

Colorado Districting Principles

Constitution, Article V, as amended Nov. 6, 2018

Sec. 44. Representatives in congress - congressional districts - commission created.

(1) **Declaration of the people.** The people of the State of Colorado find and declare that:

(a) the practice of political gerrymandering, whereby congressional districts are purposefully drawn to favor one political party or incumbent politician over another, must end;

(b) the public's interest in prohibiting political gerrymandering is best achieved by creating a new and independent commission that is politically balanced, provides representation to voters not affiliated with either of the state's two largest parties, and utilizes nonpartisan legislative staff to draw maps;

(c) the redistricting commission should set district lines by ensuring constitutionally guaranteed voting rights, including the protection of minority group voting, as well as fair and effective representation of constituents using politically neutral criteria;

(d) competitive elections for members of the United States House of Representatives provide voters with a meaningful choice among candidates, promote a healthy democracy, help ensure that constituents receive fair and effective representation, and contribute to the political well-being of key communities of interest and political subdivisions;

(e) 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; and

(f) citizens want and deserve an inclusive and meaningful congressional redistricting process that provides the public with the ability to be heard as redistricting maps are drawn, to be able to watch the witnesses who deliver testimony and the Redistricting Commission's deliberations, and to have their written comments considered before any proposed map is voted upon by the Commission as the final map.

(2) **Congressional districts - commission created**

(3) **Definitions. . . .**

(a) "Commission" means the Independent Congressional Redistricting Commission created in subsection (2) of this section.

(b) (I) "Community of interest" means any group in Colorado that shares one or more substantial interests that may be the subject of federal legislative action, is composed of a reasonably proximate population, and thus should be considered for inclusion within a single district for purposes of ensuring its fair and effective representation.

(II) Such interests include but are not limited to matters reflecting:

(a) shared public policy concerns of urban, rural, agricultural, industrial, or trade areas; and

(b) shared public policy concerns such as education, employment, environment, public health, transportation, water needs and supplies, and issues of demonstrable regional significance.

(III) Groups that may comprise a community of interest include racial, ethnic, and language minority groups,

subject to compliance with subsections (1)(b) and (4)(b) of section 44.3 of this article V, which subsections protect against the denial or abridgement of the right to vote due to a person's race or language minority group.

(IV) "Community of interest" does not include relationships with political parties, incumbents, or political candidates.

(c) "Race " or "racial" means a category of race or ethnic origin documented in the federal decennial census.

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Sec. 44.3. Criteria for determinations of congressional districts - definition.

(1) In adopting a congressional redistricting plan, the commission shall:

(a) make a good-faith effort to achieve precise mathematical population equality between districts, justifying each variance, no matter how small, as required by the Constitution of the United States. Districts must be composed of contiguous geographic areas;

(b) comply with the federal Voting Rights Act of 1965, 52 U.S.C. § 50301, as amended.

(2) (a) As much as is reasonably possible, the commission's plan must preserve whole communities of interest and whole political subdivisions, such as counties, cities, and towns.

(b) Districts must be as compact as is reasonably possible.

(3) (a) Thereafter, the commission shall, to the extent possible, maximize the number of politically competitive districts.

(b) In its hearings in various locations in the state, the commission shall solicit evidence relevant to competitiveness of elections in Colorado and shall assess such evidence in evaluating proposed maps.

(c) When the commission approves a plan, or when nonpartisan staff submits a plan in the absence of the commission's approval of a plan as provided in section 44.4 of this article V, the nonpartisan staff shall, within seventy-two hours of such action, make publicly available, and include in the commission's record, a report to demonstrate how the plan reflects the evidence presented to, and the findings concerning, the extent to which competitiveness in district elections is fostered consistent with the other criteria set forth in this section.

(d) For purposes of this subsection (3), "competitive" means having a reasonable potential for the party affiliation of the district's representative to change at least once between federal decennial censuses. Competitiveness may be measured by factors such as a proposed district's past election results, a proposed district's political party registration data, and evidence-based analyses of proposed districts.

(4) No map may be approved by the commission or given effect by the Supreme Court if:

(a) it has been drawn for the purpose of protecting one or more incumbent members, or one or more declared candidates, of the United States House of Representatives or any political party; or

(b) it has been drawn for the purpose of or results in the denial or abridgement of the right of any citizen to vote on account of that person's race or membership in a language minority group, including diluting the impact of that racial or language minority group's electoral influence.

Sec. 46. Senatorial and representative districts - commission created.

