

Private
STAFF SUMMARY OF MEETING

OTHER COMMITTEE COMMITTEE ON INDEPENDENT LEGISLATIVE REDISTRICTING COMMISSION

Date 04/09/2021
Time 02:07:54 PM to 05:44:27 PM
Place LSB A
This Meeting was called to order by Carlos Perez
This Report was prepared by Elizabeth Burger

Attendance	
Hunter Barnett	X
Heather Barry	X
Kevin Fletcher	X
Samuel	X
Greenidge	X
Constance	X
Hass	X
Gary Horvath	X
John Buckley III	X
Aislinn Kottwitz	X
Amber	X
McReynolds	X
Blanca Uzeta	X
O'Leary	X
Robin	*
Schepper	
Carlos Perez	X

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

Hearing Items	Action Taken
Election of Permanent Chair and Vice-chair	Chair and Vice-Chair Elected
Old Business	Committee Discussion Only
Subcommittee Reports	Committee Discussion Only
Commissioner Communications	
Future Agenda Items	Committee Discussion Only

02:08:46 PM Chair Perez, temporary chair of the Independent Legislative Redistricting Commission, called the meeting to order and called roll. Commission materials may be accessed on the commission's webpage (<https://redistricting.colorado.gov>) or through the commission's Box account (<https://coleg.box.com/s/azxxwityvk5637fha08qdk7pcq16jyca>)).

Election of Permanent Chair and Vice-chair - Chair and Vice-Chair Elected

- 02:10:36 PM Jessika Shipley, Staff Director, Colorado Independent Redistricting Commissions, introduced the agenda item related to duties of a chair and vice-chair and reviewed the constitutional provisions that apply to the commission's chair.
- 02:13:49 PM Commissioner Fletcher discussed the recommendations of the subcommittee on rules and procedures about the duties of the chair and vice-chair. Members of the commission discussed draft rules of procedure recommended by the subcommittee. Ms. Shipley further clarified that the chair and vice-chair cannot be members of the same political party, and that the chair must be approved by eight members of the commission, including one unaffiliated member.
- 02:17:56 PM Chair Perez proposed that the commission consider rules for the adoption of a permanent chair. Commissioner Kotwitz suggested that the chair and vice-chair be elected in separate votes. The commission discussed whether to adopt a chair by a roll call vote or a secret ballot.
- 02:25:14 PM Chair Perez discussed the nomination process. Commissioner Kottwitz commented on the voting procedures. The commission clarified that the election process would be as follows: members of the commission will make nominations for chair, the nominees will speak, and the vote will be conducted by secret ballot. If nobody receives eight votes, another round of voting will occur. Chair Perez asked how nominees would be eliminated, and Commissioner Barnett suggested that the candidate with the lowest number of votes be eliminated until the final round. Ms. Julia Jackson, Colorado Redistricting Commission Staff, commented on the process and how a similar process was used to elect the Congressional Redistricting Commission chair.



- 02:30:05 PM Chairman Perez discussed how requests to abstain from voting would be handled. Chairman Perez opened the floor to nominations for chair. Commissioner Schepper nominated Commissioner O'Leary. Commissioner Buckley nominated Chairman Perez for the chairmanship. Commissioner O'Leary stated that she would not accept the nomination for chair. Commissioner Greenidge nominated Commissioner Fletcher for chair. Commissioner Fletcher declined the nomination for chair.
- 02:34:28 PM Chair Perez closed the nominations for chair. The commission discussed the process of electing a chair by secret ballot. Chair Perez spoke. As Chair Perez was the only nominee for chair, the commission determined that an election by secret ballot was not necessary. Chair Perez asked if there was any objection to his election as chair. The motion to elect Chair Perez as the permanent chair of the commission passed with no objection.
- 02:40:13 PM Nominations opened for vice-chair. Commissioner Barry nominated Commissioner O'Leary for vice-chair. Commissioner Greenidge nominated Commissioner Fletcher for vice-chair. Commissioners O'Leary and Fletcher commented on their nominations.
- 02:45:18 PM The commission proceeded to vote by secret ballot. Ms. Jackson tabulated the votes and announced the outcome of the vote, which was seven for Commissioner Fletcher and five for Commissioner O'Leary. The chair discussed how to proceed, since the vice-chair needs to be elected by eight votes. Discussion by the commission continued.
- 02:58:47 PM The commission proceeded with another round of voting. The second vote resulted in six votes for Commissioner O'Leary and six for Commissioner Fletcher. Commission discussion continued. Chairman Perez suggested that the election of a vice-chair be tabled to a future meeting. Commission discussion continued.
- 03:08:29 PM Chairman Perez opened another round of voting. The commissioners asked the candidates for vice-chair questions concerning competitiveness and unaffiliated voters. The third round of voting commenced and the tally was seven for Commissioner Fletcher and five for Commissioner O'Leary. Commissioner O'Leary withdrew her name for nomination as vice-chair. The motion was to make Commissioner Fletcher the vice-chair of the commission, and there was no objection to Commissioner Fletcher being named the vice-chair.

