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DISTRICT COURT, WELD COUNTY, COLORADO
901 Ninth Avenue
P.O. Box 2038
Greeley, Colorado 80631

Plaintiffs: LEAGUE OF WOMEN VOTERS OF GREELEY, WELD COUNTY, INC., a Colorado nonprofit corporation; LATINO COALITION OF WELD COUNTY, a Colorado nonprofit corporation; BARBARA WHINERY, an individual; and STACY SUNIGA, an individual

v.

Defendants: THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WELD, a body corporate and politic; MIKE FREEMAN, in his capacity as a Weld County Commissioner; SCOTT JAMES in his capacity as a Weld County Commissioner; LORI SAINÉ, in her capacity as a Weld County Commissioner; KEVIN ROSS, in his capacity as a Weld County Commissioner; PERRY BUCK, in her capacity as a Weld County Commissioner.

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Case No.:

Division:

Courtroom:

COMPLAINT

INTRODUCTION

1. It is the public policy of the State of Colorado that members of the public are given inclusive and meaningful participation in the redistricting process for elected officials.

2. This is achieved through the creation of a redistricting commission that must consider at least three proposed redistricting maps. That commission, in turn, ensures the public has the ability to watch witnesses who deliver testimony and the redistricting commission's deliberations and provide written comments for consideration before any proposed map is adopted. The General Assembly codified these values, among others, and applied them to county commissioners in House Bill 21-2047.

3. In March 2023, Defendants, the Board of County Commissioners of the County of Weld and the individual Commissioners named herein, approved a resolution (Resolution) adopting a new commissioner redistricting map for Weld County (Map). Defendants expressly disavowed the need to comply with anything other than their own determination of what the commissioner districts should look like. They took the position that House Bill 21-2047 simply did not apply to them.

4. Instead, Defendants internally decided that only one map would be presented to the public. Based on Defendants' approved minutes, that map was created by only the Weld County Clerk and Recorder, at Defendants' direction. It was presented to and received initial approval during a public hearing at which only three of the five Commissioners participated, no member of the public attended, and the room looked like this¹:



¹ This still photo is taken from the beginning of the Board's recording of its January 23, 2023 board meeting, available as of the date of filing at: <https://weldcoco.suiteonemedia.com/event/?id=793>. Plaintiffs cannot locate a recording of the public hearing that supposedly occurred at that same place and time. The projector screen

5. The Map will control Commissioner elections for the next ten years. In the immediate future, three of the five Commissioner positions will stand for election in 2024. Two of those three are districted positions, meaning the districts Defendants crafted will be the very districts in which they seek re-election.²

6. Because Defendants disregarded the process in House Bill 21-2047 requires, they did not follow the mandatory safeguards protecting the integrity of the redistricting process. And because those safeguards were disregarded, Plaintiffs were denied their right to fully participate in the redistricting process and, along with the citizens of Weld County, are left with a Map that bears none of the hallmarks of public confidence and integrity House Bill 21-2047 provides.

7. Defendants were not free to disregard House Bill 21-2047 in redistricting Weld County's commissioner districts. Plaintiffs therefore seek injunctive and declarative relief to correct this error, force Defendants' compliance with House Bill 21-2047, and return integrity and public participation to the commissioner redistricting process in Weld County.

PARTIES

8. Plaintiff the League of Women Voters of Greeley, Weld County, Inc. (League) is a 501(c)(3) nonprofit corporation organized under the laws of the State of Colorado, with a principal office address of 1950 26th Avenue Court, Greeley, Colorado 80634, and a principal mailing address of P.O. Box 336634, Greeley, Colorado 80633.

9. The League is a nonpartisan political organization that encourages informed and active participation in government through education and advocacy.

10. The League members are Weld County residents who support the League's mission.

11. Plaintiff the Latino Coalition of Weld County (Coalition) is a nonprofit corporation organized under the laws of the State of Colorado, with a principal office address of 3906 West 14th Street, Greeley, Colorado 80634, and a principal mailing address of P.O. Box 336672, Greeley, Colorado 80632.

displayed in the photo states the time is 9:01 a.m. *See* Exhibit 8, attached. Based on the published notice of the January 23, 2023 public hearing stating the hearing would begin at 9:00 am (*see* ¶ 45 below and Exhibit 2, attached); the regular Board meeting agenda for January 23, 2023, stating the public hearing was set for 9:00 a.m. (*see* ¶ 50 below and Exhibit 3, attached); and the approved minutes from the January 23, 2023 public hearing stating the hearing did begin at 9:00 am (*see* ¶ 53 below and Exhibit 6, attached), Plaintiffs allege on information and belief that this is what the room looked like at 9:00 a.m. on January 23, 2023.

