

# **Rules of Procedure**

## **Colorado Independent Legislative Redistricting Commission**

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## **1.0 NAME AND DEFINITIONS**

**Section 1.1: Name.** Article V, section 46 (2) of the Colorado Constitution creates the Colorado Independent Legislative Redistricting Commission.

**Section 1.2: Definitions.** For the purpose of these rules, the following terms have the meaning provided herein:

- “Commission” means the Independent Legislative Redistricting Commission.
- “Community of interest” means any group in Colorado that shares one or more substantial interests that may be the subject of state legislative action, is composed of a reasonably proximate population, and thus should be considered for inclusion with a single district for purposes of ensuring its fair and effective representation.
  - Such interests include but are not limited to matters reflecting shared public policy concerns:
  - of urban, rural, agricultural, industrial, or trade areas; and
  - such as education, employment, environment, public health, transportation, water needs and supplies, and issues of demonstrable regional significance.
  - Groups that may comprise a community of interest include racial, ethnic, and language minority groups, subject to compliance with article V, section 48.1 (1)(b) and (4)(b) of the Colorado Constitution, which protect against the denial or abridgement of the right to vote due to a person’s race or language minority group.
  - “Community of interest” does not include relationships with political parties, incumbents, or political candidates.
- “Competitive” means having a reasonable potential for the party affiliation of a district’s representative to change at least once between federal decennial censuses. Competitiveness may be measured by factors such as a proposed district’s past election results, a proposed district’s political party registration data, and evidence-based analyses of proposed districts.
- “Ethnic” or “ethnicity” means relating to a population subgroup (within a larger or dominant national or cultural group) with a common national or cultural tradition.
- “Race” or “racial” means a category of race or ethnic origin documented in the federal decennial census.
- “Redistricting year” means the year following the year in which the federal decennial census is taken.
- “Staff” or “nonpartisan staff” means the staff of the Colorado General Assembly’s Legislative Council and Office of Legislative Legal Services, or their successor offices, who are assigned to assist the commission by the directors of those offices.

## **2.0 AUTHORITY AND PURPOSE**

**Section 2.1: Organization.** The Commission is a public body organized pursuant to the Colorado Constitution as a result of the passage of Amendment Z by Colorado voters in 2018. The Commission operates according to the constitution and laws of the state of Colorado, and subject to the constitution and laws of the United States of America. The Commission shall be convened by March 30 in the year after the federal decennial census.



**Section 2.2: Purpose.** The purpose of the Commission is to:

1. Operate in an impartial and transparent manner that reinforces public confidence in the integrity of the redistricting process.
2. Conduct statewide public outreach and invite meaningful public participation in the redistricting process.
3. Adopt redistricting plans for Colorado Senate and House of Representatives districts in the year immediately following the federal decennial census.
4. Engage in the process of redrawing district boundaries to guarantee equal voter representation through equal, or equivalent, population counts and other relevant criteria set forth in applicable federal and state laws.
5. Ensure compliance with the redistricting criteria set forth in Article V, Section 48.1 of the Colorado Constitution provided below:
  - (1) In adopting a legislative redistricting plan, the commission shall:
    - (a) Make a good-faith effort to achieve mathematical population equality between districts, as required by the constitution of the United States, but in no event shall there be more than five percent deviation between the most populous and the least populous district in each house. Districts must be composed of contiguous geographic areas.
    - (b) Comply with the federal "Voting Rights Act of 1965", 52 U.S.C. sec. 50301, as amended.
  - (2)
    - (a) As much as is reasonably possible, the commission's plan must preserve whole communities of interest and whole political subdivisions, such as counties, cities, and towns. To facilitate the efficient and effective provision of governmental services, with regard to any county, city, city and county, or town whose population is less than a district's permitted population, the commission shall presume that such county, city, city and county, or town should be wholly contained within a district; except that a division of such county, city, city and county, or town is permitted where, based on a preponderance of the evidence in the record, a community of interest's legislative issues are more essential to the fair and effective representation of residents of the district. When the commission divides a county, city, city and county, or town, it shall minimize the number of divisions of that county, city, city and county, or town.
    - (b) Districts must be as compact as is reasonably possible.
  - (3)
    - (a) Thereafter, the commission shall, to the extent possible, maximize the number of politically competitive districts.
    - (b) In its hearings in various locations in the state, the commission shall solicit evidence relevant to competitiveness of elections in Colorado and shall assess such evidence in evaluating proposed maps.
    - (c) When the commission approves a plan, or when nonpartisan staff submits a plan in the absence of the commission's approval of a plan as provided in section 48.2 of this article V, the nonpartisan staff shall, within seventy-two hours of such action, make publicly available, and include in the commission's record, a report to demonstrate how the plan reflects the evidence presented to, and the findings concerning, the extent to which competitiveness in district elections is fostered consistent with the other criteria set forth in this section.
    - (d) For purposes of this subsection (3), "competitive" means having a reasonable potential for the party affiliation of the district's representative to change at least once between federal decennial censuses. Competitiveness may be measured by factors such as a proposed district's past election results, a proposed district's political party registration data, and evidence-based analyses of proposed districts.
  - (4) No map may be approved by the commission or given effect by the Supreme Court if:
    - (a) It has been drawn for the purpose of protecting one or more incumbent members, or one or more declared candidates, of the senate or house of representatives, or any political party; or
    - (b) It has been drawn for the purpose of or results in the denial or abridgement of the right of any citizen to vote on account of that person's race or membership in a language minority group, including diluting the impact of that racial or language minority group's electoral influence.

