

<p>SUPREME COURT, STATE OF COLORADO</p> <p>101 West Colfax Avenue, Suite 800 Denver, Colorado 80202</p>	<p>▲ COURT USE ONLY ▲</p>
<p>Original Proceeding Pursuant to the Colorado Rules for Reapportionment Proceedings</p>	
<p>IN RE REAPPORTIONMENT OF THE COLORADO GENERAL ASSEMBLY</p>	<p>Case No. 11SA282</p>
<p>MICHAEL CERBO, PRO SE c/o Colorado AFL-CIO 140 Sheridan Blvd. Denver, CO 80226 Telephone: (303) 433-2100 Email: <a href="mailto:mcerbo@coaflcio.com">mcerbo@coaflcio.com</a></p>	<div data-bbox="1010 1436 1377 1600" data-label="Image"> </div> <p>CLERK COLORADO SUPREME COURT</p>
<p><b>PRO SE BRIEF OF <i>AMICUS CURIAE</i> MICHAEL CERBO IN SUPPORT OF MAPS SUBMITTED BY COLORADO REAPPORTIONMENT COMMISSION</b></p>	

**CERTIFICATE OF COMPLIANCE**

I certify that this brief complies with the requirements of C.A.R. 28 and C.A.R. 32, including C.A.R. 28(g). This *amicus curiae* brief contains 426 words.



Michael Cerbo

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## **ISSUE PRESENTED**

Should this Court ratify the good faith efforts and legislative maps adopted by the Colorado Reapportionment Commission?

## **SUMMARY**

The maps before the Court represent significant public input and, absent a blatant constitutional violation, should be approved as submitted.

## **ARGUMENT**

The importance of public input on the reapportionment plan is clear from the plain text of the Colorado Constitution. There are constitutional requirements for “public hearings” in “several places throughout the state” after a preliminary plan is published. Additionally, the Reapportionment Commission is required to maintain a public record of its proceedings and distribute copies of its plan. Colo. Const., art. V, § 47(1) (e).

The Commission’s process was a fair and open one. Members of the public knew that their concerns would be heard, and in fact, the Commission conducted twenty-five (25) forums in various locations around the state<sup>1</sup> for one reason: to get public input about the best district lines to draw. Members of my organization reside throughout the state and participated in reapportionment hearings held in their regions. The Commission has held many more public meetings

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<sup>1</sup> <http://www.colorado.gov/cs/Satellite?c=Page&childpagename=CGA-ReDistrict%2FCBONLayout&cid=1251607565810&pagename=CBONWrapper>

(approximately seventeen (17)) in Denver to discuss various mapping ideas. There was no lack of coverage of these meetings, whether it was by the press corps or bloggers or “Tweeters.” The bottom line is that the process was more open than it has ever been.

Criticism of the last stage of the process ignores something fundamental: the final stages of the redistricting process are always hurried and do not necessarily allow everyone to have the last word. For example, congressional redistricting maps in Colorado have been drawn by the courts, as in Carstens v. Lamm, 543 F.Supp. 68 (D.Colo. 1968), or adopted by a judge, as in the current year in Hall v. Moreno, Case No. 11SC842 (decided on Dec. 5, 2011), but those maps emerged after the evidentiary process was complete. The process for having input was still a fair one and served the public well.

There are challenges in any redistricting process, and it is a virtual certainty that there will be some who are disappointed by the outcome – for personal, policy, or political reasons. But that disappointment does not mean that this Court should invalidate the resulting maps.

Unless there is a blatant constitutional violation (which is not apparent from the face of these maps), this Court should approve the Reapportionment Commission’s submissions so that the political process of nominating primary election candidates can begin.

## CONCLUSION

The Court should approve the State House and Senate maps, as submitted,  
with all due haste.

Respectfully submitted this 8<sup>th</sup> day of December, 2011.



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Michael Cerbo

## CERTIFICATE OF SERVICE

I hereby certify that on the 8<sup>th</sup> day of December, 2011, an accurate and complete copy of the foregoing ***PRO SE BRIEF OF AMICUS CURIAE MICHAEL CERBO IN SUPPORT OF MAPS SUBMITTED BY COLORADO REAPPORTIONMENT COMMISSION*** was served via U.S. mail, postage prepaid, to the following:

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