

SUPREME COURT OF COLORADO 2 East 14 th Avenue, Denver, Colorado, 80203	▲ COURT USE ONLY ▲
Original Proceeding Pursuant to Art. V, § 48.3 of the Constitution of the State of Colorado	
In re Colorado Independent Legislative Redistricting Commission	Case No.: 2021 SA 305
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CERTIFICATE OF COMPLIANCE

I certify that this brief complies with all requirements of C.A.R. 32, including all formatting requirements set forth therein. I further certify that this brief complies with the Court's July 26, 2021 briefing order entered in Case No. 2021 SA 208, since it contains 6,689 words.

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

Dated: October 22, 2021

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1	Final Statewide District and Regional Maps (corrected)
2	Commissioner Biographical Details
3	Commission Meetings and Public Hearings
4	House District Descriptions and Information
5	Senate District Descriptions and Information
6	Sequencing of Senate District Elections
7	Population Charts for House and Senate (corrected)
8	Commission Policy No. 9
9	Report of Dr. Lisa Handley
10	Staff Analysis Regarding Voting Rights Act
11	Reports Regarding Splits Analysis (corrected)
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13	Reports Regarding Competitiveness Analysis
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18	Compactness Comparisons - 2011 to 2021
19	District Competitiveness Comparison Analysis

INTRODUCTION

For four decades after the decennial census, the Colorado Reapportionment Commission (“CRC”) oversaw the redistricting of the Colorado House and Senate. Partisan executive and legislative officeholders appointed seven of the eleven CRC commissioners while the nonpartisan Chief Justice of the Colorado Supreme Court appointed the other four. Partisan legislative leaders appointed four CRC commissioners, three by the partisan governor and four by the Chief Justice. A simple majority could adopt a redistricting plan and submit it to the Colorado Supreme Court for review. Inevitably, partisan political considerations remained the focus of each CRC.

However, in 2018, the Colorado electorate enacted Amendment Z which, while retaining final review by the Supreme Court, replaced the CRC with the Colorado Independent Legislative Redistricting Commission (the “Commission”) with the specific object of eliminating partisan politics from the redistricting process. Partisan political leaders no longer chose the commissioners. Amendment Z sets forth specific qualifications for those who apply for the commission and a selection process which eliminates political partisans from consideration. The process selects twelve citizens – four members registered with the state’s largest political party, four registered with the state’s second largest political party, and four commissioners who are registered unaffiliated. The Commission is charged with adopting two redistricting plans – one

plan for the sixty-five districts in the Colorado House of Representatives, and a separate plan for the thirty-five districts in the Colorado Senate. Each plan must be submitted to the Colorado Supreme Court for review and approval.

The Commission drafts each plan in compliance with federal law and the criteria set forth in the Colorado Constitution.

The Commission adopted a plan for the House by a vote of 11 to 1 and a Senate plan by a unanimous vote. The plans before this Court are based on thousands of comments submitted by citizens, public meetings held in every geographic region of the state where citizens testified, assistance by a federal Voting Rights expert, an ensemble report for competitiveness, and the knowledge and good sense of each commissioner. The result is two plans that comply with federal law and the Colorado Constitution.

ISSUE FOR REVIEW

Whether the Commission properly exercised its discretion in compliance with federal constitutional and statutory law and state constitutional law found in article V, section 48.1, of the Colorado Constitution when it adopted the House plan on October 11, 2021, and the Senate plan on October 12, 2021, and submitted the plans to the Colorado Supreme Court on October 15, 2021.

STATEMENT

Amendment Z replaced the former CRC with the Commission. The primary purpose was to eliminate partisan gerrymandering by handing the job of redistricting to ordinary concerned citizens who are selected by a process that prohibits certain defined political partisans from serving as commissioners. Colo. Const. art. V, sec. 46, 47. Amendment Z significantly changed the requirement of a simple majority to adopt a plan under the CRC, to one where a super majority of at least eight commissioners must vote in the affirmative and of the eight, at least two must be unaffiliated commissioners. Colo. Const. art. V, sec. 48(2). That requirement ensured that any plan must have the support of at least half the unaffiliated commissioners ensuring unaffiliated voters (the largest voting bloc in Colorado) have considerable influence over redistricting. *Id.*

Amendment Z requires that the Commission's deliberations are transparent and open to the public. While the Commission may adopt policies and procedures that govern its "administration and operation," the Commission is subject to the Colorado Open Meetings Act and the Colorado Open Records Act ("CORA"). Colo. Const. art V, sec. 48(1)(e), (4)(b)(1)(A), (b)(II). The Amendment ensures public involvement. The Commission held public hearings which included the ability of citizens to appear and testify virtually, maintained a website where citizens could

comment or publish draft maps which were available to the public, and kept an archive of each public meeting available to the public. Colo. Const. Art. V, sec. 48(3).

Amendment Z established a new process for map drawing. Initially, the nonpartisan staff prepares a Preliminary Plan for both houses of the General Assembly. The Commission holds public hearings and takes comments from citizens regarding the Preliminary Plan. After receiving public input, the nonpartisan staff drafts three Staff Plans which may be adopted or amended by the Commission. The public may also submit plans, and commissioners may request that staff create additional plans. Colo. Const. art. V, sec. 48.2(3).

As outlined in the Commission's October 15, 2021, submission, the Commission, in compliance with article V, section 48, conducted its deliberations in a transparent manner from March 30, 2021, when the Governor convened the Commission until it adopted the Senate Plan on October 12, 2021. It exceeded the number of required hearings for public input, established a website for public comments where over 5,000 comments were made, and complied with the ethical obligations found in article V, section 48(4).

Amendment Z preserved some of the former CRC redistricting criteria and added additional criteria governing competitiveness and prohibitions against protecting incumbents, candidates or political parties or infringing 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." Colo. Const. art. V, § 48.1(1)-(4). To comply with Amendment Z, the Commission must adopt plans that adhere to the criteria in the following order:

1. "Make a good faith effort to achieve mathematical population equality between districts . . . but in no event shall there be more than a five percent deviation between the most populous and the least populous district in each house. Districts must be composed of contiguous geographic areas." *Id.*, § 48.1(1)(a).
2. "Comply with the federal 'Voting Rights Act of 1965', 52 U.S.C. sec. 50301, as amended."¹ *Id.*, § 48.1(1)(b).
3. "As much as is reasonably possible, . . . 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." *Id.*, § 48.1(2)(a).
4. "Districts must be as compact as is reasonably possible." *Id.*, § 48.1(2)(b).
5. "Thereafter, . . . to the extent possible, maximize the number of politically competitive districts." *Id.*, § 48.1(3)(a).

¹ The citation to the Voting Rights Act is now 52 U.S.C. § 10301.

Further, the Commission and the Supreme Court are prohibited from adopting or giving effect to a plan:

1. That “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,” *id.*, § 48.1(4)(a); or
2. That “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.”² *Id.*, § 48.1(4)(b).

In adopting the plans before the Court, the Commission carefully applied these criteria, in rank order, and adopted plans that are constitutional. The House Plan was adopted by a vote of 11 to 1 on October 11, 2021, and the Senate Plan was adopted by a unanimous vote of 12 to 0 on October 12, 2021.

² The Commission adopted Policy #3 which directed the non-partisan staff to “review the addresses of the holdover senators to determine if two holdover senators are in the same senate district. (*See* Policy #3 - Holdover Senators, attached hereto as Exhibit 15.) If there are two holdover senators in the same district, before finalizing the plan and presenting it to the commission, staff would modify the plan as necessary to avoid the issue. This is not for the purposes of protecting incumbents, but to ensure that no district is without a sitting senator for two years.” *See In re Reapportionment of the Colorado General Assembly*, 647 P.2d 191, 198-99 (Colo. 1982) (holding the Colorado Constitution “is a guarantee that all citizens will receive an identifiable representative as a result of either a resident holdover senator or the election of a new senator upon implementation of the reapportionment plan. A contrary construction, which would allow a district to remain unrepresented for two years, would not only offend this provision of the constitution and fundamental notions of democratic representation, but would also be inconsistent with the system of representative government contemplated in other provisions of our constitution.”).

Pursuant to article V, section 48.3, the Commission and the Non-Partisan Staff submitted the Final House Plan and the Final Senate Plan to this Court for review on October 15, 2021. The submission included Statewide District Maps and Regional District Maps (Ex. 1), House District Descriptions and Information (Ex. 4), Senate District Descriptions and Information (Ex. 5), Sequencing of Senate District Elections (Ex. 6), Population Charts for House and Senate (Ex. 7), Reports Regarding Splits Analysis (Exs. 11 & 16), Voting Rights Act Reports (Exs. 8, 9 & 10), Reports Regarding Compactness Analysis (Exs. 12 & 18), and Reports Regarding Competitiveness Analysis (Exs. 13, 14, & 19).

SUMMARY OF THE ARGUMENT

1. Both the Final House Plan and the Final Senate Plan comply with federal constitutional requirements. Both plans meet the five percent (5%) population deviation requirement. Both plans meet Equal Protection Clause requirements. The Commission did not utilize race as the predominate factor in its deliberations. Both plans comply with Section 2 of the Voting Rights Act (“VRA”). Through outside counsel, the Commission retained the services of Dr. Lisa Handley, a renowned voting rights expert, to analyze areas of Colorado for application of Section 2. In addition, the Non-Partisan Staff conducted additional VRA research for application of Section 2. The Commission utilized this research to comply with Section 2.

2. The Commission appropriately exercised its constitutional discretion when applying the constitutional criteria found in Art. V, sec. 48.1(2)(a) through (4)(b). The Commission “as much as reasonably possible” preserved “whole communities of interest and whole political subdivisions” and split political subdivisions only where a community of interest’s legislative issues were more essential. Next, the plans contain districts that are compact. Third, the Commission maximized the number of politically competitive districts in both plans. Finally, the Commission did not violate the prohibitions found in Art. V, sec. 48.1(4)(a) and (b). The Commission did not draw districts to protect incumbent representatives and senators, announced candidates, or a political party. The submitted plans do not deny or abridge any citizens right to vote because of race or membership in a language minority group or dilutes a racial or minority language group’s electoral influence.

STANDARD OF REVIEW

The Colorado Constitution, article V, section 48.3, sets forth the standard of review. That section states “the Supreme Court will approve the plans submitted unless it finds that the Commission . . . abused its discretion in applying or failing to apply the criteria in section 48.1 of this Article V, in light of the record before the Commission.”

The Court’s role in redistricting is *sui generis* which is to judge the submitted plans against the constitutional standards found in sec. 48.1. *In re Reapportionment of the*

Colorado General Assembly, 828 P.2d 185, 189 (Colo. 1992). This review includes ensuring the Commission applied the constitutional standards in the hierarchy found in sec. 48.1. *In re Reapportionment of the Colorado General Assembly*, 332 P.2d 108, 110 (Colo. 2011). Where, as here, the Commission “purports to follow the proper constitutional criteria,” the Court “accords the Final Plan a presumption of validity” and will not “substitute our judgment for that of the Commission’s unless we are convinced the Commission departed from constitutional criteria.” *In re Gen. Assem.*, 828 P.2d at 197 (*citing In re Reapportionment of the Colorado General Assembly*, 647 P.2d 191, 197 (Colo. 1982)). This presumption is appropriate where twelve citizen commissioners have undertaken the process of redistricting the General Assembly by applying the criteria found in sec. 48.1. The process is necessarily a factually complex task requiring consideration of thousands of comments, perspectives, compromises, and judgments. The Commission has discretion to choose among various constitutional plans. *Id.*

Generally, a governmental body abuses its discretion where its decision is not reasonably supported by competent evidence within the administrative record. *Freedom Colo. Info., Inc. v. El Paso Cnty. Sheriff’s Dep’t*, 196 P.3d 892, 899-900 (Colo. 2008). Abuse of discretion “requires a showing that the alleged abuse exceeds the bounds of reason” *Coates, Reid & Waldron v. Vigil*, 856 P.2d 850, 856 (Colo. 1993). The Court should defer to the Commission unless the Commission “applie[d] an erroneous legal

standard” or there is “no competent evidence in the record [that] supports its ultimate decision.” *Langer v. Bd. of Comm’rs of Larimer Cty.*, 2020 CO 31, ¶ 13.

Moreover, the Court should approve the Final Plans if there is a rational basis for them, because the Commission is charged under the Colorado Constitution with making policy judgments in light of a range of possible outcomes after gathering data, views, and arguments from interested persons. *See, e.g., Regular Route Common Carrier Conferences v. Pub. Utils. Comm’n*, 761 P.2d 737, 743 (Colo. 1988) (setting forth standard of review for rulemaking deliberative policy judgments by government agencies).

Deference to the Commission is particularly important in light of the Commission’s constitutional purpose. Redistricting is an “incredibly complex and difficult process,” “fraught with political ramifications and high emotions.” *Hall v. Moreno*, 2012 CO 14, ¶ 1. The “apolitical judiciary” is ill-suited for this “inherently political undertaking.” *Id.* ¶ 5. The Court should be mindful of litigants coming before it urging it to usurp the Commission’s authority based on one or another policy preference, or worse, a desire to protect an incumbent or prospective challenger, or to create districts favoring one or another political party.

ARGUMENT

The Court assesses the Final House Plan and the Final Senate Plan based on the criteria set forth in Art. V, sec. 48.1 and in the order therein. The initial step looks at whether the final plans comply with the federal constitution and statutes, including

one-person-one-vote, the Equal Protection Clause of the 14th Amendment, and section 2 of the VRA. The second part of the review focuses on compliance with the state constitutional criteria found in sec. 48.1.

I. THE FINAL HOUSE AND SENATE PLANS COMPLY WITH THE REQUIREMENTS OF THE UNITED STATES CONSTITUTION AND FEDERAL STATUTES.

A. The Plans Achieve Acceptable Mathematical Population Equality.

Each House and Senate district is within the five percent population deviation required by article V, section 48.1(1)(a). The most populous House district has a population of 90,864, and the least populous a population of 86,485 for a deviation of 4.93. The most populous Senate district contains a population of 169,103, and the least a population of 160,874 for a deviation of 4.99. Census blocks were adjusted to reallocate state prisoners to their pre-incarceration residence as directed by Commission Policy No. 2, Direction to Staff on Incarcerated Persons Residence, available at <https://tinyurl.com/unndvw6c>.³ In both cases, the most populous district is less than five percent larger than the smallest. *See* Exhibit 7 to the Final Plans (filed October 15, 2021).

³ The shortened link redirects to the following:
<https://redistricting.colorado.gov/content/policies-and-guidelines>

B. The Commission's Plans Comply with Section 2 of the Voting Rights Act.

Article V, section 48.1(1)(b) requires the Commission to adopt plans that comply with the Federal Voting Rights Act of 1965, 52 U.S.C. § 10301. While race cannot be a predominate factor in redistricting, the U.S. Supreme Court decisions interpret the VRA, in circumstances where it applies, as an exception that provides a compelling state interest under the strict scrutiny test under the Equal Protection Clause of the Fourteenth Amendment. *Miller v. Johnson*, 515 U.S. 900, 904; 115 S. Ct. 2475 (1995) (strict scrutiny applies to all governmental actions where race is a factor including redistricting); *Bethune-Hill v. Va. State Bd. Of Elections*, 137 S. Ct. 788, 801 (2017) (compliance with the VRA may be a legitimate exception under the Equal Protection Clause of the 14th Amendment).

In the seminal case of *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986), the Supreme Court established the test for *when* section 2 of the VRA requires a majority-minority district be drawn. The test has three components:

1. The racial or language minority group “is sufficiently numerous and compact to form a majority in a single-member district;”
2. The minority group is “politically cohesive”, meaning its members tend to vote similarly; and

3. The “majority votes sufficiently as a bloc to enable it to usually defeat the minority’s preferred candidate.”

Id. In 2009, the Supreme Court added an additional requirement that the minority group be a numerical majority of the voting-age population for sec. 2 of the VRA to apply. *Bartlett v. Strickland*, 556 U.S. 1 (2009). In terms of redistricting, *Gingles* means that any redistricting that results in the abridgement of the right to vote because of someone’s race or language minority status is unlawful regardless of whether there was an intent to discriminate. Focusing on the results, courts look to see if vote dilution has occurred. Dilution can take two forms. When minority voters are concentrated in only a few districts to reduce their electoral influence it is referred to as packing. When minority voters are scattered among many districts to reduce their electoral influence it is known as cracking.

With these legal requirements and principles in mind, the Commission established a policy to guide its VRA investigation and deliberations. *See* Ex. 8, Policy #9 – Voting Rights Act Compliance. The Commission determined whether there were minority groups that were sufficiently large and compact to constitute a majority of the voting age population of a district. *Id.* Under the first *Gingles* requirement, the Commission designated areas in Weld County, western Adams County, the city of Lakewood, the San Luis Valley and Pueblo County, southern El Paso County, and parts of Denver County for analysis by a VRA expert.

Through outside counsel, Dr. Lisa Handley, a renowned voting rights expert, was retained to determine whether the second and third prongs of *Gingles* could be satisfied. *See* Ex. 9, VRA Report of Dr. Lisa Handley. Dr. Handley analyzed the areas listed in the preceding paragraph, areas of the state where significant minority populations reside, to identify minority preferred candidates, whether voting in those elections was polarized (bloc voting) , and to provide an estimate of the percentage of Hispanic or minority voting age population (“VAP”) that would be necessary in a given district to elect the Hispanic or minority preferred candidate. *Id.* Individual house and senate races from 2018 and 2020 were used in her analysis because Colorado has not had a statewide minority candidate in a recent election. Dr. Handley concluded that in all the existing house and senate races she examined except five (House Districts 5 and 7 in Denver; House District 28 in Lakewood; House District 32 in Adams County; and Senate District 3 in Pueblo County), her analysis showed polarized voting patterns which satisfied the second *Gingles* requirement. However, her analysis established that “despite this pattern of polarized voting in several areas of Colorado, Hispanic voters or, in Aurora, Hispanic and Black voters combined, have been able to elect their candidates of choice in many of these districts.” Ex. 9 at 14. These are crossover districts where enough non-Hispanic or minority voters vote for the Hispanic or minority preferred candidate to elect that

candidate even though the given district does not have a majority Hispanic or minority voting age population. *Id.* at 14-15.

In conjunction with Dr. Handley's efforts, the Non-Partisan Staff utilized two methods to apply her conclusions to the districts in the adopted plans. *See* Ex. 10. The Non-Partisan Staff's methodology included geographic overlap between the existing districts and the proposed districts in the plans. The second method analyzed the voter overlap between existing and proposed House and Senate districts.

