

Private
STAFF SUMMARY OF MEETING

OTHER COMMITTEE COMMITTEE ON INDEPENDENT LEGISLATIVE REDISTRICTING COMMISSION

Date 04/16/2021
Time 01:08:52 PM to 04:06:14 PM
Place LSB A
This Meeting was called to order by Carlos Perez
This Report was prepared by Julia Jackson

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

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

Hearing Items	Action Taken
Approval of Summary and Agenda	Committee Discussion Only
Presentation on Local Election Timelines	Committee Discussion Only
Adoption of Commission Rules of Procedure	Committee Discussion Only
Legislative Redistricting Calendar	Committee Discussion Only
Seeking Legislative Interrogatories from the Colorado Supreme Court	Committee Discussion Only
Subcommittee Reports	Committee Discussion Only
Commissioner Communications	Committee Discussion Only

01:11:22 PM
Commissioner Perez called the meeting to order. Meeting materials are available online here: <https://coleg.box.com/s/9vmvu3901quhep3hp2gk0yuidcoofuzo>

Approval of Summary and Agenda - Committee Discussion Only



01:12:36 PM Motion Approval of agenda.
 Moved Kevin Fletcher
 Seconded

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

YES: 0 NO: 0 EXC: 2 ABS: 0 FINAL ACTION: Pass Without Objection

01:13:03 PM Motion Approval of April 9 meeting summary
 Moved John Buckley
 Seconded

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

YES: 0 NO: 0 EXC: 2 ABS: 0 FINAL ACTION: Pass Without Objection

Presentation on Local Election Timelines - Committee Discussion Only

01:14:52 PM Deputy Secretary of State Christopher Beall introduced himself and discussed the delayed census data situation. He explained that these delays could impact the 2022 election calendar, as counties must redraw precincts and the Secretary of State must update the statewide voter registration system once redistricting is done.



- 01:19:01 PM Mr. Beall presented the 2022 election calendar as currently written. He noted that the state has conducted primary elections in August in the past, but that federal law has made that difficult. He added that the dates are in statute, which would need to be changed by law to adjust the schedule. He noted that the Secretary of State would prefer the dates not be shifted, but suggested the primary could be moved to late July at the latest.
- 01:22:16 PM Mr. Beall presented recommendations to the commission, including revising the meaning of "necessary census data" and using discretion to adjust hearing timelines. He further recommended the commission seek judicial review of any proposed action, in hopes of limiting future litigation.
- 01:25:25 PM Carly Koppes, Weld County Clerk and Recorder, discussed the county-level work that occurs after redistricting is complete. She explained that even the existing deadlines are very difficult for the counties to complete re-precincting. She further noted that some counties in the state do not have GIS capability.
- 01:27:25 PM Clerk Koppes explained what a precinct is and how counties must set them. She then noted that many counties also elect their county commissioners from districts, which also have to be redrawn.
- 01:29:30 PM Clerk Koppes discussed SCORE, the statewide voter registration system, and explained how the address library in the system must be updated to put voters in the correct precinct. She noted that Weld County has seen significant growth, which will require a number of precinct changes.
- 01:33:44 PM Commissioner Barnett asked about ideal and very latest deadlines necessary for the June primary. Mr. Beall responded that the approval date in the constitution is the very latest deadline, and suggested that optimally, a map could be approved on the first try, which would be in November. Clerk Koppes concurred with Mr. Beall. She added that there is sometimes litigation on county redistricting and precincts as well.
- 01:35:38 PM Commissioner Buckley asked about contingencies and expressed his concern with meeting the deadlines. Mr. Beall responded that the latest the primary could be moved is to the end of July. Clerk Koppes responded with information about the limitations faced by the counties.
- 01:47:42 PM Commissioner Greenidge asked Clerk Koppes about her experience with redistricting litigation. She discussed problems with precincts that split houses or had no one residing in them. She noted that data improvements should make this less of an issue in 2022.
- 01:51:23 PM Mr. Beall, Clerk Koppes and Commissioner Perez discussed ways the commission can help the Secretary of State and the counties do their work. Mr. Beall noted that minimizing litigation will help, and Clerk Koppes noted the need for accurate digital files.

