

<p>SUPREME COURT OF COLORADO  2 East 14th Ave.  Denver, CO 80203</p>	<p>DATE FILED  April 30, 2026 2:18 PM</p>
<p>Original Proceeding  Pursuant to Colo. Rev. Stat. § 1-40-107(2)  Appeal from the Ballot Title Board</p>	
<p>In the Matter of the Title, Ballot Title, and  Submission Clause for Proposed Initiative  2025-2026 #256 (“Congressional Redistricting”)</p> <p><b>Petitioner:</b> Curtis Hubbard,</p> <p>v.</p> <p><b>Respondents:</b> Suzanne Taheri and Elizabeth  Caven,</p> <p><b>and</b></p> <p><b>Title Board:</b> Michael Dohr, Theresa Conley,  Kurt Morrison</p>	<p>▲ COURT USE ONLY ▲</p>
<p>Attorneys for Petitioner:</p> <p>Mark G. Grueskin, #14621  Nathan Bruggeman, #39621  Recht Kornfeld, P.C.  1600 Stout Street, Suite 1400  Denver, Colorado 80202  303-573-1900 (telephone)  303-446-9400 (facsimile)  <a href="mailto:mark@rklawpc.com">mark@rklawpc.com</a>; <a href="mailto:nate@rklawpc.com">nate@rklawpc.com</a></p>	<p>Case Number: 26SA146</p>
<p><b>PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE  SETTING BOARD CONCERNING PROPOSED INITIATIVE 2025-2026  #256 (“CONGRESSIONAL REDISTRICTING”)</b></p>	

Curtis Hubbard, registered elector of Boulder County and the State of Colorado (“Petitioner”), through undersigned counsel, respectfully petitions this Court pursuant to C.R.S. § 1-40-107(2), to review the actions of the Title Setting Board (“Title Board” or “Board”) with respect to the title, ballot title, and submission clause set for Initiative 2025-2026 #256 (“Congressional Redistricting”).

## **STATEMENT OF THE CASE**

### **A. Procedural History of Proposed Initiative 2025-2026 #256.**

Suzanne Taheri and Elizabeth Caven (“Proponents”) proposed Initiative 2025-2026 #256 (the “Proposed Initiative”). Review and comment hearings were held before representatives of the Offices of Legislative Council and Legislative Legal Services. Thereafter, Proponents submitted final versions of the Proposed Initiative to the Secretary of State for purposes of submission to the Title Board, of which the Secretary or her designee is a member.

A Title Board hearing was held on April 15, 2026, at which time titles were set for 2025-2026 #256. On April 22, 2026, Petitioner filed a Motion for Rehearing, alleging that Initiative #256 contained multiple subjects, contrary to Colo. Const. art. V, sec. 1(5.5), the Board lacked jurisdiction to set titles, and that the Title Board set titles which are misleading and incomplete as they do not fairly

communicate the true intent and meaning of the measure and will mislead voters. The rehearing was held on April 23, 2026, at which time the Title Board granted the Motion for Rehearing only to the extent the Board made changes to the title.

### **B. Jurisdiction**

Petitioner is entitled to review before the Colorado Supreme Court pursuant to C.R.S. § 1-40-107(2). Petitioner timely filed the Motion for Rehearing with the Title Board. *See* C.R.S. § 1-40-107(1). Additionally, Petitioner timely filed this Petition for Review within seven days from the date of the hearing on the Motion for Rehearing. *See* 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 version of the initiative filed by the Proponents; (2) the original ballot title set for this measure; (3) the Motion for Rehearing filed by the Petitioners; and (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 the Motion for Rehearing. The matter is properly before this Court.

## **GROUNDNS FOR APPEAL**

The titles set by the Title Board violate the legal requirements imposed on the Board because it lacked jurisdiction to set titles for the Initiative. The following is an advisory list of issues to be addressed in Petitioners' Opening Brief:

1. Whether the Proposed Initiative violates the single subject requirement by authorizing, for the first time, mid-decade congressional redistricting, but then also coiling in the folds of Initiative #256 the elimination of voter-approved, non-federal protections in the Colorado Constitution for minority voters in the adoption of "any plan" including during a mid-decade redistricting?

## **PRAYER FOR RELIEF**

Petitioner respectfully requests that, after consideration of the parties' briefs, this Court determine that the titles are legally flawed and direct the Title Board to return the initiative to the designated representative for lack of jurisdiction.

Respectfully submitted this 30th day of April, 2026.