Colorado presently has seven majority-minority VAP House districts, including one majority Hispanic VAP district. In the House plan adopted by the Commission, there are seven (7) majority-minority districts. In the Senate, Colorado presently has four majority-minority VAP Senate districts. In the Senate plan adopted by the Commission, there are four (4) majority-minority districts.

While these districts were drawn primarily to satisfy other constitutional criteria, including one-person-one vote, preserving whole communities of interest and whole political subdivisions, the VRA analysis outlined above establishes the Commission did not adopt House and Senate plans that dilute minority groups or language minority groups. In voting to adopt the final Plans, all Commissioners and Non-Partisan Staff expressly attested on the record that the Plans had not been drawn for the purposes of, or resulted in, any prohibited purpose stated in the Colorado Constitution, article V, section 48.1(4). *See* Attestations, *Independent Legislative*

Redistricting Commission Hearings (Senate: Oct 12, 2021 at 9:49 p.m., and House: Oct 11, 2021 at 9:43 p.m., available at <https://tinyurl.com/7jpbz6wh>.⁴

II. THE FINAL HOUSE AND SENATE PLANS COMPLY WITH THE COLORADO CONSTITUTIONAL CRITERIA.

A. The Plans Achieve Mathematical Population Equality Within the Required Five Percent Deviation.

The Commission incorporates the argument stated in Section I(A) above. As stated in that section, each House and Senate district is within the five percent population deviation, thereby satisfying the requirements of the Colorado Constitution at article V, section 48.1(1)(a). *See* Ex. 7 to the Final Plans (filed October 15, 2021).

B. Each District in Both Plans Is Composed of Contiguous Geographic Areas.

Each House and Senate district is composed of contiguous geographic areas in compliance with article V, section 48.1(1)(a). *See also* Commission Policy No. 4, Policy

⁴ The shortened link redirects to the following:

<https://sg001-harmony.sliq.net/00327/Harmony/en/View/EventListView/20210401/155>.

Direct links to the recording time indices cited are the following:

House: <https://sg001-harmony.sliq.net/00327/Harmony/en/PowerBrowser/PowerBrowserV2/20210401/155/12394>

Senate: <https://sg001-harmony.sliq.net/00327/Harmony/en/PowerBrowser/PowerBrowserV2/20210401/155/12395>

on Contiguity, available at <https://tinyurl.com/unndvw6c>.⁵ That the districts for both the House and the Senate are contiguous is apparent from a review of the attached maps. There are no “islands” belonging to one district but surrounded by another. *See* Exhibit 1.

C. The Commission’s Plans Comply with Section 2 of the Voting Rights Act.

The Commission incorporates the argument stated in Section I(B) above. Because the Colorado Constitution, article V, section 48.1(1)(b), requires compliance with the VRA, the same analysis set forth above demonstrates that the Commission has complied with the Colorado Constitution, article V, section 48.1(1)(b).

D. The Plans Preserve Communities of Interest and Political Subdivisions, and Comply With the Constitutional Justifications for Splits.

To the extent reasonably possible, the Commission is required to create districts that preserve whole communities of interest and whole political subdivisions. Colo. Const. art. V, § 48.1(2)(a). A “community of interest . . . 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 within a single district” Colo. Const. art. V, § 46(3)(b)(I). Substantial interests

⁵ The shortened link redirects to the following:
<https://redistricting.colorado.gov/content/policies-and-guidelines>

may include shared public policy concerns of urban, rural, agricultural, industrial, or trade areas; and shared public policy concerns such as education, employment, environment, public health, transportation, water needs and supplies, and issues of demonstrable regional significance. *Id.* at § 46(3)(b)(II). A community of interest may include racial, ethnic, and language minority groups, as long recognizing such does not run afoul of other provisions protecting against the denial or abridgement of the right to vote due to a person's race or language minority group. Colo. Const. art. V, § 46(3)(b)(III).

“Political subdivisions” are self-explanatory and include counties, cities, and towns. Colo. Const. art. V, § 48.1(2)(a). Presumptively, subdivisions with populations less than the allowable district population are to be placed entirely within one such district. *Id.* Dividing such a political subdivision between districts is permissible, however, when the record demonstrates by a preponderance of the evidence that “a community of interest’s legislative issues are more essential to the fair and effective representation of residents of the district.” *Id.*

A report describing the political subdivision splits required is attached as Exhibit 11 to the Final Plans filed October 15, 2021. Further, the narrative record regarding the splits necessitated by preservation of communities of interest is attached as Exhibit 16. In summary, the Commission gathered information about communities of interest throughout the state through the public hearing and

comment process as required in the Constitution. The Commission sought to keep communities of interest as intact as reasonably possible. To do so, it gathered information about communities of interest at its 45 meetings and 35 public hearings, together with the thousands of written public comments submitted. The public input informed the Commission's decisions and played a central role in the creation and approval of all proposed plans and the final Plans submitted here. Additionally, when it was necessary to divide a whole political subdivision to maintain equal population between districts, the Commission kept key communities of interest together in the same district as much as reasonably possible.

E. Each District Is as Compact as Reasonably Possible.

Section 48.1(2)(b) requires the Commission draw districts that are “as compact as reasonably possible.” Compactness is defined as a geographic area whose boundaries are as nearly equidistant as possible from the geographic center of the area.” *Archer v. Lowe*, 496 P.2d 75, 76 (Colo. 1972). While districts vary in size due to population density and other redistricting requirements such as county and municipal boundaries, the goal of compactness is “fair and effective representation” by insuring, to the extent possible, a representative or senator has reasonable access to his or her constituents unhindered by geographic obstacles or distance. *Hall v. Moreno*, 2012 CO 14 *P51 (Colo. 2012).

To guide its deliberations, the Commission adopted Policy No. 7 which directs the Commission and the Non-Partisan staff to utilize the Reock and Polsby-Popper methods to measure the compactness of the districts in the final plans as well as drive times required to traverse the large rural districts. Colo. Const. art. V., § 48.1(2)(b); Policy No. 7, available at <https://tinyurl.com/unndvw6c>.⁶ A report on the compactness of the districts is attached as Exhibit 12. The attached reports show the Commission drew the seven large geographically rural House districts (13, 26, 47, 56, 58, 62, and 63) to limit the drive time so a representative could drive to three population centers within the district from between 2 to 3 hours in three of the districts and 3 to 4 hours in four districts. Utilizing the same travel time standard, the six geographically large senate districts (1, 4, 5, 6, 8, and 35) can be traversed from 4 hours to 4.5 hours with only one (35) which requires a drive of 5.5 hours. The Commission succeeded in drawing districts that even when geographically large allow a representative or senator to reach any point in their districts within 4 to 4.5 hours with only one exception at 5.5 hours. The Commission succeeded in drawing districts that allow for fair and effective representation for all citizens throughout Colorado.

Unlike the Congressional Redistricting Commission that added a new eighth district, the total state house districts remain the same with 65 as do the state senate

⁶ The shortened link redirects to the following:
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with 35 districts. When comparing compactness between the 2011 plan approved by this Court, the compactness average under both the Reock and Polsby-Popper methods remains virtually the same for both the House and Senate. *See* Comparison Between 2011 and 2021 Compactness Scores, attached as Exhibit 18. Under the Reock methodology the average compactness score for the House in 2011 was 0.39 and remains virtually the same at 0.40 in the plan before the Court. *Id.* Under the Polsby-Popper methodology, the 2011 House redistricting plan scored 0.25 and increased slightly in 2021 to 0.31. Under the Reock method, the 2011 Senate plan average was 0.38 rising slightly in the 2021 plan to 0.40, while the average Polsby-Popper score remained the same at 0.29. *Id.* Thus, with same number of districts and considering the other constitutional criteria, the Commission authored plans that maintain the compactness found in 2011 plans.

F. The Plans Maximize the Number of Politically Competitive Districts.

A district is “competitive” when it has “a reasonable potential for the party affiliation of the district's representative to change at least once between federal decennial censuses.” Colo. Const. art. V, § 48.1(3)(d). The Commission is expressly authorized to assess competitiveness “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.” *Id.* The Commission’s efforts are documented in Exhibit 13 to the Final Plans filed October 15, 2021.

After considering other mandatory constitutional factors, the Commission maximized the number of politically competitive districts to the extent possible pursuant to Commission Policy No. 6, Direction to Staff on Maximizing Competitiveness, <https://tinyurl.com/unndvw6c>.⁷ Colo. Const. art. V, § 48.1(3)(a). Policy No. 6 describes the Commission’s considerations and analytical methods used in measuring district competitiveness. As required by article V, section 48.1(3)(a)-(c), Non-Partisan Staff has prepared an analysis of the political competitiveness of the districts in the Final Plan. The report is attached as Exhibit 13. The analysis includes tables addressing the partisan composition of districts and past election results of each district.

The Non-Partisan Staff prepared a further analysis comparing the competitiveness of the districts in the final Plans with the competitiveness of the districts as they existed in 2010. *See* Exhibit 19, District Competitiveness Comparison Analysis. Using average election results data from two state-wide races from 2010 (U.S. Senator and Treasurer), and average election results data from eight state-wide races (2016 U.S. Senator, 2016 President, 2018 Attorney General, 2018 Governor,

⁷ The shortened link redirects to the following:
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2018 Treasurer, 2018 Secretary of State, 2018 CU Regent at Large, and 2020 U.S. Senator), the comparison analysis shows the average vote differential between Republican and Democratic candidates by district number for both the Senate and the House, and highlights in green all districts where the vote differential is within an 8.5% vote band.

The Commission also received and considered an ensemble analysis prepared by Dr. Jeanne Clelland of the University of Colorado at Boulder, Drs. Beth Malmskog and Flavia Sancier-Barbosa of Colorado College, and Dr. Daryl DeFord of Washington State University. In summary, the ensemble analysis generated and considered more than 2,000,000 possible redistricting plans, and prepared a statistical analysis of the competitiveness of those plans. By comparing the competitiveness results of the actual plans considered by the Commission to the ensemble of more than 2,000,000 possible plans, the Commission further confirmed that its proposed plans maximized competitiveness. The ensemble analysis is attached as Exhibit 14 to the Final Plans. The authors of the ensemble analysis report have since updated the report to add additional references to the final Plans adopted by the Commission, which is attached as Exhibit 17. The report demonstrates that the districts drawn by the Commission are within the expected statistical ranges for competitiveness.

The Commission is required to make districts as competitive as it can while also meeting other criteria. Based on the extensive record before the Court, the

Commission did not abuse its discretion with respect to the competitiveness requirement.

G. The Plans Were Not Drawn to Protect Incumbents, Candidates, or Political Parties.

Art. V, sec. 48.1(4) places two prohibitions on the Commission. Subsection (4)(a) prohibits the Commission from adopting redistricting plans to protect incumbent members of the House or Senate, declared candidates for either house, or any political party. The Commission and the Non-Partisan Staff affirmed in the record that the Plans were not drawn for the purpose of protecting any incumbent members of the Colorado Senate or House of Representatives, any declared candidates, or any political party. Colo. Const. art. V., § 48.1(4)(a). *See* Attestations, *Independent Legislative Redistricting Commission Hearings* (Senate: Oct 12, 2021 at 9:49 p.m., and House: Oct 11, 2021 at 9:43 p.m.).

In fact, the addresses of incumbents and declared candidates were intentionally not included in the Commission's deliberations. As outlined above, the Non-Partisan Staff was assigned the task of ensuring the Senate plan did not have two holdover senators in the same district. *See* Policy #3 - Holdover Senators, attached hereto as Exhibit 15, also available at <https://tinyurl.com/unndvw6c>.⁸ That policy was

⁸ The shortened link redirects to the following:
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adopted and implemented to ensure every senate district has a senator between 2022 and the 2024 election and therefore every citizen's right to representation is preserved. *See also* "Statement" section above, page 14, footnote 2.

H. The Plans Do Not Deny or Abridge the Right to Vote on Account of Race or Membership in a Language Minority Group.

The Plans were not drawn for the purpose of, and do not result 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. Colo. Const. art. V., § 48.1(4)(b).

This language tracks that found in section 2 of the VRA.

Interpreting this section requires analyzing the intent of the voters when Amendment Z was passed in 2018, especially the information before the voters during the election that year. *In re Interrogatories on S.B. 21-247*, 2021 CO 37, ¶ 44.

After discussing the primary principles of the VRA, including prohibiting changes that deny or limit the right to vote or dilute a minority voting groups voting strength, the 2018 Bluebook, in the same section, specifically states "The measure (Amendment Z) also incorporates principles of the Voting Rights Act into state law and prohibits the approval of a map that violates these principles." Colo. Legislative Council, Research Pub. No. 702-2, *2018 State Ballot Information Booklet ("Blue Book")*, at 24. This is a clear indication the voters were informed and understood the primary purpose of sec.

48.1(4)(b) was to incorporate the federal VRA, as it existed and was interpreted in 2018, into state law.

Rather than breathing new meaning into 48.1(4)(b) when set side-by-side with the requirement of sec. 48.1(1)(b), the logical interpretation is the voters placed the VRA into the Colorado Constitution, as it existed and was interpreted in 2018, as the law of the state of Colorado. This ensured that any federal revisions to the VRA, by Congress or the federal courts, would not limit the ability of this or future Legislative Redistricting Commissions to protect minority voting rights.

Some have suggested this additional language places an enhanced duty on the Commission to utilize race as the predominate factor when drawing district lines. Such an interpretation has three drawbacks. First, if interpreted to be the primary factor it would subsume all the other requirements found in sec. 48.1. Preserving whole communities of interest or keeping political subdivisions whole would become afterthoughts which would violate the hierarchy assigned to redistricting criteria in the constitution. *In re General Assembly*, 828 P.2d 185, 190 (Colo. 1992) (holding the redistricting criteria must be applied from in the hierarchy set forth in the Colorado Constitution).

Second, that interpretation would violate the principle that each word or section should be interpreted to have operative meaning and effect. *DOT v. Stapleton*, 97 P.3d 938, 943 (Colo. 2004) (citing *Bd. of County Comm'rs v. Vail Assocs., Inc.*, 19 P.3d

1263, 1273 (Colo. 2001) (every word in a constitutional or statutory provision should be given operative meaning)). Interpreting section 48.1(4)(b) to subsume the other criteria in section 48.1 would make those provisions inoperative and contradict the hierarchy that was known by the voters in 2018. Communities of interest and the restriction on splitting political subdivisions would fall by the wayside as would political competitiveness. Compactness would be an epilogue to the redistricting effort.

Third, such an interpretation would raise grave issues under the Equal Protection Clause of the Fourteenth Amendment because it would require the Commission to draw districts based on race. Race based redistricting is prohibited under the Fourteenth Amendment. *Miller v. Johnson*, 515 U.S. 900 (1995) (where race is the predominate factor in redistricting it is an unconstitutional racial gerrymander). Such an interpretation would require a compelling state interest to overcome the strict scrutiny required and only the federal VRA has passed such scrutiny. *Cooper v. Harris*, 137 S. Ct. 1455, 1463-64 (2017).

The Commission drew the districts by applying the constitutional criteria in Section 48.1, in the order set forth therein. The Commission asked the Non-Partisan Staff to review the plans based on the Commission's policies, including the VRA policy. While race was not a predominating factor, the plans comply with this Court's

decision regarding minority vote dilution. *Beauprez v. Avalos*, 42 P.3d 642, 650-51 (Colo. 2002).

III. THE COURT SHOULD APPROVE THE PLANS.

To address Colorado's "tumultuous, politically fraught, and notoriously litigious" history of decennial redistricting, Colorado voters passed Amendment Z to the Colorado Constitution, creating the independent Commission to draw its legislative districts. *In re Interrogatories on S.B. 21-247*, 2021 CO 37, ¶ 1 (citing Colo. Const. art. V, §§ 44-48.4). Sections 46-48.4 of article V of the Colorado Constitution control redistricting for the state legislature.

The Commission heard voluminous testimony and considered numerous analyses in adopting the Final Plans to ensure that they satisfy the mandatory criteria in the Colorado Constitution. The Court must approve the Final Plans even if parties in this case who were not on the Commission think they could have satisfied the criteria in a way more to their taste. Satisfying the criteria in Article V, Section 48.1 may be likened to a puzzle with multiple solutions and lots of moving parts, each of which affects the other. Making a district more compact, for example, might threaten equal populations of the different districts, or moving a whole town into a district might make that district less competitive. In light of this, the proposed districts in the Final Plans might have been different, so long as the final result satisfied the Section 48.1 criteria.

The Colorado Constitution, however, does not require, or even allow, this Court to choose among multiple plans that happen to satisfy the Section 48.1 criteria. The text is plain: this Court “shall approve the plans submitted unless it finds that the commission . . . abused its discretion in applying or failing to apply the criteria listed in section 48.1” Colo. Const. art. V, § 48.3(2). Thus, absent a failure to meet the criteria in Section 48.1, or a deviation from the Colorado Constitution’s procedural requirements or the Commission’s own rules amounting to an abuse of discretion, the Court should approve the Final Plans. The Commission meticulously applied and followed applicable law in reaching its 11-1 and 12-0 votes to approve the Final Plans, and it did not abuse its discretion in that process. The Court should therefore approve the Plans.

STATEMENT REGARDING ORAL ARGUMENT

Pursuant to the Court’s July 26, 2021 briefing order, the Commission states that its undersigned counsel, Richard C. Kaufman, will participate in oral argument on October 25, 2021.

REQUEST FOR RELIEF

The Commission respectfully requests that the Court consider this filing, the material referenced herein, and the briefs that will be submitted in support of the Plans, conclude that the Commission complied with constitutional and statutory law in preparing the Plans and did not abuse its discretion in applying the criteria listed in

article V, section 48.1 of the Colorado Constitution, approve the Plans, and order the Plans to be filed with the Secretary of State.