² There are two at-large Commissioners for whom all Weld County residents may vote.

12. The Coalition is a nonpartisan organization committed to giving voice to the Weld County Latino community in local government and community issues.

13. The executive committee and advisory council of the Coalition are comprised of Weld County residents who support the Coalition's mission.

14. Plaintiff Barbara Whinery is a citizen of the State of Colorado residing in Weld County, Colorado. Ms. Whinery is a registered voter in the State of Colorado and in Weld County.

15. Plaintiff Stacy Suniga is a citizen of the State of Colorado residing in Weld County, Colorado. Ms. Suniga is a registered voter in the State of Colorado and in Weld County.

16. The County of Weld is a political subdivision of the State of Colorado. Defendant Board of County Commissioners of County of Weld (Board) is the governing body for Weld County, Colorado.

17. The County of Weld is one of only two home rule counties in Colorado operating under Art. XIV, Sec. 16, of the Colo. Constitution. The County of Weld is required by law to carry out the same statutory function and responsibilities required of every other county in the state. Art. XIV, Sec. 16(3), COLO. CONST.; C.R.S. § 30-25-201.

18. The Board has its offices at the Weld County Administration Building, 1150 O Street, Greeley, Weld County, Colorado 80631. The Board's mailing address is P.O. Box 758, Greeley, Colorado 80632.

19. The Board consists of five members, two of whom are elected at large and three of whom are elected by voters from one of three Commissioner Districts of Weld County.

20. Defendant Mike Freeman is a Weld County Commissioner for District 1 of Weld County, Colorado. Mr. Freeman's business address is 1150 O Street, Greeley, Weld County, Colorado 80631.

21. Defendant Scott James is a Weld County Commissioner for District 2 of Weld County, Colorado. Mr. James' business address is 1150 O Street, Greeley, Weld County, Colorado 80631.

22. Defendant Lori Saine is a Weld County Commissioner for District 3 of Weld County, Colorado. Ms. Saine's business address is 1150 O Street, Greeley, Weld County, Colorado 80631.

23. Defendant Kevin Ross is a Weld County Commissioner for Weld County, Colorado, at Large. Mr. Ross's business address is 1150 O Street, Greeley, Weld County, Colorado 80631.

24. Defendant Perry Buck is a Weld County Commissioner for Weld County, Colorado, at Large. Ms. Buck’s business address is 1150 O Street, Greeley, Weld County, Colorado 80631.

JURISDICTION AND VENUE

25. This Court has subject matter jurisdiction under Colorado Constitution, article VI, section 9 and personal jurisdiction over Defendants under section 13-1-124, C.R.S., because Defendants transacted business and committed the acts complained of in Colorado.

26. Venue is proper in this Court under Colorado Rule of Civil Procedure 98(c) because Defendants reside in Weld County, Colorado.

GENERAL ALLEGATIONS

A. The General Assembly passed House Bill 21-1047 to protect Colorado residents’ rights to fair elections.

27. In 2018, the people of the State of Colorado passed Amendments Y and Z to the Colorado Constitution to end the practice of political gerrymandering. S. Con. Res. 18-004, 71st Gen. Assembly, 2nd Reg. Sess. § 1 (2018); S. Con. Res. 18-005, 71st Gen. Assembly, 2nd Reg. Sess. §1 (2018); COLO. CONST. art. V §§ 44–48.4.

28. Amendments Y and Z created an Independent Congressional Redistricting Commission for establishing election districts for Colorado’s representatives in the United States Congress, and an Independent Legislative Redistricting Commission for establishing election districts for Colorado’s General Assembly representatives and senators. S. Con. Res. 18-004, 71st Gen. Assembly, 2nd Reg. Sess. § 1 (2018); S. Con. Res. 18-005, 71st Gen. Assembly, 2nd Reg. Sess. §1 (2018); COLO. CONST. art. V §§ 44(2), 46(2).

