

Research on the formation of the Colorado and U.S. Legislature

Colorado's Legislature

The **Colorado Senate** is the upper house of the Colorado General Assembly, the state legislature of the US state of Colorado. It is composed of 35 members elected from single-member districts, with each district having a population of about 123,000 as of the 2000 census. Senators are elected to four-year terms, and are limited to two consecutive terms in office.

The **Colorado House of Representatives** is the lower house of the Colorado General Assembly, the state legislature of the US state of Colorado. The House is composed of 65 members from an equal amount of constituent districts, with each district having 75,000 people. Representatives are elected to two-year terms, and are limited to four consecutive terms in office but can run again after a two-year respite.

The United States Legislature

Each U.S. state is represented in the **House** in proportion to its population but is entitled to at least one representative. The most populous state, California, currently has 53 representatives. On the other end of the spectrum, there are seven states with only one representative. The total number of voting representatives is fixed by law at 435.

The **United States Senate** is a legislative chamber in the bicameral legislature of the United States, and together with the United States House of Representatives makes up the United States Congress. The composition and powers of the Senate are established in Article One of the U.S. Constitution. Each U.S. state is represented by two senators, regardless of population, who serve staggered six-year terms.

An Alternative to Creating the 51st State . . .

A potential solution

The primary concerns expressed by those desiring to have a portion of Colorado secede and create a 51st state are these:

- Rural Colorado no longer has a voice in governing our state.
- Rural values and needs are routinely overridden by national and or urban causes, often regardless of the party in power.

The effort to form a 51st state seems primarily focused on creating a new place with a political climate where rural citizens have a real voice.

We propose a solution other than secession from the rest of Colorado using the rationale given by the forefathers of the United States as they designed two houses of congress for governing these United States.

Our United States' bicameral legislative branches were formed as

- The House, wherein each seat is determined by population of the whole of the United States, with no state receiving less than one representative, and
- The Senate, wherein every state in the union has two representatives, regardless of population.

Colorado also created a bicameral legislative government, with both a house and senate legislative body; however, Colorado's legislative branches are

- The house, which has 65 seats based on areas of *equal population*, and
- The senate, which has 35 seats also based on areas of *equal population*.

Colorado's legislature is totally based on **population**, passing over the example given by the founding fathers that every area must have a voice, regardless of its population.

This alternative proposes changing Colorado's method of representation in one house away from population to representation by area. While the federal government made that body the Senate, the Colorado method would more easily be adapted to the House of Representatives. The change that would need to occur is this:

- Amend the Colorado Constitution so representatives of the House are no longer elected from districts determined by population but, instead, are elected from each and every county in Colorado.

This would provide for 64 seats, one less than the current size of the Colorado House. Assigning the 65th seat would find a practical solution. Every county in the great State of Colorado would have a voice, regardless of size or political composition. With this alternative proposal to secession, a voice for rural Colorado could be guaranteed.

The downside

After arriving at what we thought was an alternative solution, research brought to light a 1964 Supreme Court decision on *Reynolds v. Sims*.

That case, one concerning legislative redistricting in Alabama, resulted in an 8-1 decision championing the principle of “one person, one vote.” The decision ruled that state legislative districts had to be roughly equal in population.

Lone dissenting Justice John Marshall Harlan II claimed that, if *Reynolds v. Sims* were correct, the U.S. Constitution’s own provision for two senators from each state would be constitutionally suspect because the fifty states don’t have “substantially equal populations.”

Perhaps it is time that decision was reversed. All across America, urban centers of population are in charge of the political processes in each state. It is time for rural Americans to have their voice. The method our founding fathers adopted on the federal level should be available to us on the state level. The Supreme Court has reversed itself on various issues over the years, and the fight would be worth it, in this case. The “one man, one vote” argument is a difficult one; however, our form of government is a republic and not a true democracy as we are governed by elected representatives. An argument can be made that following the decision on the *Reynolds* case guarantees little or no representation for rural Colorado as well as rural America.

If we pursued this change, got it on the ballot, and saw it passed, we would have to understand it could be challenged as unconstitutional.