*s/ Mark G. Grueskin*

Mark G. Grueskin, #14621

Nathan Bruggeman, #39621

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ATTORNEYS FOR PETITIONER

**CERTIFICATE OF SERVICE**

I, Leni Charles, hereby affirm that a true and accurate copy of the **PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2025-2026 #256 (“CONGRESSIONAL REDISTRICTING”)** was sent electronically via Colorado Courts E-Filing this day, April 30, 2026, to the following:

Counsel for the Title Board:

Kyle Holter  
Office of the Attorney General  
1300 Broadway, 6th Floor  
Denver, CO 80203

Counsel for Proponents:

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West Group  
6501 E. Belleview Ave., Suite 375  
Denver, CO 80111

Counsel for Objector Valerie Beck

Mario Nicolais  
KBN Law, LLC  
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*/s Leni Charles*  
\_\_\_\_\_



DATE FILED  
April 30, 2026 2:18 PM

# STATE OF COLORADO

## DEPARTMENT OF STATE CERTIFICATE

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

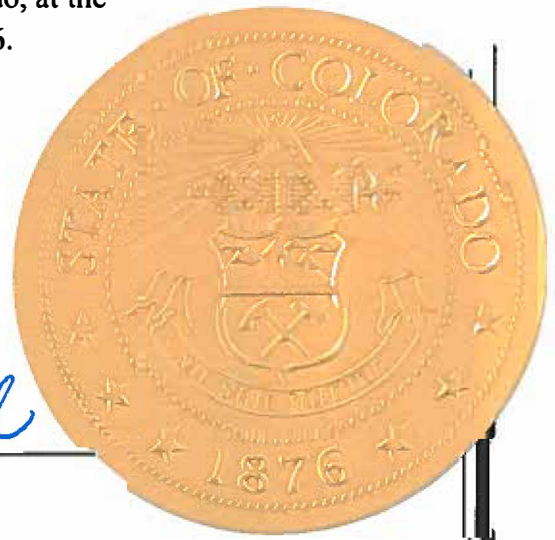
the attached are true and exact copies of the filed text, fiscal summary, motion for rehearing, and the rulings thereon of the Title Board for Proposed Initiative "2025-2026 #256 'Congressional Redistricting'" .....

.....

**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 23<sup>rd</sup> day of April, 2026.

*Jena Griswold*

SECRETARY OF STATE



COLORADO TITLE SETTING BOARD

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IN THE MATTER OF THE TITLE AND BALLOT TITLE AND SUBMISSION  
CLAUSE FOR INITIATIVE 2025-2026 #256

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**MOTION FOR REHEARING**

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NOTE: Due to the similarities between Initiatives 2025-2026 #251, #252, and #256, the motions for rehearing submitted for #252 and #256 raise many of the same issues and make the same arguments previously made against #251. However, there are some substantive differences. Most notably, Section 3 of Initiative #256 proposes a new Colo. Const. art. V § 44(1.5) does not include limiting language that restricts the new criteria for congressional maps to modifications made outside a redistricting year. Consequently, the title is misleading because it specifically limits application of criteria to “congressional redistricting mid-cycle.” The title also grafts the phrase “preserve whole” onto communities of interest despite Section 3 of Initiative #256 using the language “effect of dividing” communities of interest. Similarly, the title includes the criteria “minimize politically competitive districts” where the initiative does not use that language at all outside the generic repeal and replace.

This *Motion for Rehearing* is submitted on behalf of Valerie M. Beck (“Beck”), a registered elector of the State of Colorado. Beck objects to the title and ballot title and submission clause adopted by the Title Board for Proposed Ballot Initiative 2025-2026 #256 (“Initiative #256”). Undersigned counsel hereby submits this *Motion for Rehearing* under § 1-40-107, C.R.S. (2026), and as grounds state as follows:

**I. Introduction**

Initiative #256 fails to meet the “single subject” and “clearly expressed” mandates of the Colorado Constitution. Additionally, the initiative, title, and ballot title submission clause include an impermissible “catch phrase.” For those reasons, the Title Board should reverse its decision to set title or Initiative #256.

## Argument

### A. *The Single-Subject Rule*

Colorado Constitution Article V § 1(5.5) requires that “No measure shall be proposed by petition containing more than one subject.” The single-subject rule is intended to prevent two dangers: (1) combining subjects with no necessary or proper connection for the purposes of garnering support for an initiative from various factions, and (2) to help avoid voter surprise or fraud due to passage of a surreptitious provision coiled up in the folds of an initiative. *In re Proposed Initiative on “Public Rights in Waters II,”* 898 P.2d 1076, 1078-79 (Colo.1995); *In re Ballot Title 2011-2012 No. 45*, 2012 CO 26; *In the Matter of the Title, Ballot Title & Sub. Clause for 2015-2016 No. 63*, 2016 CO 34. The single-subject rule prevents proponents from joining two distinct and separate purposes that are not dependent upon or connected with each other in order to garner support for the initiative. *In re Ballot Title 1999-2000 #104*, 987 P.2d 249, 253 (Colo.1999).