**Section 2.3: Authority.** The Commission is authorized to perform its duties and all activities necessary to serve its purpose, as stated herein or set forth in article V, sections 48 through 48.3 of the Colorado Constitution.

1. The Commission has the sole authority, acting pursuant to the constitution, to prepare and adopt a redistricting plan or plans for the state of Colorado.
2. The Commission may hire outside legal representation in connection with the performance of its powers, duties, and functions, including representation of the Commission before any court.
3. The Colorado General Assembly shall appropriate sufficient funds for the payment of the expenses of the Commission, the compensation and expenses of nonpartisan staff, and the payment of necessary and reasonable expenses incurred by the Commissioners.

**Section 2.4: Adoption of Rules of Procedure.** The Commission is required to determine its own rules and order of business pursuant to the constitution to govern its administration. The Commission must provide at least 72 hours prior public notice of all proposed rules prior to consideration of adoption. The following set of rules shall be in effect upon their adoption by the Commission and until such time as they are amended or new rules are adopted in the manner set forth in Section 14.0 of these rules. None of the rules herein stated may supersede the constitution or laws of the state of Colorado or the constitution or laws of the United States of America.

### **3.0 MEMBERSHIP AND APPOINTMENT**

**Section 3.1: Membership.** The Commission shall be comprised of 12 Commissioners. Four Commissioners shall affiliate with the Democratic Party, four Commissioners shall affiliate with the Republican Party, and four Commissioners shall not affiliate with any political party.

**Section 3.2: Eligibility.** A person is eligible to serve if they meet the criteria set forth in article V, section 47 (2) of the Colorado Constitution, which requires that the person:

- is a registered voter who has voted in the previous two general elections in Colorado;
- has either been unaffiliated with any political party or affiliated with the same political party for at least five years at time of the person's application;
- has not been a candidate for the Colorado General Assembly within the five years prior to the date the applications are due;
- has not, within the three years prior to the date the applications are due, been:
  - compensated by a member of, or a campaign committee advocating the election of a candidate, the Colorado General Assembly;
  - an elected official at the federal, state, county or municipal level in Colorado;
  - an elected political party official above the precinct level in Colorado or an employee of a political party; or
  - a professional lobbyist registered to lobby with the state of Colorado, any municipality in Colorado, or at the federal level.

**Section 3.3: Appointment.** Commissioners shall be selected pursuant to the process set forth in in article V, section 47 of the Colorado Constitution.

**Section 3.4: Vacancy.** Each Commissioner shall serve for the entire term of the Commission unless they shall vacate their office. A vacancy must be filled within seven days. A Commissioner's office shall become vacant upon the occurrence of any of the following:

- death or mental incapacity of the Commissioner;
- the chair's receipt of the Commissioner's written resignation;
- an unaffiliated Commissioner affiliates with a political party or an affiliated Commissioner no longer affiliates with that political party;
- a Commissioner participates in prohibited communication under article V, section 48 (4)(b)(I) of the Colorado Constitution;

- a Commissioner violates the public trust or antibribery and abuse of public office requirements as provided in parts 2 and 4 of article 8 of title 18 of the Colorado Revised Statutes;
- removed under Section 9.3; or
- when a new Commission is appointed.