29. The goals of Amendments Y and Z included:

- a. “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,”
- b. providing “voters with a meaningful choice among candidates,”
- c. promoting “a healthy democracy,”
- d. ensuring constituents “receive fair and effective representation,” and
- e. providing an “inclusive and meaningful” redistricting process that gives the public “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.”

S. Con. Res. 18-004, 71st Gen. Assembly, 2nd Reg. Sess. § 1 (2018); S. Con. Res. 18-005, 71st Gen. Assembly, 2nd Reg. Sess. §1 (2018); COLO. CONST. art. V §§ 44(1)(c), (1)(d), (1)(f), 46(1)(c), (1)(d), (1)(f).

30. “The only partisan offices elected by districts in Colorado not included in Amendments Y and Z were county commissioners[.]” H.B. 21-1047, 73rd Gen. Assembly, 1st Reg. Sess. § 1(1)(g) (2021). Colorado law “impose[d] very few limitations on how county commissioner districts [were] to be drawn.” H.B. 21-1047, 73rd Gen. Assembly, 1st Reg. Sess. § 1(1)(i) (2021).

31. To rectify that, in 2021, the Colorado General Assembly passed, and the Governor signed into law, House Bill 21-1047. The bill was passed to ensure that county commissioner elections “are held to the same high standards that Amendments Y and Z require of redistricting for congressional districts.” H.B. 21-1047, 73rd Gen. Assembly, 1st Reg. Sess. § 1(2) (2021).

32. The General Assembly concluded that “it is of statewide interest that voters in every Colorado county are empowered to elect commissioners who will reflect the communities within the county and who will be responsive and accountable to them.” H.B. 21-1047, 73rd Gen. Assembly, 1st Reg. Sess. § 1(1)(i) (2021).

33. Thus, House Bill 21-1047 is intended to “ensure representation for the various communities of interest and to maximize the number of competitive districts” for county commissioner electoral races. H.B. 21-1047, 73rd Gen. Assembly, 1st Reg. Sess. § 1(1)(b) (2021). The bill’s protections include “fair criteria for drawing of districts, plans drawn by nonpartisan staff, robust public participation, and where practicable, independent commissions.” H.B. 21-1047, 73rd Gen. Assembly, 1st Reg. Sess. § 1(2) (2021).

34. The Final Fiscal Note to House Bill 21-1047 states that House Bill 21-1047 “is applicable only in counties where commissioners are elected by just a portion of the county.” It also states that “[O]nly three counties are currently affected by the bill: Arapahoe, El Paso, and Weld Counties.”

35. Section 2 of House Bill 21-1047 was passed, signed into law by Governor Polis, and is codified at sections 30-10-306 through 30-10-306.7 of the Colorado Revised Statutes.

B. Sections 30-10-306 through -306.4, C.R.S., requires robust public participation and a fair and nonpartisan redistricting process.

36. To implement the goals and purposes of House Bill 21-1047, sections 30-10-306 through -306.4 require boards of county commissioners to follow these criteria in redistricting a county:

- a. Boards of county commissioners “must designate a county commissioner redistricting commission, and are encouraged to convene an independent county commissioner district redistricting commission[.]” § 30-10-306.1(1), C.R.S.
- b. “The commission shall not approve a redistricting plan until at least three hearings have been held.” § 30-10-306.2(3)(b), C.R.S.
- c. “If the hearings are held in person, each hearing must be held in a different third of the county.” *Id.*
- d. “If the hearings are held electronically, the board of county commissioners shall either solicit feedback from the whole county for each hearing or solicit feedback from a different third of the county for each hearing.” *Id.*
- e. The hearings shall be “broadly promoted throughout the county.” *Id.*
- f. “The commission shall establish the necessary elements of electronic attendance at a commission hearing.” *Id.*
- g. “The commission shall provide simultaneous access to the hearings by broadcasting them via its website or comparable means of communicating with the public, allowing both electronic and in-person public testimony, and maintaining an archive of such hearings for online public review.” § 30-10-306.2(3)(e), C.R.S.
- h. The commission shall “solicit[] feedback from the county” on at least three proposed plans at the public hearings. § 30-10-306.4(1)(f), C.R.S.
- i. “At public hearings at which the plans are presented, staff or an advisory committee 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 30-10-306.3.” § 30-10-306.4(1)(e), C.R.S.
- j. “The commission shall provide meaningful and substantial opportunities for county residents to present testimony, either in person or electronically, at hearings.” § 30-10-306.2(3)(b), C.R.S.
- k. “[T]he commission shall solicit evidence relevant to the competitiveness of elections in the county and shall assess such evidence in evaluating proposed plans.” § 30-10-306.3(3)(b), C.R.S.
- l. “The commission shall maintain a website through which any county resident may submit proposed plans or written comments, or both, without