In this instance, the proponents have combined two separate subjects into Initiative #256:

1. Approval and adoption by the congressional commission and Colorado Supreme Court of plans modified for the 2028 congressional election or thereafter.
2. Adding the new criteria “purposefully favoring one political party.”

Review and adoption of modified maps is not dependent on or connected to adding new criteria in this initiative. Similarly, adoption of new criteria for determining congressional districts is not dependent or connected to review and adoption of modified maps. To the contrary, both seemed tied together specifically to aggregate support from voters. For example, voters may not approve of the new criteria added, but want some type of approval or adoption process for modifications. In that context, it becomes evident that the two separate subjects have been included for the sole purpose of helping to aggregate support from multiple factions for the initiative as a whole.

Furthermore, joining these two subjects could lead to significant voter surprise in the title as written. Because adding new criteria is wrapped into one

sentence that also includes criteria already in the Colorado Constitution (Colo. Const. article V § 44.3(2) already includes the “whole communities of interest” criteria while § 44.3(3) addresses “politically competitive districts”), it is not evident that new criteria is being added to congressional redistricting. To the contrary, sandwiched between existing criteria the new criteria is hidden from voters. In this circumstance, the new criteria has literally been wrapped into the folds of the initiative in one clause disguised by already existing criteria. That is a perfect scenario to create surprise for voters who may believe that all the criteria listed already existed.

*B. The title and ballot title and submission clause do not clearly express the initiative*

In addition to the single subject requirement, it is also necessary that the “subject treated in the body of the proposed initiative be clearly expressed in its titles.” *In Re Ballot Title 1999-2000 No. 258(A)*, 4. P.3d 1094, 1097 (Colo.2000). The Court has stated that:

“we are bound to assume that the word ‘clearly’ was not incorporated into the constitutional provision under consideration by mistake ... That this word was advisedly used, and was intended to affect the manner of expressing the subject, we cannot doubt. The matter covered by legislation is to be ‘clearly,’ not ‘dubiously’ or ‘obscurely,’ indicated by the title ... The connection must be so obvious as that ingenious reasoning, aided by superior rhetoric, will not be necessary to reveal it. Such connection should be within the comprehension of the ordinary intellect, as well as the trained legal mind.” *In Re Title, Ballot Title 1999-2000 25*, 974 P.2d 458, 462(Colo.1999) quoting *In re Breene*, 14 Colo. 401, 406, 24 P. 3, 4 (1890).

Neither the title nor the ballot title and submission clause clearly express that Initiative #256 introduces new criteria for congressional maps. To the contrary, both set the new criteria alongside criteria already included in the Colorado Constitution thereby confusing the electorate. It is impossible to distinguish that new criteria have been introduced in this initiative without searching through the Colorado Constitution and determining what already exists and what does not. That is the exact type of obscurity that the Court condemned.

As highlighted in the note introducing this motion, Initiative #256 does not contain language that limits its effect to mid-cycle redistricting in the same manner as Initiative #251. The latter specifically limits application of the criteria to non-redistricting years through use of the limiting language “outside the redistricting year.” That is not the case for the former. Instead, Initiative #256 simply states that the criteria included apply to modifications “for the 2028 congressional election or thereafter”. However, the current title does not reflect that reality. Instead, it applies a limitation where there is none. Furthermore, the title actually includes language that does not appear in Section 3 of Initiative #256 (the only section that adds new language outside the generic repeal and replace). The title includes the criteria “or minimize politically competitive districts” despite that language not appearing in the proposed Colo. Const. art. V § 44(1.5). To graft that single criteria in from the repeal and replace sections would lead to significant confusion for voters.

For the above reasons, title as currently set is misleading and does not clearly express the actual language of Initiative #256.

*C. The title and ballot title and submission clause includes an impermissible “catch phrase”*

“It is well established that the use of catch phrases or slogans in the title, ballot title and submission clause, and summary should be carefully avoided by the Board.” *In re Ballot Title 1999-2000 No. 258(A)*, 4. P.3d at 1100, quoting *In re Amend Tabor No. 32*, 908 P.2d 125, 130 (Colo.1995). Such catch phrases prejudice electors to vote for an initiative “merely by virtue of those words’ appeal to emotion.” *Id.* Such catch phrases are “words that work to a proposal’s favor without contributing to voter understanding” and that “generate support for a proposal that hinges on the content of the proposal itself, but merely on the wording of the catch phrase.” *Id.* They may also form the basis of a slogan or campaign to support an initiative. *Id.* Catch phrases must be determined in the “context of contemporary political debate.” *Id.*

Initiative #256 employs the catch phrase “purposefully favoring one political party” precisely to be used in a campaign. The title and ballot title and submission clause incorporate the catch phrase, and, in so doing, violate the dictate against such use.

