

Proposed statutory initiative concerning Legislative Redistricting Reform

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Text of Measure:

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

SECTION 1. In Colorado Revised Statutes, **recreate and reenact, with amendments**, part 1 of article 2 of title 2 as follows:

2-2-101. Fair legislative districts for fair elections – legislative declaration. (1) THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT, IN ORDER TO ENSURE FAIR REPRESENTATION IN THE COLORADO GENERAL ASSEMBLY, THE PRACTICE OF POLITICAL GERRYMANDERING, WHEREBY LEGISLATIVE DISTRICTS ARE PURPOSEFULLY DRAWN TO FAVOR ONE POLITICAL PARTY OR INCUMBENT POLITICIAN OVER ANOTHER, OR TO ACCOMPLISH POLITICAL GOALS, MUST END.

(2) THE PUBLIC'S INTEREST IN PROHIBITING POLITICAL GERRYMANDERING IS BEST ACHIEVED BY ENSURING THAT COLORADO'S REAPPORTIONMENT COMMISSION IS POLITICALLY BALANCED, INCLUDES REPRESENTATION OF VOTERS NOT AFFILIATED WITH EITHER OF THE STATE'S TWO LARGEST PARTIES, AND UTILIZES NONPARTISAN LEGISLATIVE STAFF IN DIVIDING THE STATE INTO LEGISLATIVE DISTRICTS WITHOUT REGARD TO PARTISAN PRESSURES OR CONSIDERATIONS.

(3) THE PEOPLE FURTHER FIND AND DECLARE THAT THE CITIZENS OF COLORADO ARE BEST SERVED BY DRAWING DISTRICTS USING FAIR CRITERIA, BY DRAWING DISTRICTS THAT DO NOT ADVANTAGE OR DISADVANTAGE ANY POLITICAL PARTY, AND BY MAXIMIZING THE NUMBER OF POLITICALLY COMPETITIVE DISTRICTS.

(4) THE PEOPLE FURTHER FIND AND DECLARE THAT PUBLIC PARTICIPATION IN THE REDISTRICTING PROCESS IS A PRIORITY AND THAT THE COLORADO REAPPORTIONMENT COMMISSION SHOULD ACT TRANSPARENTLY, HOLD ALL HEARINGS IN AN OPEN, PUBLIC FORUM, AFFORD THE PUBLIC AN OPPORTUNITY TO ENGAGE THROUGH PUBLIC COMMENT, AND BE ACCOUNTABLE, REPRESENTATIVE, RESPONSIVE, AND INDEPENDENT.

2-2-102. Fair criteria for determinations of legislative districts. IN DEVELOPING A PLAN FOR REDRAWING THE DISTRICTS OF THE MEMBERS OF THE GENERAL ASSEMBLY, THE COLORADO REAPPORTIONMENT COMMISSION SHALL COMPLY WITH THE FEDERAL "VOTING RIGHTS ACT OF 1965", IN PARTICULAR 52 U.S.C. sec. 10101, AND ADHERE TO THE CRITERIA FOR DISTRICTS SET FORTH IN SECTIONS 46 AND 47 OF ARTICLE V OF THE STATE CONSTITUTION. TO THE EXTENT POSSIBLE AFTER MEETING SUCH REQUIREMENTS, THE COMMISSION SHALL MAXIMIZE THE NUMBER OF POLITICALLY COMPETITIVE LEGISLATIVE DISTRICTS. DISTRICTS SHALL NOT BE DRAWN TO PURPOSEFULLY ADVANTAGE OR DISADVANTAGE ANY POLITICAL PARTY OR PERSON.

2-2-103. Reapportionment commission – appointment of members. (1) THE ELEVEN MEMBERS OF THE COLORADO REAPPORTIONMENT COMMISSION, REFERRED TO IN THIS PART 1 AS THE "COMMISSION", SHALL BE APPOINTED AFTER EACH FEDERAL CENSUS AS PROVIDED IN SECTION 48 OF ARTICLE V OF THE STATE CONSTITUTION AND THIS SECTION.

(2) EXCEPT FOR THE FOUR LEGISLATIVE MEMBERS APPOINTED IN ACCORDANCE WITH SECTION 48 (1) (b) OF ARTICLE V OF THE STATE CONSTITUTION, NO MEMBER MAY BE AN INCUMBENT MEMBER OF THE GENERAL ASSEMBLY OR A CANDIDATE FOR THE GENERAL ASSEMBLY.

