COLORADO SUPREME COURT
Ralph L. Carr Judicial Center
2 East 14th Avenue
Denver, Colorado 80203

Original Proceeding Pursuant to Article V, Section 44.5 of the Colorado Constitution

In Re: Colorado Independent Congressional Redistricting Commission

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Case No.: 2021SA208

COLORADO LATINO LEADERSHIP, ADVOCACY & RESEARCH ORGANIZATION'S BRIEF IN OPPOSITION TO THE PROPOSED CONGRESSIONAL REDISTRICTING PLAN AND MAP

ORAL ARGUMENT REQUESTED

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with all requirements of C.A.R. 32 and this Court's July 26, 2021 order, including all formatting requirements set forth in these rules. Specifically, the undersigned certifies that:

The brief complies with the applicable word limits set forth in this Court's July 26, 2021 order.

It contains 9,334 (brief does not exceed 9,500 words).

I acknowledge that my brief may be stricken if it fails to comply with any of the requirements of the July 26, 2021 order and C.A.R. 32.

Dated: October 8, 2021

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[1] Messer Reeves' New York attorney Lena Brinjikji contributed significantly to this brief.

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

Other Authorities

Treatises

Constitutional Provisions

REQUEST FOR ORAL ARGUMENT

CLLARO requests to present oral argument on October 12, 2021.

STATEMENT OF ISSUE PRESENTED

The Commission approved a map that reduces the impact of Colorado's Latino vote in approximately 25% of the districts it proposes by grouping Latino voters with racially-polarized White voters—yet takes the position that Latinos' electoral influence in Colorado is not diluted. Its basis for that conclusion is unknown. The final plan includes no explanation of or data showing how the Commission reached that conclusion. For a process promised to voters as transparent and public, all but the Commission's most threadbare conclusions remain opaque.

Preventing dilution of <u>any</u> minority group's electoral influence is a matter entitled to public transparency and disclosure—and is a constitutional promise to Colorado's minority communities that cannot be broken. Colo. Const. art. V, § 44.3(4)(b). This brief therefore raises the following issue:

Has the Commission complied with its constitutional duty to approve a map that does not result in the dilution of the impact of a minority group's electoral influence when the map includes two congressional districts in which racially-polarized voting will dilute

Colorado Latinos' electoral influence?

The answer is no. This Court cannot give effect to such a map. Colo. Const. art. V, § 44.3(4)(b). It should therefore return the final plan and map to the Commission and state its disapproval of the Commission's conclusions concerning dilution of minority electoral influence in proposed Congressional Districts 3 and 8. Colo. Const. art. V, § 44.5(3).

IDENTITY OF INTERESTED PARTY

A.   CLLARO's history and mission.

The Colorado Latino Leadership, Advocacy & Research Organization (CLLARO) is a non-partisan, non-profit organization created in 1964.[2] CLLARO's board of directors is representative of its statewide presence. (App.[3], pp. 1-2.) Originally known as the Latin American Research & Service Agency, members of Colorado's Latino community created CLLARO to take a stand against the institutional

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[2] Further information about CLLARO may be found at: www.cllaro.org.

[3] "App." refers to CLLARO's Appendix and the "p." refers to the Appendix (not PDF) page cite in red.

inequality Latinos had long endured, in Denver and across the state.

CLLARO is presently a community-based organization that partners with other organizations to serve the Latino population statewide. These organizations know the practical concerns and policy issues that affect Colorado Latino communities and are engaged in implementing solutions. Throughout its history, CLLARO has worked to educate Latinos about issues and promoted self-empowerment, both economically and through civic engagement. These efforts have included training parents to advocate for better educational options for their children; educating Latinos about the importance of registering to vote, participating in the political process, and participating in redistricting conversations; and a fellowship program for college students to intern at the state level and learn about the process of creating public policy.[4]

CLLARO also advocates for additional community resources and to help the Latino community access existing resources. These efforts include helping affected Latinos experiencing food insecurity, housing

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[4] Further information on this program, known as the Capitol Fellows Program, is available at: https://www.cllaro.org/cfp

eviction, health or mental health problems, wage theft, or needs for protective services, by connecting them with trusted, culturally competent service providers.

It is because of its nearly sixty-year presence in Colorado and meaningful work with the Latino community that CLLARO speaks as an authentic voice for Colorado's Latino community and its supporters.

B.   CLLARO's community-based redistricting efforts.

As an organization painfully aware of the undercounting of Latinos in prior federal Census work, CLLARO promoted the importance of the Census among Latinos and assisted with the 2020 Census. The organization's long-standing work on civic engagement and policy also led CLLARO to educate Latinos on the need to participate in the 2021 redistricting process.

CLLARO—and, by extension, Colorado's Latino community— deeply understands that this process will dramatically impact how Colorado Latinos' growing voices are heard, their votes are counted, and their issues addressed. Accordingly, CLLARO sought views and advice from Latino organizations across Colorado and incorporated that

feedback in the maps and memos CLLARO submitted for the

Commission's consideration. (*See generally* App., pp. 241-289.)

CLLARO is disappointed with the final plan and map. It violates

the fundamental promise Amendment Y made to Colorado's voters: it

dilutes the impact of Latinos' electoral influence in two congressional

districts. The final plan and map must therefore be returned to the

Commission.

FACTUAL BACKGROUND

A. Over one in five Coloradans is Latino.

Colorado's strong Latino population has significantly grown over

the past several decades. Since 1990, the average growth of the Latino

population in Adams, Arapahoe, Douglas, El Paso, Jefferson, and Weld

Counties was approximately 500%. (App., pp. 6-7.) In 2020, one in five

Coloradans were Latino. (App., p. 10.) Today, Latinos are approaching

one in four. The growing Latino population will influence all aspects of

life in Colorado and will be key in shaping Colorado's future.

As of the 2016 election cycle, Colorado's Latino population is the

eighth largest in the nation. About 1.1 million Latinos reside in

Colorado. Colorado's population is 21% Latino, the seventh largest

Latino statewide population share nationally. Some 15% of Colorado

eligible voters are Latino, the seventh largest Latino statewide eligible

voter share nationally. (App., p. 14.) Colorado's Latino population is also

dispersed throughout Colorado, rather than focused in one or two urban

centers. (App., p. 10.)

The Latino community has historically been an integral part of

Colorado's growth and development. Some families can trace their roots

in Colorado to the 1600s. Nearly 80% of Latinos in Colorado are native

born. In fact, 9.3% of the state population is comprised of Latino

immigrants. (App., p. 315.) Colorado's oldest municipality is the town of

San Luís where, like the state in general, Spanish has been spoken

since before the arrival of Colorado's English-speaking settlers.

A significant proportion of Colorado Latinos are descendants of

former ranchers and farmers displaced from their land and forced to

live as migrants in subsistence occupations after the 1848 Treaty of

Guadalupe Hidalgo (in which the United States seized half the territory

of México). Colorado settlers were historically intolerant of and

discriminated against persons of Mexican descent—a reality for Colorado Latinos today.

There are multiple political and economic disparities between Latinos and other Coloradans. The costs to Latino health, education, civic engagement, career opportunities, housing, safety, income security in old age, and dignity remain unacceptably high.

Viewed collectively, this means the Latino community has different priorities when it comes to voting. And remedying these systemic challenges through elections has proven difficult because of the community's underrepresentation in the political process.

B. Colorado's Latino population is politically underrepresented.

Latinos in Colorado have consistently been politically underrepresented. This mutes their voice in the statewide and nationwide dialogue on key issues facing their community. Indeed, there are only sixteen members of the Colorado General Assembly that identify as Latino. (App., pp. 68-70.)

Many Latinos are politically disaffected. Latino United States citizens are less likely to vote than other Coloradans. (App., p. 72.)

Latino voter turnout in Colorado on average (using the eight statewide elections identified in the Final Plan) was <u>at least 20% lower than that of White voters</u>. (Oct. 7, 2021 Report, Baodong Liu, Ph.D, Expert Report on the Final Approved Congressional Districts 3 and 8 of Colorado, attached as Report, p. 11.)[5] This is true whether the voting aged population or citizen voting aged population is analyzed. (*Id.*) Indeed, in some elections, such as the recent 2020 United States Senate race, the turnout gap between Hispanic[6] and White voters was <u>as high as 70%</u> in the presently proposed Congressional District 8. (*Id.*)

Underrepresentation seriously and significantly impacts Colorado Latinos. Latino children today are more likely to attend under-resourced, lower-performing public schools, especially in urban areas. (App., p. 83.) They are less likely to graduate, and more likely to end up in lower-paying jobs (App., pp. 119-120.) Latino families tend to be

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[5] Dr. Liu's report, including his qualifications, is further discussed below.

[6] For purposes of this brief, CLLARO uses the terms "Latino" and "Hispanic" interchangeably, as Census and other data is reported with the "Hispanic" label.

segregated into lower-priced neighborhoods. (App., p. 121.) They are less likely to own their own homes. (App., p. 134.) And they have less access to health care. (App., p. 143.) These realities, viewed both collectively and individually, are exacerbated by a long-standing tradition of political under-representation of Latino communities of interest among state and local policymakers.

Latinos in Colorado deserve good schools, good services, good health, and good jobs. Ensuring that Latinos have adequate political influence is important to accomplishing that goal. Amendment Y thus presented to Colorado Latinos a promise of that reality.

C. Amendment Y prohibits diluting the impact of Latinos' electoral influence.

In spring 2018, the Colorado General Assembly unanimously passed SCR 18-004 (Resolution). Previously, the "task of drawing congressional district boundaries [was] the province of the general assembly" under Colorado's Constitution. *Beauprez v. Avalos*, 42 P.3d 642, 645-46 (Colo. 2002) (citing prior version of Colo. Const. art. V, § 44). The Resolution sought to revamp the congressional redistricting process by placing it in the hands of an independent commission. That

independent commission would be responsible for drawing the boundaries for United States congressional districts within the state with public input.

The Resolution, which became known as Amendment Y, was referred to Colorado voters. The Bluebook informed voters that "Amendment Y incorporates principles of the Voting Rights Act into state law and prohibits the approval of a map that violates these principles." (App., p. 158.) These included the requirement that "a minority group's voting strength not be diluted under a redistricting map[]" and that voting standards, practices, or procedures "not be changed in a way that denies or limits the right to vote based on race or color or membership in a language minority group." (*Id.*)

In its "Arguments For" analysis, the Bluebook informed voters that Amendment Y "makes the redistricting process more transparent and provides greater opportunity for public participation[,]" with "safeguards against undue influence in the preparation and adoption of maps." (App., p. 159.) Further, the Bluebook explained that Amendment Y "prevents the adoption … of a map that dilutes the electoral influence

of racial or ethnic minorities. Along with these <u>prioritized criteria</u>, the measure prescribes a structured court review process and provides more guidance regarding the court's role than has existed in prior redistricting cycles." (*Id.* (emphasis added).) Amendment Y, the Bluebook explained, would "make[] the redistricting process more transparent[,]" as it required "that map-related communications occur in public [so that] Coloradans will be able to see exactly how the districts are drawn." (*Id.*)

With this information, Colorado voters approved Amendment Y. Colorado joins now thirteen other states in vesting the power to draw congressional districts to a redistricting commission, nine of which (including Colorado) provide for non-partisan commissions to ensure that congressional boundaries are not created for political advantage. (App., pp. 236-237.)

D. The Commission adopts a Final Plan and Map.

On September 28, 2021, shortly before a midnight deadline, the Commission adopted what was known as the Coleman Amendment to the Third Staff Plan (Final Plan) and its accompanying redistricting

map (Map). For a process heralded as more public and transparent, the result feels opaque.

The Final Plan presents minimal statements as to each constitutional criteria, offering little meaningful explanation of how each was fulfilled.[7]

For example, the Final Plan states that the Commission "gathered information about communities of interest throughout the state and has sought to keep key communities of interest, as defined in Amendment Y, as intact as reasonably possible." (Final Plan, p. 11.) The Final Plan does not identify <u>who</u> those "key" communities of interest are.[8] Thus, to

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[7] The exception is competitiveness, to which the Commission appears to have dedicated significant attention. The Final Plan includes a two-page report detailing the experts with whom it consulted on the issue and the conclusions reached, along with statewide election results by district and registered voters. (Final Plan, Ex. I.) No similar level of analysis is provided for any other section 44.3 requirement, including Voting Rights Act analysis or dilution of voter influence.

[8] This is a notable departure from prior redistricting efforts, wherein courts were able to ascertain the communities of interest used. *See Moreno v. Gessler*, Nos. 11CV3461, 11CV3463, 2011 WL 8614878, at *2-15 (Denver Dist. Ct. Nov. 10, 2011) (identifying, in 2011 redistricting cycle, more than thirty communities of interest); *Avalos v. Davidson*, No. 01-CV-2897, 2002 WL 1895406, at *3-7 (Denver Dist. Ct. Jan. 25,

the extent "public input informed the Commissioner's decisions and played a central role in the [Final Plan's] creation and approval[,]" the public is left to speculate as to who or what those communities are. (Final Plan, pp. 11-12.)

By way of another example, the Final Plan states simply that "it complies with the" the Voting Rights Act (VRA). (Final Plan, p. 10.) It states that the Commission's non-partisan staff (without explanation as to whom or his/her/their qualifications for doing so) considered whether a majority-minority district was required under section 2 of the VRA. (*Id.*, pp. 10-11.) It determined that "there is not a sufficiently large and geographically compact voting-age minority population to create a majority-minority congressional district[.]" (*Id.*, p. 11.) That conclusion is <u>all</u> the analysis the Commission offers.[9] Indeed, the Commission

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2002) (identifying, in 2001 redistricting cycle, more than a dozen communities of interest). The Commission's rationale for departing from this trend is unknown.

[9] Even were the Court to observe the Commissioners' hearings, it would gain no further clarity. When VRA discussions were had, the Commission went into executive session. (*See, e.g.,* App., pp. 301-304; *see also* audio recording of the Commission's September 1, 2021

appears to imply that no further analysis was necessary because it "did not receive any public comments that suggested otherwise."[10] (*Id.*)

Similarly, the Final Plan asserts it does not deny or abridge any minority vote. (Final Plan, p. 14.) It makes this sweeping conclusion in a single, perfunctory sentence that simply cuts-and-pastes Amendment Y's language prohibiting vote dilution in the affirmative. There is no analysis, rationale, or even second sentence of explanation to inform the public as to <u>how</u> the Commission reached this conclusion and on what evidence this criterion is met.

What the Commission does attach is a transcript from the closing, early-morning minutes of the September 28 meeting, which it characterizes as "explaining the reasons for their votes." (Final Plan, Ex. D.) Those Commissioners' comments are generic at best, filled with either final words of gratitude to the Commission's staff or rote

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Committee Meeting, https://sg001-harmony.sliq.net/00327/Harmony/en/PowerBrowser/PowerBrowserV2/20210401/154/12275, at time stamp 6:28-33.)

[10] CLLARO specifically requested that the Commission complete a VRA analysis. (App., p. 267.)

recitation of constitutional standards without meaningful explanation.

STANDARD OF REVIEW

This Court "shall review the submitted plan and determine whether the plan complies with the criteria listed in section 44.3[.]" Colo. Const. art. V, § 44.5(1). Section 44.3 sets forth both the criteria that the Commission must use in adopting a redistricting plan, along with two mandates with which any map must comply.

A. **The Commission must consider five criteria in adopting the Final Plan and then ensure the Map meets two additional constitutional mandates.**

Under section 44.3, the Commission's Final Plan shall "[m]ake a good-faith effort to achieve precise mathematical population equality between districts" and comply with the VRA. Colo. Const. art. V, § 44.3(1)(a),(b). Section 44.3 also requires, "[a]s much as is reasonably possible" that the plan "preserve whole communities of interest and whole political subdivisions" and create districts "as compact as is reasonably possible." Colo. Const. art. V, § 44.3(2)(a),(b). "Thereafter," and "to the extent possible," the plan shall "maximize the number of politically competitive districts." Colo. Const. art. V, § 44.3(3)(a).

15

The Commission's work does not stop at those five factors. Section 44.3(4) prohibits the Commission from approving a map that has been drawn for either "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 "for the purpose of or result[ing] 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)(a),(b) (emphasis added).

Accordingly, the Commission is prohibited from adopting a plan that results in dilution of a minority group's electoral influence—even if that was not the intended outcome.

B. This Court engages in a two-tier review of the Final Plan and Map to ensure it is constitutionally sound.

1. The Final Plan is reviewed for abuse of discretion.

This Court may approve the plan only if it finds that the Commission did not abuse its discretion "in applying or failing to apply"

16

section 44.3's criteria. Colo. Const. art. V, § 44.5(2). This inquiry defers to the Commission's discretion in evaluating the record before it, while at the same time ensuring that the factors were applied and considered. *See Beauprez*, 42 P.3d at 652 (holding under prior constitutional provision that abuse of discretion occurs where, "based on the particular circumstances confronting the court," adoption of a redistricting plan would be "manifestly arbitrary, unreasonable, or unfair." (internal citations and quotations omitted)); *Liebnow v. Boston Enters. Inc.*, 2013 CO 8, ¶ 14 (holding, under abuse of discretion, decision may not "exceed the bounds of the rationally available choices." (internal citations and quotations omitted)).

This Court is permitted to consider the record before the Commission, as well as "any maps submitted to the commission." Colo. Const. art. V, § 44.5(2).[11] And if the Court determines the Commission

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[11] The Commission here has not provided a record in the traditional sense. Rather, it has inserted two URLs containing links to Zoom recordings and over hundreds of documents.

17

abused its discretion, it "shall return the plan to the commission with the court's reasons for disapproval." Colo. Const. art. V, § 44.5(3).

But this Court's analysis does not stop at simply reviewing the Map to ensure it was within one of several "available choices." Rather, as set forth below, this Court is constitutionally mandated to independently review the Map to determine whether it results in vote dilution.

2. The Map is reviewed de novo to ensure vote dilution does not occur.

Section 44.3(4)(b) requires this Court to engage in an additional, heightened constitutional review beyond mere abuse of discretion to determine whether vote dilution has occurred.[12] *See Beauprez*, 42 P.3d at 651-52 (applying, under previous constitutional provision, more

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[12] This Court previously recognized this two-tiered review in *Beauprez*. There, this Court determined that the court must "initially ensure that the two constitutional requirements of equal population and non-dilution of minority voting strength are satisfied." *Beauprez*, 42 P.3d at 651 (emphasis added). Only then did the Court shift to a deferential review in determining whether the lower court abused its discretion in applying the non-constitutional criteria (like state policies concerning congressional reapportionment). *Id*. at 651-52. The inquiry here is the same, only the order of the analysis is reversed based on Amendment Y's language.

stringent review standard to constitutional criteria and deferential review standard to non-constitutional criteria).

Specifically, "[n]o map may be … given effect by the supreme court if … it results in" minority vote dilution. Colo. Const. art. V, § 44.3(4)(b). This provision requires that this Court engage in a post-adoption, de novo review of the approved map to ensure this constitutional safeguard is met.

By the plain text of section 44.3(4)(b), this inquiry can occur only after the Commission submits its map. Logic mandates this interpretation. Unless there is already an approved map to analyze, this Court would be unable to fulfill its independent constitutional duty to ensure a map is not "given effect" that "results in" vote dilution.

Notably, the Commission's intent in drafting the map is irrelevant to this inquiry. Colo. Const. art. V, § 44.3(4)(b) (prohibiting map that "has been drawn for the purpose of or results in" vote dilution). And only where such dilution does not occur may this Court approve, or give effect to, the map. Colo. Const. art. V, § 44.3(4)(b).

Any lesser standard of review is inconsistent with Amendment Y. This Court interprets that amendment as a whole and with the goal of harmonizing "all of the contained provisions" and giving "effect to the intent of the electorate in adopting the amendment." *Bruce v. City of Colo. Springs*, 129 P.3d 988, 992 (Colo. 2006). This Court should ascertain that intent "by giving words their ordinary and popular meaning, without engaging in narrow or overly technical construction of the language[]" and without rendering some words "idle or nugatory." *Rocky Mountain Animal Def. v. Colo. Div. of Wildlife*, 100 P.3d 508, 514 (Colo. App. 2004). This Court may also "discern that intent by considering materials such as the ballot title, the submission clause, and the biennial Bluebook analysis of ballot proposals prepared by the legislature." *Id.* (citing *In re House Bill 99–1325*, 979 P.2d 549 (Colo. 1999) (internal quotations omitted)). This Court "should avoid an unreasonable interpretation or one that produces an absurd result." *Id.*

Applying an abuse of discretion standard to section 44.3(4)(b)'s vote dilution inquiry would lead to an unreasonable and absurd interpretation. Indeed, section 44.5(2) and (3) reference an abuse of

discretion standard solely as to the Commission's <u>plan</u> (which is subject

to the criterion set forth in section 44.3(1)-(3)), not the <u>map</u> (which is

subject to the inquiry set forth in section 44.3(4)). And section 44.3(4)

provides its own mechanism for remand, separate and apart from

section 44.5(3). Colo. Const. art. V, § 44.3(4) (prohibiting this Court

from "giv[ing] effect" to a violative map).

Adopting an abuse of discretion standard of review would further

imply that this Court must approve the map so long as the Commission

applied the correct criteria in adopting it—even if the Court disagrees

with the conclusion. *Liebnow*, ¶ 14 (holding that, under abuse of

discretion standard, "it is not necessary" that Court agree with decision)

(citations omitted).[13] This does not provide the constitutional safeguard

Amendment Y promised.

Nor does applying a "substantial compliance" standard, as this

Court had previously referenced in the context of "<u>non-substantive</u>

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[13] Alternatively, the failure to follow the law is in and of itself an abuse
of discretion. *Freedom Colo. Information, Inc. v. El Paso Cnty. Sheriff's
Dep't*, 196 P.3d 892, 899 (Colo. 2008).

provisions of Amendments Y and Z." *In re Interrogs. on Senate Bill 21-247*, 2021 CO 37, ¶ 54 (emphasis added). To be sure, section 44.3(4)(b)'s protection against vote dilution is a substantive—and critical—provision. There is no way to substantially achieve its purpose despite noncompliance. *Bickel v. City of Boulder*, 885 P.2d 215, 227 (Colo. 1994) (holding that to determine substantial compliance, a court should consider "the purpose of the provision violated and whether that purpose is substantially achieved despite the district's noncompliance"). That is, noncompliance with section 44.3(4)(b) occurs where a map dilutes the impact of a minority group's electoral influence. Allowing such a map to stand defeats the provision's purpose altogether. Substantial compliance is therefore not possible.[14] Applying a

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[14] Nor is *Bickel's* guidance that "[i]mposing a requirement of strict compliance with voting regulations, especially in the absence of any showing of fraud or other intentional wrongdoing, would unduly restrict the franchise[]" applicable here. *Bickel*, 885 P.2d at 226-27. That guidance was issued under the principle that "elections should not be lightly set aside[.]" *Id.* at 227 (citations omitted). Here, there is no election to set aside. Rather, the remedy to correct a constitutional wrong is simply to return a violative map to the Commission before any election takes place—an effort which promotes section 44.3(4)(b)'s protection of the franchise.

substantial compliance standard to this Court's constitutionally-mandated, independent vote dilution inquiry would lead to an unreasonable and absurd result.

A de novo standard of review is also consistent with the electorate's intent in passing Amendment Y. The Bluebook informed voters that Amendment Y protected a minority group's voting strength from being "diluted under a redistricting map[.]" (App., p. 158.) Preventing vote dilution was a "prioritized criteria" and a vote in favor of the amendment "prevent[ed] the adoption … of a map that diluted the electoral influence of racial or ethnic minorities." (App., p. 159.)

Amendment Y's promise is therefore clear: under no circumstance can a map that dilutes the minority vote be approved. And here, the Final Plan—which dilutes the impact of Colorado Latinos' electoral influence—fails under any standard.

SUMMARY

This Court cannot give effect to the Map because it dilutes the impact of Latinos' electoral influence in Congressional Districts 3 and 8 by grouping Latino voters with racially-polarized White voters. Colo.

Const. art. V, § 44.3(4)(b). The Colorado Constitution imposes on this Court an independent duty to ensure that a map does not dilute the impact of a minority group's electoral influence. Vote dilution under Colorado's Constitution occurs when a map dilutes the minority group's ability to effectively influence the election returns and secure the attention of the winning candidate.

The Commission's conclusion that the Map does not result in vote dilution is unsupported and wrong. Analysis of the citizen age voting population in both districts reveals that, as drawn, both districts dilute the impact of Colorado Latinos' electoral influence by placing the Latino communities within districts where their vote is simply ineffective. Accordingly, this Court cannot give effect to the Map.

REASONS TO RETURN THE MAP TO THE COMMISSION

I. **THE COMMISSION'S MAP DILUTES THE IMPACT OF COLORADO'S LATINO ELECTORAL INFLUENCE.**

It is a fundamental premise of American democracy that every citizen has the right to vote. *Reynolds v. Sims*, 377 U.S. 533, 555 (1964) ("The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike

at the heart of representative government."). That right "can be denied

by a debasement or dilution of the weight of a citizen's vote just as

effectively as by wholly prohibiting the free exercise of the franchise."

Id.

Indeed, the right to vote "includes the right to have the vote

counted at full value without dilution or discount. That federally

protected right suffers substantial dilution" where a "favored group has

full voting strength[]" and "groups not in favor have their votes

discounted." *South v. Peters*, 339 U.S. 276, 279 (1950) (Douglas, J.,

dissenting) (citations omitted). Accordingly, "fair and effective

representation for all citizens is concededly the basic aim of legislative

apportionment[.]" *Reynolds*, 377 U.S. at 565-66.

A. **Amendment Y's requirement that the Commission and this Court protect against vote dilution is independent of the obligation to ensure compliance with the VRA.**

Colorado's Constitution expressly prohibits any congressional

redistricting plan that dilutes the impact of a minority group's electoral

influence. Colo. Const. art. V, § 44.3(4)(b). There is no threshold

requirement for evoking this protection. And section 44.3 makes the

VRA compliance analysis <u>separate</u> from the vote dilution inquiry. *Compare* Colo. Const. art. V, § 44.3(1)(b), *with* § 44.3(4)(b). Thus, as drafted, section 44.3 provides protections against vote dilution for Colorado's minority groups independent from and beyond those the VRA affords. *See Bartlett v. Strickland,* 556 U.S. 1, 23 (2009) (noting that states were free to adopt greater protections than those established under section 2 of the VRA as a matter of "legislative choice or discretion.").

To interpret otherwise—such that the Commission and this Court need only ensure a map's compliance with the VRA to ensure that no vote dilution has occurred—would render the language of section 44.3(4)(b) "idle or nugatory." *Rocky Mountain Animal Def.*, 100 P.3d at 514.

Section 44.3(4)(b) is thus made operative by imposing an additional and independent mandate on the Commission and this Court to ensure that no approved map dilutes the impact of a minority group's electoral influence—distinct from the Commission's and this Court's responsibility to ensure compliance with the VRA under section

26

44.3(1)(b). That is, this Court is tasked to determine whether vote

dilution has occurred specifically under section 44.3(4)(b) of the

Colorado Constitution, <u>not</u> whether vote dilution has occurred under the

VRA.

B. **In Colorado, vote dilution occurs when a minority voting group is denied an opportunity to influence the outcome of an election—even if the group cannot elect its preferred candidate.**

By its plain text, section 44.3's explicit protection against the

dilution of a "minority group's electoral influence" extends beyond the

express protections afforded by section 2 of the VRA. *Compare* Colo.

Const. art. V, § 44.3(4)(b) (explicitly protecting against dilution of

"electoral influence"), *with* 52 U.S.C. § 10301 (not explicitly protecting

against dilution of electoral influence).

Amendment Y thus explicitly provides the additional protection

the VRA does not: it unequivocally prohibits the Commission from

adopting a map which dilutes the impact of a minority group's ability to

"<u>influence</u> elections"—in addition to and beyond the minority group's

"ability to <u>elect</u> the representatives of their choice[.]" *Thornburg v.*

Gingles, 478 U.S. 30, 46 n.12 (1986) (emphasis in original).

Accordingly, this Court must ensure that the Commission has not drawn a map which "denies the minority group's chance to effectively influence the political process"—including "their chance to directly influence the election returns and to <u>secure the attention of the winning candidate</u>[.]" *Beauprez*, 42 P.3d at 650 (citing *Davis v. Bandemer*, 478 U.S. 109, 133 (1986), *abrogated on other grounds by Rucho v. Common Cause*, 139 S. Ct. 2484 (2019)) (emphasis added); *see also* National Conference on State Legislatures, *Redistricting Law 2020* (Oct. 2019), provided at App. 333-335 (defining "influence districts" as a "district in which the minority community, although not sufficiently large to elect the candidate of its choice, is able to influence the outcome of an election and elect a candidate who will be responsive to the interest and concerns of the minority community.").

Thus, as framed under Colorado's Constitution, the vote dilution inquiry extends even beyond the election itself to securing the attention of a <u>winning</u> candidate—to help ensure that an elected representative will be attentive and responsive to a minority group's needs and concerns regarding, for example, schools, streets, and any number of

public services after the election. If the Commission draws a map that dilutes a minority group's ability to present its concerns to an elected representative because that group's vote is unimportant to the representative's re-election, vote dilution has occurred. Colo. Const. art. V, § 44.3(4)(b); *Beauprez*, 42 P.3d at 650.

Simply stated: Colorado's vote dilution inquiry is not one of success, but one of opportunity. This Court must ensure that a map does not dilute a minority group's ability to "influence the outcome of an election even if its preferred candidate cannot be elected." *See Bartlett*, 556 U.S. at 13. And "[b]ecause the very concept of vote dilution implies—and, indeed, necessitates—the existence of an 'undiluted' practice against which the fact of dilution may be measured," this Court may consider a "reasonable alternative voting practice" in this inquiry. *Reno v. Bossier Par. Sch. Bd.*, 520 U.S. 471, 480 (1997) (in context of section 2 VRA claim).

C. Citizen voting age population (CVAP) statistics should be used in redistricting plans.

The most accurate metric for evaluating vote dilution is citizen

voting age population.[15] The reason is plain: "eligible voters affect a group's opportunity to elect candidates."*League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 429 (2006) (in context of section 2 VRA analysis). This is most accurately measured by examining the citizen voting age population (CVAP)—i.e., those individuals in a respective district who can actually influence the vote.

This is because "it must be recognized that total population, even if absolutely accurate as to each district when counted, is nevertheless not a talismanic measure of the weight of a person's vote under a later adopted reapportionment plan." *Gaffney v. Cummings*, 412 U.S. 735, 746 (1973). Accordingly, Census, or population, numbers—which measure population at only a "single instant in time[]"—are ineffective.

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[15] This is not to suggest, however, that the vote dilution inquiry is strictly numerical. This Court should consider a range of factors in analyzing dilution, including, among others, "the extent to which voting in the elections of the State or political subdivision is racially polarized[]" and "the extent to which minority group members bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process[.]" *Perry*, 548 U.S at 426 (citing *Gingles*, 478 U.S. at 44-45).

Id. (noting populations are "constantly changing, often at different rates in either direction, up or down. Substantial differentials in population growth rates are striking and well-known phenomena."). So too are voting age population (VAP) numbers taken from the Census, as they fail to account for citizenship (only raw population by age).

If it is "the weight of a person's vote that matters, total population—even if stable and accurately taken—may not actually reflect that body of voters whose votes must be counted and weighed for the purposes of reapportionment, because 'census persons' are not voters." *Id.*; *see e.g. Reyes v. City of Farmers Branch, Tex.,* 586 F.3d 1019, 1025 (5th Cir. 2009) (holding *Gingles* requires an inquiry into citizenship for purposes of dilution analysis and affirming that "this court's rule requiring an inquiry into citizenship under the first *Gingles* test remains good law[.]"); *Barnett v. City of Chicago*, 141 F.3d 699, 704 (7th Cir. 1998) (holding citizen voting age population was proper basis for determining whether distribution of effective majority status was proportional to population).

D. Dr. Liu's methodology and report.

This is the metric Baodong Liu, Ph.D, CLLARO's voting rights expert, used in his analysis.[16] His report is attached. His analysis examined the dilution of minority vote influence in two proposed districts—Congressional Districts 3 and 8.

Specifically, Dr. Liu evaluated the CVAP (and compared it to VAP) in those districts to determine voter turnout and, of those voters who do turnout, their respective ability to influence the vote in the respective districts. His conclusions are on page 11 of his report and his analysis is explained below.

In reaching his conclusions, Dr. Liu relied on data from the 2020 Census (VAP), the 2019 American Community Survey (ACS)[17] (CVAP

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[16] Dr. Liu is a nationally-recognized voting rights expert who has done extensive research into the relationship between election systems and the ability of minority voters to participate in the electoral process. (Report, p. 2.) He is a tenured professor of political science at the University of Utah. His full qualifications are set forth on pages 2-3 of his report and in Appendix I and II.

[17] The American Community Survey is conducted by the United States Census Bureau based on random sampling of populations. 2019 data was all that was available because of Executive Order on Ensuring a Lawful and Accurate Enumeration and Apportionment Pursuant to the

numbers), and precinct data obtained from the Colorado Secretary of State for the eight statewide elections the Commission identified as relevant to its competitive analysis and used in its Final Plan.[18] This data was analyzed using the Ecological Inference technique:[19]

Decennial Census. Further information on that order and the survey may be found here: https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.html; https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.2019.html

[18] These are: the 2016 Senate race, 2016 Presidential race, 2018 Attorney General race, 2018 Governor race, 2018 Treasurer race, 2018 Secretary of State race, 2018 CU Regent at Large race, and 2020 Senate race. (Final Plan, Ex. I, App. A; Report, p. 3.)

[19] Stated very basically, "ecological inference" is the process of using aggregate (historically called "ecological") data to draw conclusions about individual-level behavior when no individual-level data are available. Information on Ecological Inference is available here: https://gking.harvard.edu/category/research-interests/methods/ecological-inference

(Colo. Sec. of State) | (2020 Census) | (2020 Census/2019 ACS)

Election returns at the precinct level in eight statewide elections → Matched with → Racial/ethnic demographics at the Voting Tabulation District Level ← Matched with ← Population data (VAP or CVAP)

Ecological Influence

Takes this aggregate data and draws scientific conclusions from it concerning voter turnout estimates and racial/ethinic group vote choices

See Sanchez v. State of Colo., 97 F.3d 1303, 1313 (10th Cir. 1996) (noting the United States Supreme Court approval of older version of similar ecological regression analysis in assessing racially polarized voting). Dr. Liu looked for trends in racial support for the respective candidates. (Report, p. 3.)

Dr. Liu's analysis revealed that the Commission's proposed Congressional Districts 3 and 8 have the effect of diluting the impact of Latinos' electoral influence.

E. The Map's Congressional District 3 dilutes Latinos' electoral influence.

The Commission has not provided any analysis of Approved Congressional District 3 (ACD3 herein and in Dr. Liu's report) to support its conclusion that this district does not have the effect of diluting the Latino vote. This lack of analysis is concerning, adding to the opacity of this public redistricting process. *See* Colo. Const. art. V, § 44.5(1) (envisioning supportive evidence to be presented for review).

CLLARO's independent analysis demonstrates ACD3 results in vote dilution, a concern CLLARO (and others) frequently raised with the Commission.[20]

1. ACD3's geography and population.

As proposed, ACD3 is a "western and southern district consisting of 26 whole counties." (Final Plan, p. 6, Ex. A, p. 5.) This district is expansive, covering the San Luis and Roaring Fork Valleys, and the Western Slope. It includes Alamosa, Archuleta, Conejos, Costilla, Delta, Dolores, Garfield, Gunnison, Hinsdale, Huerfano, La Plata, Las

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[20] CLLARO repeatedly brought this issue to the Commission's attention via public comments and map submissions. (App., pp. 241-289.)

Animas, Mesa, Mineral, Moffat, Montezuma, Montrose, Otero, Ouray, Pitkin, Pueblo, Rio Blanco, Rio Grande, Saguache, San Juan, and San Miguel counties. (Final Plan, pp. 6-7.) To keep the Roaring Fork Valley whole (which it appears the Commission correctly defined as a community of interest), ACD3 includes a portion of Eagle County, including "all of the towns [sic] of Basalt and El Jebel." (*Id.*) To "equalize" the population, ACD3 also includes "an additional portion of Eagle County up to and including Interstate 70 and east, excluding the Towns of Gypsum and Eagle." (*Id.*, p. 7.)

According to the Commission, ACD3 includes a population of 721,714 (based on 2020 Census Numbers). (Final Plan, Ex. E.) As drafted, it includes the third-highest concentration Latino population among the proposed Congressional districts. Specifically, of that population, the Commission states that 25.7% (185,794) is Hispanic and 66.7% is Non-Hispanic White (481,566). (*Id.*) While the Commission asserts ACD3 does not result in vote dilution, it offers no analysis or calculations in support of that assertion.

2. ACD3's CVAP reflects the true influence of Latinos' vote in that district.

At the outset, the Commission's Final Plan is inherently flawed because it fails to identify on what metric its conclusion that there is no dilution of any minority group's electoral influence is based. This is despite this Court's guidance that the Commission was not limited to using exclusively Census data in redistricting. *See In re Interrogs.*, ¶¶ 36-39.

Indeed, the only breakdown the Commission provides is as to active <u>registered</u> voters (and only by party). (Final Plan, Ex. I, App. B.) That population is an inherently flawed metric for measuring vote dilution, as it fails to account for those individuals in a district that could vote (i.e., are of age) but have chosen not to register.

In fact, the only racial breakdown of ACD3 the Commission provides relates to the general population. (Final Plan, Ex. E.) That metric includes children and non-citizens and cannot in any way be representative of voting influence in the district. (Report, p. 5 ("[T]here is a significant segment of the Hispanic residents in ACD3 that do not have the citizenship in order to vote.").) And the Commission's

assumption that the impact of Latinos' electoral influence is not diluted is wrong in any event.

Relying on publicly-available VAP data, ACD3's VAP population is 568,549. (Report, p. 4, Fig. 1.) Of that VAP population, the racial breakdown of the Commission's proposed CD 3 would be approximately 22.8% Hispanic, 70.1% White, and 8.1% Other[21]. (*Id.*) Yet this breakdown presents an incomplete picture of Latinos' true electoral influence in CD 3.

This is because the VAP number includes non-citizens. In other words, it counts people who will not be able to vote. Adjusted for CVAP, ACD3 contains 533,766 citizens—<u>187,948 individuals less than the general population of CD 3, and 34,783 individuals less than the VAP population</u>. (*Id.*) Of that CVAP population, approximately 20.6% is Hispanic, 74.9% is White and 4.3% is Other. (*Id.*) This means that, even

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[21] Defined in Figure 1 to include Black, Asian, and Other. (Report, p. 4, Fig. 1.) These types of figures are rounded for ease of understanding and as a result may not always perfectly add to 100% (but within a +/- margin of 1%).

had the Commission looked to VAP, it would have overestimated the

Hispanic voting bloc's influence by approximately 2.2% and

underestimated the White voting bloc's influence by approximately

4.8%.[22] (Report, pp. 4-5.)

> 3. **ACD3 dilutes the impact of Latinos' electoral influence by combining them with a White voting bloc that consistently votes against Latino-preferred candidates.**

Compounding the harm is the fact that of the 20.6% Hispanic

CVAP bloc present in ACD3, only 41.8% of that bloc turns out to vote.[23]

In contrast, of the 74.9% White voting bloc, 63.2% of that bloc turns out

to vote. Stated simply, as the Commission has drawn ACD3, the White

voting bloc has a greater number of voters who turn out in greater

numbers to vote, whereas the Hispanic voting bloc has fewer number of

voters who turnout in fewer numbers to vote.

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[22] Were the Commission's general population numbers used (25.7% Hispanic, 66.7% Non-Hispanic White), the inflation would be even greater—overestimating the Hispanic voting bloc by 5.1% and underestimating the White voting bloc by 8.2%. (Final Plan, Ex. E.)

[23] This number averages precinct data from the eight statewide elections the Commission identified as relevant to its competitiveness analysis and identified in Exhibit I to the Final Report.

And when Hispanic and White voters in CD 3 do turnout to vote, their preferred candidates are different. Of the Hispanic CVAP voting bloc that turns out, 81% vote for Democrats and 18% vote for Republicans. (Report, p. 5.) Of the White CVAP voting bloc that turns out, 37.5% vote for Democrats and 61.5% vote for Republicans. (Report, p. 5.) This means that the White voting bloc will consistently prevent the Hispanic voting bloc from directly influencing election returns and securing the attention of the winning candidate, thereby diluting the impact of the Latino community's electoral influence. *Beauprez*, 42 P.3d at 650-51.

This analysis also demonstrates that voting patterns in this area are racially polarized—the Latino voting bloc strongly supports Democratic candidates, while the White voting bloc strongly supports Republican candidates. In the same statewide elections, the Democratic candidate was consistently defeated in each of those eight elections. (Report, p. 9.) Indeed, each of those eight elections resulted in racially polarized voting—meaning that the White voting bloc candidate voted for a Republican candidate, the Hispanic voting bloc voted for the

Democratic candidate, and the White bloc-preferred candidate prevailed. (*Id*.)

This, in turn, means that in the identified races there was never an election in which there were sufficient cross-over votes from the White voting bloc to the Latino voting bloc to elect the Latino-preferred candidate. (Report, p. 9.) It also means that there was never an election in which racially-polarized voting did not occur.

This dilutes the impact of Latinos' electoral influence. The Commission's broad and conclusory statement to the contrary is simply inaccurate. And because the Commission never engaged in this analysis, there is nothing in the record to support a contrary conclusion.

Accordingly, these voting patterns demonstrate that the Commission's Map cannot be given effect. Colo. Const. art. V, § 44.3(4)(b).

F.   The Map's Congressional District 8 dilutes Latinos' electoral influence.

Again, the Commission's conclusions here are opaque. It has not provided any analysis of Approved Congressional District 8 (ACD8 herein and in Dr. Liu's report) to support its conclusion that this district

41

does not dilute the Latino vote. *See* Colo. Const. art. V, § 44.5(1)

(envisioning supportive evidence to be presented for review).

CLLARO's independent analysis again demonstrates that ACD8

results in vote dilution, a concern it (and others) frequently raised with

the Commission.[24]

1. ACD8's geography and population.

As proposed, ACD8 consists of the western portion of Adams

County, portions of Weld County, and cities crossing the border between

Boulder, Larimer, and Weld Counties. (Final Plan, pp. 9-10, Ex. A, p.

10.) In Adams County, ACD8 includes all of the cities of Brighton,

Commerce City, Northglenn, and Thornton, and most of the portions of

Arvada and Westminster that are within Adams County. (*Id*.) In Weld

County, ACD8 includes all the city of Greeley and town of Windsor, and

southern Weld County cities including all of Firestone, Frederick, and

Mead. (*Id*.) For cities crossing the border between Boulder, Larimer,

and Weld counties, ACD8 includes all of Berthoud and Johnstown. (*Id*.)

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[24] CLLARO repeatedly brought this issue to the Commission's attention
via public comments and map submissions. (App., pp. 241-309.)

ACD8's border with Congressional District 4, a largely eastern

plains district, was drawn to "equalize the district's population with

other districts.") (Final Plan, pp. 9-10.)

According to the Commission, ACD8 includes a population of

721,714 (based on 2020 Census Numbers). (Final Plan, Ex. E.) As

drafted, it includes the highest concentration of Latino voters among

the proposed Congressional districts. Specifically, of that population,

the Commission states that 38.5% (278,107) is Hispanic and 51.7% is

Non-Hispanic-White (373,314). (*Id*.) While the Commission asserts

ACD8 does not result in vote dilution, it offers no analysis or

calculations in support of that assertion.

2. ACD8's CVAP reflects the true influence of Latinos' vote in that district.

The Commission's failure to identify its metric for concluding

there is no vote dilution of any minority group's electoral influence

leaves this Court without any supporting analysis in reviewing ACD8.

Once again, the only breakdown the Commission provides as to voters is

active <u>registered</u> voters (and only by party), despite the invitation to

consider other data. *In re Interrogs.*, ¶¶ 36-39. And the only racial

breakdown of ACD8 the Commission provides relates to the general population (which, because it includes children and non-citizens is not representative of voting influence in the district). (*See* Final Plan, Exs. E; I, App. B.) As described above, that population is inherently flawed as a metric for redistricting, as it fails to account for those individuals in a district that could vote (i.e., are of age) but have chosen not to register. And the Commission's bald conclusion is wrong in any event.

Relying on publicly-available VAP data, ACD8's VAP population is 536,031. (Report, p. 4, Fig. 1.) Using VAP, the racial breakdown of ACD8 would be 34.5% Hispanic, 56.1% White, and 11.2% Other. (Report, p. 8.) Yet this breakdown presents an incomplete picture of Latinos' true electoral influence in ACD8.

This is because the VAP number includes non-citizens. In other words, it counts people who will not be able to vote. Adjusted for CVAP, ACD8 contains 457,607 citizens—<u>264,107 individuals less than the general population of ACD8, and 78,424 individuals less the VAP population</u>. (Report, p. 4.) Of that CVAP population, approximately 27.5% is Hispanic, 66% is White and 6.2% is Other. (*Id.*) This means

that, even <u>had</u> the Commission looked to VAP, it would have

<u>overestimated the Hispanic voting bloc's influence by approximately 7%</u>

and <u>underestimated the White voting bloc's influence by approximately</u>

<u>9.9%</u>.[25]

3. **ACD8 dilutes the impact of Latinos' electoral influence by combining them with a White voting bloc that consistently votes against Latino-preferred candidates.**

Again compounding the harm is the fact that of the 27.5%

Hispanic CVAP bloc present in ACD8, only 22.4% of that bloc turns out

to vote. In contrast, of the 66% White voting bloc, 65.2% of that bloc

turns out to vote. Stated simply, as the Commission has drawn ACD8,

the White voting bloc has more than twice the number citizens of in the

Hispanic voting bloc—nearly all of whom turn out to vote. The Hispanic

voting bloc, on the other hand, has fewer number of voters who turnout

in fewer numbers.

And when Hispanic and White voters in ACD8 do turnout to vote,

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[25] Were the Commission's general population numbers used (38.5% Hispanic, 51.7% Non-Hispanic White), the inflation would be even greater—overestimating the Hispanic voting bloc by 11% and underestimating the White voting bloc by 14.3%. (Final Plan, Ex. E.)

their preferred candidates are different. Of the Hispanic CVAP voting bloc that turns out, 67% vote for Democrats and 32.1% vote for Republicans. Of the White CVAP voting bloc that turns out, 46.1% vote for Democrats and 53% vote for Republicans. (Report, p. 6.) This means that while ACD8 may contain a mix of voters who could vote for each other's preferred candidates, the sheer number of White bloc voters who vote for non-Hispanic preferred candidates has the effect of consistently diluting the Hispanic voting bloc's influence in any election. This will, in turn, prevent the Hispanic voting bloc from directly influencing election returns and securing the attention of the winning candidate, thereby diluting the impact of the Latino community's electoral influence. *Beauprez*, 42 P.3d at 650-51.

This analysis also demonstrates that voting patterns in this area are racially polarized—the Latino voting bloc strongly supports Democratic candidates, while the White voting bloc strongly supports Republican candidates. (Report, p. 6.)

Indeed, in the same eight statewide elections, the Democratic candidate was defeated twice in those eight elections. (Report, p. 9.)

46

Indeed, five of those eight elections resulted in racially polarized voting—meaning that the White voting bloc candidate voted for a Republican candidate, the Hispanic voting bloc voted for the Democratic candidate, and the White bloc-preferred candidate prevailed. (Report, p. 9.) This, in turn, means that in only three elections (noted as "inconclusive RPV") did the voting occur possibly along lines other than race.

This is yet another instance of vote dilution in the Commission's Map. Accompanied by the dilution that already exists in ACD3, Latino voters are prohibited from realizing the full power of the franchise in nearly 25% of the proposed congressional districts. And again, the Commission's non-specific, broad and conclusory statement to the contrary that dilution does not exist is wrong. Without record support to demonstrate the basis for this assertion, it fails under any standard of review.

What the record does show is that CLLARO (among others) repeatedly emphasized to the Commission the risk ACD3 and ACD8 presented for vote dilution and offered alternative maps demonstrating

that risk could be significantly reduced. (App., pp. 241-309.)

II. CLLARO PROPOSED AN ALTERNATIVE MAP THAT RESULTED IN LESS DILUTION OF LATINOS' ELECTORAL INFLUENCE IN CONGRESSIONAL DISTRICTS 3 AND 8.

A. CLLARO's proposed CD3 reduces dilution of Latinos' electoral influence.

CLLARO provided two maps with accompanying memorandums to the Commission. (App., pp. 264-289.) Both these maps were discussed in committee and were put up for vote. (App., pp. 301-311.)

In its second submission, CLLARO identified for the Commission the potential for dilution the proposed "L-shape" in ACD3 presented. (App., p. 267.) To avoid dilution, CLLARO proposed removing from the district the counties along the Colorado-Utah border. These includes Moffat, Rio Blanco, Mesa, and Delta Counties, as well as part of Garfield County. (App., p. 267.) The proposed split in Garfield County ensured that the entire Roaring Fork Valley (a Commission and CLLARO identified community of interest) remained in the district. (*Id.*)

CLLARO further proposed adding the southeast counties of Bent,

Prower, and Baca to CD 3. These counties combined have a White

CVAP of 83.9% that voted 52.9 to 43.5% for the candidate Latino voters

opposed. (*Id.*) This means that "this area of the state exhibits

significantly less bloc voting behavior among white voters in opposition

to Latino voters[]"—as there is a greater chance of White cross-over

voters. (*Id.*)

The proposed districts differed as follows:
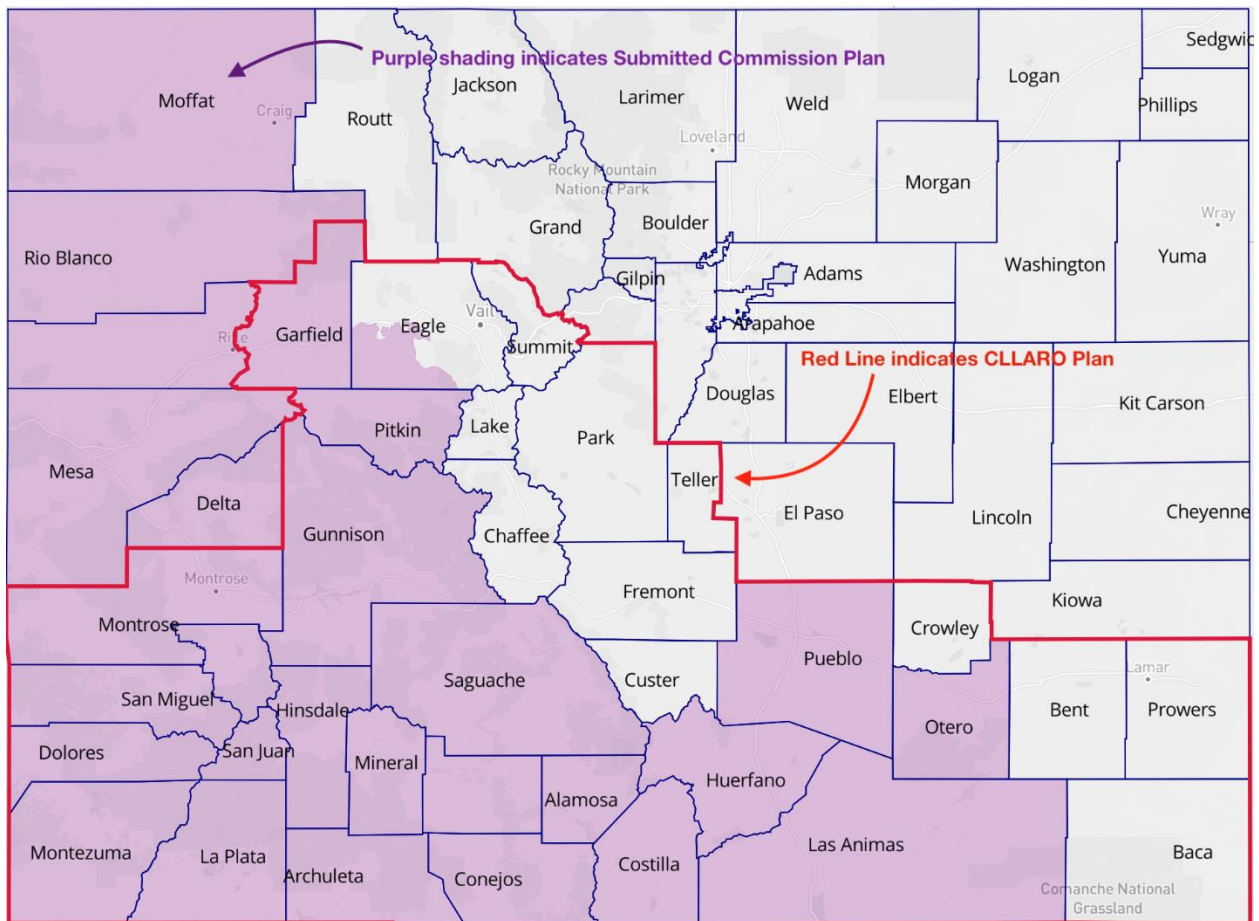
This reformulation, CLLARO explained, "would help prevent vote dilution in the district overall while also keeping the community of interest in the central mountain region whole." (*Id*.) Overall, CLLARO's proposed Third Congressional District (CLLARO CD3) would be 26.3% Latino by population and 20.8% Latino by CVAP. (*Id*.) Importantly, CLLARO made clear that its proposal "**does not constitute a full voting rights analysis, however, the Commission should seek such an analysis for this and other districts to ensure the plan they're considering is free of voter dilution before sending a plan to the Colorado Supreme Court for approval**." (*Id*. (emphasis and bolding in original).)

An analysis of CLLARO CD3 demonstrates that it does in fact reduce dilution of Latinos' electoral influence. Using CVAP data, CLLARO CD3 results in a 20.8% Hispanic voting bloc and 74.4% White voting block. (Report, p. 7.) Of the 20.8% Hispanic voting bloc, 37.6% of that bloc turns out to vote. Of the 74.4% White voting bloc, 63.2% of the bloc turns out to vote. (Report, p. 7.)

Using CLLARO's map, the Latino-preferred candidate was

defeated in only five of the eight representative races, a significant improvement from the Commission's eight out of eight. (Report, p. 9.) While Latino voter turnout numbers were reduced slightly, the number of elections in which racially-polarized voting occurred between Hispanic and White voters were reduced from eight to seven, creating one "inconclusive" race. (*Id.*) This means there would be a greater opportunity for cross-over voting—even with lower voter turnout—and that significant get-out-the-vote efforts might encourage even greater influence. And the results were the same (if not more favorable on some metrics) using solely VAP. (Report, p. 7.)

B. CLLARO's proposed CD 8 reduces dilution of Latinos' electoral influence.

In its second submission, CLLARO identified for the Commission its "concerns with voter dilution in Weld County and part of Adams County[.]". (App., p. 269.) To avoid dilution, CLLARO proposed keeping the suburban communities, including Broomfield, within this district (CLLARO CD 8). (*Id.*) Specifically, CLLARO proposed putting the entire City and County of Broomfield within this district as it is part of the north metro suburban community of interest around Broomfield and

Adams County, as well as the Highway 85 corridor from Lochbuie to Greeley. It removed the Weld County communities along the I-25 corridor, including those along Carbon Valley. (*Id.*)

With the area being added to the district, there would be far more crossover voters—CLLARO CD8 would be 38% Latino and also highly competitive. This is demonstrated by the 2018 Attorney General election in which the Democratic candidate prevailed by only 3.5% in CLLARO's proposed district. (*Id.*)

The proposed districts differed as follows:
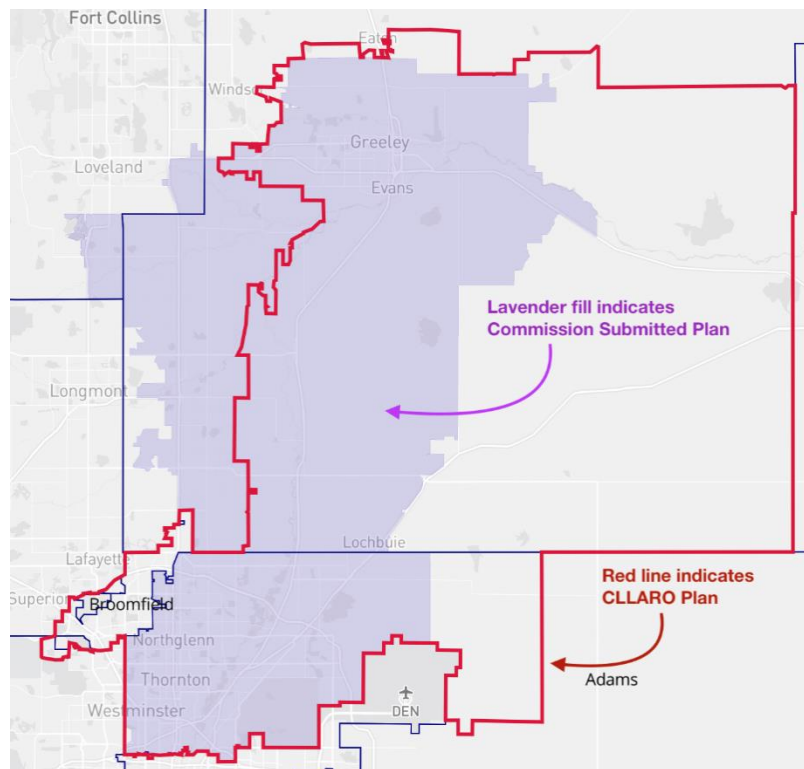
An analysis of CLLARO CD8 demonstrates that it does in fact

reduce the dilution of Latinos' electoral influence. Using CVAP data,

CLLARO CD8 results in a 27.5% Hispanic voting bloc, 64.9% White

voting bloc, and 7% Other voting bloc. (Report, p. 7.) Of the 27.5%

Hispanic voting bloc, 20.4% of that bloc turns out to vote. Of the 64.9%

White voting bloc, 67% of the bloc turns out to vote. (Report, p. 7.)

Using CLLARO's map, the Latino-preferred candidate was never

defeated, an improvement over the Commission's proposed district (in

which the candidate was defeated twice). (Report, p. 9.) In CLLARO's

map there are also no instances of racially polarized voting and seven

instances of "inconclusive"—meaning that there is no sufficient

evidence that race played a role in the candidate's election. (*Id*.) And

the results were similarly favorable using solely VAP. (Report, p. 9.)

C. **CLLARO's map is significant because it demonstrates an alternative map with less dilution of Latinos' electoral influence.**

CLLARO's map is significant because it demonstrates that

another formulation of each district is possible that does less harm to

the Latino vote in Colorado. *Reno*, 520 U.S. at 480. Because the Map

has the effect of diluting the Latino vote by way of its proposed ACD3 and ACD8, this Court cannot give it effect. Colo. Const. art. V, § 44.3(4)(b). This means the Court must return the Final Plan and Map to the Commission, explaining its disapproval of the Map because ACD3 and ACD8 result in vote dilution. Colo. Const. art. V, § 44.5(3).

<div align="center">

CONCLUSION

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For all the reasons set forth above, this Court should return the Final Plan and Map to the Commission with directions to draft a map that does not dilute the impact of Latinos' electoral influence.

Dated: October 8, 2021

MESSNER REEVES LLP

s/ Kendra N. Beckwith

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[26] Messer Reeves' New York attorney Lena Brinjikji contributed significantly to this brief.

CERTIFICATE OF SERVICE

I certify that on October 8, 2021, I filed the foregoing in the Colorado Supreme Court and served a true and accurate copy on the following parties via the Colorado E-file System:

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COLORADO SUPREME COURT Ralph L. Carr Judicial Center 2 East 14th Avenue Denver, Colorado 80203	
Original Proceeding Pursuant to Article V, Section 44.5 of the Colorado Constitution	
In Re: Colorado Independent Congressional Redistricting Commission	
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APPENDIX

CLLARO

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LATINOS & COLORADO

As the population in Colorado continues to change dramatically, the Latino Leadership Institute is dedicated to informing individuals and organizations from across the state about the diverse Latino population. Demography may not always determine destiny, but knowledge can be the true change agent in predicting and preparing for tomorrow.

COLORADO'S DEMOGRAPHIC DESTINY

Today, nearly 70 percent of Colorado's population is non-Hispanic white. By 2040, the white population will decline to 55 percent. Over the next 20 years, the Latino population will increase from a current share of 21 percent of the population (1.1 million Latinos) to **33 percent**. With rapid growth comes great opportunity and potential challenges. **1 in 4 Coloradans will be Latino by the end of this decade.**

The median age of Latinos in Colorado is 27 compared to 42 for non-Hispanic whites.

Latino age distribution in Colorado

12.0 %

35.0 %

25.0 %

28.0 %

● Under 18   ● 18-34   ● 35-54   ● 55+
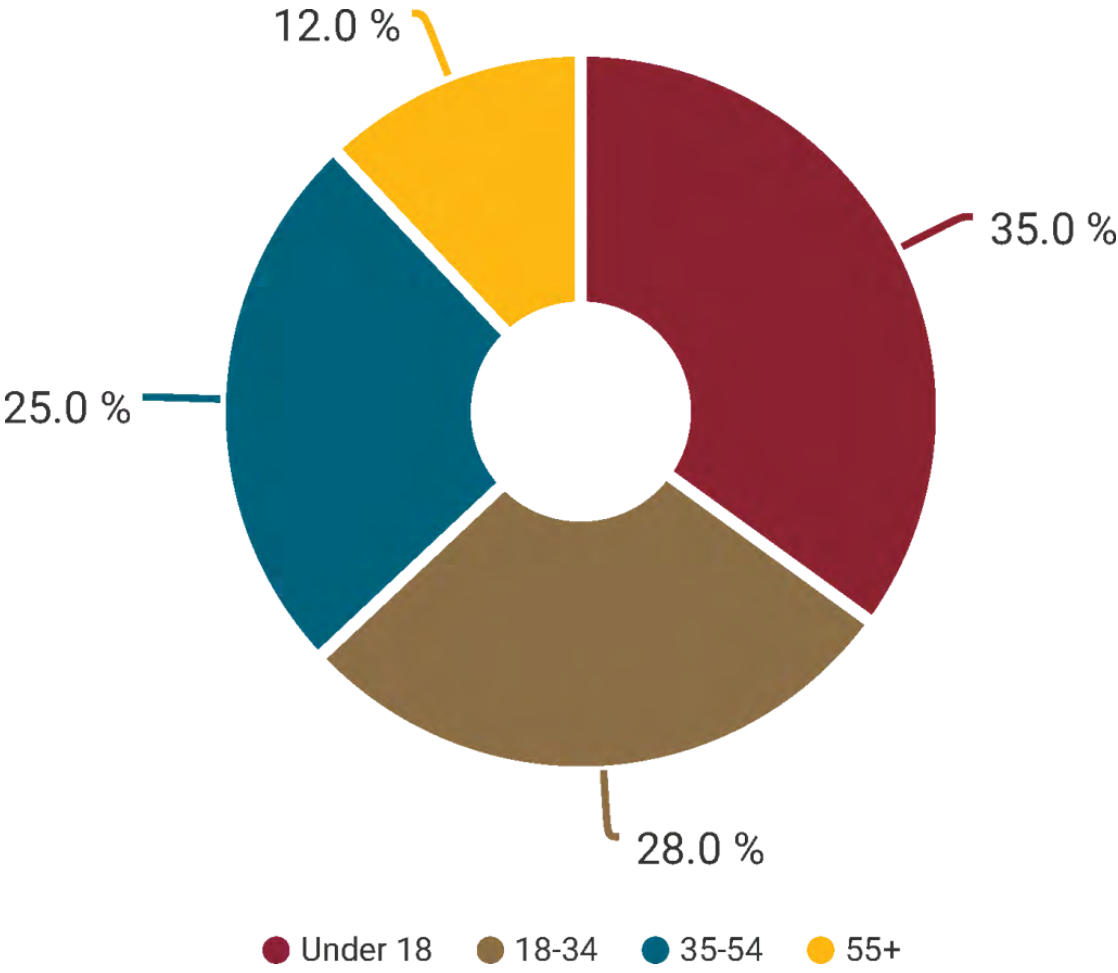
Non Hispanic White Age Distribution in Colorado

20.0 %

23.0 %

28.0 %

29.0 %

● Under 18   ● 18-34   ● 35-54   ● 55+
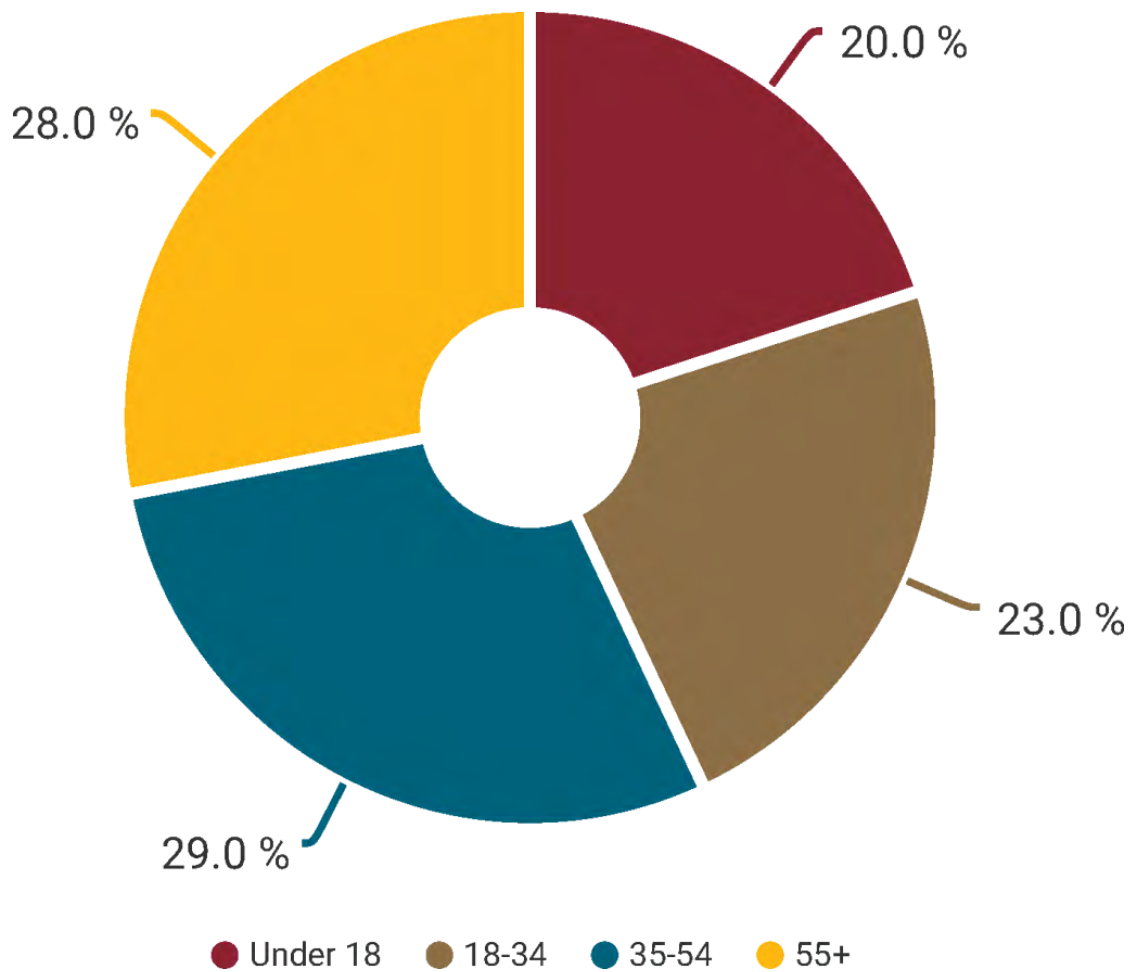
Nearly 80 percent of Latinos in Colorado are native born. In fact, only 4 percent of the state population is comprised of Latino Immigrants.

LANGUAGE

GEOGRAPHIC DATA

Counties across Colorado saw significant population growth between 2010 and 2014. By comparison the Latino population growth outpaced the total population growth by an average of nearly 12 percent. Over the last 25 years, some of Colorado's largest counties saw the Latino population increased by as much as 14000 percent. Since 1990, the average growth of

6

the Latino population in Adams, Arapahoe, Douglas, El Paso, Jefferson, and Weld Counties was approximately 500%.

Colorado Counties with Latino population over 100,000

Adams, Arapahoe, Denver, El Paso

Colorado Counties with over 33% Latino population

Adams, Alamosa, Conejos, Costilla, Huerfano, Las Animas, Morgan, Otero, Prowers, Pueblo, Rio Grande, Saguache

View Latino Colorado Report Here ⊙

Colorado Counties with Highest Latino Population Increase (2010-2014)

Adams, Arapahoe, El Paso, Jefferson, Weld

PARTNERSHIP

The Latino leadership Institute is proud to partner with Latino Decisions and the Latino Data project in presenting, for the first time, extraordinary research findings about the rapidly changing Latino population in Colorado. The research was conducted by Latino Decisions in partnership the the Latino Data Project. The information and data are the intellectual property of Latino Decisions and the Latino Data Project. As experts in Latino research, Latino Decisions and the Latino Data Project have compiled the most comprehensive data available on Colorado's Latino population. The Institute proudly presents this information.

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"Pedro Menendez Aviles founded St. Augustine, Florida *55 years* before Plymouth Rock. In 1875, Casimiro Barela helped to write the Colorado Constitution. Leadership is both our *heritage* and *legacy*."

— Honorable Federico Peña

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8

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Pick a topic:

Race by Ethnicity

Hispanic Origin

Select a question:

What percentage was each group in 2020?

How has each group changed since 2010?

What are facts for my state or county?

Click here for instructions.

State: Colorado

Group: Hispanic or Latino

**Percent Hispanic or Latino
by County: 2020**

Colorado: 21.9%
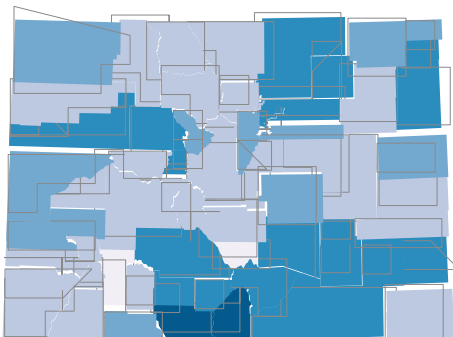
Interested in a particular county?
Enter a county in the search bar to highlight it.

No items highlighted

Colorado counties

County	Percentage
Costilla County	56.8%
Conejos County	50.7%
Alamosa County	47.0%
Adams County	41.7%
Pueblo County	41.6%
Otero County	41.2%
Rio Grande County	39.9%
Prowers County	39.0%
Las Animas County	38.7%
Saguache County	37.6%
Morgan County	36.3%
Lake County	35.8%
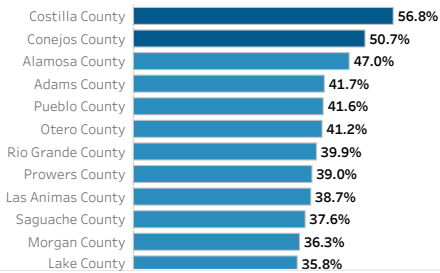
Percentage of total population
- 50.0 or more
- 25.0 to 49.9
- 15.0 to 24.9
- 5.0 to 14.9
- Less than 5.0
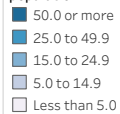
Return to Nation

Note: Ranking based on unrounded numbers. Percentages may not add to 100 due to rounding. Source: 2010 Census Redistricting Data (Public Law 94-171) Summary File; 2020 Census Redistricting Data (Public Law 94-171) Summary File.

Additional information is available for:

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FACT SHEET | JANUARY 19, 2016

2016 State Election Fact Sheets

The state fact sheets below contain data on the size and social and economic characteristics of the Hispanic and non-Hispanic eligible voter populations. These fact sheets are based on Pew Research Center's tabulations of the Census Bureau's American Community Survey. Eligible voters are defined as U.S. citizens ages 18 and older.

Next: Latinos in the 2016 Election: Alabama

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12

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PEW RESEARCH CENTER | JANUARY 19, 2016

2016 STATE ELECTION FACT SHEETS

Latinos in the 2016 Election: Colorado

This profile provides key demographic information on Latino eligible voters[1] and other major groups of eligible voters in Colorado.[2] All demographic data are based on Pew Research Center tabulations of the U.S. Census Bureau's 2014 American Community Survey.[3]

Hispanics in Colorado's Eligible Voter Population

13

Population and Electorate in the United States and Colorado, 2014

	U.S.	Colorado	Colorado state rank
Total population (all ages)			
All (thousands)	318,857	5,356	22
Hispanics (thousands)	55,251	1,136	8
Percent Hispanic	17.3	21.2	7
Eligible voter population (U.S. citizens ages 18 and older)			
All (thousands)	224,963	3,818	22
Hispanics (thousands)	25,486	555	9
Percent Hispanic	11.3	14.5	7
Eligibility of Hispanic population			
Percent of Hispanic population eligible to vote	46.1	48.9	18

Note: Percentages calculated before rounding.

Source: Pew Research Center tabulations of the 2014 American Community Survey (1% IPUMS sample)

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- The Hispanic population in Colorado is the eighth largest in the nation. About 1.1 million Hispanics reside in Colorado, 2.1% of all Hispanics in the United States.

- Colorado's population is 21% Hispanic, the seventh largest Hispanic statewide population share nationally.

- There are 555,000 Hispanic eligible voters in Colorado—the ninth largest Hispanic statewide eligible voter population nationally. California ranks first with 6.9 million.

- Some 15% of Colorado eligible voters are Hispanic, the seventh largest Hispanic statewide eligible voter share nationally. New Mexico ranks first with 40%.

- Some 49% of Hispanics in Colorado are eligible to vote, ranking Colorado 18th nationwide in the share of the Hispanic population that is eligible to vote. By contrast, 80% of the state's white population is eligible to vote.

Characteristics of Eligible Voters in Colorado and the United States, 2014

% of eligible voters (unless otherwise noted)

	U.S.		Colorado	
	All	**Hispanics**	**All**	**Hispanics**
Total population *(thousands)*	318,857	55,251	5,356	1,136
Eligible voter population *(thousands)*	224,963	25,486	3,818	555
Age				
18-29	21.6	32.9	22.3	31.7
30-44	24.0	28.6	26.2	31.1
45-54	17.6	15.9	17.2	14.5
55-64	16.9	11.6	17.0	11.9
65 and older	19.8	11.0	17.4	10.7
Millennial *(ages 18-33)*	28.2	41.4	29.7	40.7
Gender				
Male	48.4	48.9	49.7	49.5
Female	51.6	51.1	50.3	50.5
Type of citizen				
Citizen by birth	91.4	75.2	94.6	88.4
Naturalized citizen	8.6	24.8	5.4	11.6
Language				
Speaks only English at home	85.2	31.7	89.5	60.4
Does not speak only English at home	14.8	68.3	10.5	39.6
Speaks Spanish at home	8.5	67.8	6.6	39.4
Educational attainment				
Less than high school graduate	10.9	22.0	7.5	19.5
High school graduate	28.4	29.0	22.5	32.0
Two-year degree/Some college	32.7	33.5	34.0	33.8
Bachelor's degree or more	28.1	15.6	36.0	14.7
Marital status				
Married	49.6	42.5	52.2	43.2
Never married	29.9	40.1	28.5	37.8
Divorced/separated/widowed	20.6	17.4	19.3	19.1
With child younger than 18 in home	23.5	28.7	25.0	28.3
Homeownership rate	66.7	55.2	67.0	56.1
Hispanic origin				
Mexican	-	59.2	-	66.4
Puerto Rican	-	14.1	-	3.1
Cuban	-	4.6	-	1.0
Salvadoran	-	2.6	-	1.1
Dominican	-	3.4	-	0.2
Other	-	16.1	-	28.3
Household income *(in 2014 $)*				
Less than $30,000	20.7	22.8	16.4	21.6
$30,000-$49,999	17.2	19.6	15.9	20.2
$50,000-$74,999	18.7	20.1	18.6	20.1
$75,000-$99,999	14.0	14.4	15.4	15.4
$100,000 or more	29.5	23.1	33.8	22.7

Note: Eligible voters are citizens ages 18 and older. Percentages may not total 100% due to rounding. High school graduate includes GEDs or equivalent. Homeownership rate and household income excludes persons living in institutions, college dormitories and other group quarters.

Source: Pew Research Center tabulations of the 2014 American Community Survey (1% IPUMS sample)

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Characteristics of Eligible Voters in Colorado, by Race and Ethnicity, 2014

% of eligible voters (unless otherwise noted)

	Hispanic	White	Black	Asian
Total population *(thousands)*	1,136	3,686	205	153
Eligible voter population *(thousands)*	555	2,937	142	83
Age				
18-29	31.7	19.8	26.1	22.8
30-44	31.1	25.0	29.7	29.2
45-54	14.5	17.7	19.2	17.6
55-64	11.9	18.2	13.5	15.5
65 and older	10.7	19.3	11.5	14.9
Millennial *(ages 18-33)*	40.7	26.7	35.9	30.2
Gender				
Male	49.5	49.7	54.9	42.3
Female	50.5	50.3	45.1	57.7
Type of citizen				
Citizen by birth	88.4	97.8	87.9	33.3
Naturalized citizen	11.6	2.2	12.1	66.7
Language				
Speaks only English at home	60.4	96.6	86.7	37.2
Does not speak only English at home	39.6	3.4	13.3	62.8
Speaks Spanish at home	39.4	1.0	1.8	0.6
Educational attainment				
Less than high school graduate	19.5	4.9	9.0	15.2
High school graduate	32.0	20.7	25.3	15.3
Two-year degree/Some college	33.8	33.8	43.0	23.9
Bachelor's degree or more	14.7	40.6	22.6	45.6
Marital status				
Married	43.2	54.8	36.7	60.6
Never married	37.8	26.0	39.2	24.9
Divorced/separated/widowed	19.1	19.3	24.1	14.5
With child younger than 18 in home	28.3	24.1	26.6	27.9
Homeownership rate	56.1	70.4	44.1	74.3
Household income *(in 2014 $)*				
Less than $30,000	21.6	15.0	22.3	14.2
$30,000-$49,999	20.2	14.9	19.6	13.4
$50,000-$74,999	20.1	18.2	21.1	18.3
$75,000-$99,999	15.4	15.5	13.5	14.7
$100,000 or more	22.7	36.4	23.5	39.4

Note: Eligible voters are citizens ages 18 and older. Percentages may not total 100% due to rounding. High school graduate includes GEDs or equivalent. Whites, blacks and Asians include only non-Hispanics. Hispanics are of any race. Homeownership rate and household income excludes persons living in institutions, college dormitories and other group quarters.

Source: Pew Research Center tabulations of the 2014 American Community Survey (1% IPUMS sample)

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1. Eligible voters are defined as U.S. citizens ages 18 and older. Eligible voters are not the same as registered voters. To cast a vote, in all states except North Dakota, an eligible voter must first register to vote. ↵

2. The terms "Hispanic" and "Latino" are used interchangeably. References to other races and ethnicities are to the non-Hispanic components of those populations. ↵

16

3. This statistical profile of eligible voters is based on the Census Bureau's 2014 American Community Survey (ACS). The ACS is the largest household survey in the United States, with a sample of about 3 million addresses. The data used for this statistical profile come from the 2014 ACS Integrated Public Use Microdata Series (IPUMS), representing a 1% sample of the U.S. population. Like any survey, estimates from the ACS are subject to sampling error and (potentially) measurement error. More information is available on ACS sampling strategy and associated error. ↵

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RESEARCH REPORT

Assessing Miscounts in the 2020 Census

Diana Elliott   *Rob Santos*   *Steven Martin*   *Charmaine Runes*
June 2019

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18

Contents

20

Acknowledgments

Assessing Miscount Risk in the 2020 Census

The decennial census is foundational to our democratic society. Census population counts guide appropriations and federal funding allocations, congressional redistricting, state and local budgets, and data-driven business and research decisions. Yet despite its importance, the 2020 Census faces unprecedented threats to its accuracy. Since 2010, decennial census preparations have faced (1) underfunding leading to scaled-back testing and outreach operations, (2) innovations that promise efficient implementation but remain undertested and underdeveloped, and (3) the last-minute introduction of a citizenship question. For this reason and others, the US Government Accountability Office (GAO) has added the 2020 Census to its "high risk" list of government activities in jeopardy in the coming years.[1]

The US Census has been in the news lately, given that the Supreme Court will decide if the citizenship question will be included before a June 2019 printing deadline. This court case and others challenging the addition of the citizenship question have heightened our collective attention to the importance that all participate and be counted in the census. While the citizenship question has garnered the most recent attention, it is not the only factor at play. A decade of underfunding, undertesting, and the introduction of new innovations to administer and impute the data suggest uncertainty about the future accuracy of census counts. Even if the citizenship question is not included in the final list of questions, current discourse about immigration could suppress participation.[2] Fortunately, there is still time to encourage participation through strategic outreach to the people and communities most likely to be missed.

At present, scant evidence exists about the effect of unfolding factors on the 2020 count, particularly for those in the population who are historically at risk of being missed. To understand how these factors could alter the 2020 count, we created assessments of the counts—overall, by state, and by demographic groups—under three scenarios, reflecting risks as low, medium, and high. We developed miscounts using the best available evidence about how different factors for the 2020 Census—including the discourse surrounding immigration and the possible inclusion of the citizenship question, diminished funding for testing, use of administrative records, and the introduction of the internet self-response (ISR) approach—could cumulatively affect the count. Considering these factors, we estimate that the count's overall accuracy could be lower than in 2010 and that some states and groups will be miscounted more than others in the 2020 Census.

This report highlights findings from our 2020 Census count assessments nationally as well as for different population subgroups and states under low-, medium-, and high-risk scenarios.[3] Key findings include the following:

- The overall accuracy of the national population count in 2020 could range from an undercount of 0.27 percent in the low-risk scenario to an undercount of 1.22 percent in the high-risk scenario. While these percentages may seem small, considering the overall US population, between nearly 900,000 and over 4 million people could be missed.

- If the 2020 performance of the census mirrored that of 2010, the national population could be undercounted by 0.27 percent because of demographic changes over the last decade.

- If the 2020 Census performs as the US Census Bureau expects, the national population could be undercounted by 0.84 percent.

- Some states may be more at risk for miscounts. For example, California has projected 2020 undercounts that could range from 0.95 to 1.49 to 1.98 percent by risk scenario (low, medium, and high risk, respectively).

- The miscounts may disproportionately affect some groups more than others. Black and Hispanic/Latinx-identified people[4] in the high-risk scenario could be undercounted nationally by 3.68 and 3.57 percent, respectively. White, non-Hispanic/Latinx people are at risk of being overcounted nationally by 0.03 percent in the high-risk scenario.

- Historically undercounted, children under age 5 are again at risk of being undercounted by up to 6.31 percent in the 2020 Census in the high-risk scenario.

Glossary

Throughout this report, we use technical terms—some that are also used by the US Census Bureau—which we describe below:

- **Administrative records:** These are data sources, typically pulled from other federal sources, that will be used to supplement address and resident information on the 2020 Census when there are information gaps or when households do not respond.

- **Census Coverage Measurement (CCM):** This program was conducted after the 2010 decennial census and consisted of a postenumeration survey and demographic analysis to understand how successful the census was in counting the American public.

- **Enumerators:** These are typically temporary staff, which the US Census Bureau hires in the year leading up to the census, who are tasked with visiting households that have not responded.

- **Federal Medical Assistance Percentage (FMAP):** This is the federal funding formula used to determine the percentage of each state's expenditures on medical programs that will be reimbursed by the federal government. It is a ratio of per capita state income to per capita total US income, and both depend on census counts.

- **Imputation:** This is the process of assigning data, through statistical procedures, when they are missing. This is one of the last steps in data processing before the census is finalized.
- **Internet self-response (ISR):** This option is available on the 2020 Census for residents to answer the questions online. The Census Bureau is prioritizing the "Internet First" mode for the 2020 Census.
- **Nonresponse follow-up (NRFU):** This is the period during decennial census operations when field staff, like enumerators, are sent to nonresponsive residences to conduct the count in-person. It follows a period when self-response from the American public is prioritized.

Potential Risks for the 2020 Census

As with any decennial census, issues arise during a decade that present new challenges for implementing it. In the decade leading up to the 2020 Census, the US Census Bureau had a less predictable funding stream and introduced newer technologies to help improve the count and reduce costs. Such innovations include an internet-based option to complete the census, the use of administrative records to enumerate households that fail to complete it, and an "adaptive design" approach to efficiently contact households in the field and know in real time if they have participated.

Meanwhile, events have unfolded that threaten the census's accuracy. For example, key tests have been cancelled because of diminished funding during key ramp-up years this decade.[5] Additionally, the recent proposal to add the citizenship question to the census was so sudden and unanticipated that there was insufficient lead time to adequately test it. Further, the negative policy environment surrounding immigrants and the citizenship question is expected to suppress immigrant participation, regardless of whether the courts allow the citizenship question to be added. The push and pull of these factors could exacerbate the magnitude of miscounts. We discuss these factors and the potential risks they pose for the 2020 Census.

Factor: An Unpredictable Stream of Funding over the Decade

The logistics behind the decennial census are extraordinarily complicated. The US Census Bureau ramps up operations over a decade to canvass addresses, test questions and procedures, hire hundreds of thousands of workers, build partnerships, open field offices, implement new methodological and technological innovations, enumerate the country, and provide final counts to the federal government (US Census Bureau 2018b). During key testing years leading up to 2020, the US Census Bureau

experienced budget shortfalls for the planning and rollout of the decennial survey (figure 1). To produce as accurate a count as possible, a predictable and adequate funding stream is necessary, which the 2020 Census has lacked.[6]

Census 2020 Funding Lags over the Decade
Authorized presidential budget for Census Bureau, 1991–2020

Ratio of funding to base year (log scale)

Year leading up to census
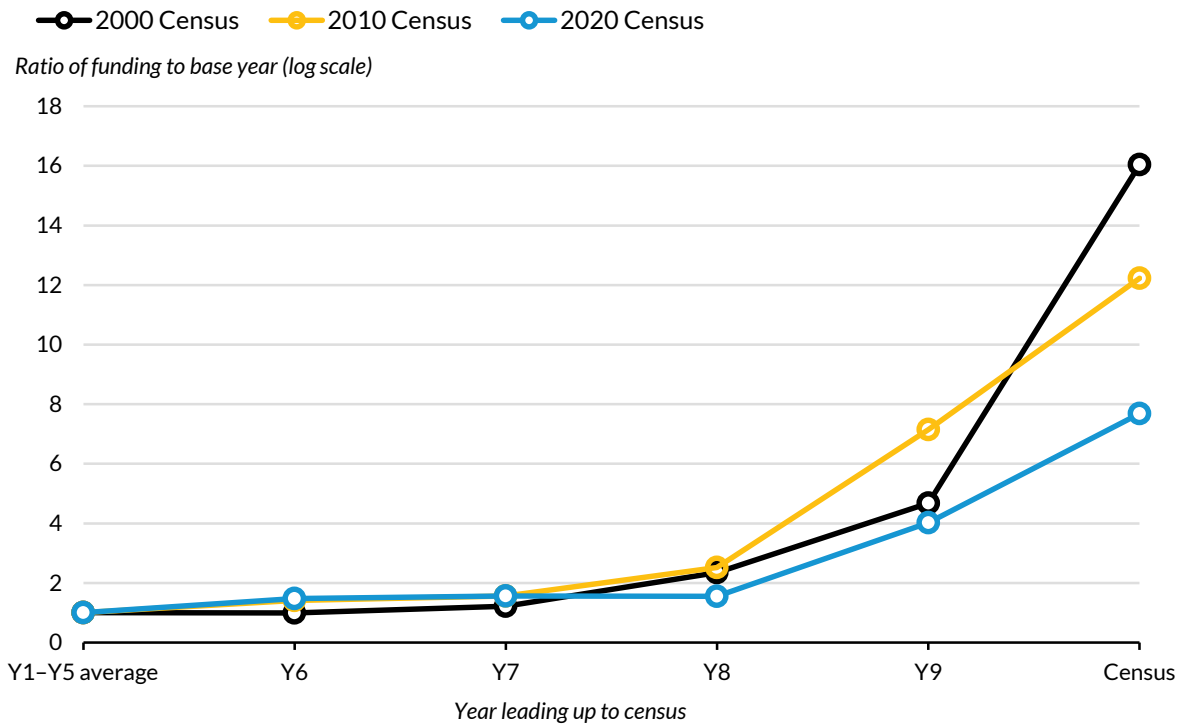
Source: "Budget Authority" Excel file available at "Public Budget Database," US Office of Management and Budget, accessed March 18, 2019, https://www.whitehouse.gov/omb/supplemental-materials/.
Note: Authorized budget reflects the amount of funding Congress allows a federal agency to spend.

The US Census Bureau has moved forward with the internet self-response approach (discussed in detail below), in part to improve self-response rates and reduce administrative and operational costs (US Census Bureau 2018a). However, it remains unclear if the projected cost reductions for this new technology will achieve its goals because these innovations have not been tested at scale.

The US Census Bureau also cancelled two of the three planned end-to-end tests in 2018—which were supposed to be dress rehearsals for the 2020 Census—because of inadequate funding.[7] Fortunately, the US Census Bureau has a communications and outreach budget comparable to what they had in 2010, albeit allocated in different ways (Goldenkoff 2018).[8] Investment in communications

and outreach could help offset other budgetary cuts that the US Census Bureau made this decade. But we will not know if such investments will improve enumeration of the nation—especially the hard to count—until the 2020 Census has been completed.

Factor: Internet Self-Response

For the first time in the decennial census's history, there will be a universal option for households to complete their questionnaire online. The US Census Bureau anticipates that online responses will be the primary response mode for American households (US Census Bureau 2018b). While other modes of participating in the 2020 Census will be available—telephone, mail, and in-person follow-up—the "Internet First" approach is an operational priority, particularly in areas with reliable internet connectivity.

There are many benefits to the census when households "self-respond"—in other words, complete the questionnaire on their own without the need for an enumerator to collect data. The internet self-response (ISR) option could be an extremely important cost-savings mechanism for the 2020 Census; it will reduce costs related to printing and mailing, processing data, and fielding staff and operations to locate nonresponders (US Census Bureau 2018a). Further, ISR will produce higher-quality data earlier in the process; data checks will be built into the online option, ensuring that respondents answer the appropriate questions completely.

Unfortunately, self-responses to federal surveys have declined over time (Czajka and Beyler 2016). As self-response declines, the costs of conducting the census rise because of the greater workload and staffing needed to capture the data using human interaction. The size and scope of the decennial census is so immense that even small reductions in the share of self-responding households would escalate costs tremendously (US Census Bureau 2017a).

There is concern that self-response for the 2020 Census will be lower than what the US Census Bureau is planning. In 2015, those planning the 2020 Census assumed that 63.5 percent of households would self-respond to the census. This was then downgraded in 2017 to the current estimate of 60.5 percent, or just over three in five households (US Census Bureau 2017a). One of the reasons is the technology itself. The US Census Bureau has identified the ISR as a potential risk factor for the 2020 Census, citing a loss of confidence among the American public if the technology does not perform to expectations and/or if cybersecurity threats intervene (US Census Bureau 2018b).

The 2018 end-to-end test in Providence, Rhode Island, was the US Census Bureau's dress rehearsal for the decennial census. The 2018 end-to-end test had an overall self-response rate of 52.3 percent and an overall internet-response rate of 32.6 percent (US Census Bureau 2018b). Although the test exceeded the planned self-response target, it was still well below[9] the 60.5 percent self-response rate projected for the 2020 Census. The US Census Bureau's minimum estimated self-response rate for the 2020 Census is 55.5 percent (US Census Bureau 2017a), which could be a realistic outcome given recent events.

The success of ISR depends on *who* responds by internet, not just *how many* respond to it. Populations best served by an internet survey are those that are already predisposed to self-respond and be counted. In the 2010 Census, white homeowners were overcounted (for example, counted more than once at different addresses), while racial and ethnic minorities and renters were considered "hard-to-count" (Goldenkoff 2018). Experiments conducted for the American Community Survey's (ACS) implementation of an internet response option revealed that "advantaged homeowners" were the most likely to self-respond overall—and using the internet option—and those hardest to count may have actually had a reduced response rate overall (Baumgardner et al. 2014). This suggests that the ISR will be at best indirectly[10] helpful in boosting participation among a select population subset in the 2020 Census. To boost response rates among the hardest-to-count groups, the 2020 Census will spend $850 million on an outreach and communications campaign (Goldenkoff 2018). However, it is unclear if such outreach will be enough to improve enumeration among the hardest to count.

Nevertheless, the ISR—despite lower response rates than initially projected—will likely improve the efficiency and the accuracy of the census in the end. This innovation may reduce costs, which could then be used to better fund efforts to enumerate those who are hardest to count.

Factor: Using Administrative Records

Using administrative records is another innovation introduced to the 2020 Census, but it is unclear how they will improve its fairness and accuracy. Administrative records include government administrative data (for example, from federal and state agencies) and third-party data (for example, from private businesses) that are securely held and matched to US Census Bureau records to improve decennial census operations (McClure et al. 2017; US Census Bureau 2018b). While the sources of administrative records may vary, they all have one shared commonality: a person associated with an address at some point in time (Morris et al. 2016). Using administrative records has the advantage of cutting costs and potentially increasing the quality of the final 2020 Census data (McClure et al. 2017; Morris et al. 2016).

Using administrative records, largely from other federal agencies, in the 2020 Census may help in two important ways. First, they will be used to improve the identification of valid residential addresses—those that are neither businesses nor vacancies. Second, they will be used to reduce the caseload that requires enumerators to do "nonresponse follow-up" (NRFU) in the field, or the costly use of enumerators to locate households and count people who failed to complete the questionnaire on their own.[11]

Administrative records offer strong potential for improvements. If administrative records had been used in the 2010 Census to identify occupied residential addresses, the NRFU caseload would have been reduced considerably (Morris et al. 2016). This could present considerable cost savings for the 2020 Census (Rastogi and O'Hara 2012). Further, plans to use administrative records to impute data for the 2020 Census—or assign data to households and people who would otherwise be missing in the census—have the potential to be more accurate than using other statistical procedures (Rastogi and O'Hara 2012; Fernandez et al. 2018). But there are suggestions that the Census Bureau has not yet developed a complete model to impute data for missing households with administrative records (Kissam 2019). So using administrative records could improve accuracy in imputing entirely missing households if an effective method can be finalized in time.

Using administrative records is not a flawless process, however, and can introduce errors in the census data. For example, US Census Bureau researchers found in a test-case scenario that 8.5 percent of addresses deemed vacant by administrative records were legitimate and occupied residences (Morris et al. 2016). Conversely, many addresses categorized as occupied by administrative records turned out to be vacant; even an accurate net count from administrative records may produce additional error. In other words, there is some risk that administrative record use to identify valid addresses may be wrong at times and could unintentionally exclude household participation.

Also of note, not all Americans are represented fully in either census data or administrative records. Administrative records may be subject to the same population biases that make some groups hard to count in the census. Administrative records are not as robust for children as they are for adults (Rastogi and O'Hara 2012). For example, young children ages 4 and under are among the hardest-to-count groups, and in one study nearly 20 percent of children in the existing administrative records files were not present in the 2010 Census data (Fernandez et al. 2018). In such cases, administrative records may be used to improve "whole person imputation," or the assignment of data to people and households missed entirely in the 2020 Census count (US Census Bureau 2018b), but it is not yet clear what procedures the Census Bureau will use or how effective they will ultimately be.

Overall, administrative record use offers tremendous potential to reduce costs and improve quality to some extent. But it is not a perfect replacement for decennial enumeration and should be considered complementary to 2020 Census activities (Rastogi and O'Hara 2012).

Factor: Late Mandate to Add the Citizenship Question

The decennial census questionnaire is designed to be short and not too burdensome for the American public to complete, with the aim of eliciting high participation and response accuracy. The only questions asked on it are federally mandated. They include age, Hispanic/Latinx origin, race, relationship to others in the household, sex, resident tenure (whether an owner or renter), and select operational questions not used in tabulations but included to ensure accurate data (US Census Bureau 2018c). For the first time in 70 years, however, the Census Bureau was directed to add a question about citizenship to the 2020 Census.

Typically, questions are tested throughout the decade leading up to the decennial census to ensure that they are understandable to the public, accurately secure the information requested, and do not adversely affect public participation. At the very least, new questions are typically tested during the end-to-end test—the final dress rehearsal for the decennial census. Yet, the citizenship question was not submitted in time for testing; the first request to add the citizenship question was sent to the Census Bureau on December 15, 2017,[12] within only a few months of the deadline to submit final 2020 Census questions to Congress.[13] Although the citizenship question exists on the American Community Survey, the question is associated with poorer quality data and higher nonresponse relative to other comparable questions;[14] this will significantly influence the accuracy of a whole-population census.

Subsequent analyses revealed that the added citizenship question could increase 2020 Census operating costs because of suppressed participation.[15] Also, controversy over the citizenship question could discourage participation, even if the question is ultimately excluded. For example, the citizenship question was not included in the 2018 end-to-end test in Providence, Rhode Island, for the 2020 Census. However, there were still reports that despite the question's exclusion people did not want to answer the census because of immigration-related fears.[16] These same fears were documented by census researchers, who as early as September 2017 were alerting others within the Bureau of heightened concerns among immigrant respondents about participating in various surveys and tests.[17]

Hispanic/Latinx immigrants may be especially unlikely to respond. Recent studies have found that among Hispanic/Latinx-identified people the citizenship question could suppress census household participation and identification of household members among participating households (Baum et al.

2019; Kissam et al. 2019). One estimate suggests that the Hispanic/Latinx-identified population could see a differential undercount (i.e., compared with non-Hispanics) of at least 2 percent nationwide because of the citizenship question, with households either not responding or omitting members from their household roster; a similar 2-percent differential undercount is anticipated for the noncitizen population.[18] Consequently, Hispanic/Latinx people and households are likely to be underrepresented in the final counts, particularly if they identify as or reside with an immigrant. Even if the citizenship question is struck down by the courts, there likely will be residual negative affect on the Hispanic/Latinx and immigrant response rates in the 2020 Census.

Assessing Miscounts

It is impossible to know exactly how the factors described previously will affect the 2020 Census's accuracy. But with a few clear assumptions—rooted in the best available evidence—we developed informative models of what the population will be in 2020 and how well it will be counted in the decennial census. We present projected miscounts in this report—overall for population subgroups and by states—under three different scenarios reflecting low, medium, or high risk.

In this section, we describe first our method for projecting the populations of US states at census time; then our methods for simulating the 2020 Census's accuracy for the population. We present three risk scenarios and the evidence underlying our assumptions about the scenarios. Additional details about how the projections and risk scenarios were derived and estimated can be found in appendices A and B.

Projecting the Population on Census Day 2020

As a basis for our modeling, we began with a single projection of the actual population on April 1, 2020, or Census Day. We started with estimates of 2017 state populations from the US Census Bureau.[19] For every US state and the District of Columbia, we projected the population by racial and ethnic groups (non-Hispanic/Latinx white, black, American Indian and Alaska Native, Asian, Hawaiian and Pacific Islander, and Hispanic/Latinx of any race).[20] Then, within each racial and ethnic group in a state, we projected the population by age (single years). We then projected the population living in households owned or mortgaged versus rented.

Similar to the method the US Census Bureau uses to create national projections, our state-level population projections are created using a cohort-component method. The cohort-component method applies three components of demographic change—birth, survival, and migration rates—to a population and then ages that population (Colby and Ortman 2015). To illustrate the method, 27-year-olds today,

who continue to live in the same place, should be counted as 28-year-olds one year from now, with a small but predictable fraction dying, moving elsewhere in the state, or moving out of state within that year. Appendix A provides additional details about the April 1, 2020, population projections.

Assessing the 2020 Census's Accuracy

After we modeled the US population on Census Day 2020, we assessed how accurately the census might count that population under three different scenarios—reflecting low, medium, or high risk—based on the assumptions underlying each one.

Our assessments rely on two basic principles. First, we deliberately use demographic categories in our projections that we know from past research on decennial censuses are counted with predictable levels of accuracy. The most reliably measured characteristics to understand the performance of past censuses are race and ethnicity, age group, and residence in an owned or rented household. For our high-risk scenario, we also project performance based on citizenship status.

Second, we draw upon publicly available source data, primarily from the US Census Bureau, to understand the accuracy of these groups' counts in past censuses, as well as to create our accuracy scenarios. Data on the accuracy of demographic groups' counts are drawn from the decennial quality assessments at the US Census Bureau, including both Census Coverage Measurement program (CCM) estimations and demographic analyses (DA) of the 2010 Census.[21] To understand the implications of different methodological and operational factors (such as internet self-response, administrative records usage, and planned protocols for nonresponse follow-up), we use evidence from tests in the run-up to the 2020 Census and official planning estimates about how people will respond to the 2020 census, conducted primarily by US Census Bureau researchers. We also incorporate assumptions based on public reports and pronouncements of recognized census experts—for example, from amicus briefs in court cases on the proposed census citizenship question.

In any census, all demographic groups will experience erroneous enumerations, such as multiple households counting the same person or a household counting a person who died before or was born after Census Day. The opposite also occurs with omissions, such as households where a person was left out of an otherwise completed census form or entire households that should have been counted but were missed. The Census Bureau also performs imputations to estimate who was missed, but this is not a perfect process either. The US Census typically has a net undercount, meaning that omissions tend to exceed erroneous counts, but that is not always the case. Further, based on population characteristics, some states are more likely to have overcounts than undercounts, while other states are likely to have undercounts below the national average.

We know from past censuses that some demographic groups are more likely to have under- or overcounts, and we use this information in our assessments. Groups that predictably have *net overcounts* include non-Hispanic/Latinx whites, people ages 5 to 17 or 50 years and older, people living in owned households, and people living in households that mail in census forms. Groups that predictably have *net undercounts* include black people, American Indians living on reservations, Hispanic/Latinx people, people ages 4 and under or 30 to 49 years old, people renting households, and people living in households that did not respond and had to be counted by enumerator follow-up. There are many other factors associated with who is hard to count in a census (see Goldenkoff 2018 for a detailed list of these factors), but the ones identified here are most salient for our analysis.

Given the evidence about (1) the predictability of census count accuracy for different demographic groups and (2) how different factors are likely to influence count accuracy in the 2020 Census environment, we created three scenarios that we designate as low, medium, and high risk. The risk levels are based on the level of accuracy each scenario is likely to produce—scenarios of the degree to which the census performance is successful and anticipated census planning parameters (e.g., expected self-response rates) are realized. Each scenario is described below, with additional details in appendix B.

SCENARIO 1: LOW RISK

If the 2020 Census performed as the 2010 Census did, what would be the outcome?

Since the 2010 Census was lauded as an operational success (Goldenkoff 2011), a similar performance for the 2020 Census could be viewed as the best that could be expected, considering the challenges faced in the decade leading up to the 2020 Census. Thus, we designate this scenario as low risk. In a sense, this scenario examines the effect of demographic change over the last decade, holding census performance constant between 2010 and 2020. In this time frame, US population age patterns, racial and ethnic distributions, and the proportion of renters have all changed, more in some states than others. From 2010 CCM evaluations, we know how often each of these groups mailed in their census forms and how accurate their counts were. We also know that nobody expects the 2020 Census to work out precisely as the 2010 performed; the Census Bureau is already counting on lower self-response (US Census Bureau 2018b). But having the basis for the low-risk scenario be the performance of the 2010 Census is a good way to show how much the US and its states have changed in ways that would make the population harder to count no matter what.

The results from the low-risk scenario show that **demographic changes alone would create a net undercount in 2020** relative to 2010. The US in 2020 has more racial and ethnic diversity than in 2010 and more renters relative to homeowners. Both factors will shift the 2020 Census toward larger net

undercount, regardless of how well the census is executed. On the other hand, the US population will be older on average in 2020 than it was in 2010, and that will partly counteract the demographic trend toward larger undercount.

Under the low-risk scenario, the net undercount in 2020 would be 0.27 percent. By comparison, the census reported an official net *overcount* of 0.01 percent in 2010, although there was almost certainly a small net undercount because the CCM accuracy estimates did not fully capture the undercount of young children (O'Hare 2015). Overall, our net population undercount suggests that demographic changes alone will produce a less accurate count in 2020 relative to 2010, all else being equal.

As we will discuss, our findings show considerable variation between states and across demographic groups with respect to *who* is counted in this low-risk scenario.[22] These findings alone shed light on the prospects of a fair and accurate 2020 Census.