Initiative #256 exists in a contemporary political climate where redistricting and gerrymandering have become topics of heated discussion. In fact, Initiative #256 appears to have been a response to initiatives submitted by other proponents that would modify the current congressional maps. Consequently, using a catch phrase that attempts to capitalize on that environment would naturally help passage of the initiative.

Furthermore, the catch phrase itself does not help to enhance voter understanding; rather, it likely confuses voters. The phrase is undefined in the proposed initiative and it does not have an established legal meaning. Rather, it presents an amorphous and subjective phrase that could be interpreted by different voters in a host of divergent ways. For example, some voters may believe it refers to single districts, others may believe that it bars favor across Colorado's full contingent of congressional districts, while still others might view it as referring to favoring one party in Congress as a whole. Similarly, what "favors" one party over another is so broad in potential scope that it cannot be understood as anything but an appeal to emotion. Similarly "purposefully" indicates some level of intentionality, but fails to inform voters about what that level might be. In each instance the catch phrase does not add to understanding of electors, but instead subjects them to the emotional draw of stopping gerrymandering.

The problem is exacerbated by its placement in the title and ballot title and submission clause. As noted above, "purposefully favoring one political party" has been sandwiched between two criteria that already exist in the Colorado Constitution. That location makes the emotional pull on voters even stronger than if it stood on its own.

These circumstances should be contrasted with circumstances where the Colorado Supreme Court has found a phrase included in an initiative (and the title and ballot title submission clause) does not constitute a catch phrase. In reviewing the phrase "just cause" in *In the Matter of the Title, Ballot Title, and Submission Clause for 2007-2008 #62*, No. 08SA90, p. 18, 20 (Colo.2008), the Court highlighted that the titles noted that "just cause" was defined in the initiative and that the term "sets forth a legal standard commonly used in the law."

That is not the case here. Initiative #256 does not define any part of the catch phrase "purposefully favoring one political party" or any part of it. Not only does this stand in contrast to "just cause," but it also stands in stark contrast to the

criteria the catch phrase appears alongside (Colo. Const. art. V § 44.3(3)(d) defines “competitive” as used in the phrase “politically competitive districts”). Nor does “purposefully favoring one political party” exist as a commonly used legal standard. The contrary, when asked at the hearing, the proponents admitted it would need to be defined by courts.

### **Conclusion**

Proponents believe the information provided above is persuasive and should help the Title Board to reconsider its position, determine that Initiative #256 fails to meet the single-subject rule, the current title does not clearly express the subjects of the initiative, and that the initiative, title and ballot title submission clause all impermissibly use a catch phrase. Consequently, the Title Board should reverse its decision and decline to set title.

Thank you for your time and consideration,

/s Mario Nicolais

Mario Nicolais

*Counsel for Objector*

**IN RE: TITLE, BALLOT TITLE, AND SUBMISSION CLAUSE  
FOR INITIATIVE 2025 -2026 #256  
("CONGRESSIONAL REDISTRICTING")**

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Initiative Proponents: Elizabeth Caven and Suzanne Taheri

&

Objectors: Curtis Hubbard

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**MOTION FOR REHEARING**

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By undersigned counsel, Curtis Hubbard, a registered voter of the County of Boulder, objects to the titles set for Initiative #256, pursuant to C.R.S. § 1-40-107(1)(a)(I).

On April 15, 2026, the Title Board set the following ballot title and submission clause for Initiative #256:

*Shall there be an amendment to the Colorado Constitution concerning mid-cycle congressional redistricting, and, in connection therewith, repealing and reenacting the provisions of the Colorado Constitution that establish the process for congressional redistricting to add a prohibition against congressional redistricting mid-cycle unless the following limited criteria is met: three public meetings regarding the new map are held, the map preserves whole communities of interest, and does not purposefully favor one political party or minimize politically competitive districts, and the map is approved by an independent congressional redistricting commission and the Colorado Supreme Court?*

**I. The Title Board lacks jurisdiction to set a ballot title for Initiative #256 because this measure comprises multiple subjects.**

**A. The first subject: amending the Constitution to limit mid-decade redistricting.**

The ostensible subject of Initiative #256 is to limit mid-decade congressional redistricting. It accomplishes this by imposing new procedural requirements that apply to the never-before-used mid-decade redistricting in Colorado: an approval requirement (commission and Supreme Court approval) and hearing requirement (holding at least three public hearings).

- B. The second subject: changing substantive considerations for approval of plans or, at the least, eliminating the requirement that no redistricting map dilute the impact of racial groups’ electoral influence.

