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| <p><b>SUPREME COURT, STATE OF COLORADO</b><br/> 2 East 14<sup>th</sup> Avenue<br/> Denver, CO 80203</p>  | <p>DATE FILED<br/> April 7, 2026 5:06 PM</p>                 |
| <p>Original Proceeding Pursuant to C.R.S. § 1-40-102(2)<br/> Appeal from the Ballot Title Board</p>  |  |
| <p>In the Matter of the Ballot Title of Proposed Initiative 2025-2026 #241</p> <p><b>ROBERT BALINK,</b><br/> Petitioner,</p> <p>v.</p> <p><b>TANYA NATHAN and LINDSEY RASMUSSEN,</b></p> <p>and</p> <p><b>COLORADO BALLOT TITLE SETTING BOARD:</b> Michael Dohr, Theresa Conley, and Kurt Morrison<br/> <b>Respondents.</b></p>  | <p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p> |
| <p><i>Attorneys for Petitioner:</i><br/> Scott E. Gessler (28944), <a href="mailto:sgessler@gesslerblue.com">sgessler@gesslerblue.com</a><br/> Geoffrey N. Blue (32684), <a href="mailto:gblue@gesslerblue.com">gblue@gesslerblue.com</a><br/> Gessler Blue LLC<br/> 7350 E. Progress Place, Suite 100<br/> Greenwood Village, CO 80111<br/> Tel. (720) 839-6637 or (303) 906-1050</p> | <p>Case Number:<br/><br/> Division:</p>                      |
| <p style="text-align: center;"><b>PETITION FOR REVIEW OF FINAL ACTION OF THE BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2025-2026 #241</b></p>  |  |

Robert Balink (“Petitioner” or “Balink”), registered elector of the State of Colorado through counsel Gessler Blue, LLC, respectfully petitions this Court pursuant to C.R.S. § 1-40-107(2) to review the actions of the Title Setting Board with respect to the title, ballot title, and submission cause set for Initiative 2025-2026 #241.

## STATEMENT OF THE CASE

### A. Procedural History

Following Review and Comment hearing before Legislative Council Staff and Office of Legislative Legal Services at the General Assembly, on March 3, 2026, Proponents Nathan and Rasmussen filed their initiative text with the Title Board and subsequently appeared before the Title Board on March 18. At that time, the Board approved of single subject and set a title.

Petitioner Balink filed a *Motion for Rehearing* on March 25, 2026, which the Title Board considered on April 1, 2026. The Title Board dismissed the *Motion for Rehearing without making any changes*. This Petition followed on April 7, 2026.

### B. Jurisdiction

The Petitioner is entitled to review before the Supreme Court under C.R.S. § 1-40-107(2). Petitioner timely filed the *Motion for Rehearing* with the Title Board under C.R.S. § 1-40-107(1). Additionally, Petitioner has timely filed this *Petition for Review*

within seven days from the date of the hearing on the *Motion for Rehearing*, as required by C.R.S. § 1-40-107(2).

As required by C.R.S. § 1-40-107(2), attached to this Petition for Review are certified copies of:

- (1) the final text of the initiative filed by the Proponents;
- (2) the original ballot title set for this measure;
- (3) the Motion for Rehearing filed by the Petitioner;
- (4) the ruling on the Motion for Rehearing as reflected by the title and ballot title and submission clause set by the Board. Petitioner believes that the Title Board erred in denying certain aspects of the Motion for Rehearing; and,
- (5) Fiscal Summary for Initiative 241.

### **ADVISORY ISSUES ON APPEAL**

Petitioner Balink raises two advisory issues. First, the proposed initiative contains two separate subject matters; it eliminates the current independent redistricting commission from the Constitution and replaces it with an independent commission in Colorado statute. Separately, the initiative amends the constitutional standards that govern how the ballot measure must be approved.

Second, the proposed initiative's title and submission clause are incomplete and misleading. The clause fails to identify a new legal process for redistricting controversies and misleadingly states that the statutory commission is identical to the former constitutionally-authorized commission.

Respectfully submitted this 7<sup>th</sup> day of April 2026,

GESSLER BLUE LLC

s/ Scott E. Gessler  
Scott E. Gessler

### **Certificate of Service**

I certify that on this 7<sup>th</sup> day of April 2026, the foregoing was electronically served via e-mail, first-class mail, postage pre-paid or CCES on the following:

Tanya Nathan  
Lindsey Rasmussen  
c/o Martha Tierney, Esq.  
Tierney Lawrence Stiles, LLC  
225 E. 16<sup>th</sup> Avenue, Suite 350  
Denver, CO 80203  
[mtierney@TLS.legal](mailto:mtierney@TLS.legal)

Colorado Title Board  
[statewide.initiatives@coloradosos.gov](mailto:statewide.initiatives@coloradosos.gov)

Kyle Holter, Esq.  
Colorado Attorney General's Office

s/ Joanna Bila  
Joanna Bila, Paralegal



DATE FILED  
April 7, 2026 5:06 PM

# STATE OF COLORADO

## DEPARTMENT OF STATE CERTIFICATE

I, **JENA GRISWOLD**, Secretary of State of the State of Colorado, do hereby certify that:

the attached are true and exact copies of the filed text, fiscal summary, motion for rehearing, and the rulings thereon of the Title Board for Proposed Initiative “2025-2026 #241 ‘Congressional Redistricting’” .....

