

Private
STAFF SUMMARY OF MEETING

OTHER COMMITTEE COMMITTEE ON INDEPENDENT LEGISLATIVE REDISTRICTING COMMISSION

Date 04/30/2021
Time 01:02:29 PM to 04:32:13 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
John Buckley	X
Samuel	X
Greenidge	X
Constance	X
Hass	X
Gary Horvath	X
Aislinn Kottwitz	X
Amber	X
McReynolds	X
Blanca Uzeta	X
O'Leary	X
Robin	*
Schepper	
Kevin Fletcher	X
Carlos Perez	X

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

Hearing Items	Action Taken
Approval of Minutes and Agenda	Meeting Minutes Changed
Presentation by the National Conference of State Legislatures	Committee Discussion Only
Unfinished Business	Various Actions Approved
Reports from Subcommittees	Committee Discussion Only
Staff Reports	Committee Discussion Only
Commission Communications	Committee Discussion Only
Future Agenda Items	Committee Discussion Only

Approval of Minutes and Agenda - Meeting Minutes Changed

01:05:55 PM Chair Perez called the meeting to order. Meeting materials are available online here:<https://coleg.box.com/s/6647b4feww0s2h2iw8n0ykqwcagetvon>. The chair asked for approval of the minutes of the April 23 meeting. Jessika Shipley, Independent Redistricting Commissions Staff, explained that Commissioner McReynolds is requesting a change to the attendance list of the April 23 meeting summary to reflect that she was present at the beginning of the meeting. Commissioner Barnett moved that the change be made to the April 23 minutes, and Commissioner Kottwitz seconded the motion. The agenda and minutes were approved.



01:06:02 PM Motion Change summary to reflect that Commissioner McReynolds was present at the beginning of the April 23 meeting
 Moved Hunter Barnett
 Seconded

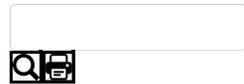
Hunter
 Barnett
 Heather
 Barry
 John
 Buckley
 Samuel
 Greenidge
 Constance
 Hass
 Gary
 Horvath
 Aislinn
 Kottwitz
 Amber
 McReynolds
 Blanca
 Uzeta
 O'Leary
 Robin Excused
 Schepper
 Kevin
 Fletcher
 Carlos
 Perez

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

01:06:30 PM Motion Approve minutes, as amended
 Moved Carlos Perez
 Seconded

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

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



01:06:45 PM Motion Approve agenda
 Moved Carlos Perez
 Seconded

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

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

Presentation by the National Conference of State Legislatures - Committee Discussion Only

- 01:16:27 PM Mr. Ben Williams, Policy Specialist, National Conference of State Legislatures (NCSL), discussed federal law regarding redistricting. He reviewed the law regarding racial and political gerrymandering, and the principle of one person, one vote. He discussed the possibility that Congress will make changes to the federal Voting Rights Act and the voting rights coverage formula. He continued by discussing free and equal elections clauses, which are state constitutional provisions that require elections to be some combination of free, equal, and fair, and a recent court ruling in Pennsylvania related to the state's free and equal election clause and gerrymandering.
- 01:24:04 PM Mr. Williams continued by discussing state principles for redistricting, including compactness and contiguity (must be able to go to every part of the district without leaving it). He discussed where issues arise when applying these factors, including when addressing non-contiguous locality boundaries, which are usually caused by annexations, and water. He discussed the city of Aurora as an example. He continued by discussing preserving political subdivisions and preserving communities of interest. He continued by discussing the concept of preserving the core of prior districts, and discussed how the principle is applied or not in states.
- 01:30:37 PM Mr. Williams highlighted emerging principles in redistricting, including a prohibition on favoring or disfavoring an incumbent, candidate, or party; a prohibition on using partisan data; competitiveness; and proportionality.
- 01:32:18 PM Ms. Wendy Underhill, Director of Elections and Redistricting, NCSL, began her presentation regarding the census, census delays, and differential privacy. She discussed the census, and gave an overview of the census process and the importance of the census to states. She clarified the census information that has been released, including the total population counts for all 50 states, and how many congressional seats each state will receive. She discussed the changes in congressional seats across the country.
- 01:36:22 PM Ms. Underhill reviewed the data on population growth and the growth rate in the states. She listed the states that lost population in the last decade.
- 01:40:14 PM Ms. Underhill discussed the process of conducting the census count. She discussed state redistricting deadlines by date and the options for states in addressing census delays, including asking courts for relief, altering legal deadlines, altering filing deadlines, and using a data source other than the decennial census data to begin the redistricting process. She discussed which states are pursuing which options.