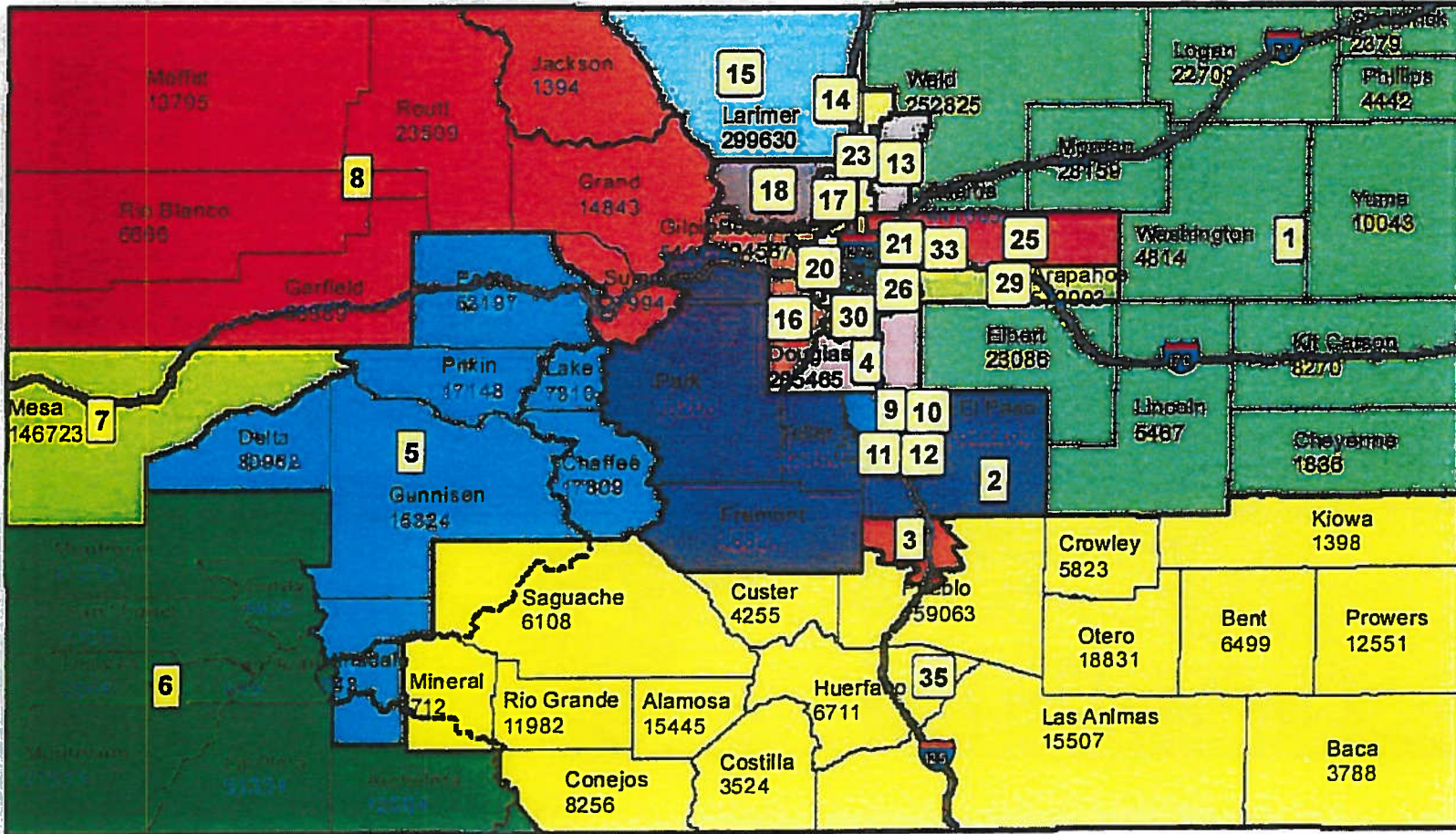
What path to follow

Either secession or changing the Colorado House of Representatives would offer complex challenges.

Rather than dividing the state and doing years of groundwork to create a new state, a possible constitutional change could give all of Colorado a voice in how it is governed. It could also have a far-reaching effect across the United States.

We offer this alternative proposal to secession that could have a strong chance of passage since state residents, whether rural or urban, desire a local voice in Colorado government.