SCENARIO 2: MEDIUM RISK

If the 2020 Census proceeds as planned by the Census Bureau, and the operational changes work as expected, what will be the outcome?

The medium-risk scenario assumes the 2020 Census will be executed as planned. It adopts parameters from the 2020 Census Operational Plan including the presumed rates of self-response, the workload reductions associated with using administrative records, and the adaptive field protocol proposed for the NRFU process (US Census Bureau 2018b).

New operations will be employed in the 2020 Census that have not previously been used in a decennial census (US Census Bureau 2018b). This includes the internet self-response mode, which the US Census Bureau assumes will constitute most of the initial self-responses from households. Another innovation is using administrative records to help reduce the need for enumerators to locate people and households who do not respond in the first six weeks of the Census.[23] The medium-risk scenario assumes these and other aspects of the 2020 operational plan will occur as the US Census Bureau expects.

In broad terms, the medium-risk scenario makes these assumptions about 2020 Census operations:

- As in the low-risk scenario, census undercount rates for race, Hispanic/Latinx identification, age, and tenure are drawn from the 2010 Census performance assessments and are applied to demographic projections data for 2020.

- As expected in the 2020 Census Operational Plan, fewer households will self-respond (by internet, mail, or phone) than did so in 2010. Per the plan, we assume that 60.5 percent of households will self-respond within the first six weeks of Census Day by mail or internet, and

the remaining 39.5 percent will move to NRFU status (US Census Bureau 2018b). Because NRFU households are a primary source of undercounts resulting from lower quality (or no) data, this assumption is a principal driver of a larger net undercount projection for 2020.

- Demographic groups that were least likely to self-respond in the past will remain so again in 2020, proportionate to 2010.

- As expected in the 2020 Census Operational Plan, some NRFU households will be counted using matched administrative records instead of enumerators. This change will reduce the cost of the census and mitigate the undercount, but administrative records are not planned for use on much of the population (US Census Bureau 2018b). The US Census Bureau anticipates a 5-percent NRFU workload reduction from using administrative records. This translates to only 8.2 percent of NRFU-occupied households that do not self-respond who are then counted using administrative records.

- Counts made using administrative records will have a net undercount of zero, but this average will mask demographic variation in miscounts. Older age groups whose administrative records often produce duplications will be overcounted, while young children who often have no administrative records will be undercounted (Fernandez, Shattuck, and Noon 2018).

We find that if the 2020 Census plays out as the US Census Bureau has planned, there will be a net undercount of 0.84 percent in this medium-risk scenario. This means that the **expected increase in nonparticipation will be partly offset by administrative records, but the count will be more inaccurate than in the low-risk scenario**.

SCENARIO 3: HIGH RISK

If 2020 Census operational changes perform below expectations, and discourse surrounding immigration and the citizenship question further suppresses participation, what will be the outcome?

This scenario assumes that decennial operations will perform below expectations in several ways. First, we assume that combined self-response (from internet, mail, or phone) will be only 55.5 percent—the pessimistic lower bound of the Census Bureau's predicted response level (US Census Bureau 2018b). Then we reduce self-response for the Hispanic/Latinx population an additional 5.8 percentage points, which survey experts have warned could happen if the citizenship question is included in the 2020 Census (Brown et al. 2018). Even if the citizenship question is not included on the 2020 Census, we know from US Census Bureau researchers that there is an increased climate of fear and hesitation to participate among Hispanic/Latinx and immigrant residents, which makes this estimate plausible either way.[24] For these same reasons, we assume that noncitizens will systematically be missing from household rosters, even when households respond. Experts predict that such noncitizen omission (i.e., nonparticipation) could exacerbate the census differential undercount for noncitizens by 0.5 to 2.0

percentage points.[25] In this scenario, we assume the midpoint of these values, or 1.25 percentage points.

Under this scenario, we project a total population net undercount of 1.22 percent.[26] This suggests that **operational challenges and the discourse surrounding immigration would further reduce the 2020 count's accuracy beyond that of the other risk scenarios**.

This scenario is high risk but plausible for several reasons. We know that self-response to the census and other government surveys has declined over time (Czajka and Beyler 2016). Those hardest to count include people living in rural areas, those in complex households, and those with language barriers and/or privacy concerns (Goldenkoff 2018), many of whom may not be well counted in 2020. For the 2020 Census, there are added concerns that the government's position on immigration and the citizenship question will suppress the count among some already hard-to-count groups.[27] These factors could culminate in lower accuracy for the 2020 Census.[28]

Findings

Each of the three risk scenarios we assessed suggest that there will be a net undercount of the population in the 2020 Census.

Under the low-risk scenario—where we assume the 2020 Census will perform comparably to the 2010 Census—the net undercount in the 2020 Census would be 0.27 percent. This suggests that demographic changes alone will produce a less accurate count in 2020 relative to 2010, all else being equal. Under the medium-risk scenario—where we assume that the 2020 Census will perform as the US Census Bureau expects in its planning documents—the net undercount in the 2020 Census would be 0.84 percent. This suggests that operational changes will contribute to a higher risk of an undercount, above and beyond demographic changes. Finally, under the high-risk scenario—where we assume the 2020 Census will perform at the lowest expectation of the US Census Bureau and discourse about immigration and the citizenship question will further suppress participation—the net undercount in the 2020 Census would be 1.22 percent. Thus, the range of expected undercounts in the 2020 Census could be as low as 0.27 percent or as high as 1.22 percent under these scenarios (table 1).[29] In fact, 1.22 percent may be a conservative upper bound for risk if other factors disrupt census operations or the American public's confidence in the process (see the section entitled "Other Factors for Consideration").

While net undercounts are of concern to the accuracy of the census, they mask demographic- and state-level variation that suggests some groups will be miscounted at higher rates than others. For

example, we find that the black population would be undercounted by as little as 2.43 percent in the low-risk scenario to as much as 3.68 percent in the high-risk scenario. Similarly, the Hispanic/Latinx-identified population would be undercounted by as little as 2.01 percent to as much as 3.57 percent in the high-risk scenario. Young children stand out as the group most at risk of being undercounted, ranging from 4.61 percent in the low-risk scenario to 6.31 percent in the high-risk scenario (table 1).

In contrast, the white, non-Hispanic/Latinx population would be overcounted by 0.03 percent in the high-risk scenario. Similarly, those 50 and older would be overcounted by 0.54 percent in the high-risk scenario. These groups have typically been overcounted in the past, and these findings suggest that this will not change in 2020 and may actually be magnified (table 1).

TABLE 1
Black and Hispanic/Latinx People and Young Children Are at Greater Risk of Being Undercounted
Percent undercount (-) and overcount (+), overall and by demographic groups, for 2020 assessed miscounts

	2010 actual	April 1, 2020, projections	Low	Medium	High
Overall	**308,745,500**	**332,092,300**	**-0.27%**	**-0.84%**	**-1.22%**
Race					
Black	38,929,300	46,934,300	-2.43%	-3.24%	-3.68%
White, non-Hispanic	223,553,300	202,182,900	0.74%	0.30%	0.03%
Asian or Pacific Islander	15,214,300	22,488,000	-0.49%	-0.97%	-1.36%
American Indian or Alaska Native	2,932,200	4,834,400	-0.55%	-1.39%	-2.12%
Hispanic/Latinx-identified	50,477,600	62,076,900	-2.01%	-2.84%	-3.57%
Age					
4 and under	20,201,400	20,466,500	-4.61%	-5.69%	-6.31%
5–17	53,980,100	53,568,800	0.60%	-0.10%	-0.56%
18–29	51,773,900	54,035,700	-0.57%	-1.10%	-1.47%
30–49	83,741,300	85,320,700	-1.72%	-2.31%	-2.71%
50 and older	99,048,800	118,700,600	1.26%	0.83%	0.54%

Source: Urban Institute calculations. See appendix B for additional details.
Notes: Undercounts are expressed as negative percentages, and overcounts are expressed as positive ones. Population counts have been rounded to the nearest hundred.

State-level estimates also show considerable variation (table 2). California, Texas, and Nevada are all states at risk of being undercounted. In the low-risk scenario, there could be a nearly 1 percent net undercount in California (0.95 percent). This only increases in California under the medium- (1.49 percent) and high-risk scenarios (1.98 percent). Similarly, Texas ranges from a 0.78 percent undercount in the low-risk scenario to 1.49 percent in the medium-risk scenario to 1.96 percent in the high-risk

scenario. Nevada ranges from 0.76 percent in the low-risk scenario to 1.29 percent in the medium-risk scenario to 1.73 percent in the high-risk scenario. For these three states, our scenarios suggest that undercounts could be more pronounced than for other states. Meanwhile, states like Maine, New Hampshire, Vermont, and West Virginia have notable overcounts in the low- and medium-risk scenarios, related to demographic factors like older populations, more homeowners, and fewer people of color, which are associated with higher likelihoods of being overcounted.

TABLE 2
Nearly 2 Percent of California and Texas Residents Could Be Undercounted in the High-Risk Scenario
Percent undercount (-) and overcount (+), overall and by state, for 2020 assessed miscounts

	2010 actual	April 1, 2020, projections	Low	Medium	High
Overall	**308,745,500**	**332,092,300**	**-0.27%**	**-0.84%**	**-1.22%**
Alabama	4,779,700	4,919,400	-0.13%	-0.73%	-1.01%
Alaska	710,200	735,500	0.01%	-0.58%	-0.96%
Arizona	6,392,000	7,307,700	-0.33%	-0.95%	-1.40%
Arkansas	2,915,900	3,052,800	-0.06%	-0.61%	-0.91%
California	37,254,000	40,048,100	-0.95%	-1.49%	-1.98%
Colorado	5,029,200	5,827,500	-0.09%	-0.67%	-1.08%
Connecticut	3,574,100	3,592,200	0.01%	-0.53%	-0.92%
Delaware	897,900	987,300	-0.01%	-0.65%	-0.96%
District of Columbia	601,700	719,800	-1.74%	-2.27%	-2.68%
Florida	18,801,300	21,856,200	-0.44%	-1.04%	-1.48%
Georgia	9,687,700	10,748,800	-0.64%	-1.25%	-1.65%
Hawaii	1,360,300	1,410,400	-0.37%	-0.92%	-1.28%
Idaho	1,567,582	1,825,097	0.35%	-0.20%	-0.69%
Illinois	12,830,600	12,708,900	-0.18%	-0.78%	-1.14%
Indiana	6,483,800	6,772,400	0.26%	-0.30%	-0.59%
Iowa	3,046,400	3,197,300	0.55%	0.00%	-0.36%
Kansas	2,853,100	2,935,100	0.15%	-0.40%	-0.72%
Kentucky	4,339,400	4,518,100	0.28%	-0.22%	-0.52%
Louisiana	4,533,400	4,682,600	-0.44%	-1.05%	-1.33%
Maine	1,328,400	1,357,900	0.87%	0.36%	-0.04%
Maryland	5,773,600	6,121,600	-0.47%	-1.11%	-1.47%
Massachusetts	6,547,600	6,969,200	0.04%	-0.46%	-0.91%
Michigan	9,883,600	10,058,300	0.30%	-0.27%	-0.52%
Minnesota	5,303,900	5,733,800	0.42%	-0.14%	-0.52%
Mississippi	2,967,300	2,982,400	-0.42%	-1.06%	-1.31%
Missouri	5,988,900	6,191,200	0.23%	-0.30%	-0.56%
Montana	989,400	1,086,300	0.56%	0.05%	-0.31%
Nebraska	1,826,300	1,959,300	0.18%	-0.36%	-0.73%
Nevada	2,700,600	3,154,300	-0.76%	-1.29%	-1.73%

	2010 actual	April 1, 2020, projections	Low	Medium	High
New Hampshire	1,316,500	1,367,400	0.71%	0.21%	-0.18%
New Jersey	8,791,900	9,068,800	-0.33%	-0.89%	-1.29%
New Mexico	2,059,200	2,091,800	-0.45%	-1.25%	-1.76%
New York	19,378,100	19,857,900	-0.68%	-1.14%	-1.58%
North Carolina	9,535,500	10,607,500	-0.24%	-0.82%	-1.13%
North Dakota	672,600	758,300	0.35%	-0.17%	-0.60%
Ohio	11,536,500	11,783,900	0.17%	-0.35%	-0.62%
Oklahoma	3,751,400	3,963,500	-0.02%	-0.59%	-0.95%
Oregon	3,831,100	4,306,100	0.09%	-0.42%	-0.82%
Pennsylvania	12,702,400	12,875,300	0.27%	-0.28%	-0.58%
Rhode Island	1,052,600	1,066,900	-0.02%	-0.53%	-0.96%
South Carolina	4,625,400	5,207,800	-0.14%	-0.75%	-1.03%
South Dakota	814,200	894,900	0.49%	-0.06%	-0.50%
Tennessee	6,346,100	6,914,100	-0.03%	-0.57%	-0.84%
Texas	25,145,600	29,369,000	-0.78%	-1.49%	-1.96%
Utah	2,763,900	3,268,500	0.20%	-0.39%	-0.88%
Vermont	625,700	626,600	0.77%	0.28%	0.09%
Virginia	8,001,000	8,626,700	-0.20%	-0.78%	-1.09%
Washington	6,724,500	7,750,700	-0.05%	-0.56%	-0.97%
West Virginia	1,853,000	1,787,000	0.70%	0.20%	-0.02%
Wisconsin	5,687,000	5,875,300	0.32%	-0.19%	-0.46%
Wyoming	563,600	565,200	0.45%	-0.09%	-0.36%

Source: Urban Institute calculations. See appendix B for additional details.
Notes: Undercounts are expressed as negative percentages, and overcounts are expressed as positive ones. The estimated miscounts for Alaska (low risk) and Iowa (medium risk) are rounded to zero. Population counts have been rounded to the nearest hundred.

More concerning, however, is the considerable within-state variation that reveals some residents are more likely to be counted than others. Looking at demographic variation between the 10 most populous states, black, Hispanic, and young children are at higher risk of being miscounted than other groups (table 3). Using California as our example, in the high-risk scenario, black and Hispanic/Latinx-identified residents could be undercounted at much higher rates (3.87 and 3.65 percent, respectively) than white, non-Hispanic/Latinx residents (0.22 percent). Similarly, the undercount of young children in California in the high-risk scenario would be 7.05 percent relative to those ages 50 and older, whose count would be minimally affected with a 0.07 percent undercount.

Variation within states matters because funding is generally allocated to states based on different populations' and age groups' needs. Within states, funding may be allocated according to population counts in different communities. If young children, for example, are missed at higher rates, then

communities with high shares of children ages 4 and under could miss out on receiving their fair share of funding within states (discussed in detail in the next section).

Some Demographic Groups in Populous States Are at Risk of Being Undercounted
Ranges of percent undercount (-) and overcount (+), by demographics, for the 10 most populous states

	Total	Black	White NonHisp	Asian/ HPI	AIAN	Hispanic /Latinx	Ages 4 and under	Ages 5–17	Ages 18–29	Ages 30–49	Ages 50+
California (low)	-0.95%	-2.65%	0.41%	-0.57%	-0.86%	-2.18%	-5.26%	-0.12%	-1.16%	-2.35%	0.71%
California (high)	-1.98%	-3.87%	-0.22%	-1.38%	-2.30%	-3.65%	-7.05%	-1.37%	-2.16%	-3.41%	-0.07%
Florida (low)	-0.44%	-2.45%	0.85%	-0.29%	-0.55%	-1.86%	-4.96%	0.20%	-0.87%	-2.11%	1.09%
Florida (high)	-1.48%	-3.72%	0.13%	-1.11%	-2.05%	-3.43%	-6.75%	-1.05%	-1.88%	-3.22%	0.28%
Georgia (low)	-0.64%	-2.42%	0.69%	-0.35%	-0.81%	-2.08%	-5.00%	0.25%	-0.91%	-2.03%	0.97%
Georgia (high)	-1.65%	-3.80%	0.03%	-1.26%	-2.43%	-3.67%	-6.74%	-0.94%	-1.86%	-3.07%	0.20%
Illinois (low)	-0.18%	-2.34%	0.82%	-0.30%	-0.41%	-1.82%	-4.44%	0.71%	-0.49%	-1.59%	1.33%
Illinois (high)	-1.14%	-3.70%	0.15%	-1.27%	-1.96%	-3.50%	-6.17%	-0.47%	-1.41%	-2.60%	0.61%
Michigan (low)	0.30%	-2.28%	0.96%	-0.31%	-0.15%	-1.65%	-4.05%	1.20%	-0.04%	-1.15%	1.66%
Michigan (high)	-0.52%	-3.47%	0.28%	-1.17%	-1.82%	-3.42%	-5.62%	0.17%	-0.81%	-2.01%	1.03%
New York (low)	-0.68%	-2.72%	0.49%	-0.74%	-0.93%	-2.43%	-5.05%	0.26%	-0.87%	-2.18%	0.79%
New York (high)	-1.58%	-3.95%	-0.23%	-1.49%	-2.45%	-3.62%	-6.68%	-0.81%	-1.71%	-3.11%	0.08%
North Carolina (low)	-0.24%	-2.32%	0.77%	-0.54%	-0.35%	-2.03%	-4.68%	0.57%	-0.57%	-1.66%	1.27%
North Carolina (high)	-1.13%	-3.51%	0.12%	-1.38%	-2.02%	-3.66%	-6.33%	-0.52%	-1.40%	-2.59%	0.60%
Ohio (low)	0.17%	-2.47%	0.76%	-0.60%	-0.55%	-2.02%	-4.18%	1.04%	-0.17%	-1.26%	1.57%
Ohio (high)	-0.62%	-3.70%	0.08%	-1.53%	-2.23%	-3.56%	-5.70%	0.07%	-0.89%	-2.08%	0.97%
Pennsylvania (low)	0.27%	-2.24%	0.91%	-0.36%	-0.43%	-1.88%	-4.11%	1.09%	-0.07%	-1.20%	1.64%
Pennsylvania (high)	-0.58%	-3.51%	0.22%	-1.55%	-2.05%	-3.51%	-5.73%	0.03%	-0.89%	-2.11%	1.00%
Texas (low)	-0.78%	-2.47%	0.67%	-0.39%	-0.52%	-1.83%	-5.03%	0.20%	-0.99%	-2.09%	0.92%
Texas (high)	-1.96%	-3.77%	-0.02%	-1.28%	-2.10%	-3.54%	-6.97%	-1.20%	-2.12%	-3.29%	0.02%

Source: Urban Institute calculations. See appendix B for additional details.
Notes: Undercounts are expressed as negative percentages, and overcounts are expressed as positive ones. Abbreviations in the table are explained as follows: Non-Hispanic/Latinx (NonHisp); Hawaiian and Pacific Islander (HPI); American Indian and Alaska Native (AIAN).

Implications for Funding and Apportionment

Census 2020 miscounts will have significant ramifications for federal funding, congressional apportionment, infrastructure investments, and community development. In this section, we describe some of the implications for funding allocation across the states, as well as implications for state apportionment that ultimately drives redistricting and representation in Congress. Through these

examples, we demonstrate the lasting effect of miscounts for the decade following a decennial census and why it is so important that the count be accurate and fair.

Federal Funding Allocations

Over 300 federal programs rely on decennial census counts or census-derived counts to distribute financial assistance equitably (Reamer 2018). In fiscal year 2016 alone, around $880 billion went to states, service providers, and other recipients through federal grants, payments, and loans (Reamer 2018). Over the course of a decade, trillions of dollars in federal funding flow based on census population counts.

Most of the federal programs that use census counts determine state funding through formulas that use eligibility criteria based on demographic characteristics. This means that the demographics of the population (age, for example) and their accuracy in the census are critical for funding allocations. This underscores the importance of both a fair *and* accurate count of all residents at the state and local levels. As discussed in the previous section, our projected undercounts suggest that some states, like California, could be deeply affected by a lack of fairness and accuracy in two ways. First, the state would be at risk of losing funding over the next decade because of differential miscounting when compared with other states that could reap more than their fair share. Second, within the state, communities with higher shares of young children—a group likely to be undercounted at higher rates—would receive less than their fair share when compared with communities with higher proportions of residents ages 50 and older—a group likely to be more accurately counted.

To illustrate with vintage 2015 data from Reamer 2018, consider five programs under the Department of Health and Human Services (HHS): Medicaid; the Children's Health Insurance Program (CHIP); Title IV-E Foster Care; Title IV-E Adoption Assistance; and the Child Care and Development Fund (CCDF). These programs are the only "dollar-for-dollar" federally funded state programs, which means that the federal government matches what the state spends according to a certain set rate each year.[30] Together, these programs accounted for almost half of all federal grants to states and about 13 percent of all state budgets, around $286 billion in FY 2015 (Reamer 2018).

These programs use the Federal Medical Assistance Percentage (FMAP) to determine funding allocations—a formula that specifies the percentage of each state's expenditures that will be reimbursed by the federal government. The FMAP is a ratio of per capita state income to per capita total US income. Both the numerator and denominator depend on population estimates derived from decennial census counts.[31] The lower the FMAP ratio, the higher the federal reimbursement percentage will be (subject to explicit exceptions, of course).

Inaccuracies in decennial census counts will affect each state's per capita income determination, and, therefore, their FMAP calculation for a decade. For instance, per capita state income would be incorrectly calculated to be lower than it truly is if that state had a pronounced undercount in the decennial census. Similarly, a state with a pronounced overcount would stand to receive more than their fair share in per capita calculations. This imbalance would persist throughout the decade, as population estimates used in per capita calculations are based on decennial counts, which are only incrementally updated throughout the decade until the next census.

Reamer (2018 illustrated the effect of an undercount on FMAP-related funding. He estimated that a one-percentage-point undercount increase in Texas's 2010 decennial population count would trigger a forfeiture of over $291 million in federal reimbursement funding in FY 2015.

Another illustration of miscounts' effect on federal funding relates to low-income families with children. Children in need are the beneficiaries of many of the largest federal programs using decennial counts and census-derived data. Unfortunately, young children (under age 5) historically have been at risk of being undercounted (US Census Bureau 2017b), and as we show in our data, they are at risk of being undercounted at high rates in our various scenarios in 2020 too. To show the effect of state undercounts on young children, Reamer (2018) estimated that a 1 percent larger undercount in the 2010 Census would have resulted in a $8.2 million decrease in Children's Health Insurance Program (CHIP) funding for Texas and almost $4.2 million for Florida. This illustrates that undercounting young children has a dramatic effect on state funding—in some cases at the magnitude of millions of dollars.

Apportionment and Representation

The decennial enumeration not only affects federal financial assistance to states, service providers, and households, but it also determines the number of seats each state gets in the House of Representatives, using the Method of Equal Proportions.[32] Article 1, Section 2, of the US Constitution describes this as the census's primary mandate. Each state gets at least one congressional seat (although the District of Columbia does not), and then every seat after that is apportioned based on a priority value. Priority values are calculated by applying a multiplier to the total state population, as enumerated in the census.

A potential undercount in some states in the 2020 Census would matter considerably. Without the benefit of the data in this report, there is suggestion that states are already at risk of losing seats. For example, preliminary research from Election Data Services used 2018 population estimates to find that states like Arizona, North Carolina, Florida, and Texas could gain at least one additional seat, while states like Alabama, Michigan, and West Virginia might lose a seat given trends already at work.[33] Given

the findings we present here, the estimates of seats gained and lost could change even more if the high-risk scenario is realized.

In addition to being used to determine the allocation of seats in the US House of Representatives, census data are also used to define state legislative districts, school districts, and voting precincts (US Census Bureau 2017a). State legislative districts may be particularly subject to within-state variations. Again, the community-by-community count accuracy matters tremendously. For example, if one community happens to have an overrepresentation of groups that are at risk of being undercounted in the 2020 Census (for example, higher shares of young children and black or Hispanic/Latinx residents), then they could miss out on their fair share of funding relative to communities in the same state with higher rates of older, white non-Hispanic/Latinx residents.

BOX 2
Limitations of This Analysis

Like all such ventures, the analyses in this research report have limitations that are worth noting:

- While the projections in this report reflect the *total US population*, our miscount calculations use parameters that were developed from research on the *household* population.

- We do not make projections for the group quarters population (e.g., people residing in rooming houses; institutionalized populations such as those in prisons and nursing homes) or the emergency and transitional shelter populations.[34] These populations comprised 2.7 percent of the total population count in 2010 (Smith, Holmberg, and Jones-Puthoff 2012). Implicitly, this analysis assumes that effects on the group quarters population will be similar to those of the household population.

- We do not include Puerto Rico, other US territories, or the overseas populations (e.g., military and foreign service) in the demographic projections.

- We tried to be realistic but ultimately the risk scenarios we adopt (i.e., low, medium, high) are necessarily subjective. We assume that the 2020 Census operations will be completed successfully as planned.

- The miscount assessments we provide are quantitative but are not meant to be used for statistical inference. There are no margins of error or significance levels available. Our goal is to provide some sense of the 2020 Census's possible outcomes under a few scenarios that we subjectively deemed realistic.

- We adopt what we believe is a robust approach in developing scenarios, but we may have missed an important risk factor that will affect the 2020 Census more than the factors we considered.

Other Factors for Consideration

While this research report addresses how the citizenship question, lack of timely funding, use of administrative records, and launch of an online response option might affect the decennial enumeration, it cannot consider every potential risk in the above miscount estimates. Current unknowns such as self-response rates, changing attitudes toward technology and cybersecurity, and unpredictable events—natural or geopolitical—could all profoundly influence the final 2020 Census counts.

The decennial census largely relies on voluntary participation, despite being mandatory. In previous decades, the US Census Bureau used a mail-out-mail-back method with paper questionnaires, adding a reminder via postcard a week after the questionnaire was sent in 2000.[35] In 2010, the final mail response rate for all addresses (including those vacant and unoccupied) was 66.5 percent (Letourneau 2012). Census officials hope that the rollout of the online option will optimize self-response for the upcoming census. However, self-response across federal surveys has been on the decline for several years (Czajka and Beyler 2016). Fewer than 7 in 10 households intend to fill out the upcoming decennial survey (McGeeney 2019). Regardless of the outcome, it is possible that the final 2020 self-response rate will differ from what is currently anticipated.

In the wake of multiple data breaches, another factor to consider is the rising public concern around data confidentiality and cybersecurity. Census officials have not been able to fully test the security of the internet self-response approach because it is new to the 2020 Census. The US Census Bureau consequently identified the internet self-response mode and cybersecurity threats as potential risks in their operational plan (US Census Bureau 2018b). It is unclear if the census infrastructure will be able to support the simultaneous online participation of millions of households across the country or the safeguard against potential cybersecurity threats.[36]

Finally, there is always the possibility that an event arises before, on, or after April 1, 2020, that disrupts enumeration. If the infrastructure for an area of the country is affected by a disruption—for example, widespread natural disaster (tornadoes, flooding, earthquake)—this would affect mail and internet response as well as plans for nonresponse follow-up. For example, Hurricane Katrina changed demographic patterns[37] and, consequently, the 2010 Census rollout in affected areas.

Conclusion

Overall, it appears that an undercount in the 2020 Census is inevitable. The only question is by how much. Further, demographic differences will likely lead to differential undercounts, and, consequently, concerns over fairness. Our projections show that even under the lowest-risk scenario—where we assume that the 2020 Census will perform exactly as the 2010 Census did—the national population count will be less accurate.

Demographic and structural changes over the past decade suggest that the population in 2020 will be harder to enumerate. Groups known to be hard to count—including complex households, renters, young children, immigrants, and people of color—will represent a larger share of the population in 2020 than they did in 2010. Nationwide, response rates to surveys, even those mandated by the federal government, have declined. These trends make the challenge of enumerating the country more complicated.

To counter the challenge of enumerating a nation that is harder to count and increasingly less responsive, the 2020 Census will introduce operational changes like internet self-response to boost responses and the use of administrative records to fill in information for the missing population. Not only are these new additions insufficiently tested in a decennial census environment, but the best evidence suggests they will disproportionately improve the count of those who are already easiest to count, leaving the hard-to-count population a lingering challenge. In fact, our medium-risk scenario— where we assume the 2020 Census will perform exactly as anticipated—projects a less accurate count than that of 2010 precisely because of these changes.

Finally, political discourse about immigration and the citizenship question have created a potential chill among some groups in the country, including those who are Hispanic/Latinx-identified and immigrants. When we consider how the count could be affected by a potential chill to these groups' participation in our high-risk scenario, we project that the count will be even more inaccurate.

The concern is not only that the overall count will be less accurate, but that it will be less fair too. Fairness means that the population count truly reflects the rich diversity of the nation's population, rather than undercounting some demographic groups while overcounting others. This matters because decisions about federal funding and representation are based on the census counts. When entire communities are underrepresented in the count, they do not receive their rightful political voice or fair share of funding.

There is still time to ensure that representation in the 2020 Census is fair and accurate. By investing in outreach and engaging communities in a culturally sensitive way, there is time to ensure that representation will be better. In a democratic society, a fair and accurate count is critical and relies on all of us to participate and complete the census in 2020.

Appendix A. Methodology for Census 2020 Population Projections

The Census 2020 population projections are by state, age, and race/ethnicity for April 1, 2020 (Census Day). These projections provide the foundation for assessing 2020 undercounts in these categories compared with past US Census miscount rates.

These state-level projections are created using a cohort-component method, which applies three components of demographic change—birth, survival, and migration rates—to a population and then ages that population. This is comparable to the method that the US Census Bureau uses (Colby and Ortman 2015).[38] The idea is that 27-year-olds today, who continue to live in the same place, should be counted as 28-year-olds one year from now, with a small but predictable fraction dying, moving in state, or moving out of state within that year. The following sections describe how we produced the projections to Census Day.

Definitions of Demographic Categories Used

Race and Ethnicity

For this study, we applied a "bridged race" approach to specifying race categories that correspond with the race specifications used in the 2010 CCM study—the source of our data on historical miscounts in the census.[39] To be consistent with racial and ethnic categories published in the CCM study, we produce population projections for the total population and for the following categories: white non-Hispanic/Latinx, Hispanic/Latinx (all races), black (Hispanic/Latinx or not), American Indian and Alaska Native (Hispanic/Latinx or not), Asian (Hispanic/Latinx or not), and Hawaiian/Pacific Islander (Hispanic/Latinx or not).

Age

Age is projected by single years from birth through age 84; a single category includes those ages 85 and older.

Geography

Geography is projected at the state level.

Methodology for Creating Projections

Data

We use US Census Bureau population estimates (vintage 2017)—using midyear population estimates for 2015, 2016, and 2017—to make our state-level population projections (US Census Bureau 2018d). We use the population estimates for each state and the District of Columbia, for each year from birth to age 84 and for those ages 85 and older, and for each of the following racial and ethnic categories: [40]

- Hispanic/Latinx ethnicity, white only race selected
- Hispanic/Latinx ethnicity, black only race selected
- Hispanic/Latinx ethnicity, American Indian and Alaska Native only race selected
- Hispanic/Latinx ethnicity, Asian only race selected
- Hispanic/Latinx ethnicity, Hawaiian and Pacific Islander only race selected
- Hispanic/Latinx ethnicity, two or more race categories selected
- non-Hispanic/Latinx ethnicity, white only race selected
- non-Hispanic/Latinx ethnicity, black only race selected
- non-Hispanic/Latinx ethnicity, American Indian and Alaska Native only race selected
- non-Hispanic/Latinx ethnicity, Asian only race selected
- non-Hispanic/Latinx ethnicity, Hawaiian and Pacific Islander only race selected
- non-Hispanic/Latinx ethnicity, two or more race categories selected

The data used to calibrate our projections at the national level are the US Census Bureau's 2017 national population projections for the total United States, for five-year age categories, and for each of the following racial and ethnic categories (using the midyear population estimates for 2020) [41]:

- All Races, Hispanic/Latinx, or non-Hispanic/Latinx
- White, Hispanic/Latinx, or non-Hispanic/Latinx
- Black, Hispanic/Latinx, or non-Hispanic/Latinx
- American Indian and Alaska Native, Hispanic/Latinx, or non-Hispanic/Latinx

- Asian, Hispanic/Latinx, or non-Hispanic/Latinx
- Hawaiian and Pacific Islander, Hispanic/Latinx, or non-Hispanic/Latinx
- Two or more race categories selected, Hispanic/Latinx, or non-Hispanic/Latinx.[42]

Based on these categories, we produced a set of bridged race categories to correspond with the race categories in the CCM study.

Projection Procedure

Populations are projected separately based on the population estimates for 50 states and the District of Columbia and for the race and ethnicity categories specified above, for a total of 612 separate projections. The procedure for each projection by age is a modification of the Hamilton-Perry cohort procedure (Hamilton and Perry 1962; Swanson, Schlottmann, and Schmitt 2010). The following steps describe how we used vintage 2017 projections data from the US Census Bureau to create population projections for April 1, 2020. The process is quite technical and is broken down into the following steps:

- **Step 1**: For age a = 0, the population projections for midyear 2018, midyear 2019, and midyear 2020 are each assigned to be the population estimate for midyear 2017.

  $P_{(0,2018)} = P_{(0,2019)} = P_{(0,2020)} = P_{(0,2017)}$

- **Step 2**: For ages a = 1 through 84, the population a for 2018 is projected as the population estimate for one year younger a-1 in 2017, adjusted by the estimate age a in 2017 minus the estimate for age a-1 in 2016. The procedure is then repeated for 2019 and 2020.

  $P_{(a,2018)} = P_{(a-1,2017)} + (P_{(a,2017)} - P_{(a-1,2016)})$

  $P_{(a,2019)} = P_{(a-1,2018)} + (P_{(a,2017)} - P_{(a-1,2016)})$

  $P_{(a,2020)} = P_{(a-1,2019)} + (P_{(a,2017)} - P_{(a-1,2016)})$

- **Step 3:** For ages a = 85+, the population for 2018 is projected as the population estimate for ages 85+ in 2015, extrapolated to 2018 using the 2016–2017 trend. (Any negative population projections are set to 0.)

  $P_{(85+,2018)} = P_{(85+,2015)} + 3*(P_{(85+,2017)} - P_{(85+,2016)})$

- **Step 4:** Before we begin to "rake" the data or, in other words, adjust the data to known population totals, we create "prerake" projections for those ages 4 and under. The "prerake" midyear 2020 population projections are summed for each age from birth to 4 for all states and racial and ethnic groups. The US Census Bureau midyear 2020 population projection for ages 4 and under is then divided by the sum to produce a calibration ratio for that age group.[43]

- **Step 5:** Each prerake population projection for each age from birth to 4 (3,060 total cells, or state by race by ethnicity by age) is then multiplied by the ages-4-and-under calibration ratio to produce the first set of population projections we call "rake 1."

- **Step 6:** We then rake the data a second time. To do so, steps 4 and 5 are repeated for each five-year age category to produce "rake 1" population projections for *all* ages.

- **Step 7:** The "rake 1" midyear 2020 population projections are then subjected to a second rake process, "rake 2," which replicates steps 4, 5, and 6—this time for race and ethnicity for ages 4 and younger, 5 to 17, 18 to 34, 35 to 64, 65 to 84, and 85and older—from the US Census Bureau's projections data.[44] This step produces "rake 2" population projections.

- **Step 8:** The "rake 2" population projections are then summed across the whole population and calibrated against the US population projection for the total population in midyear 2020 to produce "rake 3" population projections.

- **Step 9:** The "rake 3" population projections for midyear (July 1, 2020) are then adjusted backwards to April 1, 2020 (Census Day), by subtracting from each "rake 3" population cell one-quarter of the difference between the "prerake 2020" and "prerake 2019" populations for that cell. All cell populations are then rounded to the nearest whole person.

Finally, to accommodate early census undercount analyses from a time when only one race response was possible, we created a set of "bridged race" projections. To create bridged race projections, each state's projected population with "two or more races" was partitioned into all possible combinations of race identifications, using the proportions in the American Community Survey five-year estimates for each state for 2012–2016 (Ruggles et al. 2018). Each state's projected separate "multiple race" responses were then allocated into proportions for various single races, based on bridged race allocation ratios (Liebler et al. 2008). Because bridged race estimates are subject to error proportionate to age differences in multiracial responses within each state, we performed a sensitivity check to compare distributions of multiracial permutations within each state at all ages against the distribution within each state at ages 4 and under compared with ages 5 to 85 and older. The age differences in the distributions of responses within the multiracial category varied by a few percentage points on average, but states were similar in age variation.[45]

Appendix B. Methodology for the Census 2020 Miscount Assessments

The Census 2020 miscount assessments are provided by state, race/ethnicity within each state, and age within each state. These assessments allow users to examine population undercounts under a range of assumptions about how the census is administered and how persons in the US respond to the decennial census.

Methodology: Three Scenarios Motivating the Miscount Assessments

Although it is impossible to precisely forecast the final 2020 Census counts, a practicable approach is one that posits a few plausible scenarios spanning a range of potential threats and opportunities in the enumeration process. To this end, we articulate three scenarios of increasing risk levels to the accuracy of the 2020 Census counts overall for the nation as well as for demographic subgroups. We refer to the three scenarios as low, medium, and high risk because they reflect increasing threats to the ability of the 2020 Census to accurately count all persons in the US. Below we discuss the basic assumptions underlying each scenario.

Overview

The miscount assessments for this project are synthetically derived and relatively straightforward. We take a projection of the 2020 US population by state and subject it to a 2020 Decennial Census miscount model that dictates which demographic subpopulations will be miscounted at certain rates, where

- positive miscount rates above zero denote a net undercount—positive because that is the most common miscount,
- miscount rates equal to zero designate an accurate count, and
- negative miscount rates below zero signify a net overcount.

For each state cell by race/ethnicity by age group, we adjust the projected 2020 population for that cell by its corresponding modeled 2020 Census miscount rate to produce the synthetic, model-based hypothetical population count for that cell. We employ three models that reflect varying risks of

miscounting. They are described below. But first, we note the base population from which all miscounts are derived.

Base Population: 2020 Population Projection

All risk scenario models rely on the existence of a 2020 population projection. This was the first item that was addressed in the development of model-based miscount estimates.

The projection of the 2020 US total population (i.e., not a census-enumerated population) for April 1, 2020, uses the demographic projection methodology outlined in appendix A. The projection involves starting with the US Census Bureau's 2017 population estimates and then aging the population to 2020, while adjusting for migration and births and deaths. The projections are broken down by state and within state for cross-classified race/ethnicity by age groups. We also use the distribution of persons living in owned versus rented households in each state as reported in the 2017 American Community Survey (ACS). It is important to note that the demographic composition of the US is shifting over time. Specifically, non-Hispanic/Latinx whites will account for a smaller share of the US population in 2020 relative to 2010, while Hispanics, blacks, and other minority groups will have larger shares.

Low-Risk Scenario

Our low-risk census scenario combines the demographics of the 2020 population with the performance (in terms of counting) accuracy of the 2010 Census. We assume the 2020 Decennial Census counts are as accurate as 2010 Census counts for each racial and ethnic group, each age group, and each tenure status as measured by the 2010 CCM program,[46] supplemented with the demographic analysis that demonstrated the undercount of children under age 5.

In essence, our low-risk scenario asks "What if the 2010 Census performance accuracy was achieved with the 2020 population?"

LOGIC OF THE LOW-RISK APPROACH

The objective in the low-risk scenario is to develop a set of estimated miscount adjustments that can be applied to the 2020 projected population separately by state, race/ethnicity, age, and resident housing tenure (i.e., renter, owner). Since no such adjustment matrix exists, it must be built from existing research data. The data sources used were the CCM program miscount rates for the categories listed above (Mule 2012). We also used the demographic analysis (O'Hare 2015) that showed a historic undercount of children under age 5, as well as the 2017 ACS distributions of residents in owned or

rented households by race, ethnicity, and age, as discussed below. The challenge is that CCM miscount rates are only available as marginal rates; that is, they are available for individual race categories, Hispanic/Latinx status, and age groups, but not for combined race by Hispanic/Latinx cells or race by Hispanic/Latinx by age cells. Our approach was to develop an additive sequential series of miscount adjustments that have had the interactive effects removed so miscount rates are not "double counted." For instance, the non-Hispanic/Latinx white and the over-50 populations both have net overcounts. Simply adding the miscount rate of non-Hispanic/Latinx whites to the miscount rate of persons over age 50 would overstate the miscount for non-Hispanic/Latinx whites over 50. This is because, in part, the reason for the overcount in the over-50 population is that non-Hispanic/Latinx whites are overrepresented in that age group. We correct for that problem.

The sequence with which the additive miscount effects were developed was

- race/ethnicity first,
- then the incremental effect of age (after removing the age and race/ethnicity combined miscount effect), and
- then the incremental effect of resident housing tenure after removing the above two effects.

The overall miscount adjustment was obtained by simply adding the adjustments above and applying them to the corresponding (race/ethnicity by age group by tenure by state) 2020 population cell total for each state. Below we describe how each miscount rate was developed.

RACE-ETHNICITY MISCOUNT RATES

Race/ethnicity miscount rates were not developed in the CCM program (Mule 2012). Instead, net miscount rates were provided separately for race groups and for ethnic groups (i.e., Hispanic/Latinx status). We developed race by ethnicity miscount rates by taking the simple average of the two net miscount rates of each specific racial and ethnic category. To illustrate, the miscount rate for Hispanic/Latinx black persons was obtained by taking the average of the net undercount for blacks (A) and the net undercount for Hispanics (B), so for this subpopulation we simply assigned a net miscount rate of C = (A + B)/2.

Next, we adjusted the resulting race/ethnicity miscount rates to account for the undercounting of those ages 4 and under, as found through demographic analysis (DA) (O'Hare 2015). Had we not done this, the CCM rate would have been incorrect because it did not fully recognize the magnitude of this component of the undercount in its CCM miscount estimates. A revised, adjusted race/ethnicity miscount rate was derived by adding a correction to the CCM miscount rate. The correction was

obtained as follows. If the CCM ages 4 and under DA miscount rate is (D), the difference between it and the CCM rate was taken (E = C – D). The correction (F) is obtained by taking the difference between the 2010 CCM and DA miscount rates for those ages 4 and under (E) and multiplying it by the fraction (p) of the race/ethnicity group that was ages 4 and under in 2010, or F = (E x p). The adjusted miscount rate C* is obtained by adding the original CCM miscount rate C and the correction C* = (F + C). Mathematically, this adjustment can be readily summarized as follows:

> p = fraction of ages 4 and under
>
> q = (1 – p) = residual (i.e., 5+-year-old population)
>
> C = the CCM-based miscount rate.

But if the CCM rate underrepresents the undercount of those ages 4 and under, then C should be lower. So, let

> D = Ages 4 and under miscount rate from DA where D < C (i.e., D is smaller)
>
> E = D – C, the difference between the DA miscount estimate for those ages 4 and under and the current estimate for a given race/ethnicity group.

The "corrected" miscount rate C* should be

> C* = (D x p) + (C x q).

But

> C* = (D x p) + (C x q) + (C x p) – (C x p)
>
> = (D x p) – (C x p) + (C x q) + (C x p)
>
> = (D – C) x p + C = (E x p) + C = F + C.

Using this approach, CCM net undercount estimates were calculated for the non-Hispanic/Latinx white, black, American Indian/Alaska Native, Asian, Hawaiian/Pacific Islander, and Hispanic/Latinx populations. However, after the developing the miscount estimates for these subgroups, we collapsed the results for the Asian and HPI populations out of caution that the separate counts were too small to be reliable.

INCREMENTAL AGE MISCOUNT RATES

To obtain the incremental miscount effect of age, we began with the 2010 CCM estimates for net miscounts for five age groups—ages 4 and younger; 5 to 17; 18 to 29; 30 to 49; and 50 or older (Mule 2012)—but substitute the more accurate DA estimate for the net undercount for the ages-4-and-under group (O'Hare 2015). Then we take the race/ethnicity group percentage distributions in each age group

and corresponding miscount rates (from above) and develop a "predicted" estimate of the specific miscount rate solely on the basis of the race/ethnicity composition of that age group (G). We then take the age-specific CCM miscount rate (with the ages 4 and under DA substitution)—call it H—and subtract the predicted race/ethnicity miscount rate (G) to produce the age group's incremental miscount rate with the race/ethnicity miscount rate removed: (J = H – G). This is performed for each age group. For instance, the 50+ age group has a higher proportion of non-Hispanic/Latinx whites than the general population, and because the non-Hispanic/Latinx white population has a net overcount, the 50+ age group would be expected to have some overcount simply as a result of its racial and ethnic composition. Our approach removed the miscount component from the 50+ group because of race/ethnicity.

The CCM found notable differences in miscount rates by resident household tenure (i.e., person resides in a rental versus an owned or mortgaged home). However, household tenure, race/ethnicity, and age were strongly correlated in 2010, so we needed to develop an incremental resident tenure adjustment of the net miscount beyond that because of race/ethnicity and age. Our approach was to simply use the method adopted for age (above) but applied twice—once to remove the race/ethnicity component and the other to remove the incremental age component.

We began with the 2010 CCM estimates for net undercounts for persons in rented households and net overcounts for persons in owned households (Mule 2012). For each tenure category, we calculated the miscount rate attributable to race/ethnicity using the race/ethnicity population distribution and miscount rates (K). We then subtracted the race/ethnicity miscount effect (K) from the tenure owner/renter effect (L) to produce the incremental miscount rate for a given tenure status, adjusted by race/ethnicity (M = L – K). Next came the adjustment to remove the incremental age miscount effect. For each tenure group, we used the age population distribution and corresponding incremental age miscount rates from above (J) to calculate the miscount rate attributable to age (N). We then took the race/ethnicity-adjusted tenure miscount rate (M) and subtracted the incremental age miscount rate (N) to produce the net incremental tenure miscount rate adjusted for race/ethnicity and age (P = M – N = L – K – N). For example, persons living in owned households have a higher proportion of non-Hispanic/Latinx whites than the general population, as well as a higher proportion ages 50 and older. Because the non-Hispanic/Latinx white population has a net overcount and so does the 50 and older population net of its racial and ethnic distribution, the population of persons living in owned households would be expected to have some overcount simply as a result of its race/ethnicity and age composition. We calculated an effective tenure undercount for 2010 as the observed tenure-specific undercount or

overcount, minus the expected tenure-specific undercount because of the racial and ethnic composition of each tenure category, minus the expected tenure-specific undercount estimate because of the age composition of each tenure category (adjusted for race/ethnicity).

We did not attempt to make estimates of net undercounts based on living status in group quarters, which constitutes approximately 2.5 percent of the US population in 2010 as well as in 2020. We believe this to be a minor limitation of the adopted approach.

STATE

Our miscount estimates for each US state in 2020 are based on the projected race/ethnicity, age, and tenure distribution of that state's population in 2020, multiplied by the corresponding net miscount rates attributable to race/ethnicity, age, and tenure distributions as described above.

Note that while our low undercount scenario produces undercount estimates by state, those estimates are *not* derived from 2010 CCM undercount rates by state, which had too much sampling uncertainty to be used in our analysis. The procedure we use is instead a "synthetic" estimate of the undercount based on each state's demographic characteristics alone. Synthetic state undercount estimates based on state racial and ethnic distributions have been calculated and used in previous analyses of undercounts.[47] Our synthetic state undercount estimates are conceptually the same but include additional adjustments for age and tenure distributions within each state.

Note also that our 2020 estimates of the undercount are based on a mixture of DA for ages 4 and under and the CCM postenumeration survey data for all other ages. As such, it is not appropriate to compare our low-risk scenario directly with the official census undercount for 2010, which is based solely on CCM data. If an adjustment was made to the 2010 US Census undercount by using DA estimates instead of PA estimates for ages 4 and under only, the net undercount estimate for 2010 would increase from -0.01% based on CCM alone to about +.014% based on CCM and DA combined.

Medium-Risk Scenario

Our medium-risk scenario takes the low-risk scenario parameters and makes two key changes. First, we adjust our estimated miscount rates to reflect US Census Bureau expectations that 39.5 percent of US households do not self-respond to the census before launching the nonresponse follow-up effort (US Census Bureau 2017a).[48] Second, we adjust the miscount rates to reflect the use of administrative records (AR) in the NRFU to impute persons in predicted occupied households that fail to respond after an enumerator visit. According to the census operational plan, this use of AR would reduce the NRFU

workload by 5 percent, and an additional 8 percent workload reduction would come from AR-predicted vacant households (that then would require no enumerator visit and be closed out as "vacant") (US Census Bureau 2018b).[49]

In essence, our medium-risk scenario asks "What if the 2020 Decennial Census goes pretty much as planned by the US Census Bureau?"

The miscount rates from the medium-risk scenario require three sets of data:

- the final estimated miscounts from the low-risk scenario, described above,

- an estimated national overall net miscount rate because of the Census Bureau's adoption of a 60.5 percent self-response target (lower than that obtained in 2010) at the onset of the NRFU effort, and

- an adjustment reflecting the use of AR to impute predicted occupied housing units in the NRFU when they failed to respond after one enumerator visit.

The first set of data already exists by virtue of the low-risk miscount scenario. The second parameter needed is the net miscount adjustment from adopting a lower self-response rate than what was obtained in the 2010 Census. We note that this adjustment is motivated by the observed correlation between self-response and net undercount (O'Hare 2018).[50] Since the actual 2010 decennial self-response was higher (Letourneau 2012) than the planned 2020 self-response (60.5%), an adjustment in the overall net miscount rate was developed relative to that in the low-risk scenario.

To begin, we used data from the 2010 NRFU Assessment (Walker et al. 2012) to distribute NRFU households to race/ethnicity, age, and tenure categories in proportion to the relative nonresponse levels for each group estimated in the 2010 Census. Hence, relative to 2010, we project how the volume of nonresponse follow-up addresses would increase to 39.5 percent overall and increase more for blacks than for non-Hispanic/Latinx whites, more for young children than for older adults, and more for renters than for homeowners.

Next, we decomposed the demographic miscount rates from the low-risk scenario into separate rates for persons by NRFU status (i.e., non-NRFU vs NRFU household), based on analysis of 2010 Census data and subject to the algebraic constraint that the combined undercounts for the NRFU and non-NRFU subpopulations must sum to the overall undercount estimate from our low-risk scenario. Then we adjusted the estimated undercount rates for each race/ethnicity category, age group, and tenure status by a quantity equal to the additional proportion of the population in NRFU households for that demographic category (since it will increase in 2020 relative to what was experienced in 2010) and

multiplied by the estimated difference in undercount rates between persons in non-NRFU and NRFU households.

Throughout this scenario, we use the simplifying assumption that NRFU miscount rates at the population level correspond with NRFU miscount rates at the household level.

To account for the expected effects of the census's use of AR we use the observed distribution[51] of follow-up visits to NRFU households in 2010 to estimate that if a 5 percent workload reduction is achieved, then 8.2 percent of occupied NRFU households and assumedly 8.2 percent of the population (i.e., persons) in NRFU households will be resolved through the use of AR data with an assumed undercount rate of exactly zero. That is, we assume that AR imputations of the predicted occupied housing units in the NRFU that fail to respond after one enumerator visit will be error free.

Our medium-risk undercount estimates for each US state in 2020 are based on the projected race/ethnicity, age, and tenure distribution of that state's population in 2020; multiplied by the 2010 net undercount rates for race/ethnicity, and for age and tenure distributions as described above; adjusted for the census's predicted increase in nonresponse; then offset by the presumed accurate count from the NRFU-occupied housing units imputed via AR.

High-Risk Scenario

Our high-risk scenario is a replication of our medium- and low-risk scenarios, but with three additional changes. We assign a higher overall proportion to NRFU status, based on the Census Bureau's high variant for possible NRFU in 2020. We also make two adjustments to the net undercount that have been deemed likely by Mathiowetz[52] if the census contains a citizenship question as currently proposed by the US Department of Commerce. These two adjustments are an additional proportion of Hispanic/Latinx households in NRFU status and a small increase in the percentage of the US noncitizen population that is omitted from household rosters in mailed-in census forms.

In essence, our "high undercount" scenario asks "What would happen if the Census Bureau encounters nonresponse rates at the high end of their expectations and if the inclusion of a citizenship question brings the changes in response behavior that have been predicted?"

The initial setup for the high-risk scenario is as in the medium-risk scenario. Then we increase the predicted NRFU for the US population from the census's expected level of 39.5 percent to the census's high variant of 44.5 percent, distributing the additional nonresponse households by demographic characteristics using the same procedures as in the medium-risk scenario.

Then we further increase NRFU for the households with Hispanic/Latinx residents by an additional 5.8 percentage points, as per Brown and colleagues (2018). This adjustment reflects additional suppression of census initial response by the Hispanic/Latinx population if a citizenship question is included in the census.

Finally, we raise overall net undercount by an additional 1.25 percentage points for the US noncitizen population, as per Mathiowetz.[53] This undercount is assigned to each state, according to the fraction of noncitizens in each racial and ethnic group in each state in the 2017 American Community Survey. This adjustment reflects the omission of noncitizens from household rosters of census forms turned in by citizens who have noncitizens residing in their households.

Notes

1   GAO (US Government Accountability Office), "GAO High Risk List: 2020 Decennial Census," GAO, March 2019, https://www.gao.gov/highrisk/2020_decennial_census/why_did_study. The GAO defines high risk as government areas that are considered "at high risk for waste, fraud, abuse, or mismanagement, or in need of transformation." For a short description, see "GAO's 2019 High-Risk List Update," US Government Accountability Office WatchBlog, March 6, 2019, https://blog.gao.gov/2019/03/06/gaos-2019-high-risk-list-update/.

2   Center for Survey Measurement, "Respondent Confidentiality Concerns," memorandum for the associate directorate for research and methodology, September 20, 2017, https://www2.census.gov/cac/nac/meetings/2017-11/Memo-Regarding-Respondent-Confidentiality-Concerns.pdf.

3   For the full data and interactive to see how various states and subgroups may be affected in the 2020 Census, see Diana Elliott, Robert Santos, Steven Martin, and Charmaine Runes, "2020 Census: Who's At Risk of Being Miscounted?" Urban Institute, June 2019, https://apps.urban.org/features/2020-census.

4   The term "Hispanic/Latinx" is used throughout this report to reflect the different ways in which people self-identify. The US Census Bureau uses the term "Hispanic."

5   Center on Poverty and Inequality–Georgetown Law, "2018 Census E2E Test Issue Brief #1: Importance and Risks," June 1, 2018, http://www.georgetownpoverty.org/wp-content/uploads/2018/06/GCPI-ESOI-E2E-Test-Memo-20180531.pdf.

6   Diana Elliott and Charmaine Runes, "An Underfunded 2020 Census Puts an Accurate Count at Risk," *Urban Wire* (blog), March 18, 2019, https://www.urban.org/urban-wire/underfunded-2020-census-puts-accurate-count-risk.

7   Vanita Gupta, Arturo Vargas, and Terri Ao Minnis to Sheleen Dumas, "Leadership Conference Comments on the Census Bureau's End-to-End Test-Peak Operations," The Leadership Conference on Civil & Human Rights, August 13, 2017, https://civilrights.org/resource/leadership-conference-comments-census-bureaus-end-end-test-peak-operations/.

8   The 2020 budget for communications and outreach is $851 million compared with $828 million in 2010 (inflation-adjusted to 2017 dollars) (Goldenkoff 2018).

9   Although the 2018 End-to-End Test adopted a significantly lower self-response target that was exceeded, the fact that a final dress rehearsal achieves a substantially lower self-response rate than was planned for 2020 raises concern.

10 ISR is the least costly participation mode available in the upcoming 2020 Census. To the extent that ISR achieves or preferably exceeds the planned level of participation, funds will be available for NRFU enumerators to visit hard-to-count households and communities. If the ISR rate falls below the planned 2020 rate, then funds otherwise planned for the "harder to count" will have to be spread to cover the additional cost of enumerating the otherwise "easier-to-count" households that could have responded via ISR but did not.

11 "2020 Census" Notice, 83 Fed. Reg. 248 (December 28, 2018), 67213–67222, https://www.govinfo.gov/content/pkg/FR-2018-12-28/pdf/2018-28164.pdf.

12 Hansi Lo Wang, "How the 2020 Census Citizenship Question Ended Up in Court," *NPR Morning Edition*, November 4, 2018, https://www.npr.org/2018/11/04/661932989/how-the-2020-census-citizenship-question-ended-up-in-court.

13 US Census Bureau, "Census Bureau Submits Planned Questions for 2020 Census to Congress," news release CB18-55, https://www.census.gov/newsroom/press-releases/2018/2020-question.html.

14 John M. Abowd, "Technical Review of the Department of Justice Request to Add Citizenship Question to the 2020 Census," memorandum for Wilbur L. Ross, Jr., Secretary of Commerce, January 19, 2018, https://miracoalition.org/images/Documents/Census-Bureau-Jan2018memo-citizenship-question.pdf.

15 John M. Abowd, "Technical Review of the Department of Justice Request to Add Citizenship Question to the 2020 Census."

16 Michael Wines, "Census Officials Say Rhode Island Rehearsal Is Going Well. Not Everyone Agrees," *New York Times*, April 28, 2018, https://www.nytimes.com/2018/04/28/us/2020-census-test-rhode-island.html.

17 Center for Survey Measurement, "Respondent Confidentiality Concerns."

18 "Memorandum of Law in Opposition to Defendants' Motion for Summary Judgment" at 16, Kravitz et al. vs. US Department of Commerce, US District Court for the District of Maryland (no. 8:18-cv -01041-GJH) (filed November 27, 2018). https://www.brennancenter.org/sites/default/files/legal-work/MemoppdefsMSJ_2018-11-27.pdf.

19 US Census Bureau, "State Population by Characteristics: 2010–2017," updated February 12, 2019, https://www.census.gov/data/tables/2017/demo/popest/state-detail.html#tables.

20 We do not include Puerto Rico, other US territories, or the overseas populations (e.g., military and foreign service) in these projections.

21 US Census Bureau, "Decennial Census of Population and Housing: Coverage Measurement," https://www.census.gov/programs-surveys/decennial-census/about/coverage-measurement.html.

22 The state standard deviation in the low-risk scenario is 0.472. The state standard deviation is a measure of the typical unweighted difference between a state's undercount and the US undercount. Increasing the net undercount will not increase the state standard deviation if all states have the same change in undercount; it could even decrease if the undercount is increased differentially in states that previously had overcounts.

23 "2020 Census" Notice, 83 Fed. Reg. 248 (December 28, 2018).

24 Center for Survey Measurement, "Respondent Confidentiality Concerns."

25 "Memorandum of Law in Opposition to Defendants' Motion for Summary Judgment" at 16, Kravitz et al. vs. US Department of Commerce.

26 State standard deviation in the medium-risk scenario: 0.632% (this is a measure of the typical unweighted difference between a state's undercount and the US undercount.)

27 Center for Survey Measurement, "Respondent Confidentiality Concerns"; John M. Abowd, "Technical Review of the Department of Justice Request to Add Citizenship Question to the 2020 Census."

28 We also note that these risk scenarios and projections do not explicitly quantify effects on the group quarters (including institutionalized) populations. Implicitly, this assumes that whatever factors we adopted apply the same to both the household and group quarters populations.

29 These findings should be interpreted with caution because they are based on the best available evidence, assumptions, and projections at the time of publication. They should not be thought of as being precise point estimates. Further, many variables could change these outcomes in the next year, for better or worse.

30 "Federal Medical Assistance Percentage (FMAP) for Medicaid and Multiplier," Henry J. Kaiser Family Foundation, https://www.kff.org/medicaid/state-indicator/federal-matching-rate-and-

multiplier/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D.

[31] Bureau of Economic Analysis (BEA) develops per capita income that ultimately relies on population estimates from the Census Bureau for the denominators of per capita income. The population estimates are derived using decennial census totals that are then updated for births, deaths, and migration. For details, see US Census Bureau, "Methodology for the United States Population Estimates: Vintage 2018: Nation, States, Counties, and Puerto Rico—April 1, 2010 and July 1, 2018," accessed March 1, 2019, https://www2.census.gov/programs-surveys/popest/technical-documentation/methodology/2010-2018/2018-natstcopr-meth.pdf.

[32] US Census Bureau, "Congressional Apportionment: Computing Apportionment," accessed March, 1, 2019, https://www.census.gov/population/apportionment/about/computing.html.

[33] Election Data Services, "Arizona Gains Rhode Island's Seat with New 2018 Census Estimates; But Greater Change Likely by 2020," news release, December 19, 2018, https://www.electiondataservices.com/wp-content/uploads/2018/12/NR_Appor18wTablesMaps-20181219.pdf.

[34] See the following table for information on the 2017 group quarters population: US Census Bureau, "Population in Group Quarters: 2017 American Community Survey 1-Year Estimates," accessed March 1, 2019, https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_17_1YR_B26001&prodType=table. See Smith, Holmberg, and Jones-Puthoff (2012) for information on the emergency and transitional shelter populations

[35] Robin A. Pennington, Michael Bentley, and Gina Walejko, "An Overview of the 2020 Census Design: Joint Statistical Meetings 2018, Session 417: Redesigning Federal Surveys," US Census Bureau, accessed March 1, 2019, https://www.census.gov/content/dam/Census/newsroom/press-kits/2018/jsm/jsm-presentation-2020-census-design.

[36] Lapowsky, Issie, "The Challenge of America's First Online Census," *Wired*, February 6, 2019, https://www.wired.com/story/us-census-2020-goes-digital/.

[37] US Census Bureau, "Facts for Features: Hurricane Katrina 10th Anniversary: Aug. 29, 2015," news release CB15-FF.16, July 29, 2015, https://www.census.gov/newsroom/facts-for-features/2015/cb15-ff16.html.

[38] For technical documentation related to how the US Census Bureau produces projections, see "2012 National Population Projections Methodology and Assumptions," updated November 14, 2016, https://www.census.gov/programs-surveys/popproj/technical-documentation/2012-national-population-projections.html.

[39] US Census Bureau, "Decennial Census of Population and Housing: Coverage Measurement."

[40] Methodology for the population estimates was accessed December 10, 2018 at US Census Bureau, "State Population by Characteristics: 2010–2017." Population estimates data were downloaded December 10, 2018, from https://www2.census.gov/programs-surveys/popest/datasets/2010-2017/state/asrh/sc-est2017-alldata6.csv.

[41] See the US Census Bureau's "Projected 5-Year Age Groups and Sex Composition: Main Projections Series for the United States, 2017–2060" and "Race and Hispanic Origin by Selected Age Groups: Main Projections Series for the United States, 2017–2060" here: "2017 National Population Projections Tables," updated September 6, 2018, https://www.census.gov/data/tables/2017/demo/popproj/2017-summary-tables.html.

[42] Projections data were downloaded from US Census Bureau data files on December 10, 2018, from https://www2.census.gov/programs-surveys/popproj/tables/2017/2017-summary-tables/. File "np-2017-t3.xlsx" contains projections by five-year age categories, and file "np-2017-t6.xlsx" contains projections by racial and ethnic categories, within broad groups by age.

[43] We use file "np-2017-t3.xlsx," which contains projections by five-year age categories and is located here: https://www2.census.gov/programs-surveys/popproj/tables/2017/2017-summary-tables/.

[44] We use file "np-2017-t6.xlsx," located here: https://www2.census.gov/programs-surveys/popproj/tables/2017/2017-summary-tables/.

[45] Bridged race estimates may also be subject to error proportionate to period, state, and age differences in how multiple-race respondents would *choose* a single race if asked to do so. This cannot be measured.

[46] The Census Coverage Measurement program (CCM) was a postcensus enumeration survey conducted to measure the extent of miscounts overall, by state and for some demographic subpopulations.

[47] See Section 5, page 114 of *US Census Monitoring Board: Presidential Members—Final Report to Congress*, September 1, 2001, at http://govinfo.library.unt.edu/cmb/cmbp/reports/final_report/fin_sec5_effect.pdf.

[48] See page 15, table 1 in US Census Bureau, "2020 Census Life-cycle Cost Estimate Executive Summary," December 21, 2017, https://www.census.gov/programs-surveys/decennial-census/2020-census/planning-management/planning-docs/cost-estimate.html.

[49] See page 11, table 1 in US Census Bureau, "2020 Census Detailed Operational Plan for: 18. Nonresponse Followup Operation (NRFU)," April 16, 2018, https://www.census.gov/programs-surveys/decennial-census/2020-census/planning-management/planning-docs/NRFU-detailed-op-plan.html.

[50] "Memorandum of Law in Opposition to Defendants' Motion for Summary Judgment" at 16, Kravitz et al. vs. US Department of Commerce.

[51] See page 61, table 18 in Walker et al. (2012) for distributions of calls to NRFU households by occupancy status to complete an interview.

[52] "Memorandum of Law in Opposition to Defendants' Motion for Summary Judgment" at 16, Kravitz et al. vs. US Department of Commerce.

[53] "Memorandum of Law in Opposition to Defendants' Motion for Summary Judgment" at 16, Kravitz et al. vs. US Department of Commerce.

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Colorado's 13-member Democratic Latino Caucus has big plans for 2021

By: **Faith Miller** - **January 5, 2021 3:23 pm**

The Colorado House chamber is pictured Dec. 1, 2020, during a special legislative session focused on coronavirus relief. (Faith Miller/Colorado Newsline)

Following the November 2020 election, the group of Latino Democrats elected to the Colorado Legislature held strong at 13 members.

State Rep. Bri Buentello of Pueblo lost her election to GOP challenger Stephanie Luck, but Democrats gained a new Latino member with the election of David Ortiz to House District 38, which includes part of Littleton, west Centennial and Columbine Valley.

The Democratic Latino Caucus — co-chaired by Rep. Alex Valdez and Sen. Robert Rodriguez, both of Denver — hopes to pass legislation on health care, worker protections, housing and immigration during the 2021 regular session, members said during a Jan. 4 virtual news briefing.

Health care is top of mind, given the disproportionate effects of the COVID-19 pandemic on communities of color, Valdez said.

68

Rep. Alex Valdez, D-Denver, co-chairs the Colorado Democratic Latino Caucus. (Colorado General Assembly photo)

Legislators plan to address those disparities by "looking at what causes those disparities — why do Latino folks die at a disproportionate rate from COVID-19 and other diseases like diabetes that affect our communities," Valdez told reporters. That will include working to improve access to affordable health care and reproductive care, he said.

Approximately 22% of Coloradans are Hispanic, but Hispanic people comprise 29% of COVID-19 infections and 32% of hospitalizations reported by the Colorado Department of Public Health and Environment.

Black people are underrepresented among the state's reported infections but are overrepresented among hospitalizations. They comprise 3.9% of Colorado's population, 2.8% of cases and 6.6% of hospitalizations, according to CDPHE.

Rodriguez pointed out that many Latinos and people of color work in places such as grocery stores where there is more potential for infection and less ability to quarantine or work from home. The caucus will work to pass legislation that includes more protections for those essential workers, he said.

On housing, several members of the Latino caucus said they would support restoring a state moratorium on evictions, which expired Jan. 1.

The federal eviction moratorium was recently extended through January, but "it is a looming question of what happens on Feb. 1," Rep. Serena Gonzales-Gutierrez, D-Denver, said. "It is something that I think many members of this caucus will continue to work on."

She also said members hope to bring back a bill on inclusionary zoning, which would allow cities to force developers to include a certain number of affordable units when building new housing.

On immigration, Rodriguez said the caucus wants to pass legislation improving data privacy for undocumented people to prevent someone's personal information from being used against them.

Gonzales-Gutierrez said those efforts stem from guidance issued by Polis in May, which directed state agencies not to share information with federal agencies solely for immigration enforcement, according to reporting by The Colorado Sun. State lawmakers had been working on a bill containing similar measures before the pandemic hit.

Based on preliminary research following Polis' guidance, "there is definitely a need for more protections," Gonzales-Gutierrez said.

Latinos now hold two of the six top leadership positions in the Colorado House and Senate. Gonzales-Gutierrez was recently elected by her fellow Democrats to serve as assistant majority leader in the House, while state Sen. Leroy Garcia of Pueblo was reelected to his position as Senate President.

Many of the caucus's priorities that had to be postponed last spring after the pandemic hit — and the state's financial situation took a dive — could be reintroduced in new bills this year given more promising economic forecasts, Valdez said.

"I would expect that we'll see a lot of those coming back, because a lot of the work is already done," he said, "unless they had a huge fiscal note."

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Faith Miller

Reporter Faith Miller covers the Colorado Legislature, immigration and other stories for Colorado Newsline.

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69

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DECONSTRUCTING THE 2020 LATINO VOTE

By Stephania Taladrid

December 31, 2020

The political preferences of white working-class voters and soccer moms have been dissected in detail— and now strategists are applying the same level of focus to Latino voters. **Photograph by Wilfredo Lee / AP**

In the wake of the 2018 midterms, Stephanie Valencia, the co-founder of the research firm Equis, convened a gathering of progressive Latino leaders known as the Latinati. The idea was for people who had either spearheaded movements or multimillion-dollar political campaigns to bluntly share views about how to expand the community's influence. "Some had protested outside the White House, others had worked inside," Valencia, who is thirty-eight and served in senior roles during Barack Obama's two terms in office, told me. "I think that, to effectively build power for our community, we have to be able to talk to one another." The 2018 midterms had yielded mixed results: turnout among Latinos, who accounted for nearly thirteen per cent of eligible voters, had been exceptionally high, but it hadn't always favored Democrats. The Latinati were turning their attention to the 2020 general election, in which thirty-two million Latinos would be eligible to vote, becoming the largest minority voting group for the first time in American history.

Over the course of three meetings, held in Denver, Albuquerque, and Las Vegas, the group pondered what Valencia calls "the promise and the peril" of the growing Latino vote. For years, Latinos had been talked about as a constituency that could help Democrats create a durable political majority at the federal and state levels, but the party had struggled to effectively engage them. "Historically, the way that campaigns look at targeting and reaching voters puts Latinos at a disadvantage, because we are less frequent voters," Valencia said. During the 2020 Democratic Presidential primaries, she invited representatives from each candidate's campaign to join the Latinati's final gathering, in Las Vegas, where fundamental questions were asked: Is there a common agenda for the Latino community? Is it a progressive one? How do Latinos engage with their own identity? And how does their identity play into their politics? At an earlier meeting, the Puerto Rican writer Ed Morales had told the group not to expect easy answers. Morales, who had just published his book, "Latinx: The New Force in American Politics and Culture," cast Latinos as "one of the primary destabilizers" of American identity. In his view, Latinos, who represent various races and nationalities, had upended the "black-white binary" and embodied the "X factor in America's race debate." He argued in his book that Latinos presented "a crucial counter narrative, a people that live in a world of many worlds, possessing an identity of multiple identities."

Instead of questioning Morales's message, which disrupted long-held views on race, ethnicity, and politics, Valencia embraced it. Together with Carlos Odio, a longtime colleague and friend, she set out to answer those central questions about the Latino electorate, which seemed perpetually

unresolved. "We wanted to lean into complexity," Odio, who is also thirty-eight and an Obama Administration alumnus, said. After the meeting in Albuquerque, he and Valencia met at his house in Miami, where they sketched out their project. "We sat down with a bunch of white papers on the wall and mapped out the critical gaps we saw," Valencia recalled. It was clear that Latinos were still largely disengaged from the political process—campaigns dismissed them as "infrequent" voters, not to be relied on. The problem was circular: if candidates didn't bother targeting Latinos, voters would be deprived of the very information they needed to cast their ballots, exert power, and, ultimately, influence policy. They also identified a glaring problem for Democrats in 2020. Despite the Party's talk about the community's political importance, there simply wasn't enough polling data on Latino voters to figure out how to reach them, understand their motivations, or strategize ways to draw them to the polls. "If you're invisible in the data, it's hard to make you visible to a campaign," Odio warned. After much deliberation, he and Valencia came up with a plan for their project, which they decided to name *Equis*, Spanish for the letter "x."

The task came naturally to Valencia and Odio, who had been grappling with similar questions since 2008, when they joined Obama's campaign as deputy Latino-vote directors. A photograph from that time shows the two of them working side by side in the campaign's Chicago headquarters. She is hunched over her laptop, immersed in its screen. Her black, shoulder-length hair is pulled up in a bun; a serious expression covers her face. Odio is seated behind her, tilted back on his chair. His right hand is on his computer keyboard, but his youthful eyes are looking elsewhere. The moment conveyed their differing work styles: Valencia turns ideas into action, Odio cherishes depth and data. That year, the two of them worked with Marshall Ganz, a veteran organizer who had mobilized California farmworkers alongside Cesar Chavez, and built a strong nationwide ground operation. Millions of Latinos ended up supporting Obama and his signature refrain of "Yes We Can," inspired by the words of the civil-rights icon Dolores Huerta. On Election Day, Obama won sixty-seven per cent of the Latino vote, the largest share of this group's support that any Presidential candidate had ever earned. Latinos helped him clinch four key battleground states: Colorado, New Mexico, Nevada, and even Florida, where no Democrat had earned a majority of support from Latinos since the late eighties.

Twelve years later, as the 2020 election approached, the electoral map had dramatically changed. Florida remained a battleground, and three other states, North Carolina, Michigan, and Wisconsin,

had become pivotal as well. New Mexico and Colorado were seen as likely locks for Democrats. The Latino vote had grown. In 2008, Latinos accounted for less than ten per cent of all eligible voters. In 2020, they represented thirteen per cent. The community had also changed. Latino voters were

overwhelmingly young, and little was known about their political interests or priorities. "More than half of eligible Latino voters this year couldn't vote in 2008," Odio said. "Because it's a constantly changing electorate, there isn't this sense of institutional memory that you're carrying from cycle to cycle." Valencia felt that the strategies that worked for Obama and Democrats in the past might not apply. "It's not necessarily a walk for Democrats," Valencia said. "It's a lot more fragile than maybe we would like it to be."

Raised in Las Cruces, New Mexico, Valencia grew up attuned to the complexities of the Latino identity. In the late eighteen hundreds, southern New Mexico had been forcibly incorporated into the United States after the Mexican-American War. Her mother, Dianne Rivera, always made their relationship to the politics of the border clear to Valencia: "We didn't cross the border. The border crossed us." The roots of their family in New Mexico went back five centuries. When Valencia was three years old, her father, Jack, was elected to the Las Cruces City Council. She recalls walking precincts with him as a child and learning about Latino politics and public service through him. "I grew up in a community where everybody looked like me and sounded like me," Valencia said. "I didn't ever feel like an outsider." When she attended Boston College in the early two thousands, that changed. She had little in common with her peers from the Northeast, and the Latinos she met on campus were unlike any she had previously known. They were Puerto Rican, Dominican, and Panamanian. Some had been living in the country for decades; others had arrived recently. Spanish was the first language for many. "I realized I was part of a broader Latino community that was very diverse," she said, of the dozens of nationalities it encompasses. When she studied abroad in El Salvador and in Mexico, she found a peculiar affinity to the locals and their cultures; her feeling of belonging deepened.

After graduation, Valencia worked on the Hill as a fellow with the Congressional Hispanic Caucus Institute and later for then Senator Ken Salazar, a Democrat from Colorado. Her office was on the same floor as Obama's, whose politics she came to admire. After Obama was elected, Valencia oversaw the immigration, housing, and health-care agendas in the White House Office of Public Engagement. She also led the effort to secure the confirmation of Justice Sonia Sotomayor, the first

Latina Supreme Court Justice, and served as a chief of staff to Commerce Secretary Penny Pritzker. Over the years, Valencia remained close to Odio, who worked in the Administration's Office of Political Affairs. When Donald Trump narrowly won the 2016 election, they decided to work together again. "We didn't want to be Monday-morning quarterbacks," she said, but they both felt that the Party needed to broaden its understanding of the community. "Democrats have spent millions and millions of dollars, trying to understand every aspect of white swing voters. My argument to the Democratic establishment, and to progressives, was that Latinos should be treated the same."

In the Obama White House, Stephanie Valencia led the effort to secure the confirmation of Justice Sonia Sotomayor. **Photograph by Miikka Skaffari / Getty**

The Obama and Trump campaigns had shown that data could be methodically used to better understand certain groups of voters. Valencia and Odio wanted to apply that approach to Latinos in 2020. "We had to figure out, how could we help bring in investment in sophisticated methods that are typically used to understand soccer moms in the suburbs?" Odio recalled. National polls often featured only a small number of Latino respondents. Sweeping conclusions were often drawn from the responses of fewer than a hundred members of the community. To be effective, campaigns needed more breakdowns of the Latino vote by age or gender, and surveys conducted in Spanish. A

more breakdowns of the Latino vote by age or gender, and surveys conducted in Spanish. A year before the 2020 election, Equis surveyed more than eight thousand Latinos in eleven states, from traditional battlegrounds like Florida and Nevada to states where the Latino electorate was growing

and largely unstudied, such as Wisconsin, North Carolina, and Michigan. An unmistakable pattern emerged: the gender gap in the Latino community was as much as three times larger than that of any other voter group. Latino men and women had strikingly divergent views on Trump, immigration, and abortion. "It just pervaded all of our analysis," Odio said. "Any way you wanted to slice and dice, gender was just staring at you."

To Valencia and Odio, the 2020 election was a game of margins. Trump didn't need to win a plurality of Latino voters, only enough to hold off Biden in battleground states. So, if Latinas turned out to vote in big numbers, the President's gains could potentially be offset. Early this year, Valencia shared her findings with the actresses Eva Longoria and America Ferrera at a meeting in Los Angeles. They both had campaigned for Democrats in past elections and said they were tired of seeing the Party treat outreach to Latinos as an afterthought. "Our communities are not dumb," Ferrera told me. "It always came down to the last month before an election and a candidate saying, 'Hey! We've got Ugly Betty! And she's going to get Latinos to turn out to vote, so that should cut it, right?" Valencia described the gender gap and her other research which showed that Latinos were the youngest electorate in the country—their median age is thirty—and their presence on social media was immense. Ferrera and Longoria saw the potential of investing in Latinas, who have traditionally been the heads of households. "The empowerment of Latina women is the empowerment of their entire family," Ferrera said. "For us, the question was, 'How do we engage Latinas in a long-term and consistent way that really translates to them understanding their power?' "

Any new outreach effort needed to address what Valencia called "the confidence gap": Latina turnout rates were growing but remained low compared with those of Latino men, as well as white and Black women. In her view, Democrats needed to find the right mix of politics and culture—one that made it clear that women's choices would determine what happened not only in Washington but also in their own communities. "If you wanted to reach the people who had not previously been reached by campaigns and who were historically on the sidelines, we had to go broader and create a platform that served broccoli with ice cream," Valencia said. In August, she, Ferrera, and others launched "She Se Puede," an initiative that they called "A New Destination for the Modern Latina." She Se Puede

was designed specifically for the country's thirty million Latinas: the overlooked trailblazers and underappreciated bedrock of the arts, business, health care, education, and food worlds. Their goal was to create a place where Latinas could find everything from inspiring talks by celebrities to tips on

how to treat their curls, or register to vote. When early voting started, in September, the numbers sparked optimism among Democrats. "In 2016, working-class Latina voters cast 589k early votes," read an Instagram post from She Se Puede. "In 2020, working-class Latinas cast more than 1.8 million early votes."

On Election Day, turnout exceeded all expectations. Between fourteen and fifteen million Latinos cast ballots, and more than half of them did so early. According to the polling firm Latino Decisions, which had worked closely with Equis, the number of voters aged twenty-nine and younger who voted early increased by three hundred per cent compared with 2016. Turnout aided Biden in states such as Arizona, Pennsylvania, and Nevada, where a record Latino turnout contributed to his margin of victory. But, in Florida and Texas, high Latino turnout helped propel Trump to comfortable wins in states that Democrats had hoped would be part of a Biden landslide. Shocking Democrats, Trump received more Latino support in Florida's reliably blue Miami-Dade and Texas's Rio Grande Valley than he had in 2016. Even so, high Latino turnout helped Biden fare as well as Obama nationally, according to some estimates, winning nearly seventy per cent of the community vote. "There is no state Joe Biden loses because of the Latino vote," Odio said. "But there are several states he wins thanks to critical contributions from Latino voters."

Arizona, which no Democrat had won since 1996, was among the largest of those states. Latinos represent one of every five voters there—six hundred thousand went to the polls this year—and the vast majority of them voted for Biden. "Arizona was no fluke," Valencia said, noting that Trump won the state four years ago by merely eighty thousand votes. She credited a decade of organizing in response to Senate Bill 1070, the "show me your papers" law, which was designed to crack down on the state's immigrant community by allowing police officers to arbitrarily question individuals about their legal status. For years, Latinos whose relatives, friends, or acquaintances had been impacted by the law and scarred by the climate of fear fostered by Sheriff Joe Arpaio had organized politically. In 2016, Arpaio lost his reëlection bid, ending a two-decade tenure. The same civil-rights groups that helped defeat him continued mobilizing in 2020, including Living United for Change (LUCHA), which placed twelve million calls to potential voters with a coalition of organizations. "We've been

here for ten years," Tomás Robles, LUCHA's executive director, said. "Elections are simply a marker for us."

Similar efforts were mounted in Wisconsin, Georgia, and Nevada, which Biden won by slightly more than thirty thousand votes. In Las Vegas and Reno, the Culinary Union, which represents sixty thousand workers, including porters, bellhops, and casino cooks, mounted its largest political effort in its eighty-five-year history, knocking on half a million doors. "We're always on the field," Geoconda Argüello-Kline, the union's secretary-treasurer, said of their organizing philosophy. To Valencia, conducting robust field operations is the key to success. "Where we invest in organizing year-round in Latino communities, we can turn those into long-term victories," she said. "We can't come in and out of these communities every two years and expect people to show up."

If Arizona and Nevada proved how important a consistent Democratic presence can be, Texas exposed the risks of neglecting the community. In Hidalgo, the Rio Grande Valley's largest county, which is ninety-two-per-cent Latino, Biden won by eighteen points, less than half of Hillary Clinton's victory margin four years earlier. The losses were more dramatic in Starr County, which Trump lost by sixty points in 2016 and this year by only five. For Danny Diaz, who oversaw the get-out-the-vote effort of the nonprofit La Unión del Pueblo Entero (L.U.P.E.), the results were hardly a surprise. "I don't know the last time that Democrats put money here," Diaz said. He complained that the bulk of resources were spent on urban and suburban Texas voters, groups that are trending more Democratic. L.U.P.E. contacted two hundred and fifty thousand infrequent voters via phone and text in the valley. Most people ignored their texts, but the roughly ten per cent who responded appeared to be new voters who fervently backed Trump. "They were all Latinos who had never voted in their lives, texting us back, 'Trump 2020,' 'Ridin' with Trump,' 'Trump all the way!' " Diaz recalled. "It almost feels like the Trump propaganda got to them way before we did."

In many states, Republicans aggressively targeted Latinos with disinformation. In Florida, the Trump campaign cast Biden as "socialism's Trojan horse" and claimed that the Venezuelan leader Nicolás Maduro was actively promoting the former Vice-President's candidacy. Online, far-right sites mounted coördinated efforts to sow fear among Latinos over the Black Lives Matter protests, raise doubts about the election's legitimacy, and pit communities of color against one another. In Texas, the propaganda centered on the notion that Biden's clean-energy plan would eliminate all jobs in the oil

industry. "Oil, man, it's very simple," Diaz recalled friends who had voted for Trump telling him. The same logic influenced those who worked in law enforcement—one of the biggest employers in Texas. Diaz pointed out that the Texas counties that boosted Trump in November had

overwhelmingly supported Bernie Sanders during the primaries. However opposed the two men's platforms were, Diaz saw a commonality: Sanders and Trump had both cast themselves as standard-bearers for populist movements and promised transformative change, particularly when it came to economics. Next to their messages, Biden's promises seemed mundane, even if more realistic.

Despite Biden's poor results in South Texas, Odio pointed out that only fifteen per cent of Latino voters in the state lived in the Rio Grande Valley. He, Valencia, and their partners hoped that Democrats could see that Texas was turning purple. "Joe Biden was the first Democratic candidate in nearly forty years to break forty-six per cent," Tory Gavito, who leads the progressive-donor network Way to Win and collaborates with Equis, said. "If Democrats are serious about the future of this country, they have to take Latinos seriously." Equis's most recent analysis of county-level vote returns suggested that Trump also gained Latino support in areas outside South Texas or Florida. His performance had improved in myriad places, including in precincts in Pennsylvania and Wisconsin, New Jersey, Nevada, and Massachusetts. In the city of Paterson, New Jersey, Trump had managed to double his support among Latinos; in Lawrence, Massachusetts, his raw number of votes had increased by more than sixty per cent. Trump had even improved his standing in Arizona, but not enough to offset the gains made by Democrats. "There is this baseline shift," Odio said. "It cuts across geography and it cuts across place of origin."

Over the years, Valencia and Odio had seen Democrats make decisions guided by the notion that demography was destiny, that Latinos would inevitably vote Democratic. Odio, who is of Cuban origin and was raised in Miami, had heard it in every election cycle in Florida, where more than forty per cent of Latinos voted for Trump this year. Before the election, Democrats had argued to him that a new generation of Cubans, as they reached voting age, would help turn Florida blue. They also contended that the state's politics would be transformed by the arrival of growing numbers of Puerto Ricans. Neither proved to be the case in 2020. "Demographics don't absolve you from reaching out to the community, engaging the community on the issues it cares about, and showing up year-round," Odio said. "People just leave after elections." Republicans, he argued, maintained a consistent presence on the ground in Florida. During his years in office, Trump never stopped

soliciting Cuban and Venezuelan voters. "That full-court press has been missing on the Democratic side," Odio argued.

The exact cause of Trump's gains in some areas remains unclear. Four years ago, Trump had underperformed among Latinos and earned roughly twenty-eight per cent of their votes nationwide —a number that paled in comparison with the at least forty per cent won by George W. Bush in 2004. In 2020, Trump received approximately thirty-three per cent, according to exit polls. Odio said it was possible that the trend reflected the large number of Latinos born outside the country who have yet to define their partisan identity, or that many conservatives who refused to support Trump in the last election had changed their minds, or both at once. Some saw Trump's gains as a return to the traditional distribution of Latino votes among both parties that predated him, but Odio and Valencia wanted to understand exactly why his numbers had improved. Had Biden and Trump both received large numbers of Latino votes because they each turned out new voters in droves? Had Trump been able to convert Democrats? Had those voters found his bravado, conservative values, and populist style appealing? If so, why had they withheld their support four years ago and backed him now? Did his decision to campaign on the economy rather than on immigration have anything to do with it?

Democratic leaders are also calling for the Party to face the warning signs that emerged in 2020. On Election Night, Representative Alexandria Ocasio-Cortez pointed out Trump's strong performance in Florida. "There is a strategy and a path, but the necessary effort simply hasn't been put in," she tweeted. "We have work to do." Julián Castro, the former Presidential candidate and Secretary of Housing and Urban Development, hailed Biden's victory but said the Party needs to engage Latinos who voted for Trump. "Latinos absolutely helped propel Joe Biden to victory," he said. "Yet, we would be fools not to do the work of understanding why we did see some backsliding in certain geographic areas, because those areas and those people are going to be important to our coalition going forward. And, you know what? We have to be big enough to do both of those things."

Throughout 2021, Valencia and Odio will try to untangle these two realities. When the voter files are updated early next year with complete returns, they'll know more. "We really have more questions than we have answers," Valencia said. Odio argued that answering those questions with additional data analysis and polling before 2022 and 2024 is vital. "In 2020, you have a coalition that is fed up, you have an anti-Trump coalition. That's not going to be the same set of voters who come together

to elect Democrats going forward," he said. "Where we were closest to the truth is where we went deepest." The smallest of margins had affected the final outcome—episodic attention was not enough. "If we're not proactive, it could get worse," he warned. Valencia agreed. Assuming that

Latinos, or any group, will uniformly vote Democratic four years from now is politically perilous. "It presents this unique opportunity and challenge for Democrats: to not be able to treat these groups with a cookie-cutter approach," she said. "That may not feel natural to a lot of people, because we want to believe that Latinos are a base constituency. But the reality is, what this last election showed us is that that may not always be the case."

Stephania Taladrid, a contributing writer, joined The New Yorker's editorial staff in 2017.

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The changing face of school integration

Millions more American children are attending school with students of other races, even as many urban schools remain deeply segregated

First-graders, from left, Ian Gonzales, Cung T. Nawl and Jonathan Morfin attend Riverview School in Glenwood Springs, Colo. Classes for students in kindergarten

through third grade are taught in Spanish for half the day. (Nick Cote for The Washington Post)_

By **Laura Meckler** and **Kate Rabinowitz**

SEPTEMBER 12, 2019

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GLENWOOD SPRINGS, Colo. — The number of children attending U.S. public schools with students of other races has nearly doubled over the past quarter-century, a little-noticed surge that reflects the nation's shifting demographics, a Washington Post analysis has found.

At the same time, children in most big cities and many suburbs remain locked in deeply segregated districts, with black students more likely to be enrolled in segregated districts than Hispanics or whites, The Post found.

In 2017, 10.8 million children attended highly integrated public schools, up from 5.9 million in 1995, an 83 percent increase that stems largely from rising diversity outside metropolitan areas.

The finding reflects profound demographic change, as Latinos move into small towns and suburbs that once were

83

overwhelmingly white. These places, The Post found, are far more likely to have schools that mirror the new diversity of their communities than their big-city counterparts, which have long been home to a diverse population but have run schools that are profoundly segregated.

While segregation in parts of America has persisted, the number of students affected has inched up only slightly. Out of 46.4 million public school students, about 5.8 million attended schools that were not integrated in 2017.

More students today are in districts with integrated schools
The proportion of students by school district integration

	Highly integrated	Somewhat integrated	Not integrated	Not diverse enough or too small to integrate
1995	14%	14%	13%	59%
2017	23%	22%	13%	42%
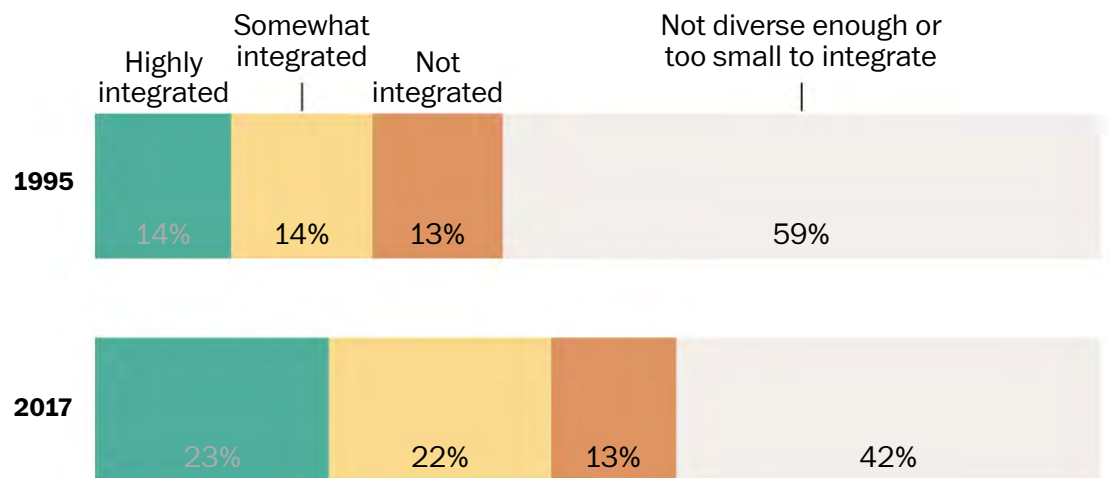
[See the full data analysis: More students are attending schools with children of different races than ever before.]

The change is underway in places like Colorado's Roaring Fork Valley near

84

Aspen. Twenty-five years ago, the valley's school district was 12 percent Latino. Now, Latinos represent more than half of all kids.

Unlike in big cities such as Denver, on the other side of the Rocky Mountains, white and Latino children in Roaring Fork are not segregated by school. Each building roughly reflects the district as a whole.

"We kept tinkering and working on this," said Rob Stein, superintendent of the Roaring Fork School District. "We want our schools to look like our community."

LEFT: Carbondale is a town in Colorado's Roaring Fork Valley, where schools are highly integrated. (Nick Cote for The Washington Post) RIGHT: In Denver, schools have long been segregated. (Rick Wilking/Reuters)

During this period of rapid diversification, the overall U.S. public school population increased by 6 percent. The Post analysis included all of the nation's 13,184 traditional public school districts. Not included are about 5.8 million children

who attend private or religious schools, 3 million in public charter schools and those not enrolled in school.

The Post analysis comes as the race for the Democratic presidential nomination has focused attention on the nation's troubled history of segregated education. Former vice president Joe Biden's opposition to federally mandated busing of children in the 1970s has drawn scorn from some rivals, and the debate has spurred conversation over how to mitigate the segregation that remains in schools.

The challenge becomes more urgent as the United States approaches a demographic tipping point. Next year, the Census Bureau predicts, whites will no longer constitute a majority of American children. With that shift comes important questions: Can increasing diversity help U.S. schools shed their legacy of segregation, or will children continue to be clustered by race and ethnicity 65 years after the Supreme Court declared in *Brown v. Board of Education* that separate schools are "inherently unequal"?

Integration's new frontier

Related stories

Full data analysis: More students are attending schools with children of different

Many of the nation's heavily segregated districts are in the largest cities. Denver

schools are typical. They were integrated after a federal court ordered busing in 1973 but resegregated almost immediately after the order was lifted in 1995. Segregation has climbed steadily ever since. Efforts to push for integration in Denver have been halting, even as white families arrive into the gentrifying city.

"We have unequal housing, segregated housing by design and by law," said Van Schoales, president of A+ Colorado, a research and advocacy group in Denver. "After busing ended, [school] boundary lines were drawn, and they reinforced the existing housing patterns." That's partly because families, frustrated by their experience with court-mandated desegregation and busing, demanded neighborhood schools.

Research shows integration benefits children of all races, who learn to appreciate diversity, producing lifelong benefits. It also shows that children of color do better academically and that white students do no worse when they attend diverse schools.

87

Integration isn't always possible: Many U.S. school districts don't have enough diversity to integrate, even if they want to.

Some of that homogeneity is driven by school system boundary lines. Districts face no obligation to educate kids who live outside their borders, and wealthy families often band together in districts.

Schools in Birmingham, Ala., are 91 percent black, for instance, while neighboring Mountain Brook schools are 96 percent white. Students do not cross the line that divides them.

Growing diversity across the U.S. is fueling a surge in children attending integrated schools. See where schools are integrating — and where they are not. (Amber Ferguson/The Washington Post)

To conduct its analysis, The Post used data from the U.S. Education Department to examine how many of the nation's school systems have sufficient diversity to create integrated schools. In 1995, the first year for which comprehensive data are available, 20 percent of districts — including 45 percent of all public school students — were diverse. To be considered a diverse district, no one race can constitute more than 75 percent of students.

By 2017, the most recent year of data, the number of diverse districts had risen sharply: Nearly 4 in 10 school districts, educating two-thirds of all public school students, had enough diversity to make integration possible, assuming the political will.

But just because a school system is diverse, that doesn't mean its schools are integrated.

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Are diverse districts creating and maintaining diverse schools? Or do all the white kids remain clustered in certain schools, with black and brown students in others, just like when the Rev. Oliver Brown won his lawsuit against the segregated schools of Topeka, Kan., in 1954?

The Post grouped diverse school districts into three categories — highly integrated,

somewhat integrated and not integrated — using a measure called the variance ratio, which assesses how frequently students of the same race attend schools together, given the district's demographics.

In highly integrated districts, individual schools most closely reflect the demographics of the district as a whole. In districts that are not integrated, some schools are dominated by one race and others by another. The somewhat integrated districts are in between.

The number of students in the highly and somewhat integrated groups increased significantly. The rise was especially robust in the most integrated group, with 83 percent more students — a total of 10.8 million — attending these schools than in 1995. The increase in the somewhat integrated group was 67 percent.

The most segregated group barely changed.

[*See how your school district compares to the rest of the country.*]

In historically diverse districts such as Denver — typically big and midsize cities — segregation was high and grew slightly higher.

But segregation was far lower in districts that grew diverse between 1995 and 2017. These are typically small cities and suburbs that used to be mostly white and where Latinos and, to a lesser extent, African Americans have moved. Experts cite a number of possible explanations, including that whites may harbor less bias and be more willing to live alongside Latinos than they are African Americans.

"Those newly diverse districts are encouraging. The key thing is how do we help them stay integrated and not transition?" said Erica Frankenberg, who directs the Center for Education and Civil Rights at Pennsylvania State University. "That's a potential opportunity. We don't have to undo bad patterns that have formed. We just have to keep them stable."

The location for Riverview School was selected in part because it could easily draw a mix of students. (Nick Cote for The Washington Post)

Integration in the Roaring Fork Valley

The diverging trends are clear in two Colorado school districts, set on either side of the Continental Divide: Roaring Fork and Denver.

Twenty-five years ago, the Roaring Fork Valley was overwhelmingly white. As the ski mecca of Aspen boomed, Latino

families began arriving in large numbers, drawn to jobs in construction, hospitality and landscaping. Aspen housing was far too expensive, so many families commute from towns down the valley: Basalt, Carbondale and Glenwood Springs. Together, they make up the Roaring Fork School District.

The valley's regional hub is Glenwood Springs, set at the juncture of the Roaring Fork and Colorado rivers and named for hot springs thought to possess medicinal powers. It once was a Wild West town known for coal mines, saloons and brothels. Today, there's a cancer-treatment center, a row of car dealerships, a Walmart and a coffee house serving three types of avocado toast. But this is far from the big city. In springtime, black bears emerge from hibernation to mess with garbage bins. Street parking in the center of town is free.

Rob Stein is the superintendent of the Roaring Fork School District. In 1975, after his family moved to Denver, Stein was bused to Manual High School, in the heart of the city's historically black community. (Nick Cote for The Washington Post)

Managing the school district is the 59-year-old Stein, who lived through a tumultuous era of school desegregation as a student. When Stein was in eighth grade, his white Jewish family moved into the Denver school district, just as court-ordered desegregation was beginning. In 1975, Stein was bused to Manual High School, in the heart of Denver's historically black community.

It was a wrenching time for the city, marked by white flight, but not for Stein. "There was a strong social justice orientation in my family, so it was very hard to oppose integration," Stein said.

After the court order was lifted in 1995, Manual resegregated. Last year, almost no white students attended the school.

Stein has found integration far easier in Roaring Fork. That's largely because housing in the Roaring Fork Valley is more integrated. Latinos and whites live throughout all three towns.

In Glenwood Springs, a trailer park populated mostly by Latinos sits not far from spacious, newly developed single-family homes. Two apartment buildings sit side by side across from a strip mall on the west side of town — one rents high-end apartments; the other offers federally subsidized affordable units. And the community is small enough that people naturally mix in their daily lives.

"There's one City Market in the middle of town where everyone shops," Stein said.

Not every integrated district is actively trying to meld students from different racial and ethnic groups. But there are

deliberate efforts to do so in Roaring Fork. In 2016, the district was deciding where to build an elementary school. One option was the west side of Glenwood Springs, a growing area that is home to many low-income Latino families.

Stein feared a school there would quickly segregate, partly because white families would hesitate to cross the Colorado River to send their children into a majority Latino area. Instead, the district opted to build Riverview School on the other side of town, where it could more easily draw a mix of students. Administrators then redrew the boundaries for the district's elementary schools to balance the student populations.

Eight-year-old Anabelle Torres, left, works with her language partner, 9-year-old Klarissa Lozoya, at Riverview School. "Whenever things get hard in Spanish, she comes help me," Anabelle said about Klarissa. (Nick Cote for The Washington Post)

At Riverview, classes in kindergarten through third grade are taught half the day in English and half in Spanish, and children are assigned language partners to help each other.

"She's a Spanish speaker, and I'm the complete opposite," said Anabelle Torres, 8, gesturing toward her friend Klarissa Lozoya. "Whenever things get hard in Spanish, she comes help me. We partner up, and we help each other."

Overt tensions are rare, residents say, maybe because the economy is booming and immigrant labor is fueling the growth. Still, some have that unsettling sense the place has changed.

"There used to be two saloons, and old-timers could still spit on the floor," said Mike Blair, 84, who is white and has lived in the area more than 50 years. "So many people are new; it's not as comfortable or friendly as it used to be." Still, he says, the newcomers have not caused problems, and he happily lives in a trailer park with many Latino families. "They are very attentive to their property. It doesn't become a poor, crowded slum area like people feared."

Still, three public charter schools in the district are disproportionately white, as are two private schools.

Census data show that 46 percent of all 5- to 17-year-olds living in the district are white, but just 41 percent of students in the traditional public schools are white, suggesting a number of families are opting for alternatives.

At the Carbondale Community charter school, just 21 of its 135 students last year were Latino. (Nick Cote for The Washington Post)

One of the charters, Carbondale Community School, offers classes of 15 students, a school garden, outdoor education and schoolwide "mindful Monday" meetings, where the students form a circle and reaffirm principles such as social justice, responsibility and community. The school's goal is to develop better global citizens, said Principal Sam Richings-Germain, who is white.

But last year, just 21 of its 135 students were Latino. Students are chosen by lottery, and the principal says she has tried to figure out why more Latinos don't

99

apply. She wonders if it might be the $525 student fee, although the school waives it for low-income families. Families must transport children to school, which could be another barrier.

"I don't like people to think of us as a white-flight school," Richings-Germain said. She said families choose her school based not on race or ethnicity, but because "they are just looking for something different."

For the past few years, the school has given preference in the lottery for kindergarten to children whose primary home language is not English. At first, it yielded only one or two Latino students, but this past spring, the school received six applications from Latino families. All were admitted for this fall.

Share of Hispanic students in Roaring Fork more than quadrupled since 1995

Proportion of students in Roaring Fork by race in public schools, excluding charters
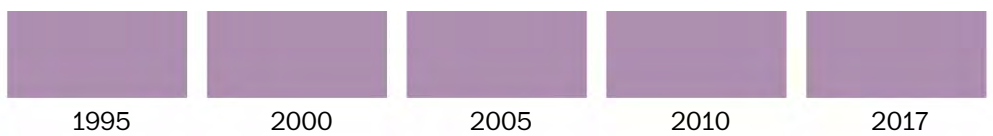
As the Latino population has grown, its members have been slow to assert their potential power. Some are in the country illegally and purposefully avoid attention. Some don't speak English, and that keeps them isolated. Until recently, serving on the part-time town council required taking a day off from work, every other Thursday. The council is entirely white.

One Latina mother told the story of her daughter, who loved volleyball but could not make the varsity team at Glenwood Springs High School. It turns out, most white girls had been playing private club volleyball for years, something the mom didn't know about and would have had trouble affording. She complained but ultimately let the matter drop.

A few years later, her younger daughter, along with three Latina friends, failed to make the basketball team, even though the mom had spent $600 or $700 on a basketball camp. The mother, who spoke on the condition of anonymity because she is living in the United States without authorization, was scared to complain again, but she did.

She challenged the principal, Paul Freeman, to look at recent yearbooks and said it was not until then that Freeman realized there were no Latina athletes on the volleyball or basketball teams. In an interview, Freeman said that he knew about the gaps before then but that looking at the photos reinforced the point.

Freeman sent the mother to Stein, who encouraged her to organize like-minded parents to press for change. The mother is working with a community group called Mountain Voices. "I was quiet for years, scared because of immigration," she said, adding that she hopes to work with Stein toward equity.

In a separate interview, Stein made clear that, while he will help, it will be up to this mother, and her peers, to press for change. The lesson of busing, he said, is that improvements must be based on relationships, not on policies. They must spring from the community, not be imposed.

"I can't whack-a-mole every problem," he said. "It has to be about people coming together and finding their highest priorities."

Community educator Sade Cooper helps fifth-graders with English at Stedman Elementary School in Denver. The school has grown more diverse in recent years. (Nick Cote for The Washington Post)

In Denver, segregation persists

Manual High, where Rob Stein was bused, is still open, though barely. Enrollment has dwindled to about 300 students. It's one of many segregated schools that make Denver among the most segregated districts in the nation.

A decade after busing ended, enrollment had fallen, test scores were abysmal, experiments had been tried and failed. The district closed the campus, hoping for a reboot but enraging the community, which was protective of its school. The district hired Stein, who was then principal at an elite private school, to try to execute a turnaround as principal of Manual.

Stein said he was making progress but was also frustrated by various matters and quit in 2010 after three years.

Now, the school again faces jeopardy. After recording low test scores for five years in a row, the school is likely to be subject to state intervention, which could include closure, conversion to a charter school or new management.

Asked to offer his school's strengths and challenges, Principal Joe Glover mentions just one strength — a recent state championship in basketball. Walking the hallways, he admonishes students to get to class and says he's working on attendance. Turning the corner, he finds a teacher with good news to report.

Encouraged by teacher Jeny Garst to share his good news, Manual High School junior Andre Jackson tells Principal Joe Glover that his SAT score in math jumped 140 points. (Nick Cote for The Washington Post)

"Tell him how much you improved in math!" teacher Jeny Garst, beaming, urges one of her students as Glover approaches. Andre Jackson, a junior, sheepishly reports that his math SAT score jumped by 140 points, improving to 470 out of a possible 800.

