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<p>SUPREME COURT OF COLORADO 2 East 14th Ave. Denver, CO 80203</p> <hr/> <p>Original Proceeding Pursuant to Article V, Section 44.5 of the Colorado Constitution</p> <hr/> <p>In re Colorado Independent Congressional Redistricting Commission</p>	<p>▲ COURT USE ONLY ▲</p>
<p>Attorney for Fair Lines Colorado: Mark G. Grueskin, #14621 RECHT KORNFELD, P.C. 1600 Stout Street, Suite 1400 Denver, CO 80202 Phone: 303-573-1900 Facsimile: 303-446-9400 Email: <a href="mailto:mark@rklawpc.com">mark@rklawpc.com</a></p>	<p><b>Case No. 2021SA208</b></p>
<p><b>BRIEF OF FAIR LINES COLORADO</b></p>	

## CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with all requirements of C.A.R. 28, C.A.R. 29 and C.A.R. 32, including all formatting requirements set forth in these rules. Specifically, the undersigned certifies that:

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It contains, under a separate heading, a statement of whether such party agrees with the opponent's statements concerning the standard of review and preservation for appeal, and if not, why not.

I acknowledge that my brief may be stricken if it fails to comply with any of the requirements of C.A.R. 28 and C.A.R. 32.

s/ Mark G. Grueskin  
Mark G. Grueskin  
*Attorney for Fair Lines Colorado*

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**STATEMENT OF IDENTITY OF PARTY FILING BRIEF  
AND THE PARTY’S INTEREST IN THE CASE**

Fair Lines Colorado is a non-profit organization formed to ensure that the carefully ordered criteria for drawing new districts are followed to provide “fair and effective representation” of Coloradans. Fair Lines filed an *amicus* brief when the Colorado Independent Redistricting Commission (“Commission” or “Congressional Commission”) petitioned this Court to change timelines for the redistricting process. Fair Lines supported the Commission for the petitioned relief.

Fair Lines’ interest in the current matter, given its representatives’ roles in drafting and promoting Amendments Y & Z, is to highlight the Commission’s issues with adherence to certain provisions of Amendment Y and to suggest course corrections to ensure redistricting is accomplished as expected by voters.

**INTRODUCTION**

By the constitutionally required super-majority vote, the Congressional Commission agreed on 4 communities of interest to frame all of part or 4 of 8 Colorado congressional districts. The Commission tried to agree on two more communities of interest but fell short of the required super-majority, meaning that it made only non-binding recommendations to staff in its preparation of the final staff draft plans as to those regions.

Even though it heard weeks of citizen testimony and received hundreds of written citizen comments about pertinent communities of interest, the Commission didn't expressly identify communities of interest for the other 4 congressional districts. There was discussion about them during Commission meetings, but there is no clear rendition of the "why" behind congressional districts other than the ones set for Denver and Colorado Springs. The Commission's guidelines for the San Luis Valley and the Roaring Fork Valley don't define the congressional districts in which each is located. The same is true for the Commission's two non-binding policies about keeping Commerce City whole and uniting Pueblo, Huerfano, Otero, Las Animas, Archuleta, and the southern portions Montezuma and La Plata Counties with the San Luis Valley.

Ultimately, redistricting is only meaningful if it ensures that a congressperson's constituents can receive fair and effective representation. This concept is so central to the Commission's primary undertaking that the phrase, "fair and effective representation," is repeated nine times in this Court's most recent redistricting decision, *Hall v. Moreno*, 2012 CO 14 ("*Hall*") and four times in Amendment Y, the 2018 voter-approved ballot measure that created the Commission.

The Commission hasn't said, explicitly, what communities of interest define 7 of 8 of Colorado's congressional districts. But that silence isn't even the biggest problem emanating from the Commission's approved map ("Final Map").

The new 7<sup>th</sup> Congressional District stretches from the northern tip of the City & County of Broomfield to the southern tip of Custer County. At no point was a community of interest (or a series of communities of interest) identified for the 7<sup>th</sup> District. The Commission's approved map is based on its staff's Third Draft Plan. Both include the Broomfield-to-Custer stretch of counties in the 7<sup>th</sup> District. Staff's one reason given for including Fremont and Custer Counties in that district was only that it would "equalize the population of the district." Appendix 1 at 2.

Fair Lines Colorado has reviewed the record and found sufficient information for communities of interest that were addressed during the Commission's proceedings for all districts but the 7<sup>th</sup>. But because there is no basis for why it formed the 7<sup>th</sup> District in the way it did (other than staff's admission that it was a population rounding device), that district was drawn without any of the constitutionally required analysis or justification.

The Court need only direct the Commission to fundamentally redesign this one district. Of course, as counties are pared from and added to the 7<sup>th</sup>, changes to other districts will have to be made as well. But reference to alternative district maps

in the record will provide a roadmap for correction, and the Constitution authorizes this Court to use the record to frame its decision. Given the Commission's departure from the constitutional norm for setting districts, the Court's order should be clear about the relief needed to cure the Commission's error.

To its credit, the Commission set the state's new district, the 8<sup>th</sup>, to be a minority influence district that is a competitive seat. That influence district was set using the same level of analysis that was used when influence districts were drawn by the Colorado courts in 2001 and 2011. The 8<sup>th</sup> District can and should be sustained because voters, presumed to know the judicial constructions concerning the law they were amending when they adopted Amendment Y creating the Commission, authorized this additional protection of minority group and language minority group electoral influence.

### **ISSUES PRESENTED FOR REVIEW**

Whether the record before the independent congressional redistricting commission supports new Districts 1 through 6 and District 8 as drawn by the Commission, despite the fact that the Commission only explicitly identified four communities of interest for the entire state.

Whether the independent congressional redistricting commission abused its discretion by drawing new boundaries for Congressional District 7, stretching from

the City & County of Broomfield to Custer County, without identifying communities of interest or local jurisdictional boundaries to be preserved that warranted the drawing of this district.

## **NATURE OF THE CASE, FACTS AND PROCEDURAL HISTORY, AND ORDERS FOR REVIEW**

### **I. Nature of the Case.**

This matter arises from the congressional redistricting process Colorado voters approved in 2018 through Amendment Y to the Colorado Constitution. Amendment Y created an independent congressional redistricting commission (the “Commission”), which hears evidence and sets a new congressional redistricting plan. The Commission committed legal error and abused its discretion in interpreting and applying the constitutionally mandated redistricting criteria, and the Court should “return the plan to the commission with the court’s reasons for disapproval.” Colo. Const. art. V, §44.5(3).

### **II. Facts and Procedural History**

#### **A. The Commission process and evidentiary record.**

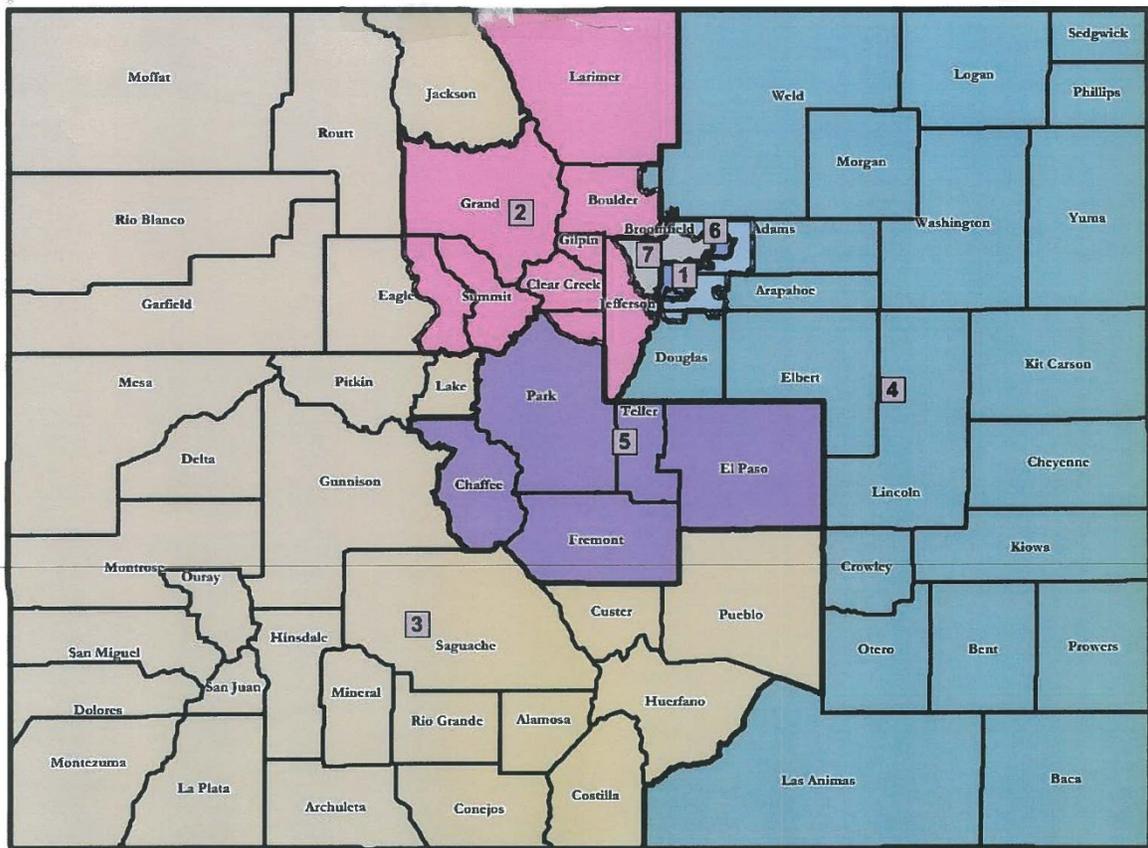
Colorado voters approved Amendment Y in 2018. *In re Interrogatories on Senate Bill 21-247 Submitted by the Colo. Gen. Assembly*, 2021 CO 37, ¶¶ 13-18 (“*In re Senate Bill 21-247*”). Amendment Y transferred the General Assembly’s

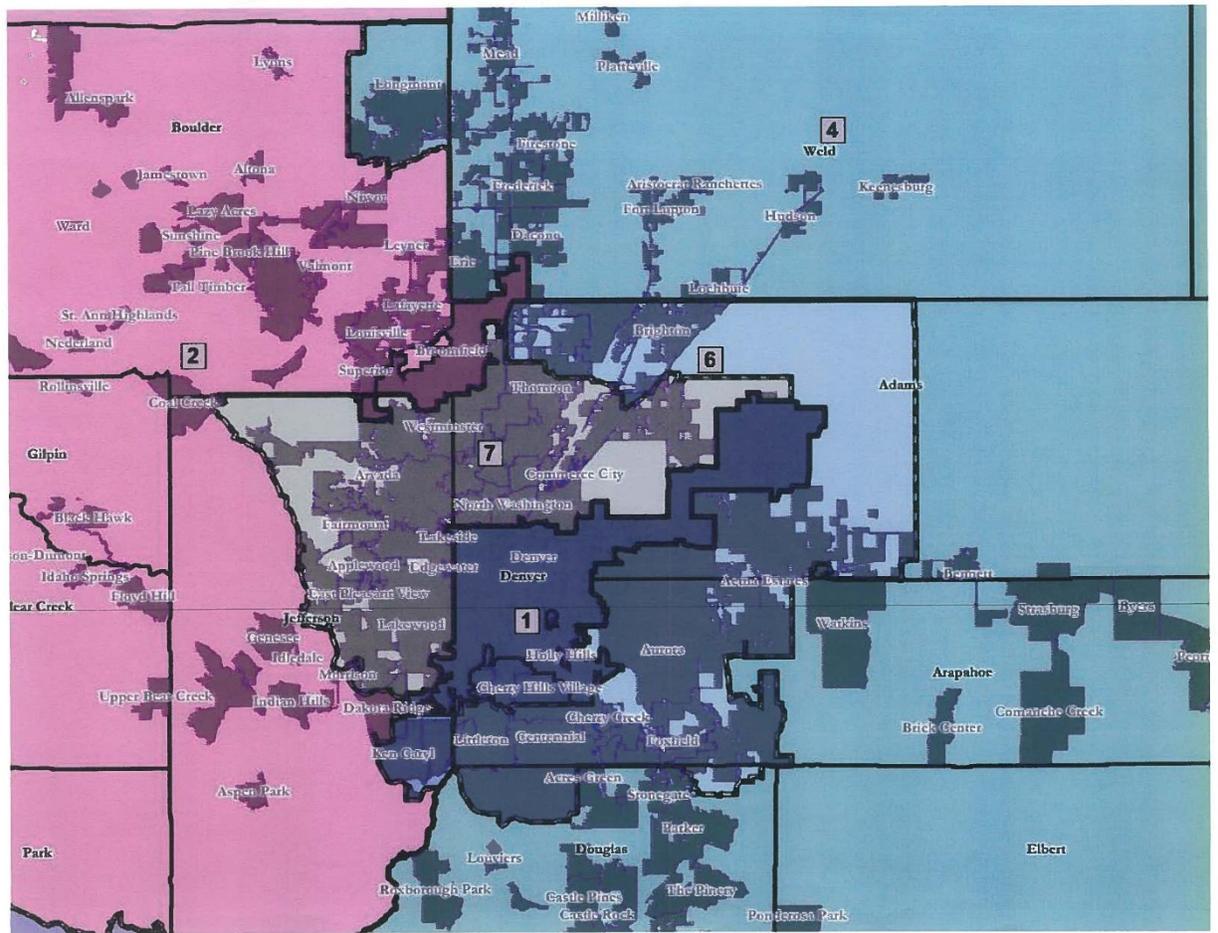
power of congressional redistricting. Colo. Const. art. V, §44(1)(a). The Commission was to “set district lines by ensuring constitutionally guaranteed voting rights, including the protection of minority group voting, as well as fair and effective representation of constituents using politically neutral criteria.” *Id.* §44(1)(c).

The voters circumscribed the Commission’s authority by identifying specific redistricting criteria and creating a framework for consideration of the criteria. *See id.* §44.3. Under Amendment Y, the Commission must accept written and oral evidence about communities of interest and competitiveness. *Id.* §44(1)(f); *see also id.* §44.2(3) and 44.4 (requiring a statewide hearing process); *id.* §44.5(2) (districts must be drawn using the constitutional criteria “in light of the record before the commission”).

To this end, the Commission held dozens of meetings from July through September. These hearings should have provided the basis for substantive decision making about communities of interest across the state which, in turn, would delineate where districts were to be drawn. But the Commission made its districting decisions largely without any consensus conclusions about communities of interest. It thus skipped a pivotal step in the redistricting process.

In 2011, after the General Assembly was unable to agree upon the formatting of seven congressional districts, the Denver District Court drew this map for the state's congressional districts.





Source:

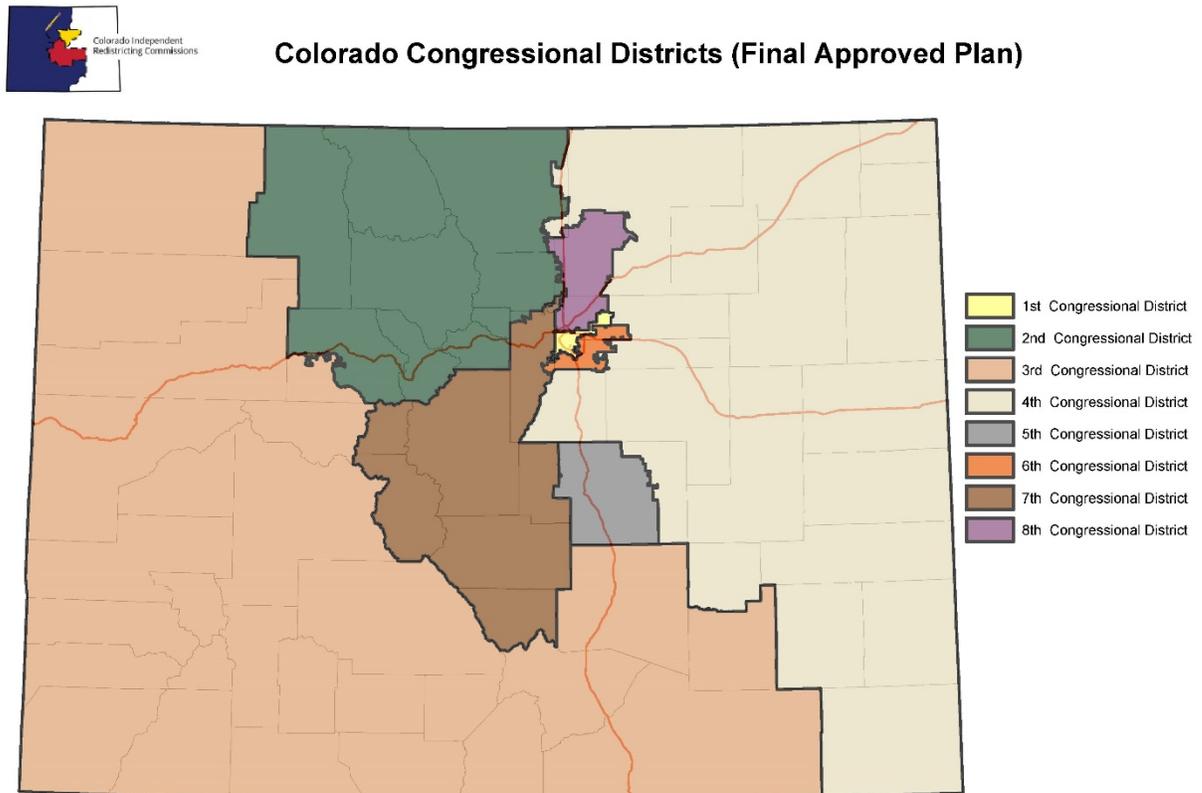
[https://www.courts.state.co.us/Media/Opinion\\_Docs/2011CV3461%20Redistricting%20MAPS.PDF](https://www.courts.state.co.us/Media/Opinion_Docs/2011CV3461%20Redistricting%20MAPS.PDF)

Amendment Y required Commission staff to prepare certain redistricting plans for the Commission’s consideration. *See* Colo. Const. art. V, §44.4. Accordingly, staff produced the preliminary staff plan on June 23, the first staff draft on September 3, the second staff draft on September 15, and the third staff draft on

September 23. The staff also prepared alternative plans at the request of Commission members. All of the plans prepared by the staff are publicly available.<sup>1</sup>

**B. The Commission approves the Final Map.**

Just before midnight on September 28, the Commission approved a limited set of amendments to the Third Staff Draft Map (“Final Map”). This is the Commission-approved map now before the Court:

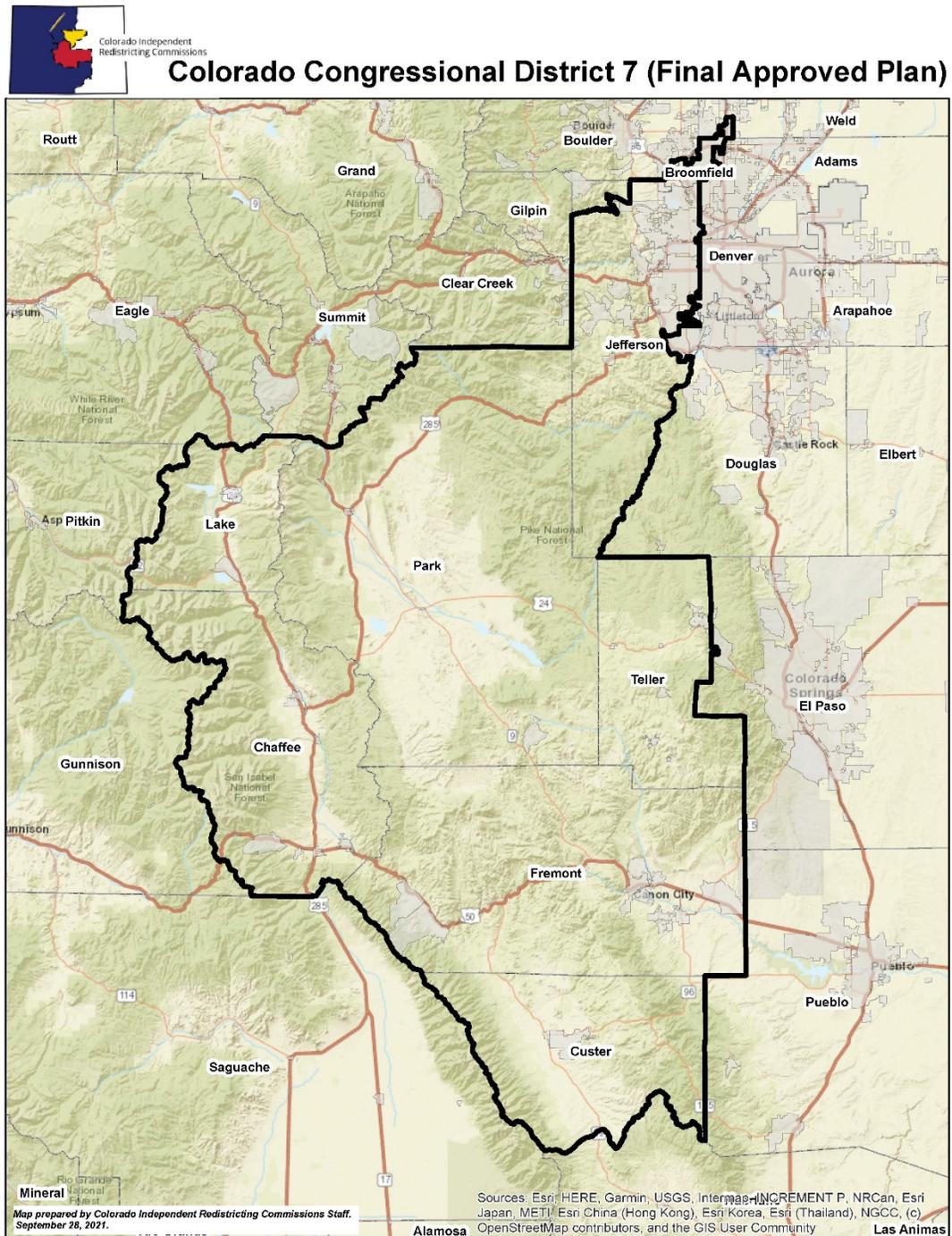


*Map prepared by Colorado Independent Redistricting Commissions Staff, September 28, 2021.*

<sup>1</sup> The plans may be found at <https://redistricting.colorado.gov/content/2021-redistricting-maps>

Source: <https://redistricting.colorado.gov/content/congressional-final-approved>

This is the Commission's configuration of Congressional District 7 in this map:



*Id.*

### **III. Orders for Review**

On October 1, the Commission submitted its Final Map and nine exhibits (A-I) that address various redistricting considerations.

#### **SUMMARY OF THE ARGUMENT**

This first-time redistricting by the Congressional Commission fell short of the constitutional requirements for identifying communities of interest at the heart of each of Colorado's 8 districts. For 7 of those districts, there is record justification for the way in which they were drawn, and this Court must consider the record in evaluating whether the Commission abused its discretion or erred legally in applying Amendment Y.

However, as to the 7<sup>th</sup> Congressional District, there is no such record evidence. The justifications offered during the redistricting process—that southern counties' only justification for inclusion was to fill out the required population and that the 7<sup>th</sup> District was formed to be a Front Range district—fall short. Therefore, the Commission was required to use one of the maps before it to give the 7<sup>th</sup> District a federal legislative reason or reasons for being drawn. As authorized by the Constitution, those maps are provided to this Court in this brief so the Commission's

abuse of discretion can be made apparent and, in the time-shortened redistricting process of 2021, cured.