(3) AN EQUAL NUMBER OF COMMISSION MEMBERS SHALL BE AFFILIATED WITH EACH OF THE STATE'S TWO LARGEST POLITICAL PARTIES.

(4) (a) AT LEAST THREE MEMBERS OF THE COMMISSION MUST BE UNAFFILIATED WITH ANY POLITICAL PARTY OR REGISTERED WITH A POLITICAL PARTY OTHER THAN THE STATE'S TWO LARGEST POLITICAL PARTIES, FOR A PERIOD OF AT LEAST TWO YEARS PRIOR TO THE MEMBER'S APPOINTMENT. SUCH MEMBERS ARE REFERRED TO IN THIS PART 1 AS THE "INDEPENDENT MEMBERS" OF THE COMMISSION.

(b) NO LATER THAN FEBRUARY 1 OF THE YEAR FOLLOWING THAT IN WHICH THE FEDERAL CENSUS IS TAKEN, THE SECRETARY OF STATE SHALL ESTABLISH AND ANNOUNCE AN APPLICATION PROCESS FOR PERSONS DESIRING TO SERVE AS INDEPENDENT MEMBERS OF THE COMMISSION. THE PROCESS

MUST INCLUDE AN APPLICATION FORM THAT MUST BE SUBMITTED ELECTRONICALLY TO THE SECRETARY OF STATE. IN ADDITION, THE SECRETARY OF STATE SHALL CONSULT AND COORDINATE WITH THE STATE'S COUNTY CLERK AND RECORDERS TO DEVELOP AND IMPLEMENT A PROGRAM TO ADVERTISE AND ENCOURAGE APPLICATIONS FROM ELIGIBLE PERSONS FROM ACROSS THE STATE.

(c) APPLICATIONS SHALL BE SUBMITTED NO LATER THAN MARCH 20. WITHIN THREE BUSINESS DAYS THEREAFTER, THE SECRETARY OF STATE SHALL POST ALL APPLICATIONS ON THE SECRETARY'S WEBSITE. NO LATER THAN APRIL 1, THE SECRETARY SHALL EXAMINE EACH APPLICATION, ISSUE AN ELIGIBILITY FINDING WHETHER THE APPLICANT MEETS THE QUALIFICATION SPECIFIED IN SUBSECTIONS (2) AND (4)(a) OF THIS SECTION, POST THE FINDING ON THE SECRETARY'S WEBSITE, AND NOTIFY THE APPLICANT BY ELECTRONIC MAIL OF THE SECRETARY'S FINDING. IF THE SECRETARY FINDS THAT AN APPLICANT IS NOT ELIGIBLE, THEN THE SECRETARY OF STATE SHALL INCLUDE THE REASONS THEREFOR IN HIS OR HER FINDING. IF THE SECRETARY OF STATE FINDS THAT AN APPLICANT IS NOT ELIGIBLE, THE APPLICANT MAY WITHDRAW HIS OR HER APPLICATION OR SUBMIT A BRIEF STATEMENT DISPUTING THE FINDING WITHIN THREE BUSINESS DAYS AFTER THE DATE OF THE SECRETARY'S ELECTRONIC MAIL NOTIFICATION, WHICH STATEMENT SHALL BE POSTED PROMPTLY WITH THE SECRETARY'S FINDING. IF AN APPLICANT SUBMITS A STATEMENT DISPUTING THE SECRETARY'S FINDING OF INELIGIBILITY, THE APPLICANT MAY BE CONSIDERED BY THE PANEL IN ACCORDANCE WITH SUBSECTION (4)(f) OF THIS SECTION IF THE PANEL DETERMINES THAT THE APPLICANT IS ELIGIBLE.

(d) NO LATER THAN MARCH 20, THE SECRETARY OF STATE SHALL APPOINT A PANEL TO REVIEW THE APPLICATIONS. THE PANEL SHALL CONSIST OF THE THREE JUSTICES OR JUDGES WHO MOST RECENTLY RETIRED FROM THE COLORADO SUPREME COURT OR THE COLORADO COURT OF APPEALS, APPOINTED SEQUENTIALLY STARTING WITH THE MOST RECENT JUSTICE OR JUDGE TO RETIRE WHO HAS BEEN AFFILIATED WITH THE SAME POLITICAL PARTY OR UNAFFILIATED WITH ANY POLITICAL PARTY FOR THE TWO YEARS PRIOR TO APPOINTMENT, EXCEPT THAT NO APPOINTEE, WITHIN TWO YEARS PRIOR TO APPOINTMENT, SHALL HAVE BEEN AFFILIATED WITH THE SAME POLITICAL PARTY AS A JUSTICE OR JUDGE ALREADY APPOINTED TO THE PANEL. IF ANY OF THE THREE JUSTICES OR JUDGES WHO MOST RECENTLY RETIRED FROM THE COLORADO SUPREME COURT OR THE COLORADO COURT OF APPEALS IS UNABLE OR UNWILLING TO SERVE ON THE PANEL OR HAS BEEN AFFILIATED WITHIN TWO YEARS WITH A POLITICAL PARTY ALREADY REPRESENTED ON THE PANEL, THEN THE SECRETARY OF STATE SHALL APPOINT THE NEXT JUSTICE OR JUDGE WHO MOST RECENTLY RETIRED FROM THE