.....

**IN TESTIMONY WHEREOF** I have unto set my hand . . . . .  
and affixed the Great Seal of the State of Colorado, at the  
City of Denver this 2<sup>nd</sup> day of April, 2026.

*Jena Griswold*

SECRETARY OF STATE



**IN RE: TITLE, BALLOT TITLE, AND SUBMISSION CLAUSE  
FOR INITIATIVE 2025-2026 #241  
("Congressional Redistricting")**

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Initiative Proponents: Tanya Nathan and Lindsey Rasmussen

v.

Objector: Republican National Committee

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**MOTION FOR REHEARING**

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By undersigned counsel, Robert Balink a registered voter of El Paso County, Colorado objects to the titles set for Initiative #241, pursuant to C.R.S. § 1-40-107(1)(a)(I).

On March 18, 2026, the Title Board Set the following ballot title and submission clause for Initiative #241:

Shall there be an amendment to the Colorado Constitution and a change to the Colorado Revised Statutes replacing the constitutional independent congressional redistricting commission with an identical statutory independent congressional redistricting commission if a ballot measure creating a new temporary congressional district map to be used in 2028 and 2030 congressional elections is approved by a vote of the people?

In so doing, the Board erred for the following reasons:

**1. The Board should make a finding that the measure adds to the Colorado Constitution.**

The Colorado constitution requires that “[f]or every proposed constitutional amendment, the title board shall determine whether the proposed constitutional amendment only repeals in whole or in part a provision of the state constitution for purposes of section 1(4)(b) of article V of the state constitution.”<sup>1</sup> The Title Board made a finding that the initiative does not require a 55% approval threshold. But it erred, as discussed below.

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<sup>1</sup> Colo. Rev. Stat. Ann. § 1-40-106(3.5).

**2. The measure contains two separate and distinct subjects that are not necessarily connected to one another.**

Under well-trod standards, proponents may not combine “subjects into a single initiative in the hope of attracting support from various factions that may have different or even conflicting interests.”<sup>2</sup> Most importantly, this requirement “is intended to ensure that each proposal depends upon its own merits for passage.”<sup>3</sup> Thus, a court (and Title Board) must ask “whether there is a danger of logrolling: Have measures been combined to secure the enactment of one that could not be carried out on its own.”<sup>4</sup> “Logrolling is the “practice of combining subjects with no necessary or proper connection for the purpose of garnering support for the initiative from various factions—that may have different or even conflicting interests—[in order to] lead to the enactment of measures that would fail on their own merits.”<sup>5</sup>

**A. The measure shifts constitutional authority from a constitutionally mandated Commission, and places it in statute subject to legislative authority.**

By eliminating the constitutionally mandated redistricting commission, and replacing it with a new, statutorily authorized commission, the proposed dramatically changes who does redistricting, and under what authority. To be sure, the proponents have described the elimination of one commission and creation of a new commission as merely a continuation of the same process, but this approach fails to recognize that the proposed initiative reverses entirely the constitutional framework adopted by voters in 2018. Indeed, the Colorado Supreme Court has held that a “proposal to remove [] constitutional authority for congressional redistricting from the General Assembly and transfer it to the newly created Redistricting Commission” is a distinct subject. In that case, involving Proposed Ballot Initiative 2017-2018 #132, the Court did not limit its analysis to merely a transfer of authority from the General Assembly to a commission. Rather, it focused on the upending of the *constitutional* framework. It found that shifting authority from the legislative branch to a new, constitutional body, “affect[ed] separate redistricting processes *derived from different sources of constitutional authority*.”<sup>6</sup> In short, the proposed initiative effectuated a “fundamental reallocation of the power to draw the districts for Colorado’s seats in the U.S. Congress.”<sup>7</sup>

Here, Proposed Initiative 2025-2026 #239 reverses the source of constitutional authority for redistricting, by undoing what Colorado voters approved in 2018. In 2018,

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<sup>2</sup> *In Matter of Title, Ballot Title*, 2016 CO 55, ¶ 13, 374 P.3d 460, 465.

<sup>3</sup> *Id.*

<sup>4</sup> *Matter of Titles, Ballot Titles, & Submission Clauses for Proposed Initiatives 2021-2022 #67, #115, & #128*, 2022 CO 37, ¶ 15, 526 P.3d 927, 930.

<sup>5</sup> *Matter of Title, Ballot Title & Submission Clause for 2017-2018 #4*, 2017 CO 57, ¶ 7.

<sup>6</sup> *In Matter of Title, Ballot Title*, 2016 CO 55, ¶ 30 (emphasis supplied).

<sup>7</sup> *In Matter of Title, Ballot Title*, 2016 CO 55, ¶ 19.

“Amendment Y transfer[red] the authority to draw congressional district maps from the state legislature to a newly created Independent Congressional Redistricting Commission.”<sup>8</sup> But the current proposal now removes constitutional authority (set forth in Colo. Const. art. V, § 44) from the Independent Congressional Redistricting Commission, and transfers it back to the legislative branch, by creating a statutorily-authorized commission. The General Assembly exercises plenary power – broadly construed power to legislate “for all purposes of civil government” subject only to constitutional limitations.<sup>9</sup> Accordingly, the new, statutory commission will be subject to the authority and control of the General Assembly. And once again the General Assembly will have plenary power to eliminate the commission, draw its own maps immediately following a census, or draw its own maps at any time during the decade following a census.

