

Reforms to Prohibit Gerrymandering — SCR18-004 & SCR18-005

Sponsored by Senators Grantham and Fenberg

With a new Census around the corner set to give Colorado an eighth Congressional seat, there is widespread belief among leaders in both parties and from advocates for unaffiliated voters that Colorado's redistricting and reapportionment processes must be reformed. Groups behind competing approaches have come together to support a single set of Constitutional reforms to ensure fair representation of all Coloradans, prohibit political gerrymandering, and foster more competitive elections.

What this proposal does:

1. **A balanced and independent commissions with representation for major parties and unaffiliated voters**
 - Two 12-member independent commissions—one for redistricting and one for reapportionment—each include 4 Republicans, 4 Democrats, and 4 unaffiliated (UAF) members
 - Citizen application process precludes lobbyists, legislators, certain candidates and executive officials within the political parties prohibited from serving
 - First 2 R, D and UAF members of each commission selected by lot from pools of 50 each selected unanimously by a panel of three retired judges, who cannot be from the same political party
 - Second 6 members of each commission appointed by unanimous agreement of three retired judges from a pool of unaffiliated voters and, in the case of Republican and Democratic selections, pools established by party leadership in the legislature
 - In making final selection, judges ensure that commissions reflect Colorado's geographic, racial, ethnic and gender diversity including requiring at least one West Slope member
 - Checks and balances ensure parties and interest groups won't be able to unduly game member selection
2. **Fair and neutral criteria**
 - Federal mandatory criteria including Voting Rights Act (VRA) and equal population
 - Next tier: preserving whole communities of interest (e.g. groups of voters with common issues, like water or agriculture, or common racial, ethnic, demographic, or geographic interests)
 - For legislative redistricting only: Political subdivision presumed to stay whole
 - Districts must be as compact as possible and consist of contiguous geographic areas
 - Maximize number of competitive districts; staff report on how map fosters competition
3. **Districts may not be drawn to...**
 - Favor a candidate or party (e.g., political gerrymandering prohibition)
 - Dilute electoral influence of racial or language minority groups, codifying existing federal voting rights protections as they exist today (e.g., Colorado VRA)
4. **Robust ethical, transparency and public-participation guidelines**
 - 3 hearings in each CD including hearings on Western Slope, and either Eastern Plains or Southern Colorado required
 - Open records, anti-bribery and abuse of public office statutes apply to commission
 - Communications with nonpartisan staff outside of public hearings prohibited
5. **Map drawing and adoption**
 - Three maps drawn by nonpartisan Legislative Council and Legislative Legal Services
 - Public may also submit comments and maps for consideration
 - Super majority required to adopt map: 8 members, including two UAF commissioners
 - Absent a super majority, last nonpartisan staff map is sent to Supreme Court for review and approval, giving commission members an incentive to avoid deadlock
6. **Supreme Court review**
 - A single map from presented for approval by the Supreme Court
 - Map submitted is evaluated based on its constitutionality, and not policy preferences, and shall be approved unless justices find the commission abused its discretion in applying criteria
 - Full record of commission proceedings, including public comments and any of the submitted maps, used to determine abuse of discretion
 - Court can return map back to commission to address constitutional deficiencies in application of the criteria.

Supporting Organizations

ACLU
Action 22
Adams County League of Women Voters
African Leadership Group
America Votes
American Federation of Teachers
Club 20
COLOR
Colorado Association of Mechanical & Plumbing Contractors
Colorado Business Roundtable
Colorado Common Cause
Colorado Concern
Colorado Farm Bureau
COPIRG
Fremont County Board of County Commissioners
Fruita Area Chamber of Commerce
Greater Boulder Green Party
Gunnison County Board of County Commissioners

Let Colorado Vote
Mechanical Contractors Association of Colorado
Mechanical Service Contractors Association of Colorado
Mi Familia Vota
NAACP
National Certified Pipe Welding Bureau, Colorado Chapter
New Era Colorado
Palisade Chamber of Commerce
ProgressNow Colorado
Represent Us
Rocky Mountain Peace and Justice Center
SEIU
SMACNA Colorado
South Metro Denver Chamber of Commerce
State Innovation Exchange
The League of Women Voters of Colorado

Supporting Individuals

Alan Kennedy-Shaffer
Alan Philp
Bob Loevy
Dave Davia
Eric Sondermann
Gwen Benevento
Harry Hempy
Jason Dunn
Jean Fredlund
John Zakhem
Jon Anderson

Kent Thiry
Mario Carrera
Mario Nicolais
Nick Thomas
Richard Westfall
Ron Forthofer
Rosemary Rodriguez
Ryan McWilliams
Steve Schuck
Toni Larson

Supporting Elected Officials

Boulder City Council Member Cindy Carlisle (D)
Boulder City Council Member Lisa Morzel (D)
Boulder County Trustee Jim Martin (D)
Colorado Springs City Council Member Richard Skormann (U)
Former Colorado Attorney General John Suthers (R)
Former Congressman Bob Beauprez (R)
Former Governor Bill Owens (R)
Former Governor Dick Lamm (D)
Former House Minority Leader and State Senator Larry Trujillo (R)
Former Jefferson County Clerk Pamela Anderson (R)
Former Mayor of Greeley and Former Senate President Tom Norton (R)
Former Representative Keith Swerdfeger (R)
Former Secretary of State Bernie Buescher (D)
Former Secretary of State Gigi Dennis (R)
Former Senate and House Majority Leader Norma Anderson (R)
Former Senate Majority & Minority Leader Mark Hillman (R)
Former Senate President John Andrews (R)
Former Senate President Pro Tempore Ellen Roberts (U)