attending a hearing of the commission. The commission shall ensure that the website is easily accessible and contains a record of the commission's activities and proceedings[.]” § 30-10-306.2(3)(c), C.R.S.

- m. “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 county resident submitting such comments.” § 30-10-306.2(3)(d), C.R.S.
- n. “As much as is reasonably possible, the commission's plan must preserve whole communities of interest and whole political subdivisions, such as cities and towns; except that a division of such city or town is permitted where, based on a preponderance of 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 city or town, it shall minimize the number of divisions of that city or town.” § 30-10-306.3(2)(a), C.R.S.

37. Nothing in sections 30-10-306 through -306.7, C.R.S. or House Bill 21-1047 permits a home rule county to exempt itself from these statutory requirements.

C. Defendants failed to comply with sections 30-10-306 through -306.4 when they adopted the new commissioner district Map.

38. Weld County has three County Commissioner Districts.

39. On March 1, 2023, the Board approved the Resolution changing the boundaries for the three County Commissioner Districts in Weld County, Colorado, which included the Map as an attachment. Resolution with Map, attached as Exhibit 1.

40. At present, the Map will be used to define the County Commissioner Districts for the Weld County Commissioner elections in 2024.

41. The Board failed to comply with the necessary statutory requirements in adopting the March 1, 2023 Resolution approving the Map.

42. Upon information and believe, three redistricting maps were proposed internally among the Board. However, only one version—the same Map that ultimately was approved—was ever presented at public hearing.

43. Before passing the March 1, 2023 Resolution, the Board held two hearings on the single proposed Map.

44. Defendants published two notices of the hearings in the “Public Notices” section of the *Greeley Tribune*. Each notice was published in eight-point font, which is small and difficult to read.

1. The first notice and hearing on redistricting go unnoticed by the public.

45. Defendants published notice of the first hearing on January 11, 2023 (January 11 Notice). *See* January 11, 2023 Notice, attached as Exhibit 2.

46. The January 11 Notice stated that on January 23, 2023, the Board would “consider a plan to modify the boundary lines of Commissioner Districts in Weld County Colorado and will hold a public hearing to receive input from the public regarding the plan.” Exhibit 2.

47. The January 11 Notice stated that the hearing on January 23 (January 23 Hearing) would take place at 9:00 am at the “Centennial Hearing Room at the Weld County Administration Office, 1150 O Street, Greeley, CO 80631,” but did not provide any method for the public to attend or access the hearing electronically. Exhibit 2.

48. The January 11 Notice advised that the proposed Map could be examined at the office of the Clerk to the Board, in Greeley, Colorado. *See* Exhibit 2.

49. The Clerk’s office also is located at 1150 O Street, Greeley, Colorado 80631, at the Weld County Administration Building.

50. On information and belief, there is no easy public transportation to this location. The nearest bus route is approximately a ten-minute walk from the building.

51. The January 11 Notice stated that public comments about the redistricting plan could be submitted by mail or email and “must be received prior to January 23, 2023.” Exhibit 2.

52. The fact that there was a public hearing set for 9:00 am on “Changing Boundary Lines of Commissioner Districts in Weld County, Colorado” was noted on the bottom of the agenda for the January 23, 2023 Board meeting. *See* January 23, 2023 Agenda, attached as Exhibit 3.

53. However, the January 23 Hearing does not appear on the agenda for the January 11, 2023 Board meeting, where the Board typically lists upcoming public hearings. *See* January 11, 2023 Agenda, attached as Exhibit 4.