**Section 3.5. Replacement.** In the event a Commissioner's seat becomes vacant for any reason set forth in Section 3.4 of these rules, the vacancy shall be filled by the designated appointing authority from the designated pool of eligible applicants for that Commissioner's position and in the same manner as the originally chosen Commissioner. No Commissioner chosen to fill a vacancy will be bypassed for appointment if all congressional districts are already represented on the Commission.

**Section 3.6: Duties of Commissioners.** Each Commissioner shall perform his or her duties in a manner that is impartial and reinforces public confidence in the integrity of the redistricting process.

**Section 3.7: Voting Rights of Commissioners.** In any matter in which voting by Commissioners is called for, each Commissioner shall be entitled to cast one vote unless a Commissioner may abstain as set forth in Section 9.1 of these rules. Proxy voting is prohibited.

**Section 3.8: Conflict of Interest.** A Commissioner who has a conflict between a personal interest and the public interest as described in Colorado law, including section 18-8-308, C.R.S., shall fully disclose to the Commission the nature of the conflict. A Commissioner shall not participate in the discussion, deliberation or vote upon any matter if a conflict exists.

**Section 3.9: Compensation.** Commissioners shall receive a per diem of \$200 for attendance at scheduled Commission and Subcommittee meetings and hearings (of which the Commissioner is a member). Commissioners shall be reimbursed for all reasonable and necessary expenses.

**Section 3.10: Orientation and Training.** Commissioners shall receive orientation, continuing education and training on the purposes and activities of the Commission. Information may be presented in a manner most convenient or useful to the Commission including the use of interactive or subject-matter expert presentations.

- a) Orientation shall be coordinated by nonpartisan staff of the Commission and provided at the first meeting of a newly convened Commission.
- b) Continuing education and training shall be provided at regular intervals for all Commissioners on topics decided by the Commission upon the recommendation of its individual Commissioners or staff.
- c) Officer training shall be available to the chair and vice-chair.

#### **4.0 GENERAL RULES**

**Section 4.1: Quorum.** A quorum must be present for the conduct of business at Commission meetings. The quorum shall exist when a majority of the Commissioners is in attendance (in person, by phone or via a video and/or audio communication site (such as Webex, Zoom, etc.)). In addition, at least one Commissioner in attendance must be affiliated with the Democratic Party, one Commissioner in attendance must be affiliated with the Republican Party and one Commissioner in attendance must be Unaffiliated. A quorum must be present for the conduct of business at Subcommittee meetings. A quorum for Subcommittee meetings shall exist when a majority of the Commissioners on the Subcommittee is in attendance, regardless of affiliation

**Section 4.2: Minutes.** The staff shall keep minutes of all meetings including votes on all official actions taken at those meetings. All decisions of the Commission shall be recorded, and the record of its decisions shall be readily available to any member of the public as required by law and shall be provided without charge.

**Section 4.3: Recording of Proceedings.** Staff will facilitate an audio recording of each Commission and subcommittee. The recordings will be available on the Commission's website and shall serve as the official record of the Commission.

**Section 4.4: Right of Floor.** Any Commissioner desiring to speak shall be recognized by the chair, and shall confine his or her remarks to one subject under consideration or to be considered.

**Section 4.5: Staff Director.** The staff director of the Commission shall attend all meetings of the Commission unless excused. The staff director may make recommendations to the Commission and shall have the right to take part in all public discussions of the Commission, but shall have no vote. The staff director shall act as parliamentarian of the Commission

**Section 4.6: Managing Attorney.** The managing attorney of the Commission shall attend all meetings of the Commission unless excused. The managing attorney shall, upon request give an opinion, either written or oral, on questions of law. The managing attorney may make recommendations to the Commission and shall have the right to take part in all public discussions of the Commission, but shall have no vote. The managing attorney shall serve as its designated CORA coordinator.

**Section 4.7: Restrictions on Communications with the Public.** Staff, attorneys, and consultants shall not discuss redistricting maps/plans with members of the public outside of an open meeting of the Commission.

**Section 4.8: Prohibitions on Gifts and Gratuities.** The Commission, individual Commissioners, staff, attorneys, experts, and consultants may not directly or indirectly solicit or accept any gift or loan of money, goods, services, or other thing of value greater than \$65 for the benefit of any person or organization, which may influence the manner in which the individual Commissioner, staff, attorney, expert, or consultant performs his or her duties.