COLORADO SUPREME COURT OR THE COLORADO COURT OF APPEALS AND WHO HAS NOT BEEN AFFILIATED WITHIN TWO YEARS WITH THE SAME POLITICAL PARTY AS ANY JUSTICE OR JUDGE ALREADY APPOINTED TO THE PANEL. IF, AFTER CONSIDERING ALL JUSTICES AND JUDGES WHO HAVE RETIRED FROM THE COLORADO SUPREME COURT AND THE COLORADO COURT OF APPEALS, FEWER THAN THREE ELIGIBLE PARTICIPANTS FOR THE PANEL HAVE BEEN IDENTIFIED, THE SECRETARY OF STATE SHALL APPOINT THE MOST RECENTLY RETIRED DISTRICT COURT JUDGE WHO HAS NOT BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO APPOINTMENT WITH THE SAME POLITICAL PARTY AS ANY PREVIOUS APPOINTEE TO THE PANEL AND WHO ACCEPTS SUCH APPOINTMENT. UPON REQUEST OF THE SECRETARY OF STATE, THE STATE COURT ADMINISTRATOR SHALL PROVIDE INFORMATION ABOUT JUSTICES AND JUDGES WHO RECENTLY RETIRED FROM THE COLORADO SUPREME COURT, THE COLORADO COURT OF APPEALS, AND THE STATE'S DISTRICT COURTS AS MAY BE NECESSARY FOR THE SECRETARY OF STATE TO PERFORM HIS OR HER DUTIES UNDER THIS SUBSECTION (4)(d).

(e) THE SECRETARY OF STATE SHALL REIMBURSE MEMBERS OF THE PANEL FOR NECESSARY TRAVEL AND OTHER REASONABLE EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES AND SHALL COMPENSATE MEMBERS OF THE PANEL FOR EACH DAY THAT THE PANEL MEETS IN AN AMOUNT EQUAL TO ONE-TWENTIETH OF THE MONTHLY SALARY THEN CURRENTLY APPLICABLE TO ASSOCIATE JUSTICES OF THE COLORADO SUPREME COURT. SUCH REIMBURSEMENT AND COMPENSATION SHALL NOT AFFECT A MEMBER'S SERVICE RETIREMENT BENEFITS UNDER ARTICLE 51 OF TITLE 24.

(f) IN ONE OR MORE PUBLIC HEARINGS CONDUCTED IN ACCORDANCE WITH PROCEDURES DETERMINED BY THE PANEL, THE PANEL SHALL SELECT TWENTY ELIGIBLE APPLICANTS IT RECOMMENDS FOR APPOINTMENT AS INDEPENDENT MEMBERS OF THE COMMISSION, OR SUCH LESSER NUMBER AS THERE ARE TOTAL ELIGIBLE APPLICANTS. THE NONPARTISAN RESEARCH STAFF OF THE GENERAL ASSEMBLY SHALL PROVIDE STAFF ASSISTANCE TO THE PANEL FOR SUCH MEETINGS UPON THE REQUEST OF ANY MEMBER OF THE PANEL. THE PANEL MAY DETERMINE THE ELIGIBILITY OF ANY APPLICANT WHOSE QUALIFICATIONS UNDER SUBSECTIONS (2) AND (4)(a) OF THIS SECTION ARE IN QUESTION. THE PANEL SHALL RECOMMEND THOSE APPLICANTS THAT IT FINDS TO BE THE MOST QUALIFIED TO PERFORM THE DUTIES OF THE COMMISSION, AND, TO THE EXTENT PRACTICAL, RECOMMEND APPLICANTS WHO REPRESENT COLORADO'S RACIAL, ETHNIC, AND GEOGRAPHIC DIVERSITY, TAKING INTO CONSIDERATION THE GEOGRAPHIC REPRESENTATION REQUIREMENTS OF SECTION 48 (1) (c) OF ARTICLE V OF THE STATE CONSTITUTION AND THE GEOGRAPHIC REPRESENTATION OF THE FOUR LEGISLATIVE MEMBERS OR THEIR DESIGNEES. MEMBERS OF THE

PANEL SHALL HAVE NO EX PARTE COMMUNICATIONS REGARDING THE PERFORMANCE OF THEIR DUTIES UNDER THIS SUBSECTION (4)(f). THE PANEL SHALL ISSUE ITS RECOMMENDATIONS TO THE GOVERNOR AND THE CHIEF JUSTICE NO LATER THAN APRIL 15.