Adoption of Commission Rules of Procedure - Committee Discussion Only

- 01:56:20 PM Commissioner Fletcher discussed the proposed rules of procedure and noted that he would be proposing some amendments. He noted citation corrections.
- 01:57:57 PM Commissioner Fletcher suggested that the proposed rules be revised to include the exact language on criteria from the state constitution. Jessica Shipley, Colorado Independent Redistricting Commissions Staff, commented on deviation between districts, and commission discussion on this point ensued.
- 02:05:46 PM Jeremiah Barry, Colorado Independent Redistricting Commissions Staff, discussed acceptable population deviation with Commissioner Horvath. Commissioner Perez agreed to follow up on this topic.
- 02:11:39 PM Commissioner Fletcher continued to discuss the draft rules and proposed changes. He noted a request to adjust public notice timelines, but he and Commissioner Uzeta O'Leary expressed support for keeping these notice periods at 48 hours for commission meetings and 24 hours for subcommittee meetings.
- 02:14:50 PM Commissioners Fletcher and Perez discussed the role of the chair in signing off on expenditures. Mr. Barry and Ms. Shipley clarified the constitutional requirements for approving payments. Discussion continued on the commissions' budget and accountability.
- 02:19:53 PM Commissioner Fletcher noted that there was a request to have an open public comment period during every meeting, and he recommended against that change. Commissioners discussed the possibility of adding this requirement. Julia Jackson, Colorado Independent Redistricting Commissions Staff, addressed the technological ability to take public comment signups in advance. Commissioner Perez suggested that the public comment and outreach subcommittee review this policy and not include it in the rules of procedure at this time. Commission discussion continued.
- 02:29:45 PM Ms. Shipley noted that there might be meetings where public comment is appropriate and others where it is not. Commissioner Uzeta O'Leary noted the importance of being able to take public comment at commission meetings.



- 02:33:32 PM Commissioner Fletcher noted that he revised the draft to remove prescriptive requirements for commission agendas. Commissioners discussed rules on secret ballots and record retention policies. Commissioner Perez noted that the commission would still need to develop a formal record retention policy.
- 02:39:05 PM Commissioner Greenidge offered additional suggested changes. He and Ms. Shipley discussed filling vacancies as provided in section 3.5. He asked that the word "one" be added in section 4.1, and in section 7.6, the repeated "a hearing" be deleted.
- 02:44:52 PM Commissioner Perez amended the original motion to allow staff to make typographical corrections as necessary.

02:45:35 PM Motion Approve rules and procedures as amended in commission discussion and indicated on draft and allow staff to make typographical corrections as necessary.

Moved Kevin Fletcher

Seconded

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

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

Legislative Redistricting Calendar - Committee Discussion Only

- 02:47:21 PM Commissioner Perez noted that the commission does not yet have a calendar in place, and he expressed concern with the lack of a firm timeline. Commissioner Uzeta O'Leary noted that the commission still needs to make decisions regarding the use of data. Commissioner Horvath commented that a timeline would help the commissioners set their summer and fall schedules.
- 02:49:41 PM Mr. Barry noted the possibility of a pending request to the state supreme court regarding necessary census data and suggested that the state supreme court should hear all the commission's requests at once, including if the commission wants to modify deadlines. Commissioners discussed the value of having goal dates.
- 02:55:04 PM Commissioner Perez proposed presenting a working calendar and some possible dates at the commission's next meeting.
- 02:55:37 PM The commission took a brief recess.

Seeking Legislative Interrogatories from the Colorado Supreme Court - Committee Discussion Only

- 03:06:39 PM Commissioner Uzeta O'Leary presented two requests from the subcommittee on outside legal counsel. The first concerns a request for information seeking outside legal counsel. Mr. Barry discussed the RFI and noted that the congressional commission has also released an RFI for outside legal counsel.
- 03:10:08 PM Commissioner Barry noted that the subcommittee would prefer separate legal counsel from the congressional commission. The commission clarified the deadline for responses, which would be April 26. Commissioner Uzeta O'Leary added that the two commissions could be represented by the same law firm but that they would prefer separate attorneys. Mr. Barry responded to a question clarifying that as currently written, the proposals require separate responses.



