

<p>COLORADO SUPREME COURT 2 East 14th Avenue   Denver, CO 80203</p>	
<p>Original Proceeding Pursuant to Article V, Section 44.5 of the Colorado Constitution</p>	
<p><b>In re Colorado Independent Congressional Redistricting Commission</b></p>	<p>▲ COURT USE ONLY ▲</p>
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<p><b>PETITION FOR JUDICIAL REVIEW AND REQUEST FOR THIS COURT TO ESTABLISH A SCHEDULE UNDER COLO. CONST. ART. V, § 44.5(1)</b></p>	

## CERTIFICATE OF COMPLIANCE

I certify that this petition complies with applicable requirements of C.A.R. 32, including formatting requirements set forth in these rules.

I acknowledge that this petition may be stricken if it fails to comply with the requirements of C.A.R. 32.

*s/ Frederick R. Yarger*

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## **IDENTITY OF PETITIONER**

The Colorado Independent Congressional Redistricting Commission (“the Commission”) was created after the voters approved Amendment Y in the 2018 General Election. The year following every U.S. Decennial Census of Population and Housing (“the Decennial Census”), the Commission is convened and tasked with dividing the state into congressional districts. The inaugural Commission was convened on March 15, 2021, by Governor Jared Polis.

## **NATURE OF RELIEF SOUGHT**

The Commission, under Article V, Sections 44.4(6) and 44.5 of the Colorado Constitution, submits this Petition for two reasons: (1) to initiate a judicial review proceeding to allow formal public communication between the Court and the Commission while the Commission carries out its official duties and (2) to request that a “schedule [be] established by the [C]ourt,” Colo. Const. art. V, § 44.5(1), to clarify the date by which the Commission will approve a final redistricting plan and submit the plan to this Court for judicial review.

In light of the challenges presented by the COVID-19 pandemic—and, most importantly, the significant delays in the delivery of final, redistricting-level data from the Decennial Census—the Commission has considered two possible schedules to complete its work and fulfill the voters’ intent during this redistricting cycle. First, the Commission has developed a preferred schedule that will allow it to use final, redistricting-level census data in drawing staff plans and in drawing the Commission’s final, approved plan, and that will also permit the public to comment on a staff plan drawn using final census data. This preferred plan, however, will require modification and extension of several deadlines set forth in Amendment Y that apply to the Commission and the Court.

Second, the Commission has developed a condensed schedule. The Commission believes that, while this condensed schedule complies with Amendment Y, it is significantly less desirable because it reduces opportunities for public comment; it requires the use of preliminary data, rather than final census data, to draw staff plans and to draw the final plan that will be approved by the Commission (such that the final



plan will have to be adjusted to account for and include final, redistricting-level census data after that plan is submitted to this Court for judicial review); and it compresses the time periods for the preparation of staff plans.

The Commission will be able to pursue its preferred schedule only if this Court determines that the deadlines set forth in the schedule can be established consistent with Amendment Y. Therefore, the Commission respectfully asks that this Court establish its proposed schedule as the schedule that will govern the Commission and this Court under Amendment Y during this redistricting year.

## **FACTUAL AND PROCEDURAL BACKGROUND**

### **A. The structural and substantive provisions of Amendment Y ensure a fair and non-partisan congressional redistricting process.**

Amendment Y is found in sections 44 to 44.6 of Article V of the Colorado Constitution. The amendment tasks the Commission with “divid[ing] the state into as many congressional districts as there are representatives in congress apportioned to this state by the congress of the United States for the election of one representative to congress from

each district.” Colo. Const. art. V, § 44(2). The 12 members of the Commission are appointed and convened every 10 years, in the year after the decennial Census, through a process designed to minimize undue political interference and ensure that no one political party can determine the outcome of redistricting. *Id.* § 44.1. Membership is limited to four commissioners affiliated with the state’s largest political party, four commissioners affiliated with the state’s second largest political party, and four commissioners unaffiliated with any political party. *Id.* The Commission is assisted in its work by nonpartisan staff. *Id.* § 44.2(1)(b).

Amendment Y also sets forth substantive criteria the Commission and non-partisan staff must follow in drawing congressional maps and approving a final redistricting plan. The Commission must (a) make a good-faith effort to achieve precise mathematical population equality; (b) comply with the federal Voting Rights Act of 1965, 52 U.S.C. § 10301; (c) preserve whole communities of interest and political subdivisions as much as reasonably possible; (d) make districts as compact as reasonably possible; and (e) maximize the number of

politically competitive districts to the extent possible. *Id.* § 44.3(1)–(3). Additionally, the Commission is prohibited from drawing a map to protect incumbent members of Congress, declared candidates, or any political party or drawing a map “for the purpose of or [that] 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.” *Id.* § 44.3(4)(a)–(b).