Colorado's new congressional district, the 8<sup>th</sup>, was formed to address key policy problems in the suburbs running from Commerce City to and including Greeley. This area has significant environmental issues attributable to oil and gas development and refining, among other federal legislative concerns. It also has a high concentration of Latino residents whose policy concerns include unequal access to health care and economic opportunity, as well as immigration policy. These Coloradans need a federal solution or, at the very least, a federal voice.

Amendment Y prohibits the Commission from approving and this Court from giving effect to any plan that dilutes the impact of minority electoral influence. Influence districts, while not required by federal law, are permitted by the Voting Rights Act and have been made part of Colorado's recent redistricting. Voters are deemed to know of the law they amended and are presumed to intend that a new constitutional amendment be applied in light of pre-election judicial constructions. As a result, voters would have thought that the Commission would evaluate potential influence districts in the same way that the judiciary approached them in 2001 and 2011.

As such, voters approving Amendment Y would have expected the Commission to do what it did by including the City of Greeley to make a district that has a Latino population numerous enough to affect the result of congressional elections. This Court should therefore approve the Commission’s mapping of the 8<sup>th</sup> to include Greeley.

## **ARGUMENT**

### **I. Standard of review; preservation of issues.**

#### **A. Standard of Review.**

The standard of review is generally set forth in Amendment Y. The Court must “return” the Final Map to the Commission if the Commission abused its discretion. Colo. Const. art. V, §44.5(2) and (3). An abuse of discretion occurs where the decision under review is “manifestly unreasonable, arbitrary, or unfair.” *Hall, supra*, 2012 CO 14, ¶54. The question for this Court is whether the Final Map “fell within the range of reasonable options” that the Commission could have selected “in light of the testimony and evidence before it.” *Id.* ¶¶54 and 55. The Commission’s obligation under this inquiry is two-fold. First, it must follow Amendment Y’s “instructions for how [it] should draw district maps, including criteria to be considered in determining boundaries,” *In re Senate Bill 21-247*, 2021 CO 37,

¶¶1, 36. And second, it must neither “misconstrue[] or misapply[y] applicable law.” *Huspeni v. El Paso Cnty. Sheriff’s Dep’t*, 196 P.3d 892, 899 (Colo. 2008).

The Final Map must be considered “in light of the record before the commission.” Colo. Const. art. V, §§44.5(3); *see also id.* §44.5(2). The record must therefore support the Commission’s decision. *Huspeni, supra*, 196 P.3d at 899-900 (abuse of discretion occurs where “the decision under review is not reasonably supported by competent evidence in the record”).

The Final Map may be presumed to be valid only if “the Commission purports to follow the proper constitutional criteria.” *In re Reapportionment of Colo. Gen. Assembly*, 828 P.2d 185, 197 (Colo. 1992) (“*In re 1992 Reapportionment*”). Historically, this Court has been unwilling to “substitute (its) judgment for that of the Commission’s unless (it is) convinced the Commission departed from constitutional criteria.” *Id.* (citation omitted).

The Court is no longer bound to only consider the Commission’s map. Under Amendment Y, “The supreme court may consider any maps submitted to the commission in assessing whether the commission... abused its discretion.” Colo. Const., art. V, §44.5(2). The Court may find an abuse of discretion if the Commission erred in fulfilling “substantive and procedural requirements of the Colorado Constitution.” *In re Reapportionment of the Colo. Gen. Assembly*, 45 P.3d

1237, 1254 (Colo. 2002) (commission plan rejected for failure to comply with such requirements).

Furthermore, this Commission must provide “an adequate factual showing” to justify its decision. *In re 1992 Reapportionment*, 828 P.2d at 195-96 (invalidating part of plan that did not explain basis for splitting Pitkin County, Aspen, and separating Snowmass Village from Aspen). Where the Commission fails to provide the necessary factual rationale for a map, it “does not provide a basis for meaningful judicial review of (its) decision.” *Id.*

Coupled with the abuse of discretion standard, any interpretation of Amendment Y or inquiry into whether the Commission complied with the Constitution is an issue of law the Court decides *de novo*. “Interpreting the constitution . . . ‘is, and has always been, a judicial function.’” *In re Senate Bill 21-247*, 2021 CO 37, ¶ 52 (citation omitted).

#### **B. Preservation of issues.**

Preservation is not at issue, as this is an original proceeding under Article V, Section 44.5 of the Colorado Constitution.

#### **II. Amendment Y establishes an explicit framework the Commission must follow to approve its Final Map.**

Amendment Y “lay[s] out instructions for how the commission[] should draw district maps,” *In re Senate Bill 21-247*, 2021 CO 37, ¶ 1, which includes both the

criteria the Commission may consider *and* a framework that prioritizes how the criteria are to be considered. *See id.* ¶ 36 (explaining that Amendment Y sets out “criteria related to the substantive requirements that the final redistricting plans must meet”).

First, the Commission must satisfy federal constitutional and statutory requirements for redistricting, namely compliance with the U.S. Constitution’s equal representation requirement (one person/one vote) and adherence to the Voting Rights Act of 1965. Colo. Const. art. V, §44.3(1). Amendment Y then requires that the Commission preserve, to the extent reasonably possible, communities of interest, the political subdivisions of counties, cities, and towns, and geographic compactness. *See id.* §44.3(2). All areas within a district must be contiguous. *Id.*, §44.3(2).

Only after the Commission has satisfied all of the mandatory criteria—as Amendment Y puts it, “thereafter”—may the Commission consider the political competitiveness of districts. *See id.* §44.3(3). Political competitiveness is not presumed to be possible in all areas of the state and therefore is a tertiary consideration in drawing districts. Competitiveness, no matter how much of a motivating factor for commissioners, cannot override and erode primary redistricting considerations.

Amendment Y also imposes two absolute restrictions on the Commission. Commissioners may not adopt a plan drawn with the purpose of protecting incumbents, candidates, or political parties. *See id.* §44.3(4)(1). Neither can the Commission approve a plan that purposefully dilutes—or results in the dilution of—the impact of minority group electoral influence, which, as discussed *infra*, is a more expansive protection for minority voting rights than exists under federal law. *See id.* §44.3(4)(2). Further, this Court cannot give effect to a plan that violates either of these objectives. *Id.*

Amendment Y’s hierarchy of criteria is nothing new. In 1974, Colorado voters committed state legislative redistricting to a commission operating with specific criteria. *See In re Reapportionment of the Colo. Gen. Assembly (2002)*, 45 P.3d 1237, 1243-44 (Colo. 2002). Under the 1974 initiative, the commission was required “to apply all six of the [redistricting] criteria,” and the commission had “to apply the criteria *in order of their stated preference* in adopting the final reapportionment plan for the state of Colorado.” *Id.* at 1247 (emphasis added).

In the years 1982, 1992, 2002, and 2011, this Court returned legislative reapportionment maps to the commission to correct errors in applying the criteria. *See id.* at 1245-46, 1255 (reviewing history of Court’s review of redistricting plans and returning the 2002 plan). Districts are improperly drawn where the Commission

“has not made an adequate showing that a less drastic alternative could not have satisfied *the hierarchy of constitutional criteria.*” *In re Reapportionment of the Colo. Gen. Assembly* (2011), 332 P.3d 108, 110 (Colo. 2011) (emphasis added)).

Thus, while Amendment Y affords the Commission discretion, it cabins that discretion through an explicit framework and set of limitations the Commission is constitutionally bound to follow and this Court is empowered to enforce. *See Colo. Const. art. V, §44.5(3)* (requiring this Court to return a plan to the Commission if the Commission abused its discretion in applying or failing to apply Section 44.3’s criteria).

**III. The Commission did not make explicit findings as to the rationale for each congressional district, and it must be returned to the Commission to correct the 7<sup>th</sup> District’s alignment of counties.**

**A. Amendment Y requires that communities of interest have a nexus to a public policy concern that can be addressed through federal representation.**

In pre-Amendment Y case law, a community of interest was a nebulous concept. In *Carstens v. Lamm*, 543 F.Supp. 68, 91 (D.Colo. 1982), this factor sought to reflect “common concerns with respect to one or more identifiable features such as geography, demography, ethnicity, culture, socioeconomic status or trade.” When the General Assembly later defined “community of interest,” it specified that courts

could consider “ethnic, cultural, economic, trade area, geographic, and demographic factors.” *Hall, supra*, 2012 CO 14, ¶46.

*Carstens* may not have been entirely clear about the policy orientation of communities of interest, but it was unyielding about the need to identify communities of interest in redistricting Colorado. “[A] plan which provides fair and effective representation for the people of Colorado ***must identify and respect the most important communities of interest within the state.***” *Carstens, supra*, 543 F.Supp. at 91 (emphasis added). This emphasis on communities of interest in redistricting has not waned. Redistricting’s central objective is to provide “for the organization of congressional districts to address ***the most pressing issues of the day.***” *Hall, supra*, 2012 CO 14, ¶46 (emphasis added).

Amendment Y transformed the non-specific standard of what constitutes a community of interest by tying it to the federal legislative objectives of a specific region’s voters:

“Community of interest” means any group in Colorado that shares one or more substantial interests ***that may be the subject of federal legislative action***, is composed of a reasonably proximate population, and thus should be considered for inclusion within a single district ***for purposes of ensuring its fair and effective representation.***

Colo. Const. art. V, §44(3)(b)(I) (emphasis added). The Amendment even provides examples of some “public policy concerns”:

(II) Such interests include but are not limited to matters reflecting:

(A) Shared public policy concerns of urban, rural, agricultural, industrial, or trade areas; and

(B) Shared public policy concerns such as education, employment, environment, public health, transportation, water needs and supplies, and issues of demonstrable regional significance.

Colo. Const. art. V, §44(3)(b)(II).

A nexus to “federal legislative action” arises from the underlying purpose of redistricting, which is to ensure citizens receive “fair and effective representation.” *Reynolds v. Simms*, 377 U.S. 533, 565-66 (1964) (“achieving of fair and effective representation for all citizens is concededly the basic aim of legislative apportionment”). Amendment Y makes this requirement explicit by directing the Commission to set district lines to ensure voter rights and “fair and effective representation of constituents.” Colo. Const. art. V, §44(c).

The Court discussed each community of interest for each congressional district at length in *Hall, supra*. The Court recognized the necessary connection to federal representation, explaining that the factor “stems directly from the underlying purpose of maximizing fair and effective representation.” 2012 CO 14, ¶ 46; *see also Carstens, supra*, 543 F. Supp. at 91 (“a plan which provides fair and effective representation for the people of Colorado must identify and respect the most important communities of interest within the state.”).

Preserving communities of interest is important because “if an important issue is divided across multiple districts, it is likely to receive diffuse and unfocused attention from the multiple representatives it affects, as each is pulled in other directions by the many other issues confronting their districts.” *Hall*, 2012 CO 14, ¶ 47. In contrast, by placing an issue and the affected community in one district, representatives can become more familiar with it, prioritize time and resources to it, and be held accountable for his/her actions to address it. *Id.*

Communities of interest are not necessarily static, and redistricting must account for issues that have become important as of the time of redistricting. *Id.* ¶¶ 48-49. The *Hall* Court reviewed in detail the communities of interest and federal legislative concerns that supported the drawing of the prior congressional district boundaries. *See also Beauprez, supra*, 42 P.3d at 652 (analyzing whether a redistricting plan adequately preserved important community of interests).

This Court recently acknowledged the mandatory nature of the Commission’s factual assessment of communities of interest as applied to proposed districts. In addressing “the substantive requirements that the final redistricting plans must meet,” this Court noted that the Commission “*must*” hear data and testimony in order to “determine the existence of and relevant boundaries for different ‘communities of interest.’” *In re Senate Bill 21-247*, 2021 CO 37, ¶36, 488 P.3d 1008, 1019 (emphasis

in original) (citing Colo. Const., art V, §§ 44.3(2)(a) and 44(3)(b)(I) regarding communities of interest); *see also id.*, §44.4(1) (staff preliminary plan framed in light of public comments “on communities of interest that *require* representation in one or more specific areas of the state”).

A failure to fulfill this obligation runs counter to cogent, objective, purposeful redistricting. “[F]ormulating a plan without any such consideration (of communities of interest) would constitute a wholly arbitrary and capricious exercise.” *Hall, supra*, 2012 CO 14, ¶45 (quoting *Carstens, supra*, 543 F. Supp.at 91). In fact, any district so drawn would necessarily “exceed[] the bounds of the rationally available choices” and thus reflect an abuse of discretion. *Id.* at ¶54.

**B. Even though the Commission was non-specific about communities of interest in all districts, Districts 1-6 and 8 are based on sufficient evidence in the record.**

*1. Review of the record when a redistricting map is before this Court.*

Even though the Commission didn’t enunciate the communities of interest that exist as the basis for the entirety of seven congressional districts, there is sufficient record evidence to establish such communities of interest for purposes of this review.

In evaluating the decision making of an agency or commission, “The *reviewing court must search the record* as a whole to determine whether the administrative decision is supported by substantial evidence since *findings may either be express or implied from a reading of the entire record.*” *Colo. Office of Consumer Counsel v. Public Utilities Comm’n*, 786 P.2d 1086, 1091 (Colo. 1990) (citation omitted); *see also* Colo. Const., art. V, 44.5(3) (Court to decide if plan is legally sufficient “in light of the record before the commission”). A review of this record indicates there is evidence of constitutional compliance as to all congressional districts except the 7<sup>th</sup> District. About the 7<sup>th</sup> District, the record is plainly insufficient to show what communities of interest exist to justify its configuration. *See* Colo. Const., art. V, §44.3(2)(a).

*2. Record support for Districts 1-6 and District 8.*

As to the seven districts for which there is record support for one or more communities of interest, the following specific districts are reasonably drawn.

**a. District 1 communities of interest**

- Commission-adopted Guideline to staff on Septembers 20: “Keep the City and County of Denver whole to the extent necessary for population.” Appendix 1.

**b. District 2 communities of interest**

- Federally funded research universities: The University of Colorado and Colorado State University have leading programs that receive research and development grants and were ranked 30<sup>th</sup> and 52<sup>nd</sup> nationally in such funding. Appendix 1 at 3, 5.<sup>2</sup>
- Climate impacts and studies: The universities have leading programs in climate change and the environment and thus are developing answers for climate-related problems that have led to wildfires that have started west of Boulder and Fort Collins. *Id.*, 2-3.
- c. Public lands: The counties in this district have federally protected and funded public lands including Rocky Mountain National Park. *Id.*, 1, 4, 7.
- **District 3 communities of interest**
  - a. Water policy: The counties on the West Slope are, by and large, headwaters counties require that resource for

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<sup>2</sup> Because there is not a certified record to this Court, Fair Lines is attaching some of the written comments submitted to the Commission that are available on the Commission's website, [https://redistricting.colorado.gov/public\\_comments/](https://redistricting.colorado.gov/public_comments/) (last viewed on October 7, 2021).

agriculture and natural resource extraction as well as a vital tourism economy. *Id.*, 9-15.

b. Drought: In years like the current one, drought impacts almost every economic enterprise west of the Continental Divide, meaning that federal drought relief programs are essentials to the residents of this district. *Id.*, 9.

c. Commercial and public uses of federal forests and national parks: Ski resorts and ranchers alike depend on access to federal lands in order to have viable economic enterprises. *Id.*, 14.

**d. District 4 communities of interest**

- Agriculture: Farms are located throughout the Eastern Plains. The Douglas County Commission stated in 2021 that “livestock production has historically been, *and continues to be*, one of the key economic drivers in Douglas County.” (Emphasis added.) Agriculture-related non-profits (state and national) and cutting edge agribusinesses are located in Castle Rock, Parker, and Sedalia. Federal legislative concerns include agricultural product export policy, price supports for

agricultural commodities, regulation of foodstuff transport and sale to consumers, tariff policies, and food grading policies. *Id.*, 16-21.

- Alternative energy: Wind farms along the Eastern Plains produce 95% of state's wind energy. Related transmission lines run directly to Douglas County "which changed its zoning code and granted permits" for transmission lines. Wind energy will support almost 35,000 new residences and 27 million square feet of new non-residential construction in Douglas County. This industry is supported by Department of Energy research and development grants and tax incentives ("Production Tax Credit"). *Id.*, 61-68.
- Firearm regulation: Counties on the Eastern Plains, including Douglas County through its County Commissioners, have declared themselves 2<sup>nd</sup> Amendment Sanctuary Counties. The Douglas County Commissioners "strongly urge[d] the United States Congress... to refrain from enacting new legislation" to regulate ownership or possession of firearms. Currently pending federal legislation on this issue includes H.R. 1006

(“Gun Show Loophole Closing Act of 2021), H.R. 1207 (“Stop Online Ammunition Sales Act of 2021”), and H.R. 5273 (“Gun Safety and Research Act”). The opposition to this legislation by District 4 counties is at odds with metro area counties and voters affected by gun violence. *Id.*, 43, 58-60.

**e. District 5 communities of interest**

- Commission-adopted Guideline to staff on September 20: “Keep the military bases in El Paso County in a single district (to include Schriever Space Force Base, Cheyenne Mountain Space Force Station, Peterson Air Force Base, the Air Force Academy, and the population portion of Fort Carson.” Appendix 1.
- Commission-adopted Guideline to staff on September 20: “keep the City of Colorado Springs whole.” *Id.*

**f. District 6 communities of interest**

- The City of Aurora is kept whole. *Hall, supra*, 2012 CO 14, ¶92.

- Arapahoe County suburbs, including Aurora, share federal interests in transportation infrastructure, including light rail and interstate highways. Appendix 1 at 24, 25.

**g. District 8 communities of interest**

- Oil and gas development: Environmental impacts from oil and gas development are a primary issue of concern for communities from Commerce City to Greeley. Issues arising due to increasing intensive hydraulic fracturing, increasing air pollution, regulation of the state’s single oil refinery, and industry-generated environmental impacts are major topics of federal legislative and agency concern. *Id.*, 31, 34, 36, 37.
- Rapid suburban growth: Along the I-25 corridor, there has been explosive growth putting strains on transportation, housing, and education. *Id.*, 6, 31, 39.
- Immigration policy: Given the high Hispanic population living here, many voters seek meaningful federal immigration reform. *Id.*, 32, 35, 38.
- Unequal access to health care: The recent pandemic has highlighted disproportionate impacts on Hispanic workers,

including safe working environments and reasonable access to medical care and vaccination supplies and sites. *Id.*, 31-32, 35, 57.

**C. The Commission had no discernible basis for aligning Broomfield, Jefferson, Park, Lake, Chaffee, Fremont, and Custer Counties in the 7<sup>th</sup> District and did not state a rationale in its pre-decision policies, its September 28 decision, or even its October 1 filing with this Court.**

The Commission had several opportunities to give Colorado voters and the parties to this proceeding notice of the reasons why it formatted the 7<sup>th</sup> Congressional District the way that it did. It could have established district-specific “standards, guidelines, or methodologies” to direct the nonpartisan staff’s development of Staff Drafts 1, 2, or 3. *See* Colo. Const., art. V, §44.3(d). With very few exceptions (Denver, Colorado Springs and its military bases, the San Luis Valley, and the Roaring Fork Valley), *see* Appendix 1, it didn’t. It also had two non-binding recommendations: keep Commerce City whole and group certain southeastern counties with the San Luis Valley. *Id.*

The Commission could have established communities of interest for the 7<sup>th</sup> District prior to or at the time that it evaluated various maps. It didn’t. Or it could have identified that district’s communities of interest when it made its decision. It

didn't do that either. Or it could have set forth communities of interest for the 7<sup>th</sup> District when it filed the map with this Court. Again, the Commission was silent.

The Commission did take testimony on communities of interest. But there is no thoughtful reason for combining Denver metro counties with mountain counties with Fremont and Custer Counties.

A purported justification for the 7<sup>th</sup> District in the Final Map was provided by nonpartisan staff when it drafted the 3<sup>rd</sup> Staff Draft. In it, the staff deemed the 7<sup>th</sup> a "Front Range district." Appendix 1 at 2. This shorthand description is facially inaccurate.

Jefferson and Broomfield are Front Range counties that are home to major aerospace contractors. Most of the projects they undertake are federally funded, necessitating a congressional champion of the industry and their innovation in the fields of climate change, severe weather forecasting, and communication services. These companies often partner with institutions of higher learning such as Colorado School of Mines and Red Rocks Community College who have like interests in their dealings with a single, focused congressperson. Appendix 3 at 45-46.

Park and Chaffee are connected via Highway 285 to the Jefferson County and so are linked to the Front Range. Like Park and Chaffee Counties, Lake County is reliant on tourism industries that were hard-hit by the recent pandemic and for which

federal assistance to businesses and employees has been key. Teller, reliant on the gaming industry, also is a tourism based economy. *See* Colo. Const., art. XVIII, §9 (authorizing limited gaming in Cripple Creek). Thus, the communities in these three counties at least share concerns for funding of the same federal infrastructure (highways) and economic revival by means of a renewed tourism industry.

In contrast, Fremont and Custer do not have metro area suburban issues to be addressed, major infrastructure to be expanded or improved, or tourism industries to be salvaged after the recent pandemic. Fremont is reliant on its correctional institutions, and Custer is largely a rural, agrarian economy. Appendix 3 at 11, 13, 28, 30.

There need not be a single community of interest that runs throughout an entire district. The Constitution defines “community of interest” as “one or more substantial interests” that have federal implications. Colo. Const. art. V, sec. 44(3)(b)(I).

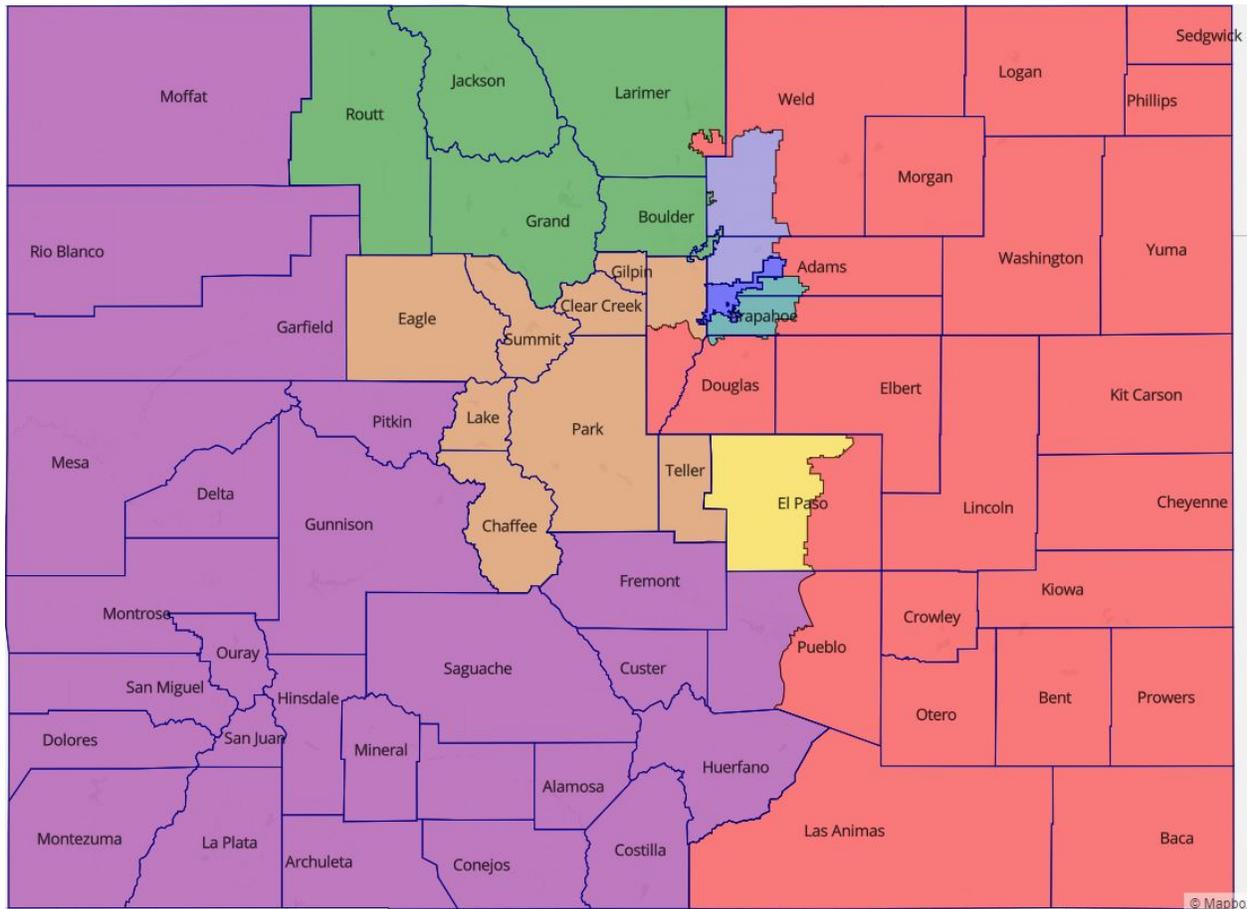
But a district’s policy concerns and sub-regions must have some cogent relationship to each other. The very purpose of redistricting is to provide for “fair and effective representation.” If contiguous areas can be randomly assigned to the same district without reason, voters have no common basis for judging the job

performance of their incumbent, and a central purpose behind Amendment Y is eviscerated.

