

Commission

Eleven members

Four legislative leaders or designees

Three Appointed by Governor

Four Appointed by Chief Justice of the Colorado Supreme Court

No more than four members of general assembly [Two]

No more than six from same political party [Five - Five - One unaffiliated]

One member from each congressional district and no more than four from any one congressional district

At least one from west of the continental divide

Time Table

Commissioners designated or appointed between April 1 and May 5

Commission convened by May 15 [First meeting May 12]

Commission to publish a preliminary plan by September 2

[Commission divided the state into seven regions, held eleven meetings in Denver with public testimony on each of the regions, finalized the preliminary plans on July 25, and staff published the preliminary senate plan on July 28 and the preliminary house plan on July 29]

Commission to hold public hearings throughout the state

[Commission has schedule twenty-five hearings during the month of August throughout the state

to receive public comments on the preliminary plan]

Commission finalize plan and submit to Colorado Supreme Court for its approval by October 7

[After the public hearings, the Commission will meet in Denver to finalize its plan. If the Court rejects the initial final plan, the Commission will meet again to revise the plan to comply with the opinion of the Court.]

Final plan approved by the Court to be filed with the Secretary of State by December 14

**Legal Criteria
Federal Law**

United States Constitution

Fourteenth Amendment - Equal Protection - one person/one vote

Fifteenth Amendment - Right to vote not abridged

Voting Rights Act

Section 2 - Prohibits any procedure that would deny a citizen the right to vote on account of race, color or status as a member of a language minority

**Legal Criteria
Colorado Constitution**

Art. V, Sec 46 - Equal population - No more than 5% deviation from largest to smallest
Senate ideal district size 143,691
House ideal district size 77,372

Art. V, Section 47 (2) - County boundaries

Art. V, Section 47 (2) - Municipal boundaries

Art. V, Section 47 (1) - Compact and contiguous

Art. V, Section 47 (3) - Preserve communities of interest

Thank you Mr. Chair. In 1974, the voters of Colorado approved an amendment to the Colorado constitution that directed a Reapportionment Commission to redistrict the state house and senate districts following each federal census. The constitution first describes how commissioners are appointed as well as certain criteria for the membership of the commission. First, four legislative leaders of the Colorado General Assembly either agree to serve or designate someone to serve in their place. Next, the governor appoints three members. And finally, the Chief Justice of the Colorado Supreme Court appoints four members.

The constitution provides that no more than four appointees may be current members of the general assembly. This Commission has two current general assembly members. No more than six may be from the same political party. This commission has five Republicans, five Democrats, and one unaffiliated voter. The commission must have a member from each of the seven congressional districts in Colorado and the commission can have no more than four members from any one congressional district. Finally, at least one member must be from west of the Continental divide. The current commission meets all of these requirements.

Next, the constitution sets forth a time table for the Commission's work. Accordingly, commissioners were appointed between April 1 and May 5. The Commission met the mandate to convene by May 15, holding its first meeting on May 12. The Commission is to publish a preliminary plan by September 2. The Commission divided the state into seven regions, held eleven meetings, received public testimony on each of the seven regions, and finalized preliminary plans on July 25. Commission staff published the preliminary senate plan on July 28 and the preliminary house plan on July 29.

The Commission must finalize its plan and submit it to the Colorado Supreme Court by October 7. Thus, after these public hearings held around the state, the Commission will again meet in Denver and adopt a final plan, which will be submitted to the Colorado Supreme Court for its approval. Interested parties can file objections to the final plan with the supreme court. The Court will likely hold oral arguments. If the Court approves the initial plan, it will be filed with the Secretary of State. If the court rejects the initial plan, the Commission will meet again to

revise the plan to comply with the opinion of the court.

A final plan, approved by the Court, must be filed with the Secretary of State by December 14.

The Commission, in developing the plans, is required to meet certain legal criteria, and there is a hierarchy of the criteria. First is the United State Constitution, specifically the 14th and 15 amendments. The 14th amendment deals with equal protection and is the basis for the "one person, one vote" concept. However, the Colorado Constitution is actually more rigid than the U.S. Supreme Court as far as equal population, so the state criteria is what the commission must meet. The 15th amendment of the US Constitution guaranties the right to vote. Congress further developed this right with the Voting Rights Act of 1965. It prohibits any practice or procedure, including redistricting, that results in a denial or abridgement of a citizen's right to vote based upon race, color, or status as a member of language minority.

Once those federal requirements are met, the Commission must comply with the Colorado Constitution, and the courts have held that there is a hierarchy within the Colorado constitution. The first criteria is equal population. Under the Colorado constitution, the deviation or difference between the number of people in the largest district and the smallest district cannot exceed 5%. So to be within that 5% deviation, districts can be anywhere between 2.5% over the ideal district size and 2.5% under the ideal district size. Dividing the state by the 35 senate districts means for the senate the ideal district would have 143,691 people and dividing the state by the 65 house districts means that the ideal size of a house district would be 77,372.

The second criteria under the Colorado constitution is preserving county boundaries and then city boundaries. Note that county boundaries take precedence, so if a city lies in more than one county, the Commission may be required to split it along that county boundary.

The next criteria is that the districts must be contiguous and as compact as possible.

Finally, communities of interest are to be preserved. While other criteria can be mathematically measured, communities of interest are harder to measure, so the Commission must rely on public

testimony to describe the boundaries of those communities.