Jackson said he was helped by a change in the schedule. Now, he is in math class every day. It used to be offered only every other day. He's still short of the school goal of 530 — "but not by much," Garst says.

Glover, who is white, says he's not focused on his school's demographics and is not trying to diversify the school. "We can be successful with the students we have in the building right now," he said. His concern, he said, is expanding enrollment. "The community wants Manual to be successful."

Five miles away is Carson Elementary, where 76 percent of students are white. The school has grown so popular with families in its wealthy neighborhood that Carson can accept only a handful of children from outside its boundaries.

"Families are pulling students from private schools to [attend] the Carson school," said Principal Anne Larkin, who is white. The parent-teacher association raises more than $100,000 a year to pay for an additional teacher, field trips and classroom materials.

The front hallway features a large bin for families to donate used clothing and shoes. In a first-grade classroom, students write riddles describing birds. "This bird can fly backwards," one boy writes, hinting at a hummingbird.

"I like this school because it's full of kind people," said Ava Gardenswartz, a first-

grader. She adds another positive: "When our teacher gives us a math test, she makes sure we know the stuff on the math test before the test."

Math teacher Cynthia Smith helps her third-grade students at Carson Elementary School, where 76 percent of students are white. (Nick Cote for The Washington Post)

The history of segregation in Denver can be traced to how the school board drew campus boundary lines after a federal court in 1995 lifted the busing order. Busing spurred white flight, and powerful Denver residents of all races were calling for a return to neighborhood schools.

"The overwhelming sentiment in the community was, 'We want our neighborhood schools,'" said Laura Lefkowits, who was on the school board at the time. Because housing was segregated, the results were predictable. "The voices for maintaining some integration, like mine, were very few and far between."

A particularly tricky question was where to put the boundary between Manual, a traditionally black school, and Denver East High School, viewed as desirable by white families, then and now. One board member noted that if school zones were separated by York Street, which runs north-south, both schools would be more racially balanced. But doing so would have put wealthy white neighborhoods in the Manual territory.

"The rest of the board members laughed at him," said Alan Gottlieb, who covered the meeting as a reporter for the Denver Post and is now an education consultant.

Instead, the board created an anvil-like shape for Manual's boundary, surrounded on three sides by neighborhoods that would feed into Denver East. The result was Manual would serve a high-poverty, almost exclusively black and Latino area. Middle-class African Americans, once a

significant part of the area, had largely moved away.

Denver's level of segregation immediately climbed after the busing order was lifted and has been on the rise since. In 2017, Denver was among the nation's most segregated districts.

Two high schools less than two miles apart, serving very different student populations

The proportion of white people by census block group for attendance zones for Manual and East high schools.

White share of population

0%   25   50   75   100

Manual High
School attendance zone

1 mile

Elyria Swansea

25

70

D E N V E R

Park Hill

River North
Arts District

York St.

MLK Blvd.

Coors
Field

Manual H.S.

Colorado Blvd.

Denver Zoo

E. Colfax Ave.

Denver East H.S.

Denver East
High School
attendance zone

Cherry
Creek
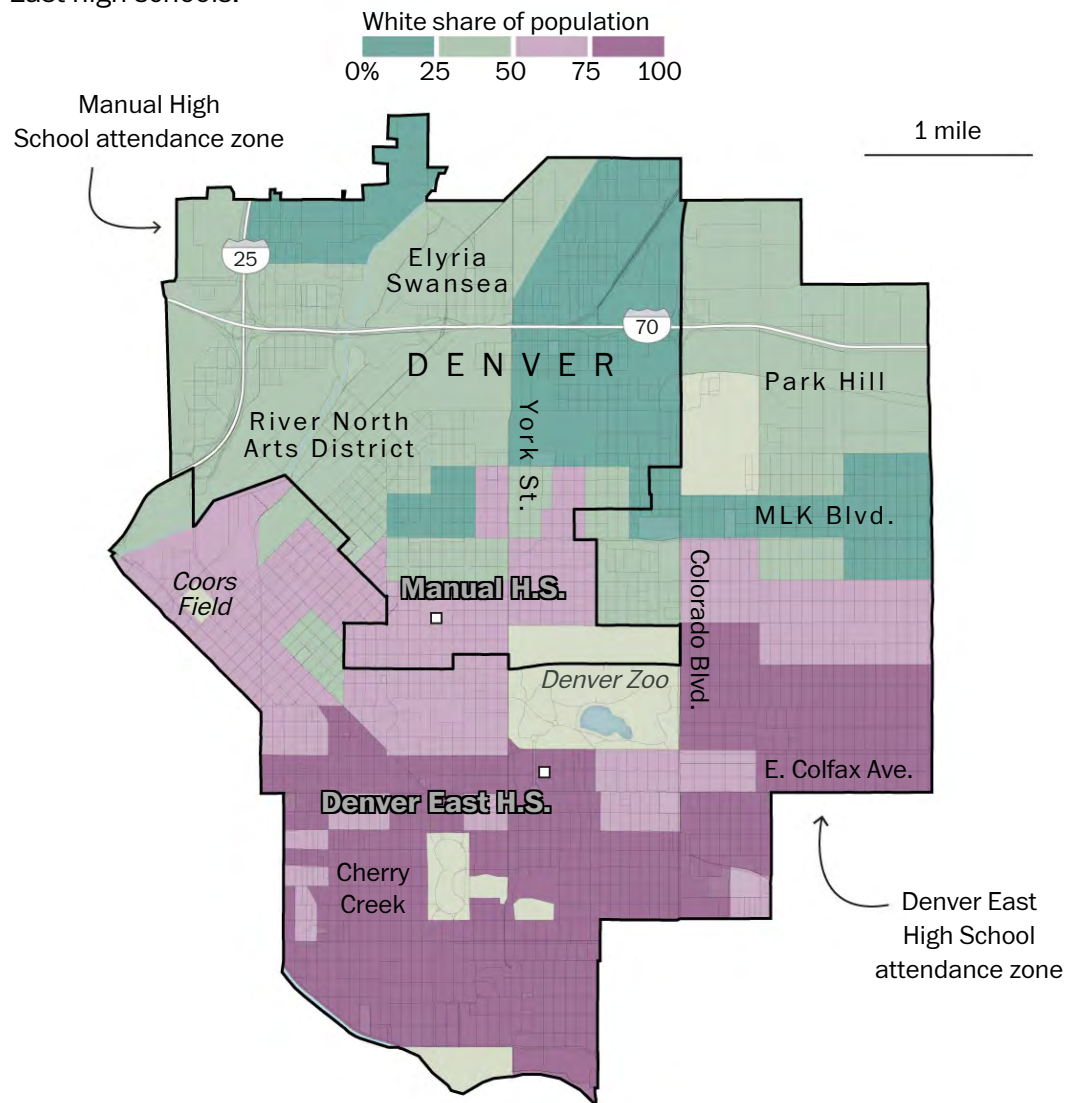
Some in Denver contend segregation is exacerbated by rules that give parents considerable choice in selecting schools. White parents are typically wealthier, better educated and better positioned to take advantage of options, experts say. The choice system allows them to flock to disproportionately white schools and was designed, some say, to attract white families to the city.

"One unintended consequence of school choice is, if you don't have certain means or you are unable to navigate the system of choice, then you don't really have a choice," said Allen Smith, Denver's senior deputy superintendent for equity until June.

In 2017, a city commission called Strengthening Neighborhoods made recommendations for better integrating the schools. They included providing transportation to increase access to schools and changing the way students are assigned to schools. So far, critics say, the ideas have mostly been ignored.

Some say segregation in Denver would be even worse without the system of choice that gives lower-income families access to schools outside their neighborhoods. Tom Boasberg, Denver's superintendent from

2009 to 2018, pointed to enrollment zones that allow some families to select a school from a larger geographic area as a way to balance each building's demographics.

"When you look at the data, it's very clear school choice leads to increases in integration," Boasberg said.

Not all Denver schools are segregated. Leaders at Denver Green School, just over a mile from Carson Elementary, work to recruit a diverse student body and are helped by the school's location in a more diverse neighborhood. The school's focus on project-based learning and environmental concerns has also drawn white families to choose it.

Paraeducator Emily George helps third-grader Rishon Harvey at Denver Green School, which has recruited a diverse student body even as the district overall has remained segregated. (Nick Cote for The Washington Post)

Along the main hallway, "diversity wheels" are on display, where fourth-graders have spelled out aspects of their identity. A wheel created by a girl named Zakia shows a family of five, lists favorites like swimming, reading and ice cream, and declares, "I am Muslim," and "I speak Arabic," all surrounding a self-portrait.

Parents who send their children to schools that are more segregated have a range of explanations. At Park Hill Elementary, the student body is nearly three-quarters white and few spots exist for students outside its affluent boundaries. Michelle

Scott, president of the parent-teacher association, said she is troubled by the inequities that stem from this concentration of privilege. Her group raises about $200,000 a year to add staff and raise salaries at the school.

"Because we raise so much money and we give so much directly to the building, we have more staff. We have better test scores. We have higher achieving children," she said. "That's not fair, I'll admit it."

But she also values a neighborhood school, where parents meet one another on the playground, and said she would hesitate to send her children to a school that wasn't close by. "You should be able to get up and walk your kid to school," she said.

In 1995, after a federal court order mandating busing was lifted, Manual High School resegregated. Last year, almost no white students attended the school. (Nick Cote for The Washington Post)

The choices they make

A range of factors may explain why newly diverse communities are more integrated than communities that have long had a diversity of students.

It starts with housing. When people live in the same neighborhoods, they are significantly more likely to go to the same schools.

Latinos have never been as segregated from whites as African Americans, experts say, and there is some evidence that white attitudes are less biased regarding Latinos. Urban housing patterns were established at a time when African Americans faced overt discrimination in government housing programs, zoning and mortgage lending. It was under those circumstances that neighborhoods were branded as home to people of one race or another.

But as Latinos arrive in communities, they may encounter more acceptance and a less hostile legal landscape.

"There hasn't been this idea in the community that, 'This is where the Latinos live.' It's new and in flux," said William H. Frey, a demographics expert at the Brookings Institution, a Washington-based think tank. "In these small communities, things just aren't as balkanized as they are in other places."

In addition, white parents in smaller places who are unhappy about diversity have fewer alternatives. These areas are more isolated, with fewer nearby school districts, making moving more complicated. There are fewer private schools.

And most of these newly diverse areas are still majority white, and whites are sometimes more comfortable with diversity as long as they are still dominant.

"There's a tipping point at which whites are no longer comfortable, and they'll start to leave," said Kori J. Stroub, a research scientist at the Houston Education Research Consortium, a partnership between Rice University and Houston-area school districts.

In these rapidly diversifying communities, parents of all races find themselves with decisions to make.

Read more

They believe more students should attend neighborhood schools. But what happens when it's their child?

California town agrees to desegregate schools.

What's your experience with school integration?

In Glenwood Springs, the city's mayor, Jonathan Godes, 41, said he was tempted to enroll his two children in the Carbondale Community School, a charter that is a 12-mile drive to the next town. Godes, who is white, said he is worried so many privileged families were choosing private and charter schools, leaving the traditional schools with an overrepresentation of Latino children.

His neighborhood school, Sopris Elementary, is 45 percent Latino, and 39

percent of students come from families poor enough to qualify for the federal free and reduced-price lunch program, according to state data.

"When you see a 10-point difference in math and reading scores, all ideas of public education and neighborhood schools go out the window," he said.

In the end, he was persuaded by convenience: Sopris is a three-minute walk from home.

"I have been very pleased. Great teachers and awesome administrators," he said. "My wife and I comment pretty regularly on how stupid it would've been to send our kids anywhere else."

Jonathan Godes, the mayor of Glenwood Springs, walks daughters Nolah, 9, and Addison, 11, to school. Godes said he was tempted to enroll them in a charter school in Carbondale but went with their neighborhood school, which is 45 percent Latino. (Nick Cote for The Washington Post)

Story editing by Stephen Smith. Graphics by Kate Rabinowitz. Graphic editing by Danielle Rindler. Video by Amber Ferguson. Senior video producer: Peter Stevenson. Photo editing by Mark Miller. Copy editing by Frances Moody. Designed by J.C. Reed.

Colorado sees highest high school graduation rate and lowest dropout rate since 2010

Written by: Erica Manoatl

Date Posted: January 18, 2019

Colorado's four-year high school graduation rate continued to improve in the 2017-2018 school year, according to data released this week by the Colorado Department of Education. In spring 2018, 80.7 percent of high school students graduated on time, a significant increase from 79 percent of students in 2017, and the highest graduation rate reported for the state since 2010. The dropout rate also fell to 2.2 percent, the lowest rate seen in the last nine years.

Colorado's Graduation and Dropout Rates, 2010 to 2018
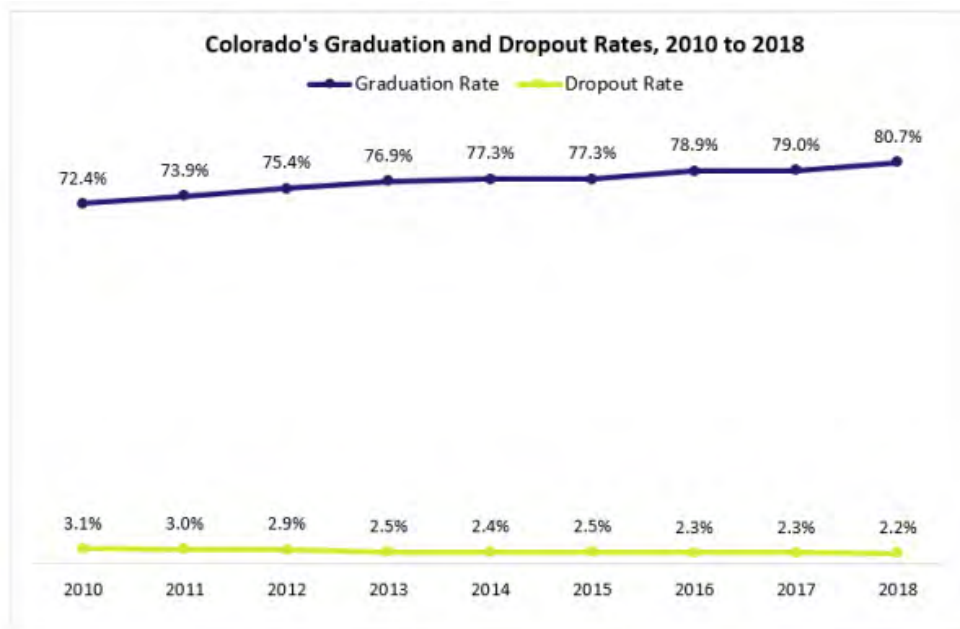
Graduation rates for students in almost every racial and ethnic group continued to increase in 2018 as well, yet gaps persist between students of color and their peers because of historical policies and practices that create barriers to education based on race and ethnicity. Racial and ethnic groups with the most dramatic gains in graduation rates between 2010 and 2018 include American Indian/Alaska Native students (whose graduation rate increased by 37 percent), Hispanic/Latino students (increased by 32 percent) and Black/African American students (increased by 17 percent).
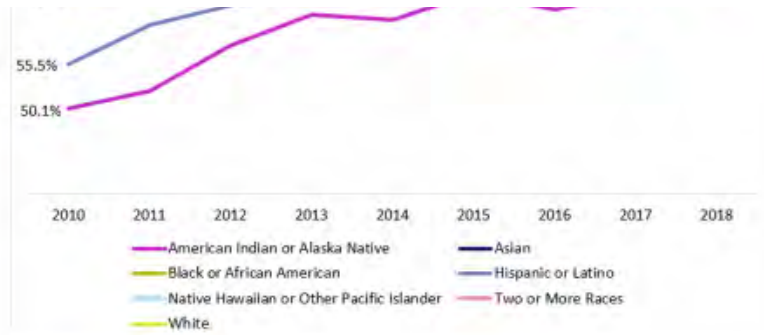
2018 data also demonstrated that dropout rates have continued to fall for most racial and ethnic groups since 2010 and 2011. Dropout rates capture students in grades seven through 12 who leave school during the year and fail to enroll in another school or program.
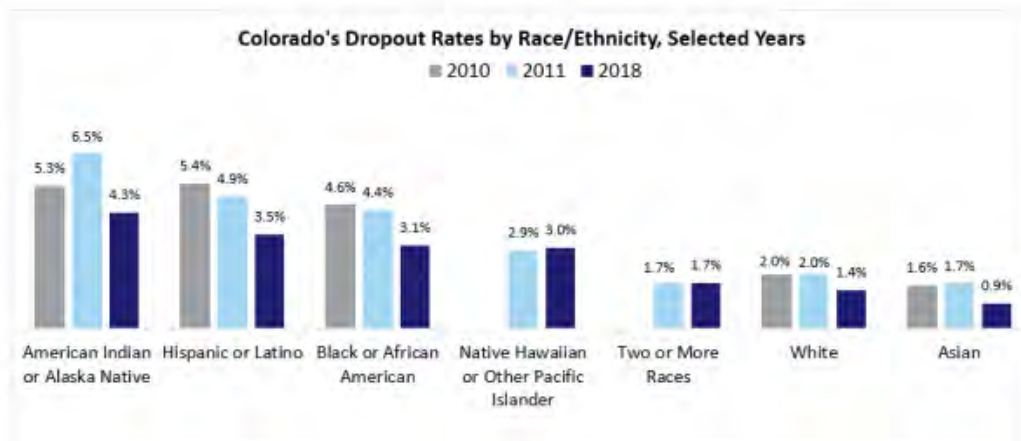
Graduating from high school has been shown to lead to better health outcomes and increase long-term individual earnings. For young people in our state, attaining a high school diploma can have significant impacts on their contributions to the economy, workforce, and markers of public health. It is important to continue to support all high school students as they work toward earning their diplomas, and to continue to narrow graduation and dropout gaps between students of color and their white peers.

About Erica Manoatl

Erica Manoatl is the Research Analyst for the Colorado Children's Campaign. In this role, she supports the organization's research priorities, data analysis, and writing in all issue areas. She holds a Bachelor of Arts in English from George Washington University and a Master of Public Health in Population and Family Health from Columbia University.

120

Does segregation matter for Latinos?

Jorge De la Roca[*],[1],[a], Ingrid Gould Ellen[b], Justin Steil[c]

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ABSTRACT

We estimate the effects of residential racial segregation on socio-economic outcomes for native-born Latino young adults over the past three decades. Using individual public use micro-data samples from the Census and a novel instrumental variable, we find that higher levels of metropolitan area segregation have negative effects on Latino young adults' likelihood of being either employed or in school, on the likelihood of working in a professional occupation, and on income. The negative effects of segregation are somewhat larger for Latinos than for African Americans. Controlling for Latino and white exposure to neighborhood poverty, neighbors with college degrees, and industries that saw large increases in high-skill employment explains between one half and two thirds of the association between Latino-white segregation and Latino-white gaps in outcomes.

1. Introduction

Between 1990 and 2010, the Latino population in the United States more than doubled, from 22.4 million to 50.5 million. As the Latino population has grown, levels of Latino-white residential segregation (as measured by the dissimilarity index) have remained relatively steady (at around 0.50), while levels of Latino isolation have risen (from 0.43 in 1990 to 0.46 in 2010) (De la Roca et al., 2014).[2] Despite this durable residential segregation, there has been little exploration of how that segregation affects the socio-economic outcomes of Latinos.

While existing research has found that black-white segregation negatively affects socio-economic outcomes for African Americans (e.g. Cutler and Glaeser, 1997; Ellen, 2000; Card and Rothstein, 2007), there are reasons to expect that segregation may not have the same negative consequences for Latinos. For instance, research on ethnic enclaves has suggested that ethnic concentration, in some circumstances, can improve employment outcomes by creating a market for ethnic goods and access to co-ethnic sources of capital (Portes et al., 1993; Edin et al., 2003; Cutler et al., 2008). Residential segregation may still undermine the socio-economic outcomes of Latinos, however, through the same mechanisms that have been suggested to limit opportunities for blacks, by constraining Latinos to live in neighborhoods with less public investment, lower levels of human capital, or limited access to particular

jobs and job networks (Kain and John, 1968; Loury and Glenn, 1977; Borjas, 1995; Lou et al., 2017).

Thus, we examine how levels of residential segregation affect the educational and labor market outcomes of Latino young adults and how those effects differ from the effects of segregation on the outcomes of black young adults. To address concerns regarding within-city sorting, we examine how metropolitan-level segregation affects the outcomes of individuals living anywhere in the metropolitan area. To mitigate bias from across-city sorting, we restrict our sample to native-born young adults and use the segregation level of the metropolitan area where they lived five years earlier, lag our measurement of segregation by ten years, estimate longitudinal models with metropolitan area fixed effects, and focus on variation in effects between Latino and white residents of the same metropolitan area, differencing out any residual unobserved attributes of the metropolitan area that may be related to segregation and affect outcomes. Finally, we also employ instrumental variables.

Specifically, we use a new instrument to predict Latino-white segregation, which captures the evenness of the distribution of single-family detached houses in relation to other types of housing in the metropolitan housing stock in 1970. The assumption is that the historical separation of single-family detached homes from other types of dwellings, such as attached homes or multi-family buildings, contributes to

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121

contemporary levels of Latino metropolitan area segregation because Latinos are less likely to live in detached, single-family homes than other types of housing (Weicher et al., 1988; Brueckner and Rosenthal, 2009). This instrument is more predictive of Latino-white segregation than instruments that have been used for black-white segregation.

Using public-use decennial census data for 1990 and 2000 and data from the American Community Survey for 2007–2011, we examine how metropolitan area levels of segregation affect college graduation rates, employment rates, the likelihood of being in a professional occupation, and income for native-born Latino and African-American young adults between the ages of 25 and 30. The estimates from longitudinal models with metropolitan area fixed effects show that segregation is negatively associated with each of the measured socioeconomic outcomes of both Latino and African-American young adults relative to whites.

These results, however, mask substantial heterogeneity in the link between segregation and outcomes for Latino groups of different ancestry and class status. Controlling for the heterogeneous experiences of different Latino ancestry groups, we find that segregation has a significant negative association with socio-economic outcomes for those who identify their ancestry in Mexico, South America, Central America, the Dominican Republic, or Puerto Rico, but not for those who identify as Cuban or of 'another Hispanic origin.'

The instrumental variable results add a more robust causal analysis and confirm that segregation has a negative effect on Latino young adults' likelihood of being employed or in school, on their likelihood of working in a professional occupation, and their income. Segregation widens the gaps in outcomes between Latinos and whites: in 2010, a one standard deviation increase in the metropolitan area level of segregation is associated with a decrease for Latinos relative to whites of 8 percentage points in college graduation rates and 15% in income, equivalent to a $4219 annual income loss. The instrumental variable results also indicate that the wider gaps in socio-economic outcomes in more segregated metropolitan areas are driven in part by the fact that whites in those areas fare better than those in less segregated areas.

To understand why segregation has these effects, we examine potential mechanisms. We find that the exposure of white and Latino residents to neighborhood poverty, neighbors with college degrees, and high-employment growth industries between 1990 and 2010 together explain between one half and two thirds of the association between segregation and white-Latino gaps in outcomes.

2. Theoretical framework and hypotheses

The effects of residential segregation are theoretically ambiguous and have been found to vary significantly across groups and contexts. Residential segregation shapes access to neighborhoods, which in turn shape access to institutions, peers, and social networks, as well as exposure to crime and environmental benefits and hazards (Durlauf, 2004; Bayer et al., 2008; Epple and Romano, 2011; Ludwig et al., 2011; Graham, 2016). But the resources and opportunities that racially or ethnically homogenous neighborhoods provide are likely to vary depending on the socio-economic attributes of the group. In general, groups with greater economic or other resources may benefit from segregation while those with fewer resources may be harmed.

Several studies have found that for immigrant groups with higher mean levels of human capital, ethnic concentration is associated with better outcomes in employment and earnings, while for groups with lower mean levels of human capital, segregation is linked to lesser benefits or negative effects (Borjas, 1995; Edin, Fredriksson and Olof, 2003; Cutler, Glaeser and Vigdor, 2008). Human capital levels have been found to shape the effects of segregation for native-born blacks as well. For instance, increases in the proportion of college-educated African Americans in the metropolitan area reduce the negative effects of segregation on black youths' educational attainment (Bayer et al., 2014).

The average financial and political capital of a group also matters. Racial and ethnic groups with lower levels of financial and political capital may be less able to demand equal access to crucial municipal services, like school investment and community policing, to non-profit institutions that provide services and networks, and to private businesses that meet daily needs like child-care (Collins and Williams, 1999). Perhaps even more critically, violence tends to be disproportionately concentrated in low-income neighborhoods and even indirect exposure to neighborhood violence diminishes academic performance (Sharkey et al., 2014).

Latinos in the United States have lower than average levels of education and income, and arguably less political clout given lower citizenship rates than whites, which may translate into inferior neighborhood services and environmental amenities. Indeed, available measures of differences in neighborhood characteristics find that Latinos in more segregated metropolitan areas are exposed to fewer college educated neighbors, lower performing schools, and higher levels of violent crime than Latinos in less segregated cities (Steil et al., 2015).

There is of course, considerable variation in the socio-economic backgrounds of different Latino sub-groups in the United States. In 2010, nearly two thirds (63%) of the US Latino population identified as having Mexican ancestry, while 9% reported Puerto Rican, 8% Central American, 6% South American, 4% Cuban, 3% Dominican, and 8% 'another Hispanic origin' (United States Bureau of the Census, 2010). Mean educational attainment varies significantly by self-identified group of origin. For instance, 36% of Latinos in the United States who were 25 years and over and identified as having South American ancestry had a college degree or higher in 2013 while only 20% of those identifying Puerto Rican origins, 14% of those identifying Central American origins, and 11% of those identifying Mexican origins had college degrees. There is similar heterogeneity with regard to childhood poverty. In 2012, more than a third of those under 18 years of age with Puerto Rican (38%), Central American (36%), and Mexican (35%) origins lived below the poverty line compared to 22% of those of Cuban descent, and 20% of those of South American descent (United States Bureau of the Census, 2013). This heterogeneity of Latino experiences by ancestry is likely to contribute to variation in the effects of segregation.

While segregation's effects may vary across groups, they are also likely to vary over time. For example, the negative effects of black-white residential segregation on black educational attainment and employment rates did not emerge until the economic restructuring and dramatic neighborhood change of the 1970s (Collins and Margo, 2000). There are reasons to believe that the effects of segregation on Latinos may differ over time as well. For instance, as the Latino population in the United States has grown and Latinos have settled across a larger set of smaller metropolitan areas, the differences in neighborhood environments enjoyed by Latinos in high and low segregation areas may have diminished.

3. Data and methods

To examine how metropolitan area segregation affects individual socio-economic outcomes, we use public-use micro data gathered by the US Census and provided by IPUMS–USA of the University of Minnesota Population Center (Ruggles et al., 2015). We focus our analysis on data from the Decennial Censuses 5% samples in 1990 and 2000 and from the American Community Survey (ACS) 5-year estimates (2007–2011) to study the relationship between residential segregation and socio-economic outcomes of native-born Latinos between the ages of 25 and 30.[3]

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[3] Selective ethnic attrition may produce some bias in estimates of Latino educational and labor market outcomes (Duncan and Trejo, 2011); however, the ACS does not allow us to control for immigrant generation or identify ethnicity other than through respondents' self-reporting.

Table 1
Relationship between segregation and outcomes, 1990–2010.

	College graduation (1)	Not idle (2)	Professional occupation (3)	Log earnings (4)
Whites				
All metropolitan areas	35.4%	89.4%	30.9%	9.94
Low segregation	30.3%	87.9%	26.7%	9.81
Moderate segregation	32.2%	88.9%	28.7%	9.87
High segregation	33.3%	89.3%	29.6%	9.92
Very high segregation	38.7%	89.9%	33.1%	10.01
Latinos				
All metropolitan areas	15.9%	84.1%	18.6%	9.77
Low segregation	21.1%	86.4%	21.0%	9.75
Moderate segregation	16.0%	84.8%	18.6%	9.70
High segregation	14.6%	84.5%	17.9%	9.73
Very high segregation	16.2%	83.7%	18.7%	9.79
White-Latino gap				
All metropolitan areas	19.5%	5.3%	12.3%	0.17
Low segregation	9.2%	1.5%	5.8%	0.06
Moderate segregation	16.2%	4.1%	10.1%	0.17
High segregation	18.7%	4.8%	11.7%	0.19
Very high segregation	22.5%	6.2%	14.5%	0.21
Whites				
All metropolitan areas	35.4%	89.4%	30.9%	9.94
Low segregation	28.4%	87.8%	26.9%	9.87
Moderate segregation	32.6%	88.8%	28.7%	9.86
High segregation	35.6%	90.2%	30.9%	9.94
Very high segregation	37.8%	89.5%	32.4%	9.98
Blacks				
All metropolitan areas	16.2%	83.5%	17.0%	9.56
Low segregation	15.8%	85.5%	17.1%	9.59
Moderate segregation	16.6%	85.2%	16.8%	9.54
High segregation	17.4%	85.1%	18.3%	9.61
Very high segregation	15.7%	82.4%	16.6%	9.55
White-black gap				
All metropolitan areas	19.2%	5.9%	13.8%	0.38
Low segregation	12.7%	2.3%	9.8%	0.27
Moderate segregation	16.0%	3.6%	12.0%	0.32
High segregation	18.1%	5.0%	12.7%	0.33
Very high segregation	22.1%	7.1%	15.8%	0.43

Notes: In the top (bottom) panel, Core Based Statistical Areas are classified into quartiles—low, moderate, high and very high—based on their 2000 Latino-white (black-white) dissimilarity index. Sample in the top (bottom) panel is restricted to native-born whites and Latinos (blacks) between 25 and 30 years living in 187 (184) metropolitan areas with population above 100,000 residents and more than 5000 Latinos (blacks) in 2010. 'Not idle' takes value one if the individual is working or enrolled in school. Log annual income includes total income for the previous calendar year and is available only for individuals who report positive income.

We consider educational outcomes such as the probability of college graduation and labor market outcomes such as the probability of working in a professional occupation, income and the likelihood of being employed or in school. We focus on young adults because their metropolitan area of residence is more likely to be affected by parental location choices than that of older adults. In order to most accurately estimate the level of segregation to which an individual was exposed while growing up, we lag our segregation measures by 10 years and use the level of segregation in the metropolitan area in which the individual lived five years prior, for the 1990 and 2000 Census, and one year prior, for the 2007–2011

ACS.[4] We exclude the foreign born because the data do not provide precise information on their year of arrival and, hence, we cannot tell how long they have experienced segregation.

Our sample includes individuals living in 187 Core Based Statistical Areas (CBSAS) across the United States with a total population greater than 100,000 residents and a Latino population of at least 5000 residents in 2010 (see Appendix A for a detailed explanation on the assignment of individuals in IPUMS to CBSAS in each decade).[5] Throughout the study, we use the metropolitan area dissimilarity index from US2010, a joint project between the Russell Sage Foundation and Brown University, as our primary measure of Latino-white residential segregation.

Table 1 presents raw differences in socio-economic outcomes, pooled across 1990, 2000, and 2010, by quartile of metropolitan area segregation. The upper panel shows segregation quartiles based on the 2000 Latino-white dissimilarity index and the lower panel shows quartiles based on the 2000 black-white dissimilarity index. Higher levels of segregation are consistently associated with larger gaps in every outcome between whites and blacks and between whites and Latinos. Notably, the link between segregation and racial differences in outcomes appears to be driven both by better white outcomes and by worse black and Latino outcomes in more segregated areas.

Although these raw means by segregation quartile suggest a relationship between segregation and outcomes, determining how the level of segregation shapes individual socio-economic outcomes is intrinsically difficult because people sort into cities and neighborhoods based on their tastes, preferences, and unobserved resources. To address sorting across neighborhoods, we measure segregation at the level of the metropolitan area rather than at the level of the neighborhood (Cutler and Glaeser, 1997). A metropolitan area level of analysis has the added strength of capturing metropolitan area wide restrictions on choice and of measuring how all members of a racial or ethnic group in a metropolitan area may be affected by levels of segregation that operate at a higher spatial level, even those who do not live in a racially or ethnically homogenous neighborhood themselves (Chetty et al., 2014). We focus on variation in effects across racial or ethnic groups to difference out any unobserved characteristics of a metropolitan area that shape economic outcomes and are correlated with segregation.

To learn how metropolitan area segregation affects Latinos, we regress an individual outcome such as the probability of college graduation or the likelihood of being employed or in school on a measure of Latino metropolitan area residential segregation (e.g. Latino-white dissimilarity index). Specifically we estimate the following specification:

$$Y_{ijt} = \alpha_1 + \beta_1 \, Seg_{j,t-1} + \beta_2 \, Seg_{j,t-1} \times Latino_{ij} + \beta_3 \, X_{ijt} + \beta_4 \, Z_{jt} + T_t + \varepsilon_{ijt}$$

(1)

where Y_{ijt} represents a socio-economic outcome for individual i in metropolitan area j in decade t, $Seg_{j,t-1}$ is the dissimilarity index between Latinos and whites for metropolitan area j in the previous decade $t-1$, X_{ijt} is a vector of individual level characteristics, Z_{jt} is a vector of metropolitan level characteristics described below, and T_t is a decade time control. We let the coefficient on metropolitan area level of segregation—β_2 in Eq. (1)—differ for whites and Latinos ($Seg_{j,t-1} \times Latino_{ij}$). Therefore, we test whether segregation has a different association with socio-economic outcomes for Latinos relative to its association with outcomes for whites.[6] We lag segregation to help

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[4] We drop individuals in the armed forces and those living in group quarters, and we also estimate robustness tests that exclude all those who recently moved across metropolitan areas.

[5] When looking at how metropolitan area segregation affects black young adults, our sample includes individuals living in 184 Core Based Statistical Areas with a total population greater than 100,000 residents and a black population of at least 5000 residents in 2010.

[6] The sum of the coefficient on segregation and the interaction of segregation with the Latino indicator variable captures the total effect of segregation on Latinos.

Table 2
Types of housing units by racial/ethnic group, 1980–2010.

	One family detached house	One family attached house	Building with 2 to 9 units	Building with 10 + units	Other (e.g. mobile home, boat)
Whites					
1980	60.2%	4.6%	16.2%	15.3%	3.6%
1990	59.4%	6.3%	14.3%	14.5%	5.5%
2000	62.7%	6.5%	12.7%	13.5%	4.7%
2010	64.9%	6.9%	11.2%	13.0%	4.0%
Latinos					
1980	42.9%	5.1%	24.8%	25.5%	1.7%
1990	41.7%	7.0%	22.9%	24.4%	3.9%
2000	42.9%	7.6%	21.8%	23.8%	3.9%
2010	48.0%	6.6%	20.3%	20.9%	4.2%
Blacks					
1980	39.2%	9.6%	26.9%	23.4%	0.9%
1990	39.3%	10.1%	24.9%	23.0%	2.6%
2000	42.5%	10.2%	23.4%	22.2%	1.8%
2010	44.8%	9.8%	21.8%	21.8%	1.6%

Notes: IPUMS-USA data for 1990 5% sample Decennial Census, 2000 5% sample Decennial Census and ACS 2007–2011. Race/ethnicity of household head is assigned to the type of housing unit. The sample for whites and Latinos is restricted to the 142 Core Based Statistical Areas (CBSAS) that are used in instrumental variable estimations, while the sample for blacks is restricted to the 147 CBSAS used in analogous estimations.

address concerns about reverse causality and to better capture the segregation levels present when young adults were growing up.

We include several individual variables as controls, including age indicator variables, gender, and a set of indicator variables for Latino groups of different origin (Mexicans, Puerto Ricans, Dominicans, Cubans, Central Americans, and South Americans). As discussed above, these ancestry groups exhibit substantial differences in levels of educational attainment, income, and presumably unobserved traits that could explain differences in outcomes among Latinos. By including these ancestry-group indicator variables we capture a share of the variance in outcomes that can be attributed to the fact that Latinos of specific subgroups, who may be concentrated in different metropolitan areas, bring different backgrounds and may experience different treatment.

We also include additional time-varying metropolitan area level controls, specifically metropolitan area population and median household income, the fraction of the metropolitan area population that is Latino, black, Asian, foreign born, over 65 years, under 15 years, and unemployed, as well as the share of the metropolitan area workers employed in the manufacturing sector and working in professional occupations, the share of residents with a college degree, the share of residents in poverty status, and census region-year indicator variables. We interact these metropolitan area controls with a Latino indicator variable to let the effects of metro area characteristics differ for Latinos as compared to whites. Again, by including all of these metropolitan area level variables and interacting segregation with a Latino indicator variable, we test whether the level of segregation in a metropolitan area has a significantly different, independent effect on socio-economic outcomes for Latinos than it does for whites.

Earlier work exploring the impacts of metropolitan segregation on individual outcomes has only examined a single year of data (e.g. Cutler and Glaeser, 1997). Using multiple years of data allows us to introduce metropolitan area level fixed effects to examine how changes over time in the level of Latino segregation in a metropolitan area are associated with changes in outcomes, while controlling for other unobserved, time-invariant metropolitan area-level factors.

To minimize both potential endogeneity from omitted variables and

the reverse causality that could come from the gap in socio-economic outcomes between Latinos and whites itself contributing to metropolitan area levels of segregation, we estimate two-stage least squares models. These models address reverse causation in which a segment of the population already living in a metropolitan area might cause future segregation, but, because the instrumental variable is itself correlated with segregation, their ability to fully address sorting from selection choices made by subsequent movers is more limited (Ananat, 2011; Rosenthal et al., 2015). Multiple instrumental variables have been developed to predict levels of black-white metropolitan area segregation, including rivers (Hoxby and Caroline, 2000) and railroad tracks (Ananat, 2011), features of the natural or built environment that enabled the black-white segregation that became entrenched through the rise of Jim Crow, the Great Migration, and post-war suburbanization.

These instruments, however, are not necessarily appropriate for the Latino-white segregation that has emerged with the growth of the Latino population in the United States since 1970, given the different historical context. To instrument for levels of Latino-white dissimilarity from 1990 to 2010, we rely on an instrument that captures features of the historical built environment that allowed for more segregation. Specifically, we create a variable measuring the dissimilarity index between single-family detached housing and other housing types in 1970. In 1970, there were 9.1 million individuals who identified as Latino in the United States, accounting for only 4.7% of the population. In the four decades after the passage of the 1965 Immigration and Nationality Act, more than 29 million immigrants from Latin America moved to the United States (Pew Research Center, 2015), and the relatively low incomes of those migrants constrained many to live in less-expensive multi-family housing. We hypothesize that when different types of housing are ex-ante placed in separate parts of the city, more segregation is likely to result, as Latinos are likely to disproportionately settle in multi-family or single-family attached housing because of their lower homeownership rates and lower average incomes (see Weicher et al., 1988 and Brueckner and Rosenthal, 2009, for a related measure of the age of the housing stock).[7]

In Table 2, we present the share of white, Latino, and black households living in different types of housing units by decade from 1980 to 2010. In each decade, Latinos are more likely to live in multi-family housing than whites. While this difference also exists for blacks, the dissimilarity of housing types is not as consistent a predictor of black-white segregation as it is of Latino-white segregation (results shown below in Table 3), because of the existence of already historically established patterns of black-white segregation independent of housing type.

Fig. 1 shows a scatterplot of the strong positive relationship between the 2000 Latino-white segregation and the 1970 dissimilarity index between single-family detached housing and all other housing types. For example, the New York NY-NJ-PA metropolitan area has simultaneously the highest level of single/multi-family housing dissimilarity index (0.793) and a very high score on the Latino-white dissimilarity index (0.656). At the other extreme, Modesto, CA has a very low housing type dissimilarity score (0.252) and also a low score on the Latino-white dissimilarity index (0.352).

We combine this measure of the dissimilarity of residential housing typology with two existing measures of the jurisdictional or fiscal environments that enable segregation—the number of local governments and the share of local revenue from federal or state transfers (Cutler and

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[7] To construct this instrument, we use the 1970 Neighborhood Change Database (NCDB) to calculate the dissimilarity index in 1970 between single-family detached housing and all other types of housing units (single-family attached dwellings, as well as all multi-family dwellings) for each Standard Metropolitan Statistical Area (SMSA), the 1970 definition of metropolitan areas. The source units of analysis are census tracts as defined in 1970. We have data on instruments for 142 out of the 187 CBSAS in the initial sample. Those CBSAS missing from the 2SLS sample are generally smaller and more recently recognized CBSAS.

124

Table 3
First-stage estimation of lagged dissimilarity indices.

	1980 Latino-white dissimilarity index			1980 black-white dissimilarity index		
	(1)	(2)	(3)	(4)	(5)	(6)
Single/multi-family housing diss index 1970	0.547 (.115)***		0.455 (.126)***	−0.012 (.108)		−0.135 (.100)
Log of local governments 1962		0.003 (.014)	−0.005 (.015)		0.013 (.011)	0.014 (.011)
% of revenue from transfers 1962		−0.610 (.171)***	−0.440 (.158)***		−0.382 (.104)***	−0.423 (.105)***
Black-white dissimilarity index 1980	0.298 (.098)***	0.078 (.139)	0.168 (.112)			
Observations	511,547	511,547	511,547	546,378	546,378	546,378
R^2	0.739	0.716	0.758	0.648	0.704	0.711

	1990 Latino-white dissimilarity index			1990 black-white dissimilarity index		
	(1)	(2)	(3)	(4)	(5)	(6)
Single/multi-family housing diss index 1970	0.478 (.119)***		0.432 (.128)***	0.266 (.080)***		0.137 (.079)*
Log of local governments 1962		0.002 (.016)	−0.004 (.016)		0.035 (.011)***	0.033 (.011)***
% of revenue from transfers 1962		−0.401 (.155)***	−0.269 (.143)*		−0.279 (.097)***	−0.230 (.099)**
Black-white dissimilarity index 1990	0.299 (.096)***	0.300 (.129)**	0.241 (.108)**			
Observations	396,363	396,363	396,363	415,144	415,144	415,144
R^2	0.766	0.733	0.774	0.703	0.747	0.753

	2000 Latino-white dissimilarity index			2000 black-white dissimilarity index		
	(1)	(2)	(3)	(4)	(5)	(6)
Single/multi-family housing diss index 1970	0.281 (.093)***		0.277 (.106)***	0.465 (.104)***		0.241 (.106)**
Log of local governments 1962		0.007 (.014)	−0.0006 (.015)		0.043 (.012)***	0.033 (.012)***
% of revenue from transfers 1962		−0.094 (.160)	−0.022 (.158)		−0.258 (.095)***	−0.190 (.104)*
Black-white dissimilarity index 2000	0.237 (.078)***	0.285 (.091)***	0.234 (.091)***			
Observations	404,693	404,693	404,693	397,549	397,549	397,549
R^2	0.677	0.659	0.677	0.726	0.751	0.763
Number of CBSAS	142	142	142	147	147	147

Notes: Coefficients are reported with robust standard errors in parenthesis, which are clustered by Core Based Statistical Area (CBSA). ***, **, and * indicate significance at the 1, 5, and 10% levels. All specifications include a constant term, a female indicator variable, age indicator variables and the following CBSA controls: log population, log median household income and shares of the population that are black, Latino, Asian, over 65 years, under 15 years, unemployed, working in manufacturing, in poverty status and with college degree. Columns (1)–(3) include Latino ancestry-group indicator variables and metropolitan area controls interacted with a Latino indicator variable. Columns (4)–(6) include a black indicator variable and metropolitan area controls interacted with a black indicator variable.

Glaeser, 1997), both from 1962, before the passage of the 1965 Immigration and Nationality Act and the rapid increase of the US Latino population. Following Tiebout and Charles (1956), a larger number of different municipalities within a given metropolitan area encourages greater sorting on the basis of municipal tax rates and service provision, thus facilitating greater segregation. Relatedly, the larger the share of local revenue from state or federal sources, the lower the variation in municipal tax rates and the greater the equality of public goods, therefore presumably the lower the incentive for sorting by jurisdiction.[8]

The first stage estimations of the Latino-white lagged dissimilarity index by decade from 1980 to 2000 are presented in Table 3.[9] Note that

in the 2SLS regressions, we include the black-white dissimilarity index as a control in order to capture historical levels of racial discrimination in a metropolitan area and related factors that change slowly over time, such as social, political, or educational institutions shaped by segregated norms.[10] As Table 3 indicates, housing type dissimilarity has the expected relationship with segregation, even after including the lagged black-white segregation level and other metropolitan area controls. The number of local governments, a generally consistent predictor of black-white segregation, is not an effective predictor of Latino-white segregation in any of the three decades. The share of revenue from federal and state transfers does contribute to predicting Latino-white dissimilarity in 1980 and 1990. The results in column (3) indicate that the coefficient on the housing type dissimilarity measure remains highly significant and does not experience a large change in its magnitude in the presence of the other instruments. We take this as evidence that our proposed instrument is strong. Further, the F-statistic reported on the weak instruments identification test exceeds all thresholds proposed by

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[8] The data for both measures come from the 1962 Census of Governments Survey and are made available by the Inter-university Consortium for Political and Social Research at the University of Michigan (United States Department of Commerce, 2001, http://www.icpsr.umich.edu/icpsrweb/ICPSR/series/12). Like Cutler and Glaeser (1997), we measure the share of intergovernmental transfers for the localities in a state as a whole in order to avoid including local endogenous factors and to better capture the relevant state political characteristics.

[9] Full results showing the effects of metropolitan area controls are available in online appendix Tables B.10–B.12.

[10] Results are largely similar without this control.

Stock et al. (2005) for the maximal relative bias and maximal size in 1980 and 1990, though not in 2000.[11] As evidenced by the coefficients in columns (4) and (6), the housing type dissimilarity measure also predicts black-white dissimilarity in 1990 and 2000, though the strength of the prediction is not as strong for black-white segregation as it is for Latino-white segregation, once other instruments are included.

We carry out several checks to validate our first stage results. First, to confirm that housing type dissimilarity in 1970 was not the result of existing levels of Latino white segregation, we test the relationship between the 1970 Latino-white dissimilarity index and our housing type dissimilarity index, controlling for log population of the metropolitan area in 1970, and do not find a statistically significant association.[12] Second, higher levels of housing type dissimilarity in 1970 could have been more common in economically vulnerable and socially conservative metropolitan areas leading to more detrimental outcomes for minorities (Antecol and Cobb-Clark, 2008). The bivariate relationships between metropolitan area characteristics in 1970 and our housing type dissimilarity measure actually show that more affluent metropolitan areas exhibited higher levels of housing type dissimilarity.[13] While we are unclear theoretically why this relationship exists, we control for income, unemployment, college attainment, poverty rate and other metropolitan area characteristics in our first stage specifications. Third, we examine whether metropolitan areas with higher levels of housing type dissimilarity experienced larger subsequent inflows of Latinos. This could be a source of concern if Latinos

disproportionately moved to these metropolitan areas based on the availability of multi-family housing or another unobserved attribute correlated with this type of housing (e.g. a booming construction sector). Specifically, we estimate regressions of our housing type dissimilarity index on the metropolitan area change in the share of Latinos between 1970 and 1980, controlling for initial metropolitan area population, and do not find a significant association.[14] Thus, historical housing configurations of some metropolitan areas contributed to the segregation of Latinos from whites; however, they did not necessarily attract larger inflows of Latinos compared to other metropolitan areas.

Finally, we conduct balancing tests to examine the potential sorting of particular individuals into metropolitan areas with different levels of segregation. The idea is to test whether observable individual characteristics (e.g. gender, age, and educational outcomes) are correlated with measures of segregation across metropolitan areas. If we do not find statistically significant associations, then it is less likely that individuals sort into more or less segregated metropolitan areas based on unobserved characteristics (Bifulco et al., 2011; Lou et al., 2017). In Table 4, we find no evidence that native-born white and Latino young adults have sorted on those observable characteristics. We also allow for interactions between a Latino indicator variable and individual characteristics (results not shown) and do not find any significant association. Therefore, we find no indication of certain types of Latino or white young adults sorting based on metropolitan area segregation.

4. Results

OLS results on the relation between segregation and individual outcomes

In Table 5, we estimate ordinary least squares regressions of each individual outcome on metropolitan area levels of segregation, as well as individual and metropolitan area controls. We show results with contemporaneous and lagged segregation levels (in which 1990 outcomes are linked to 1980 segregation levels, etc.). We also show results for a regression with CBSA fixed effects with lagged segregation levels.[15] In each pair of rows in the first panel, the first row reports the

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[11] The *F*-statistic (or Kleinberger-Papp rk Wald statistic) exceeds 16 in 1980, 12 in 1990 and 4 in 2000. Only in 2000, it falls slightly below the critical value for the 15% maximal IV size. This is in part due to the lack of significance of the two historic predictors of black-white segregation in column (3) of Table 3 (bottom panel). Our estimates, shown in Table 7, follow Wooldridge's IV estimation adjustment (see Wooldridge, 2002) that uses as 'instruments' the predicted value obtained for the Latino(black)-white dissimilarity index from the first-stage regression in Table 3 and its interaction with a Latino(black) indicator variable.

[12] In complementary analogous estimations to our reported first-stage estimates, we control for other metropolitan area variables in 1970 such as the log average household income and the proportion of the population that are Latino, black, unemployed, with college degree, in poverty status, and working in manufacturing, and again do not find a statistically significant association. Results available upon request.

[13] Metropolitan areas with higher housing type dissimilarity indices have a higher share of residents with a bachelor's degree, higher average household income, lower poverty rates and a lower share of Latino residents. Yet, they do not have significant associations with the share of black residents or the proportion of workers in manufacturing.

[14] We obtain similar results when using the metropolitan area change in the share of Latinos between 1970 and 1990 as a dependent variable and when including a larger list of controls.

[15] Results for CBSA fixed effects models are similar whether or not segregation is lagged.

Table 4

Balancing tests of metropolitan area segregation on individual characteristics, 1990–2010.

Dependent variable:	Latino-white lagged dissimilarity index		Black-white lagged dissimilarity index	
	(1)	(2)	(3)	(4)
Female	−0.012	−0.013	0.020	0.020
	(.018)	(.022)	(.015)	(.016)
Age 26	0.022	0.022	0.021	0.020
	(.026)	(.026)	(.019)	(.019)
Age 27	0.010	0.009	0.052	0.051
	(.026)	(.027)	(.026)**	(.027)*
Age 28	0.003	0.002	0.041	0.039
	(.034)	(.035)	(.028)	(.029)
Age 29	−0.023	−0.025	0.045	0.043
	(.047)	(.048)	(.034)	(.035)
Age 30	−0.041	−0.042	0.050	0.048
	(.052)	(.054)	(.037)	(.038)
High school completed		−0.056		−0.043
		(.134)		(.096)
Associate degree		−0.014		−0.195
		(.116)		(.106)*
College degree		0.071		0.309
		(.157)		(.124)**
F-test	0.920	0.12	1.12	2.09
P-value	.483	.946	.351	.103
Observations	1,395,238	1,395,238	1,430,120	1,430,120
R^2	0.677	0.677	0.737	0.737

Notes: Coefficients are reported with robust standard errors in parenthesis, which are clustered by Core Based Statistical Area (CBSA). ***, **, and * indicate significance at the 1, 5, and 10% levels. All specifications have a constant term and census region-year indicator variables. Metropolitan area controls are listed in the notes of Table 3. Sample in columns (1)–(2) is restricted to whites and Latinos. Sample in columns (3)–(4) is restricted to whites and blacks. See notes in Table 1 for additional sample details. *F*-tests in columns (1) and (3) correspond to the joint effect of individual characteristics while in columns (2) and (4) correspond to the joint effect of the additional regressors on levels of education.

coefficients on the metropolitan area Latino-white dissimilarity index and the second row the interaction between this index and a Latino indicator variable. For results in the top panel, the sample consists only of whites and Latinos, so the coefficient on the dissimilarity index can be interpreted as the association between Latino-white segregation and white outcomes, while the coefficient on the interaction between the dissimilarity index and the Latino indicator variable shows any difference in the association between segregation and outcomes for Latinos as compared to whites. Standard errors are clustered at the metropolitan area level.

Results reveal significant associations between metropolitan area segregation levels and every measured individual black and Latino outcome. Starting with the probability of having completed college for Latinos aged 25–30 in column (1), we find that the interaction coefficient is negative and statistically significant, indicating that, in more segregated metropolitan areas, Latinos are less likely to complete college relative to their white counterparts. The results are similar whether the dissimilarity index is lagged or not, and, when metropolitan area fixed effects are included, the interaction coefficient increases in magnitude. A one standard deviation increase in the Latino-white dissimilarity index is related to a decline in the probability of finishing college of 5.5 percentage points for Latinos relative to white graduation rates. The overall difference in the means in college graduation rates for whites and Latinos, pooled across the 1990–2010 study period, is 18.6 percentage points.

Looking at the incidence of being employed or in school again reveals that higher levels of segregation are consistently associated with a lower likelihood of being employed or in school for Latino young adults relative to whites. A one standard deviation increase in the level of segregation is associated with a decrease in the likelihood of being

either employed or in school for Latino 25–30 year olds relative to whites of 2.1 percentage points (the overall difference between whites and Latinos in this age range is 5.1 percentage points).

As would be expected, the results with regard to professional occupations parallel the results with regard to college attainment. A one standard deviation increase in the Latino-white dissimilarity index is related to a decline in the probability of professional employment of 3.7 percentage points for Latinos relative to white graduation rates (the overall difference in professional employment rates between whites and Latinos is 11.7 percentage points).

As for income among 25–30 year olds, segregation is also associated with significantly larger Latino-white gaps. The results are consistent across all specifications and the magnitude is large. A one standard deviation increase in Latino-white segregation is associated with a 9.9% increase in the gap between Latino incomes relative to whites. In the sample, annual income for whites exceeds those for Latinos by 18.9%.

As shown in the second panel, the relationship between metropolitan area segregation and outcomes among African American young adults is similar to that for Latinos. In more segregated metropolitan areas, black young adults are less likely to graduate from college, to be either in school or employed, and to work in a professional occupation, and have lower incomes, relative to whites. The results are again robust to lagged dissimilarity and metropolitan area fixed effects.

In sum, higher levels of segregation are associated with worse educational and employment outcomes for both black and Latino young adults. The magnitudes of these negative associations are larger for Latinos in every case except for the likelihood of being simultaneously out of work and out of school.[16]

We carried out alternative estimations that use the isolation index as the measure of metropolitan area segregation, estimated the same specifications for a younger sample of adults between the ages of 20 and 24, and excluded recent (domestic) migrants from the sample. Results from all of these robustness tests, available upon request, are similar both in terms of significance and magnitude of the effects. We also estimated regressions of black-white segregation on Latino outcomes and of Latino-white segregation on black outcomes and found no significant associations, suggesting that these results are not artifacts of unobserved metropolitan area characteristics associated with higher levels of residential segregation in general.[17] In sum, our findings indicate that Latino-white segregation has consistent negative associations with socio-economic outcomes for Latino young adults relative to whites and black-white segregation has consistent negative associations with socio-economic outcomes for black young adults relative to whites.

The link between segregation and individual outcomes by ancestry

Examining the association between segregation and individual outcomes by ancestry in 2010 reveals considerable heterogeneity across groups.[18] In Table 6, we include interactions between the dissimilarity index and seven ancestry groups (Cuban, Mexican, South American, Central American, Puerto Rican, Dominican and those who identified as 'Other Hispanic').[19] Thus, the total effect of segregation in each of these

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[16] Note that the standard deviations of the Latino-white (0.144) and black-white (0.130) dissimilarity indices are similar. Thus, the magnitudes of the coefficients can be compared for both samples.

[17] Results available upon request.

[18] The question on Latino ancestry identification varied in 2000 and this prevents us from establishing consistent ancestry groups over time (Logan et al., 2013). We focus our analysis in 2010, when the Latino population in the United States is at its largest, most heterogeneous, and most geographically extensive.

[19] Sample sizes do not allow us to construct more narrow ancestry groups within Central and South America. The total sample size for the Latino-white analyses in 2010 is 432,756 native born young adults, of which 359,903 (83.2%) are whites. Of the Latinos in the sample, 47,256 (64.9%) identify their ancestry as Mexican, 11,590 (15.9%) as Puerto Rican, 2551 (3.5%) as Cuban, 2902 (4.0%) as Central American, 1482 (2.0%) as Dominican, 2543 (3.5%) as South American, and 4529 (6.2%) as 'Other.'

Table 5

Estimation of the effect of segregation on individual outcomes, 1990–2010.

Dependent variable:	College graduation (1)	Not idle (2)	Professional occupation (3)	Log annual income (4)
Pooled OLS				
Latino-white lagged dissimilarity index	0.032	0.037	0.011	0.127
	(.043)	(.012)***	(.029)	(.081)
Latino-white lagged diss index × Latino	−0.289	−0.141	−0.211	−0.657
	(.041)***	(.019)***	(.028)***	(.086)***
Pooled OLS				
Latino-white dissimilarity index	0.031	0.036	0.009	0.146
	(.045)	(.013)***	(.030)	(.085)*
Latino-white diss index × Latino	−0.330	−0.157	−0.228	−0.670
	(.046)***	(.024)***	(.032)***	(.091)***
CBSA fixed-effects				
Latino-white lagged dissimilarity index	0.080	0.019	0.046	0.146
	(.041)*	(.015)	(.029)	(.081)*
Latino-white lagged diss index × Latino	−0.386	−0.149	−0.256	−0.653
	(.051)***	(.021)***	(.035)***	(.073)***
Observations	1,395,238	1,395,238	1,395,238	1,276,664
Number of CBSAS	187	187	187	187
Pooled OLS				
Black-white lagged dissimilarity index	0.105	0.026	0.059	0.047
	(.046)**	(.012)**	(.035)*	(.071)
Black-white lagged diss index × black	−0.259	−0.151	−0.136	−0.404
	(.048)***	(.022)***	(.034)***	(.091)***
Pooled OLS				
Black-white dissimilarity index	0.151	0.032	0.085	0.053
	(.055)***	(.013)**	(.043)**	(.086)
Black-white diss index × black	−0.280	−0.169	−0.129	−0.406
	(.051)***	(.025)***	(.037)***	(.098)***
CBSA fixed-effects				
Black-white lagged dissimilarity index	−0.003	0.033	−0.005	0.122
	(.069)	(.025)	(.039)	(.102)
Black-white lagged diss index × black	−0.240	−0.132	−0.137	−0.436
	(.055)***	(.021)***	(.032)***	(.078)***
Observations	1,430,120	1,430,120	1,430,120	1,307,648
Number of CBSAS	184	184	184	184

Notes: Coefficients are reported with robust standard errors in parenthesis, which are clustered by Core Based Statistical Area (CBSA). ***, **, and * indicate significance at the 1, 5, and 10% levels. In the top (bottom) panel, the sample is restricted to native-born whites and Latinos (blacks) between 25 and 30 years. All specifications have a constant term, a female indicator variable, age and census region-year indicator variables. The top panel includes Latino ancestry-group indicator variables, while the bottom panel includes a black indicator variable. Additional CBSA controls include log population, log median household income and shares of population that are black, Latino, Asian, over 65 years, under 15 years, unemployed, working in manufacturing, in poverty status and with college degree. These CBSA controls are also interacted with a Latino or black indicator variable accordingly.

Table 6

Estimation of the effect of segregation by Latino ancestry, 2010.

Dependent variable:	College graduation (1)	Not idle (2)	Professional occupation (3)	Log annual income (4)
Latino-white dissimilarity index	0.066	0.069	0.040	0.096
	(.068)	(.017)***	(.045)	(.061)
Latino-white DI × other Latino	−0.138	−0.063	−0.023	−0.303
	(.086)	(.055)	(.072)	(.160)*
Latino-white DI × Cuban	−0.242	−0.059	−0.039	−0.050
	(.159)	(.062)	(.095)	(.174)
Latino-white DI × Mexican	−0.344	−0.110	−0.227	−0.516
	(.068)***	(.034)***	(.049)***	(.093)***
Latino-white DI × South American	−0.511	−0.070	−0.413	−0.834
	(.143)***	(.040)*	(.101)***	(.135)***
Latino-white DI × Central American	−0.545	−0.105	−0.333	−0.935
	(.114)***	(.061)*	(.083)***	(.171)***
Latino-white DI × Puerto Rican	−0.614	−0.282	−0.451	−0.947
	(.084)***	(.034)***	(.055)***	(.117)***
Latino-white DI × Dominican Republic	−0.685	−0.140	−0.584	−0.627
	(.157)***	(.086)	(.121)***	(.212)***
Latino ancestry-group indicators	Yes	Yes	Yes	Yes
Observations	432,756	432,756	432,756	395,742
R^2	0.093	0.033	0.048	0.064

Notes: Coefficients are reported with robust standard errors in parenthesis, which are clustered by Core Based Statistical Area (CBSA). ***, **, and * indicate significance at the 1, 5, and 10% levels. Sample is restricted to native-born whites and Latinos between 25 and 30 years in 2010. Additional controls listed in notes of Table 5 are included. The 'other Latino' category includes those Latinos who self-report 'Spaniard' or 'Other, not specified' ancestry. DI stands for lagged dissimilarity index.

Table 7
Instrumental variable estimation of the effect of segregation on individual outcomes.

	1990		2000		2010	
	OLS (1)	IV (2)	OLS (3)	IV (4)	OLS (5)	IV (6)
<u>College graduation</u>						
Latino-white lagged diss index	0.072	0.433	0.046	0.535	0.014	0.827
	(.054)	(.117)***	(.070)	(.197)***	(.076)	(.374)**
Latino-white lagged DI × Latino	−0.280	−0.607	−0.422	−0.737	−0.421	−0.681
	(.053)***	(.139)***	(.063)***	(.165)***	(.075)***	(.221)***
Black-white lagged diss index	0.048	0.413	0.169	0.704	0.211	0.531
	(.056)	(.162)**	(.054)***	(.156)***	(.071)***	(.128)***
Black-white lagged DI × black	−0.149	−0.457	−0.343	−0.701	−0.372	−0.919
	(.055)***	(.144)***	(.066)***	(.155)***	(.085)***	(.188)***
<u>Not idle</u>						
Latino-white lagged diss index	0.028	0.067	0.021	0.060	0.023	0.019
	(.014)**	(.027)**	(.016)	(.042)	(.020)	(.081)
Latino-white lagged DI × Latino	−0.144	−0.011	−0.193	−0.271	−0.138	−0.171
	(.043)***	(.100)	(.030)***	(.058)***	(.033)***	(.059)***
Black-white lagged diss index	0.069	0.164	0.040	0.109	0.050	0.088
	(.018)***	(.043)***	(.015)**	(.030)***	(.018)***	(.039)**
Black-white lagged DI × black	−0.114	−0.066	−0.144	−0.076	−0.114	−0.210
	(.037)***	(.147)	(.028)***	(.072)	(.047)**	(.121)*
<u>Professional occupation</u>						
Latino-white lagged diss index	−0.005	0.216	0.001	0.301	0.002	0.269
	(.031)	(.070)***	(.039)	(.119)**	(.049)	(.176)
Latino-white lagged DI × Latino	−0.181	−0.361	−0.313	−0.671	−0.293	−0.583
	(.046)***	(.101)***	(.040)***	(.118)***	(.048)***	(.130)***
Black-white lagged diss index	0.036	0.222	0.095	0.400	0.101	0.237
	(.032)	(.088)**	(.036)***	(.089)***	(.043)**	(.080)***
Black-white lagged DI × black	−0.131	−0.277	−0.181	−0.458	−0.207	−0.475
	(.040)***	(.105)***	(.044)***	(.127)***	(.058)***	(.115)***
<u>Log annual income</u>						
Latino-white lagged diss index	0.215	0.696	0.207	0.837	0.065	0.323
	(.092)**	(.122)***	(.079)***	(.184)***	(.067)	(.322)
Latino-white lagged DI × Latino	−0.966	−1.707	−0.816	−1.567	−0.657	−1.205
	(.145)***	(.309)***	(.107)***	(.234)***	(.088)***	(.209)***
Black-white lagged diss index	0.030	0.363	0.201	0.867	0.197	0.497
	(.098)	(.198)*	(.084)**	(.211)***	(.077)**	(.164)***
Black-white lagged DI × black	−0.509	−0.884	−0.592	−0.680	−0.445	−0.975
	(.144)***	(.467)*	(.132)***	(.344)**	(.116)***	(.256)***

Notes: Coefficients are reported with robust standard errors in parenthesis, which are clustered by Core Based Statistical Area (CBSA). ***, **, and * indicate significance at the 1, 5, and 10% levels. All specifications include a constant term, a female indicator variable and age indicator variables. Controls included for CBSAs and their interactions with a Latino or black indicator variable are the ones listed in table B.12. The IV specifications for Latino-white and black-white dissimilarity indices are columns (3) and (6) of table B.12, respectively. Regressions follow Wooldridge and Jeffrey's IV estimation adjustment (see Wooldridge and Jeffrey, 2002) that uses as "instruments" the predicted value obtained for the Latino (black)-white dissimilarity index from the first-stage regression in table B.12 and its interaction with a Latino (black) indicator variable. DI stands for dissimilarity index.

groups is the sum of the general Latino interaction coefficient and the ancestry group of interest. The association between segregation and outcomes is generally largest for Latinos who self-report having Puerto Rican or Dominican ancestry. For instance, a one standard deviation increase in the dissimilarity index is associated for Puerto Ricans with an 8.4 percentage-point decrease in the likelihood of attending college relative to whites, a 4.3 percentage-point decrease in the likelihood of being employed or in school relative to whites, and a 13.7 percentage reduction in income relative to whites. This stronger association may reflect the larger share of Puerto Ricans and Dominicans who are poor and identify or are perceived as black.

We see roughly similar associations for those who self-identified as having Central American ancestry in terms of college graduation and income, but smaller associations between segregation and professional occupation as well as the likelihood of being simultaneously out of work and out of school. Segregation also has large negative associations with income and the likelihood of being in a professional occupation for those who identify as having South American ancestry. The association between segregation and socio-economic outcomes is somewhat more modest for those who identify as having Mexican ancestry, though the association with an increased likelihood of being simultaneously out of school and out of work is large. Segregation has no negative association with educational or labor market outcomes for those who identified

Cuban ancestry and almost no negative association for those who identified their ethnicity as Hispanic, but their ancestry as 'Other.'

Instrumental variable results

Table 7 presents the IV estimation of the effect of the Latino-white dissimilarity index on socio-economic outcomes in 1990, 2000, and 2010. The first two columns show results for 1990, with the first column repeating the OLS estimation for the 142 CBSAs included in the sample and the second column showing IV estimates using all three instrumental variables discussed above for Latino-white segregation. The two subsequent rows within each panel show analogous results for blacks for a subset of 147 CBSAs and IV estimates that use the same set of instrumental variables for black-white segregation. IV estimations use Wooldridge's IV adjustment given that the same instruments are used to predict the coefficient on segregation and the interaction with the minority indicator variable (see table note). Columns (3) and (4) show results for 2000, and columns (5) and (6) for 2010, all following the same pattern of OLS estimations followed by IV estimations.

Instrumental variable estimates of the causal effect of segregation on racial or ethnic gaps in college graduation show that segregation widens the gap in outcomes between whites and both blacks and Latinos in all three decades. But in some years (2000 for blacks and

Table 8
Potential mechanisms for the effects of Latino-white segregation, 2010.

Dependent variable:	College graduation (1)	Not idle (2)	Professional occupation (3)	Log annual income (4)
OLS				
Latino-white lagged dissimilarity index	0.009	0.051	0.012	0.048
	(.061)	(.016)***	(.039)	(.056)
Latino-white lagged diss index × Latino	−0.364	−0.131	−0.253	−0.580
	(.064)***	(.030)***	(.043)***	(.085)***
OLS including mechanisms				
Latino-white lagged dissimilarity index	−0.010	0.031	0.000	0.025
	(.062)	(.018)*	(.040)	(.060)
Latino-white lagged diss index × Latino	−0.119	−0.068	−0.094	−0.217
	(.083)	(.041)*	(.063)	(.120)*
White exposure to poverty × white	1.171	−0.459	0.783	−0.478
	(.802)	(.233)**	(.563)	(.890)
White exposure to college × white	1.696	−0.041	1.064	−0.073
	(.382)***	(.137)	(.270)***	(.419)
White exposure to industry growth × white	−0.154	0.126	−0.012	−0.421
	(.820)	(.180)	(.501)	(.866)
Latino exposure to poverty × Latino	−0.559	−0.386	−0.428	−1.881
	(.274)**	(.164)**	(.216)**	(.477)***
Latino exposure to college × Latino	0.422	−0.156	0.188	−0.300
	(.244)*	(.100)	(.171)	(.261)
Latino exposure to industry growth × Latino	0.199	0.032	0.177	0.386
	(.088)**	(.064)	(.080)**	(.189)**
Reduction in DI coefficient for Latinos	67%	48%	63%	63%

Notes: Coefficients are reported with robust standard errors in parenthesis, which are clustered by Core Based Statistical Area (CBSA). ***, **, and * indicate significance at the 1, 5, and 10% levels. Sample is restricted to native-born whites and Latinos between 25 and 30 years in 2010. Additional controls listed in notes of Table 5 are included. See main text for an explanation on mechanisms.

2010 for Latinos), the total effect of segregation (adding the coefficient on the dissimilarity index and the coefficient on the interaction term) is zero or positive. Using the instrumental variable estimation, a one standard deviation increase in metropolitan area segregation in 2010 had the effect of widening the gap in college graduation rates between whites and Latinos by 8 percentage points, slightly more than the 5 percentage-point gap in the OLS regression.

Regarding the likelihood of being either employed or in school, the IV results are significant and negative for Latinos in both 2000 and 2010 (as well as slightly larger than the OLS results) but significant for blacks only in 2010. The 2 percentage-point gap between whites and Latinos caused by a one standard deviation increase in segregation is similar to the 1.6 percentage-point gap found in the OLS estimation.

For both blacks and Latinos, segregation widens the gap with whites in the likelihood of professional occupation in all three decades. Further, when looking at point estimates the effects of segregation on gaps in access to professional occupations were wider in 2000 and 2010 than they were in 1990. The magnitudes of the IV results are again larger than the OLS estimates—a 6.9 percentage-point gap caused by a one standard deviation increase in segregation compared to a 3.5 percentage-point gap in the OLS estimation.

Finally, with regard to income, the IV results are large, negative, and significant for both blacks and Latinos in all three decades. In fact, IV estimates indicate that a one standard deviation increase in the Latino-white dissimilarity index in 2010 almost doubles the income gap between Latinos and whites compared to OLS estimates, from 8.1 to 15.3%. This causal effect of segregation accounts for 56% of the total gap in earnings between Latinos and whites in 2010 (27.5%). These earnings gaps have been remarkably persistent along the three decades.

Overall, the IV results present a relatively consistent story of negative effects of metropolitan area segregation on socio-economic outcomes for both Latino and black young adults. Somewhat surprisingly, the magnitudes of the effects of segregation are generally larger for Latinos than for African-Americans. Also surprisingly, the negative effects of segregation for black young adults are largest in 2010, while the negative effects for Latino young adults are generally largest in 2000.

The results also suggest some benefit to whites of segregated

metropolitan areas for all four measures of socio-economic outcomes in most specifications. These potential benefits for whites are more significant for black-white segregation than Latino-white segregation, especially in 2010, and are particularly strong for college graduation and earnings. These findings are consistent with Cutler and Glaeser (1997), who found that young white adults benefited from segregation in 1990, at least with respect to college attainment. Segregation, by generating inequality in public goods and in social networks, is likely to both reinforce advantage and cumulate disadvantage by widening inequality and facilitating resource hoarding (Durlauf, 2004; Graham, 2016).

Mechanisms

Table 8 examines mechanisms that can help explain how residential segregation translates into unequal individual outcomes. Using the Neighborhood Change Database developed by GeoLytics and the Urban Institute, we construct weighted averages of neighborhood socio-economic characteristics. These weighted averages or exposure rates show the extent to which the average person of a specific race or ethnicity is exposed to a neighborhood characteristic. We construct measures of exposure to poverty and exposure to neighbors with college degrees. We also use IPUMS data to calculate the average growth in college graduate employment by three-digit industry in the nation as a whole between 1990 and 2010.[20] We then calculate how exposed workers of different races or ethnicities in each CBSA were to subsequent growing or declining industries. We subtract from all our exposure measures the overall mean in the metropolitan area (calculated for all workers regardless of race) to avoid capturing differences in levels across metropolitan areas.

The exposure of white young adults to neighbors in poverty is associated with a decline in the odds of being employed or in school. White exposure to neighbors with college degrees is associated with an

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[20] We construct time-consistent three-digit industry codes using the crosswalk provided in Autor and Dorn (2013).

increase in college graduation and, relatedly, in the likelihood of working in a professional occupation.

The exposure of Latino young adults to individuals in poverty is associated with worse outcomes across the board, while exposure to neighbors with a bachelor degree is associated with an increased likelihood of college graduation. Latinos also benefit from being exposed to sectors that experienced notable skilled employment growth, in terms of college graduation, likelihood of professional employment, and earnings.

Once we control for these exposures, the coefficient on Latino-white segregation interacted with a Latino indicator variable falls by between 48 and 67%, depending on the outcome. Large unexplained effects remain for all outcomes.

The most consistent and largest IV results are the negative effects of segregation on black and Latino income in comparison to whites. To see how much of this effect could be explained by segregation's effects on educational attainment, we re-estimate our regressions of income, after adding a set of binary variables indicating the educational level of the individual and their self-reported English proficiency (whether they speak only English at home or speak it very well as compared to not well or not at all). As shown in column (2) of Table 9, the inclusion of education and English proficiency explains just under 40% of the differences between blacks and whites in annual income and half of the difference between Latinos and whites. When we shift from examining log annual income to examining log hourly income, this still leaves significant differences between whites and Latinos in hourly income (though not between whites and blacks), even after controlling for education. In sum, a portion of the wider differences in income between whites and minorities in more segregated metropolitan areas can be explained by differences in educational attainment in those areas, and, for blacks, some of the differences can also be explained by differences in participation or hours worked. For Latinos, we find that hourly income is significantly shaped by metropolitan area segregation, even after taking into account English proficiency, education and number of hours worked.

5. Discussion and conclusion

In summary, in our models with metropolitan-area fixed effects, segregation has only a weak or non-existent association with the outcomes of whites, but it has a strong, negative association with the educational and labor market outcomes of Latinos and blacks. As the level of segregation in a metropolitan area increases, the socio-economic outcomes of black and Latino young adults living in that metropolitan area deteriorate both absolutely and relative to whites. Among Latinos, segregation has a particularly negative association with the outcomes of young adults of Puerto Rican and Dominican ancestry.

The instrumental variables results generally confirm the negative effects of segregation on black and Latino young adults' employment outcomes and indicate that, if anything, the OLS results understate the negative effects of segregation. These findings suggest that Latinos in more segregated metropolitan areas have developed some means to mitigate the negative consequences of segregation, yet, despite this attenuation, segregation's effects remain large.

The instrumental variables results also suggest that whites in metropolitan areas with higher levels of segregation are more likely to graduate from college. These positive effects of segregation on whites are most apparent in 2010, while the negative effects of segregation on Latino outcomes exhibit little variation between 2000 and 2010. Higher levels of black-white segregation also appear to lead to improved labor market outcomes for whites. On the one hand, whites may benefit from segregation through the opportunity it affords to hoard resources, such as access to high-performing schools or neighborhoods with more highly educated peers. On the other hand, economic opportunities may happen to be greater and labor markets more robust in areas with

Table 9
Estimation of the effect of segregation on income, 1990–2010.

Dependent variable:	Log annual income		Log hourly income	
	(1)	(2)	(3)	(4)
Pooled OLS				
Latino-white lagged dissimilarity index	0.127	0.100	0.023	0.012
	(.081)	(.083)	(.072)	(.073)
Latino-white lagged diss index × Latino	−0.657	−0.368	−0.275	−0.138
	(.086)***	(.081)***	(.067)***	(.067)**
Pooled OLS				
Latino-white dissimilarity index	0.146	0.129	0.049	0.042
	(.085)*	(.089)	(.075)	(.077)
Latino-white diss index × Latino	−0.670	−0.334	−0.293	−0.131
	(.091)***	(.084)***	(.072)***	(.073)*
CBSA fixed-effects				
Latino-white lagged dissimilarity index	0.146	0.083	0.072	0.036
	(.081)*	(.073)	(.053)	(.049)
Latino-white lagged diss index × Latino	−0.653	−0.309	−0.264	−0.093
	(.073)***	(.054)***	(.044)***	(.034)***
Education categories	No	Yes	No	Yes
English proficiency	No	Yes	No	Yes
Observations	1,276,664	1,276,664	1,216,458	1,216,458
Number of CBSAS	187	187	187	187
Pooled OLS				
Black-white lagged dissimilarity index	0.047	−0.0002	−0.008	−0.038
	(.071)	(.064)	(.069)	(.063)
Black-white lagged diss index × black	−0.404	−0.223	−0.012	0.081
	(.091)***	(.074)***	(.063)	(.055)
Pooled OLS				
Black-white dissimilarity index	0.053	−0.024	−0.005	−0.053
	(.086)	(.074)	(.083)	(.075)
Black-white diss index × black	−0.406	−0.204	0.051	0.153
	(.098)***	(.080)**	(.070)	(.061)**
CBSA fixed-effects				
Black-white lagged dissimilarity index	0.122	0.118	0.037	0.043
	(.102)	(.102)	(.065)	(.067)
Black-white lagged diss index × black	−0.436	−0.271	−0.082	0.001
	(.078)***	(.060)***	(.048)*	(.038)
Education categories	No	Yes	No	Yes
English proficiency	No	Yes	No	Yes
Observations	1,307,648	1,307,648	1,237,895	1,237,895
Number of CBSAS	184	184	184	184

Notes: Coefficients are reported with robust standard errors in parenthesis, which are clustered by Core Based Statistical Area (CBSA). ***, **, and * indicate significance at the 1, 5, and 10% levels. The same sample composition criteria and additional controls specified in notes of Table 5 apply.

greater levels of segregation, but Latinos and blacks may be unable to access those benefits because of the physical and social barriers that residential segregation creates.

In short, our work makes clear that segregation heightens inequality between whites and Latinos. While the precise mechanisms are unclear, we provide suggestive evidence that part of the story is that residential segregation appears to lead to both differential exposure to growing industries as well as differential exposure to peers and social networks, as proxied by neighbors' poverty and educational attainment.

Appendix A. Assigning individuals in IPUMS to a Core Based Statistical Area (CBSA)

Barriers to using PUMAs

The smallest level of geography that can be identified in the Integrated Public Use Microdata Sample (IPUMS) is the Public Use Microdata Area (PUMA). PUMAS contain no fewer than 100,000 residents, are nested within state boundaries, and cover the entire United States. The Census Bureau oversees the delineation of PUMAS, which are re-drawn for every decennial census. Because PUMAS boundaries are not consistent across decennial censuses, they cannot be used to identify location patterns over time.

Barriers to using MSAs or CBSAs

Although IPUMS assigns observations to a 'metropolitan area,' the boundaries of any particular metropolitan area change between censuses (generally becoming larger as the region grows). Therefore, we need to construct geographic units that generally correspond to metropolitan areas and are identical across the 1990, and 2000 Decennial Censuses, as well as the 2007–2011 American Community Survey's 5-year estimates.

Consistent PUMAs

We use publicly available IPUMS 5% unweighted samples. IPUMS-USA assigns every individual observation to a PUMA and a 'Consistent PUMA.' Consistent PUMAS are the smallest geographic units that do not change over time. Therefore, we can use them to link locations in the decennial censuses and ACS samples used in this study. The Consistent PUMAS contain no fewer than 400,000 residents, making them a significantly larger unit of geography than PUMAS.

The Missouri Census Data Center provides a crosswalk from 2000 PUMA delineations to 2008 Cored Based Statistical Areas (CBSAS). The crosswalk generates allocation factors for each PUMA, indicating what percentage of the PUMA population falls within a particular CBSA. We assign an entire PUMA to a CBSA if more than 50% of the PUMA's population lives within that CBSA. As a result, we build up a crosswalk that assigns each 2000 PUMA to a single CBSA or non-metropolitan area. A total of 1694 PUMAS are linked to 353 CBSAS.

As discussed, PUMAS cannot be used across years due to their boundaries being redrawn in each census. However, given that all 2000 PUMAS also have a Consistent PUMA identifier, we can create a crosswalk that links Consistent PUMAS to CBSAS. Using this crosswalk we can then assign individual observations in the 1990 Census and the 2007–2011 ACS data to a CBSA through their Consistent PUMA identifier.

Assigning Consistent PUMAS to CBSAS requires an additional level of assumptions. While some Consistent PUMAS are fully contained in large metropolitan areas, other Consistent PUMAS overlap several metropolitan areas or non-metropolitan areas. Using our crosswalk of 2000 PUMAS to 2008 CBSAS and the population of each PUMA in 2000, we can calculate the share of the population for each Consistent PUMA that lives in a particular CBSA. We then assign the whole population of the Consistent PUMA to the CBSA with the highest population share (as long as this share exceeds 50% of the Consistent PUMA's population). We thus exclude those Consistent PUMAS where no single CBSA contains more than 50% of the Consistent PUMA population. Of the 453 Consistent PUMAS that encompass some portion of a CBSA, we end up with 392 Consistent PUMAS in 242 CBSAS. Most of the CBSAS that we lose have small populations.

The assignment of individuals to CBSAS through Consistent PUMA identifiers results in geographic areas that are comparable over time. However, the CBSA boundaries we obtain do not correspond exactly to census CBSA boundaries. For example, a Consistent PUMA may have 51% of its population within a CBSA but 49% within a non-metropolitan area; our method would essentially redraw the CBSA boundary to include this non-metropolitan area. Likewise, if a Consistent PUMA overlaps two CBSAS, then our method would entirely allocate this Consistent PUMA to a single CBSA as long as the share of its population in this CBSA exceeds 50%. Furthermore, some parts of CBSAS are ignored when Consistent PUMAS partially overlap multiple geographic areas and do not have half or more of their population within any one CBSA.

One potential concern is that the use of Consistent PUMAS may result in improper assignment of observations to CBSAS due to the large size of Consistent PUMAS. We can examine the extent of this problem for the year 2000. As already mentioned, the crosswalk provided by the Missouri Census Data Center links 2000 IPUMS data to CBSAS. We estimate our specifications for 2000 using both PUMA to CBSA assignment and the coarser Consistent PUMA to CBSA assignment. The two methods give generally consistent results.

Supplementary material

Supplementary material associated with this article can be found, in the online version, at 10.1016/j.jhe.2017.10.003.

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132

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133

COLORADO'S RACIAL WEALTH GAP: HOMEOWNERSHIP & CREDIT

MATEO PARSONS
THE BELL POLICY CENTER • DECEMBER 2019

Wealth often dictates the opportunities you have, the status of future generations, and your quality of life. In short, wealth can often determine your standing in life and the privileges you possess. But beyond power and opportunity, what *is* wealth? For the purposes of this conversation, we define wealth as net worth: The assets you hold minus your debts. Assets include things like homes, cars, land, businesses, cash savings, inheritances, and investments. Your credit score can be a measure of your wealth and also serves as a form of wealth building, as it can dictate the amount and types of capital you can access.

When considering the racial wealth gap, a holistic understanding of wealth is important to developing the right solutions. This means wealth consists of a combination of assets, not just any single asset. This brief considers the impact of homeownership and credit on wealth, as well as introduces unique statistics pertaining to the state of Colorado disaggregated by race. In doing so, it illustrates the existing disparities in homeownership and credit, the causes of these disparities, and the historical impact homeownership and credit access have had on the racial wealth gap since the Great Depression and the New Deal.

Colorado's Current Racial Wealth Gap: Homeownership & Credit

Homeownership is one of the most valuable ways to generate familial intergenerational wealth, as well as generate credit. Based upon the Bell's analysis of Colorado-specific American Community Survey data[i] and controlling for a variety of factors, Colorado's black families are 62 percent less likely to own a home than the state's non-Hispanic white families. Latino families are 43 percent less likely to own a home than white families, Native American families are 38 percent less likely, and Asian families are 36 percent less likely.

COLORADO HOMEOWNERSHIP BY RACE OVER TIME

Source: Bell Analysis of American Community Survey Data 1960-2017
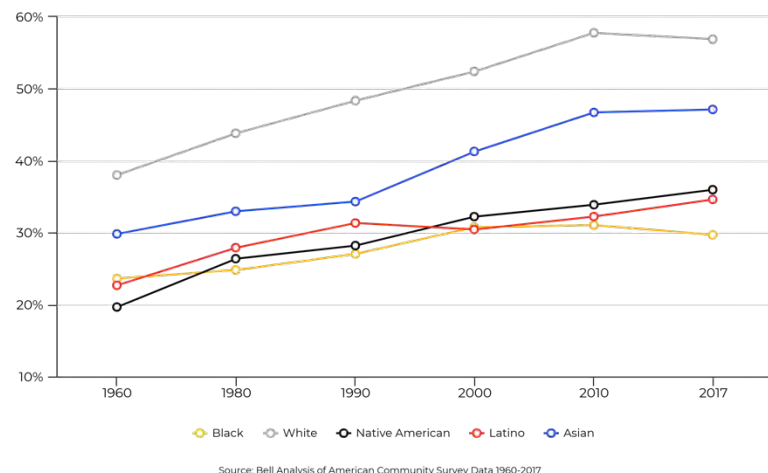
The graph to the left shows although homeownership rates have improved for Coloradans of all races since 1960, the gap between non-Hispanic white homeownership and homeownership for Coloradans of color has widened. In 1960, the homeownership gap between whites and blacks was 14.38 percentage points, 18.35 percentage points for Native Americans, 15.33 percentage points for Latinos, and 8.19 percentage points for Asians. By 2017 that gap grew to 27.18 percentage points for black Coloradans, 20.91 percentage points for Native Americans, 22.26 percentage points for Latinos, and 9.76 percentage points for Asians.

Furthermore, between 2010 and 2017, black homeownership shows a decline, which raises questions as to the cause. Some potential explanations for the decline in black homeownership could include the impacts of the Great Recession or gentrification in urban areas.

The Urban Institute reports the national homeownership rate for non-Hispanic white Americans was 72 percent in 2017 and the homeownership rate for black Americans was 42 percent, amounting to a gap of 30 percent. While Colorado's gap in black and non-Hispanic white homeownership is 2.82 percent lower, this can be explained by homeownership rates that are significantly lower than the national average across all races in Colorado. Among the most impactful differences is black homeownership: Only 29 percent of black Coloradans own a home as compared to 42 percent nationwide.

Unemployment and poverty are essential aspects to consider in terms of homeownership. Buying a home requires loans, which require access to credit. Research from the Consumer Financial Protection Bureau (CFPB) in 2015 shows a strong correlation between income level and both "credit invisibility" and "unscorability" — that is, a lack of a credit record altogether, or having an insufficient credit history to generate a credit score. CFPB also finds "credit invisibility" and "unscorability" are strongly correlated to race.

The Bell's analysis of Colorado contextualizes these problems. Both black Coloradans and Native Americans are more than two times likely to be impoverished than non-Hispanic white Coloradans. Non-white Latinos are just less than two times more likely.

When it comes to unemployment, both black Coloradans and Native Americans are also around two times more likely to be unemployed than non-Hispanic white Coloradans, while non-white Latinos are almost one-and-a-half times more likely.

Additionally, research shows rent burden —spending 30 percent or more of your income on rent — affects all Coloradans. In 2017, more than 25 percent of Colorado renters of all races were rent burdened. When viewed in the context of the racial homeownership gap, it's very likely Coloradans of color are more impacted by the cost of renting.

For unemployed and impoverished Coloradans of color, many of whom are "credit invisible" or "unscorable," good loans and quality affordable housing are inaccessible, disproportionately exposing them to environmental hazards and encouraging their reliance upon the predatory economy.

The Bell's analysis of these markers paints a somber picture. Racial gaps in homeownership are getting worse, while poverty rates for Coloradans of color continue to be significantly higher than those of non-Hispanic white Coloradans. Furthermore, unemployment continues to occur at racially disparate levels.

COLORADO POVERTY BY RACE OVER TIME

Black · White · Native American · Latino · Asian
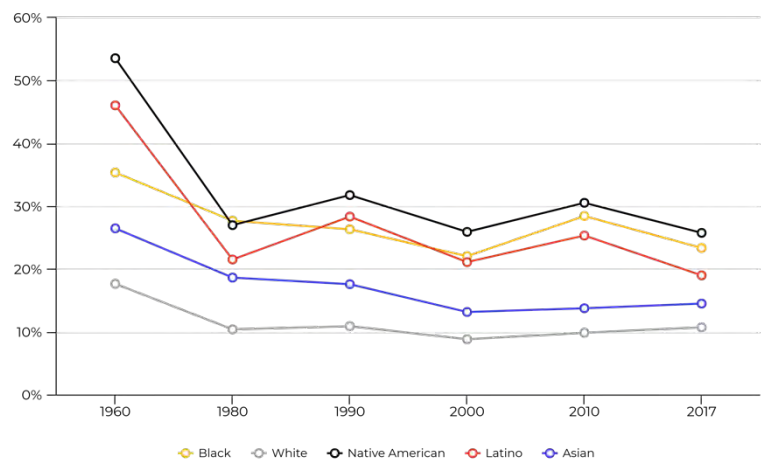
Source: Bell Analysis of American Community Survey Data 1960-2017

COLORADO UNEMPLOYMENT BY RACE OVER TIME

Black · White · Native American · Latino · Asian

Source: Bell Analysis of American Community Survey Data 1960-2017

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135
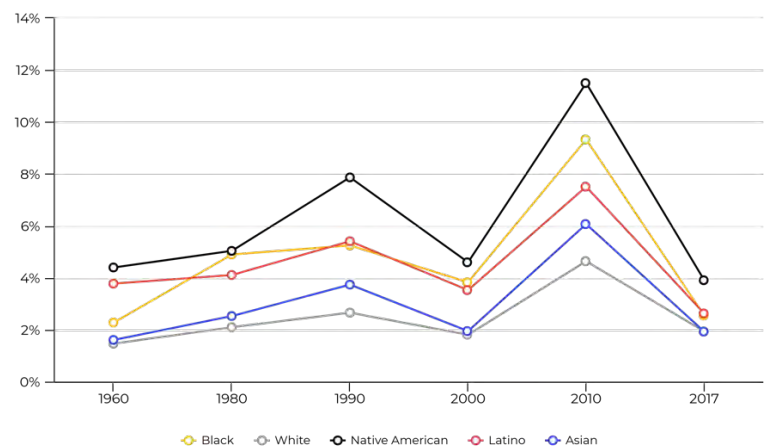
Underlying Causes of Homeownership Gaps

Current gaps in homeownership on a racial basis are precipitated from discrimination in lending, predatory lending, and the subprime crisis, as well as the compounded effect of historical discriminatory policies. Policies that have had a long-term effect on homeownership among people of color include redlining, racially restrictive covenants, and racially restrictive zoning. These legal tools, economic events, and trends have had a negative effect on homeownership for people of color and contribute to today's racial wealth gap.

Discrimination in Lending

Even with a half century of laws designed to prevent racial discrimination in both lending and home sales, racially discriminatory practices persist both nationally and in Colorado. These practices prevent many families from accessing the needed resources for homeownership.

The podcast Reveal, a project from the Center for Investigative Reporting, analyzed 31 million mortgage records from 2015 to 2016. Its findings show in certain parts of the country, people of color are more likely to be denied a regular, non-Federal Housing Administration (FHA) mortgage loan than their white counterparts, controlling for a variety of economic and social factors. Reveal subsequently interviewed several lenders who didn't dispute they deny loans to more people of color than white applicants. They did, however, cite "hidden factors" as rationale for those denials. Credit scores, which lenders aren't required by the federal government to report, are just one example of these hidden factors.

Clever Real Estate, a national real estate firm, expands on this analysis and finds approval rates for white Coloradans are 4 percent higher than among black Coloradans. Nationally, it shows 52 percent of black applicants aren't given a reason for their denial, a trend that's matched in Colorado when examining Clever's Colorado-level mortgage data.

Predatory Lending & the Subprime Crisis

Unable to obtain better financial products or pushed into bad products, too many families in Colorado look to predatory financial products.

The National Bureau of Economic Research (NBER) analyzed mortgage data from 2004 to 2007 which shows black and Hispanic homebuyers are 105 percent and 78 percent more likely, respectively, to have high-cost mortgages when buying a home. These mortgages are defined as rate-spread loans. NBER concludes differential exposure to high-risk lenders combined with differential treatment by those lenders explains almost all the racial and ethnic differences in high-cost mortgage borrowing.

This has important implications in the wake of the subprime crisis and the Great Recession. In 2013, NBER revealed predatory lending practices contributed to high mortgage default rates among subprime borrowers, raising them by about one-third. 2009 data from policy think tank The Greenlining Institute shows Latinos and blacks were disproportionately steered into the subprime lending market leading up to the housing crash. Based on information from the Federal Reserve Bank of San Francisco, Greenlining finds even among borrowers with the highest credit scores, 13.5 percent of Latino and 12.8 percent of black borrowers received high-cost loans, compared to 2.6 percent of white borrowers.

Research from the American Civil Liberties Union (ACLU) shows during the Great Recession's recovery period between 2009 and 2011, white wealth levels (excluding home equity) exhibited zero loss while the average black household lost 40 percent of non-home equity wealth. The same trend is seen in comprehensive wealth (including home equity), with typical white families' losses slowing to zero while the average black family lost an additional 13 percent of its wealth.

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The Bell's analysis of Colorado homeownership rates finds a statistically significant difference in both homeownership rates by race and the percent change between 2009 and 2011. During this time, white Coloradans saw a decrease of 2.11 percent, while Coloradans of color saw decreases of 5.21 percent (Native American), 4.27 percent (Asian), 4.25 percent (black), and 0.81 percent (Latino).

In addition, there is a statistically substantial disparity in unemployment by race and percent change between 2009 and 2011. In Colorado, unemployment rates only increased by 0.5 percent for whites, much higher than the rates for Native Americans (2.1 percent increase), blacks (2.5 percent increase), and Asians (3.9 percent increase.) Latino Coloradans actually experienced a 0.3 percent decrease in unemployment, which is consistent with national data.

We also see a statistically significant difference in poverty rates by race and percent change between 2009 and 2011. In Colorado, poverty rates increased by 3.14 percent for whites, much lower than the rates for Native Americans (12.54 percent increase), blacks (11.24 percent increase), and Asians (7.32 percent increase). Colorado's Latino population only saw its poverty rate increase by 1.32 percent during this time, which can be attributed to the decrease in unemployment seen over the same time period for Latinos.

While poverty and unemployment increased and homeownership decreased for Coloradans of all races during the post-recession recovery period, people of color — with the exception of Latinos — experienced a disproportionate increase in poverty and unemployment. All people of color experienced a disproportionate decrease in homeownership compared to white Coloradans. Native Americans in Colorado experienced the largest increase in poverty and decrease in homeownership of any race, while Asians experienced the largest increase in unemployment of any race.

History of Discriminatory Policy

Redlining

The New Deal completely transformed homeownership in America. In the span of three decades, homeownership went from being a privilege for a small subset of Americans to an opportunity for the majority. Precipitated by federal policy, this homeownership boom is notable for the opportunity it provided white families, as well as how it left behind many Americans because of the color of their skin or ethnic background.

The creation of the Home Owners' Loan Corporation (HOLC) and the Federal Housing Administration (FHA) in 1933 and 1934 revolutionized home loans. Previous to the creation of federally backed home loans, loans were typically only five- to six-year "balloon loans" that accrued interest throughout the life of the loan. Families only paid the interest, not having to pay the full principal amount until the end of the loan. Most families rolled the loan into a new loan, very rarely making progress on the principal amount.

With the creation of HOLC and FHA came amortization — the process of spreading out a loan into a series of fixed payments over time. This gave families the ability to obtain loans that were limited in interest payments and allowed progress on paying the principal of the loan. HOLC was able to scale this model by "securitizing" these loans, or selling the loans on the market to raise additional capital for more loans.

To facilitate this new market, HOLC generated color-coded maps that designated neighborhoods as good or bad investments according to their racial and ethnic makeup. Neighborhoods with a high density of black people or immigrants were deemed undesirable and color coded red, and banks were forbidden by the FHA from issuing government-insured loans in those neighborhoods.[ii] Yellow-coded neighborhoods were deemed moderately desirable, predominantly white neighborhoods considered to be working class or areas with a high concentration of Italian and Irish immigrants. Desirable investments were the green-coded neighborhoods, which had a homogeneous white racial makeup with predominantly middle to upper class residents in a good location.

The practice of "redlining" neighborhoods both prevented families of color from taking part in one of America's most subsidized and advantageous policies in our history, and also designated neighborhoods as "bad investments" for decades, further exacerbating racial wealth divides.

Racially Restrictive Zoning, Racially Restrictive Covenants, & Contract Sales
During the wake of the Great Migration (1915–1930), between 1.5 million and 2 million African Americans left the South for urban areas in the North and rural areas in the West. As documented by sociologist Kevin Fox Gotham, this led real estate developers to create national real estate organizations enshrined in the belief that racial minorities were threats to property values and neighborhood stability. The National Association of Real Estate Boards (NAREB) created new ethics rules that required realtors to enforce Jim Crow ideology. NAREB and the National Association of Home Builders (NAHB) lobbied local governments to enact various land-use policies and subdivision regulations that maintained a rigid color line in housing.

Gotham explains these same industry interests were integral in the development process of the Federal Housing Act of 1934, and later staffed the Federal Housing Administration. As a result, these industry interests sought to maintain the rigid color line they had lobbied for in the cities, and institutionalized residential segregation through policies like redlining.

Instituted to maintain a strict homogeneous separation of the races in the suburbs, racially restrictive covenants and deed restrictions were also used to legally prevent homeowners from selling to black families and other people of color. Mehrsa Baradaran writes in The Color of Money[iii] this discrimination and segregation created the white suburban middle class, built credit and wealth for white communities in the wake of the Great Depression, and established the urban ghetto. Due to the legal mechanisms at work forcing black people and other people of color into occupying segregated neighborhoods that didn't benefit from government investment, destitution was largely the result.

Baradaran explains this segregation further exposed black people and other people of color to predatory practices, such as high-cost predatory loans and contract sales. Contract sales occurred when a speculator acquired capital from a bank lender, then used that capital to purchase undervalued segregated homes to "sell" to black homebuyers on a contract basis. This had the functional nature of a mortgage, but without any of the protections afforded by FHA-insured mortgages. Moreover, because these arrangements were contracts rather than loans, they didn't generate credit. Therefore, the risky credit and housing markets were subsidized and insulated for white America, while it was free-market capitalism for black America.

Racist Anti-Immigration Policy & Termination & Relocation Policy
Around the same time, President Hoover championed anti-immigrant policies in the interest of improving the economic prospects of "real Americans." This resulted in the deportation of 1.8 million Latinos during the 1930s. President Eisenhower initiated Operation Wetback, the largest mass deportation in American history, which removed roughly 1.1 million Latinos during the summer months of 1954. Together these efforts physically forced nearly 3 million Latinos — many of whom were either U.S. citizens or legally authorized workers through the Bracero Program — out of the country and economy between 1930 and 1954. These policies had a negative effect on the overall economy, and stymied millions of American Latinos in pursuing the American Dream.

Simultaneously, efforts were underway to terminate Native American tribal governments and encourage assimilation. This resulted in the relocation of nearly 1 million Native Americans from rural reservations to the segregated urban centers, where they faced low-paying jobs, discrimination, and a loss of traditional cultural supports.

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Comprehensive Solutions

The history of racial discriminatory policies shows today's racial wealth gap didn't originate naturally — it was purposeful and continues to this day. Solutions must be as equally purposeful and targeted. Policy solutions must focus on the root causes of the racial wealth gap.

To be sure, policies that aim to increase homeownership and access to credit will go a long way toward equalizing those respective markets. However, we must avoid the trap of assuming increased homeownership and access to credit alone will have a tangible impact on the racial wealth gap. Economists William Darity Jr. and Darrick Hamilton argue the racial homeownership gap isn't the sole driver of the racial wealth gap, but rather one aspect of it.

Owning a home that depreciates from historic racial discrimination won't aid efforts to eliminate the racial wealth gap. When it comes to non-homeowning households, Darity and Hamilton find black households have a mere $120 in net worth, but white households have 31 times more wealth than that. Additionally, Darity and Hamilton find among households that own a home, white households have nearly $140,000 more in net worth than black households.

Wealth begets more wealth, and higher levels of wealth enable greater access to more favorable terms for credit. Wealth provides individuals and families with financial agency and choice, and it provides economic security to take risks and shields against the risk of financial loss. This means families with more wealth have the security to take risks that have the potential to increase their wealth like making investments, starting a business, or purchasing large assets, just to name a few examples. Meanwhile, wealthy families and individuals don't have to worry about making ends meet to put food on the table, take a sick child to the doctor, or pay off debt.

As shown through the historical analysis, the years of wealth building that have been afforded to white families, but not families of color, has caused a persistent gap. Potential solutions must target wealth building and equalize the starting net worth of families of color. A few ideas have been discussed in national conversations and are explored in a Colorado context here.

Baby Bonds
(Since it's imperative we consider methods that build and establish wealth rather than simply encourage the acquisition of one type of asset, we will primarily explore the concept of Baby Bonds in this section. Baby Bonds have been shown to have great promise in directly addressing wealth building and accumulation, thereby directly affecting the racial wealth gap.)

A central piece of Senator Cory Booker's presidential campaign platform, Baby Bonds are a federally funded savings account that would be established for every child at birth. Seeded with $1,000, the savings could grow by up to $2,000 every subsequent year depending on the family's income. Sen. Booker's campaign estimates by the age of 18, account holders with low incomes could have up to $50,000 in seed capital that could be spent on wealth-building activities, such as going to college or a down payment on a home. Booker proposes this program could be paid for by restoring 2009-era estate tax rules and closing loopholes that allow wealthy households to avoid paying taxes on investments held at death.

Darity and Hamilton were among the first to explore the concept of Baby Bonds in 2010. Darity and Hamilton derive their idea for Baby Bonds from the United Kingdom, where every newborn since 2005 receives a trust ranging from £250 to £500 ($323 to $650) according to family resources, with additional government deposits of the same amount at ages seven and 11. Darity and Hamilton scale this up and propose a program of up to $50,000 accessible at age 18, or $60,000 for those with the lowest 25 percent of household incomes. The funds would be held in federally managed investment accounts with guarantees of 1.5 percent to 2 percent annual growth. Based on their estimate, the budget would be roughly 10 percent of the non-war spending budget of the Department of Defense, or around $60 billion per year. This estimate doesn't incorporate projected savings resulting from a reduction in other federal transfer programs, such as food assistance, cash benefits, student financial aid, or Medicaid due to establishing better-resourced young adults.

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In Colorado, a scaled-back program comparable to the size of the UK's program, paired with a [progressive tax structure](#) has the potential to produce tangible results that would offset state spending on other social programs. There is already precedent for a program similar to this in Colorado, with the 2019 creation of [universal 529 college savings accounts](#) for all newborns.

Expanded Refundable Tax Credit

Senator Kamala Harris recently proposed the [LIFT the Middle Class Act](#), which would introduce a new refundable tax credit that would match the first $3,000 earned for people who are not married, $6,000 if married. Additionally, this credit could be delivered on a monthly basis, and would be in addition to any other tax credits if implemented at the national level. With this tax credit, half of U.S. households would get a tax cut and nearly all the benefits would go to those making $87,000 or less. Earlier this year, [the Bell found](#) this proposal would overwhelmingly benefit Coloradans with both middle and low incomes.

The most important aspect of this tax credit is that it's refundable and it can be delivered on a monthly basis. This means it would provide an extra $250 to $500 of monthly income for working Americans, depending on their marriage status. This would be a much-needed investment in the working class and could help millions of families nationwide make ends meet and even begin to save. Paired with a Baby Bond, this tax credit would go a long way toward closing the racial wealth gap.

Colorado already has its own state version of the [Earned Income Tax Credit (EITC)](#), which allows Coloradans to claim up to 10 percent of the federal credit. By expanding the claimable percentage for this state tax credit and allowing it to be dispersed on a monthly basis, hundreds of thousands more Colorado families could be lifted out of poverty. With the addition of another state tax credit similar to Sen. Harris', even more Colorado families could be lifted out of poverty.

Down Payment and Renter's Assistance

Senator Elizabeth Warren's [American Housing and Economic Mobility Act](#) creates a down payment assistance program for first-time homebuyers in low-income communities and communities of color in historically redlined neighborhoods. By specifically targeting first-time homebuyers in these areas, this proposal would provide access to homeownership to millions of people of color and Americans with low incomes by helping them overcome the first hurdle to homeownership: a down payment.