Proposed subsection (1.5) addresses the substantive criteria for plan approval. However, in doing so, proponents made a notable wording choice: instead of addressing the criteria for mid-cycle redistricting, the measure addresses the criteria for **any** plan:

(1.5) Upon adoption and approval of the final plan, no plan may be modified for the 2028 congressional election **or thereafter** except with the approval of the congressional commission and adoption by the Colorado supreme court. In reviewing the plan, the commission must hold at least three public meetings and **must not adopt any plan** that has the effect of dividing communities of interest or purposefully favoring one political party.

(Emphasis added.) The limited substantive criteria for plan approval stands in stark contrast to the current set of criteria:

<b>Current Language (Section 44.3)</b>	<b>Initiative #256</b>
<p>(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.</p> <p>(b) Districts must be as compact as is reasonably possible.</p> <p>(3)(a) Thereafter, the commission shall, to the extent possible, maximize the number of politically competitive districts.</p> <p>...</p> <p>(4) No map may be approved by the commission or given effect by the supreme court if:</p> <p>(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</p> <p>(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.</p>	<p>... and must not adopt any plan that has the effect of dividing communities of interest or purposefully favoring one political party</p>

“Any plan” includes a plan that is adopted after the census—not just a mid-decade redistricting plan. “[T]he word ‘any’ means ‘all.’” *BP Am. Prod. Co. v. Colo. Dep’t of Rev.*, 2016 CO 23, ¶ 18, 369 P.3d 281, 286. The obligation to apply Initiative #256’s criteria instead of the current criteria is, moreover, mandatory given the use of “must.” *N.D. v. N.J.D.*, 2026 COA 18, ¶ 11 (“Under the canons of statutory construction, unless the context otherwise requires, courts interpret the word ‘shall’ or ‘must’ in a statute to be mandatory, not directory.”). Subsection (1.5) thus displaces for “any plan” the hierarchy of considerations that currently applies. Creating limiting procedures for mid-cycle redistricting is a separate subject from changing the criteria for plan approval in the ordinary course of redistricting after a census is conducted.

But even if subsection (c) were interpreted to apply only to mid-decade redistricting, there is still a single subject violation. A key element of Amendment Y that created the Independent Congressional Redistricting Commission can be found in Colo. Const., art. V, sec. 44.3(4)(b) that protects minority voters, independent of the applicability of the federal Voting Rights Act. That provision, currently in the Constitution and applicable to Congressional redistricting in the year after the U.S. Census is conducted, states:

No map may be approved by the commission or given effect by the supreme court if... [i]t 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.

As a result, any map that is “modified” for and after the 2028 general election is not required to meet racial protections that are authorized by Amendment Y. The resulting potential for under-representation of affected minority groups is a subject that is distinct from setting up procedural limitations on mid-decade redistricting. This is a legal change that is “coiled in the folds of the measure” such that voters would not understand that mid-decade maps would provide no Colorado constitutional protection for minority voting. *See In re Title, Ballot Title & Submission Clause, for 2007-2008 #17*, 172 P.3d 871, 875-76 (Colo. 2007) (establishing new natural resource agency could not be coupled with a change to a new legal standard that would surprise voters).

This is a marked departure from redistricting exercises that have occurred in recent years. For example, “Because the district court addressed the issue of dilution of minority voting strength repeatedly throughout its order, we can determine from the record that the... plan adopted by the district court, particularly with regard to District 1, but also with regard to the entire map, did not result in an unconstitutional dilution of minority voting strength.” *Beauprez v. Avalos*, 42 P.3d 642, 650 (Colo. 2002). Thus, the measure’s omission of protection for minority voters is change is a significant change in law from the substantive redistricting considerations that Coloradans have come to expect.

It is no defense for Proponents to argue that this is a mere effect of the measure. “The single-subject rule also serves to **prevent voter surprise by prohibiting proponents from**

**hiding effects** in the body of a complex proposal.... Such subterfuge is precisely what the constitutional prohibition against multiple subjects was designed to prevent.” *In re Title, Ballot Title and Submission Clause for 2009-2010 # 91*, 235 P.3d 1071, 1079 (Colo. 2010) (emphasis added).

C. The third subject: reenacting the currently applicable constitutional provision

In this version of their measure, proponents chose to not simply add their limitation on mid-decade redistricting. Instead, in addition to that change, they repealed the entire constitutional provision addressing congressional redistricting and reenacted it. As a result, the measure creates the standards for decennial redistricting (by eliminating those provisions and then reenacting them) **and** adds a new substantive provision addressing a different issue (limitations on mid-decade redistricting). Creating the structure and processes for decennial redistricting bears no necessary or proper connection to the measure’s single subject of limiting mid-cycle redistricting. They are substantively different decisions: first, whether to retain the current structure and, second, whether to add a limitation on mid-cycle redistricting.