**B. The measure amends the 50% constitutional requirement for passage of an initiative.**

Under the Colorado Constitution,

All elections on measures initiated by or referred to the people of the state shall be held at the biennial regular general election, and *all* such measures shall become the law or a part of the constitution, when approved by a majority of the votes cast thereon, *and not otherwise*.<sup>10</sup>

Accordingly, the Colorado Constitution very clearly identifies the requirements to enact an initiative. Namely, a majority vote. And the Colorado Constitution states this is the only requirement, and that this requirement applies to all initiatives and referenda.

In contrast, Proposed Ballot Initiative 2025-2026 #241 has a provision that amends this constitutional requirement, by adding a requirement for passage. It states:

**SECTION 18. Effective Date.**

*This measure takes effect only if, at the November 2026 statewide election, a ballot issue amending section 2-1-105, Colorado Revised Statutes, to create temporary new congressional districts to be used in the 2028 and 2030 election cycles is approved by the people.*

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<sup>8</sup> *Research Publication No. 702-2*, P.8 (Legislative Council of the Colorado General Assembly, 2018).

<sup>9</sup> *Colorado State Civil Service Emp. Ass’n v. Love*, 448 P.2d 624, 628 (Colo. 1968).

<sup>10</sup> Colo. Const. art. V, § 1(4) (emphasis supplied).

(emphasis supplied). Thus, even if a majority of voters approve of the initiative, it will not go into effect unless another condition is met; voters must approve a separate initiative.

Creating a new requirement for passage of an initiative changes the constitutional threshold. Legally, this new section, couched within the “Effective Date” language, is no different than a statement that the initiative will only go into effect if 60% of voters approve of the initiative, or if Congress takes some action, or even if 39% of voters approve of the initiative. In all cases, it is an amendment to the constitution that creates another legal requirement for passage of an initiative.

**C. Suspending the Commission and increasing the requirements for the initiative’s passage are two separate subjects.**

Removing and replacing the commission, and changing the constitutional threshold for passage of the initiative, are not necessarily connected to one another. The change to the redistricting process does not require a change to the procedure by which voters can enact an initiative, and vice versa. One governs the procedure for redistricting, while the other governs the requirements for passage of an initiative. The two are plainly separate.

Furthermore, the combination of the two creates a classic case of logrolling. Any voter who supports the removal of the constitutional redistricting commission but does not like the new congressional map in another initiative, faces a difficult choice. If she votes in favor of this proposed initiative, her vote will not matter if the other initiative fails. Therefore, she must choose whether to vote for a new congressional map, even if she opposes that map. By tying this initiative to a newly-enacted map, the initiative explicitly engages in a form of logrolling, whereby one must vote for a separate initiative, in order to gain passage of this initiative.

**3. The ballot title and submission clause is misleading and incomplete.**

Here, the ballot title and submission clauses are misleading and incomplete, for the following reasons:

**A. The initiative fails to identify a new court appellate process.**

One of the reasons for creating the constitutional Redistricting Commission was to end lengthy court battles through direct appeal to the Colorado Supreme Court. To that end, it changed the original jurisdiction of that court. This initiative reverses it, opening the door to district court factfinding and two layers of appeals. This major provision is improperly omitted from the title.

**B. The new commission is not identical.**

The title states that the new commission is identical to the prior commission. It is not. In addition to new appellate procedures, it is an entirely new commission, placed in statute, no longer deriving its authority from the Colorado Constitution. The word “identical” misleadingly indicates that everything involving the redistricting process will be the same, and therefore that word should be removed.

FOR THESE REASONS, in light of the arguments and legal precedent cited above, the Title Board should dismiss Initiative #241 for failure to meet the single subject requirement, and if the Board does not do so, it should revise the titles so that they are accurate and not misleading.

Respectfully submitted this 25<sup>th</sup> day of March 2026,

GESSLER BLUE LLC

s/ Scott E. Gessler

Scott E. Gessler  
Gessler Blue, LLC  
7350 E. Progress Place, Suite 100  
Greenwood Village, CO 80111

Tel.: (720) 839-6637

### **CERTIFICATE OF SERVICE**

I certify that on March 25, 2026, a true and correct copy of the **MOTION FOR REHEARING** was sent via email to counsel for the proponents at:

Martha Tierney  
Tierney Lawrence Stiles, LLC  
225 E. 16<sup>th</sup> Ave., Suite 350  
Denver, CO 80203  
mtierney@TLS.legal

And mailed first-class, postage prepaid to Proponents:



COLORADO TITLE SETTING BOARD

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Wayne W. Williams, Objector

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**MOTION FOR REHEARING ON INITIATIVE 2025-2026 # 239-242**

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Pursuant to CRS § 1-40-107(1)(a) and ¶ 11 of the Title Board Policies and Procedures, Wayne W. Williams, a registered elector of the State of Colorado objects to the determination of the Title Board regarding single subject for Proposed Initiatives 2025-2026 #239-242. Objector maintains that the measures do not constitute a single subject and that the Board should not have set title. Objector additionally challenges the titles set by the Board.