(5) IF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, THE MAJORITY LEADER OF THE SENATE, OR THE MINORITY LEADER OF THE SENATE CHOOSE NOT TO SERVE AS MEMBERS OF THE COMMISSION, THEN HIS OR HER DESIGNEE MUST BE A MEMBER OF THE SAME POLITICAL PARTY AS THE LEGISLATIVE OFFICER MAKING THE DESIGNATION, IF SUCH LEGISLATIVE OFFICER IS A MEMBER OF ONE OF THE STATE'S TWO LARGEST POLITICAL PARTIES. IF SUCH LEGISLATIVE OFFICER IS NOT A MEMBER OF ONE OF THE STATE'S TWO LARGEST POLITICAL PARTIES, THEN THE LEGISLATIVE OFFICER'S DESIGNEE, FOR AT LEAST TWO YEARS PRIOR TO DESIGNATION, MUST BE AFFILIATED WITH THE POLITICAL PARTY WHOSE LEGISLATORS CAST THE MOST VOTES IN FAVOR OF ELECTING SUCH OFFICER TO HIS OR HER LEGISLATIVE LEADERSHIP POSITION.

(6) IF THE GOVERNOR IS AFFILIATED WITH ONE OF THE STATE'S TWO LARGEST POLITICAL PARTIES, THEN TWO OF THE GOVERNOR'S THREE APPOINTEES TO THE COMMISSION SHALL BE AFFILIATED WITH THE SAME POLITICAL PARTY AS THE GOVERNOR, AND ONE OF THE GOVERNOR'S APPOINTEES SHALL BE AN APPLICANT RECOMMENDED FOR APPOINTMENT AS AN INDEPENDENT MEMBER IN ACCORDANCE WITH SUBSECTION (4) (f) OF THIS SECTION. IF THE GOVERNOR IS NOT AFFILIATED WITH ONE OF THE STATE'S TWO LARGEST POLITICAL PARTIES, THEN THE GOVERNOR SHALL APPOINT ONE MEMBER WHO HAS BEEN AFFILIATED WITH THE STATE'S LARGEST POLITICAL PARTY FOR AT LEAST TWO YEARS, ONE MEMBER WHO HAS BEEN AFFILIATED WITH THE STATE'S SECOND LARGEST POLITICAL PARTY FOR AT LEAST TWO YEARS, AND ONE MEMBER WHO IS AFFILIATED WITH THE SAME POLITICAL PARTY OR POLITICAL ORGANIZATION AS THE GOVERNOR OR WHO IS AN APPLICANT RECOMMENDED FOR APPOINTMENT AS AN INDEPENDENT MEMBER IN ACCORDANCE WITH SUBSECTION (4) (f) OF THIS SECTION.

(7) THE CHIEF JUSTICE SHALL APPOINT FOUR MEMBERS TO THE COMMISSION AS PROVIDED IN SECTION 48 (1) OF ARTICLE V OF THE STATE CONSTITUTION. IN MAKING APPOINTMENTS TO THE COMMISSION, THE CHIEF JUSTICE SHALL ENSURE THAT THE STATE'S TWO LARGEST POLITICAL PARTIES ARE EQUALLY REPRESENTED ON THE COMMISSION IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION, THAT NO FEWER THAN THREE MEMBERS ARE INDEPENDENT MEMBERS IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION, AND THAT THE COMMISSION'S COMPOSITION

COMPLIES WITH THE GEOGRAPHIC REPRESENTATION REQUIREMENTS OF SECTION 48 (1) (c) OF ARTICLE V OF THE STATE CONSTITUTION. THE CHIEF JUSTICE SHALL APPOINT INDEPENDENT MEMBERS FROM THE APPLICANTS RECOMMENDED FOR APPOINTMENT IN ACCORDANCE WITH SUBSECTION (4)(f) OF THIS SECTION, UNLESS THE CHIEF JUSTICE DETERMINES THAT THE REMAINING RECOMMENDED APPLICANTS INSUFFICIENTLY MEET THE REQUIREMENTS IDENTIFIED IN SECTION 48 OF ARTICLE V OF THE STATE CONSTITUTION.