It also presents both of the evils the single subject requirement is meant to avoid. It presents logrolling problems, in that it attracts voters who supported the prior redistricting reform and who are led to believe they should support the measure to preserve it, along with voters who want to thwart mid-cycle redistricting but did not support the prior reform. It is a coiled within the folds problem because many voters will not understand what it means to repeal and reenact Amendment Y, with its various procedures, standards, and requirements.

Thus, this measure violates the single subject requirement.

**II. The ballot title is misleading, unfair, and inaccurate.**

A. The title inaccurately describes the measure’s requirements for approval of “any” plan.

The ballot title states that the substantive considerations contained in subsection (1.5) for plan approval applies only to mid-decade redistricting (“a prohibition against congressional redistricting mid-cycle unless the following limited criteria is met: ... the map preserves whole communities of interest, and does not purposefully favor one political party or minimize politically competitive districts ...”). As explained above, those criteria actually apply to “any plan,” not just “redistricting mid-cycle.” “Any plan” necessarily includes those redistricting maps that are drawn after a decennial census. The Board should revise the title to inform voters that the approval criteria for all plans are being changed in significant ways by this initiative.

Additionally, there appears to be a typographical error in the title. The comma in the above quoted language before “and” should be removed, such that the title read, “...communities of interest and does not purposefully...”

B. The title incompletely describes the repeal and reenactment of the current redistricting scheme.

The title acknowledges that the measure repeals and reenacts current law, but it includes no information informing the voter what that entails. In other words, a voter does not know what they are, in fact, being asked to repeal and then reenact. By way of comparison, the ballot title for Amendment Y provided:

Shall there be an amendment to the Colorado constitution concerning a change to the way that congressional districts are drawn, and, in connection therewith, taking the duty to draw congressional districts away from the state legislature and giving it to an independent commission, composed of twelve citizens who possess specified qualifications; prohibiting any one political party's control of the commission by requiring that one-third of commissioners will not be affiliated with any political party, one-third of the commissioners will be affiliated with the state's largest political party, and one-third of the commissioners will be affiliated with the state's second largest political party; prohibiting certain persons, including professional lobbyists, federal campaign committee employees, and federal, state, and local elected officials, from serving on the commission; limiting judicial review of a map to a determination by the supreme court of whether the commission or its nonpartisan staff committed an abuse of discretion; requiring the commission to draw districts with a focus on communities of interest and political subdivisions, such as cities and counties, and then to maximize the number of competitive congressional seats to the extent possible; and prohibiting maps from being drawn to dilute the electoral influence of any racial or ethnic group or to protect any incumbent, any political candidate, or any political party?

If voters required this level of information to understand Amendment Y, then they logically need the same information to decide whether to repeal it (i.e., sufficient information to understand what they are repealing) and reenact it (i.e., sufficient information to understand what structure for redistricting they are being asked to approve). It is no answer that some voters will remember Amendment Y's provision, as many will not and, in fact, many more did not even live in Colorado when the Amendment was considered in 2018. "The title and submission clause should 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 Title, Ballot Title and Submission Clause for 2013-2014 #90*, 2014 CO 63, ¶ 23 (emphasis added).

**WHEREFORE**, in light of the arguments and legal precedent cited above, the Title Board should dismiss Initiative #256 for lack of jurisdiction.

**RESPECTFULLY SUBMITTED** this 22nd day of April, 2026.

RECHT KORNFELD, P.C.

s/ Mark Grueskin

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**CERTIFICATE OF SERVICE**

I, Erin Mohr, hereby affirm that a true and accurate copy of the **MOTION FOR REHEARING ON INITIATIVE 2025 -2026 #256** was sent this day, April 22, 2026, via email to:

Suzanne Taheri  
Counsel for proponents

Emily Burke Buckley  
Senior Assistant Attorney General

s/ Erin Mohr

## Ballot Title Setting Board

### Proposed Initiative 2025-2026 #256<sup>1</sup>

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

An amendment to the Colorado Constitution concerning mid-cycle congressional redistricting, and, in connection therewith, repealing and reenacting the provisions of the Colorado Constitution that establish the process for congressional redistricting to add a prohibition against congressional redistricting mid-cycle unless the following limited criteria is met: three public meetings regarding the new map are held, the map preserves whole communities of interest, and does not purposefully favor one political party or minimize politically competitive districts, and the map is approved by an independent congressional redistricting commission and the Colorado Supreme Court.