Old Business - Committee Discussion Only

- 03:27:47 PM Chair Perez turned the discussion to old business. The committee discussed a proposal to extend the 20-day written comment period. Commissioner Kotwitz moved to extend the 20-day written comment period in the Colorado Constitution to at least 60 days after the commission convenes or 10 days before nonpartisan staff is scheduled to present the preliminary plan, whichever is longer. The motion passed without objection.
- 03:32:58 PM Ms. Shipley responded to questions from the chair regarding the timelines for the delivery of census data. She further discussed the deadlines that apply to the legislative redistricting activities.
- 03:38:03 PM Ms. Shipley discussed potential meeting times and dates for the commission. The chair opened the issue to discussion, and suggested that the commission meetings be scheduled at the same time each week. Commission discussion continued.
- 03:44:30 PM Chair Perez discussed scheduling recurring meetings for the commission on Fridays at 1:00 pm. He discussed scheduling a workshop for the commission for training. Ms. Shipley reviewed the items on which the commission will receive training. Commission discussion on how to schedule the trainings ensued, and the commission decided to incorporate the training in their scheduled weekly meetings. The commission took a brief recess.

Subcommittee Reports - Committee Discussion Only

- 04:02:30 PM The commission came back to order. Commissioner Fletcher gave a report about the rules and procedures subcommittee and discussed the draft commission procedures. Commissioners may comment on the draft procedures, and staff will compile the comments and share them with the subcommittee. The commission set a deadline for comments. Ms. Shipley reminded the commission that they need to give 72-hours notice before the commission considers adoption of rules of procedure. The commission discussed public comment on the rules of procedure.
- 04:12:41 PM The commission discussed scheduling the adoption of the rules of procedure for the next commission meeting.
- 04:14:03 PM Commissioner O'Leary gave the report of the Subcommittee on Outside Counsel. She stated that the subcommittee needs the direction of the full commission about whether to hire outside counsel. Mr. Barry recommended that the commission hire outside counsel, and discussed the Independent Congressional Redistricting Commission's action on the issue.



- 04:18:51 PM Commissioner Greenidge moved that the commission hire outside counsel. The commission discussed whether a formal vote on the issue was necessary, and Mr. Barry commented. The commission agreed to hire outside counsel, and discussed the process for obtaining counsel.
- 04:27:07 PM Commissioner Schepper discussed the activities of the Public Comment and Outreach Subcommittee and reviewed a memo from the subcommittee to the full commission. She discussed strategies for public outreach, including ensuring that the commissioners are speaking in a consistent voice, establishing a policy and protocol when engaging with the media, engaging with community groups throughout the state, promoting community meetings widely, and sharing information about the commission's progress with the public. Future considerations include clarifying what strategies and tactics the nonpartisan staff can help with and whether there is a budget for communications needs.
- 04:34:00 PM Commission discussion on public outreach and engagement ensued. Future issues for the subcommittee's consideration include how to categorize public comments, and the creation of explanatory materials to share with the public about the commission.
- 04:41:12 PM Chair Perez opened the discussion up to comments from the staff. Mr. Barry and Ms. Nicole Myers, Independent Redistricting Commissions Staff, discussed the Colorado Open Records Act and the Open Meetings Law. Ms. Myers clarified that draft maps are not subject to CORA unless they are submitted to the commission. The staff discussed state and federal issues that may affect the commission's work. Mr. Barry discussed the revised timeline if the commission waits to begin the process of drawing the preliminary plans until August 30, and the possibility of using alternative data to draw the preliminary plan and holding public meetings. He discussed the legal questions that process may raise.
- 04:49:11 PM Mr. Barry discussed the legislative activities that would need to occur to facilitate the use of alternative data to draw the preliminary map, and the timeline for passing the legislation. Mr. Barry noted that the issue is time sensitive, and the commission may need to move forward on the issue before the commission selects outside counsel. The commission discussed whether expressing support for legislation to clarify the use of alternative data in the redistricting process would bind them to a specific process. The commission discussed considering the issue at next week's meeting.
- 04:59:31 PM Commission discussion on the issue continued. The commission discussed the availability of preliminary data, legacy data, and the full census data.
- 05:10:28 PM Chair Perez asked that the subcommittee to obtain outside legal counsel add consideration of the issues related to necessary legislative changes and Supreme Court interrogatories to their duties. The commission further discussed whether a vote needed to be scheduled for next Friday's meeting, and what the language of the motion would be. Commissioner Buckley was added as a member of the subcommittee.
- 05:17:08 PM Mr. Barry discussed the status of lawsuits pertaining to the census. Ms. Shipley discussed administrative matters for the commission.

Commissioner Communications -

- 05:24:47 PM Chair Perez introduced the "Commissioner Communications" portion of the agenda and the opportunity for the members of the commission to share issues from their various perspectives. Members of the commission commented. Commissioner Greenidge shared information about the creation of maps, mathematical models to promote fairness in map drawing, and the concept of ensemble analysis. Commissioner Horvath shared information about Congressional District 2.

Future Agenda Items - Committee Discussion Only

- 05:39:02 PM The commission discussed future agenda items, including being briefed on research at local universities regarding map drawing and ensemble analysis. The commission discussed presentations that could be scheduled for next Friday's meeting. The commission discussed adding a presentation at a future meeting about how other states have handled an independent redistricting process.
- 05:44:27 PM The committee adjourned.