**D. The Commission's records reflects reasonable alternatives for the 7<sup>th</sup> District that it arbitrarily rejected.**

It is not as if the Commission had only the Final Map's amalgamation of counties before it to answer the 7<sup>th</sup> District conundrum. These maps are pertinent to deciding if the Commission abused its discretion. "The supreme court **may consider any maps** submitted to the commission in assessing whether the commission... abused its discretion." Colo. Const., art. V, §44.5(2) (emphasis added).

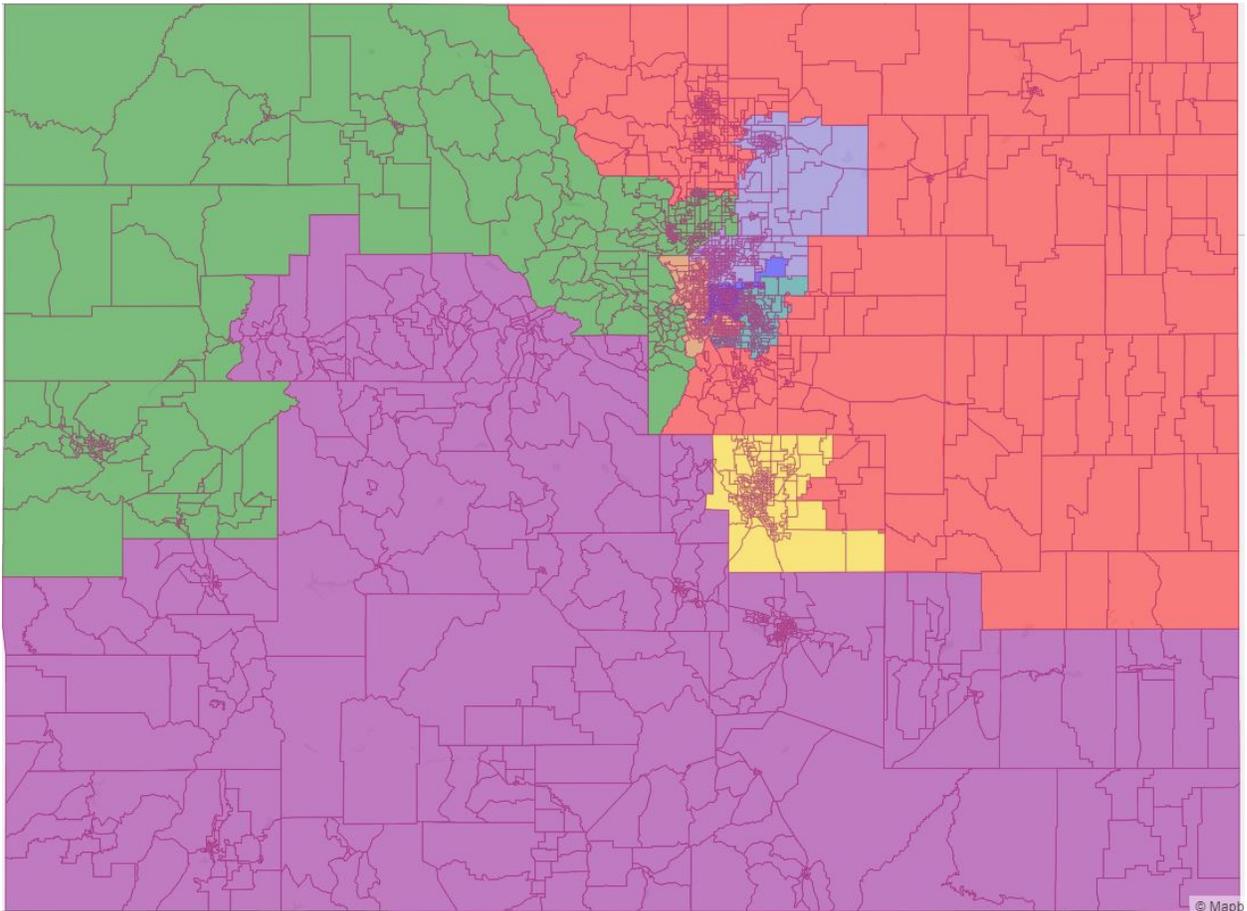
For instance, a map known as "Thiebaut 3" was before the Commission. *See* Appendix 3 at 53-54.



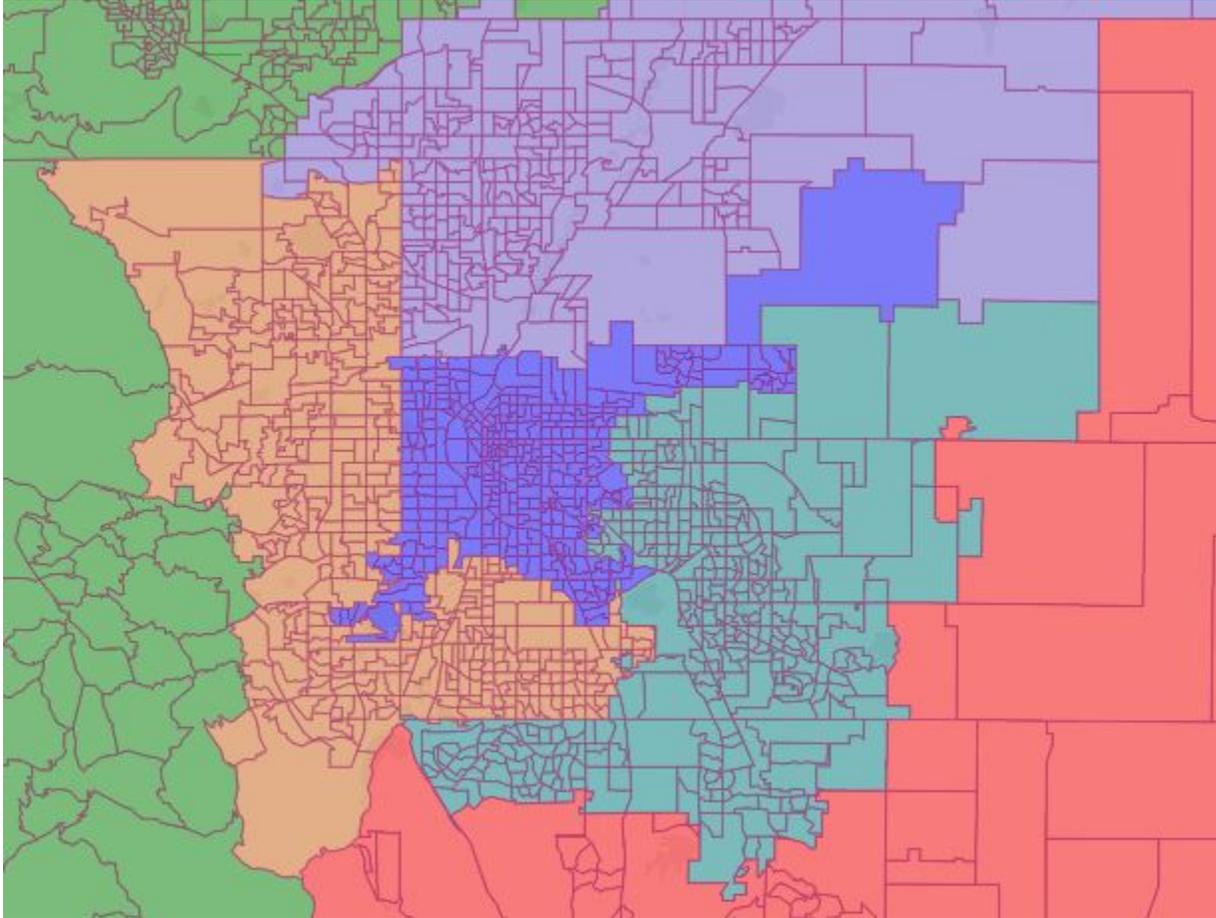
<https://davesredistricting.org/maps#viewmap::8c4c9ea6-41d3-48ff-b0ea-3bd43ed80dca>.

That map links Jefferson County with counties to the west. There was sufficient record evidence before the Commission of a community of interest over the I-70 corridor from just west of Denver into Summit and Eagle Counties. Appendix 1 at 49-51. There are also common climate change and electrification policy preferences shared by these counties. Id., 51-52.

Alternatively, there was a map submitted by the Colorado Latino Leadership, Advocacy, and Research Organization that formatted the 7<sup>th</sup> District as a purely suburban district, combining the established metro suburbs in northern Jefferson County and western Arapahoe County. Appendix 3 at 55-56.



<https://davesredistricting.org/maps#viewmap::7627c5ac-a36b-48da-b8ab-05074a807457>. The 7<sup>th</sup> District in that map looks like this.



*Id.*

There was also record evidence establishing policy-oriented commonality between Jefferson County and Arapahoe County suburban areas. For instance, these two counties with cities immediately adjacent to Denver have shared federal policy concerns relating to mass transit (both support), urgent public health matters like COVID-19 precautionary steps, and attention to minority communities. Appendix \_\_\_ at 1-2.

But there is no record evidence of serial connections between Jefferson and Broomfield Counties, on the one hand, and Fremont and Custer Counties, on the other.<sup>3</sup> Neither do these remote counties have any demonstrable connection to the tourism-related, Front Range-related counties of Park, Lake, Teller, and Chaffee. As discussed, the only rationale for the entire district has been the staff explanation that Fremont and Custer Counties were used to bump population numbers in the 7<sup>th</sup> District. Appendix 1 at 2. While equal population and the one person/one vote requirement is a primary redistricting consideration, it is not a community of interest and does not preserve jurisdictional boundaries in furtherance of any federal policy goals. It is significant, obviously, but it does not displace the Commission's need to establish a federal policy nexus for new districts.

Therefore, the Commission erred by drawing the 7<sup>th</sup> District in the way that it did and by rejecting these reasonable alternative configurations. The 7<sup>th</sup> District should be redrawn based on one of these maps before the Commission.

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<sup>3</sup> Commissioner Simon Tafoya noted a tangential commonality between Jefferson and Fremont Counties: both have prisons and therefore are home to federal employees. But this falls short of a community of interest, and his comment was made to explain a map the Commission did not pass rather than the Final Map before this Court. *See* Exhibit D to the Commission's Final Congressional Redistricting Plan at 17:2-9. He voted against the Final Map because it did not even acknowledge "the communities of interest that we've all seen and heard from." *Id.* at 16:18-19.

**IV. The Commission correctly placed the City of Greeley in District 8 as part of non-racial communities of interest and in compliance with the constitutional prohibition on non-dilution of minority group electoral influence.**

**A. Amendment Y protects minority electoral influence.**

Amendment Y prioritizes the protection of minority group electoral influence. In order to comply with federal law, it first provides that any maps adopted by the Commission must conform with the requirements of the federal Voting Rights Acts of 1965. Colo. Const. art. V, §44.3(1)(a). Given the supremacy of federal law and its constitutional origins, compliance with the Voting Rights Act, along with the equal representation requirement, “take[s] precedence over all other considerations.” *Hall, supra*, 2012 CO 14, ¶ 36.

Having ensured compliance with federal law, Colorado voters were free to impose additional requirements on the Commission—which they did. *See, e.g., Bartlett v. Strickland*, 556 U.S. 1, 24 (2009) (explaining that “States that wish to draw crossover districts are free to do so where no other prohibition exists”). Included among these additional requirements is a more stringent standard against diluting minority electoral influence.

(4) No map may be approved by the commission or given effect by the supreme court if:

...

(b) It has been drawn for the purpose of or results in the denial or abridgement of the right of any citizen to vote on account of that person's race or membership in a language minority group, including *diluting the impact of that racial or language minority group's electoral influence*.

Colo. Const. art. V, §44.3(4)(b) (emphasis added).

**B. The Commission was incorrectly advised that this protection of minority electoral influence was an empty one.**

Nonpartisan staff opined that Subsection 44.3(4)(b) may simply restate the requirements of the Voting Rights Act. As to the above-cited provision, §44.3(4)(b) of Article V, the non-privileged advice the staff gave to the Commission is as follows:

The first part of this sentence largely mirrors the language in Section 2 of the Voting Rights Act. The second phrase concerning diluting the impact of a minority group's influence is more about prohibiting retrogression which comes from Section 5 of the Voting Rights Act.

Appendix 4 at 11

Their position rests on a misconstruction of the Amendment. Subsection 44.3(4)(b)'s plain language affords more protection than the Voting Rights Act, and the voters would have understood the Subsection as providing such broader protection.

Interpreting Subsection 44.3(4)(b) to apply the same standard as Section 2 of the Voting Rights Act violates a "time-honored principle[]" of construction. *See*

*Slack v. Farmers Ins. Exch.*, 5 P.3d 280, 284 (Colo. 2000). The Court “construe[s] a statute so as to give effect to every word, and [it does] not adopt a construction that renders any term superfluous.” *Id.* This rule reflects that the Court would not “presume that the legislature used language idly and with no intent that meaning should be given to its language.” *Carlson v. Ferris*, 85 P.3d 504, 509 (Colo. 2003) (internal quotation marks and citations omitted); *see also Colo. Educ. Ass’n v. Rutt*, 184 P.3d 65, 80 (Colo. 2008) (applying this cannon in construing a voter-enacted constitutional amendment). Here, of course, the “legislature” is the electorate.

If Subsection 44.3(4)(b) simply mirrors Section 2, this provision serves no purpose and is superfluous because it would add nothing to Amendment Y. Subsection 44.3(1)(b) already requires that the Commission’s map conform with the Voting Rights Act. Colo. Const. art. V, §44.3(1)(b).

If staff thought this language was a replication of Section 5 of the Voting Rights Act, it missed the mark. Section 5 deals with preclearance of election practices in states where there has been a history of intentional discriminatory electoral administration. That provision requires certain jurisdictions to obtain the approval of the Attorney General or the District Court for the District of Columbia before implementing any changes to a voting “qualification, prerequisite, standard, practice, or procedure.” 52 U.S.C. §10301(a). Colorado is not such a state.

In any event, in justifying its Third Staff Draft, the staff dropped the Section 5 argument and justified its non-dilution of minority group electoral influence as follows:

*Diluting a racial or language minority group's electoral influence. To the extent that section 44.4(4)(b) is a restatement of the federal Voting Rights Act, nonpartisan staff does not believe that there is an area in Colorado with sufficient citizen voting age minority population to form a majority-minority congressional district. Nonpartisan staff believes that the Commission considered a racial or language minority group's electoral influence in directing the Nonpartisan Staff to create the Third Staff Plan and does not believe that the electoral influence of any such group was diluted in this plan.*

Appendix 1 at 2-3 (emphasis added). Staff repeated its earlier suggestion that this language is an unnecessary constitutional provision but added that, in its view, this provision was not violated. The former is inaccurate<sup>4</sup> and the latter is less a legal standard and more of a statement of the staff's opinion about Commission decision-making.<sup>5</sup> Voters would understand the plain meaning of "minority group electoral influence" as protecting minority group's ability to sway or affect elections.

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<sup>4</sup> Presumably, the staff realized as much, given that the "require[d] comparison of a jurisdiction's new voting plan with its existing plan" to assess retrogression was never performed. *See Reno v. Bossier Parish Sch. Bd.*, 520 U.S. 471, 474 (1997).

When interpreting a constitutional amendment, this Court’s “duty . . . is to give effect to the electorate’s intent in enacting the amendment.” *Davidson v. Sandstrom*, 83 P.3d 648, 654 (Colo. 2004). To determine the electorate’s intent, the Court gives “words their ordinary and popular meaning in order to ascertain what the voters believed the amendments to mean when they adopted it.” *Id.*

This Court considers what meaning that a “typical voter” would give to a measure’s words, looking to the words’ “practical, everyday meaning.” *Bruce v. City of Colo. Springs*, 129 P.3d 988, 995 (Colo. 2006). The Court may rely on the dictionary definitions of words in determining their “ordinary and popular meaning.” *See, e.g., Ritchie v. Polis*, 2020 CO 69, ¶ 11 (relying upon Black’s Law Dictionary and Merriam-Webster Dictionary to interpret voter-approved constitutional amendment).

Amendment Y specifies that redistricting maps cannot be drawn in order to, or with the effect that, the districts deny or abridge the right to vote based on race or membership in a language minority group. That protection is magnified by the additional constitutional language that follows it: “including” any “diluting” of “the impact” of such a group’s electoral “influence.” Colo. Const. art. V, §44.3(1)(b). The terms “including,” “dilute,” “impact” and “influence” have common and well-understood meanings.

- “Include” is “a term of expansion or enlargement.” *Colo. Common Cause v. Meyer*, 758 P.2d 153, 163 (Colo. 1988). “To hold otherwise here would transmogrify the word ‘include’ into the word ‘mean.’” *Lyman v. Bow Mar*, 533 P.2d 1129, 1133 (Colo. 1975).
- “Dilute” means to “attenuate,” which is to “to lessen the amount, force, magnitude, or value of: WEAKEN.” Merriam-Webster (defining “dilute” and “attenuate”); Random House Dict. of the English Language (2d ed. unabridged 1987) at 554 (dilute means “to reduce the strength, force, or efficiency of by admixture”).
- “Impact,” as used in art. V, §44.3(1)(b), is understood to be “the force of impression of one thing on another: an impelling or compelling effect.” Webster's New Collegiate Dictionary (1977), cited by *Bunker R-III School Dist.v. Hodge*, 709 S.W.2d 884, 888 (Mo. App. 1986).
- “Influence,” when used as a noun, means the “power or capacity of causing an effect....” *United States v. Brennan*, 452 F.Supp. 3d 225, 236 (D. E.Pa. 2020), citing Merriam-Webster Dictionary Online, <https://www.merriam-webster.com/dictionary/influence>.

Thus, voters would have understood Subsection 44.3(4)(b)’s anti-dilution language (“including diluting the impact of that racial or language minority group’s electoral

influence”) as additional, non-federal protection against a plan that weakens the ability of a minority group to help drive the results of certain congressional district elections.

Every voter who voted on Amendment Y was aware of this protection. The ballot title stated that Amendment Y “prohibit[ed] maps from being drawn to dilute the electoral influence of any racial or ethnic group.” Legislative Council of the Colorado General Assembly, *2018 State Ballot Information Booklet*, Research Publication No. 702-2 at 12. Thus, voters understood Amendment Y expanded protections for minority group voting beyond the Voting Rights Act in order to, if possible, give minority groups the leverage of an expanded electoral voice.

**C. Voters are deemed to be aware of—and thus accepted in adopting Amendment Y—Colorado courts’ use of minority group influence districts in Congressional redistricting.**

*1. Legal definition of an “influence district”*

An “influence district” exists where “a minority group can influence the outcome of an election even if its preferred candidate cannot be elected.” *Bartlett, supra*, 556 U.S. at 13. It is operationally distinct from:

- A cross-over district (“in which minority voters make up less than a majority of the voting-age population” but the minority group “is large enough to elect the candidate of its choice with help from voters who are members of the

majority and who cross over to support the minority's preferred candidate");  
and

- A coalition district ("in which two minority groups form a coalition to elect the candidate of the coalition's choice").

*Id.* None of these three districts is mandated by the Voting Rights Act. *Id.* at 13-14.

Influence districts that advance minority groups' ability to influence elections are not specifically contemplated or protected by federal law. "The failure to create an influence district in these cases thus does not run afoul of § 2 of the Voting Rights Act." *League of United Latin American Citizens v. Perry*, 548 U.S. 399, 446 (2006) (plurality op.). Without the state constitutional provisions addressed here, there would be no legal authority, much less a mandate, to condition a redistricting map on ensuring minority electoral influence in regions of the state where that is possible.

States can afford greater protection than what exists in federal law to amplify minority electoral influence. "[I]n the exercise of lawful discretion, States could draw crossover districts as they deem appropriate." *Bartlett*, *supra*, 556 U.S. at 24, citing Pildes, *Is Voting Rights Law Now at War With Itself? Social Science and Voting Rights in the 2000s*, 80 N.C. L. Rev. 1517, 1567 (2002) ("Districts could still be designed in such places that encouraged coalitions across racial lines, but these

districts would result from legislative choice, not... obligation”). Colorado voters chose to provide that greater protection.

An influence district is distinct from either a Voting Rights Act claim or an alleged “equal protection violation” that a districting plan “unconstitutionally dilutes minority voting strength.” *See id.* at 650 (citing *Davis v. Bandemer*, 478 U.S. 109, 133 (1986)). There is no federal statutory or constitutional requirement for the formation of such districts. This is a matter of Colorado setting minority group electoral influence as for a key goal in redistricting.

Of course, there must be, and is, a non-racial, policy-based reason for setting these district lines. *See Hall, supra*, 2012 CO 14, ¶25 (citing district court’s finding that setting congressional district lines using “predominant consideration” of race was constitutionally suspect and subject to strict scrutiny). But influence districts allow a numerically significant minority group to help drive an election-related agenda and, potentially, hold incumbents accountable for failing to pursue it or for pursuing it without effect.

## *2. Influence districts in Colorado case law*

Minority group influence districts are not new to Colorado. Acknowledged to be a factor the courts could recognize in the congressional redistricting litigation of

both 2001 and 2011, influence districts should be implemented here in a manner that is consistent with that precedent.

“[T]he electorate” is “presumed to know the existing law at the time they amend or clarify that law.” *Common Sense Alliance v. Davidson*, 995 P.2d 748, 754 (Colo. 2000). That understanding extends to judicial decisions prior to adoption of a ballot measure. For instance, voters were deemed to have understood the Colorado courts’ construction of a term of art in campaign finance law (“express advocacy”). A subsequent constitutional amendment that changed campaign finance regulation and used that concept was construed in light of voters’ grasp of that judicial construction. *Colo. Ethics Watch v. Senate Majority Fund, LLC*, 2012 CO 12, ¶26, 269 P.3d 1248, 1255-56.

As such, in considering Amendment Y at the 2018 general election, voters must be deemed to be aware of Colorado’s of how “influence districts” were given effect in prior years.

