

Private
STAFF SUMMARY OF MEETING

OTHER COMMITTEE COMMITTEE ON INDEPENDENT LEGISLATIVE REDISTRICTING COMMISSION

		Attendance	
		Hunter Barnett	X
		Heather Barry	X
Date	05/14/2021	John Buckley	X
		Samuel	X
Time	01:05:13 PM to 04:00:17 PM	Greenidge	
		Constance	E
Place	SCR 354	Hass	
		Gary Horvath	X
This Meeting was called to order by		Aislinn Kottwitz	X
Carlos Perez		Amber	X
		McReynolds	
This Report was prepared by		Blanca Uzeta	X
Elizabeth Burger		O'Leary	
		Robin	*
		Schepper	
		Kevin Fletcher	X
		Carlos Perez	X

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

Hearing Items	Action Taken
Approval of agenda and minutes	Approval of May 7 Meeting Minutes Delayed Until May 21
Unfinished Business	Committee Discussion Only
New Business	Retention Agreement Approved
Subcommittee Reports	Committee Discussion Only
Staff Reports	Committee Discussion Only
Commssioner	Committee Discussion Only
Communications	Committee Discussion Only
Items for Future Meetings	Committee Discussion Only

Approval of agenda and minutes - Approval of May 7 Meeting Minutes Delayed Until May 21

01:05:14 PM Chair Perez reviewed the meeting agenda, which was approved by acclamation. Meeting materials can be accessed here: <https://coleg.box.com/s/p87ixn1gygob0fvp6409qxiz0wo50s9o> (https://coleg.box.com/s/p87ixn1gygob0fvp6409qxiz0wo50s9o)
Chair Perez asked that approval of the May 7 meeting minutes be moved to the May 21 commission meeting.



01:09:12 PM Motion Move approval of May 7 minutes to next meeting (seconded by Schepper)
 Moved John Buckley
 Seconded

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

YES: 0 NO: 0 EXC: 1 ABS: 0 FINAL ACTION: Pass Without Objection

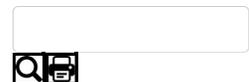
Unfinished Business - Committee Discussion Only

01:09:51 PM Chair Perez shared the preliminary timeline for redistricting activities. Chair Perez shared relevant dates, including ending comments on the preliminary plan on June 18. Chair Perez asked staff to comment on the June 28 deadline to deliver the preliminary plan, and Jessika Shipley, Independent Redistricting Commissions Staff, responded that the preliminary plan would be ready by that date. The commission discussed the staff time for map drawing and to staff subcommittee meetings.

01:18:18 PM The committee discussed dates for public hearings on the preliminary plan.

New Business - Retention Agreement Approved

01:22:50 PM Commissioner O'Leary discussed the retention letters for the commission's outside legal counsel.



01:24:46 PM Motion Approve the retention agreements between the commission and outside legal counsel (seconded by Horvath)
 Moved Blanca Uzeta O'Leary
 Seconded
 Hunter
 Barnett
 Heather
 Barry
 John
 Buckley
 Samuel
 Greenidge
 Constance Excused
 Hass
 Gary
 Horvath
 Aislinn
 Kottwitz
 Amber
 McReynolds
 Blanca
 Uzeta
 O'Leary
 Robin
 Schepper
 Kevin
 Fletcher
 Carlos
 Perez

YES: 0 NO: 0 EXC: 1 ABS: 0 FINAL ACTION: Pass Without Objection

01:24:47 PM The commission turned its discussion to the interrogatories on redistricting matters pending before the Colorado Supreme Court. Jerry Barry, Independent Redistricting Commissions Staff, explained that a brief on behalf of the commission has been submitted and that there is not currently a need to go executive session to discuss the brief. He explained that he will make sure all commissioners have access to the filed briefs, that oral arguments will be heard on Monday, May 17, and that a link to watch the arguments will be shared with the commission. Commissioner O'Leary asked if Mr. Barry was aware that the Governor and Attorney General were planning to file briefs, and Mr. Barry responded. Richard Kaufmann, outside counsel for the commission, commented on the oral argument parameters and the need to coordinate with the Colorado Independent Congressional Redistricting Commission (Congressional Commission).

