

Reasons For Caution Re Supporting Redistricting Initiatives

Nancy Crow, October 12, 2017

Redistricting has always been contentious and all parties have worked to influence it to their advantage. But redistricting after the 2020 census has raised the bar to unseen levels. If not done carefully and correctly the result could be the consolidation of power by one party. The League is non-partisan however, one party rule defies the very definition of democracy.

At the present time the Republican Party controls all three branches of the federal government and the legislatures in 32 states while it receives fewer votes nation-wide for Congressional seats and the presidency, and fewer votes state wide for many state legislature seats.

Colorado stands to gain a Congressional seat after the 2020 census. The Republicans have named Colorado as a state in which they will work to gain control. **It takes the Legislatures of 34 states to call for a constitutional convention to propose a balanced budget amendment.** The passage of a balanced budget amendment would cripple if not destroy many social programs that the League has long fought to support.

Before the League endorses any redistricting initiative, it is important the members familiarize themselves with an organization created by The Republican State Leadership Committee (RSLC) called REDistrictingMAjorityProject(REDMAP), <http://www.redistrictingmajorityproject.com/>. Statement from their website: "Republicans have an opportunity to create 20-25 new Republican Congressional Districts through the redistricting process over the next five election cycles, solidifying a Republican House majority."

David Daley has written a well-documented book on the work of the REDMAP project. The title of the book is, "Ratf**cked". See this article by Elizabeth Kolbert that appeared in the New Yorker for a synopsis of Daley's work, <https://www.newyorker.com/magazine/2016/06/27/ratfcked-the-influence-of-redistricting>.

In addition, an extreme level of sophistication has been achieved in drawing district maps. In any scenario highly skilled map drawers will become involved in the process. A book that I have found informative is by Jordan Ellenberg, Professor of Mathematics at the U of Wisconsin, "How Not to Be Wrong: The Power of Mathematical Thinking." In his book he writes of how the power of mathematical algorithms paired with powerful computers and large data sets can diminish if not eliminate chance. An article written by him appeared in the New York Times on October 8 in which he explains how this power has been used in drawing district maps. The title is "How Computers Turned Gerrymandering Into a Science." https://www.nytimes.com/2017/10/06/opinion/sunday/computers-gerrymandering-wisconsin.html?_r=0

Redistricting in Colorado

Last year a committee called End Gerrymandering Now led a redistricting campaign that failed when the Colorado Supreme Court blocked it on the technicality of not meeting the one subject test. Those on the committee included former GOP House Speaker Frank McNulty, former GOP Senate Minority Leader Josh Penry, former Democratic Secretary of State Bernie Buescher, PR pro Rich Coolidge, and ex-lawmaker Kathleen Curry, a Democrat who turned to unaffiliated. Some of these political operatives have been involved in redistricting for years.

All of the above now serve on the current redistricting effort called Fair Districts Colorado. This year Bernie Buescher told me that they knew they needed a broader participation so they invite the LWV Colorado and Common Cause to participate.

The following have worked on the Fair District Colorado Committee:

Frank McNulty: Republican, past State House Speaker. He now works for Square State Strategy Group, Colorado's premier corporate and political consulting firm specializing in government affairs,

campaigns, and advocacy. From their website: “In a complex legislative, political, and regulatory world, Square State Strategy Group helps businesses and individuals navigate public policy pitfalls and maximize campaign strategies.”

Josh Penry: Republican, Colorado House of Representative for 2004 to 2006, and State Senator for 2006 to 2010. Josh Penry and Rich Coolidge: Both work for EIS Solutions. Website for EIS and cases they have supported. <http://eissolutions.com/case-studies/>
EIS has a group called Vital for Colorado to lobby for oil and gas, fracking in particular.

Alan Philp: Aegis Strategic, Chief Operating Officer. Aegis Strategic is a Koch-backed political consulting firm that seeks to “help electable advocates of the freedom and opportunity agenda who will be forceful at both the policy and political levels.”

Governor Bill Owens: Republican, Past Governor. He now works at the Greenberg Traurig law firm. Their website say this --Owens will work in the Denver office as senior director in the Government Law & Policy Practice where he will advise and assist clients on capital and infrastructure projects as well as public policy matters. He is presently on the Boards of several NYSE-listed companies and has been on the Boards of two companies prior to their public IPO. He lobbies on TV for fracking.

