

## **Section 51. Temporary Congressional Redistricting – Emergency Authority – Governor’s Commission**

### **(1) Declaration of the People**

The people of the state of Colorado find and declare that:

- (a) The practice of national political gerrymandering, whereby congressional districts are drawn in other states in ways that diminish or distort the congressional representation of Colorado voters, must be defended against;
- (b) The public’s interest in maintaining fair and effective federal representation is best achieved by granting the Governor temporary authority to convene a commission to adopt a congressional redistricting plan when specific emergency conditions have been met; and
- (c) In exercising such emergency authority, the Governor and the commission must seek to restore, to the extent practicable, the fair partisan balance and representation that Colorado voters would otherwise possess under neutral redistricting processes.

### **(2) Emergency Redistricting Authority – Created**

- (a) There is hereby created a temporary emergency authority for the Governor to suspend, for the remainder of the Governor’s current term, the operation of sections 44 through 44.6 of this article V, relating to the Independent Congressional Redistricting Commission.
- (b) When this authority is properly invoked under section 51.1, the Governor may convene a temporary emergency redistricting commission for the limited purpose of adopting a congressional redistricting plan intended to restore Colorado’s fair representation in the United States House of Representatives.
- (c) The authority created in this section shall expire automatically at the end of the Governor’s current term.

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

As used in this section and in sections 51.1 through 51.3 of this article V, unless the context otherwise requires:

- (a) “Authority” means the temporary emergency redistricting power established in subsection (2) of this section.
- (b) “Commission” means the temporary emergency redistricting commission convened under this section.
- (c) “Federal officer” means any member of the United States House of Representatives or the United States Senate, or any other elected federal official.
- (d) “Representative of a federal officer” means any person acting primarily to advance the personal or political objectives of a federal officer.
- (e) “Federal representation” means the relative voting influence of Colorado voters in congressional elections, considered in relation to the partisan composition of the state electorate.

### **51.1 Authority triggers**

- (1) Upon sufficient evidence of plans being enacted by other states (be this public statements or concrete steps) in a coordinated manner either between states or by a directive of a federal officer or representative of any federal officer.
  - (a) The state legislature may pass a joint resolution by a majority vote of both chambers granting the governor the authority to form the commission;
    - (i) The declaration must be publicly posted and announced through all standard outlets;
    - (ii) It must include the reasoning for the declaration
    - (iii) A letter (electronic or physical) must be transmitted to the governor's office informing them that the authority has been invoked by the state legislature;
    - (iv) The governor may veto this resolution;
    - (v) The governor's veto may be overridden by a  $\frac{2}{3}$  vote of both chambers;
  - (b) A declaration may be made by the governor
    - (i) The declaration must be publicly posted and announced through all standard outlets;
    - (ii) It must include the reasoning for the declaration

### **51.2 Termination of Authority**

- (a) The authority created under this section terminates upon the expiration of the Governor's current term.
- (b) Upon termination:
  - (1) If no new federal decennial census has occurred during the time the authority was active, the state shall revert immediately to the last congressional plan adopted by the Independent Congressional Redistricting Commission under section 44.
  - (2) If a new federal decennial census has occurred during the time the authority was active, the Independent Congressional Redistricting Commission shall promptly reconvene and initiate the regular nonpartisan redistricting process under section 44.

### **51.3 Commission composition - procedures - transparency**

- (1) Initial Organization, procedure, rules and transparency
  - (a) The governor shall convene the commission no later than 2 months after the authority has been enacted.
    - (i) The governor shall appoint a commission of a minimum of 3 members which must consist of registered Colorado voters. A quorum is 2 members.

- (b) If a new federal decennial census occurs while the authority is active the governor must convene the commission to draw a map that takes into account the results of the census;
    - (i) If this occurs in the same calendar year where the commission has been convened previously subsection 5.b is superseded.
- (2) The commission must convene within 1 week of appointment
- (3) The commission must complete a map within 2 months of their first meeting
- (4) Map Generation Process
  - (a) The commission must adopt and apply a well known measure of partisan districting advantage formula and generate a map which best helps restore federal representation for Colorado voters.
- (5) Voting
  - (a) The committee shall upon majority vote submit the new map to the Colorado supreme court for expedited constitutional review.
  - (b) The supreme court should only consider whether the map generation process was reasonably followed while the commission created the new map.
    - (i) This constitutional review should be completed within a month of receiving the map.
- (6) **Transparency and Public Access.**

The commission is a “state public body” under Colorado’s Open Meetings Law and Open Records Act.

All meetings shall:

  - (a) Be open to the public, with notice given in advance;
  - (b) Be recorded, and records made available under the Open Records Act;
  - (c) Accept written public comment and, when feasible, hold at least one public hearing;
  - (d) Hold executive sessions only as allowed by statute, and not use them to adopt or approve any redistricting plan.
- (7) **Commission Dissolution.**

The commission shall dissolve automatically upon final approval of its plan by the Colorado Supreme Court.

The Governor may reconvene a new commission in a subsequent calendar year if the authority remains active.

## **Section 51.4. Funding, Staff Support, and Severability**

- (a) Commission members shall serve without compensation but shall be reimbursed for reasonable expenses.

(b) The General Assembly shall appropriate funds and provide nonpartisan staff support necessary to implement this section.

(c) The provisions of this section are self-executing. If any provision of this section is held invalid, the remaining provisions shall remain in full force and effect.