

KEYSTONE CHARTER COMMISSION MEMORANDUM

TO: Keystone Charter Commission Members
FROM: Jennifer Madsen
RE: Qualifications for districts and campaign contributions
DATE: June 5, 2023

This document provides additional information related to qualifications for districts and campaign contributions.

Qualifications for Districts

To divide the Town of Keystone into districts, state law provides that boundaries of districts “not be changed more often than once in six years, unless change is necessary to conform to constitutional apportionment requirements.” C.R.S. § 31-4-104.

The constitutional apportionment requirement is the one person, one vote principle. The one person, one vote requirement means that districts must be based equal population requirements among the districts. The reason is that if you have a more populous district, the weight of the vote in that district is diluted in comparison to the vote of an elector in a more sparsely settled district. The concept arises out of the Equal Protection Clause of the U.S. Constitution, and requires that districts be drawn so that "as nearly as is practicable one [person's] vote in a congressional election is to be worth as much as another's." *Wesberry v. Sanders*, 376 U.S. 1, 7-8 (1964). Simply put, voting districts should be as equal in population as possible, though mathematical precision is not required. *Reynolds v. Sims*, 377 U.S. 533, 577 (1964).

A second constitutional mandate is racial equality – minority voting strength cannot be purposely diluted by a redistricting plan. As a general rule, "minority voting strength is impermissibly diluted when large concentrations of minority population are ... fragmented and disbursed." *Carstens v. Lamm*, 543 F.Supp. 68, 85-86 (D. Colo. 1982).

There are other non-constitutional considerations that are generally considered when drawing boundary lines: compactness, contiguity, and preservation of communities of interest.

Campaign Contributions

I understand that one topic that has been raised by email to the Charter Commission is the issue of campaign contributions.

The Fair Campaign Practices Act (“FCPA”) governs campaign spending and reporting requirements for campaign contributions. Home rule municipalities that have adopted their own campaign finance ordinances do not have to follow the requirements of the FCPA.

This year the Colorado General Assembly implemented contribution limits for municipal office (H.B. 23-1245) as follows:

- Maximum amount of aggregate contributions that any one person, including political party, and excluding a small donor committee, may make to a candidate committee of a candidate committee for a municipal office is \$400
- Maximum amount of aggregate contributions that any one small donor committee may make to a candidate committee for a municipal office is \$4,000

Candidates, issue committees, political committees, and small donor committees must all file reports of campaign contributions and expenditures with the municipal clerk.

Candidates and their committees may not accept contributions from:

- Corporations
- Foreign citizens, corporations, or governments
- Another candidate committee
- Anonymous contributions of \$20 or more
- Limited liability companies if any of their members are:
 - A corporation or labor organization
 - A natural person who is a non-US citizen
 - A foreign government