54. The January 23 Hearing also is not reflected on the Board’s published Calendar of Public Meetings and Hearings. *See* January 23, 2023 Daily Calendar, attached as Exhibit 5.

55. The January 23 Hearing was held at the Weld County Administration Building in Greeley, Colorado. *See* January 23, 2023 Approved Hearing Minutes, attached as Exhibit 6.

56. Based on information and belief, there was no Zoom or other electronic participation permitted for the January 23 Hearing.

57. The January 23 Approved Hearing Minutes state that the public hearing began at 9:00 a.m. *See* Exhibit 6 at 1.

58. A regularly scheduled Board meeting also took place on January 23, 2023 (January 23 Board Meeting). *See* January 23, 2023 Approved Board Meeting Minutes, attached as Exhibit 7.

59. The approved minutes from that Board meeting certify that the Board meeting also began at 9:00 a.m. *Id.* at 1, 5.

60. The publicly available video recording of the January 23 Board Meeting shows a projector screen with the time “9:01 a.m.” on it. *See* January 23 Board Meeting Video Still, attached as Exhibit 8.³

61. That video recording does not include any mention of any public hearing regarding redistricting.

62. No public comments were received before the January 23 Hearing.

63. Based on information and belief, and based on diligent search, the recording from the January 23 Hearing is unavailable on the Weld County Commissioners website. The minutes from this hearing are buried on the Weld County Commissioners’ website and are extremely difficult to locate.

64. According to the January 23 Hearing Minutes, only three of the five Commissioners attended the January 23 Hearing, and no members of the public were present or provided input on the redistricting plan. *See* Exhibit 6 at 1.

65. Further, at the hearing, these minutes reflect that Defendants were advised by County Attorney Bruce Barker that “the passage of House Bill 21-1047, which created the structure for redistricting, and the Home Rule Charter of Weld County provides a process and procedure that has been followed by Carly Koppes, Clerk and Recorder, for adjusting district boundary lines.” *Id.*

2. Notice of a second hearing is published.

66. The second notice was published on January 29, 2023 (January 29 Notice). *See* January 29, 2023 Notice, attached as Exhibit 9.

³ The video recording of the regular Board meeting was available at the time of filing at <https://weldcoco.suiteonemedia.com/event/?id=793>.

67. The January 29 Notice stated that on January 23, the Board “held a public hearing to receive input from the public regarding changing the boundary lines of Commissioner Districts in Weld County, Colorado as proposed by the Weld County Clerk and Recorder, to make the populations between the three Commissioner Districts nearly equal.” Exhibit 9.

68. The January 29 Notice advised that the Board would consider a resolution to adopt the Map at a public hearing on March 1, 2023 (March 1 Hearing) and that public comments would be considered.

69. The January 29 Notice did not state where the March 1 Hearing would be held.

70. The January 29 Notice did not provide any method for the public to attend or access the March 1 Hearing electronically.

71. The January 29 Notice stated that public comments could be submitted by mail or email and “must be received prior to March 1, 2023.” Exhibit 9.

72. The January 29 Notice stated that copies of the Map “may be examined in the office of the Clerk of the Board, 1150 O Street, Greeley, Colorado 80631.” Exhibit 9. It did not provide any other method by which to view the Map.

73. The fact that there was a public hearing on “Change in Boundary Lines of Commissioner Districts in Weld County, Colorado” was noted on the agenda for the March 1, 2023 Board meeting. *See* March 1, 2023 Agenda, attached as Exhibit 10.

74. The same notation that a public hearing was scheduled for March 1, 2023 appeared on the agenda for the February 27, 2023 Commissioner meeting, although it was listed as an “Item Scheduled for Future Board Meeting” rather than a public hearing. *See* February 27, 2023 Agenda, attached as Exhibit 11.

75. The March 1, 2023 public hearing is not reflected on the Board’s published Calendar of Public Meetings and Hearings. *See* March 1, 2023 Daily Calendar, attached as Exhibit 12.

3. Defendants’ public notices were ineffective because the League learned about the redistricting plan from other sources nearly a month after the January 23 Hearing was held and only after a proposed map had been drawn and preliminarily selected by Defendants.