(8) FOR PURPOSES OF THIS SECTION, THE STATE'S TWO LARGEST POLITICAL PARTIES SHALL BE DETERMINED BY THE NUMBER OF REGISTERED ELECTORS AFFILIATED WITH EACH POLITICAL PARTY IN THE STATE ACCORDING TO VOTER REGISTRATION DATA PUBLISHED BY THE SECRETARY OF STATE FOR THE EARLIEST DAY IN JANUARY OF THE REDISTRICTING YEAR FOR WHICH SUCH DATA IS PUBLISHED.

2-2-104. Commission organization – staffing – procedures – transparency – voting requirements. (1) IN ACCORDANCE WITH SECTION 48 (1) (d) OF ARTICLE V OF THE STATE CONSTITUTION, THE GOVERNOR SHALL CONVENE THE COMMISSION NO LATER THAN MAY 15 OF THE YEAR IN WHICH MEMBERS ARE APPOINTED, AND THE GOVERNOR SHALL APPOINT A TEMPORARY CHAIRPERSON WHO SHALL PRESIDE UNTIL THE COMMISSION ELECTS ITS OWN OFFICERS. THE COMMISSION SHALL ELECT A CHAIR AND A VICE-CHAIR, WHO MUST NOT BE MEMBERS OF THE SAME POLITICAL PARTY, AND SUCH OTHER OFFICERS AS IT DETERMINES.

(2) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL APPOINT NONPARTISAN STAFF FROM THEIR RESPECTIVE OFFICES AS NEEDED TO PROVIDE ASSISTANCE TO THE COMMISSION. AS FAR IN ADVANCE AS NECESSARY TO ENABLE THE COMMISSION TO BEGIN ITS WORK IMMEDIATELY UPON CONVENING, THE NONPARTISAN STAFF SHALL ACQUIRE AND PREPARE ALL NECESSARY RESOURCES, INCLUDING HARDWARE, SOFTWARE, AND DEMOGRAPHIC, GEOGRAPHIC, AND POLITICAL DATABASES.

(3) THE COMMISSION MAY RETAIN LEGAL COUNSEL IN ALL ACTIONS AND PROCEEDINGS IN CONNECTION WITH THE PERFORMANCE OF ITS POWERS, DUTIES, AND FUNCTIONS, INCLUDING REPRESENTATION OF THE COMMISSION BEFORE THE SUPREME COURT PURSUANT TO SECTION 2-1-105 (7).

(4) STATE AGENCIES AND POLITICAL SUBDIVISIONS SHALL COMPLY WITH REQUESTS FOR STATISTICAL INFORMATION MADE BY THE COMMISSION AND ITS STAFF IN ACCORDANCE WITH SECTION 48 (1) (f) OF ARTICLE V OF THE STATE CONSTITUTION.

(5) THE COMMISSION SHALL ADOPT RULES TO GOVERN ITS ADMINISTRATION AND OPERATION, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

(a) MAINTENANCE OF A RECORD OF THE COMMISSION'S ACTIVITIES AND PROCEEDINGS, INCLUDING A RECORD OF WRITTEN AND ORAL TESTIMONY RECEIVED, AND OF THE COMMISSION'S DIRECTIONS TO NONPARTISAN STAFF ON PROPOSED CHANGES TO ANY PLAN AND THE COMMISSION'S RATIONALE FOR SUCH CHANGES;

(b) THE PROCESS FOR RECOMMENDING CHANGES TO PLANS SUBMITTED TO THE COMMISSION BY NONPARTISAN STAFF; AND

(c) THE ADOPTION OF A STATEWIDE MEETING AND HEARING SCHEDULE.

(6) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (6), THE COMMISSION IS SUBJECT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S., AND MEMBERS OF THE COMMISSION ARE CONSIDERED ELECTED OFFICIALS FOR CERTAIN PURPOSES OF THE "COLORADO OPEN RECORDS ACT" IN ACCORDANCE WITH SECTION 24-72-202 (8), C.R.S.

(b) MAPS IN DRAFT FORM AND NOT SUBMITTED TO THE COMMISSION ARE NOT PUBLIC RECORDS SUBJECT TO DISCLOSURE. WORK PRODUCT AND COMMUNICATIONS BETWEEN COMMISSION STAFF ARE SUBJECT TO DISCLOSURE ONCE A PLAN IS SUBMITTED TO THE SUPREME COURT.