(1) **Declaration of the people.** The people of the State of Colorado find and declare that:

(a) the practice of political gerrymandering, whereby legislative districts are purposefully drawn to favor one political party or incumbent politician over another, must end;

(b) the public's interest in prohibiting political gerrymandering is best achieved by creating a new and independent commission that is politically balanced, provides representation to voters not affiliated with either of the state's two largest parties, and utilizes nonpartisan legislative staff to draw maps;

(c) the redistricting commission should set district lines by ensuring constitutionally guaranteed voting rights, including the protection of minority group voting, as well as fair and effective representation of constituents using politically neutral criteria;

(d) competitive elections for members of the General Assembly provide voters with a meaningful choice among candidates, promote a healthy democracy, help ensure that constituents receive fair and effective representation, and contribute to the political well-being of key communities of interest and political subdivisions;

(e) 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; and

(f) citizens want and deserve an inclusive and meaningful legislative redistricting process that provides the public with the ability to be heard as redistricting maps are drawn, to be able to watch the witnesses who deliver testimony and the Redistricting Commission's deliberations, and to have their written comments considered before any proposed map is voted upon by the commission as the final map.

(2) Legislative districts - commission created

(3) Definitions

(a) "Commission" means the Independent Legislative Redistricting Commission created in subsection (2) of this section.

(b) (I) "Community of interest" means any group in Colorado that shares one or more substantial interests that may be the subject of state legislative action, is composed of a reasonably proximate population, and thus should be considered for inclusion within a single district for purposes of ensuring its fair and effective representation.

(II) Such interests include but are not limited to matters reflecting:

(a) shared public policy concerns of urban, rural, agricultural, industrial, or trade areas; and

(b) shared public policy concerns such as education, employment, environment, public health, transportation, water needs and supplies, and issues of demonstrable regional significance.

(III) Groups that may comprise a community of interest include racial, ethnic, and language minority groups, subject to compliance with subsections (1)(b) and (4)(b) of section 48.1 of this article V, which subsections protect against the denial or abridgement of the right to vote due to a person's race or language minority group.

(IV) "Community of interest" does not include relationships with political parties, incumbents, or political candidates.

(c) "Race " or "racial" means a category of race or ethnic origin documented in the federal decennial census.

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Sec. 48.1. Criteria for determinations of legislative districts - definition.

(1) In adopting a legislative redistricting plan, the commission shall:

(a) make a good-faith effort to achieve precise mathematical population equality between districts, 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 house. Districts must be composed of contiguous geographic areas;

(b) comply with the federal Voting Rights Act of 1965, 52 U.S.C. § 50301, as amended.

(2) (a) As much as is reasonably possible, the commission's plan must preserve whole communities of interest and whole political subdivisions, such as counties, cities, and towns. To facilitate the efficient and effective provision of governmental services, with regard to any county, city, city and county, or town whose population is less than a district's permitted population, the commission shall presume that such county, city, city and county, or town should be wholly contained within a district; except that a division of such county, city, city and county, or town is permitted where, based on a preponderance of the evidence in the record, a community of interest's legislative issues are more essential to the fair and effective representation of residents of the district. When the commission divides a county, city, city and county, or town, it shall minimize the number of divisions of that county, city, city and county, or town.

(b) Districts must be as compact as is reasonably possible.

(3) (a) Thereafter, the commission shall, to the extent possible, maximize the number of politically competitive districts.

(b) In its hearings in various locations in the state, the commission shall solicit evidence relevant to competitiveness of elections in Colorado and shall assess such evidence in evaluating proposed maps.

(c) When the commission approves a plan, or when nonpartisan staff submits a plan in the absence of the commission's approval of a plan as provided in section 48.2 of this article V, the nonpartisan staff shall, within seventy-two hours of such action, make publicly available, and include in the commission's record, a report to demonstrate how the plan reflects the evidence presented to, and the findings concerning, the extent to which competitiveness in district elections is fostered consistent with the other criteria set forth in this section.

(d) For purposes of this subsection (3), "competitive" means having a reasonable potential for the party affiliation of the district's representative to change at least once between federal decennial censuses. Competitiveness may be measured by factors such as a proposed district's past election results, a proposed district's political party registration data, and evidence-based analyses of proposed districts.

(4) No map may be approved by the commission or given effect by the Supreme Court if:

(a) it has been drawn for the purpose of protecting one or more incumbent members, or one or more declared candidates, of the Senate or House of Representatives, or any political party; or

(b) it has been drawn for the purpose of or results in the denial or abridgement of the right of any citizen to vote on account of that person's race or membership in a language minority group, including diluting the impact of that racial or language minority group's electoral influence.