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 concerning mid-cycle congressional redistricting, and, in connection therewith, repealing and reenacting the provisions of the Colorado Constitution that establish the process for congressional redistricting to add a prohibition against congressional redistricting mid-cycle unless the following limited criteria is met: three public meetings regarding the new map are held, the map preserves whole communities of interest, and does not purposefully favor one political party or minimize politically competitive districts, and the map is approved by an independent congressional redistricting commission and the Colorado Supreme Court?

*Hearing April 15, 2026:*

*Single subject approved; draft title changed; titles set.*

*The Board made a*

*The Board determined that the proposed initiative requires the addition of language to the Colorado Constitution. The requirement for approval by fifty-five percent of the votes cast applies to this initiative.*

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

*Hearing adjourned 6:39 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 #256<sup>1</sup>

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

An amendment to the Colorado Constitution concerning congressional redistricting, and, in connection therewith, reenacting the current process for congressional redistricting in the Colorado Constitution and prohibiting modifications to a final map unless at least three public meetings are held, the modifications do not have the effect of dividing communities of interest or purposefully favoring one political party, and are approved by the congressional redistricting commission and the Colorado Supreme Court.

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 concerning congressional redistricting, and, in connection therewith, reenacting the current process for congressional redistricting in the Colorado Constitution and prohibiting modifications to a final map unless at least three public meetings are held, the modifications do not have the effect of dividing communities of interest or purposefully favoring one political party, and are approved by the congressional redistricting commission and the Colorado Supreme Court?

*Hearing April 15, 2026:*

*Single subject approved; draft title changed; titles set.*

*The Board made a*

*The Board determined that the proposed initiative requires the addition of language to the Colorado Constitution. The requirement for approval by fifty-five percent of the votes cast applies to this initiative.*

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

*Hearing adjourned 6:39 P.M.*

*Rehearing April 23, 2026:*

*Motions for rehearing (Beck; Hubbard) granted only to the extent the Board made changes to the title (3-0).*

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

*Hearing adjourned 3:21 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.

2025-2026 #256 – Final – Technical Corrections

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

**SECTION 1.** In the constitution of the state of Colorado article V, **repeal and reenact** section 44 as follows:

SECTION 44. REPRESENTATIVES IN CONGRESS - CONGRESSIONAL DISTRICTS – COMMISSION CREATED.

(1) DECLARATION OF THE PEOPLE. THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT:

(A) THE PRACTICE OF POLITICAL GERRYMANDERING, WHEREBY CONGRESSIONAL DISTRICTS ARE PURPOSEFULLY DRAWN TO FAVOR ONE POLITICAL PARTY OR INCUMBENT POLITICIAN OVER ANOTHER, MUST END;

(B) THE PUBLIC'S INTEREST IN PROHIBITING POLITICAL GERRYMANDERING IS BEST ACHIEVED BY CREATING A NEW AND INDEPENDENT COMMISSION THAT IS POLITICALLY BALANCED, PROVIDES REPRESENTATION TO VOTERS NOT AFFILIATED WITH EITHER OF THE STATE'S TWO LARGEST PARTIES, AND UTILIZES NONPARTISAN LEGISLATIVE STAFF TO DRAW MAPS;

(C) THE REDISTRICTING COMMISSION SHOULD SET DISTRICT LINES BY 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;

(D) COMPETITIVE ELECTIONS FOR MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES PROVIDE VOTERS WITH A MEANINGFUL CHOICE AMONG CANDIDATES, PROMOTE A HEALTHY DEMOCRACY, HELP ENSURE THAT CONSTITUENTS RECEIVE FAIR AND EFFECTIVE REPRESENTATION, AND CONTRIBUTE TO THE POLITICAL WELL-BEING OF KEY COMMUNITIES OF INTEREST AND POLITICAL SUBDIVISIONS;

(E) FOR YEARS CERTAIN POLITICAL INTERESTS OPPOSED COMPETITIVE DISTRICTS IN COLORADO BECAUSE THEY ARE PRIMARILY CONCERNED ABOUT MAINTAINING THEIR OWN POLITICAL POWER AT THE EXPENSE OF FAIR AND EFFECTIVE REPRESENTATION; AND

(F) CITIZENS WANT AND DESERVE AN INCLUSIVE AND MEANINGFUL CONGRESSIONAL REDISTRICTING PROCESS THAT PROVIDES THE PUBLIC WITH 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.

(2) 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.

(3) DEFINITIONS. AS USED IN THIS SECTION AND IN SECTIONS 44.1 THROUGH 44.6 OF THIS ARTICLE V, UNLESS

THE CONTEXT OTHERWISE REQUIRES:

(A) "COMMISSION" MEANS THE INDEPENDENT CONGRESSIONAL REDISTRICTING COMMISSION CREATED IN SUBSECTION (2) 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 44.3 OF THIS ARTICLE V, 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 44.2 OF THIS ARTICLE V.