03:19:18 PM Commissioner Buckley requested that the commission know which specific lawyers will work with the commission, rather than just the firm. Commissioners from the subcommittee noted their agreement with this request.

03:22:21 PM Motion Approve RFI for outside legal counsel.

Moved Blanca Uzeta O'Leary

Seconded

Hunter

Barnett

Heather

Barry

John

Buckley

Samuel

Greenidge

Constance

Hass

Gary

Horvath

Aislinn

Kottwitz

Amber

McReynolds

Blanca

Uzeta

O'Leary

Robin

Schepper Excused

Kevin

Fletcher

Carlos

Perez

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

03:23:42 PM Mr. Barry discussed requesting legislation from the General Assembly to request interrogatories from the Colorado Supreme Court. He noted this bill would request a modified definition of "necessary census data" for preparing a preliminary plan. He further explained the time limitations due to the length of the legislative session.

03:25:30 PM The commission discussed a memo from Mr. Barry on the issue of legislation and noted the possibility of sending a letter to legislative leadership. Mr. Barry noted that the congressional commission would be taking up this item on April 19.

03:32:30 PM Commissioner Uzeta O'Leary requested that the commission take action on this item right away. Commissioner Perez agreed but suggested that a joint subcommittee between the two commissions might be helpful in the future. Commissioner Kottwitz noted her willingness to send a joint letter with the congressional commission, but only if they agree on April 19, so the letter would not be delayed beyond April 19.

03:36:15 PM Commissioner O'Leary made the following full motion, seconded by Commissioner Kottwitz: "In order to keep open the possibility of interrogatories being sent to the Colorado Supreme Court, I move that the Commission asks Leadership of the General Assembly to introduce a bill that would outline the issues raised by the delay in the receipt of the final census data and that the bill would propose using data other than the final census data for purposes of nonpartisan drafting the preliminary plan. The Commission understands that, if the Commission later chose not to pursue the General Assembly sending interrogatories to the Colorado Supreme Court, the bill would be postponed indefinitely and that, if additional issues concerning the process for the Commission to complete its work are raised, that the bill would be amended to add those additional issues." The commission discussed the motion.



03:45:05 PM Motion Ask legislative leadership to introduce a bill on necessary census data.
 Moved Blanca Uzeta O'Leary
 Seconded

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

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

Subcommittee Reports - Committee Discussion Only

03:46:55 PM Commissioner Perez thanked the subcommittees on rules and procedures and outside legal counsel for their work so far.

03:48:21 PM Commissioner Hass reported on the work of the public comment and outreach subcommittee. She noted that the subcommittee is preparing talking points and slides that commissioners could use for presentations. She added that the subcommittee is beginning to review public comments received, and that the subcommittee requests commissioners notify them when they are presenting to groups. Ms. Jackson discussed the availability of public comments and talking points.

03:53:12 PM Commissioner Buckley requested talking points and slides for a talk he will be giving.

03:55:04 PM Staff reported on the work of the congressional commission.

Commissioner Communications - Committee Discussion Only

03:56:01 PM Commissioner Kottwitz discussed redistricting topics she has heard in Northern Colorado. She stated that people in these areas are very interested in keeping counties whole. She also discussed the importance of agricultural counties in Southeast Colorado.

03:57:51 PM Commissioner Uzeta O'Leary described the Roaring Fork Valley where she resides. She noted that people in her area have a lot of interest in redistricting, but particularly in the 3rd congressional district.

04:00:10 PM Commissioner Perez noted agenda items for the commission's April 23 meeting. Commissioners Uzeta O'Leary and Fletcher requested additional discussion of the commission's timeline at the next meeting. Commissioners also discussed hearing more about ensemble analysis and requested additional material from Commissioner Greenidge. Commissioner Perez requested that commissioners email him with additional topics as they come up.

04:06:14 PM The committee adjourned.

