

SUPREME COURT OF COLORADO

2 East 14th Avenue, Denver, Colorado, 80203

Original Proceeding Pursuant to Art. V, § 48.3 of the
Constitution of the State of Colorado

**In re Colorado Independent Legislative
Redistricting Commission**

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Commission:*

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Case No.: **2021 SA** _____

FINAL LEGISLATIVE REDISTRICTING PLANS

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The Colorado Independent Legislative Redistricting Commission (the “Commission”) was created by the electorate in the 2018 general election with the passage of Amendment Z. Pursuant to that amendment found at article V, section 46-48.4, the Commission is charged with developing and submitting a redistricting plan for each house of the Colorado General Assembly. With this submission, the Commission submits its Final Plans (the “Plans”) for the Colorado Senate and the Colorado House of Representatives. Attached to this submission as **Exhibit 1** are statewide maps for both houses of the General Assembly, together with regional maps to better show each house and senate district. Interactive maps¹ are available at:

House: <https://bit.ly/3BOCjSc>

Senate: <https://bit.ly/3DCZQWv>

I. THE COMMISSION

Twelve individuals served on the Commission. Each commissioner was selected pursuant to the selection process and criteria found in article V, section 47 of

¹ The shortened links redirect to the following:
<https://coleg.maps.arcgis.com/apps/View/index.html?appid=41b742a9931a4c87a6e43b01c734c0c9> and
<https://coleg.maps.arcgis.com/apps/View/index.html?appid=2652c370e3c6487d9fc55f5f10a8afd4>

the Colorado Constitution. Pursuant to that section, four Republicans, four Democrats, and four unaffiliated individuals served as commissioners. Biographical details about each commissioner may be found in **Exhibit 2**.

Pursuant to article V, section 48(1)(a), Governor Jared Polis convened the Commission on March 30, 2021. The Commission elected commissioner Carlos Perez chair and commissioner Kevin Fletcher vice chair. The Commission also formed four subcommittees to assist it in its work, including a Public Comment and Outreach subcommittee, a Rules and Procedures subcommittee, an Outside Legal Counsel and Legislative Affairs subcommittee, and a Mapping and Quantitative Methods subcommittee.

A. The Commission's Meetings

Since March 30, 2021, the Commission has held 45 meetings. Audio archives and materials for each meeting may be found at <https://tinyurl.com/2hjxtmw6>² and <https://tinyurl.com/7jpbz6wh>.³ The subcommittees met regularly to assist the Commission with gathering and analyzing relevant information and preparing the

² The shortened link redirects to the following: <https://redistricting.colorado.gov/content/meeting-summaries>

³ The shortened link redirects to the following: <https://sg001-harmony.sliq.net/00327/Harmony/en/View/EventListView/20210401/155>

Commission during its deliberations. Information regarding each subcommittee meeting is available at the same locations cited above.

B. The Commission's Public Hearings

In addition, and pursuant to article V, section 48(3)(b), the Commission held 35 public hearings across the state of Colorado, including at least three in each of the existing seven congressional districts, at least one hearing west of the Continental Divide, and at least one hearing east of the Divide in a designated area of the eastern Plains. During those public hearings, the Commission heard in-person and virtual testimony from individuals regarding the redistricting criteria found in article V, section 48.1.

Further, the Commission received thousands of comments via its website, including redistricting maps drafted by individual citizens. Those comments may be found at <https://tinyurl.com/nwu73v7h>.⁴

A list of the dates and times of the Commission's meetings, and the dates, times, and locations of the Commission's public hearings, is attached as **Exhibit 3**.

⁴ The shortened link redirects to the following:
https://redistricting.colorado.gov/public_comments/

II. REDISTRICTING PLANS PREPARED BY NON-PARTISAN STAFF

Pursuant to article V, section 48.2(1), on June 29, 2021, the Non-Partisan Staff released a “preliminary senate plan” and a “preliminary house plan” for the Commission’s consideration. Due to the COVID-19 pandemic, the census data that normally is released on or about April 1 of the year following the decennial census, was delayed until August 12, 2021, and was not formatted for redistricting until late August of this year. Under those circumstances, the preliminary senate and house plans utilized preliminary data as authorized by Commission Policy No. 1, Use of Alternative Data Sources for Preliminary Plan, available at <https://tinyurl.com/unndvw6c>.⁵

Once the final census data was available, the Non-Partisan Staff released the First Staff Plan on September 13, 2021. The Second Staff Plan was released on September 23, 2021. The Third Staff Plan was released on October 5, 2021. The three staff plans and supporting material may be found at <https://tinyurl.com/477kwuwe>.⁶

⁵ The shortened link redirects to the following:
<https://redistricting.colorado.gov/content/policies-and-guidelines>

⁶ The shortened link redirects to the following:
<https://redistricting.colorado.gov/content/2021-redistricting-maps>

In support of the Commission, and at its direction, the Non-Partisan Staff created additional plans requested by commissioners, as well as amendments to plans requested by commissioners, for the Commission's consideration. All such plans and amendments may be viewed at the location cited above.