Respectfully submitted this 22nd day of October, 2021.

s/ Richard C. Kaufman

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 22nd day of October, 2021, a true and correct copy of the foregoing **COLORADO INDEPENDENT LEGISLATIVE REDISTRICTING COMMISSION'S BRIEF IN SUPPORT OF APPROVAL OF FINAL LEGISLATIVE REDISTRICTING PLANS** was served via the Court Electronic Filing System, upon the following, as well as any other counsel appearing of record at the time of filing:

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In re Colorado Independent Legislative Redistricting Commission

Exhibit 15

Commission Policy No. 3

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Colorado Independent Legislative Redistricting Commission

Policy #3

New Senate Districts with Multiple Incumbents or Holdover Senators

Draft date	July 16, 2021
Approval date	August 13, 2021
Revision date(s)	
Constitutional authority for this policy	Sections 46(2) and 48.2(3)
Requires section 48.2(3) supermajority approval?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

After creating a senate plan, the nonpartisan staff shall review the addresses of the holdover senators to determine if two holdover senators are in the same senate district. If there are two holdover senators in the same district, before finalizing the plan and presenting it to the commission, staff would modify the plan as necessary to avoid the issue. This is not for the purposes of protecting incumbents, but to ensure that no district is without a sitting senator for two years.

Appendix A provides background and additional options that were considered but not adopted by the commission.

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Appendix A: Other Options Considered

Background

For the purposes of elections, the Colorado Senate is divided in one-half and senators serve a term of four years that are staggered.

This issue only affects the Colorado Senate and not the Colorado House due to the fact that House members' terms last two years, and they are already automatically up for re-election.

However, in the Colorado Senate, discussion with the staff attorney found that, "if both Senators were elected in 2018, it would be handled in the same way as in the House as they would both be up for re-election unless term limited." Further the staff attorney went on to explain, that "if one was elected in 2018 and one in 2020, the Senator elected in 2020 is entitled to serve the remainder of their term and the other must sit out for two years. The commission should schedule the election for that district for 2024 at the end of the holdover senator's term".

The real issue arises if both senators were elected in 2020 and entitled to serve until 2024.

Options Considered But Not Recommended

The two options that were considered but not recommended are as follow:

First, do nothing as was done for the preliminary plan. Doing nothing runs the risk of the approved plan being returned to the Commission by the Colorado Supreme Court if there are two holdover senators in the same district. The court may agree with a 1982 Colorado Supreme Court opinion that held that the Colorado constitution prohibits having a district without a sitting senator for two years.

Second, have staff include in its database the address of all holdover senators and create plans to avoid placing two holdover senators in the same district. This option would ensure that the issue would not arise, but raises issues with the prohibition on purposefully protecting incumbents. However, it could be argued that the purpose was to avoid putting two holdover senators in the same district rather than protecting the incumbent holdover senators.

Question Regarding Special Election

Additionally, the Legal Affairs Subcommittee was charged with reviewing the possible need for a Special Election in the event there would be a district drawn with multiple incumbents or Holdover Senators. Again, we relied on research presented to the staff attorney. The members of the Subcommittee do not believe that a Special Election is required. C.R.S 2-2-504 addresses Colorado Senate vacancies. If there was a vacancy of a senator elected in 2020, early after the redistricting process, under Section 2-2-504, C.R.S., a vacancy committee would appoint a replacement, but that replacement would stand for reelection from the newly drawn district during the 2022 general election to fill the remaining two years of the term. This is consistent with section 1-12-203 (1), C.R.S., that requires an election at the next general election of a senator whose office is vacated during the first two years of the senator's term. It would be during the regular general election in November, not a special election.

In re Colorado Independent Legislative Redistricting Commission

Exhibit 16

Splits Analysis and Descriptions

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House Community of Interest Splits

Community of Interest	Description of Community of Interest	House Districts Containing the Community of Interest	Explanation for Split of Community of Interest, If Necessary
<p style="text-align: center;">Area near Colorado State University Fort Collins Campus</p>	<p>Upon review of public comments, there is a community of interest largely covering the area of Fort Collins south of East Mulberry Street and east of South College Avenue along with the Colorado State University Fort Collins campus and surrounding areas west of South College Avenue.</p>	<p style="text-align: center;">House District 53</p>	<p style="text-align: center;">Not Applicable</p>
<p style="text-align: center;">Area near University of Colorado Boulder Campus</p>	<p>Upon review of public comments, there is a community of interest largely covering the University Hill Boulder neighborhood and the areas of Boulder covering the university campus to the east of Broadway.</p>	<p style="text-align: center;">House District 10</p>	<p style="text-align: center;">Not Applicable</p>
<p style="text-align: center;">Arvada and Westminster</p>	<p>Upon review of public comments, there is a community of interest between Arvada and the portions of Westminster in Jefferson County.</p>	<p style="text-align: center;">House District 24, House District 27, House District 29, and House District 35</p>	<p>Because the commission split Arvada north-south and placed Wheat Ridge with Lakewood to protect communities of interest, the commission would have had to split multiple political subdivisions and multiple communities of interest in western Adams County to keep Arvada with the portion of Westminster in Jefferson County.</p>

Carbon Valley	As identified by the commission, upon review of public comments, this community of interest includes Dacono, Firestone, and Frederick.	House District 19	Not Applicable
College and University Campuses	As identified by the commission, upon review of public comments, the college and university campuses across Colorado each constitute a community of interest.	House District 2, House District 5, House District 10, House District 18, House District 46, House District 50, House District 53, House District 55, House District 58, House District 59	Although the commission could not place all of the college and university campuses in a single house district, it kept college and university campuses whole within the house districts it placed them in.
Commerce City	Upon review of public comments, Commerce City is a community of interest.	House District 32	Not Applicable
Eagle River Valley	Upon review of public comments, there is a community of interest along I-70 between Gypsum and Vail.	House District 26	Not Applicable
Eastern Greeley	As identified by the commission, upon review of public comments, this community of interest includes Eastern Greeley, Evans, and Garden City.	House District 50	Not Applicable
Erie and Longmont	Upon review of public comments, there is a community of interest between Erie and Longmont.	House District 11 and House District 19	The commission could not preserve this community of interest could in a state house map because it would have required the commission to create a house district that exceeds the house district population limits.

Fort Carson, Fountain, and Security-Widefield	Upon review of public comments, there is a community of interest that largely covers Fort Carson, Fountain, and Security-Widefield and is largely contained within the Fountain-Fort Carson school district.	House District 21	Not Applicable
Harrison School District area of Colorado Springs	Upon review of public comments, there is a community of interest that largely covers the current House District 17 and is largely defined by the Harrison School District.	House District 17	Not Applicable
Hinsdale and Gunnison Counties	Upon review of public comments, there is a community of interest between Hinsdale and Gunnison Counties.	House District 58	Not Applicable
Historically African-American Denver Neighborhoods	Upon review of public comments, there is a community of interest that largely covers the Denver neighborhoods in the northern and northeastern portions of Denver, including those neighborhoods in current House Districts 7 and 8.	House District 7 and House District 8	Due to population growth in Denver, including in the Central Park neighborhood, the commission was not able to maintain current House Districts 7 and 8. Therefore, in response to public comments, the commission placed the following neighborhoods in House District 7: Montbello, Gateway - Green Valley Ranch, Denver International Airport, and part of Central Park. Also, in response to public comments, the commission placed the following neighborhoods in

			House District 8: City Park West, Whittier, Clayton, Skyland, City Park, South Park Hill, North Park Hill, Northeast Park Hill, part of Central Park, Part of Cole, and Part of Five Points.
Historically Latino Denver Neighborhoods	Upon review of public comments, there is a community of interest that largely covers the Denver neighborhoods in the western portion of Denver, including those neighborhoods in current House Districts 1, 4, and 5.	House District 1, House District 4, and House District 5	Similarly to current House Districts 7 and 8, due to population growth in Denver, the commission was not able to maintain current House Districts 1, 4, and 5. Therefore, in response to public comments, the commission placed the following neighborhoods in House District 1: Marston, Fort Logan, Bear Valley, Harvey Park South, Harvey Park, College View - South Platte, Mar Lee, Ruby Hill, Overland, and part of Westwood. In response to public comments, the commission placed the following neighborhoods in House District 4: Regis, Berkley, West Highland, Sloan's Lake, West Colfax, Villa Park, Barnum, Barnum West, Sun Valley, Jefferson Park, part of Sunnyside, part of Highland, and part of Westwood. Finally, also in response to public comments, the commission placed

			<p>the following neighborhoods in House District 5: Elyria Swansea, Globeville, Chaffee Park, Union Station, Central Business District, Auraria, Civic Center, Lincoln Park, Baker, Valverde, Athmar Park, part of Highland, and part of Sunnyside.</p>
<p>Las Animas and Huerfano Counties</p>	<p>As identified by the commission, upon review of public comments, this community of interest includes Huerfano and Las Animas Counties.</p>	<p>House District 47 and House District 62</p>	<p>The commission could not wholly preserve this community of interest in a house district because it would not allow for the drawing of House District 62 in a way that complied with the Federal Voting Rights Act.</p>
<p>Louisville, Lafayette, and Superior</p>	<p>Upon review of public comments, there is a community of interest that largely covers Louisville, Lafayette, and Superior.</p>	<p>House District 12</p>	<p>Not Applicable</p>

Lower Arkansas River Valley	As identified by the commission, upon review of public comments, there is a community of interest between Crowley and Otero Counties.	House District 47	Not Applicable
Northeastern Colorado	As identified by the commission, upon review of public comments, this community of interest includes Sedgwick, Phillips, Logan, Morgan, Washington, and Yuma County.	House District 63	Not Applicable
Olde Town Arvada	Upon review of public comments, there is a community of interest in the southeastern portion of Arvada west of Wadsworth Boulevard, south of Ralston Road, and east of Carr Street that contains Olde Town Arvada.	House District 24	Not Applicable
"Original Thornton"	Upon review of public comments, there is a community of interest in the southeastern portion of Thornton west of Colorado Boulevard and north of East 88th Avenue that covers "Original Thornton".	House District 31	Not Applicable

Roaring Fork Valley	As identified by the commission, upon review of public comments, this community of interest includes Aspen, Basalt, El Jebel, Carbondale, Glenwood Springs, New Castle, Rifle, Silt, and Parachute.	House District 57	Not Applicable
San Luis Valley	As identified by the commission, upon review of public comments, this community of interest includes Saguache, Alamosa, Rio Grande, Conejos, Costilla, and Mineral Counties.	House District 62	Not Applicable
Sheridan Corridor	Upon review of public comments, there is a community of interest along Sheridan Boulevard west of Denver. This includes eastern portions of Lakewood and all of Edgewater.	House District 30	Not Applicable
Ski areas	As identified by the commission, upon review of public comments, there is a community of interest centered around the major ski resorts in the state.	House District 13, House District 26, House District 58	Due to the distance between major ski resorts, it was impossible for the commission to combine all of the major ski resorts in the same house district. However, the commission placed major ski resorts and towns together in multiple house districts. For example, House District 26 has Steamboat Springs and the ski areas in Eagle along I-70. House District 13 has the ski areas in Grand and Summit Counties. House

			District 58 has Crested Butte, Monarch, and Telluride.
Southwestern Colorado	As identified by the commission, upon review of public comments, this community of interest includes Montezuma, La Plata, Archuleta, and San Juan Counties.	House District 58 and House District 59	<p>To preserve the community of interest in the southwestern portion of Colorado, the commission required maps to be drawn that keep Archuleta, La Plata, San Juan, and Montezuma counties whole and together as much as possible. Recognizing that this collection of whole counties exceeds the acceptable size of a house district, the commission required that Montezuma County be split to satisfy the population requirements. More specifically, the commission placed Montezuma County in two house districts in such a way that the Ute Mountain Ute Nation and the Southern Ute Nation are kept whole, the Cortez and Dolores corridor community of interest is kept whole, and the community of interest in the northwestern portion of Montezuma County is kept whole.</p>

Ute Mountain Ute Nation and the Southern Ute Nation	As identified by the commission, upon review of public comments, this community of interest includes the tribal lands in the southwest corner of the state, which primarily includes the Ute Mountain Ute Nation and the Southern Ute Nation.	House District 59	Not Applicable
Wheat Ridge and Lakewood	Upon review of public comments, there is a community of interest between Lakewood and Wheat Ridge.	House District 23	Not Applicable

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House County Splits

County	Districts With County	Explanation
Broomfield	House District 12, House District 33	With an adjusted population of 74,173, Broomfield could fit within a single house district. The commission kept all of the population of Broomfield in House District 33. However, in order to avoid precinct privacy concerns, the commission placed some Broomfield census blocks with zero population in House District 12.
Chaffee	House District 13, House District 60	<p>With an adjusted population of 18,506, Chaffee County could fit within a single house district. The majority of Chaffee County is within House District 13. House District 13, other than Chaffee County, is made up of whole counties and political subdivisions. However, if all of the counties in House District 13, including Chaffee County, were kept whole, House District 13 would exceed the acceptable house district population. Therefore, the commission had to split at least one county in House District 13. The commission split Chaffee County because it could do so while keeping other political subdivisions whole and while causing minimal disruption to Chaffee County as a whole. This would not be the case if the commission had chosen to split Park County or another county in House District 13. As a result, the commission placed Chaffee County in two house districts.</p>
Delta	House District 54, House District 58	<p>With an adjusted population of 30,843, Delta County could fit within a single house district. However, keeping Delta County whole would have required the commission to split at least one other political subdivision along the western slope. The commission instead placed Delta County in two house districts in such a way that the Surface Creek Valley community of interest of Cedaredge and Orchard City and the North Fork community of interest of Hotchkiss, Paonia, and Crawford remained whole. The commission also kept the western portion of Delta County with Mesa County to reflect the community of interest shared between those areas.</p>

Denver	House District 1, House District 2, House District 3, House District 4, House District 5, House District 6, House District 7, House District 8, House District 9	With an adjusted population of 717,090, Denver is larger than the ideal district size of 88,826. Thus, the commission had to place Denver in at least nine house districts, even before including the census designated places of Glendale and Holly Hills that are entirely surrounded by Denver with the rest of Denver. To best respect communities of interest, the commission placed Denver in nine house districts. This required drawing house districts that had more population than the ideal district size, but that were within the acceptable population deviation range. In drawing these house districts, the commission kept Denver neighborhoods whole and preserved communities of interest to the greatest extent possible.
Eagle	House District 26, House District 57	With an adjusted population of 55,768, Eagle County could fit within a single house district. However, to keep the communities of interest of the Eagle River Valley and the Roaring Fork Valley whole, the commission placed Eagle County in two house districts.
Huerfano	House District 46, House District 62	With an adjusted population of 6,840, Huerfano County could fit within a single house district. However, the commission placed Huerfano County in two house districts to balance the competing interests of maintaining the community of interest between Huerfano and Las Animas Counties and drawing House District 62 in a way that complies with the Federal Voting Rights Act.

Montezuma	House District 58, House District 59	<p>With an adjusted population of 25,911, Montezuma County could fit within a single house district. However, to preserve the community of interest in the southwestern portion of Colorado, the commission required maps to be drawn that keep Archuleta, La Plata, San Juan, and Montezuma counties whole and together as much as possible.</p> <p>Recognizing that this collection of whole counties exceeds the acceptable size of a house district, the commission required that Montezuma County be split to satisfy the house district population requirements. More specifically, the commission placed Montezuma County in two house districts in such a way that the Ute Mountain Ute Nation and the Southern Ute Nation communities of interest were kept whole, the Cortez and Delores corridor community of interest was kept whole, and the community of interest in the northwestern portion of Montezuma County was kept whole.</p>
Teller County	House District 18, House District 60	<p>With an adjusted population of 24,753, Teller County could fit within a single house district. The commission placed Teller County in two house districts to preserve the political subdivision of Green Mountain Falls which is contained within both El Paso and Teller Counties.</p>

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House City Splits

City	Districts With City	Explanation
Arvada	House District 24, House District 27	<p>With an adjusted population of 124,610, Arvada is larger than the ideal house district size of 88,826. Thus, the commission had to place Arvada in at least two house districts. The commission placed Arvada in two house districts that were split north and south in accordance with public comments that recognized the importance of preserving Olde Town Arvada and the shared interests between northern Arvada and northern Jefferson County. This also allowed for other surrounding political subdivisions, such as Westminster and Wheat Ridge, to be kept as whole as possible.</p>
Aurora	House District 3, House District 36, House District 37, House District 40, House District 41, House District 42, House District 56, House District 61	<p>With an adjusted population of 387,459, Aurora is larger than the ideal house district size of 88,826. The commission had to place Aurora in at least five house districts. However, there are also portions of Aurora that are not contiguous or nearly not contiguous and that are reasonably far from the majority of Aurora. These portions of Aurora likely necessitated splitting Aurora into two or three house districts beyond the five required for population reasons. The commission divided Aurora into eight house districts. Two of these house districts, House Districts 3 and 37, contained the not contiguous portions of Aurora described above. House District 61 contained the nearly not contiguous southeastern portion of Aurora along with the portion of Centennial that separated this nearly not contiguous portion of Aurora from the rest of Aurora. To the best of its ability, the commission drew House Districts 40, 41, and 42 to preserve communities of interest in the more urban parts of Aurora. Finally, House District 36 primarily splits Aurora along the Adams and Arapahoe County political subdivision line, but also includes the more rural parts of Aurora in Adams and Arapahoe Counties.</p>

Boulder	House District 10, House District 49	With an adjusted population of 108,317, Boulder is larger than the ideal house district size of 88,826. Thus, the commission had to place Boulder in at least two house districts. The commission placed Boulder in two house districts split primarily along Broadway in accordance with public comments made at the public hearing in Boulder. To the extent the border of House District 10 extends beyond Broadway, it does so to allow the student population who live in University Hill to be placed in the same house district as the university campus.
Broomfield	House District 12, House District 33	With an adjusted population of 74,173, Broomfield could fit within a single house district. The commission kept all of the population of Broomfield in House District 33. However, in order to avoid precinct privacy concerns, the commission placed some Broomfield census blocks with zero population in House District 12.
Centennial	House District 37, House District 38, House District 61	With an adjusted population of 108,507, Centennial is larger than the ideal district size of 88,826. Thus, the commission had to place Centennial in at least two house districts. The commission placed Centennial in three house districts. Although this is one more house district than the minimum number of house districts the commission could have placed Centennial in, this configuration allows for a number surrounding political subdivisions to either be kept whole or split fewer times.
Colorado Springs	House District 14, House District 15, House District 16, House District 17, House District 18, House District 20, House District 22	With an adjusted population of 480,790, Colorado Springs is larger than the ideal district size of 88,826. Thus, the commission had to place Colorado Springs in at least six house districts. The commission placed Colorado Springs in seven house districts, but one of those House Districts (House District 20) included Colorado Springs census blocks with zero population. The house districts the commission drew in Colorado Springs reflect communities of interest identified in public comment and largely follow Colorado Springs neighborhood boundaries where possible.

