

Private
STAFF SUMMARY OF MEETING

OTHER COMMITTEE COMMITTEE ON INDEPENDENT CONGRESSIONAL REDISTRICTING COMMISSION

Attendance

Date	05/10/2021	Martha	X
Time	02:04:20 PM to 04:14:33 PM	Coleman	X
Place	SCR 354	Moussa	X
This Meeting was called to order by	Carly Hare	Diawara	X
This Report was prepared by	Elizabeth Burger	Paula Espinoza	*
		Jason Kelly	X
		William Leone	X
		JulieMarie	X
		Shepherd	X
		Macklin	X
		Danny Moore	X
		Lori Schell	X
		Simon Tafoya	X
		Elizabeth	X
		Wilkes	X
		Jolie Brawner	X
		Carly Hare	X

X = Present, E = Excused, A = Absent, * = Present after roll call

Hearing Items	Action Taken
Subcommittee Reports	Various Actions Approved
Discussions about Accessibility	Committee Discussion Only
Staff Updates	Committee Discussion Only

02:04:54 PM

Chair Hare reviewed the meeting agenda. Meeting materials can be accessed here: <https://coleg.box.com/s/matyfqdsrgl8nx5fuqo69bm0nlxygupv>. (<https://coleg.box.com/s/matyfqdsrgl8nx5fuqo69bm0nlxygupv>)

Subcommittee Reports - Various Actions Approved

- 02:06:30 PM Commissioner Schell gave an update from the Map Analytics Subcommittee and shared the report of the subcommittee to the full commission. She noted the subcommittee's main task has been to further identify an alternative core dataset that could be used by nonpartisan staff to create the preliminary plan. Following the three rounds of hearings in each congressional district, the final staff plans created by nonpartisan staff and presented to the commission will be created with final Census 2020 data. She reviewed two motions that will be made later in the meeting: 1) to allow nonpartisan staff to create the preliminary plan using alternative core data and 2) to direct nonpartisan staff to present the preliminary plan on June 23, 2021.

- 02:10:17 PM Commissioner Schell reviewed the time period of the public hearings, noting they would occur over a 44-day period. She explained that the receipt of the data from the State Demographer's Office (SDO) on May 14, 2021, would constitute the receipt of necessary census data, and would trigger the countdown to creation of the preliminary plan. She reviewed the redistricting timeline between today and August 16, when the legacy census data will be received.

- 02:13:40 PM Commissioner Schell reviewed the components of the alternative core dataset, including: county and municipal population totals (from the SDO); master address file (MAF) (from the U.S. Census Bureau); and the American Community Survey (ACS) demographic data (from the U.S. Census Bureau). The approach will be as follows: the SDO data will provide a foundational source for county and municipal level population data, the MAF provides the layout for disaggregating county and municipal level information to the census block level, and the ACS characteristic data provides enrichment data for identifying communities of interest. She reviewed the positives and negatives of this approach.

- 02:20:09 PM Commissioner Tafoya asked whether the term "alternative core data" is a term of art, and Commissioner Schell responded. Commissioner Schell responded to questions from the commission regarding the use of the ACS data. Louis Pino, Independent Redistricting Commissions Staff, discussed the methodology for using the alternative core data set. Commissioner Schell responded to questions from Commissioner Moore regarding the plan to hold three public hearings in each congressional district on the preliminary plan. She said the intent is to base the first staff plan on that feedback, and hold an other round of public hearings in each congressional district after the first staff plan.



02:40:25 PM Commissioner Espinoza commented on the "alternative dataset" terminology and her desire to use a different term. Commissioner Leone discussed "necessary census data" and stated that the approach squares with the constitutional requirements.

02:48:56 PM Commissioners commented on the alternative core data set approach. Commissioner Kelly raised concerns with the approach, noting that the ACS is not a census, and that the Colorado Constitution does not specifically discuss using different sets of data for the preliminary plan and the final plan. He discussed the limitations of the ACS data and stated his unwillingness to approve a final plan unless hearings are held on the plan developed with final Census data. Commissioners commented on the Commissioner Kelly's comments, and Commissioner Moore requested that the Map Analytics Subcommittee explore holding two hearings on the preliminary plan and a third after the final Census data is received.

02:56:27 PM Commissioner Coleman commented on adding an additional round of public hearings after the final data is received. Jerry Barry, Independent Redistricting Commissions Staff, noted that the term "necessary census data" is only used once in the Colorado Constitution, and that it is used in conjunction with creation of the preliminary plan. He said a legitimate argument can be made that the phrase applies specifically to the creation of the preliminary plan.

03:04:55 PM

Move that the Commission authorize nonpartisan staff to create the preliminary plan using the preliminary plan data. The preliminary plan data includes, but is not limited to, the State Demography Office's (SDO) 2020 county and municipal population estimates, the Census Bureau's master address file (MAF), and the Census Bureau's American Community Survey (ACS) data (second by Wilkes)

Motion

Moved Lori Schell

Seconded

Martha Coleman Yes

Moussa Diawara Yes

Paula Espinoza Yes

Jason Kelly Yes

William Leone Yes

JulieMarie Shepherd Yes

Macklin Danny Moore Yes

Lori Schell Yes

Simon Tafoya Yes

Elizabeth Wilkes Yes

Jolie Brawner Yes

Carly Hare Yes

YES: 12 NO: 0 EXC: 0 ABS: 0 FINAL ACTION: PASS



03:07:17 PM Move that the commission direct nonpartisan staff to present the preliminary plan on June 23, 2021, pending the release of the State Demography Office's (SDO) county and municipal population estimates no later than May 14, 2021 (seconded by Wilkes)

Motion

Moved Lori Schell

Seconded

Martha Yes

Coleman

Moussa Yes

Diawara

Paula Yes

Espinoza

Jason Kelly Yes

William Yes

Leone

JulieMarie

Shepherd Yes

Macklin

Danny Yes

Moore

Lori Schell Yes

Simon Yes

Tafoya

Elizabeth Yes

Wilkes

Jolie Yes

Brawner

Carly Hare Yes

YES: 12 NO: 0 EXC: 0 ABS: 0 FINAL ACTION: PASS

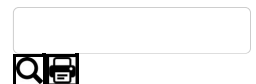
03:07:24 PM Commissioner Hare thanked the staff and the subcommittee for their work on the issue.