- 01:45:49 PM Ms. Underhill discussed data alternatives to the final census data, including the American Community Survey (ACS). She explained that it offers one-year estimates for areas over 65,000 in population, and five-year estimates down to the block level. She discussed other available datasets, and suggested the commission talk to the state demographer and the commission's redistricting software vendor about other data options.
- 01:48:23 PM Ms. Underhill discussed differential privacy (DP) and explained the purpose of DP. She referenced two state lawsuits filed against the U.S. Census Bureau concerning the census delays and DP. Ms. Underhill responded to questions from Commissioner Buckley regarding lawsuits. Chair Perez commented on ACS data and its use for redistricting, and Ms. Underhill responded. She suggested the commission compare a total state level population data from the apportionment to ACS data to determine how much variation there is between the two data sets.
- 02:02:49 PM Discussion on the use of ACS data to draw preliminary maps continued.

Unfinished Business - Various Actions Approved

- 02:09:27 PM The commission turned its focus to a discussion of redistricting timelines. The commission previously discussed a proposed timeline at its April 23 meeting. Chair Perez discussed a target date of June 28 for the drafting of a preliminary plan. Commissioners commented on the scheduling of the public meetings, and Commissioners Schepper noted that delivery of a preliminary plan by the end of June would allow the public meetings to occur in July and August.
- 02:13:24 PM Chair Perez noted that the purpose of the preliminary plan would be to serve as a conversation starter to help give insight into communities of interest, competitiveness, and other issues. He noted that other factors could be determined after the delivery of the legacy census data. Chair Perez noted that Commissioner Fletcher had drafted a timeline of redistricting activities that could occur after the delivery of the census legacy data in August. Commissioner Fletcher stated that if the commission waits to begin the process until August 16, the process could conclude November 23. He discussed possible efficiencies that could be worked into the timeline, including by holding multiple virtual public meetings in one day. He also noted that his proposed timeline assumes three staff maps, and if the commission agrees on a map earlier, additional staff maps would not be needed.
- 02:18:50 PM Commissioner Horvath commented on the congressional commission's proposed redistricting timeline, and Commissioner Fletcher responded. Ms. Shipley commented on the proposed time period for drawing the preliminary plan, stating that it will take significantly more time to draw than allotted for under Commissioner Fletcher's proposal. Ms. Shipley discussed the differences between Chair Perez's proposed timeline, and Commissioner Fletcher's timeline. Commissioner Barnett commented on the Subcommittee on Methodologies' discussions on the issue. Commissioner Barnett commented on the need for more information about available data sources.
- 02:27:42 PM The commission discussed the timeline for Supreme Court review of the plan. Jerry Barry, Colorado Independent Redistricting Commissions Staff, noted that the November 15 date is the date for the Supreme Court to approve the plan or send it back and the commission is supposed to approve a plan by September 15. Chair Perez asked about the period of time allotted for Supreme Court review of the plan. Commissioners commented on the possibility of moving the Supreme Court deadlines.
- 02:34:39 PM Mr. Louis Pino, Independent Redistricting Commissions Staff, discussed the timeline for the drafting a preliminary map with alternative data, and said that to adhere to the June 28 proposed deadline, the commission would have to approve an alternative data source either next week or the following week. The commission discussed the current software vendor for the commission (ESRI).
- 02:41:22 PM The commission discussed how to get information to help them decide which data to use for the preliminary maps, and Mr. Pino responded, noting that ESRI has estimates using 2010 Census geography boundaries with updated population. Mr. Pino discussed the process of comparing the data to see whether it can be used to draft the preliminary plan. Mr. Barry responded to questions from the commission regarding the Supreme Court interrogatories from the General Assembly.
- 02:49:52 PM Commissioner Kottwitz discussed the reallocation of incarcerated persons and requested that the commission have discussion on the issue in the future.
- 02:52:23 PM Mr. Barry discussed Senate Bill 21-247. He discussed the provisions of the bill, which require staff to draw the preliminary plan with alternative data and complete the reallocation of incarcerated persons within five days after the receipt of legacy data. He discussed the intention of the General Assembly to complete the redistricting process in 2021 so as not to affect the 2022 election cycle. He discussed amendments to the bill made in the Senate and the current status of the bill. He noted that Chair Perez has offered to testify at the next committee hearing, and asked if the commission should oppose provisions of the bill and request amendments on the constitutional deadlines.