(7) (a) THE COMMISSION IS SUBJECT TO THE OPEN MEETINGS PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972" CONTAINED IN PART 4 OF ARTICLE 6 OF TITLE 24, C.R.S. FURTHERMORE, COMMUNICATIONS OUTSIDE OF A PUBLIC MEETING RELATING TO COMMISSION BUSINESS THAT INVOLVE MORE THAN THREE COMMISSIONERS ARE PROHIBITED.

(b) EXCEPT AS PROVIDED IN PARAGRAPHS (c) AND (d) OF THIS SUBSECTION (7), MEMBERS OF THE COMMISSION SHALL NOT COMMUNICATE WITH THE COMMISSION'S STAFF ON THE MAPPING OF LEGISLATIVE DISTRICTS UNLESS THE COMMUNICATION OCCURS DURING A PUBLIC MEETING OR HEARING OF THE COMMISSION.

(c) THE COMMISSION'S STAFF MEMBERS SHALL NOT HAVE ANY COMMUNICATIONS OUTSIDE OF PUBLIC HEARINGS WITH ANYONE EXCEPT OTHER STAFF MEMBERS ABOUT THE CONTENT OR

DEVELOPMENT OF ANY PLAN. STAFF SHALL REPORT TO THE COMMISSION ANY ATTEMPT BY ANYONE TO EXERT INFLUENCE OVER THE DRAFTING OF PLANS.

(d) ONE OR MORE STAFF MAY BE DESIGNATED TO COMMUNICATE WITH COMMISSIONERS REGARDING ADMINISTRATIVE MATTERS, THE DEFINITION AND SCOPE OF WHICH SHALL BE DETERMINED BY THE COMMISSION.

(e) AT THE DIRECTION OF THE COMMISSION, ITS STAFF MAY CONSULT WITH EXPERTS RETAINED BY THE COMMISSION. WORK PRODUCT AND COMMUNICATIONS BETWEEN COMMISSION STAFF AND SUCH EXPERTS ARE SUBJECT TO DISCLOSURE UNDER THE “COLORADO OPEN RECORDS ACT”, PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S., ONCE A PLAN IS SUBMITTED TO THE SUPREME COURT.

(f) SUBJECT TO AVAILABLE APPROPRIATIONS, THE COMMISSION SHALL MAKE USE OF REASONABLY AVAILABLE CURRENT TECHNOLOGY TO FACILITATE PUBLIC INPUT AND COMMENT ON THE WORK OF THE COMMISSION.

(8) ANY PERSON WHO RECEIVES COMPENSATION FOR ADVOCATING TO THE COMMISSION OR ITS MEMBERS CONCERNING THE APPROVAL OR ADOPTION OF ANY PLAN, ANY AMENDMENT TO A PLAN, PLAN APPROACH, OR MANNER OF COMPLIANCE WITH ANY OF THE PLAN CRITERIA SET FORTH IN SECTION 2-2-102, OTHER THAN COMMISSION STAFF, IS A “PROFESSIONAL LOBBYIST” AS DEFINED IN SECTION 24-6-301(6), C.R.S., AND SHALL COMPLY WITH THE REQUIREMENTS APPLICABLE TO PROFESSIONAL LOBBYISTS, INCLUDING REGISTRATION AND FILING DISCLOSURE STATEMENTS, CONTAINED IN PART 3 OF ARTICLE 6 OF TITLE 24, C.R.S.

(9) ANY MOTION ADOPTED BY THE COMMISSION, INCLUDING THE ELECTION OF ITS OFFICERS AND THE AMENDMENT, APPROVAL, OR ADOPTION OF ANY PLAN, REQUIRES THE AFFIRMATIVE VOTE OF AT LEAST EIGHT MEMBERS OF THE COMMISSION, INCLUDING THE AFFIRMATIVE VOTE OF AT LEAST ONE INDEPENDENT MEMBER.

(10) THE COMMISSION SHALL NOT VOTE UPON A PRELIMINARY PLAN OR A FINAL PLAN UNTIL AT LEAST 72 HOURS AFTER IT HAS BEEN PROPOSED TO THE COMMISSION IN A PUBLIC MEETING OR AMENDED BY THE COMMISSION, WHICHEVER OCCURS LATER, UNLESS THE MEMBERS OF THE COMMISSION UNANIMOUSLY WAIVE SUCH REQUIREMENT.