03:07:42 PM Commissioner Leone began the report from the General Counsel Exploratory Committee, and discussed the committee's recommendations for outside counsel. Commissioner Leone discussed the committee's process in advertising for and vetting candidates for outside counsel. He noted that the committee is recommending retaining two firms: Achieve Legal Group as general counsel and Wheeler Trigg O'Donnell as litigation counsel.

03:14:03 PM Commissioners Tafoya and Diawara commented on the recommendations.

03:28:34 PM The commission discussed how the two firms would communicate with each other, how direction from the full commission would be conveyed to the retained firms, and commission rules and procedures. Commissioner Leone asked that the General Counsel Exploratory Committee be made a permanent committee and to work as liaisons between the full commission and the firms.

03:30:58 PM Commissioner Espinoza asked whether any particular roles had been granted to the firms, and Commissioner Leone responded. The commission discussed the political balance of the firms, and the potential conflicts that may exist if two firms are retained. Commissioner Kelly commented on conversations with the Legislative Redistricting Commission about sharing counsel. The commission discussed allowing the committee to be made a permanent committee and to provide direction to the retained counsel.



03:46:38 PM Motion Retain Achieve Law Group as general counsel and Wheeler Trigg O'Donnell as special litigation counsel (second by Diawara)

Moved William Leone

Seconded

Martha Coleman Yes

Moussa Diawara Yes

Paula Espinoza Yes

Jason Kelly Yes

William Leone Yes

JulieMarie Shepherd Yes

Macklin Danny Moore Yes

Lori Schell Yes

Simon Tafoya Yes

Elizabeth Wilkes Yes

Jolie Brawner Yes

Carly Hare Yes

YES: 12 NO: 0 EXC: 0 ABS: 0 FINAL ACTION: PASS

03:47:09 PM Motion Make the General Counsel Exploratory Committee a permanent committee (second by Diawara)

Moved William Leone

Seconded

Martha Coleman

Moussa Diawara

Paula Espinoza

Jason Kelly

William Leone

JulieMarie Shepherd

Macklin Danny Moore

Lori Schell

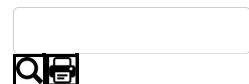
Simon Tafoya

Elizabeth Wilkes

Jolie Brawner

Carly Hare

YES: 0 NO: 0 EXC: 0 ABS: 0 FINAL ACTION: Pass Without Objection



03:47:29 PM Motion Authorize the General Counsel Exploratory Committee to negotiate the final terms of the contracts with counsel (second by Diawara)

Moved William Leone

Seconded

Martha Coleman
Moussa Diawara
Paula Espinoza
Jason Kelly
William Leone
JulieMarie Shepherd
Macklin Danny
Moore Lori Schell
Simon Tafoya
Elizabeth Wilkes
Jolie Brawner
Carly Hare

YES: 0 NO: 0 EXC: 0 ABS: 0 FINAL ACTION: Pass Without Objection

03:47:31 PM Commissioner Kelly asked that the retained firms join the commission's Wednesday meeting on May 12 so that the commission can give direction to the attorneys regarding the Supreme Court interrogatories.

03:49:14 PM Commissioner Coleman reviewed the public comments received by the commission. Commissioner Brawner gave an update regarding outreach. Commissioner Shepherd Macklin gave a report from the Public Meetings Subcommittee, and discussed conversations between the congressional and legislative commissions on public hearings. She referenced a memo produced by the Legislative Commission, and noted that the memo has a proposed list of hearing locations. Commissioner Shepherd Macklin asked for feedback on the proposed list. Julia Jackson, Independent Redistricting Commission Staff, commented on the Legislative Commission's public hearing plans.

04:03:45 PM Commissioner Hare noted that there would be discussions at upcoming meetings about continuing the work of the Rules and Procedures Committee.

Discussions about Accessibility - Committee Discussion Only

04:05:30 PM Chair Hare gave an update about accessibility for the commission's proceedings, website, and public comments process. Ms. Jackson discussed various issues related to accessibility, including translating websites, transcription services, and how to make the public hearings accessible. Chair Hare asked for a future meeting to review which items can be addressed and which options may need to be delayed. Chair Hare noted that the chairs and vice chairs of the Congressional and Legislative Commissions would be meeting soon to review each commission's plans. She further noted that the public comment process will begin at the Wednesday, May 12, meeting.

Staff Updates - Committee Discussion Only

04:09:48 PM Jessika Shipley, Independent Redistricting Commissions Staff, discussed Senate Bill 21-247, and the interrogatories that were submitted to the Colorado Supreme Court. She noted that she is drafting a request for information to hire communications personnel for both commissions. Nicole Myers, Independent Redistricting Commissions Staff, discussed the briefing and hearing schedule for the Supreme Court hearings on the interrogatories.

04:14:33 PM The committee adjourned.

