

May 12, 2011

Dear fellow commissioners:

As we begin our work, I hope we can look to the recent congressional redistricting process and take some lessons about how we might do things differently.

I realize some people on this commission were involved with that process, and I was not. But from the outside looking in, the problem seemed to be that every proposal was viewed either as a "Democratic Map" or a "Republican Map," which from the outset forced both sides into an adversarial posture. We can all see the results of that approach.

Unless we choose to do our work differently, we could easily fall into the same trap. Any map proposed by a member of this commission will carry the presumption of being either a "Democratic Map" or a "Republican Map," depending on the party affiliation of the presenting commissioner or of the person who appointed that commissioner.

It doesn't have to be this way. For example, Iowa hasn't had a controversial congressional redistricting process in decades. The reason is simple: by state law, the map is drawn not by lawmakers or political appointees, but by nonpartisan staff. As a result there are no "Democratic Maps" or "Republican Maps".

I suggest we consider doing a similar thing here. We should direct commission staff to draw a map based on constitutional guidance, Colorado Supreme Court case law, and any other criteria we may agree upon by consensus. Once staff has developed a map and presented it to the commission, it will become the baseline from which all of our work is done.

Having nonpartisan experts develop political documents is hardly unprecedented -- indeed, it happens every day when members of the legislature entrust the same staff to draft bills on a variety of controversial matters. Legislative Legal Services and Legislative Council consist of experienced professionals who scrupulously avoid the appearance and substance of partisanship. I've never heard a member of the legislature in either party question that commitment.

This process would not take discretion out of our hands. Far from it. We can (hopefully by consensus) make adjustments to staff's map based on public testimony and commissioner input. But all such changes would be made in open meetings. That way, the public will always know where changes came from, and why they were adopted.

If we do this, we should also agree in advance to use only the staff map as a baseline, not to present maps of our own (or on behalf of others). I realize that is a departure from how things have been done in the past, but what we lose in control hopefully we will more than regain in credibility and consensus.

Of course this is asking everyone to take a leap of faith. Nobody will know in advance what legislative staff will present, and one political party or the other may be unhappy with the outcome. That's a risk we all take together.

Redistricting and reapportionment have always been divisive, especially in the past decade. We have a chance to change that. We always talk about minimizing partisanship in this process – maybe we can actually do it this time.

Please take some time to think over this proposal, and how it might be improved. Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Rob Witwer". The signature is written in a cursive, slightly slanted style.

Rob Witwer