2-2-105. Preparation, amendment, and approval of plans. (1) (a) THE COMMISSION SHALL BEGIN BY CONSIDERING PLANS CREATED BY ITS STAFF ALONE. PRIOR TO THE COMMISSION’S CONSIDERATION OF A PRELIMINARY PLAN, ITS NONPARTISAN STAFF SHALL PREPARE AND PRESENT

TO THE COMMISSION NO FEWER THAN FOUR PLANS. THESE PLANS SHALL BE KNOWN AS THE STAFF PLANS AND MUST BE NAMED AND NUMBERED SEQUENTIALLY FOR PURPOSES OF SUBSECTION (2) OF THIS SECTION. THE STAFF PLANS SHALL BE PREPARED, PUBLISHED ONLINE, AND PRESENTED ON A TIMETABLE ESTABLISHED BY THE COMMISSION, EXCEPT EACH STAFF PLAN SHALL BE PRESENTED TO THE COMMISSION NO FEWER THAN TEN DAYS AFTER THE PRESENTATION OF ANY PREVIOUS STAFF PLAN, AND EACH STAFF PLAN MUST BE PRESENTED TO THE COMMISSION NO FEWER THAN 24 HOURS AFTER IT HAS BEEN PUBLISHED ONLINE. STAFF SHALL KEEP EACH PLAN PREPARED CONFIDENTIAL UNTIL IT IS PUBLISHED ONLINE. THE COMMISSION MAY, UPON MOTION ADOPTED IN ACCORDANCE WITH SECTION 2-2-104 (9), ADOPT CERTAIN PROVISIONS, ELEMENTS, OR TECHNIQUES, SUCH AS PLAN COMPONENTS, ELEMENTS OF PUBLIC TESTIMONY, OR A DEFINITION OF COMPETITIVENESS, TO WHICH STAFF SHALL ADHERE IN DEVELOPING A STAFF PLAN.

(b) ANY MEMBER OF THE COMMISSION OR GROUP OF MEMBERS MAY REQUEST STAFF TO PREPARE ADDITIONAL PLANS OR AMENDMENTS TO PLANS. ANY SUCH REQUEST MUST BE MADE IN A PUBLIC HEARING OF THE COMMISSION BUT DOES NOT REQUIRE COMMISSION APPROVAL. PLANS OR AMENDMENTS DEVELOPED IN RESPONSE TO SUCH REQUESTS ARE SEPARATE FROM STAFF PLANS FOR PURPOSES OF SUBSECTION (2) OF THIS SECTION.

(2) THE COMMISSION SHALL APPROVE AND PUBLISH A PRELIMINARY PLAN FOR REAPPORTIONMENT OF THE MEMBERS OF BOTH HOUSES OF THE GENERAL ASSEMBLY NO LATER THAN THE DATE PRESCRIBED IN SECTION 48 (1) (e) OF ARTICLE V OF THE STATE CONSTITUTION. IF FOR ANY REASON THE COMMISSION DOES NOT APPROVE A PRELIMINARY PLAN FOR BOTH HOUSES BY SUCH DATE, THEN THE COMMISSION SHALL PUBLISH THE FOURTH STAFF PLAN AS THE COMMISSION'S PRELIMINARY PLAN. IF THE COMMISSION APPROVES DISTRICTS FOR ONE HOUSE OF THE GENERAL ASSEMBLY BUT NOT THE OTHER HOUSE, THEN THE PLAN FOR THE APPROVED HOUSE SHALL BE PUBLISHED AS THE PRELIMINARY PLAN FOR THAT HOUSE, AND THE FOURTH STAFF PLAN SHALL CONSTITUTE THE PRELIMINARY PLAN FOR THE HOUSE FOR WHICH THE COMMISSION DID NOT ADOPT A PLAN.

(3) FOLLOWING THE ADOPTION OF A PRELIMINARY PLAN AND PRIOR TO THE HOLDING OF PUBLIC HEARINGS ON ANY PRELIMINARY PLAN, THE COMMISSION SHALL POST THE PLAN ELECTRONICALLY FOR PUBLIC INSPECTION.