### *3. The 2001 Congressional Redistricting Litigation*

Twenty years ago, this Court approved a district court’s design of congressional district lines in part because, in one district, Hispanic voters were likely to have a prominent role in deciding elections. “The plan adopted by the district court also comes close to creating a minority ‘influence district’ in the new

district, District 7, which contains a 20% Hispanic population.” *Beauprez, supra*, 42 P.3d at 651. The Court also determined that an “approximately 3% drop in the Hispanic population of District 1” did not amount to a dilution of Hispanic influence. *Id.*, citing *Carstens, supra*, 543 F.Supp. at 86 (a 3-4% decrease in Hispanic population did not reflect an unconstitutional dilution).

#### 4. *The 2011 Redistricting Litigation*

In 2011, the Denver District Court evaluated proposed congressional district maps, in part, based on the extent to which they created influence districts. Citing the definition of “influence district” from *Bartlett*, the Court both lauded maps that created such influence districts and criticized maps that diluted Hispanic population and thus that group’s electoral influence. Order, *Moreno v. Gessler*, Denver District Court (Case No. 11CV3461) at 37, 54.<sup>6</sup> In those proceedings, there was record evidence that, as to the seven districts at issue, Hispanics could influence an election if their aggregate population was “around 30% or higher” of the district. *Id.* at 37.

The District Court did not require or analyze a report of racially polarized voting or assess how minority groups or majority voting blocs had voted. It only

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<sup>6</sup> This decision is available on the Supreme Court’s website: [https://www.courts.state.co.us/Media/Opinion\\_Docs/2011CV3461%20Redistricting%20THE%20ORDER.pdf](https://www.courts.state.co.us/Media/Opinion_Docs/2011CV3461%20Redistricting%20THE%20ORDER.pdf)

observed there had been cross-over voting for former Congressman John Salazar in the 3<sup>rd</sup> Congressional District. *Id.* at 57. Of course, each influence district is different, depending on whether and which other groups of voters align to support minority group favored candidates or oppose them.

In 2018, voters formalized that additional protection of minority group electoral influence. They knew vote dilution claims could be “separate and apart” from Voting Rights Act claims, *Beauprez, supra*, 42 P.3d at 650, and then created this new protection. As a result, consistent with the approach utilized by the Colorado courts in 2001 and 2011, Amendment Y took advantage of the ability of states to provide additional protections for minority group electoral influence.

**D. The Final Map established influence districts, notwithstanding the inconsistent analysis performed for the Commission.**

Based on the voters’ understanding of litigation from 2001 and 2011, influence districts can be identified by referring to Hispanic populations in each district using Census data. *See* Exhibit E to Petition for Judicial Review (“Population Summary Report; 2021 Final Approved Congressional Plan”) at 2. That report shows four districts with Hispanic populations of over 20%.

Using the standards for designating “influence districts” from the last two redistricting cycles, the Final Map’s influence districts are District 1 (27.8%),

District 3 (25.7%), District 6 (22.1%), and District 8 (38.5%). The Adams County populations united in District 8 include Brighton (16,955), Commerce City (30,505), Northglenn (14,014), Thornton (51,392), and Westminster (20,242). *Id.* In Weld County, District 8 unites notable Hispanic communities of Evans (10,307) and, most importantly, Greeley (43,758). *Id.*

Even if considered in terms of Hispanic voting age population rather than general population, *see Bartlett, supra*, 556 U.S. at 13, the Final Map<sup>7</sup> establishes three districts' voting age populations over 20% Hispanic: District 1 (24.45%); District 3 (22.78%); and District 8 (34.50%).

In 2011, the District Court found lesser percentages (20.95%, 23.88%, and 25.68%) to be significant in terms of electoral impact.

These percentages are sufficiently large to ensure that the Latino population will have a voice in the outcome of the election in the competitive 3rd, 6th and 7th Congressional Districts. Competitiveness is particularly important for the Latino community because it gives them a voice in districts where the outcome of the election is close.

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<sup>7</sup> Voting age population is not set forth in Exhibit E to the Petition for Judicial Review. It is set forth in an alternative mapping website, often used by persons commenting to the Commission and commissioners themselves. The map is here: <https://davesredistricting.org/join/75949254-1964-4e59-abca-2dcd9b48b15f>. The Final Map's voting age population information is found by clicking on the "Table" icon in the right-hand corner.

Order, *Moreno, supra*, at 34 (competitiveness evaluated based on party registration, which the Congressional Commission did not consider).

The newest district, the 8<sup>th</sup>, is the state's most significant influence district and the most competitive district in the state. Under the Commission's analysis of a series of statewide elections, there is only a partisan advantage of 1.3% in the 8<sup>th</sup> District. *See* Exhibit I to Petition for Judicial Review. And in the 3<sup>rd</sup> District, there is a partisan advantage of 9.3%. *Id.*

The key to this dual advantage of Hispanic political empowerment and a competitive election that translates into electoral influence lies in the City of Greeley. The Hispanic population totals 43,578 people, and the Hispanic voting age population totals 28,778 people. Appendix 3 at 59 (comment of Cristal Garcia); *see also* fn. 7, *supra*.

The Commission put almost 30,000 Hispanic voting age residents in the 8<sup>th</sup> district with other potential voters who share their policy concerns over environmental, public health, and economic well-being. Alternatively, it might have left them in the 4<sup>th</sup> District; in the Final Map, the 4<sup>th</sup> District is 78.46% white and only 11.82% Hispanic. *Id.* Even if all Hispanics in Greeley replaced white voters, the racial changes in each populations would be just under 5.3% ( $28,778/543,442 = 5.296\%$ ). Even then, the 4<sup>th</sup> District's white voting age population slips downward

ever so slightly to 73.16%, while the Hispanic voting age population to would inch up to 17.12%. No one contends that percentage is significant enough to provide electoral influence in a district where whites outnumber Hispanics who would be approximately one-sixth of that district.

Thus, whether by design or happenstance, the Commission correctly structured the 8<sup>th</sup> District to include the City of Greeley and to be the highest influence district in Colorado's congressional history.<sup>8</sup>

Whatever relief is granted by this Court, its order should be clear that minority electoral influence cannot be undermined by putting Greeley in the 4<sup>th</sup> District. As one commenter to the Commission put it,

The Greeley Hispanic Community will never be heard or given political weight by Congressional candidates if the City is thrown into CD 4 in order to meet population requirements because the Commission fine-tunes Denver suburban districts to meet some other priority. Furthermore, white voters in CD4 have and will continue to vote for their own interests, which are not aligned with the Hispanic community in Greeley.

Appendix 3 at 57. Therefore, there is great merit—not to mention a constitutional imperative—to honor the Commission's decision to preserve Greeley in District 8.

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<sup>8</sup> The CLARRO map, mentioned above, would have a similar effect without abandoning almost 30,000 Hispanic voting age persons to a district where their concerns will be unheard and their needs will be unmet by their representative to Congress.

## CONCLUSION

The Court can, and needs to, instruct the Commission about decision-making that makes meaningful judicial review possible. The Court can rely on its precedent, allowing an appellate court to initiate an evaluation of an agency record, so as to justify 7 of 8 districts in the Final Map. In particular, the Commission's decision on the 8<sup>th</sup> District should be upheld so that any tweaks to the map, necessitated by this Court's decision, do not violate the prohibition on undermining minority groups' electoral influence.

That said, the 7<sup>th</sup> District must be reconfigured to reflect meaningful communities of interest borne out by the record. The Thiebaut 3 and CLARRO maps achieve that end. The Commission should be directed to choose between those approaches in the 12 days it will have to redesign the map after the Court's decision. It may exercise its discretion to choose between them. This course is consistent with Amendment Y which reserves to the Commission only the "prepar[ation of] a plan that resolves the court's reasons for disapproval." Colo. Const., art. V, §44.5(4)(b).

Under difficult conditions, the Commission had seven months to adopt a compliant plan. Now, the voters of Colorado will benefit if the Court gives the Commission an assist in bringing that mission to a close, as proposed above.

Respectfully submitted this 8<sup>th</sup> day of October, 2021.

*/s/ Mark Grueskin*

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Mark G. Grueskin, #14621  
RECHT KORNFELD, P.C.  
1600 Stout Street, Suite 1400  
Denver, CO 80202  
Phone: 303-573-1900  
Facsimile: 303-446-9400  
Email: [mark@rklawpc.com](mailto:mark@rklawpc.com)  
**ATTORNEY FOR FAIR LINES  
COLORADO**

**CERTIFICATE OF SERVICE**

I, Erin Holweger, hereby affirm that a true and accurate copy of the **BRIEF OF FAIR LINES COLORADO** was sent electronically this day, October 8, 2021 via Colorado Courts E-Filing, to Counsel for the Colorado Independent Congressional Redistricting Commission at:

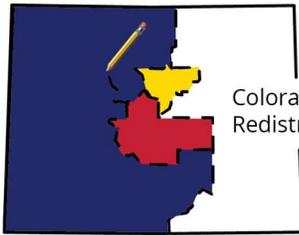
Frederick R. Yarger  
Wheeler Trigg O'Donnell LLP  
370 Seventeenth Street  
Suite 4500  
Denver, CO 80202  
[yarger@wtotrial.com](mailto:yarger@wtotrial.com)

Megan Frei Berglind  
Wheeler Trigg O'Donnell LLP  
370 Seventeenth Street  
Suite 4500  
Denver, CO 80202  
[Berglind@wtotrial.com](mailto:Berglind@wtotrial.com)

Jerome DeHerrera  
Achieve Law Group  
146 West 11<sup>th</sup> Avenue  
Denver, CO 80204  
[jdh@achievelawgroup.com](mailto:jdh@achievelawgroup.com)

*/s Erin Holweger*

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Colorado Independent  
Redistricting Commissions

## Colorado Independent Redistricting Commissions Staff

1580 Logan Street, Suite 430  
Denver, CO 80203

303-866-2652

DATE FILED: October 8, 2021 11:53 AM  
colorado.redistricting2020@state.co.us

## MEMORANDUM

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September 23, 2021

**TO:** Independent Congressional Redistricting Commission

**FROM:** Colorado Independent Redistricting Commissions Staff

**SUBJECT:** Third Congressional Staff Plan

### Preliminary Statement

At its meeting on Monday, September 20, 2021, the Colorado Independent Congressional Redistricting Commission ("Commission") voted to direct the Colorado Independent Redistricting Commissions Staff ("Nonpartisan Staff") to use the Second Congressional Staff Plan ("Second Staff Plan") as the basis for the Third Congressional Staff Plan ("Third Staff Plan") and to take into consideration the issues raised by the Commissioners at that meeting and up to the time the Nonpartisan Staff submits the Third Staff Plan.<sup>1</sup>

At the September 20 meeting, the Commission approved additional standards, guidelines, and methodologies that Nonpartisan Staff was required to follow as discussed below and made additional recommendations, some of which Nonpartisan Staff was able to incorporate into the Third Staff Plan. Nonpartisan Staff also considered issues raised by Commissioners and public comments received prior to finalizing this Third Staff Plan.

### Description of Congressional Districts

**Congressional District 1.** Congressional District 1 is composed entirely of the area within the boundaries of the City and County of Denver. The population of Denver is 715,522. The population of the enclaves of Arapahoe County completely surrounded by Denver add an additional 7,348 for a total population within the boundaries of Denver of 722,870, or 1,156 over the ideal district size of 721,714. Nonpartisan staff moved the additional population from Denver into Congressional District 6.

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<sup>1</sup> Article V, Section 44.4 (3) authorizes the Commission to adopt standards, guidelines, and methodologies to direct nonpartisan staff for the development of staff plans if approved by eight of the commissioners including at least two commissioners who are unaffiliated with a political party. Eight Commissioners, including at least two unaffiliated voters, approved this directive, so Nonpartisan Staff considered this a standard, guideline or methodology and started this Second Staff Plan with that plan.

**Congressional District 2.** Congressional District 2 is a mountain district consisting of the following whole counties: Boulder, Clear Creek, Gilpin, Grand, Jackson, Routt, and Summit. It includes the portion of Eagle County not in Congressional District 3. It includes all of Larimer County except for the cities of Loveland and Wellington, the portion of Windsor in Larimer County, and areas around those cities. It also includes portions of Weld County necessary to keep municipalities whole, including Berthoud, Erie, and Longmont. The population was equalized between Congressional Districts 2 and 4.

**Congressional District 3.** Congressional District 3 is a western and southern district consisting of the following whole counties: Alamosa, Archuleta, Conejos, Costilla, Delta, Dolores, Garfield, Gunnison, Hinsdale, Huerfano, La Plata, Las Animas, Mesa, Mineral, Moffat, Montezuma, Montrose, Otero, Ouray, Pitkin, Pueblo, Rio Blanco, Rio Grande, Saguache, San Juan, and San Miguel. The Commission voted to require that the Third Staff Plan keep the Roaring Fork Valley whole, including the towns of Aspen, Basalt, Carbondale, El Jebel, Glenwood Springs, and Snowmass Village. The district includes all of those towns and its population is equalized by including a larger portion of Eagle County than in the Second Staff Plan.

**Congressional District 4.** Congressional District 4 is an eastern district consisting of the following whole counties: Baca, Bent, Cheyenne, Crowley, Elbert, Kiowa, Kit Carson, Lincoln, Logan, Morgan, Phillips, Prowers, Sedgwick, Washington, and Yuma. It then includes most of the population of Douglas County, the eastern portion of El Paso County not in Congressional District 5, the eastern portion of Arapahoe County not in Congressional District 6, and the eastern portion of Adams County not in Congressional District 6 or 8. It then includes much of Weld County not in Congressional District 8. The population is then equalized by taking the portions of Larimer County not in Congressional District 2, primarily in the cities of Loveland and Wellington.

**Congressional District 5.** Congressional District 5 is composed of nearly all of El Paso County including all of Colorado Springs. The population of El Paso County is 730,395, or 8,681 over the ideal district size. The Commission voted to require that the following military bases in El Paso County be included in a single district: the Air Force Academy, Cheyenne Mountain Space Force Station, Peterson Air Force Base, Schriever Space Force Base, and the populated portion of Fort Carson. All of those bases are in Congressional District 5. Nonpartisan staff moved the excess population in the eastern portion of El Paso County to Congressional District 4 to equalize the population of District 5.

**Congressional District 6.** Congressional District 6 consists of western Arapahoe County, including the cities of Centennial, Littleton, and Sheridan. It also includes parts of Jefferson County including the Columbine and Ken Caryl areas and the portion of Bow Mar in Jefferson County. It also includes nearly all of the city of Aurora in Adams and Arapahoe Counties. The population is equalized along the border with Congressional District 4 in Arapahoe County.

**Congressional District 7.** Congressional District 7 is a Front Range district consisting of the whole counties of Chaffee, Custer, Fremont, Lake, Park, and Teller, plus all of the City and County of Broomfield. Public comments after the release of the Second Staff Plan included requests to keep the City and County of Broomfield whole, which this plan does. It includes nearly all of Jefferson County except for the portion in Congressional District 6 and population moved from this District to Congressional District 4 necessary to equalize the population of the district.

**Congressional District 8.** Congressional District 8 consists of the eastern portion of Adams County including the cities of Brighton, Commerce City, Northglenn, and Thornton. The Commission recommended that Commerce City be kept whole except for the noncontiguous portions. All of Commerce City is together in this district. The district also includes the portions of Arvada and Westminster in Adams County. It then includes Greeley and the cities in southern Weld County, including Firestone, Frederick, and Mead. The town of Johnstown is split between Congressional Districts 2 and 8 along the border between Larimer and Weld Counties.

## **Constitutional Criteria**

**Equal Population.** The population of each of the districts is within one person of the ideal district size of 721,714. The difference between the most populous district and the least populous district is one person.

**Federal Voting Rights Act.** Nonpartisan staff does not believe that there is sufficient voting age population to create a majority-minority congressional district within Colorado that complies with the requirements of the Colorado Constitution. The Commission has not received any comments suggesting that a majority-minority district must be created.

**Contiguity.** All portions of the congressional districts are contiguous to other portions of the same congressional districts.

**Preservation of communities of interest and political subdivisions.** When it was necessary for nonpartisan staff to divide a county to arrive at the required congressional district population, nonpartisan staff attempted to keep communities of interest together, such as keeping the Roaring Fork Valley together when dividing Eagle County and keeping cities together when dividing Larimer County. Of the 64 counties in Colorado only eight were split, and all of these counties had to be split in order to equalize population across the congressional districts. To the extent possible, nonpartisan staff kept municipalities that include portions in two counties together or split those municipalities at the county border.

**Compactness.** Nonpartisan staff believes that the districts are reasonably compact. Some congressional district border lines are irregular due to municipal boundaries or the shape of census blocks necessary to equalize the population.

**Politically competitive districts.** The Commission has identified eight statewide races that it believes should be used in determining competitiveness.<sup>2</sup> The report on election results accompanying the Third Congressional Staff Plan shows an average of the difference between the votes cast for Democratic and Republican candidates across these eight elections. A positive number indicates that there were more votes cast for the Republican candidates, and a negative number indicates that there were more votes cast for the Democratic candidates.

**Diluting a racial or language minority group's electoral influence.** To the extent that section 44.4 (4)(b) is a restatement of the federal Voting Rights Act, nonpartisan staff does not believe that there is an area in Colorado with sufficient citizen voting age minority population to form a majority-minority congressional district. Nonpartisan staff believes that the Commission considered a racial or language minority group's electoral influence in directing the Nonpartisan

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<sup>2</sup> The eight elections are: From the 2016 General Election: Colorado Senator and President; From the 2018 General Election: Governor, Attorney General, Treasurer, Secretary of State, and at-large Regent of University of Colorado; and From 2020 General Election: Colorado Senator.

Staff to create the Third Staff Plan and does not believe that the electoral influence of any such group was diluted in this plan.

**Colorado Independent Congressional Redistricting Commission  
Adopted Guidelines and Recommendations**

DATE FILED: October 8, 2021 11:53 AM

**Guidelines (approved by at least 8 commissioners including at least one unaffiliated)**

<b>Date</b>	<b>Motion</b>
08/26/21	Keep the counties of the San Luis Valley together
9/20/21	That the non-partisan staff move forward with the Second Staff Plan as the basis for the Third Staff Plan with the following guidance: to take into consideration the issues raised by the Commissioners this evening and up to the time it submits the Third Staff Plan. (moved by Commissioner Leone, seconded by Commissioner Espinoza)
09/20/21	Keep roaring fork valley whole (to include El Jebel, Basalt, Aspen, Carbondale, Snowmass Village, and Glenwood Springs). (moved by Commissioner Wilkes, seconded by Commissioner Tafoya)
09/20/21	Keep the City and County of Denver whole to the extent necessary for population and keep the City of Colorado Springs whole. (moved by Commissioner Tafoya, seconded by Commissioner Schell)
09/20/21	Keep the military bases in El Paso County in a single district (to include Schriever Space Force Base, Cheyenne Mountain Space Force Station, Peterson Air Force Base, the Air Force Academy, and the population portion of Fort Carson). (moved by Commissioner Wilkes, seconded by Commissioner Leone)

**Recommendations (approved by a majority of commissioners)**

<b>Date</b>	<b>Motion</b>
09/01/21	Keep Pueblo, Huerfano, Otero, Las Animas, Archuleta, and the southern portions of Montezuma and La Plata Counties together with San Luis Valley. (moved by Commissioner Tafoya)
09/20/21	Keep Commerce City whole (noncontiguous zero blocks exempted). (moved by Commissioner Tafoya, seconded by Commissioner Coleman)

## **APPENDIX 3**

DATE FILED: October 8, 2021 11:53 AM

**Tricia Canonico**

Commission: congressional

Zip: 80528

Submitted: June 04, 2021

Comment:

Thank you for the hard work of the Commission to create a fair and effective redistricting effort for Colorado. My name is Tricia Canonico and I am a Fort Collins Council Member.

I would like to ask that Larimer County and Boulder County remain together in the same Congressional District. Both counties face many similar challenges and opportunities and should be represented by a single voice in Washington. Both are home to the major research universities in our state; they share similar cultures and economic sectors including tech, tourism and healthcare; they are both gateways to Rocky Mountain National Park and they have many areas of overlapping federal policy objectives.

Both Larimer and Boulder are working to recover from the 2020 wildfires, mitigate burn scar flash flooding and prevent that magnitude of fires in future years. The two counties collaborate on these efforts and other public land policy. Weld County does not face public land imperatives of the same magnitude.

Larimer and Boulder Counties are united educationally, economically, and culturally. Larimer County's community interests, policy concerns, and geographical concerns closely align with Boulder's. Collaborations between the counties have brought economic success to our area. Larimer and Boulder are currently well represented by one congressional member who could ably continue to advance opportunities for both counties.

**Maren Soreide**

Commission: congressional

Zip: 80535

Submitted: June 12, 2021

Comment:

To Whom it May Concern:

The University of Colorado-Boulder and Colorado State University in Fort Collins aren't just the state's most prominent public universities - they are significant drivers of economic activity and research in Colorado's nearby mountain communities, thanks in no small measure to federal investment in research and development.

For context, consider that the University of Colorado-Boulder ranked 30th nationally and Colorado State University 52nd for federally funded R&D expenditures in 2019, according to a Johns Hopkins database that tracks the spending. Together, the institutions received nearly \$700 million in federal R&D funding that year.

CU's federal partnerships and grants focus on areas including our changing climate and environment, mitigating the effects of natural hazards, and seeking cleaner, more sustainable energy solutions. CSU also does significant work in researching climate, conservation, forestry, and clean energy alternatives.

Many of those issues directly impact and are researched in the nearby alpine areas to the west of these college towns, which is a critical link for these areas as far as congressional representation is concerned. Those issues range from impacts of shorter winters on the ski economy to impacts of hot-dry summers present as far as wildfires and water supply, to name but a few.

As such, I urge you to keep this flourishing and critical community of interest connected in Colorado's Second Congressional District.

Sincerely and with respect,  
Maren Soreide

**David Seley**

Commission: congressional

Zip: 80525

Submitted: September 08, 2021

Comment:

I am writing to express my concern over the recent redistricting map released 9/3/21. First, I would like to say I do not envy your position in trying to create a redistricting map that will be acceptable to everyone. However, I disagree strongly with the inclusion of Fort Collins in District 4.

I live in the city of Fort Collins, and I am finding it very difficult to see a shared interest in Fort Collins with the communities on the eastern plains of Colorado.

In Fort Collins, we have several shared interests in education, research, manufacturing, craft brewing, bicycling, and outdoor activities. Our community is concerned about public health, diversity, education, transportation such as buses, bike lanes for commuting, air quality, and tourism. Virtually all of these interests are absent in the eastern plains of Colorado. There are no major universities, craft breweries, tourism areas, or manufacturing sectors I am aware of on the eastern plains. If the interests of virtually all the eastern plains is taken into account, I feel the interests of the City of Fort Collins will be unheard and not represented.

We have several geographic areas of interest to us, including Lory State Park, the Poudre Canyon, Horsetooth Reservoir, and Rocky Mountain National Park. All of these locations draw a large number of tourists every year, especially Rocky Mountain National Park. Perhaps the most similar community that shares these locations is Boulder.

We have quite a diverse population with folks from all parts of the world. Many, if not all of these individuals, are drawn to Fort Collins for the University and the research/manufacturing in the area. This diversity enriches our community. The festivals and outdoor activities make Fort Collins a great place to visit and live.

Please reconsider the current redistricting map, and include Fort Collins with other communities with shared interests, such as Boulder.

**Alisa West**

Commission: congressional

Zip: 80526

Submitted: September 10, 2021

Comment:

I am urging the commission to reconsider the placement of the city of Fort Collins in the Fourth, eastern plains congressional district. The city of Fort Collins shares very few interests with the communities of the Fourth District and its interests will not be served by grouping it with towns and counties whose needs and interests are completely different.