Senate Representation

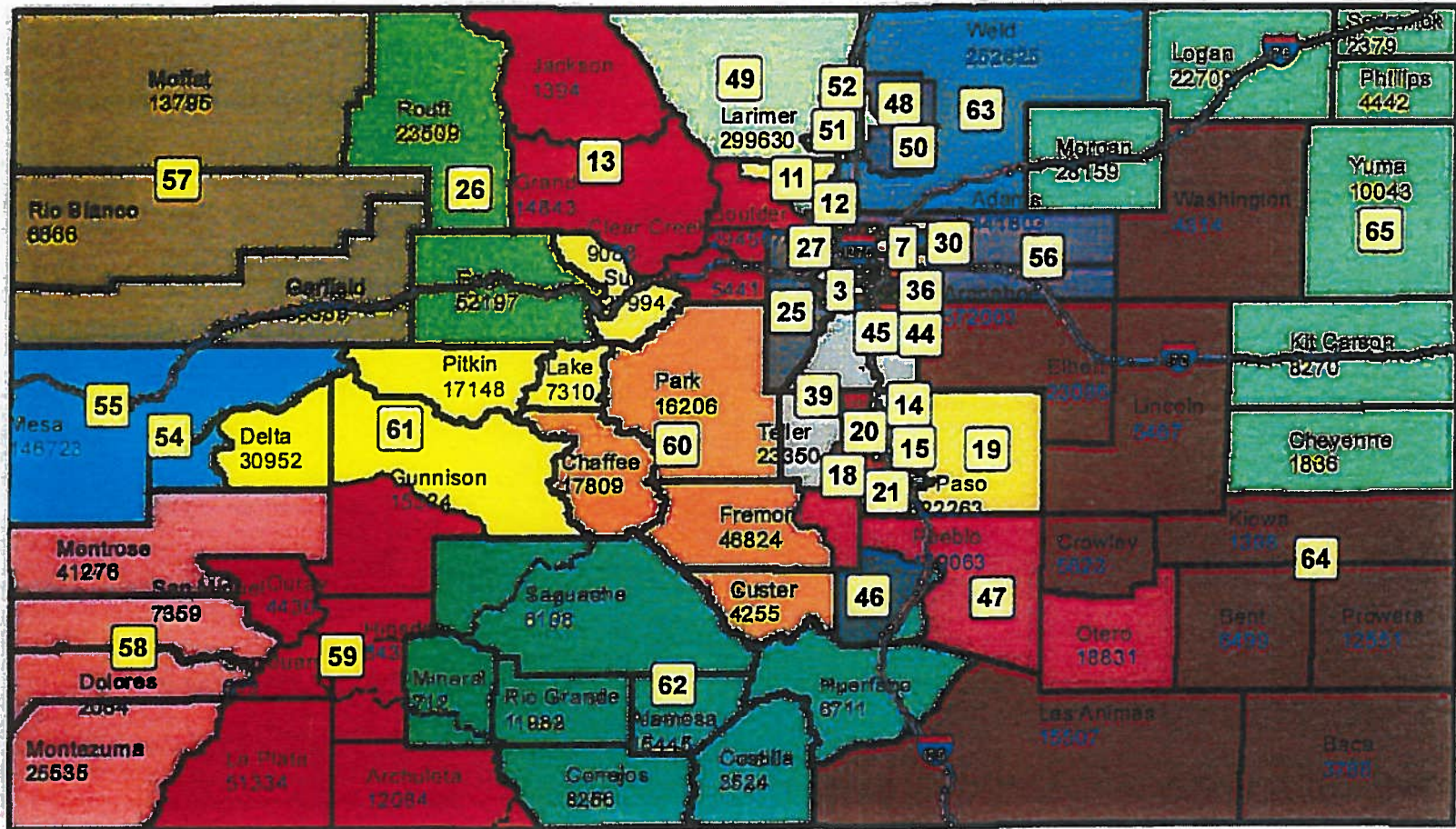


Map prepared by Reapportionment Commission Staff, December 3, 2011.