In addition to being a registered elector in the State of Colorado, the undersigned has worked to ensure the voting rights of Coloradans since first serving on a Canvass Board in 1997 and subsequently serving as counsel in election matters, the Clerk and Recorder for Colorado's most populous county, and Colorado's 38<sup>th</sup> Secretary of State, and the designated election official for multiple elections in El Paso and Mesa Counties.

On March 18, 2026, the Title Board considered the initiatives. The Board found that the measures constitute a single subject and proceeded to set title.

The undersigned brings this Motion for Rehearing because the initiatives and proposed titles conceal the disenfranchisement of hundreds of thousands of Coloradans and do not plainly state the overturning of a constitutionally mandated nonpartisan process with hyperpartisan maps and the stripping of protections against gerrymandering from the Colorado Constitution, inter alia, as set forth below.

1. Initiatives 239, 240, 241, and 242 do not contain a single subject

Each proposed measure contains multiple subjects. Objector asserts the central feature of Initiatives 239, 240, and 242 is the creation of hyperpartisan congressional maps. Proponents admit this is their findings:

(11) IT IS THE INTENT OF THE PEOPLE THAT COLORADO'S TEMPORARY MAPS BE DESIGNED TO HELP NEUTRALIZE THE PARTISAN GERRYMANDERING BEING UNDERTAKEN BY REPUBLICAN-LED STATES WITHOUT ERODING FAIR REPRESENTATION FOR ALL COMMUNITIES.

Notably, there is no mention of the creation or re-creation of an independent redistricting commission in the Declarations. The creation of the commission is an unrelated and unconnected subject.

In addition, Initiatives 239, 241, and 242 change the venue for review, which is a separate subject.

Finally, as set forth in Section 2E below, the effect of Initiatives 239, 240, and 242 is to disenfranchise hundreds of thousands – if not millions -- of Colorado voters, many of whom will never be allowed to vote for the State Board of Education Member and/or Regent who will “represent” them. Wholesale disenfranchisement of Colorado voters for these important offices is a separate subject.

One purpose of the single-subject requirement is that it “precludes the joining together of multiple subjects into a single initiative in the hope of attracting support from various factions which may have different or even conflicting interest.” *In re Proposed Initiative "Public Rights in Waters II"*, 898 P.2d 1076, 1079 (Colo. 1995).

The inclusion of both a hyperpartisan map for two elections and then the creation or recreation of an independent commission for elections six years later “is precisely the logrolling dilemma that the voters intended to avoid when they adopted the [single-subject] requirements.” *In re Title, Ballot Title, & Submission Clause for 2011-2012 #3*, 2012 CO 25, ¶ 31, 274 P.3d 562, 571.

The single-subject requirement is designed to protect voters against fraud and surprise and to eliminate the practice of combining several unrelated subjects in a single measure for the purpose of enlisting support from advocates of each subject and thus securing the enactment of measures which might not otherwise be approved by voters on the basis of the merits of those discrete measures. *In re Proposed Initiative for an Amendment to the Constitution of the State of Colorado Adding Section 2 to Article VII (Petitions)*, 907 P.2d 586, 589 (Colo. 1995) *In re Proposed Initiative "Public Rights in Waters II"*, 898 P.2d 1076, 1078 (Colo. 1995) *In re Proposed Initiative on Sch. Pilot Program*, 874 P.2d 1066, 1069 (Colo. 1994).

An initiative contains a single subject when its provisions are “necessarily and properly connected rather than disconnected or incongruous.” *In re 2019-2020 #315*, ¶ 13 (quoting *In re Title, Ballot Title & Submission Clause for 2015-2016 #73*, 369 P.3d 565, 568, 2016 CO 24, ¶ 14); accord *In re 2009-2010 #91*, 235 P.3d at 1077 (“[W]hen an initiative's provisions seek to achieve purposes that bear no necessary or proper connection to the initiative's subject, the initiative violates the constitutional rule against multiple subjects.”).

The single-subject requirement is violated when the text of the measure “relates to more than one subject and has at least two distinct and separate purposes which are not dependent upon or connected with each other.” *In re Title, Ballot Title & Submission Clause for 2005-2006 #74*, 136 P.3d 237, 239 (Colo. 2006) (quoting *In re Title, Ballot Title & Submission Clause, & Summary with Regard to a Proposed Petition for an Amendment to the Const. of State Adding Section 2 to Article VII (Petition Procs.)*, 900 P.2d 104, 109 (Colo. 1995)).

The two subjects, an independent commission and a partisan map, could not be more disconnected and incongruous. The subjects both stand on their own with no necessary connection. They are incongruous in that they share nothing in common. They are in fact

inapposite. It is unlikely that voters supporting a hyperpartisan map also support a map that factors in competitiveness and communities of interest.

2. The titles do not reflect the central purpose of the initiatives.

Should the Board hold to its determination that the initiatives contain a single subject, Objector further asserts that the titles set by the Board are deceptive, misleading, and inadequate to describe the purpose of the proposed initiatives.