Fort Collins is an urban center whose economic activities no longer center on agriculture, which is the main focus of most communities in the eastern plains. Home to a major research university, high tech, health care, pharmaceutical, commercial and recreational industries, its needs are not the same as smaller, agricultural communities. Our transportation needs alone align us much more with front-range communities to our south, as we need to develop common corridors, increase public transportation between those communities, mitigate the air pollution produced by the hundreds of thousands of vehicles that move across our city and between the cities of the front range. The citizens of Yuma, Fort Morgan, and Las Animas share none of these concerns. Citizens of Boulder and Fort Collins share educational interests because they are the homes of the state's two premiere universities; thousands of citizens in both cities are impacted by federal policies affecting the universities. People living in Wray or Julesburg can live their lives oblivious to these policies.

In Fort Collins, we look to the west of us for our recreational spaces. We care about our mountain backdrop and have clear and powerful interests in fire mitigation and watershed protection. Forest fires do not burn to the doorstep of Burlington. Mudslides along burn scars on the Poudre River do not kill the coworkers of those living in Cheyenne Wells. Further, to the west of Fort Collins lies the entirety of Larimer County. Separating Fort Collins, the county seat of Larimer County, from the rest of the county, placing each in a distinct congressional district, is counter productive and damaging to the interests of the people of Larimer County.

If residents of Fort Collins look to other locations for entertainment, health care, or commerce, we look to our south, to our southern front range urban corridor neighbors. I can't tell you when I last went further east than Timnath for any service or need. Although as a native Coloradan I appreciate the eastern plains, as a resident of Fort Collins I have minimal shared federal interests with its residents.

Fort Collins is no longer a sleepy agricultural town. It has become an urban area, one of the fastest growing in the country. It has urban problems which are very different from the kind of problems that concern folks in Eads or Hartman. We face problems with homelessness, affordable housing, pollution, population growth and density, and racial and religious diversity

that simply do not concern citizens of Haxton or Holyoke. We do, however, share these concerns with the front range urban areas to our south with whom we currently share a congressional district.

The draft congressional district map shows areas east of I-25 that are included in the second congressional district, while Fort Collins is carved out to be in the fourth district. I would submit that these areas have more in common with residents of district four than do the residents of Fort Collins. Additionally, it looks like areas in the mountains and in the southwestern part of the state share commonalities with neighboring congressional districts that could allow for tweaking of this map. It is a grave injustice to the people of Fort Collins to remove them from their "like communities", isolate their interests, and deprive them of adequate representation for the next ten years.

Thank you for your consideration of these ideas.

Alisa West

**ann heckman**

Commission: both

Zip: 80446

Submitted: June 13, 2021

Comment:

Dear Commissioners,

You carry much responsibility in the redistricting of Colorado. With this commitment you have the tools to create a “more perfect union”. However, in todays world there is a partisan division. Consequently, your work is to achieve compromise between varying opinions. Thank you for your work to verify this picture, creating harmony and strength. The redistricting is important.

My husband and I live in Grand County, District 2. This has been our home for 38 years. We live 1.8 miles off of HWY 40 on Cty Rd. 54. This is between Granby and Winter Park. We have 6.5 acres of land and have enjoyed the peace and tranquility of mountain living. We raised three sons in this home, each attending East Grand Public Schools. I too taught in the East Grand School district for 20 years. My husband worked at the National Weather Service located in Denver/ He commuted daily. This was a small sacrifice for the luxury of raising our children in this wonderful community. The Rocky Mountain National Park was 45 miles from our front door and the head waters of the Colorado River was a tangible flow of water. Winter Park Ski Area was a short drive away. Our sons competed in competitive skiing events throughout their school sponsored actives, and also at the Winter Park Competition Center. One son qualified for the U.S. Nordic Combined Ski Team, competing in the 1992, and 1994 Winter Olympics. We are grateful to Grand County for providing these exceptional opportunities as we raised our three sons.

The continuity of remaining in District 2 is an important piece of the quality of life that my family values. Ten counties comprise this district. Boulder, Broomfield, Clear Creek, Eagle, Gilpin, Grand, Jefferson, Larimer,, Summit and Park each contribute to the communities of interest in Grand County.

The economic ties that come from Summit and Eagle County in the form of tourism provides a healthy lifestyle for the young and old. Hotel, food service and ski ticket sales all add to the economy of Grand County. At one time Grand was. an agricultural based economy. Today, tourism leads the way.

On October 14, 2020 the East Troublesome fire began in Kremmling, Colorado, Grand County. This fire destroyed much of Arapahoe and Roosevelt Forests and Pawnee Grassland. The devastation spread into Rocky Mountain National Park, enveloping 193,812 acres including both east and west side of the Rocky Mountain National Park. This whole area is within the jurisdiction of the 2nd Congressional District. The damage done continues to require much mitigation, needing the continued guidance of the leaders with past history of District 2. This storm of destruction became a common bond with the people of Grand County. There is no one in this county that does not know of someone who lost everything in the fire. We share an intense common interest in rebuilding our community, helping our neighbors in need.

The third item of community interest is education. The school districts of East and West Grand Public Schools have high bars of expectation for the graduating students. Boulder and Broomfield both offer our children the opportunities to pursue high accomplishments. The University of Colorado, Boulder , and the National Center for Atmospheric Research all work with students and teachers to aid in curriculum development. Broomfield, houses the research aircraft that NCAR uses in the study of the atmosphere and is the home to firms that lead in clean energy development and leaders in solar ,wind and energy technologies. This hub for federal research is forward thinking and a tool that teachers can use in their school philosophies.. The contribution from these venues in District 2 aid our rural school district. We would hate to lose this contact that is just on the other side of the mountain.

Thank you again for your efforts to create a Colorado that will continue to flourish in a changing world. Please remember...Keep Grand County in District 2.

## **Rio Blanco County Board of County Commissioners**

Commission: congressional

Zip: 81641

Submitted: September 28, 2021

Comment:

Colorado Congressional Redistricting Commission,

The Board of County Commissioners of Rio Blanco County is providing this letter of support for the Second and Third Staff Plan Map, wherein the Western Slope remains whole and part of Congressional District 3.

It is vital to keep the Western Slope of Colorado intact as a community of interest based on public lands, water and the dominant industry of the local economies. It is important to have educated and active Congressional representation on public lands issues that impact the economic health and lifestyle of Western Slope counties. Rio Blanco County is 75% public lands.

The working relationship between our federal land agencies, local government and federal representation is an important aspect of our day-to-day business and a commonality among the counties of the Western Slope. As Western Colorado faces ongoing drought conditions it is essential that our counties remain united. For the health of our land and economy it is important to maintain private water rights that will ensure farmers and ranchers in our region have adequate water supply.

While there are areas of mountain resort communities that are benefited by tourism, the majority of Rio Blanco County and the Western Slope's economy and tax base, is reliant on natural resource extraction and agriculture. The Western Slope cannot allow issues that are more important to urban areas and the Front Range to take precedence over these matters. For this reason, Rio Blanco County encourages the Commission to keep Congressional District 3 inclusive of the Western Slope.

Thank you for your consideration of this issue of concern for our county and all of Colorado. Should you require further information, please feel free to contact us at: [bocc@rbc.us](mailto:bocc@rbc.us).

Sincerely, Board of County Commissioner of Rio Blanco County, Colorado

**Nancy M Bachelidor**

Commission: congressional

Zip: 81621

Submitted: September 19, 2021

Comment:

I copied this from an article I read as it is very clear and states my beliefs. "The Western Slope's vital relationship with water alone is enough to designate it as a community of interest bound by the shared responsibility of stewardship. However, the Western Slope also has commonalities regarding how the region uses water. The Western Slope's agricultural, industrial, and recreation economies rely on well-informed local representatives to protect the community's water at the state and federal levels. To split the Western Slope in any way would compromise the unity required to properly represent water interests in the region. There is also a clear divide between the Western Slope and front range communities, clearly designating western Colorado as a community with unique federal interests. Though many of our communities do not have the tax base of their front range counterparts, they still must provide the essential services of government: safe roads and bridges, law enforcement, public schools, and critical infrastructure with minimal resources. These challenges are not experienced by front range communities where virtually no federally owned lands exist. While federal lands are preserved for the benefit of all Americans, the day-to-day responsibilities of preservation fall upon those who live closest to those lands. These lands are managed for multiple uses – from livestock grazing to energy extraction to outdoor recreation. Over generations, communities on the Western Slope have worked with federal agencies to develop and demonstrate best practices for multi-use lands for the country and these uses are limited to county border. The Western Slope must be maintained as a result. Colorado has more than 24.4 million acres of forestland and many of these forests include the headwaters of rivers that provide reliable, affordable water supplies which are foundational to the environment, economy, and quality of life in rural Colorado. In fact, rangeland and forest are the predominant land uses in the Colorado Basin (85%), with forested land present throughout many parts of the basin. A substantial portion of the basin is comprised of federally owned land, with livestock, grazing, recreation, and timber harvesting as the predominant uses on those lands. A Colorado Statewide Forest Resource Assessment identified 642 watersheds susceptible to damaging wildfire, and 371 forested watersheds with high to very high risk from post-fire erosion, many of these watersheds, encompassing about 9.4 million acres of spruce-fir, aspen and pine forests that contain critical infrastructure for municipal drinking water supplies., ALL of these forests reside west of the continental divide. The San Luis Valley has unique agriculture interests and should not be divided. This region should be kept whole and united with other communities of interest. All of these above needs are best accomplished through the map released with the preliminary plan in June. I ask the Commission to adopt a map that closely resembles that initial plan.

Residents of rural Colorado have unique interests and need representation in Congress whose constituency does not have divided priorities. Our voices deserve to be heard, undiluted by

inclusion in a district with suburban and urban residents. Whether agriculture or energy production, public lands, water, natural resources, or cooperative businesses, most of our issues and needs in Congress differ from those of our Front Range urban and suburban friends and fellow Coloradans. We all care about education and transportation, but no rural county has (or will have) light rail, and no urban county will understand the needs of a small ranch operation. We deserve representation in Congress that isn't forced to choose between our needs and the issues that matter to suburbia. The June preliminary plan contains the best map for rural America and will ensure that our voice is heard through two distinct rural districts. Furthermore, if Teller, Park, Chaffee and Fremont counties are no longer going to be in the Fifth Congressional District, then they should be in the Third Congressional District with other communities of interest not lumped in with Jefferson County and other suburban counties with which they have nothing in common." Thank you for your consideration and time.

Nancy Bacheldor

**Shelly Redder**

Commission: both

Zip: 81321

Submitted: September 16, 2021

Comment:

The Western Slope's vital relationship with water alone is enough to designate it as a community of interest bound by the shared responsibility of stewardship. However, the Western Slope also has commonalities regarding how the region uses water. The Western Slope's agricultural, industrial, and recreation economies rely on well-informed local representatives to protect the community's water at the state and federal levels. To split the Western Slope in any way would compromise the unity required to properly represent water interests in the region. There is also a clear divide between the Western Slope and front range communities, clearly designating western Colorado as a community with unique federal interests. Though many of our communities do not have the tax base of their front range counterparts, they still must provide the essential services of government: safe roads and bridges, law enforcement, public schools, and critical infrastructure with minimal resources. These challenges are not experienced by front range communities where virtually no federally owned lands exist. While federal lands are preserved for the benefit of all Americans, the day-to-day responsibilities of preservation fall upon those who live closest to those lands. These lands are managed for multiple uses – from livestock grazing to energy extraction to outdoor recreation. Over generations, communities on the Western Slope have worked with federal agencies to develop and demonstrate best practices for multi-use lands for the country and these uses are limited to county border. The Western Slope must be maintained as a result. Colorado has more than 24.4 million acres of forestland and many of these forests include the headwaters of rivers that provide reliable, affordable water supplies which are foundational to the environment, economy, and quality of life in rural Colorado. In fact, rangeland and forest are the predominant land uses in the Colorado Basin (85%), with forested land present throughout many parts of the basin. A substantial portion of the basin is comprised of federally owned land, with livestock, grazing, recreation, and timber harvesting as the predominant uses on those lands. A Colorado Statewide Forest Resource Assessment identified 642 watersheds susceptible to damaging wildfire, and 371 forested watersheds with high to very high risk from post-fire erosion, many of these watersheds, encompassing about 9.4 million acres of spruce-fir, aspen and pine forests that contain critical infrastructure for municipal drinking water supplies., ALL of these forests reside west of the continental divide. The San Luis Valley has unique agriculture interests and should not be divided. This region should be kept whole and united with other communities of interest. All of these above needs are best accomplished through the map released with the preliminary plan in June. I ask the Commission to adopt a map that closely resembles that initial plan.

Residents of rural Colorado have unique interests and need representation in Congress whose constituency does not have divided priorities. Our voices deserve to be heard, undiluted by inclusion in a district with suburban and urban residents. Whether agriculture or energy

production, public lands, water, natural resources, or cooperative businesses, most of our issues and needs in Congress differ from those of our Front Range urban and suburban friends and fellow Coloradans. We all care about education and transportation, but no rural county has (or will have) light rail, and no urban county will understand the needs of a small ranch operation. We deserve representation in Congress that isn't forced to choose between our needs and the issues that matter to suburbia. The June preliminary plan contains the best map for rural America and will ensure that our voice is heard through two distinct rural districts. Furthermore, if Teller, Park, Chaffee and Fremont counties are no longer going to be in the Fifth Congressional District, then they should be in the Third Congressional District with other communities of interest not lumped in with Jefferson County and other suburban counties with which they have nothing in common.

Unfortunately, the first Staff Plan map released on September 3rd ignores the needs of rural America by removing rural counties in the current Third Congressional District that include Moffat, Rio Blanco, Routt, Garfield, Jackson and Grand counties and lumping them in with Boulder and Larimer, two counties with which they have little to nothing in common. This drastic departure from the current Congressional Districts is a disservice to both the residents of the Second and Third Congressional Districts.

CD3, as drawn in the preliminary plan released in June, made great improvements that unified communities of interest and shared public policy concerns. Tourism, education, public health, education, transportation, water and other mutual issues of concern for our residents were well represented on that map. I was excited about the possibility of a district that ensured the people of the Third District were well represented and connected. Unfortunately, the first staff plan released September 3rd decimates the rural voice in northwest Colorado and disregards the critical communities of interest that make up the fabric of western Colorado. These recent changes to the map ensure that residents on the other side of the mountains and in Denver who share little in common with us are responsible for making decisions on behalf of rural Coloradans. Whether you are living in Craig, Durango, or Yuma - these changes to the map do not allow our voice to be heard or our interests to be fairly represented. The Rocky Mountains create a natural boundary between the eastern and western parts of the state. The Western Slope has unique infrastructure, outdoor recreation and tourism challenges that unify our counties and communities of interest. Our infrastructure is not mainly centered around growing populations as it is in the front range, but around the mountain passes, rivers, and lands that make up the Western Slope. The heavy snow and other similar weather patterns in the west also connect the similar kinds of needs for roads, which vary from the eastern and front range part of the state. The economy, with regard to tourism and outdoor recreation, of the western slope contains almost all of the ski areas and encompasses what people think of when they think of Colorado: hiking, mountain biking, hunting, camping, fishing, skiing and snowmobiling. It is because of these reasons that I support the preliminary plan for CD-03 released in June. Whether we are speaking regarding shared interests such as our energy grid on the Western Slope, or our values at home, rural Coloradans on the Western Slope cannot be fairly represented without the region being kept intact. Keep the West Slope whole.

The preliminary plan released on June 23rd is the fairest map that is consistent with the Congressional Constitutional language approved by voters. The Rocky Mountains provide the

obvious divider between the western slope and front range communities. However, once Colorado's water basins and federal lands are taken into consideration, the east-west configuration seems to be the only way to accurately represent Colorado's population across the state. The Western Slope is responsible for the roughly 80% of water that leaves Colorado; this means that those of us who live in the Western Slope are responsible for maintaining the water basins. Water is often a major issue and it is important that we have one Congressman who is able to represent ALL of the water on the Western Slope. Additionally, federal lands comprise more than 55% of the land in western Colorado, which is in stark contrast to the front range. This necessitates the need for a single Congressman, and points to the reality that the daily responsibilities of upkeep for our federal lands are taken on by locals all across the Western Slope; we must be united to tackle these tasks. Please keep the Western Slope intact.

As a long-term resident of western Colorado, I always wonder how redistricting will affect our part of the state. The map released with the June 23 preliminary plan respected our way of life and the geographical areas connected to that.

The Western Slope is united in many ways, the large amount of federal lands and tourism being some of the top ways. The front range communities steward different types of lands and engage in different kinds of economic activities than we do on the West Slope, both of which need accurate representation. The preliminary plan serves the West Slope best. I urge the Commission to adopt a map that mirrors that plan. The Western Slope is home to a majority of the state's forests and with the multitude of forest fires in the west slope over the last three decades, it is of utmost importance to keep the western portion of the state together so our representative can most effectively address this issue. Just over 55% of the western land in Colorado is federally-owned, so in order to get the management solutions we need for our forests on a federal level, we must keep the West Slope together.

Two rural districts currently make up a large portion of the state, representing various issues, industries and communities that require specific representation. The eastern plains and San Luis Valley are the home to many people that work in agriculture. We need to make sure the agriculture industry maintains a strong voice for these communities of interest at the federal level. Meanwhile, the Western slope is home to significant energy, tourism and public land communities. Ensuring two rural districts that include all communities of interest, as drawn in the map for the June preliminary plan, will ensure Colorado's urban and rural communities are best served by all of our Representatives.

The ski industry is one of the driving forces for tourism in Colorado and unites the western part of our state, as almost all ski resorts are west of the Continental Divide. It makes the most sense to keep all ski areas together in one district. Additionally, the mountainous area in the West that allows for such great skiing also creates unique challenges for infrastructure. While the front range can align infrastructure changes with growing populations, we in the West have to consider geography and weather in addition to population density. Keeping the Western Slope whole will put a Congressman in the best position to improve our infrastructure and best serve our ski communities.

Colorado generates over 95-million-acre feet of water annually, and about 10-million-acre feet leave the state through its borders. Of the 10-million-acre feet that leave Colorado, 81%, or 8.1-million-acre feet, exit through the Western Slope. This means that the Western Slope is responsible for stewarding a large portion of Colorado's water, which will be made far more difficult if the Western Slope is split up. Communities like Moffat, Rio Blanco and Garfield will be ignored by their Representative and not receive the attention they deserve, particularly when it comes to water, if they are lumped into the Second Congressional District and removed from the Third. Please keep the Western Slope whole so our water-related issues can best be addressed in Congress.

**Amy Jones**

Commission: congressional

Zip: 80121

Submitted: September 06, 2021

Comment:

Members of the Independent Congressional Redistricting Commission,

I am a graduate of Highlands Ranch High School and a multi-generational Coloradan whose maternal family tree stretches back into Douglas County in the 1870s. My grandmother was born on a ranch owned by my Great-Great Grandfather, George P. Stewart, who also owned the Castle Rock and gave it to the town that now bears its name.

When my ancestors arrived in Douglas County nearly 150 years ago, the seeds of its agricultural industry had already been planted. In 1871, the Curtis family established the Oaklands ranch, where they raised cattle and dairy products. It is now one of 8 “centennial ranches” in the area, meaning it has been owned and operated by the same family for more than 100 years. The Greenland Breeding Farm sprouted in the 1880s on what today is the Greenland Ranch (which is reportedly the longest continuously operating cattle ranch in Colorado and also serves as an open-space buffer along the Palmer Divide). The nearby Allis Ranch dates to the early 1900s.

The Elbert-Douglas County Livestock Association has been around since 1875, making it one of the oldest livestock associations in the country. This joint effort across county lines – going east to west, not north to south – works to foster common interests in agricultural business, land and resource stewardship, and education. This connection among adult ranchers mirrors the connection among teens in those counties. The Douglas County Future Farmers of America chapter is part of a district within Colorado. That FFA district includes Elbert and Lincoln Counties, among other rural communities such as those on the eastern edge of El Paso County.

The American poet and author, Maya Angelou, famously said, “When someone shows you who they are, believe them the first time.” You have heard much about where you should and shouldn’t put particular district lines, including from political officials who haven’t mentioned that they might – just might – have a partisan agenda at work.

With apologies to Ms. Angelou, I’d like to put a question to you: If a county shows you what is important to it under non-political circumstances, should you believe it the first time? Let me reduce this question to the situation and the challenge that you face. Should you believe the county when partisan political officials are making political statements for this decidedly political purpose of redistricting? Or should you believe what those same officials said when they were legislating and making policy for what they honestly believe to be the county’s best interests? The first is clearly motivated by political purposes; the second is entirely motivated by what they really believe when they are acting to improve the lives of their constituents.

So when a county tells you that a specific industry “has historically been, and continues to be, one of the key economic drivers” in that county, you should trust the public officials making that statement that it truly is an important industry.

[https://douglascountyco.iqm2.com/Citizens/Detail\\_LegiFile.aspx?ID=6724](https://douglascountyco.iqm2.com/Citizens/Detail_LegiFile.aspx?ID=6724)

Similarly, if in a separate piece of legislation, that same county highlights the fact that this same industry “contributes \$18.9 million to the County’s economy,” it seems you’d want to acknowledge that significant, quantifiable economic contribution in your decision making.

[https://douglascountyco.iqm2.com/Citizens/Detail\\_LegiFile.aspx?Frame=&MeetingID=2783&MediaPosition=&ID=6880&CssClass=](https://douglascountyco.iqm2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=2783&MediaPosition=&ID=6880&CssClass=)

Douglas County Commissioners made these two findings about one of its “key economic drivers” in resolutions passed in March and June of this year, copies of which are linked above. What is the industry that is so important to Douglas County, both in the past and in the present? According to the County itself, it was “agriculture” and “livestock production.” Why did the County make these findings? There have been certain policy initiatives in Colorado that threaten agriculture and livestock production, and the County wanted it on the record that this industry is critical to many of its residents and its overall economy.

Of course, plenty of political motivated actors ask you to ignore the county’s own statements of its policy priorities. You can’t do that. You can’t use political posturing as a substitute for clear, specific, and unqualified statements of how the county sets its priorities.

Do parts of Douglas County have an urban aspect to them? Sure. Many formally rural counties do. But if agriculture is a “key economic driver” in this part of the state, the county commissioners can’t deny – and you redistricting commissioners can’t deny – the importance of the industry to Douglas County. Or the fact that it shares federal policy concerns over agricultural product export policy, price supports for agricultural commodities, and regulation of the safe transport and sale to consumers of these products.

Believe the Douglas County Commissioners when they acted authentically and without any partisan agenda. Douglas County has policy interests in common with Elbert, Morgan, Lincoln, and Otero counties. The fact that the Douglas County Commissioners say one thing when they legislate and the opposite when trying to get you to act in accordance with their political party means that their map advocacy to you is all about protecting a political party, not standing up for a community of interest.

I would urge you to keep Douglas County in a rural-aligned congressional district so that the area benefits from a member of congress who understands the importance of preserving and growing the region’s remaining farming and ranching operations and continuing to respect that historic connection. Douglas County should be in a 4th Congressional District with the counties of the Eastern Plains, as it has been drawn in the first staff map released on Sept. 3.

Thank you,  
Amy Jones,  
Greenwood Village

## **Pilar Chapa**

Commission: congressional

Zip: 80220

Submitted: September 27, 2021

Comment:

Thanks for being here to discuss issues that are important to Colorado and specifically issues that are important to the Front Range of our state.

You probably think of Douglas County as the connecting point between Colorado Springs and the Denver metro area. That's one way to think about a county we've all driven through. As someone from this area of the state, let me suggest that there's another way to think of Douglas County.