**B. The non-substantive, procedural requirements of Amendment Y provide deadlines for the Commission and this Court to complete the redistricting process in a timely fashion.**

Amendment Y also includes non-substantive procedural requirements that establish cascading deadlines for the Commission, its staff, and this Court to complete their work. Each successive deadline is premised on the Commission’s ability to meet earlier deadlines. The Commission must convene for the first time no later than March 15. From 30 to 45 days after its first meeting or after necessary census data becomes available, nonpartisan staff must present a “preliminary plan.” *Id.* §§ 44.2(1)(a), 44.4(1). By July 7, the Commission must hold public

hearings “in several places throughout the state” to receive public comment on the preliminary plan. *Id.* § 44.4(2).

Once hearings on the preliminary plan are complete, non-partisan staff prepares three “staff plans,” although the Commission may adopt a final plan at any time after the first staff plan is presented, thereby obviating the need for further staff plans. *Id.* § 44.4(3) & 5(a). Each subsequent staff plan is presented at least 10 days after presentation of the previous plan. *Id.* § 44.4(3). Amendment Y contemplates that the Commission’s adoption of a “final plan” would occur no later than September 1. *Id.* § 44.4(5)(b). Without the Commission’s approval of a final plan by that date, the staff’s unamended third staff plan would be submitted to the Supreme Court for review and approval. *Id.* § 44.4(6).

Amendment Y requires that “[t]he commission must, to the maximum extent practicable, provide opportunities for Colorado residents to present testimony at hearings held throughout the state.” *Id.* § 44.2(3)(b). After preparation of a preliminary plan but before preparation of any staff plan, the Commission must hold at least three public hearings in every congressional district in the state, including at

least one west of the continental divide and one east of the continental divide and either south of the southern boundary of El Paso County or east of the eastern boundary of Arapahoe County. *Id.* § 44.2(3)(b). The Amendment also permits members of the public—or individual Commissioners—to submit maps for the Commission’s consideration, and the Commissioners themselves are empowered to direct non-partisan staff to prepare plans in addition to the staff plans. *Id.* §§ 44.2(3)(a), 44.4(4).

Finally, Amendment Y contemplates a critical role for this Court. Judicial review is channeled directly and exclusively to this Court, which reviews the final plan submitted by the Commission and determines whether the Commission abused its discretion in implementing the Amendment’s substantive redistricting criteria. *Id.* § 44.5(1)–(2). This Court is authorized to “adopt rules for such proceedings and for the production and presentation of supportive evidence for [the final] plan” and it is empowered to “establish[ ]” a “schedule” for “[a]ny legal arguments concerning [the final] plan.” *Id.* § 44.5(1).

This Court may either approve the plan or, if it finds an abuse of discretion, return the plan to the Commission by November 1. *Id.*

§ 44.5(2)–(4). If the Court returns the plan, the Commission has 12 days to hold another hearing and submit an amended plan to the Court. *Id.*

§ 44.5(4)(b). This return and resubmission process can take place more than once, but Amendment Y contemplates this Court’s final approval by December 15, 2021. *Id.* § 44.5(5).

Amendment Y gives the Commission flexibility to address and overcome delays in the redistricting process. The Commission is authorized to adjust the Amendment’s deadlines “if conditions outside of the commission’s control require such an adjustment to ensure adopting a final plan.” *Id.* § 44.4(5)(c). But the Commission may adjust only those deadlines that apply to its own work; Amendment Y does not appear to give the Commission authority to adjust the November 1 and December 15 deadlines that apply to this Court’s judicial review, *id.* §§ 44.5(4)–(5), and the Commission would not presume to impinge on this Court’s independent authority and role in the redistricting process by independently attempting to adjust those deadlines.