The board is charged with the duty to act with the goal of producing a title which will enable the electorate, whether familiar or unfamiliar with the subject matter of a particular proposal, to determine intelligently whether to support or oppose such a proposal. *In re Proposed Initiative Concerning "State Personnel System"*, 691 P.2d 1121 (Colo. 1984); *Matter of Election Reform Amendment*, 852 P.2d 28 (Colo. 1993). The title must fairly reflect the proposed initiative such that voters will not be misled into supporting or opposing the initiative because of the words that the Title Board employed. *Bruce v. Hedges (In re Title, Ballot Title & Submission Clause for 2019-2020 #3 "State Fiscal Policy")*, 2019 CO 107, ¶ 1, 454 P.3d 1056, 1058.

The Board set the following title for Initiative #239:

An amendment to the Colorado Constitution and a change to the Colorado Revised Statutes concerning congressional redistricting and adopting a new temporary congressional map, and, in connection therewith, replacing the independent congressional redistricting commission in the constitution with an identical commission in statute, creating a temporary congressional district map that replaces the current map and will be used in 2028 and 2030 congressional elections and requiring the new statutory independent congressional redistricting commission to draw a congressional district map after the 2030 census.

The Board set the following title for Initiative #240:

An amendment to the Colorado Constitution and a change to the Colorado Revised Statutes concerning congressional redistricting and adopting a new temporary congressional map, and, in connection therewith, creating a temporary map to be used in 2028 and 2030 congressional elections that replaces the current congressional district map drawn by the independent congressional redistricting commission and requiring the commission to draw congressional district maps in 2031 and every 10 years thereafter.

The Board set the following title for Initiative #241:

An amendment to the Colorado Constitution and a change to the Colorado Revised Statutes replacing the constitutional independent congressional redistricting commission with an identical statutory independent congressional redistricting commission if a ballot measure creating a new temporary congressional district map to be used in 2028 and 2030 congressional elections is approved by a vote of the people.

The Board set the following title for Initiative #242:

A change to the Colorado Revised Statutes creating a new temporary congressional district map to be used in 2028 and 2030 congressional elections if a ballot measure replacing the constitutional independent congressional redistricting commission with an identical statutory independent congressional redistricting commission is approved by a vote of the people.

- A. The ballot titles for Initiatives #239, #240 and #242 purposely conceal that the primary goal of each initiative is to replace the existing nonpartisan maps with gerrymandered hyperpartisan maps purposely designed to skew Colorado’s congressional districts to favor the election of seven members of Congress (and Regents and State Board of Education Members) from a single party which constitutes less than a quarter of Colorado voters. *See <https://www.sos.state.co.us/pubs/elections/VoterRegNumbers/2026/FebruaryStatistics2026.xlsx>, showing “Dem” registration under 24.9% of Colorado’s 4,023,910 active registered voters.*

Moreover, none of these titles do anything to describe the maps to the voters. In looking at these measures (as well as other measures that may appear on the same ballot) the voters would have no idea what the map will look like or even the purpose. Voters should understand the purpose of the map is to engage in hyperpartisan gerrymandering overwhelmingly favoring a single party representing less than a quarter of Colorado’s voters.

- B. Initiatives #239, #241 and #242 state that the statutory redistricting commission will be identical to the current commission. This implies there is no legal change to the process. In fact, the initiative changes the jurisdiction for reviewing the maps from the Colorado Supreme Court to a Denver District Court Judge. This is major change to the traditional redistricting process and must be described in the title. Voters would think it important that no longer will the state’s highest court review the map. Instead, a politically skewed District where the majority of Colorado voters do not reside will hear a matter of statewide importance.
- C. Moreover, none of the ballot titles inform the electorate that moving the commission from the Constitution to statute (as proposed in Initiatives # 239, #241, and #242) means that a partisanly skewed legislature can make any changes it desires in order to ensure partisan outcomes—including every single provision outlined in the measures. The proponents of Initiatives Y and Z purposely chose the more difficult constitutional amendment process, with more challenging signature requirements and a requirement for 55% to be adopted. Stripping the citizens of this protection against legislative whim without even explaining it deprives the voters of the ability to determine intelligently whether to support or oppose the proposals.
- D. The titles for each of the proposed initiatives mislead voters into believing that only congressional elections are affected by the change. None of them provide the voter with the information that changing the districts also determines membership on the State Board of Education and the University of Colorado Board of Regents – neither of which were affected

by other states' congressional district changes. This information is critical for voters to know. Under the current defective titles, a voter whose children attend a state-approved public charter school would have no way of knowing that the approval of the hyperpartisan congressional districts or a legislatively alterable redistricting commission might result in a change in the Board of Education that could revoke the school's charter.

- E. Finally and most importantly, the ballot titles for Initiatives #239, #240 and #242 stealthily disenfranchise millions of Colorado residents. Because members of State Board of Education and the University of Colorado Board of Regents serve six year terms, large portions of the state would be represented by board members for whom they had no opportunity to vote and who in many cases do not live in the same district as the voters they purportedly represent. Under the proposed maps, voters in the newly constituted districts 1 (Bd of Education), 2 (Regent), 3 (Bd of Education), 6 (Regent), and 7 (Bd of Education & Regent) would be completely disenfranchised and never be allowed to vote on the indicated board members because these positions are elected in 2026 and would not be voted on again until new districts are created for the 2032 election. *See* <https://www.coloradosos.gov/pubs/elections/vote/officeUpForElection.html>.