Sen. Booker's [Housing, Opportunity, Mobility, and Equity (HOME) Act](#) introduces a tax credit for every renter paying over 30 percent of their gross income in rent. The maximum payout is the difference between 30 percent of income and the average fair market rent (FMR) for that area. If someone pays more than FMR, the credit is capped at the gap between 30 percent of income and FMR.

With more than 25 percent of all Coloradans currently rent burdened and the disparities in homeownership, it's easy to conclude Coloradans of color are impacted the most adversely. By providing assistance to these renters, the state can free up at least 70 percent of income for these Coloradans to put toward other expenses and savings.

The two solutions mentioned above could be scaled at the state level. Both would have an effect on Colorado's housing crisis, as well as the racial disparities in the rental and housing markets. Paired with a Baby Bond and an expanded EITC, these policies would work together to tangibly reverse the policy decisions that created the racial wealth gap, while providing relief to hundreds of thousands of Coloradans of color and building transferrable wealth among communities of color.

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Progressive Tax Reform

Before any of the above solutions are even considered, an overhaul of Colorado's tax structure is essential. The Taxpayer Bill of Rights (TABOR) has been a part of Colorado's state constitution since 1992. One aspect of TABOR requires the state utilize a flat tax rate, meaning all Coloradans regardless of income pay the same rate. For context, the federal tax structure is progressive, increasing according to income level and allowing low- and middle-income Americans to put less of their income toward federal taxes than the country's most wealthy. In Colorado, a flat tax rate means the state must find other revenue streams to fund essential state government services, primarily through property and sales taxes. The result: Coloradans with low incomes spend more of their income on state taxes than wealthy Coloradans.

The Colorado Fiscal Institute (CFI) finds households earning $32,000 currently pay 9 percent of their annual income in state and local taxes. This is compared to households earning $400,000, which pay roughly 6.5 percent. CFI also says tax cuts in Colorado's flat tax system overwhelmingly benefit the wealthiest Coloradans. A recent proposal to cut the state tax rate by 0.14 percent would save Coloradans who make $10 million more than $12,600, while Coloradans earning $20,000 would only see savings of $6. The Bell's data shows white Coloradans are more likely to have higher levels of income than Coloradans of color, with the latter more likely to be impoverished. Combined with CFI's analysis, this means Colorado's flat tax likely places a heavier burden on Coloradans of color.

With a progressive tax structure that marginally increases tax rates by income level, our state could actually reduce the amount of taxes paid by families with middle and low incomes, while also providing these Coloradans with essential assistance in getting a leg up and building a better, more prosperous future. In the process, everyone benefits.

Conclusions

Coloradans of color are disproportionately more likely to experience negative economic outcomes on the basis of their race alone. Unfortunately, this trend persists without much improvement. In the future, it will be necessary to assess how growing gentrification, wage stagnation, and disparities in earned wages have impacted the racial wealth gap. Additionally, an assessment of racial disparities and discrimination in Colorado's lending market over time, in addition to exploration of the causes for the decline in black homeownership after 2010, are important areas of inquiry.

The Bell's findings show policy solutions must target holistic wealth rather than solely one asset or another. Whatever solutions Colorado pursues, the state must first address its flat tax structure and explore alternative systems that will increase state revenues without placing undue burden on Colorado's working class.

[i] Steven Ruggles, Sarah Flood, Ronald Goeken, Josiah Grover, Erin Meyer, Jose Pacas and Matthew Sobek. *IPUMS USA: Version 9.0* [dataset]. Minneapolis, MN: IPUMS, 2019. https://doi.org/10.18128/D010.V9.0

[ii] Baradaran, Mehrsa. "The New Deal for White America." The Color of Money: Black Banks and the Racial Wealth Gap, The Belknap Press of Harvard University Press, 2017, pp. 108–113.

[iii] Ibid.

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Asthma

Cancer

Chronic Liver Disease

Diabetes

Heart Disease

Hepatitis

HIV/AIDS

Immunizations

Infant Health & Mortality

Mental and Behavioral Health

Obesity

Organ and Tissue Donation

Stroke

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Profile: Hispanic/Latino Americans
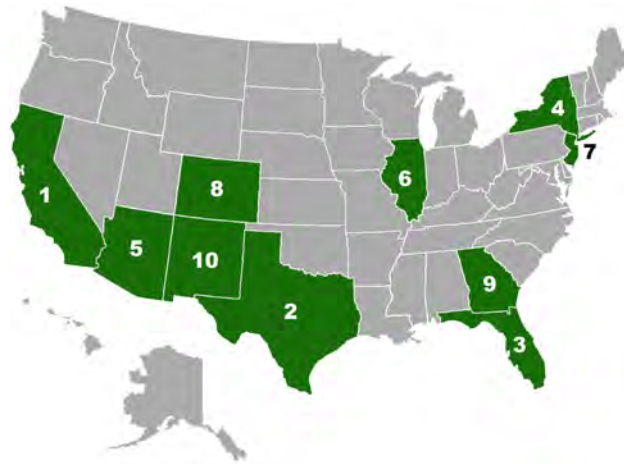
(Map of the US with the top 10 states displaying the
largest Hispanic/Latino population according to the Census Bureau)

NY - CA - IL - TX - AZ - NJ - CO - GA - FL - NM 🔗

Overview (Demographics): This ethnic group includes any person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. According to the 2019 U.S. Census Bureau population estimate, there are 60.5 million Hispanics living in the United States. This group represents 18.4 percent of the U.S. total population. In 2019, among Hispanic subgroups, Mexicans ranked as the largest at 61.4 percent. Following this group are: Puerto Ricans (9.6 percent), Central Americans (9.8 percent), South Americans (6.4 percent), and Cubans (3.9 percent). In 2019, states with the largest Hispanic populations were California, Texas, Florida, New York, Arizona, Illinois, New Jersey, Colorado, Georgia, New Mexico. Another significant point is that in 2019, 30.8 percent of Hispanics were under the age 18 in comparison to 18.6 percent of non-Hispanic whites.

Language Fluency: Language fluency varies among Hispanic subgroups who reside within the mainland United States. Census 2019 data shows that 71.1 percent of Hispanics speak a language other than English at home: 70.4 percent of Mexicans, 58.9 percent of Puerto Ricans, 77.7 percent of Cubans, 86.2 percent of Central Americans. 28.4 percent of Hispanics state that they are not fluent in English.

Educational Attainment: According to a 2019 U.S. Census Bureau report, 70.5 percent of Hispanics in comparison to 93.3 percent non-Hispanic whites had a high school diploma or higher. 17.6 percent of Hispanics in comparison to 36.9 percent of non-Hispanic whites had a bachelor's degree or higher. 5.6 percent of Hispanics held a graduate or advanced professional degree, as compared to 14.3 percent of the non-Hispanic white population.

Economics: According to a 2019 U.S. Census Bureau report, 24.4 percent of Hispanics, in comparison to 14.5 percent non-Hispanic whites, worked within service occupations. 23.8 percent of Hispanics in comparison to 44.8 percent of whites worked in managerial or professional occupations. Among full-time year-round workers in 2019, the average Hispanic/Latino median household income was $55,658 in comparison to $71,644 for non-Hispanic white households. In 2019, the unemployment rate for Hispanics was 5.1, as compared to 3.7 for non-Hispanic whites. In 2019, the U.S. Census Bureau reported that 17.2 percent of Hispanics in comparison to 9.0 percent of non-Hispanic whites were living at the poverty level.

Insurance Coverage: It is significant to note that Hispanics have the highest uninsured rates of any racial or ethnic group within the United States. In 2019, the Census Bureau reported that 50.1 percent of Hispanics had private insurance coverage, as compared to 74.7 percent for non-Hispanic whites. Among Hispanic subgroups, examples of coverage varied as follows: 47.9 percent of Mexicans, 56.3 percent of Puerto Ricans, 57.4 percent of Cubans, 41.7

142

Hispanic subgroups: 36.4 percent of Mexicans, 43.7 percent of Puerto Ricans, 33.7 of Cubans, and 33.0 percent of Central Americans. Those without health insurance coverage varied among Hispanic subgroups: 20.3 percent of Mexicans, 8.0 percent of Puerto Ricans, 14.0 percent of Cubans and 19.4 percent of Central Americans. In 2019, 18.7 percent of the Hispanic population was not covered by health insurance, as compared to 6.3 percent of the non-Hispanic white population.

Health: According to Census Bureau projections, the 2020 life expectancies at birth for Hispanics are 82.1 years, with 84.2 years for women, and 79.9 years for men. For non-Hispanic whites the projected life expectancies are 80.6 years, with 82.7 years for women, and 78.4 years for men. Hispanic health is often shaped by factors such as language/cultural barriers, lack of access to preventive care, and the lack of health insurance. The Centers for Disease Control and Prevention has cited some of the leading causes of illness and death among Hispanics, including heart disease, cancer, unintentional injuries (accidents), stroke, and diabetes. Some other health conditions and risk factors that significantly affect Hispanics are asthma, chronic obstructive pulmonary disease, HIV/AIDS, obesity, suicide, and liver disease.

Other Health Concerns: Hispanics have higher rates of obesity than non-Hispanic whites. There also are disparities among Hispanic subgroups. For instance, while the rate of low birth weight infants is lower for the total Hispanic population in comparison to non-Hispanic whites, Puerto Ricans have a low birth weight rate that is almost twice that of non-Hispanic whites. Also, Puerto Ricans suffer disproportionately from asthma, HIVAIDS and infant mortality. Mexican Americans suffer disproportionately from diabetes.

Full Census Reports:
The Hispanic Population: 2010 [PDF | 2.53MB]
Language Use in the United States: 2011 [PDF | 1.1MB]
Overview of Race and Hispanic Origin: 2010 [PDF | 1.52MB]
Health Insurance Coverage in the United States: 2019 [PDF | 861KB]
Income and Poverty in the United States: 2019 [PDF | 1.45MB]
Projected Life Expectancy at Birth by Sex, Race, and Hispanic Origin for the United States: 2015 to 2060. Table 17
Census Bureau, 2021. 2019 American Community Survey 1-Year Estimates

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**NOTICE OF ELECTION
TO INCREASE TAXES ON
A CITIZEN PETITION**

**NOTICE OF ELECTION
TO INCREASE DEBT ON
A CITIZEN PETITION**

STATEWIDE ELECTION DAY IS
Tuesday, November 6, 2018

Voter service and polling centers open 7 a.m. to 7 p.m. on Election Day.

Ballots are mailed to all registered voters the week of October 15, 2018.

Select voter service and polling centers are open beginning October 22, 2018.

For election information, contact your county election office.
Contact information is provided inside the back cover of this booklet.

2018 STATE BALLOT
INFORMATION BOOKLET

and

Recommendations on Retention of Judges

http://leg.colorado.gov/bluebook

144

A "**YES/FOR**" vote on any ballot issue is a vote **IN FAVOR OF** changing current law or existing circumstances, and a "**NO/AGAINST**" vote on any ballot issue is a vote **AGAINST** changing current law or existing circumstances.

This publication, as well as a link to the full text of the fiscal impact statements for each measure, can be found at:
http://leg.colorado.gov/bluebook

An audio version of the book is available through the Colorado Talking Book Library at:
http://myctbl.cde.state.co.us/legislative-blue-book

145

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LEGISLATIVE COUNCIL

September 11, 2018

This booklet provides information on the 13 statewide measures on the November 6, 2018, ballot and on the judges who are on the ballot for retention in your area. The information is presented in two sections.

Section One — Analyses and Titles and Text

Analyses. Each statewide measure receives an analysis that includes a description of the measure and major arguments for and against. Careful consideration has been given to the arguments in an effort to fairly represent both sides of the issue. Each analysis also includes an estimate of the fiscal impact of the measure. More information on the fiscal impact of measures can be found at http://leg.colorado.gov/bluebook. The state constitution requires that the nonpartisan research staff of the General Assembly prepare these analyses and distribute them in a ballot information booklet to registered voter households.

Titles and text. Following each analysis is the title that appears on the ballot, which includes information about whether the measure changes the constitution or statute. Following the ballot title is the legal language of each measure, which shows new laws in capitalized letters and laws that are being eliminated in strikeout type.

Amendments and Propositions

A measure placed on the ballot by the state legislature that amends the state constitution is labeled an "Amendment," followed by a letter. A measure placed on the ballot by the state legislature that amends the state statutes is labeled a "Proposition," followed by a double letter.

A measure placed on the ballot through the signature-collection process that amends the state constitution is labeled an "Amendment," followed by a number between 1 and 99. A measure placed on the ballot through the signature-collection process that amends the state statutes is labeled a "Proposition," followed by a number between 100 and 199.

Constitutional vs. Statutory Changes

The first line of the analysis of each measure indicates whether the measure is a change to the constitution, statute, or both. Of the 13 measures on the ballot, 8 propose changes to the state constitution, 4 propose changes to the state statutes, and 1 proposes changes to both the state constitution and state statutes. Voter approval is required in the future to change any constitutional measure adopted by the voters, although the

146

legislature may adopt statutes that clarify or implement these constitutional measures as long as they do not conflict with the constitution. The state legislature, with the approval of the Governor, may change any statutory measure in the future without voter approval.

Under provisions in the state constitution, passage of a constitutional amendment requires at least 55 percent of the votes cast, except that when a constitutional amendment is limited to a repeal, it requires a simple majority vote. In 2018, Amendments V, W, X, Y, and Z, and Amendments 73, 74, and 75 require 55 percent of the vote to pass, and Amendment A requires a simple majority vote. Additionally, the four statutory measures, Propositions 109, 110, 111, and 112, require a simple majority vote to pass.

Section Two — Recommendations on Retaining Judges

The second section contains information about the performances of the Colorado Supreme Court justices, the Colorado Court of Appeals judges, and district and county court judges in your area who are on this year's ballot. The information was prepared by the state commission and district commissions on judicial performance. The narrative for each judge includes a recommendation on whether a judge "Meets Performance Standards" or "Does Not Meet Performance Standards."

Information on Local Election Officials

The booklet concludes with addresses and telephone numbers of local election officials. Your local election official can provide you with information on voter service and polling centers, absentee ballots, and early voting.

TABLE OF CONTENTS

* *These referred measures are constitutional amendments requiring at least 55 percent of the vote to pass pursuant to Article XIX, Section 2, of the Colorado Constitution.*

***These initiatied measures are constitutional amendments requiring at least 55 percent of the vote to pass pursuant to Article V, Section 1, of the Colorado Constitution.*

Amendment V
Lower Age Requirement for Members of the State Legislature
(This measure requires at least 55 percent of the vote to pass.)

ANALYSIS

Amendment V proposes amending the <u>Colorado Constitution</u> to:

♦ lower the age requirement for serving in the state legislature from 25 to 21.

Summary and Analysis

Requirements for serving in the state legislature. The state constitution requires that a representative or senator in the state legislature be at least 25 years old, be a U.S. citizen, and reside in the district from which he or she is elected for at least 12 months prior to being elected. Amendment V lowers the minimum age requirement to 21.

Comparison of state age requirements. Every state, with the exception of Vermont, has minimum age requirements ranging from 18 to 30 years old for members of the state legislature. In Colorado, an individual must be at least 25 years old to become a state representative or state senator. Forty-three states set the minimum age requirement for state representatives at either 18 or 21. For state senators, about half of the states set the minimum age requirement between 25 and 30, and the other half set it at either age 18 or 21.

For information on those issue committees that support or oppose the measures on the ballot at the November 6, 2018, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information: http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html

Argument For

1) Excluding 21- to 24-year-olds from seeking election to the state legislature is an unnecessary restriction. A 21-year-old is considered an adult under the law. Voters can judge whether a candidate possesses the maturity, ability, and competence to hold political office. In addition, allowing younger candidates to run for office encourages the civic engagement of young people.

Argument Against

1) The current age requirement strikes an appropriate balance between youth and experience. Younger candidates may lack the maturity and expertise to be effective legislators. The policy decisions and political pressures that legislators face are best handled by people with more life experience. Lack of experience could hinder a young legislator's ability to represent his or her constituents effectively.

Estimate of Fiscal Impact

This measure has no impact on state or local government revenue or spending.

TITLE AND TEXT

The ballot title below is a summary drafted by the professional legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado constitution. The text of the measure that will appear in the Colorado constitution below was referred to the voters because it passed by a two-thirds majority vote of the state senate and the state house of representatives.

Ballot Title:

Shall there be an amendment to the Colorado constitution concerning a reduction in the age qualification for a member of the general assembly from twenty-five years to twenty-one years?

Text of Measure:

Be It Resolved by the Senate of the Seventy-first General Assembly of the State of Colorado, the House of Representatives concurring herein:

SECTION 1. At the election held on November 6, 2018, the secretary of state shall submit to the registered electors of the state the ballot title set forth in section 2 for the following amendment to the state constitution:

In the constitution of the state of Colorado, **amend** section 4 of article V as follows:

Section 4. Qualifications of members. No person shall be a representative or senator who shall not have attained the age of ~~twenty-five~~ TWENTY-ONE years, who shall not be a citizen of the United States, and who shall not for at least twelve months next preceding his OR HER election, have resided within the territory included in the limits of the district in which he OR SHE shall be chosen.

SECTION 2. Each elector voting at the election may cast a vote either "Yes/For" or "No/Against" on the following ballot title: "Shall there be an amendment to the Colorado constitution concerning a reduction in the age qualification for a member of the general assembly from twenty-five years to twenty-one years?"

SECTION 3. Except as otherwise provided in section 1-40-123, Colorado Revised Statutes, if at least fifty-five percent of the electors voting on the ballot title vote "Yes/For", then the amendment will become part of the state constitution.

Amendment W
Election Ballot Format for Judicial Retention Elections
(This measure requires at least 55 percent of the vote to pass.)

ANALYSIS

Amendment W proposes amending the <u>Colorado Constitution</u> to:

♦ change the ballot format for judicial retention elections to remove the requirement that a retention question be asked for each justice and judge.

Summary and Analysis

Background. In 1966, Colorado voters approved a constitutional amendment that repealed the partisan election of justices and judges and enacted the current process. This process requires justices and judges to be nominated by a judicial nominating commission and then appointed by the Governor. Thereafter, justices and judges must go before voters in a retention election to maintain their seat on the bench. Colorado justices serve on the Supreme Court, and judges serve in all other courts.

Judicial retention elections. A retention election asks voters whether incumbent justices or judges should remain in office for another term. In Colorado, justices and judges stand for retention at the end of their judicial terms, and elections are held during the November general election in even-numbered years. Justices or judges do not face an opponent and retain their position if the majority of voters cast a "yes" vote.

Colorado state court types. Colorado law requires judicial retention elections for all levels of state courts, including the Supreme Court, district courts, county courts, City and County of Denver Probate Court, Denver Juvenile Court, and any other state court created by the state legislature, such as the Court of Appeals.

Current ballot format. Under current law, ballots must be formatted according to the type of office up for election. Federal offices are required to be first on the ballot, followed by state, county, and local offices. The judicial retention candidates are listed after the county or local officers, but before the introduction of ballot measures.

For judicial retention elections, the Colorado Constitution requires that a separate question be placed on the ballot for each justice or judge up for retention as follows:

"Shall Justice (Judge) ... of the Supreme (or other) Court be retained in office?" YES/NO

Judicial retention ballot format under Amendment W. Amendment W requires the county clerk and recorder to display the retention question once for each court type followed by a list of each individual justice or judge seeking retention on that court with the "yes" or "no" option next to each name.

"Shall the following Justices (Judges) of the Supreme (or other) Court be retained in office?" YES/NO

Figure 1 provides a mock-up of a judicial retention ballot both under current law and Amendment W.

Figure 1. Sample Judicial Retention Ballot*

Sample Ballot Under Current Law	Potential Ballot Under Amendment W

Sample Ballot Under Current Law

Judicial
Colorado Supreme Court (Vote Yes or No)
Shall Justice **Robert Smith** of the Colorado Supreme Court be retained in office? Yes ⭕ No ⭕
Shall Justice **Maria Rodriguez** of the Colorado Supreme Court be retained in office? Yes ⭕ No ⭕
Colorado Court of Appeals (Vote Yes or No)
Shall Judge **James Johnson** of the Colorado Court of Appeals be retained in office? Yes ⭕ No ⭕
Shall Judge **Mary Adams** of the Colorado Court of Appeals be retained in office? Yes ⭕ No ⭕
Shall Judge **John Franklin** of the Colorado Court of Appeals be retained in office? Yes ⭕ No ⭕

Potential Ballot Under Amendment W

Judicial				
Shall the following justices of the **Colorado Supreme Court** be retained in office? (Vote Yes or No for each justice)				
Robert Smith	Yes	⭕	No	⭕
Maria Rodriguez	Yes	⭕	No	⭕
Shall the following judges of the **Colorado Court of Appeals** be retained in office? (Vote Yes or No for each judge)				
James Johnson	Yes	⭕	No	⭕
Mary Adams	Yes	⭕	No	⭕
John Franklin	Yes	⭕	No	⭕

* *These sample ballots were prepared by Legislative Council Staff. Should Amendment W be adopted by the voters, actual ballots will vary based on county clerk and recorder ballot designs.*

For information on those issue committees that support or oppose the measures on the ballot at the November 6, 2018, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information: http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html

Argument For

1) Amendment W helps make the ballot more concise and reader-friendly. A well-designed and shorter ballot will allow voters to complete it more efficiently, which may encourage voter participation. A more compact ballot may also save counties printing and mailing costs, particularly in more populous counties that elect multiple justices or judges and counties that are required to print ballots in both English and Spanish.

Argument Against

1) Amendment W is unnecessary and risks confusing voters. Under the changes proposed in Amendment W, voters may be uncertain whether they are casting votes in a multi-candidate election or for each individual justice or judge. This potential confusion may increase the likelihood that voters will skip judicial retention questions.

Estimate of Fiscal Impact

Local government impact. Amendment W decreases county clerk and recorder workload by a minimal amount and may reduce ballot printing and mailing costs.

TITLE AND TEXT

The ballot title below is a summary drafted by the professional legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado constitution. The text of the measure that will appear in the Colorado constitution below was referred to the voters because it passed by a two-thirds majority vote of the state senate and the state house of representatives.

Ballot Title:

Shall there be an amendment to the Colorado constitution concerning a change in the format of the election ballot for judicial retention elections?

Text of Measure:

Be It Resolved by the House of Representatives of the Seventy-first General Assembly of the State of Colorado, the Senate concurring herein:

SECTION 1. At the election held on November 6, 2018, the secretary of state shall submit to the registered electors of the state the ballot title set forth in section 2 for the following amendment to the state constitution:

In the constitution of the state of Colorado, **amend** section 25 of article VI as follows:

Section 25. Election of justices and judges. A justice of the supreme court or a judge of any other court of record, who shall desire to retain his OR HER judicial office for another term after the expiration of his OR HER then term of office shall file with the secretary of state, not more than six months nor less than three months prior to the general election next prior to the expiration of his OR HER then term of office, a declaration of his OR HER intent to run for another term. Failure to file such a declaration within the time specified shall create a vacancy in that office at the end of his OR HER then term of office. Upon the filing of such a declaration DECLARATIONS, a question FOR EACH TYPE OF COURT SPECIFIED IN SECTION 1 OF THIS ARTICLE VI shall be placed on the appropriate ballot at such general election, as follows:

"Shall Justice (Judge) THE FOLLOWING JUSTICES (JUDGES) .... of the Supreme (or other) Court be retained in office?" THE NAME OF EACH JUSTICE OR JUDGE STANDING FOR RETENTION MUST BE PRINTED OR WRITTEN ON THE BALLOT UNDER THE APPROPRIATE QUESTION. OPPOSITE OR BELOW THE NAME OF EACH JUSTICE OR JUDGE ON THE BALLOT MUST APPEAR THE WORDS: "YES/..../NO/..../." If a majority of those voting on the question vote "Yes", the justice or judge is thereupon elected to a succeeding full term. If a majority of those voting on the question vote "No", this will cause a vacancy to exist in that office at the end of his OR HER then present term of office.

In the case of a justice of the supreme court or any intermediate appellate court, the electors of the state at large; in the case of a judge of a district court, the electors of that judicial district; and in the case of a judge of the county court or other court of record, the electors of that county; shall vote on the question of retention in office of the justice or judge.

SECTION 2. Each elector voting at the election may cast a vote either "Yes/For" or "No/Against" on the following ballot title: "Shall there be an amendment to the Colorado constitution concerning a change in the format of the election ballot for judicial retention elections?"

SECTION 3. Except as otherwise provided in section 1-40-123, Colorado Revised Statutes, if at least fifty-five percent of the electors voting on the ballot title vote "Yes/For", then the amendment will become part of the state constitution.

ANALYSIS

Amendment X proposes amending the <u>Colorado Constitution</u> to:

♦ remove the definition of "industrial hemp" from the Colorado constitution and, instead, use the definition in federal law or state statute.

Summary and Analysis

Background. Amendment 64, which legalized the recreational use of marijuana in Colorado in 2012, added a definition of "industrial hemp" to the Colorado Constitution. The definition states that industrial hemp is "the plant of the genus cannabis and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol [THC] concentration that does not exceed three-tenths [0.3] percent on a dry weight basis." The definition of industrial hemp in federal law sets the same limit for THC concentration.

Impact of the measure. Amendment X removes the definition of industrial hemp from the state constitution and gives the term the same meaning as in federal law or state statute. In the event that federal law changes, Colorado would maintain compliance with federal regulation.

What is industrial hemp? Industrial hemp (commonly referred to as "hemp") is an agricultural commodity that belongs to the cannabis family. Industrial hemp is not marijuana. Cultivated hemp has trace amounts of delta-9 tetrahydrocannabinol (THC), typically around 0.3 percent. Industrial hemp's applications include building material, food, fuel, medicine, paper, plastic substitute, rope, and textiles.

Industrial hemp and federal law. Under current federal law, all cannabis varieties including industrial hemp, are classified as controlled substances regulated by the federal Drug Enforcement Agency in the U.S. Department of Justice. The U.S. Congress currently has legislation pending regarding industrial hemp.

Industrial hemp industry in Colorado. As of June 1, 2018, there are 688 registered hemp growers in Colorado cultivating 23,500 outdoor acres and 3.9 million indoor square feet of industrial hemp.

For information on those issue committees that support or oppose the measures on the ballot at the November 6, 2018, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information: http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html

Argument For

1) Colorado is the leading producer of industrial hemp in the country and the only state with a definition of industrial hemp in its constitution. Striking this definition will allow Colorado's hemp industry to remain competitive with other states as the regulatory landscape evolves for this crop.

Argument Against

1) Colorado voters added the definition of industrial hemp to the Colorado Constitution through the initiative process. The measure may deviate from the voters' original intent.

Estimate of Fiscal Impact

Removing the definition of industrial hemp from the Colorado constitution has no impact on the revenue or expenditures of any state or local government agencies.

TITLE AND TEXT

The ballot title below is a summary drafted by the professional legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado constitution. The text of the measure that will appear in the Colorado constitution below was referred to the voters because it passed by a two-thirds majority vote of the state senate and the state house of representatives.

Ballot Title:

Shall there be an amendment to the Colorado constitution concerning changing the industrial hemp definition from a constitutional definition to a statutory definition?

Text of Measure:

Be It Resolved by the Senate of the Seventy-first General Assembly of the State of Colorado, the House of Representatives concurring herein:

SECTION 1. At the election held on November 6, 2018, the secretary of state shall submit to the registered electors of the state the ballot title set forth in section 2 for the following amendment to the state constitution:

In the constitution of the state of Colorado, section 16 of article XVIII, **amend** (2)(d) as follows:

Section 16. Personal use and regulation of marijuana. (2) Definitions. As used in this section, unless the context otherwise requires,

(d) "Industrial hemp" ~~means the plant of the genus cannabis and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed three-tenths percent on a dry weight basis~~ HAS THE SAME MEANING AS IT IS DEFINED IN FEDERAL LAW OR AS THE TERM IS DEFINED IN COLORADO STATUTE.

SECTION 2. Each elector voting at the election may cast a vote either "Yes/For" or "No/Against" on the following ballot title: "Shall there be an amendment to the Colorado constitution concerning changing the industrial hemp definition from a constitutional definition to a statutory definition?"

SECTION 3. Except as otherwise provided in section 1-40-123, Colorado Revised Statutes, if at least fifty-five percent of the electors voting on the ballot title vote "Yes/For", then the amendment will become part of the state constitution.

Amendment Y
Congressional Redistricting
(This measure requires at least 55 percent of the vote to pass.)

ANALYSIS

Amendment Y proposes amending the <u>Colorado Constitution</u> to:

♦   create the Independent Congressional Redistricting Commission, consisting of an equal number of members from each of the state's two largest political parties and unaffiliated voters, to amend and approve congressional district maps drawn by nonpartisan legislative staff;

♦   establish a process for selecting commissioners, new requirements for transparency and ethics, and a procedure for judicial review of commission maps; and

♦   establish and prioritize the criteria the commission must use for adopting the state's U.S. congressional district map.

Summary and Analysis

Amendment Y establishes a new process for congressional redistricting. Amendment Z, which is also on the 2018 ballot, proposes a similar but separate process for state legislative redistricting.

Reapportionment and redistricting. The U.S. Census Bureau counts the U.S. population every ten years. After this, the congressional reapportionment process occurs, by which each state is granted seats in the U.S. House of Representatives based on its share of the total U.S. population. The states must then redraw their districts so that the number of people in each district is equal.

Congressional redistricting process in Colorado. Colorado currently has seven seats in the U.S. House of Representatives. Under the state constitution, the state legislature is responsible for dividing the state into these congressional districts. If the state legislature fails to complete a new map of congressional districts during the legislative session after the census, legal challenges may result in state courts drawing the map. The process has resulted in court action the last four times congressional redistricting has occurred. Current law lists factors that the courts consider when evaluating maps, but does not direct how the courts should prioritize these factors.

Amendment Y transfers the authority to draw congressional district maps from the state legislature to a newly created Independent Congressional Redistricting Commission (commission). The commission must have 12 members, 4 from the state's largest political party, which is currently the Democratic Party, 4 from the state's second largest political party, which is currently the Republican Party, and 4 who are not affiliated with any political party. These members are appointed from a pool of applicants as described below.

Application and appointment process. Amendment Y sets minimum qualifications for commissioners. An applicant must be registered to vote and have voted in the previous two general elections in Colorado, and have been either affiliated with the same party or unaffiliated with any party for the last five consecutive years. An applicant may not be appointed to the commission if he or she has been a candidate for federal office within the last five years, or within the last three years been: a professional registered lobbyist; an elected public official; an elected political party official above the precinct level; or paid by a member of or candidate for Congress. Commissioners may not also serve on the Independent Legislative Redistricting Commission proposed in Amendment Z.

The measure requires nonpartisan legislative staff to prepare an application form for commissioners after receiving public input on the application at one or more public hearings. All applications submitted must be posted on a public website. Nonpartisan legislative staff must review commission applications to ensure applicants meet the minimum qualifications.

The Chief Justice of the Colorado Supreme Court designates a panel of three of the most recently retired judges from the Colorado Supreme Court or Colorado Court of Appeals to facilitate the selection of commissioners. No more than one of the three judges may be registered with any one political party, and the panel's decisions must be unanimous. Selected judges may not also serve on the panel that facilitates the selection of the proposed Independent Legislative Redistricting Commission. From all of the qualified applicants, the panel of retired judges randomly selects a pool of 1,050 applicants. The panel then narrows the applicant pool to 150 applicants using criteria related to applicants' experience, analytical skills, and ability to be impartial and promote consensus.

From the 150-person applicant pool, the panel randomly chooses 2 commissioners affiliated with the state's largest political party, 2 commissioners affiliated with the state's second largest political party, and 2 commissioners who are not affiliated with a political party. For the remaining 6 commissioners, the panel selects 2 additional unaffiliated commissioners from the pool of 1,050 applicants, and 4 commissioners from applicant pools determined by legislative leaders. The final 12-member commission will have 4 Democrats, 4 Republicans, and 4 unaffiliated members, unless another political party becomes the largest or second largest political party in the state. The final composition of the commission should reflect Colorado's racial, ethnic, gender, and geographic diversity, and must include members from each congressional district, including at least one member from the Western Slope.

Commission operations. Under the measure, the commission is responsible for adopting rules to govern its administration and operation, and the commissioners are subject to open meeting laws. Staff for the commission must be assigned from nonpartisan legislative staff agencies. Commissioners are prohibited from communicating with nonpartisan legislative staff about any maps outside of a public meeting or hearing, and staff are prohibited from communicating with outside parties concerning the development of a redistricting map. Any commissioner who participates in prohibited communication must be removed from the commission. Any person who receives compensation for advocating to the commission, one or more commissioners, or staff is considered a lobbyist and must disclose his or her compensation and its source to the Secretary of State for publication.

Criteria for drawing a congressional district map. The U.S. Constitution requires that all congressional districts within a state have equal populations. Under the federal Voting Rights Act of 1965, the state cannot change voting standards, practices, or procedures in a way that denies or limits the right to vote based on race or color or membership in a language minority group. In particular, the act requires that a minority group's voting strength not be diluted under a redistricting map. Amendment Y incorporates principles of the Voting Rights Act into state law and prohibits the approval of a map that violates these principles.

Amendment Y also adds criteria for the commission to follow when adopting a map. After achieving population equality and complying with the Voting Rights Act, the commission must preserve whole political subdivisions and communities of interest as much as possible, and districts must be as compact as possible. After the consideration of these criteria, Amendment Y requires the commission to maximize the number of politically competitive districts, which are defined as having the reasonable potential for the party affiliation of the district's representative to change at least once over the decade, to the extent possible. Maps cannot be drawn for the purpose of protecting incumbents, candidates, or political parties.

Map consideration and public involvement. The measure directs nonpartisan commission staff to create a preliminary redistricting map, and requires them to consider public comments while developing the map. Members of the public may also present proposed redistricting maps and written comments for the commission's consideration. The commission must hold at least three public hearings in each congressional district to receive public input before approving a redistricting map. At least ten commissioners must attend each hearing, either in person or electronically. These hearings must be broadcast online, and the commission must maintain a website through which Colorado residents may

submit maps or written comments. All written comments pertaining to redistricting must be published on the website. After the commission holds its hearings on the preliminary map, staff must prepare additional maps. The commission can adopt standards and guidelines for staff to follow when developing staff maps. Any commissioner can request at a public hearing that staff prepare additional maps or amendments to maps. The commission can adopt a final map at any time after the presentation of the first staff map.

Final map. Under the measure, the commission must adopt a final map and submit it to the Colorado Supreme Court for review. At least 8 of the 12 commissioners, including at least 2 unaffiliated commissioners, must approve the final map, and the map must be made public before the commission votes on it. If the commission fails to submit a final map, a staff map must be submitted, without amendments, to the Colorado Supreme Court for judicial review.

The Colorado Supreme Court must approve the final map unless the court finds that the commission abused its discretion in applying or failing to apply required criteria, in which case the court must return it to the commission. If returned, the commission has 12 days to hold a hearing and submit a revised map to the Colorado Supreme Court. If the commission fails to submit a revised map, nonpartisan staff have an additional three days to submit a revised map. The Colorado Supreme Court must approve a congressional redistricting map by December 15 of the redistricting year.

> *For information on those issue committees that support or oppose the measures on the ballot at the November 6, 2018, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:* http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html

Arguments For

1) Amendment Y limits the role of partisan politics in the congressional redistricting process by transferring the legislature's role to an independent commission. The measure creates a system of checks and balances to ensure that no one political party controls the commission. Republicans, Democrats, and unaffiliated voters must be appointed to the commission in equal numbers. Lobbyists and politicians are prohibited from serving on the new commission. Additionally, nonpartisan legislative staff draw the district maps, and a map's approval requires a supermajority vote of the commission, including at least two unaffiliated commissioners. These provisions encourage political compromise by keeping political parties and politicians with a vested interest in the outcome from controlling the redistricting process.

2) The measure makes the redistricting process more transparent and provides greater opportunity for public participation. Congressional redistricting is conducted by an independent commission in public meetings, with safeguards against undue influence in the preparation and adoption of maps. All Coloradans will have the opportunity to engage in the process because the commission will conduct meetings throughout the state rather than only at the State Capitol. The commission is subject to state open records and open meetings laws, and anyone paid to lobby the commission has 72 hours to disclose their lobbying activities. By requiring that map-related communications occur in public, Coloradans will be able to see exactly how the districts are drawn.

3) The measure brings structure to the redistricting process by using clear, ordered, and fair criteria in the drawing of districts. By prioritizing factors such as communities of interest, city and county lines, and political competitiveness, it provides specific direction to the commission about how it should evaluate proposed maps. It also prevents the adoption of a map that protects incumbents, candidates, or political parties, or a map that dilutes the electoral influence of racial or ethnic minorities. Along with these prioritized criteria, the measure prescribes a structured court review process and provides more guidance regarding the court's role than has existed in prior redistricting cycles.

Arguments Against

1) Amendment Y takes accountability out of the redistricting process. Unlike state legislators who are subject to election and campaign finance requirements, unelected commissioners are not accountable to the voters of Colorado. The selection process relies on unelected retired judges to screen applicants and select half of the commissioners. Further, the commission is staffed by government employees who are not accountable to the voters, and they may end up drawing the final map if the commission cannot reach an agreement.

2) The commissioner selection process outlined in the measure is complex, and half of the members are determined by random chance. This complicated and random selection process may prevent individuals with important experience and knowledge from becoming commissioners. While the goal of the random selection may be to remove politics from redistricting, unaffiliated commissioners with partisan views could still be selected, and the selection process may not result in a commission that can be impartial and promote consensus.

3) The measure outlines criteria that may be difficult to apply in an objective manner. For example, the broad definition of communities of interest is vague and open to interpretation. The measure also leaves the commission to determine what a competitive district is without specifying what factors to consider. Additionally, the four unaffiliated commissioners will have political leanings that may be difficult to discern, but that could sway how they apply the criteria and influence the final map, since many critical votes require their support. The resulting map may serve to protect certain segments of the population at the expense of others and could result in districts that make no sense to voters.

Estimate of Fiscal Impact

State revenue. Beginning in FY 2020-21, Amendment Y may minimally increase Secretary of State cash fund revenue from fines collected from lobbyists who fail to disclose the required information.

State expenditures. Overall, Amendment Y increases state expenditures to fund the commission by $31,479 in FY 2020-21 and $642,745 in FY 2021-22 as compared with the expenses for the current process.

TITLE AND TEXT

The ballot title below is a summary drafted by the professional legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado constitution. The text of the measure that will appear in the Colorado constitution below was referred to the voters because it passed by a two-thirds majority vote of the state senate and the state house of representatives.

Ballot Title:

Shall there be an amendment to the Colorado constitution concerning a change to the way that congressional districts are drawn, and, in connection therewith, taking the duty to draw congressional districts away from the state legislature and giving it to an independent commission, composed of twelve citizens who possess specified qualifications; prohibiting any one political party's control of the commission by requiring that one-third of commissioners will not be affiliated with any political party, one-third of the commissioners will be affiliated with the state's largest political party, and one-third of the commissioners will be affiliated with the state's second largest political party; prohibiting certain persons, including professional lobbyists, federal campaign committee employees, and federal, state, and local elected officials, from serving on the commission; limiting judicial review of a map to a determination by

the supreme court of whether the commission or its nonpartisan staff committed an abuse of discretion; requiring the commission to draw districts with a focus on communities of interest and political subdivisions, such as cities and counties, and then to maximize the number of competitive congressional seats to the extent possible; and prohibiting maps from being drawn to dilute the electoral influence of any racial or ethnic group or to protect any incumbent, any political candidate, or any political party?

Text of Measure:

Be It Resolved by the Senate of the Seventy-first General Assembly of the State of Colorado, the House of Representatives concurring herein:

SECTION 1. At the election held on November 6, 2018, the secretary of state shall submit to the registered electors of the state the ballot title set forth in section 2 for the following amendment to the state constitution:

In the constitution of the state of Colorado, **amend** section 44 of article V as follows:

Section 44. Representatives in congress - congressional districts - commission created. (1) **Declaration of the people.** THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT:

(a) THE PRACTICE OF POLITICAL GERRYMANDERING, WHEREBY CONGRESSIONAL DISTRICTS ARE PURPOSEFULLY DRAWN TO FAVOR ONE POLITICAL PARTY OR INCUMBENT POLITICIAN OVER ANOTHER, MUST END;

(b) THE PUBLIC'S INTEREST IN PROHIBITING POLITICAL GERRYMANDERING IS BEST ACHIEVED BY CREATING A NEW AND INDEPENDENT COMMISSION THAT IS POLITICALLY BALANCED, PROVIDES REPRESENTATION TO VOTERS NOT AFFILIATED WITH EITHER OF THE STATE'S TWO LARGEST PARTIES, AND UTILIZES NONPARTISAN LEGISLATIVE STAFF TO DRAW MAPS;

(c) THE REDISTRICTING COMMISSION SHOULD 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;

(d) COMPETITIVE ELECTIONS FOR MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES PROVIDE VOTERS WITH A MEANINGFUL CHOICE AMONG CANDIDATES, PROMOTE A HEALTHY DEMOCRACY, HELP ENSURE THAT CONSTITUENTS RECEIVE FAIR AND EFFECTIVE REPRESENTATION, AND CONTRIBUTE TO THE POLITICAL WELL-BEING OF KEY COMMUNITIES OF INTEREST AND POLITICAL SUBDIVISIONS;

(e) FOR YEARS CERTAIN POLITICAL INTERESTS OPPOSED COMPETITIVE DISTRICTS IN COLORADO BECAUSE THEY ARE PRIMARILY CONCERNED ABOUT MAINTAINING THEIR OWN POLITICAL POWER AT THE EXPENSE OF FAIR AND EFFECTIVE REPRESENTATION; AND

(f) CITIZENS WANT AND DESERVE AN INCLUSIVE AND MEANINGFUL CONGRESSIONAL REDISTRICTING PROCESS THAT PROVIDES THE PUBLIC WITH THE ABILITY TO BE HEARD AS REDISTRICTING MAPS ARE DRAWN, TO BE ABLE TO WATCH THE WITNESSES WHO DELIVER TESTIMONY AND THE REDISTRICTING COMMISSION'S DELIBERATIONS, AND TO HAVE THEIR WRITTEN COMMENTS CONSIDERED BEFORE ANY PROPOSED MAP IS VOTED UPON BY THE COMMISSION AS THE FINAL MAP.

(2) **Congressional districts - commission created.** THERE IS HEREBY CREATED THE INDEPENDENT CONGRESSIONAL REDISTRICTING COMMISSION. The ~~general assembly~~ COMMISSION shall divide the state into as many congressional districts as there are representatives in congress apportioned to this state by the congress of the United States for the election of one representative to congress from each district. When a new apportionment ~~shall be~~ IS made by congress, the ~~general assembly~~ COMMISSION shall divide the state into congressional districts accordingly.

(3) **Definitions.** AS USED IN THIS SECTION AND IN SECTIONS 44.1 THROUGH 44.6 OF THIS ARTICLE V, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COMMISSION" MEANS THE INDEPENDENT CONGRESSIONAL REDISTRICTING COMMISSION CREATED IN SUBSECTION (2) OF THIS SECTION.

(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.

(c) "RACE" OR "RACIAL" MEANS A CATEGORY OF RACE OR ETHNIC ORIGIN DOCUMENTED IN THE FEDERAL DECENNIAL CENSUS.

(d) "REDISTRICTING YEAR" MEANS THE YEAR FOLLOWING THE YEAR IN WHICH THE FEDERAL DECENNIAL CENSUS IS TAKEN.

(e) "STAFF" OR "NONPARTISAN STAFF" MEANS THE STAFF OF THE GENERAL ASSEMBLY'S LEGISLATIVE COUNCIL AND OFFICE OF LEGISLATIVE LEGAL SERVICES, OR THEIR SUCCESSOR OFFICES, WHO ARE ASSIGNED TO ASSIST THE COMMISSION BY THE DIRECTORS OF THOSE OFFICES IN ACCORDANCE WITH SECTION 44.2 OF THIS ARTICLE V.

(4) **Adjustment of dates.** IF ANY DATE PRESCRIBED IN SECTIONS 44.1 THROUGH 44.5 OF THIS ARTICLE V FALLS ON A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THEN THE DATE IS EXTENDED TO THE NEXT DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

In the constitution of the state of Colorado, **add** sections 44.1, 44.2, 44.3, 44.4, 44.5, and 44.6 to article V as follows:

Section 44.1. Commission composition and appointment - vacancies. (1) AFTER EACH FEDERAL DECENNIAL CENSUS OF THE UNITED STATES, THE MEMBERS OF THE COMMISSION SHALL BE APPOINTED AND CONVENED AS PRESCRIBED IN THIS SECTION.

(2) THE COMMISSION CONSISTS OF TWELVE MEMBERS WHO HAVE THE FOLLOWING QUALIFICATIONS:

(a) COMMISSIONERS MUST BE REGISTERED ELECTORS WHO VOTED IN BOTH OF THE PREVIOUS TWO GENERAL ELECTIONS IN COLORADO;

(b) COMMISSIONERS MUST EITHER HAVE BEEN UNAFFILIATED WITH ANY POLITICAL PARTY OR HAVE BEEN AFFILIATED WITH THE SAME POLITICAL PARTY FOR A CONSECUTIVE PERIOD OF NO LESS THAN FIVE YEARS AT THE TIME OF THE APPLICATION; AND

(c) No PERSON MAY BE APPOINTED TO OR SERVE ON THE COMMISSION IF HE OR SHE:

(I) IS OR HAS BEEN A CANDIDATE FOR FEDERAL ELECTIVE OFFICE WITHIN THE LAST FIVE YEARS PRECEDING THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE COMMISSION ARE DUE UNDER SUBSECTION (4) OF THIS SECTION;

(II) IS OR HAS BEEN, WITHIN THE LAST THREE YEARS PRECEDING THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE COMMISSION ARE DUE UNDER SUBSECTION (4) OF THIS SECTION, COMPENSATED BY A MEMBER OF, OR A CAMPAIGN COMMITTEE ADVOCATING THE ELECTION OF A CANDIDATE TO, THE UNITED STATES HOUSE OF REPRESENTATIVES OR THE UNITED STATES SENATE;

(III) IS OR HAS BEEN, WITHIN THE LAST THREE YEARS PRECEDING THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE COMMISSION ARE DUE UNDER SUBSECTION (4) OF THIS SECTION, AN ELECTED PUBLIC OFFICIAL AT THE FEDERAL, STATE, COUNTY, OR MUNICIPAL LEVEL IN COLORADO;

(IV) IS OR HAS BEEN, WITHIN THE LAST THREE YEARS PRECEDING THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE COMMISSION ARE DUE UNDER SUBSECTION (4) OF THIS SECTION, AN ELECTED POLITICAL PARTY OFFICIAL ABOVE THE PRECINCT LEVEL IN COLORADO OR AN EMPLOYEE OF A POLITICAL PARTY;

(V) IS A MEMBER OF THE COMMISSION RESPONSIBLE FOR DIVIDING THE STATE INTO SENATORIAL AND REPRESENTATIVE DISTRICTS OF THE GENERAL ASSEMBLY; OR

(VI) IS OR HAS BEEN A PROFESSIONAL LOBBYIST REGISTERED TO LOBBY WITH THE STATE OF COLORADO, WITH ANY MUNICIPALITY IN COLORADO, OR AT THE FEDERAL LEVEL WITHIN THE LAST THREE YEARS PRECEDING THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE COMMISSION ARE DUE UNDER SUBSECTION (4) OF THIS SECTION.

(3) (a) By AUGUST 10 OF THE YEAR PRIOR TO THE REDISTRICTING YEAR, NONPARTISAN STAFF SHALL, AFTER HOLDING ONE OR MORE PUBLIC HEARINGS, PREPARE AN APPLICATION FORM THAT WILL ALLOW APPOINTING AUTHORITIES TO EVALUATE A PERSON'S EXPERIENCE AND QUALIFICATIONS AND MAKE SUCH APPLICATION AVAILABLE ON THE GENERAL ASSEMBLY'S WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC.

(b) THE APPLICATION FORM MUST CLEARLY STATE THE LEGAL OBLIGATIONS AND EXPECTATIONS OF POTENTIAL APPOINTEES. INFORMATION REQUIRED OF APPLICANTS MUST INCLUDE, BUT IS NOT NECESSARILY LIMITED TO, PROFESSIONAL BACKGROUND, PARTY AFFILIATION, A DESCRIPTION OF PAST POLITICAL ACTIVITY, A LIST OF ALL POLITICAL AND CIVIC ORGANIZATIONS TO WHICH THE APPLICANT HAS BELONGED WITHIN THE PREVIOUS FIVE YEARS, AND WHETHER THE APPLICANT MEETS THE QUALIFICATIONS STATED IN SUBSECTION (2) OF THIS SECTION. IN ADDITION, THE APPLICATION FORM MUST REQUIRE THE APPLICANT TO EXPLAIN WHY THEY WANT TO SERVE ON THE COMMISSION AND AFFORD THE APPLICANT AN OPPORTUNITY TO MAKE A STATEMENT ABOUT HOW THEY WILL PROMOTE CONSENSUS AMONG COMMISSIONERS IF APPOINTED TO THE COMMISSION. APPLICANTS MAY ALSO CHOOSE TO INCLUDE UP TO FOUR LETTERS OF RECOMMENDATION WITH THEIR APPLICATION.

(4) By NOVEMBER 10 OF THE YEAR PRIOR TO THE REDISTRICTING YEAR, ANY PERSON WHO SEEKS TO SERVE ON THE COMMISSION MUST SUBMIT A COMPLETED APPLICATION TO NONPARTISAN STAFF. ALL APPLICATIONS ARE PUBLIC RECORDS AND MUST BE POSTED PROMPTLY AFTER RECEIPT ON THE GENERAL ASSEMBLY'S WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC.

(5) (a) No LATER THAN JANUARY 5 OF THE REDISTRICTING YEAR, THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL DESIGNATE A PANEL TO REVIEW THE APPLICATIONS. THE PANEL MUST CONSIST OF THE THREE JUSTICES OR JUDGES WHO MOST RECENTLY RETIRED FROM THE COLORADO SUPREME COURT OR THE COLORADO COURT OF APPEALS, APPOINTED SEQUENTIALLY STARTING WITH THE MOST RECENT JUSTICE OR JUDGE TO RETIRE WHO HAS BEEN AFFILIATED WITH THE SAME POLITICAL PARTY OR UNAFFILIATED WITH ANY POLITICAL PARTY FOR THE TWO YEARS PRIOR TO APPOINTMENT; EXCEPT THAT NO APPOINTEE, WITHIN TWO YEARS PRIOR TO APPOINTMENT, SHALL HAVE BEEN AFFILIATED WITH THE SAME POLITICAL PARTY AS A JUSTICE OR JUDGE ALREADY APPOINTED TO THE PANEL. IF ANY OF THE THREE JUSTICES OR JUDGES WHO MOST RECENTLY RETIRED FROM THE COLORADO SUPREME COURT OR THE COLORADO COURT OF APPEALS IS UNABLE OR UNWILLING TO SERVE ON THE

PANEL OR HAS BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO APPOINTMENT WITH A POLITICAL PARTY ALREADY REPRESENTED ON THE PANEL, THEN THE CHIEF JUSTICE SHALL APPOINT THE NEXT JUSTICE OR JUDGE WHO MOST RECENTLY RETIRED FROM THE COLORADO SUPREME COURT OR THE COLORADO COURT OF APPEALS AND WHO HAS NOT BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO APPOINTMENT WITH THE SAME POLITICAL PARTY AS ANY JUSTICE OR JUDGE ALREADY APPOINTED TO THE PANEL. IF, AFTER CONSIDERING ALL JUSTICES AND JUDGES WHO HAVE RETIRED FROM THE COLORADO SUPREME COURT AND THE COLORADO COURT OF APPEALS, FEWER THAN THREE ELIGIBLE PARTICIPANTS FOR THE PANEL HAVE BEEN IDENTIFIED WHO ARE ABLE AND WILLING TO SERVE, THE CHIEF JUSTICE SHALL APPOINT THE MOST RECENTLY RETIRED DISTRICT COURT JUDGE WHO HAS NOT BEEN AFFILIATED WITHIN TWO YEARS PRIOR TO APPOINTMENT WITH THE SAME POLITICAL PARTY AS ANY PREVIOUS APPOINTEE TO THE PANEL AND WHO ACCEPTS SUCH APPOINTMENT. NO JUSTICE OR JUDGE SHALL SERVE BOTH ON THIS PANEL AND THE PANEL ASSISTING IN THE PROCESS OF CHOOSING MEMBERS OF THE COMMISSION RESPONSIBLE FOR DIVIDING THE STATE INTO STATE SENATE AND STATE HOUSE OF REPRESENTATIVES DISTRICTS.

(b) ALL DECISIONS OF THE PANEL REGARDING THE SELECTION OF APPLICANTS PURSUANT TO THIS SECTION REQUIRE THE AFFIRMATIVE APPROVAL OF ALL THREE MEMBERS OF THE PANEL.

(c) THE GENERAL ASSEMBLY SHALL PRESCRIBE BY LAW THE COMPENSATION OF MEMBERS OF THE PANEL. NONPARTISAN STAFF SHALL ASSIST THE PANEL IN CARRYING OUT ITS DUTIES.

(6) AFTER APPLICATIONS ARE SUBMITTED, NONPARTISAN STAFF, WITH THE COOPERATION AND ASSISTANCE OF THE SECRETARY OF STATE, SHALL MAKE AN OBJECTIVE AND FACTUAL FINDING BASED ON, TO THE EXTENT POSSIBLE, PUBLICLY AVAILABLE INFORMATION, INCLUDING INFORMATION CONTAINED IN THE APPLICATION AND INFORMATION CONTAINED WITHIN THE RECORDS MAINTAINED BY THE SECRETARY OF STATE, WHETHER EACH APPLICANT MEETS THE QUALIFICATIONS SPECIFIED IN SUBSECTION (2) OF THIS SECTION. NO LATER THAN JANUARY 11 OF THE REDISTRICTING YEAR, NONPARTISAN STAFF SHALL MAKE ITS FINDINGS PUBLICLY AVAILABLE AND NOTIFY THE APPLICANTS OF THE STAFF'S FINDING. IF THE STAFF FINDS THAT AN APPLICANT IS NOT ELIGIBLE, THEN THE STAFF SHALL INCLUDE THE REASONS IN ITS FINDING.

(7) BY JANUARY 18 OF THE REDISTRICTING YEAR, THE PANEL, IN A PUBLIC MEETING, SHALL RANDOMLY SELECT BY LOT FROM ALL OF THE APPLICANTS WHO WERE FOUND TO MEET THE QUALIFICATIONS SPECIFIED IN SUBSECTION (2) OF THIS SECTION THE NAMES OF THREE HUNDRED APPLICANTS WHO ARE AFFILIATED WITH THE STATE'S LARGEST POLITICAL PARTY, THREE HUNDRED APPLICANTS WHO ARE AFFILIATED WITH THE STATE'S SECOND LARGEST POLITICAL PARTY, AND FOUR HUNDRED FIFTY APPLICANTS WHO ARE NOT AFFILIATED WITH ANY POLITICAL PARTY, OR SUCH LESSER NUMBER AS THERE ARE TOTAL APPLICANTS WHO MEET THE QUALIFICATIONS SPECIFIED IN SUBSECTION (2) OF THIS SECTION FOR EACH OF THOSE GROUPS.

(8) (a) IN ONE OR MORE PUBLIC HEARINGS CONDUCTED ON OR BEFORE FEBRUARY 1 OF THE REDISTRICTING YEAR, AFTER REVIEWING THE APPLICATIONS OF THE APPLICANTS SELECTED IN ACCORDANCE WITH SUBSECTION (7) OF THIS SECTION, THE PANEL SHALL IDENTIFY FIFTY APPLICANTS WHO ARE AFFILIATED WITH THE STATE'S LARGEST POLITICAL PARTY, FIFTY APPLICANTS WHO ARE AFFILIATED WITH THE STATE'S SECOND LARGEST POLITICAL PARTY, AND FIFTY APPLICANTS WHO ARE UNAFFILIATED WITH ANY POLITICAL PARTY AND WHO BEST DEMONSTRATE:

(I) EXPERIENCE IN ORGANIZING, REPRESENTING, ADVOCATING FOR, ADJUDICATING THE INTERESTS OF, OR ACTIVELY PARTICIPATING IN GROUPS, ORGANIZATIONS, OR ASSOCIATIONS IN COLORADO; AND

(II) RELEVANT ANALYTICAL SKILLS, THE ABILITY TO BE IMPARTIAL, AND THE ABILITY TO PROMOTE CONSENSUS ON THE COMMISSION.

(b) NO LATER THAN FEBRUARY 1 OF THE REDISTRICTING YEAR, FROM THE APPLICANTS IDENTIFIED IN SUBSECTION (8)(a) OF THIS SECTION, THE PANEL SHALL CHOOSE BY LOT SIX APPLICANTS TO SERVE ON THE COMMISSION AS FOLLOWS:

(I) TWO COMMISSIONERS WHO ARE NOT AFFILIATED WITH ANY POLITICAL PARTY;

(II) TWO COMMISSIONERS WHO ARE AFFILIATED WITH THE STATE'S LARGEST POLITICAL PARTY; AND

(III) TWO COMMISSIONERS WHO ARE AFFILIATED WITH THE STATE'S SECOND LARGEST POLITICAL PARTY.

(c) IN THE PROCESS OF CHOOSING APPLICANTS BY LOT FOR APPOINTMENT TO THE COMMISSION, NO APPLICANT WHOSE NAME IS CHOSEN MAY BE APPOINTED IF HE OR SHE IS REGISTERED TO VOTE IN A CONGRESSIONAL DISTRICT THAT IS ALREADY REPRESENTED ON THE COMMISSION; EXCEPT THAT, WHEN ALL THEN-EXISTING CONGRESSIONAL DISTRICTS IN COLORADO ARE REPRESENTED ON THE COMMISSION, A CONGRESSIONAL DISTRICT MAY BE REPRESENTED BY A SECOND COMMISSIONER. NO CONGRESSIONAL DISTRICT MAY BE REPRESENTED BY MORE THAN TWO COMMISSIONERS. ANY PERSONS WHOSE NAMES ARE CHOSEN BUT DUPLICATE A CONGRESSIONAL DISTRICT'S REPRESENTATION ON THE COMMISSION AND ARE NOT APPOINTED TO THE COMMISSION SHALL BE ELIGIBLE FOR APPOINTMENT PURSUANT TO SUBSECTIONS (9) AND (10) OF THIS SECTION.

(9) (a) BY FEBRUARY 16 OF THE REDISTRICTING YEAR, THE MAJORITY LEADER OF THE STATE SENATE, THE MINORITY LEADER OF THE STATE SENATE, THE MAJORITY LEADER OF THE STATE HOUSE OF REPRESENTATIVES, AND THE MINORITY LEADER OF THE STATE HOUSE OF REPRESENTATIVES SHALL EACH SELECT A POOL OF TEN APPLICANTS WHO ARE AFFILIATED WITH ONE OF THE STATE'S TWO LARGEST POLITICAL PARTIES FROM ALL APPLICATIONS SUBMITTED TO NONPARTISAN STAFF AND NOTIFY THE PANEL OF THEIR SELECTIONS.

(b) AS DETERMINED BY THE LEGISLATIVE LEADERS IN SELECTING THEIR RESPECTIVE POOLS, THE APPLICANTS SELECTED FOR EACH POOL MUST MEET THE QUALIFICATIONS SET FORTH IN SUBSECTION (2) OF THIS SECTION AND DEMONSTRATE THE QUALITIES LISTED IN SUBSECTION (8)(a) OF THIS SECTION.

(c) FOR EACH CONGRESSIONAL DISTRICT NOT REPRESENTED BY A COMMISSIONER APPOINTED PURSUANT TO SUBSECTIONS (8)(b) AND (8)(c) OF THIS SECTION, EACH POOL MUST CONSIST OF AT LEAST ONE APPLICANT WHO IS REGISTERED TO VOTE IN THAT CONGRESSIONAL DISTRICT.

(d) IF THERE IS AN INSUFFICIENT NUMBER OF AVAILABLE APPLICANTS THAT MEET THE REQUIREMENTS OF SUBSECTION (9)(b) OF THIS SECTION TO SELECT ANY COMPLETE POOL, THEN THE POOL MUST CONSIST OF ONLY THOSE APPLICANTS WHO MEET THOSE REQUIREMENTS.

(10) BY MARCH 1 OF THE REDISTRICTING YEAR, THE PANEL OF JUDGES SHALL SELECT, IN SUCH ORDER AS THE PANEL DETERMINES, ONE COMMISSIONER FROM EACH LEGISLATIVE LEADER'S POOL OF APPLICANTS AND TWO COMMISSIONERS FROM THOSE APPLICANTS WHO ARE NOT AFFILIATED WITH ANY POLITICAL PARTY AND WHOSE NAMES WERE RANDOMLY SELECTED BY LOT PURSUANT TO SUBSECTION (7) OF THIS SECTION. THE PANEL OF JUDGES MUST ENSURE THAT THE COMMISSION INCLUDES FOUR COMMISSIONERS WHO ARE NOT AFFILIATED WITH ANY POLITICAL PARTY, FOUR COMMISSIONERS WHO ARE AFFILIATED WITH THE STATE'S LARGEST POLITICAL PARTY, AND FOUR COMMISSIONERS WHO ARE AFFILIATED WITH THE STATE'S SECOND LARGEST POLITICAL PARTY. THE PANEL OF JUDGES MAY INTERVIEW APPLICANTS BEFORE MAKING THE APPOINTMENTS. IN SELECTING APPLICANTS, THE PANEL SHALL, IN ADDITION TO CONSIDERING APPLICANTS' OTHER QUALIFICATIONS:

(a) TO THE EXTENT POSSIBLE, ENSURE THAT THE COMMISSION REFLECTS COLORADO'S RACIAL, ETHNIC, GENDER, AND GEOGRAPHIC DIVERSITY;

(b) ENSURE THAT AT LEAST ONE COMMISSIONER IS REGISTERED TO VOTE IN EACH CONGRESSIONAL DISTRICT BUT NO MORE THAN TWO COMMISSIONERS ARE REGISTERED TO VOTE IN ANY SINGLE CONGRESSIONAL DISTRICT;

(c) ENSURE THAT AT LEAST ONE COMMISSIONER RESIDES WEST OF THE CONTINENTAL DIVIDE; AND

(d) ENSURE THAT ALL COMMISSIONERS MEET THE QUALIFICATIONS SET FORTH IN SUBSECTION (2) OF THIS SECTION AND DEMONSTRATE THE QUALITIES LISTED IN SUBSECTION (8)(a) OF THIS SECTION.

(11) (a) A COMMISSIONER'S POSITION ON THE COMMISSION WILL BE DEEMED VACANT IF HE OR SHE, HAVING BEEN APPOINTED AS A REGISTERED ELECTOR WHO IS NOT AFFILIATED WITH A POLITICAL PARTY, AFFILIATES WITH A POLITICAL PARTY BEFORE THE SUPREME COURT HAS APPROVED A PLAN PURSUANT TO SECTION 44.5 OF THIS ARTICLE V. A COMMISSIONER'S POSITION ON THE COMMISSION WILL ALSO BE DEEMED VACANT IF HE OR SHE, HAVING BEEN AFFILIATED WITH ONE OF THE STATE'S TWO LARGEST POLITICAL PARTIES AT THE TIME OF APPOINTMENT, AFFILIATES WITH A DIFFERENT POLITICAL PARTY OR BECOMES UNAFFILIATED WITH ANY POLITICAL PARTY BEFORE THE SUPREME COURT HAS APPROVED A PLAN PURSUANT TO SECTION 44.5 OF THIS ARTICLE V.

(b) ANY VACANCY ON THE COMMISSION, INCLUDING ONE THAT OCCURS DUE TO DEATH, RESIGNATION, REMOVAL, FAILURE TO MEET THE QUALIFICATIONS OF APPOINTMENT, REFUSAL OR INABILITY TO ACCEPT AN APPOINTMENT, OR OTHERWISE, MUST BE FILLED AS SOON AS POSSIBLE BY THE DESIGNATED APPOINTING AUTHORITY FROM THE DESIGNATED POOL OF ELIGIBLE APPLICANTS FOR THAT COMMISSIONER'S POSITION AND IN THE SAME MANNER AS THE ORIGINALLY CHOSEN COMMISSIONER; EXCEPT THAT NO COMMISSIONER CHOSEN TO FILL A VACANCY WILL BE BYPASSED FOR APPOINTMENT IF ALL CONGRESSIONAL DISTRICTS ARE ALREADY REPRESENTED ON THE COMMISSION.

(12) FOR PURPOSES OF THIS SECTION, THE STATE'S TWO LARGEST POLITICAL PARTIES SHALL BE DETERMINED BY THE NUMBER OF REGISTERED ELECTORS AFFILIATED WITH EACH POLITICAL PARTY IN THE STATE ACCORDING TO VOTER REGISTRATION DATA PUBLISHED BY THE SECRETARY OF STATE FOR THE EARLIEST DAY IN JANUARY OF THE REDISTRICTING YEAR FOR WHICH SUCH DATA IS PUBLISHED.

Section 44.2. Commission organization - procedures - transparency - voting requirements. (1) **Initial organization, officers, procedures, rules, and transparency.** (a) THE GOVERNOR SHALL CONVENE THE COMMISSION NO LATER THAN MARCH 15 OF THE REDISTRICTING YEAR AND APPOINT A TEMPORARY CHAIRPERSON FROM THE COMMISSION'S MEMBERS. UPON CONVENING, THE COMMISSION SHALL ELECT A CHAIR AND A VICE-CHAIR, WHO ARE NOT MEMBERS OF THE SAME POLITICAL PARTY, AND OTHER SUCH OFFICERS AS IT DETERMINES.

(b) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES, OR THE DIRECTORS OF SUCCESSOR NONPARTISAN OFFICES OF THE GENERAL ASSEMBLY, SHALL APPOINT NONPARTISAN STAFF FROM THEIR RESPECTIVE OFFICES AS NEEDED TO ASSIST THE COMMISSION AND THE PANEL OF JUDGES AS DESCRIBED IN SECTION 44.1 OF THIS ARTICLE V. NONPARTISAN STAFF SHALL ACQUIRE AND PREPARE ALL NECESSARY RESOURCES, INCLUDING COMPUTER HARDWARE, SOFTWARE, AND DEMOGRAPHIC, GEOGRAPHIC, AND POLITICAL DATABASES, AS FAR IN ADVANCE AS NECESSARY TO ENABLE THE COMMISSION TO BEGIN ITS WORK IMMEDIATELY UPON CONVENING.

(c) THE COMMISSION MAY RETAIN LEGAL COUNSEL IN ALL ACTIONS AND PROCEEDINGS IN CONNECTION WITH THE PERFORMANCE OF ITS POWERS, DUTIES, AND FUNCTIONS, INCLUDING REPRESENTATION OF THE COMMISSION BEFORE ANY COURT.

(d) THE GENERAL ASSEMBLY SHALL APPROPRIATE SUFFICIENT FUNDS FOR THE PAYMENT OF THE EXPENSES OF THE COMMISSION, THE COMPENSATION AND EXPENSES OF NONPARTISAN STAFF, AND THE COMPENSATION AND EXPENSES OF THE PANEL OF JUDGES AS DESCRIBED IN SECTION 44.1 OF THIS ARTICLE V. MEMBERS OF THE COMMISSION SHALL BE REIMBURSED FOR THEIR REASONABLE AND NECESSARY EXPENSES AND MAY ALSO RECEIVE SUCH PER DIEM ALLOWANCE AS MAY BE ESTABLISHED BY THE GENERAL ASSEMBLY. SUBJECT TO AVAILABLE APPROPRIATIONS, HARDWARE AND SOFTWARE NECESSARY FOR THE DEVELOPMENT OF PLANS MAY, AT THE REQUEST OF ANY COMMISSIONER, BE PROVIDED TO THE COMMISSIONER. THE COMMISSION AND ITS STAFF MUST HAVE ACCESS TO STATISTICAL INFORMATION COMPILED BY THE STATE AND ITS POLITICAL SUBDIVISIONS AS NECESSARY FOR ITS DUTIES. STATE AGENCIES AND POLITICAL SUBDIVISIONS SHALL COMPLY WITH REQUESTS FROM THE COMMISSION AND ITS STAFF FOR SUCH STATISTICAL INFORMATION.

(e) THE COMMISSION SHALL ADOPT RULES TO GOVERN ITS ADMINISTRATION AND OPERATION. THE COMMISSION MUST PROVIDE AT LEAST SEVENTY-TWO HOURS OF ADVANCE PUBLIC NOTICE OF ALL PROPOSED RULES PRIOR TO CONSIDERATION FOR ADOPTION; EXCEPT THAT PROPOSED RULES MAY BE AMENDED DURING COMMISSION DELIBERATIONS WITHOUT SUCH ADVANCE NOTICE OF SPECIFIC, RELATED AMENDMENTS. NEITHER THE COMMISSION'S PROCEDURAL RULES NOR ITS MAPPING DECISIONS ARE SUBJECT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., OR ANY SUCCESSOR STATUTE. RULES MUST INCLUDE BUT NEED NOT BE LIMITED TO THE FOLLOWING:

(I) THE HEARING PROCESS AND REVIEW OF MAPS SUBMITTED FOR ITS CONSIDERATION;

(II) MAINTENANCE OF A RECORD OF THE COMMISSION'S ACTIVITIES AND PROCEEDINGS, INCLUDING A RECORD OF WRITTEN AND ORAL TESTIMONY RECEIVED, AND OF THE COMMISSION'S DIRECTIONS TO NONPARTISAN STAFF ON PROPOSED CHANGES TO ANY PLAN AND THE COMMISSION'S RATIONALE FOR SUCH CHANGES;

(III) THE PROCESS FOR REMOVING COMMISSIONERS FOR PARTICIPATING IN COMMUNICATIONS PROHIBITED UNDER THIS SECTION;

(IV) THE PROCESS FOR RECOMMENDING CHANGES TO PLANS SUBMITTED TO THE COMMISSION BY NONPARTISAN STAFF; AND

(V) THE ADOPTION OF A STATEWIDE MEETING AND HEARING SCHEDULE, INCLUDING THE NECESSARY ELEMENTS OF ELECTRONIC ATTENDANCE AT A COMMISSION HEARING.

(2) **Voting requirements.** A SIMPLE MAJORITY OF THE APPOINTED COMMISSIONERS MAY APPROVE RULES AND PROCEDURAL DECISIONS. THE ELECTION OF THE COMMISSION'S CHAIR AND VICE-CHAIR REQUIRES THE AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS, INCLUDING THE AFFIRMATIVE VOTE OF AT LEAST ONE COMMISSIONER WHO IS UNAFFILIATED WITH ANY POLITICAL PARTY. REMOVAL OF ANY COMMISSIONER AS PROVIDED IN THIS SECTION REQUIRES THE AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS, INCLUDING THE AFFIRMATIVE VOTE OF AT LEAST TWO COMMISSIONERS WHO ARE UNAFFILIATED WITH ANY POLITICAL PARTY. ADOPTION OF THE FINAL PLAN FOR SUBMISSION TO THE SUPREME COURT AND THE ADOPTION OF A REVISED PLAN AFTER A PLAN IS RETURNED TO THE COMMISSION FROM THE SUPREME COURT REQUIRES THE AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS, INCLUDING THE AFFIRMATIVE VOTE OF AT LEAST TWO COMMISSIONERS WHO ARE UNAFFILIATED WITH ANY POLITICAL PARTY. THE COMMISSION SHALL NOT VOTE UPON A FINAL PLAN UNTIL AT LEAST SEVENTY-TWO HOURS AFTER IT HAS BEEN PROPOSED TO THE COMMISSION IN A PUBLIC MEETING OR AT LEAST SEVENTY-TWO HOURS AFTER IT HAS BEEN AMENDED BY THE COMMISSION IN A PUBLIC MEETING, WHICHEVER OCCURS LATER; EXCEPT THAT COMMISSIONERS MAY UNANIMOUSLY WAIVE THE SEVENTY-TWO HOUR REQUIREMENT.

(3) **Public involvement - hearing process.** (a) ALL COLORADO RESIDENTS, INCLUDING INDIVIDUAL COMMISSIONERS, MAY PRESENT PROPOSED REDISTRICTING MAPS OR WRITTEN COMMENTS, OR BOTH, FOR THE COMMISSION'S CONSIDERATION.

(b) THE COMMISSION MUST, TO THE MAXIMUM EXTENT PRACTICABLE, PROVIDE OPPORTUNITIES FOR COLORADO RESIDENTS TO PRESENT TESTIMONY AT HEARINGS HELD THROUGHOUT THE STATE. THE COMMISSION SHALL NOT APPROVE A REDISTRICTING MAP UNTIL AT LEAST THREE HEARINGS HAVE BEEN HELD IN EACH CONGRESSIONAL DISTRICT, INCLUDING AT LEAST ONE HEARING THAT IS HELD IN A LOCATION WEST OF THE CONTINENTAL DIVIDE AND AT LEAST ONE HEARING THAT IS HELD IN A LOCATION EAST OF THE CONTINENTAL DIVIDE AND EITHER SOUTH OF EL PASO COUNTY'S SOUTHERN BOUNDARY OR EAST OF ARAPAHOE COUNTY'S EASTERN BOUNDARY. NO GATHERING OF COMMISSIONERS CAN BE CONSIDERED A HEARING FOR THIS PURPOSE UNLESS IT IS ATTENDED, IN PERSON OR ELECTRONICALLY, BY AT LEAST TEN COMMISSIONERS. THE COMMISSION SHALL ESTABLISH BY RULE THE NECESSARY ELEMENTS OF ELECTRONIC ATTENDANCE AT A COMMISSION HEARING.

(c) THE COMMISSION SHALL MAINTAIN A WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC THROUGH WHICH ANY COLORADO RESIDENT MAY SUBMIT PROPOSED MAPS OR WRITTEN COMMENTS, OR BOTH, WITHOUT ATTENDING A HEARING OF THE COMMISSION.

(d) THE COMMISSION SHALL PUBLISH ALL WRITTEN COMMENTS PERTAINING TO REDISTRICTING ON ITS WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC AS WELL AS THE NAME OF THE COLORADO RESIDENT SUBMITTING SUCH COMMENTS. IF THE COMMISSION OR NONPARTISAN STAFF HAVE A SUBSTANTIAL BASIS TO BELIEVE THAT THE PERSON SUBMITTING SUCH COMMENTS HAS NOT TRUTHFULLY OR ACCURATELY IDENTIFIED HIMSELF OR HERSELF, THE COMMISSION NEED NOT CONSIDER AND NEED NOT PUBLISH SUCH COMMENTS BUT MUST NOTIFY THE COMMENTER IN WRITING OF THIS FACT. THE COMMISSION MAY WITHHOLD COMMENTS, IN WHOLE OR IN PART, FROM THE WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC THAT DO NOT RELATE TO REDISTRICTING MAPS, POLICIES, OR COMMUNITIES OF INTEREST.

(e) THE COMMISSION SHALL PROVIDE SIMULTANEOUS ACCESS TO THE REGIONAL HEARINGS BY BROADCASTING THEM VIA ITS WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC AND MAINTAIN AN ARCHIVE OF SUCH HEARINGS FOR ONLINE PUBLIC REVIEW.

(4) **Ethical obligations - transparency - lobbyist reporting.** (a) COMMISSIONERS ARE GUARDIANS OF THE PUBLIC TRUST AND ARE SUBJECT TO ANTIBRIBERY AND ABUSE OF PUBLIC OFFICE REQUIREMENTS AS PROVIDED IN PARTS 3 AND 4 OF ARTICLE 8 OF TITLE 18, C.R.S., AS AMENDED, OR ANY SUCCESSOR STATUTE.

(b) TO ENSURE TRANSPARENCY IN THE REDISTRICTING PROCESS:

(I) (A) THE COMMISSION AND THE COMMISSIONERS ARE SUBJECT TO OPEN MEETINGS REQUIREMENTS AS PROVIDED IN PART 4 OF ARTICLE 6 OF TITLE 24, C.R.S., AS AMENDED, OR ANY SUCCESSOR STATUTE.

(B) EXCEPT AS PROVIDED IN SUBSECTION (4)(b)(I)(D) OF THIS SECTION, A COMMISSIONER SHALL NOT COMMUNICATE WITH NONPARTISAN STAFF ON THE MAPPING OF CONGRESSIONAL DISTRICTS UNLESS THE COMMUNICATION IS DURING A PUBLIC MEETING OR HEARING OF THE COMMISSION.

(C) EXCEPT FOR PUBLIC INPUT AND COMMENT, NONPARTISAN STAFF SHALL NOT HAVE ANY COMMUNICATIONS ABOUT THE CONTENT OR DEVELOPMENT OF ANY PLAN OUTSIDE OF PUBLIC HEARINGS WITH ANYONE EXCEPT OTHER STAFF MEMBERS. NONPARTISAN STAFF SHALL REPORT TO THE COMMISSION ANY ATTEMPT BY ANYONE TO EXERT INFLUENCE OVER THE STAFF'S ROLE IN THE DRAFTING OF PLANS.

(D) ONE OR MORE NONPARTISAN STAFF MAY BE DESIGNATED TO COMMUNICATE WITH COMMISSIONERS REGARDING ADMINISTRATIVE MATTERS, THE DEFINITION AND SCOPE OF WHICH SHALL BE DETERMINED BY THE COMMISSION.

(E) ANY COMMISSIONER WHO PARTICIPATES IN A COMMUNICATION PROHIBITED IN THIS SECTION MUST BE REMOVED FROM THE COMMISSION, AND SUCH VACANCY MUST BE FILLED WITHIN SEVEN DAYS.

(II) THE COMMISSION, EACH COMMISSIONER, AND NONPARTISAN STAFF ARE SUBJECT TO OPEN RECORDS REQUIREMENTS AS PROVIDED IN PART 1 OF ARTICLE 72 OF TITLE 24, C.R.S., AS AMENDED, OR ANY SUCCESSOR STATUTE; EXCEPT THAT MAPS IN DRAFT FORM AND NOT SUBMITTED TO THE COMMISSION ARE NOT PUBLIC RECORDS SUBJECT TO DISCLOSURE. WORK PRODUCT AND COMMUNICATIONS AMONG NONPARTISAN STAFF ARE SUBJECT TO DISCLOSURE ONCE A PLAN IS SUBMITTED TO THE SUPREME COURT.

(III) PERSONS WHO CONTRACT FOR OR RECEIVE COMPENSATION FOR ADVOCATING TO THE COMMISSION, TO ONE OR MORE COMMISSIONERS, OR TO THE NONPARTISAN STAFF FOR THE ADOPTION OR REJECTION OF ANY MAP, AMENDMENT TO A MAP, MAPPING APPROACH, OR MANNER OF COMPLIANCE WITH ANY OF THE MAPPING CRITERIA SPECIFIED IN SECTION 44.3 OF THIS ARTICLE V ARE LOBBYISTS WHO MUST DISCLOSE TO THE SECRETARY OF STATE ANY COMPENSATION CONTRACTED FOR, COMPENSATION RECEIVED, AND THE PERSON OR ENTITY CONTRACTING OR PAYING FOR THEIR LOBBYING SERVICES. SUCH DISCLOSURE MUST BE MADE NO LATER THAN SEVENTY-TWO HOURS AFTER THE EARLIER OF EACH INSTANCE OF SUCH LOBBYING OR ANY PAYMENT OF SUCH COMPENSATION. THE SECRETARY OF STATE SHALL PUBLISH ON THE SECRETARY OF STATE'S WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC THE NAMES OF SUCH LOBBYISTS AS WELL AS THE COMPENSATION RECEIVED AND THE PERSONS OR ENTITIES FOR WHOM THEY WORK WITHIN TWENTY-FOUR HOURS OF RECEIVING SUCH INFORMATION. THE SECRETARY OF STATE SHALL ADOPT RULES TO FACILITATE THE COMPLETE AND PROMPT REPORTING REQUIRED BY THIS SUBSECTION (4)(b)(III) AS WELL AS A COMPLAINT PROCESS TO ADDRESS ANY LOBBYIST'S FAILURE TO REPORT A FULL AND ACCURATE DISCLOSURE, WHICH COMPLAINT MUST BE HEARD BY AN ADMINISTRATIVE LAW JUDGE, WHOSE DECISION MAY BE APPEALED TO THE COURT OF APPEALS.

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;

(b) COMPLY WITH THE FEDERAL "VOTING RIGHTS ACT OF 1965", 52 U.S.C. SEC. 50301, AS AMENDED.

(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.

(b) DISTRICTS MUST BE AS COMPACT AS IS REASONABLY POSSIBLE.

(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.

(c) WHEN THE COMMISSION APPROVES A PLAN, OR WHEN NONPARTISAN STAFF SUBMITS A PLAN IN THE ABSENCE OF THE COMMISSION'S APPROVAL OF A PLAN AS PROVIDED IN SECTION 44.4 OF THIS ARTICLE V, THE NONPARTISAN STAFF SHALL, WITHIN SEVENTY-TWO HOURS OF SUCH ACTION, MAKE PUBLICLY AVAILABLE, AND INCLUDE IN THE COMMISSION'S RECORD, A REPORT TO DEMONSTRATE HOW THE PLAN REFLECTS THE EVIDENCE PRESENTED TO, AND THE FINDINGS CONCERNING, THE EXTENT TO WHICH COMPETITIVENESS IN DISTRICT ELECTIONS IS FOSTERED CONSISTENT WITH THE OTHER CRITERIA SET FORTH IN THIS SECTION.

(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.

(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

(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.

Section 44.4. Preparation, amendment, and approval of plans - public hearings and participation. (1) THE COMMISSION SHALL BEGIN BY CONSIDERING A PLAN, CREATED BY NONPARTISAN STAFF ALONE, TO BE KNOWN AS THE "PRELIMINARY PLAN". THE PRELIMINARY PLAN MUST BE PRESENTED AND PUBLISHED NO EARLIER THAN THIRTY DAYS AND NO LATER THAN FORTY-FIVE DAYS AFTER THE COMMISSION HAS CONVENED OR THE NECESSARY CENSUS DATA ARE AVAILABLE, WHICHEVER IS LATER. WITHIN THE FIRST TWENTY DAYS AFTER THE COMMISSION HAS CONVENED, ANY MEMBER OF THE PUBLIC AND ANY MEMBER OF THE COMMISSION MAY SUBMIT WRITTEN COMMENTS TO NONPARTISAN STAFF ON THE CREATION OF THE PRELIMINARY PLAN AND ON COMMUNITIES OF INTEREST THAT REQUIRE REPRESENTATION IN ONE OR MORE SPECIFIC AREAS OF THE STATE. NONPARTISAN STAFF SHALL CONSIDER SUCH COMMENTS IN CREATING THE PRELIMINARY PLAN AND SUCH COMMENTS MUST BE PART OF THE RECORD OF THE COMMISSION'S ACTIVITIES AND PROCEEDINGS. AT THE FIRST PUBLIC HEARING AT WHICH THE PRELIMINARY PLAN IS PRESENTED, NONPARTISAN STAFF SHALL EXPLAIN HOW THE PLAN WAS CREATED, HOW THE PLAN ADDRESSES THE CATEGORIES OF PUBLIC COMMENTS RECEIVED, AND HOW THE PLAN COMPLIES WITH THE CRITERIA PRESCRIBED IN SECTION 44.3 OF THIS ARTICLE V.

(2) BY JULY 7 OF THE REDISTRICTING YEAR, THE COMMISSION SHALL COMPLETE PUBLIC HEARINGS ON THE PRELIMINARY PLAN IN SEVERAL PLACES THROUGHOUT THE STATE IN ACCORDANCE WITH SECTION 44.2 OF THIS ARTICLE V.

(3) SUBSEQUENT TO HEARINGS ON THE PRELIMINARY PLAN, NONPARTISAN STAFF SHALL PREPARE, PUBLISH ONLINE, AND PRESENT TO THE COMMISSION NO FEWER THAN THREE PLANS, EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION. THESE PLANS WILL BE KNOWN AS THE "STAFF PLANS" AND MUST BE NAMED AND NUMBERED SEQUENTIALLY FOR PURPOSES OF SUBSECTION (6) OF THIS SECTION. STAFF PLANS MUST BE PREPARED, PUBLISHED ONLINE, AND PRESENTED IN ACCORDANCE WITH A TIMETABLE ESTABLISHED BY THE COMMISSION; EXCEPT THAT EACH STAFF PLAN MUST BE PRESENTED TO THE COMMISSION NO FEWER THAN TEN DAYS AFTER THE PRESENTATION OF ANY PREVIOUS STAFF PLAN AND NO FEWER THAN TWENTY-FOUR HOURS AFTER IT HAS BEEN PUBLISHED ONLINE. IF THE COMMISSION FAILS TO ESTABLISH A TIMETABLE FOR THE PRESENTATION OF STAFF PLANS WITHIN TEN DAYS AFTER THE COMPLETION OF HEARINGS ON THE PRELIMINARY PLAN, NONPARTISAN STAFF SHALL ESTABLISH SUCH TIMETABLE. NONPARTISAN STAFF SHALL KEEP EACH PLAN CONFIDENTIAL UNTIL IT IS PUBLISHED ONLINE OR BY A COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC USING GENERALLY AVAILABLE TECHNOLOGIES. THE COMMISSION MAY PROVIDE DIRECTION, IF APPROVED BY AT LEAST EIGHT COMMISSIONERS INCLUDING AT LEAST ONE COMMISSIONER UNAFFILIATED WITH ANY POLITICAL PARTY, FOR THE DEVELOPMENT OF STAFF PLANS THROUGH THE ADOPTION OF STANDARDS, GUIDELINES, OR METHODOLOGIES TO WHICH NONPARTISAN STAFF SHALL ADHERE, INCLUDING STANDARDS, GUIDELINES, OR METHODOLOGIES TO BE USED TO EVALUATE A PLAN'S COMPETITIVENESS, CONSISTENT WITH SECTION 44.3 (3)(d) OF THIS ARTICLE V. IN PREPARING ALL STAFF PLANS, NONPARTISAN STAFF SHALL ALSO CONSIDER PUBLIC TESTIMONY AND PUBLIC COMMENTS RECEIVED BY THE COMMISSION THAT ARE CONSISTENT WITH THE CRITERIA SPECIFIED IN SECTION 44.3 OF THIS ARTICLE V.

(4) ANY COMMISSIONER OR GROUP OF COMMISSIONERS MAY REQUEST NONPARTISAN STAFF TO PREPARE ADDITIONAL PLANS OR AMENDMENTS TO PLANS. ANY SUCH REQUEST MUST BE MADE IN A PUBLIC HEARING OF THE COMMISSION BUT DOES NOT REQUIRE COMMISSION APPROVAL. PLANS OR AMENDMENTS DEVELOPED IN RESPONSE TO SUCH REQUESTS ARE SEPARATE FROM STAFF PLANS FOR PURPOSES OF SUBSECTION (6) OF THIS SECTION.

(5) (a) THE COMMISSION MAY ADOPT A FINAL PLAN AT ANY TIME AFTER PRESENTATION OF THE FIRST STAFF PLAN, IN WHICH CASE NONPARTISAN STAFF DOES NOT NEED TO PREPARE OR PRESENT ADDITIONAL STAFF PLANS.

(b) NO LATER THAN SEPTEMBER 1 OF THE REDISTRICTING YEAR, THE COMMISSION SHALL ADOPT A FINAL PLAN, WHICH MUST THEN BE SUBMITTED TO THE SUPREME COURT FOR ITS REVIEW AND DETERMINATION IN ACCORDANCE WITH SECTION 44.5 OF THIS ARTICLE V.

(c) THE COMMISSION MAY ADJUST THE DEADLINES SPECIFIED IN THIS SECTION IF CONDITIONS OUTSIDE OF THE COMMISSION'S CONTROL REQUIRE SUCH AN ADJUSTMENT TO ENSURE ADOPTING A FINAL PLAN AS REQUIRED BY THIS SUBSECTION (5).

(d) THE COMMISSION MAY GRANT NONPARTISAN STAFF THE AUTHORITY TO MAKE TECHNICAL DE MINIMIS ADJUSTMENTS TO THE ADOPTED PLAN PRIOR TO ITS SUBMISSION TO THE SUPREME COURT.

(6) IF FOR ANY REASON THE COMMISSION DOES NOT ADOPT A FINAL PLAN BY THE DATE SPECIFIED IN SUBSECTION (5) OF THIS SECTION, THEN NONPARTISAN STAFF SHALL SUBMIT THE UNAMENDED THIRD STAFF PLAN TO THE SUPREME COURT.

Section 44.5. Supreme court review. (1) THE SUPREME COURT SHALL REVIEW THE SUBMITTED PLAN AND DETERMINE WHETHER THE PLAN COMPLIES WITH THE CRITERIA LISTED IN SECTION 44.3 OF THIS ARTICLE V. THE COURT'S REVIEW AND DETERMINATION SHALL TAKE PRECEDENCE OVER OTHER MATTERS BEFORE THE COURT. THE SUPREME COURT SHALL ADOPT RULES FOR SUCH PROCEEDINGS AND FOR THE PRODUCTION AND PRESENTATION OF SUPPORTIVE EVIDENCE FOR SUCH PLAN. ANY LEGAL ARGUMENTS CONCERNING SUCH PLAN MUST BE SUBMITTED TO THE SUPREME COURT PURSUANT TO THE SCHEDULE ESTABLISHED BY THE COURT.

(2) THE SUPREME COURT SHALL APPROVE THE PLAN SUBMITTED UNLESS IT FINDS THAT THE COMMISSION OR NONPARTISAN STAFF, IN THE CASE OF A STAFF PLAN SUBMITTED IN THE ABSENCE OF A COMMISSION-APPROVED PLAN, ABUSED ITS DISCRETION IN APPLYING OR FAILING TO APPLY THE CRITERIA LISTED IN SECTION 44.3 OF THIS ARTICLE V, IN LIGHT OF THE RECORD BEFORE THE COMMISSION. THE SUPREME COURT MAY CONSIDER ANY MAPS SUBMITTED TO THE COMMISSION IN ASSESSING WHETHER THE COMMISSION OR NONPARTISAN STAFF, IN THE CASE OF A STAFF PLAN SUBMITTED IN THE ABSENCE OF A COMMISSION-APPROVED PLAN, ABUSED ITS DISCRETION.

(3) IF THE SUPREME COURT DETERMINES THAT THE SUBMITTED PLAN CONSTITUTES AN ABUSE OF DISCRETION IN APPLYING OR FAILING TO APPLY THE CRITERIA LISTED IN SECTION 44.3 OF THIS ARTICLE V, IN LIGHT OF THE RECORD BEFORE THE COMMISSION, THE SUPREME COURT SHALL RETURN THE PLAN TO THE COMMISSION WITH THE COURT'S REASONS FOR DISAPPROVAL.

(4) (a) BY NOVEMBER 1 OF THE REDISTRICTING YEAR, THE SUPREME COURT SHALL APPROVE THE PLAN SUBMITTED OR RETURN THE PLAN TO THE COMMISSION.

(b) IF THE COURT RETURNS THE PLAN TO THE COMMISSION, THE COMMISSION SHALL HAVE TWELVE DAYS TO HOLD A COMMISSION HEARING THAT INCLUDES PUBLIC TESTIMONY AND TO RETURN AN ADOPTED PLAN THAT RESOLVES THE COURT'S REASONS FOR DISAPPROVAL.

(c) IF THE COMMISSION FAILS TO ADOPT AND RETURN A PLAN TO THE COURT WITHIN TWELVE DAYS, NONPARTISAN STAFF SHALL HAVE AN ADDITIONAL THREE DAYS TO PREPARE A PLAN THAT RESOLVES THE COURT'S REASONS FOR DISAPPROVAL AND RETURN IT TO THE COURT FOR APPROVAL.

(d) THE SUPREME COURT SHALL REVIEW THE REVISED PLAN IN ACCORDANCE WITH SUBSECTIONS (1), (2), AND (3) OF THIS SECTION.

(5) THE SUPREME COURT SHALL APPROVE A PLAN FOR THE REDRAWING OF CONGRESSIONAL DISTRICTS NO LATER THAN DECEMBER 15 OF THE REDISTRICTING YEAR. THE COURT SHALL ORDER THAT SUCH PLAN BE FILED WITH THE SECRETARY OF STATE NO LATER THAN SUCH DATE.

Section 44.6. Severability. IF ANY PROVISION OF SECTIONS 44.1 THROUGH 44.5 OF THIS ARTICLE V IS FOUND BY A COURT OF COMPETENT JURISDICTION TO BE UNCONSTITUTIONAL, OR IF ANY APPLICATION OF THESE SECTIONS IS FOUND BY SUCH A COURT TO BE UNCONSTITUTIONAL, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THE REMAINING PROVISIONS OF THESE SECTIONS THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION. THE PROVISIONS OF SECTIONS 44.1 THROUGH 44.5 OF THIS ARTICLE V ARE DEEMED AND DECLARED SEVERABLE.

SECTION 2. Each elector voting at the election may cast a vote either "Yes/For" or "No/Against" on the following ballot title: "Shall there be an amendment to the Colorado constitution concerning a change to the way that congressional districts are drawn, and, in connection therewith, taking the duty to draw congressional districts away from the state legislature and giving it to an independent commission, composed of twelve citizens who possess specified qualifications; prohibiting any one political party's control of the commission by requiring that one-third of commissioners will not be affiliated with any political party, one-third of the commissioners will be affiliated with the state's largest political party, and one-third of the commissioners will be affiliated with the state's second largest political party; prohibiting certain persons, including professional lobbyists, federal campaign committee employees, and federal, state, and local elected officials, from serving on the commission; limiting judicial review of a map to a determination by the supreme court of whether the commission or its nonpartisan staff committed an abuse of discretion; requiring the commission to draw districts with a focus on communities of interest and political subdivisions, such as cities and counties, and then to maximize the number of competitive congressional seats to the extent possible; and prohibiting maps from being drawn to dilute the electoral influence of any racial or ethnic group or to protect any incumbent, any political candidate, or any political party?"

SECTION 3. Except as otherwise provided in section 1-40-123, Colorado Revised Statutes, if at least fifty-five percent of the electors voting on the ballot title vote "Yes/For", then the amendment will become part of the state constitution.

Amendment Z
Legislative Redistricting
(This measure requires at least 55 percent of the vote to pass.)

ANALYSIS

Amendment Z proposes amending the Colorado Constitution to:

♦ replace the Colorado Reapportionment Commission with the Independent Legislative Redistricting Commission, consisting of an equal number of members from each of the state's two largest political parties and unaffiliated voters, to amend and approve state legislative district maps drawn by nonpartisan legislative staff;

♦ establish a process for selecting commissioners, new requirements for transparency and ethics, and a procedure for judicial review of commission maps; and

♦ expand and prioritize the criteria the commission must use for adopting state legislative district maps

Summary and Analysis

Amendment Z establishes a new process for state legislative redistricting. Amendment Y, which is also on the 2018 ballot, proposes a similar but separate process for congressional redistricting.

Redistricting. The state legislature has 35 state senators and 65 state representatives. The U.S. Census is conducted every ten years, and afterward state legislative districts are redrawn to have nearly equal populations.

Legislative redistricting process in Colorado. Since voters approved its creation in 1974, the Colorado Reapportionment Commission (reapportionment commission) has convened after each U.S. Census to draw new state legislative district maps. The reapportionment commission consists of 11 members appointed by legislative leaders, the Governor, and the Chief Justice of the Colorado Supreme Court. Up to 6 of the 11 members may be affiliated with the same political party. The state legislature provides the reapportionment commission with nonpartisan staff support. The reapportionment commission is required to draft preliminary maps for state senate and house districts and hold public hearings on the maps throughout the state. Its final maps must have the support of a simple majority of commissioners, and they are submitted to the Colorado Supreme Court for approval.

Amendment Z replaces the reapportionment commission with the Independent Legislative Redistricting Commission (commission), which is charged with drawing the state's legislative districts. The new commission must have 12 members, 4 from the state's largest political party, which is currently the Democratic Party, 4 from the state's second largest political party, which is currently the Republican Party, and 4 who are not affiliated with any political party. These members are appointed from a pool of applicants as described below.

Application and appointment process. Amendment Z sets minimum qualifications for commissioners. An applicant must be registered to vote and have voted in the previous two general elections in Colorado, and have been either affiliated with the same party or unaffiliated with any party for the last five consecutive years. An applicant may not be appointed to the commission if he or she has been a candidate for the state legislature within the last five years, or within the last three years been: a professional registered lobbyist; an elected public official; an elected political party official above the precinct level; or paid by a member of or candidate for the state legislature. Commissioners may not also serve on the Independent Congressional Redistricting Commission proposed in Amendment Y.

The measure requires nonpartisan legislative staff to prepare an application form for commissioners after receiving public input on the application at one or more public hearings. All applications submitted

must be posted on a public website. Nonpartisan legislative staff must review commission applications to ensure applicants meet the minimum qualifications.

The Chief Justice of the Colorado Supreme Court designates a panel of three of the most recently retired judges from the Colorado Supreme Court or Colorado Court of Appeals to facilitate the selection of commissioners. No more than one of the three judges may be registered with any one political party, and the panel's decisions must be unanimous. Selected judges may not also serve on the panel that facilitates the selection of the proposed Independent Congressional Redistricting Commission. From all of the qualified applicants, the panel of retired judges randomly selects a pool of 1,050 applicants. The panel then narrows the applicant pool to 150 applicants using criteria related to applicants' experience, analytical skills, and ability to be impartial and promote consensus.

From the 150-person applicant pool, the panel randomly chooses 2 commissioners affiliated with the state's largest political party, 2 commissioners affiliated with the state's second largest political party, and 2 commissioners who are not affiliated with a political party. For the remaining 6 commissioners, the panel selects 2 additional unaffiliated commissioners from the pool of 1,050 applicants, and 4 commissioners from applicant pools determined by legislative leaders. The final 12-member commission will have 4 Democrats, 4 Republicans, and 4 unaffiliated members, unless another political party becomes the largest or second largest political party in the state. The final composition of the commission should reflect Colorado's racial, ethnic, gender, and geographic diversity, and must include members from each congressional district, including at least one member from the Western Slope.

Commission operations. Under the measure, the commission is responsible for adopting rules to govern its administration and operation, and the commissioners are subject to open meeting laws. Staff for the commission must be assigned from nonpartisan legislative staff agencies. Commissioners are prohibited from communicating with nonpartisan legislative staff about any maps outside of a public meeting or hearing, and staff are prohibited from communicating with outside parties concerning the development of redistricting maps. Any commissioner who participates in prohibited communication must be removed from the commission. Any person who receives compensation for advocating to the commission, one or more commissioners, or staff is considered a lobbyist and must disclose his or her compensation and its source to the Secretary of State for publication.

Criteria for drawing legislative district maps. The U.S. and Colorado constitutions require state legislative districts to be as nearly equal in population as possible. Under the federal Voting Rights Act of 1965, the state cannot change voting standards, practices, or procedures in a way that denies or limits the right to vote based on race or color or membership in a language minority group. In particular, the act requires that a minority group's voting strength not be diluted under a redistricting map.

Additionally, current state law requires, when drawing state legislative maps, that:

- districts be contiguous and as compact in area as possible;
- the division of counties and cities among multiple districts be minimized; and
- communities of interest be preserved where possible.

Amendment Z maintains these criteria, but prioritizes the preservation of communities of interest and certain political subdivisions that, in their entirety, fit within a district. It limits the splitting of cities, towns, and counties to those circumstances when a community of interest, which is a group sharing specific state legislative interests, has a reason for being kept together in a district that is more essential to the fair and effective representation of voters. The measure also incorporates principles of the Voting Rights Act into state law and prohibits the approval of a map that violates these principles.

After these criteria are considered, Amendment Z requires the commission to maximize the number of politically competitive districts, which are defined as having the reasonable potential for the party affiliation of the district's representative to change at least once over the decade, to the extent possible. Maps cannot be drawn for the purpose of protecting incumbents, candidates, or political parties.

Map consideration and public involvement. The measure directs nonpartisan commission staff to create preliminary redistricting maps for the state senate and House of Representatives, and requires them to consider public comments while developing the maps. Members of the public may also present proposed redistricting maps and written comments for the commission's consideration. The commission must hold at least three public hearings in each congressional district to receive public input before approving redistricting maps. At least ten commissioners must attend each hearing, either in person or electronically. These hearings must be broadcast online, and the commission must maintain a website through which Colorado residents may submit maps or written comments. All written comments pertaining to redistricting must be published on the website. After the commission holds its hearings on the preliminary maps, staff must prepare additional maps. The commission can adopt standards and guidelines for staff to follow when developing staff maps. Any commissioner can request at a public hearing that staff prepare additional maps or amendments to maps. The commission can adopt final maps at any time after the presentation of the first staff maps.

Final maps. Under the measure, the commission must adopt final maps for state senate and house districts and submit them to the Colorado Supreme Court for review. At least 8 of the 12 commissioners, including at least 2 unaffiliated commissioners, must approve the final maps, and the maps must be made public before the commission votes on them. If the commission fails to submit the final maps, staff maps must be submitted, without amendments, to the Colorado Supreme Court for judicial review.

The Colorado Supreme Court must approve the final maps unless the court finds that the commission abused its discretion in applying or failing to apply required criteria, in which case the court must return them to the commission. If returned, the commission has 12 days to hold a hearing and submit the revised maps to the Colorado Supreme Court. If the commission fails to submit revised maps, nonpartisan staff have an additional three days to submit revised maps. The Colorado Supreme Court must approve the legislative redistricting maps by December 29 of the redistricting year.

> *For information on those issue committees that support or oppose the measures on the ballot at the November 6, 2018, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:* http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html

Arguments For

1) Amendment Z limits the role of partisan politics in the legislative redistricting process. Through the commissioner selection process, checks and balances are in place to ensure no one political party controls the commission. Applicants must be qualified to serve on the commission and, unlike the current reapportionment commission, lobbyists and politicians are prohibited from serving. The selection process limits the appointment power of party leaders by relying on retired judges and random selection. Republicans, Democrats, and unaffiliated voters must be appointed to the commission in equal numbers. Additionally, nonpartisan legislative staff draw the district maps, and each map's approval requires a supermajority vote of the commission, including at least two unaffiliated commissioners. These provisions encourage political compromise by keeping political parties and politicians with a vested interest in the outcome from controlling the redistricting process.

2) The measure makes the redistricting process more transparent and provides greater opportunity for public participation. Legislative redistricting is conducted by a more independent commission than currently exists, with safeguards against undue influence in the preparation and adoption of maps. The commission is subject to state open records and open meetings laws, and anyone paid to lobby the commission has 72 hours to disclose their lobbying activities. By requiring that map-related communications occur in public, Coloradans will be able to see exactly how the districts are drawn.

3) The measure brings structure to the redistricting process by using clear, ordered, and fair criteria in the drawing of districts. By prioritizing factors such as communities of interest, city and county

lines, and political competitiveness, it provides specific direction to the commission about how it should evaluate proposed maps. It also prevents the adoption of maps that protect incumbents, candidates, or political parties, or maps that dilute the electoral influence of racial or ethnic minorities.

Arguments Against

1) Amendment Z reduces accountability in the redistricting process. The selection process the measure proposes will result in a group of commissioners who are not only not elected, but are not even accountable to elected officials. This process relies on unelected retired judges to screen applicants and select half of the commissioners. Further, the commission is staffed by government employees who are not accountable to the voters, and they may end up drawing the final maps if the commission cannot agree. Legislative staff may have a vested interest in the outcome of legislative elections that could bias their work drawing district maps.

2) The commissioner selection process outlined in the measure is complex, and half of the members are determined by random chance. This complicated and random selection process may prevent individuals with important experience and knowledge from becoming commissioners. While the goal of the random selection may be to remove politics from redistricting, unaffiliated commissioners with partisan views could still be selected, and the selection process may not result in a commission that can be impartial and promote consensus.

3) The measure outlines criteria that may be difficult to apply in an objective manner. For example, the broad definition of communities of interest is vague and open to interpretation. The measure also leaves the commission to determine what a competitive district is without specifying what factors to consider. Additionally, the four unaffiliated commissioners will have political leanings that may be difficult to discern, but that could sway how they apply the criteria and influence the final maps, since many critical votes require their support. The resulting maps may serve to protect certain segments of the population at the expense of others and could result in districts that make no sense to voters.

Estimate of Fiscal Impact

State revenue. Beginning in FY 2020-21, Amendment Z may minimally increase Secretary of State cash fund revenue from fines collected from lobbyists who fail to disclose the required information.

