

PRIVATE
STAFF SUMMARY OF MEETING
JOINT COMMITTEE COMMITTEE ON INDEPENDENT
CONGRESSIONAL REDISTRICTING COMMISSION

		Attendance	
Date	02/15/2022	Martha	E
		Coleman	
		Moussa	*
		Diawara	
Time	06:04:12 PM to 08:47:36 PM	Paula Espinoza	X
		Jason Kelly	X
		William Leone	X
Place	HCR 0109	JulieMarie	
		Shepherd	X
		Macklin	
		Danny Moore	X
This Meeting was called to order by	Carly Hare	Lori Schell	X
		Simon Tafoya	X
		Elizabeth	X
		Wilkes	
This Report was prepared by	Julia Jackson	Jolie Brawner	X
		Carly Hare	X

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

Hearing Items	Action Taken
Petition from the Secretary of State	Committee Discussion Only

Petition from the Secretary of State - Committee Discussion Only

- 06:04:55 PM Jeremiah Barry, commission staff, presented the petition from the Secretary of State. He discussed Section 2-1-106, C.R.S., concerning attachments and detachments from the redistricting plan. He explained that the commission could take one of several possible actions in response to the petition, and he discussed the response the Independent Legislative Redistricting Commission intends to file on a similar petition for legislative districts.
- 06:13:26 PM Mr. Barry and Louis Pino, commission staff, responded to questions from Commissioners Moore and Leone about the specifics of the county clerks' requests in the petition.
- 06:25:13 PM Commissioner Espinoza questioned Mr. Barry about precedent in Colorado for making changes to the congressional district lines. Commissioner Shepherd Macklin asked about similar actions in other states, noting that the requests in the petition would change the deviation between districts.

- 06:26:31 PM Jerome DeHerrera and Meghan Berglind, commission outside counsel, responded to a question about plan deviation in other states. They continued to discuss their concerns with the petition and its interpretation of statutory language.
- 06:29:39 PM Commissioners Schell and Tafoya questioned outside counsel and Mr. Barry about case law cited in the petition and about the potential for further legal action.
- 06:35:25 PM Ms. Berglind responded to commissioner questions about the precedent the petition might set on equal population. Discussion continued on the specific moves in the petition.
- 06:52:25 PM Mr. Barry responded to a question from Commissioner Espinoza about how redistricting lines could follow parcel lines.
- 06:53:09 PM Ms. Berglind described outside counsel's proposed response to the commission. She discussed a response taking no position on the petition but noting constitutional concerns, or a response opposing the petition. Commissioners questioned Ms. Berglind about these options.
- 07:05:12 PM Mr. DeHerrera suggested raising the issue of a higher standard being necessary to justify moving lines that result in population changes, rather than addressing the specific requests from the clerks.
- 07:13:02 PM Commissioner Tafoya and Ms. Berglind discussed separating the voter secrecy question raised in the petition from the parcel splits. Commissioner Hare noted the difficult work the county clerks undertake to implement redistricting in their jurisdictions.
- 07:15:31 PM Commissioner Kelly expressed his opinion that the commission should file a response, and that the response should note the lack of justification for altering the population deviation between districts. Commissioner Leone suggested that the commission should take a stronger position, rather than leave the decision to the court's discretion.
- 07:24:47 PM Commissioners continued to discuss possible actions.
- 07:28:31 PM Commissioner Hare and Ms. Berglind discussed the process for the commission to file a brief to the Colorado Supreme Court.
- 07:30:59 PM The commission discussed a motion directing outside counsel to file a brief.
- 07:48:50 PM The commission discussed a motion proposed by Commissioner Leone.
- 08:12:47 PM Commissioner Kelly seconded Commissioner Leone's motion and asked for further discussion. Commissioners expressed concern with the tone of the motion. Commissioner Wilkes suggested a motion to argue that the Secretary of State has not presented sufficient justification for moving the lines the way they have, asking the court not to approve changes that move population.
- 08:28:25 PM Commissioners continued to discuss the motion.

08:29:32 PM

Commissioner Leone modified his motion, with Commissioner Kelly seconding. The full text of the motion follows:

"I move that the Independent Congressional Redistricting instruct its outside counsel to:

1. File a response to the Colorado Secretary of State's petition.
2. In that petition, we ask counsel to, to the extent legally appropriate, to make the following arguments:
 - a. It is the responsibility of the Commission and not the Secretary of State or Clerks and Recorders to draw the boundaries for the requisite number of congressional districts.
 - b. The Commission will treat the Secretary of State's Petition as a request to the Commission to approve alterations to its maps.
 - c. Given the exigent circumstances posed by the upcoming elections, the Commission has determined as follows:
 1. To the extent necessary to preserve voter secrecy, the Commission approves the changes recommended by the Secretary of State.
 2. To the extent the Secretary of State's proposal does not involve a change in population, the Commission adopts them.
 3. To the extent the Secretary of State's proposal results in reassignment of parcels that cause population changes, the Commission finds that the Secretary of State has not presented sufficient justification to warrant reassignment and finds that divided parcels should be made whole and assigned to the District to which they were originally assigned or to which they may be assigned without causing a change in population."

08:41:15 PM Motion Motion as written in note.
 Moved William Leone
 Seconded
 Martha Excused
 Coleman
 Moussa Yes
 Diawara
 Paula Yes
 Espinoza
 Jason Kelly Yes
 William Leone Yes
 JulieMarie
 Shepherd Excused
 Macklin
 Danny Moore Yes
 Lori Schell Yes
 Simon Tafoya Yes
 Elizabeth Wilkes Yes
 Jolie Brawner Yes
 Carly Hare Yes

YES: 10 NO: 0 EXC: 2 ABS: 0 FINAL ACTION: PASS

08:41:19 PM Commissioner Shepherd Macklin abstained from the vote and was therefore marked excused. Outside counsel affirmed that they had the information they needed to prepare a brief.

08:42:30 PM Ms. Berglind noted that outside counsel would request an extension from the court.

08:43:42 PM The commission discussed reviewing the brief.

08:47:36 PM The committee adjourned.