**Section 4.9: Rules of Order.** Commission meetings shall be conducted according to the current edition of Roberts Rules of Order, Newly Revised, subject to any procedures to the contrary set forth in these rules, applicable law, or such other rules adopted by the Commission.

## **5.0 COMPLIANCE WITH OPEN MEETINGS LAWS**

**Section 5.1: Open Meetings.** The Commission shall conduct meetings under these rules in accordance with Colorado open meetings laws.

**Section 5.2: Location and Notice.** Meetings and public hearings shall be conducted at a place and time designated by the Commission. Advance public notice of Commission meetings and public hearings shall be provided as required by law. Public notice shall be given as provided in Colorado open meeting laws. Commission staff is designated to give public notice. Public Notice of 48 hours shall be provided for Commission meetings, where practicable. Public Notice of 24 hours shall be provided for Subcommittee meetings, where practicable.

**Section 5.3: Rescheduling of Meetings.** If any meeting or public hearing of the Commission must be rescheduled, this change shall be posted at least 18 hours before the rescheduled meeting.

## **6.0 MEETINGS**

**Section 6.1: Mandated Public Hearings.** The Commission must, to the maximum extent practicable, provide opportunities for Colorado residents to present testimony at hearings held throughout the state. A redistricting plan may not be approved by the Commission until at least three hearings have been held in each congressional district, including at least one hearing in a location west of the Continental Divide and at least one hearing in a location that is either south of El Paso County's southern boundary or Arapahoe County's eastern boundary.

**Section 6.2: Recessed Meetings.** Any meeting of the Commission may be recessed to a later date and time, provided that no adjournment shall be for a longer period than until the next scheduled meeting. Any meeting that is recessed for more than 36 hours shall be reconvened only after public notice has been posted at least 18 hours before the meeting.

**Section 6.3: Adoption of a Statewide Meeting and Hearing Schedule.** The Commission shall adopt a statewide meeting and hearing schedule, including the necessary elements of electronic attendance at a commission hearing. The Public Comment and Outreach standing subcommittee (if such a subcommittee is formed) shall develop and bring to the Commission for approval a recommended statewide hearing schedule that includes necessary elements of electronic attendance at the hearings.

## **7.0 OFFICERS**

**Section 7.1: Officers.** The officers of the Commission shall be the chair and vice-chair.

**Section 7.2: Nominations and Election.** The Commission shall nominate and elect from within its membership a chair and a vice-chair.

**Section 7.3: Tenure.** The chair and vice-chair shall take office immediately following their election and shall hold office for a term of the Commission, unless removed under Section 3.5, or by the vote of the majority of the Commissioners. . In the event the office of the chair becomes vacant, the vice-chair shall succeed to this office for the unexpired term and the Commission shall elect a successor to the office of vice-chair for the unexpired term.

**Section 7.4: Duties of the Chair.** The chair shall:

- call to order and preside at all meetings, when present;
- preserve order and decorum and may speak to points of order in preference to other Commissioners. The chair will decide all questions arising under this parliamentary authority, subject to appeal and reversal by a majority of the Commissioners present;
- enforce these rules of procedure;
- perform any other administrative or agenda duties as directed by the Commission;
- have all the same rights as other Commissioners with respect to procedural matters, debate and voting except that the chair shall not vote on the appeal of a parliamentary ruling by the chair;
- approve expenditures associated with the Commission for any individual expenditure in excess of \$5,000;
- In the event of absence or disability of both the chair and vice-chair during a meeting, the chair may designate another of its Commissioners to serve as acting chair during such absence or disability.

**Section 7.5: Vice-Chair.** The vice-chair shall perform the duties of the chair when the chair is unavailable, except as otherwise provided by law. The vice-chair shall act in the capacity of the chair in the chair's absence. The vice-chair shall help facilitate group discussion on items before the Commission.

**Section 7.6: Nonpartisan Staff.** Nonpartisan staff shall assist the Commission without vote, and in that capacity shall keep the official record of all proceedings of the Commission and furnish, under the direction of the Commission, all technical services that the Commission deems necessary. The duties of nonpartisan staff shall also include:

- facilitating the process for the selection of Commissioners pursuant to article V, section 47 of the Colorado Constitution;
- acquiring and preparing all necessary resources, including computer hardware, software, and demographic, geographic databases, as far in advance as necessary to enable the Commission to begin its work upon convening;
- maintaining a website or comparable means of communicating with the public through which any Colorado resident may submit proposed plans or written comment, or both, without attending a hearing a hearing of the Commission;
- publishing all written comments pertaining to redistricting on its website or comparable means of communicating with the public as well as the name of the Colorado resident submitting such comments, with certain exceptions;
- providing simultaneous access to all Commission meetings and hearings via the Commission's website or comparable means of communication and maintain an online archive of such meetings and hearings for public review;