State expenditures. Overall, Amendment Z increases state expenditures to fund the Independent Legislative Redistricting Commission by $252,065 in FY 2020-21, and decreases state expenditures by $65,977 in FY 2021-22, as compared with the expenses for the current Reapportionment Commission.

TITLE AND TEXT

The ballot title below is a summary drafted by the professional legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado constitution. The text of the measure that will appear in the Colorado constitution below was referred to the voters because it passed by a two-thirds majority vote of the state senate and the state house of representatives.

Ballot Title:

Shall there be an amendment to the Colorado constitution concerning a change to the manner in which state senate and state house of representatives districts are drawn, and, in connection therewith, reforming the existing legislative reapportionment commission by expanding the commission to twelve members and authorizing the appointment of members who possess specified qualifications; prohibiting any one political party's control of the commission by requiring that one-third of commissioners will not be

affiliated with any political party, one-third of the commissioners will be affiliated with the state's largest political party, and one-third of the commissioners will be affiliated with the state's second largest political party; prohibiting certain persons, including professional lobbyists, federal campaign committee employees, and federal, state, and local elected officials, from serving on the commission; limiting judicial review of a map to a determination by the supreme court of whether the commission or its nonpartisan staff committed an abuse of discretion; requiring the commission to draw state legislative districts using communities of interest as well as political subdivisions, such as cities and counties, and then to maximize the number of competitive state legislative seats to the extent possible; and prohibiting maps from being drawn to dilute the electoral influence of any racial or ethnic group or to protect any incumbent, any political candidate, or any political party?

Text of Measure:

Be It Resolved by the Senate of the Seventy-first General Assembly of the State of Colorado, the House of Representatives concurring herein:

SECTION 1. At the election held on November 6, 2018, the secretary of state shall submit to the registered electors of the state the ballot title set forth in section 2 for the following amendment to the state constitution:

In the constitution of the state of Colorado, **amend** section 46 of article V as follows:

Section 46. Senatorial and representative districts - commission created. (1) **Declaration of the people.** THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT:

(a) THE PRACTICE OF POLITICAL GERRYMANDERING, WHEREBY LEGISLATIVE DISTRICTS ARE PURPOSEFULLY DRAWN TO FAVOR ONE POLITICAL PARTY OR INCUMBENT POLITICIAN OVER ANOTHER, MUST END;

(b) THE PUBLIC'S INTEREST IN PROHIBITING POLITICAL GERRYMANDERING IS BEST ACHIEVED BY CREATING A NEW AND INDEPENDENT COMMISSION THAT IS POLITICALLY BALANCED, PROVIDES REPRESENTATION TO VOTERS NOT AFFILIATED WITH EITHER OF THE STATE'S TWO LARGEST PARTIES, AND UTILIZES NONPARTISAN LEGISLATIVE STAFF TO DRAW MAPS;

(c) THE REDISTRICTING COMMISSION SHOULD 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;

(d) COMPETITIVE ELECTIONS FOR MEMBERS OF THE GENERAL ASSEMBLY PROVIDE VOTERS WITH A MEANINGFUL CHOICE AMONG CANDIDATES, PROMOTE A HEALTHY DEMOCRACY, HELP ENSURE THAT CONSTITUENTS RECEIVE FAIR AND EFFECTIVE REPRESENTATION, AND CONTRIBUTE TO THE POLITICAL WELL-BEING OF KEY COMMUNITIES OF INTEREST AND POLITICAL SUBDIVISIONS;

(e) FOR YEARS CERTAIN POLITICAL INTERESTS OPPOSED COMPETITIVE DISTRICTS IN COLORADO BECAUSE THEY ARE PRIMARILY CONCERNED ABOUT MAINTAINING THEIR OWN POLITICAL POWER AT THE EXPENSE OF FAIR AND EFFECTIVE REPRESENTATION; AND

(f) CITIZENS WANT AND DESERVE AN INCLUSIVE AND MEANINGFUL LEGISLATIVE REDISTRICTING PROCESS THAT PROVIDES THE PUBLIC WITH THE ABILITY TO BE HEARD AS REDISTRICTING MAPS ARE DRAWN, TO BE ABLE TO WATCH THE WITNESSES WHO DELIVER TESTIMONY AND THE REDISTRICTING COMMISSION'S DELIBERATIONS, AND TO HAVE THEIR WRITTEN COMMENTS CONSIDERED BEFORE ANY PROPOSED MAP IS VOTED UPON BY THE COMMISSION AS THE FINAL MAP.

(2) **Legislative districts - commission created.** THERE IS HEREBY CREATED THE INDEPENDENT LEGISLATIVE REDISTRICTING COMMISSION. The ~~state~~ COMMISSION shall ~~be divided~~ DIVIDE THE STATE into as many senatorial and representative districts as there are members of the senate and house of representatives respectively. ~~each district in each house having a population as nearly equal as may be, as required by the constitution of the United States, but in no event shall there be more than five percent~~

deviation between the most populous and the least populous district in each house. AFTER EACH FEDERAL DECENNIAL CENSUS, THE SENATORIAL DISTRICTS AND REPRESENTATIVE DISTRICTS SHALL BE ESTABLISHED, REVISED, OR ALTERED, AND THE MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES APPORTIONED AMONG THEM, BY THE INDEPENDENT LEGISLATIVE REDISTRICTING COMMISSION.

(3) **Definitions.** AS USED IN THIS SECTION AND IN SECTIONS 47 THROUGH 48.4 OF THIS ARTICLE V, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COMMISSION" MEANS THE INDEPENDENT LEGISLATIVE REDISTRICTING COMMISSION CREATED IN SUBSECTION (2) OF THIS SECTION.

(b) (I) "COMMUNITY OF INTEREST" MEANS ANY GROUP IN COLORADO THAT SHARES ONE OR MORE SUBSTANTIAL INTERESTS THAT MAY BE THE SUBJECT OF STATE LEGISLATIVE ACTION, IS COMPOSED OF A REASONABLY PROXIMATE POPULATION, AND THUS SHOULD BE CONSIDERED FOR INCLUSION WITHIN A SINGLE DISTRICT 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 48.1 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.

(c) "RACE" OR "RACIAL" MEANS A CATEGORY OF RACE OR ETHNIC ORIGIN DOCUMENTED IN THE FEDERAL DECENNIAL CENSUS.

(d) "REDISTRICTING YEAR" MEANS THE YEAR FOLLOWING THE YEAR IN WHICH THE FEDERAL DECENNIAL CENSUS IS TAKEN.

(e) "STAFF" OR "NONPARTISAN STAFF" MEANS THE STAFF OF THE GENERAL ASSEMBLY'S LEGISLATIVE COUNCIL AND OFFICE OF LEGISLATIVE LEGAL SERVICES, OR THEIR SUCCESSOR OFFICES, WHO ARE ASSIGNED TO ASSIST THE COMMISSION BY THE DIRECTORS OF THOSE OFFICES IN ACCORDANCE WITH SECTION 48 OF THIS ARTICLE V.

(4) **Adjustment of dates.** IF ANY DATE PRESCRIBED IN SECTIONS 47 THROUGH 48.3 OF THIS ARTICLE V FALLS ON A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THEN THE DATE IS EXTENDED TO THE NEXT DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

In the constitution of the state of Colorado, **repeal and reenact, with amendments,** section 47 of article V as follows:

Section 47. Commission composition and appointment - vacancies. (1) AFTER EACH FEDERAL DECENNIAL CENSUS OF THE UNITED STATES, THE MEMBERS OF THE COMMISSION SHALL BE APPOINTED AND CONVENED AS PRESCRIBED IN THIS SECTION.

(2) THE COMMISSION CONSISTS OF TWELVE MEMBERS WHO HAVE THE FOLLOWING QUALIFICATIONS:

(a) COMMISSIONERS MUST BE REGISTERED ELECTORS WHO VOTED IN BOTH OF THE PREVIOUS TWO GENERAL ELECTIONS IN COLORADO;

(b) COMMISSIONERS MUST EITHER HAVE BEEN UNAFFILIATED WITH ANY POLITICAL PARTY OR HAVE BEEN AFFILIATED WITH THE SAME POLITICAL PARTY FOR A CONSECUTIVE PERIOD OF NO LESS THAN FIVE YEARS AT THE TIME OF THE APPLICATION; AND

(c) NO PERSON MAY BE APPOINTED TO OR SERVE ON THE COMMISSION IF HE OR SHE:

(I) IS OR HAS BEEN A CANDIDATE FOR THE GENERAL ASSEMBLY WITHIN THE LAST FIVE YEARS PRECEDING THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE COMMISSION ARE DUE UNDER SUBSECTION (4) OF THIS SECTION;

(II) IS OR HAS BEEN, WITHIN THE LAST THREE YEARS PRECEDING THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE COMMISSION ARE DUE UNDER SUBSECTION (4) OF THIS SECTION, COMPENSATED BY A MEMBER OF, OR A CAMPAIGN COMMITTEE ADVOCATING THE ELECTION OF A CANDIDATE TO, THE GENERAL ASSEMBLY;

(III) IS OR HAS BEEN, WITHIN THE LAST THREE YEARS PRECEDING THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE COMMISSION ARE DUE UNDER SUBSECTION (4) OF THIS SECTION, AN ELECTED PUBLIC OFFICIAL AT THE FEDERAL, STATE, COUNTY, OR MUNICIPAL LEVEL IN COLORADO;

(IV) IS OR HAS BEEN, WITHIN THE LAST THREE YEARS PRECEDING THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE COMMISSION ARE DUE UNDER SUBSECTION (4) OF THIS SECTION, AN ELECTED POLITICAL PARTY OFFICIAL ABOVE THE PRECINCT LEVEL IN COLORADO OR AN EMPLOYEE OF A POLITICAL PARTY;

(V) IS A MEMBER OF THE COMMISSION RESPONSIBLE FOR DIVIDING THE STATE INTO CONGRESSIONAL DISTRICTS; OR

(VI) IS OR HAS BEEN A PROFESSIONAL LOBBYIST REGISTERED TO LOBBY WITH THE STATE OF COLORADO, WITH ANY MUNICIPALITY IN COLORADO, OR AT THE FEDERAL LEVEL WITHIN THE LAST THREE YEARS PRECEDING THE DATE ON WHICH APPLICATIONS FOR APPOINTMENT TO THE COMMISSION ARE DUE UNDER SUBSECTION (4) OF THIS SECTION.

(3) (a) BY AUGUST 10 OF THE YEAR PRIOR TO THE REDISTRICTING YEAR, NONPARTISAN STAFF SHALL, AFTER HOLDING ONE OR MORE PUBLIC HEARINGS, PREPARE AN APPLICATION FORM THAT WILL ALLOW APPOINTING AUTHORITIES TO EVALUATE A PERSON'S EXPERIENCE AND QUALIFICATIONS AND MAKE SUCH APPLICATION AVAILABLE ON THE GENERAL ASSEMBLY'S WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC.

(b) THE APPLICATION FORM MUST CLEARLY STATE THE LEGAL OBLIGATIONS AND EXPECTATIONS OF POTENTIAL APPOINTEES. INFORMATION REQUIRED OF APPLICANTS MUST INCLUDE, BUT IS NOT NECESSARILY LIMITED TO, PROFESSIONAL BACKGROUND, PARTY AFFILIATION, A DESCRIPTION OF PAST POLITICAL ACTIVITY, A LIST OF ALL POLITICAL AND CIVIC ORGANIZATIONS TO WHICH THE APPLICANT HAS BELONGED WITHIN THE PREVIOUS FIVE YEARS, AND WHETHER THE APPLICANT MEETS THE QUALIFICATIONS STATED IN SUBSECTION (2) OF THIS SECTION. IN ADDITION, THE APPLICATION FORM MUST REQUIRE THE APPLICANT TO EXPLAIN WHY THEY WANT TO SERVE ON THE COMMISSION AND AFFORD THE APPLICANT AN OPPORTUNITY TO MAKE A STATEMENT ABOUT HOW THEY WILL PROMOTE CONSENSUS AMONG COMMISSIONERS IF APPOINTED TO THE COMMISSION. APPLICANTS MAY ALSO CHOOSE TO INCLUDE UP TO FOUR LETTERS OF RECOMMENDATION WITH THEIR APPLICATION.

(4) BY NOVEMBER 10 OF THE YEAR PRIOR TO THE REDISTRICTING YEAR, ANY PERSON WHO SEEKS TO SERVE ON THE COMMISSION MUST SUBMIT A COMPLETED APPLICATION TO NONPARTISAN STAFF. ALL APPLICATIONS ARE PUBLIC RECORDS AND MUST BE POSTED PROMPTLY AFTER RECEIPT ON THE GENERAL ASSEMBLY'S WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC.

(5) (a) No later than January 5 of the redistricting year, the chief justice of the Colorado supreme court shall designate a panel to review the applications. The panel must consist of the three justices or judges who most recently retired from the Colorado supreme court or the Colorado court of appeals, appointed sequentially starting with the most recent justice or judge to retire who has been affiliated with the same political party or unaffiliated with any political party for the two years prior to appointment; except that no appointee, within two years prior to appointment, shall have been affiliated with the same political party as a justice or judge already appointed to the panel. If any of the three justices or judges who most recently retired from the Colorado supreme court or the Colorado court of appeals is unable or unwilling to serve on the panel or has been affiliated within two years prior to appointment with a political party already represented on the panel, then the chief justice shall appoint the next justice or judge who most recently retired from the Colorado supreme court or the Colorado court of appeals and who has not been affiliated within two years prior to appointment with the same political party as any justice or judge already appointed to the panel. If, after considering all justices and judges who have retired from the Colorado supreme court and the Colorado court of appeals, fewer than three eligible participants for the panel have been identified who are able and willing to serve, the chief justice shall appoint the most recently retired district court judge who has not been affiliated within two years prior to appointment with the same political party as any previous appointee to the panel and who accepts such appointment. No justice or judge shall serve both on this panel and the panel assisting in the process of choosing members of the commission responsible for dividing the state into congressional districts.

(b) All decisions of the panel regarding the selection of applicants pursuant to this section require the affirmative approval of all three members of the panel.

(c) The general assembly shall prescribe by law the compensation of members of the panel. Nonpartisan staff shall assist the panel in carrying out its duties.

(6) After applications are submitted, nonpartisan staff, with the cooperation and assistance of the secretary of state, shall make an objective and factual finding based on, to the extent possible, publicly available information, including information contained in the application and information contained within the records maintained by the secretary of state, whether each applicant meets the qualifications specified in subsection (2) of this section. No later than January 11 of the redistricting year, nonpartisan staff shall make its findings publicly available, and notify the applicants of the staff's finding. If the staff finds that an applicant is not eligible, then the staff shall include the reasons in its finding.

(7) By January 25 of the redistricting year, the panel, in a public meeting, shall randomly select by lot from all of the applicants who were found to meet the qualifications specified in subsection (2) of this section the names of three hundred applicants who are affiliated with the state's largest political party, three hundred applicants who are affiliated with the state's second largest political party, and four hundred fifty applicants who are not affiliated with any political party, or such lesser number as there are total applicants who meet the qualifications specified in subsection (2) of this section for each of those groups.

(8) (a) In one or more public hearings conducted on or before February 15 of the redistricting year, after reviewing the applications of the applicants selected in accordance with subsection (7) of this section, the panel shall identify fifty applicants who are affiliated with the state's largest political party, fifty applicants who are identified with the state's second largest political party, and fifty applicants who are unaffiliated with any political party and who best demonstrate:

(I) Experience in organizing, representing, advocating for, adjudicating the interests of, or actively participating in groups, organizations, or associations in Colorado; and

(II) Relevant analytical skills, the ability to be impartial, and the ability to promote consensus on the commission.

(b) No later than February 15 of the redistricting year, from the applicants identified in subsection (8)(a) of this section, the panel shall choose by lot six applicants to serve on the commission as follows:

(I) Two commissioners who are not affiliated with any political party;

(II) Two commissioners who are affiliated with the state's largest political party; and

(III) Two commissioners who are affiliated with the state's second largest political party.

(c) In the process of choosing applicants by lot for appointment to the commission, no applicant whose name is chosen may be appointed if he or she is registered to vote in a congressional district that is already represented on the commission; except that, when all then-existing congressional districts in Colorado are represented on the commission, a congressional district may be represented by a second commissioner. No congressional district may be represented by more than two commissioners. Any persons whose names are chosen but duplicate a congressional district's representation on the commission and are not appointed to the commission shall be eligible for appointment pursuant to subsections (9) and (10) of this section.

(9) (a) By February 16 of the redistricting year, the majority leader of the state senate, the minority leader of the state senate, the majority leader of the state house of representatives, and the minority leader of the state house of representatives shall each select a pool of ten applicants who are affiliated with one of the state's two largest political parties from all applications submitted to nonpartisan staff and notify the panel of their selections.

(b) As determined by the legislative leaders in selecting their respective pools, the applicants selected for each pool must meet the qualifications set forth in subsection (2) of this section and demonstrate the qualities listed in subsection (8)(a) of this section.

(c) For each congressional district not represented by a commissioner appointed pursuant to subsections (8)(b) and (8)(c) of this section, each pool must consist of at least one applicant who is registered to vote in that congressional district.

(d) If there is an insufficient number of available applicants that meet the requirements of subsection (9)(b) of this section to select any complete pool, then the pool must consist of only those applicants who meet those requirements.

(10) By March 16 of the redistricting year, the panel of judges shall select, in such order as the panel determines, one commissioner from each legislative leader's pool of applicants and two commissioners from those applicants who are not affiliated with any political party and whose names were randomly selected by lot pursuant to subsection (7) of this section. The panel of judges must ensure that the commission includes four commissioners who are not affiliated with any political party, four commissioners who are affiliated with the state's largest political party, and four commissioners who are affiliated with the state's second largest political party. The panel of judges may interview applicants before making the appointments. In selecting applicants, the panel shall, in addition to considering applicants' other qualifications:

(a) To the extent possible, ensure that the commission reflects Colorado's racial, ethnic, gender, and geographic diversity;

(b) Ensure that at least one commissioner is registered to vote in each congressional district but no more than two commissioners are registered to vote in any single congressional district;

(c) Ensure that at least one commissioner resides west of the continental divide; and

(d) Ensure that all commissioners meet the qualifications set forth in subsection (2) of this section and demonstrate the qualities listed in subsection (8)(a) of this section.

Amendment Z: Legislative Redistricting　　　　　　　　　　　　　　　　　　　　　　　　　*31*

(11) (a) A COMMISSIONER'S POSITION ON THE COMMISSION WILL BE DEEMED VACANT IF HE OR SHE, HAVING BEEN APPOINTED AS A REGISTERED ELECTOR WHO IS NOT AFFILIATED WITH A POLITICAL PARTY, AFFILIATES WITH A POLITICAL PARTY BEFORE THE SUPREME COURT HAS APPROVED A PLAN PURSUANT TO SECTION 48.3 OF THIS ARTICLE V. A COMMISSIONER'S POSITION ON THE COMMISSION WILL ALSO BE DEEMED VACANT IF HE OR SHE, HAVING BEEN AFFILIATED WITH ONE OF THE STATE'S TWO LARGEST POLITICAL PARTIES AT THE TIME OF APPOINTMENT, AFFILIATES WITH A DIFFERENT POLITICAL PARTY OR BECOMES UNAFFILIATED WITH ANY POLITICAL PARTY BEFORE THE SUPREME COURT HAS APPROVED A PLAN PURSUANT TO SECTION 48.3 OF THIS ARTICLE V.

(b) ANY VACANCY ON THE COMMISSION, INCLUDING ONE THAT OCCURS DUE TO DEATH, RESIGNATION, REMOVAL, FAILURE TO MEET THE QUALIFICATIONS OF APPOINTMENT, REFUSAL OR INABILITY TO ACCEPT AN APPOINTMENT, OR OTHERWISE, MUST BE FILLED AS SOON AS POSSIBLE BY THE DESIGNATED APPOINTING AUTHORITY FROM THE DESIGNATED POOL OF ELIGIBLE APPLICANTS FOR THAT COMMISSIONER'S POSITION AND IN THE SAME MANNER AS THE ORIGINALLY CHOSEN COMMISSIONER; EXCEPT THAT NO COMMISSIONER CHOSEN TO FILL A VACANCY WILL BE BYPASSED FOR APPOINTMENT IF ALL CONGRESSIONAL DISTRICTS ARE ALREADY REPRESENTED ON THE COMMISSION.

(12) FOR PURPOSES OF THIS SECTION, THE STATE'S TWO LARGEST POLITICAL PARTIES SHALL BE DETERMINED BY THE NUMBER OF REGISTERED ELECTORS AFFILIATED WITH EACH POLITICAL PARTY IN THE STATE ACCORDING TO VOTER REGISTRATION DATA PUBLISHED BY THE SECRETARY OF STATE FOR THE EARLIEST DAY IN JANUARY OF THE REDISTRICTING YEAR FOR WHICH SUCH DATA IS PUBLISHED.

In the constitution of the state of Colorado, **repeal and reenact, with amendments,** section 48 of article V as follows:

Section 48. Commission organization - procedures - transparency - voting requirements. (1) **Initial organization, officers, procedures, rules, and transparency.** (a) THE GOVERNOR SHALL CONVENE THE COMMISSION NO LATER THAN MARCH 30 OF THE REDISTRICTING YEAR AND APPOINT A TEMPORARY CHAIRPERSON FROM THE COMMISSION'S MEMBERS. UPON CONVENING, THE COMMISSION SHALL ELECT A CHAIR AND A VICE-CHAIR, WHO ARE NOT MEMBERS OF THE SAME POLITICAL PARTY, AND OTHER SUCH OFFICERS AS IT DETERMINES.

(b) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES, OR THE DIRECTORS OF SUCCESSOR NONPARTISAN OFFICES OF THE GENERAL ASSEMBLY, SHALL APPOINT NONPARTISAN STAFF FROM THEIR RESPECTIVE OFFICES AS NEEDED TO ASSIST THE COMMISSION AND THE PANEL OF JUDGES AS DESCRIBED IN SECTION 47 OF THIS ARTICLE V. NONPARTISAN STAFF SHALL ACQUIRE AND PREPARE ALL NECESSARY RESOURCES, INCLUDING COMPUTER HARDWARE, SOFTWARE, AND DEMOGRAPHIC, GEOGRAPHIC, AND POLITICAL DATABASES, AS FAR IN ADVANCE AS NECESSARY TO ENABLE THE COMMISSION TO BEGIN ITS WORK IMMEDIATELY UPON CONVENING.

(c) THE COMMISSION MAY RETAIN LEGAL COUNSEL IN ALL ACTIONS AND PROCEEDINGS IN CONNECTION WITH THE PERFORMANCE OF ITS POWERS, DUTIES, AND FUNCTIONS, INCLUDING REPRESENTATION OF THE COMMISSION BEFORE ANY COURT.

(d) THE GENERAL ASSEMBLY SHALL APPROPRIATE SUFFICIENT FUNDS FOR THE PAYMENT OF THE EXPENSES OF THE COMMISSION, THE COMPENSATION AND EXPENSES OF NONPARTISAN STAFF, AND THE COMPENSATION AND EXPENSES OF THE PANEL OF JUDGES AS DESCRIBED IN SECTION 47 OF THIS ARTICLE V. MEMBERS OF THE COMMISSION SHALL BE REIMBURSED FOR THEIR REASONABLE AND NECESSARY EXPENSES AND MAY ALSO RECEIVE SUCH PER DIEM ALLOWANCE AS MAY BE ESTABLISHED BY THE GENERAL ASSEMBLY. SUBJECT TO AVAILABLE APPROPRIATIONS, HARDWARE AND SOFTWARE NECESSARY FOR THE DEVELOPMENT OF PLANS MAY, AT THE REQUEST OF ANY COMMISSIONER, BE PROVIDED TO THE COMMISSIONER. THE COMMISSION AND ITS STAFF MUST HAVE ACCESS TO STATISTICAL INFORMATION COMPILED BY THE STATE AND ITS POLITICAL SUBDIVISIONS AS NECESSARY FOR ITS DUTIES. STATE AGENCIES AND POLITICAL SUBDIVISIONS SHALL COMPLY WITH REQUESTS FROM THE COMMISSION AND ITS STAFF FOR SUCH STATISTICAL INFORMATION.

(e) THE COMMISSION SHALL ADOPT RULES TO GOVERN ITS ADMINISTRATION AND OPERATION. THE COMMISSION MUST PROVIDE AT LEAST SEVENTY-TWO HOURS OF ADVANCE PUBLIC NOTICE OF ALL PROPOSED RULES PRIOR TO CONSIDERATION FOR ADOPTION; EXCEPT THAT PROPOSED RULES MAY BE AMENDED DURING

COMMISSION DELIBERATIONS WITHOUT SUCH ADVANCE NOTICE OF SPECIFIC, RELATED AMENDMENTS. NEITHER THE COMMISSION'S PROCEDURAL RULES NOR ITS MAPPING DECISIONS ARE SUBJECT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., OR ANY SUCCESSOR STATUTE. RULES MUST INCLUDE BUT NEED NOT BE LIMITED TO THE FOLLOWING:

(I) THE HEARING PROCESS AND REVIEW OF MAPS SUBMITTED FOR ITS CONSIDERATION;

(II) MAINTENANCE OF A RECORD OF THE COMMISSION'S ACTIVITIES AND PROCEEDINGS, INCLUDING A RECORD OF WRITTEN AND ORAL TESTIMONY RECEIVED, AND OF THE COMMISSION'S DIRECTIONS TO NONPARTISAN STAFF ON PROPOSED CHANGES TO ANY PLAN AND THE COMMISSION'S RATIONALE FOR SUCH CHANGES;

(III) THE PROCESS FOR REMOVING COMMISSIONERS FOR PARTICIPATING IN COMMUNICATIONS PROHIBITED UNDER THIS SECTION;

(IV) THE PROCESS FOR RECOMMENDING CHANGES TO PLANS SUBMITTED TO THE COMMISSION BY NONPARTISAN STAFF; AND

(V) THE ADOPTION OF A STATEWIDE MEETING AND HEARING SCHEDULE, INCLUDING THE NECESSARY ELEMENTS OF ELECTRONIC ATTENDANCE AT A COMMISSION HEARING.

(2) **Voting requirements.** A SIMPLE MAJORITY OF THE APPOINTED COMMISSIONERS MAY APPROVE RULES AND PROCEDURAL DECISIONS. THE ELECTION OF THE COMMISSION'S CHAIR AND VICE-CHAIR REQUIRES THE AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS, INCLUDING THE AFFIRMATIVE VOTE OF AT LEAST ONE COMMISSIONER WHO IS UNAFFILIATED WITH ANY POLITICAL PARTY. REMOVAL OF ANY COMMISSIONER AS PROVIDED IN THIS SECTION REQUIRES THE AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS, INCLUDING THE AFFIRMATIVE VOTE OF AT LEAST TWO COMMISSIONERS WHO ARE UNAFFILIATED WITH ANY POLITICAL PARTY. ADOPTION OF THE FINAL PLAN FOR SUBMISSION TO THE SUPREME COURT AND THE ADOPTION OF A REVISED PLAN AFTER A PLAN IS RETURNED TO THE COMMISSION FROM THE SUPREME COURT REQUIRES THE AFFIRMATIVE VOTE OF AT LEAST EIGHT COMMISSIONERS, INCLUDING THE AFFIRMATIVE VOTE OF AT LEAST TWO COMMISSIONERS WHO ARE UNAFFILIATED WITH ANY POLITICAL PARTY. THE COMMISSION SHALL NOT VOTE UPON A FINAL PLAN UNTIL AT LEAST SEVENTY-TWO HOURS AFTER IT HAS BEEN PROPOSED TO THE COMMISSION IN A PUBLIC MEETING OR AT LEAST SEVENTY-TWO HOURS AFTER IT HAS BEEN AMENDED BY THE COMMISSION IN A PUBLIC MEETING, WHICHEVER OCCURS LATER; EXCEPT THAT COMMISSIONERS MAY UNANIMOUSLY WAIVE THE SEVENTY-TWO HOUR REQUIREMENT.

(3) **Public involvement - hearing process.** (a) ALL COLORADO RESIDENTS, INCLUDING INDIVIDUAL COMMISSIONERS, MAY PRESENT PROPOSED REDISTRICTING MAPS OR WRITTEN COMMENTS, OR BOTH, FOR THE COMMISSION'S CONSIDERATION.

(b) THE COMMISSION MUST, TO THE MAXIMUM EXTENT PRACTICABLE, PROVIDE OPPORTUNITIES FOR COLORADO RESIDENTS TO PRESENT TESTIMONY AT HEARINGS HELD THROUGHOUT THE STATE. THE COMMISSION SHALL NOT APPROVE A REDISTRICTING MAP UNTIL AT LEAST THREE HEARINGS HAVE BEEN HELD IN EACH CONGRESSIONAL DISTRICT, INCLUDING AT LEAST ONE HEARING THAT IS HELD IN A LOCATION WEST OF THE CONTINENTAL DIVIDE AND AT LEAST ONE HEARING THAT IS HELD IN A LOCATION EAST OF THE CONTINENTAL DIVIDE AND EITHER SOUTH OF EL PASO COUNTY'S SOUTHERN BOUNDARY OR EAST OF ARAPAHOE COUNTY'S EASTERN BOUNDARY. NO GATHERING OF COMMISSIONERS CAN BE CONSIDERED A HEARING FOR THIS PURPOSE UNLESS IT IS ATTENDED, IN PERSON OR ELECTRONICALLY, BY AT LEAST TEN COMMISSIONERS. THE COMMISSION SHALL ESTABLISH BY RULE THE NECESSARY ELEMENTS OF ELECTRONIC ATTENDANCE AT A COMMISSION HEARING.

(c) THE COMMISSION SHALL MAINTAIN A WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC THROUGH WHICH ANY COLORADO RESIDENT MAY SUBMIT PROPOSED MAPS OR WRITTEN COMMENTS, OR BOTH, WITHOUT ATTENDING A HEARING OF THE COMMISSION.

(d) THE COMMISSION SHALL PUBLISH ALL WRITTEN COMMENTS PERTAINING TO REDISTRICTING ON ITS WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC AS WELL AS THE NAME OF THE COLORADO RESIDENT SUBMITTING SUCH COMMENTS. IF THE COMMISSION OR NONPARTISAN STAFF HAVE A

SUBSTANTIAL BASIS TO BELIEVE THAT THE PERSON SUBMITTING SUCH COMMENTS HAS NOT TRUTHFULLY OR ACCURATELY IDENTIFIED HIMSELF OR HERSELF, THE COMMISSION NEED NOT CONSIDER AND NEED NOT PUBLISH SUCH COMMENTS BUT MUST NOTIFY THE COMMENTER IN WRITING OF THIS FACT. THE COMMISSION MAY WITHHOLD COMMENTS, IN WHOLE OR IN PART, FROM THE WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC THAT DO NOT RELATE TO REDISTRICTING MAPS, POLICIES, OR COMMUNITIES OF INTEREST.

(e) THE COMMISSION SHALL PROVIDE SIMULTANEOUS ACCESS TO THE REGIONAL HEARINGS BY BROADCASTING THEM VIA ITS WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC AND MAINTAIN AN ARCHIVE OF SUCH HEARINGS FOR ONLINE PUBLIC REVIEW.

(4) **Ethical obligations - transparency - lobbyist reporting.** (a) COMMISSIONERS ARE GUARDIANS OF THE PUBLIC TRUST AND ARE SUBJECT TO ANTIBRIBERY AND ABUSE OF PUBLIC OFFICE REQUIREMENTS AS PROVIDED IN PARTS 3 AND 4 OF ARTICLE 8 OF TITLE 18, C.R.S., AS AMENDED, OR ANY SUCCESSOR STATUTE.

(b) TO ENSURE TRANSPARENCY IN THE REDISTRICTING PROCESS:

(I) (A) THE COMMISSION AND THE COMMISSIONERS ARE SUBJECT TO OPEN MEETINGS REQUIREMENTS AS PROVIDED IN PART 4 OF ARTICLE 6 OF TITLE 24, C.R.S., AS AMENDED, OR ANY SUCCESSOR STATUTE.

(B) EXCEPT AS PROVIDED IN SUBSECTION (4)(b)(I)(D) OF THIS SECTION, A COMMISSIONER SHALL NOT COMMUNICATE WITH NONPARTISAN STAFF ON THE MAPPING OF LEGISLATIVE DISTRICTS UNLESS THE COMMUNICATION IS DURING A PUBLIC MEETING OR HEARING OF THE COMMISSION.

(C) EXCEPT FOR PUBLIC INPUT AND COMMENT, NONPARTISAN STAFF SHALL NOT HAVE ANY COMMUNICATIONS ABOUT THE CONTENT OR DEVELOPMENT OF ANY PLAN OUTSIDE OF PUBLIC HEARINGS WITH ANYONE EXCEPT OTHER STAFF MEMBERS. NONPARTISAN STAFF SHALL REPORT TO THE COMMISSION ANY ATTEMPT BY ANYONE TO EXERT INFLUENCE OVER THE STAFF'S ROLE IN THE DRAFTING OF PLANS.

(D) ONE OR MORE NONPARTISAN STAFF MAY BE DESIGNATED TO COMMUNICATE WITH COMMISSIONERS REGARDING ADMINISTRATIVE MATTERS, THE DEFINITION AND SCOPE OF WHICH SHALL BE DETERMINED BY THE COMMISSION.

(E) ANY COMMISSIONER WHO PARTICIPATES IN A COMMUNICATION PROHIBITED IN THIS SECTION MUST BE REMOVED FROM THE COMMISSION, AND SUCH VACANCY MUST BE FILLED WITHIN SEVEN DAYS.

(II) THE COMMISSION, EACH COMMISSIONER, AND NONPARTISAN STAFF ARE SUBJECT TO OPEN RECORDS REQUIREMENTS AS PROVIDED IN PART 1 OF ARTICLE 72 OF TITLE 24, C.R.S., AS AMENDED, OR ANY SUCCESSOR STATUTE; EXCEPT THAT MAPS IN DRAFT FORM AND NOT SUBMITTED TO THE COMMISSION ARE NOT PUBLIC RECORDS SUBJECT TO DISCLOSURE. WORK PRODUCT AND COMMUNICATIONS AMONG NONPARTISAN STAFF ARE SUBJECT TO DISCLOSURE ONCE A PLAN IS SUBMITTED TO THE SUPREME COURT.

(III) PERSONS WHO CONTRACT FOR OR RECEIVE COMPENSATION FOR ADVOCATING TO THE COMMISSION, TO ONE OR MORE COMMISSIONERS, OR TO NONPARTISAN STAFF FOR THE ADOPTION OR REJECTION OF ANY MAP, AMENDMENT TO A MAP, MAPPING APPROACH, OR MANNER OF COMPLIANCE WITH ANY OF THE MAPPING CRITERIA SPECIFIED IN SECTION 48.1 OF THIS ARTICLE V ARE LOBBYISTS WHO MUST DISCLOSE TO THE SECRETARY OF STATE ANY COMPENSATION CONTRACTED FOR, COMPENSATION RECEIVED, AND THE PERSON OR ENTITY CONTRACTING OR PAYING FOR THEIR LOBBYING SERVICES. SUCH DISCLOSURE MUST BE MADE NO LATER THAN SEVENTY-TWO HOURS AFTER THE EARLIER OF EACH INSTANCE OF SUCH LOBBYING OR ANY PAYMENT OF SUCH COMPENSATION. THE SECRETARY OF STATE SHALL PUBLISH ON THE SECRETARY OF STATE'S WEBSITE OR COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC THE NAMES OF SUCH LOBBYISTS, AS WELL AS THE COMPENSATION RECEIVED AND THE PERSONS OR ENTITIES FOR WHOM THEY WORK WITHIN TWENTY-FOUR HOURS OF RECEIVING SUCH INFORMATION. THE SECRETARY OF STATE SHALL ADOPT RULES TO FACILITATE THE COMPLETE AND PROMPT REPORTING REQUIRED BY THIS SUBSECTION (4)(b)(III) AS WELL AS A COMPLAINT PROCESS TO ADDRESS ANY LOBBYIST'S FAILURE TO REPORT A FULL AND ACCURATE DISCLOSURE, WHICH COMPLAINT MUST BE HEARD BY AN ADMINISTRATIVE LAW JUDGE, WHOSE DECISION MAY BE APPEALED TO THE COURT OF APPEALS.

In the constitution of the state of Colorado, **add** sections 48.1, 48.2, 48.3, and 48.4 to article V as follows:

Section 48.1. Criteria for determination of legislative districts - definition. (1) IN ADOPTING A LEGISLATIVE REDISTRICTING PLAN, THE COMMISSION SHALL:

(a) MAKE A GOOD-FAITH EFFORT TO ACHIEVE MATHEMATICAL POPULATION EQUALITY BETWEEN DISTRICTS, AS REQUIRED BY THE CONSTITUTION OF THE UNITED STATES, BUT IN NO EVENT SHALL THERE BE MORE THAN FIVE PERCENT DEVIATION BETWEEN THE MOST POPULOUS AND THE LEAST POPULOUS DISTRICT IN EACH HOUSE. DISTRICTS MUST BE COMPOSED OF CONTIGUOUS GEOGRAPHIC AREAS.

(b) COMPLY WITH THE FEDERAL "VOTING RIGHTS ACT OF 1965", 52 U.S.C. SEC. 50301, AS AMENDED.

(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. TO FACILITATE THE EFFICIENT AND EFFECTIVE PROVISION OF GOVERNMENTAL SERVICES, WITH REGARD TO ANY COUNTY, CITY, CITY AND COUNTY, OR TOWN WHOSE POPULATION IS LESS THAN A DISTRICT'S PERMITTED POPULATION, THE COMMISSION SHALL PRESUME THAT SUCH COUNTY, CITY, CITY AND COUNTY, OR TOWN SHOULD BE WHOLLY CONTAINED WITHIN A DISTRICT; EXCEPT THAT A DIVISION OF SUCH COUNTY, CITY, CITY AND COUNTY, OR TOWN IS PERMITTED WHERE, BASED ON A PREPONDERANCE OF THE EVIDENCE IN THE RECORD, A COMMUNITY OF INTEREST'S LEGISLATIVE ISSUES ARE MORE ESSENTIAL TO THE FAIR AND EFFECTIVE REPRESENTATION OF RESIDENTS OF THE DISTRICT. WHEN THE COMMISSION DIVIDES A COUNTY, CITY, CITY AND COUNTY, OR TOWN, IT SHALL MINIMIZE THE NUMBER OF DIVISIONS OF THAT COUNTY, CITY, CITY AND COUNTY, OR TOWN.

(b) DISTRICTS MUST BE AS COMPACT AS IS REASONABLY POSSIBLE.

(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.

(c) WHEN THE COMMISSION APPROVES A PLAN, OR WHEN NONPARTISAN STAFF SUBMITS A PLAN IN THE ABSENCE OF THE COMMISSION'S APPROVAL OF A PLAN AS PROVIDED IN SECTION 48.2 OF THIS ARTICLE V, THE NONPARTISAN STAFF SHALL, WITHIN SEVENTY-TWO HOURS OF SUCH ACTION, MAKE PUBLICLY AVAILABLE, AND INCLUDE IN THE COMMISSION'S RECORD, A REPORT TO DEMONSTRATE HOW THE PLAN REFLECTS THE EVIDENCE PRESENTED TO, AND THE FINDINGS CONCERNING, THE EXTENT TO WHICH COMPETITIVENESS IN DISTRICT ELECTIONS IS FOSTERED CONSISTENT WITH THE OTHER CRITERIA SET FORTH IN THIS SECTION.

(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.

(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 SENATE OR HOUSE OF REPRESENTATIVES, OR ANY POLITICAL PARTY; OR

(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.

Section 48.2. Preparation, amendment, and approval of plans - public hearings and participation. (1) THE COMMISSION SHALL BEGIN BY CONSIDERING A PLAN FOR THE STATE SENATE AND A PLAN FOR THE STATE HOUSE OF REPRESENTATIVES, CREATED BY ITS NONPARTISAN STAFF ALONE, TO BE KNOWN AS THE "PRELIMINARY SENATE PLAN" AND THE "PRELIMINARY HOUSE PLAN". SUCH PLANS MUST BE PRESENTED AND PUBLISHED NO EARLIER THAN THIRTY DAYS AND NO LATER THAN FORTY-FIVE DAYS AFTER THE COMMISSION HAS CONVENED OR THE NECESSARY CENSUS DATA ARE AVAILABLE, WHICHEVER IS LATER. WITHIN THE FIRST TWENTY DAYS AFTER THE COMMISSION HAS CONVENED, ANY MEMBER OF THE PUBLIC AND ANY MEMBER OF THE COMMISSION MAY SUBMIT WRITTEN COMMENTS TO NONPARTISAN STAFF ON THE CREATION OF THE PRELIMINARY PLANS AND ON COMMUNITIES OF INTEREST THAT REQUIRE REPRESENTATION IN ONE OR MORE SPECIFIC AREAS OF THE STATE. NONPARTISAN STAFF SHALL CONSIDER SUCH COMMENTS IN CREATING THE PRELIMINARY PLANS, AND SUCH COMMENTS SHALL BE PART OF THE RECORD OF THE COMMISSION'S ACTIVITIES AND PROCEEDINGS. AT THE FIRST PUBLIC HEARING AT WHICH THE PRELIMINARY PLANS ARE PRESENTED, NONPARTISAN STAFF SHALL EXPLAIN HOW THE PLANS WERE CREATED, HOW THE PLANS ADDRESS THE CATEGORIES OF PUBLIC COMMENTS RECEIVED, AND HOW THE PLANS COMPLY WITH THE CRITERIA PRESCRIBED IN SECTION 48.1 OF THIS ARTICLE V.

(2) BY JULY 21 OF THE REDISTRICTING YEAR, THE COMMISSION SHALL COMPLETE PUBLIC HEARINGS ON THE PRELIMINARY SENATE PLAN AND THE PRELIMINARY HOUSE PLAN IN SEVERAL PLACES THROUGHOUT THE STATE IN ACCORDANCE WITH SECTION 48 OF THIS ARTICLE V.

(3) SUBSEQUENT TO HEARINGS ON THE PRELIMINARY SENATE PLAN AND THE PRELIMINARY HOUSE PLAN, NONPARTISAN STAFF SHALL PREPARE, PUBLISH ONLINE, AND PRESENT TO THE COMMISSION NO FEWER THAN THREE PLANS FOR THE STATE SENATE AND THREE PLANS FOR THE STATE HOUSE OF REPRESENTATIVES, EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION. THESE PLANS WILL BE KNOWN AS THE "STAFF PLANS" AND MUST BE NAMED AND NUMBERED SEQUENTIALLY FOR PURPOSES OF SUBSECTION (6) OF THIS SECTION. STAFF PLANS MUST BE PREPARED, PUBLISHED ONLINE, AND PRESENTED IN ACCORDANCE WITH A TIMETABLE ESTABLISHED BY THE COMMISSION; EXCEPT THAT EACH STAFF PLAN MUST BE PRESENTED TO THE COMMISSION NO FEWER THAN TEN DAYS AFTER THE PRESENTATION OF ANY PREVIOUS STAFF PLAN, AND NO FEWER THAN TWENTY-FOUR HOURS AFTER IT HAS BEEN PUBLISHED ONLINE. IF THE COMMISSION FAILS TO ESTABLISH A TIMETABLE FOR THE PRESENTATION OF STAFF PLANS WITHIN TEN DAYS AFTER THE COMPLETION OF HEARINGS ON THE PRELIMINARY PLAN, NONPARTISAN STAFF SHALL ESTABLISH SUCH TIMETABLE. NONPARTISAN STAFF SHALL KEEP EACH PLAN CONFIDENTIAL UNTIL IT IS PUBLISHED ONLINE OR BY A COMPARABLE MEANS OF COMMUNICATING WITH THE PUBLIC USING GENERALLY AVAILABLE TECHNOLOGIES. THE COMMISSION MAY PROVIDE DIRECTION, IF APPROVED BY AT LEAST EIGHT COMMISSIONERS INCLUDING AT LEAST ONE COMMISSIONER UNAFFILIATED WITH ANY POLITICAL PARTY, FOR THE DEVELOPMENT OF STAFF PLANS THROUGH THE ADOPTION OF STANDARDS, GUIDELINES, OR METHODOLOGIES TO WHICH NONPARTISAN STAFF SHALL ADHERE, INCLUDING STANDARDS, GUIDELINES, OR METHODOLOGIES TO BE USED TO EVALUATE A PLAN'S COMPETITIVENESS, CONSISTENT WITH SUBSECTION (3)(d) OF SECTION 48.1 OF THIS ARTICLE V. IN PREPARING ALL STAFF PLANS, NONPARTISAN STAFF SHALL ALSO CONSIDER PUBLIC TESTIMONY AND PUBLIC COMMENTS RECEIVED BY THE COMMISSION THAT ARE CONSISTENT WITH THE CRITERIA SPECIFIED IN SECTION 48.1 OF THIS ARTICLE V.

(4) ANY COMMISSIONER OR GROUP OF COMMISSIONERS MAY REQUEST NONPARTISAN STAFF TO PREPARE ADDITIONAL PLANS OR AMENDMENTS TO PLANS. ANY SUCH REQUEST MUST BE MADE IN A PUBLIC HEARING OF THE COMMISSION BUT DOES NOT REQUIRE COMMISSION APPROVAL. PLANS OR AMENDMENTS DEVELOPED IN RESPONSE TO SUCH REQUESTS ARE SEPARATE FROM STAFF PLANS, FOR PURPOSES OF SUBSECTION (6) OF THIS SECTION.

(5) (a) THE COMMISSION MAY ADOPT A FINAL SENATE OR HOUSE PLAN AT ANY TIME AFTER PRESENTATION OF THE FIRST STAFF PLANS, IN WHICH CASE NONPARTISAN STAFF DOES NOT NEED TO PREPARE OR PRESENT ADDITIONAL STAFF PLANS FOR THE HOUSE FOR WHICH A MAP HAS BEEN ADOPTED.

(b) NO LATER THAN SEPTEMBER 15 OF THE REDISTRICTING YEAR, THE COMMISSION SHALL ADOPT FINAL SENATE AND HOUSE PLANS, WHICH MUST THEN BE SUBMITTED TO THE SUPREME COURT FOR ITS REVIEW AND DETERMINATION IN ACCORDANCE WITH SECTION 48.3 OF THIS ARTICLE V.

(c) THE COMMISSION MAY ADJUST THE DEADLINES SPECIFIED IN THIS SECTION IF CONDITIONS OUTSIDE OF THE COMMISSION'S CONTROL REQUIRE SUCH AN ADJUSTMENT TO ENSURE ADOPTING A FINAL PLAN AS REQUIRED BY THIS SUBSECTION (5).

(d) THE COMMISSION MAY GRANT ITS NONPARTISAN STAFF THE AUTHORITY TO MAKE TECHNICAL DE MINIMIS ADJUSTMENTS TO THE ADOPTED SENATE AND HOUSE PLANS PRIOR TO THEIR SUBMISSION TO THE SUPREME COURT.

(6) IF, FOR ANY REASON, THE COMMISSION DOES NOT ADOPT A FINAL PLAN FOR BOTH HOUSES OF THE GENERAL ASSEMBLY BY THE DATE SPECIFIED IN SUBSECTION (5) OF THIS SECTION, THEN NONPARTISAN STAFF SHALL SUBMIT THE UNAMENDED THIRD STAFF PLAN TO THE SUPREME COURT FOR REVIEW PURSUANT TO SECTION 48.3 OF THIS ARTICLE V. IF THE COMMISSION APPROVES A PLAN FOR ONE HOUSE OF THE GENERAL ASSEMBLY BUT NOT THE OTHER HOUSE, THEN THE PLAN FOR THE APPROVED HOUSE SHALL BE SUBMITTED TO THE SUPREME COURT AS THE FINAL PLAN FOR THAT HOUSE, AND THE UNAMENDED THIRD STAFF PLAN SHALL BE SUBMITTED TO THE SUPREME COURT AS THE FINAL PLAN FOR THE HOUSE FOR WHICH THE COMMISSION DID NOT APPROVE A PLAN.

Section 48.3. Supreme court review. (1) THE SUPREME COURT SHALL REVIEW THE SUBMITTED PLANS AND DETERMINE WHETHER THE PLANS COMPLY WITH THE CRITERIA LISTED IN SECTION 48.1 OF THIS ARTICLE V. THE COURT'S REVIEW AND DETERMINATION SHALL TAKE PRECEDENCE OVER OTHER MATTERS BEFORE THE COURT. THE SUPREME COURT SHALL ADOPT RULES FOR SUCH PROCEEDINGS AND FOR THE PRODUCTION AND PRESENTATION OF SUPPORTIVE EVIDENCE FOR SUCH PLANS. ANY LEGAL ARGUMENTS CONCERNING SUCH PLANS SHALL BE SUBMITTED TO THE SUPREME COURT PURSUANT TO THE SCHEDULE ESTABLISHED BY THE COURT.

(2) THE SUPREME COURT SHALL APPROVE THE PLANS SUBMITTED UNLESS IT FINDS THAT THE COMMISSION OR NONPARTISAN STAFF, IN THE CASE OF A STAFF PLAN SUBMITTED IN THE ABSENCE OF A COMMISSION-APPROVED PLAN, ABUSED ITS DISCRETION IN APPLYING OR FAILING TO APPLY THE CRITERIA LISTED IN SECTION 48.1 OF THIS ARTICLE V, IN LIGHT OF THE RECORD BEFORE THE COMMISSION. THE SUPREME COURT MAY CONSIDER ANY MAPS SUBMITTED TO THE COMMISSION IN ASSESSING WHETHER THE COMMISSION OR NONPARTISAN STAFF, IN THE CASE OF A STAFF PLAN SUBMITTED IN THE ABSENCE OF A COMMISSION-APPROVED PLAN, ABUSED ITS DISCRETION.

(3) IF THE SUPREME COURT DETERMINES THAT THE SUBMITTED STATE SENATE PLAN OR THE SUBMITTED STATE HOUSE OF REPRESENTATIVES PLAN CONSTITUTES AN ABUSE OF DISCRETION IN APPLYING OR FAILING TO APPLY THE CRITERIA LISTED IN SECTION 48.1 OF THIS ARTICLE V, IN LIGHT OF THE RECORD BEFORE THE COMMISSION, THE SUPREME COURT SHALL RETURN THE RESPECTIVE PLAN TO THE COMMISSION WITH THE COURT'S REASONS FOR DISAPPROVAL.

(4) (a) BY NOVEMBER 15 OF THE REDISTRICTING YEAR, THE SUPREME COURT SHALL APPROVE OR RETURN TO THE COMMISSION THE SUBMITTED STATE SENATE PLAN AND THE SUBMITTED STATE HOUSE OF REPRESENTATIVES PLAN.

(b) IF THE COURT RETURNS A PLAN TO THE COMMISSION, THE COMMISSION SHALL HAVE TWELVE DAYS TO HOLD A COMMISSION HEARING THAT INCLUDES PUBLIC TESTIMONY AND TO RETURN AN ADOPTED PLAN THAT RESOLVES THE COURT'S REASONS FOR DISAPPROVAL.

(c) IF THE COMMISSION FAILS TO ADOPT AND RETURN A PLAN TO THE COURT WITHIN TWELVE DAYS, NONPARTISAN STAFF SHALL HAVE AN ADDITIONAL THREE DAYS TO PREPARE A PLAN THAT RESOLVES THE COURT'S REASONS FOR DISAPPROVAL AND RETURN IT TO THE COURT FOR APPROVAL.

(d) THE SUPREME COURT SHALL REVIEW THE REVISED PLAN IN ACCORDANCE WITH SUBSECTIONS (1), (2), AND (3) OF THIS SECTION.

(5) THE SUPREME COURT SHALL APPROVE PLANS FOR THE REDRAWING OF STATE SENATE DISTRICTS AND STATE HOUSE OF REPRESENTATIVE DISTRICTS NO LATER THAN DECEMBER 29 OF THE REDISTRICTING YEAR. THE COURT SHALL ORDER THAT SUCH PLANS BE FILED WITH THE SECRETARY OF STATE NO LATER THAN SUCH DATE.

Section 48.4. Severability. IF ANY PROVISION OF SECTIONS 46 THROUGH 48.3 OF THIS ARTICLE V IS FOUND BY A COURT OF COMPETENT JURISDICTION TO BE UNCONSTITUTIONAL, OR IF ANY APPLICATION OF THESE SECTIONS IS FOUND BY SUCH A COURT TO BE UNCONSTITUTIONAL, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THE REMAINING PROVISIONS OF THESE SECTIONS THAT CAN BE GIVEN EFFECT

WITHOUT THE INVALID PROVISION OR APPLICATION. THE PROVISIONS OF SECTIONS 46 THROUGH 48.3 OF THIS ARTICLE V ARE DEEMED AND DECLARED SEVERABLE.

SECTION 2. Each elector voting at the election may cast a vote either "Yes/For" or "No/Against" on the following ballot title: "Shall there be an amendment to the Colorado constitution concerning a change to the manner in which state senate and state house of representatives districts are drawn, and, in connection therewith, reforming the existing legislative reapportionment commission by expanding the commission to twelve members and authorizing the appointment of members who possess specified qualifications; prohibiting any one political party's control of the commission by requiring that one-third of commissioners will not be affiliated with any political party, one-third of the commissioners will be affiliated with the state's largest political party, and one-third of the commissioners will be affiliated with the state's second largest political party; prohibiting certain persons, including professional lobbyists, federal campaign committee employees, and federal, state, and local elected officials, from serving on the commission; limiting judicial review of a map to a determination by the supreme court of whether the commission or its nonpartisan staff committed an abuse of discretion; requiring the commission to draw state legislative districts using communities of interest as well as political subdivisions, such as cities and counties, and then to maximize the number of competitive state legislative seats to the extent possible; and prohibiting maps from being drawn to dilute the electoral influence of any racial or ethnic group or to protect any incumbent, any political candidate, or any political party?"

SECTION 3. Except as otherwise provided in section 1-40-123, Colorado Revised Statutes, if at least fifty-five percent of the electors voting on the ballot title vote "Yes/For", then the amendment will become part of the state constitution

Amendment A
Prohibit Slavery and Involuntary Servitude in All Circumstances

ANALYSIS

Amendment A proposes amending the Colorado Constitution to:

♦ remove language that currently allows slavery and involuntary servitude to be used as punishment for the conviction of a crime.

Summary and Analysis

Definitions. "Slavery," as defined by Black's Law Dictionary, is a situation in which one person has absolute power over the life, fortune, and liberty of another person. The U.S. Supreme Court has defined "involuntary servitude" as a condition of servitude in which one person is forced to work for another person by the use or threat of physical restraint or physical injury, or by the use or threat of coercion through law or the legal process.

U.S. and Colorado Constitutions. The 13th Amendment to the U.S. Constitution prohibits slavery and involuntary servitude, except as punishment for a crime for which a person has been convicted. The Supreme Court has ruled that the 13th Amendment's prohibition of involuntary servitude does not prohibit a state from requiring a person to fulfill duties that the person owes to the state. The amendment gives the U.S. Congress the power to enforce the amendment through legislation.

Article II, Section 26 of the Colorado Constitution also prohibits slavery and involuntary servitude, except as punishment for a crime for which a person has been convicted. Amendment A removes this exception, clarifying that slavery and involuntary servitude are prohibited in all circumstances.

For information on those issue committees that support or oppose the measures on the ballot at the November 6, 2018, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information: *http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html*

Argument For

1) This measure eliminates slavery and involuntary servitude in all circumstances.

Argument Against

1) The measure can be viewed as making a change to the Colorado constitution that is redundant.

Estimate of Fiscal Impact

The measure may minimally impact state and local government revenue, costs, and workload if court filings increase due to offenders filing additional lawsuits.

<u>TITLE AND TEXT</u>

The ballot title below is a summary drafted by the professional legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado constitution. The text of the measure that will appear in the Colorado constitution below was referred to the voters because it passed by a two-thirds majority vote of the state senate and the state house of representatives.

Ballot Title:

Shall there be an amendment to the Colorado constitution that prohibits slavery and involuntary servitude as punishment for a crime and thereby prohibits slavery and involuntary servitude in all circumstances?

Text of Measure:

WHEREAS, The Colorado constitution has prohibited involuntary servitude, which is the coerced service of one individual for the benefit of another, since 1877; and

WHEREAS, That prohibition has, by its express terms, never been applied when involuntary servitude is imposed upon an individual as punishment for a crime for which the individual has been duly convicted; and

WHEREAS, The state should not have the power to compel individuals to labor against their will; and

WHEREAS, The state recognizes that allowing individuals convicted of a crime to perform work incident to such convictions, including labor at penal institutions or pursuant to work-release programs, assists in such individuals' rehabilitations, teaches practical and interpersonal skills that may be useful upon their reintegration with society, and contributes to healthier and safer penal environments; and

WHEREAS, Because work provides myriad individual and collective benefits, the purpose of this proposed constitutional amendment is not to withdraw legitimate opportunities to work for individuals who have been convicted of a crime, but instead to merely prohibit compulsory labor from such individuals; now, therefore,

Be It Resolved by the House of Representatives of the Seventy-first General Assembly of the State of Colorado, the Senate concurring herein:

SECTION 1. At the election held on November 6, 2018, the secretary of state shall submit to the registered electors of the state the ballot title set forth in section 2 for the following amendment to the state constitution:

In the constitution of the state of Colorado, **amend** section 26 of article II as follows:

Section 26. Slavery prohibited. There shall never be in this state either slavery or involuntary servitude. ~~except as a punishment for crime, whereof the party shall have been duly convicted.~~

SECTION 2. Each elector voting at the election may cast a vote either "Yes/For" or "No/Against" on the following ballot title: "Shall there be an amendment to the Colorado constitution that prohibits slavery and involuntary servitude as punishment for a crime and thereby prohibits slavery and involuntary servitude in all circumstances?"

SECTION 3. Except as otherwise provided in section 1-40-123, Colorado Revised Statutes, if at least fifty-five percent of the electors voting on the ballot title vote "Yes/For", then the amendment will become part of the state constitution.

Amendment 73
Funding for Public Schools
(This measure requires at least 55 percent of the vote to pass.)

ANALYSIS

Amendment 73 proposes amending the <u>Colorado Constitution and Colorado statutes</u> to:

♦ increase funding for preschool through twelfth grade (P-12) public education;

♦ raise the state individual income tax rate for taxpayers with taxable income over $150,000, and increase the state corporate income tax rate to provide additional funding for education; and

♦ for property taxes levied by school districts, set the assessment rate at 7.0 percent for residential properties and decrease the assessment rate to 24.0 percent for most nonresidential properties.

Summary and Analysis

Amendment 73 increases funding for P-12 public education by raising the individual income tax rate for some individuals, increasing the corporate income tax rate, and setting new assessment rates for property taxes levied by school districts. This analysis describes current funding for public education, how the measure increases school funding, and how the measure changes Colorado's income and property tax systems.

Education Funding

Current P-12 education funding. P-12 public schools in Colorado are funded through a combination of state, local, and federal sources. Based on the latest available data, total education funding is approximately $9.7 billion, of which $6.6 billion is allocated to school districts through a formula in state law. Formula funding begins with the same amount of funding per student, known as the base per pupil funding, which is constitutionally required to increase by at least the rate of inflation annually. In budget year 2017-18, the base per pupil amount was $6,546. The base funding amount is then adjusted by the following factors to determine a final per pupil amount that varies by district:

- **district size factor**, which provides additional funding based on student enrollment, with smaller districts receiving more funding;
- **cost-of-living factor**, which provides additional funding based on the cost of living in a given district relative to other districts;
- **at-risk factor**, which provides additional funding based on the number of low-income and non-English speaking students; and
- **budget stabilization factor**, which was adopted in 2010 as a budget-balancing tool and applies an equal percentage reduction in formula funding across all school districts.

After the factors were applied, final per pupil amounts ranged from $7,236 to $16,247 across all school districts in budget year 2017-18. Once the funding is distributed to districts, each locally elected school board determines how to spend the revenue in its own district.

Formula funding sources. Formula funding is provided by state and local sources. The state pays for the portion of the formula that school districts are unable to fund with their local revenue. Of the $6.6 billion distributed through the formula in budget year 2017-18, the state share was $4.1 billion and the local share was $2.5 billion. The state share is funded by income taxes, sales taxes, and other state revenues, while the local share is funded through local property taxes and vehicle ownership taxes.

Other funding sources. In addition to funding set by the formula, districts receive additional state assistance for specific programs, known as "categoricals." Categoricals include special education, English language learning, gifted and talented and vocational programs, and transportation and totaled $297.6 million in budget year 2017-18. Additional sources of revenue for education include federal funding, district-assessed fees, competitive state grants for specific purposes, and state capital construction programs, among other sources.

In many school districts, voters have approved property tax revenue above the amount authorized through the school finance formula. These additional property taxes are called "mill levy overrides," and are used for specific local education needs. As of 2018, voters in 121 out of 178 districts have approved mill levy overrides. For those districts, the additional per pupil funding ranges from $32 to $5,024 per student.

Education funding under the measure. The measure encourages the state legislature to adopt a new public school finance act that distributes funding to public schools. The new distribution formula must be transparent and easy to understand, and meet criteria related to:

- an increase in base per pupil funding;
- equitable allocation of funding among districts, based on certain student and district characteristics;
- additional funding for certain specialized and early childhood programs; and
- the recruitment and retention of teachers.

Until a new act is adopted, the additional revenue generated by the measure must be spent as shown in Table 1. Of the $1.6 billion in new revenue generated in the first year of implementation (budget year 2019-20), $866 million must be spent on specific funding criteria. The remaining $738.6 million must also be spent on public education, as determined by the state legislature.

Table 1. Funding Requirements Under Amendment 73
Until a New Formula is Adopted

Funding Criteria	Under Current Law For Budget Year 2018-19	Under Amendment 73 For Budget Year 2019-20
Base Per-Student Funding	$6,769 per student	$7,300 per student
Fully Fund Kindergarten	Districts receive approximately half of the per-student funding for each kindergarten student.	Districts receive full per-student funding for each kindergarten student.
Low-income Students	Districts receive funding based on the number of students whose families earn below a certain income level.	Relaxes the income requirements for students to be considered low-income for funding purposes.
Special Education	$176.1 million	$296.1 million (an increase of $120 million)
Gifted and Talented	$12.5 million	$22.5 million (an increase of $10 million)
English Language Proficiency	$21.6 million	$41.6 million (an increase of $20 million)
Preschool	$121.0 million	$131.0 million (an increase of $10 million)
Remaining funding generated by the measure to be spent on public education as determined by the state legislature.		$738.6 million*

Money generated in budget year 2018-19 and future years is also required to be spent on public education.

Tax Changes to Fund Education

Income taxes. Amendment 73 increases income tax rates to provide additional revenue for public education. Colorado's current individual and corporate income tax rate is a flat 4.63 percent. Beginning in 2019, the measure creates a graduated individual income tax rate for taxable income above $150,000, and increases the corporate tax rate from 4.63 percent to 6.0 percent. The measure is expected to generate $1.6 billion in budget year 2019-20, the first year of implementation, to be spent on public education. This revenue is exempt from constitutional spending limits.

Amendment 73: Funding for Public Schools

191

Individual income tax. Table 2 shows the change in individual income tax rates under the measure and the percentage of filers in each tax bracket. The income tax increase will impact 8.2 percent of individual and joint income tax filers. For joint filers, the income tax tiers shown in Table 2 apply to the joint filers' combined taxable income. The graduated income tax rate also applies to estates, trusts, and businesses that file individually. The change in income tax rates is expected to increase state revenue by an estimated $1.4 billion in budget year 2019-20.

Table 2. Individual Income Tax Rates Under Amendment 73

Taxable income* between...	...is taxed at a rate of...	Percent of filers whose maximum income is in each tax bracket
$0 and $150,000	4.63% (current rate)	91.8%
$150,001 and $200,000	5.0%	3.2%
$200,001 and $300,000	6.0%	2.5%
$300,001 and $500,000	7.0%	1.4%
Over $500,000	8.25%	1.1%

These taxable income tiers apply to single, head of household, and joint filers.

Those with taxable income equal to or less than $150,000 will not experience an income tax increase under the measure. The impact of the graduated tax increase on taxpayers with higher earnings will differ based on a taxpayer's taxable income. For example, a taxpayer with taxable income equal to $250,000 would be taxed at 4.63 percent for the first $150,000 in income. The subsequent $50,000 would be taxed at a rate of 5.0 percent, and the final $50,000 would be taxed at a rate of 6.0 percent. Table 3 shows examples of average annual increases in individual income tax liability under the measure.

Table 3. Example Individual Income Tax Increases Under Amendment 73

If your taxable income* is...	The measure will increase your annual income tax liability** by...
less than $150,000	$0
$200,000	$185
$250,000	$870
$400,000	$3,925
$1.0 million	$24,395

* These examples apply to single, head of household, and joint filers.*
**Actual tax liability may vary based on state income tax credits.*

Corporate income tax. The measure increases the corporate income tax rate from 4.63 percent to 6.0 percent. In contrast to the measure's individual tax rate changes, the increase in the corporate income tax rate is not a graduated tax rate and applies to all corporate taxpayers. The change is expected to generate $229.4 million in budget year 2019-20. On average, each corporate income taxpayer with an income tax liability is expected to pay an additional $14,139 per year under the measure.

Property taxes. Property taxes are paid on a portion of a property's value, determined by an assessment rate. Under current law, the assessment rate for most nonresidential property is set at 29 percent, and the rate for residential property is determined by the state legislature based on a formula in the state constitution. Over time, the residential assessment rate has declined from 21 percent in 1983 to the current rate of 7.2 percent. Based on the most recent projection published by Legislative Council Staff, the rate is expected to fall to approximately 6.1 percent for 2019 and 2020. The actual rate will be determined during the 2019 legislative session.

Changes to property taxes under Amendment 73. For school district property taxes only, beginning in 2019, Amendment 73 reduces the nonresidential assessment rate from 29 percent to 24 percent, thereby reducing taxes for nonresidential property. The measure reduces the current residential assessment rate from 7.2 percent to 7.0 percent, and sets it at this lower rate, keeping it from falling further. Relative to a projected 6.1 percent residential assessment rate, the rate under the measure will result in a tax increase for residential property taxpayers. The measure does not impact the assessment rates for mines and lands producing oil and gas.

Taxpayer impacts. As explained above, the measure is expected to decrease school district property taxes for most nonresidential property taxpayers, and increase school district property taxes for residential property taxpayers above what would be paid in 2019 without the measure. The impact on property owners will vary significantly based on several factors, including the school finance formula mill levy rate for the local school district, the actual value of the property, the 2019 residential assessment rate without the measure, and whether and what type of mill levy overrides have been approved by the voters in the school district. For information about the projected impacts on taxpayers in a particular school district, please visit http://www.coloradobluebook.com/amendment73map.

School finance impacts. In 2019, the measure is projected to decrease school district property tax revenue by $62.4 million, reflecting a decrease in nonresidential property tax revenue of $317.8 million, partially off-set by an increase in residential property tax revenue of $255.3 million. This decrease in school district revenue in 2019 could be replaced by state funding, which could come from the additional income tax revenue generated by the measure, depending on decisions made by the state legislature. In future years, local property tax revenue for school districts will only be impacted by changes in property values and mill levy rates, not by a changing residential assessment rate.

Reporting Requirements

Amendment 73 requires the Colorado Department of Education, within five years of the measure's implementation, to review how the additional revenue is spent and identify best practices for promoting continuous student achievement. In addition, the state legislature, within ten years of the implementation of the new school finance formula, is required to review the formula and make any necessary adjustments.

For information on those issue committees that support or oppose the measures on the ballot at the November 6, 2018, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information: http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html

Arguments For

1) The state needs a sustainable source of revenue to adequately and equitably fund public education. Colorado cut P-12 public education funding as a result of the Great Recession, and funding levels have not recovered relative to what the formula would otherwise require, even though Colorado has one of the healthiest economies in the nation. Since the 2010-11 budget year, the budget stabilization factor has cut education funding by a total of $7.2 billion. As a result, school districts have had to make difficult choices, such as limiting teacher salaries, increasing class sizes, limiting mental health and counseling services for students, and narrowing course offerings. Further, approximately half of Colorado school districts are currently operating on four-day weeks. The measure alleviates the impact of these historical cuts by providing a dedicated income tax increase to fund public education.

2) The measure provides property tax relief for business property owners, farmers, and ranchers who have paid an increasingly higher proportion of property taxes compared to residential property owners. Since 1983, the nonresidential assessment rate has been set at 29 percent, while the residential assessment rate has fallen from 21 percent to the current 7.2 percent. The measure lessens these inequities between residential and nonresidential property owners by both stabilizing the residential assessment rate and lowering the nonresidential assessment rate for school district property taxes.

3) One of the government's most important functions is to provide children with a high-quality public education. Local school districts will prioritize how to spend the new revenue in ways that best fit their community, such as recruiting and retaining highly qualified teachers, improving access to early childhood education programs, strengthening science and math, vocational, and literacy programs, and providing a safe learning environment for all students. These are key investments in a successful public education system, which could help ensure a strong Colorado economy that is capable of competing in today's global market.

4) Constitutional constraints have suppressed local property tax revenue in many areas and led to greater pressure on the state general operating budget to meet required education funding levels. Stabilizing the local share of required school formula funding and creating a dedicated source of state revenue for education provide additional flexibility for the state to use more of its general operating budget on other core programs, such as transportation, public safety, and health care.

Arguments Against

1) The measure imposes a tax increase without any guarantee of increased academic achievement. A focus on educational reform and opportunity rather than new revenue is more likely to improve student outcomes. Policymakers should find efficiencies within the current system and reprioritize existing revenue in order to meet current education funding requirements. Since the 2012-13 budget year, total formula funding has increased by between 1.3 percent and 7.4 percent annually, and just this year, the state share of school formula funding increased by $425.6 million without a tax increase.

2) Increasing the state income tax rate could negatively impact the state's economy. Individuals will have less money to spend, save, and invest, and businesses will have less money to invest in their workers. Many businesses report their earnings through individual income tax returns and would pay the higher income tax rates under the measure. Colorado may also have a harder time attracting or retaining workers and businesses, as the top income tax rate under the measure would be 8.25 percent, the ninth highest state income tax rate in the country. This puts Colorado at a competitive disadvantage compared to other states.

3) The measure increases the property tax burden on homeowners, providing a tax cut for businesses at the expense of homeowners. In addition, it complicates an already complicated property tax system. By creating one assessed value for school districts and another assessed value for all other local taxing entities, the measure will lead to confusion among taxpayers and further complicate tax administration for state and local governments.

4) The measure does not require the state legislature to adjust the income tax thresholds to account for inflation. As a result, over time, more taxpayers could end up in the higher tax brackets as their incomes are adjusted for inflation, resulting in additional revenue that must be spent only on education. To the extent that more revenue is raised than is needed to sufficiently fund education, the state will not be able to use this money to address other critical needs such as transportation and health care. Finally, the additional revenue generated by the measure is exempt from the state's constitutional spending limit, thereby removing an important protection for taxpayers.

Estimate of Fiscal Impact

State revenue. The measure increases state revenue by $750.9 million in budget year 2018-19 (half-year impact) and $1.6 billion in budget year 2019-20. This amount is from individual income taxes and corporate income taxes. This revenue is exempt from constitutional spending limits and must be used for educational purposes identified in the measure.

State expenditures. The measure increases state expenditures by $174,933 in budget year 2018-19 for administrative costs. In budget year 2019-20, the measure increases expenditures for education by $1.6 billion. Revenue generated in other years must also be spent on education.

School district impact. The measure increases school district revenue by a minimum of $866 million and up to a net $1.5 billion in budget year 2019-20, the first full fiscal year the measure is implemented. The minimum spending represents the funding requirements specified in the measure; the maximum increase is the result of the $1.6 billion in new state revenue in budget year 2019-20, and a $62.4 million decrease in revenue from property taxes.

Local government impact. The measure increases costs for county assessors and treasurers offices to update computer and data systems related to the changes in assessment rates. Specific costs will vary among counties.

State Spending and Tax Increases

Article X, Section 20, of the Colorado constitution requires that the following fiscal information be provided when a tax increase question is on the ballot:

- estimates or actual amounts of state fiscal year spending for the current year and each of the past four years with the overall percentage and dollar change; and

- for the first full year of the proposed tax increase, estimates of the maximum dollar amount of the tax increase and of state fiscal year spending without the increase.

"Fiscal year spending" is a legal term in the Colorado constitution. It equals the amount of revenue subject to the constitutional spending limit that the state or a district is permitted to keep and either spend or save for a single year. Table 4 shows state fiscal year spending for the current year and each of the past four years.

Table 4. State Fiscal Year Spending

	Actual FY 2014-15	Actual FY 2015-16	Actual FY 2016-17	Preliminary FY 2017-18	Estimated FY 2018-19
Fiscal Year Spending	$12.36 billion	$12.82 billion	$12.89 billion	$13.70 billion	$14.35 billion
Four-Year Dollar Change in State Spending: $1.99 billion					
Four-Year Percent Change in State Spending: 16.1 percent					

FY = fiscal year. The state's fiscal (or budget) year runs from July through June.

Table 5 shows the revenue expected from the income tax increase for FY 2019-20, the first full fiscal year for which the tax increase would be in place, and an estimate of state fiscal year spending without the tax increase.

**Table 5. Estimated State Fiscal Year Spending
and the Proposed Income Tax Increase**

	FY 2019-20 Estimate
Fiscal Year Spending Without the Income Tax Increase	$17.2 billion
Revenue from the Income Tax Increase	$1.6 billion

TITLE AND TEXT

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado constitution or Colorado Revised Statutes. The text of the measure that will appear in the Colorado constitution and Colorado Revised Statutes below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

Ballot Title:

SHALL STATE TAXES BE INCREASED $1,600,000,000 ANNUALLY BY AN AMENDMENT TO THE COLORADO CONSTITUTION AND A CHANGE TO THE COLORADO REVISED STATUTES CONCERNING FUNDING RELATING TO PRESCHOOL THROUGH HIGH SCHOOL PUBLIC EDUCATION, AND, IN CONNECTION THEREWITH, CREATING AN EXCEPTION TO THE SINGLE RATE STATE INCOME TAX FOR REVENUE THAT IS DEDICATED TO THE FUNDING OF PUBLIC SCHOOLS; INCREASING INCOME TAX RATES INCREMENTALLY FOR INDIVIDUALS, TRUSTS, AND ESTATES USING FOUR TAX BRACKETS STARTING AT .37% FOR INCOME ABOVE $150,000 AND INCREASING TO 3.62% FOR INCOME ABOVE $500,000; INCREASING THE CORPORATE INCOME TAX RATE BY 1.37%; FOR PURPOSES OF SCHOOL DISTRICT PROPERTY TAXES, REDUCING THE CURRENT RESIDENTIAL ASSESSMENT RATE OF 7.2% TO 7.0% AND THE CURRENT NONRESIDENTIAL ASSESSMENT RATE OF 29%TO 24%; REQUIRING THE REVENUE FROM THE INCOME TAX INCREASES TO BE DEPOSITED IN A DEDICATED PUBLIC EDUCATION FUND AND ALLOWING THE REVENUE COLLECTED TO BE RETAINED AND SPENT AS VOTER-APPROVED REVENUE CHANGES; REQUIRING THE LEGISLATURE TO ANNUALLY APPROPRIATE MONEY FROM THE FUND TO SCHOOL DISTRICTS TO SUPPORT EARLY CHILDHOOD THROUGH HIGH SCHOOL PUBLIC EDUCATIONAL PROGRAMS ON AN EQUITABLE BASIS THROUGHOUT THE STATE WITHOUT DECREASING GENERAL FUND APPROPRIATIONS; DIRECTING THE LEGISLATURE TO ENACT, REGULARLY REVIEW, AND REVISE WHEN NECESSARY, A NEW PUBLIC SCHOOL FINANCE LAW THAT MEETS SPECIFIED CRITERIA; UNTIL THE LEGISLATURE HAS ENACTED A NEW PUBLIC SCHOOL FINANCE LAW, REQUIRING THE MONEY IN THE FUND TO BE ANNUALLY APPROPRIATED FOR SPECIFIED EDUCATION PROGRAMS AND PURPOSES; REQUIRING THE MONEY IN THE FUND TO BE USED TO SUPPORT ONLY PUBLIC SCHOOLS; REQUIRING GENERAL FUND APPROPRIATIONS FOR LIC EDUCATION TO INCREASE BY INFLATION, UP TO 5%, ANNUALLY; AND REQUIRING THE DEPARTMENT OF EDUCATION TO COMMISSION A STUDY OF THE USE OF THE MONEY IN THE FUND WITHIN FIVE YEARS?

Text of Measure:

Be it Enacted by the People of the State of Colorado:

SECTION 1. In the constitution of the state of Colorado, section 17 of article IX, **add** (4.5) as follows:

Section 17. Education – Funding. (4.5) **Quality Public Education Fund Created**. (a) THIS SUBSECTION SHALL BE KNOWN AND CITED AS THE "QUALITY PUBLIC EDUCATION FUND AMENDMENT OF 2018". THE PURPOSE OF THIS SECTION IS TO CREATE A MORE SUSTAINABLE, FAIR, AND ADEQUATE SYSTEM FOR FINANCING PUBLIC SCHOOLS THAT IS DESIGNED TO MEET THE NEEDS OF EVERY STUDENT IN THE STATE OF COLORADO TO PREPARE THEM FOR SUCCESS IN CAREER, COLLEGE, AND LIFE.

(b) THERE IS HEREBY CREATED IN THE DEPARTMENT OF THE TREASURY THE QUALITY PUBLIC EDUCATION FUND. THE QUALITY PUBLIC EDUCATION FUND SHALL RECEIVE ALL REVENUES COLLECTED THROUGH AN INCOME TAX INCREMENT FOR PUBLIC SCHOOL FUNDING APPROVED BY THE VOTERS AT THE 2018 GENERAL ELECTION. ALL INTEREST EARNED ON MONEYS IN THE QUALITY PUBLIC EDUCATION FUND SHALL BE DEPOSITED IN THE QUALITY PUBLIC EDUCATION FUND AND SHALL BE USED BEFORE ANY PRINCIPAL IS DEPLETED. MONEYS REMAINING IN THE QUALITY PUBLIC EDUCATION FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND NOT REVERT TO THE GENERAL FUND, THE STATE EDUCATION FUND, OR TO ANY OTHER CASH FUND.

(c) IN STATE FISCAL YEAR 2019-2020, AND EACH FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE, AND SCHOOL DISTRICTS MAY ANNUALLY EXPEND, MONEYS FROM THE QUALITY PUBLIC EDUCATION FUND FOR SUCH PURPOSES AS SHALL BE SPECIFIED BY LAW TO IMPROVE, SUPPORT AND ENHANCE THE QUALITY OF PRE-PRIMARY, PRIMARY, AND SECONDARY PUBLIC SCHOOL EDUCATIONAL PROGRAMS, RESOURCES, AND OPPORTUNITIES ON AN EQUITABLE BASIS FOR THE BENEFIT OF STUDENTS THROUGHOUT THE STATE.

(d) MONEYS APPROPRIATED FROM THE QUALITY PUBLIC EDUCATION FUND SHALL BE USED TO SUPPLEMENT, AND NOT SUPPLANT, THE LEVEL OF FISCAL YEAR GENERAL FUND APPROPRIATIONS FOR PUBLIC EDUCATION FUNDING EXISTING ON THE EFFECTIVE DATE OF THIS SUBSECTION.

SECTION 2. In the constitution of the state of Colorado, section 3 of article X, **amend** (1)(b) as follows:

(1)(b)(I) Residential real property, which shall include all residential dwelling units and the land, as defined by law, on which such units are located, and mobile home parks, but shall not include hotels and motels, shall be valued for assessment at twenty-one percent of its actual value. For the property tax year commencing January 1, 1985, the general assembly shall determine the percentage of the aggregate statewide valuation for assessment which is attributable to residential real property. For each subsequent year, the general assembly shall again determine the percentage of the aggregate statewide valuation for assessment which is attributable to each class of taxable property, after adding in the increased valuation for assessment attributable to new construction and to increased volume of mineral and oil and gas production. For each year in which there is a change in the level of value used in determining actual value, the general assembly shall adjust the ratio of valuation for assessment for residential real property which is set forth in this paragraph (b) as is necessary to insure that the percentage of the aggregate statewide valuation for assessment which is attributable to residential real property shall remain the same as it was in the year immediately preceding the year in which such change occurs. Such adjusted ratio shall be the ratio of valuation for assessment for residential real property for those years for which such new level of value is used. In determining the adjustment to be made in the ratio of valuation for assessment for residential real property, the aggregate statewide valuation for assessment that is attributable to residential real property shall be calculated as if the full actual value of all owner-occupied primary residences that are partially exempt from taxation pursuant to section 3.5 of this article was subject to taxation. All other taxable property shall be valued for assessment at twenty-nine percent of its actual value. However, the valuation for assessment for producing mines, as defined by law, and lands or leaseholds producing oil or gas, as defined by law, shall be a portion of the actual annual or actual average annual production therefrom, based upon the value of the unprocessed material, according to procedures prescribed by law for different types of minerals. Non-producing unpatented mining claims, which are possessory interests in real property by virtue of leases from the United States of America, shall be exempt from property taxation.

(b)(II) NOTWITHSTANDING THE REQUIREMENTS OF SUBSECTION (1)(b)(I) OF THIS SECTION, FOR ALL SCHOOL DISTRICT PROPERTY TAX LEVIES IN ANY PROPERTY TAX YEAR COMMENCING ON OR AFTER JANUARY 1, 2019, RESIDENTIAL REAL PROPERTY SHALL BE VALUED FOR ASSESSMENT AT SEVEN PERCENT OF ITS ACTUAL VALUE, AND ALL OTHER TAXABLE PROPERTY SHALL BE VALUED FOR ASSESSMENT AT TWENTY-FOUR PERCENT OF ITS ACTUAL VALUE EXCEPT AS OTHERWISE SET FORTH IN SUBSECTION (1)(b)(I) OF THIS SECTION WITH REGARD TO PRODUCING MINES AND LANDS OR LEASEHOLDS PRODUCING OIL OR GAS.

SECTION 3. In the constitution of the state of Colorado, section 20 of article X, **amend** (8)(a) as follows:

(8) Revenue limits. (a) New or increased transfer tax rates on real property are prohibited. No new state real property tax or local district income tax shall be imposed. Neither an income tax rate increase nor a new state definition of taxable income shall apply before the next tax year. Any income tax law change after July 1, 1992 shall also require all taxable net income to be taxed at one rate, excluding refund tax credits or voter-approved tax credits, with no added tax or surcharge; EXCEPT THAT MULTIPLE RATES MAY APPLY TO TAXABLE NET INCOME OF INDIVIDUALS, TRUSTS, ESTATES, AND CORPORATIONS IF SPECIFIC RATE INCREASES IN EXCESS OF THE TAX RATE IN EFFECT ON THE DAY OF AN ELECTION ARE APPROVED BY VOTERS FOR THE PURPOSE OF PROVIDING AN INCOME TAX INCREMENT DEDICATED TO THE FUNDING OF PRE-PRIMARY THROUGH SECONDARY PUBLIC SCHOOLS.

SECTION 4. In Colorado Revised Statutes, **add** 22-55-109 as follows:

22-55-109. Quality Public Education Fund – purpose and implementation. (1) KNOWLEDGE AND LEARNING BEING ESSENTIAL FOR THE PRESERVATION OF LIBERTY AND A FREE AND DEMOCRATIC SOCIETY, THE PEOPLE OF THE STATE OF COLORADO DECLARE THAT:

(a) A SOUND PUBLIC EDUCATION SYSTEM IS FUNDAMENTAL TO ENABLING EVERY PERSON TO DEVELOP HIS OR HER FULL POTENTIAL AND TO PARTICIPATE MEANINGFULLY IN THE CIVIC AND ECONOMIC LIFE OF THE COMMUNITY;

(b) QUALITY PUBLIC EDUCATION IS ESSENTIAL TO THE DEVELOPMENT OF THE QUALITY WORKFORCE THAT WILL DRIVE A VIBRANT COLORADO ECONOMY FOR DECADES TO COME;

(c) OUR PUBLIC SCHOOLS HAVE BEEN THE PATHWAY TO OPPORTUNITY AND A BETTER LIFE FOR GENERATIONS OF COLORADOANS;

(d) EACH AND EVERY COLORADO CHILD REQUIRES ACCESS TO EXCELLENT PUBLIC SCHOOLS, QUALITY EARLY CHILDHOOD EDUCATION OFFERINGS, A HIGHLY PROFESSIONAL AND WELL-SUPPORTED TEACHING FORCE, APPROPRIATE EDUCATIONAL TECHNOLOGY, TEXTBOOKS AND OTHER SCHOOL SUPPLIES, AND BROAD, HIGH-QUALITY EDUCATIONAL OPPORTUNITIES; AND

(e) A MORE SUSTAINABLE, FAIR, AND ADEQUATE SYSTEM FOR FINANCING PUBLIC SCHOOLS IS NECESSARY TO ACHIEVE THESE GOALS AND MEET THE NEEDS OF EVERY STUDENT IN THE STATE OF COLORADO TO PREPARE THEM FOR SUCCESS IN CAREER, COLLEGE AND LIFE IN THE 21ST CENTURY.

(2) THE PURPOSE OF THIS SECTION IS TO IMPLEMENT SUBSECTION (4.5) OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, AS APPROVED BY THE REGISTERED ELECTORS OF THIS STATE AT THE 2018 GENERAL ELECTION.

(3) (a) IN STATE FISCAL YEAR 2019-2020, AND EACH FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE, AND LOCAL SCHOOL DISTRICTS MAY ANNUALLY EXPEND, MONEYS FROM THE QUALITY PUBLIC EDUCATION FUND FOR THE PURPOSES STATED IN THIS SUBSECTION (3).

(b) UNTIL SUCH TIME AS A COMPREHENSIVE NEW PUBLIC SCHOOL FINANCE LAW SUBSTANTIALLY IN COMPLIANCE WITH SUBSECTION (3)(c) OF THIS SECTION HAS BEEN ENACTED AND HAS TAKEN EFFECT, THESE MONEYS SHALL BE APPROPRIATED AND SPENT AS FOLLOWS:

(I) TO INCREASE THE ANNUAL STATEWIDE BASE PER PUPIL FUNDING FOR PUBLIC EDUCATION FROM PRESCHOOL THROUGH THE TWELFTH GRADE TO NO LESS THAN SEVEN THOUSAND THREE HUNDRED DOLLARS, PLUS ANNUAL ADJUSTMENTS FOR INFLATION;

(II) TO INCREASE THE LEVEL OF TOTAL ANNUAL STATE FUNDING FOR CATEGORICAL PROGRAMS DIRECTED TO SPECIAL EDUCATION BY AN AMOUNT NO LESS THAN ONE HUNDRED TWENTY MILLION DOLLARS, TO PROGRAMS FOR GIFTED AND TALENTED STUDENTS BY AN AMOUNT NO LESS THAN TEN MILLION DOLLARS, AND TO PROGRAMS FOR ENGLISH LANGUAGE PROFICIENCY BY AN AMOUNT NO LESS THAN TWENTY MILLION DOLLARS OVER THE AMOUNTS OF FUNDING FOR THOSE PROGRAMS FOR FISCAL YEAR 2018-2019, PLUS ANNUAL ADJUSTMENTS FOR INFLATION;

(III) TO INCREASE ANNUAL STATE FUNDING FOR PRE-SCHOOL EARLY EDUCATION PROGRAMS BY AN AMOUNT NO LESS THAN TEN MILLION DOLLARS OVER THE AMOUNT OF FUNDING FOR THOSE PROGRAMS FOR FISCAL YEAR 2018-2019, PLUS ANNUAL ADJUSTMENTS FOR INFLATION;

(IV) TO INCREASE ANNUAL STATE FUNDING FOR PUPILS ELIGIBLE FOR FREE LUNCH AS NECESSARY TO INCLUDE PUPILS ELIGIBLE FOR REDUCED LUNCH PURSUANT TO THE PROVISIONS OF THE FEDERAL "RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751, ET SEQ; AND

(V) TO FUND ALL KINDERGARTEN STUDENTS ENROLLED IN A FULL DAY PROGRAM AT THE LEVEL OF ONE FULL-TIME EQUIVALENT.

Amendment 73: Funding for Public Schools   *49*

(c) IT IS THE INTENTION OF THE PEOPLE OF THE STATE OF COLORADO THAT THE GENERAL ASSEMBLY SHALL ENACT AS EXPEDITIOUSLY AS POSSIBLE A NEW PUBLIC SCHOOL FINANCE LAW THAT WILL SUBSTANTIALLY MEET THE FOLLOWING CRITERIA: PROVIDE A BASE PER PUPIL FUNDING LEVEL FOR ALL STUDENTS MOVING TOWARD OR EXCEEDING THE NATIONAL AVERAGE; ALLOCATE FUNDING IN A FAIR AND EQUITABLE MANNER AMONG THE LOCAL SCHOOL DISTRICTS, WITH RECOGNITION OF DIFFERENCES RELATED TO SIZE, GEOGRAPHY, POPULATION DEMOGRAPHICS, AND LOCAL ECONOMIC AND COST FACTORS; ASSURE MORE ADEQUATE FUNDING FOR SPECIALIZED PROGRAMS ADDRESSED TO STUDENTS WITH SPECIAL NEEDS, GIFTED AND TALENTED STUDENTS, STUDENTS LIVING IN POVERTY, ENGLISH LANGUAGE LEARNERS, AND OTHER IDENTIFIABLE GROUPS WHO WOULD BENEFIT FROM SUCH PROGRAMS; MORE ADEQUATELY FUND PROGRAMS TO ADDRESS THE CRITICAL IMPORTANCE OF EARLY CHILDHOOD LEARNING; PROVIDE FOR THE RECRUITMENT AND RETENTION OF QUALITY TEACHERS; AND PROVIDE A MODEL FOR FUNDING THAT WILL BE TRANSPARENT AND EASILY UNDERSTANDABLE BY THE PUBLIC. AT SUCH TIME AS A NEW PUBLIC SCHOOL FINANCE LAW SUBSTANTIALLY MEETING THESE CRITERIA HAS BEEN ENACTED AND HAS TAKEN EFFECT, THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE, AND THE SCHOOL DISTRICTS MAY ANNUALLY EXPEND, MONEYS FROM THE QUALITY PUBLIC EDUCATION FUND FOR THE PURPOSES PROVIDED IN SUCH LAW.

(4) MONEYS FROM THE QUALITY PUBLIC EDUCATION FUND SHALL BE APPROPRIATED AND EXPENDED TO SUPPORT PUBLIC SCHOOLS, EXCEPT THAT SUCH MONEYS MAY BE SPENT AS REQUIRED PURSUANT TO AN INDIVIDUALIZED EDUCATION PROGRAM UNDER THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT OF 2004", 20 USC §1400, ET SEQ., AS AMENDED, OR SUCCESSOR ACT.

(5) MONEYS APPROPRIATED FROM THE QUALITY PUBLIC EDUCATION FUND SHALL BE USED TO SUPPLEMENT, AND NOT SUPPLANT, THE LEVEL OF FISCAL YEAR GENERAL FUND APPROPRIATIONS FOR PUBLIC EDUCATION FUNDING EXISTING ON THE EFFECTIVE DATE OF THIS SUBSECTION, PLUS ANNUAL ADJUSTMENTS FOR INFLATION UP TO A MAXIMUM ANNUAL ADJUSTMENT OF FIVE PERCENT.

(6)(a) UPON RECEIVING MONEYS FROM THE QUALITY PUBLIC EDUCATION FUND, AND PURSUANT TO ESTABLISHED DISTRICT REPORTING REQUIREMENTS SET FORTH IN THE "EDUCATION ACCOUNTABILITY ACT OF 2009", ARTICLE 11 OF TITLE 22, THE FEDERAL "EVERY STUDENT SUCCEEDS ACT", PUB.L. 114-95, AND REGULATIONS DEVELOPED BY THE COLORADO DEPARTMENT OF EDUCATION PURSUANT TO STATE EDUCATION LAW, EACH DISTRICT SHALL MAKE PUBLICLY AVAILABLE ON ITS WEB SITE ITS MISSION AND VISION AND CURRENT BUDGET, AUDIT, UNIFORM IMPROVEMENT PLAN AND STUDENT ACHIEVEMENT SCORES.

(b) WITHIN FIVE YEARS OF IMPLEMENTATION OF THE QUALITY PUBLIC EDUCATION FUND, AND PURSUANT TO A REQUEST FOR PROPOSALS PROCESS WITH COMPETITIVE BIDDING, THE COLORADO DEPARTMENT OF EDUCATION WILL COMMISSION A STUDY TO INVESTIGATE HOW MONEYS FROM THE QUALITY PUBLIC EDUCATION FUND WERE SPENT AND TO DETERMINE THE BEST PRACTICES OF VARIOUS DISTRICTS FROM DIVERSE GEOGRAPHICAL REGIONS IN PROMOTING CONTINUOUS IMPROVEMENT IN STUDENT ACHIEVEMENT. MONEYS FROM THE QUALITY PUBLIC EDUCATION FUND MAY BE USED FOR THIS STUDY. THIS STUDY WILL BE MADE AVAILABLE TO THE PUBLIC AND POSTED ON THE DEPARTMENT OF EDUCATION WEBSITE.

(c) WITHIN TEN YEARS AFTER THE IMPLEMENTATION OF A SUCCESSOR TO THE "PUBLIC SCHOOL FINANCE ACT OF 1994", AND EVERY FIVE YEARS THEREAFTER, THE GENERAL ASSEMBLY SHALL REVIEW IMPLEMENTATION OF THE SUCCESSOR ACT TO ENSURE THAT THE FORMULA SET FORTH IN THE SUCCESSOR ACT ENABLES ALL SCHOOL DISTRICTS TO MEET COLORADO ACADEMIC STANDARDS AND PERFORMANCE FRAMEWORKS. IF THE FORMULA REQUIRES CHANGES TO MEET THESE GOALS IN AN ADEQUATE AND EQUITABLE MANNER, THE GENERAL ASSEMBLY SHALL ADOPT REVISIONS TO THE SCHOOL FINANCE FORMULA.

SECTION 5. In Colorado Revised Statutes, 39-22-104, **amend** (1.7) as follows:

39-22-104. Income tax imposed on individuals, estates, and trusts – single rate – definitions – repeal. (1.7) Except as otherwise provided in section 39-22-627, subject to subsection (2) of this section, with respect to taxable years commencing on or after January 1, 2000, a tax of four and sixty-three one hundredths percent is imposed on the federal taxable income, as determined pursuant to section 63 of the internal revenue code, of every individual, estate, and trust. IN ADDITION TO THE TAX RATE AUTHORIZED IN THIS SUBSECTION ON FEDERAL TAXABLE INCOME OF INDIVIDUALS, ESTATES, AND TRUSTS, FOR ALL TAXABLE YEARS COMMENCING ON OR AFTER JANUARY 1, 2019, AN INCOME TAX INCREMENT FOR PUBLIC SCHOOL FUNDING TO BE DEDICATED TO THE QUALITY PUBLIC EDUCATION FUND CREATED BY SUBSECTION (4.5) OF SECTION 17 OF TITLE IX OF THE STATE CONSTITUTION SHALL BE IMPOSED ON THE FEDERAL TAXABLE INCOME OF SUCH TAXPAYERS:

(a) OVER ONE HUNDRED FIFTY THOUSAND DOLLARS AND UP TO AND INCLUDING TWO HUNDRED THOUSAND DOLLARS, AT THE RATE OF THIRTY-SEVEN ONE HUNDREDTHS PERCENT;

(b) OVER TWO HUNDRED THOUSAND DOLLARS AND UP TO AND INCLUDING THREE HUNDRED THOUSAND DOLLARS, AT THE RATE OF ONE AND THIRTY-SEVEN ONE HUNDREDTHS PERCENT;

(c) OVER THREE HUNDRED THOUSAND DOLLARS AND UP TO AND INCLUDING FIVE HUNDRED THOUSAND DOLLARS, AT THE RATE OF TWO AND THIRTY-SEVEN ONE HUNDREDTHS PERCENT; AND

(d) OVER FIVE HUNDRED THOUSAND DOLLARS, AT THE RATE OF THREE AND SIXTY-TWO ONE HUNDREDTHS PERCENT.

SECTION 6. In Colorado Revised Statutes, 39-22-301, **amend** (1)(d)(I)(I), as follows:

39-22-301. Corporate tax imposed. (1)(d)(I) A tax is imposed upon each domestic C corporation and foreign C corporation doing business in Colorado annually in an amount of the net income of such C corporation during the year derived from sources within Colorado as set forth in the following schedule of rates:

(I) Except as otherwise provided in section 39-22-627, for income tax years commencing on or after January 1, 2000, four and sixty-three one hundredths percent of the Colorado net income. IN ADDITION TO THE TAX RATE AUTHORIZED IN THIS SUBSECTION (1)(d)(I)(I), FOR ALL TAXABLE YEARS COMMENCING ON OR AFTER JANUARY 1, 2019, AN INCOME TAX INCREMENT FOR PUBLIC SCHOOL FUNDING TO BE DEDICATED TO THE QUALITY PUBLIC EDUCATION FUND CREATED BY SUBSECTION (4.5) OF SECTION 17 OF TITLE IX OF THE STATE CONSTITUTION SHALL BE IMPOSED ON COLORADO NET INCOME AT THE RATE OF ONE AND THIRTY-SEVEN ONE HUNDREDTHS PERCENT.

SECTION 7. In Colorado Revised Statutes, 39-22-623, **amend** (1)(b) as follows:

39-22-623. Disposition of collections. (1) The proceeds of all moneys collected under this article, less the reserve retained for refunds, shall be credited as follows:

(b) Following apportionment of the city, town, and county shares pursuant to paragraph (a) of this subsection (1) and pursuant to section 29-21-101, C.R.S., all remaining funds, less the amount credited to the reserve created in section 39-29-107.8, in accordance with subsection (2) of said section, shall be credited AS FOLLOWS:

(I) FOR ALL TAXABLE YEARS COMMENCING ON OR AFTER JANUARY 1, 2019, ALL MONEYS DERIVED FROM THE INCOME TAX INCREMENT FOR PUBLIC SCHOOL FUNDING UNDER SECTIONS 39-22-104(1.7) AND 39-22-301(1) C.R.S., SHALL BE CREDITED TO AND DEPOSITED IN THE QUALITY PUBLIC EDUCATION FUND CREATED BY SUBSECTION (4.5) OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION. NOTWITHSTANDING ANY LIMITATIONS ON REVENUE, SPENDING, OR APPROPRIATIONS CONTAINED IN SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR ANY OTHER PROVISION OF LAW, ALL MONEYS CREDITED TO AND DEPOSITED IN THE QUALITY PUBLIC EDUCATION FUND PURSUANT TO THIS SUBPARAGRAPH AS APPROVED BY THE VOTERS AT THE STATEWIDE ELECTION IN NOVEMBER 2018, MAY BE COLLECTED AND SPENT AS VOTER-APPROVED REVENUE CHANGES AND SHALL NOT REQUIRE SUBSEQUENT VOTER APPROVAL.

(II) ALL REMAINING FUNDS SHALL BE CREDITED to the general fund, and the general assembly shall make appropriations therefrom for the expenses of the administration of this article.

Amendment 74
Compensation for Reduction in Fair Market Value by Government Law or Regulation
(This measure requires at least 55 percent of the vote to pass.)

ANALYSIS

Amendment 74 proposes amending the <u>Colorado Constitution</u> to:

♦ require the state or a local government to compensate a property owner if a law or regulation reduces the fair market value of his or her property.

Summary and Analysis

Background. Both the Colorado Constitution and state law specify that a government may not take or damage private property without providing compensation to the owner. Procedures in law exist to evaluate and challenge government decisions that lead to takings or cause damages, including asking for public and property owner input and establishing the amount of compensation owed.

Takings and damages. There are three primary ways that the state or a local government can take or damage private property. Governments in Colorado are generally required to compensate a property owner in these cases. The first type of taking is called "eminent domain." A government may take land from a private property owner for a public use or benefit. For example, a government may take land from a property owner to expand a highway. The second type of taking occurs if a government causes damage to private property, whether intentional or accidental. For example, a government may build a road that effectively limits access to an individual's property. The third type of taking is a "regulatory taking," which occurs when a government enacts a law or regulation that deprives a property owner of the use or value of his or her property, even though he or she usually maintains ownership of the property. For example, a government may prohibit a property owner from constructing buildings on his or her property, leaving the property with almost no value.

Changes under Amendment 74. Amendment 74 expands the circumstances under which the state or a local government is required to provide compensation to a property owner for a regulatory taking. Under this measure, a law or regulation that results in any decrease in the fair market value of a property, as opposed to the current standard of an almost total loss in value or use, becomes a regulatory taking. For example, if a government limits natural gas development, an owner of the mineral rights could file a claim for the reduced value of his or her property.

> *For information on those issue committees that support or oppose the measures on the ballot at the November 6, 2018, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:* *http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html*

Argument For

1) Amendment 74 ensures that when a property's value is harmed by government action, the owner of that property is fairly compensated for the loss. For many Coloradans, property is the most significant asset they own. If a law or regulation causes any loss of value, the property owner should be fairly compensated by the state or a local government. However, current law does not require a government to compensate an owner unless the loss in value to the property is near total.

Argument Against

1) Amendment 74 has potentially far-reaching and costly consequences for taxpayers and governments. Under the measure, taxpayers will be responsible for payments to property owners for any loss in property value resulting from a change in law or regulation, regardless of whether the property retains a profitable use. The potential liability for large payouts to private property owners may discourage governments from making decisions that benefit communities and protect vital public resources, such as water, air, and infrastructure.

Estimate of Fiscal Impact

The measure requires that the state or a local government compensate property owners any time a law or regulation reduces the fair market value of private property. The measure will increase state and local expenditures to compensate private property owners as a result of regulatory or legislative action.

TITLE AND TEXT

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado constitution. The text of the measure that will appear in the Colorado constitution below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

Ballot Title:

Shall there be an amendment to the Colorado constitution requiring the government to award just compensation to owners of private property when a government law or regulation reduces the fair market value of the property?

Text of Measure:

Be it Enacted by the People of the State of Colorado:

SECTION 1. In the constitution of the state of Colorado, **amend** section 15 of article II as follows:

Section 15. Taking property for public use—compensation, how ascertained. Private property shall not be taken, or damaged, OR REDUCED IN FAIR MARKET VALUE BY GOVERNMENT LAW OR REGULATION for public or private use, without just compensation. Such compensation shall be ascertained by a board of commissioners, of not less than three freeholders, or by a jury, when required by the owner of the property, in such manner as may be prescribed by law, and until the same shall be paid to the owner, or into court for the owner, the property shall not be needlessly disturbed, or the proprietary rights of the owner therein divested; and whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.

Amendment 75
Campaign Contributions
(This measure requires at least 55 percent of the vote to pass.)

ANALYSIS

Amendment 75 proposes amending the <u>Colorado Constitution</u> to:

♦   increase campaign contribution limits when a candidate loans or contributes more than $1.0 million to his or her own campaign, by allowing all candidates in the same election to collect five times the level of individual contributions currently authorized in the state constitution.

Summary and Analysis

Background. While campaign finance is regulated by federal law for candidates in federal races, Colorado law regulates campaign finance for state and local candidates. Federal and state courts have determined that limits on the amount of money that candidates can collect from individuals are a permissible restriction of free speech to prevent corruption or the appearance of corruption.

Under Amendment 75, candidates in a race may accept contributions from individuals that are five times the rate authorized in the state constitution if at least one candidate in the race:

•   contributes or loans funds totaling more than $1.0 million to his or her own campaign;
•   contributes or loans funds totaling more than $1.0 million to a committee to support or oppose any candidate in the same election; or
•   coordinates third-party contributions totaling more than $1.0 million to any committee to influence the candidate's own election.

Contribution limits. Campaign contribution limits are established in the state constitution and adjusted for inflation every four years. These limits restrict the amount of money a person can donate to a candidate in a specific election cycle, which includes the primary and general elections, as indicated in Table 1. The current limits reflect adjustments made in 2015.

Table 1. Campaign Contribution Limits per Election Cycle

Election	Individual and Political Committee Contribution Limit
Governor/Lt. Governor	$1,150
Secretary of State	$1,150
Attorney General	$1,150
State Treasurer	$1,150
State Senate	$400
State House of Representatives	$400
State Board of Education	$400
CU Regent	$400
District Attorney	$400

Source: Colorado Secretary of State.