76. On or about February 16, 2023, during a virtual meeting with Weld County Clerk and Recorder Carly Koppes, Ms. Whinery and other members of the League learned for the first time that the Board was considering a redistricting plan.

77. On or about February 17, 2023, the League contacted the clerk for the Board to ask for more information about the redistricting process.

78. The Board clerk provided a packet of information, which included the January 11 Notice, the January 29 Notice, a proposed resolution to adopt the proposed redistricting map, and a copy of the Map.⁴

79. The proposed Map was difficult to read. The Board clerk advised that the only location to examine a larger version of the Map was at the Board's office, in Greeley, Colorado.

80. On or around February 23, 2023, Ms. Suniga and the Coalition learned about the proposed redistricting plan for the first time.

81. On or around February 24, 2023, the *Greeley Tribune* published an article about the Board's plan to vote on the redistricting plan at the March 1 Hearing.

82. Between February 17 and March 1, consistent with its mission to encourage informed and active participation in government, the League encouraged members of the public to learn about and comment on the proposed redistricting plan.

83. Between February 23 and February 28, over fifty members of the public submitted letters or emails to the Board about the proposed redistricting plan. All but one comment opposed the plan.

4. The public opposes the proposed plan at the March 1 Hearing.

84. At the March 1 Hearing, five members of the public spoke against the redistricting plan.⁵ See March 1, 2023 Hearing Minutes, attached as Exhibit 13.

85. Public comments were limited to three minutes per person.

86. Ms. Whinery, on behalf of the League, expressed concern that Defendants were not following the process outlined by the Colorado Constitution and House Bill 21-1047

⁴ The map provided by the clerk is identical to the Map that Defendants ultimately approved.

⁵ On information and belief, no publicly available video evidence of this public hearing exists. The Board meeting prior to the March 1, 2023 Hearing was recorded and is available online. Plaintiffs were present at the Board meeting. At the end of the Board meeting, Plaintiffs inquired as to whether the Board would address the proposed redistricting map. Defendants told Plaintiffs that that would be addressed at the public hearing, and to return in five minutes. The publicly available video ends right before the public hearing begins. The recording of the March 1, 2023 regular Board meeting is available here as of the time of filing:

<https://weldcoco.suiteonemedia.com/event/?id=851>

(codified at sections 30-10-306 through 30-10-306.7, C.R.S.). Among other things, Defendants did not:

- a. Appoint an independent redistricting commission;
- b. Publish three proposed maps;
- c. Explain the criteria or process for developing the map;
- d. Widely publicize the proposed map or hearings;
- e. Keep communities of interest together;
- f. Create competitive districts; or
- g. Make public comments about the map available to the public.

See Exhibit 13 at 1.

87. Ms. Suniga, on behalf of the Coalition, expressed concern over the lack of public awareness of the process, the lack of public input, and the division of communities of interest, including, in particular, the Latino community. *See id.* at 1-2.

88. Other members of the public expressed similar concerns about noncompliance with House Bill 21-1047, the inherent conflict of interest in commissioners drawing their own electoral districts, dilution of the Latino vote in Greeley, the lack of competitive districts, and division of the City of Greeley. *See id.* at 2.

89. Three of the public speakers asked Defendants to start the redistricting process over and to follow House Bill 21-1047. *See id.* at 1-2.

5. Defendants disregard House Bill 21-1047 and the public and instead pass the Resolution and approve the Map.

90. After the public spoke against the proposed Map and process at the March 1 Hearing, Weld County Attorney Bruce Barker responded to the public opposition by stating that Weld County is a home rule county and therefore did not need to worry about House Bill 21-1047. *See id.* at 2.

91. Mr. Barker stated that population was Defendants' priority in developing the proposed redistricting plan. Based on Mr. Barker's statements, and on subsequent communications with him, Plaintiffs understood Mr. Barker's comments to mean that population was the exclusive criteria the Board considered in developing the proposed Map. *See id.*; *see also* Exhibit 1.

92. After Mr. Barker spoke, each of the Board commissioners spoke. Four of the five commissioners stated they supported the proposed plan. One explained why she was abstaining from the vote. *See id.* at 2-3.

93. The Board then voted to approve the March 1, 2023 Resolution adopting the new County Commissioner Districts as reflected in the Map, over the public's near-unanimous opposition. *See id.* at 3 and Exhibit 1.