2011 Colorado Reapportionment Commission
 1313 Sherman Street
 Room 122
 Denver, Colorado 80203

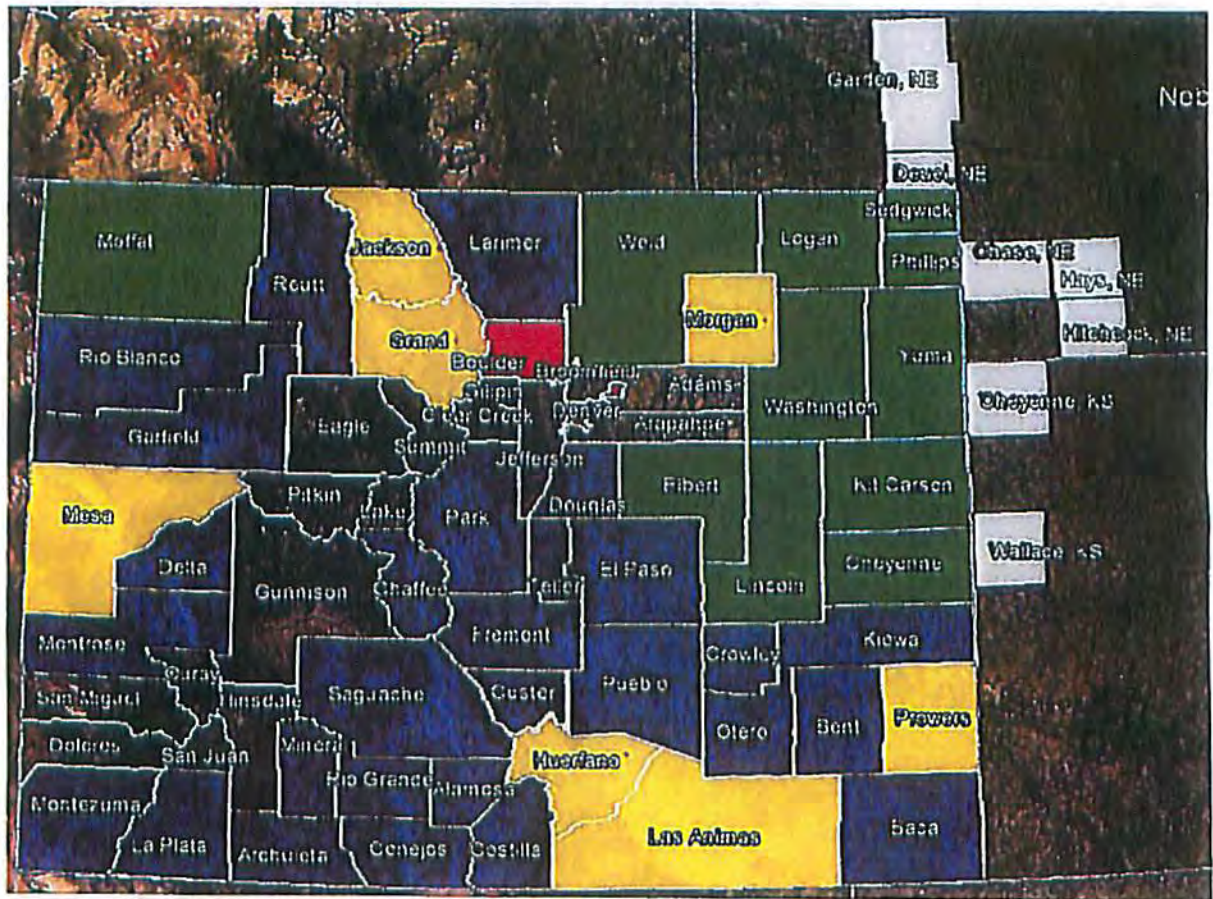
House Representation



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51st State Initiative



Green Counties:

- Referred to ballot or
- Adopted a resolution to join the working group

Yellow Counties:

- Gathering signatures or looks likely Commissioners will refer to the ballot or to adopt a resolution to join the working group
- Citizens should continue to call commissioners to support the initiative

Blue Counties:

- Some support shown
- Citizens need to contact the County Commissioners.
- In early stages of gathering support, contact us at 51stStateInitiative@gmail.com if you can help

White Counties:

- Have contacted us
- Under consideration

Red Counties:

- Not interested