In addition to collecting contributions from others, a candidate may make unlimited contributions from personal funds to his or her own campaign. Further, certain types of committees, including independent expenditure committees, may accept unlimited funds to support the election or defeat of a candidate, as long as they do not coordinate their activities or expenditures with any candidate. Since January 1, 2010, four candidates in statewide races have contributed or loaned over $1.0 million to their own campaigns.

For information on those issue committees that support or oppose the measures on the ballot at the November 6, 2018, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information: http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html

Argument For

1) Wealthy candidates have an unfair advantage in elections because current campaign finance laws allow them to contribute vast sums of their personal resources to their own campaigns. Colorado's current limits on individual contributions are among the lowest in the country, and candidates who rely on individual contributions are at a significant disadvantage in communicating their message to voters. Amendment 75 offers an effective way to encourage competitive elections.

Argument Against

1) Colorado's campaign finance system is broken, and this measure further complicates the system without truly addressing financial disparities among candidates. This increase in campaign contribution limits will allow all candidates, including wealthy candidates, to collect more money, further inflating election spending. Opening the door to more money is not the way to fix Colorado's campaign finance system.

Estimate of Fiscal Impact

State expenditures. Amendment 75 will result in a one-time cost of $15,000 in FY 2018-19 in the Department of State to make modifications to the state's campaign finance tracking system.

TITLE AND TEXT

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attoney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado constitution. The text of the measure that will appear in the Colorado constitution below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

Ballot Title:

Shall there be an amendment to the Colorado constitution providing that if any candidate in a primary or general election for state office directs more than one million dollars in support of his or her own election, then every candidate for that office in the same election may accept five times the amount of campaign contributions normally allowed?

Text of Measure:

Be it Enacted by the People of the State of Colorado:

Article XXVIII, SECTION 3 in the constitution of the state of Colorado, is amended by addition of subsection (14) as follows:

(14) Notwithstanding any conflicting provision in statute or the constitution, in order to prevent undue influence of a large contribution in a state election, if a candidate subject to the contribution limits set forth in subsection (1) of this section directs more than one million dollars to support his or her election, then all candidates in the same election shall be entitled to accept aggregate contributions for a primary and general election at five times the rate authorized by subsection (1) of this section. For purposes of this subsection, "directs more than one million dollars to support his or her election" includes: (a) A candidate contributing or loaning more than one million dollars to his or her candidate committee; (b) A candidate contributing or loaning more than one million dollars to a committee or other entity for the purpose of supporting or opposing any candidate in the same election; and (c) A candidate facilitating or coordinating third party contributions amounting to more than one million dollars to any committee or organization for the purpose of influencing the candidate's own election. Nothing in this subsection shall be construed as authorizing any corporate contributions of any kind. If any provision in this subsection is invalidated, the remaining provisions of this subsection shall remain effective.

Proposition 109
Authorize Bonds for Highway Projects

ANALYSIS

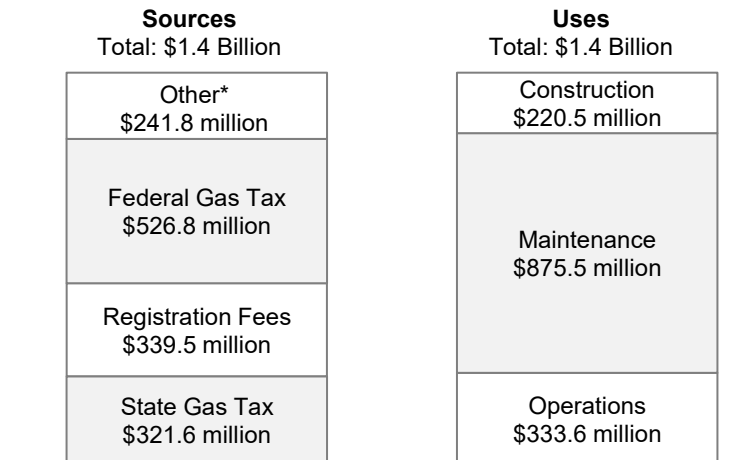**Proposition 109 proposes amending the <u>Colorado statutes</u> to:**

♦ require the state to borrow up to $3.5 billion in 2019 to fund up to 66 specific highway projects;

♦ direct the state to identify a source of funds to repay the borrowed amount without raising taxes or fees; and

♦ limit the total repayment amount, including principal and interest, to $5.2 billion over 20 years.

Summary and Analysis

This analysis outlines current state highway funding and describes the bond sale and repayment authorized by the measure for a specific list of statewide road and bridge projects. The analysis also describes transportation funding commitments that are conditional on the outcome of this measure.

Current state highway funding. Maintenance and construction of state highways are funded through the Colorado Department of Transportation (CDOT). CDOT receives most of its revenue from federal and state gasoline and diesel fuel taxes and from state vehicle registration fees, as shown in Figure 1. For state budget year 2017-18, CDOT spent approximately $1.2 billion, or roughly 85 percent of its revenue, on state highway maintenance and operations and $220.5 million, or 15 percent, on construction.

Figure 1. State Transportation Funding Sources and Uses
Budget Year 2017-18

Sources Total: $1.4 Billion	Uses Total: $1.4 Billion
Other* $241.8 million	Construction $220.5 million
Federal Gas Tax $526.8 million	Maintenance $875.5 million
Registration Fees $339.5 million	
State Gas Tax $321.6 million	Operations $333.6 million

Source: Colorado Department of Transportation.
*Other funding sources include federal grants, tolls, and other state and local funds.

Bond sale and repayment. Proposition 109 directs CDOT to borrow up to $3.5 billion by selling transportation revenue bonds. The total repayment amount, including principal and interest, is limited to $5.2 billion. The bonds must be repaid in 20 years, and the state must reserve the right to repay the bonds ahead of schedule without penalty. Assuming the repayment schedule is for the full $5.2 billion over 20 years, the average annual repayment cost will be $260 million. Actual repayment amounts will vary depending on the terms of the revenue bonds.

Past bond sale and repayment for transportation projects. In 1999, voters approved the sale of $1.5 billion worth of bonds for transportation projects. The state was required to use the borrowed money to pay for up to 24 transportation projects across the state. Repayment costs for the 1999 bonds totaled $2.3 billion. The debt was fully repaid through various state and federal sources in December 2016.

Transportation funding commitments conditional on the outcome of Proposition 109. In the last two years, the state legislature passed two laws to increase funding for future transportation projects. In 2017, the state committed $1.5 billion for transportation projects through the sale and lease-back of state buildings. In 2018, the state devoted another $1.0 billion over a 20-year period for transportation projects from existing state revenues. Under current law, the $3.5 billion in proposed borrowing will replace these commitments, resulting in a net increase of $1.0 billion for transportation.

Road and bridge projects. Borrowed money under Proposition 109 may only be used for road and bridge expansion, construction, maintenance, and repair on the 66 transportation projects located throughout the state identified in the measure on pages 59 through 63. The funding provided through the measure is not enough to pay for all the projects identified in the measure; the estimated cost of the projects is $5.6 billion. The final selection and order of construction will be determined by CDOT and the Transportation Commission, an 11-member body appointed by the Governor to prioritize statewide transportation needs.

For information on those issue committees that support or oppose the measures on the ballot at the November 6, 2018, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information: http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html

Arguments For

1) Proposition 109 accelerates the construction of essential highway projects without raising taxes or fees. Building and maintaining a highway system are core functions of government. The state has failed to invest sufficient funds to maintain and expand the highway system. The measure corrects this by directing the state to prioritize highway projects ahead of other programs.

2) The lack of highway capacity is the most significant contributor to traffic congestion in the state and causes delays, increases business costs, and reduces driver and passenger safety. The measure requires the state to invest more money in transportation, improving the state's economy and quality of life.

Arguments Against

1) Proposition 109 commits up to $5.2 billion to repay borrowing without creating a new source of revenue. This commitment diverts money from other programs, which may include education, health care, and routine transportation maintenance. Furthermore, the measure would pay for only a portion of the projects and fails to address the cost of ongoing maintenance of these projects.

2) In 2018, the state demonstrated its commitment to transportation funding by pledging $1.0 billion from existing revenue sources. If Proposition 109 passes, it replaces this commitment with borrowed money. Borrowing is expensive. Under this measure, approximately $1.7 billion in taxpayer money will be spent on interest payments.

Estimate of Fiscal Impact

Proposition 109 makes changes to transportation finance over 20 years. Its effects on state revenue and expenditures are summarized below.

State revenue. The measure requires the state to sell revenue bonds, which will increase state revenue by up to $3.5 billion. Under current law, bond revenue collected under Proposition 109 will replace $1.5 billion in state revenue from the sale and lease-back of state buildings. On net, Proposition 109 increases state revenue by up to $2.0 billion.

State expenditures. The measure authorizes $3.5 billion in state revenue from the sale of bonds to be spent on transportation projects. However, current state law directs other funding commitments to be cancelled if the measure passes, resulting in a net increase in spending on transportation of up to $1.0 billion.

The measure commits up to $5.2 billion to the repayment of debt. These financing costs will replace the $2.25 billion in financing costs related to the sale and lease-back of state buildings, resulting in a net increase in financing costs of up to $2.95 billion.

State Spending and Bonded Debt

Article X, Section 20, of the Colorado constitution requires that the following fiscal information be provided when a bonded debt question is on the ballot:

- estimates or actual amounts of state fiscal year spending for the current year and each of the past four years with the overall percentage and dollar change;

- the principal amount and maximum annual and total state repayment cost of proposed bonded debt; and

- the principal balance of current state bonded debt and the maximum annual and remaining total repayment cost.

"Fiscal year spending" is a legal term in the Colorado constitution. It equals the amount of revenue subject to the constitutional spending limit that the state or a district is permitted to keep and either spend or save for a single year. Table 1 shows state fiscal year spending for the current year and each of the past four years.

Table 1. State Fiscal Year Spending

	Actual FY 2014-15	Actual FY 2015-16	Actual FY 2016-17	Preliminary FY 2017-18	Estimated FY 2018-19
Fiscal Year Spending	$12.36 billion	$12.82 billion	$12.89 billion	$13.70 billion	$14.35 billion
Four-Year Dollar Change in State Spending: $1.99 billion					
Four-Year Percent Change in State Spending: 16.1 percent					

FY = fiscal year. The state's fiscal (or budget) year runs from July through June.

The principal amount of the proposed bonded debt is limited to $3.5 billion. The maximum state repayment cost is $5.2 billion. Annual principal and interest payments are not limited by the measure in any given year, but are expected to average up to $260 million per year over a maximum of 20 years.

As of June 30, 2018, there is no outstanding amount due on any state bonded debt.

TITLE AND TEXT

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado revised statutes. The text of the measure that will appear in the Colorado revised statutes below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

Ballot Title:

SHALL STATE DEBT BE INCREASED $3,500,000,000, WITH A MAXIMUM REPAYMENT COST OF $5,200,000,000, WITHOUT RAISING TAXES OR FEES, BY A CHANGE TO THE COLORADO REVISED STATUTES REQUIRING THE ISSUANCE OF TRANSPORTATION REVENUE ANTICIPATION NOTES, AND, IN CONNECTION THEREWITH, NOTE PROCEEDS SHALL BE RETAINED AS A VOTER-APPROVED REVENUE CHANGE AND USED EXCLUSIVELY TO FUND SPECIFIED ROAD AND BRIDGE

EXPANSION, CONSTRUCTION, MAINTENANCE, AND REPAIR PROJECTS THROUGHOUT THE STATE?

Text of Measure:

Be it Enacted by the People of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** part 11 to article 4 of title 43 as follows:

PART 11
FIX OUR DAMN ROADS

43-4-1101. Short Title. THE SHORT TITLE OF THIS ACT IS "FIX OUR DAMN ROADS."

43-4-1102. Legislative declaration. (1) THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT:

(a) COLORADO'S ELECTED OFFICIALS HAVE DECREASED FUNDING FOR THE CORE GOVERNMENTAL FUNCTION OF ROAD AND BRIDGE CONSTRUCTION, MAINTENANCE AND REPAIR OVER THE LAST DECADE; AND

(b) WITHOUT RAISING TAXES OR FEES, THE SALE OF ADDITIONAL REVENUE ANTICIPATION NOTES SHOULD BE AUTHORIZED IN THE AMOUNT OF THREE BILLION FIVE HUNDRED MILLION DOLLARS WITH THE PROCEEDS TO BE SPENT SOLELY ON ROAD AND BRIDGE EXPANSION, CONSTRUCTION, MAINTENANCE AND REPAIR ON THE STATEWIDE PROJECTS LISTED IN THIS PART 11 TO ACCELERATE COMPLETION OF THOSE PROJECTS, THAT THE PRINCIPAL AND INTEREST ON THE BORROWED MONEY SHOULD BE PAID OUT OF THE STATE BUDGET AS PROVIDED IN THIS PART 11, THAT THE BORROWED MONEY AND THE INTEREST BE EXCLUDED FROM THE STATE'S SPENDING LIMIT, AND FINALLY THAT THE EXECUTIVE BRANCH AGENCIES BE PROHIBITED FROM TRANSFERRING THESE PROCEEDS TO ANY OTHER PROGRAMS OR PURPOSES.

43-4-1103. Revenue Anticipation Notes. AS SOON AS POSSIBLE AFTER THE EFFECTIVE DATE OF THIS PART 11, BUT NO LATER THAN JULY 1, 2019, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION SHALL ISSUE REVENUE ANTICIPATION NOTES IN A MAXIMUM AMOUNT OF THREE BILLION FIVE HUNDRED MILLION DOLLARS WITH A MAXIMUM REPAYMENT COST OF FIVE BILLION TWO HUNDRED MILLION DOLLARS. THE MAXIMUM REPAYMENT TERM FOR ANY NOTES SHALL BE TWENTY YEARS, AND THE CERTIFICATE, TRUST INDENTURE OR OTHER INSTRUMENT AUTHORIZING THEIR ISSUANCE SHALL PROVIDE THAT THE STATE MAY PAY THE NOTES IN FULL BEFORE THE END OF THE SPECIFIED PAYMENT TERM WITHOUT PENALTY. THESE PURPOSES CAN BE ACHIEVED WITHOUT RAISING TAXES.

43-4-1104. Required Action by the general assembly. WITHOUT RAISING TAXES OR FEES, COMMENCING AS SOON AS POSSIBLE AFTER THE EFFECTIVE DATE OF THIS PART 11, ON OR BEFORE JULY 1, 2019, AND ON OR BEFORE JULY 1 OF EACH YEAR THEREAFTER UNTIL THE NOTES ARE PAID IN FULL, THE GENERAL ASSEMBLY SHALL IDENTIFY AND APPROPRIATE IN EACH FISCAL YEAR SUFFICIENT FUNDS FOR THE REPAYMENT COST OF THE NOTES UNTIL THE NOTES ARE PAID IN FULL. ANY ANNUAL APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY SHALL BE MADE IN ACCORDANCE WITH LAW AND RULINGS ISSUED BY THE COLORADO SUPREME COURT.

43-4-1105. Restricted use of proceeds. THE PROCEEDS OF SUCH ADDITIONAL TRANSPORTATION REVENUE ANTICIPATION NOTES SHALL BE EXCLUDED FROM STATE FISCAL YEAR SPENDING LIMITS AND SHALL BE USED EXCLUSIVELY FOR ROAD AND BRIDGE EXPANSION, CONSTRUCTION, MAINTENANCE AND REPAIR AND SHALL NOT BE USED FOR TRANSIT, ADMINISTRATION OR INDIRECT COSTS AND EXPENSES. THE PROCEEDS DISTRIBUTED HEREUNDER SHALL BE IN ADDITION TO ANY REVENUE APPROPRIATED OR DEDICATED FOR ROAD AND BRIDGE EXPANSION, CONSTRUCTION, MAINTENANCE AND REPAIR. THE PROCEEDS SHALL BE USED ONLY FOR THE PROJECTS IDENTIFIED IN THIS PART 11 AND FOR COSTS DIRECTLY RELATED TO SUCH PROJECTS INCLUDING PLANNING, ENGINEERING, ENVIRONMENTAL ASSESSMENTS, AS WELL AS PROCUREMENT AND ADMINISTRATIVE COSTS. THE EXECUTIVE BRANCH SHALL NOT TRANSFER THE PROCEEDS TO ANY OTHER PROGRAMS OR FOR OTHER PURPOSES.

43-4-1106. Projects. (1) THE COLORADO DEPARTMENT OF TRANSPORTATION AND THE TRANSPORTATION COMMISSION SHALL USE THE PROCEEDS DESCRIBED IN SECTION 43-4-1105 EXCLUSIVELY FOR THE FEDERAL AID TRANSPORTATION PROJECTS LISTED IN THIS SECTION:

(a) IN THE NORTH FRONT RANGE TRANSPORTATION PLANNING REGION:

(I) US 34 / US 85 INTERCHANGE RECONFIGURATION, IMPROVEMENTS TO THE SAFETY AND CAPACITY OF THE INTERCHANGE AND CORRIDOR IMPROVEMENTS BASED OFF HIGHWAY 85 PLANNING AND ENVIRONMENTAL LINKAGES; AND

(II) I-25 NORTH, STATE HIGHWAY 7 TO STATE HIGHWAY 14, ADD A LANE IN EACH DIRECTION, INTERCHANGE RECONSTRUCTION, MAINLINE RECONSTRUCTION, SAFETY AND INTELLIGENT TRANSPORTATION SAFETY IMPROVEMENTS.

(b) IN THE PIKES PEAK TRANSPORTATION PLANNING REGION:

(I) STATE HIGHWAY 21, CONSTITUTION TO NORTH CAREFREE, CONSTRUCTION OF INTERIM CONTINUOUS FLOW INTERSECTION;

(II) US 24 WEST, I-25 TO WOODLAND PARK, DRAINAGE AND INTERSECTION IMPROVEMENTS ON US 24 FROM I-25 TO WOODLAND PARK;

(III) I-25 SOUTH, WIDENING S. ACADEMY TO CIRCLE/LAKE, WIDENING OF ROADWAY TO SIX LANES; AND

(IV) STATE HIGHWAY 21, RESEARCH PARKWAY INTERCHANGE, CONSTRUCTION OF NEW GRADE-SEPARATED INTERCHANGE AT STATE HIGHWAY 21 AND RESEARCH PARKWAY.

(c) IN THE PUEBLO AREA TRANSPORTATION PLANNING REGION:

(I) US 50B, WIDEN TO FOUR LANES, SHOULDERS, PASSING LANES AND OTHER SAFETY IMPROVEMENTS TO THE KANSAS BORDER; AND

(II) US 50, WEST OF PUEBLO, WIDEN THE DIVIDED HIGHWAY FROM TWO LANES TO THREE LANES.

(d) IN THE SOUTHEAST TRANSPORTATION PLANNING REGION: US 287 LAMAR RELIEVER ROUTE, CONSTRUCTION OF RELIEVER ROUTE, REALIGNMENT OF US 50 TO FUTURE US50/US 287 INTERCHANGE.

(e) IN THE UPPER FRONT RANGE TRANSPORTATION PLANNING REGION:

(I) I-76, FORT MORGAN TO BRUSH, PHASE 4 RECONSTRUCTION OF ROADWAY AND INTERCHANGES BETWEEN FT. MORGAN AND BRUSH;

(II) I-76, FORT MORGAN TO BRUSH, PHASE 5 RECONSTRUCTION OF ROADWAY AND INTERCHANGES BETWEEN FT. MORGAN AND BRUSH; AND

(III) STATE HIGHWAY 52 INTERCHANGE IN HUDSON, RECONSTRUCTION OF INTERCHANGE.

(f) IN THE GREATER DENVER AREA TRANSPORTATION PLANNING REGION:

(I) I-25 SOUTH, MONUMENT TO CASTLE ROCK, EXPAND CAPACITY MONUMENT TO CASTLE ROCK AS OUTLINED IN PLANNING AND ENVIRONMENTAL LINKAGES STUDY;

(II) I-25 CENTRAL, SANTA FE TO ALAMEDA, VALLEY HIGHWAY PHASE 2.0 IMPROVEMENTS, COMPLETE ALAMEDA INTERCHANGE INCLUDING RECONSTRUCTION OF LIPAN, RECONSTRUCTION OF ALAMEDA BRIDGE OVER THE SOUTH PLATTE AND FINALIZE RAMP CONFIGURATION;

(III) I-25, VALLEY HIGHWAY PHASE 3.0, SANTA FE TO BRONCO ARCH, REPLACEMENT OF BRIDGES AND INTERCHANGES AND ROADWAY WIDENING, CONGESTION RELIEF, SAFETY, AND MOBILITY IMPROVEMENTS;

(IV) US 85, WIDENING FROM C-470 TO I-25 IN CASTLE ROCK (LOUVIERS TO MEADOWS), RECONSTRUCTION OF TWO LANE ROADWAY TO FOUR LANES WITH A DIVIDED MEDIAN AND ACCELERATION/DECELERATION LANES AND FOOT TRAIL;

(V) STATE HIGHWAY 66 CORRIDOR IMPROVEMENTS WEST, WIDENING, SAFETY, AND INTERSECTION IMPROVEMENTS;

(VI) STATE HIGHWAY 119, EXPAND CAPACITY;

(VII) I-25 NORTH, US 36 TO 120TH, IMPROVEMENTS ON I-25 BETWEEN US 36 AND 120TH. POTENTIAL IMPROVEMENTS INCLUDE AUXILIARY LANES, ADDITIONAL LANE BETWEEN 84TH AVE. AND THORNTON PARKWAY AND RECONSTRUCTION OF 88TH AVE. BRIDGE;

(VIII) I-25 NORTH, US 36 TO STATE HIGHWAY 7, TOLLED EXPRESS LANE IMPROVEMENTS, EXPAND TOLLED EXPRESS LANES FROM CURRENT PLANNED END AT E-470 TO STATE HIGHWAY 7;

(IX) I-70 WEST, WESTBOUND PEAK PERIOD SHOULDER LANE, MIRROR EASTBOUND PEAK PERIOD SHOULDER LANE FROM TWIN TUNNELS (EXIT 241) TO EMPIRE JUNCTION;

(X) I-70 WEST, FLOYD HILL, RECONSTRUCT WESTBOUND BRIDGE AT KERMIT'S AND CONSTRUCT THIRD LANE DOWN FLOYD HILL TO BRIDGE. CONSTRUCTION OF THIRD LANE TO TWIN TUNNELS, EITHER PEAK PERIOD SHOULDER LANES OR PERMANENT;

(XI) I-225, I-25 TO YOSEMITE, COMPLETE NATIONAL ENVIRONMENTAL POLICY ACT DESIGN, REMOVING BOTTLENECK AT YOSEMITE, RAMPS, LANES, INTERCHANGES AND BRIDGE REPLACEMENT AT ULSTER;

(XII) I-270, WIDENING FROM I-76 TO I-70, RECONSTRUCTION TO IMPROVE CAPACITY, SAFETY, AND ECONOMIC COMPETITIVENESS. CAPACITY IMPROVEMENTS, REPLACEMENT OF BRIDGES, AND RECONSTRUCT CONCRETE PAVEMENT;

(XIII) US 6, WADSWORTH INTERCHANGE, RECONSTRUCT INTERCHANGE TO IMPROVE SAFETY AND RELIEVE CONGESTION;

(XIV) I-270/US 85, I-270 TO 62ND AVE. INTERCHANGE, RECONSTRUCT INTERCHANGE AT I-270 INTERSECTION AT 60TH AVE. TO IMPROVE SAFETY AND CAPACITY;

(XV) 104TH GRADE SEPARATION, CONSTRUCTION OF GRADE SEPARATED INTERCHANGE AT 10TH AND 104TH/US 85 AND RAILROAD CROSSING GRADE SEPARATION;

(XVI) 120TH GRADE SEPARATION, CONSTRUCTION OF A GRADE SEPARATED INTERCHANGE AT 120TH AND US 85/RAILROAD CROSSING GRADE SEPARATION 120TH; AND

(XVII) US 285, RICHMOND HILL TO SHAFFER'S CROSSING, WIDEN ROADWAY TO FOUR LANES WITH MEDIAN AND CONSTRUCTION OF GRADE SEPARATED INTERCHANGE AT KING'S VALLEY.

(g) IN THE CENTRAL FRONT RANGE TRANSPORTATION PLANNING REGION:

(I) STATE HIGHWAY 67, DIVIDE TO VICTOR, SHOULDER WIDENING AND SAFETY IMPROVEMENTS;

(II) STATE HIGHWAY 115, REPLACE AND WIDEN ROCK CREEK BRIDGE; AND

(III) US 285, FAIRPLAY TO RICHMOND HILL, ADDITION OF PASSING LANES AND SHOULDER IMPROVEMENTS.

(h) IN THE INTERMOUNTAIN TRANSPORTATION PLANNING REGION:

(I) I-70, GARFIELD COUNTY/NEW CASTLE INTERCHANGE UPGRADE;

(II) I-70 WEST, G SPUR ROAD (EDWARDS INTERCHANGE), PHASE 2 OF EDWARDS INTERCHANGE; INTERCHANGE AND INTERSECTION IMPROVEMENTS;

(III) STATE HIGHWAY 9, FRISCO NORTH, COMPLETION OF CORRIDOR INCLUDING MINIMAL WIDENING, WATER QUALITY AND DRAINAGE IMPROVEMENTS, AND TWO INTERCHANGE IMPROVEMENTS;

(IV) STATE HIGHWAY 13, RIFLE NORTH, CONSTRUCTION UPGRADES;

(V) I-70 WEST, VAIL PASS AUXILIARY LANES AND WILDLIFE OVERPASS, COMPLETE NATIONAL ENVIRONMENTAL POLICY ACT DESIGN AND PRELIMINARY ENGINEERING FOR RECOMMENDED THIRD LANE (BOTH DIRECTIONS) TO INCREASE SAFETY AND MOBILITY. INSTALL PERMANENT WATER QUALITY FEATURES, AND WIDEN ROADWAY;

(VI) I-70 WEST, EXIT 203 INTERCHANGE IMPROVEMENTS,

(VII) I-70 WEST, FRISCO TO SILVERTHORNE AUXILIARY LANE, IMPROVEMENTS AND UPGRADES; AND

(VIII) I-70 WEST, SILVERTHORNE INTERCHANGE, RECONSTRUCTION OF EXIT 205 INTERCHANGE AND RELATED IMPROVEMENTS FOR FOUR RAMPS.

(i) IN THE NORTHWEST TRANSPORTATION PLANNING REGION:

(I) US 40, KREMMLING EAST AND WEST, PHASED ADDITION OF SHOULDERS AND PASSING LANES ON 14 MILES;

(II) US 40, FRASER TO WINTER PARK, CAPACITY IMPROVEMENTS (FOUR LANE FACILITY).

(j) IN THE GRAND VALLEY TRANSPORTATION PLANNING REGION:

(I) I-70, BUSINESS LOOP, I-70B WIDENING; COMPLETE RECONSTRUCTION AND WIDENING TO MEET CURRENT GEOMETRIC DESIGN STANDARDS AND IMPROVE SAFETY, DRAINAGE AND ACCESSES ALONG THE CORRIDOR; ADD LANES IN EACH DIRECTION TO MAKE A THREE-LANE ROADWAY SECTION AND RECONSTRUCT FRONTAGE ROADS 5TH STREET TO EXIT 26 CORRIDOR, NEW CAPACITY;

(II) I-70, PALISADE TO DEBEQUE, RECONSTRUCTION WITH REALIGNMENT OF CURVES AND OTHER SAFETY IMPROVEMENTS;

(III) US 6 IMPROVEMENTS MESA COUNTY, COMPLETION OF INTERSECTION STUDIES AND PRELIMINARY ENGINEERING FOR SAFETY AND MOBILITY THROUGHOUT THE CORRIDOR; INTERSECTION, SHOULDERS, AND OTHER SAFETY AND MOBILITY IMPROVEMENTS AT SPECIFIED LOCATIONS THROUGHOUT THE CORRIDOR; AND

(IV) STATE HIGHWAY 340, SAFETY AND CAPACITY IMPROVEMENTS INCLUDING INTERSECTION IMPROVEMENTS.

(k) IN THE EASTERN TRANSPORTATION PLANNING REGION:

(I) I-70 EAST, REPLACEMENT OF ALKALI-SILICA REACTIVITY PAVEMENT AND ASSOCIATED SAFETY IMPROVEMENTS; AND

(II) US 385 SAFETY IMPROVEMENTS, INTERSECTION, SHOULDERS, AND OTHER SAFETY IMPROVEMENTS AT SPECIFIED LOCATIONS.

(l) IN THE SOUTHWEST TRANSPORTATION PLANNING REGION:

(I) US 160 MOBILITY IMPROVEMENTS, CORRIDOR IMPROVEMENTS, PASSING LANES, AND SHOULDER WIDENING AT SELECT LOCATIONS;

(II) US 160 TOWAOC, ADDITION OF PASSING LANES AND VEHICLE TURNOUTS;

(III) US 160 ELMORE'S EAST, COMPLETION OF SPECIFIED IMPROVEMENTS;

(IV) US 160 PAGOSA, RECONSTRUCTION TO CORRECT WHEEL RUTTING AND ADDITION OF PEDESTRIAN FACILITIES FOR SAFETY;

(V) US 550 SOUTH, SUNNYSIDE, MAJOR RECONSTRUCTION REQUIRING WIDENING TO A FOUR-LANE ROADWAY, INCLUDING EARTHWORK, DRAINAGE, IRRIGATION, UTILITIES, PAVING, PEDESTRIAN BRIDGE, SOUND WALL, ANIMAL CROSSINGS;

(VI) US 550 CORRIDOR SOUTH, GAP RECONSTRUCTION TO FOUR LANES, INCLUDING DRAINAGE, UTILITIES, ANIMAL CROSSINGS, AND INTERSECTION IMPROVEMENTS;

(VII) US 550/US 160 CONNECTION, COMPLETE THE CONNECTION OF US 550 TO US 160 AT THE GRANDVIEW INTERCHANGE; AND

(VIII) US 550/US 160 CONNECTION, FINALIZE PRE-CONSTRUCTION, PURCHASE REQUIRED RIGHT-OF-WAY, COMPLETE FINAL DESIGN AND PREPARE ADVERTISEMENT.

(m) IN THE SAN LUIS VALLEY TRANSPORTATION PLANNING REGION, US 50 SAFETY AND MOBILITY IMPROVEMENTS BETWEEN SALIDA AND COALDALE, ADDITION OF PASSING LANES AND VEHICLE TURNOUTS.

(n) IN THE GUNNISON VALLEY TRANSPORTATION PLANNING REGION:

(I) US 50 LITTLE BLUE CANYON, RECONSTRUCTION AND WIDENING OF EXISTING ROADWAY TEMPLATE TO MEET CURRENT GEOMETRIC DESIGN STANDARDS AND IMPROVE ROADSIDE SAFETY, DRAINAGE AND ACCESS ALONG THE CORRIDOR; ADDITION OF PASSING LANES AND MITIGATION OF GEOHAZARD LANDSLIDE WITHIN THE PROJECT LIMITS; PHASED IMPLEMENTATION;

(II) US 550 SAFETY IMPROVEMENTS, SPECIFIED STUDY TO REVIEW INTERSECTION IMPROVEMENTS. US 550 REGION 3 ONLY;

(III) US 550 UNCOMPAHGRE RIVER AND COLONA, ADDITION OF SHOULDERS BETWEEN UNCOMPAHGRE RIVER AND COLONA (BILLY CREEK); CONSTRUCTION OF DEER FENCING AND ANIMAL UNDERPASSES; AND

(IV) STATE HIGHWAY 92, SAFETY IMPROVEMENTS INCLUDING RECONSTRUCTION OF THE SURFACE, ADDITION OF 4-8' PAVED SHOULDERS ACROSS ROGERS MESA, AND OTHER SAFETY IMPROVEMENTS INCLUDING ACCESS AND INTERSECTION IMPROVEMENTS.

(o) IN THE SOUTH CENTRAL TRANSPORTATION PLANNING REGION, I-25, STATE HIGHWAY 10/STATE HIGHWAY 160, INTERCHANGE RECONSTRUCTION AT WALSENBURG.

(p) US 85 CORRIDOR IMPROVEMENTS, SAFETY, INTERSECTION AND INTERCHANGE IMPROVEMENTS.

43-4-1107. Effective Date THIS PART 11 SHALL BECOME EFFECTIVE UPON PROCLAMATION BY THE GOVERNOR AND SHALL BE SELF-EXECUTING.

Proposition 110
Authorize Sales Tax and Bonds for Transportation Projects

ANALYSIS

Proposition 110 proposes amending the <u>Colorado statutes</u> to:

♦   increase the state's sales and use tax rate from 2.9 percent to 3.52 percent for 20 years;

♦   distribute the new tax revenue for transportation as follows: 45 percent to the state; 40 percent to local governments; and 15 percent for multimodal transportation projects; and

♦   permit the state to borrow up to $6.0 billion for transportation projects and limit the total repayment amount, including principal and interest, to $9.4 billion over 20 years.

Summary and Analysis

This analysis outlines state highway funding and the state sales and use tax under current law. In addition, it describes the sales and use tax increase and the bond sale and repayment authorized by the measure.

Current state highway funding. Maintenance and construction of state highways are funded through the Colorado Department of Transportation (CDOT). CDOT receives most of its revenue from federal and state gasoline and diesel fuel taxes and from state vehicle registration fees, as shown in Figure 1. For state budget year 2017-18, CDOT spent approximately $1.2 billion, or roughly 85 percent of its revenue, on state highway maintenance and operations and $220.5 million, or 15 percent, on construction.

Figure 1. State Transportation Funding Sources and Uses
Budget Year 2017-18

Sources Total: $1.4 Billion	Uses Total: $1.4 Billion
Other* $241.8 million	Construction $220.5 million
Federal Gas Tax $526.8 million	Maintenance $875.5 million
Registration Fees $339.5 million	
State Gas Tax $321.6 million	Operations $333.6 million

Source: Colorado Department of Transportation.
*Other funding sources including federal grants, tolls, and other state and local funds.

Sales and use tax. The state sales tax is paid on the purchase price of most items. Some items are exempt, such as food bought at grocery stores, prescription drugs, household utilities, and gasoline. The tax applies to some services, including telephone service, food and drink service at restaurants and bars, and short-term lodging. The state use tax is paid when sales tax was due but not collected. In addition to the state's 2.9 percent rate, most cities and counties also have sales and use taxes. Combined state and local sales tax rates in Colorado range from 2.9 percent to 11.2 percent, depending on where a purchase is made.

Amount of the tax increase. Beginning January 1, 2019, the measure increases the state sales tax rate from 2.9 percent to 3.52 percent for 20 years. The measure is estimated to raise about $767 million in the first year that it applies. Table 1 provides examples of estimated state sales taxes paid currently and under Proposition 110 based on family income. Under the measure, the average amount of sales tax paid by a Colorado family with an average income of $74,374 is estimated to increase by $131.

**Table 1. Estimated Average Annual State Sales Taxes Due
Under Current Law and Proposition 110***

	Current Law	Under Proposition 110	
Family Income	**State Sales Tax Paid (2.9%)**	**Tax Increase (0.62%)**	**Total State Sales Tax Paid (3.52%)**
$6,495	$197	$42	$239
$13,143	$235	$50	$285
$24,015	$359	$77	$436
$42,272	$459	$98	$557
$74,374	$611	$131	$742
$83,473	$730	$156	$886
$190,232	$1,171	$250	$1,421

Source: Colorado Department of Revenue, 2016 Tax Profile & Expenditure Report.
*Estimates are for Colorado households and exclude other taxpayers, such as tourists and businesses.

Use of new tax revenue for transportation. The additional tax revenue collected under Proposition 110 is dedicated to the following uses:

- 45 percent to CDOT for state transportation projects, including debt repayment;
- 40 percent to local governments for transportation projects; and
- 15 percent for multimodal transportation projects.

The state's share of the additional tax revenue will be spent by CDOT on state transportation projects that address safety, maintenance, and congestion and to repay borrowing under this measure for transportation projects. The Transportation Commission, an 11-member body appointed by the Governor to prioritize statewide transportation needs, will determine the use of these funds.

The local share of the additional revenue will be distributed to every city and county for transportation projects based on an existing formula in state law.

The additional tax revenue identified for multimodal transportation projects will mostly be spent by local governments. Multimodal transportation provides additional transportation options and includes bike paths, sidewalks, and public transit, such as buses, rail, and rides for the elderly and disabled.

Bond sale and repayment. Proposition 110 permits CDOT to borrow up to $6.0 billion by selling transportation revenue bonds. The total repayment amount, including principal and interest, is limited to $9.4 billion over 20 years, and the state must reserve the right to repay the bonds ahead of schedule without penalty. Assuming the repayment schedule is for the full $9.4 billion over 20 years, the average annual repayment cost will be $470 million. Actual repayment amounts will vary depending on the terms of the revenue bonds. The measure creates a citizen oversight commission to annually report on the use of the bond proceeds.

Past bond sale and repayment for transportation projects. In 1999, voters approved the sale of $1.5 billion worth of bonds for transportation projects. The state was required to use the borrowed money to pay for up to 24 transportation projects across the state. Repayment costs for the 1999 bonds totaled $2.3 billion. The debt was fully repaid through various state and federal sources in December 2016.

For information on those issue committees that support or oppose the measures on the ballot at the November 6, 2018, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information: http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html

Arguments For

1) Colorado's highways are deteriorating, and the cost of improvements continues to increase. The state needs to invest immediately in its infrastructure and cannot afford to expand and modernize its transportation system without a new revenue source. Colorado needs a modern transportation system that includes road, bus, bike, pedestrian, and rail options to address its growing population. This measure creates a flexible statewide transportation solution, and it lets local communities identify their own transportation projects and prioritize their most urgent needs.

2) Proposition 110 creates a sustainable source of funding for Colorado's transportation needs. Colorado's highway costs outpace collections from the gas tax. This measure offers a way for the state to increase transportation funding and repay bonds. This new, dedicated revenue for transportation will allow the state to continue to meet its obligations to fund education, health programs, and public safety while also investing heavily in Colorado's roads.

Arguments Against

1) Proposition 110 raises taxes for a fundamental government service that should be fully funded through the state budget. Any shortfall in transportation funding is a result of prioritizing state spending in other areas of government. The state can fund roads with the money it collects in taxes, rather than resorting to expensive borrowing. Additionally, this measure dedicates too much revenue to multimodal transportation, money that should be used exclusively for road repair and improvement. The majority of the workforce use their personal vehicles to commute daily and depend on quality road and highway maintenance.

2) Sales taxes, which are already high, provide a poor method of funding transportation. The total sales tax rate exceeds 10 percent in some areas of Colorado. Raising the state sales tax disproportionately affects low-income individuals because they must spend a larger share of their budget buying taxable necessities.

Estimate of Fiscal Impact

Proposition 110 makes changes to transportation finance over 20 years. Its effects on state and local government revenue and expenditures are summarized below.

State revenue. This measure increases sales and use tax revenue by $366.0 million (half-year impact) in state budget year 2018-19, and by $766.7 million in state budget year 2019-20. The sales and use tax revenue increase continues for 20 years. In addition, the measure authorizes CDOT to sell bonds, increasing revenue by up to $6.0 billion over three years.

State expenditures. This measure will increase expenditures equal to the amount of revenue described above for construction and maintenance of transportation projects, and debt service. The measure commits up to $9.4 billion to the repayment of debt.

Local government revenue and expenditures. The measure increases state distributions to local governments for transportation projects by $146.4 million (half-year impact) in state budget year 2018-19, and by $306.7 million in state budget year 2019-20. These increases continue for 20 years.

State Spending, Tax Increases, and Bonded Debt

Article X, Section 20, of the Colorado constitution requires that the following fiscal information be provided when a tax increase and bonded debt question is on the ballot:

- estimates or actual amounts of state fiscal year spending for the current year and each of the past four years with the overall percentage and dollar change;

- for the first full year of the proposed tax increase, estimates of the maximum dollar amount of the tax increase and of state fiscal year spending without the increase;

- the principal amount and maximum annual and total state repayment cost of proposed bonded debt; and

- the principal balance of current state bonded debt and the maximum annual and remaining total repayment cost.

"Fiscal year spending" is a legal term in the Colorado constitution. It equals the amount of revenue subject to the constitutional spending limit that the state or a district is permitted to keep and either spend or save for a single year. Table 2 shows state fiscal year spending for the current year and each of the past four years.

Table 2. State Fiscal Year Spending

`	Actual FY 2014-15	Actual FY 2015-16	Actual FY 2016-17	Preliminary FY 2017-18	Estimated FY 2018-19
Fiscal Year Spending	$12.36 billion	$12.82 billion	$12.89 billion	$13.70 billion	$14.35 billion
Four-Year Dollar Change in State Spending: $1.99 billion					
Four-Year Percent Change in State Spending: 16.1 percent					

FY = fiscal year. The state's fiscal (or budget) year runs from July through June.

Table 3 shows the revenue expected from the sales tax increase for FY 2019-20, the first full fiscal year for which the tax increase would be in place, and an estimate of state fiscal year spending without the tax increase.

Table 3. Estimated State Fiscal Year Spending and the Proposed Sales Tax Increase

	FY 2019-20 Estimate
Fiscal Year Spending Without the Sales Tax Increase	$17.2 billion
Revenue from the Sales Tax Increase	$766.7 million

The principal amount of the proposed bonded debt is limited to $6.0 billion. The maximum state repayment cost is $9.4 billion. Annual principal and interest payments are not limited by the measure in any given year, but are expected to average up to $470 million per year over a maximum of 20 years.

As of June 30, 2018, there is no outstanding amount due on any state bonded debt.

TITLE AND TEXT

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado Revised Statutes. The text of the measure that will appear in the Colorado Revised Statutes below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

Ballot Title:

SHALL STATE TAXES BE INCREASED $766,700,000 ANNUALLY FOR A TWENTY-YEAR PERIOD, AND STATE DEBT SHALL BE INCREASED $6,000,000,000 WITH A MAXIMUM REPAYMENT COST OF $9,400,000,000, TO PAY FOR STATE AND LOCAL TRANSPORTATION PROJECTS, AND, IN CONNECTION THEREWITH, CHANGING THE COLORADO REVISED STATUTES TO: 1) INCREASE THE STATE SALES

AND USE TAX RATE BY 0.62% BEGINNING JANUARY 1, 2019; REQUIRING 45% OF THE NEW REVENUE TO FUND STATE TRANSPORTATION SAFETY, MAINTENANCE, AND CONGESTION RELATED PROJECTS, 40% TO FUND MUNICIPAL AND COUNTY TRANSPORTATION PROJECTS, AND 15% TO FUND MULTIMODAL TRANSPORTATION PROJECTS, INCLUDING BIKE, PEDESTRIAN, AND TRANSIT INFRASTRUCTURE; 2) AUTHORIZE THE ISSUANCE OF ADDITIONAL TRANSPORTATION REVENUE ANTICIPATION NOTES TO FUND PRIORITY STATE TRANSPORTATION MAINTENANCE AND CONSTRUCTION PROJECTS, INCLUDING MULTIMODAL CAPITAL PROJECTS; AND 3) PROVIDE THAT ALL REVENUE RESULTING FROM THE TAX RATE INCREASE AND PROCEEDS FROM ISSUANCE OF REVENUE ANTICIPATION NOTES ARE VOTER-APPROVED REVENUE CHANGES EXEMPT FROM ANY STATE OR LOCAL REVENUE, SPENDING, OR OTHER LIMITATIONS IN LAW?

Text of Measure:

Be it enacted by the People of the State of Colorado:

SECTION 1. Legislative declaration. (1) The voters of the state of Colorado hereby find and declare that:

(a) It is critical to construct, improve, and maintain transportation infrastructure throughout the state in order to meet the demands created by both current and future statewide economic expansion and population growth;

(b) Sufficient, sustainable, steady, and dedicated funding streams are needed to fund the critical transportation infrastructure construction, improvement, and maintenance that will allow the statewide transportation system to meet both current and future demands;

(c) Current sources of dedicated transportation funding are not generating enough revenue to fund current and future transportation infrastructure needs throughout the state. The state last increased the rates of the taxes on gasoline and special fuel, the largest source of dedicated transportation funding, in the early 1990s, and these taxes do not increase with inflation. As a result, the declining purchasing power of the revenue generated by these taxes has prevented the state's transportation budget from keeping pace with the growing transportation infrastructure needs throughout the state.

(d) An additional source of voter-approved funding for transportation is needed to meet statewide transportation infrastructure funding needs.

(2) The voters further find and declare that all new voter-approved transportation funding will be spent throughout the state to:

(a) Address poor road and bridge conditions like potholes and rough pavement that damage vehicles, require vehicle owners to pay for expensive vehicle repairs, and increase costs for Colorado families;

(b) Reconstruct and rehabilitate state highways to better maintain them and prevent and avoid costly future repairs;

(c) Support local government efforts to fund local transportation projects that are critical for their communities;

(d) Improve highways to increase their capacity and accommodate population growth;

(e) Provide additional seasonal maintenance on state highways;

(f) Address increased traffic congestion through multimodal transportation options;

(g) Allow the state's growing population of seniors to age in place and provide greater mobility for persons with disabilities; and

(h) Invest in the economic future of the state by providing a modern multimodal statewide transportation system that will support and strengthen the economy of the state and attract more businesses and employers to the state.

SECTION 2. In Colorado Revised Statutes, 39-26-105, **amend** (1)(a)(I)(A) as follows:

SECTION 2. In Colorado Revised Statutes, 39-26-105, **amend** (1)(a)(I)(A) as follows:

39-26-105. Vendor liable for tax - repeal. (1) (a) (I) (A) Except as provided in sub- subparagraph (B) of this subparagraph (I) and in subparagraph (II) of this paragraph (a) SUBSECTIONS (1)(a)(I)(B) AND (1)(a)(II) OF THIS SECTION, every retailer shall, irrespective of the provisions of section 39-26-106, be liable and responsible for the payment of an amount equivalent to two and ninety one-hundredths percent of all sales made on or after January 1, 2001, BUT BEFORE JANUARY 1, 2019, AND ON AND AFTER JANUARY 1, 2039, AND AN AMOUNT EQUAL TO THREE AND FIFTY-TWO ONE-HUNDREDTHS PERCENT OF ALL SALES MADE ON AND AFTER JANUARY 1, 2019, BUT BEFORE JANUARY 1, 2039, by the retailer of commodities or services as specified in section 39-26-104.

SECTION 3. In Colorado Revised Statutes, 39-26-106, **amend** (1) as follows:

39-26-106. Schedule of sales tax. (1) (a) (I) Except as otherwise provided in subparagraph (II) of this paragraph (a), SUBSECTION (1)(a)(II) OF THIS SECTION, there is imposed upon all sales of commodities and services specified in section 39-26-104 a tax at the rate of three TWO AND NINETY ONE-HUNDREDTHS percent of the amount of the sale, to be computed in accordance with schedules or systems approved by the executive director of the department of revenue. Said THE schedules or systems shall be designed so that no such tax is charged on any sale of seventeen cents or less.

(II) On and after January 1, 2001 JANUARY 1, 2019, BUT BEFORE JANUARY 1, 2039, IN ADDITION TO THE TAX IMPOSED UNDER SUBSECTION (1)(a)(I) OF THIS SECTION, there is imposed upon all sales of commodities and services specified in section 39-26-104 a tax at the rate of two and ninety SIXTY-TWO one-hundredths percent of the amount of the sale to be computed in accordance with schedules or systems approved by the executive director of the department of revenue; EXCEPT THAT THE TAX IS NOT IMPOSED ON SALES OF AVIATION FUELS USED IN TURBO-PROPELLER OR JET ENGINE AIRCRAFT. Said THE schedules or systems shall be designed so that no such tax is charged on any sale of seventeen cents or less.

(b) Notwithstanding the three percent rate provisions of paragraph (a) of this subsection (1), for the period May 1, 1983, through July 31, 1984, the rate of the tax imposed pursuant to this subsection (1) shall be three and one-half percent.

SECTION 4. In Colorado Revised Statutes, **amend** 39-26-112 as follows:

39-26-112. Excess tax - remittance. If any A vendor, during any reporting period, collects as a tax an amount in excess of three percent of all taxable sales made prior to January 1, 2001, and two and ninety one-hundredths percent of all taxable sales made on or after January 1, 2001, such BUT BEFORE JANUARY 1, 2019, AND ON AND AFTER JANUARY 1, 2039, OR COLLECTS AS A TAX AN AMOUNT IN EXCESS OF THREE AND FIFTY-TWO HUNDREDTHS PERCENT OF ALL TAXABLE SALES MADE ON OR AFTER JANUARY 1, 2019, BUT BEFORE JANUARY 1, 2039, THE vendor shall remit to the executive director of the department of revenue the full net amount of the tax imposed in this part 1 and also such THE excess. The retention by the retailer or vendor of any excess of tax collections over the APPLICABLE percentage of the total taxable sales of such THE retailer or vendor or the intentional failure to remit punctually to the executive director the full amount required to be remitted by the provisions of this part 1 is declared to be unlawful and constitutes a misdemeanor.

SECTION 5. In Colorado Revised Statutes, 39-26-123, **amend** (3); and **add** (7) as follows:

39-26-123. Receipts - disposition - transfers of general fund surplus - sales tax holding fund - creation - definitions. (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7) OF THIS SECTION, for any state fiscal year commencing on or after July 1, 2013, the state treasurer shall credit eighty-five percent of all net revenue collected under the provisions of this article ARTICLE 26 to the old age pension fund created in section 1 of article XXIV of the state constitution. The state treasurer shall credit to the general fund the remaining fifteen percent of the net revenue, less ten million dollars, which the state treasurer shall credit to the older Coloradans cash fund created in section 26-11-205.5 (5). C.R.S.

(7) (a) THE STATE TREASURER SHALL CREDIT THE NET REVENUE COLLECTED UNDER THE PROVISIONS OF THIS ARTICLE 26 THAT IS ATTRIBUTABLE TO THE ADDITIONAL SALES AND USE TAXES LEVIED PURSUANT TO SECTIONS 39-26-106(1)(a)(II) AND 39-26-202 (1)(b) AS FOLLOWS:

(I) FORTY-FIVE PERCENT OF THE ANNUAL NET REVENUE COLLECTED DURING EACH STATE FISCAL YEAR TO THE STATE HIGHWAY FUND FOR ALLOCATION TO THE STATE AS SPECIFIED IN SECTION 43-4-206(4);

218

(II) FIFTEEN PERCENT OF THE ANNUAL NET REVENUE COLLECTED DURING EACH STATE FISCAL YEAR TO THE MULTIMODAL TRANSPORTATION OPTIONS FUND AS SPECIFIED IN SECTION 43-1-106 (8)(t) AND SECTION 43-4-1103(1) AND (2); AND

(III) FORTY PERCENT OF THE ANNUAL NET REVENUE COLLECTED DURING EACH STATE FISCAL YEAR TO THE LOCAL TRANSPORTATION PRIORITIES FUND, WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY; EXCEPT THAT FIFTY PERCENT OF SUCH FUND SHALL BE ALLOCATED TO COUNTIES, PURSUANT TO SECTION 43-4-207(1) AND (2)(b), AND FIFTY PERCENT SHALL BE ALLOCATED TO CITIES AND COUNTIES, CITIES, AND INCORPORATED TOWNS, PURSUANT TO SECTION 43-4-208(1), (2)(b), (5) AND (6).

(b) THE VOTERS HEREBY FIND AND DECLARE THAT BECAUSE THE SALES AND USE TAX REVENUE GENERATED BY THE SALES AND USE TAXES LEVIED PURSUANT TO SECTIONS 39-26-106 (1)(a)(I) AND 39-26-202 (1)(a) IS SUFFICIENT TO FULLY FUND THE OLD AGE PENSION FUND AS REQUIRED BY ARTICLE XXIV OF THE STATE CONSTITUTION, THE STATE MAY CONSTITUTIONALLY CREDIT ALL REVENUE GENERATED BY THE ADDITIONAL SALES AND USE TAXES LEVIED PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND 39-26-202 (1)(b) TO THE STATE HIGHWAY FUND, THE LOCAL TRANSPORTATION PRIORITIES FUND, AND THE MULTIMODAL TRANSPORTATION OPTIONS FUND IN THE MANNER SPECIFIED IN SUBSECTION (7)(a) OF THIS SECTION.

SECTION 6. In Colorado Revised Statutes, 39-26-202, **amend** (1)(a) and (1)(b); and **repeal** (2) as follows:

39-26-202. Authorization of tax. (1) (a) Except as otherwise provided in ~~paragraph (b) of this subsection (1) and in subsection (3)~~ SUBSECTIONS (1)(b) AND (3) of this section, there is imposed and shall be collected from every person in this state a tax or excise at the rate of ~~three~~ TWO AND NINETY ONE-HUNDREDTHS percent of storage or acquisition charges or costs for the privilege of storing, using, or consuming in this state any articles of tangible personal property purchased at retail.

(b) On and after ~~January 1, 2001~~ JANUARY 1, 2019, BUT BEFORE JANUARY 1, 2039, IN ADDITION TO THE TAX IMPOSED UNDER SUBSECTION (1)(a) OF THIS SECTION, there is imposed and shall be collected from every person in this state a tax or excise at the rate of ~~two and ninety~~ SIXTY-TWO one-hundredths percent of storage or acquisition charges or costs for the privilege of storing, using, or consuming in this state any articles of tangible personal property purchased at retail; EXCEPT THAT THE TAX OR EXCISE IS NOT IMPOSED ON STORAGE OR ACQUISITION CHARGES OR COSTS FOR THE PRIVILEGE OF STORING, USING, OR CONSUMING IN THIS STATE ANY AVIATION FUELS USED IN TURBO-PROPELLER OR JET ENGINE AIRCRAFT PURCHASED AT RETAIL.

(2) ~~Notwithstanding the three percent rate provisions of subsection (1) of this section, for the period May 1, 1983, through July 31, 1984, the rate of the tax imposed pursuant to this section shall be three and one-half percent.~~

SECTION 7. In Colorado Revised Statutes, **add** 39-26-202.5 as follows:

39-26-202.5 Effect of voter approval - spending limitations. REVENUE FROM THE TEMPORARY SALES AND USE TAX RATE INCREASE, AUTHORIZED AT THE NOVEMBER, 2018 ELECTION AND IMPOSED IN SECTIONS 39-26-106 (1)(a)(II) AND 39-26-202 (1)(b), AND PROCEEDS OF THE ADDITIONAL TRANSPORTATION REVENUE ANTICIPATION NOTES, AUTHORIZED AT THE NOVEMBER, 2018 ELECTION AND ISSUED PURSUANT TO SECTION 43-4-705 (13)(b), AND EARNINGS ON SUCH REVENUE AND SUCH PROCEEDS SHALL BE RETAINED AND SPENT BY THE STATE, CITIES AND COUNTIES AS VOTER-APPROVED REVENUE CHANGES AND SHALL BE EXEMPT FROM ALL REVENUE, SPENDING AND OTHER LIMITATIONS UNDER SECTION 20 OF ARTICLE X OF THE CONSTITUTION OR ANY OTHER LAW.

SECTION 8. In Colorado Revised Statutes, 39-28.8-501, **amend** (1) as follows:

39-28.8-501. Marijuana tax cash fund - creation - distribution - legislative declaration. (1) The marijuana tax cash fund, referred to in this part 5 as the "fund", is created in the state treasury. The fund consists of any applicable retail marijuana sales tax transferred pursuant to section 39-28.8-203 (1)(b) on or after July 1, 2014, and any ~~revenues~~ REVENUE transferred to the fund from any sales tax imposed pursuant to ~~section 39-26-106~~ SECTION 39-26-106 (1)(a)(I) on the retail sale of products under articles 43.3 and 43.4 of title 12 ~~C.R.S.~~.**SECTION 9.** In Colorado Revised Statutes, 43-1-106, **add** (8)(t)(I) and (II) as follows:**43-1-106. Transportation commission - powers and duties - repeal.** (8) In addition to all other powers and duties imposed upon it by law, the commission has the following powers and duties:

(t) To distribute funds within the multimodal transportation options fund created under 43-4-1103 in the following manner:

(I) Upon allocation of the state's share of multimodal funding attributable to revenue from the temporary sales and use tax rate increase, authorized at the November, 2018 election and imposed in sections 39-26-106 (1)(a)(II) and 39-26-202 (1)(b), the commission shall evaluate and choose capital or operating costs for bustang, bustang outrider, or other inter-regional public transit; park-n-ride lots and transit stations; transportation demand management programs; multi-modal mobility projects enabled by new technology; planning and engineering studies needed to plan and construct multimodal projects; and capital or operating costs for bicycle and pedestrian projects that further the state's goals for multimodal transportation.

(II) The commission shall establish a formula for disbursement of the remaining amount in the fund, based on population and transit ridership and after consultation with the transportation advisory committee, the transit and rail advisory committee, transit advocacy organizations, and bicycle and pedestrian advocacy organizations. Such funds shall be expended on capital or operating costs for fixed route and on-demand transit; transportation demand management programs; multimodal mobility projects enabled by new technology; studies; and bicycle or pedestrian projects. Such funds shall be allocated to:

(A) Metropolitan planning organizations, which shall select projects to be funded and manage such funds as are allocated; and

(B) As to areas of the state where no metropolitan planning organization exists, the commission shall select projects to be funded and manage such funds as are allocated.

(III) Recipients of the funds as provided in subsection (8)(t)(II) of this section shall provide a match equal to the amount of the award of multimodal options funds. The commission may create a formula for reducing or exempting an otherwise applicable requirement for matching funds for local governments or agencies that the commission determines have budgets that fall below a threshold determined by the commission to be unable to provide a full match due to their size or special circumstances as determined by the commission. Prior to doing so, the commission must consult with the organizations set forth in subsection (8)(t)(II) of this section.

SECTION 10. In Colorado Revised Statutes, 43-4-206, **amend** (1) introductory portion, (2)(a), (2)(b), and (3); and **add** (4) as follows:

43-4-206. State allocation. (1) Except as otherwise provided in subsection (2) SUBSECTIONS (2), (3), AND (4) of this section, after paying the costs of the Colorado state patrol and such ANY other costs of the department, exclusive of highway construction, highway improvements, or highway maintenance, as THAT are appropriated by the general assembly, MONEY IN the highway users tax fund shall be paid to the state highway fund IN ACCORDANCE WITH SECTION 43-4-205 and shall be expended for the following purposes:

(2) (a) Notwithstanding the provisions of subsection (1) of this section, the revenues REVENUE accrued to and transferred to the highway users tax fund pursuant to section 39-26-123 (4)(a) or 24-75-219, C.R.S. or appropriated to the highway users tax fund pursuant to House Bill 02-1389, enacted at the second regular session of the sixty-third general assembly, and credited to the state highway fund pursuant to section 43-4-205 (6.5) shall be expended by the department of transportation for the implementation of the strategic transportation project investment program in the following manner:

(I) No more than ninety percent of such revenues shall be expended for highway purposes or highway-related capital improvements, including, but not limited to, high occupancy vehicle lanes, park-and-ride facilities, and transportation management systems, and at least ten percent of such revenues shall be expended for transit purposes or for transit-related capital improvements.

(II) (Deleted by amendment, L. 2000, p. 1741, § 1, effective June 1, 2000.)

(b) Beginning in 1998, the department of transportation shall report annually to the transportation committee of the senate and the transportation and energy committee of the house of representatives concerning the ~~revenues~~ REVENUE expended by the department pursuant to ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION AND, BEGINNING IN 2019, SUBSECTION (4) OF THIS SECTION. THE DEPARTMENT SHALL PRESENT THE report ~~shall be presented~~ at the joint meeting required under section 43-1-113 (9)(a) and THE REPORT shall describe for each fiscal year, if applicable:

(I) The projects on which the ~~revenues~~ REVENUE credited to the state highway fund pursuant to ~~paragraph (a) of this subsection (2) are~~ SUBSECTIONS (2) AND (4) OF THIS SECTION IS to be expended, including the estimated cost of each project, the aggregate amount of revenue actually spent on each project, and the amount of revenue allocated for each project in such fiscal year. The department of transportation shall submit a prioritized list of such projects as part of the report.

(II) The status of such projects that the department has undertaken in any previous fiscal year;

(III) The projected amount of revenue that the department expects to receive under this subsection (2) AND SUBSECTION (4) OF THIS SECTION during ~~such~~ THE fiscal year;

(IV) The amount of revenue that the department has already received under this subsection (2) AND SUBSECTION (4) OF THIS SECTION during ~~such~~ THE fiscal year; and

(V) How the ~~revenues~~ REVENUE expended under this subsection (2) during ~~such~~ THE fiscal year ~~relate~~ RELATES to the total funding of the TRANSPORTATION PROJECTS, INCLUDING MULTIMODAL CAPITAL PROJECTS, THAT ARE INCLUDED IN THE strategic transportation project investment program.

(3) ~~Notwithstanding the provisions of subsection (1) of this section, the revenues~~ THE REVENUE credited to the highway users tax fund pursuant to section 43-4-205 (6.3) shall be expended by the department of transportation only for road safety projects, as defined in section 43-4-803 (21); except that the department shall, in furtherance of its duty to supervise state highways and as a consequence in compliance with section 43-4-810, expend ten million dollars per year of the revenues for the planning, designing, engineering, acquisition, installation, construction, repair, reconstruction, maintenance, operation, or administration of transit-related projects, including, but not limited to, designated bicycle or pedestrian lanes of highway and infrastructure needed to integrate different transportation modes within a multimodal transportation system, that enhance the safety of state highways for transit users.

(4) FORTY-FIVE PERCENT OF THE ANNUAL NET REVENUE THAT IS ATTRIBUTABLE TO THE ADDITIONAL SALES AND USE TAXES LEVIED PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND 39-26-202 (1)(b) AND THAT THE STATE TREASURER CREDITS TO THE STATE HIGHWAY FUND, AS REQUIRED BY SECTION 39-26-123 (7)(a), SHALL BE EXPENDED BY THE DEPARTMENT OF TRANSPORTATION AS FOLLOWS:

(a) AS MUCH OF THE ANNUAL NET REVENUE AS IS NEEDED TO MAKE FULL PAYMENTS OF AMOUNTS ALLOCATED BY THE TRANSPORTATION COMMISSION ON AN ANNUAL BASIS PURSUANT TO SECTION 43-1-113, MUST BE EXPENDED TO MAKE PAYMENTS ON REVENUE ANTICIPATION NOTES ISSUED PURSUANT TO SECTION 43-4-705 (13)(b); AND

(b) THE REMAINDER OF NET REVENUE UNDER THIS SUBSECTION (4), IF ANY, MUST BE EXPENDED ON PRIORITY MAINTENANCE AND PRIORITY CONSTRUCTION PROJECTS, INCLUDING MULTIMODAL CAPITAL PROJECTS, AS DETERMINED BY THE COMMISSION.

(4.5) (a) THE DEPARTMENT OF TRANSPORTATION SHALL NOT EXPEND NET REVENUE THAT IS CREDITED TO THE STATE HIGHWAY FUND PURSUANT TO SUBSECTION (4) OF THIS SECTION TO SUPPORT TOLL HIGHWAYS.

(b) THE DEPARTMENT SHALL NOT EXPEND SUCH NET REVENUE TO SUPPORT TOLL LANE CONSTRUCTION OR MAINTENANCE UNLESS:

(I) A FEDERAL RECORD OF DECISION HAS BEEN ISSUED IN WHICH THE RECORD OF DECISION INCLUDED PLANNING STAGES IN WHICH THE DEPARTMENT SOLICITED AND RECEIVED MEANINGFUL PUBLIC PARTICIPATION AND INPUT;

(II) TOLL REVENUE IS NOT COLLECTED FOR THE SINGULAR OR PRIMARY PURPOSE OF REVENUE GENERATION;

(III) TOLL REVENUE COLLECTION IS UTILIZED AS A MECHANISM TO INCREASE TRAVEL TIME RELIABILITY AND MITIGATE CONGESTION;

(IV) THE PROJECT CONTAINS ONE OR MORE MULTIMODAL OR ALTERNATIVE MODES OF TRAVEL FOR NONTOLL PAYING PERSONS, INCLUDING, BUT NOT LIMITED TO, BUS RAPID TRANSIT, INTERREGIONAL BUS SERVICE, LOCAL BUS SERVICE, OR HIGH-OCCUPANCY PASSENGER VEHICLES;

(V) TOLL REVENUE REMAINS ON THE CORRIDOR IN WHICH IT WAS RAISED AND IS EXPENDED BY THE DEPARTMENT ONLY FOR MAINTENANCE, OPERATIONS, OR CONSTRUCTION OF MOBILITY IMPROVEMENTS; AND

(VI) THE TOLL LANE IS CONSTRUCTED ADJACENT TO ONE OR MORE UNTOLLED LANES AND THE ADDITION OF THE TOLL LANE WILL RESULT IN DEMONSTRABLY LOWER CONGESTION IN THE UNTOLLED LANES.

SECTION 11. In Colorado Revised Statutes, 43-4-207, **amend** (1), (2) introductory portion, and (2)(b) introductory portion as follows:

43-4-207. County allocation. (1) After paying the costs of the Colorado state patrol and ~~such~~ ANY other costs of the department, exclusive of highway construction, highway improvements, or highway maintenance, ~~as~~ THAT are appropriated by the general assembly, ~~twenty-six percent of the balance of the highway users tax fund~~ THE REVENUE REQUIRED BY SECTION 43-4-205 TO BE PAID FROM THE HIGHWAY USERS TAX FUND TO THE COUNTY TREASURERS OF THE RESPECTIVE COUNTIES AND THE AMOUNT ALLOCATED TO COUNTIES FROM THE LOCAL TRANSPORTATION PRIORITIES FUND, AS SPECIFIED IN SECTION 39-26-123 (7)(a)(III), shall be paid to the county treasurers of the respective counties, subject to annual appropriation by the general assembly, and shall be allocated and expended as provided in this section. The ~~moneys thus~~ MONEY received ~~shall be~~ IS allocated to the counties as provided by law and shall be expended by the counties only on the construction, engineering, reconstruction, maintenance, repair, equipment, improvement, and administration of the county highway systems and any other public highways, including any state highways, together with acquisition of rights-of-way and access rights for the same, for the planning, designing, engineering, acquisition, installation, construction, repair, reconstruction, maintenance, operation, or administration of transit-related projects, including, but not limited to, designated bicycle or pedestrian lanes of highway and infrastructure needed to integrate different transportation modes within a multimodal transportation system, AS MATCHING MONEY FOR PROJECTS RECEIVING FUNDING FROM THE MULTIMODAL TRANSPORTATION OPTIONS FUND PURSUANT TO EITHER SECTIONS 43-4-1103 (2)(a) OR (b), and for no other purpose; ~~except that a county may expend no more than fifteen percent of the total amount expended under this subsection (1) for transit-related operational purposes and except that moneys~~ EXCEPT THAT MONEY received pursuant to section 43-4-205 (6.3) shall be expended by the counties only for road safety projects, as defined in section 43-4-803 (21). The amount to be expended for administrative purposes shall not exceed five percent of each county's share of the funds available.

(2) For the fiscal year commencing July 1, 1989, and each fiscal year thereafter, for the purpose of allocating ~~moneys~~ MONEY in the highway users tax fund to the various counties throughout the state, the following method is ~~hereby~~ adopted:

(b) All ~~moneys~~ MONEY credited to the fund in excess of eighty-six million seven hundred thousand dollars ~~shall be~~ AND ALL MONEY CREDITED TO THE LOCAL TRANSPORTATION PRIORITIES FUND AS REQUIRED BY SECTION 39-26-123-(7)(a) THAT IS REQUIRED BY SUBSECTION (1) OF THIS SECTION TO BE PAID TO THE COUNTY TREASURERS OF THE RESPECTIVE COUNTIES IS allocated to the counties in the following manner:

SECTION 12. In Colorado Revised Statutes, 43-4-208, **amend** (1), (2) introductory portion, (2)(a), and (6)(a) as follows:

43-4-208. Municipal allocation. (1) After paying the costs of the Colorado state patrol and ~~such~~ ANY other costs of the department, exclusive of highway construction, highway improvements, or highway maintenance, ~~as~~ THAT are appropriated by the general assembly, ~~and making allocation as provided by sections 43-4-206 and 43-4-207, the remaining nine percent of the highway users tax fund~~ THE REVENUE REQUIRED BY SECTION 43-4-205 TO BE PAID FROM THE HIGHWAY USERS TAX FUND TO CITIES AND INCORPORATED TOWNS AND THE AMOUNT ALLOCATED TO CITIES AND INCORPORATED TOWNS FROM THE LOCAL TRANSPORTATION PRIORITIES FUND, AS SPECIFIED IN SECTION 39-26-123(7)(a)(III), shall be paid to the cities and incorporated towns within the limits of the respective counties, subject to annual appropriation by the general assembly, and shall be allocated and expended as provided in this

222

section. Each city treasurer shall account for the moneys thus received as provided in this part 2. Moneys so allocated shall be expended by the cities and incorporated towns for the construction, engineering, reconstruction, maintenance, repair, equipment, improvement, and administration of the system of streets of such city or incorporated town or of any public highways located within such city or incorporated town, including any state highways, together with the acquisition of rights-of-way and access rights for the same, and for the planning, designing, engineering, acquisition, installation, construction, repair, reconstruction, maintenance, operation, or administration of transit-related projects, including, but not limited to, designated bicycle or pedestrian lanes of highway and infrastructure needed to integrate different transportation modes within a multimodal transportation system, AS MATCHING MONEY FOR PROJECTS RECEIVING FUNDING FROM THE MULTIMODAL TRANSPORTATION OPTIONS FUND PURSUANT TO EITHER SECTIONS 43-4-1103 (2)(a) OR (b), and for no other purpose; except that a city or an incorporated town may expend no more than fifteen percent of the total amount expended under this subsection (1) for transit-related operational purposes and except that moneys EXCEPT THAT MONEY paid to the cities and incorporated towns pursuant to section 43-4-205 (6.3) shall be expended by the cities and incorporated towns only for road safety projects, as defined in section 43-4-803 (21). The amount to be expended for administrative purposes shall not exceed five percent of each city's share of the funds available.

(2) For the purpose of allocating moneys MONEY in the highway users tax fund to the various cities and incorporated towns throughout the state, the following method is adopted:

(a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF THIS SECTION, eighty percent shall be allocated to the cities and incorporated towns in proportion to the adjusted urban motor vehicle registration in each city and incorporated town. The term "urban motor vehicle registration" includes all passenger, truck, truck-tractor, and motorcycle registrations. The number of registrations used in computing the percentage shall be those certified to the state treasurer by the department of revenue as constituting the urban motor vehicle registration for the last preceding year. The adjusted registration shall be computed by applying a factor to the actual number of such registrations to reflect the increased standards and costs of construction resulting from the concentration of vehicles in cities and incorporated places. For this purpose the following table of actual registration numbers and factors shall be employed:

Actual registrations Factor

1 -- 500 1.0
501 -- 1,250 1.1
1,251 -- 2,500 1.2
2,501 -- 5,000 1.3
5,001 -- 12,500 1.4
12,501 -- 25,000 1.5
25,001 -- 50,000 1.6
50,001 -- 85,000 1.7
85,001 -- 130,000 1.8
130,001 -- 185,000 1.9
185,001 and over 2.0

(6) (a) In addition to the provisions of subsection (2)(a) of this section, on or after July 1, 1979, eighty percent of all additional funds MONEY becoming available to cities and incorporated towns from the highway users tax fund pursuant to sections 24-75-215 C.R.S., and 43-4-205 (6)(b)(III) AND (6)(c) AND, ON AND AFTER JANUARY 1, 2019, EIGHTY PERCENT OF THE MONEY CREDITED TO THE LOCAL TRANSPORTATION PRIORITIES FUND AS REQUIRED BY SECTION 39-26-123 (7)(a)(III) THAT IS REQUIRED BY SUBSECTION (1) OF THIS SECTION TO BE PAID TO THE CITIES AND INCORPORATED TOWNS WITHIN THE LIMITS OF THE RESPECTIVE COUNTIES shall be allocated to the cities and incorporated towns in proportion to the adjusted urban motor vehicle registration in each city and incorporated town. The term "urban motor vehicle registration", as used in this section, includes all passenger, truck, truck-tractor, and motorcycle registrations. The number of registrations used in computing the percentage shall be those certified to the state treasurer by the department of revenue as constituting the urban motor vehicle registration for the last preceding year. The adjusted registration shall be computed by applying a factor to the actual number of such registrations to reflect the increased standards and costs of construction resulting from the concentration of vehicles in cities and incorporated places. For this purpose the following table of actual registration numbers and factors shall be employed:

Actual registrations Factor

1 -- 500 1.0
501 -- 1,250 1.1
1,251 -- 2,500 1.2
2,501 -- 5,000 1.3
5,001 -- 12,500 1.4
12,501 -- 25,000 1.5
25,001 -- 50,000 1.6
50,001 -- 85,000 1.7
85,001 -- 125,000 1.8
125,001 -- 165,000 1.9
165,001 -- 205,000 2.0
205,001 -- 245,000 2.1
245,001 -- 285,000 2.2
285,001 -- 325,000 2.3
325,001 -- 365,000 2.4
365,001 -- 405,000 2.5
405,001 -- 445,000 2.6
445,001 -- 485,000 2.7
485,001 -- 525,000 2.8
525,001 -- 565,000 2.9
565,001 -- 605,000 3.0

SECTION 13. In Colorado Revised Statutes, 43-4-705, **amend** (13) as follows:

43-4-705. Revenue anticipation notes - repeal. (13) (a) Notwithstanding any other provision of this part 7 to the contrary, the executive director shall have the authority to issue revenue anticipation notes pursuant to this part 7 only if voters statewide approve the ballot question submitted at the November, 1999, statewide election pursuant to section 43-4-703 (1) and only then to the extent allowed under the maximum amounts of debt and repayment cost so approved.

(b) AFTER THE REPAYMENT IN FULL OF ALL REVENUE ANTICIPATION NOTES ISSUED AS AUTHORIZED BY SUBSECTION (13)(a) OF THIS SECTION, THE EXECUTIVE DIRECTOR SHALL BE AUTHORIZED TO ISSUE ADDITIONAL REVENUE ANTICIPATION NOTES IN A MAXIMUM TOTAL PRINCIPAL AMOUNT OF SIX BILLION DOLLARS AND WITH A MAXIMUM TOTAL REPAYMENT COST OF NINE BILLION AND FOUR HUNDRED MILLION DOLLARS. THE MAXIMUM NUMBER OF YEARS TO MATURITY FOR ANY NOTES ISSUED PURSUANT TO THIS SUBSECTION (13)(b) IS TWENTY YEARS, AND THE CERTIFICATE, TRUST INDENTURE, OR OTHER INSTRUMENT AUTHORIZING THEIR ISSUANCE SHALL PROVIDE THAT THE NOTES ARE SUBJECT TO REDEMPTION BEFORE THE END OF THE SPECIFIED PAYMENT TERM WITH OR WITHOUT PENALTY.

SECTION 14. In Colorado Revised Statutes, **amend** 43-4-713 as follows:

43-4-713. Annual reports - provision of information of website. (1) No later than ~~January 15, 2001~~ JANUARY 15, 2020, and no later than January 15 of each year thereafter, the executive director shall submit a report to ~~the members of~~ the joint budget committee of the general assembly, ~~the members of~~ the legislative audit committee of the general assembly, ~~the members of~~ the transportation and energy committee of the house of representatives, and ~~the members of~~ the transportation committee of the senate that includes, at a minimum, the following information:

(a) The total amount of ADDITIONAL revenue anticipation notes issued by the executive director ~~in accordance with this part 7~~ AS AUTHORIZED BY SECTION 43-4-705 (13)(b);

(b) The ~~qualified federal aid~~ transportation projects, INCLUDING MULTIMODAL CAPITAL PROJECTS, THAT ARE ON THE DEPARTMENT'S PRIORITY LIST FOR TRANSPORTATION FUNDING AND for which the proceeds from ~~such~~ THE ADDITIONAL revenue anticipation notes have been expended, the amount of note proceeds expended on each project, the status of each project, THE ACTUAL COST OF EACH COMPLETED PROJECT, and the estimated date of completion for ~~such~~ ANY projects not yet completed;

(c) The total amount of ~~federal~~ transportation funds paid to the department since ~~such~~ THE ADDITIONAL revenue anticipation ~~have been~~ WERE issued; and

(d) The total amount of proceeds from the issuance of THE ADDITIONAL revenue anticipation notes, state matching funds, and federal transportation funds allocated by the commission in each state fiscal year for the payment of ~~such~~ THE ADDITIONAL revenue anticipation notes and the costs associated with the issuance and administration of such notes.

(2) IN ADDITION TO POSTING AND MAINTAINING THE ANNUAL REPORTS REQUIRED BY SUBSECTION (1) OF THIS SECTION ON ITS WEBSITE, THE DEPARTMENT SHALL POST AND MAINTAIN ON ITS WEBSITE IN AN EASILY ACCESSIBLE AND USER-FRIENDLY FORMAT, AND REGULARLY UPDATE, THE INFORMATION REQUIRED TO BE INCLUDED IN ITS ANNUAL REPORTS PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION. NOTWITHSTANDING SECTION 24-1-136 (11)(a), THE REPORTING REQUIREMENT SPECIFIED IN SUBSECTION (1) OF THIS SECTION CONTINUES UNTIL THE YEAR FOLLOWING THE YEAR IN WHICH THE LAST PAYMENT ON ADDITIONAL REVENUE ANTICIPATION NOTES ISSUED AS AUTHORIZED BY SECTION 43-4-705 (13)(b) IS MADE.

SECTION 15. In Colorado Revised Statutes, **amend** 43-4-714 as follows:

43-4-714. Priority of strategic transportation project investment program. (1) If the executive director issues any revenue anticipation notes in accordance with the provisions of this part 7, the proceeds from the sale of such notes that are not otherwise pledged for the payment of such notes shall be used for the ~~qualified federal aid~~ transportation projects included in the strategic transportation project investment program of the department of transportation.

(2) IN ADDITION TO THE REQUIREMENT SPECIFIED IN SUBSECTION (1) OF THIS SECTION, PROCEEDS FROM THE SALE OF ANY ADDITIONAL REVENUE ANTICIPATION NOTES THAT THE EXECUTIVE DIRECTOR ISSUES PURSUANT TO SECTION 43-4-705 (13)(b) THAT ARE NOT OTHERWISE PLEDGED FOR THE PAYMENT OF THE NOTES IN THE PROCEEDINGS, INSTRUMENTS, OR CONTRACTS GOVERNING THE NOTES AND REVENUE GENERATED BY ANY ADDITIONAL STATE SALES AND USE TAX THAT IS ALLOCATED TO THE STATE HIGHWAY FUND PURSUANT TO SECTION 43-4-206 (4) IN EXCESS OF AMOUNTS NEEDED FOR PAYMENT OF THE NOTES MUST BE EXPENDED ON PRIORITY MAINTENANCE AND PRIORITY CONSTRUCTION PROJECTS, INCLUDING MULTIMODAL CAPITAL PROJECTS SUBJECT TO THE MATCHING REQUIREMENTS IN SECTION 43-4-1103 (2)(a), AS DETERMINED BY THE COMMISSION.

SECTION 16. In Colorado Revised Statutes, **add** 43-4-714.5 as follows:

43-4-714.5. Transportation revenue anticipation notes citizen oversight committee - creation - appointment of members - charge - report. (1)(a) THE TRANSPORTATION REVENUE ANTICIPATION NOTES CITIZEN OVERSIGHT COMMITTEE IS HEREBY CREATED TO PROVIDE OVERSIGHT OF THE EXPENDITURE BY THE DEPARTMENT OF THE PROCEEDS OF ADDITIONAL REVENUE ANTICIPATION NOTES ISSUED AS AUTHORIZED BY SECTION 43-4-705 (13)(b). THE COMMITTEE CONSISTS OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, OR HIS DESIGNEE, AND FOURTEEN APPOINTED MEMBERS, AT LEAST ONE OF WHOM MUST BE APPOINTED FROM AND ACTUALLY RESIDE IN EACH OF THE ELEVEN TRANSPORTATION COMMISSION DISTRICTS OF THE STATE CREATED IN SECTION 43-1-106 (2) AND THE REMAINING THREE OF WHOM SERVE AS AT-LARGE MEMBERS OF THE COMMITTEE, WHO MUST BE APPOINTED AS FOLLOWS:

(I) THE GOVERNOR SHALL APPOINT SIX MEMBERS OF THE COMMITTEE, AND NO MORE THAN FOUR OF THE MEMBERS APPOINTED BY THE GOVERNOR SHALL BE AFFILIATED WITH THE SAME POLITICAL PARTY;

(II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT TWO MEMBERS OF THE COMMITTEE;

(III) THE PRESIDENT OF THE SENATE SHALL APPOINT TWO MEMBERS OF THE COMMITTEE;

(IV) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT TWO MEMBERS OF THE COMMITTEE; AND

(V) THE MINORITY LEADER OF THE SENATE SHALL APPOINT TWO MEMBERS OF THE COMMITTEE.

(b) COMMITTEE MEMBERS SERVE FOR FOUR-YEAR TERMS AND MAY BE REMOVED FOR CAUSE BY THE APPOINTING AUTHORITY; EXCEPT THAT THE INITIAL TERMS OF THREE OF THE MEMBERS APPOINTED BY THE GOVERNOR, AND ONE OF THE MEMBERS APPOINTED BY EACH OF THE OTHER APPOINTING AUTHORITIES, AS DESIGNATED BY THE GOVERNOR OR OTHER APPOINTING AUTHORITY, ARE TWO YEARS. COMMITTEE MEMBERS RECEIVE NO COMPENSATION OR REIMBURSEMENT FOR THEIR SERVICE ON THE COMMITTEE.

(c) THE APPOINTING AUTHORITIES SHALL CONSULT WITH EACH OTHER TO ENSURE THAT THE MEMBERSHIP OF THE COMMITTEE INCLUDES:

(I) A MEMBER WHO HAS PROFESSIONAL PUBLIC FINANCE EXPERIENCE;

(II) A MEMBER WHO IS A CERTIFIED PUBLIC ACCOUNTANT;

(III) A MEMBER WHO IS A LICENSED ATTORNEY;

(IV) A MEMBER WHO IS A CONTRACTOR WITH EXPERIENCE WORKING ON TRANSPORTATION INFRASTRUCTURE PROJECTS;

(V) A MEMBER WHO IS A LICENSED CIVIL ENGINEER; AND

(VI) A MEMBER WHO IS A TRANSIT PROFESSIONAL.

(d) A COMMITTEE MEMBER WHO IS APPOINTED FROM A TRANSPORTATION COMMISSION DISTRICT IS DEEMED TO HAVE RESIGNED FROM THE COMMITTEE IF THE MEMBER CEASES TO RESIDE IN THE DISTRICT.

(2) THE COMMITTEE SHALL MEET AT LEAST TWO TIMES PER YEAR BUT NOT MORE THAN FOUR TIMES PER YEAR TO EXAMINE THE EXPENDITURE BY THE DEPARTMENT OF ANY PROCEEDS OF TRANSPORTATION REVENUE ANTICIPATION NOTES ISSUED AS AUTHORIZED BY SECTION 43-4-705 (13)(b) AND ANY ADDITIONAL STATE SALES AND USE TAX REVENUE THAT IS ALLOCATED TO THE STATE HIGHWAY FUND PURSUANT TO SECTION 43-4-206 (4) AND VERIFY THAT SUCH NOTE PROCEEDS AND TAX REVENUE ARE EXPENDED:

(a) IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 43-4-714 (2); AND

(b) APPROPRIATELY, TRANSPARENTLY, EFFECTIVELY, AND EFFICIENTLY.

(3) (a) THE COMMITTEE SHALL ANNUALLY REPORT TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN SECTION 43-2-145 REGARDING ITS ACTIVITIES AND FINDINGS.

(b) NOTWITHSTANDING SECTION 24-1-136 (11)(a), THE REPORTING REQUIREMENT SPECIFIED IN SUBSECTION (3)(a) OF THIS SECTION CONTINUES UNTIL THE YEAR FOLLOWING THE YEAR IN WHICH THE LAST PAYMENT ON ADDITIONAL REVENUE ANTICIPATION NOTES ISSUED AS AUTHORIZED BY SECTION 43-4-705 (13)(b) IS MADE.

(c) THE COMMITTEE SHALL TERMINATE AFTER IT FILES ITS FINAL REPORT AS AUTHORIZED IN THIS SECTION.

SECTION 17. In Colorado Revised Statutes, **add** part 11 to article 4 of title 43 as follows:

PART 11
MULTIMODAL TRANSPORTATION OPTIONS FUNDING

43-4-1101. Legislative declaration. (1) THE PEOPLE OF THE STATE HEREBY FIND AND DECLARE THAT:

(a) BY APPROVING THE BALLOT ISSUE SUBMITTED AT THE NOVEMBER, 2018 STATEWIDE ELECTION PURSUANT TO SECTION 43-4-705 (13)(b), THE VOTERS OF THE STATE AUTHORIZED THE STATE TO COLLECT, AND THE STATE AND LOCAL GOVERNMENTS TO RETAIN AND SPEND, A SUBSTANTIAL AMOUNT OF NEW DEDICATED FUNDING, MOST OF WHICH WILL BE USED TO ACCELERATE THE COMPLETION OF PLANNED HIGHWAY PROJECTS THROUGHOUT THE STATE;

(b) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF THE STATE TO USE A PORTION OF THE NEWLY AUTHORIZED DEDICATED TRANSPORTATION FUNDING TO FUND MULTIMODAL TRANSPORTATION PROJECTS AND OPERATIONS THROUGHOUT THE STATE AS AUTHORIZED BY THIS PART 11 BECAUSE, IN ADDITION TO THE GENERAL

(c) BENEFITS THAT IT PROVIDES TO ALL COLORADANS, AN INTEGRATED MULTIMODAL TRANSPORTATION SYSTEM:

(I) BENEFITS SENIORS BY MAKING AGING IN PLACE MORE FEASIBLE FOR THEM;

(II) BENEFITS RESIDENTS OF RURAL AREAS BY PROVIDING THEM WITH FLEXIBLE PUBLIC TRANSPORTATION SERVICES;

(III) PROVIDES ENHANCED MOBILITY FOR PERSONS WITH DISABILITIES; AND

(IV) PROVIDES SAFE ROUTES TO SCHOOLS FOR CHILDREN.

43-4-1102. Definitions. AS USED IN THIS PART 11, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COMMISSION" MEANS THE TRANSPORTATION COMMISSION CREATED IN SECTION 43-1-106 (1).

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION.

(3) "FUND" MEANS THE MULTIMODAL TRANSPORTATION OPTIONS FUND CREATED IN SECTION 43-4-1103 (1).

(4) "MULTIMODAL TRANSPORTATION OPTIONS" MEANS CAPITAL OR OPERATING COSTS FOR FIXED ROUTE AND ON-DEMAND TRANSIT; TRANSPORTATION DEMAND MANAGEMENT PROGRAMS; MULTIMODAL MOBILITY PROJECTS ENABLED BY NEW TECHNOLOGY; MULTIMODAL TRANSPORTATION STUDIES; AND BICYCLE OR PEDESTRIAN PROJECTS.

43-4-1103. Multimodal transportation options fund - creation - revenue source for fund - use of fund. (1) THE MULTIMODAL TRANSPORTATION OPTIONS FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF SALES AND USE TAX NET REVENUE THAT IS ATTRIBUTABLE TO THE ADDITIONAL SALES AND USE TAXES LEVIED PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND 39-26-202 (1)(b) AND THAT IS CREDITED TO THE FUND PURSUANT TO SECTION 39-26-123 (7)(b) AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND AND SHALL ALLOCATE THE INTEREST AND INCOME BETWEEN THE ACCOUNTS OF THE FUND IN THE PERCENTAGES DESIGNATED BY THE COMMISSION PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(2) MONEY MUST BE EXPENDED FROM THE FUND AS FOLLOWS:

(a) UP TO THIRTY MILLION DOLLARS PER YEAR TO BE EXPENDED TO MAKE PRINCIPAL AND INTEREST PAYMENTS ON TRANSPORTATION REVENUE ANTICIPATION NOTES FOR THOSE MULTIMODAL PROJECTS SELECTED BY THE TRANSPORTATION COMMISSION WHERE A STATE AGENCY, LOCAL GOVERNMENT OR LOCAL TRANSIT AGENCY HAS COMMITTED TO PROVIDE REQUIRED MATCHING FUNDS EQUAL TO THE AMOUNT EXPENDED FROM THE FUND FOR A PROJECT;

(b) EIGHTY-FIVE PERCENT OF THE REMAINING REVENUE IN THE FUND FOR LOCAL MULTIMODAL PROJECTS TO BE DETERMINED AS PROVIDED IN SECTION 43-1-106 (8)(t)(II); AND

(c) THE FINAL FIFTEEN PERCENT OF REVENUE TO BE EXPENDED ON MULTIMODAL PROJECTS THAT ARE SELECTED BY THE TRANSPORTATION COMMISSION AS PROVIDED IN SECTION 43-1-106 (8)(t)(I).

SECTION 18. Effective date. This act takes effect on January 1, 2019.

Proposition 111
Limitations on Payday Loans

ANALYSIS

Proposition 111 proposes amending the <u>Colorado statutes</u> to:

♦ reduce the total cost for a payday loan to a 36 percent annual percentage rate; and

♦ expand what constitutes unfair or deceptive trade practices for payday lending.

Summary and Analysis

Background. Payday loans are small, easy-to-access short-term loans that do not require a credit check. In 2016, about 207,000 individuals in Colorado secured over 414,000 payday loans. These loans totaled over $166 million, and consumers paid an estimated $50 million in loan costs (any combination of fees and interest), with a default rate of 23 percent. The Department of Law licenses and establishes rules for payday lenders and conducts compliance examinations of their loans. The department also investigates and litigates cases involving payday lenders.

Annual percentage rate (APR). The APR is the total loan cost expressed as a yearly rate and includes the interest on the loan amount, origination fees, and monthly maintenance fees. The APR varies on a daily basis and, because of the way maintenance fees are structured in Colorado, tends to increase over the life of the loan. In 2016, the average APR on payday loans in Colorado was 129 percent.

Current payday loan regulations. Colorado law limits payday loans to $500 with a minimum repayment term of six months, no maximum repayment term, and no penalty for early repayment. The law allows lenders to charge an origination fee of up to 20 percent of the first $300 loaned, plus 7.5 percent of any amount in excess of $300. In addition, lenders may charge an interest rate of 45 percent per year per loan and a monthly maintenance fee of $7.50 per $100 loaned, up to a total of $30 per month. If the borrower repays the loan early, the lender must refund a prorated portion of the fees. Current law defines unfair and deceptive trade practices as making loans disguised as personal property sale and leaseback agreements or as a cash rebate.

Changes under the measure. The measure reduces the loan costs on a payday loan to a maximum APR of 36 percent and eliminates the current fee structure. In addition, regardless of whether payday lenders have a physical location in the state, they may not offer higher cost loans via electronic or U.S. mail, the internet, or telemarketing.

Table 1 below provides an example of the total cost, including interest and any fees, of a $500 loan that is repaid in six months under current law and under Proposition 111.

Table 1. Comparison of Estimated Cost of a Six-Month Payday Loan*

	Current Law	Proposition 111
Loan amount	$500	$500
Total cost of loan	$293	$53
Total amount paid	$793	$553
APR	180%	36%

The actual costs may vary by lender.

For information on those issue committees that support or oppose the measures on the ballot at the November 6, 2018, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information: http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html

Argument For

1) Coloradans are paying too much to borrow small amounts of money from payday lenders. The APR for these loans can exceed 180 percent. Some consumers borrow money to pay off other payday loans, which leads to a cycle of debt. Because the measure reduces the high cost of payday loans, consumers may be better able to repay their loans and avoid further financial stress.

Argument Against

1) This measure may eliminate the payday lending business in Colorado. Payday loans provide options for consumers who may not qualify for other types of credit. With limited or no access to these loans, consumers may pay higher costs to other creditors for late payment, bounced check, overdraft, or utility disconnect fees, or turn to unregulated lenders for higher-cost loans. This measure is unnecessary because the state legislature passed reforms in 2010 that led to reduced loan costs and fewer defaults, while ensuring that consumers have access to a well-regulated source of short-term credit.

Estimate of Fiscal Impact

State revenue and spending. If Proposition 111 results in payday lenders choosing not to renew their licenses, there will be a reduction in fee revenue to the Department of Law.

TITLE AND TEXT

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado Revised Statutes. The text of the measure that will appear in the Colorado Revised Statutes below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

Ballot Title:

Shall there be an amendment to the Colorado Revised Statutes concerning limitations on payday lenders, and, in connection therewith, reducing allowable charges on payday loans to an annual percentage rate of no more than thirty-six percent?

Text of Measure:

Be it Enacted by the People of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 5-3.1-101.5 as follows:

5-3.1-101.5. Legislative declaration. THE PEOPLE OF THIS STATE FIND AND DECLARE THAT PAYDAY LENDERS ARE CHARGING UP TO TWO HUNDRED PERCENT ANNUALLY FOR PAYDAY LOANS AND THAT EXCESS CHARGES ON SUCH LOANS CAN LEAD COLORADO FAMILIES INTO A DEBT TRAP OF REPEAT BORROWING. IT IS THE INTENT OF THE PEOPLE TO LOWER THE MAXIMUM AUTHORIZED FINANCE CHARGE FOR PAYDAY LOANS TO AN ANNUAL PERCENTAGE RATE OF THIRTY-SIX PERCENT.

SECTION 2. In Colorado Revised Statutes, **amend** 5-3.1-105 as follows:

5-3.1-105. Authorized charges. A lender may charge a finance charge for each deferred deposit loan or payday loan that ~~may~~ MUST not exceed ~~twenty~~ AN ANNUAL PERCENTAGE RATE OF THIRTY-SIX percent. ~~of the first three hundred dollars loaned plus seven and one-half percent of any amount loaned in excess of three hundred dollars. Such charge shall be deemed fully earned as of the date of the transaction. The lender may also charge an interest rate of forty-five percent per annum for each deferred deposit loan or payday loan.~~ If the loan is prepaid prior to the maturity of the loan term, the lender shall refund to the consumer a prorated portion of the ~~annual percentage rate~~ FINANCE CHARGE based upon the ratio of time left before maturity to the loan term. ~~In~~

addition, the lender may charge a monthly maintenance fee for each outstanding deferred deposit loan, not to exceed seven dollars and fifty cents per one hundred dollars loaned, up to thirty dollars per month. The monthly maintenance fee may be charged for each month the loan is outstanding thirty days after the date of the original loan transaction. The A lender shall MAY charge only those charges EXPRESSLY authorized in this article in connection with a deferred deposit loan OR PAYDAY LOAN.

SECTION 3. In Colorado Revised Statutes, 5-3.1-108 **amend** (2) as follows:

5-3.1-108. Renewal – new loan – consecutive loans – payment plan – definitions. (2) Upon renewal of a deferred deposit loan OR PAYDAY LOAN, the lender may assess additional A finance charge not to THAT MUST NOT exceed an annual percentage rate of forty-five THIRTY-SIX percent. If the deferred deposit loan OR PAYDAY LOAN is renewed prior to the maturity date, the lender shall refund to the consumer a prorated portion of the finance charge based upon the ratio of time left before maturity to the loan term.

SECTION 4. In Colorado Revised Statutes, 5-3.1-121 **amend** (2) as follows:

5-3.1-121. Unfair or deceptive practices. (2) A person violates the requirements of this article by engaging in any act that limits or restricts the application NO PERSON MAY ENGAGE IN ANY DEVICE, SUBTERFUGE, OR PRETENSE TO EVADE THE REQUIREMENTS of this article, including making loans disguised as A personal property, personal sales SALE, and leaseback transactions TRANSACTION; or by disguising loan proceeds as A cash rebates REBATE for the pretextual installment sale of goods and OR services; OR MAKING, OFFERING, GUARANTEEING, ASSISTING, OR ARRANGING A CONSUMER TO OBTAIN A LOAN WITH A GREATER RATE OF INTEREST, CONSIDERATION, OR CHARGE THAN IS PERMITTED BY THIS ARTICLE THROUGH ANY METHOD INCLUDING MAIL, TELEPHONE, INTERNET, OR ANY ELECTRONIC MEANS REGARDLESS OF WHETHER THE PERSON HAS A PHYSICAL LOCATION IN THE STATE.

SECTION 5. Effective date. This initiative takes effect on February 1, 2019.

Proposition 112
Increased Setback Requirement for Oil and
Natural Gas Development

ANALYSIS

Proposition 112 proposes amending the <u>Colorado statutes</u> to:

♦ require that new oil and natural gas development be located at least 2,500 feet from occupied structures, water sources, and areas designated as vulnerable.

Summary and Analysis

Proposition 112 requires that any new oil and natural gas development be located at least 2,500 feet from occupied structures and other areas designated as vulnerable. This type of requirement is commonly known as a setback. Entering a previously plugged or abandoned oil or natural gas well is held to this same setback requirement. The measure also allows the state or a local government to require a setback distance greater than 2,500 feet. If two or more local governments with overlapping boundaries establish different setbacks, Proposition 112 requires that the greater distance be used.

The measure does not apply to federal land, which includes national forests and parks and comprises about 36 percent of the land in Colorado.

Under the measure, oil and natural gas development includes the exploration for, and the drilling, production, and processing of oil or natural gas. Oil and natural gas development also includes hydraulic fracturing, flowlines between oil and natural gas facilities, and the treatment of associated waste. Occupied structures include buildings where people live or work. Proposition 112 designates certain areas as vulnerable, including certain recreation areas and water sources, such as public and community drinking water sources, canals, reservoirs, lakes, rivers and streams (whether continuously flowing or not), and any other area designated by the state or a local government as vulnerable.

State regulation of oil and natural gas. The Colorado Oil and Gas Conservation Commission (COGCC) in the Colorado Department of Natural Resources establishes and enforces regulations on oil and natural gas operations in the state. The COGCC is charged with fostering the responsible development, production, and use of oil and natural gas resources in a manner that protects public health, safety, welfare, and the environment. The COGCC consults with the Colorado Department of Public Health and Environment (CDPHE) to consider the health and safety of the public when regulating oil and natural gas operations. The CDPHE regulates air pollution, the discharge of water to surface water bodies, and the disposal of hazardous waste related to industrial activities, including oil and natural gas operations.

Existing setback requirements. Current COGCC regulations, approved in 2013, prohibit oil and natural gas wells and production facilities from being located closer than:

• 500 feet from a home or other occupied building; and
• 1,000 feet from high-occupancy buildings such as schools, health care institutions, correctional facilities, and child care centers, as well as neighborhoods with at least 22 buildings.

The surrounding area encompassed by the current 500-foot setback includes about 18 acres, and the 1,000-foot setback area includes about 72 acres. Proposition 112 increases the setback to a minimum of 2,500 feet, or about 450 surrounding acres.

The current setback requirement may be waived in certain instances by the COGCC and a building owner. Proposition 112 does not include a waiver provision.

Oil and natural gas resources in Colorado. Geologic formations containing oil and natural gas are found in many areas of Colorado, with some formations underlying multiple local communities. Recent development of these resources has been concentrated in Weld, Garfield, La Plata, Rio Blanco, and Las Animas Counties, as well as portions of surrounding counties. Most of the state's oil production occurs in the Denver-Julesburg Basin, primarily in Weld County and other nearby counties. A COGCC map of current oil and natural gas activity can be found online at: http://www.coloradobluebook.com/proposition112map.

Oil and natural gas resources are owned or leased by many different private companies, governments, financial institutions, nonprofits, and private individuals. Oil production in Colorado doubled between 2013 and 2017. Natural gas production in Colorado has been stable over the past ten years. In 2016, Colorado ranked seventh among the states in domestic oil production and fifth in natural gas production. In 2017, there were about 54,000 producing wells in Colorado, a 48 percent increase since 2007.

Oil and natural gas extraction technologies. Changes in industry technologies, such as hydraulic fracturing, or "fracking," and horizontal drilling, have led to substantial oil and natural gas production increases in Colorado and nationally, as well as an increase in the number of wells and related facilities. Hydraulic fracturing is used for most new wells and involves pumping a mixture of mostly water and sand, and small amounts of chemicals and other additives, into underground rock layers where oil or natural gas is located. The pressure of the water creates small fractures in the rock. The sand keeps the fractures open, allowing the oil or natural gas to escape and flow up the well. Hydraulic fracturing enables access to oil and natural gas formations that were previously inaccessible. Horizontal drilling enables oil and natural gas operators to drill multiple wells from a single location to improve their efficiency and minimize surface disturbances. With current technologies, oil and natural gas wells have the greatest production in their first year of operation and decrease in production each successive year until the wells are depleted.

State and local revenue from oil and natural gas. Companies that extract mineral resources, including oil and natural gas, coal, and metallic minerals, pay severance taxes to the state. Oil and natural gas tax collections fluctuate annually. From budget years 2012-13 to 2016-17, state severance tax collections from oil and natural gas producers ranged from $4.0 million to $264.7 million per year. Under current law, Colorado severance tax revenue is split between state programs and local governments. The state also collects some revenue from royalty and lease payments. Oil and natural gas producers also pay income taxes, sales taxes, and local property taxes. In 2017, Colorado oil and natural gas producers paid an estimated $496.7 million in property taxes to impacted local governments, school districts, and special districts.

For information on those issue committees that support or oppose the measures on the ballot at the November 6, 2018, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information: http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html

Arguments For

1) Oil and natural gas operations may adversely impact public health, safety, and the environment. Some people living near these operations have reported negative health effects to the CDPHE, including sinus and respiratory conditions, as well as other symptoms such as headaches and nausea. Such development increases noise, traffic, dust, light, and odors. Proposition 112 requires that new oil and natural gas development be located farther away from homes, schools, businesses, and other occupied buildings, thereby reducing nuisance impacts and potential exposure to air pollutants. Proposition 112 also establishes a required setback from water sources and recreation areas to help protect those resources.

2) Over the past several years, Colorado's northern Front Range has seen both substantial urban development and increased oil and natural gas activity. Proposition 112 provides property owners with greater certainty about the location of new oil and natural gas development in their communities. Keeping oil and natural gas development farther away from occupied structures reduces resident exposure to industrial activity and the potential hazards related to such activity. It may also improve the quality of life for nearby residents. Some people are reluctant to purchase or rent a home or visit a business or recreation area located near oil or natural gas development.

Arguments Against

1) Proposition 112 eliminates new oil and natural gas activity on most non-federal land in Colorado. According to the COGCC, about 85 percent of Colorado's non-federal land would be excluded from development with the required 2,500-foot setback. Oil and natural gas development is important to Colorado's economy, generating an estimated $10.9 billion in production value in 2017 and supporting many other industries and jobs. Proposition 112 will reduce the economic benefits the oil and natural gas industry provides for the state and may result in the loss of jobs, lower payments to mineral owners, and reduced tax revenue that is used for local schools and other governmental services and programs.

2) Proposition 112 is unnecessary because the existing COGCC setback requirements provide a balanced approach to protecting public health, safety, and the environment. The state's existing setback requirements were developed through a collaborative rule-making process and guided by technical expertise. When adopting its setback rules, the COGCC considered the concerns of mineral owners, residents, schools, businesses, and others. Under current law, the COGCC has the authority to modify setback requirements in the future, if necessary.

Estimate of Fiscal Impact

State government revenue and spending. Proposition 112 is expected to decrease the amount of severance tax, royalty payments, and lease revenue that state government collects in the future. Because the measure does not impact existing oil and natural gas development, no immediate impact on state revenue is anticipated; however, because the measure reduces the surface land available for the development of new oil and natural gas operations, future state revenue from these sources will be reduced. Proposition 112 will also reduce future income taxes to the state. Since the economic conditions and geographic limitations affecting oil and natural gas production are uncertain, the specific reductions in state revenue cannot be estimated.

Department of Natural Resources. Severance tax revenue received by the state funds both operating expenses of the department and specific programs, including water supply project grants, low-income energy assistance, control of invasive species, and a variety of other programs. Funding for these programs will be reduced.

Local government revenue and spending. Proposition 112 is also anticipated to reduce future property tax revenue collected by local governments. Limitations on new drilling will reduce local property tax collections, since producing well sites have higher assessed value than inactive nonproducing areas. The change in local revenue and expenditures also cannot be estimated. Local governments receive a share of the state's severance taxes to offset the impacts of oil and natural gas development. This revenue will be reduced.

TITLE AND TEXT

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado Revised Statutes. The text of the measure that will appear in the Colorado Revised Statutes below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

Ballot Title:

Shall there be a change to the Colorado Revised Statutes concerning a statewide minimum distance requirement for new oil and gas development, and, in connection therewith, changing existing distance requirements to require that any new oil and gas development be located at least 2,500 feet from any structure intended for human occupancy and any other area designated by the measure, the state, or a local government and authorizing the state or a local government to increase the minimum distance requirement?

