

**Private**  
STAFF SUMMARY OF MEETING

OTHER COMMITTEE COMMITTEE ON INDEPENDENT LEGISLATIVE REDISTRICTING COMMISSION

Date 03/30/2021  
Time 08:04:35 AM to 11:58:57 AM  
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	X
Schepper	X
Carlos Perez	X

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

Hearing Items	Action Taken
Introductory Remarks	Committee Discussion Only
Transparency of Commission Activities	Committee Discussion Only
Commissions	
Operations and Procedures	Committee Discussion Only
Discussion about US Census Data Delay	Committee Discussion Only
Administrative Matters	Committee Discussion Only
Other Business	Committee Discussion Only

### Introductory Remarks - Committee Discussion Only

- 08:07:45 AM Carlos Perez (U CD-5), temporary chair of the Colorado Independent Legislative Redistricting Commission, called the meeting to order. He announced that commission proceedings would be governed by Roberts Rules of Order. Roll was called, and all commission members were present, with Commissioners Barnett (R CD-6), Barry (D CD-7), Fletcher (U CD-7), Greenidge (U CD-4), Hass (R CD-4), Kottwitz (R CD-2), McReynolds (U CD-1), and Schepper (D CD-3) participating remotely and Commissioners Horvath (D CD-2), Buckley (R CD-5), Uzeta O'Leary (D CD-3), and Perez (U CD-5) participating in person. Materials discussed at the meeting are available on the commission's webpage (<https://redistricting.colorado.gov/>) or here: <https://coleg.box.com/s/ojnm6q620adn4qdwqtxgp8iis0zh5lv> (<https://coleg.box.com/s/ojnm6q620adn4qdwqtxgp8iis0zh5lv>).
- 08:10:23 AM Jeremiah Barry, Managing Attorney, Colorado Independent Redistricting Commissions, provided an overview of the staff support available to the commission.
- 08:12:30 AM Jessika Shipley, Staff Director, Colorado Independent Redistricting Commissions, introduced herself and the staff for the commission.
- 08:15:32 AM Chairman Perez asked the commissioners to introduce themselves.

### Transparency of Commission Activities - Committee Discussion Only

- 08:27:36 AM Nicole Myers, Colorado Independent Redistricting Commissions Staff, presented on Colorado's Open Meetings Law and the Colorado Open Records Act. She reviewed the provisions of the open meetings law that apply to the activities of the legislative redistricting commission.



- 08:33:05 AM Ms. Myers continued by reviewing the Colorado Open Records Act, and the specific provisions that apply to the work of the commission. She encourage the commission to adopt its own open records policy and noted that the open records act applies to staff as well. Ms. Myers responded questions from the commission.
- 08:43:59 AM Commission discussion on open records act requirements continued, and Ms. Myers, Ms. Shipley, and Mr. Barry responded.
- 08:50:36 AM Mr. Barry responded to commission questions regarding the open meetings laws that apply to state and local public bodies. Ms. Myers and Julia Jackson, Colorado Independent Redistricting Commissions Staff, responded.

## Commissions Operations and Procedures - Committee Discussion Only

- 09:10:47 AM Ms. Shipley began the discussion regarding commission operations and procedures. She highlighted the specific requirements that the commission rules must include, including a process for hearings on and review of maps submitted for consideration, maintaining a record of activities and proceedings, the process for removing commissioners for participating in prohibited communications, the process for recommending changes to staff plans, and the adoption of a statewide meeting and hearing schedule.
- 09:14:38 AM Ms. Shipley continued by discussing issues the commission may want to consider, including the basis for the commission's operations.
- 09:20:16 AM The commission took a short recess.

## Discussion about US Census Data Delay - Committee Discussion Only

- 09:31:06 AM The commission reconvened. Commissioner Perez introduced Mr. Barry to make his presentation regarding the U.S. Census data delay, lawsuits, and HR 1.
- 09:32:48 AM Mr. Barry reviewed issues related to the delay of census data. He noted that reapportionment data is expected to be released in April. Block census data, which was due on March 31, 2021, will be delayed until September 2021. The Census Bureau will release data in an old format prior to the full release.
- 09:36:04 AM Mr. Barry discussed the constitutional timelines for the commission's activities and the term "necessary census data." Mr. Barry discussed the differing views about what constitutes "necessary census data." He discussed the timeline for members of the public to submit written comments to nonpartisan staff on the creation of the preliminary plans and communities of interest. He explained that the commission may adjust this deadline, and noted that the congressional commission has extended the deadline.
- 09:39:11 AM Mr. Barry further reviewed the timelines associated with the public hearing process and when the final maps must be submitted to the Colorado Supreme Court.
- 09:41:47 AM Mr. Barry discussed the deadlines associated with Colorado Supreme Court review and adoption of legislative redistricting maps.
- 09:42:27 AM Mr. Barry discussed the letter received by the commission from Governor Polis. The letter directed the commission to attempt to meet the constitutional deadlines, and the rationale behind that is to not affect 2022 election-related deadlines and redrawing of election precincts by counties. Precinct caucuses are scheduled for the first Tuesday in March, and counties must complete redrawing precincts by January 30.
- 09:45:51 AM Mr. Barry suggested that the commission consider retaining outside counsel. He noted that previous reapportionment commissions have appointed a subcommittee to interview and retain counsel, and the congressional redistricting commission is appointing a subcommittee for this purpose as well.
- 09:47:30 AM Mr. Barry responded to questions from the commissioners regarding whether it is possible to reapportion the House and Senate legislative districts under the constitutional deadlines if the data is not received until September, and Mr. Barry responded that there will not be enough time to complete the process by November 15.
- 09:50:34 AM Mr. Barry further continued by discussing the purpose of the preliminary plan, noting that perhaps the commission could request that the Colorado Supreme Court approve an arrangement where the commission begins the preliminary plan and public hearing process before final census data is received.