The failure to inform voters in the title deprives them of critical information necessary to make an informed decision. Voters need to know that they will never be allowed to vote for regent or state board of education to represent these partisanly gerrymandered districts. To fail to inform them in the ballot title of this egregious disenfranchisement is reprehensible.

To assist the Board with crafting a more accurate title, the undersigned suggests the following for Initiative #239:

An amendment to the Colorado Constitution and a change to the Colorado Revised Statutes concerning congressional redistricting to disenfranchise hundreds of thousands of Coloradans and prevent them from voting for members of the State Board of Education and Board of Regents and replacing the nonpartisan congressional district map with a new hyperpartisan temporary congressional map gerrymandered to elect seven of Colorado's eight Congressional representatives and district Board of Education and CU Regents from a single party representing less than in one-quarter of Coloradans, and, in connection therewith, replacing the independent congressional redistricting commission in the constitution with a commission in statute that can be changed by the legislature to permit partisan gerrymandering and eliminate its independence without a vote of the people, creating a temporary hyperpartisan congressional district map that replaces the current nonpartisan map and will be used in 2028 and 2030 state board of education, congressional, and regent elections and requiring the new statutory congressional redistricting commission to draw a congressional district map after the 2030 census, with all decisions relating to the legality of any map or process to be decided first by a Denver district judge rather than the Colorado Supreme Court.

The above proposed title accurately informs voters of the effects of the initiatives (similar changes would be necessary as applicable to the other three measures).

Respectfully submitted this 25<sup>th</sup> day of March 2026.

*/s/ Wayne W. Williams*

## Ballot Title Setting Board

### Proposed Initiative 2025-2026 #241<sup>1</sup>

The title as designated and fixed by the Board is as follows:

An amendment to the Colorado Constitution and a change to the Colorado Revised Statutes replacing the constitutional independent congressional redistricting commission with an identical statutory independent congressional redistricting commission if a ballot measure creating a new temporary congressional district map to be used in 2028 and 2030 congressional elections is approved by a vote of the people.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado Constitution and a change to the Colorado Revised Statutes replacing the constitutional independent congressional redistricting commission with an identical statutory independent congressional redistricting commission if a ballot measure creating a new temporary congressional district map to be used in 2028 and 2030 congressional elections is approved by a vote of the people?

*Hearing March 18, 2026:*

*Single subject approved; staff draft amended; titles set (3-0).*

*The Board finds that the proposed initiative only repeals, in whole or in part, a provision of the state constitution and therefore does not require a 55% majority for passage.*

*Board members: Theresa Conley, Michael Dohr, Kurt Morrison*

*Hearing adjourned 3:36 P.M.*

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<sup>1</sup> Unofficially captioned “**Congressional Redistricting**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.

## Ballot Title Setting Board

### Proposed Initiative 2025-2026 #241<sup>1</sup>

The title as designated and fixed by the Board is as follows:

An amendment to the Colorado Constitution and a change to the Colorado Revised Statutes replacing the constitutional independent congressional redistricting commission with an identical statutory independent congressional redistricting commission if a ballot measure creating a new temporary congressional district map to be used in 2028 and 2030 congressional elections is approved by a vote of the people.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado Constitution and a change to the Colorado Revised Statutes replacing the constitutional independent congressional redistricting commission with an identical statutory independent congressional redistricting commission if a ballot measure creating a new temporary congressional district map to be used in 2028 and 2030 congressional elections is approved by a vote of the people?

*Hearing March 18, 2026:*

*Single subject approved; staff draft amended; titles set (3-0).*

*The Board finds that the proposed initiative only repeals, in whole or in part, a provision of the state constitution and therefore does not require a 55% majority for passage.*

*Board members: Theresa Conley, Michael Dohr, Kurt Morrison*

*Hearing adjourned 3:36 P.M.*

*Rehearing April 1, 2026:*

*Motions for rehearing (Williams and Balink) denied in their entirety (2-1, Dohr).*

*The Board finds that the proposed initiative only repeals, in whole or in part, a provision of the state constitution and therefore does not require a 55% majority for passage (on record at 2:30 P.M.)*

*Board members: Theresa Conley, Michael Dohr, Kurt Morrison*

*Hearing adjourned 2:22 P.M.*

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<sup>1</sup> Unofficially captioned “**Congressional Redistricting**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.

Initiative #241 FINAL clean

*Be it enacted by the People of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 2-1-100.5, **amend** (1), and **add** (2), (3), (4), (5), (6), (7), (8), (9), (10), and (11), as follows:

**2-1-100.5. ~~Legislative declaration~~ Declaration of the People of the State of Colorado.**

(1) ~~The general assembly~~ THE PEOPLE OF THE STATE OF COLORADO hereby ~~finds~~ FIND and ~~declares~~ DECLARE that the state of Colorado shall be divided into districts pursuant to the official figures of the most recent decennial census of the United States. The ~~general assembly~~ PEOPLE OF THE STATE OF COLORADO further ~~finds~~ FIND and ~~declares~~ DECLARE that such figures are the most reliable data that the state has available and that the use of any other data or of any data adjustments may create a serious risk of inaccuracy and injustice in establishing congressional districts to represent the citizens of Colorado.

