OF OFFICE AND FOR THREE YEARS THEREAFTER, THE MEMBER SHALL BE INELIGIBLE FOR ANY ELECTED PUBLIC OFFICE IN COLORADO OR FOR REGISTRATION AS A PAID LOBBYIST.

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

(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 reapportionment duties.~~ 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.

(g) IF, FOR ANY REASON, THE 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 COMMISSION OR REVERSING IT, IN WHICH LATTER CASE THE COURT SHALL REMAND IT WITH INSTRUCTIONS, POINTING OUT WHERE THE COMMISSION IS IN ERROR.

(h) FIVE MEMBERS, 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 COMMISSION SHALL CONDUCT BUSINESS IN MEETINGS OPEN TO THE PUBLIC, WITH SEVENTY TWO HOURS OR MORE PUBLIC NOTICE PROVIDED.

(i) THE COMMISSION SHALL CONDUCT AT LEAST ONE PUBLIC HEARING IN EACH CONGRESSIONAL DISTRICT ON THE PRELIMINARY PLAN, ALLOWING FOR COMMENTS AND QUESTIONS FROM MEMBERS OF THE PUBLIC. EACH PUBLIC HEARING SHALL BE PUBLICIZED AT LEAST TWO WEEKS PRIOR TO THE DATE OF THE MEETING.

(j) 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 AND THE GENERAL ASSEMBLY.

(k) 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 51. SEVERABILITY.

IF ANY PROVISION OF SECTIONS 44, 45, 46, 47 OR 48 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 SECTIONS 44, 45, 46, 47 OR 48 OF THIS ARTICLE, WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF SECTIONS 44, 45, 46, 47 OR 48 OF THIS ARTICLE ARE DECLARED TO BE SEVERABLE.