01:33:32 PM Mr. Barry began the presentation regarding the criteria for drawing and approving maps. Principles enumerated in federal law include equal population and minority interests, including the federal Voting Rights Act of 1965 (VRA) and the 14th amendment. State redistricting criteria include preserving communities of interest and political subdivisions, compactness, competitive districts, and criteria related to incumbents and minority interests.

Mr. Barry began by discussing the requirements for population equally between districts. Districts must be composed of contiguous geographic areas. He further explained requirements for determining the ideal district size and the maximum population deviation from the most to the least populous districts. He continued by discussing requirements that districts be contiguous.

01:46:42 PM Mr. Barry continued by discussing the 15th amendment to the federal Constitution, pertaining to the right of suffrage, and continued by discussing the VRA. Section 2 of the VRA prohibits the denial or abridgement of the right of any citizen of the United States to vote on account of race or color (or membership in a language minority). He discussed the current House District 62 in the San Luis Valley, and court cases involving that area of the state. He discussed the preconditions required to establish a claim under section 2 of the VRA. He explained that while the Equal Protection Clause of the 14th amendment also prohibits discrimination based on race, it also prohibits drawing districts strictly on the basis of race unless there is a compelling state interest. He shared examples of maps to illustrate the issue.



- 02:04:23 PM Mr. Barry continued by explaining that, as much as reasonably possible, the commission's plan must preserve whole communities of interest and whole political subdivisions, such as counties, cities, and towns. He discussed how the requirements to preserve communities of interest and political subdivisions interplay. He responded to questions from Commissioner Kotwitz regarding the priority of preserving counties or city boundaries for cities that are in two different counties.
- 02:05:11 PM Mr. Barry continued by discussing communities of interest, and discussed the definition of communities of interest in the Colorado Constitution.
- 02:21:08 PM Mr. Barry continued by discussing the requirement that districts be as compact as reasonably possible. He further continued by discussing the directive to draw politically competitive districts. Commissioners commented on competitiveness.
- 02:40:35 PM Mr. Barry discussed a prohibition on approving a map that has been drawn for the purpose of protecting members or candidates for office or any political party. He continued by discussing a prohibition on drawing maps for the purpose of or to deny abridgement of the right of any citizen to vote on account of that person's race or membership in a language minority group.
- 02:47:22 PM The committee took a brief recess.

Subcommittee Reports - Committee Discussion Only

- 02:59:01 PM Commissioner O'Leary noted that the Subcommittee on Outside Counsel did not have any further reports. Commissioner Schepper gave the report from the Public Comment and Outreach Subcommittee. She noted that she met with Commissioner Brawner from the Congressional Commission, and they are both recommending to hold combined public hearings for both commissions. She explained feedback from the Congressional Commission regarding public hearing locations. She requested that the members of the commission provide input on locations by next Thursday. She discussed proactive outreach measures for the commission, and discussed an op-ed drafted by Commissioner Greenidge and a staff-drafted press release on the data selected by the commission for the preliminary plan. She discussed the categorization of public comments.
- 03:09:22 PM The commission discussed the timing of the public hearings and approval of the list of hearing locations.
- 03:12:10 PM Commission Horvath gave an update from the Mapping and Qualitative Methods Subcommittee. He discussed the preparation of a memo to explain the data and methodology for creation of the preliminary plan. Commissioner Greenidge commented on metrics for drawing maps, and the intersection of the work of the Mapping an Qualitative Methods Subcommittee with VRA issues.

Staff Reports - Committee Discussion Only

- 03:25:09 PM Ms. Shipley asked the commission to identify the initial locations for the public hearings so that the commission staff could begin planning travel.

Commssioner Communications - Committee Discussion Only

- 03:29:54 PM Commissioner Fletcher discussed per diem payments for commissioners. Commissioner McReynolds commented on competitiveness in elections. Chair Perez commented on the Pike's Peak region.

Items for Future Meetings - Committee Discussion Only

- 03:37:14 PM The commission discussed future agenda items. Commissioner Buckley requested a presentation from the principle authors of Amendments Y and Z, and the commission discussed the presentation and who should conduct it.
- 03:54:09 PM Commissioner Horvath discussed adding a presentation about the redistricting software, and the commission discussed the issue.
- 04:00:17 PM The committee adjourned.