(2) PRESIDENT DONALD TRUMP HAS CALLED ON REPUBLICAN LED STATES TO UNDERTAKE AN UNPRECEDENTED MID-DECADE REDISTRICTING OF CONGRESSIONAL SEATS TO RIG FUTURE CONGRESSIONAL ELECTIONS BEFORE VOTING BEGINS.

(3) SEVERAL STATES HAVE CONSIDERED, CONVENEED, OR INTEND TO CONVENE SPECIAL SESSIONS OF THEIR LEGISLATURES TO REDRAW CONGRESSIONAL DISTRICT MAPS TO UNFAIRLY ADVANTAGE REPUBLICANS, INCLUDING TEXAS, FLORIDA, OHIO, INDIANA, MISSOURI, NEW HAMPSHIRE, NEBRASKA, AND NORTH CAROLINA.

(4) PRESIDENT TRUMP AND REPUBLICANS ARE ATTEMPTING TO GAIN ENOUGH SEATS THROUGH REDISTRICTING TO RIG THE OUTCOME OF FUTURE CONGRESSIONAL ELECTIONS REGARDLESS OF HOW THE PEOPLE VOTE.

(5) PRESIDENT TRUMP'S ELECTION-RIGGING SCHEME IS AN EMERGENCY FOR OUR DEMOCRACY.

(6) COLORADO IS A NATIONAL LEADER ON FAIR, INDEPENDENT, AND NONPARTISAN REDISTRICTING.

(7) COLORADO CALLS ON CONGRESS AND ALL OTHER STATES TO COMMIT TO FAIR AND IMPARTIAL DRAWING OF MAPS.

(8) COLORADO HAS A DUTY TO DEFEND DEMOCRACY.

(9) THE 2028 AND 2030 CONGRESSIONAL ELECTIONS MUST BE CONDUCTED ON A NATIONAL LEVEL PLAYING FIELD WITHOUT AN EXTREME AND UNFAIR ADVANTAGE FOR REPUBLICANS.

(10) THE PEOPLE OF COLORADO, NOT POLITICIANS, SHOULD HAVE THE POWER TO APPROVE TEMPORARY CONGRESSIONAL DISTRICT MAPS IN RESPONSE TO PRESIDENT TRUMP'S ELECTION-RIGGING SCHEME-; AND.

(11) IT IS THE INTENT OF THE PEOPLE THAT COLORADO’S TEMPORARY MAPS BE DESIGNED TO HELP NEUTRALIZE THE PARTISAN GERRYMANDERING BEING UNDERTAKEN BY REPUBLICAN-LED STATES WITHOUT ERODING FAIR REPRESENTATION FOR ALL COMMUNITIES.

**SECTION 2.** In the constitution of the state of Colorado, **repeal** section 44 of article V.

**SECTION 3.** In the constitution of the state of Colorado, **repeal** section 44.1 of article V.

**SECTION 4.** In the constitution of the state of Colorado, **repeal** section 44.2 of article V.

**SECTION 5.** In the constitution of the state of Colorado, **repeal** section 44.3 of article V.

**SECTION 6.** In the constitution of the state of Colorado, **repeal** section 44.4 of article V.

**SECTION 7.** In the constitution of the state of Colorado, **repeal** section 44.5 of article V.

**SECTION 8.** In the constitution of the state of Colorado, **repeal** section 44.6 of article V.

**SECTION 9.** In Colorado Revised Statutes, 2-1-101.5, **amend** (1), as follows:

**2-1-101.5. Definitions.** As used in this article 1, unless the context otherwise requires:

(1) “Congressional commission” means the independent congressional redistricting commission created pursuant to ~~section 44 of article V of the state constitution~~ SECTION 2-1-105.2.

**SECTION 10.** In Colorado Revised Statutes, **add** 2-1-105.2, as follows:

**Section 2-1-105.2. Representatives in congress – congressional districts – commission created – definitions.** (1) **Congressional districts- commission created.** THERE IS HEREBY CREATED THE INDEPENDENT CONGRESSIONAL REDISTRICTING COMMISSION. THE 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 IS MADE BY CONGRESS, THE COMMISSION SHALL DIVIDE THE STATE INTO CONGRESSIONAL DISTRICTS ACCORDINGLY.

(2) **Definitions.** AS USED IN THIS SECTION AND IN SECTIONS 2-1-105.3 THROUGH 2-1-105.7, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) “COMMISSION” MEANS THE INDEPENDENT CONGRESSIONAL REDISTRICTING COMMISSION CREATED IN SUBSECTION (1) 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 2-1-105.5, 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 2-1-105.4(1)(b).

(3) ADJUSTMENT OF DATES. IF ANY DATE PRESCRIBED IN SECTIONS 2-1-105.2 THROUGH 2-1-105.7 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.

**SECTION 11.** In Colorado Revised Statutes, **add** 2-1-105.3, as follows:

**Section 2-1-105.3. 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 COURT HAS APPROVED A PLAN PURSUANT TO SECTION 2-1-105.7. 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 COURT HAS APPROVED A PLAN PURSUANT TO SECTION 2-1-105.7.