**C. This Court’s opinion in *In re Interrogatories on SB 21-247* acknowledged the extraordinary challenges facing the Commission that have been caused by the COVID-19 pandemic.**

While the drafters of Amendment Y anticipated possible delays in the redistricting process, no one could have anticipated the COVID-19 pandemic or the months-long delays the pandemic would cause for the Decennial Census. In a normal redistricting year, final redistricting-level census data would have been available in April. In this extraordinary year, however, that same data will not be made available until over four-and-a-half months later, in mid-August, two weeks before the September 1 deadline, and the data will be made available at that time only in a legacy format. A “user-friendly” format will not be released until September 30, 2021. *Compare* 13 U.S.C. § 141(c) *with* U.S. Census Bureau, Release No. CB21-RTQ.09, *U.S. Census Bureau Statement on Release of Legacy Format Summary Redistricting Data File* (March 15, 2021), available at <https://bit.ly/2SR0kq3>.

In *In re Interrogatories on SB 21-247*, this Court recognized that, because of the census delays caused by the COVID-19 pandemic, it will be “difficult for the commissions to both make use of the up-to-date

census data and submit plans within the constitutionally mandated timelines.” *In re Interrogatories on SB 21-247*, 2021 CO 37, ¶ 21. The Court also observed that both the Congressional and Legislative Commissions are “endeavoring to create and submit constitutionally compliant plans by their respective September final-plan deadlines.” *Id.* ¶ 21 n.10.

Under these circumstances, the Commission has developed a condensed schedule that substantially complies with the procedural requirements and deadlines in Amendment Y, satisfies the requirement to provide the public with the opportunity to present comment to the maximum extent practicable, and allows the Commission to use final census data for staff plans and its final plan. If necessary, and based on direction from the Supreme Court, the Commission will endeavor to take additional, more restrictive measures to ensure that it will adopt a final plan by as close to September 1 as possible. Those steps may include:

- Using the best, currently available data (the same data used to create the preliminary plan) to prepare staff plans and a



final plan for the Commission's approval.<sup>1</sup> This may require the final plan to later be adjusted by non-partisan staff to incorporate final redistricting-level census data, perhaps after this Court begins the process of judicial review.<sup>2</sup>

- Eliminating some public hearings that have already been scheduled and announced; condensing the calendar of remaining public hearings; and forgoing public comment on plans based on final census data.

The Commission wishes to make clear that it opposes these measures.

The Commission believes it should use final redistricting-level data from the Census Bureau to draw staff maps, it should receive public

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<sup>1</sup> Using this preliminary data may prevent the Commission from considering, as part of its final redistricting plan, whether to reassign the residence of incarcerated individuals from their place of incarceration to their former residence. Waiting for the final census data to become available will allow the Commission to consider reassigning incarcerated persons to their former residence for purposes of the final redistricting plan.

<sup>2</sup> Adjustments to incorporate final census data could be accomplished in two ways. First, the staff is permitted to make "technical" adjustments to the plan after it is adopted by the Commission. Colo. Const. art. V, § 44.4(5)(d). Although Amendment Y contemplates that these adjustments will take place "prior to [the plan's] submission to [this Court]," the Commission could adjust that deadline under section 44.4(5)(c). Second, adjustments to the plan to incorporate final census data could be accomplished after this Court conducts its first round of judicial review, during a remand to the Commission under section 44.5(4)(b).

comment based on a map drawn using that final census data, and it should avoid adopting a plan that would require later adjustment to incorporate final census data.

For these reasons the Commission is seeking guidance from this Court. The Commission requests that the Court either (1) approve its proposed schedule, set forth below, which would allow for a fully robust redistricting process and the adoption of a final plan based on final redistricting-level census data, but would also require adjustments to the deadlines set forth in Amendment Y that apply to both the Commission and this Court; (2) clarify that the Commission should take additional measures, including those discussed above, so that it can approve a final plan as close as possible to September 1; or (3) provide other guidance to the Commission so that it may adjust its schedule and its work accordingly.

**REQUEST TO ESTABLISH A SCHEDULE  
UNDER COLO. CONST. ART. V, § 44.5(1)**

- I. The Commission and its non-partisan staff have proposed a schedule to allow the use of final census data in preparing staff plans and to ensure the maximum practicable opportunity for public input regarding plans drawn using final census data.**

Over the past several months, the Commission has been hard at work carrying out its constitutional duties, despite the unavailability of final census data and the other challenges presented by the ongoing COVID-19 pandemic. The Commission has formed a number of committees to assist in executing its responsibilities. It has received input at public meetings from a variety of subject matter experts, including outside experts and experts within its own nonpartisan staff. It has received extensive public comment on communities of interest and other matters germane to its redistricting duties. Staff has already prepared a preliminary redistricting plan using statewide population data from the United States Census Bureau and other data sources, including data from the Colorado State Demographer's Office, to ensure that the basis for the preliminary plan is as accurate as possible given current constraints. Colo. Indep. Redistricting Comm'ns, *Preliminary*

*Cong. Maps* (June 23, 2021), <https://bit.ly/3xxpTvx>. Finally, the Commission has already begun the hearing process based on the staff's preliminary plan, allowing members of the public to provide input on the preliminary plan and comment on other matters germane to the Commission's work. Colo. Indep. Redistricting Comm'ns, *Speak to the Commissions* (last visited July 12, 2021), <https://bit.ly/2TLqfQR>.