Denver	House District 1, House District 2, House District 3, House District 4, House District 5, House District 6, House District 7, House District 8, House District 9	With an adjusted population of 717,090, Denver is larger than the ideal district size of 88,826. Thus, the commission had to place Denver in at least nine house districts, even before including the census designated places of Glendale and Holly Hills that are entirely surrounded by Denver with the rest of Denver. To best respect communities of interest, the commission placed Denver in nine house districts. This required drawing house districts that had more population than the ideal district size, but that were within the acceptable population deviation range. In drawing these house districts, the commission kept Denver neighborhoods whole and preserved communities of interest to the greatest extent possible.
Erie	House District 12, House District 19,	With an adjusted population of 30,052, Erie could fit within a single house district. The commission kept all of the population of Erie in House District 19. However, the commission also placed a single Erie census block with zero population in House District 12. This census block was not contiguous with the rest of Erie and, if the commission had placed it in House District 12, the commission would have had to split a zero population block off from the political subdivision of Lafayette. If the commission placed Lafayette in the same house district as Erie, the commission would have been forced by population requirements to fracture the community of interest of Lafayette, Louisville, and Superior. In other words, if the commission kept Erie whole, it would have had to split Lafayette or split a community of interest.
Evans	House District 50, House District 64	With an adjusted population of 22,237, Evans could fit within a single house district. The commission kept all of the population of Evans in House District 50. However, the commission also placed an Evans zero population census block in House District 64 to connect a not contiguous unincorporated Weld County census block to other unincorporated Weld County census blocks and avoid a precinct privacy issue.

Fort Collins	House District 52, House District 53	With an adjusted population of 170,111, Fort Collins is larger than the ideal district size of 88,826. Thus, the commission had to place Fort Collins in at least two house districts. The commission placed Fort Collins in two house districts. Public comment was split about whether to divide Fort Collins east and west or north and south. The commission decided to split Fort Collins north and south in order to preserve communities of interest. More specifically, the northern house district preserved the community of interest around the university campus and younger residents living in multi-family residences, while the southern house district preserved the community of interest around families who live in single-family homes.
Grand Junction	House District 54, House District 55	With an adjusted population of 65,882, Grand Junction is not larger than the ideal district size of 88,826. However, if the commission kept Grand Junction in a single house district, due to the fact that a number of census designated places are nested inside of Grand Junction, the commission would have been forced to divide multiple census designated places. Thus, the commission decided to split Grand Junction to preserve the multiple communities of interest in the surrounding census designated places. The commission did not receive many public comments about Grand Junction, but a number of citizen-submitted maps also split Grand Junction to preserve the communities of interest in the surrounding census designated places.

Greeley	House District 50, House District 64, House District 65	With an adjusted population of 109,240, Greeley is larger than the ideal district size of 88,826. Thus, the commission had to place Greeley in at least two house districts. All of the population in Greeley is contained in two house districts: House Districts 50 and 64. A single Greeley zero population block is contained in House District 65. This was necessary to join a census block of unincorporated Weld County with a small population to other unincorporated Weld County census blocks. House District 50 contains the eastern portion of Greeley, Garden City, and Evans. This preserves a Latino community of interest, as was requested in the majority of public comments that related to Greeley. After drawing House District 50 to preserve this community of interest, the commission placed the rest of the population in Greeley in House District 64.
Highlands Ranch¹	House District 39, House District 43	With an adjusted population of 103,498, Highlands Ranch is larger than the ideal district size of 88,826. Thus, the commission had to place Highlands Ranch into at least two house districts. The commission placed Highlands Ranch in two house districts largely following a north south division along East Wildcat Reserve Parkway. This division mirrored the division of Highlands Ranch in citizen submitted proposed maps and allowed for the commission to avoid splitting the numerous census designated places and political subdivisions to the east of Highlands Ranch.
Johnstown	House District 64, House District 65	With an adjusted population of 17,312, Johnstown could fit within a single house district. However, Johnstown is split between Larimer and Weld Counties. The commission recognized this split and preserved the county political subdivision lines over the city political subdivision lines and placed Johnstown in two house districts.

¹ Highlands Ranch is a census designated place and not a political subdivision, but due to its population it is included in this chart.

Lakewood	House District 23, House District 28, House District 30	With an adjusted population of 156,533, Lakewood is larger than the ideal district size of 88,826. Thus, the commission had to place Lakewood in at least two house districts. The commission placed Lakewood into three districts. House District 30 primarily preserves the "Sheridan corridor" community of interest. House District 23 keeps Wheat Ridge whole while uniting it with the western portions of Lakewood. This placement respects the communities of interest recognized primarily in comments received differentiating Wheat Ridge, Lakewood, and Arvada from other communities. House District 28 contains the remaining portions of Lakewood.
Littleton	House District 25, House District 38, House District 43	With an adjusted population of Littleton is 45,742, Littleton could fit within a single house district. However, Littleton is located in three counties: Arapahoe, Douglas, and Jefferson County. The commission recognized this split and preserved the county political subdivision lines over the city political subdivision lines.
Longmont	House District 11, House District 19	With an adjusted population of 99,085, Longmont is larger than the ideal district size of 88,826. Thus, the commission had to place Longmont in at least two house districts. The commission placed Longmont in two house districts. In accordance with the public comments, the commission preserved the communities of interest in northwest and southwest Longmont as best as possible. After preserving these communities of interest, the commission primarily divided Longmont along Pace Street and the Boulder-Weld County border.
Northglenn	House District 19, House District 34	With an adjusted population of Northglenn is 38,247, Northglenn could fit within a single house district. However, there are a few Northglenn census blocks that are not contiguous with the rest of Northglenn and are relatively far away from the majority of Northglenn's population. Thus, in order to place Northglenn in a single house district, the commission would have had to join two not contiguous groups of census blocks and create a noncompact district that split communities of interest in Thornton. The commission instead opted to split Northglenn between two house districts.

Pueblo	House District 46, House District 62	With an adjusted population of 111,727, Pueblo is larger than the ideal district size of 88,826. Thus, the commission had to place Pueblo in at least two house districts. The commission placed Pueblo in two house districts. In so doing, the commission primarily followed the communities of interest represented by Pueblo's neighborhoods, and respected the requirements necessary for House District 62 to comply with the Federal Voting Rights Act.
Pueblo West²	House District 47, House District 60	With an adjusted population of 33,086, the commission could have placed Pueblo West in a single house district. However, the commission split Pueblo West into two house districts to preserve communities of interest. Outside of Pueblo County, House District 47 follows county lines and maintains communities of interest in southeastern Colorado. If House District 47 included all of Pueblo West, due to house district population limits, it would not be able to maintain these communities of interest and would have to either split counties or lose counties that are a part of that community of interest. Alternatively, if House District 47 included none of Pueblo West, it would have to include counties in other areas of the state and split those other communities of interest. Splitting Pueblo West also allowed the commission to minimize the amount which House District 60 split Chaffee and Park Counties and the associated communities of interest.

² Pueblo West is a census designated place and not a political subdivision, but due to its population it is included in this chart.

Superior	House District 12, House District 27, House District 49	<p>With an adjusted population of 13,099, Superior could fit within a single house district. The commission kept all of the population of Superior in House District 12. However, the commission placed a few Superior zero population census blocks in House Districts 27 and 49. The Superior zero population census blocks that the commission placed in House District 27 were in Jefferson County, rather than Boulder County where the population Superior resides. After splitting off the Superior zero population census blocks in House District 27, there were a few Superior zero population census blocks that were not contiguous with the rest of Superior. The commission assigned these to House District 49.</p>
Thornton	House District 31, House District 33, House District 34, House District 35	<p>With an adjusted population of 142,160, Thornton is larger than the ideal district size of 88,826. Thus, the commission had to place Thornton in at least two house districts. Public comment appeared united in placing Northglenn with Thornton, with the only area of disagreement was which part of Thornton to place Northglenn with. If the population of Northglenn was considered with the population of Thornton, the commission had to place Thornton into at least three house districts. The commission placed Thornton in four house districts, but the only portion of Thornton in House District 35 is a single census block with 28 people. This was done because the commission believed that this single census block was misidentified as being in Thornton. The other three house districts that contained Thornton represented communities of interest. House District 31 preserves and keeps together the communities of interest of "Original Thornton" and the center of Thornton. These communities of interest were kept together in a number of citizen submitted maps that were endorsed in public comments. House District 34 kept Northglenn with Thornton to preserve a community of interest, as described above. House District 33 kept Broomfield together with the northern portion of Thornton. This allowed for Louisville, Lafayette, and Superior to be kept together as a community of interest in accordance with public comment in House District 12.</p>

Westminster	House District 29, House District 35	<p>With an adjusted population of 116,550, Westminster is larger than the ideal district size of 88,826. Thus, the commission had to place Westminster in at least two house districts. The commission placed Westminster in two house districts. House District 35 placed the southern portion of Westminster with the whole census designated places of Berkley, Federal Heights, Sherrelwood, and Twin Lakes. This preserved a Latino community of interest represented in a number of citizen submitted maps and described in written comments submitted by the Colorado Latino Leadership Advocacy and Research Organization.</p>
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Senate Community of Interest Splits

Community of Interest	Description of Community of Interest	House Districts Containing the Community of Interest	Explanation for Split of Community of Interest, If Necessary
Area near Colorado State University Fort Collins Campus	Upon review of public comments, there is a community of interest largely covering the area of Fort Collins south of East Mulberry Street and east of South College Avenue along with the Colorado State University Fort Collins campus and surrounding areas west of South College Avenue.	Senate District 14	Not Applicable
Area near University of Colorado Boulder Campus	Upon review of public comments, there is a community of interest largely covering the University Hill Boulder neighborhood and the areas of Boulder covering the university campus to the east of Broadway.	Senate District 18	Not Applicable
Arvada and Westminster	Upon review of public comments, there is a community of interest between Arvada and the portions of Westminster in Jefferson County.	Senate District 19	Not Applicable
Carbon Valley	As identified by the commission, upon review of public comments, this community of interest includes Dacono, Firestone, and Frederick.	Senate District 23	Not Applicable

College and University Campuses	As identified by the commission, upon review of public comments, the college and university campuses across Colorado each constitute a community of interest.	Senate District 3, Senate District 5, Senate District 6, Senate District 7, Senate District 12, Senate District 13, Senate District 14, Senate District 18, Senate District 32, Senate District 34	Although the commission could not place all of the college and university campuses in a single senate district, it kept college and university campuses whole within the senate districts it placed them in.
Commerce City	Upon review of public comments, Commerce City is a community of interest.	Senate District 21	Not Applicable
Eagle River Valley	Upon review of public comments, there is a community of interest along I-70 between Gypsum and Vail.	Senate District 8	Not Applicable
Eastern Greeley	As identified by the commission, upon review of public comments, this community of interest includes Eastern Greeley, Evans, and Garden City.	Senate District 13	Not Applicable
Erie and Longmont	Upon review of public comments, there is a community of interest between Erie and Longmont.	Senate District 17	Not Applicable
Fort Carson, Fountain, and Security-Widefield	Upon review of public comments, there is a community of interest that largely covers Fort Carson, Fountain, and Security-Widefield and is largely contained within the Fountain-Fort Carson School District.	Senate District 12	Not Applicable
Harrison School District area of Colorado Springs	Upon review of public comments, there is a community of interest that largely covers the current House District 17 and is largely	Senate District 11	Not Applicable

	defined by the Harrison School District.		
Hinsdale and Gunnison Counties	Upon review of public comments, there is a community of interest between Hinsdale and Gunnison Counties.	Senate District 5	Not Applicable
Historically African-American Denver Neighborhoods	Upon review of public comments, there is a community of interest that largely covers the Denver neighborhoods in the northern and northeastern portions of Denver, including those neighborhoods in current House Districts 7 and 8.	Senate District 33	Not Applicable
Historically Latino Denver Neighborhoods	Upon review of public comments, there is a community of interest that largely covers the Denver neighborhoods in the western portion of Denver, including those neighborhoods in current House Districts 1, 4, and 5.	Senate District 32, Senate District 34	Denver's west side is too large for a single senate district, and the commission chose to divide it at W. Mississippi Avenue, which is also the dividing line between House Districts 1 and 5. Senate District 34 includes the neighborhoods of Athmar Park, Auraria, Baker, Barnum, Barnum West, Berkeley, Chaffee Park, Elyria-Swansea, Globeville, Highland, Jefferson Park, La Alma-Lincoln Park, Regis, Sloan Lake, Sun Valley Sunnyvale, Union Station, Valverde, Villa Park, West Colfax, West Highland, and Westwood. Senate District 32 includes the neighborhoods of Bear Valley, College View, Harvey Park, Harvey Park South, Mar Lee, Overland, and Ruby Hill, as well as

			other Denver neighborhoods to the east.
Las Animas and Huerfano Counties	As identified by the commission, upon review of public comments, this community of interest includes Huerfano and Las Animas Counties.	Senate District 35	Not Applicable
Louisville, Lafayette, and Superior	Upon review of public comments, there is a community of interest that largely covers Louisville, Lafayette, and Superior	Senate District 17, Senate District 18	The commission included Lafayette in Senate District 17 with other Eastern Boulder County communities. This allowed the commission to place Erie and Longmont in the same senate district and respect the community of interest between those two cities. If the commission had added Louisville and Superior to this senate district, the district would have exceeded the permissible senate district population limits.
Lower Arkansas River Valley	As identified by the commission, upon review of public comments, there is a community of interest between Crowley and Otero Counties.	Senate District 35	Not Applicable
Northeastern Colorado	As identified by the commission, upon review of public comments, this community of interest includes Sedgwick, Phillips,	Senate District 1	Not Applicable

	Logan, Morgan, Washington, and Yuma Counties.		
Olde Town Arvada	Upon review of public comments, there is a community of interest in the southeastern portion of Arvada west of Wadsworth Boulevard, south of Ralston Road, and east of Carr Street that contains Olde Town Arvada.	Senate District 19	Not Applicable
"Original Thornton"	Upon review of public comments, there is a community of interest in the southeastern portion of Thornton west of Colorado Boulevard and north of East 88th Avenue that covers "Original Thornton".	Senate District 24	Not Applicable
Roaring Fork Valley	As identified by the commission, upon review of public comments, this community of interest includes Aspen, Basalt, El Jebel, Carbondale, Glenwood Springs, New Castle, Rifle, Silt, and Parachute.	Senate District 5	Not Applicable
San Luis Valley	As identified by the commission, upon review of public comments, this community of interest includes Saguache, Alamosa, Rio Grande, Conejos, Costilla, and Mineral Counties.	Senate District 6	Not Applicable
Sheridan Corridor	Upon review of public comments, there is a community of interest along Sheridan Boulevard west of Denver. This includes eastern	Senate District 22	Not Applicable

	portions of Lakewood and all of Edgewater.		
Ski areas	As identified by the commission, upon review of public comments, there is a community of interest centered around the major ski resorts in the state.	Senate District 5, Senate District 6, Senate District 8	Due to the distance between major ski resorts, it is impossible to combine all of the major ski resorts in the same senate district. However, the commission placed major ski resorts and towns together in multiple senate districts. Senate District 8 has Steamboat Springs and the ski areas in Eagle, Grand, and Summit Counties. Senate District 5 has the Aspen ski areas and Crested Butte, and Senate District 6 has Telluride and Purgatory.
Southwestern Colorado	As identified by the commission, upon review of public comments, this community of interest includes Montezuma, La Plata, Archuleta, and San Juan Counties	Senate District 6	Not Applicable
Ute Mountain Ute Nation and Southern Ute Nation	As identified by the commission, upon review of public comments, this community of interest includes the tribal lands in the southwest corner of the state, which primarily include the Ute Mountain Ute Nation and the Southern Ute Nation.	Senate District 6	Not Applicable
Wheat Ridge and Lakewood	Upon review of public comments, there is a community of interest between Lakewood and Wheat Ridge.	Senate District 22	Not Applicable

Senate County Splits

County	Districts With County	Explanation
Broomfield	Senate District 17, Senate District 25	Broomfield's adjusted population of 74,173 is all in Senate District 25. Some zero population Broomfield census blocks along the Northwest Parkway of Broomfield separate a few Boulder County census blocks from the rest of the county, and the commission put these census blocks in Senate District 17 to avoid further splits to Boulder County.
Denver	Senate District 26, Senate District 31, Senate District 32, Senate District 33, Senate District 34	Denver's adjusted population of 717,090 is enough for five senate districts, and the commission split the city among five districts. The divisions mostly follow neighborhood lines and keep the community of interest of Denver's historically Black neighborhoods in Senate District 33 and the community of interest of its historically Latino neighborhoods in Senate District 34, which the commission prioritized. The commission also drew only two multi-county districts including Denver, with Senate District 32 taking the Arapahoe County enclaves and Senate District 26 taking Denver's furthest south neighborhoods in with suburban Arapahoe County. This prevented the additional division of other political subdivisions.

Garfield	Senate District 5, Senate District 8	Garfield County is split to keep the communities of Glenwood Springs, New Castle, Silt, Rifle, and Parachute together with Roaring Fork Valley community of interest in Senate District 5. Senate District 5 also keeps Gunnison County with surrounding communities of interest, and including all of Garfield County would make the district too large, so the commission included the northern part of Garfield County in Senate District 8 with Rio Blanco County to the north.
Montrose	Senate District 5, Senate District 6	Splitting Montrose County allowed the commission to keep communities of interest together, including: the Roaring Fork Valley in Senate District 5, Huerfano and Gunnison Counties in Senate District 5, Southwest Colorado in Senate District 6, the San Luis Valley in Senate District 6, and to the east, Huerfano and Las Animas Counties in District 35. The commission split Montrose County in a way that keeps the city of Montrose connected to Gunnison by Highway 50 and the western Montrose County towns of Naturita and Nucla connected San Miguel County by Highway 145.
Teller	Senate District 4, Senate District 12	The commission placed Teller County in two senate districts to keep the political subdivision of Green Mountain Falls whole in Senate District 12 with its El Paso County portions.