Douglas County is a place where ranching and farming was commonplace. It's still significant. And it links us to counties to the east. On March 9 of this year, the Douglas County commissioners said, rightfully, that "cattle and livestock production has been and continues to be one of the key economic drivers in Douglas County." Why? They were clear about that, stating, "Cattle and other livestock are an extremely efficient means of converting dryland pasture grass to dietary proteins that are an important part of our citizens' diets." They further noted, "Douglas County Cattlemen and our ranching families are part of a \$4.2B state industry with a \$40B state impact and accounts for 10% of the state's total export sales." The commissioners acted out of "support for our cattlemen and other livestock producers." <http://ccionline.org/download/Douglas-FINAL-Resolution.pdf>

This interest was so important that the Douglas County commissioners passed a resolution that declared March 20, 2021 as Douglas County Cattlemen's Day and also called on state officials to give up a state-designated meatless day. It was the presence and the significance of the Douglas County ranching presence that gave them reason to call for this somewhat extraordinary step. Or as one of the commissioners said publicly, "We don't want government killing our agriculture and our cattle industry here." <https://parkerchronicle.net/stories/douglas-county-declares-march-20-cattlemans-day,373761>

If you don't believe me that this is substantively important, believe the Douglas County Republican Party. Just after the Commissioners passed this resolution, the Party issued a statement in support of this resolution that pointed to "the many past and current contributions of Douglas County Cattlemen and other Livestock Producers and supporting the local Ranching Industry." Not only that, the Party's stated, "our DougCo Commissioners recognize the value of our producers/Ag in this county." <https://dcgop.org/recognizing-douglas-county-cattlemen-and-ranching-industry/>

Let me tell you about the Douglas County Cattlemen and Douglas County ranching families that the commissioners and the Party referred to. They're part of a long-standing livestock organization, the Elbert-Douglas County Livestock Association. How long has this association been around? Since 1875, making it one of the oldest livestock associations in the country. This joint effort across county lines – going east to west, not north to south – works to foster common interests in agricultural business, land and resource stewardship, and education and community in Elbert and Douglas counties.

This connection among adult ranchers mirrors the connection among teens in those counties. The Douglas County Future Farmers of America chapter is part of a district within Colorado. That FFA district includes Elbert and Lincoln Counties, among other rural communities such as those on the eastern edge of El Paso County.

I'm asking you keep in mind the highways that matter to Douglas County. It's not just I-25. Think about State Highway 86 that links Castle Rock to Franktown, Elizaebeth, and Kiowa, and operates to provide connection to various county roads. It then merges into I-70, the primary route to Limon and all points east to the Kansas border. This basic connection speaks of a long-standing, still-standing agriculture industry that, according to Douglas County commissioners, is so very important to that county.

This grouping of Douglas County with the eastern plains made sense when the 4th Congressional District was arranged 10 years ago. It obviously still makes sense given the ties that exist and the concerns for a thoughtful congressperson who will support policies that support ranching when it is at issue in debates over federal policy.

I appreciate your time and attention, and I'll appreciate your congressional map's inclusion of Douglas County in the 4th Congressional District.

## **Meike Babel**

Commission: congressional

Zip: 80247

Submitted: September 27, 2021

Comment:

Thank you for your service on this commission. And thanks so very much for your commitment to hearing from Coloradans like me who would like to be heard with views you might not be aware of when performing this very important job.

Today, I'd like to discuss agribusiness and its role in the Colorado economy. The connection between agribusiness and our state's farmers and ranchers is real and seemingly self-evident. These combined interests need to be represented by a congressperson who looks at it as his or her focus, not an afterthought. Our agriculture advocacy organizations and businesses that contribute to ensuring and expanding our food supply are critical. If Coloradans across the state didn't realize this before the pandemic, they realized it soon after our food workers became front line workers and food supplies often ran low.

Did you know that there are two national cattle trade associations located here in Colorado? The American Aberdeen Association was formed to provide for the registration and preservation of the purity of the Aberdeen breed by maintaining Aberdeen pedigrees, DNA records and performance data. And the American Salers Association is the official breed registry for Salers and Optimizer cattle in the United States. Groups like these advocate for the livestock industry and ensure that the cattle industry can ensure the quality of the cattle that are offered to consumers in the U.S. and abroad.

In addition, Colorado is home to the country's largest provider of third party verification of food production practices. Where Food Comes From, Inc. is that company. It has divisions that focus on the entire food industry including: livestock certifications that ensure buyers that beef, pork, poultry, lambs, dairy and feed producers meet, among others, the source and age specified product requirements imposed by laws in the U.S. and across the world; verifying gluten-free and non-GMO agricultural production; and certifying sustainable and organic food production. Where Food Comes From services more than 15,000 agricultural producers, retailers, distributors, consumer brands and restaurants. And it's right here in Colorado.

Also, we are on the cutting edge of food production in so many ways. Our farmers and ranchers are innovative, adapting to changed markets and conditions. But there's another Colorado company, Farm Box Foods, that re-purposes shipping containers into 320 sq ft. farms that grow the equivalent of 2-3 acres of produce farmed the conventional way but use only 5 gallons of water per day. A portable "farm" like that can grow over 100 different varieties of nutrient rich produce year-round, almost anyplace. Not only does it expand our food supply, it's ecologically sensible.

Do you know what all these trade associations and private businesses have in common? They're among the many agribusinesses that are located in Douglas County – Castle Rock, Parker, and Sedalia, to be specific. They are critically tied to the agricultural mission of the other agriculture-oriented counties in the 4th Congressional District. They share the same federal concerns about export policies, tariffs on foodstuffs, and USDA food grading policies. They should be represented by the same congressperson which is why I'm asking you to correct your staff's preliminary plan and put Douglas County, not just a part of it, in the congressional district with the eastern plains. All of those counties share an agricultural mission, maybe one of the most important you'll consider.

Thank you!

## **Jim and Jill Duvall**

Commission: congressional

Zip: 80107

Submitted: August 24, 2021

Comment:

We would like to add some additional comments to our previous submittal regarding the current ongoing Congressional redistricting process. During the recent Highlands Ranch hearing, some commentators suggested that Douglas County had no similarities to the Eastern Plains. However, we have some issues with that viewpoint:

- 1) A large portion of Douglas County is still agricultural, as is a large portion of Elbert County. Development in both counties is centered around existing towns, Highlands Ranch, Lone Tree, Castle Rock and Parker in Douglas County; Elizabeth, Kiowa, Elbert and Simla in Elbert County. Other areas both counties remain agricultural, primarily livestock, grazing and hay production.
- 2) Both counties are “exurbs” and not suburbs of the metro area and culturally, they are more similar to the Eastern Plains than the Denver metro area. For example, both county commissions have established Second Amendment sanctuary status and have scoffed at, and actively opposed, mask mandates. These actions by the county commissions are more similar to actions taken by the vast majority of governing bodies on the Eastern Plains than they are similar to actions taken by Denver area governing bodies. This ties the political and cultural interests of Douglas County to the Eastern Plains rather than to the Denver metro area.
- 3) Wind energy is one of the chief sources of energy for the future. The largest wind farm in the State of Colorado has already been built and is on line in Elbert, Lincoln, Cheyenne and Kit Carson counties. A large portion of southeast Douglas County has similar topography and wind patterns to these four counties, suggesting that future development of wind energy is feasible in large areas of Douglas County. This also makes Douglas County dissimilar to the metro area where there is no ability to build large wind farms.

In summary, Douglas County is much more similar to the Eastern Plains ideologically, culturally and geographically and therefore should be included in a Congressional District with Elbert County when considering communities of interest.

**Teresa Wadleigh**

Commission: congressional

Zip: 81050

Submitted: September 20, 2021

Comment:

I grew up in Crowley County and have lived all of my adult life in Otero County. Otero and Crowley are part of the six-county Southeast Colorado Region, with Otero being the largest county. It is not fair to separate the most populous county in the Region from the other counties. The Western Slope economy and interests are based primarily on tourism, recreation, hunting, fishing, and natural resources.

Otero and Crowley's economies, like the other counties of Eastern Colorado, are almost entirely agricultural (cattle feed yards, livestock auctions, farming of alfalfa, corn, wheat, other grains, and vegetables). Agriculture policies are a major concern for the Eastern Plains.

The climate and terrain of the Western Slope (wet and rugged) and the Eastern Plains (dry and flat) are very different. Water policies are extremely important to the Eastern Plains. Otero and Crowley are very much part of the Eastern Plains, and have almost nothing in common with the Western Slope. Routt County belongs with the Western Slope; Otero and Crowley belong with our neighbors on the Eastern Plains.

**Luke Palmisano**

Commission: congressional

Zip: 80012

Submitted: September 28, 2021

Comment:

The Aurora City Council generally supports the Third Staff Plan Map that combines the developed parts of Adams and Arapahoe Counties in the revised District 6. Critical utilities, services, geography, and transportation infrastructure connect Aurora to adjacent towns and cities. The incorporated Aurora city limits include a portion of Douglas County. The Mayor and Council passed Resolution R2021-25 that identifies the need to keep the City of Aurora in one Congressional District for the purpose of serving the population of the state's third largest city. This resolution is attached for reference.

The City of Aurora

**Linda Servey**

Commission: congressional

Zip: 80012

Submitted: June 13, 2021

Comment:

Dear Commissioners: First of all, thank you for doing this very important job. I hope you will take my comments and suggestions into account when deciding on district lines.

My name is Linda Servey. I have lived in Aurora for many years and seen the city grow and develop its own identity. We are a diverse city with many rich traditions. The people in our city respect each other and cooperate on projects for the common good. Leadership within our city and the former congressman in CD6 often favored more affluent neighborhoods and tried to pit one group over another in the past. We have had controversy over criminal justice, housing, and labor rights to name just a few issues. The residents did not cause these problems. Policy on these issues should reflect what the people want and need, not outside money and special interests groups.

We can have a district that encourages unity and meeting the needs of residents or we can have division caused by combining different cities like Aurora and Parker. I sincerely hope the commission will recognize that these two cities have different priorities. For example, a much older infrastructure in Aurora will need more federal assistance to repair and improve streets, water and waste water management, public transit, etc. Aurora's poverty rate is over 10%. Parker is a town whose growth is spread out over a large area of previously undeveloped land. Many settled there in recent years preferring to have a majority white (87%), upper middle class existence. Their infrastructure is newer, their poverty rate is closer to 3%.

Please do not combine Aurora and Parker in the same district. Although the current CD6 has several pockets of affluent neighborhoods, our infrastructure like light rail with park and ride, the interstate highways, county services, hospitals and schools serve common areas. Parker is outside those service areas.

Again, thank you for taking on this task. I hope you will consider my opinions as the lines are being drawn.

Linda Servey

**Jeffery Moser**

Commission: congressional

Zip: 80014

Submitted: June 13, 2021

Comment:

I want to take this opportunity to express to the Colorado Independent Redistricting Commission my concerns for Arapahoe County in the map of our state's eight congressional districts. As a resident of the City of Aurora and Arapahoe County for the past 23 years, I am writing to ask that the Commission keep Arapahoe County in one congressional district.

Having cohesiveness in Arapahoe County's congressional district is most critical to public health, infrastructure, education, and the courts. By keeping Arapahoe intact and in one congressional district, our U.S. Representative can appropriately advocate for our county's public policy and program needs in Washington.

As of June 8, 2021, Arapahoe County had 453,259 voters, representing 197,423 unaffiliated voters, 145,903 Democratic voters, 101,997 Republican voters, and 7,936 voters registered in minor parties. This virtually mirrors the party breakdown of voters statewide. Maintaining that same party apportionment will serve Arapahoe County well by keeping the county in one district.

Thank you, Commission Members, for considering my concerns and for your service and commitment to holistic and fair redistricting.

**Louise Peterson**

Commission: congressional

Zip: 80820

Submitted: September 10, 2021

Comment:

I've been a resident of Park County for 25 years, I am an artist and raise dairy goats. I love the first staff map, thank you for all your work and listening to public comments. Chaffee, Park and Jefferson county communities are connected by US-285. We travel this road for shopping, healthcare, construction supplies and more. Tourists travel from the front range on US-285 to our counties and to reach areas in Lake, Summit, Gunnison, the San Luis Valley and New Mexico and beyond. It is a major artery for the transport of goods. When I-70 is blocked due to weather, mudslides, or snow, US-285 is a preferred detour for traffic. Counties along these federal routes are connected in this interest with Clear Creek and Gilpin and Summit counties. This new map unites the communities along US-285 from Denver to Poncha Pass at the upper end of the San Luis Valley. In particular, it makes Park County whole again and represented by a single representative. Thank you!

**Mitchell DelDuca**

Commission: congressional

Zip: 81212

Submitted: September 16, 2021

Comment:

I live in Fremont County and you have grouped us into a district that includes areas up by Denver.

My area is a rural area of the State that does not have the same issues as areas near Denver. I live in a community that has no ties to the I-70 corridor, no ties to Cities like Golden, or Lakewood. These are not rural communities that rely on tourists to survive or have to fight for tax dollars to get our roads fixed. With this plan, it would be possible to have 4 people live in the Denver area and represent our State. That keeps the interest of State focused on Denver and the areas up North. I know that numbers have to be as equal as possible and lines have to be drawn, but our community is closer to places like Springs or Pueblo, than a community like Golden. Please keep the little people in mind when you consider these maps.

## **Joseph Smith**

Commission: congressional

Zip: 81212

Submitted: September 16, 2021

Comment:

It has come to my attention that the redistricting proposal in June which kept the rural and urban counties in separate congressional districts has been changed to combine the rural counties of Chaffe, Custer, Fremont, Park and Teller with urban Jefferson County. The needs of rural communities and urban communities differ from one another. For example, rural communities have needs centered around ranching and agriculture which an urban community would not understand. Conversely, urban communities have issues regarding urban transportation and infrastructure that do not concern rural communities. To that end, these differing communities should not be placed in the same district whose lone Congressional representative will most likely favor the needs of constituents residing in the more-populated urban communities, since the number of votes in urban communities far outnumber those in rural communities.

The September redistricting map that places Fremont County and other rural counties in Congressional District 7 with urban Jefferson County serves as an injustice to rural county residents. Instead, the June preliminary districting map is the best proposal which meets the differing needs of both rural and urban counties since each district will have its own Congressional representative. At the very least Custer, Chaffe, Fremont, Park and Teller Counties should be placed in one or separate RURAL districts alongside other rural communities with constituents sharing similar needs and interests.

You are urged to incorporate the June preliminary district map and disregard the September map, or any similar district-realignment proposal that places rural counties in urban districts.

As a resident in rural Colorado, I expect my district representative to have an ear trained toward hearing my voice and the voices of my neighbors without distraction from those who reside in urban communities.

**Leon and Gloria Odendahl**

Commission: both

Zip: 80816

Submitted: September 16, 2021

Comment:

As long time residents of 40+ years in Colorado and currently residents of Florissant in Teller County, we have more personal, public,, community and industrial interests with the Western slope and the Southern region of Colorado than the rest of the state. Our county share communities of interests for commerce with Fremont and El Paso counties. Our federal public lands, lands use, ranching, mining and the extraction industries connects us more with the counties of the Western slope and Southern region. The Palmer Divide geographically separates Teller County into the rural mountainous Southern region from the northern populous one. Our counties wildlife management also shares more communities of interest with the Western slopes and Southern mountainous regions. Highway 24 connects us to multiple Western-slope counties with similar interests, communities and landscapes. Teller County is a southern Colorado county that is also a mountainous rural county. The Denver metro area, under the current map, has undue influences on Congressional elections if it is left to stand.

The Preliminary map released June 23,2021 is the more realistic and appropriate redistricting map for our county in our determination and desires.

Respectfully;  
Leon and Gloria Odendahl

**Elizabet Garcia**

Commission: congressional

Zip: 80610

Submitted: September 02, 2021

Comment:

Redistricting- Elizabet Garcia Hernandez

My name is Elizabet Garcia Hernandez. I was born and raised here in Greeley, Colorado. My family has grown up and lived in Greeley for as long as I can remember. My siblings and I attended school district 6. I graduated from Northridge High school in 2016. Redistricting is something that will affect my community greatly, and one of the main reasons I am here today. The maps that are currently drawn do not reflect my community. With the continual growth that Greeley has experienced in the last couple years it seems fit that Greeley be placed in the new 8th congressional district. We unite the populations of Weld, Adams and North Denver to ensure a genuine district in our state.. The battle in making sure that these maps represent our community and making sure that we are able to have the proper representation for said district. It was brought up what communities of interest represent in Greeley as many have mentioned this means Employee rights, employments, trade, school and education, public health, agriculture and COVID. It's important that federal action is taken on these issues and it's critical having a federal representative who can fight to help the latino community here. The only way I can see that happening is by making sure that the 8th congressional district hold Greeley in it. Parts of Greeley have a population with very different interests than those in the 4th congressional district and have little in common as it relates to federal legislation with the people of Pueblo and southern Colorado. As were talking about this proposed congressional 8th district, it would be beneficial to include Commerce City. Under the current map, Commerce City is divided into Congressional District 4 and Congressional District 8. The Commission should keep Commerce City whole in the 8th.

Just like Greeley, this is a district that would relate to each other greatly. Commerce City is a diverse, urban growing City that should be with Thornton and Unincorporated Adams County (Welby/Berkeley). Splitting Commerce City makes it harder for to advocate to our federal representatives as one voice on railroads, transportation and environmental protection. The Oil and Gas corridor along I25 north of Denver between Adams and Weld creates a unique set of circumstances around energy production, air pollution, and a variety of federally regulated trades and environmental impacts. Commerce City is also the home of major oil and gas operations both in terms of hydraulic fracturing and the Suncor refinery making these ideal cities to host in Congressional district 8. The maps that have been submitted so far do not reflect any of these changes. I think it's time to make sure that our communities of interest be kept into consideration when re drawing these maps

**Cristobal Garcia**

Commission: congressional

Zip: 80620

Submitted: September 27, 2021

Comment:

Congressional Commissioners --

My name is Cristobal Garcia and I am a resident of Evans, Colorado, and work full time in Greeley, Colorado. I am aware of the idea of creating Colorado's new 8th Congressional district by connecting the rapidly growing communities in Adams County and Southwest Boulder county.

I fully support this idea because of the various communities of interest that bind southwest Weld County and Adams County together, specifically maps that place Evans and Greeley into the same district as places such as Thornton, Commerce City, and even Longmont.

While Greeley is the County seat of Weld County, the reality is that our rapidly growing and diversifying population has more in common with suburban Denver communities than agricultural communities such as Sterling or Lamar. Additionally, as it relates to the Latino community, it is clear that access to critical federal resources such as access to quality education, COVID - 19 vaccines and small business recovery resources (to name a few), and the impact of federal legislation such as immigration reform, transportation, and environmental regulations affect Latinos in Evans and Greeley in a similar manner to Latinos in Adams County. We share critical issues that pertain to public policy concerns with our neighbors in Adams County that speaks to the need for joint representation.

I've personally worked with Latinos in East Greeley, on the North side, and in Evans to make sure that our children have access to sidewalks, streetlights, and safe parks. I've walked with fellow members of the Latino community in support of local mill levy overrides and support structures for our schools and our students - Which make up nearly 70% of the local school-aged population. I've supported efforts in connecting Latino-owned businesses to local economic health offices, the East Colorado SBDC, and the Colorado Minority Business Office. And most recently, we've even raised our voices in favor of sales-tax increases to support roads and infrastructure in Evans.

I have also been spearheading bilingual efforts to ensure Latinos in Evans and Greeley know about the COVID-19 vaccine and how to access it, and I know from first hand experience that it has taken similar community driven efforts by Latinos in places like Commerce City, Thornton, and Longmont to do the same - inform our community about the federal, state, and local resources to combat this virus that has disproportionately impacted our community.

We deserve representation that will help address these challenges and barriers for our community, which is why I strongly support the idea to place Evans and Greeley in the 8th Congressional District with similar communities such as Thornton, Commerce City, and Longmont. Upon reviewing maps on the website, I truly believe that Staff Plan 3 Tafoya Amendment 2 map successfully accomplishes this.

Thanks,

Cristobal Garcia

**William Watkins Jr.**

Commission: congressional

Zip: 80504

Submitted: September 16, 2021

Comment:

I support the formation of the 8th district as outlined by the September 15th submission by the commission staff. The grouping of the growth areas in southern Weld, with Thornton will align with the interests of the people in this region far more effectively than the current map (2010).

- 1) We all have common water issues in this district as land use shifts from farming to suburban residential.
- 2) We all have common issues with oil and gas development in this basin, (perhaps not the same plans), and are more likely to be able to work with a common congressional representative if and when any consensus is worked out on future development.
- 3) Air pollution issues in this district are likely to require a united effort over this district very soon as the requirements to reduce ozone and particulate (smoke) pollution will require a district wide effort. Having a common representative to congress could significantly reduce the complexity of negotiating with the EPA and the courts on these issues.

Thanks for your consideration.

William Watkins Frederick, CO

**Ernestine Garcia**

Commission: congressional

Zip: 80229

Submitted: September 23, 2021

Comment:

Colorado Independent Redistricting Commission

Public Comments

September 22, 2021

Dear Congressional Commission Members and Staff,

My name is Dr. Ernestine Garcia. I've lived in Thornton for over 20 years and lived and worked in Commerce City for over 20 years.

My community of interest is the Latino Community. As you prepare the third staff congressional map, do not dilute the Latino voice and representation by separating Greeley from Adams County in the 8th congressional district.

Thank you for ensuring fair and effective representation of the Latino Community by keeping Latino communities in Adams and Weld counties together thus far. Keep Greeley in the 8th congressional district because we are a Latino community of interest and have shared federal policy priorities in education, environmental protection, workers rights, healthcare, and immigration.

Keep the Latino communities together in the 8th congressional district by including Brighton which is 43% Latino, Thornton is 36%, Commerce City is 49% and going north and including communities like Greeley which is 40% Latino. By keeping our communities together, you give us a stronger voice.

As a retired Commerce City elementary school principal I know these areas have a shared interest in education. Our community needs a federal representative who can ensure we have equitable funding including Title1, Title 3 for English Language Learners, Head Start, and higher education resources for Hispanic serving institutions. The successful education of our students is a core value for the Latino community.

When drawing the lines for the third staff congressional map, please prioritize Latino representation by protecting minority voices and Latino communities of interest. It is your obligation and duty to uplift the Latino voice and keep the Latino communities together.

Thank you for your consideration and service,

Dr. Ernestine Garcia

**Steve Villarreal**

Commission: congressional

Zip: 80620

Submitted: June 18, 2021

Comment:

To the Redistricting Commission of Colorado:

Ladies and Gentlemen:

I urge you to drive to Greeley. Take a look at way that whole corridor has exploded in two ways. First, that whole stretch is a series of suburbs, some for Denver and some for Greeley. But the expansion of residential development into what used to be farmland is just amazing. You can't call those portions of Adams and Weld rural any more. They're growing into a stretch of growing cities that have nothing to do with the rural lands east of there.

Second, that area has become the most intensive place in Colorado for oil and gas development. Don't believe me? Well, you can believe another state commission – the Oil and Gas Commission. Just look at its map of permitted oil and gas wells in the state: [https://cogccmap.state.co.us/cogcc\\_gis\\_online/](https://cogccmap.state.co.us/cogcc_gis_online/) (You'll need to check the "Pending Well" and "Approved Well" boxes.)

There are other areas in the state that have oil and gas development – there'd have to be since oil fields are often far-ranging. But there is no area in the state where the permitting is so intense. This industry and the affected neighborhoods may be at odds over certain issues. But that's exactly why they could use a congressman or congresswoman who would commit themselves to being a bridge for discussion and solution.