94. The Map approved by the March 1, 2023 Resolution is the only version ever made publicly available.

95. On information and belief, and based on diligent search, the recording from this hearing is unavailable on the Weld County Commissioners website. The minutes from this hearing are, like the January 23, 2023 Hearing Minutes, similarly buried on the Weld County Commissioners' website, and are extremely difficult to locate.

FIRST CLAIM FOR RELIEF
(Declaratory Judgment – Violation of Sections 30-10-306, -306.1,
-306.2, -306.3, and 306.4, Colorado Revised Statutes)

96. Ms. Whinery and Ms. Suniga, as registered voters in and residents of Weld County, Colorado, have a legally protected interest in enforcing sections 30-10-306 through -306.4, C.R.S.

97. The League, as an organization representing and comprising registered voters and residents of Weld County, Colorado, and consistent with its mission to encourage informed and active participation in government, has a legally protected interest in enforcing sections 30-10-306 through -306.4, C.R.S.

98. The Coalition, as an organization comprising registered voters and residents of Weld County, Colorado, and consistent with its mission to give the Weld County Latino community a voice in local government and community issues, has a legally protected interest in enforcing sections 30-10-306 through -306.4, C.R.S.

99. Defendants are bound by the statutory processes described in sections 30-10-306 through -306.4, C.R.S.

100. Defendants dispute this, instead believing that their actions are permitted under Section 3-2(2) of the Weld County Home Rule Charter. Exhibit 1.

101. All Plaintiffs were harmed by Defendants' refusal to follow those statutory procedures. That harm included, but is not limited to, the inability to meaningfully participate in the redistricting process before a proposed map was drawn.

102. An actual controversy exists between Plaintiffs and Defendants about Defendants' failure to follow sections 30-10-306 through -306.4, C.R.S., in approving the Resolution adopting the Map.

103. The process by which Board developed and approved the Resolution adopting the Map violated sections 30-10-306 through -306.4, C.R.S., and deprived Weld County residents of the opportunity to participate in the redistricting process. Defendants specifically violated the statute in these respects:

- a. Defendants failed to designate a redistricting commission, instead, on information and belief, relying solely on themselves and Clerk and Recorder Carly Koppes to propose the redistricting boundaries;
- b. Defendants failed to hold at least three public hearings before approving a redistricting plan;
- c. Defendants failed to hold hearings in three different thirds of the county;
- d. Defendants failed to "broadly promote[] throughout the county" the public hearings about the proposed redistricting plan;
- e. Defendants failed to establish a method of electronically attending the hearings;
- f. Defendants failed to broadcast the hearings and maintain an archive of the hearings for online public review;
- g. Defendants failed to explain how the plan was created, how it addressed public comments received, and how it complied with statutory criteria;
- h. Defendants failed to publish and solicit public input on at least three proposed maps;
- i. Defendants failed to provide meaningful and substantial opportunities for county residents to present testimony in person or electronically at the hearings;
- j. Defendants failed to solicit and consider evidence relevant to the competitiveness of elections in the county;
- k. Defendants failed to maintain a website where county residents could comment on the proposed redistricting plans or submit proposed plans without attending a hearing;
- l. Defendants failed to publish public comments on their website; and

- m. Defendants failed to preserve communities of interests and whole political subdivisions as much as reasonably possible and impermissibly divided Greeley into three different districts in the redistricting plan.

104. Plaintiffs seek a declaration that sections 30-10-306 through -306.4, C.R.S., apply to Weld County, and that Defendants violated sections 30-10-306 through -306.4, C.R.S. and the Map and Resolution are invalid for failure to comply with those sections.

**SECOND CLAIM FOR RELIEF
(Declaratory Judgment – Violation of Procedural Due Process)**

105. Ms. Whinery and Ms. Suniga, as registered voters in and residents of Weld County, Colorado, have a liberty interest in their voting rights.

106. The League, as an organization comprising and representing registered voters in and residents of Weld County, Colorado, and consistent with its mission to encourage informed and active participation in government, has a liberty interest in its members' voting rights.

107. The Coalition, as an organization comprising registered voters and residents of Weld County, Colorado, and consistent with its mission to give the Weld County Latino community a voice in local government and community issues, has a liberty interest in its members' voting rights.