Senate City Splits

City	Districts With City	Explanation
Arvada	Senate District 19, Senate District 20	<p>With an adjusted population of 124,610, Arvada could fit in a single senate district. However, the commission heard requests from the public to keep the Jefferson County portion of Westminster together with Arvada as a community of interest. This adjusted population of 45,140 in Jefferson County Westminster, when combined in a senate district with Arvada, results in a senate district over the ideal senate district size of 164,963. Thus, the commission instead placed western Arvada in Senate District 20 with western Jefferson County.</p>
Aurora	Senate District 27, Senate District 28, Senate District 29	<p>Aurora has an adjusted population of 387,459, enough for three senate districts, and is split among three senate districts. The commission drew these districts largely as follows: one southern Aurora district that includes the community of interest with parts of Centennial that the commission heard were similar to southeast Aurora; one compact central district keeping together an identified African-American community of interest; and one northern district that includes a Latino community of interest in Northwest Aurora and extends to the far eastern parts of Aurora including the Colorado Air and Space Port, keeping Aurora together rather than Adams and Arapahoe Counties, as many comments and city officials requested.</p>

Broomfield	Senate District 17, Senate District 25	Broomfield's adjusted population of 74,173 is all in Senate District 25. Some zero population census blocks along the Northwest Parkway of Broomfield separate a few Boulder County census blocks from the rest of the county, and the commission put these zero population census blocks in Senate District 17 to avoid further splits to Boulder County.
Centennial	Senate District 16, Senate District 27	Centennial's adjusted population of 108,507 could fit in a single senate district. The border of Centennial's eastern half weaves into and out of unincorporated Arapahoe County and Aurora, and public testimony suggested that communities of interest do not necessarily follow political subdivision boundaries in this area. Splitting Centennial allowed the commission to minimize splits to the political subdivisions of Aurora to the east and Lakewood and Denver to the west. The commission received comments that if Centennial were to be split, it should be west of I-25 rather than at the freeway, to preserve the community of interest along I-25, so the commission split Centennial at South Quebec St.
Colorado Springs	Senate District 9, Senate District 10, Senate District 11, Senate District 12	The adjusted population of 480,790 in Colorado Springs is enough for three senate districts, and the city's area includes a number of enclaves of unincorporated El Paso County. The commission split the city and enclaves among four districts, largely following Colorado Springs neighborhoods and communities of interest.

Denver	Senate District 26, Senate District 31, Senate District 32, Senate District 33, Senate District 34	<p>Denver's adjusted population of 717,090 is enough for five senate districts, and the commission split the city among five districts. The divisions mostly follow neighborhood lines and keep the community of interest of Denver's historically African-American neighborhoods in Senate District 33 and the community of interest of its historically Latino neighborhoods in Senate District 34, which the commission prioritized. The commission also drew only two multi-county districts including Denver, with Senate District 32 taking the Arapahoe County enclaves and Senate District 26 taking Denver's furthest south neighborhoods in with suburban Arapahoe County. This prevented the additional division of other political subdivisions.</p>
Erie	Senate District 17, Senate District 23	<p>All of Erie's adjusted population of 30,052 is in Senate District 17. Some zero population census blocks along Mineral Road/State Highway 52 separate a Frederick census block from the rest of Frederick. Because Frederick and Erie are in separate senate districts, the commission had to split one to keep the other whole. By splitting Erie rather than Frederick, the commission matched the splits of these two political subdivisions in the House map.</p>
Fort Collins	Senate District 14, Senate District 23	<p>Fort Collins has an adjusted population of 170,111, enough for two senate districts. The commission placed Fort Collins in two Senate Districts. The easternmost parts of Fort Collins are included in Senate District 23 with other parts of Larimer County to keep together a community of interest along I-25 with Timnath and Windsor.</p>

Greeley	Senate District 1, Senate District 13	Greeley's adjusted population of 109,240 could fit in a single senate district, but the commission placed Eastern Greeley in Senate District 13, which extends to Brighton, to preserve the Latino community of interest along Highway 85. Western Greeley is included in Senate District 1.
Lakewood	Senate District 20, Senate District 22	Lakewood's adjusted population of 156,533 could fit in a single senate district, but the area within Lakewood's boundaries include several enclaves of unincorporated Jefferson County that make this area very close to the ideal district size. Many comments identified a community of interest between Wheat Ridge and Lakewood, as well as along the Sheridan corridor in Lakewood. The commission preserved these two communities of interest in Senate District 22. However, placing these communities of interest together resulted in a district that could not also contain the rest of Lakewood. The commission placed the rest of Lakewood in Senate District 20.

Littleton	Senate District 16, Senate District 30	Littleton has an adjusted population of 45,742 that spans three counties. The commission kept Littleton whole in Senate District 16, except for the portion of Littleton in Douglas County. The commission chose to not place the portion of Littleton in Douglas County with the rest of Littleton to reduce the number of splits of Douglas County.
Lochbuie	Senate District 1, Senate District 13	Lochbuie has an adjusted population of 8,103 and falls within both Adams and Weld Counties. The commission split Lochbuie at the county line to reduce the number of splits of both Adams and Weld Counties.
Northglenn	Senate District 23, Senate District 25	The commission kept almost all of Northglenn's adjusted population of 38,247 whole in Senate District 25, except for some noncontiguous Northglenn census blocks in Weld County. The commission kept these noncontiguous census blocks in Senate District 23 to avoid splitting populated areas of Weld County into another district.

Superior	Senate District 18, Senate District 20	Superior has an adjusted population of 13,099 and falls within both Boulder and Jefferson Counties. The commission placed all of Superior's population in Senate District 18. The only portion of Superior in Senate District 20, rather than Senate District 18, are zero population census blocks along W. 120th Ave in Jefferson County. The commission kept these census blocks in Jefferson County to prevent further splits of Jefferson County.
Thornton	Senate District 23, Senate District 24	The commission placed all of Thornton's adjusted population of 142,160 in Senate District 24. Thornton has a few zero population census blocks in Weld County, and the commission kept these census blocks with Weld County in Senate District 23 to reduce the number of splits of Weld County.
Westminster	Senate District 19, Senate District 21, Senate District 25	Westminster's adjusted population of 116,550 could fit in a single senate district. However, the commission chose to place the portion of Westminster in Jefferson County into Senate District 19 to respect the community of interest between this portion of Westminster and Arvada. The commission split the Adams County parts of Westminster north-south between Senate District 21 and Senate District 25 near US-36. This additional split allowed the commission to keep the adjacent cities of Northglenn and Thornton each largely whole within a senate district, and kept Broomfield in Senate District 25 with Adams County as a community of interest.

In re Colorado Independent Legislative Redistricting Commission

Exhibit 17

Report of Dr. Jeanne Clelland, *et al.* (Updated)

Ensemble Analysis for 2021 State Legislative Redistricting in Colorado, Part 2: Comparison of Final Approved Plans to Ensembles

Jeanne Clelland*, Daryl DeFord, Beth Malmskog, and Flavia Sancier-Barbosa

October 21, 2021

Abstract

In this follow-up to our report “Ensemble Analysis for 2021 State Legislative Redistricting in Colorado” of September 26, 2021, we compare the Final Approved Plans adopted by the Colorado Independent Legislative Redistricting Commission, along with some of the other final district plans that were under consideration, to our ensembles of plans.

1 Introduction

In our report “Ensemble Analysis for 2021 State Legislative Redistricting in Colorado,” posted on September 26, 2021 [1], we used ensemble analysis to establish a baseline context for what might reasonably be expected for State Legislative redistricting plans regarding minority population, competitive districts, and partisan seat share. That report also included a comparison of the First and Second Staff Plans for the State Senate and State House to our ensembles with respect to these measures.

In this follow-up report, we compare the Final Approved Plans adopted by the Colorado Independent Legislative Redistricting Commission on October 11 & 12, 2021, along with some of the other final district plans that were under consideration, to our ensembles. We refer the reader to Sections 1-3, Section 5, and the Appendix of our prior report for background information on ensemble analysis and the results of our analysis for State Legislative redistricting in Colorado regarding typical ranges for the statistics mentioned above.

In [1], we considered results from three different ensembles for each chamber, referred to there as “county-neutral,” “county-aware,” and “tailored county-aware.” The statistics for all three

*The first author was partially supported by a Collaboration Grant for Mathematicians from the Simons Foundation.

ensembles were fairly similar, and in order to keep the exposition here as straightforward as possible, we will restrict our attention to the tailored county-aware ensembles for each chamber. These ensembles were designed to satisfy the following constraints, at the request of the Commission:

- Districts must have approximately equal population, with no more than 5% deviation between the most and least populous districts in any plan.
- Districts must be contiguous and relatively compact.
- County splits should be minimized, subject to the equal population constraint.
- Counties with population less than 10,000 should never be split.
- Four specific communities of interest identified by the Commission in Northeastern Colorado, Southwestern Colorado, the San Luis Valley, and the Roaring Fork Valley should never be split.

As in our prior report, we wish to reiterate that the Final Approved Plans are **absolutely not expected to be at or near the mean values** for our ensembles with respect to all the measures that we have computed. Even if a plan were drawn entirely randomly, about half of its computed values would be expected to lie outside the middle 50% range for the ensemble. Furthermore, the Commission and nonpartisan staff were not charged with drawing a completely average plan, but rather with fulfilling Constitutional requirements dictating that they attempt to preserve communities of interest and attempt to maximize the number of competitive districts. The comparisons given here between the Final Approved Plans and our ensembles are intended **only** to provide context which may be used as just one of many measures to evaluate the Final Approved Plans.

2 Comparison of Final Approved Plan for State Senate to ensembles

At the request of the Commission, in this section we will compare the Final Approved Plan for the State Senate (a.k.a. SA.015.Greenidge) to our ensemble, and also to the following groupings of plans that were considered by the Commission during their final deliberations:

1. Group 1: Final Approved Plan and Third Staff Plan for State Senate
2. Group 2: Final Approved Plan, SP.009.Barnett, SA.010.Barnett

Statistical data for these plans may be found at the nonpartisan Colorado Independent Redistricting Commissions website at <https://redistricting.colorado.gov/content/2021-redistricting-maps>.

2.1 Minority representation

In Figures 1 and 2, we add the values for the final plans to the box plots from Figures 2 and 3 of [1] for the Senate districts for Hispanic voting age population and Non-White voting age population, respectively, showing only the 20 districts with the highest minority voting age population percentages in each case.¹

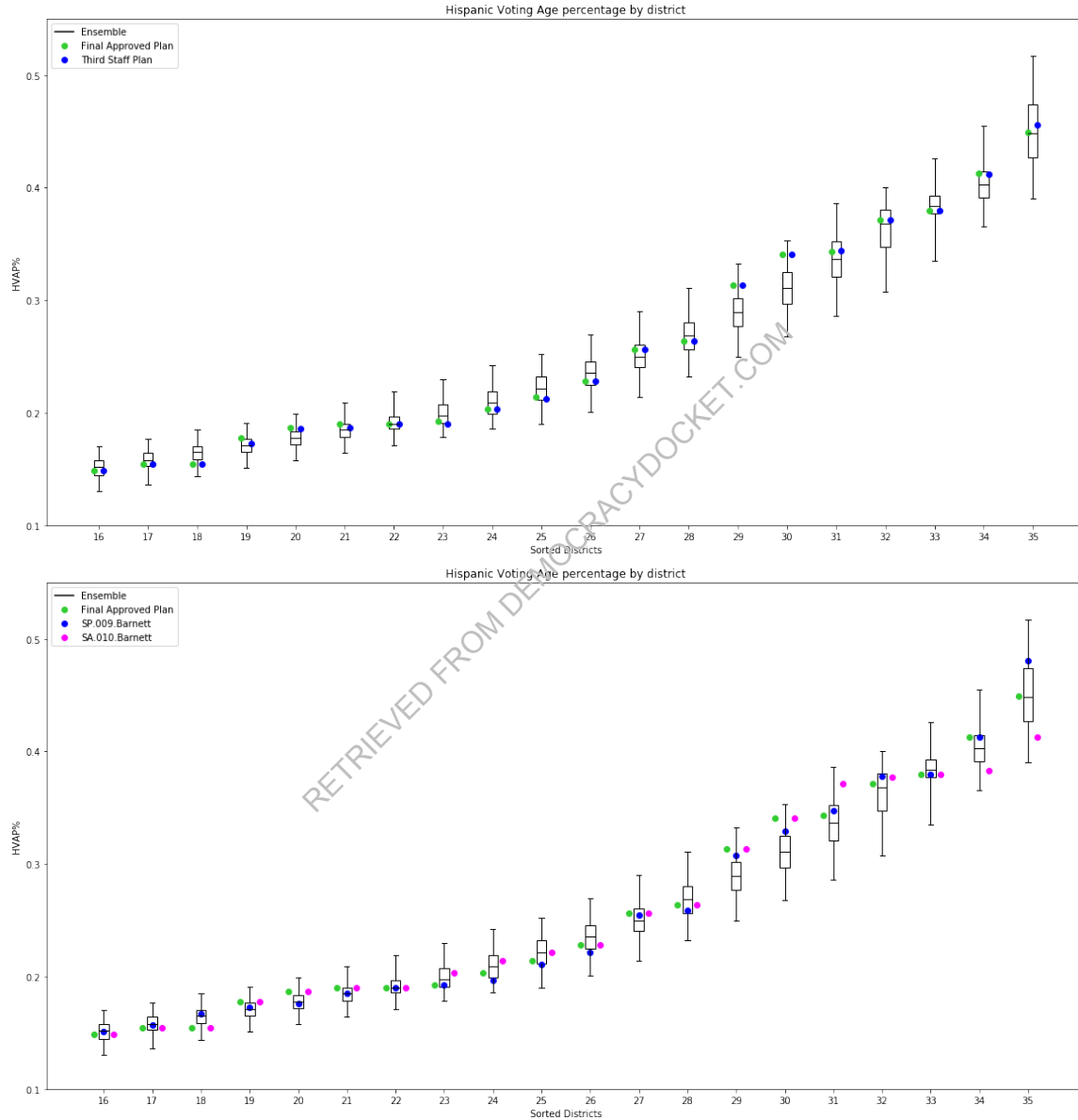


Figure 1: Hispanic voting age percentage by district for ensembles and final plans for State Senate

We do not see any extreme outliers with respect to either Hispanic or Non-White voting age

¹Statistics for voting age population were computed using 2020 PL94-171 Census population data for redistricting.

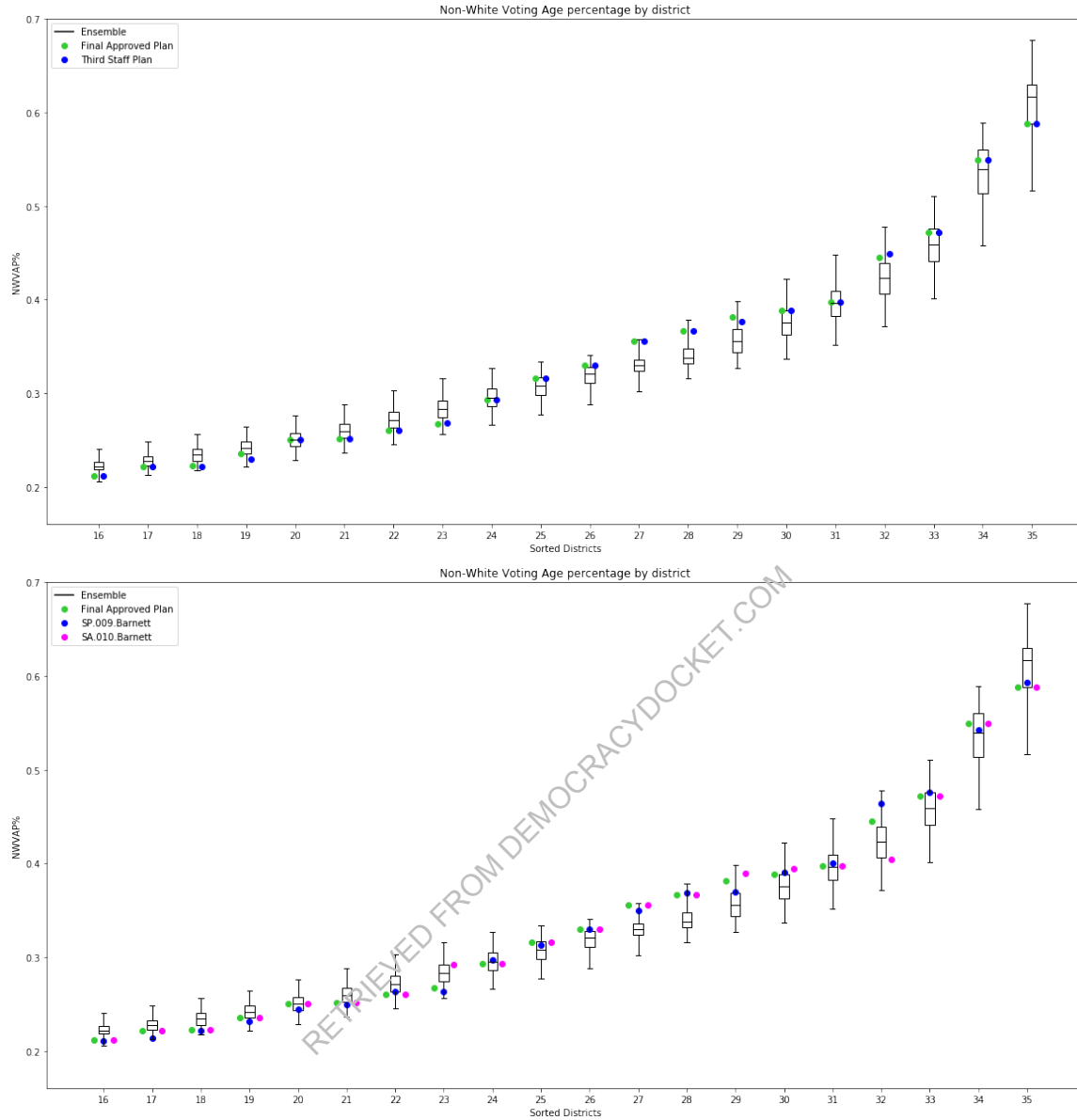


Figure 2: Non-White voting age percentage by district for ensembles and final plans for State Senate

populations.

- All the plans shown here have 2 Senate districts with Hispanic voting age population above 40% (except for the SA.010.Barnett plan, which has 1 such district), and a total of 7 Senate districts with Hispanic voting age population above 30%.
- All the plans shown here have 2 Senate districts with Non-White voting age population above 50%, a total of 4 Senate districts with Non-White voting age population above 40%, and a

total of 11 Senate districts with Non-White voting age population about 30%.

2.2 Competitive districts

In Figure 3, we have added the values for the districts in the final plans for the number of competitive districts (as defined by an 8.5% vote band around the 50% mark for the composite election²) to the histogram for the tailored county-aware ensemble from Figure 4 in [1] (shown here in green instead of purple as it was there).