- except for written public comment and input, not having any communication about the content or development of any redistricting plans outside of public meetings and hearings with anyone other than other staff;
- reporting to the Commission any attempt by anyone to exert influence over the staff's role in the drafting of plans;
- communicating with Commissioners about administrative matters and providing any training requested by the Commission;
- facilitating required public hearings and meetings by identifying and securing venues, providing public notice, broadcasting and recording the meetings and hearings, making any necessary travel arrangements for Commissioners and staff, and keeping meeting minutes;
- creating a preliminary plan and presenting and publishing the preliminary plan no earlier than 30 days and no later than 45 days after the Commission has convened or the necessary census data is available, whichever is later;
- accepting and considering written comments from the Commission and the public on the creation of the preliminary plan for at least 60 days following the convening of the Commission or ten days before the preliminary plan is to be presented;
- when presenting the preliminary plan, explaining how the plan was created, how the plan addresses the categories of public comments received, and how the plan complies with constitutional criteria for creating plans;
- subsequent to the hearings on the preliminary plan, preparing, publishing online, and presenting no fewer than three staff plans unless the Commission approves the first or second staff plan;
- in the event the Commission fails to establish a timeline for the presentation of staff plans within ten days after the completion of the hearings on the preliminary plan, establishing such a timetable;
- considering public testimony and public comment on staff plans that is consistent with constitutional criteria; and
- preparing additional plans or amendments to plans requested by any Commissioner or group of Commissioners in a public hearing.

## **8.0 ORDER OF BUSINESS AND AGENDA**

**Section 8.1. Agenda.** The Commission may post a proposed agenda prior to or at the start of a meeting. A written agenda for all Commissioners shall be prepared and followed for each full Commission meeting.

**Section 8.1.1: Agenda Preparation.** The staff director shall prepare the proposed agenda, in consideration of items received from Commissioners for inclusion on an agenda, upon approval by the chair and vice-chair. A majority of the Commissioners present may override the inclusion or exclusion of an agenda item by the Chair and vice chair, provided at least one of the Commissioners voting to override is Unaffiliated.

**Section 8.2: Agenda Packet.** The agenda package shall be forwarded via electronic mail transmission to each Commissioner as soon as practicable prior to the meeting. The package shall contain the proposed agenda, previous meeting minutes and sufficient information and reports so that Commissioners may have a basic working knowledge of each item appearing on the agenda.

**Section 8.3: Amendments to the Agenda.** The agenda may be amended at the Commission meeting by action of the Commission.

**Section 8.4: Commission Policies.** Decisions of the commission shall be recorded in the meeting minutes. Pursuant to section 48.2(3) of the Colorado constitution, certain decisions that provide policy direction to the nonpartisan staff concerning the drafting of preliminary and staff maps, or that may have otherwise been deemed important by the commission, may be recorded in a separate policy memorandum in addition to the meeting minutes. The guidelines for drafting and approving new policies are:

1. Policies are drafted by either a commissioner or subcommittee and submitted to the chairman or designee for circulation.
2. A copy of the draft policy is forwarded to the nonpartisan staff for review.

3. Once the draft policy is reviewed by the nonpartisan staff, a copy of the draft policy is forwarded to the Outside Legal Counsel and Legislative Affairs standing subcommittee (if such a subcommittee is formed) for review by legal counsel.
4. Once the policy is reviewed by counsel, a courtesy copy of the draft policy is forwarded to the chair of the Congressional Commission to allow comment concerning matters of joint interest.
5. The draft policy is placed on the commission agenda under new business. Depending on the policy itself, 72 hours of notice may be required.
6. Policies are voted upon. Depending on the policy itself, it may be a simple majority or a constitutional section 48.2(3) supermajority.
7. Once adopted, the policy is assigned a number and added to the set of policies.
8. The policy is published and made available to the public, nonpartisan staff, and the commissioners.