As part of its work, the Commission has carefully considered the constraints imposed by the pandemic and the delays in the Census Bureau's delivery of final Decennial Census data. The Commission has consulted extensively with its staff, along with representatives of the U.S. Census Bureau and the Colorado Secretary of State's office, regarding the delays in the Decennial Census and election-related deadlines for the upcoming 2022 mid-term elections. The Commission's non-partisan staff has also provided guidance to the Commission regarding how much time staff will require to process the legacy-format census data that will become available August 16 and to use that data to prepare a first staff plan that would be eligible for the Commission's approval.

Considering all of the above information and guidance from these subject-matter experts, the Commission's Map Analytics Committee has developed the following schedule for the Commission's work:

- **August:** The Commission completes public hearings on the existing preliminary plan.<sup>3</sup>
- **August 16:** The United States Census Bureau releases final Decennial Census data in legacy format. Non-partisan staff immediately begins processing and tabulating that data for use in staff plans (including reassigning the residence of incarcerated individuals from their place of incarceration to their former residence, if required by the Commission). Staff anticipates requiring 14 days to complete the process of reformatting the legacy data.
- **September 15:** Non-partisan staff completes and presents the first staff plan using processed and tabulated final census data.
- **September 16:** Starting on this date, the Commission holds an additional hearing in each existing Congressional district to allow public input on a map drawn using final census data. Once these additional hearings are complete, the Commission could approve a final plan for submission to this Court at any time.

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<sup>3</sup> These hearings are already underway and are being held jointly with the Colorado Independent Legislative Redistricting Commission. The Commission is continuing to consider ways to further compress the hearing schedule.

- **September 30:** Only if necessary, non-partisan staff completes and presents a second staff plan.
- **October 15:** Only if necessary, non-partisan staff completes and presents third staff plan.
- **October 22:** This is the latest date the Commission anticipates it would approve a final plan. It is possible a final plan would be approved weeks earlier, perhaps by mid-September. When a final plan is approved, the non-partisan staff would prepare the plan for submission to this Court. The staff estimates that preparation of the plan for submission to this Court would require six days.
- **October 28:** This is the latest date non-partisan staff would finish preparing the final plan and would submit the final plan to this Court for judicial review. In the unlikely event the Commission does not approve a final plan, this is the date by which the staff's third plan would be submitted to this Court for judicial review.

This proposed schedule, although it has been significantly condensed compared to the schedule of a normal redistricting year, provides for a robust redistricting process that the Commission fully supports. The proposed schedule allows the use of final census data in any staff plans and in the final, approved plan and it allows public input on a staff plan drawn using final census data. However, this robust process would require the Commission to adjust its own September 1 deadline for approval of a final plan set forth in Section 44.4(5)(b), and it may

require the Court to adjust its November 1 deadline for initial judicial review of the final plan set forth in Section 44.5(4)(a).

**II. The Commission believes its proposed schedule is reasonable given the extraordinary circumstances of this redistricting year.**

In a normal year, the Commission would have at least four months between when the Census Bureau releases final, redistricting-level census data and the September 1 deadline in Amendment Y. The above schedule compresses that timeline by half, such that the Commission will likely complete its work and submit a final plan to this Court less than two months after receiving final redistricting-level census data on August 16, and may do so as soon as one month after that date.

This schedule is possible, in part, because although “most states lack the capacity or resources to tabulate [the Census Bureau’s legacy-format census data] on their own,” Colorado is not one of those states. See U.S. Census Bureau Statement on Release of Legacy Format Summary Redistricting Data File (March 15, 2021), <https://bit.ly/2SR0kq3>. Thus, the Commission can move forward using

the final “legacy format” Census data that is expected from the U.S. Census Bureau on August 16, and need not wait until the final, non-legacy-format, tabulated data is made available September 30. The Commission’s staff believes that it can process and tabulate the legacy-format data—and put that data in the format needed for map creation—within 14 days of its receipt. Once the legacy data is processed and tabulated, the proposed schedule provides just over two weeks for the Commission’s staff to prepare each successive staff plan using the final census data. Because the Commission has the power to adopt any of the staff plans as its final plan, it believes the staff plans should be prepared using final Census data, rather than the non-final data that was used to prepared the preliminary plan.