III. THE FINAL REDISTRICTING PLANS

A. The Final Colorado House of Representatives Plan.

On Monday, October 11, 2021, by a vote of 11 to 1, the Commission adopted a final redistricting plan for the Colorado House of Representatives. Pursuant to article V, section 48(2), eight or more commissioners, including at least two unaffiliated commissioners, voted in the affirmative. The final plan adopted on October 11, 2021 is submitted to the Supreme Court for review pursuant to article V, section 48.3. *See* Exhibit 1.

The final plan for the House of Representatives contains sixty-five districts. Descriptions and information for each House district is attached as **Exhibit 4**.

B. The Final Colorado Senate Plan.

On Tuesday, October 12, 2021, by a unanimous vote, 12 to 0, the Commission adopted a final redistricting plan for the Colorado Senate. Pursuant to article V, section 48(2), eight or more commissioners, including at least two unaffiliated commissioners, voted in the affirmative. The final plan adopted on October 12, 2021

is submitted to the Supreme Court for review pursuant to article V, section 48.3. *See* Exhibit 1.

The final Plan for the Senate contains thirty-five districts. Descriptions and information for each Senate district is attached as **Exhibit 5**.

Non-Partisan Staff has prepared a designation of sequencing of senate district elections identifying the districts from which state senators will be elected in 2022 and 2024 under the final Senate Plan pursuant to C.R.S. § 2-2-503 and Commission Policy No. 3, New Senate Districts with Multiple Incumbents or Holdover Senators, available at <https://tinyurl.com/unndvw6c>.⁷ The sequencing designation is attached as **Exhibit 6**.

C. The Plans Satisfy All Constitutional Criteria.

The Commission drew each House and Senate district in compliance with all criteria found in the Colorado Constitution, article V, section 48.1.

1. The Plans Satisfy Population Equality Between Districts and Contiguity Requirements.

Each House and Senate district is within the five percent population deviation required by article V, section 48.1(1)(a). The most populous House district has a population of 90,864, and the least populous a population of 86,485. The most

⁷ The shortened link redirects to the following:
<https://redistricting.colorado.gov/content/policies-and-guidelines>

populous senate district contains a population of 169,103, and the least a population of 160,874. Census blocks were adjusted to reallocate state prisoners to their pre-incarceration residence as directed by Commission Policy No. 2, Direction to Staff on Incarcerated Persons Residence, available at <https://tinyurl.com/unndvw6c>.⁸ Reports showing that each district is within the constitutionally allowed deviation are attached as **Exhibit 7**. The reports include demographic information about the ethnic and racial background of the individuals residing in each district.

Each House and Senate district is composed of contiguous geographic areas in compliance with article V, section 48.1(1)(a). *See also* Commission Policy No. 4, Policy on Contiguity, available at <https://tinyurl.com/unndvw6c>.⁹

2. The Plans Comply with the Federal Voting Rights Act.

The House and Senate plans comply with the Voting Rights Act, 52 U.S.C. § 10301 (the “VRA”) as required by article V, section 48.1(b), of the Colorado Constitution. The Commission adopted Policy No. 9, Voting Rights Act Compliance, to guide its VRA deliberations. Policy No. 9 is attached as **Exhibit 8** and is also

⁸ The shortened link redirects to the following:
<https://redistricting.colorado.gov/content/policies-and-guidelines>

⁹ The shortened link redirects to the following:
<https://redistricting.colorado.gov/content/policies-and-guidelines>

available at <https://tinyurl.com/unndvw6c>.¹⁰ The Commission was assisted in its VRA deliberations by Dr. Lisa Handley, a Voting Rights Act expert analyst. Her report is attached as **Exhibit 9**. In addition, the Non-Partisan Staff conducted additional VRA analysis for the Commission. Attached as **Exhibit 10** is the VRA analysis for the House and Senate districts produced by the Non-Partisan Staff.

3. The Plans Preserve Communities of Interest and Political Subdivisions, and Comply With the Constitutional Justifications for Splits.