## **9.0 VOTING**

**Section 9.1: Duty to Vote.** Appointment to a deliberative body carries with it the obligation to vote. Commissioners present at a meeting shall vote on every matter before the Commission, unless otherwise excused or prohibited from voting as follows:

- A. A Commissioner may abstain from voting if he or she:
  - a. Has a conflict of interest, as set forth in section 3.8 of these rules or as defined by law. An individual Commissioner shall disclose the presence of a conflict of interest or raise a potential conflict of interest when the agenda item is called, prior to the start of discussion or deliberation. Should a conflict of interest become clear during the discussion, the Commissioner shall raise the existence of an actual or potential conflict at that time. An individual Commissioner may seek the opinion of the managing attorney whether a conflict exists, however this opinion shall not be binding on the Commission. The Commission shall decide, by majority vote of Commissioners present, whether a conflict of interest exists. A vote may be tabled, if necessary, to obtain the opinion of the managing attorney. A Commissioner with a conflict of interest is prohibited from participating in any discussion, debate or decision on that issue; or
  - b. Lacks sufficient information about the issue to be decided. If a Commissioner abstains, he or she shall state for the record their intention to abstain and the reason(s) for doing so prior to the vote. The abstaining Commissioner shall not be restricted or prohibited from participating in any discussion or debate on the issue.
- B. If any Commissioner abstains from voting, a roll call vote shall be required on that issue. The reason(s) for the abstention shall be entered into the minutes of the meeting at which the vote is taken and be part of the official record.
- C. The right to vote is limited to the Commissioners present at the time the vote is taken. Voting by proxy is prohibited.
- D. All votes must be held and determined in public; secret ballots are prohibited, except in the election of a chair and vice-chair.
- E. Prior to calling for a vote, the chair shall state the question being voted upon.

**Section 9.2: Manner of Voting.** Except as otherwise provided in these rules or by law, voting shall be by unanimous consent, voice vote, roll call or show of hands unless a written ballot is requested. A written ballot shall state the Commissioner's name and each ballot shall be read aloud. The result of the vote by written ballot shall be announced, be entered into the minutes of the meeting at which the vote is taken and the ballots shall be a part of the official record. Secret ballots are prohibited. Roll call votes shall be taken when required in these rules or by law, at the request of any Commissioner, or when the chair cannot determine the results of a voice vote.

**Section 9.3: Voting.** Except as otherwise provided in these rules or by law, voting shall be approved by a majority of the Commissioners entitled to vote. The Constitution requires the following votes for the following actions:

- A. A simple majority of the appointed Commissioners (seven) may approve rules and procedural decisions.

- B. Election of the chair and vice-chair requires the affirmative vote of at least eight Commissioners, including at least one unaffiliated Commissioner.
- C. Removal of an appointed Commissioner requires the affirmative vote of at least eight Commissioners, including at least two unaffiliated Commissioners.
- D. Adoption of the final plan for submission to the Colorado Supreme Court and the adoption of a revised plan after a plan is returned to the Commission from the Supreme Court requires the affirmative vote of at least eight Commissioners, including at least two unaffiliated Commissioners.

**Section 9.4: Required Notice.** The Commission shall not vote on a final plan until at least 72 hours after it has been proposed to the Commission in a public meeting or at least 72 hours after it has been amended by the Commission in a public meeting, whichever occurs later; except that the Commission may unanimously waive the 72-hour requirement.

**Section 9.5: Results of Voting.**

In all cases where a vote is taken, the chair shall declare the result.

- a. It will be in order for any Commissioner voting in the majority to move for a reconsideration of the vote on any question at that meeting or at the next succeeding meeting of the Commission provided that no action has been taken as a result of the previous vote. When a motion to reconsider fails, it cannot be renewed.

**10.0 COMMITTEES**

**Section 10.1: Committee Formation.** The Commission may appoint and maintain standing or ad hoc committees as it deems appropriate.

**Section 10.2: Appointment and Authority.** The Commission shall appoint all committees and committee chairs. It shall be the function of committees to conduct studies and hearings, make recommendations to the Commission, and carry out such activities as may be delegated to them by the Commission. All committees are subject to Colorado open meetings laws.

**Section 10.3: Limitation of Authority.** No action by any committee, individual Commissioner, employee, or officer shall be binding upon, or constitute an expression of, the policy of the Commission until it has been approved or ratified by the Commission.

**Section 10.4: Discharge.** Committees shall be discharged by the Commission when their work has been completed and their reports accepted, or when, in the opinion of the Commission, it is deemed wise to discontinue the committee.