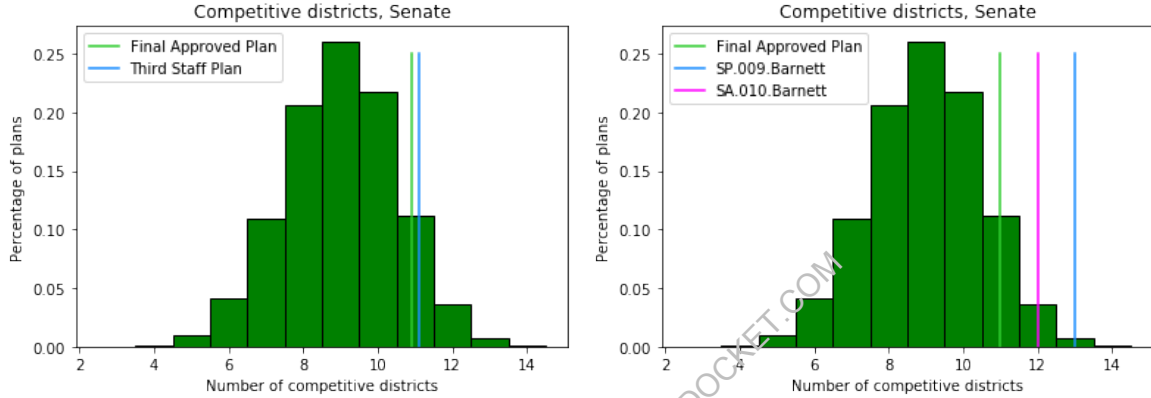


Figure 3: Numbers of competitive seats for ensembles and final plans for State Senate

The Final Approved Plan and the Third Staff Plan each contain 11 competitive districts, which is significantly above the ensemble mean of 8.99 competitive districts. The SP.009.Barnett and SA.010.Barnett plans contain 13 and 12 competitive districts, respectively. Since Amendment Z directs the Commission to maximize the number of competitive districts after meeting all other requirements, none of these values raise any concerns; rather, they provide evidence that the Commission attempted to maximize competitive districts in line with the constitutional requirement.

For additional perspective on these numbers, in Figure 4 we have added the values for the districts in the final plans to the box plots for the Democratic vote share for the composite election from Figure 5 in [1]. In Figure 5, we have zoomed in on the districts in the range from the 9th most Republican to the 13th most Democratic districts, as these are the districts with the potential to be competitive.

Here we can see clearly that the 11 districts numbered 10 through 20 are the ones that are competitive in all the plans shown here. Additionally, the district numbered 21 is competitive in the SA.010.Barnett and SP.009.Barnett plans, and the district numbered 22 is competitive in the SP.009.Barnett plan. (Note that these district numberings refer to the positions of districts in

²The composite election was obtained by averaging partisan outcomes for the 8 statewide elections between 2016 and 2020 specified by the Commission; see [1] for more details.

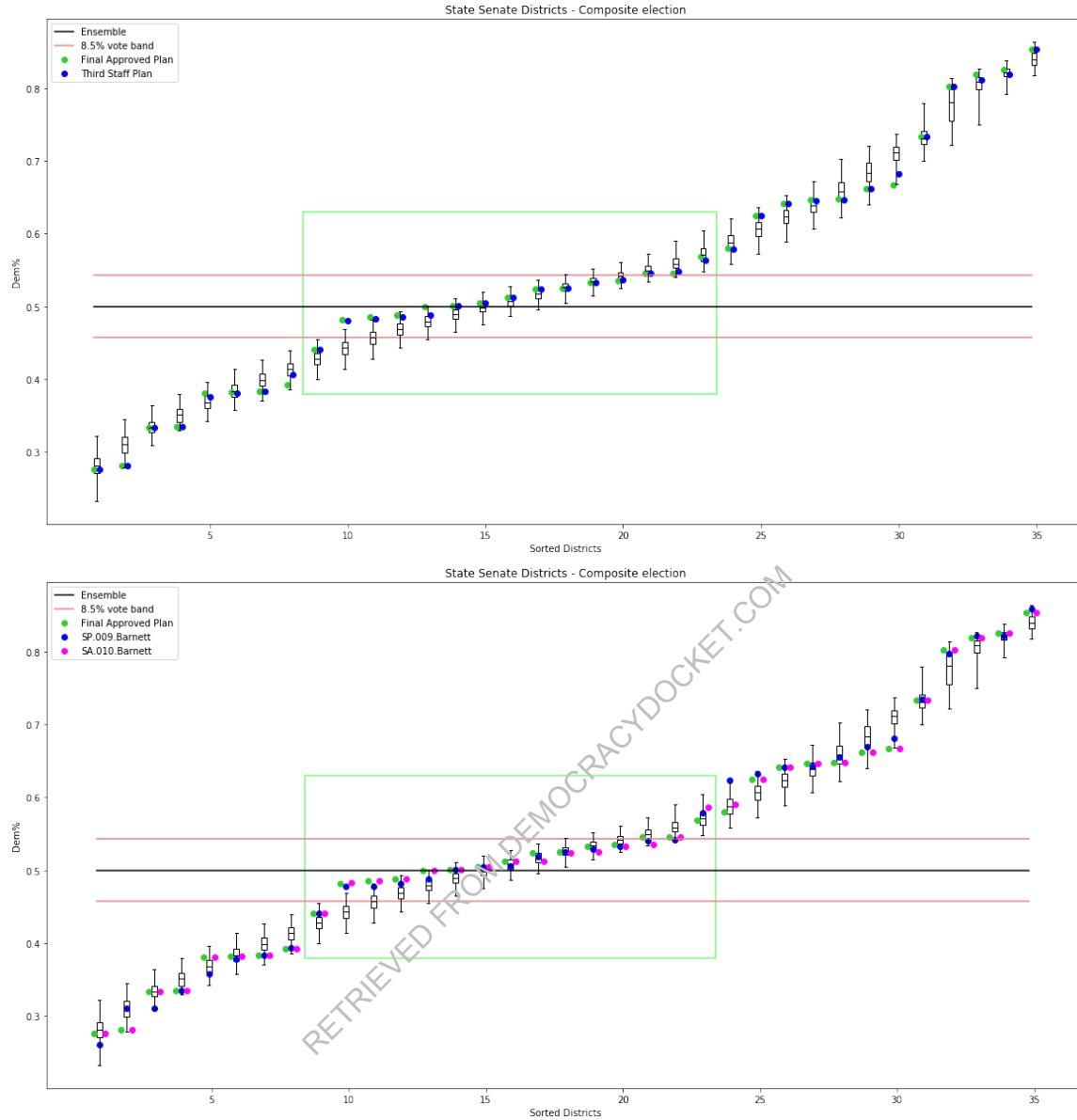


Figure 4: Democratic vote shares by district for ensembles and final plans for State Senate, with competitiveness vote band (all districts)

a list sorted by increasing Democratic vote share, and **not** to their official district numbers.)

These plots also indicate that very few, if any, plans with competitive districts outside of this range were seen in our ensemble.

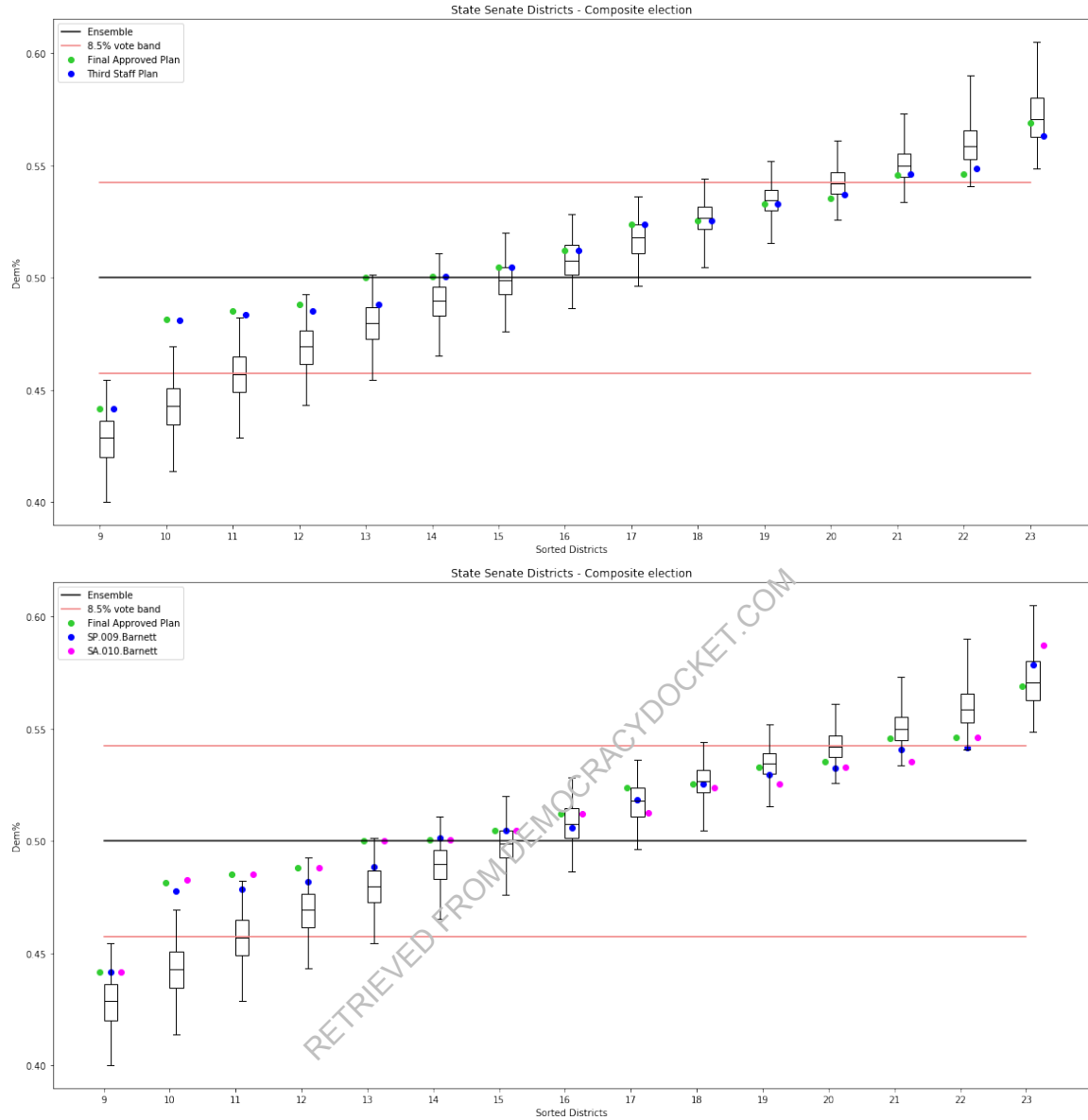


Figure 5: Democratic vote shares by district for ensembles and final plans for State Senate, with competitiveness vote band (potentially competitive districts)

2.3 Partisan seat share

Finally, we compare the final plans to our ensemble regarding partisan seat share. In Figure 6, we have added the values for the districts in the final plans for the number of Democratic seats in the composite election to the histogram for the tailored county-aware ensemble from Figure 6 in [1] (shown here in green instead of purple as it was there).

All the plans shown here produce 22 Democratic seats, which is slightly above the ensemble mean

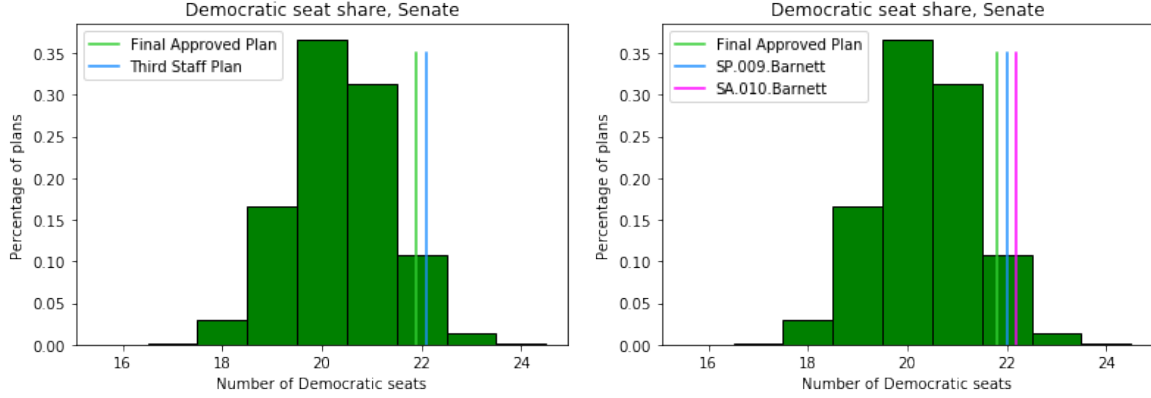


Figure 6: Numbers of Democratic seats won for ensembles and final plans for State Senate

of 20.35 Democratic seats, but still well within the range of reasonable outcomes. Moreover, as we can see from Figure 5, the bottom 2 Democratic seats (the districts numbered 14 and 15) are extremely competitive in all of these plans, with Democratic vote shares very close to 50%. So these seats might reasonably be viewed as “toss-up” seats rather than either Democratic or Republican.

In order to explore this idea of “toss-up seats” further, we considered the range of partisan outcomes for the 8 statewide elections included in the composite election. Statewide Democratic vote shares for these elections ranged from 52.7% (President 2016) to 55.2% (Governor 2018), with an average for the composite election of 54.0%. This means that across these 8 elections, Democratic vote shares for the average district ranged from 1.3% below to 1.2% above the figure reported for the composite election. In particular, a typical district with reported Democratic vote share between 48.7% and 51.2% probably experienced majority votes for both parties at some point during these 8 elections.

With this in mind, we decided to explore an alternative classification of district-based partisan outcomes into three categories based on a 3% vote band about 50%:

1. Democratic: Democratic vote share of 51.5% or more;
2. Republican: Democratic vote share of 48.5% or less;
3. Toss-up: Democratic vote share between 48.5% and 51.5%.

The histograms in Figure 7 describe what percentage of plans in each ensemble fall into each of these three categories, with the values for the final plans included for comparison.

These pictures tell an interesting story: From this perspective, all these plans are within one seat of the ensemble mean of 18.78 Democratic seats, while they display more variety regarding the trade-off between Republican and Toss-Up seats. In particular, the Final Approved Plan has only 10 Republican seats, which is well below the ensemble mean of 13.02 Republican seats, and it has

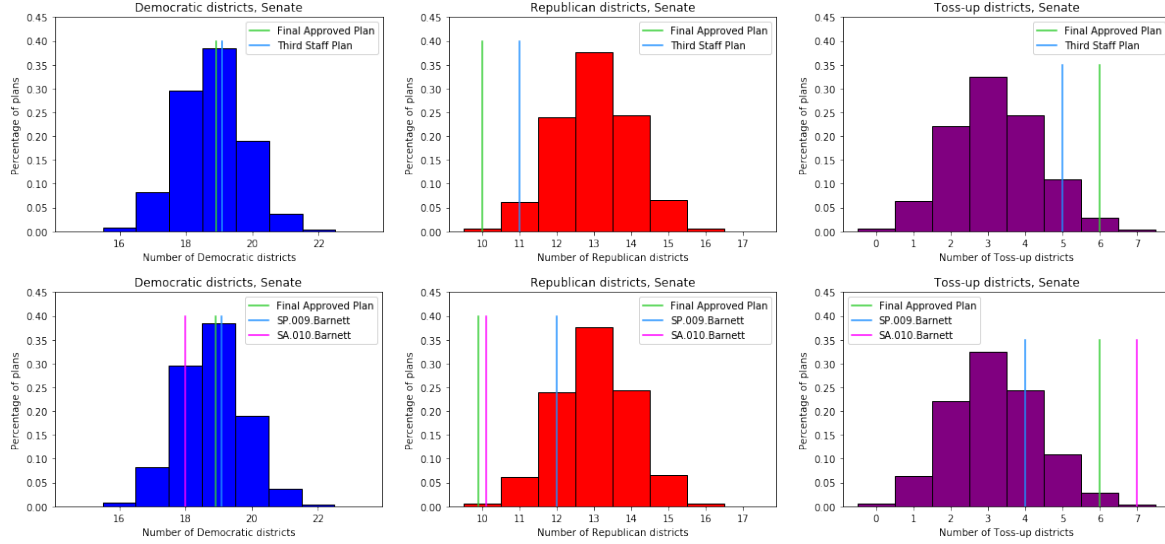


Figure 7: Numbers of Democratic, Republican, and Toss-up seats in ensemble and final plans for State Senate

6 Toss-Up seats, which is well above the ensemble mean of 3.20 Toss-Up seats.

3 Comparison of Final Approved Plan for State House to ensembles

At the request of the Commission, in this section we will compare the Final Approved Plan for the State House (a.k.a. HA.013.Barry) to our ensemble, and also to the following groupings of plans that were considered by the Commission during their final deliberations:

1. Group 1: Final Approved Plan and Third Staff Plan for State House
2. Group 2: Final Approved Plan, HP.008.Kottwitz, HA.009.Perez, HA.011.Kottwitz

Statistical data for these plans may be found at the nonpartisan Colorado Independent Redistricting Commissions website at <https://redistricting.colorado.gov/content/2021-redistricting-maps>.

3.1 Minority representation

In Figures 8 and 9, we add the values for the final plans to the box plots from Figures 14 and 15 of [1] for the House districts for Hispanic voting age population and Non-White voting age population, respectively, showing only the 25 districts with the highest minority voting age population percentages in each case.³

³Statistics for voting age population were computed using 2020 PL94-171 Census population data for redistricting.