(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 12.** In Colorado Revised Statutes, **add** 2-1-105.4, as follows:

**Section 2-1-105.4. 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 2-1-105.3. 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 2-1-105.3. 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, 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 DENVER DISTRICT COURT AND THE ADOPTION OF A REVISED PLAN AFTER A PLAN IS RETURNED TO THE COMMISSION FROM THE DENVER DISTRICT 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, 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, 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 ~~2~~ OF ARTICLE 72 OF TITLE 24, 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 DENVER DISTRICT 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 2-1-105.5 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 13.** In Colorado Revised Statutes, add 2-1-105.5, as follows:

**Section 2-1-105.5. Criteria for Determinations of Commission-Drawn 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. 10301, 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 2-1-105.6, 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 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 14.** In Colorado Revised Statutes, **add** 2-1-105.6, as follows:

**Section 2-1-105.6. 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 2-1-105.5.

(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 2-1-105.4.

(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 2-1-105.5(3). 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 2-1-105.5.

(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 DENVER DISTRICT COURT FOR ITS REVIEW AND DETERMINATION IN ACCORDANCE WITH SECTION 2-1-105.7.

(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 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 COURT.

**SECTION 15.** In Colorado Revised Statutes, **add** 2-1-105.7, as follows:

**Section 2-1-105.7. Court review.**

(1) THE DISTRICT COURT OF THE CITY AND COUNTY OF DENVER SHALL REVIEW THE COMMISSION-SUBMITTED PLAN AND DETERMINE WHETHER THE PLAN COMPLIES WITH THE CRITERIA LISTED IN SECTION 2-1-105.5. BOTH IN THE DISTRICT COURT AND ANY APPELLATE COURT, THE COURT'S REVIEW AND DETERMINATION SHALL TAKE PRECEDENCE OVER OTHER MATTERS BEFORE THE COURT. THE 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 COURT PURSUANT TO THE SCHEDULE ESTABLISHED BY THE COURT.

(2) THE DISTRICT COURT AND ANY APPELLATE 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 2-1-105.5, IN LIGHT OF THE RECORD BEFORE THE COMMISSION. THE 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 DISTRICT COURT OR AN APPELLATE COURT DETERMINES THAT THE SUBMITTED PLAN CONSTITUTES AN ABUSE OF DISCRETION IN APPLYING OR FAILING TO APPLY THE CRITERIA LISTED IN SECTION 2-1-105.5, IN LIGHT OF THE RECORD BEFORE THE COMMISSION, THE 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 DISTRICT COURT, AND ANY APPELLATE COURT REVIEWING THE DISTRICT COURT'S DECISION, SHALL APPROVE THE PLAN SUBMITTED OR RETURN THE PLAN TO THE COMMISSION.

(b) IF THE COURT RETURNS THE PLAN TO THE COMMISSION, AND SUCH DECISION IS NOT APPEALED, 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 DISTRICT COURT SHALL REVIEW THE REVISED PLAN IN ACCORDANCE WITH SUBSECTIONS (1), (2), AND (3) OF THIS SECTION.

(5) THE DISTRICT COURT AND ANY APPELLATE COURT REVIEWING THE DISTRICT COURT'S DECISION SHALL ENSURE THAT THERE IS TIME TO 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 TO BE FILED WITH THE SECRETARY OF STATE NO LATER THAN SUCH DATE.

#### **SECTION 17. Severability.**

The provisions of this measure are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word, or application of this measure is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this measure.

#### **SECTION 18. Effective Date.**

This measure takes effect only if, at the November 2026 statewide election, a ballot issue amending section 2-1-105, Colorado Revised Statutes, to create temporary new congressional districts to be used in the 2028 and 2030 election cycles is approved by the people, in which case this measure takes effect on the date of the official declaration of the vote thereon by the governor.



## Fiscal Summary

### Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

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**Measure:** Initiative 242 – CONGRESSIONAL REDISTRICTING

**Analyst:** Hamza Syed, hamza.syed@coleg.gov, 303-866-4976

**Date:** March 16, 2026

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### Fiscal Summary of Initiative 242

This fiscal summary, prepared by the nonpartisan Director of Research of the Legislative Council, contains a preliminary assessment of the measure's fiscal impact. A full fiscal impact statement for this initiative is or will be available at [leg.colorado.gov/bluebook](http://leg.colorado.gov/bluebook). This fiscal summary identifies the following impact.

#### State Expenditures and Revenue

By creating a new congressional map to be used in the 2028 and 2030 elections, the measure minimally increases workload for the Department of State to make adjustments to the statewide voter database, revise communications with county clerks, and update voter information materials. The department may also have increased workload to remedy any errors with the measure's map.

Denver District Court will have increased workload to review the districts in the new map. Any challenges to the map will also take place in the district court. Any additional court filing revenue and increase in workload from challenges to the map are assumed to be minimal.

#### Local Government

Counties will have increased workload to update their address libraries and precincts for changes to congressional voting districts. County clerks may need to update submissions to the statewide voter database and inform voters on the changes to their district.

#### Economic Impacts

The measure has no direct impact on the state economy.