Additionally, using preliminary data to prepare the staff plans would preclude the Commission from taking public comment on a plan drawn using final, rather than preliminary, census data. The Commission believes strongly that it should allow public participation based on final census data. *See* Colo. Const. art. V, § 44(1)(f) (“Citizens want and deserve an inclusive and meaningful congressional



redistricting process that provides the public with the ability to be heard as redistricting maps are drawn ....”). Thus, under the Commission’s proposed schedule, Colorado voters will be able to review and comment on a map that is drawn using final census data before the Commission adopts a final redistricting plan. Indeed, to ensure the public’s voice is heard, the Commission plans to hold a fourth round of public hearings in each existing Congressional district (seven meetings total) once the first staff map is released, in addition to the three constitutionally required rounds of public hearings that will be conducted before that point. *See id.* § 44.2(3)(b) (requiring only three rounds of hearings, rather than four).

Finally, the proposed schedule builds in minimal time—just six days—for counsel and staff to prepare the final, approved redistricting plan and supporting materials for submission to this Court for judicial review. Even if the Commission submits its final plan on the last possible day, this Court will have over two months to review and approve a final redistricting plan before the end of the calendar year.

This timing will allow the 2022 primary and general elections to proceed as scheduled with minimal disruption.

**III. The Court should establish a schedule for judicial review that allows the Commission to submit a final plan no later October 28 or, in the alternative, provide guidance to the Commission regarding an acceptable schedule.**

Given the delays caused by the COVID-19 pandemic and the reasonableness of the Commission's alternate timeline, the Commission requests that this Court establish a schedule for judicial review under which the Commission must submit its final plan no later than October 28, 2021, and sooner if possible. Doing so is within this Court's constitutional power and would fulfill the purpose and spirit of Amendment Y. Amendment Y directs this Court to "adopt rules for [judicial review] proceedings and for the production and presentation of supportive evidence for such plan." Colo. Const. § 44.5(1).

Although it sets a number of deadlines, Amendment Y sets no specific deadline for the Commission to **submit** a final plan to the Court. Instead, Amendment Y provides a deadline of September 1 for the Commission to **approve** a final plan. *Id.* §44.4(5)(b). That deadline, like all deadlines in section 44.4, can be adjusted by the Commission "if

conditions outside of [its] control requires such an adjustment.” *Id.*

§ 44.4(5)(c).<sup>4</sup> Once a plan is approved, Amendment Y ***sets no deadline*** for the final plan’s submission to this Court. Instead, Amendment Y directs that the plan “be submitted to the supreme court for its review and determination in accordance with section 44.5 of this article V.” *Id.* § 44.4(5)(b). This language anticipates and accommodates delays as the Commission and its staff and counsel prepare the final plan and supporting materials for the Court’s review.

In a normal redistricting year, a delay of even a few weeks before final plan submission would have little effect on this Court’s judicial review. But this is not a normal year, and despite its best efforts, the Commission, under its proposed schedule, would submit a final plan nearly two months later than Amendment Y’s anticipated deadline. Thus, given its power to adopt rules governing its review of the Commission’s final plan, the Court can and should set a deadline of no later than October 28 for the Commission submit its final plan for

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<sup>4</sup> If this Court enters the requested Scheduling Order, the Commission will exercise its authority to adjust its deadline to approve a final plan.

review. That order will give the Commission the clarity it needs to adjust earlier deadlines in order to meet the October 28 submission date.

The Commission recognizes that an October 28 submission (again, the latest possible date the Commission would submit its final plan) would require an adjustment of this Court's November 1 deadline to approve or return the final plan to the Commission. *See id.* § 44.5(4)(a). This Court's December 15 deadline for completing judicial review, *id.* § 44.5(5), may also require adjustment until the end of the calendar year. But, again, adjusting these deadlines will allow a redistricting process that uses final census data for staff plans and the final approved plan, will not require later adjustment of the final plan to account for final census data, and provides the public with the maximum practicable opportunity to participate in the process. As this Court stated in its recent opinion, it may exercise its own authority to make adjustments to Amendment Y's schedule given the extraordinary circumstances of this pandemic year. *In re Interrogatories on SB 21-247*, 2021 CO 37, ¶ 54 (explaining that the Court "could—and very well

might—apply a ‘substantial compliance’ standard to challenges alleging that the commission[ ] failed to comply with non-substantive provisions of Amendment[ ] Y”).