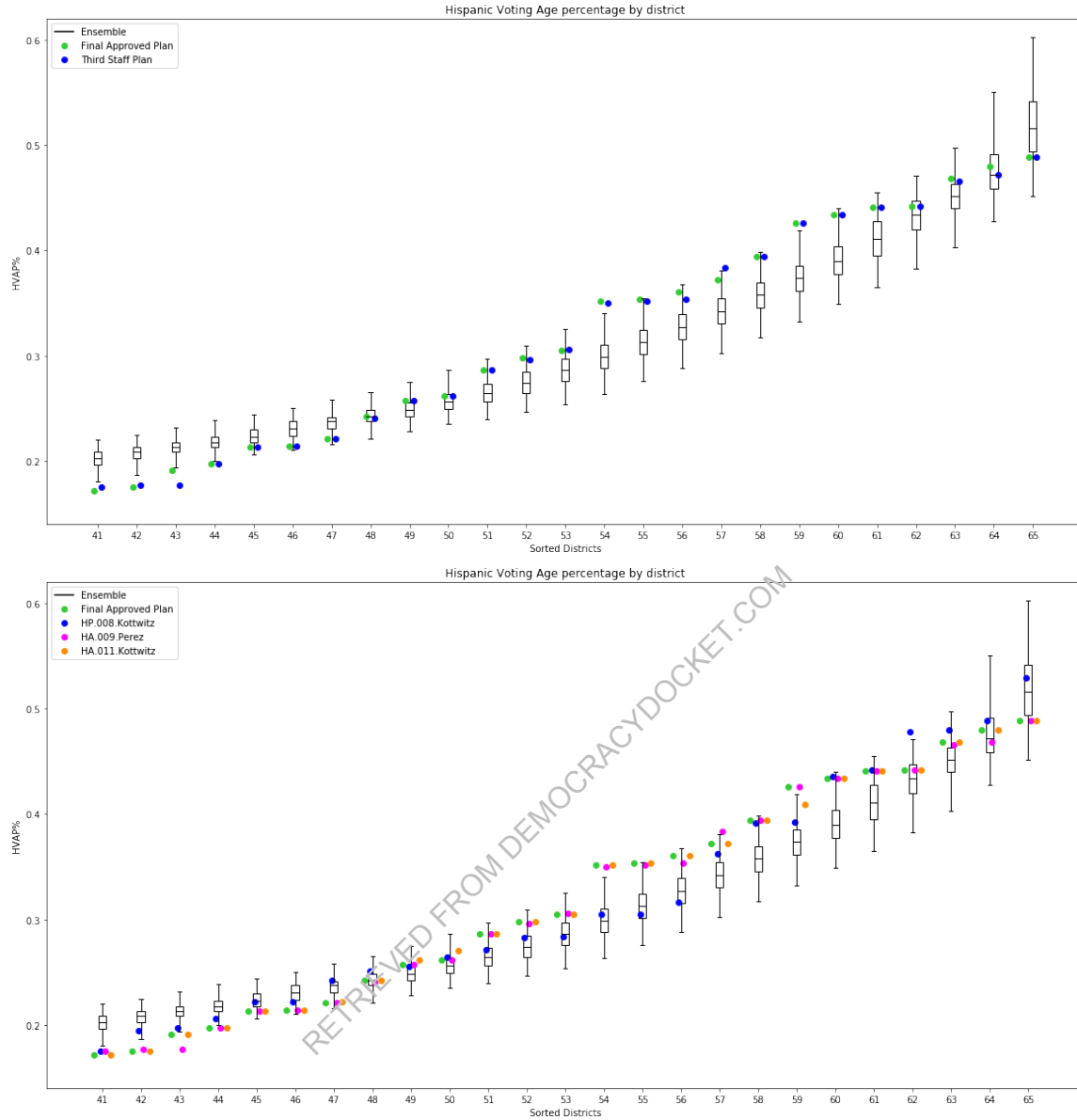


Figure 8: Hispanic voting age percentage by district for ensembles and final plans for State House

We do not see any extreme outliers with respect to either Hispanic or Non-White voting age populations.

- All the plans shown here have 7 House districts with Hispanic voting age population above 40%, except for the HP.008.Kottwitz plan, which has 6 such districts. However, the HP.008.Kottwitz plan also has 1 House district with Hispanic voting age population above 50%; it is the only plan shown here with a majority Hispanic voting age House district, even though such plans were relatively common in our ensemble.

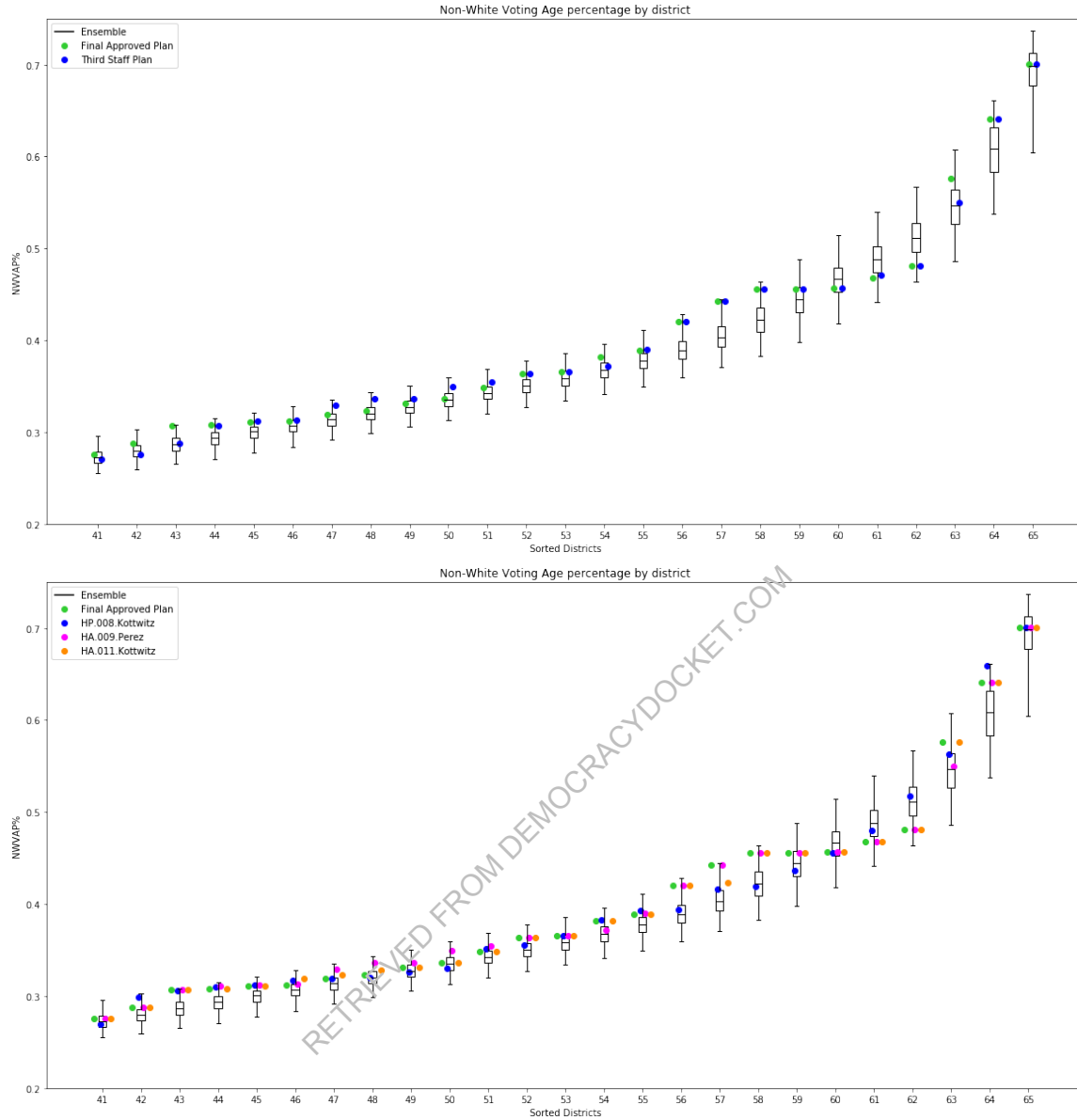


Figure 9: Non-White voting age percentage by district for ensembles and final plans for State House

- All the plans shown here have a total of 13 House districts with Hispanic voting age population above 30%, except for the HP.008.Kottwitz plan, which has 12 such districts.
- All the plans shown here have 1 House district with Non-White voting age population above 70%, a total of 2 House districts with Non-White voting age population above 60%, a total of 3 House districts with Non-White voting age population above 50% (except for the HP.008.Kottwitz plan, which has 4 such districts), and a total of 10 House districts with Non-White voting age population above 40% (except for the HP.008.Kottwitz plan, which

has 9 such districts).

- All the plans shown here have a total of 23 House districts with Non-White voting age population above 30% (except for the Third Staff plan, which has 22 such districts).

3.2 Competitive districts

In Figure 10, we have added the values for the districts in the final plans for the number of competitive districts (as defined by an 8.5% vote band around the 50% mark for the composite election⁴) to the histogram for the tailored county-aware ensemble from Figure 16 in [1] (shown here in green instead of purple as it was there).

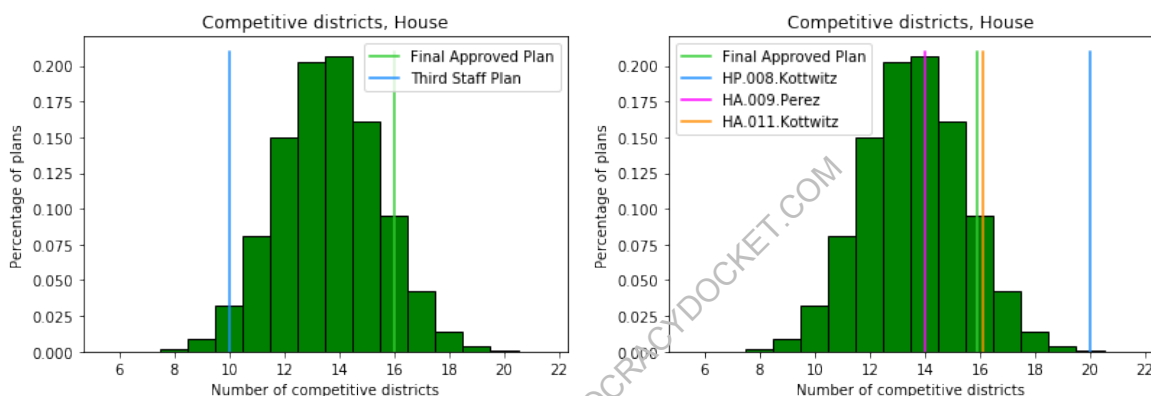


Figure 10: Numbers of competitive seats for ensembles and final plans for State House

The Final Approved Plan and the HA.011.Kottwitz plan each contain 16 competitive districts, which is significantly above the ensemble mean of 13.63 competitive districts. The Third Staff Plan contains only 10 competitive districts, which is well below the ensemble mean. The HA.009.Perez plan contains 14 competitive districts, which is as close as possible to the ensemble mean, while the HP.008.Kottwitz plan is an extreme outlier, with 20 competitive districts.

The only plan in this group that might raise significant concerns about competitiveness is the Third Staff Plan. Additionally, since Amendment Z directs the Commission to maximize the number of competitive districts after meeting all other requirements, one might question whether the HA.009.Perez plan went as far as it could have to maximize the number of competitive districts. The other plans—and the Final Approved Plan in particular—are far enough above the ensemble mean to provide evidence that the Commission attempted to maximize competitive districts in line with the constitutional requirement.

For additional perspective on these numbers, in Figure 11 we have added the values for the districts

⁴The composite election was obtained by averaging partisan outcomes for the 8 statewide elections between 2016 and 2020 specified by the Commission; see [1] for more details.

in the final plans to the box plots for the Democratic vote share for the composite election from Figure 17 in [1]. In Figure 12, we have zoomed in on the districts in the range from the 18th most Republican to the 27th most Democratic districts, as these are the districts with the potential to be competitive.

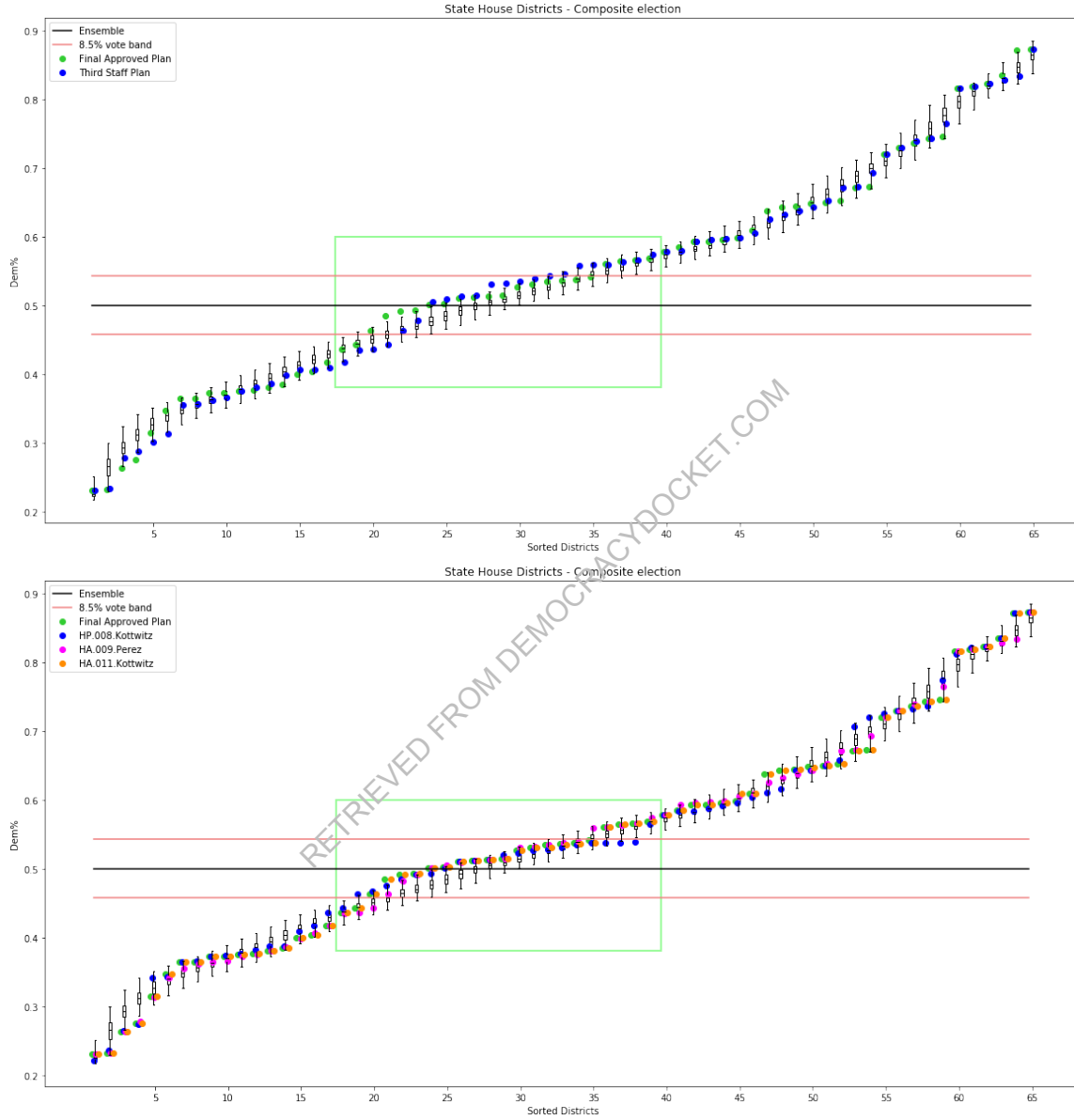


Figure 11: Democratic vote shares by district for ensembles and final plans for State House, with competitiveness vote band (all districts)

Here we can see that:

- In the Third Staff Plan, the districts numbered from 22 to 31 are competitive.

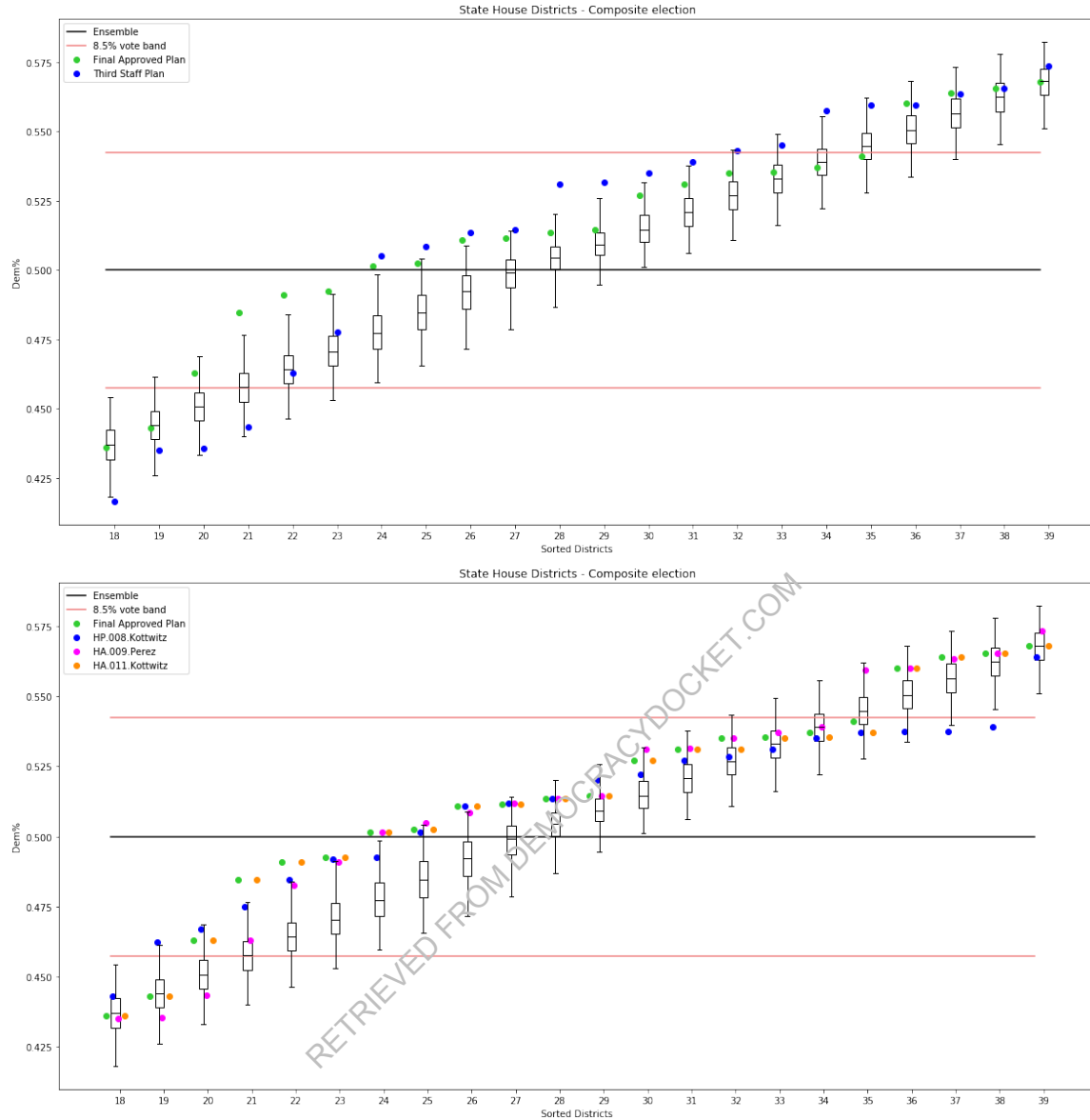


Figure 12: Democratic vote shares by district for ensembles and final plans for State House, with competitiveness vote band (potentially competitive districts)

- In the HA.009.Perez plan, the districts numbered from 21 through 34 are competitive.
- In the Final Approved Plan and the HA.011.Kottwitz plan, the districts numbered from 20 through 35 are competitive.
- In the HP.008.Kottwitz plan, the districts numbered from 19 through 38 are competitive.