The Commission gathered information about communities of interest throughout the state through the public hearing and comment process. The Commission sought to keep communities of interest, as defined in Amendment Z, as intact as reasonably possible. Colo. Const. art. V., § 48.1(2)(a). The Commissioners gathered information about communities of interest at its 45 meetings and 35 public hearings, together with the thousands of written public comments submitted. *See* Section I, above. The public input informed the Commission’s decisions and played a central role in the creation and approval of all proposed plans and the final Plans submitted here.

The Commission and Non-Partisan Staff preserved whole political subdivisions as much as reasonably possible. Colo. Const. art. V., § 48.1(2)(a). When it was

¹⁰ The shortened link redirects to the following:
<https://redistricting.colorado.gov/content/policies-and-guidelines>

necessary to divide a whole political subdivision to maintain equal population between districts, the Commission kept key communities of interest together in the same district as much as reasonably possible. A report describing the political subdivision splits required is attached as **Exhibit 11**.

4. The Plans Satisfy the Constitution’s Compactness Requirement.

The Commission and Non-Partisan Staff kept the districts as compact as reasonably possible while also accounting for the other constitutional factors. Colo. Const. art. V., § 48.1(2)(b). To guide the Commission and Non-Partisan Staff, the Commission adopted Policy No. 7, Compactness of House and Senate Districts, available at <https://tinyurl.com/unndvw6c>.¹¹ A report on the compactness of the districts is attached as **Exhibit 12**.

5. The Plans Maximize the Number of Politically Competitive Districts.

After considering other mandatory constitutional factors, the Commission maximized the number of politically competitive districts to the extent possible pursuant to Commission Policy No. 6, Direction to Staff on Maximizing

¹¹ The shortened link redirects to the following:
<https://redistricting.colorado.gov/content/policies-and-guidelines>

Competitiveness, <https://tinyurl.com/unndvw6c>.¹² Colo. Const. art. V, § 48.1(3)(a).

As required by article V, section 48.1(3)(a)-(c), Non-Partisan Staff has prepared an analysis of the political competitiveness of the districts in the Final Plan. The report is attached as **Exhibit 13**. The analysis includes tables addressing the partisan composition of districts and past election results of each district.

In addition, the Commission received and considered an ensemble analysis prepared by Dr. Jeanne Clelland of the University of Colorado at Boulder, Drs. Beth Malmskog and Flavia Sancier-Barbosa of Colorado College, and Dr. Daryl DeFord of Washington State University. In summary, the ensemble analysis generated and considered more than 2,000,000 possible redistricting plans, and prepared a statistical analysis of the competitiveness of those plans. By comparing the competitiveness results of the actual plans considered by the Commission to the ensemble of more than 2,000,000 possible plans, the Commission further confirmed that its proposed plans maximized competitiveness. The ensemble analysis is attached as **Exhibit 14**.

6. The Plans Were Not Drawn to Protect Incumbents, Candidates, or Political Parties.

The Commission and the Non-Partisan Staff affirm that the Plans were not drawn for the purpose of protecting any incumbent members of the Colorado Senate

¹² The shortened link redirects to the following:
<https://redistricting.colorado.gov/content/policies-and-guidelines>

or House of Representatives, any declared candidates, or any political party. Colo. Const. art. V., § 48.1(4)(a).

7. The Plans Do Not Deny or Abridge the Right to Vote on Account of Race or Membership in a Language Minority Group.

The Plans were not drawn for the purpose of, and do not result 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. Colo. Const. art. V., § 48.1(4)(b).

IV. SUPREME COURT REVIEW

On July 26, 2021, this Court entered an Order providing that simultaneous briefs from all interested parties shall be due seven days after the Commission submits the Plans and accompanying material to this Court, but in no event later than noon on October 22, 2021. *See* July 26, 2021 Order, *In re Colo. Indep. Congressional Redistricting Comm'n*, Case No. 2021 SA 208. The Court scheduled oral argument for 1:00 p.m. on October 25, 2021.

The Commission will file a brief in support of the Plans by noon on October 22, 2021, and it will participate in oral argument on October 25, 2021.

V. REQUEST FOR RELIEF

The Commission respectfully requests that the Court consider this filing, the material referenced herein, and the briefs that will be submitted in support of the

Plans, conclude that the Commission complied with constitutional and statutory law in preparing the Plans and did not abuse its discretion in applying the criteria listed in article V, section 48.1 of the Colorado Constitution, approve the Plans, and order the Plans to be filed with the Secretary of State.

Respectfully submitted this 15th day of October, 2021.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 15th day of October, 2021, a true and correct copy of the foregoing **FINAL LEGISLATIVE REDISTRICTING PLANS** was served via the Court Electronic Filing System, upon the following:

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