02:58:27 PM Commission discussion the issue continued. Mr. Barry discussed extending the deadlines for the commission to submit plans for the Supreme Court. Commissioner O'Leary discussed the legislative process, and next steps if the legislature does not amend the bill. Commissioner Schepper further commented on the need for Chair Perez to address the legislature on the bill. Commissioner Barry moved to authorize Chair Perez to address the House, State, Civic, Military, & Veterans Affairs Committee regarding Senate Bill 21-247 and Commissioner Horvath seconded the motion.

03:14:22 PM Motion Authorize Chair Perez to appear before the House State, Civic, Military, & Veterans Affairs Committee to request amendments on the reallocation of incarcerated persons and deadlines.
 Moved Heather Barry
 Seconded
 Hunter
 Barnett
 Heather
 Barry
 John
 Buckley
 Samuel
 Greenidge
 Constance
 Hass
 Gary
 Horvath
 Aislinn
 Kottwitz
 Amber
 McReynolds
 Blanca
 Uzeta
 O'Leary
 Robin
 Schepper
 Kevin
 Fletcher
 Carlos
 Perez

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

03:15:11 PM The commission recessed briefly.

03:22:31 PM The commission reconvened. The commission turned to discussion of public comment at commission meetings. Commissioner Schepper discussed the draft public comment policy. She proposed a 15-minute public comment period with a limit for five people be included at each regular commission meeting, with an additional requirement that people can not comment in consecutive weeks. The commission discussed whether to take in-person comments.

03:41:55 PM Commissioner Schepper discussed written public comments received, and discussed adding more fields to the written comment form to help capture information about communities of interest and congressional districts. The commission discussed the public hearings, and including both virtual and in-person options. Commissioner Schepper further discussed creating a public hearings schedule. Chair Perez asked if the committee was ready to adopt the policy. Commissioner Buckley moved to adopt the public comment policy, and Commissioner Hass seconded the motion.



04:00:19 PM Motion Adopt the public comment policy
 Moved John Buckley
 Seconded

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

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

Reports from Subcommittees - Committee Discussion Only

- 04:01:02 PM Commissioner O'Leary gave an update from the Subcommittee on Outside Counsel. She noted that the subcommittee has interviewed two of the three finalists for the commission's outside legal counsel and that they will interview the last one this week. She continued that the subcommittee will have a recommendation for the full commission at next week's meeting.
- 04:06:29 PM Commissioner Schepper gave a report from the Public Comment Subcommittee, and discussed the categorization of written public comment, and the timeline for the public hearings schedule. She explained that the subcommittee will make a recommendation about when to schedule the public hearings.
- 04:11:02 PM Commissioner Horvath gave the update from the Qualitative Methods Subcommittee, and noted that the subcommittee had begun discussions regarding alternate data. The subcommittee will meet next week to continue discussions.

Staff Reports - Committee Discussion Only

- 04:19:59 PM There were no additional staff reports.

Commission Communications - Committee Discussion Only

- 04:20:41 PM Commissioner Barnett explained that the City Council of Aurora passed a resolution asking that the redistricting commissions prioritize municipal integrity when redistricting. Commissioner Barry thanked the commissioners for their work. Commissioner Horvath commented.

Future Agenda Items - Committee Discussion Only

- 04:32:13 PM The committee adjourned.