Former Speaker of the House Frank McNulty (R)
Former Speaker of the House Lola Spradley (R)
Former Speaker of the House Mark Ferrandino (D)
Former State Representative and Regent Emeritus Paul Schauer (R)
Former State Representative Brian DelGrosso (R)
Former State Representative Carl Miller (D)
Former State Representative Kathleen Curry (U)
Former State Representative Rob Witwer (R)
Former State Representative Steve Tool (U)
Former State Senator Bob Hagedorn (D)
Former State Senator Jim Rizzuto (D)
Former State Senator Josh Penry (R)
Former State Senator Ron Tupa (D)
Former US Senator Hank Brown (R)
Mesa County Commissioner Scott McInnis (R)
Pueblo County Commissioner Sal Pace (D)
Representative Larry Liston (R)
Senator Cheri Jahn (U)
Senator Dominick Moreno (D)

Comparison

| | Status Quo | | SB18-### | SB18-### |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Legislative | Congressional | Legislative | Congressional |
| Commission | <p>Political Commission</p> <ul style="list-style-type: none"> • 4 legislative leaders • 3 Governor appointees • 4 Chief Justice appointees • No diversity requirements | <p>None</p> <ul style="list-style-type: none"> • Legislature draws maps | <p>Independent Commission</p> <ul style="list-style-type: none"> • 12 members – 4 each R, D, U • 6 selected by lot, 6 appointed by unanimous agreement of retired judge panel—no two judges can be from same party • Must represent CO racial, ethnic and gender diversity • Must include at least one West Slope member | |
| Criteria | <ul style="list-style-type: none"> • Equal population • Compact in area as possible • District boundaries as short as possible • Contiguous whole election precincts • Comply with Voting Rights Act • Districts of same house not overlap • Not add part of one county to another except as necessary to meet population requirements • Minimize splitting of cities and towns • Preserve communities of interest wherever possible | <ul style="list-style-type: none"> • Precisely equal population • Contiguous whole election precincts • Comply with Voting Rights Act • Consider the following factors, without weight to any factor: <ul style="list-style-type: none"> (a) Preservation of political subdivisions; (b) Preservation of communities of interest; (c) Compactness of each district; and (d) Minimize disruption of prior district lines. • COIs include ethnic, cultural, economic, trade area, geographic, and demographic factors | <ul style="list-style-type: none"> • Equal population • Continuous geographic areas • Comply with Voting Rights Act • To the extent possible <ul style="list-style-type: none"> (a) Preserve whole communities of interest (b) Preserve whole cities, counties and towns <ul style="list-style-type: none"> (i) Presumption that political subdivisions are preserved in a single district (ii) Except when a community of interests legislative issues are more essential (c) Compactness • Thereafter, maximize politically competitive districts | <ul style="list-style-type: none"> • Precisely equal population • Continuous geographic areas • Comply with Voting Rights Act • To the extent possible <ul style="list-style-type: none"> (a) Preserve whole communities of interest (b) Preserve whole political subdivisions (Cities, Counties, Towns) (c) Compactness • Thereafter, maximize politically competitive districts |
| COIs | <p>Communities of Interest include ethnic, cultural, economic, trade area, geographic, and demographic factors</p> | | <p>Communities of interests are groups who share substantial policy interests and are composed of a reasonably proximate population including:</p> <ul style="list-style-type: none"> • Urban, rural, agricultural, industrial, or trade areas • Education, employment, environment, public health, transportation, water needs and supplies, and issues of demonstrable regional significance • Groups including racial, ethnic, and language minority groups, subject to prohibition against dilution of minority group's right to vote • Does not include relationships with parties, incumbents, or candidates | |
| Prohibitions | <p>None</p> | | <p>Maps may NOT be drawn to:</p> <ul style="list-style-type: none"> • Favor a party, incumbent or candidate • Dilute the voting rights of race or language minority groups | |
| Transparency | <p>Open meeting statutes apply</p> | | <ul style="list-style-type: none"> • 72 hour waiting period before map adoption • At least 3 public hearings in each Congressional District • Must hold hearings on Western Slope, and either Eastern Plains or Southern Colorado • Open records, anti-bribery and abuse of public office statutes apply to commission • Nonpublic communications with nonpartisan staff prohibited | |
| Maps | <p>Drawn by parties</p> | | <ul style="list-style-type: none"> • Three maps drawn by nonpartisan staff • Additional maps may be requested by commission • Any person may submit comments and maps • Super majority of 8 plus two UAF votes for map to adoption • Absent super majority, last nonpartisan staff map is reviewed by Supreme Court for legal compliance with redistricting criteria | |
| Review | <p>Supreme Court</p> <ul style="list-style-type: none"> • No direction for competing maps • Compliance with factors set out in reapportionment provision in constitution | <p>None</p> <ul style="list-style-type: none"> • Only if challenged; court challenge starts in Denver District Court with discretionary appeal to Supreme Court | <p>Supreme Court</p> <ul style="list-style-type: none"> • Single map provided for court review • Abuse of Discretion standard of review • Full record before commission, including maps, public comments, and staff report on competition, used to determine abuse of discretion | |