Text of Measure:

Be it Enacted by the People of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 34-60-131 as follows:

34-60-131. Mitigation of adverse oil and gas impacts to health and safety – buffer zones – legislative declaration - definitions. (1) THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT:

(a) PROXIMITY TO OIL AND GAS DEVELOPMENT, INCLUDING THE USE OF HYDRAULIC FRACTURING, HAS DETRIMENTAL IMPACTS ON PUBLIC HEALTH, SAFETY, WELFARE, AND THE ENVIRONMENT;

(b) SUCH IMPACTS ARE REDUCED BY LOCATING OIL AND GAS OPERATIONS AWAY FROM OCCUPIED STRUCTURES AND VULNERABLE AREAS; AND

(c) TO PRESERVE PUBLIC HEALTH, SAFETY, WELFARE, AND THE ENVIRONMENT, THE PEOPLE DESIRE TO ESTABLISH A BUFFER ZONE REQUIRING ALL NEW OIL AND GAS DEVELOPMENT IN THE STATE OF COLORADO TO BE LOCATED AN INCREASED DISTANCE AWAY FROM OCCUPIED STRUCTURES, INCLUDING HOMES, SCHOOLS AND HOSPITALS, AS WELL AS VULNERABLE AREAS.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "OCCUPIED STRUCTURE" MEANS ANY BUILDING OR STRUCTURE THAT REQUIRES A CERTIFICATE OF OCCUPANCY OR BUILDING OR STRUCTURE INTENDED FOR HUMAN OCCUPANCY, INCLUDING HOMES, SCHOOLS, AND HOSPITALS.

(b) "OIL AND GAS DEVELOPMENT" MEANS EXPLORATION FOR, AND DRILLING, PRODUCTION, AND PROCESSING OF, OIL, GAS, OR OTHER GASEOUS AND LIQUID HYDROCARBONS, AND FLOWLINES AND THE TREATMENT OF WASTE ASSOCIATED WITH SUCH EXPLORATION, DRILLING, PRODUCTION AND PROCESSING. "OIL AND GAS DEVELOPMENT" INCLUDES HYDRAULIC FRACTURING.

(c) "VULNERABLE AREAS" MEANS PLAYGROUNDS, PERMANENT SPORTS FIELDS, AMPHITHEATERS, PUBLIC PARKS, PUBLIC OPEN SPACE, PUBLIC AND COMMUNITY DRINKING WATER SOURCES, IRRIGATION CANALS, RESERVOIRS, LAKES, RIVERS, PERENNIAL OR INTERMITTENT STREAMS, AND CREEKS, AND ANY ADDITIONAL VULNERABLE AREAS DESIGNATED BY THE STATE OR A LOCAL GOVERNMENT.

(d) "LOCAL GOVERNMENT" MEANS ANY STATUTORY OR HOME RULE COUNTY, CITY AND COUNTY, CITY, OR TOWN LOCATED IN THE STATE OF COLORADO.

(3) THE PEOPLE OF THE STATE OF COLORADO HEREBY ESTABLISH THAT ALL NEW OIL AND GAS DEVELOPMENT NOT ON FEDERAL LAND MUST BE LOCATED AT LEAST TWO THOUSAND FIVE HUNDRED FEET FROM AN OCCUPIED STRUCTURE OR VULNERABLE AREA. FOR PURPOSES OF THIS SECTION, THE REENTRY OF AN OIL OR GAS WELL PREVIOUSLY PLUGGED OR ABANDONED IS CONSIDERED NEW OIL AND GAS DEVELOPMENT.

(4) THE STATE OR A LOCAL GOVERNMENT MAY REQUIRE THAT NEW OIL AND GAS DEVELOPMENT BE LOCATED A LARGER DISTANCE AWAY FROM OCCUPIED STRUCTURES OR VULNERABLE AREAS THAN REQUIRED BY SUBSECTION (3) OF THIS SECTION. IN THE EVENT THAT TWO OR MORE LOCAL GOVERNMENTS WITH JURISDICTION OVER THE SAME GEOGRAPHIC AREA ESTABLISH DIFFERENT BUFFER ZONE DISTANCES, THE LARGER BUFFER ZONE GOVERNS.

(5) THIS SECTION TAKES EFFECT UPON OFFICIAL DECLARATION OF THE GOVERNOR AND IS SELF-EXECUTING.

(6) THIS SECTION APPLIES TO OIL AND GAS DEVELOPMENT PERMITTED ON OR AFTER THE EFFECTIVE DATE.

LOCAL ELECTION OFFICES

https://www.sos.state.co.us/pubs/elections/Resources/CountyElectionOffices.html

County	Address	Phone
Adams	4430 South Adams County Parkway, Suite E-3102, Brighton, CO 80601-8207	(720) 523-6500
Alamosa	8999 Independence Way, Suite 101, Alamosa, CO 81101	(719) 589-6681
Arapahoe	5334 S. Prince St., Littleton, CO 80120	(303) 795-4511
Archuleta	449 San Juan, Pagosa Springs, CO 81147	(970) 264-8331
Baca	741 Main St., Suite 3, Springfield, CO 81073	(719) 523-4372
Bent	725 Bent Ave., Las Animas, CO 81054	(719) 456-2009
Boulder	1750 33rd St. #200, Boulder, CO 80301	(303) 413-7740
Broomfield	1 DesCombes Drive, Broomfield, CO 80020	(303) 464-5857
Chaffee	104 Crestone Ave., Salida, CO 81201	(719) 539-4004
Cheyenne	51 S. 1st St., Cheyenne Wells, CO 80810	(719) 767-5685
Clear Creek	405 Argentine St., Georgetown, CO 80444	(303) 679-2339
Conejos	6683 County Road 13, Antonito, CO 81129	(719) 376-5422
Costilla	400 Gasper St., San Luis, CO 81152	(719) 937-7671
Crowley	631 Main St., Suite 102, Ordway, CO 81063	(719) 267-5225
Custer	205 S. 6th St., Westcliffe, CO 81252	(719) 783-2441
Delta	501 Palmer #211, Delta, CO 81416	(970) 874-2150
Denver	200 W. 14th Ave., Suite 100, Denver, CO 80204	(720) 913-8683
Dolores	409 N. Main St., Dove Creek, CO 81324	(970) 677-2381
Douglas	125 Stephanie Pl., Castle Rock, CO 80109	(303) 660-7444
Eagle	500 Broadway, Suite 101, Eagle, CO 81631	(970) 328-8726
Elbert	440 Comanche St., Kiowa, CO 80117	(303) 621-3127
El Paso	1675 W. Garden of the Gods Rd., Suite 2201, Colorado Springs, CO 80907	(719) 575-8683
Fremont	615 Macon Ave. #102, Canon City, CO 81212	(719) 276-7340
Garfield	109 Eighth St. #200, Glenwood Spgs, CO 81601	(970) 384-3700, ext. 2
Gilpin	203 Eureka St., Central City, CO 80427	(303) 582-5321
Grand	308 Byers Ave., Hot Sulphur Springs, CO 80451	(970) 725-3065
Gunnison	221 N. Wisconsin, Suite C, Gunnison, CO 81230	(970) 641-7927
Hinsdale	317 N. Henson St., Lake City, CO 81235	(970) 944-2228
Huerfano	401 Main St., Suite 204, Walsenburg, CO 81089	(719) 738-2380, ext. 3
Jackson	396 La Fever St., Walden, CO 80480	(970) 723-4334
Jefferson	3500 Illinois St., Suite #1100, Golden, CO 80401	(303) 271-8111
Kiowa	1305 Goff St., Eads, CO 81036	(719) 438-5421
Kit Carson	251 16th St., Burlington, CO 80807	(719) 346-8638, ext. 301
Lake	505 Harrison Ave., Leadville, CO 80461	(719) 486-1410
La Plata	98 Everett St., Suite C, Durango, CO 81303	(970) 382-6296
Larimer	200 W. Oak St., Suite 5100, Ft. Collins, CO 80521	(970) 498-7820
Las Animas	200 E. First St., Room 205, Trinidad, CO 81082	(719) 846-3314
Lincoln	103 Third Ave., Hugo, CO 80821	(719) 743-2444
Logan	315 Main St., Suite 3, Sterling, CO 80751	(970) 522-1544
Mesa	200 S. Spruce St., Grand Junction, CO 81501	(970) 244-1662
Mineral	1201 N. Main St., Creede, CO 81130	(719) 658-2440
Moffat	221 W. Victory Way #200, Craig, CO 81625	(970) 824-9120
Montezuma	140 W. Main St., Suite #1, Cortez, CO 81321	(970) 565-3728
Montrose	320 S. First St., Montrose, CO 81401	(970) 249-3362, ext. 3
Morgan	231 Ensign, Ft. Morgan, CO 80701	(970) 542-3521
Otero	13 W. Third St., Room 210, La Junta, CO 81050	(719) 383-3020
Ouray	112 Village Square West, Ouray, CO 81432	(970) 325-4961
Park	501 Main St., Fairplay, CO 80440	(719) 836-4333, ext. 1
Phillips	221 S. Interocean Ave., Holyoke, CO 80734	(970) 854-3131
Pitkin	501 E. Hyman Ave. Suite 106, Aspen, CO 81611	(970) 920-5180, ext. 5
Prowers	301 S. Main St. #210, Lamar, CO 81052	(719) 336-8011
Pueblo	720 N. Main St., Suite 200, Pueblo, CO 81003	(719) 583-6620
Rio Blanco	555 Main St., Meeker, CO 81641	(970) 878-9460
Rio Grande	965 Sixth St., Del Norte, CO 81132	(719) 657-3334
Routt	522 Lincoln Ave. Steamboat Springs, CO 80477	(970) 870-5556
Saguache	501 Fourth St., Saguache, CO 81149	(719) 655-2512
San Juan	1557 Green St., Silverton, CO 81433	(970) 387-5671
San Miguel	305 W. Colorado Ave., Telluride, CO 81435	(970) 728-3954
Sedgwick	315 Cedar St., Julesburg, CO 80737	(970) 474-3346
Summit	208 E. Lincoln Ave., Breckenridge, CO 80424	(970) 453-3479
Teller	101 W. Bennett Ave., Cripple Creek, CO 80813	(719) 689-2951, ext. 2
Washington	150 Ash, Akron, CO 80720	(970) 345-6565
Weld	1401 N. 17th Ave., Greeley, CO 80632	(970) 304-6525
Yuma	310 Ash St., Suite Fm Wray, CO 80758	(970) 332-5809

Redistricting commissions

A **redistricting commission** is a body vested with the authority to draft and implement electoral district maps. The composition of commissions varies from state to state. In general, a redistricting commission can take one of two forms: a non-politician commission, whose members cannot hold political office, and a politician commission, whose members can hold office. In 2015, the Supreme Court of the United States issued its decision in *Arizona State Legislature v. Arizona Independent Redistricting Commission*, ruling 5-4 that redistricting commissions do not violate the United States Constitution.[1][2]

> HIGHLIGHTS
>
> - **Congressional redistricting**: Eight states use commissions for congressional redistricting: Arizona, California, Colorado, Hawaii, Idaho, Michigan, New Jersey, and Washington. Seven of these are non-politician commissions. One (New Jersey's) is a politician commission.
> - **State legislative redistricting**: Fourteen states use commissions for state legislative redistricting: Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Michigan, Missouri, Montana, New Jersey, Ohio, Pennsylvania, and Washington. Nine of these are non-politician commissions. The rest are politician commissions.

ELECTION POLICY

Redistricting

State-by-state redistricting procedures

Majority-minority districts

Congressional district demographics

United States census, 2020

PUBLIC POLICY

Use in congressional and state legislative redistricting

Details by state

Redistricting commissions		[hide]
State	Type	Number of commissioners
Alaska	Non-politician	5
Arizona	Non-politician	5
Arkansas	Politician	3
California	Non-politician	14
Colorado	Non-politician	12 (two separate commissions for congressional and state legislative redistricting, each with 12 members)
Hawaii	Non-politician	9
Idaho	Non-politician	6
Michigan	Non-politician	13
Missouri	Politician	18 (House); 10 (Senate)
Montana	Non-politician	5
New Jersey	Politician	13 (congressional); 10 (state legislative)
Ohio	Politician	7 (state legislative)
Pennsylvania	Politician	5 (state legislative)
Washington	Non-politician	5

Legal challenges

Arizona State Legislature v. Arizona Independent Redistricting Commission

See also: Arizona State Legislature v. Arizona Independent Redistricting Commission

Arizona State Legislature v. Arizona Independent Redistricting Commission, decided by the Supreme Court of the United States in 2015, established the constitutionality of the use of non-politician commissions in congressional redistricting. At issue was the constitutionality of the Arizona Independent Redistricting Commission, which was established by state constitutional amendment in 2000. According to Article 1, Section 4, of the United States Constitution, "the Times, Places and Manner of holding Elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof." The state legislature argued that the use of the word *legislature* in this context

237

is literal; therefore, only a state legislature may draw congressional district lines. Meanwhile, the commission contended that the word *legislature* ought to be interpreted more broadly to encompass the legislative powers of the state, including voter initiatives and referenda.[3][4]

On June 29, 2015, the United States Supreme Court ruled 5-4 in favor of the Arizona Independent Redistricting Commission. Justice Ruth Bader Ginsburg wrote the following in the court's majority opinion:[1][5]

> " The people of Arizona turned to the initiative to curb the practice of gerrymandering and, thereby, to ensure that Members of Congress would have "an habitual recollection of their dependence on the people." In so acting, Arizona voters sought to restore "the core principle of republican government," namely, "that the voters should choose their representatives, not the other way around." The Elections Clause does not hinder that endeavor.[6] "
>
> —Ruth Bader Ginsburg

Ruth Bader Ginsburg

Justices Anthony Kennedy, Stephen Breyer, Elena Kagan, and Sonia Sotomayor joined Ginsburg in the court's majority opinion. Chief Justice John Roberts and Justices Antonin Scalia, Clarence Thomas, and Samuel Alito dissented.[1][5]

In his dissent, Roberts argued that the word *legislature* in Article 1, Section 4, of the United States Constitution ought to be interpreted narrowly to mean the "representative body which makes the laws of the people."[1]

> " The people of Arizona have concerns about the process of congressional redistricting in their State. For better or worse, the Elections Clause of the Constitution does not allow them to address those concerns by displacing their legislature. But it does allow them to seek relief from Congress, which can make or alter the regulations prescribed by the legislature.[6] "
>
> —John Roberts

Support and opposition

Support

Proponents of redistricting commissions (particularly, non-politician commissions) contend that redistricting methods involving elected officials compromise the integrity of the electoral process by enabling politicians to draw boundaries to their benefit. The National Election Defense Coalition, arguing for the increased use of non-politician commissions, made this argument on its website:[7]

> " Political power in America should flow from the people. But politicians often abuse their power to draw district boundaries, gerrymandering them for partisan and personal advantage. Elected officials end up choosing their voters, instead of the other way around. The result is stagnant and unaccountable incumbency, and unfair allocation of seats in Congress and state legislatures.[6] "
>
> —National Election Defense Coalition

In December 2016, the Center for American Progress released a report supportive of non-politician redistricting commissions:[8]

> " Independent commissions offer several benefits, including eliminating the appearance of impropriety and making elections fairer. Legislators, for instance, are four times more likely than independent commissions to create congressional districts that 'deny voters choice in the primary' and two times more likely to do so for general elections. This is perhaps one of the reasons why maps drawn by independent commissions face fewer legal challenges than maps drawn by politicians.[6] "

—Center for American Progress

Opposition

Opponents argue that non-politician commissions exclude state legislators from the redistricting process in violation of the United States Constitution. The National Conference of State Legislatures, in an amicus brief filed in support of the Arizona State Legislature in *Arizona State Legislature v. Arizona Independent Redistricting Commission*, made the following argument:[9]

> " In 37 states, the legislature draws the congressional redistricting plan. The other thirteen states involve both the legislature and some form of redistricting commission. All but two of these thirteen states respect the Election Clause's delegation by maintaining a substantive role for the legislature. But Arizona and one other state provide the legislature no substantive involvement in redistricting. ... Excluding the legislature from substantive involvement in redistricting contravenes the Elections Clause[.][6] "

—National Conference of State Legislatures

Opponents also contend that non-politician commissions are less transparent in their methods and therefore less accountable to voters than elected officials. Susan Myrick, writing for the Civitas Institute in January 2017, made the following argument:

> " The fact is, redistricting is and always had been an inherently partisan process. The best way to deal with that fact is to ensure the process is transparently implemented by the elected officials charged with the responsibility. ... They are the ones who the voters can hold accountable at the ballot box – not namely, faceless bureaucrats.[6] "

—Sysan Myrick

See also

- Redistricting
- State-by-state redistricting procedures

External links

- *Brennan Center for Justice*, "Redistricting Reform Tracker (State Bills)"
- *National Conference of State Legislatures*, "Redistricting"

Footnotes

1. *United States Supreme Court*, "Arizona State Legislature v. Arizona Independent Redistricting Commission: Opinion of the Court," June 29, 2015
2. *All About Redistricting*, "Who draws the lines?" accessed June 19, 2017
3. *The New York Times*, "Court Skeptical of Arizona Plan for Less-Partisan Congressional Redistricting," March 2, 2015
4. *The Atlantic*, "Will the Supreme Court Let Arizona Fight Gerrymandering?" September 15, 2014
5. *The New York Times*, "Supreme Court Upholds Creation of Arizona Redistricting Commission," June 29, 2015
6. *Note: This text is quoted verbatim from the original source. Any inconsistencies are attributable to the original source.*
7. *National Election Defense Coalition*, "Independent Redistricting to End Partisan Gerrymandering," accessed June 19, 2017
8. *Center for American Progress*, "Redistricting and Representation: Drawing Fair Election Districts Instead of Manipulated Maps," December 5, 2016
9. *Supreme Court of the United States*, "Arizona State Legislature v. Arizona Independent Redistricting Commission: Brief of Amicus Curiae National Conference of State Legislatures in Support of Appellant," December 9, 2014

Colorado Independent Congressional Redistricting Commissioners and Commission Staff

FROM: **Colorado Latino Leadership, Advocacy & Research Organization (CLLARO)**

SUBJECT: **Proposed Congressional Redistricting Plan**

Summary

This memorandum and attachments provide context and information about the Congressional map submitted by CLLARO to the Colorado Independent Congressional Redistricting Commission. The map was developed by centering and prioritizing Colorado's communities of interest, with particular focus on Latino/Hispanic communities across the state. CLLARO prioritized 2 Congressional Districts (CDs) in this plan that are centered on Latino communities across the state, CD3 and CD8. Of the 8 proposed districts, CD8 has the largest Latino population at 40.4 percent. CD3 also has a significant Latino population at 27.5 percent. Additionally, CLLARO is proposing three competitive congressional districts: CD2, CD3, and CD6.[1]

For questions or conversations related to this map, please contact Alex Apodaca-Cobell at alex.apodaca.cobell@icloud.com or 303-359-8226.

Plan

Attachment A provides detailed maps of CLLARO's proposed Congressional district plan. Attachment B provides population summaries and the percentage by race and ethnicity in each district. Attachment C shows election results for the 2016 Presidential, 2020 Presidential, 2016 Senate, 2020 Senate, 2018 Governor, and 2018 Attorney General elections, as well as a composite of those election results.

Full Plan: https://davesredistricting.org/join/b1fa173e-7e00-4c77-a393-24a1c17f2b10

Data Overview

CLLARO has used 2020 census data to draw the districts in this plan. As required, there is minimal deviation in population, with 6 of the congressional districts containing exactly 721,714 people and the other two containing 721,715 people.

Constitutional Requirements

Section 44.3 of Article V of the Colorado Constitution requires the Commission to adopt a redistricting plan that satisfies the following criteria:

The Commission **shall**:

1. Make a good faith effort to achieve mathematical population equality between districts and justify each variance;
2. The districts must be composed of contiguous geographic areas;
3. The plan must be in compliance with the Voting Rights Act of 1965 as amended.

As much as is reasonably possible, the Commission Plan:

1. Must preserve whole communities of interest as defined in Art. V, Section 44 (3)(b);
2. Must preserve whole political subdivisions such as counties, cities and towns;
3. Districts must be compact.

After application of these first six criteria, **thereafter the Commission shall to the extent possible**,

4. Maximize the number of politically competitive districts.

CLLARO believes the districts proposed in this plan comply with all constitutional criteria.

Latinos in Colorado are a community of interest based on this definition, and should be considered as such by the Commission. CLLARO focused especially on Latino communities of interest in Colorado in producing this map. Colorado's Latino communities each have unique needs, and they are not monolithic. Many Latino families in the San Luis Valley have centuries-old roots in the southwestern United States and in Southern Colorado. Many Latinos in other parts of the state are recent immigrants or first & second generation Americans. Latino communities throughout the state share significant public policy concerns, including educational issues, environmental issues, employment issues, and public health areas -- magnified in the last two years due to inequitable access to COVID-19 resources such as federal and state stimulus funding and the COVID-19 vaccine, for example. Latinos disproportionately bore the brunt of the COVID-19 pandemic and were overrepresented as essential and frontline workers.

CLLARO worked to preserve Latino communities of interest throughout Colorado in accordance with criteria outlined in the Colorado constitution, so that they have an opportunity to elect candidates who are most equipped to address their public policy issues, challenges, and needs. Generally, CLLARO tried to keep counties, cities, and towns together as as reasonably possible unless keeping a community of interest whole required a split in any counties, cities, and towns. CLLARO also considered compactness in drafting this plan. CLLARO prioritized competitiveness after preceding criteria, as required. The 2018 Attorney General election results show 3 districts leaning Democratic, 2 leaning Republican and 3 being competitive.[1] CLLARO prioritized 2 districts in this plan that are centered on the largest Latino communities across the state.

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1. CLLARO referred to the 2018 Attorney General election as the closest approximation of the commission's formula and considered any margin closer than 7.5 percent to be competitive.

District Profiles

The following is an individual breakdown of each district pertaining to the criteria listed above:

CD1 (Central and East Denver, South Arapahoe County)
Congressional District 1 (CD1) takes in all of the City and County of Denver except for the neighborhoods west of I-25 and Globeville/Elyria-Swansea (GES). CD1 includes Denver's wealthiest neighborhoods, concentrated in the central and southern portions of the city, and the Central Park neighborhood to the northeast. Those areas traditionally carry much of the political and voting power in the city overall. In addition, CD1 contains the traditionally African-American neighborhoods on Denver's Eastside and in the far northeast, including: Five Points, Whittier, Northeast Park Hill, Montbello, and Green Valley Ranch. CD1 retains Denver International Airport (DEN), an important economic hub for the region and a major employer for those living in the northeast portion of the city. Glendale and Holly Hills are two Arapahoe County enclaves that must remain in CD1 to meet contiguity requirements. To the south, CD1 contains the southwest corner of Denver south of Hampden, as well as Sheridan, Englewood, Littleton, Cherry Hills Village, Greenwood Village, and all of Centennial west of I-25. CD1 is not competitive, with 69 percent of voters selecting the Democratic candidate and 28.4 percent choosing the Republican candidate.[1]

CD2 (Grand Junction, NW Colorado, Larimer County, Longmont, Foothills Region)
Congressional District 2 (CD2) is based in northern and northwest Colorado. The district starts in Grand Junction, containing that entire city as well as Fruita, and follows I-70 to the east, taking part of Garfield County, largely west of Parachute. CD2 contains all of Moffat, Rio Blanco, Routt, Jackson, Grand, Larimer, Gilpin, and Clear Creek counties. In Boulder County, CD2 takes in the foothills towns as well as the City of Longmont to the east. CD2 also contains most of the foothills communities in Jeffco, all the way to Conifer in the south. The district stretches from agricultural and mining areas in the west to the major urban centers in the northern Front Range, and tourism-dependent communities in between. A significant portion of the district sits in the urban-wildlife interface and the increasing prevalence of wildfires threatens communities throughout the district. CD2 is highly competitive, voting 50.4 percent for the Democratic candidate and 46.3 percent for the Republican candidate.[1]

CD3 (Pueblo, San Luis Valley, Roaring Fork Valley, Arkansas River Valley) - <mark>CLLARO Priority</mark>
Congressional District 3 (CD3) is based in southwest Colorado, stretching from the Roaring Fork Valley to Pueblo and the Arkansas River Valley. CD3 includes the entire counties of: Eagle, Lake, Pitkin, Delta, Gunnison, Chaffee, Summit, Montrose, Ouray, San Miguel, Dolores, Montezuma, San Juan, Hinsdale, Archuleta, Mineral, Saguache, Rio Grande, Alamosa, Costilla, Conejos, Huerfano, Custer, Pueblo, Las Animas, Otero, Crowley, Bent, Baca, and Prowers. The district also includes the Roaring Fork Valley portion of Garfield County, keeping that community of interest whole. CD3 includes several important Latino communities of interest, including Pueblo, the San Luis Valley, the Roaring Fork Valley, and the Arkansas River Valley. The district also includes Eagle, Summit and Lake, which contain tourism-based communities with large Latino populations. The communities in the Arkansas River Valley have close ties with Pueblo and the San Luis Valley, representing significant Latino populations as well. In the southwest, CD3 contains both Ute Nations, Durango, and Telluride, as well as several agricultural counties near the Utah border. The district maintains its traditional Latino/Hispano influence at 27.5 percent as well the greatest Native American influence at 5.2 percent. Much like the state overall, CD3 has a range of economic interests, from the ski industry to emerging recreation industries to older agriculture to mining communities and even Colorado's own steel town. The district also remains largely rural, with the City of Pueblo as the largest population center. The City of Pueblo well encapsulates the district overall, with large Latino/Hispano and even Native American populations. Many families in Pueblo have generations-long roots in the state going back to the San Luis Valley before Colorado was part of the United States, making the connection between these communities vital. Pueblo is also home to the Colorado State Fair, an incredibly important event for this part of the state that celebrates the area's agricultural heritage. The city, like much of CD3, is also dealing with the transition from more industrial

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1. CLLARO referred to the 2018 Attorney General election as the closest approximation of the commission's formula and considered any margin closer than 7.5 percent to be competitive.

dependence to tourism and other emerging sectors. The Arkansas Riverwalk as an example of the changing face of the city. The Arkansas River Valley to the east is another of Colorado's oldest regions with traditional agricultural and mining communities that are now dealing with stagnant or shrinking populations. The City of Rocky Ford is home to the Arkansas Valley Fair, Colorado's longest-running fair. Many other smaller towns in this region have long histories and specific economic needs that require attention. CD3 is highly competitive with the Republican candidate winning 49 percent to 47.6 percent over the Democratic candidate.[1]

CD4 (Castle Rock, Greeley, Eastern Plains)

Congressional District (CD4) is based in the eastern plains of Colorado, taking in exurban communities on the edges of the Denver metro area to the north, east, and south. To the north, the district includes all of Weld County. To the south, CD4 includes all of Douglas County outside of the Denver suburban communities, which are included in CD6. CD4 borders the Denver metro area to the east, taking in the rural portions of both Adams and Arapahoe counties. CD4 also includes the far southern portion of Jeferson County, containing mostly unincorporated communities along the foothills and along C-470. In El Paso County, CD4 takes in the Eastern plains portion as well as the northern county communities of Palmer Lake, Monument, Woodmoor, Gleneagle, and Black Forest. CD4 is non-competitive, voting for the Republican candidate 65.9 percent to 30.7 percent for the Democratic candidate.[1]

CD5 (Colorado Springs, Teller Co., Fremont Co., Park Co.)

Congressional District 5 (CD5) contains nearly all of El Paso County, with the exception of the areas to the north and east that are included in CD4. To the west, CD5 contains all of the central mountain counties: Fremont, Teller, and Park. The district includes large military installations around Colorado Springs. CD5 also includes Cripple Creek, one of Colorado's few gambling towns. Much of the district also lies within the wildfire-urban interface and has recent experience with destructive wildfires. CD5 is non-competitive, voting for the Republican candidate by a 56.7 to 39.3 percent margin.[1]

CD6 (Aurora, Centennial, Parker, Lone Tree, Highlands Ranch)

Congressional District 6 (CD6) remains centered on the City of Aurora and includes the eastern half of the City of Centennial, as well as the Douglas County communities of Lone Tree, Parker, and Highlands Ranch. The district is quite diverse, at 21.6 percent Latino, 13.1 percent Black, and 9.5 percent AAPI. In the City of Aurora, 33 percent of residents speak a language other than English at home. The city is also home to many different immigrant communities, with 20 percent of residents being born outside the United States. The significant AAPI community in Douglas County is also kept whole in this district, making up 9.9 percent of the population there. CD6 competitive, voting 51.2 percent for the Democratic candidate and 45.7 percent for the Republican candidate.[1]

CD7 (Jeffco Suburbs, Boulder Suburbs, City of Boulder)

Congressional District 7 (CD7) is entirely within Jefferson and Boulder counties and contains all of the west Denver metro suburban cities, including: Lakewood, Edgewater, Golden, Wheat Ridge, Arvda, and the Jeffco portion of Westminster. To the south, CD7 also includes most of the unincorporated suburban communities along C-470. To the north, CD7 contains the City of Boulder as well as the nearby suburban communities of Superior, Louisville, Lafayette and the Boulder County portion of Erie. Boulder and Jefferson counties have similar median incomes at $83,019 and $82,969 respectively. Both counties have a larger White non-Hispanic population than the rest of the metro area at 77.7 percent in Jeffco and 77.4 percent in Boulder. Those communities are also much more linguistically homogeneous with 10.6 percent of households in Jeffco speaking a language other than English at home and 15.7 in Boulder. This part of the metro area has also seen a disproportionate share of battles over growth and transportation. The City of Boulder and the City of Lakewood now have restrictive growth caps on the number of new housing units that can be built. The region also has specific transportation issues, including the proposed Jefferson Parkway and Northwest Rail line. CD7 is not competitive, voting 61 percent for the Democratic candidate and 35.9 percent for the Republican candidate.[1]

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1. CLLARO referred to the 2018 Attorney General election as the closest approximation of the commission's formula and considered any margin closer than 7.5 percent to be competitive.

**CD8 (Adams Co. Suburbs, Broomfield, North and West Denver) - <mark>CLLARO Priority</mark>**
The new Congressional District 8 (CD8) is based in Adams County, which makes up 63.3 percent of the population. The north metro Denver cities of Commerce City, Northglenn, Federal Heights, Thornton, and Brighton are all entirely contained within the district as well as the Adams County portion of the City of Westminster. The urban unincorporated communities in southwest Adams County are also contained within CD8. To the northwest, the City and County of Broomfield is entirely within CD8. The district includes the Northside and Westside of Denver, traditionally the heart of the Latino community in the Denver metro area. HIstorically, the Chicano Movement in Colorado started here. That portion of Denver represents the western half of the famed "Upside-down L" stretching along the north and west ends of the city, representing neighborhoods marked by disinvestment in infrastructure and services and industrial zones. The Globeville and Elyria-Swansea (GES) area has historically borne the brunt of environmental contamination, air pollution, and highway building in ways many nearby Latino communities have faced to varying degrees. These environmental justice factors make GES a more similar community of interest to the communities on the other side of the Adams County line, including Commerce City, rather than those neighborhoods to the south that are far wealthier and carry far more voting power in Denver overall. Both Adams County and the portion of Denver in CD8 have overall lower educational attainment than the state or other nearby communities. Just 24.3 percent of Adams County residents 25 and older hold a Bachelor degree. The Denver neighborhoods entirely within CD8 range from 4.5 to 38.3 percent holding a Bachelor's degree, with most areas being well below 20 percent. This is vastly different from the city overall, where 49.4 percent hold a Bachelor's degree. COVID-19 has been another unfortunate similarity between the parts of Denver and Adams County included in CD8, with those areas being extremely hard hit compared to surrounding communities. Gentrification has also had a disproportionate impact on this part of Denver, causing many Latino residents to move to Adams County. The movement of many Latinos from the Northside and Westside of Denver to Adams County has resulted in strong cultural, economic, and familial ties between them. CD8 has the largest Latino population of the proposed Congressional districts at 40.4 percent and keeps the greater part of the Latino community in the Denver metro area together while following other political boundaries. CD8 is not competitive, voting 59.9 percent for the Democratic candidate compared to 36.4 percent for the Republican candidate.[1]
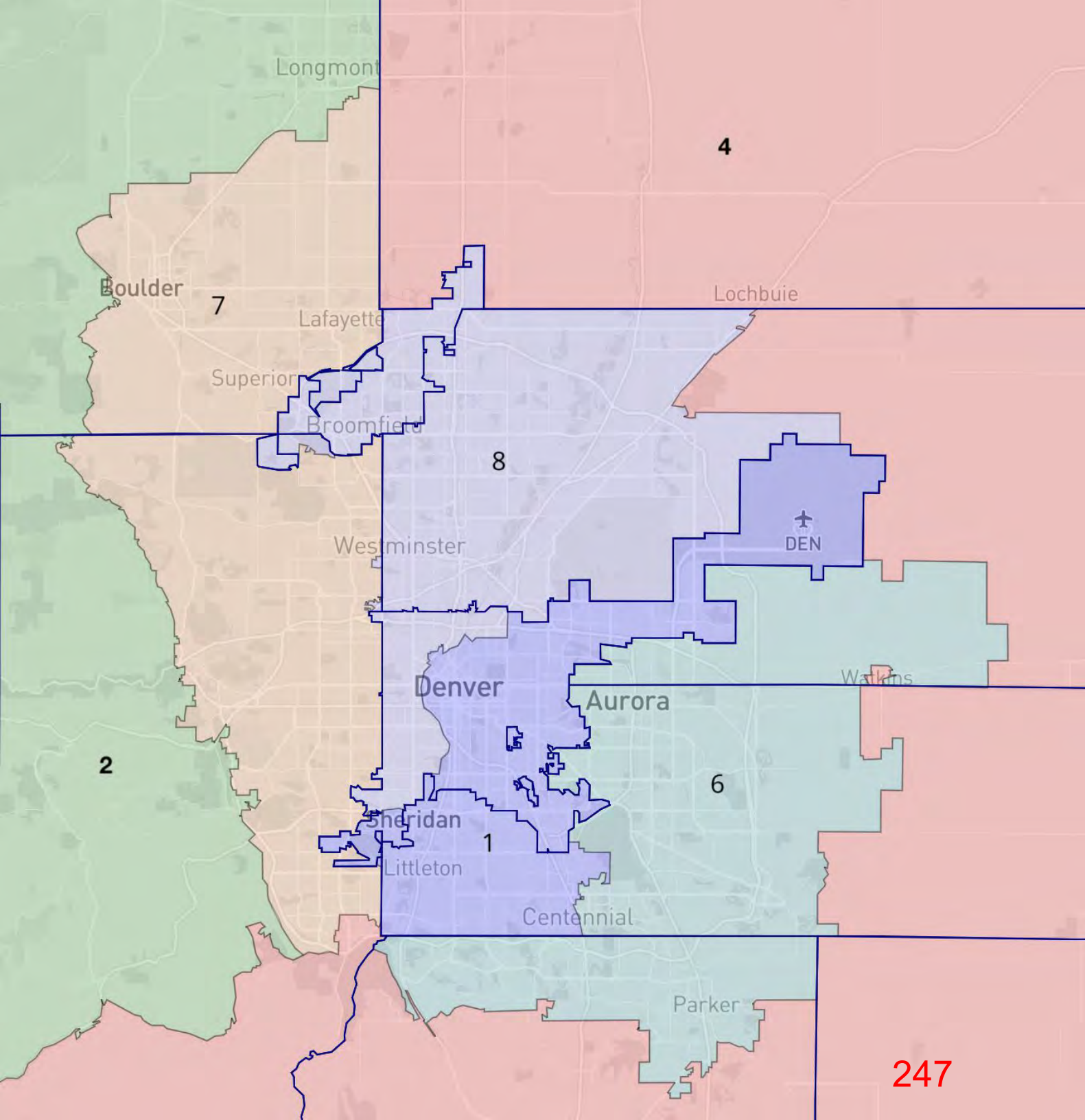
Attachments

CLLARO Colorado Congressional Map   Attachment A

Population Summary and Race and Ethnicity   Attachment B

Election Results (2016-2020)   Attachment C

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1. CLLARO referred to the 2018 Attorney General election as the closest approximation of the commission's formula and considered any margin closer than 7.5 percent to be competitive.
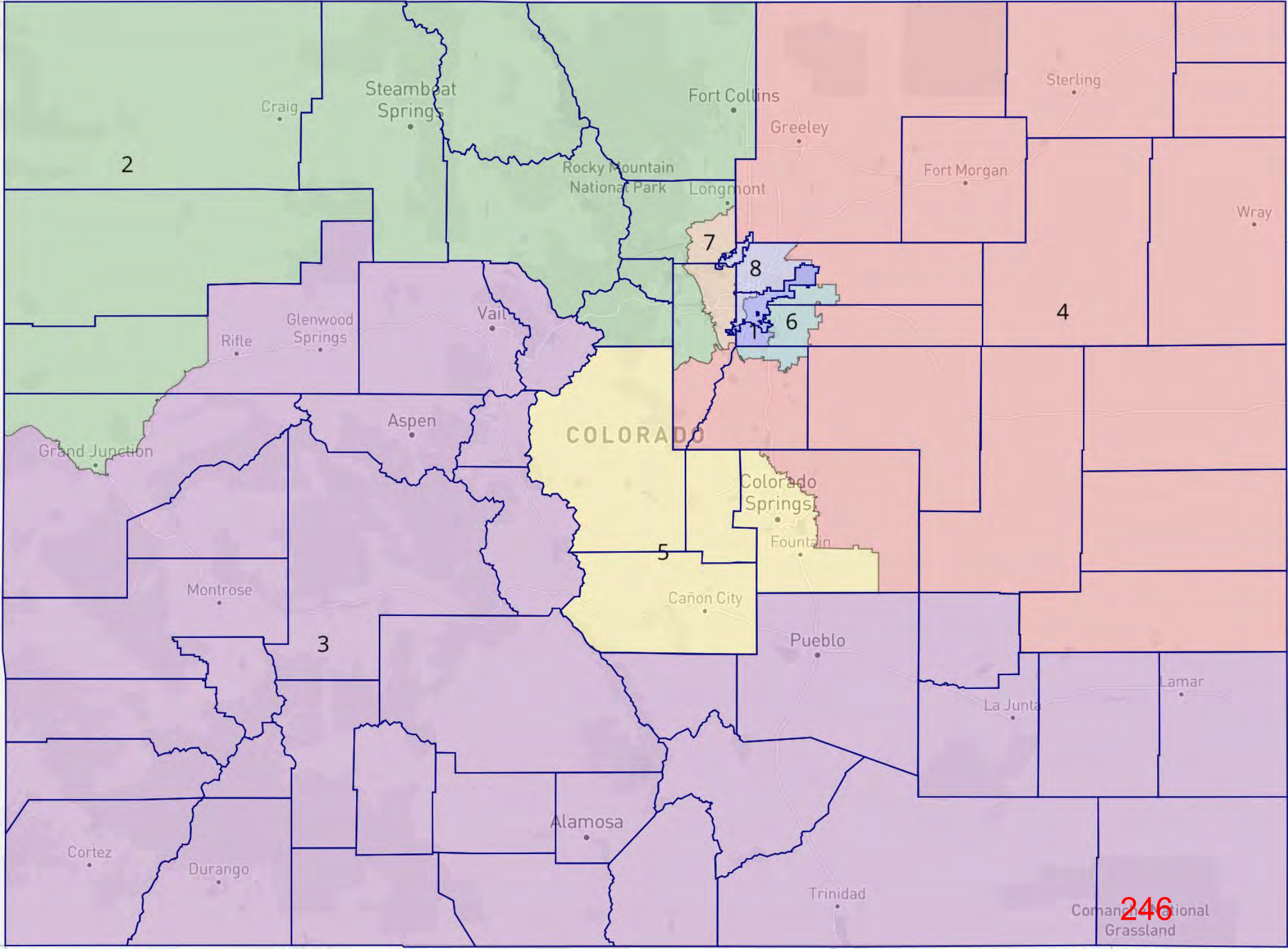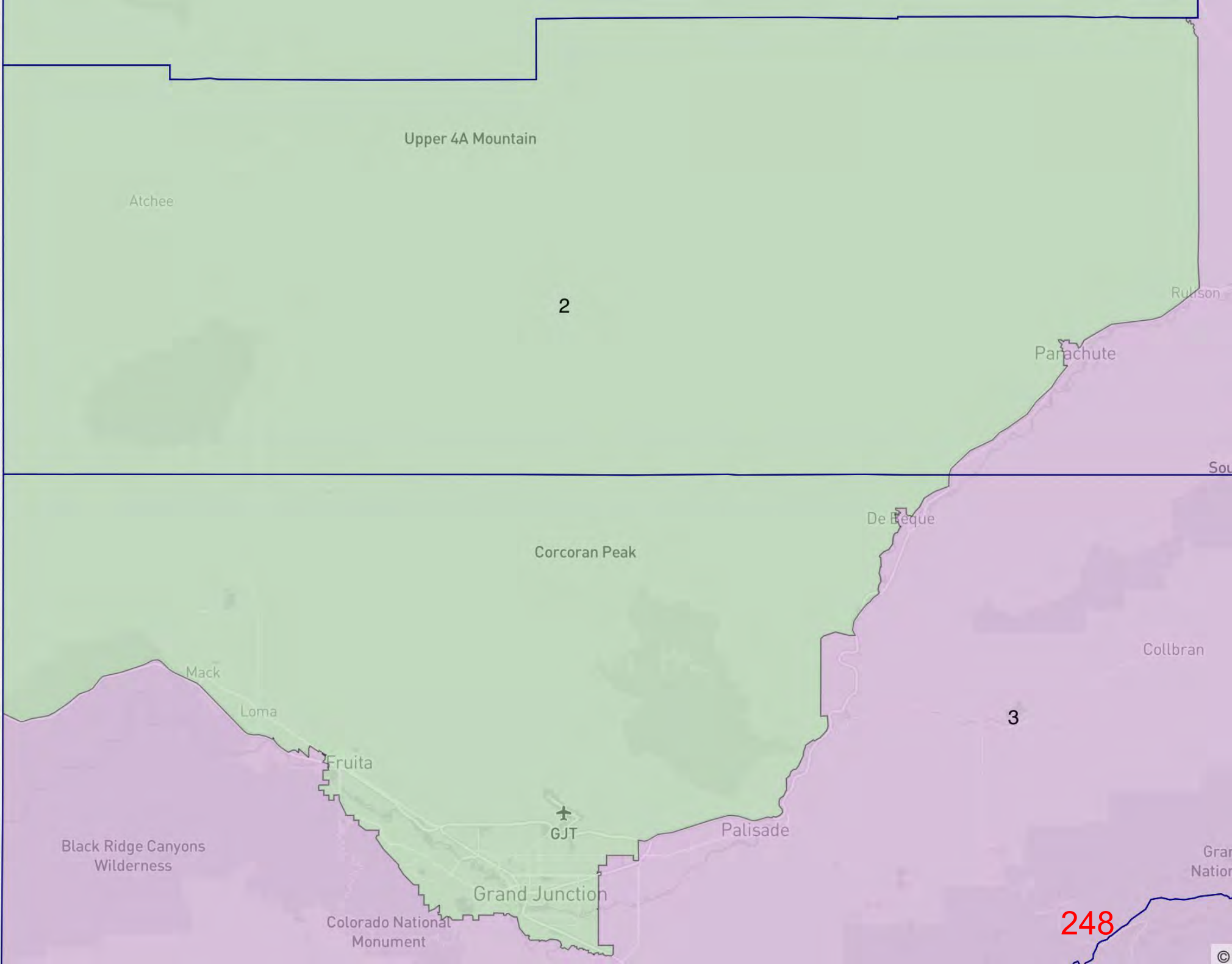
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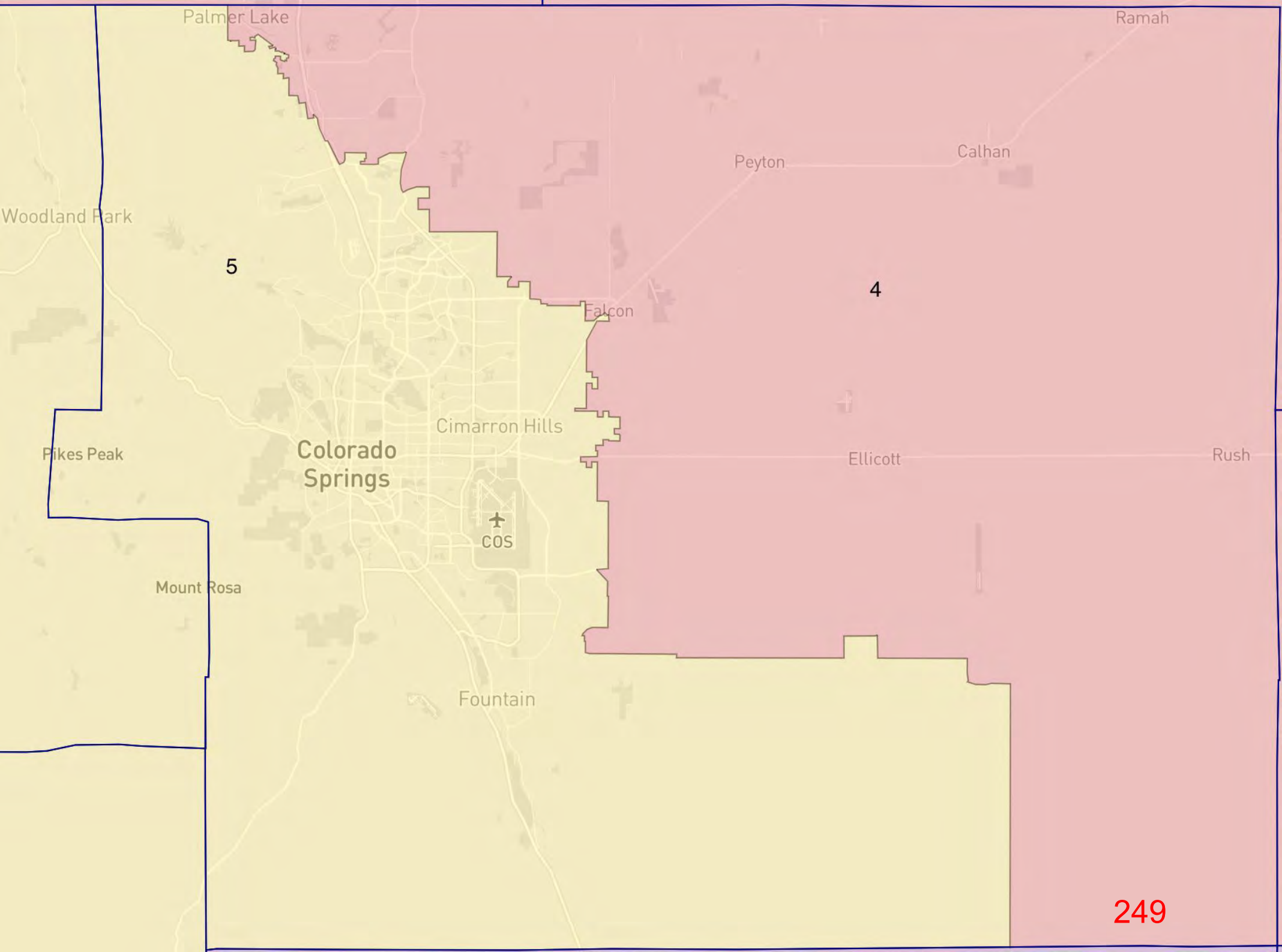
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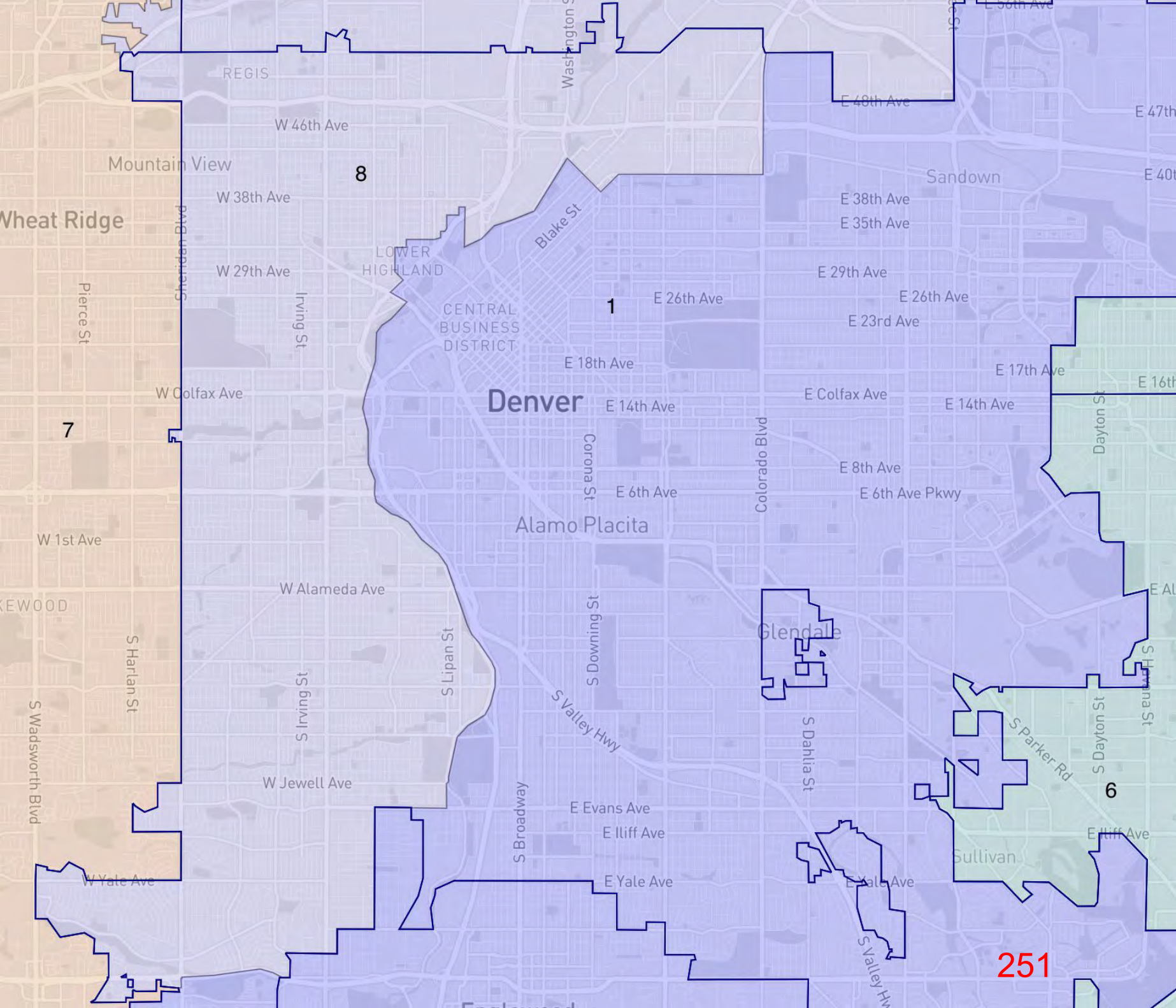
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E 29th Ave

CENTRAL BUSINESS DISTRICT

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E 26th Ave

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Pierce St

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Denver

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E 14th Ave

E Colfax Ave

E 14th Ave

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Alamo Placita

E 6th Ave

E 6th Ave Pkwy

W 1st Ave

KEWOOD

W Alameda Ave

S Harlan St

S Lipan St

S Irving St

S Downing St

Glendale

S Dahlia St

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S Broadway

S Valley Hwy

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E Iliff Ave

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S Valley Hw

Englewood

251

Congressional District	2010 Total Population	2010 White Population	2010 Latino Population	2010 Black Population	2010 AAPI Population	2010 Native Population
1	600,067	399,676	104,653	68,004	28,248	11,247
2	638,734	535,352	74,892	7,568	16,427	10,225
3	689,424	473,429	186,175	10,285	8,773	23,070
4	584,988	449,314	108,979	10,491	12,450	9,964
5	630,716	454,331	95,860	50,637	30,123	15,221
6	606,554	370,861	119,434	74,845	44,702	10,166
7	651,650	517,391	90,107	10,711	30,060	10,971
8	626,292	319,768	258,564	17,209	29,994	16,962

255

Congressional District	2010 Total VAP	2010 White VAP	2010 Latino VAP	2010 Black VAP	2010 AAPI VAP	2010 Native VAP
1	479,710	339,813	69,175	48,527	20,605	8,041
2	496,496	429,436	47,520	4,503	11,072	7,045
3	530,609	384,255	124,513	6,997	5,964	16,123
4	424,200	339,714	66,709	6,580	7,646	6,713
5	474,457	358,620	60,562	32,405	19,880	10,169
6	432,334	280,977	72,614	48,349	30,167	6,485
7	512,461	421,393	59,403	6,719	21,462	7,570
8	452,550	255,634	163,943	10,118	20,472	11,324

256

Congressional District	2020 Total Population	2020 White Population	2020 Latino Population	2020 Black Population	2020 AAPI Population	2020 Native Population
1	721,714	460,075	132,065	74,524	48,711	20,678
2	721,714	566,292	95,963	12,464	27,727	22,112
3	721,714	470,315	198,486	13,708	15,495	37,193
4	721,714	511,865	151,374	17,515	26,105	23,676
5	721,715	475,657	128,671	62,279	49,567	28,253
6	721,714	392,491	155,832	94,854	76,623	21,919
7	721,715	534,971	109,178	16,439	45,159	21,936
8	721,714	348,997	291,821	26,396	45,825	32,020

Congressional District	2020 Total VAP	2020 White VAP	2020 Latino VAP	2020 Black VAP	2020 AAPI VAP	2020 Native VAP
1	587,958	394,911	94,558	54,881	36,052	15,917
2	578,905	469,208	65,626	8,296	20,091	16,319
3	571,075	392,295	138,876	9,273	10,796	27,054
4	537,824	399,545	98,273	10,888	16,699	16,574
5	560,808	388,983	86,309	42,562	33,974	20,208
6	539,941	312,457	103,788	65,128	53,997	15,518
7	585,364	448,917	77,586	11,319	33,920	16,402
8	547,701	289,348	199,180	16,754	33,009	23,232

258

Congressional District	2020 Latino Percentage	2020 Black Percentage	2020 AAPI Percentage	2020 Native Percentage	2020 White Percentage
1	18%	10%	7%	3%	64%
2	13%	2%	4%	3%	78%
3	28%	2%	2%	5%	65%
4	21%	2%	4%	3%	71%
5	18%	9%	7%	4%	66%
6	22%	13%	11%	3%	54%
7	15%	2%	6%	3%	74%
8	40%	4%	6%	4%	48%

259

Colorado Congressional Districts
Election Results (2016-2020)

Congressional District	2016 President (Total)	2016 President (Dem)	2016 President (Rep)	2016 Senate (Total)	2016 Senate (Dem)	2016 Senate (Rep)	2018 Governor (Total)
1	368,636	245,898	93,729	365,204	242,451	104,449	343,407
2	395,541	181,071	178,367	391,814	186,177	181,440	363,395
3	354,052	151,355	174,184	350,461	164,286	165,278	314,807
4	341,517	99,016	214,423	338,931	111,407	211,542	315,515
5	312,927	109,159	172,994	310,672	116,005	175,152	269,092
6	312,326	154,964	130,721	309,616	156,583	137,416	281,543
7	405,560	233,903	136,974	396,962	230,890	140,424	376,757
8	289,688	163,504	101,092	279,369	162,911	99,617	260,546

260

Colorado Congressional Districts
Election Results (2016-2020)

Congressional District	2018 Governor (Dem)	2018 Governor (Rep)	2020 President (Total)	2020 President (Dem)	2020 President (Rep)	2020 Senate (Total)	2020 Senate (Dem)	2020 Senate (Rep)
1	242,879	90,425	426,444	315,828	100,682	425,789	305,720	112,432
2	191,645	159,028	454,293	246,170	195,613	444,395	231,545	202,913
3	153,469	148,842	408,300	198,520	200,044	404,642	192,777	202,086
4	101,514	201,084	415,166	144,596	259,634	414,320	136,871	268,952
5	110,441	146,399	368,678	161,094	193,977	366,444	152,285	201,538
6	151,421	120,316	374,139	216,189	148,280	372,754	205,702	158,713
7	237,847	125,347	456,354	298,381	146,178	455,504	289,019	157,212
8	159,672	89,360	353,606	223,574	120,199	351,942	217,195	125,646

Colorado Congressional Districts
Election Results (2016-2020)

Congressional District	2016-2020 Composite (Total)	2016-2020 Composite (Dem)	2016-2020 Composite (Rep)	2018 Attorney General (Total)	2018 Attorney General (Dem)	2018 Attorney General (Rep)	2018 Attorney General Margin
1	378,221	264,520	99,712	339,906	234,563	96,633	42%
2	401,072	202,538	180,443	357,836	180,301	165,811	4%
3	356,742	167,508	173,184	310,126	147,653	152,044	-1%
4	355,873	114,519	226,351	311,553	95,666	205,273	-36%
5	315,730	125,419	173,582	266,989	104,963	151,297	-18%
6	321,393	171,180	137,092	278,190	142,385	127,192	6%
7	410,359	252,641	139,896	370,893	226,346	133,165	26%
8	298,645	180,023	104,810	256,461	153,587	93,342	24%
						Lean Dem	3
						Lean Rep	2
						Competitive	3

Alex Apodaca-Cobell

Commission: both

Zip: 80221

Submittted: August 28, 2021

Comment:

Members and Staff of the Independent Congressional Redistricting Commission –

Via the link below, please find memoranda and attachments providing context and information about the Colorado Congressional redistricting plan submitted by the Colorado Latino Leadership, Advocacy, and Research Organization (CLLARO) for the commission's consideration. The memoranda will describe Congressional districts centered on communities of interest, with particular focus on Latino communities. CLLARO has prioritized two Congressional districts: CD3 and CD8. Additionally, CLLARO has drawn three Congressional districts to be competitive: CD2, CD3, and CD6.

The full Congressional and previously submitted Legislative plans are available here:
https://drive.google.com/drive/folders/1v_WS3anWIn25QYUf8hdg5cnHMj9Jf6FK?usp=sharing

Here is a direct link to the map: https://davesredistricting.org/join/b1fa173e-7e00-4c77-a393-24a1c17f2b10

Thank you for your consideration. Please feel free to contact me with any questions.

Sincerely,

Alex Apodaca-Cobell
alex.apodaca.cobell@icloud.com
c: 303-359-8226

263

CLLARO

COLORADO LATINO LEADERSHIP,
ADVOCACY & RESEARCH ORGANIZATION

TO: **Members of the Colorado Independent Congressional Redistricting Commission and Commission Staff**

FROM: **Colorado Latino Leadership, Advocacy & Research Organization (CLLARO)**

SUBJECT: **Response and Revised CLLARO Map in reaction to the Second Staff Plan,** *Released September 15, 2021*

Summary

This memorandum and attachments provide a response by CLLARO to the Second Staff Plan released by the Independent Congressional Redistricting Commission on September 15, 2021. These comments supplement those CLLARO submitted on August 28, 2021, in response to the Staff's preliminary redistricting plans.

Colorado's voters adopted Amendments Y and Z in 2018, which provide broader protections than the federal Voting Rights Act (VRA) for Colorado's large, but geographically dispersed, Latino population. Under § 44.3(4)(b) of the Colorado Constitution, the Commission is prohibited from adopting a plan that dilutes Latino voters' electoral influence. This language is an intentional departure from the VRA's text and a direct rejection of the numerical majority standard the United States Supreme Court adopted in *Bartlett v. Strickland*, 556 U.S. 1 (2009). Although there the Court held that federal law did not require the adoption of crossover districts—districts in which sizable minority populations coalesce with white crossover voters to elect minority-preferred candidates—it explained that states had other options to remedy voter dilution, including adopting crossover and influence districts. *See Bartlett*, 556 at 13 (defining a crossover district as one "in which the minority population, at least potentially, 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 influence districts as one "in which a minority group can influence the outcome of an election even if its preferred candidate cannot be elected.").

Colorado courts have similarly recognized the importance of preventing voter dilution in redistricting. *See Beauprez v. Avalos*, 42 P.3d 642, 650-51 (Colo. 2002) ("To prevail on a claim that a redistricting plan unconstitutionally dilutes minority voting strength, a claimant must show that the plan unconstitutionally denies the minority's group's chance to effectively influence the political process" and further providing factors to consider in determining whether voter dilution has in fact occurred). Importantly, Colorado courts recognize the need to prevent voter dilution as separate and apart from a VRA statutory claim. *Id*. at 650 (holding that while a claim fails under the VRA because the claimant "could not satisfy the specific requirements of the statute," the Court is still able to assess the more "general constitutional claim of voter dilution, which is separate and apart from" the VRA claim).

Thus, while the method is varied, the message is consistent: a redistricting plan cannot dilute the Latino vote. *See* § 44.3(4)(b).

The staff's September 3, 2021 memo disregards the plain text of § 44.3(4)(b). It instead notes that "[t]o the extent that section 44.4(4)(b) [sic] 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 population to form a majority-minority congressional district." If § 44.3(4)(b) were a restatement of the VRA, it would use the same words as the VRA. It does not, and therefore is not. *Compare* 52 U.S.C. § 10301 *with* Colo. Const. art. V, § 44.3(4)(b). Rather, § 44.3(4)(b) was adopted to protect against minority vote dilution, as Colorado's Latino voters cannot form a majority of a district, despite constituting over 15.6 percent of the state's Citizen Voting Age Population (CVAP).

The memo accompanying the Second Staff Congressional Plan asserts that the staff "does not believe that the electoral influence of any . . . community [of interest] was diluted in this plan." Section 44.3(4)(b) is separate from the "community of interest" provision in the State Constitution (§44.3(2)(a)). Iit expressly prohibits diluting the ability of minority voters to influence electoral outcomes. Moreover, the staff's "belief" is an insufficient basis from which to make any redistricting decision. Whether a proposal complies with § 44.3(4)(b) is a question to be answered through expert analysis of demographic and electoral data. The First Staff Congressional Plan dilutes, rather than protects, Latino voters' electoral influence. The new plan again contains three districts with sizable Latino populations making up 20 percent or more of the district's CVAP: CD1, CD3, and CD8. But the electoral data reveal that Latino voters in CD3 could not reliably overcome white bloc voting in the general election. This violates the Colorado Constitution.

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.

CLLARO believes the Commission is currently headed down a path that would result in voter dilution in Congressional District 3, largely because of its efforts to sort a handful of communities into a district that voters there would "prefer." The public comments, especially regarding the northwest corner of the state and the City of Fort Collins appear to be more an expression of partisan preferences, which is not a community of interest under Amendment Y. Some Commissioners have even gone so far as to express a preference in the number of safe seats for each of the major parties and then identifying a preferred number of competitive seats. These are troubling signs as we near the

end of this process. The Commission is prohibited from creating seats with the express desire to benefit one party, however, **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 CLLARO revised map also addresses the following concerns as identified during Commission hearings where they would not have an adverse impact on CLLARO priorities or constitutional criteria:

1. The vote to keep as many of the communities in northern Douglas County in CD6 as much as possible.
2. Preventing the removal of a single community from its neighbors to be put in another district (Fort Collins).
3. Placing the central mountain counties in a district where they have more ties and community of interest than with Jefferson County.
4. Maintaining a district where the needs of southern Colorado will be adequately represented.
5. Keeping the City and County of Broomfield intact.
6. Keeping Greeley in Congressional District 8.
7. Keeping the northwest counties with similar communities along the Utah border.

CLLARO Revised Map
CLLARO's revised map used the Second Staff Plan map as the base with changes to districts indicated in explanations.

Full Plan: https://davesredistricting.org/join/f4b1a8eb-a759-4e94-ab8d-f050505baac8

Attachment A provides population summaries and the percentage by race and ethnicity in each district. Attachment B shows election results for the 2016 Presidential, 2020 Presidential, 2016 Senate, 2020 Senate, 2018 Governor, and 2018 Attorney General elections, as well as a composite of those results. CLLARO considers a district competitive if the margin between the two parties is 8.5% or less in one of those elections, with the exception of the 2020 Presidential election, which is not included in the Commission's own competitiveness metric.

Congressional District 1
Minor Changes
CLLARO's revised map only makes smaller changes to keep the City and County of Denver as whole as possible, removing only enough population for equal population. That population comes entirely from the Chaffee Park and Regis neighborhoods and is put in CD8. Those neighborhoods are strongly connected to the nearest neighborhoods in Adams County, where the dividing line is generally blurred ,and it is easy to walk from one county to the other without noticing. This area has strong economic ties, with the nearest services and amenities for many residents of each county lying on the opposite side of the dividing line. These include transit stations and grocery stores.

Congressional District 2
*Addition of I-25 corridor communities, Removal of Larimer County, Addition of Utah Border Counties*
CLLARO attempted to keep the northwest counties along the Utah border, Moffatt, Rio Blanco, Mesa, and Delta, in a single district. Those counties have been identified as a community of interest focused on agricultural and extractive economies. As with other districts, there are multiple communities of interest within CD2, but CLLARO attempted to keep those communities of interest whole within the district. In addition, CD2 would include the Jefferson County foothills, which has been the case in the past as that area has common interest with similar communities in Boulder, Gilpin, and Clear Creek counties. CLLARO also added the nearby Carbon Valley communities of Firestone, Frederick, and Dacono to CD2 as they are in the same area along the I-25 corridor nearest Erie and Longmont, which remain in CD2. Keeping those communities together in the same district was important since it is an identified community of interest. The northeast corner of Boulder County where there are no municipalities is placed in CD4. This was to avoid splitting any municipalities in Weld County between the two districts.
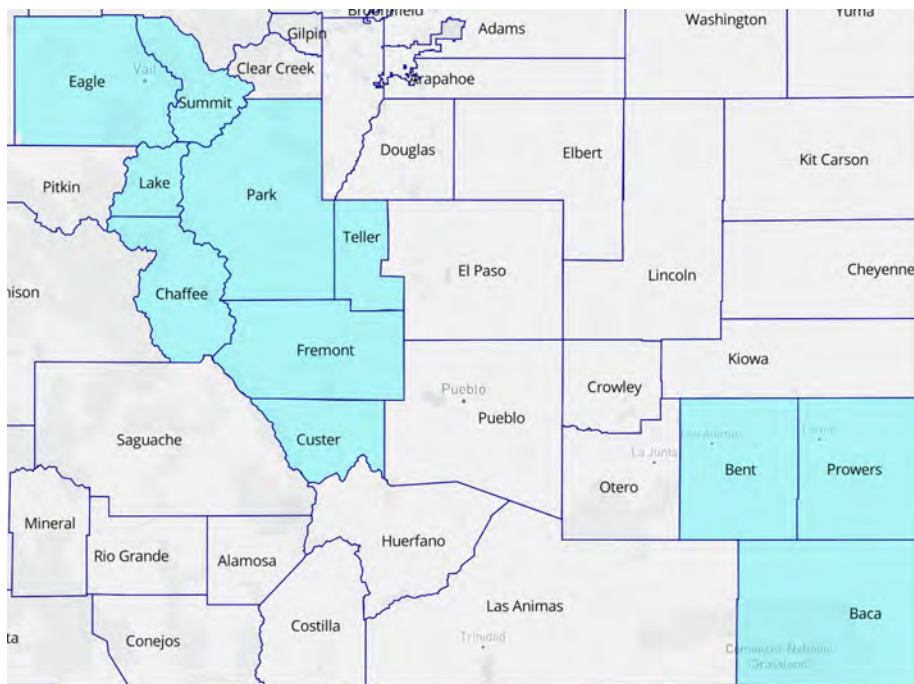
Congressional District 3
Addition of central mountain counties, Unification of Arkansas River Basin, Removal of Utah Border Counties
CLLARO is concerned by the potential dilution of the Latino vote in this area of the state, and the "L-shape" configuration for this district has that effect. That's because voting patterns in this area of the state are racially polarized as shown by LULAC in a public comment on 9/10/2021. Latinos strongly support Democratic candidates while white voters strongly support Republican candidates, with each voting as a bloc. The portion of the district proposed in the Second Staff Plan that CLLARO proposes removing from the district is made up of counties along the Utah border and has a white CVAP of 8.56 percent. That area voted against the candidate preferred by Latino voters by a 66.4 to 30.3 percent margin in the 2018 Attorney General race (See Image 1). Overall the Second Staff Plan creates a district that voted 53.1 to 43.5 percent for the Republican candidate in that same race. This district configuration dilutes the influence of Latino voters by combining them with rural white voters who vote as a bloc to oppose their candidate. So though the district has a Latino CVAP of 20.8 percent, that voting bloc could never hope to impact the outcome of an election here. In this area of the state, a district would need sufficient crossover white voters to maintain Latino influence. CLLARO's proposal for CD3, both original and revised, attempts to create a district that follows communities of interest and gives Latino voters the ability to influence electoral outcomes in the district. In total, the counties CLLARO has added to the district have a white CVAP that is 83.9 percent white and voted 52.9 to 43.5 percent for the candidate opposed by Latino voters (See Image 2). Therefore, this area of the state exhibits significantly less bloc voting behavior among white voters in opposition to Latino voters. This would help prevent vote dilution in the district overall while also keeping the community of interest in the central mountain region whole. This CD3 splits Garfield County in order to include the entire Roaring Fork Valley within the district while removing the counties shown in Image 1. That is the only county split in this district, an improvement over CLLARO's original submission on August 28, 2021. While CLLARO has identified the greater RFV region to include Rife, Parachute, and Battlement Mesa, those areas could not be contained in the district while also maintaining equal population given the necessary addition of the central mountain counties (Image 2). CLLARO also wanted to keep the transportation routes intact within CD2 to maintain contiguity. Garfield County (population 61, 685) would be the smallest county that is split under CLLARO's revised map. CLLARO also proposes adding the 3 counties in the southeast corner of the state to better maintain the Arkansas River Valley. Overall, the district proposed by CLLARO would be 26.3 percent Latino by population and 20.8 percent by CVAP. This proposed CD3 would be competitive, voting for the Republican candidate 49 percent to 47.6 percent in the 2018 Attorney General race. **This does not constitute a full voting rights analysis, however, the Commission should seek such an analysis for this and other districts to ensure the plan they're considering is free of voter dilution before sending a plan to the Colorado Supreme Court for approval.**
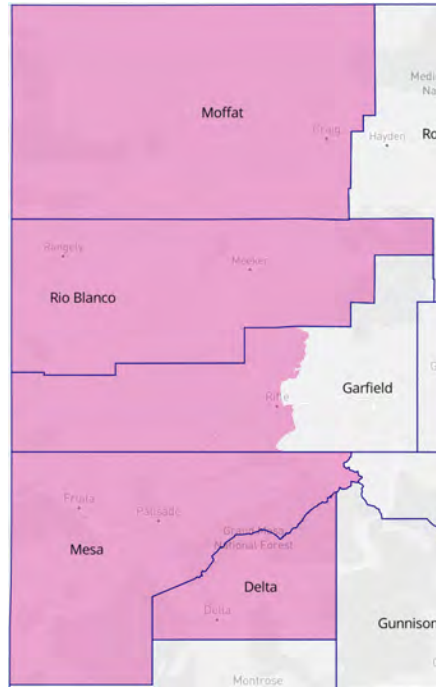
Image 1: Staff Plan 2 Areas Removed from CD3 in CLLARO Plan

Image 2: Areas Added to CD3 in CLLARO Plan

Congressional District 4
Removal of Suburban DougCo, Addition of Larimer County, Addition of northern Weld communities

The Second Staff Plan creates a district with population centers in suburban Douglas County and the City of Loveland in Larimer County. Both of these actions divide cities from their broader region. As an alternative, CLLARO proposes adding all of Larimer County to CD4. While there is a stated preference to keep Fort Collins with Boulder, the Commission did not vote at the time of this submission to require that configuration in the Third Staff Plan. Overall, keeping Larimer and Boulder counties, with a combined population of 689,824, together in a single district creates significant issues in attempting to create other districts that also meet the constitutional criteria. CLLARO keeps Larimer County whole, placing it with the nearby communities of Windsor,

5

Mead, Berthoud, Johnstown, and MIliken. Those towns are more proximate to Fort Collins and this configuration prevents a single city from being plucked from the surrounding region for population balance.

Congressional District 5
Removal of Green Mountain Falls, Minor Adjustments
While the changes from the Staff Plan are relatively minor, this revised plan eliminates the additional county split that was caused by adding Green Mountain Falls to CD3. CLLARO's revised map keeps all the military installations in El Paso County within CD5 as well. This is not a priority area for CLLARO, but changes were made in response to Commissioner conversations during public meetings and public testimony.

Congressional District 6
Removal of JeffCo, Removal of southern Arapahoe communities, Addition of Suburban DougCo
As an alternative to the Second Staff Plan, CLLARO proposes the same CD6 as proposed in our original plan submitted on August 28, 2021. This district adds the Douglas County suburban communities of Parker, Lone Tree, and Highlands Ranch to the district as has been a request in testimony. Most notably, the AAPI community has asked this area to remain whole within a congressional district to keep their voice intact. To accomplish this, the City of Centennial is split around I-25, which is typically considered an obvious dividing point given differences between those areas to the west and to the east of that line. As in the staff plan, Aurora is kept whole within this district. CD6 would remain a highly diverse district where a coalition of voters of color can elect their preferred candidate with the help of crossover white voters. While 68 percent of the CVAP for this district is white, voters selected the Democratic candidate by 51.2 to 45.7 percent in the 2018 Attorney General race, indicating a high degree of crossover voting among white voters. With that margin, closely mirroring the statewide margin, this district would also be considered competitive.
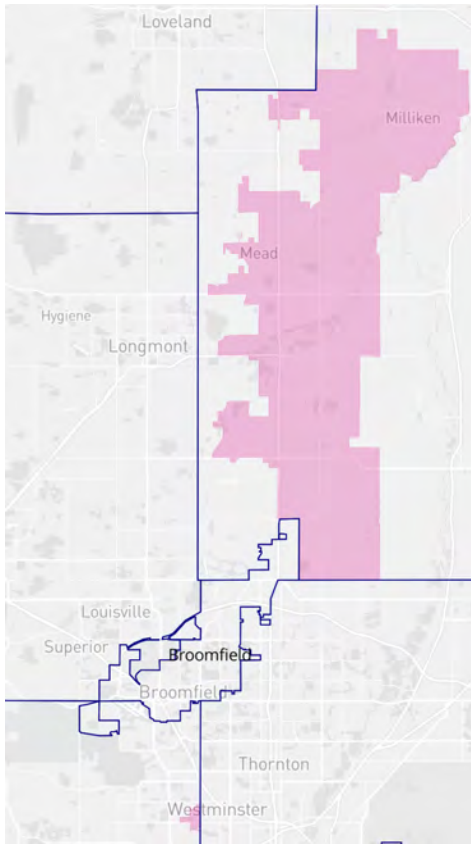
Congressional District 7
Removal of central mountain counties, Removal of Jeffco Foothills, Addition of southern suburban communities
CLLARO believes CD7 should be a suburban-oriented district rather than attempting to put the "extra" from other areas into a district that would be dominated by suburban communities in Jefferson County. Therefore, rather than including the central mountain counties, CLLARO proposes adding the unincorporated communities of Ken Caryl and Columbine as well as the southern Arapahoe County communities of Littelton, Sheridan, Englewood, Cherry Hills Village, Greenwood Village, Bowmar, and the western half of Centennial. CD7 would also remain competitive in this configuration, voting for the Democratic candidate 52.2 percent to 44.6 percent in the 2018 Attorney General race.
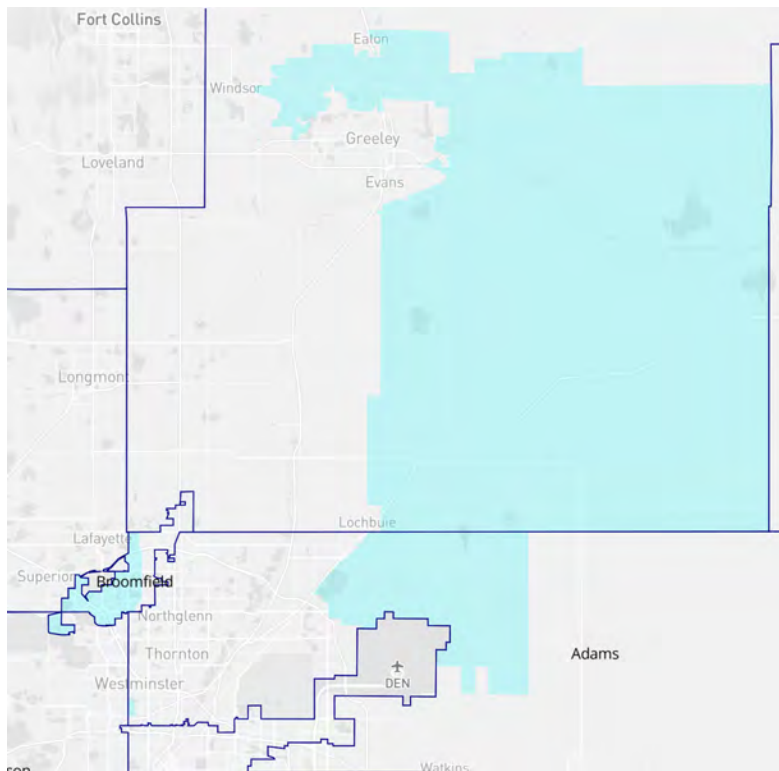
Congressional District 8
Removal of I-25 corridor communities, Addition of Broomfield, Addition of I-76 communities, Minor adjustments
CLLARO proposes putting the entire CIty and County of Broomfield within the district as it is part of the north metro suburban community of interest. To make up for the population, CLLARO proposes removing the Weld County communities along the I-25 corridor, including the Carbon Valley communities. Importantly, this district maintains the north metro community of interest around Broomfield and Adams County, as well as the Hwy-85 corridor from Lochbuie to Greeley. There are concerns with voter dilution in Weld County and part of Adams County, so keeping the suburban communities, including Broomfield, within this district is important. In total, the portion of the district removed in CLLARO's proposal (see Image 3) has a white CVAP of 80.4 percent and voted 59.7 to 36.1 percent for the Republican candidate in the 2018 AG race. The area added to CD8 in the CLLARO proposal (see Image 4) has a white CVAP of 82.3 percent and voted for the Republican candidate by a 49.8 to 47 percent margin. Again, the area being added to the district has far more white crossover voters than what is being removed. CD8 would be 38 percent Latino and also highly competitive, voting for the Democratic candidate 49.8 percent to 46.3 percent in the 2018 Attorney General race.

Image 3: Staff Plan 2 Areas Removed from CD8 in CLLARO Plan

Image 4: Areas Added to CD8 in CLLARO Plan

Attachments

Population Summary and Race and Ethnicity	Attachment A
Election Results (2016-2020)	Attachment B

271

Colorado Congressional Districts
Population / Race Ethnicity Summary

Congressional District	2010 Total Population	2010 White Population	2010 Latino Population	2010 Black Population	2010 AAPI Population	2010 Native Population
1	605,120	316,292	191,871	70,364	28,139	15,047
2	646,495	531,272	81,627	7,355	21,659	10,326
3	688,248	477,228	179,205	11,701	8,851	23,050
4	597,478	499,795	70,179	9,359	14,134	9,040
5	614,347	441,117	92,944	50,094	31,522	14,242
6	606,388	371,129	119,375	74,801	44,383	10,155
7	660,730	525,661	93,418	12,132	26,040	11,788
8	609,619	357,628	210,045	13,944	26,049	14,178

272

Congressional District	2010 Total VAP	2010 White VAP	2010 Latino VAP	2010 Black VAP	2010 AAPI VAP	2010 Native VAP
1	475,379	277,672	125,719	49,797	20,961	10,545
2	500,183	424,798	51,644	4,524	15,163	7,176
3	535,194	389,774	121,537	8,533	6,023	16,314
4	452,589	389,968	43,990	5,915	9,277	6,078
5	453,779	342,374	57,357	31,341	20,547	9,268
6	432,326	281,264	72,577	48,303	29,959	6,482
7	512,960	422,980	61,046	7,388	17,866	8,083
8	440,407	281,012	130,569	8,397	17,472	9,524

Congressional District	2020 Total Population	2020 White Population	2020 Latino Population	2020 Black Population	2020 AAPI Population	2020 Native Population
1	721,715	393,180	200,286	77,871	42,755	25,575
2	721,714	552,501	103,828	11,460	33,057	21,144
3	721,714	476,768	189,656	15,175	13,539	37,133
4	721,714	564,428	98,358	14,945	24,512	21,507
5	721,714	473,908	128,665	63,022	45,815	27,477
6	721,714	392,382	155,864	94,913	72,489	21,911
7	721,715	535,217	112,357	18,031	38,272	23,452
8	721,714	372,279	274,376	22,762	40,059	29,588

274

Congressional District	2020 Total VAP	2020 White VAP	2020 Latino VAP	2020 Black VAP	2020 AAPI VAP	2020 Native VAP
1	586,399	344,957	143,092	56,706	32,863	19,551
2	574,107	454,831	70,269	7,733	24,425	15,652
3	577,074	400,638	134,209	10,762	9,529	27,265
4	561,105	453,379	65,410	9,773	17,135	15,425
5	552,172	381,834	85,066	42,269	31,406	19,227
6	539,975	312,415	103,802	65,174	51,254	15,500
7	578,263	444,401	79,192	12,138	27,487	17,492
8	540,481	303,209	183,156	14,546	28,089	21,112

Congressional District	2020 Latino Percentage	2020 Black Percentage	2020 AAPI Percentage	2020 Native Percentage	2020 White Percentage
1	28%	11%	6%	4%	54%
2	14%	2%	5%	3%	77%
3	26%	2%	2%	5%	66%
4	14%	2%	3%	3%	78%
5	18%	9%	6%	4%	66%
6	22%	13%	10%	3%	54%
7	16%	2%	5%	3%	74%
8	38%	3%	6%	4%	52%

276

Colorado Congressional Districts
Election Results (2016-2020)

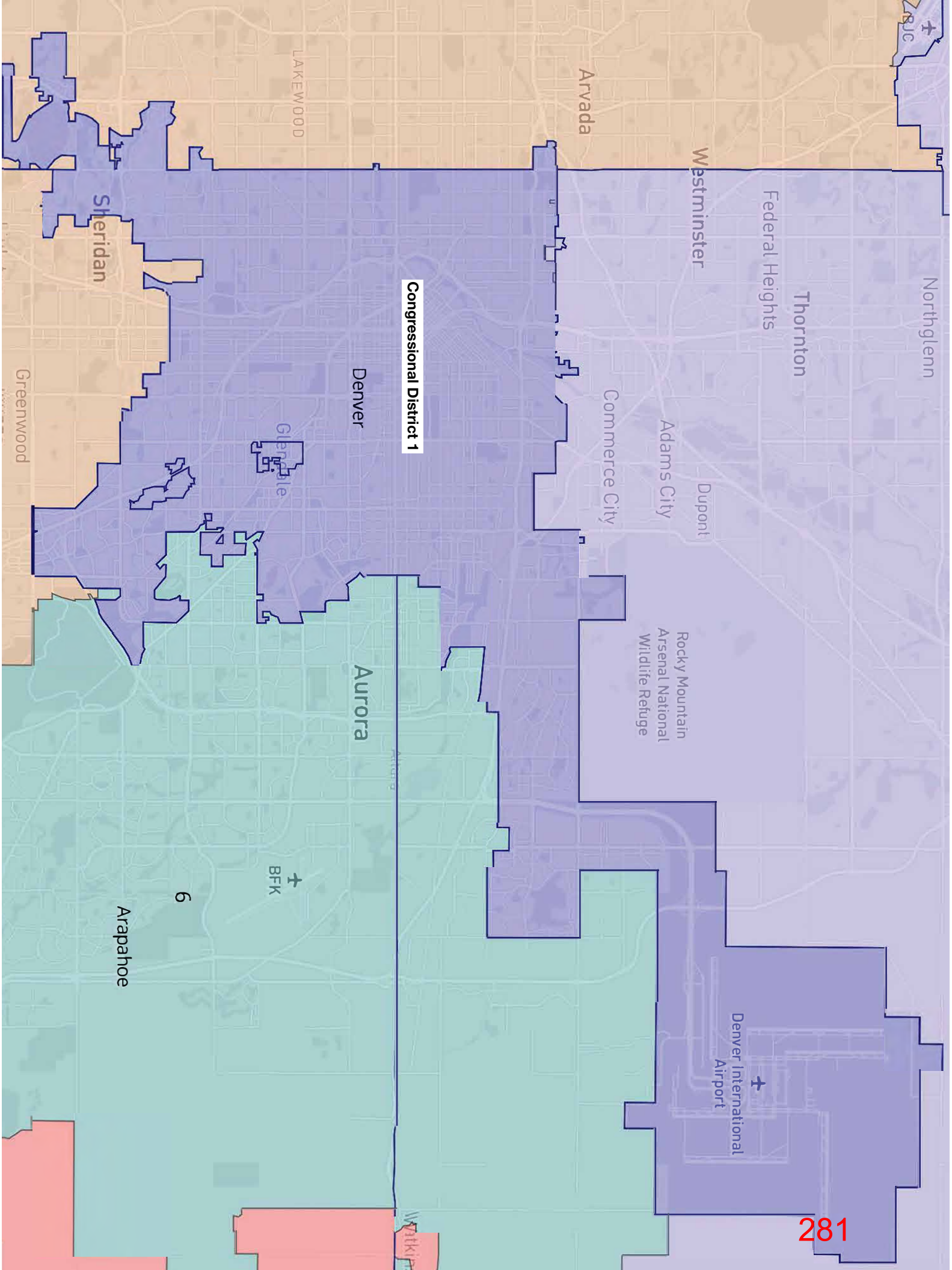| Congressional District	2016 President (Total)	2016 President (Dem)	2016 President (Rep)	2016 Senate (Total)	2016 Senate (Dem)	2016 Senate (Rep)	2018 Governor (Total)
1	368,636	245,898	93,729	365,204	242,451	104,449	311,394
2	395,541	181,071	178,367	391,814	186,177	181,440	357,784
3	354,052	151,355	174,184	350,461	164,286	165,278	319,437
4	341,517	99,016	214,423	338,931	111,407	211,542	348,800
5	312,927	109,159	172,994	310,672	116,005	175,152	272,713
6	312,326	154,964	130,721	309,616	156,583	137,416	281,300
7	405,560	233,903	136,974	396,962	230,890	140,424	375,323
8	289,688	163,504	101,092	279,369	162,911	99,617	258,311

277

Congressional District	2018 Governor (Dem)	2018 Governor (Rep)	2020 President (Total)	2020 President (Dem)	2020 President (Rep)	2020 Senate (Total)	2020 Senate (Dem)	2020 Senate (Rep)
1	240,817	60,881	397,473	315,998	72,449	396,724	308,165	81,130
2	207,114	139,150	442,661	256,834	175,290	440,149	247,772	183,222
3	155,635	150,991	413,391	201,175	202,162	409,842	195,537	204,408
4	147,958	187,936	447,967	197,121	238,696	439,054	183,108	246,860
5	108,470	152,317	373,940	161,055	198,972	371,999	151,248	208,220
6	151,273	120,225	373,865	215,980	148,220	372,465	205,488	158,635
7	205,105	155,575	461,534	270,101	178,689	461,026	259,774	191,696
8	132,516	113,726	346,149	186,088	150,129	344,531	180,022	155,321

Colorado Congressional Districts
Election Results (2016-2020)

Congressional District	2016-2020 Composite (Total)	2016-2020 Composite (Dem)	2016-2020 Composite (Rep)	2018 Attorney General (Total)	2018 Attorney General (Dem)	2018 Attorney General (Rep)	2018 Attorney General Margin
1	346,658	264,539	69,185	308,451	234,773	65,303	56%
2	394,308	218,038	159,659	352,323	197,541	144,074	16%
3	361,187	169,781	175,020	314,752	149,768	154,318	-1%
4	388,432	159,279	212,284	344,170	138,859	194,261	-17%
5	319,413	123,868	178,974	270,684	102,912	157,134	-21%
6	321,136	170,999	137,011	277,947	142,270	127,066	6%
7	411,826	221,888	171,872	369,801	192,917	164,955	8%
8	295,075	149,956	131,065	253,826	126,424	117,646	4%
						Lean Dem	2
						Lean Rep	2
						Competitive	4

Montezuma

Dolores

Montrose

Mesa

Rio Blanco

Moffat

2

Craig

Routt

La Plata

San Miguel

San Juan

Montrose

Montrose

Delta

Garfield

Rifle

Jackson

Rocky Mountain National Park

Archuleta

Hinsdale

Gunnison

Pitkin

Eagle

Vail

Larimer

Loveland

Mineral

Saguache

Chaffee

Lake

Summit

Grand

Gilpin

Boulder

Conejos

Alamosa

Custer

Fremont

Park

7

Arapahoe

8

Weld

Costilla

Huerfano

Teller

Douglas

Adams

Morgan

Las Animas

Pueblo

El Paso

Elbert

Washington

Yuma

Logan

Crowley

Otero

Lincoln

Kit Carson

Phillips

Wray

Bent

Kiowa

4

Comanche National Grassland

Baca

Prowers

Lamar

Cheyenne

Sedgwick

280
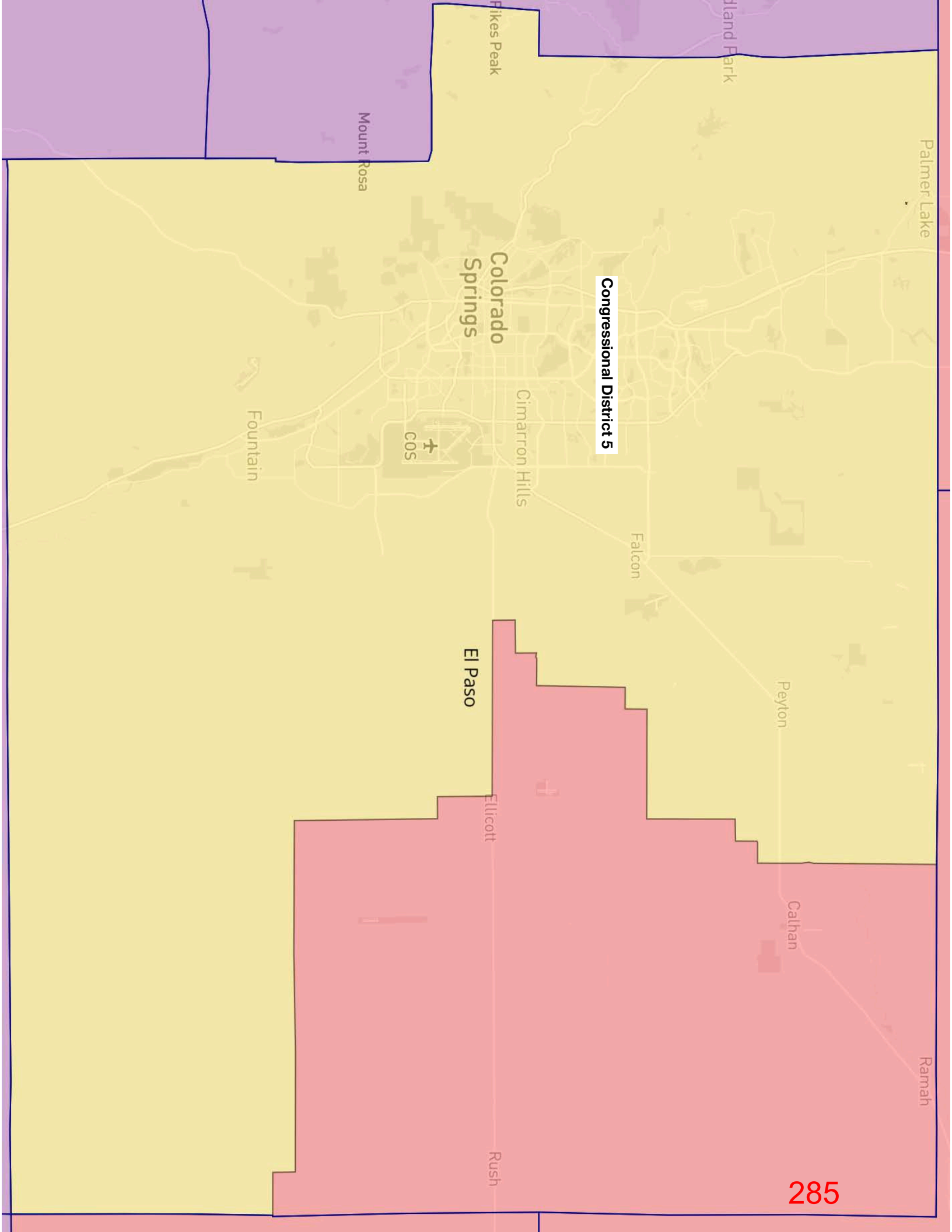
Congressional District 2

282

Congressional District 3

Rio Blanco

Mesa

Montezuma

Dolores

Montrose

Montrose

Delta

Garfield

San Miguel

Pitkin

Eagle

Vail

Rifle

La Plata

Gunnison

Grand

Archuleta

San Juan

Hinsdale

Summit

Gilpin

Boulder

Mineral

Lake

Park

Conejos

Saguache

Chaffee

Fremont

Teller

Douglas

7

Arapahoe

Alamosa

Custer

Costilla

Huerfano

Pueblo

El Paso

Adams

Trinidad

Las Animas

Crowley

Elbert

Lincoln

Washington

Yuma

Otero

Kiowa

Bent

Kit Carson

Cheyenne

4

Lamar

Baca

Comanche National
Grassland

Prowers

283

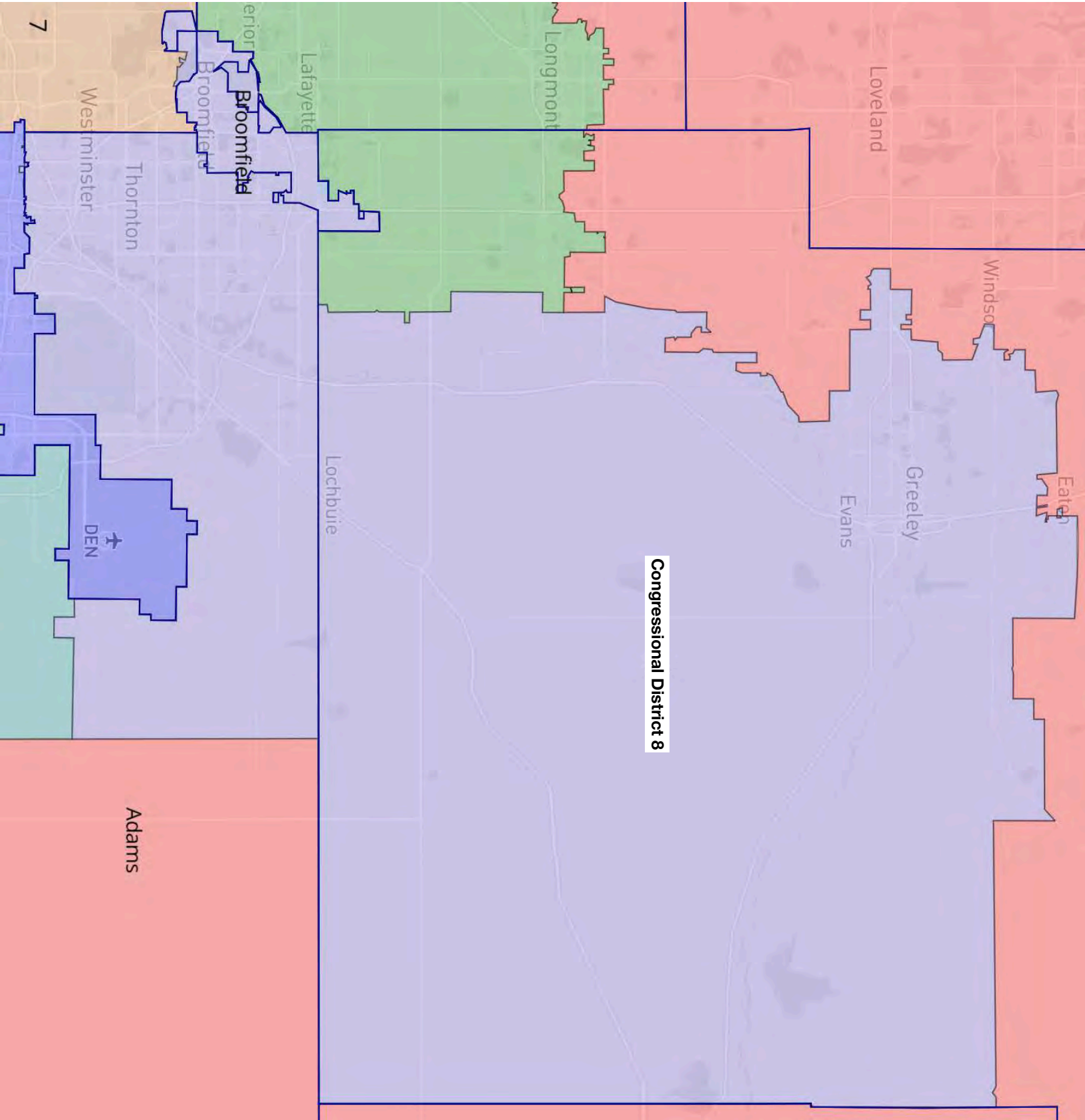Congressional District 4

284

Congressional District 6

286

Congressional District 7

Congressional District 8

288

Alex Apodaca-Cobell

Commission: congressional

Zip: 80221

Submittted: 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).