108. Constitutional due process guarantees Plaintiffs the right to due process before the state may deprive them of their protected liberty interests.

109. Sections 30-10-306 through -306.4, C.R.S., set forth the process due Plaintiffs in establishing county commissioner electoral districts.

110. Defendants are bound by the statutory processes described in sections 30-10-306 through -306.4, C.R.S.

111. Defendants dispute this, instead believing that their actions are permitted under Section 3-2(2) of the Weld County Home Rule Charter. Exhibit 1.

112. An actual controversy exists between Plaintiffs and Defendants about Defendants' deprivation of Plaintiffs' procedural due process rights based on Defendants' failure to follow sections 30-10-306 through -306.4, C.R.S., in approving the March 1 Resolution adopting new commissioner voting district maps.

113. The process by which Defendants approved the March 1 Resolution adopting the new commissioner district map violated sections 30-10-306 through -306.4, C.R.S., and deprived Weld County residents of the opportunity to participate in the redistricting process. Defendants specifically violated the statute in these respects:

- a. Defendants failed to designate a redistricting commission;
- b. Defendants failed to hold at least three public hearings before approving a redistricting plan;
- c. Defendants failed to hold hearings in three different thirds of the county;
- d. Defendants failed to “broadly promote[] throughout the county” the public hearings about the proposed redistricting plan;
- e. Defendants failed to establish a method of electronically attending the hearings;
- f. Defendants failed to broadcast the hearings and maintain an archive of the hearings for online public review;
- g. Defendants failed to explain how the plan was created, how it addressed public comments received, and how it complied with statutory criteria;
- h. Defendants failed to publish and solicit public input on at least three proposed maps;
- i. Defendants failed to provide meaningful and substantial opportunities for county residents to present testimony in person or electronically at the hearings;
- j. Defendants failed to solicit and consider evidence relevant to the competitiveness of elections in the county;
- k. Defendants failed to maintain a website where county residents could comment on the proposed redistricting plans or submit proposed plans without attending a hearing;
- l. Defendants failed to publish public comments on its website;
- m. Defendants failed to preserve communities of interests and whole political subdivisions as much as reasonably possible and impermissibly divided Greeley into three different districts in the redistricting plan.

114. By violating the process in sections 30-10-306 through -306.4, C.R.S., Defendants deprived Plaintiffs of their liberty without affording them due process of law.

115. These violations cannot be justified by the fact that Weld County is a home rule county.

116. Plaintiffs seek a declaration that Defendants deprived them of procedural due process by approving the Resolution and Map and any further relief that the Court deems necessary or proper.

**THIRD CLAIM FOR RELIEF
(Injunctive Relief)**

117. Defendants violated sections 30-10-306 through -306.4, C.R.S., and deprived Plaintiffs of due process of law when they passed the March 1 Resolution adopting the redistricting plan.

118. Plaintiffs will suffer irreparable harm to their constitutionally and statutorily protected liberty interests in free and fair elections without injunctive relief.

119. The requested injunctive relief will not harm, but, rather, will further, the public interest by protecting Weld County residents' right to free and fair elections.

120. The threatened injury to Plaintiffs outweighs any potential injury to Defendants.

121. Plaintiffs seek an injunction prohibiting Defendants from using the Map adopted by the March 1 Resolution for any election and any further relief that the Court deems necessary or proper.

PRAYER FOR RELIEF

Plaintiffs ask the Court to enter judgment against Defendants and for Plaintiffs:

- A) Declaring sections 30-10-306 through -306.4, C.R.S., apply to Weld County.
- B) Declaring that Defendants violated sections 30-10-306 through -306.4, C.R.S., by passing the Resolution adopting the Map;
- B) Declaring that Defendants deprived Plaintiffs of their liberty interest without adequate due process of law by passing the Resolution adopting the Map;
- C) Enjoining Defendants from using the Map adopted by the Resolution for any upcoming election
- D) Ordering Defendants to complete a new redistricting process in compliance with sections 30-10-306 through -306.4, C.R.S.;
- E) Awarding Plaintiffs their legal costs and fees; and
- F) Awarding any further relief the Court deems necessary or proper.

Respectfully submitted this 23rd day of October 2023.

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