(Note that these district numberings refer to the positions of districts in a list sorted by increasing

Democratic vote share, and **not** to their official district numbers.)

In general, the plans that achieved more competitive districts did so by bringing more districts on both ends of the partisan spectrum into the competitive range.

These plots also indicate that very few, if any, plans with competitive districts outside of this range were seen in our ensemble. Indeed, the competitiveness of the 38th district in the HP.008.Kottwitz plan makes this district an extreme outlier for that plan.

3.3 Partisan seat share

Finally, we compare the final plans to our ensemble regarding partisan seat share. In Figure 13, we have added the values for the districts in the final plans for the number of Democratic seats in the composite election to the histogram for the tailored county-aware ensemble from Figure 18 in [1] (shown here in green instead of purple as it was there).

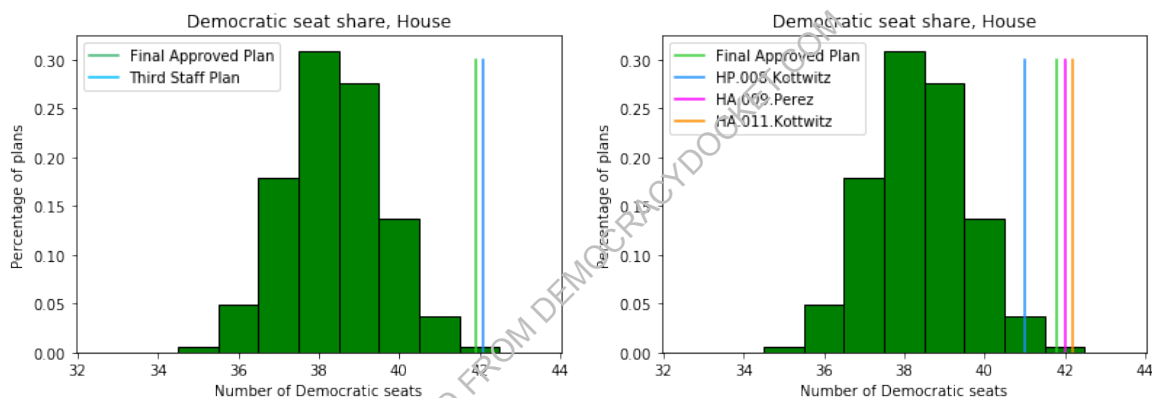


Figure 13: Numbers of Democratic seats won for ensembles and final plans for State House

All the plans shown here produce 42 Democratic seats, except for the HP.008.Kottwitz plan, which produces 41 Democratic seats. These numbers are well above the ensemble mean of 38.39. The difference in seat share between the HP.008.Kottwitz plan and the other plans can be seen in Figure 12 in the district numbered 24, where the HP.008.Kottwitz plan has Democratic vote share below 50% and the other plans have Democratic vote shares just barely above 50%.

Moreover, as we can see from Figure 12, all the plans are well above the ensemble means for the districts numbered 24 through 27; these are precisely the districts creating the discrepancy in seat share between these plans and our ensemble. The districts numbered 24 and 25 are extremely competitive in all of these plans, with Democratic vote shares very close to 50%. So these seats might reasonably be viewed as “toss-up” seats rather than either Democratic or Republican.

In order to explore this idea of “toss-up seats” further, we considered the range of partisan outcomes for the 8 statewide elections included in the composite election. Statewide Democratic vote shares

for these elections ranged from 52.7% (President 2016) to 55.2% (Governor 2018), with an average for the composite election of 54.0%. This means that across these 8 elections, Democratic vote shares for the average district ranged from 1.3% below to 1.2% above the figure reported for the composite election. In particular, a typical district with reported Democratic vote share between 48.7% and 51.2% probably experienced majority votes for both parties at some point during these 8 elections.

With this in mind, we decided to explore an alternative classification of district-based partisan outcomes into three categories based on a 3% vote band about 50%:

1. Democratic: Democratic vote share of 51.5% or more;
2. Republican: Democratic vote share of 48.5% or less;
3. Toss-up: Democratic vote share between 48.5% and 51.5%.

The histograms in Figure 14 describe what percentage of plans in each ensemble fall into each of these three categories, with the values for the final plans included for comparison.

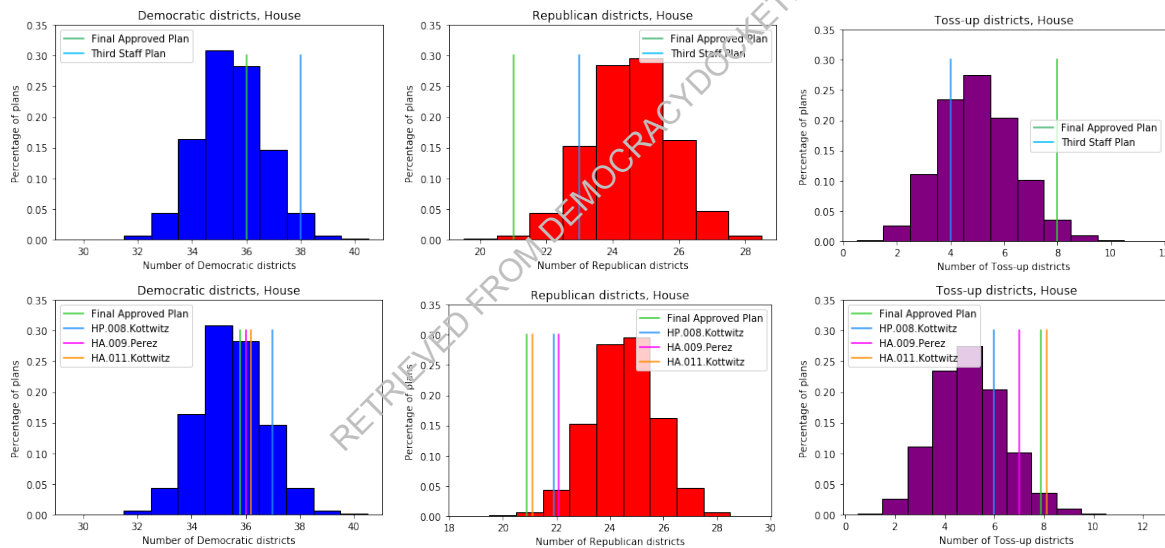


Figure 14: Numbers of Democratic, Republican, and Toss-up seats in ensemble and final plans for State House

These plots provide an alternate perspective on the apparently extreme Democratic skew seen in Figure 13. More majority-Democratic than majority-Republican seats fall into the Toss-Up category, with the result that most of these plans, including the Final Approved Plan, are only half a seat above the ensemble mean of 35.47 Democratic seats, and none of them appear to be extreme outliers for the number of Democratic seats. There is some variety between plans regarding the trade-off between Republican and Toss-Up seats; in particular, the Final Approved Plan has

only 21 Republican seats, which is well below the ensemble mean of 24.52 Republican seats, and it has 8 Toss-Up seats, which is well above the ensemble mean of 5.01 Toss-Up seats. The main distinction between, on the one hand, the Final Approved Plan and the HA.011.Kottwitz plan with 21 Republican and 8 Toss-Up seats each, and on the other hand, the HP.008.Kottwitz plan and the HA.009.Perez plan with 22 Republican and 6 or 7 Toss-up seats each, can be seen in the district numbered 22 in Figure 12, where the Final Approved Plan and the HA.011.Kottwitz plan are close enough to the 50% mark to fall within the Toss-Up category, while the HP.008.Kottwitz plan and the HA.009.Perez plan are not.

4 Conclusions

The Commission and the nonpartisan staff have clearly put much thought and effort into the design of a wide variety of plans for both the Senate and the House, and into their selection of the Final Approved Plans for both chambers. Once again, we want to emphasize that our computer-generated ensembles of plans cannot possibly take into account the myriad of considerations that went into the construction of these plans, and some deviations from the ranges most commonly seen in our ensembles are to be expected.

Perhaps most significantly, we were not able to incorporate constraints into our ensembles to minimize the splitting of municipalities or other communities of interest beyond the four specific communities mentioned in Section 1 above. This is the most likely explanation for these plans' deviation from our ensemble means regarding partisan seat share, particularly for the House where districts are small and keeping communities of interest together may have a significant impact on partisan outcomes. The fact that all the plans studied here displayed the same seat share outcomes to within a 1 seat margin further suggests that the discrepancy is the result of some important factor or factors having been omitted from our ensemble design, rather than of any particular bias on the part of the map drawers.

In conclusion, our analysis does not indicate any evidence of inappropriate bias with regard to minority population, competitiveness, or partisan seat share in the design of the Final Approved Plans for either the State Senate or State House.

References

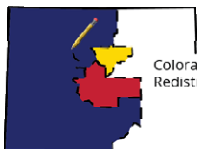
- [1] Jeanne Clelland, Daryl DeFord, Beth Malmskog, and Flavia Sancier-Barbosa, *Ensemble Analysis for 2021 State Legislative Redistricting in Colorado*, submitted to the Colorado Independent Legislative Redistricting Commission, September 26, 2021. Available online at [*****coloradoincontext.wordpress.com/](https://coloradoincontext.wordpress.com/).

In re Colorado Independent Legislative Redistricting Commission

Exhibit 18

Compactness Comparisons – 2011 to 2021

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Colorado Independent
Redistricting Commissions

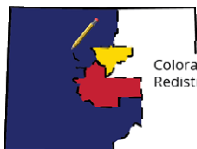
District Compactness

Current (2011) Colorado **Senate Districts** to 2021 Final Aproved Plan

	Reock (higher score is more compact)	Area/Convex Hull (higher score is more compact)	Grofman (lower score is more compact)	Schwartzberg (lower score is more compact)	Polsby Popper (higher score is more compact)
2011 Existing - Average Comactness Scores for all Districts	0.38	0.76	7.28	2.05	0.29
2021 Final Plan - AverageComactness Scores for all Districts	0.40	0.74	7.21	2.03	0.29

Source: Colorado Independent Redistricting Commissions Staff.
October 20, 2021

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Colorado Independent
Redistricting Commissions

District Compactness

Current (2011) Colorado **House Districts** to 2021 Final Aproved Plan

	Reock (higher score is more compact)	Area/Convex Hull (higher score is more compact)	Grofman (lower score is more compact)	Schwartzberg (lower score is more compact)	Polsby Popper (higher score is more compact)
2011 Existing - Average Comactness Scores for all Districts	0.39	0.74	7.10	2.00	0.25
2021 Final Plan - AverageComactness Scores for all Districts	0.40	0.74	6.84	1.93	0.31

Source: Colorado Independent Redistricting Commissions Staff.
October 20, 2021

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In re Colorado Independent Legislative Redistricting Commission

Exhibit 19

District Competitiveness Comparison Analysis

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Colorado Independent
Redistricting Commissions

Statewide Election Comparison Results by House District

District	Current Colorado House Districts (using 2010 election data) *	Current Colorado House Districts (using 2020 election data) **	Final Approved Housing Plan (using 2020 election data) **
1	-19.2%	-31.9%	-34.6%
2	-49.0%	-61.1%	-48.5%
3	-3.9%	-18.3%	-28.7%
4	-59.2%	-63.8%	-63.3%
5	-56.5%	-61.5%	-63.7%
6	-38.2%	-46.9%	-66.9%
7	-61.7%	-65.6%	-64.5%
8	-71.2%	-76.1%	-74.4%
9	-27.0%	-41.5%	-47.3%
10	-61.7%	-70.7%	-74.2%
11	-13.6%	-29.9%	-29.9%
12	-28.3%	-43.5%	-49.2%
13	-38.8%	-44.5%	-5.4%
14	44.5%	33.2%	30.6%
15	35.9%	25.8%	25.5%
16	27.3%	19.3%	3.1%
17	1.9%	-10.8%	-12.8%
18	-8.7%	-16.8%	-0.3%
19	52.3%	50.2%	1.5%
20	28.0%	19.7%	47.5%
21	19.1%	17.2%	16.7%
22	12.2%	7.2%	27.0%
23	-10.5%	-21.1%	-21.7%
24	-11.4%	-24.2%	-7.4%
25	7.6%	-2.5%	1.8%
26	-10.1%	-23.4%	-2.7%
27	5.4%	-3.2%	-12.0%
28	-8.5%	-18.8%	-2.3%
29	-6.9%	-15.2%	-13.1%
30	-6.0%	-15.5%	-27.6%
31	-7.6%	-14.0%	-19.6%
32	-25.5%	-34.8%	-18.5%
33	-6.0%	-21.7%	-13.6%
34	-9.3%	-16.0%	-8.2%
35	-8.4%	-19.3%	-34.3%
36	-8.7%	-20.0%	-29.6%
37	7.7%	-6.9%	-7.0%
38	7.1%	-2.9%	-2.9%
39	32.8%	29.5%	23.1%
40	-7.3%	-20.5%	-18.5%
41	-17.9%	-33.3%	-30.6%

District	Current Colorado House Districts (using 2010 election data) *	Current Colorado House Districts (using 2020 election data) **	Final Approved Housing Plan (using 2020 election data) **
42	-29.5%	-46.5%	-45.8%
43	20.3%	7.3%	7.4%
44	27.3%	15.7%	19.3%
45	34.4%	26.9%	27.0%
46	-14.2%	-5.4%	-7.1%
47	4.0%	10.9%	24.6%
48	28.1%	30.8%	20.1%
49	16.5%	17.3%	-28.9%
50	2.1%	-5.6%	-6.2%
51	15.7%	11.6%	11.4%
52	-11.3%	-26.3%	-19.1%
53	-19.5%	-36.6%	-44.0%
54	41.0%	44.0%	45.0%
55	26.2%	23.3%	23.9%
56	20.2%	17.1%	53.7%
57	19.4%	18.3%	-15.7%
58	25.9%	25.4%	12.8%
59	1.2%	-7.8%	-2.2%
60	18.4%	23.8%	37.2%
61	-9.2%	-19.6%	-0.5%
62	-17.8%	-8.5%	-17.0%
63	23.4%	23.9%	53.8%
64	-18.2%	45.8%	25.5%
65	33.7%	52.5%	25.0%

Numbers given are the average vote differential between Republican and Democratic candidates in selected races. A positive number represents a Republican advantage, and a negative number represents a Democratic advantage. Green shading represents a district within an 8.5% vote band.

*The 2010 data is an average of election results from two state-wide races from that year, U.S. Senator and Treasurer. The 2010 Governor's race is not used because of its anomalous result: a third-party candidate came in second with over 35% of the vote.

**The 2020 Data is an average of eight state-wide races: 2016 U.S. Senator, 2016 President, 2018 Attorney General, 2018 Governor, 2018 Treasurer, 2018 Secretary of State, 2018 CU Regent at Large, and 2020 U.S. Senator.

Source: Data provided by the Colorado Secretary of State's Office.
Calculations prepared by Colorado Independent Redistricting Commissions Staff.



Colorado Independent
Redistricting Commissions

Statewide Election Comparison Results by Senate District

District	Current Colorado Senate Districts (using 2010 election data) *	Current Colorado Senate Districts (using 2020 election data) **	Final Approved Senate Plan (using 2020 election data) **
1	39.6%	53.6%	43.8%
2	26.3%	31.4%	23.3%
3	-17.8%	-10.4%	-5.1%
4	33.3%	26.2%	23.5%
5	-0.7%	-10.3%	3.0%
6	13.6%	8.2%	-0.9%
7	32.8%	32.6%	33.0%
8	5.2%	-0.8%	-6.6%
9	43.0%	36.9%	33.4%
10	31.4%	22.4%	23.8%
11	-9.4%	-18.2%	-2.4%
12	28.0%	20.8%	2.4%
13	13.5%	11.1%	3.7%
14	-15.6%	-31.6%	-33.3%
15	12.0%	8.4%	0.0%
16	0.5%	-11.0%	-0.1%
17	-20.9%	-36.9%	-29.6%
18	-55.1%	-64.7%	-65.0%
19	-1.8%	-10.3%	-9.2%
20	-2.2%	-11.8%	-7.1%
21	-19.2%	-27.2%	-13.8%
22	-3.3%	-12.3%	-28.4%
23	13.8%	8.7%	21.5%
24	-2.2%	-9.8%	-9.1%
25	1.4%	-5.4%	-16.0%
26	-4.3%	-18.8%	-25.1%
27	6.3%	-6.7%	-4.7%
28	-7.3%	-20.0%	-32.4%
29	-8.7%	-19.7%	-29.4%
30	23.4%	11.0%	11.7%
31	-41.3%	-53.1%	-60.4%
32	-39.3%	-50.4%	-46.8%
33	-67.8%	-71.2%	-70.8%
34	-58.4%	-62.8%	-63.9%
35	4.1%	16.5%	44.8%

Numbers given are the average vote differential between Republican and Democratic candidates in selected races. A positive number represents a Republican advantage, and a negative number represents a Democratic advantage. Green shading represents a district within an 8.5% vote band.

*The 2010 data is an average of election results from two state-wide races from that year, U.S. Senator and Treasurer. The 2010 Governor's race is not used because of its anomalous result: a third-party candidate came in second with over 35% of the vote.

**The 2020 Data is an average of eight state-wide races: 2016 U.S. Senator, 2016 President, 2018 Attorney General, 2018 Governor, 2018 Treasurer, 2018 Secretary of State, 2018 CU Regent at Large, and 2020 U.S. Senator.

Source: Data provided by the Colorado Secretary of State's Office.
Calculations prepared by Colorado Independent Redistricting Commissions Staff.