**11.0 DECORUM AND CIVILITY**

**Section 11.1: Duty of the Chair.** It shall be the duty of the chair to maintain order and decorum at meetings.

**Section 11.2: Addressing Commissioners.** Commissioners shall address each other through the chair, or vice-chair when designated by the chair, with respect and will not direct negative comments or gestures towards other Commissioners.

**Section 11.2.1: Exceptions.** A Commissioner may request to speak with the permission of the chair, or vice-chair when designated by the chair. Commissioners shall not interrupt one another; however, point-of-information or fact may be allowed with the permission of the chair.

**Section 11.3: Refrain from Outbursts.** To maintain the atmosphere of professionalism appropriate to Commission meetings, its members, staff, attorneys and consultants will avoid public verbal, non-verbal or physical reactions while anyone is speaking regardless of whether the public reaction is in support of or in

opposition to another Commissioner's point of view. This rule is directed at individual behavior and not intended to inhibit normal group responses such as laughter in response to a humorous statement.

**Section 11.4: Maintaining Respect for Commissioners.** The chair and vice-chair shall maintain impartiality and treat all Commissioners with the respect that is due the position of a Commissioner. Commissioners shall treat each other and the chair and vice-chair with like respect.

**Section 11.5: Communication Devices During Commission Meetings. If attending in person.** Commissioners who have indicated a necessity to have cell phones or other communication devices at the Commission table may be allowed to retrieve information for emergency purposes. Commissioners shall excuse themselves from the table in order to return needed messages. All cell phones and other communication devices of Commissioners attending in person shall be set to vibrate or placed in silent mode during meetings.

## **12.0 PROCEDURES FOR PUBLIC PARTICIPATION**

**Section 12.1: Public Participation.** Meetings of the Commission are public meetings and individuals shall have a reasonable opportunity to be heard.

- A. The Commission shall conduct its meetings and public hearings in a manner that invites public participation throughout the state.
- B. The Commission shall use technology, including but not limited to telephonic and Internet-based web conferencing and videoconferencing applications, to provide contemporaneous public observation and meaningful public participation in the redistricting process during all meetings and public hearings.
- C. The Commission shall receive and consider written submissions of proposed redistricting plans and any supporting materials, including underlying data, from any member of the public. These written submissions are public records and shall be provided to the Commission.
- D. At the time provided in the agenda, the chair may recognize and extend an opportunity to speak to any person desiring to address the Commission.
- E. Public comment at a public hearing of the Commission, as specified under Section 6.1 of these rules, the public shall be restricted to comment on the specific public hearing items on the agenda only, with a three (3) minute time restriction. Nonpartisan staff shall keep time and advise when the three (3) minutes has expired.
- F. The Commission may act to suspend the time limits set forth in rules and set an alternate time limit for public comment.
- G. No member of the public shall be permitted to speak a second time on the same issue until all others wishing to make a public comment or presentation on the subject have had an opportunity to do so.
- H. The chair may warn any person or curtail an opportunity to speak for failure to be germane, for vulgarity, for redundancy within their comment, for speaking in excess of the allotted time, for technical issues, or for failure to address remarks to the Commission.
- I. A person may be excluded from a meeting otherwise open to the public for a breach of the peace actually committed at the meeting.

**Section 12.2: Signing Up to Provide Testimony.** Those wishing to provide testimony at a public hearing will need to sign-up for the specific hearing at which they want to testify. Remote testimony will require advance sign-up, which will be available online and will close at the start of each public hearing. For those attending and testifying at a hearing in-person, sign-up can be completed online in advance of the meeting or in-person at the beginning of the meeting.

All testimony sign-up lists are public records and are subject to CORA. Additionally, all of the hearing proceedings will be recorded and are considered public records, subject to CORA.

**Section 12.3: Addressing the Commission.** Members of the public desiring to address the Commission by oral communication shall first be recognized before speaking. Guidance on participation will be provided in advance of the meeting in the meeting notice and provided verbally by the chair during the meeting.

**Section 12.4: Manner of Addressing the Commission.** Each person addressing the Commission shall be recognized by the Chair and give his or her name in an audible tone of voice for the record. All remarks shall be directed to the Commission as a body, even when such comments note agreement or disagreement with an individual Commissioner. No person, other than members of the Commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Commission. All questions to the Commission or its individual members shall be directed through the chair.