If you want to see how to draw this district, and I think you should, you can use the map that's included in this article: [https://www.coloradopolitics.com/colorado-in-dc/hispanic-business-group-calls-for-new-congressional-district-north-of-denver/article\\_b7f5a43c-c960-11eb-9701-430145d1eb54.html](https://www.coloradopolitics.com/colorado-in-dc/hispanic-business-group-calls-for-new-congressional-district-north-of-denver/article_b7f5a43c-c960-11eb-9701-430145d1eb54.html) I think you should seriously consider using this map.

Sincerely,

Steve Villarreal

Resident of Greeley

President of the SVVEA

**Tannis Bator**

Commission: congressional

Zip: 80631

Submitted: June 14, 2021

Comment:

As a resident of Greeley, I agree with the Hispanic Chamber of Commerce that an 8th Congressional District should be formed north and northeast of Denver, encompassing Niwot, Erie, Longmont and Greeley. The interests of the Hispanic community have long been ignored in the 4th Congressional District. In Greeley, as of 2018, 1/3 of the population was white (Hispanic) with other persons of color increasing that percentage to almost 40%. These communities need to have representation, and Greeley has more in common with Longmont, Niwot, and Adams County than it does with eastern Colorado.

I was a public school teacher in the Weld County District 6 school system for many years and, as a Title 1 reading teacher, was privileged to teach in several of the schools that would be classified as lower socioeconomic areas. The parents were interested in healthy, safe, and strong communities and schools.

JBS and gas and oil have dominated the landscape for too long. There needs to be a commitment to creating an environment where safe and sustainable jobs are the norm, and where community stability and housing are a priority. Creating the 8th Congressional District in this location would go a long way to achieving these goals by electing a representative who listened to the people and represented their interests.

**Nancy Madrigal**

Commission: congressional

Zip: 80631

Submitted: June 11, 2021

Comment:

Dear Commissioners,

As you are determining the new congressional district maps for Colorado, I think it is critical that you seriously consider the growth of my Latino community in Greeley. The issues we face are commonly felt among other Latino families like mine – how to find affordable housing, safe care for our children so we can work, strong educational support in our schools so our children can succeed and reliable transportation to get to our jobs and homes.

Connecting Greeley with other communities in our area with similar growing Latino populations, such as Longmont, Northglenn, Brighton, and Commerce City, would help to create a district where a member of Congress could best advocate for federal funding and policies to improve the lives of families like mine. Immigration is another significant issue that we share in the Latino community, and we need a voice at the Federal level who can have substantial relationships and expertise with the agencies and policy areas that overlap and affect immigration issues.

I hope you will seriously consider creating a new 8th district that gives my community in Greeley a strong voice.

Thank you,

Nancy Madrigal

## **Barbara Whinery**

Commission: congressional

Zip: 80634

Submitted: June 12, 2021

Comment:

Thank you very much to the Colorado Congressional Commission and staff for including public comments as part of the decision making process when drawing new lines for the Colorado Congressional Districts. I would like to comment on my “community of interest” and how much it has changed in the last 10 years and its implications for drawing a new congressional district.

As a resident of Greeley-Weld County for 31 years (1989-present), I have witnessed many changes in my community and northern Colorado. Actually, I attended the Colorado State University from 1965-69, so I have seen dramatic changes throughout the northern I-25 corridor since that time, too. I live on the west side of Greeley and when I moved to Greeley the population was 60,000 (1989) and now it is over 100,000 (2021) and race and ethnicity has changed from 20% to 40% of the population. It has changed from a large rural town to a busy city. Greeley is growing out to meet the smaller surrounding communities and at the same time they have grown to meet our boundaries. The spaces between Ft. Collins, Loveland, Johnstown and Windsor are rapidly disappearing. As a matter of fact, Fredrick, Firestone, Johnstown and Windsor are the fastest growing communities in the state.

Because of this rapid growth, the communities that surround the northern corridor need to be considered as a ‘community of interest’ especially when it comes to policy concerns. For example we share an infrastructure that include roads, water, public transportation and share emergency services. In the past 10 years there has been an on-going discussion about putting in a light rail system between Loveland, Ft. Collins and Loveland. Also, there is now a discussion on how a direct route to Denver International Airport could be constructed using Hwy 14 and Hwy 49 to serve this area. There are common environmental concerns that include the quality of air, water and water supply. We share a prominent healthcare network with Banner and UC Health. Two state universities and two community colleges serve the area. Residents commute regularly between all the communities to access fitness and recreational centers, sporting and entertainment events (The Ranch), and to work for or access a variety of business and services. Each community is experiencing changing demographics, too. Geographically we are similar and all are within a 20 -25 minute drive of each other. As you can see, what used to be a series of small rural towns are now becoming a large complex metropolitan area and community.

Because of these dramatic changes in the northern Colorado I-25 corridor, a different type of congressional district needs to be created. Please see the attached proposed new Congressional District (light blue) to be created along the northern I-25 corridor to represent this new ‘Community of Interest’ (This map was drawn using 2019 ACS 5-year estimates, that will show

unbalanced in DistrictR, that sill has 2010 census data.). Although the demographics of this area are not shown I feel that it would also be a very competitive district. Thank you in advance for your consideration of this proposal.

If you have any questions, please don't hesitate to contact me.

**Isabel Cruz**

Commission: congressional

Zip: 80214

Submitted: July 20, 2021

Comment:

Thank you for your work on creating new maps for a changing Colorado and for your consideration of my comments. As a resident of Lakewood, the preliminary congressional map published by the commission greatly concerns me. Although county lines are not always the best predictors of communities of interest across the state, Jefferson County is indeed a community of cities that are very interconnected and share resources. From affordable housing to sustainability to transportation, residents of the west side of the Denver metro area have similar policy interests and concerns related to our location between Denver and the mountains and how impacts of the rising cost of living and population growth manifest in our neighborhoods. Lakewood is certainly more interconnected with Arvada than Highlands Ranch, Centennial, and other Douglas County cities currently included in the preliminary map of CD7. Keeping suburban Jeffco together is integral to preserving our community of interest. Rather than grouping us with Douglas County and more southern localities that extend almost to Colorado Springs--who are far away in both geography and political priorities--please consider grouping us with areas with whom we have more in common, such as cities in western Arapahoe County.

In addition to the community of interest in Jeffco established by shared priorities and resources, Lakewood also has a substantial and growing population of BIPOC and Latinx residents who could be negatively impacted by the current proposal. The population of Lakewood has been growing and becoming more diverse as the metro area continues to grow and BIPOC Coloradans, particularly Latinx families like mine, are priced out of urban areas. Lakewood is currently over 20% Latinx and this is projected to grow over time. Douglas County, on the other hand, is only 9% Latinx and has not been experiencing the same trends of diversification. Grouping Lakewood with more closely situated neighbors would also prevent as large a dilution of the growing Latinx electorate in Jeffco as would happen if the preliminary proposal moved forward, since cities like Littleton, Englewood, Thornton and others have larger Latinx populations than Castle Rock, Highlands Ranch, and others in the current CD 7 proposal.

I hope you will consider making significant changes to the preliminary proposal that will better preserve communities of interest and prevent the disenfranchisement of Latinx voters.

## **Melanie Knaus**

Commission: congressional

Zip: 80226

Submitted: August 20, 2021

Comment:

Hi my name is Melanie Knaus, I'm a resident of Lakewood and mother of two school kids in Jefferson County. Thank you for your service to our state and I'm sorry I couldn't make the Lakewood hearing. My comments today are about the congressional districts and specifically the difference between Douglas County and the metro area. I think you all will have to decide what is more important, but it seems to me the political leaders in Douglas, work to frustrate metro area solutions supported in Arapahoe and Jefferson Counties.

Douglas County has opposite priorities as it relates to major Federal issues. Whether it's COVID-19, gun safety, or transportation, putting Douglas County with Jefferson or Arapahoe Counties would make it virtually impossible to give each of these communities the representation they deserve.

An example on COVID - just recently, Jefferson County and schools enacted mask mandates and the Tri-County Health Department recommended them. Douglas refused.

When it comes to gun safety, Douglas County passed a resolution that resolved, "that the Board strongly urges the United States Congress and the Colorado General Assembly to refrain from enacting new legislation that would infringe on the rights that are protected by the Second Amendment...". The same year, Jefferson County passed a resolution limiting open-carry.

Another focus for me today is transportation. It's a great example of how different the actions are of Douglas County and what they really think of their connection to our area. Most of Douglas County isn't in the RTD district and isn't a part of the metro transit system. In fact, Parker just recently tried to leave the RTD district and Castle Rock specifically voted to not join the RTD district. When the State Senate debated setting up a front range rail district, a bill sponsored by a Jefferson County legislator, State Senator Chris Holbert from Douglas County stated "This bill isn't about trains, this bill's about taxes. That's what this bill proposes to do - establish a new taxing district." They view an

additional rail project as a tax burden not a connection to the metro area or Colorado and instead align with rural areas of the state like on the eastern plains.

On issues like transportation, the different priorities between Douglas County and Jefferson+Arapahoe Counties are too opposing to share representation. Please do not put Douglas County with these metro counties. Thank you for your time and consideration.

**Rob Strain**

Commission: both

Zip: 80031

Submitted: September 09, 2021

Comment:

My name is Rob Strain and I am pleased to address the Congressional Redistricting Commission. Thank you for your service to our state. I currently live in Westminster and spent more than 35 years in the aerospace industry including as the President of Ball Aerospace. I would like to focus my remarks on the aerospace community but in particular the community of interest tying my home area of Westminster with Broomfield and Jefferson Counties. Specifically, I'm asking you to consider keeping Westminster whole and in the 7th Congressional District with Jefferson and Broomfield Counties.

Colorado is the second largest aerospace economy in the country and in particular the 7th Congressional District is home to a large number of aerospace companies of all sizes who provide thousands of jobs to our communities. Many of these companies are located in Broomfield, Westminster, Arvada, Lakewood and Golden. Our industry has built strong partnerships with Colorado School of Mines in Golden and Red Rocks Community College in Arvada+Lakewood. Several aerospace companies in this area collaborate on important National missions of importance. In addition, many smaller companies important to the supply chain work in the community. The aerospace industry is critical to our needs in addressing climate change and severe weather forecasting, defense and communication services. To be clear, decisions made in Congress directly affect our industry both in funding and public policy which is why it's critical to keep these communities together and in the 7th District. Being able to speak with one voice to our federal representatives is absolutely critical for our local economies and partnerships with local higher education institutions. Please keep Westminster in a congressional district with Jefferson and Broomfield Counties so our aerospace community of interest is kept whole. Thank you for taking the time to consider my comments.

Rob Strain  
3860 W 105th Drive  
Westminster, Colorado

**Chris McCormick**

Commission: congressional

Zip: 80401

Submitted: June 11, 2021

Comment:

Dear Commissioners, My name is Chris McCormick and I have been living in Golden Colorado for 21 years.

As an Aerospace Entrepreneur, I have worked on dozens of spacecraft missions in Colorado, with most of them in Jefferson County. As I write this, I am in Cape Canaveral installing our GNOMES-2 spacecraft on a SpaceX F9 launch vehicle. This spacecraft was built in Golden and will be used by NOAA, USAF and commercial weather forecasting. Thank you for the opportunity to provide this written testimony.

The 7th CD is currently home to a strong aerospace community providing thousands of jobs to our communities and contributing to our healthy economy. It is also critical to our needs in addressing climate change and severe weather forecasting. Decisions made in congress directly affect our community both in funding and public policy which is why it's critical to keep Lakewood, Golden, Arvada and Westminster in the 7th CD. The addition of Broomfield as introduced by the Hispanic Chamber in the Great 8 map would make the aerospace community of interest even stronger.

Thank you for your time and consideration.

Chris McCormick, Golden

## **James C Pribyl**

Commission: congressional

Zip: 80443

Submitted: September 10, 2021

Comment:

Commissioners and staff, We are Louisville residents who have had a second home in Frisco for more than 15 years. (Rented for 7 and have owned for 8). Now retired we spend considerably more time in Summit County, obviously traversing the I-70 corridor and enjoying the amazing outdoor recreation and ski mountain opportunities. Additionally we have a daughter and granddaughter who live in Frisco fulltime, thus we are very embedded in the community.

Our message is simple: UNITE SUMMIT COUNTY WITH I-70 CORRIDOR IN CD 7. REASONS: I-70 CORRIDOR COUNTIES BEGINNING WITH GATEWAY COUNTY-- JEFFERSON COUNTY, GILPIN, CLEAR CREEK AND SUMMIT ARE THE BACKBONE OF COLORADO'S SKI COUNTRY AND YEAR AROUND OUTDOOR RECREATION ECONOMY.

A united I-70 congressional district including Jefferson, Gilpin, Clear Creek, Summit-- and even some or all of Eagle County with Vail and Beaver Creek provides a common community bond of interest in mountain tourism economy, transportation, healthcare delivery, commerce, education, water and wastewater management, and public lands management. See below.

Summit County should be kept whole

The county is home to several major ski areas, and other recreation aside from winter sports. In the summer, fishing, hiking, biking and shopping connects this county.

In addition to Summit School District, major countywide organizations include Summit County Library, The Summit Foundation, Summit County Community Care Clinic, Summit County Preschool, Summit County Rescue Group, Summit Habitat for Humanity, and much more. Summit County should be in 7th CD based on several federal policy factors.

Transportation

Jefferson County is the gateway to the Rockies primary corridor getting to and from Summit County from the metro area and Denver International Airport.

## Tourism

Tourism area home to several major ski areas and outdoor recreation/public lands managed by the Federal Government as well as Red Rocks Amphitheatre.

## Commerce/Economy

Trucks coming from Denver utilize this corridor to bring critical needs to Summit County. Jefferson County is a major stopping point for truck drivers and tourists as they visit or come home.

## COVID-19

Has had a major impact on mountain communities like Summit County who have enacted restrictions more in common with Jefferson County than western slope to combat pandemic

## Health Care

Closest level 1 trauma center is in Jefferson County at St. Anthony's Hospital with frequent FAA regulated flight for life helicopter flights between Summit and Jefferson Counties.

## Climate

Summit and Jefferson Counties have very similar climate action plans. Jefferson County looked to Summit County's plan as inspiration. Both counties are serviced by Xcel Energy and work with Xcel on clean energy plans sharing the same transmission lines. I-70 corridor to get to Summit County through Jefferson County will be a major electric vehicle charging corridor.

## Cannabis

Summit County shares more in common with Jefferson County with a significant cannabis industry advocating on major federal policy concerns.

**Eric Mamula**

Commission: congressional

Zip: 80424

Submitted: September 23, 2021

Comment:

Redistributing Commission, thank you for undertaking this difficult, but necessary task. Summit County has unique, and critical ties to the Front Range.

Our reliance on the I-70 corridor and our need to stay connected with our federal community of interest make it imperative that we be placed in with the Front Range communities. Placing Summit County with the counties of the southwest in order to created political competition does not serve the needs of our citizens. Please disregard the CLLARO map, and place Summit with it's our federal community of interest. Thank you.

Eric Mamula, Mayor of Breckenridge.

**Erin Gigliello**

Commission: congressional

Zip: 80424

Submitted: August 31, 2021

Comment:

To the Congressional Redistricting Commission, My name is Erin and I am a longtime resident of Summit County and Breckenridge Town Council member.

I support including Summit County in the same district as communities along the Front Range. We have so much more in common with Front Range communities like Jefferson County than we do with the Western Slope communities. Summit County is focused on recreation, tourism, and preserving our natural beauty. We are focused on living in harmony with nature and focused on green development.

Many communities along the Front Range communities are interested in the same thing and we are both struggling with how to balance those goals with explosive growth. These are perhaps issues in a few western communities, but this is an issue in nearly every community here in Summit County and out on the Front Range.

Since we are so close to the Front Range and even share commuters and residents, we need to have common representation to addresses these linked issues. We should be in a Congressional District with people who support our vision for the future and who face not only the same types of problems but very often the very same problems as we do. It will help to rely on the same person in Congress in this common struggle.

Thank you.

**Melissa Sherburne**

Commission: congressional

Zip: 80443

Submitted: September 09, 2021

Comment:

I am a Frisco Town Council Member and writing to express my thoughts on the proposed congressional redistricting. For many reasons, I urge you to keep Summit County whole and within Congressional District 7.

As to keeping the County in one district, we are one community, with a tremendous amount of overlap of services and issues. With its numerous world-class ski areas, National Forest system lands, and other outdoor recreational amenities, the county as a whole is a major tourism destination year-round.

It is imperative that we manage issues like workforce housing, wildfire mitigation, transportation, childcare and economic sustainability as a whole. A split district would create unnecessary boundaries for collaboration and efficiency across these essential topics.

Being part of a district that includes the I70 corridor also would benefit Summit County. We share many similar perspectives on climate and transportation, and tourism-related impacts and opportunities as other communities along the corridor. As EV becomes mainstream, we can plan together accordingly to provide the highest level of service to residents and tourists. Thank you for your consideration.

## **Jess Hoover**

Commission: congressional

Zip: 80443

Submitted: August 02, 2021

Comment:

This comment was delivered to the Commission in person at the July 31 meeting in Frisco, CO. Submitted here at the request of the Commissioners.

Thank you for allowing me the opportunity to speak this evening. My name is Jess Hoover, and I'm the Climate Action Director for the High Country Conservation Center. We are an environmental non-profit that serves the entire Summit County community. Our programs help residents recycle and compost, save water, increase energy efficiency and take action on climate change.

It's climate change that I'd like to talk about tonight. HC3 collaborates with our local government partners to implement the Summit Community Climate Action Plan. Like many communities, we have a goal of reducing countywide greenhouse gas emissions 80% by 2050. And, like many communities, our emissions come from two main sources – energy use in buildings and transportation.

Over 99% of our community receives electricity from Xcel Energy. From a district perspective, it makes sense for us to remain aligned with Front Range communities like Boulder and Jefferson Counties, because we share not only electrical transmission infrastructure but also 100% renewable energy goals.

Moreover, we have aggressive electric vehicle adoption goals. The EV transition will require substantial federal involvement for supporting EV sales and fostering development and installation EV-related technologies...especially along the I-70 corridor. Because of the substantial travel that occurs between the Front Range and Summit County, the electrification initiatives in communities like Boulder and Jefferson Counties will have an impact in Summit County – and vice versa.

Although we're smaller than Boulder and Jefferson Counties, Summit County is a leader in climate action in Colorado. We have a shared interest in achieving the emissions' reductions we need to slow climate change, and that's why it's in our community's best interest to continue coordinating efforts with our Front Range neighbors.

## **Bill Thiebaut**

Commission: congressional

Zip: 81005

Submitted: September 09, 2021

Comment:

Commissioner Coleman and Commission members, I was pleased to hear that Thiebaut2 was discussed during your earlier proceedings. I am trying to keep abreast of your discussions today.

I am offering modifications to the "Coleman Map" by way of the newest Thiebaut map entitled "Thiebaut3," which is linked below.

Of course, Thiebaut3, as all my map submissions, follow constitutional criteria. In Thiebaut3 there is precise mathematical population equality; contiguity; compliance with the Voting Rights Act; an identification of communities of interest; respect for political subdivisions; compactness; and competitiveness.

Let me take a moment to touch on two of these criteria.

The Voting Rights Act: The potential opportunity minority districts include at least three districts:

CD 1, 6 and 8; while Hispanic opportunity occurs in CD 1, 3, and 8.

Communities of Interest (all but CD 1, 5, & 6):

CD 2 includes Fort Collins and Boulder given their community of interest around higher education, as well as Longmont and Broomfield.

CD 3 includes Moffat, Rio Blanco and Garfield Counties. The map recognizes the agricultural economy that is distinct from the Eastern Plains. It keeps the idea of a southern district, to the extent possible, from Utah toward the Kansas border.

CD 4 includes Loveland and Windsor. And while it includes the eastern, rural area of Pueblo County, it also includes Crowley, Otero and Las Animas Counties. These areas

link the Lower Arkansas Valley counties, which have considerable shared interests such as agriculture and water.

CD 7 keeps Eagle and Summit Counties whole representing a community of interest around the ski and tourism industries and, coupled with Jeffco and Clear Creek Counties, the heavily trafficked stretch of I-70 through the mountains. Notably, Park and Teller Counties are together as a South Park community of interest. Lake and Chaffee Counties link to the Upper Arkansas Valley as well as with other mountain resort communities, especially providing affordable housing for their workforce.

CD 8 includes Greeley. It accounts for the fact that Hispanics represent more and more of the population with common interests.

Thiebaut3: <https://davesredistricting.org/join/8c4c9ea6-41d3-48ff-b0ea-3bd43ed80dca>

## **Alex Apodaca-Cobell**

Commission: congressional

Zip: 80221

Submitted: September 22, 2021

Comment:

Members and Staff of the Independent Congressional Redistricting Commission –

Via the attachments or link below, please find memorandum and attachments providing a response to the Second Staff Plan from the Colorado Latino Leadership, Advocacy, and Research Organization (CLLARO).

CLLARO has provided a Congressional plan on August 28, 2021 and is submitting a second map for consideration in an effort to demonstrate that there are multiple ways to draw Colorado's Congressional districts in compliance with Colorado's constitutional mandates (including adherence to political subdivisions, communities of interest, and competitiveness) that would result in Latino voters succeeding in electing candidates of their choice and prevent racially polarized voting. The map also addresses comments brought up by the Commission regarding the Second Staff Plan and other proposals.

In creating our original map and the revised map, CLLARO's primary goals are to make adjustments to better reflect communities of interest and to prevent voter dilution. While CLLARO stands by the first map submitted on August 28, 2021, we add to it this second plan for consideration.

The Commission is required to prevent the dilution of minority voters in a way that prevents them from electing the candidate of their choice. Therefore, CLLARO is offering this alternative to the Second Staff Plan that avoids these pitfalls while also better adhering to the constitutional criteria.

Results The CLLARO revised map accomplishes the following:

1. Contains whole communities of interest within each district
2. Reduces the number of counties that are split
3. Prevents voter dilution in Congressional District 3 and Congressional District 8
4. Creates 4 competitive districts

The full submission is available here:

[https://drive.google.com/drive/folders/14CuZaiHGrT4TrscYMkgOG563BNv\\_0mzx?usp=s\\_haring](https://drive.google.com/drive/folders/14CuZaiHGrT4TrscYMkgOG563BNv_0mzx?usp=s_haring)

Interactive Map: <https://davesredistricting.org/join/f4b1a8eb-a759-4e94-ab8d-f050505baac8>

The teal boundary lines in the map reflect the Second Staff Plan to make changes easier to observe. Thank you for your consideration. Please contact me with any questions.

Sincerely, Alex Apodaca-Cobell

**Cristal Garcia**

Commission: congressional

Zip: 80610

Submitted: September 20, 2021

Comment:

To the Colorado Congressional Redistricting Commission:

As the Commission moves closer to a final decision on a map, I know that you are actively considering Greeley, not just treating it as a population center that is to be used for balancing population among districts (thank you!!).

I'd like to reinforce the need to include Greeley in the new 8th Congressional District. The current voting age population in Greeley is, based on official election records kept by the County Clerk, 81,553 people. Of that number, 35.3% are Hispanic. That reflects 28,778 Hispanic voters in the City of Greeley. This bloc of voters shares significant federal public policy concerns with Hispanic voters in Adams County (and the CD 8 drawn in Staff Draft #2). These communities are united in their transition from an agricultural and rural history to an urban-oriented, growth-oriented economy as some of the fastest growing areas in the state. Many Hispanic workers in this region face dangerous working conditions, challenges receiving adequate health care, and roadblocks in their path to economic opportunity. Residents in this community face environmental issues associated with oil and gas drilling and refinery operations that impact their lives, health and prosperity. These are exactly the kinds of issues that a congressperson would address to meet the needs of his or her constituents.