An adjustment to Amendment Y’s deadlines would not be without precedent. Courts in other states have already taken similar actions—indeed, they have extended redistricting timelines by more than the modest extension proposed by the Commission. In California, for example, that state supreme court extended both statutory and constitutional deadlines related to the preparing, approving and certifying redistricting maps for the same length of time that 2020 Census data is delayed. *Legislature v. Padilla*, 469 P.3d 405 (Cal. 2020). Adjusting the constitutional deadline was necessary in California, as it is here, to “give[ ] effect to the voters’ intent that the Commission play the lead role in drawing new district maps, with input from the public received in a timely manner.” *Id.* at 412. Courts in other states have taken similar approaches. See *Hawai‘i ex rel. Connors v. State of Hawai‘i Reapportionment Comm’n*, No. SCPW-21-0000342, 2021 WL 2827337, at \*3 (Haw. July 7, 2021) (extending constitutional and statutory

redistricting deadlines by five months given “the impossibility of compliance with the deadlines due to the extraordinary and unprecedented circumstances that we have faced over the past year”); *State ex rel. Kotek v. Fagan*, 484 P.3d 1058, 1062–63 (Or. 2021) (extending constitutional deadlines for redistricting “where it is possible for the state to fulfill its paramount duties in compliance with modified deadlines”). And court actions are pending in other states seeking relief from redistricting deadlines that cannot be met because of the Census delays. *See With Census Data Delayed, Maine Redistricting Comm’n Seeks More Time for Work*, Maine Public Radio (July 7, 2021), <https://bit.ly/3hulvYW>; *Supreme Court Weighs Request for Michigan Redistricting Delay as Opponents Argue It Isn’t Needed*, The Detroit News (June 21, 2021), <https://bit.ly/3hu7VVr> .

As this Court recognized early in the pandemic, COVID-19 has created “extraordinary” conditions that are outside the control of public officials but drastically affect the operations of Colorado’s government. *In re Interrogatory on House Joint Resol. 20-1006*, 2020 CO 23, ¶ 55 n.41. Colorado’s constitution, including Amendment Y, must be

interpreted to “promot[e] democratic engagement” and allow public officials like the Commissioners to “uphold [their] constitutional obligations” even in the midst of these extraordinary conditions, which are highly unlikely to occur again. *Id.* ¶ 66.

This is an extraordinary and highly challenging redistricting year. The Commission’s proposed schedule meets its constitutional obligations while compressing a four-month Census delay such that the Commission’s own work will be delayed by, at most, only two months. To allow that work to go forward and ensure the Commission approves, and this Court reviews, a final redistricting plan by the end of the calendar year in time for the 2022 elections, this Court should permit the Commission until October 28, at the latest, to submit a final redistricting map for this Court’s review. In the alternative, the Court should either clarify that the Commission should approve a plan as close as possible to September 1, even if it must use non-final data and forgo additional public hearings, or it should provide the Commission with other scheduling guidance.

## CONCLUSION

For these reasons, the Commission respectfully requests that the Court take one of the following steps:

- establish a schedule under Colo. Const. art. V, § 44.5(1), requiring the Commission to submit a plan to this Court for judicial review no later than October 28; or
- clarify that the Commission should approve a plan by September 1, or as close to that date as possible, even if it must further condense its public hearing schedule and use non-final data to draw staff plans and the final approved plan (requiring later adjustment to the final plan to incorporate final census data); or
- provide the Commission with other scheduling guidance to allow the Commission to take necessary steps to complete its constitutionally mandated work within a schedule acceptable to the Court.



Dated: July 13, 2021.

Respectfully submitted,

*s/ Frederick R. Yarger*

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## CERTIFICATE OF PUBLIC FILING AND SERVICE

I certify that on July 13, 2021, a true and correct copy of this **PETITION FOR JUDICIAL REVIEW AND REQUEST FOR THIS COURT TO ESTABLISH A SCHEDULE UNDER COLO. CONST. ART. V, § 44.5(1)** was filed with the Court via Colorado Courts E-Filing System. The filing of this Petition was announced in a public meeting of the Commission on July 12, 2021.

*s/ Karen J. Sparski*

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