**Section 12.5: Personal and Slanderous Remarks.** Any person making personal, impertinent or slanderous remarks, or who shall become boisterous or disruptive, while addressing the Commission, may be requested to leave the meeting. An individual Commissioner may raise an objection to such remarks with the chair. The chair, independently or at the request of a Commissioner, may take action to address the remarks in question, which may include a warning, a clarification, a request for the person to leave the lectern or be ruled out of order. If any person becomes loud or unruly, the chair may rule that person out of order and may forfeit that person's opportunity to speak further and that person shall immediately cease their remarks.

**Section 12.6: Testimony Time Limits.** Each speaker will have three (3) minutes to speak. The three minutes will begin after the speaker has introduced themselves. A timer will be used to monitor speaking time. For any member of the public testifying with a translator, the timer will be paused during periods of translation to ensure the speaker has a full three minutes to deliver their remarks. Upon approval of a majority of Commissioners present, speaking time limits may be extended.

**Section 12.7: Delivering Testimony.** In general, members of the public will be called to testify in the order in which they signed-up with any changes at the chair's discretion. When a member of the public is called to testify, they should be prepared to introduce themselves including: an accurate name, how they would like to be addressed, where they are from, and any relevant organizational affiliation they are representing.

The subject of the testimony should be limited to redistricting. The Commission welcomes comments about the speaker's community, communities of interest, public policy concerns, and political competitiveness.

Comments that attempt to coerce, intimidate, threaten, or deliberately mislead or deceive the members of the Commission or nonpartisan staff will be ruled out of order and may result in a civil or criminal complaint by the Commission or nonpartisan staff. Any speaker engaging in this type of testimony will not be allowed to continue and will forfeit the balance of their speaking time.

Commissioners may ask a speaker follow-up or clarifying questions. The Commission generally will not respond to specific questions posed during testimony as that is outside the scope and purpose of the public hearings. Follow-up and clarifying questions and a speaker's response are not included in the three (3) minute time limit.

## **13.0 PUBLIC ACCESS TO COMMISSION RECORDS**

### **Section 13.1: Commission Records.**

- A. Nonpartisan staff shall make the minutes, also known as meeting summaries and the record of decisions of Commission meetings readily available to any member of the public without charge. In the unlikely event that Commission minutes, are prepared but not approved by the Commission, they shall be available for public inspection not more than eight business days following the meeting. Minutes approved by the Commission shall be available within five business days after the date of the meeting in which the minutes were approved.

- B. Nonpartisan staff will maintain an online archive of all meetings and hearings of the Commission and make the archive available for public review.
- C. All Commission records are available to the public for reading, copying and other purposes as governed by the Colorado Open Records Act (CORA), except those specifically exempted under applicable laws including but not limited to CORA or Colorado open meetings laws. The managing attorney shall be responsible for coordinating CORA responses. The Commission shall adopt a policy to respond to CORA requests.
- D. To the extent practicable, nonpartisan staff shall post meeting materials and records on the Commission's website for the public's convenience and to foster transparency in the redistricting process. Staff shall implement procedures to effectively manage and provide necessary public access to data and reports generated by the Commission and Commission staff, as well as those materials received by the Commission from members of the public while at the same time ensuring the integrity, availability, and accountability for such information.

#### **14.0 MISCELLANEOUS**

**Section 14.1: Suspension.** Except for those rules derived from the constitution or state law, the Commission may suspend its rules of procedure, in whole or in part, by majority vote of Commissioners present.

**Section 14.2: Amendments.** These rules may be amended, with 72-hours prior notice of such amendment, by a majority vote of the Commissioners present at any regular or special meeting. The prior notice requirement may be satisfied by inclusion of the proposed amendment on the agenda included in the Agenda package at least 72 hours prior to the meeting. Every amendment must identify the specific existing or new sections of these rules that are subject to revision or inclusion by the amendment.

**Section 14.3: Severability.** These rules and all amendments hereto are subject to article V, section 48.4 of the Colorado Constitution, the constitution and laws of the state of Colorado, and the constitution and laws of the United States of America. If any article, section, or other provision of these rules, as amended, is found by an appropriate authority to be in violation of such applicable law or otherwise invalid, such provision shall be severed from these rules, the remainder of which shall continue in effect and shall be construed so as to enable the Commission to achieve its purpose as stated herein.

The foregoing rules have been approved by the Colorado Independent Congressional Redistricting Commission as of the date of approval noted below:

Date of Approval: April 16, 2021

1<sup>st</sup> Amendment Date: June 18, 2021

2<sup>nd</sup> Amendment Date: July 9, 2021