Rob Witwer: Republican, former Senate Minority Leader. He wrote this book – “The Blueprint: How the Democrats Won Colorado (and Why Republicans Everywhere Should Care).” Witwer works for Southwest Generation. From their website. “Southwest Generation is a rapidly growing privately held energy company based in Denver, Colorado, that is building a diversified portfolio of natural gas-fired power generation assets.”

Bernie Buescher: Democrat, former Secretary of State. He works for Ireland Stapleton where he works with their Government Relations & Regulatory Affairs practice group that advises and represents businesses in a variety of industries on public policy initiatives and in regulatory and licensing proceedings. Attorneys in this practice group have held positions in municipal, state and federal offices, including the Denver Department of Excise and Licenses, the Colorado Public Utilities Commission, the Colorado Secretary of State, the Colorado and Illinois Offices of the Attorney General and the U.S. Department of the Treasury. The Firm’s attorneys have many years of experience as regulators, advocates and policymakers and possess the depth of knowledge and insight clients need to further their initiatives and achieve their goals.

Mark Ferrandino: Democrat, former Speaker of House. Is now the Chief Financial Officer for the Denver Public Schools. Also on the Board of Directors for Colorado Office of the Child’s Representative.

Kathleen Curry: Unaffiliated, former State Representative. Owns a ranch and antique store.

Bill Hobbs: Unaffiliated, former Deputy Secretary of State. Appointed by Governor Bill Owens. He works for Ireland Stapleton. From their website – Bill Hobbs is a highly experienced attorney with nearly 40 years’ experience working with elected officials, the legislature and election law. As an Of Counsel attorney with Ireland Stapleton, Bill draws from his experience in the Colorado Secretary of State’s office as both a Deputy Secretary of State and as a former State Elections Director to assist local governments on election law issues. Additionally, Mr. Hobbs serves as the Director of Special Projects for the Colorado Statewide Internet Portal Authority, where he helps to bring information technology services and solutions to Colorado state agencies and local governments.

Ron Tupa: Democrat. Serve 14 years in CO General Assembly. He is now a staff member of Democrats for Education Reform (DFER), a political action committee whose stated purpose is to support Democratic Party policies to reform American public education. His title is Director of State Legislatures.

Toni Larson, Barb Mattison, Jean Fredlund, and Andrea Wilkins: League of Women of Voters of Colorado

Organizations That Follow Redistricting and Have Not Signed On

- **Colorado Common Cause** has offered feedback to the FDC committee and is reviewing the initiatives but has not yet taken a position.
- **The ACLU of Colorado** did not have input to the FDC committee.

Some Voices of Concern:

- **Ruth Nerenberg**, president LWV Pueblo wrote in an email to Sue Vaughan: “Thank you, Sue. You probably heard from Patty and maybe Linda that I have been raising questions. As I told them, in Pueblo, two well respected politicians have dropped off the list of supporters, one questioning the partisanship and diversity of the group. Joe Garcia was a president of CSU-Pueblo, and was well known and respected for his leadership of the University and community. Abel Tapia is a Pueblo native, and a well-known community supporter, in every way. If one of them says there’s a problem, then there’s a problem. I am glad LWV is stepping back. Gerrymandering is an important issue, but it is imperative that it is done well, and that LWV not support anything less.
- **Steve Fenberg and Jessie Ulibarri** wrote this opinion piece -- http://www.dailycamera.com/guest-opinions/ci_31305322/steve-fenberg-and-jessie-ulibarri-beware-redistricting-wolf. Fenberg is the current state senator for Senate District 18. Ulibarri is a former senator representing Senate District 21.
- **Ellen Dumm**, a consultant who advises progressive causes in Colorado and is rallying a coalition to oppose the ballot measures. Taking county-line preservation into more account than communities of interest, she believes, would mean more GOP-looking maps in the future.
- **Grueskin**, an election lawyer who has represented Democrats in redistricting fights, sees a disconnect in what Fair Districts Colorado is saying publicly and what’s in the proposed ballot language of the ballot measures – he says it would put more power into the hands of political insiders who are accountable to partisan politics rather than voters, points to provisions that say legislative staff members who draw up the maps can’t talk to commissioners about them until it’s time for the commissioners to consider the maps, and that competitiveness is only considered once every other consideration that’s required by the initiatives has been satisfied.

In Conclusion: Redistricting in Colorado is a high stakes proposition. In making the decision of whether to support the proposed initiatives will take a great deal of education, thought, and deliberation. In my opinion the possibility of unintentional consequences is highly likely, thus the reason for my concern.