(4) WITHIN FORTY-FIVE DAYS AFTER THE DATE OF THE PUBLICATION OF THE PRELIMINARY PLAN, THE COMMISSION SHALL COMPLETE PUBLIC HEARINGS ON THE PRELIMINARY PLAN IN SEVERAL

PLACES THROUGHOUT THE STATE. THE COMMISSION SHALL HOLD NO FEWER THAN THREE HEARINGS IN EACH CONGRESSIONAL DISTRICT, AND THE COMMISSION MUST CONDUCT AT LEAST ONE HEARING IN PERSON IN EACH CONGRESSIONAL DISTRICT. OTHER HEARINGS MAY BE CONDUCTED REMOTELY, THROUGH VIDEO-CONFERENCE OR OTHER AVAILABLE TECHNOLOGY. IN NO CASE, HOWEVER, SHALL THE COMMISSION CONDUCT FEWER THAN TWO IN-PERSON HEARINGS WEST OF THE CONTINENTAL DIVIDE OR FEWER THAN TWO IN-PERSON HEARINGS FROM SOUTH OF EL PASO COUNTY AND EAST OF THE CONTINENTAL DIVIDE.

(5) SUBSEQUENT TO HEARINGS ON THE PRELIMINARY PLAN, THE COMMISSION SHALL RECONVENE. ANY MEMBER OF THE COMMISSION OR GROUP OF MEMBERS MAY REQUEST THE COMMISSION'S STAFF TO PREPARE ADDITIONAL PLANS OR AMENDMENTS TO PLANS. ANY SUCH REQUEST MUST BE MADE IN A PUBLIC HEARING OF THE COMMISSION BUT DOES NOT REQUIRE COMMISSION APPROVAL.

(6) (a) THE COMMISSION SHALL ADOPT A FINAL PLAN FOR REAPPORTIONMENT OF THE MEMBERS OF BOTH HOUSES OF THE GENERAL ASSEMBLY AND SUBMIT THE FINAL PLAN TO THE COLORADO SUPREME COURT BY THE DATE SPECIFIED IN SECTION 48 (1) (e) OF ARTICLE V OF THE STATE CONSTITUTION.

(b) THE COMMISSION MAY ADJUST THE NONCONSTITUTIONAL DEADLINES SPECIFIED IN THIS SECTION IF CONDITIONS OUTSIDE OF THE COMMISSION'S CONTROL REQUIRE SUCH AN ADJUSTMENT TO ENSURE SUBMITTING A FINAL PLAN TO THE SUPREME COURT BY THE REQUIRED DATE.

(c) THE COMMISSION MAY GRANT ITS STAFF THE AUTHORITY TO MAKE TECHNICAL, DE MINIMIS ADJUSTMENTS TO THE ADOPTED PLAN PRIOR TO ITS SUBMISSION TO THE SUPREME COURT.

(d) IF FOR ANY REASON THE COMMISSION DOES NOT APPROVE A FINAL PLAN FOR BOTH HOUSES OF THE GENERAL ASSEMBLY BY THE DATE REQUIRED, THEN THE COMMISSION SHALL SUBMIT THE PRELIMINARY PLAN TO THE SUPREME COURT AS THE COMMISSION'S FINAL PLAN. IF THE COMMISSION APPROVES DISTRICTS FOR ONE HOUSE OF THE GENERAL ASSEMBLY BUT NOT THE OTHER HOUSE, THEN THE PLAN FOR THE APPROVED HOUSE SHALL BE SUBMITTED AS THE FINAL PLAN FOR THAT HOUSE, AND THE PRELIMINARY PLAN FOR THE HOUSE FOR WHICH THE COMMISSION DID NOT ADOPT A PLAN SHALL BE SUBMITTED AS THE FINAL PLAN FOR THAT HOUSE.

(7) THE COURT MAY APPROVE THE PLAN OR RETURN THE PLAN TO THE COMMISSION FOR NONCOMPLIANCE WITH THE REQUIREMENTS OF THE STATE AND FEDERAL CONSTITUTIONS AND

SECTION 2-2-102. 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 OR IN TIME TO ALLOW REASONABLE SUBSEQUENT REVIEW BY THE COURT, WHICHEVER COMES FIRST.

2-2-106. Severability. (1) IF ANY PROVISION OF THIS PART 1 OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS PART 1 THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS PART 1 ARE DECLARED TO BE SEVERABLE.

(2) IF ANY REQUIREMENT IMPOSED ON A PERSON IN THIS PART 1 IS HELD INVALID ON THE BASIS OF ITS INCONSISTENCY WITH SECTIONS 46, 47, OR 48 OF ARTICLE V OF THE STATE CONSTITUTION, THE PEOPLE OF THE STATE OF COLORADO REQUEST THAT THE PERSON VOLUNTARILY COMPLY WITH SUCH REQUIREMENT TO THE EXTENT LAWFULLY PERMISSIBLE.