- 09:52:15 AM Chair Perez commented on the Governor's directive to begin drawing preliminary maps based on other available census data. Mr. Barry responded to questions from Commissioner Horvath regarding what other data would be available to draw a preliminary map, noting that American Community Survey data could be used. Commissioner Schepper asked for clarification about how the deadlines for the process could be changed.
- 09:56:41 AM Commissioners further discussed the deadlines associate with the process, requesting guidance from the Colorado Supreme Court, and retaining outside counsel. Commissioner Buckley asked if there could be an expedited hearing for the issue, and Mr. Barry responded.
- 10:04:07 AM Commission discussion continued regarding the "necessary Census data" and other data that could be used in the process.
- 10:11:26 AM Mr. Barry noted that both political parties would like to avoid impacting the 2022 election calendar. Mr. Barry further responded to questions from Commissioner Perez regarding the quality of the data available to draw the preliminary plan.
- 10:13:44 AM Mr. Barry responded to questions from the commission regarding how districts are drawn in the mapping software. Commissioner McReynolds asked for a timeline illustrating the process. Ms. Shipley discussed future presentations for the commission regarding downstream election effects and data.
- 10:22:22 AM Commissioner O'Leary discussed the timing of the 20-day public comment period. Chair Perez noted the issues that would be considered later in the meeting.
- 10:24:48 AM Mr. Barry discussed lawsuits in other states regarding Census data and House Resolution 1. Ms. Shipley and Mr. Barry further responded to questions about how the Congressional Redistricting commission is proceeding with regard to determining what constitutes "necessary Census data" and the process of review by the Colorado Supreme Court.

## Administrative Matters - Committee Discussion Only

- 10:34:30 AM Ms. Shipley addressed administrative matters for the commission, including email, file sharing, and computer equipment. She further asked the commission to consider adopting policies around media and operations and procedures. Ms. Shipley discussed the training that the staff would like to provide to the commission. She explained that the commission must provide 72-hours notice prior to taking action or adopting rules. She further noted the commission needs to set a standard meeting time, and elect a chair and vice-chair.
- 10:46:06 AM Ms. Shipley reviewed potential future agenda items, and discussed the commission's budget. She further responded to questions from the commissioners regarding media inquiries and public comment.
- 10:51:59 AM Commissioner Barry asked about the process for retaining outside legal counsel.

## Other Business - Committee Discussion Only

- 10:54:49 AM Chair Perez discussed the formation of subcommittees. He suggested forming the following subcommittees: public comment, outside counsel, and rules and bylaws. He discussed future meeting times, and the commissioners commented.
- 11:05:02 AM Committee discussion about meetings continued. The committee agreed to schedule the next meeting on Friday, April 9. The commissioners discussed the formation of subcommittees. By acclamation, a rules and procedures subcommittee, consisting of Commissioners Fletcher, Buckley, and Horvath was formed.
- 11:34:15 AM The commission began discussing the formation of subcommittees. The chair suggested forming a three member subcommittee to consider rules and procedures. Commissioner Fletcher asked for staff to provide a draft for consideration. The commission formed a rules and procedures commission to address rules and proceedures consisting of Commissioners Fletcher, Buckley, and Horvath.
- 11:37:03 AM The commission discussed forming an outside counsel subcommittee, consisting of Commissioners O'Leary, Kottwitz, and Barry.
- 11:41:51 AM The commission discussed forming a subcommittee to manage the public comment process. Commissioners Hass, Schepper, McReynolds, and Greenidge were appointed. Commissioner Barry asked to be included in the subcommittee's work.
- 11:42:00 AM The commission discussed future meeting agenda items. The committee discussed adding to future meetings agenda items for the election of chair and vice-chair, reports from subcommittees, and a presentation from State Demographer Elizabeth Garner. The committee also discussed extending the 20-day public comment period deadline.



11:45:44 AM The commission discussed extending the 20-day comment period. Ms. Shipley explained that the action the Independent Congressional Redistricting Commission took on the issue. The commission continued discussion about the public comment period, and Mr. Barry commented.

11:58:57 AM The committee adjourned.