The Greeley Hispanic Community will never be heard or given political weight by Congressional candidates if the City is thrown into CD 4 in order to meet population requirements because the Commission fine-tunes Denver suburban districts to meet some other priority. Furthermore, white voters in CD4 have and will continue to vote for their own interests, which are not aligned with the Hispanic community in Greeley. There are clear differences in the industries and priorities of voters in the eastern plains and voters in a fast-growing Adams/Weld region. I'm asking that the Commission, which seems so close to ensuring our community is protected, follow through on the plans that include Greeley with the new 8th Congressional district. Thank you for your consideration in this most urgent issue.

**Patty Lampman**

Commission: both

Zip: 80107

Submitted: August 24, 2021

Comment:

Hi my name is Patty Lampman and I live in Elizabeth, CO in Elbert County. I am following up on a statement I submitted in April and wanted to offer additional thoughts after I've heard some of the statements shared over the past few weeks of hearings.

During the Highlands Ranch hearing, there were many comments suggesting that Douglas County had no similarities with the Eastern Plains. I am here to tell you that is NOT true. As a former resident of Douglas County, I can tell you firsthand that there are a number of ties between Elbert County and Douglas County.

First, as of 2018, Elbert County only had 2,786 jobs for its population of 26,000. Obviously, that means many of our residents travel out of the county for their jobs - mostly to Douglas County. While Elbert County is becoming more and more developed (we have a McDonald's moving in soon!), we still rely on Douglas County for much of our shopping, medical care, transportation, and other essential services. For your reference, the average commute is just under 36 minutes. Clearly, we are a bedroom community of Douglas County.

Second, Elbert County is home to the state's largest wind project, Rush Creek Wind Project, which spans Elbert, Kit Carson, Lincoln, and Cheyenne. The largest group of turbines on the 95,000 acre piece of land is within Elbert County, and the entire project generated a 20% increase in wind energy when it came online in 2018. These turbines are manufactured in state, specifically in Douglas County, Windsor, and Pueblo. In each of these areas, different critical pieces of the turbine is created, turbines that end up on our land in Elbert at the Project. For this reason, Elbert is inextricably linked to Douglas County.

Finally, Elbert County, like Douglas County, is a 2nd Amendment Sanctuary City. In 2019, the County Commissioners in Elbert County passed a resolution in response to the Red Flag Law passed by Jefferson, Arapahoe, and Denver Counties' legislators. More than half of Colorado's counties passed similar resolutions in response to this law - most of which are on the Eastern Plains or Western Slope. Zero metro-area counties are Second Amendment Sanctuary Cities.

Please consider how challenging it would be to separate Douglas County from Elbert and the rest of the Eastern Plains. There are so many similarities and common interests that tie my county to Douglas, whereas it would be virtually impossible for a congressperson to represent metro counties along with Douglas County.

Thank you,

Patty Lampman

**John D. Cooper**

Commission: congressional

Zip: 80005

Submitted: September 27, 2021

Comment:

Dear Congressional Redistricting Commissioners:

For those of us who care about gun violence and expect our representative in Congress to do something to keep us safer, the mere thought of putting Douglas County with Arapahoe or Jefferson Counties is horrifying.

As to this critical issue, Douglas County has long been allied with its neighbors along the eastern plains, each of which has declared itself to be a “Second Amendment Sanctuary County.” In case you didn’t know, that’s shorthand for opposing reasonable gun safety legislation, an issue that Congress can – if it has the political will – make progress on.

Yet, since 2013, the Douglas County Commissioners have proclaimed their county to be so safe as to not warrant any further legislative protection for the citizens of that county and Colorado more broadly. The Commission adopted a resolution, R-013-023, to show its unqualified support of Second Amendment rights and to actually implore Congress not to act further on this all-important topic. I’d like to quote from that resolution to show you what the official position on gun safety is in Douglas County:

- National studies “have found no persuasive evidence that ‘gun control’ laws reduce crime.”
- Additionally, “Americans are safer from violent crime than they have been at any time since the mid-1960’s.”
- The Commission “strongly urges the United States Congress and the Colorado General Assembly to refrain from enacting new legislation that would infringe on the rights that are protected by the Second Amendment of the United States Constitution and Article II, section 13 of the Colorado Constitution.”

<https://sanctuarycounties.com/2013/02/26/douglas-county-co-passes-resolution-in-defense-of-second-amendment/>

In the last 8 years, the Douglas County Commission hasn’t backed off from this position. In contrast, the county commissioners in Arapahoe and Jefferson Counties have adopted no resolution that is even close to the one adopted by Douglas County. In all of those counties, the commissioners’ actions reflect the strong public sentiment of their constituents.

From a young age, our children practice drills to avoid shooters in their schools. Our Jefferson County and Arapahoe County suburbs have been the sites of some of the worst mass shootings in our country’s history, whether you think first of the Columbine High School or the Aurora theatre shootings. Our families live with this issue every single day.

Let Douglas County ask its congressperson to oppose all gun safety legislation at the federal level, legislation like H.R. 1006 (“Gun Show Loophole Closing Act of 2021), H.R. 1207 (“Stop Online Ammunition Sales Act of 2021”), and H.R. 5273 (“Gun Safety and Research Act”). Those of us who live in adjacent suburbs want – no, we need – a congressperson who won’t be conflicted on this issue of life and death. Keep Douglas with those counties it has chosen to identify with, counties up and down Colorado’s Eastern Plains.

Sincerely,  
John D. Cooper

## **Christopher Stimpson**

Commission: congressional

Zip: 80031

Submitted: September 28, 2021

Comment:

My name is Chris Stimpson; I live in Colorado and I have been a leader in the renewable energy industry, involved with both wind and solar, since the early 2000s. Colorado is fortunate to have major wind industry assets throughout the 4th Congressional District, including Douglas County.

This has been true and has made economic sense since 2011. The growth of alternative energy has been a tremendous economic boon for farmers and landowners on the Eastern plains, as anyone passing through them can see. What may not be so obvious, but is absolutely critical, is the extent to which this industry affects continued development in Douglas County. The file linked here is the planned development map that Xcel Energy used to justify just one transmission line (now in place), running from the eastern side of Colorado to the Pawnee-Daniels Park Substation:

<https://www.transmission.xcelenergy.com/staticfiles/microsites/Transmission/Files/PDF/Projects/CO/Pawnee-Daniels/CO-Transmission-Pawnee-Daniels-Planned-Development.pdf>

This transmission line is critical because of the amount of development planned for the metro area. It is critical that you take note of just how substantial the needs of the service area are: In the Denver, Arapahoe, and Douglas County Area, 70,465 residential units are planned for construction. 49% of these residential units that will be served by the wind energy sources using this transmission project are located in Douglas County. That means that Douglas County's share is the greatest of the three counties shown.

Even more striking is the non-residential development planned for these three counties. Of the 28.8 million square feet proposed for non-residential construction, almost 94% of that figure is commercial and other development throughout Douglas County.

For those who say the Eastern plains are disconnected from Douglas County, these numbers tell a different story. Without the energy that is created and transmitted on the Eastern plains, none of this development in Douglas County will occur. And without the federal incentives that make the wind energy viable, the homes won't be built and the businesses won't open.

The affected areas of Douglas County include but are not limited to Castle Pines, Parker, Lone Tree, and Stonegate – the very northern Douglas County suburbs that commissioners insist have nothing to do with counties to their east. For vital economic and long-term planning reasons, Douglas County must remain where it belongs – in a congressional district with the Eastern plains.

**Jerome Davis**

Commission: both

Zip: 80015

Submitted: August 27, 2021

Comment:

Greetings Redistricting Committee Members:

I want to first express my thanks for your efforts and work on this extremely important subject.

My name is Jerome Davis and I reside in Aurora, Colorado. I am a Colorado native and a 36 year veteran of the energy industry and a recent retired executive of Xcel Energy in Colorado. Before retiring last December, I was the Regional VP of Customer and Community Relations for Xcel Energy – Colorado, and I reported to the Colorado President. My organization accountabilities included: local and county governmental affairs, economic development, community relations, social investments, managed accounts, wholesale accounts, and market strategy.

Xcel Energy, Colorado’s largest electric utility, sees itself as a partner in the carbon-free energy future of Colorado. We are leading the way in helping the State reach its goal of reducing carbon emissions by 80% by 2030. And, in 2018 the company was the first major North American utility to establish a goal of ultimately delivering 100% carbon-free electricity by 2050.

As with most bold visions they are not easily attained without broad partnerships and stakeholder support.

I am writing you today to discuss a few of those partnerships.

Colorado’s Eastern Plains are where 95% of the state’s wind energy is generated.

The unseen but essential connection between energy production and energy use is the complex transmission network that delivers the wind energy produced and makes it available daily for use by consumers and businesses.

When Xcel Energy builds transmission facilities for this purpose it is a critical, ongoing partner of the communities where the wind farms reside along the eastern plains.

Most recently, in 2020, Xcel Energy completed construction of a 500 megawatt wind farm in Cheyenne and Kit Carson counties consisting of 229 wind turbines that will provide enough carbon-free energy to power 270,000 homes.

Making this project a reality required the partnership of the farmers who lease land for the construction and operation of wind turbines, and the communities where those farmers live.

Additionally, Xcel Energy built a 125-mile transmission line from Morgan County into Douglas County at the Daniels Park Substation. This is described as the transmission network to bring the carbon-free electricity into the more urban population centers.

This critical 345 kilovolt transmission line actually links 2 different wind farms – the Rush Creek Wind Project and the Cheyenne Ridge Wind Project – to Douglas County where it can be accessed for local and other metro area use.

This transmission project doesn't happen without the approvals Xcel Energy needed from local governments, and no local government was more open to being a partner in the company's carbon-free vision through wind energy development than Douglas County which changed its zoning code and granted permits to allow this project to go forward.

Wind energy has been nurtured thanks to the active role of the federal government, both in the R&D phase in the early days and in the tax credits which provide an incentive for development currently. These federal partnerships provided a roadmap for an electric carbon-free future!

More than anything, I want you to understand that there is both reliance and partnership between eastern plains counties and certain metro area counties like Douglas County to achieve a bold carbon-free energy future.

In conclusion, I am sure people will tell you they have nothing in common, but the truth is, there is a very clear dovetailing of their common economic and environmental concerns that provide for a successful and enduring partnership.

Thank you very much for your review and consideration of my letter.

Sincerely,

Jerome Davis

4741 S. Atchison Court

Aurora, CO 80015

jeromedavis1@comcast.net

**Susan Crites**

Commission: both

Zip: 81052

Submitted: June 13, 2021

Comment:

RE: Wind Energy/Transmission to be considered in the 4th CD

Dear Redistricting Commissioners:

Colorado's Eastern Plains are a national leader when it comes to alternative energy. Most notable among the alternative energy produced is wind energy – thanks to wind farms from the northeast corner to the southeast corner of the state. More wind turbines are being put into use with each year that passes. That's good for Colorado, but it's really good for the Eastern Plains counties.

All this new energy creation is part of an overall system. Just as too many people think their groceries come from the back of the supermarket, there is too little awareness of what facilities get this energy to certain parts of the Front Range. Yet, the transmission of all this new wind energy is critical to the economic value from wind energy that is created for farmers and ranchers along the Eastern Plains.

Just last year, Xcel completed a major transmission project known as the Pawnee-Daniels Park transmission line. As the Denver Post reported, this line runs 125 miles from the Pawnee Substation near Brush to the Daniels Park Substation in Douglas County. "Xcel finishes new power line to carry wind energy from Eastern Plains into metro Denver; New 125-mile line will link Morgan County to Douglas County," The Denver Post, Feb. 6, 2020.

Needless to say, having a substation in Douglas County for all this new energy makes Douglas County will help sustain that area's business and residential growth. Take away that power and you take away one of the sparkplugs that will keep the core of Douglas County healthy. This isn't just my view. In the article noted above, an Xcel executive said it too. "The Pawnee-Daniels Park line is a critical pathway for moving power and meeting demands for the growing region supporting job creation and economic growth. This investment in the electric grid will carry more renewable energy from the Eastern Plains and improve overall system reliability."

Of course, wind energy is made possible by a number of federal programs. None of the turbines in existence would have been developed commercially without Department of Energy grants for research and development, feasibility testing, and scaling of projects – from commercial size to residential and farm usage. This research and testing is ongoing through DOE grants.

Commercialization has taken root only because the federal government incentivized it through an investment tax credit known as the Production Tax Credit. That incentive isn't as great as it used

to be and is under constant attack. This region will need an active spokesman in Congress to keep it intact.

Please make your district lines fit with the Eastern Plains' growth industry – wind – and its necessary partner – transmission facilities that make it an economic whole. Preserve the link between energy producing counties and Douglas County, their important partner in making such energy available and usable for other Front Range communities.

Sincerely,

Susan Crites

Prowers

## **Jim and Jill Duvall**

Commission: congressional

Zip: 80107

Submitted: August 24, 2021

Comment:

We would like to add some additional comments to our previous submittal regarding the current ongoing Congressional redistricting process. During the recent Highlands Ranch hearing, some commentators suggested that Douglas County had no similarities to the Eastern Plains. However, we have some issues with that viewpoint:

- 1) A large portion of Douglas County is still agricultural, as is a large portion of Elbert County. Development in both counties is centered around existing towns, Highlands Ranch, Lone Tree, Castle Rock and Parker in Douglas County; Elizabeth, Kiowa, Elbert and Simla in Elbert County. Other areas both counties remain agricultural, primarily livestock, grazing and hay production.
- 2) Both counties are “exurbs” and not suburbs of the metro area and culturally, they are more similar to the Eastern Plains than the Denver metro area. For example, both county commissions have established Second Amendment sanctuary status and have scoffed at, and actively opposed, mask mandates. These actions by the county commissions are more similar to actions taken by the vast majority of governing bodies on the Eastern Plains than they are similar to actions taken by Denver area governing bodies. This ties the political and cultural interests of Douglas County to the Eastern Plains rather than to the Denver metro area.
- 3) Wind energy is one of the chief sources of energy for the future. The largest wind farm in the State of Colorado has already been built and is on line in Elbert, Lincoln, Cheyenne and Kit Carson counties. A large portion of southeast Douglas County has similar topography and wind patterns to these four counties, suggesting that future development of wind energy is feasible in large areas of Douglas County. This also makes Douglas County dissimilar to the metro area where there is no ability to build large wind farms.

In summary, Douglas County is much more similar to the Eastern Plains ideologically, culturally and geographically and therefore should be included in a Congressional District with Elbert County when considering communities of interest.

**Roy Chavez**

Commission: both

Zip: 00000

Submitted: June 14, 2021

Comment:

If you knew there was a gold field that lay across an entire region of Colorado, and it took virtually no effort to gather the gold, would you be willing to take it? Would your answer be the same if you knew that retrieving the gold would do no harm at all to the earth?

There is such a gold field. And it is in Colorado. And that gold is there for the taking without hurting a person or any creature or our water, our air, or our earth.

That “gold field” is the energy from the sun and the wind, and it lies across what we refer to as Colorado’s eastern plains. This “gold field” stretches from the Wyoming-Colorado state line to the Colorado-New Mexico state line and includes virtually all of the counties in between. It provides important, future-looking, earth-protecting jobs to those who build wind farms, those who construct the turbines that capture the energy, and those who work at plants to produce the turbines, the towers, and their constituent parts in plants in Windsor (Weld County), Pueblo (Pueblo County), and Castle Rock (Douglas County). That gold field is known and findable.

In fact, a map, showing where you can find this gold, has been published by the National Renewable Energy Laboratory. You can see it here: <https://windexchange.energy.gov/maps-data/258> (Colorado 110-Meter Potential Wind Capacity Map). If you used this map to draw your alternative energy district, that district would include rural Weld County and counties directly east of Weld including Logan, Morgan, and Yuma; the mid-plains counties including Cheyenne, Kit Carson, Elbert, and Douglas Counties; and then south to Baca, Prowers, Bent, Otero, Crowley, and Pueblo.

Who will speak for this region and this resource? You will determine whether the people who live here can be heard. Please do not ignore this opportunity. Thank you!

Roy Chavez (submitted by email 6/13/2021)

**Janette Kochis**

Commission: both

Zip: 80830

Submitted: June 14, 2021

Comment:

June 13, 2021

My family and I are wind farmers. We also grow millet, milo, wheat and corn plus raise cows. Right among our fields, though, are 30 wind turbines. We are part of the Rush Creek Wind Project, which has more than 300 wind turbines across in five counties: Lincoln, Arapahoe, Elbert, Kit Carson and Cheyenne and delivers energy to families and homes all the way to Douglas County.

I'm proud of the energy generated on my farm. In addition to helping feed people through our crops, we are also helping to power their lives. We are proud to say that we are supporting renewable energy and helping to make sure it is a reliable resource for years to come. Knowing that the energy generated on my farm creates jobs (manufacturing, installing and operating these turbines) is meaningful and keeps our communities connected – and not just through transmission lines. The wind farm development is an economic benefit to not only the community and the state but to the landowners involved in the project.

Colorado is fortunate to possess a wealth of energy resources. Traditional forms of energy including oil, natural gas, coal and hydropower have and will continue to play a significant role in meeting our energy needs. At the same time, wind and solar will continue to expand as technology improves and installation costs decline. Together, this mix of resources promises reliable, affordable energy for our state. When you are redrawing the district lines, please keep our wind farm in mind. Wind farmers like me are part of a growing industry, one that includes companies that produce our turbines, people like us who use our land so turbines create energy, and businesses that transmit that energy so it can be used by consumers. We are all important links in this chain and have a common interest in seeing to it that Congress looks at alternative energy as a continuing, affordable priority. To keep our power strong, we need a member of Congress who understands and advocates for all of us who make the energy from renewable sources as well as supporting agriculture in the area.

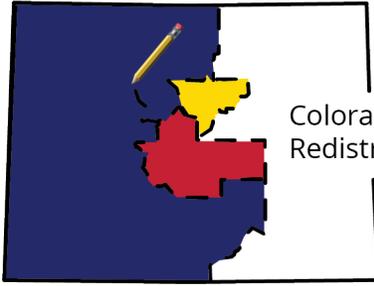
When representing our area it is important to remember that renewable energy is only one part of the puzzle. We are involved in agriculture and renewable energy but residents in our district are interested in rural economic development, traditional forms of energy like gas and oil as well. It takes a balance in all areas for a healthy economy. Our representative must understand this.

Janette Kochis

Matheson, CO 80830

Elbert County

(submitted by email 6/13/2021)



Colorado Independent  
Redistricting Commissions

DATE FILED: October 8, 2021 11:53 AM

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Jeremiah B. Barry  
Managing Attorney  
Colorado Independent Redistricting  
Commissions Staff

Independent Congressional  
Redistricting Commission Meeting  
Denver, Colorado  
April 21, 2021

# Criteria for Drawing and Approving Maps

Introduction

Federal Law

Equal Population

Minority Interests

VRA

14<sup>th</sup> Amendment

State Criteria

Preserve communities of interest and political subdivisions

Compactness

Maximize the number of competitive districts

Section 44.3 (4)

# Criteria for Drawing and Approving Maps

**Section 44.3. Criteria for determinations of congressional districts - definition. (1) In adopting a congressional redistricting plan, the commission shall:**

**(a) Make a good-faith effort to achieve precise mathematical population equality between districts, justifying each variance, no matter how small, as required by the constitution of the United States. Districts must be composed of contiguous geographic areas;**

In *Westberry v. Sanders*, 376 U.S. 1 (1964), the U.S. Supreme Court held that the language in Article I, Section 2, "Representatives shall be apportioned among the several states according to their respective numbers, . . .," means that congressional districts of the same state must be as nearly equal in population as practicable.

# Criteria for Drawing and Approving Maps

(b) Comply with the federal "Voting Rights Act of 1965", 52 U.S.C. sec. 50301, as amended.

Section 2 of the Voting Rights Act prohibits the "denial or abridgement of the right of any citizen of the United States to vote on account of race or color [or membership in a language minority]. It goes on to define "denial or abridgement" to include any procedure that diminishes the ability of any citizen to elect their preferred candidate on account of race, color, or membership in a language minority.

Three preconditions required to establish a claim under Section 2:

The racial or language minority group is "sufficiently numerous and compact to form a majority in a single member district."

The minority group is "politically cohesive," meaning its members tend to vote similarly.

The "majority votes sufficiently as a bloc to enable it . . . usually to defeat the minority's preferred candidate."

# Criteria for Drawing and Approving Maps

While the Equal Protection Clause of the Fourteenth Amendment also prohibits discrimination based on race, it also prohibits drawing districts strictly on the basis of race unless there is a compelling state interest.

# Criteria for Drawing and Approving Maps

**(2) (a) As much as is reasonably possible, the commission's plan must preserve whole communities of interest and whole political subdivisions, such as counties, cities, and towns.**

For congressional districts, the preservation of communities of interest is on the same level as preserving political subdivisions.

# Criteria for Drawing and Approving Maps

Section 44 (3)(b) defines "community of interest:

(b) (I) "Community of interest" means any group in Colorado that shares one or more substantial interests that may be the subject of federal legislative action, is composed of a reasonably proximate population, and thus should be considered for inclusion within a single district for purposes of ensuring its fair and effective representation.

(II) Such interests include but are not limited to matters reflecting:

(A) Shared public policy concerns of urban, rural, agricultural, industrial, or trade areas; and

(B) Shared public policy concerns such as education, employment, environment, public health, transportation, water needs and supplies, and issues of demonstrable regional significance.

(III) Groups that may comprise a community of interest include racial, ethnic, and language minority groups, subject to compliance with subsections (1)(b) and (4)(b) of section 44.3 of this article V, which subsections protect against the denial or abridgement of the right to vote due to a person's race or language minority group.

(IV) "Community of interest" does not include relationships with political parties, incumbents, or political candidates.

# Criteria for Drawing and Approving Maps

(2)(b) Districts must be as compact as is reasonably possible.

Some mathematical formulas, but mostly an eye test.

# Criteria for Drawing and Approving Maps

**(3) (a) Thereafter, the commission shall, to the extent possible, maximize the number of politically competitive districts.**

(b) In its hearings in various locations in the state, the commission shall solicit evidence relevant to competitiveness of elections in Colorado and shall assess such evidence in evaluating proposed maps.

...

(d) For purposes of this subsection (3), "competitive" means having a reasonable potential for the party affiliation of the district's representative to change at least once between federal decennial censuses. Competitiveness may be measured by factors such as a proposed district's past election results, a proposed district's political party registration data, and evidence-based analyses of proposed districts.

How the Commission measures competitiveness will be up to the Commission.

# Criteria for Drawing and Approving Maps

- ▶ (4) No map may be approved by the commission or given effect by the supreme court if:
  - ▶ (a) It has been drawn for the purpose of protecting one or more incumbent members, or one or more declared candidates, of the United States house of representatives or any political party; or
  - ▶ The Commission must justify the way it draws the map as a whole and each district on grounds other than protecting an incumbent, candidate, or political party.

# Criteria for Drawing and Approving Maps

(4) No map may be approved by the commission or given effect by the supreme court if:

...

(a) It has been drawn for the purpose of 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.

The first part of this sentence largely mirrors the language in Section 2 of the Voting Rights Act. The second phrase concerning diluting the impact of a minority group's influence is more about prohibiting retrogression which comes from Section 5 of the Voting Rights Act.

# Criteria for Drawing and Approving Maps

Questions