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The full submission is available here: https://drive.google.com/drive/folders/14CuZaiHGrT4TrscYMkgOG563BNv_0mzx?usp=sharing

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

289

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[apodaca-cobell   ]

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Alex Apodaca-Cobell

Commission: legislative

Zip: 80221

Submittted: September 30, 2021

Comment:

290

Members of the Colorado Independent Legislative Redistricting Commission and Commission Staff - Attached please find a memo laying out comparisons between CLLARO / CBLC Plan submitted on September 18, 2021 and the Kottwitz House Plan (Hp. 005) and Barnett Senate Plan (Sp. 005) including the impact of a given concentration of minority groups and the ability to elect their preferred candidate. This memo will lay out a number of deficiencies in the Kottwitz House Plan and Barnett Senate Plan respectively. The analysis in this memo will refer specifically to HD32, HD35, HD55, HD61, HD64, HD2 in the Kottwitz Plan and SD3, SD24, SD28 in the Barnett Plan. Many of those deficiencies are centered in a misplaced focus on reaching a specific percentage of Latinos or people of color more broadly without regard to whether those communities have sufficient voting power to elect their preferred candidate. When such errors are made, it can result in a district that is not an effective minority district, given the factors defined above. Maintaining effective minority districts is necessary to meet the constitutional requirements laid out in Amendment Z, which states: "No map may be approved by the Commission or given effect by the Supreme Court if 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. Additionally, both the Kottwitz and Barnett plans appear to skip constitutional requirements to maintain communities of interest and political jurisdictions in favor of increasing competitiveness. While CLLARO submitted plans that have a large number of competitive districts, we did so after meeting all previous constitutional criteria. The following examples provided appear to show arbitrary splits of political jurisdictions and communities of interest in order to achieve competitiveness. Please feel free to contact me via email with any questions. Sincerely, Alex Apodaca-Cobell

Alex Apodaca-Cobell

Commission: legislative

Zip: 80221

Submittted: September 23, 2021

Comment:

Members and Staff of the Independent Legislative Redistricting Commission - Via the links below, please find a joint submission for Colorado House of Representatives and Senate maps from the Colorado Latino Leadership, Advocacy, and Research Organization (CLLARO) and the Colorado Black Leadership Coalition (CLBC). This submission reflects the revised CLLARO maps submitted on 9/18/2021 with changes to incorporate the map provided by Khadija Haynes on 9/1/2021. The maps reflect the 9/18/2021 CLLARO submission except in the following districts: HD2, HD4, HD5, HD8, HD9, SD31, SD33, and SD34. These changes did not alter the number of competitive districts or Latino-influenced districts in that submission. House Map: https://davesredistricting.org/join/1f862cc4-716f-40b1-bbdb-6e7c7530681b Senate Map: https://davesredistricting.org/join/1c683e70-bd40-4d96-9a66-69a9f5f66bf6 Thank you for your consideration. Please contact me with any questions. Sincerely, Alex Apodaca-Cobell

Alex Apodaca-Cobell

Commission: congressional

Zip: 80221

Submittted: 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=sharing 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

Alex Apodaca-Cobell

Commission: legislative

Zip: 80221

Submittted: September 18, 2021

Comment:

Members and Staff of the Independent Legislative Redistricting Commission - Via the link below, please find memoranda and attachments providing a response to the First Staff Plan from the Colorado Latino Leadership, Advocacy, and Research Organization (CLLARO). CLLARO has provided a response and revised map for the Colorado Senate and House of Representatives in an effort to incorporate the elements required in the Constitution, including: adherence to political subdivisions, communities of interest, and competitiveness. These maps also include the relocation of Colorado's incarcerated population as directed by the Commission.There maps also attempt to incorporate other discussions the Commission has been having in recent meetings and testimony the Commission has received via public input. In creating our original maps and the revised maps, CLLARO's primary goals are to make adjustments to better reflect communities of interest and to address issues of potential voter dilution in areas where the Commission's own Voting Rights Act analyst has identified racially-polarized voting. In addition, CLLARO seeks to maintain or increase the number of competitive seats, and minimize the number unnecessary of county and city splits. Additionally, CLLARO has provided a memo focused on the Commission's metric on competitiveness, which does not accurately predict the seats that would have changed party control over the past decade. As an alternative, CLLARO suggests a metric that considers a district as competitive if it is within the same 8.5% margin in individual races the Commission referred to in adopting their metric. CLLARO's alternative metric more accurately predicts the seats that would have changed party control over the decade, as required by the constitution. The full submission is available here: https://drive.google.com/drive/folders/1nM6n1Gta9orxOG29EcK8rC8RULFyd6Vr?usp=sharing House Map: https://davesredistricting.org/join/c52dd408-50b3-435a-ba78-5a2509979c88 Senate Map: https://davesredistricting.org/join/1c930a22-71f1-4fce-bc92-5f70cd0f2131 The teal boundary lines in the map reflect the First Staff Plan to make changes easier to observe. Thank you for your consideration. Please contact me with any questions. Sincerely, Alex Apodaca-Cobell

Alex Apodaca-Cobell

Commission: both

Zip: 80221

Submittted: August 28, 2021

Comment:

Members and Staff of the Independent Congressional Redistricting Commission - Via the link below, please find memoranda and attachments providing context and information about the Colorado Congressional redistricting plan submitted by the Colorado Latino Leadership, Advocacy, and Research Organization (CLLARO) for the commission's consideration. The memoranda will describe Congressional districts centered on communities of interest, with particular focus on Latino communities. CLLARO has prioritized two Congressional districts: CD3 and CD8. Additionally, CLLARO has drawn three Congressional districts to be competitive: CD2, CD3, and CD6. The full Congressional and previously submitted Legislative plans are available here: https://drive.google.com/drive/folders/1v_WS3anWIn25QYUf8hdg5cnHMj9Jf6FK?usp=sharing Here is a direct link to the map: https://davesredistricting.org/join/b1fa173e-7e00-4c77-a393-24a1c17f2b10 Thank you for your consideration. Please feel free to contact me with any questions. Sincerely, Alex Apodaca-Cobell alex.apodaca.cobell@icloud.com c: 303-359-8226

Alex Apodaca-Cobell

Commission: legislative

Zip: 80221

Submittted: August 20, 2021

Comment:

Members and Staff of the Independent Legislative Redistricting Commission - Via the link below, please find memoranda and attachments providing context and information about the updated Colorado House of Representatives and Colorado Senate redistricting plans submitted by the Colorado Latino Leadership, Advocacy, and Research Organization (CLLARO) for the commission's consideration. The memoranda will describe House and Senate districts centered on communities of interest, with particular focus on Latino communities. Of the 65 proposed House districts, 16 districts are 30 percent or more Latino. Additionally, 11 districts are competitive according to recent election results. Of the 35 proposed Senate districts, 9 districts are 30 percent or more Latino. Additionally, 8 Senate districts are competitive according to recent election results. CLLARO has prioritized 17 House districts and 13 Senate districts that are centered on Latino communities across the state. The districts have been updated to accurately reflect the 2020 census. Full Plans: https://drive.google.com/drive/folders/1v_WS3anWIn25QYUf8hdg5cnHMj9Jf6FK?usp=sharing

Alex Apodaca-Cobell

Commission: legislative

Zip: 80221

Submittted: August 10, 2021

Comment:

Members and Staff of the Independent Legislative Redistricting Commission - Via the link below, please find memoranda and attachments providing context and information about the Colorado House of Representatives and Colorado Senate redistricting plans submitted by the Colorado Latino Leadership, Advocacy, and Research

293

Organization (CLLARO) for the commission's consideration. The memoranda will describe House and Senate districts centered on communities of interest, with particular focus on Latino communities. Of the 65 proposed House districts, 16 districts are 30 percent or more Latino. Additionally, 10 districts are competitive according to recent election results. Of the 35 proposed Senate districts, 10 districts are 30 percent or more Latino. Additionally, 8 Senate districts are competitive according to recent election results. CLLARO has prioritized 17 House districts and 13 Senate districts that are centered on Latino communities across the state. Full Plans: https://drive.google.com/drive/folders/1v_WS3anWIn25QYUf8hdg5cnHMj9Jf6FK?usp=sharing

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Colorado Independent Redistricting Commissions

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Plans Presented to the Commission

Plans Presented to the Commission & Currently Eligible to become the "Final Plan"

Preliminary Staff Plan

First Staff Plan

Second Staff Plan

P.001.Tafoya

P.002.Moore02

P.003.Coleman

P.004.Coleman

Coleman.004.Map Analytics.V1

P.005.Tafoya ("Headwaters Map")

Public ID 082821 Alex Apodaca-Cobell ("CLLARO MAP") (presented on 9/20/2021)

Tafoya Dougco Modified Map (9/22/2021)

Public ID Mountain Claims Urban Trevor Stone (9/22/2021) (Highlights/Excerpts presented)

Public ID 091021 Christopher Farley (9/22/2021) (Highlights/Excerpts presented)

Public ID 091421 Michael Edward Schuster ("Schuster Map") (9/22/2021)

P.007.Tafoya ("Headwaters Amended") (9/22/2021)

Shepherd Macklin Amendment to Staff Plan 2 Plan (9/22/2021)

Espinoza Amendment to Staff Plan 2 (9/22/2021)

Coleman Amendment to Staff Plan 2 (9/22/2021)

Plan Presented to the Commission on 9/24/2021: (eligible to become the "Final Plan" on 9/27/2021)

Third Staff Plan (2:10 p.m. 9/24/2021)

092221 Alex Apodaca-Cobell (3:52 p.m. 9/24/2021)

Plans Presented to the Commission on 9/25/2021: (eligible to become the "Final Plan" on 9/28/2021

P.008.Shepherd Macklin Schuster ("Schuster Map") (12:23 a.m. 9/25/2021)

Coleman Requested Amendment to Staff Plan 3 (10:39 a.m. 9/25/2021)

Kelly requested Amendment to Staff Plan 3 (10:47 a.m. 9/25/2021)

Shepherd Macklin Requested Amendment to Staff Plan 3 (3:20 a.m. 9/25/2021)

Moore Requested Amendment to Staff Plan 3 (with Coleman & Kelly amendments to Staff Plan 3)

(11:38 a.m. 9/25/2021)

Tafoya Requested Amendment to Staff Plan 3 (12:15 p.m. 9/25/2021)

Moore Workshop Adjusted Map (modifying the Moore Amendments to Staff Plan 3) (3:58 p.m. 9/25/2021)

Tafoya Workshop Adjusted Map (modifying Staff Plan 3 to adjust for northern suburbs of Douglas County) (4:45 p.m. 9/25/2021)

Schell Amendment to the Moore Workshop Adjusted Map (4:55 p.m. 9/25/2021)

Q   Sign In

Redistricting Gallery   Colorado Redistricting Site

070121 Jackson Day

Submitted by: Jackson Day

081021 Alex Apodaca-
Cobell (CLLARO...

Submitted by Alex Apodaca-Cobell

081721 Mark P. Garber on
behalf of LULAC

Submitted by: Mark P. Garber

081821 Stacey Kjeldgaard

Plan Submitted by: Stacey Kjeldgard
(ESRI Redistricting Portal)

297

298

Q Sign In

Redistricting Gallery   Colorado Redistricting Site

091621 Douglas Roth

Submitted by: Douglas Roth

092221 Alex Apodaca-Cobell

Submitted by: Alex Apodaca-Cobell

09172021 Carlos Perez

Submitted by: Carlos Perez

091021 Rosemary Rodriguez

Submitted by: Rosemary Rodriguez

299

Redistricting Gallery

092221 Alex Apodaca-Cobell

Louis Pino
Private Organization ℹ️

Summary

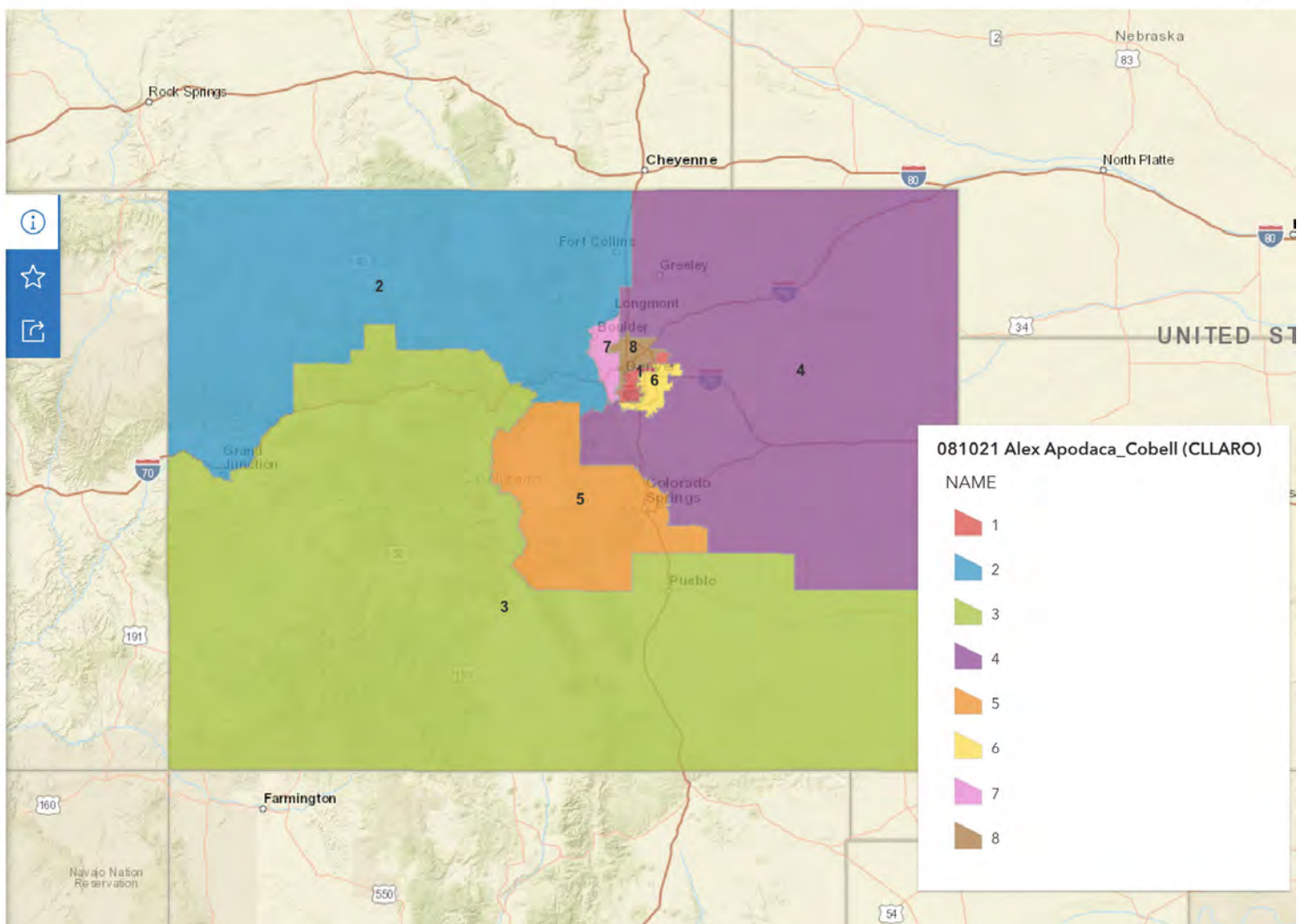Submitted by: Alex Apodaca-Cobell

[View Full Details]

Map
Web Map
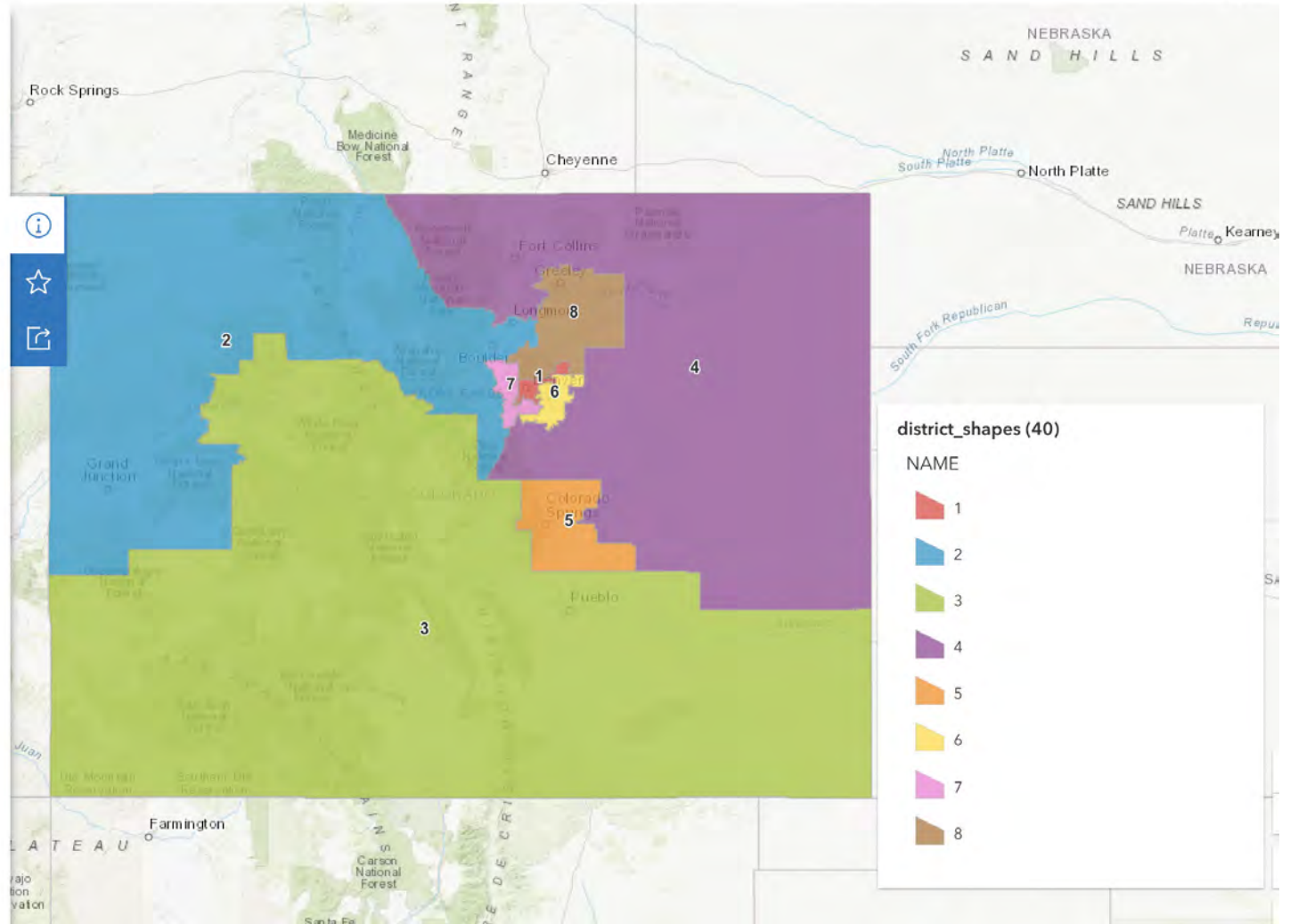
September 23, 2021
Date Updated

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district_shapes (40)

NAME

1
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3
4
5
6
7
8

300

Private
STAFF SUMMARY OF MEETING

OTHER COMMITTEE COMMITTEE ON INDEPENDENT CONGRESSIONAL REDISTRICTING COMMISSION

Attendance

Danny Moore	X
Elizabeth Wilkes	X
Jason Kelly	X
JulieMarie Shepherd Macklin	X
Lori Schell	X
Martha Coleman	X
Moussa Diawara	X
Paula Espinoza	X
Simon Tafoya	X
William Leone	X
Jolie Brawner	X
Carly Hare	X

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

Date 09/01/2021

Time 02:02:15 PM to 05:25:51 PM

Place HCR 0107

This Meeting was called to order by
Carly Hare

This Report was prepared by
Matthu Beck

Hearing Items	Action Taken
Executive Session to Discuss Possible VRA Issues	Committee Discussion Only

Expand All Items   Collapse All Items

02:02:30 PM
Chair Hare gave an overview of the agenda for the commission meeting.

Executive Session to Discuss Possible VRA Issues - Committee Discussion Only

02:06:31 PM

|		
Motion	I move the commission go into executive session pursuant to section 24-6-402 (3)(a)(II) of the Colorado Revised Statutes for the purpose of receiving legal advice from legal counsel.	
Moved	Simon Tafoya	
Seconded		
Danny Moore	Yes	
Elizabeth Wilkes	No	
Jason Kelly	Yes	
JulieMarie Shepherd Macklin	Yes	
Lori Schell	Yes	
Martha Coleman	Yes	
Moussa Diawara	Yes	
Paula Espinoza	Yes	
Simon Tafoya	Yes	
William Leone	Yes	
Jolie Brawner	Yes	
Carly Hare	Yes	

YES: 11   NO: 1   EXC: 0   ABS: 0   FINAL ACTION: PASS

02:06:55 PM   The commission went into executive session.

301
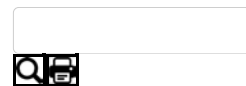
03:09:35 PM	Motion	I move to exit executive session.
	Moved	Lori Schell
	Seconded	

Danny
Moore
Elizabeth
Wilkes
Jason Kelly
JulieMarie
Shepherd
Macklin
Lori Schell
Martha
Coleman
Moussa
Diawara
Paula
Espinoza
Simon
Tafoya
William
Leone
Jolie
Brawner
Carly Hare

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

03:09:45 PM   The commission exited executive session.

03:12:51 PM   Commissioner Moore presented his requested map of the staff to the commission.

03:29:44 PM   Commissioners discussed the presented map and asked for clarifications.

03:56:16 PM   Commissioners discussed the presented map and concerns or things to consider.

04:17:52 PM   The commission discussed Commissioner Tafoya's motion.

04:17:52 PM   The commission discussed Commissioner Tafoya's motion to make the Southern part of Colorado a community of interest.

302
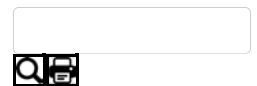
05:05:33 PM		I move that based on the facts delivered through public testimony and from various experts in, agriculture, water and Native American Issues that the region made up of Pueblo, Otero, Huerfano, Las Animas Counties and the six counties of the San Luis Valley and extending into Archuleta, La Plata, and Montezuma counties to capture the two tribes - Southern Ute, Ute Mountain Ute - be identified as a community of interest based on their shared policy concerns of, but not limited to, water, agriculture, education and other federal issues along with shared history, culture and linguistic traits and uniqueness.
	Motion	
	Moved	Simon Tafoya
	Seconded	
	Danny Moore	No
	Elizabeth Wilkes	Yes
	Jason Kelly	No
	JulieMarie Shepherd Macklin	Excused
	Lori Schell	No
	Martha Coleman	Yes
	Moussa Diawara	Yes
	Paula Espinoza	Yes
	Simon Tafoya	Yes
	William Leone	No
	Jolie Brawner	Yes
	Carly Hare	Yes
		YES: 7 NO: 4 EXC: 1 ABS: 0 FINAL ACTION: PASS

| 05:21:01 PM | | I move that the counties of the San Luis Valley and Las Animas, Huerfano, Pueblo and Otero County be defined as a community of interest and kept together to the extent possible by staff in its staff plan. |
	Motion	
	Moved	William Leone
	Seconded	
	Danny Moore	Yes
	Elizabeth Wilkes	No
	Jason Kelly	Yes
	JulieMarie Shepherd Macklin	Excused
	Lori Schell	Yes
	Martha Coleman	Yes
	Moussa Diawara	No
	Paula Espinoza	No
	Simon Tafoya	No
	William Leone	Yes
	Jolie Brawner	No
	Carly Hare	No
		YES: 5 NO: 6 EXC: 1 ABS: 0 FINAL ACTION: FAIL

05:22:48 PM
Commissioner Hare gave an overview of when the staff plan will be available to the commission and what will be on upcoming meeting agendas.

303
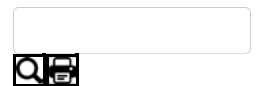
05:25:51 PM   The committee adjourned.
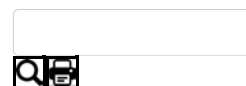
304

Colorado Independent Redistricting Commission

Meeting Agenda & Addenda:

Friday, September 24, 2021 (2:00-3:30 p.m.): Third *Staff Plan Presentation*- nonpartisan staff will present the Third Staff Plan

1. Update from Public Comment Committee

2. Presentation of the Third Staff Plan

3. Presentation of any other plan that is ready

4. Requests by Commissioners for Maps or Amendments to existing maps

    a. Commissioner Kelly request for a modification of Staff Plan 3

    b. Commissioner Coleman request for a modification of Staff Plan 3

    c. Commissioner Moore request for a modification of Staff Plan 3

5. Potential Motions Proposing the Adoption of a Final Plan (any proposed plan that was presented to the Commission at least 72 hrs before can be approved by the Commission as its final plan)

6. New Business

    a. Map Analytics Committee: Tier 3 Presentation of the Newly Submitted CLLARO Map

7. Adjourn

Addenda One: Agendas for Future Meetings

Saturday, September 25, 2021 (10:00 a.m. with no defined end time): Congressional Commission Meeting - meeting to discuss the Third Staff Plan and other plans presented to the Commission; Commission may workshop and modify a plan during this meeting and such modified plan may be adopted by the Commission on September 28, 2021.

1. Update from Public Comment Committee (10 minutes)
2. Discussion of Third Staff Plan (1 hour)
3. Discussion of Other Proposed Plans (15 minutes per plan)
4. Potential Motions Proposing the Adoption of a Final Plan (any proposed plan that was presented to the Commission at least 72 hrs before can be approved by the Commission as its final plan)

    If no Final Plan is adopted:

5. Presentation of any New Proposed Plans (these Maps may be adopted on Sept. 28, 2021)
    a. This includes potential proposals of prior maps that have been modified
    b. NOTE: this is the last meeting during which a new plan can be proposed for adoption
6. Map Workshop Session
    c. Commissioners can propose the workshopping and modification of any map that has already been proposed including the Third Staff Plan, if multiple maps are proposed for workshopping/modification, then each map will be discussed/amended one at a time, and once workshopping/modification of a map is complete the Commission will move to the next map
7. Break: To Update maps from workshopping

8. Presentations to the Commission of any plans that were modified during the workshop sessions (these modified plans can be adopted on September 28, 2021)

Monday, September 27, 2021 (2:00 p.m. with no defined end time): Congressional Commission Meeting- Commission meeting during which it can adopt as its final plan the Third Staff Plan or any other plan that was presented to the Commission on or before September 24, 2021

1. Update from Public Comment Committee (10 minutes)
2. Discussion of Plans Proposed to the Commission
3. Potential Motions Proposing the Adoption of a Final Plan (any proposed plan that was presented to the Commission at least 72 hrs before can be approved by the Commission as its final plan)
4. Adjourn

Tuesday, September 28, 2021 (6:00 p.m. with no defined end time): Proposed Congressional Commission Meeting- The last commission meeting during which it can adopt its final plan with enough time so that it can be prepared by Staff for submission to the Colorado Supreme Court on October 1, 2021.

1. Update from Public Comment Committee (10 minutes)
2. Discussion of Plans Proposed to the Commission
3. Potential Motions Proposing the Adoption of a Final Plan (any proposed plan that was presented to the Commission at least 72 hrs before can be approved by the Commission as its final plan)
4. Adjourn

Addenda Two: Plans Presented to the Commission

Map Presented to the Commission & Currently Eligible to become the "Final Plan"

Preliminary Staff Plan

First Staff Plan

Second Staff Plan

P.001.Tafoya

P.002.Moore02

P.003.Coleman

P.004.Coleman

Coleman.004.Map Analytics.V1

P.005.Tafoya ("Headwaters Map")

Maps Presented to the Commission on 9/20/2021 (eligible to become the "Final Plan" on 9/23/2021)

Public ID 082821 Alex Apodaca-Cobell – ("CLLARO MAP")

Maps Presented to the Commission on 9/22/2021: (eligible to become the "Final Plan" beginning at 3:50 p.m. on 9/25/2021)

Tafoya Dougco Modified Map (3:50 p.m. 9/22/2021) [population numbers weren't exact, so he requested the Staff to finalize the population numbers]

Public ID Mountain Claims Urban Trevor Stone (4:10 pm 9/22/2021) (Highlights/Excerpts presented)

Public ID 091021 Christopher Farley (4:12 p.m. 9/22/2021) (Highlights/Excerpts presented)

Public ID 091421 Michael Edward Schuster ("Schuster Map") (4:14 p.m. 9/22/2021)

P.007.Tafoya ("Headwaters Amended") (5:51 p.m. 9/22/2021)

Shepherd Macklin Amendment to Staff Plan 2 Plan (5:59 p.m. 9/22/2021)

Espinoza Amendment to Staff Plan 2 (6:04 p.m. 9/22/2021)

Coleman Amendment to Staff Plan 2 (6:21 p.m. 9/22/2021)

COLORADO INDEPENDENT CONGRESSIONAL REDISTRICTING COMMISSION
MAP REVIEW FORM | TIER 3

Reviewer's Name: Lisa Wilkes **Reviewer's Affiliation:** D

Reviewer's Name: JulieMarie Shepherd Macklin **Reviewer's Affiliation:** R

Reviewer's Name: Lori Schell **Reviewer's Affiliation:** U

Reviewer's Name: Martha Coleman **Reviewer's Affiliation:** D

Additional Commissioners present: Brawner, Hare, Espinoza, Diawara, Moore, Tafoya, Kelly, Leone

Date of Tier 3 Map Review: 24-Sep-21
Location of 3 Map Review: virtual commission mtg

Map Review ID *(Public Hearing ID same format as Public Comment ID):* 092221 Alex Apodaca-Cobell

Map Title *(if any):* CLLARO Congressional Map - Response to Staff Map 2

Relevant Map Link *(if applicable):* https://davesredistricting.org/join/f4b1a8eb-a759-4e94-ab8d-f050505baac8

Commissioners Completing Previous Tiers of Review

Tier 1 Review: Lisa Wilkes

Tier 2 Reviewer 1: Lisa Wilkes Tier 2 Reviewer 2: JulieMarie Shepherd Macklin

Results of VRA Analysis: No VRA district is possible in the congressional districts

Results of Competitiveness Analysis: Congressional districts in order of political competitiveness from most to least: CD3 1.4%, CD8 -6.6%, CD6 -9.2%, CD7 -10.7%, CD2 -14.8%, CD4 15.1%. CD5 20.3%, CD1 -57.0%. The political competitiveness values are from the ESRI software and based on the analysis of the composite of the 8 election results agreed upon by the whole Commision. A negative number represents a Democrat lean and positive number represents a Republican lean. Although the Commission has not established a threshold for what constitutes political competitiveness, a smaller magnitude number in either direction is generally considered more politically competitive than a larger magnitude number.

Document review notes here: (1) All the commissions Guidelines and Recommendations are observed with this map. (2) This is a version of a southern district map. (3) CLLARO's reasoning behind the map: "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." (4) Broomfield and Greeley are both together in CD8 and each is kept whole, with CD8 shifted some into less densely populated areas to the east some to be able to accommodate the large populations of these two cities. This results in shifting CD8 away from the I-25 and US Highway 85 growth corridor. (5) The growth corridor gets lost with this map, by separating it between three

separate districts, CD4, CD2, and CD8. (6) The border between CD8 and CD2 is less serrated than in most maps in which CD8 and CD2 share a border. This is a result of moving the whole of CD8 to the east of the Weld/Larimer County line, thereby avoiding the need to split/keep whole/assign between the two districts all the municipalities that straddle the Weld/Larimer County line. (7) The northern suburban portion of Douglas County is included within a metro district (CD 6) without the need to split away large portions of Denver County. (8) Jefferson County's rural areas are included with the mountain regions in CD2. (9) The city of Boulder is still with the mountain regions in CD2, with the northeast corner of Boulder County split away to become part of CD4. (10) The population of Larimer County is used to get an additional 359,066 people to reach the required population balance in CD4, making Larimer 49.95% of CD4's total population. (11) Green Mountain Falls is split. (12) Putting Highlands Ranch into CD6 puts too much population into CD6, which was resolved by wrapping CD7 around southeastern Denver County and including the metro area south of Denver that is usually in CD6. (13) There is a large variation in how land is used in several of these districts, which could lead to dilution of a variety of communities of interest not targeted to be kept whole by CLLARO. (14) Has 2 Democrat and Republican districts that are over a 14.5% magnitude differential by our composite index and 1 district that has a 1.4% differential; the remaining 3 districts have a differential that favors the Democrats by a magnitude of 6.6%, 9.2%, and 10.7%.
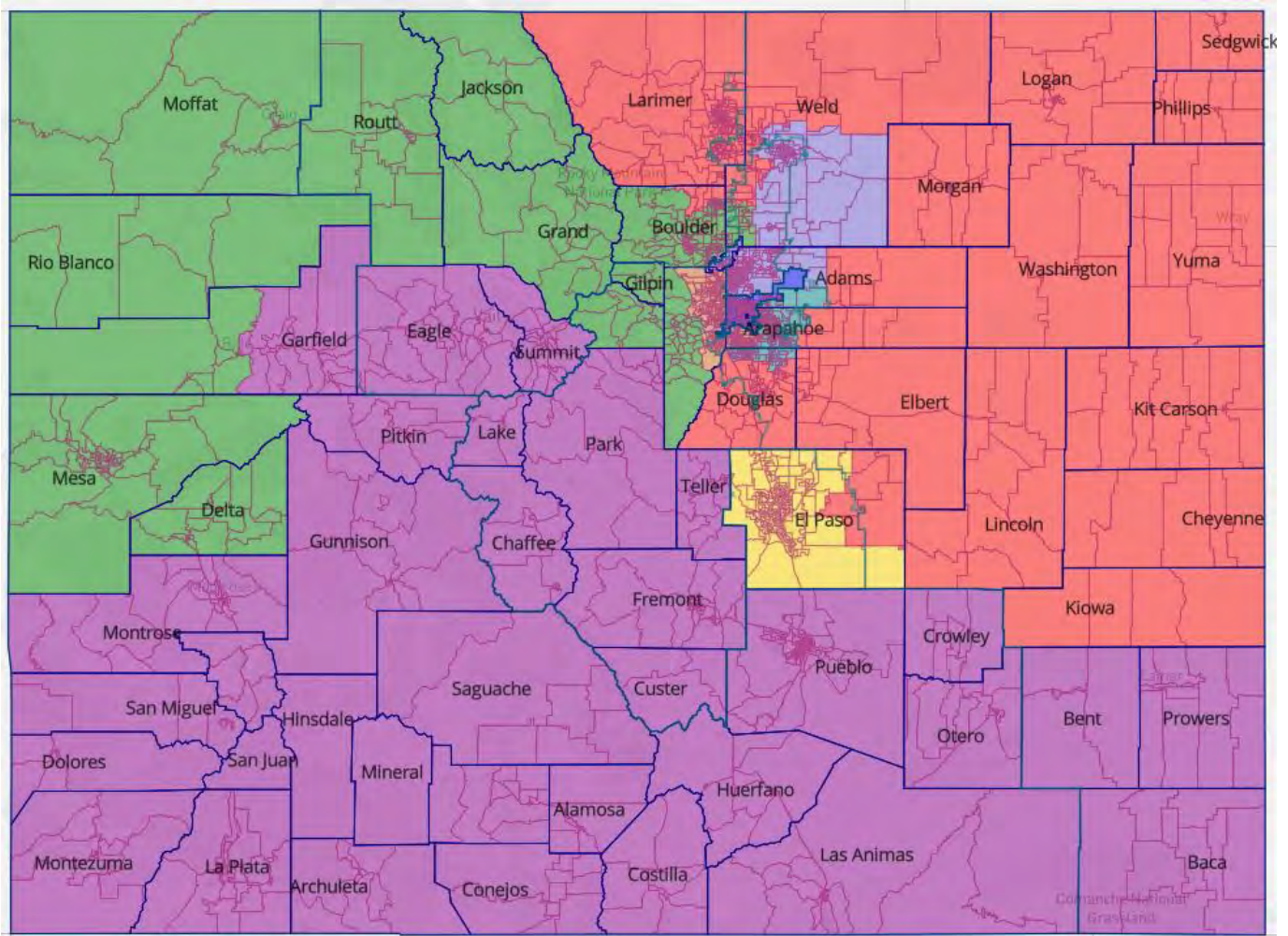
310
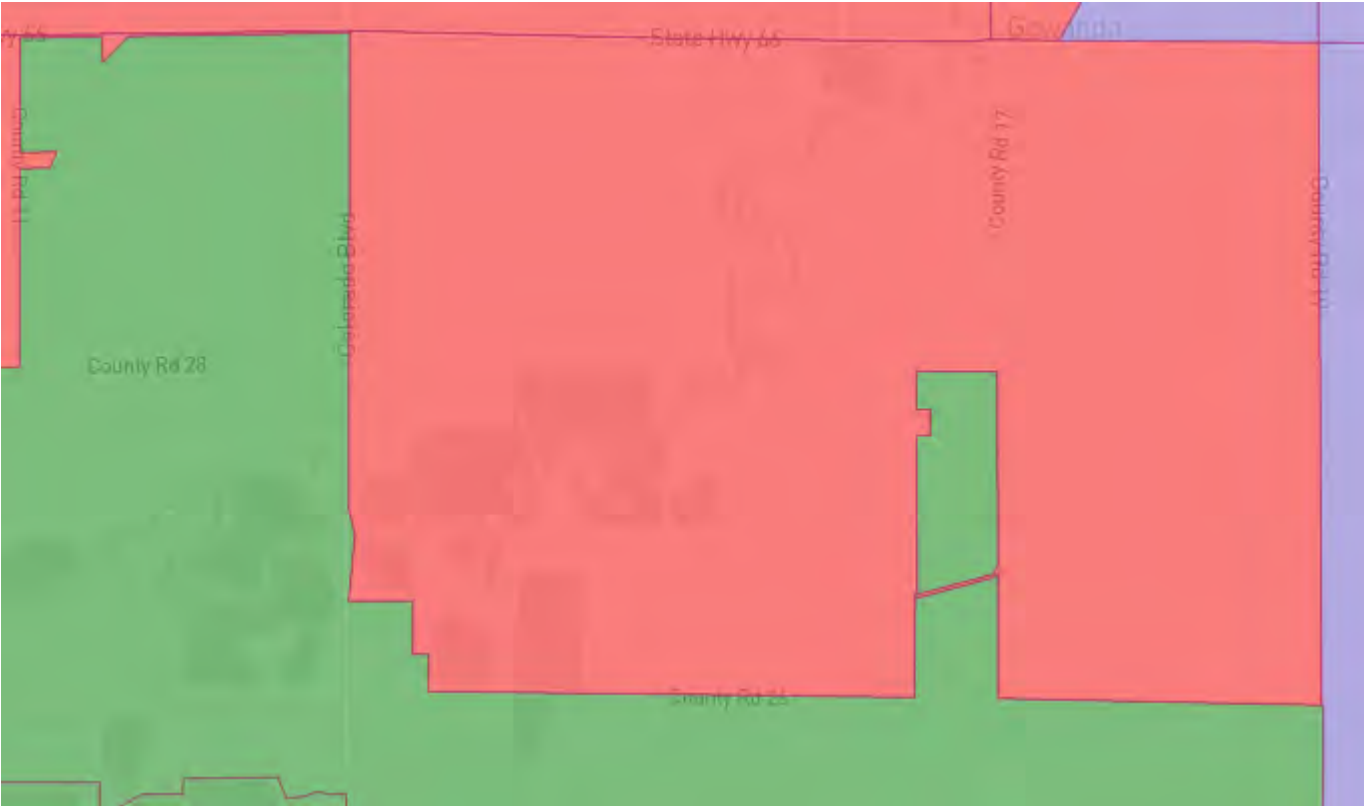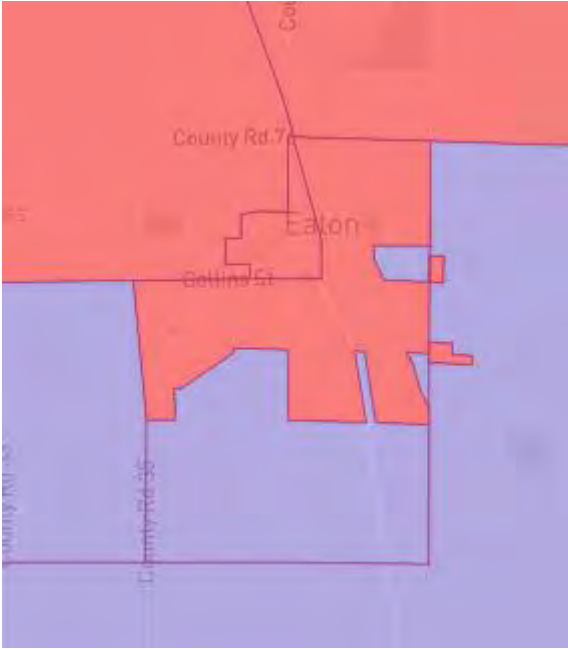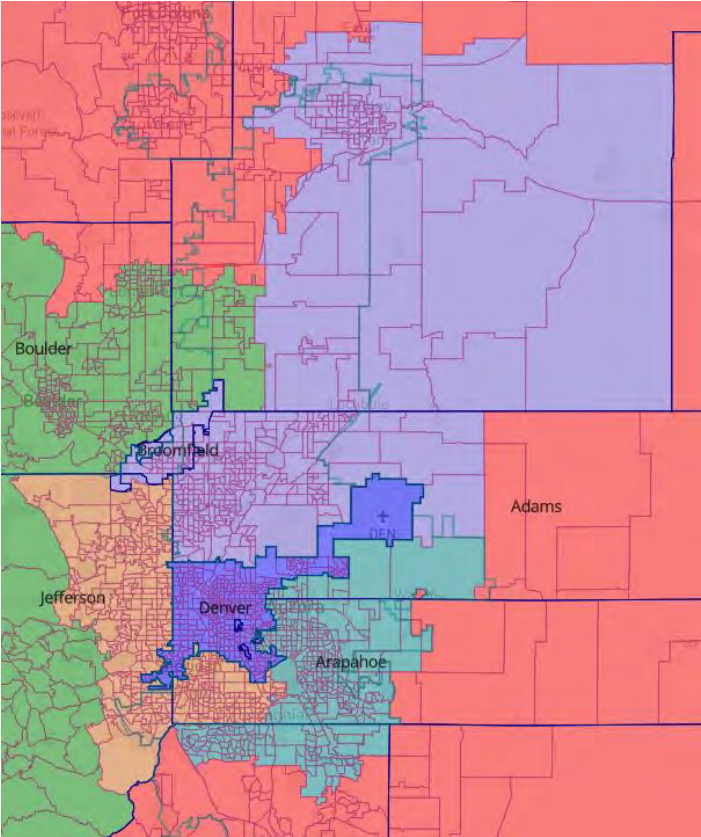
Recommended Action: other (explain below)

Further Action Notes if needed: As noted above, this map has some unique aspects and strengths that the Commission should consider.

312

Colorado Independent Congressional Redistricting Commission
Agenda: September 27, 2021

Monday, September 27, 2021 (2:00 p.m. with no defined end time):

1. Update from Public Comment Committee (10 minutes)

2. Selection of Plans to be Discussed for Potential Adoption as the FInal Plan
   - Any Plan that is eligible by 9/28/2021 for adoption can be included in the discussion
   - Commissioners may nominate 3 to 4 plans for discussion (by Plan name only)
      - All plans nominated for discussion will be discussed
      - Staff will record the role call for nominations for discussion
      - Plans will be discussed in the order of nominations they receive (highest to lowest)

3. Discussion of Bigger Picture Issues
      - Prior to discussing the specific plans, this is an opportunity for any commissioner to discuss big picture issues that go beyond just one map
      - Timing per topic: introduction (3 minutes) then each Commissioner has 3 mins.

[Time Check/Potential Break between 4 to 5]

4. Discussion of Specific Plans
   - Proposed Timing:
      - Plan Introduction: Chair will ask for a Commissioner to introduce (3 mins.)
      - Plan Visible Presentation: Map will be shown on the screen
      - Commissioners each have 3 minutes to make statements about each plan
      - Q&A Period: 15 minutes

5. Discussion of Voting Process for 9/28/2021
   - Rank Choice Voting
   - All Plans Discussed on 9/27/2021 will be on the ballot
      - Commissioners can add other eligible plans
   - Commissioners will submit their votes to nonpartisan staff
      - All votes to be submitted simultaneously by email
      - Votes will be tabulated and the revealed on screen
   - Successive Rounds of voting until 8 Commissioners (including 2 unaffiliated Commissioners) agree on a map
      - Discussion periods before each successive round of voting
   - If a "Final Plan" is adopted, then each Commissioner will have an opportunity to provide a statement for the record explaining their vote

5. Adjourn

New American Economy

Select Location

Share:

Immigrants and the economy in:

Colorado   Choose a District

Immigrant Residents

537,334

Immigrant Share of Population
9.3%

Immigrant Taxes Paid
$5.8B

Immigrant Spending Power
$15.6B

Immigrant Entrepreneurs
43,684

Data Year
2019

Demographics

In the United States, immigrants are more likely to be working-age than their U.S.-born counterparts. This means they are more likely to be active in the labor force, allowing them to contribute to the economy not only as consumers but also as taxpayers, helping fund social services and programs like Medicare and Social Security.

0-15

4.6%

20.8%

16-64

83.0%

64.3%

65+

12.4%

15.0%

 Watch: Melissa Kuhn's Reason for Reform

SHARE DEMOGRAPHICS

Entrepreneurship

It is hard to overstate the importance of entrepreneurship since new businesses are the main driver of job growth in the United States. Immigrants play a particularly important role in this—founding businesses at far higher rates than the U.S. population overall. Today, millions of American workers are employed at immigrant-founded and immigrant-owned companies.

Immigrant entrepreneurs

43,684

Total business income of immigrant entrepreneurs

$1.2B

 Watch: Nigel Sharp's Reason for Reform

SHARE ENTREPRENEURSHIP

316

Taxes & Spending Power

Immigrant households contribute hundreds of billions of dollars in federal income, state, and local taxes nationwide and hold a tremendous amount of spending power. This gives them significant economic clout, helping support local communities as consumers and taxpayers. Like all residents in the United States regardless of where they were born, immigrants make use of public services like education, healthcare, and public safety. Even with these costs, however, immigrants' economic contributions far outweigh the extra cost of additional public services they incur.

Immigrant Household Income

$21.3B

Taxes Paid

$5.8B

— State & Local Taxes

$1.7B

— Federal Taxes

$4.1B

Total Spending Power

$15.6B

SHARE TAXES & SPENDING POWER

Workforce

The growth in the immigrant population has helped to strengthen America's labor force. As baby boomers retire, younger immigrants are filling crucial gaps in the market. Nationally, immigrants are more likely to hold an advanced degree than the U.S.-born. They are also more likely to have less than a high school education. Uniquely, this allows them to fill critical shortages at both ends of the skill spectrum, from high-tech fields to agriculture, hospitality, and service industries.

Educational Attainment by Nativity, Age 25+

Less Than High School

27.3%

4.9%

High School & Some College

39.7%

51.0%

Bachelor's Degree

17.8%

28.0%

Graduate Degree

15.2%

16.1%

Top Industries with Highest Share of Foreign-Born Workers

318

Services to buildings and dwellings (except cleaning during construction and immediately after construction)

35.5%

Private households

28.5%

Animal production and aquaculture

24.7%

Grocery and related product merchant wholesalers

24.6%

Traveler accommodation

21.2%

Top Occupations with Highest Share of Foreign-Born Workers

Maids and housekeeping cleaners

49.0%

Cooks

28.3%

Carpenters

27.5%

Food preparation workers

26.6%

Miscellaneous production workers, including equipment operators and tenders

25.4%

SHARE WORKFORCE

Science, Technology, Engineering, and Math

Jobs in fields related to science, technology, engineering, and math—or "STEM"—fields are some of the most productive jobs in the U.S. economy. These jobs are also expected to experience some of the highest growth rates in the next decade, second only to healthcare jobs. While immigrants already play a huge part in maintaining the United States' role as a leading innovator, they will also be instrumental in helping high-tech industries meet their full potential as their needs for high-skilled STEM workers increase rapidly in the future.

STEM workers who are immigrants

13.0%

SHARE SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH

Healthcare

As millions of baby boomers become elderly, the U.S. healthcare system is facing unprecedented demand, adding jobs faster than any other segment of the economy. Many healthcare businesses and providers are struggling with finding enough workers, and in some rural areas, shortages are particularly acute. Immigrants have already been filling some of our most glaring healthcare needs. They are twice as likely as the U.S.-born to work as home health aides, but also twice as likely to be physicians and surgeons.

Nurses who are foreign-born

7.0%

Health aides who are foreign-born

15.8%

SHARE HEALTHCARE

Housing

Immigrant families have long played an important role helping to build housing wealth in the United States. In recent decades, the more than 40 million immigrants collectively in the country increased U.S. housing wealth by $3.7 trillion. Much of this was possible because immigrants moved into neighborhoods once in decline, helping to revitalize communities and make them more attractive to U.S.-born residents.

Immigrant homeowners

129,565

Share of recent homebuyers who were foreign-born

9.8%

Housing wealth held by immigrant households

$56.6B

Amount paid by immigrant-led households in rent

$1.4B

SHARE HOUSING

International Students

International students in the United States contribute tens of billions of dollars to the U.S. economy every year and support a significant number of U.S. jobs through their tuition payments and day-to-day spending. Research has also found that increases in the number of international students at American universities boost innovation and patent creation.

Students at Colorado colleges and universities who are international students

11,631

Economic contribution of international students

$428.8M

Jobs supported by international students

5,141

Voting Power

As more immigrants naturalize and become eligible to vote, they continue to gain power at the voting booth. The number of immigrant voters is only projected to rise in the next decade, but already in some states, foreign-born voters are already capable of deciding elections.

Immigrants eligible to vote

248,164

Undocumented Immigrants

The presence of the significant number of undocumented immigrants in the United States, the vast majority of whom have lived in the country for more than five years, poses many legal and political challenges. But while politicians continue to debate what to do about illegal immigration without any resolution, millions of undocumented immigrants are working across the country, collectively contributing billions to the U.S. economy.

Undocumented immigrants

145,690

Share of undocumented immigrants, working age

89.9%

Undocumented Entrepreneurs

9,806

Undocumented Household Income

$3.3B

Taxes Paid

$372.6M

— State & Local Taxes

$140.9M

— Federal Taxes

$231.7M

Total Spending Power

$2.9B

SHARE UNDOCUMENTED IMMIGRANTS

The DACA-Eligible Population

DACA-eligible people contribute billions of dollars to the U.S. economy. Clawing back the protections afforded to DACA recipients will likely upset local economies, communities, and schools, hurting employers and businesses dependent these young immigrants as workers and customers.

Number of DACA Eligible Residents

22,055

Share of DACA Eligible Population in Labor Force that is Employed

98.7%

DACA-Eligible Household Income

$497.0M

Taxes Paid

$105.1M

— State & Local Taxes

$43.9M

— Federal Taxes

$61.2M

Total Spending Power

$391.9M

SHARE THE DACA-ELIGIBLE POPULATION

325

Refugees

Refugees living in the United States make tremendous contributions to our economy as earners, taxpayers, and consumers. Rather than a drain on communities, the high employment rate of refugees and their spirit of entrepreneurship instead sustains and strengthens their new hometowns.

Number of Likely Refugees

33,910

Share of Likely Refugees, Employed

98.5%

Refugee Household Income

$1.5B

Taxes Paid

$408.3M

— State & Local Taxes

$119.0M

— Federal Taxes

$289.3M

Total Spending Power

$1.1B

Temporary Protected Status Holders

Recipients of Temporary Protected Status (TPS) have made enormous contributions to various industries and paid a significant amount in federal, state, and local taxes in the United States. Forcing them to leave the country not only risks putting these individuals in danger, but also threatens significant disruption to local economies.

Number of TPS Holders

3,564

Share of TPS Holders, Working Age

97.3%

Share of TPS Holders in Labor Force, Employed

98.2%

TPS Holders' Household Income

$112.9M

Taxes Paid

$25.3M

327

— State & Local Taxes

$9.5M

— Federal Taxes

$15.8M

Total Spending Power

$87.6M

SHARE TEMPORARY PROTECTED STATUS HOLDERS

Issue: All

Type: All

~~57 Results~~

Press Release
Colorado

Colorado Business Leaders Strengthen Commitment to Colorado Compact and Call for Immigration Reform

Feature
Colorado

Immigrant to Denver Founds Dragon Boat Festival that Attracts 120,000 Attendees Annually

Colorado

Watch: Carlos Tobon's Reason for Reform

Colorado

Watch: Chad Vorthmann's Reason for Reform

Colorado

[Watch: Bruce Talbott's Reason for Reform](#)

[Watch: Carrie Koenig's Reason for Reform](#)

[We're Really Hardworking, Says Colorado DACA Recipient](#)

[Watch: Haluk Yilmazturk's Reason for Reform](#)

Watch: Andy Katz's Reason for Reform

Watch: Dwain Weinrich's Reason for Reform

Colorado Immigration Reform Coalition Responds to the Announcement of the SUCCEED Act, Calls on State…

Post Independent: Editorial: The smart, American thing to do: Protect Dreamers

Prev   Next

1   2   3   4

About NAE

New American Economy is a bipartisan research and advocacy organization fighting for smart federal, state, and local immigration policies that help grow our economy and create jobs for all Americans. More...

The Latest

SEPTEMBER 21, 2021

[Statement from NAE Executive Director Jeremy Robbins on CBP Treatment of Haitians and Other Asylum Seekers at U.S.-Mexico Border](#)

SEPTEMBER 20, 2021

[Statement from NAE on Recent Senate Parliamentarian Decision](#)

SEPTEMBER 18, 2021

[New research shows immigrants in Washoe County make up 29.6 percent of construction workers, 25.3 percent of manufacturing workers, and 14.1 percent of business owners.](#)

How does NAE define an immigrant?

Learn More

Redistricting Law 2020

Prepared by the National Conference of State Legislatures

The Redistricting Law 2020 Team

Michelle Davis

Frank Strigari

Wendy Underhill

Jeffrey M. Wice

Christi Zamarripa

NCSL
NATIONAL CONFERENCE OF STATE LEGISLATURES

333

The *Gingles* Court avoided establishing any mathematical formula for determining when racial polarization exists. According to the Court, the amount of white bloc voting necessary to defeat the minority bloc vote plus white crossover votes will vary from district to district, depending on factors such as the percentage of registered voters in the district who are minorities, the size of the district, the number of seats open and the candidates running in a multi-member district, the presence of majority vote requirements, designated posts, and prohibitions against bullet voting.[146]

The Court made clear that each challenged district must be individually evaluated for racially polarized voting, and that it is improper to rely on aggregated statistical information from all challenged districts to show racial polarization in any particular district.[147] The Court also noted that showing a pattern of bloc voting over a period of time is more probative of legally significant racial polarization than are the results of a single election.[148] The number of elections that must be studied varies, depending primarily upon how many elections in the challenged district fielded minority candidates.[149] Studies of elections involving almost exclusively white candidates, even where those studies show that a majority of blacks usually vote for winning candidates, have been rejected in favor of studies of elections involving head-to-head candidacies between minorities and whites.[150]

In determining whether voters can establish a violation of Section 2 of the VRA, courts have employed several different terms. Among the most-frequently used are "majority-minority districts," "effective minority districts," "crossover districts," "coalitional districts," and "influence districts." Brief explanations follow of each term, as well as holdings related to the application of Section 2 to those districts. See Exhibit 3.1.

EXHIBIT 3.1 **Vocabulary for Analyzing Districts for Potential Section 2 (VRA) Violations**

DISTRICT TYPE	DEFINITION	SECTION 2 APPLICATION
Majority-Minority District	A district in which the majority of the population is a minority race, ethnicity, or language group, such as African-American, Hispanic, Asian, Pacific Islander or Native American.	Section 2 does not require drawing a majority-minority district in which the minority group is *less than* 50% of the district's voting-age population.[151]
Effective Minority District	A district containing sufficient population to provide the minority community with an opportunity to elect a candidate of its choice. The minority percentage that is necessary to provide minorities an opportunity to elect their candidate of choice varies by jurisdiction and minority group.[152]	Section 2 does not apply if minority voters *are* able to elect candidates of their choice from a district, as plaintiffs would be unable to establish legally significant racial bloc voting that usually defeats the minority's preferred candidate.[153]

334

Crossover Districts	A type of effective minority district in which the minority group is not a numerical majority of the voting-age population, but is potentially large enough to elect its preferred candidate by persuading enough majority voters to cross over to support the minority's preferred candidate.	Section 2 does not apply if minority voters *are* able to elect candidates of their choice from a district (see above).
Coalitional Districts	Another type of effective minority district in which more than one minority group, working in coalition, can form a majority to elect their preferred candidates.	Section 2 does not apply if minority voters *are* able to elect candidates of their choice from a district (see above).
Influence Districts	A district in which the minority community, although not sufficiently large to elect a candidate of its choice, is able to influence the outcome of an election and elect a candidate who will be responsive to the interests and concerns of the minority community.	Section 2 does not apply when the minority community *is* able to elect a candidate of its choice.[154]

Source: NCSL, 2019

CONCLUSION

Although the 14th and 15th amendments of the U.S. Constitution have prohibited the denial of the right to vote by citizens based on race and color since 1868 and 1870, respectively, vote disenfranchisement continued in many jurisdictions, leading to passage of the Voting Rights Act of 1965. The VRA provided robust enforcement mechanisms and went further to prohibit all voting practices or procedures that discriminate on the basis of race, color or membership in certain language minority groups.

Both the 14th Amendment and the VRA have been used to protect voters against discriminatory practices in the redistricting process. The 14th Amendment prohibits racial gerrymandering. Section 2 of the VRA prohibits minority vote dilution in situations where significant racially polarized voting is prevalent.

Section 5 of the VRA had been designed to prevent the dilution of voting power of minorities by requiring preapproval of redistricting maps (or any changes to election procedures) in specified states or jurisdictions before being used in an election. The Supreme Court rendered this provision unenforceable when it ruled in 2015 in *Shelby County v. Holder* that the coverage formula used for determining what jurisdictions would have to preclear their maps was outdated. Section 2 of the VRA, which prohibits dilution of minority voting power nationwide, remains in effect.

335

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COLORADO SUPREME COURT
Ralph L. Carr Judicial Center
2 East 14th Avenue
Denver, Colorado 80203

Original Proceeding Pursuant to Article V,
Section 44.5 of the Colorado Constitution

In Re: Colorado Independent Congressional
Redistricting Commission

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▲ COURT USE ONLY ▲

Case No.: 2021SA208

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REPORT OF BAODONG LIU, PH.D

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Expert Report on the Final Approved Congressional Districts 3 and 8 of Colorado

Baodong Liu, Ph.D.
Professor of Political Science
The University of Utah

October 7, 2021

Introduction

I have been retained as an expert by Colorado Latino Leadership, Advocacy and Research Organization (CLLARO) to examine the impact of the 2020-round redistricting in Colorado. This report provides a summary of the findings concerning racially polarized voting (RPV) in Colorado and its effect on the opportunity of Hispanic voters to exercise electoral influence in the Final Approved Congressional Districts 3 and 8 in Colorado. I was also asked to compare the Approved Congressional Plan with the CLLARO Plan concerning these two congressional districts.

Summary of Professional Qualifications

I am a tenured professor of political science in the Department of Political Science at the University of Utah. I have done extensive research regarding the relationship between election systems and the ability of minority voters to participate fully in the political process and to elect representatives of their choice.

My research has won the Byran Jackson Award for the best study/dissertation about racial voting from the Urban Politics Section of the American Political Science Association, and the Ted Robinson Award from the Southwest Political Science Association. The results of my research have been published in Social Science Quarterly, American Politics Research, Sociological Methods and Research, PS: Political Science and Politics, Urban Affairs Review, Political Behavior, Journal of Urban Affairs, Southeastern Political Review, and American Review of Politics, among other journals. I am also an author or editor of eight scholarly books including the forthcoming Political Volatility in the United States, and Solving the Mystery of the Model Minority; The Election of Barack Obama: How He Won, and Race Rules: Electoral Politics in New Orleans, 1965-2006. I have also served as a member of the Board of Directors/Advisors on many national and international organizations such as the National Association for Ethnic Studies, Urban Affairs Review, Journal of Behavioral and Social Sciences, and International Encyclopedia of Political Science (CQ Press).

As an expert on RPV analysis, I have published peer-reviewed journal articles and books on the cutting-edge techniques used by academic professionals and supported by courts concerning voting rights cases and the electoral history in the South. I have served as an expert witness for minority plaintiffs in dilution cases in states such as Alabama, Arkansas, New York, Louisiana, Utah, and Tennessee. Furthermore, I have provided my expertise to Native American Rights Fund, Navajo Nation, the US Department of Justice, the Lawyers' Committee for Civil Rights Under Law in Washington D.C., and NAACP LDF on the 2020 census differential privacy policy and methodological issues concerning RPV. I have also been invited to be an instructor of RPV analysis in expert training programs, organized by such organizations as Native American Rights Fund, Ford Foundation and Southern Coalition for Social Justice, concerning both the 2010 and 2020 rounds of redistricting. I have also been retained as RPV expert by Florida State Legislature (the Senate), and the Republican Minority Leader of Illinois State Senate for legal disputes on redistricting.

My applied research and grants have included analyses of ranked choice voting, economic development, racial voting patterns, public school science education, school districts' economic impact on local economy, and various citizen surveys. My grants have come from New America, the National Science Foundation, American Political Science Association, the National Humanities Center, Wisconsin Security Research Consortium, Fond du Lac School District, Johnson Controls, Inc, City of Waupaca (WI), the League of Women Voters, American Democracy Project, and Wisconsin Public Service. I also served as the editor of Urban News for the American Political Science Association's Urban Politics Section, and I was elected as a co-chair of the Asian Pacific American Caucus of the American Political Science Association.

Attached as Appendix 1 is a curriculum vitae setting forth my professional background, which includes a list of all publications I have authored or co-authored, including forthcoming publications. Appendix II lists the voting rights cases in which I served as an expert witness.

Main Findings on Approved Congressional Districts 3 and 8

Voters in both Approved Congressional District 3 (ACD3 thereafter) and District 8 (ACD8) have displayed a racially polarized voting (RPV) pattern. In both districts, the majority of non-Hispanic white voters support Republican candidates, whereas the overwhelming majority of Hispanic voters support Democratic candidates.

This RPV pattern was clear based on my analysis of eight state-wide elections between 2016 and 2020. These eight elections include two US Senate elections in Colorado (2016 and 2020), the 2016 Presidential election, and five state-wide elections in 2018 (Governor, Attorney General, Secretary of State, Treasurer, and Registrar). The election returns at the precinct level in these eight elections are matched with the racial/ethnic demographics at the Voting Tabulation District (VTD) level based on the 2020 census. I relied on the award-winning Ecological Inference (EI) technique and its R-Packages originally developed by Professor Gary King of Harvard University which has been widely adopted by quantitative experts in federal voting rights litigations and redistricting data analyses and supported by courts as the most cutting-edge and advanced scientific tool to estimate accurately the racial/ethnic bloc voting patterns commonly seen in the United States. The EI technique can provide us with the estimates of voting participation (i.e., turnout) as well as vote choice of racial/ethnic groups. In the following pages, I will refer non-Hispanic whites as whites.

Based on my EI estimations of racial bloc voting, on average, white support for the Republican candidates in the eight elections was 61.5% in ACD3 whereas the Hispanic support for the Republican candidates was only 18%. Similarly, in ACD8, the white support for the Republican candidates was 53% and Hispanic only 32.1%. On the contrary, the Hispanic support for the Democratic candidates was, on average, as high as 81% in ACD3 and 67% in ACD8. In comparison, the white support for the Democratic candidates was, on average, 37.5% in ACD3 and 46.1% in ACD8.

In order to measure the effect of this clear pattern of RPV on voter dilution of the Hispanic vote in both districts, one needs to pay close attention to the racial makeup of the districts. In ACD3, the white voters are about 70% of the voting age population (VAP) and Hispanic voters only

about 22%. In ACD8, the Hispanic voters are 34%, but about 56% of the VAP there are whites. Thus, the continuing white bloc voting in both districts (which we have seen in the past decade) will dilute the Hispanic voters and dilute the impact of Hispanic voters' electoral influence.

In fact, the Hispanic voting strength is further diluted by two other important factors. First, Hispanics have a disproportionally larger non-citizen segment than non-Hispanic populations, especially whites. Second, the turnout rate among Hispanic voters (who indeed have the citizenship to be eligible to vote) is lower than that of the white voters. Let's take a look at the empirical evidence.

The 2020 census provides us with the overall picture of total populations in the Approved Congressional Districts 3 and 8. But more importantly, we need to compare the data based on the VAP from the 2020 census with the data from the American Community Survey (ACS) in 2019 which asked the question about citizenship and allowed researchers to compute the citizen voting age population (CVAP) for each VTD in Colorado. The detailed population, VAP, and CVAP data in ACD3 and ACD8 are displayed in Figure 1 below.

Figure 1
Racial/ethnic Compositions based on Population, VAP and CVAP in ACD3 and ACD8

	Total	White	White %	Hispanic	Hispanic %	Black	Black %	Asian	Asian %	Other	Other %
Congressional District 3 (Adopted)											
Total Population	721,714	481,566	66.7%	185,794	25.7%	13,113	1.8%	11,622	1.6%	40,172	5.6%
Voting Age Population	568,549	398,623	70.1%	129,504	22.8%	8,454	1.5%	8,141	1.4%	29,058	5.2%
Citizen Voting Age Population	533,766	399,989	74.9%	110,187	20.6%	5,872	1.1%	4,339	0.8%	12,627	2.4%
Congressional District 8 (Adopted)											
Total Population	721,714	373,314	51.7%	278,107	38.5%	21,987	3.0%	33,211	4.6%	32,586	4.5%
Voting Age Population	536,031	300,771	56.1%	184,931	34.5%	13,909	2.6%	23,258	4.3%	22,958	4.3%
Citizen Voting Age Population	457,607	301,937	66.0%	125,699	27.5%	9,294	2.0%	13,764	3.0%	5,687	1.2%

Figure 1 shows the racial/ethnic makeup of the ACD3 and ACD8. As we compare the total population figures for each group with the voting age population, and then with the citizen voting population, we see a clear increase in the White %. With respect to CD3, it increases from 66.7% to 70.1% and finally to 74.9%. In contrast, the Hispanic % decreases, from 25.7% to 22.8% and finally to 20.6%. We see the same pattern in CD8. The White % increases from 51.7% to 56.1% to 66.0% while the Hispanic % decreases from 38.5% to 34.5% to 27.5%. This patterns clearly indicates that Hispanics, in comparison with whites, are more likely to be non-citizen and have greater age groups that are younger than 18 years old—the minimum age to be eligible to vote.

ACD3

Because voting is allowed only for those who have the U.S. citizenship and are at least 18 years old, any racial bloc voting analysis should not use the raw population data. Let us focus on ACD3 first. As indicated in Figure 1, whites are 70.1% of the total VAP and Hispanics are 22.8%. If we compare the white share based on VAP with that based on CVAP, however, we see a much greater gap in the CVAP data: whites are 74.9% of the CVAP electorate, rather than 70.1% of VAP. Hispanics became smaller in CVAP to just over 20%. In other words, there is a

significant segment of the Hispanic residents in ACD3 that do not have the citizenship in order to vote.

<table>
<tr><td colspan="4" align="center">*Table 1*
Approved CD3, based on VAP</td></tr>
</table>

	Voter group	Of the voters that turned out voted for	
Group	Turnout	DEM	REP
White	63.0%	36.9%	62.3%
Hispanic	33.8%	86.1%	13.2%
other	42.0%	56.4%	42.8%
Total	54.9%	45.0%	54.1%

Table 2
Approved CD3, based on CVAP

	Voter group	Of the voters that turned out voted for	
Group	Turnout	DEM	REP
White	63.2%	37.5%	61.5%
Hispanic	41.8%	81.0%	18.0%
other	5.0%	56.8%	42.5%
Total	58.1%	44.9%	54.2%

Tables 1 and 2 provide the estimates of racial/ethnic support for the Democratic and Republican candidates in the eight state-wide elections in ACD3 (See the columns marked as DEM, representing the Democratic vote share and REP indicating the Republican vote share with respect to a specific racial/ethnic group). The white support for the Republican candidates was consistently captured by the VAP and CVAP data at about 62% level because white residents in Colorado rarely have the citizenship barrier, and VAP and CVAP did not produce any tangible difference for white voters. The overwhelming Hispanic support for the Democratic candidates was also captured by the VAP and CVAP data at about 80% level. Again, the white majority and Hispanic voters voted differently, both as a voting bloc.

Furthermore, it is also important to note that the VAP data inflated Hispanic support for the Democratic candidates by about 5%, compared to the more appropriate CVAP estimation. This is clearly due to VAP data containing Hispanic residents who are non-citizen. Thus, simply using VAP or population data for redistricting purpose in Colorado's congressional districts dilutes Hispanic voter strength in ACD3.

Last but not the least, Tables 1 and 2 also show the estimates of racial turnout levels in ACD3. The second column in both Tables shows that whites voted at a much greater level than did Hispanic voters. The turnout gap between whites and Hispanics was about 30% based on VAP data in Table 1 and 20% based on CVAP data in Table 2. In short, using VAP (or CVAP) for redistricting purpose without taking consideration of the turnout gap between whites and Hispanics further dilutes the Hispanic vote and limit the Hispanic community's opportunity to elect the candidate of their choice in ACD3. Next, we turn to ACD8.

ACD8

We look at the racial makeup of ACD8 first. According to the VAP data (see Figure 1), whites will be 56.1% of the district, and Hispanics 34.5%. But the actual CVAP shows the inflated Hispanic share in the VAP data. Taking consideration of citizenship Hispanic share shrinks to 27.5%, a decline of 7%. Once again, using VAP will dilute the Hispanic vote in ACD8.

Table 3
Approved CD8, based on VAP

Group	Voter group Turnout	Of the voters that turned out voted for DEM	REP
White	68.4%	45.8%	53.5%
Hispanic	13.0%	74.5%	24.6%
other	39.4%	68.5%	30.6%
Total	46.6%	50.1%	48.9%

Table 4
Approved CD8, based on CVAP

Group	Voter group Turnout	Of the voters that turned out voted for DEM	REP
White	65.2%	46.1%	53.0%
Hispanic	22.4%	67.0%	32.1%
other	71.5%	68.5%	30.5%
Total	53.6%	50.5%	48.6%

The white support for the Republican candidates was consistent in ACD8 across the eight state-wide elections analyzed by this report, and clearly the majority of white voters (about 53%) voted for the Republican candidates in the eight elections. On the contrary, the Hispanic support for the Democratic candidate was as high as 67% or above. In other words, there is a racially polarized voting pattern in ACD8 as well. Moreover, the VAP data overestimated such Hispanic support by about 7%. To project the opportunity of Hispanic voter to elect the candidate of their choice, one should avoid using the VAP data that dilutes their vote strength.

The turnout gap between whites and Hispanics is even more pronounced in ACD8 than in ACD3. The VAP data shows a turnout gap of almost 60% while CVAP data revealed a turnout gap of 47%. Regardless, to limit the dilution of the Hispanic vote in this community, the redistricting process must factor in the significant voting participation gap between whites and Hispanic voters.

The CLLARO Plan for CD3 and CD8

I also received the data from CLLARO regarding its plan for both CD3 and CD8. Using the same measures discussed above, I found that the CLLARO Plan greatly improved equal protection of whites and Hispanic voters under the Voting Rights Act, and it limits Hispanic vote dilution to a much greater extent than does the Final Approved CD3 and CD8.

With respect to CD3, the CLLARO plan contains a similar racial and ethnic makeup with that of the ACD3 (i.e., about 74.5% non-Hispanic whites and 20.5% Hispanics in terms of CVAP, see Figure 2 below). But the racially polarized voting in the CLLARO plan is much smaller than that in the ACD3.

6

Figure 2

Racial/ethnic Compositions based on Population, VAP and CVAP, CLLARO Plan

	Total	White	White %	Hispanic	Hispanic %	Black	Black %	Asian	Asian %	Other	Other %
Congressional District 3 (CLLARO)											
Total Population	721,714	476,768	66.1%	189,656	26.3%	15,175	2.1%	11,469	1.6%	39,203	5.4%
Voting Age Population	577,074	400,638	69.4%	134,209	23.3%	10,762	1.9%	8,169	1.4%	28,625	4.9%
Citizen Voting Age Population	542,827	403,730	74.4%	112,696	20.8%	8,810	1.6%	4,410	0.8%	12,254	2.3%
Congressional District 8 (CLLARO)											
Total Population	721,714	372,279	51.6%	274,376	38.0%	22,762	3.2%	37,561	5.2%	32,086	4.4%
Voting Age Population	540,481	303,209	56.1%	183,156	33.9%	14,546	2.7%	26,500	4.9%	22,701	4.2%
Citizen Voting Age Population	465,185	306,448	65.9%	126,218	27.1%	9,866	2.1%	15,718	3.4%	5,795	1.2%

Again, I provided the RPV estimates based on VAP (Table 5) and CVAP (Table 6). While whites continue to show greater support for the Republican candidates than the Democratic candidates, the Hispanic voters revealed the opposite pattern of overwhelming support for the Democratic candidates (i.e, an indication of RPV between whites and Hispanics). More importantly, the racial gap revealed by the ACD plan is significantly reduced by the CLLARO plan.

Table 5

CLLARO Plan CD3, based on VAP

	Voter group	Of the voters that turned out voted for	
Group	Turnout	DEM	REP
White	64.4%	43.6%	55.4%
Hispanic	29.9%	80.9%	18.1%
other	36.2%	53.9%	45.2%
Total	54.1%	49.1%	50.1%

Table 6

CLLARO Plan CD3, based on CVAP

	Voter group	Of the voters that turned out voted for	
Group	Turnout	DEM	REP
White	63.2%	44.1%	54.9%
Hispanic	37.6%	74.0%	25.1%
other	46.4%	57.6%	41.5%
Total	57.0%	48.9%	50.1%

To see how the CLLARO plan reduces RPV, we compared the white support for the Democratic candidates with the Hispanic support for the Democratic candidates. Table 5 shows that this gap is about 36% (i.e., 80.9%-43.6%). However, if one goes back to ACD3 results shown in Table 1, we saw that gap at almost 50% level (i.e., 86.1%-36.9% in Table 1). In other words, the CLLARO reduced RPV from about 50% to about 36%, a reduction of about 14%, based on the VAP data reported in Table 1 and Table 5. Using the CVAP data, we see almost exactly the same reduction of RPV by the CLLARO plan (the white-Hispanic gap in terms of their Democratic support is reduced from 44% to 30%, see the corresponding Dem columns in Table 2 and Table 6).

7

The reduction of RPV in the CLLARO plan enhances the equal opportunity for the Hispanic voters to elect the candidate of their choice in Congressional District 3, which is required by the Voting Rights Act. Next, we turn to Congressional District 8.

Once again, we examine the difference between CLLARO plan and the Approved Congressional Plan for District 8 in terms of racial/ethnic makeup and the RPV patterns. The racial/ethnic makeup of District 8, according to the CLLARO plan, also stays at about 56% whites and 34% Hispanics based on VAP data, and 66% whites and 27.5% Hispanic based on CVAP. But the level of RPV is also reduced by the CLLARO plan.

Table 7 CLLARO Plan CD8, based on VAP			

	Voter group	Of the voters that turned out voted for	
Group	Turnout	DEM	REP
White	70.5%	49.6%	49.5%
Hispanic	11.0%	67.1%	32.1%
other	39.4%	69.9%	29.4%
Total	47.4%	52.8%	46.4%

Table 8
CLLARO Plan CD8, based on CVAP

	Voter group	Of the voters that turned out voted for	
Group	Turnout	DEM	REP
White	67.0%	50.9%	48.2%
Hispanic	20.4%	61.6%	37.4%
other	64.9%	65.2%	33.8%
Total	54.2%	53.2%	46.0%

The white-Hispanic gap for the Democratic vote is reduced from 29% to 17% based on VAP data (see Tables 3 and 7) and from 21% to 11% based on CVAP data (see Tables 4 and 8). In short, the reduced RPV in the CLLARO plan for CD8 will lead to a better protection of the Hispanic voters from being diluted in the redistricting process.

Tables 9 and 10 further summarize the comparisons of the Final Approved Plan and the CLLARO Plan in terms of the RPV findings. They list the number of counts for elections that were racially polarized between two racial/ethnic groups (out of 8 elections) and the election outcomes. Table 9 provides the comparison of the Approved Plan and the CLLARO Plan with respect to Congressional District 3 based on the VAP data while Table 10 is based on the CVAP data.

Table 9

Summary of CD3 Findings on Performances
based on 8 elections estimated with VAP

Category	Detailed	CLLARO Plan	Final Approved Congressional Plan
times of defeat for	DEM	4	8
times of RPV between	Hispanic_White	8	8
times of RPV between	Hispanic_Other	0	0
times of RPV between	White_Other	1	3
inconclusive RPV between	Hispanic_White	0	0
inconclusive RPV between	Hispanic_Other	7	5
inconclusive RPV between	White_Other	7	5
No RPV between	Hispanic_White	0	0
No RPV between	Hispanic_Other	1	3
No RPV between	White_Other	0	0

Table 10

Summary of CD3 Findings on Performances
based on 8 elections estimated with CVAP

Category	Detailed	CLLARO Plan	Final Approved Congressional Plan
times of defeat for	DEM	5	8
times of RPV between	Hispanic_White	7	8
times of RPV between	Hispanic_Other	0	0
times of RPV between	White_Other	4	2
inconclusive RPV between	Hispanic_White	1	0
inconclusive RPV between	Hispanic_Other	4	6
inconclusive RPV between	White_Other	4	6
No RPV between	Hispanic_White	0	0
No RPV between	Hispanic_Other	4	2
No RPV between	White_Other	0	0

The CLLARO Plan outperformed the Approved Plan for CD3 because there are smaller counts of racially polarized voting between whites and Hispanics, and larger counts of No RPV or Inconclusive RPV (which means that no statistically significant evidence to conclude RPV or lack of). The same pattern is also recorded for CD8 (see Tables 11 and 12 below).

Table 11

Summary of CD8 Findings on Performances
based on 8 elections estimated with VAP

Category	Detailed	CLLARO Plan	Final Approved Congressional Plan
times of defeat for	DEM	0	2
times of RPV between	Hispanic_White	0	8
times of RPV between	Hispanic_Other	0	0
times of RPV between	White_Other	0	6
inconclusive RPV between	Hispanic_White	8	0
inconclusive RPV between	Hispanic_Other	1	2
inconclusive RPV between	White_Other	8	2
No RPV between	Hispanic_White	0	0
No RPV between	Hispanic_Other	7	6
No RPV between	White_Other	0	0

Table 12

Summary of CD8 Findings on Performances
based on 8 elections estimated with CVAP

Category	Detailed	CLLARO Plan	Final Approved Congressional Plan
times of defeat for	DEM	0	2
times of RPV between	Hispanic_White	0	5
times of RPV between	Hispanic_Other	0	0
times of RPV between	White_Other	0	5
inconclusive RPV between	Hispanic_White	7	3
inconclusive RPV between	Hispanic_Other	2	2
inconclusive RPV between	White_Other	7	3
No RPV between	Hispanic_White	1	0
No RPV between	Hispanic_Other	6	6
No RPV between	White_Other	1	0

Conclusion

Based on the results of my analyses of ACD3 and ACD8 voting patterns, the Final Approved Congressional Plan inflated some key measurements and led to the dilution of Hispanic vote in both ACD3 and ACD8.

First, the turnout of Hispanic voters must be taken into consideration. On average (of the 8 statewide elections I analyzed), the turnout of Hispanic voters was usually at least 20% lower than that of white voters. This is proved by both VAP and CVAP data. In some elections, such as the 2020 US Senate Election in Colorado, the turnout gap between Hispanic and white voters was as high as 70% in ACD8. Even in the 2016 presidential election which generated a high level of turnout among all groups, white turnout was still more than 16% of the Hispanic turnout in the ACD3. Given the consistent turnout gap between white and Hispanic voters, redistricting needs to factor in these huge discrepancies in voter participation.

Second, the Hispanic share of the electorate is inflated by the VAP data if the Final Approved Plan is put into use. In ACD3, the Hispanic share was inflated by VAP data by approximately 2%, in ACD8 by 7%, after we take consideration of the actual citizen VAP, rather than simply voting age population.

Third, on the contrary, the VAP data deflated the white electorate estimate. The true white percentage of electorate was underestimated by 4.8% in ACD3's Final Approved Plan, and by 10% in CD8's Final Approved Plan. This certainly will allow white voters to play a much bigger role in real elections in the future while diluting Hispanic voting power.

Fourth, using the VAP data also overestimated Hispanic support for the Democratic candidates in the 8 elections in the ACD3 and ACD8, leading to the "fake" Democratic advantages in these two districts. The overestimation for Hispanic support of Democratic candidates, on average, was 5% in ACD3 and 7% in ACD8.

Finally, this report also compares the performance of ACD3 and ACD8 with those of CLLARO plan. It is clear that the high level of RPV seen in the ACD3 and ACD8 will be reduced by the CLLARO plan, which leads to better protection of Hispanic voters against vote dilution in the future.

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 Courses taught: Advanced Quantitative Methods (graduate), American Political Behavior (graduate), Race and Political Volatility in the US (graduate/undergraduate), Voting, Election and Public Opinion, Racial and Ethnic Politics, Political Analysis, Asian American Contemporary Issues, Social Justice and Inequality, Asian Pacific American Experiences, Methodology in Ethnic Studies.

TRISS Endowed Professor in Political Science, 2007-8
Associate Professor (early promotion to associate professor 2005, early tenure 2006)
Assistant Professor, 2002-2005
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University of Wisconsin-Oshkosh
 Courses taught: Race and Ethnicity in American Politics, Politics of Urban Growth, Political Method, State and Local Government, Political Analysis, American Government, National, state and Local Government.

Assistant Professor of Political Science
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Stephens College, Columbia, Missouri, 1999 - 2002
 Courses taught: Urban and Minority Politics, Legislative Process, American Presidency, Campaigning and Lobbying, Macroeconomics, American Government, and Introduction to Statistics.

Consultant, Expert Witness, Principal Investigator, 2000-present
 Provided research services to New America, NAACP, the US Department of Justice, Navajo Nation, Southern Coalition for Social Justice, National Science Foundation, Lawyers' Committee for Civil Rights Under Law, Florida State Legislature, Illinois State Legislature, Wisconsin Security Research Consortium, Fond du Lac School District, Johnson Controls, Inc, City of Waupaca (WI), and Wisconsin Public Service, among others.

EDUCATION

Ph.D. in Political Science (1999), University of New Orleans, Louisiana
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Winner of <u>Byran Jackson Award</u>, Urban Politics Section, American Political Science Association, and Winner of <u>Ted Robinson Award</u> for the best research in race and ethnicity, Southwestern Political Science Association

Master of Arts in Political Science (1995), Oklahoma State University, Stillwater, Oklahoma

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National Science Foundation's "Local Elections in America Project Workshop," Macalester College, Saint Paul, MN (2009)

Methodological Issues in Quantitative Research on Race and Ethnicity, Inter-University Consortium for Political and Social Research (ICPSR), University of Michigan (2006)

Mapping Your City with GIS Workshop, New Urban Research, Madison, Wisconsin (2005)

Jessie Ball duPont Summer Seminars for Liberal Arts College Faculty, the National Humanities Center, Research Triangle, North Carolina (2001)

PROFESSIONAL PUBLICATIONS (contribution is in the order of authors for publications with multiple authors).

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Liu, Baodong and Feng Ling. (2018). "Liberalism or Conservatism: Which One Contributes to America More?" *Chinese Americans,* No. 1565. (in Chinese).

Liu, Baodong. (2018). "The Lawsuit against Harvard and Asian-American Attitude toward Affirmative Action," *Chinese Americans,* No. 1207. (in Chinese).

Liu, Baodong. (2016). "Lu Xun's Attack on Old Chinese Regime and St. Augustine's Self Examination," *Overseas Campus* (in Chinese).

Liu, Baodong. (2015). "Will Christianity Bring about Democracy?" *Overseas Campus* 130 (June): 40-43. (in Chinese)

Liu, Baodong. (2011). "New Ethnic Studies Major at the U: Education for the 21st Century" *Diversity News* 2011 (Fall). http://diversity.utah.edu/newsletter/fall-2011/ethnic-studies-degree.php.

Liu, Baodong (2008). "The Urban Politics Field as We Know It." *Urban News* 22 (1): 1-2.

Liu, Baodong. (2008). "Negative Campaigning a Desperate Strategy," *The Daily Utah Chronicle.* Guest Column. October 20, 2008.

Liu, Baodong. (2007). "The 2006 Midterm Election: Angry Voters? Yes! Clear Vision? No!" *Wisconsin Political Scientist* XIII (2): 9-10.

Liu, Baodong. (2006). "Midterm Election Results Show No Clear Future Vision." Guest Column, *Advance-Titan.* Nov. 9, 2006: A5.

Liu, Baodong and James Vanderleeuw. (2003). "Local Policymakers and Their Perceptions of Economic Development: Suburbs, Central Cities and Rural Areas Compared" *Wisconsin Political Scientist* IX (1): 4-7.

SOFTWARE DEVELOPMENT/GRANTS

diaglm, the author of the R software statistical package for diagnosing and visualization of violations of linear and nonlinear statistical modeling, published at GitHub (bblpo/diaglm). 2019.

diagglm, the author of the R software statistical package for diagnosing and visualization of violations of nonlinear statistical modeling, published at github (bblpo/diagglm). 2019.

Principal Investigator, "Authoritarianism in the Global Ethnic Chinese Communities", a grant proposal supported by University Sabbatical Leave and Asia Center Travel Award. 2020. $1500

Principal Investigator, with Co-Pi, Mike Cobbs (North Carolina State University) and Richard Engstrom (University of Houston). "Understanding the Support for Ranked-Choice Voting," initial grant proposal supported by Political Reform Program, New America. Washington D.C. 2020.

$40,000

Co-PI, with Dennis Wei (PI) and Reid Ewing. "Urban Form, Amenity, and Upward Mobility in the United States," initial grant proposal submitted to Russell Sage Foundation, 2017. (rejected)

Co-PI, with Annie Isabel Fukushima (PI). "Victimhood, Human Trafficking and Immigration: Victimhood in the Face of Criminal Charges." American Council of Learned Societies Collaborative Research Program. 2015-16. (rejected)

Co-PI, with Dennis Wei (PI) and Chris Simon. "Amenity, Neighborhood and Spatial Inequality: A Study of Salt Lake County," Interdisciplinary Research Pilot Program (IRPP), College of Social and Behavioral Science, the University of Utah, 2015. $10,000.

Co-PI, with Annie Isabel Fukushima (PI). "Victimization, Human Trafficking and Immigrants: Mixed Methods analysis of the Perceptions of Victimhood in U.S. Courts (2000 – 2015)", submitted to National Institute of Justice, 2015. $997,407. (rejected)

Co-PI, with Daniel McCool. "The Efficacy of American Indian Voting: A Pilot Project"
Research Incentive Grant, College of Social and Behavioral Science, the University of Utah. (2014-). $7500.

I have provided my Expert Witness Opinions on federal voting rights cases such as *Traci Jones et al vs. Jefferson County Board of Education et al,* (Alabama, 2019); *CMA v. Arkansas* (Arkansas, 2019); *Navajo Nation, et al, vs. San Juan County, et al,* (Utah District, 2012); *League of Women Voters of Florida, et al v. Detzner, et al,* (Florida, 2012); *Anne Pope et. al. v. County of Albany and the Albany County Board of Elections* (N.D., NY 2011); *Radogno, et al v. State Board of Elections, et al,* (N.D., IL, 2011); *NAACP v. St. Landry Parish et al,* (W.D. LA 2003); *Arbor Hill Concerned Citizens Neighborhood Association et al v. County of Albany* (N.D. NY 2003); *Hardeman County Branch of NAACP v. Frost* (2003).

Expert Instructor, Racially Polarized Voting and Political Participation: EI and EZI. Expert Preparation Program, Community Census and Districting Institute. A grant supported by Ford Foundation and Southern Coalition for Social Justice, Duke University, Durham, North Carolina. 2010.

Principal Investigator, 2010-2012. A Multi-level Analysis of Obama Racial Coalition in 2008 and 2012. A project funded by the PIG grant of College of Social and Behavior Sciences, the University of Utah.

Co-PI. Educational Succession Movements in U.S. Metropolitan Areas, proposal submitted to Seed Grants, the University of Utah. 2009. Rejected.

Recipient, Faculty Sabbatical Grant, 2008. University of Wisconsin Oshkosh, grant offered, but finally declined the offer due to job change.

Grant Director/Faculty Advisor, 2008. The WiscAMP program, National Science Foundation.

Principal Investigator, 2007. Wisconsin Research and Development Capacity Study. A project funded by Wisconsin Security Research Consortium.

Principal Investigator, 2007. The Impact of Industrial Involvement on Science Education in Wisconsin. A project funded by Johnson Control, Inc.

Principal Investigator, 2007. <u>The Impact of Fond du Lac School District on Local Economic Development</u>. A project funded by Fond du Lac School District.

EI Methodologist, 2007. <u>Retrogressive Effects of H.B. No. 1565 on Latino Voters in the Bexar County Metropolitan Water District</u>, TX.

Principal Investigator, 2006. <u>The Impact of Economic Development on Citizen Opinions.</u> A project funded by City of Waupaca, Wisconsin Public Services.

Principal Investigator, 2006. <u>Leading the Big Easy: Will the Biracial Coalition Sustain Katrina?</u> Institute on Race and Ethnicity, University of Wisconsin System. 2006.

<u>Methodological Issues in Quantitative Research on Race and Ethnicity,</u> Inter-University Consortium for Political and Social Research (ICPSR), Institute of Social Research, University of Michigan, 2006.

<u>Off-Campus Program Grant,</u> Faculty Development, the University of Wisconsin-Oshkosh, 2006.

<u>GIS and Social Research,</u> Small Research Grant, Faculty Development Program, the University of Wisconsin-Oshkosh, 2005.

Principal Investigator, <u>Getting the White Votes.</u> American Political Science Association Research Grant, Washington D.C., 2003.

Principal Investigator, <u>A Comparative Study of Urban Elections</u>. Faculty Research Development Grant, the University of Wisconsin-Oshkosh, Oshkosh, Wisconsin, 2004.

Principal Investigator, <u>Getting the White Votes.</u> Faculty Research Development Grant, the University of Wisconsin-Oshkosh, Oshkosh, Wisconsin, 2003.

 Advanced Graduate Student Travel Grant, the American Political Science Association, 1999

AWARDS AND HONORS

Nominee for the Career & Professional Development Center, Faculty Recognition Program, University of Utah. 2018.

Winner of A Showcase of Extraordinary Faculty Achievements (for publication of my book, Social Research: Integrating Mathematical Foundations and Modern Statistical Computing. San Diego: Cognella Academic Publishing), With commendation from the J. Willard Marriott Library and the Office of the Vice President for Research. University of Utah. 2016

Nominee for the Social and Behavior Science College Superior Research Award (senior scholar category), nominated by the political science department in both 2011 and 2012.

Professor of Political Science (National 985-Plan Supported Foreign Scholar), Taught Summer Class at School of Government, Nanjing University, Nanjing, China. 2012.

TRISS Endowed Professorship for Excellence, University of Wisconsin Oshkosh, 2007-8

Artinian Award for Professional Development, <u>Southern Political Science Association</u>, 2004

Byran Jackson Award for the best research/dissertation in racial and ethnic politics in an urban setting, Urban Politics Section, the American Political Science Association, 1999

Ted Robinson Award for the best research in race and ethnicity, Southwestern Political Science Association, 1999

Who's Who in America, 2001-2006, Marquis, USA.

Davis Summer Research Grant, Stephens College, 2001

Firestone Baars Grant for Faculty Development, Stephens College, 1999-2001

Vice President Discretion Grant for Research, Stephens College, 2001, 2000

 Advanced Graduate Student Travel Grant, the American Political Science Association, 1999

Graduate Student Travel Grant, University of New Orleans, 1997

The *Best Graduate Student Paper Award*, Department of Political Science, Oklahoma State University, 1993

Pi Sigma Alpha, National Political Science Honor Society, 1994

PROFESSIONAL POSITIONS

Member, Review Board, Journal of Behavioral and Social Sciences. 2019-

Member, Board of Directors, National Association for Ethnic Studies, 2013-2015

Editorial Board, Urban Affairs Review, 2008-2011

Editorial Advisor, International Encyclopedia of Political Science, CQ Press, 2005-2011

Editor, Urban News, Urban Politics Section, American Political Science Association, 2004-2010

Chair, Urban Politics Program, Southern Political Science Association Annual Convention, 2008

Co-Chair, Asian Pacific American Caucus, American Political Science Association, 2004-2006

Member, American Political Science Association Small Research Grant Committee, 2005

AS A JUDGE OR REVIEWER OF WORKS OF OTHER SCHOLARS FOR ACADEMIC JOURNALS OR PRESSES

2001-present
Perspectives; Politics and Religion; American Political Science Review; Lexington Books; Journal of Behavioral and Social Sciences; The National Science Foundation; Sage Publications, W. W. Norton & Company, Inc; McGraw Hill Publishing; Journal of Politics; National Political Science Review, Political Analysis; Social Science Quarterly; Urban Affairs Review; Political Research Quarterly; Politics and Policy; Journal of Urban Affairs; American Politics Research; Public Opinion Quarterly; Political Behavior;   Sociological Methods and Research

INVITED SPEAKER, ROUNDTABLE/PANEL DISCUSSANT

Baodong Liu. "How Ranked Choice Voting Works?" Invited lecture for the University of Utah Solution Scholars (through Zoom/YouTube). 3/2021.

Baodong Liu. "Asian Americans and the Future of American Democracy", Hinkley Forum. 1/2021.

Baodong Liu. "An Analysis of the 2020 Presidential Election Outcome", Invited talk given to the Chinese American Community in Salt Lake City. 11/2020.

Baodong Liu. "The 2020 Presidential Election and the Future of American Democracy", invited lecture given to Chinese Americans on Zoom. 9/2020.

Baodong Liu, Michael Cobb, and Richard Engstrom. "Understanding the Support for Ranked-Choice Voting in Two Southern Cities" talk given at the Electoral Reform Research Group, Research Development Conference. Washington D.C. 2/2020.

Baodong Liu. ""Nation-State Context and Authoritarian Value Changes of Ethnic Chinese." Talk given at the workshop of The Clash of Authoritarianisms: Secularism versus Islamism in Turkey, University of Utah. 4/2019

Baodong Liu. "Trump's Voters," Panel Discussion on Presidential Primaries. Hinckley Institute of Politics. The University of Utah. Salt Lake City, Utah. 3/2016

Baodong Liu. "Big Data in the Social Sciences," The Consortium for Research on China and Asia (CROCA) and Policy at the Podium. The University of Utah. Salt Lake City, Utah. 11/2014.

Baodong Liu. "Deracialization in the Historial Perspective," the National Black Political Scientist Association Annual Meeting. Las Vegas, Nevada. 3/2012.

"Educating the Best Students in the 21st century: the New Ethnic Studies Major at the University of Utah," a presentation provided to the University Diversity Division Fall Retreat (8/12/2011), the Ethnic Studies Program (8/17/2011), and the Community Council (9/13/2011), at the University of Utah.

"Quantitative Analysis: Ecological Inferences and the Voting Rights Law," a Ford Foundation Project, Duke University. July 24-28, 2010.

"Election 2008: A Symposium," Hinckley Institute of Politics, University of Utah. October 6, 2008.

"IMMIGRATION TODAY: What are the Issues?" League of Women Voters of the Oshkosh Area Public Forum, November 12, 2007.

Theme Panel: "Bleaching" New Orleans? Power, Race, and Place After Katrina, the American Political Science Association Annual Meeting, Philadelphia, September 2, 2006.

"2006 Midterm Election Preview," American Democracy Project, the University of Wisconsin, Oshkosh, November 2, 2006.

"Analysis on the 2006 Midterm Election Results," American Democracy Project, the University of Wisconsin, Oshkosh, November 9, 2006.

"The Politics of New Americans: Studying Asian American Political Engagement," the American Political Science Association Annual Meeting, Washington, D.C. September 3, 2005.

"Significance of Voting Rights Act," Lawyers' Committee for Civil Rights under Law, National Asian Pacific American Legal Consortium, Mexican American Legal Defense and Educational Fund, Washington DC: June 17-18, 2004.

"Protecting Democracy: Defining the Research Agenda for Voting Rights Reauthorization," the Civil Rights Project, Harvard University, Cambridge, MA. May 10, 2004.

Chair, the Politics of Ethnicity and Self-Determination Panel, International Studies Association-Midwest Conference, St. Louis, Missouri, November 2, 2001.

PROFESSIONAL AND COMMUNITY SERVICES

Reviewer, University URC Faculty Scholarly Grant Program, 2020

Chair, Faculty Tenure and Promotion Committee, Political Science, 2019-2020

Member, Curriculum Overhaul Committee, Ethnic Studies, 2018-2019

Member, Faculty Tenure and Promotion Committee, Political Science, 2018-2019

Chair, Faculty Tenure and Promotion Sub-Committee, Ethnic Studies, 2017-2018

Member, Graduate Committee, political science department, the University of Utah, 2014-2018

Member, Executive Committee, political science department, the University of Utah, 2014-2018

Faculty Senator, the University of Utah, 2015-2018

Chair, American Politics Field, political science department, the University of Utah, 2014-1018

Member, GC Building Committee, Social Science Lab, 2015-2018

Expert Volunteer for Utah Fair Redistricting Legal Team, 2017

Member, Assistant Vice President for Diversity Search Committee, 2015-2016

Member, Ad Hoc Graduate Committee for Writing, 2015-2016

Chair, Faculty Joint Appointment Search Committee, ethnic studies program and theatre department, the University of Utah, 2014-2015

Member, Betty Glad Foundation Committee, political science department, the University of Utah, 2014-2015

Chair, Awards Committee, National Association for Ethnic Studies, 2014

*Faculty Mento*r to Junior Faculty, Department of Political Science, 2013-2018

Chair, University of Utah MLK Committee. 2012-2013.

Member, Graduate School Dean Search Committee, 2013.

Member, University Diversity Leadership Team, the University of Utah. 2010-2013.

Member, University Teaching Program Committee, the University of Utah, 2011-2013.

Member, University Diversity Curriculum Committee, Undergraduate Studies, the University of Utah, 2011-2013.

Judge, The Research Day of College of Social and Behavioral Science, 2011-2013.

Member, Organizing Committee, International Conference on Urbanization and Development in China, University of Utah, August 2010.

Member, Retention, Promotion, and Tenure Committee, Department of Political Science, the University of Utah. 2011-2013.

Assistant Director, Ethnic Studies Program, the University of Utah. 2010-2011.

Committee Member, Undergraduate Studies, Department of Political Science, the University of Utah. 2009-2011.

Committee Member, Utah Opportunity Scholarship, the University of Utah, reviewing and making decisions on more than 200 applications. 2009-2010.

Member, Ethnic Studies Positions Exploration Committee, the University of Utah. 2009-2010.

Member, Marketing Committee, Department of Political Science, the University of Utah. 2009-2010.

Guest Speaker, "Obama and the 2008 Presidential Election: A Spatial Analysis" at the Graduate Seminar titled Introduction of Survey Research in Higher Education. College of Education. The University of Utah. Feb. 3, 2009.

Special Speaker, "Obama and the Minimum Winning Coalition" Ethnic Studies Works in Progress Presentation. The University of Utah. Dec., 5, 2008.

Special Speaker, "Election 2008: A Symposium," Hinckley Institute of Politics, University of Utah. October 6, 2008.

Special Speaker, "Predicting the 2008 Presidential Election Outcomes" Discussion on the 2008 Presidential Election. Political Science Department, the University of Utah. Sept. 25, 2008.

Political Commentator for reporting from Salt Lake Tribune, AP, EFE Hispanic News Services, Milwaukee Journal Sentinel, WHBY, KFRU radio stations, the Post-Crescent, Oshkosh Northwestern, Columbia Missourian, and the Daily Utah Chronicle (December 1999 to present)

Faculty Representative for University of Wisconsin-Oshkosh, ICPSR, University of Michigan, 2007-8

Member, Board of Trustees, Wisconsin International School, 2007-8

Member, UWO Office of Institutional Research Advisory Board, 2007-8

President, Northeast Wisconsin Chinese Association, 2007 (executive vice president, 2006)

Member, Program Evaluation Committee. College of Letters and Science, University of Wisconsin-Oshkosh, 2007-8

Member, Political Science Curriculum, Center for New Learning, University of Wisconsin-Oshkosh, 2007-8

Moderator, Oshkosh City Forum, Mayoral Candidates' Debates, March 23, 2005

Grant Reviewer, Faculty Development Program. University of Wisconsin-Oshkosh, 2004-8

Member, African American Minor Counsel. University of Wisconsin-Oshkosh, 2006-.

Member, Search Committee for University Foundation President. University of Wisconsin-Oshkosh, 2005-2006.

Member, Faculty Senate Libraries & Information Services Committee. University of Wisconsin-Oshkosh, 2005-2008.

Chair/Member, Curriculum Committee, Dept. of Political Science, University of Wisconsin-Oshkosh, September 2002-8

Chair, Budget Committee, Dept. of Political Science, University of Wisconsin-Oshkosh, September 2007-8

Member, Personal Committee, Dept. of Political Science, University of Wisconsin-Oshkosh, September 2007-8

Member, Search Committee, Dept. of Political Science, University of Wisconsin-Oshkosh, September 2002-8

Faculty Director, the Stephens College Model UN Team, National Model United Nations Conference, New York, New York, (3/2002)

Chair, Political Science Search Committee, Stephens College (August 2001 to May 2002)

Member, Editorial Advisory Board, Collegiate Press, San Diego, California (2000 to 2001)

Chair, Harry Truman Scholarship Committee, Stephens College (2000 to 2002)

Member, Strategic Planning and Budgeting Committee, Stephens College (2000 to 2002).

CONFERENCE PAPER/PROCEEDINGS

Liu, Baodong. "The Growth of Scientific Knowledge through the Social Computing Networks", paper presented at 19th International Conference on e-Society. 3/2021.

Liu, Baodong. "Racial Prejudice behind the Anti-Affirmative Action Attitude of Asian Americans" paper presented at the Western Political Science Association Annual Conference. San Diego. 4/2019.

Liu, Baodong, Porter Morgan and Dimitri Kokoromytis. "Immigration, Nation-State Contexts and Value Changes of Ethnic Chinese" paper presented at the Midwest Political Science Association Annual Conference. Chicago. 4/2019.

Baodong Liu. "The Strategical Religious Voter", paper presented at the Midwest Political Science Association Annual Meeting. Chicago, Illinois. 4/2018.

Baodong Liu, Nicole Batt and Zackery Stickney. "Authoritarianism for and against Trump", paper presented at the Annual Meeting of Behavioral and Social Sciences, Las Vegas, Nevada. 2/2018.

Baodong Liu. "The Strategic Religious Voter", paper presented at the Oxford Symposium on Religious Studies, Oxford, UK. 3/2016.

Baodong Liu. "The Political Fate of Religious Minorities in the U.S. Presidential Elections." paper presented at the 19th Annual American Association of Behavioral and Social Sciences. Las Vegas, Nevada. 2/2016.

Baodong Liu. "The Political Fate of Religious Minorities in the U.S. Presidential Elections." paper presented at the Hawaii University International Conferences on Arts, Humanities, Social Sciences and Education. Honolulu, Hawaii. 1/2016.

Baodong Liu. "Statistical Inference and Visualization of Big Data in Urban Research", paper presented at the 3rd International Conference on China Urban Development, Shanghai, China. 6/2015.

Baodong Liu. "Race, Religion, and U.S. Presidential Elections," paper presented at the Annual Convention of National Association for Ethnic Studies, Oakland, California. 4/2014.

Baodong Liu. "Racial Context and the 2008 and 2012 US Presidential Elections," paper presented at the 11th Annual International Conference on Politics & International Affairs, Athens, Greece. 6/2013.

Baodong Liu. "Deracialization in the Post-Obama Era," presented at the National Black Political Scientist Association Annual Meeting. Las Vegas, Nevada. 3/2012.

Baodong Liu. "Obama's Racial Coalition," paper presented at the Southwestern Social Science Association Annual Meeting. Las Vegas, Nevada. 3/2011.

Geoffrey M. Draper, Baodong Liu, and Richard F. Riesenfeld. "Integrating Statistical Visualization Research into the Political Science Classroom" Information Systems Educators Conference. 2010. Nashville, Tennessee. 10/2010.

Baodong Liu. "Space and Time: An Empirical Analysis of 2008 Presidential Election," paper delivered at the Annual American Political Science Association Conference, Toronto, Canada, 9/2009.

Baodong Liu. "Sequential and Spatial Voting: An Analysis of the 2008 Democratic Primaries," paper presented at the 2009 Midwest Political Science Association Annual Conference, Chicago, Illinois, 4/2009.

Baodong Liu. "Social Capital, Race, and Turnout," paper presented at the 2008 Midwest Political Science Association Annual Conference, Chicago, Illinois, 4/2008.

Baodong Liu and Lori Weber. "Social Capital and Voting Participation," paper presented at the 2008 Southern Political Science Association Annul Meeting, New Orleans, Louisiana, 1/2008.

Baodong Liu. "The 2006 New Orleans Mayoral Election," paper presented at the 2007 Midwest Political Science Association Annual Conference, Chicago, Illinois, 4/2007.

James Vanderleeuw, Baodong Liu, and Erica Williams. "The Political Ramifications of a Large-Scale Natural Disaster," paper presented at the 2006 annual conference, the American Political Science Association, Philadelphia, 9/2006.

Baodong Liu. "EI Extended Model and the Fear of Ecological Fallacy," paper presented at the 2006 Midwest Political Science Association Annul Meeting, Chicago, Illinois, 4/2006.

Baodong Liu. "The Fear of Ecological Fallacy and the Methods to Conquer It" paper presented at the Western Political Science Association Annual Meeting, Oakland, CA, 4/2005.

Baodong Liu. "The Whites Who Stayed in the City," paper presented at the 2004 Midwest Political Science Association Annul Meeting, Chicago, Illinois, 4/2004.

Baodong Liu. "Whites as a Minority and the New Biracial Coalition," paper presented at the 2004 Southern Political Science Association Annul Meeting, New Orleans, Louisiana, 1/2004.

Baodong Liu and James Vanderleeuw. "Economic Development Priorities and Central City/Suburb Differences," presented at the 2003 Midwest Political Science Association Annual Meeting, Chicago, Illinois, 4/2003.

James Vanderleeuw, Baodong Liu, and Greg Marsh, "Divided Leadership and Racial Reflexivity in Memphis: An Analysis of the 1991, 1995 and 1999 Mayoral Elections," presented at the 2003 Southwestern Political Science Association Annual Meeting, San Antonio, Texas, 4/2003.

Baodong Liu. "White Votes Count: The Effect of Black Candidates' Qualifications on White Crossover Voting," paper presented at *the 98th American Political Science Association Conference*, Boston, Massachusetts, 9/2002.

Baodong Liu. "Searching for a 'Qualified' Black Candidate," *Proceedings of the 97th American Political Science Association Conference*, San Francisco California, 9/2001.

Baodong Liu. "In Defense of an Ethical Rational Choice Theory," paper delivered at the 2001 Jessie Ball duPont Fund Summer Seminars for Liberal Arts College Faculty, the National Humanities Center, Research Triangle, North Carolina, 6/2001.

Baodong Liu. "Reconsidering Social Interaction Theory," presented at the 2001 Western Political Science Association Annual Meeting. Las Vegas Nevada, 3/2001.

James Vanderleeuw, Baodong Liu, and John Johnson. "Economic Development Priorities of City Administrators: A Report on a Survey of City Administrators in Texas," presented at the 2001 Louisiana Political Science Association Convention, Lamar Texas, 3/2001.

Baodong Liu. "Racial Transition: Explaining the Curvilinear Relationship between Black Density and White Crossover Voting," *Proceedings of the 96th American Political Science Association Conference*, Washington DC, 9/2000.

Baodong Liu and James Vanderleeuw. "Racial Transition: Explaining the Curvilinear Relationship between Black Density and White Crossover Voting," presented at *the 96th American Political Science Association Conference*, Washington DC, 9/2000.

Baodong Liu. "Electoral Law and the Russian Party System: A Comparative Study," presented at *the 58th Midwest Political Science Association Conference*, Chicago Illinois, 4/2000.

James Vanderleeuw and Baodong Liu. "Rolling Off in the Context of Context," presented at *the 30th Southwestern Political Science Association Conference*, Galveston Texas, 3/2000.

Baodong Liu. "The Changing Nature of Electoral Competition in Japan." Roundtable Discussant, *the 52nd Association of Asian Studies Annual Meeting*, San Diego California, 3/2000.

Baodong Liu. "Racial Context and White Voting Strategies," presented at *the 95th American Political Science Association Conference*, Atlanta Georgia, 9/1999.

Baodong Liu. "The President's Support in Congress: A Test of U.S. China Policy, 1980-1994," *The 1997 Southern Political Science Association Convention*, Norfolk Virginia, 11/1997.

Baodong Liu. "Examining the Race Line: White Voting Behavior in New Orleans, 1980-1994," *The 27th Southwestern Political Science Association Conference*. New Orleans Louisiana, 3/1997.

Baodong Liu. "Intrapartisan Defeats and the Nomination Strategies of the Japanese Liberal Democratic Party in the 1993 Election," *The Sixth Annual Graduate Student Research Symposium*. Oklahoma State University. Stillwater Oklahoma, 2/1995.

PROFESSIONAL MEMBERSHIP

Pi Sigma Alpha, National Political Science Honor Society
American Political Science Association
Western Political Science Association
Midwest Political Science Association
Association for Asian American Studies
Association of Chinese Political Studies
Southwestern Political Science Association

Serve as an Advisor/Committee Member for the following Graduate and Undergraduate Students

Nicole Batt (Ph.D Dissertation Chair)
Jake Peterson (Ph.D Dissertation Chair)

Matt Haydon (Ph.D. Dissertation Chair)
Porter Morgan (Ph.D. Committee)
Charles Turner (Ph.D Committee)
Geri Miller-Fox (Ph.D Committee)
Alex Lovell (Ph.D Committee)
Samantha Eldrudge (Ph.D Committee)
Leslie Haligan-Park (Ph.D Committee)
Nicole Cline (Master Committee Chair)
Oakley Gordon (Master Committee)
Michael McPhie (Master Committee)
Mary Bank (Faculty Advisor, Undergraduate UROP Applicant and Research Assistant)

Appendix II
Voting Rights Cases in which I served as an Expert Witness

Traci Jones et al vs. Jefferson County Board of Education et al, (Alabama, 2019)
CMA v. Arkansas, (Arkansas, 2019)
Alabama State Conference of NAACP v Pleasant Grove, (N.D. Alabama, 2018)
Navajo Nation, et al, vs. San Juan County, et al, (Utah, 2012)
League of Women Voters of Florida, et al v. Detzner, et al, (Florida, 2012)
Anne Pope et. al. v. County of Albany and the Albany County Board of Elections (N.D., NY 2011)
Radogno, et al v. State Board of Elections, et al, (N.D., IL, 2011)
NAACP v. St. Landry Parish et al, (W.D. LA 2003)
Arbor Hill Concerned Citizens Neighborhood Association et al v. County of Albany, (N.D. NY 2003)
Hardeman County Branch of NAACP v. Frost, (TN, 2003)