(4) ADJUSTMENT OF DATES. IF ANY DATE PRESCRIBED IN SECTIONS 44.1 THROUGH 44.5 OF THIS ARTICLE V 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 2.** In the constitution of the state of Colorado article V, **repeal and reenact** section 44.1 as follows:

SECTION 44.1. 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 SUPREME COURT HAS APPROVED A PLAN PURSUANT TO SECTION 44.5 OF THIS ARTICLE V. 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 SUPREME COURT HAS APPROVED A PLAN PURSUANT TO SECTION 44.5 OF THIS ARTICLE V.

(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 3.** In the constitution of the state of Colorado, section 44 of article V, **add** (1.5), as follows:

(1.5) UPON ADOPTION AND APPROVAL OF THE FINAL PLAN, NO PLAN MAY BE MODIFIED FOR THE 2028 CONGRESSIONAL ELECTION OR THEREAFTER EXCEPT WITH THE APPROVAL OF THE CONGRESSIONAL COMMISSION AND ADOPTION BY THE COLORADO SUPREME COURT. IN REVIEWING THE PLAN, THE COMMISSION MUST HOLD AT LEAST THREE PUBLIC MEETINGS AND MUST NOT ADOPT ANY PLAN THAT HAS THE EFFECT OF DIVIDING COMMUNITIES OF INTEREST OR PURPOSEFULLY FAVORING ONE POLITICAL PARTY.

**SECTION 4.** In the constitution of the state of Colorado article V, **repeal and reenact** section 44.2 as follows:

44.2 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 44.1 OF THIS ARTICLE V. 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 44.1 OF THIS ARTICLE V. 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, C.R.S., 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 SUPREME COURT AND THE ADOPTION OF A REVISED PLAN AFTER A PLAN IS RETURNED TO THE COMMISSION FROM THE SUPREME 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, C.R.S., 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, C.R.S., 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, C.R.S., 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 SUPREME 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 44.3 OF THIS ARTICLE V 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 5.** In the constitution of the state of Colorado article V, **repeal and reenact** section 44.3 as follows:

SECTION 44.3. CRITERIA FOR DETERMINATIONS OF 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 44.4 OF THIS ARTICLE V, 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 SUPREME 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 6.** In the constitution of the state of Colorado, article V, **repeal and reenact** section 44.4, as follows:

SECTION 44.4. 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 CONVENEED OR THE NECESSARY CENSUS DATA ARE AVAILABLE, WHICHEVER IS LATER. WITHIN THE FIRST TWENTY DAYS AFTER THE COMMISSION HAS CONVENEED, 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 44.3 OF THIS ARTICLE V.

(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 44.2 OF THIS ARTICLE V.

(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 44.3 (3)(D) OF THIS ARTICLE V. 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 44.3 OF THIS ARTICLE V.

(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 SUPREME COURT FOR ITS REVIEW AND DETERMINATION IN ACCORDANCE WITH SECTION 44.5 OF THIS ARTICLE V.

(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 SUPREME 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 SUPREME COURT.

**SECTION 7.** In the constitution of the state of Colorado, article V, **repeal and reenact** section 44.5, as follows:

SECTION 44.5. SUPREME COURT REVIEW. (1) THE SUPREME COURT SHALL REVIEW THE SUBMITTED PLAN AND DETERMINE WHETHER THE PLAN COMPLIES WITH THE CRITERIA LISTED IN SECTION 44.3 OF THIS ARTICLE V. THE COURT'S REVIEW AND DETERMINATION SHALL TAKE PRECEDENCE OVER OTHER MATTERS BEFORE THE COURT. THE SUPREME 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 SUPREME COURT PURSUANT TO THE SCHEDULE ESTABLISHED BY THE COURT.

(2) THE SUPREME 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 44.3 OF THIS ARTICLE V, IN LIGHT OF THE RECORD BEFORE THE COMMISSION. THE SUPREME 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 SUPREME COURT DETERMINES THAT THE SUBMITTED PLAN CONSTITUTES AN ABUSE OF DISCRETION IN APPLYING OR FAILING TO APPLY THE CRITERIA LISTED IN SECTION 44.3 OF THIS ARTICLE V, IN LIGHT OF THE RECORD BEFORE THE COMMISSION, THE SUPREME 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 SUPREME COURT SHALL APPROVE THE PLAN SUBMITTED OR RETURN THE PLAN TO THE COMMISSION.

(B) IF THE COURT RETURNS THE PLAN TO THE COMMISSION, 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 SUPREME COURT SHALL REVIEW THE REVISED PLAN IN ACCORDANCE WITH SUBSECTIONS (1), (2), AND (3) OF THIS SECTION.

(5) THE SUPREME COURT SHALL 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 BE FILED WITH THE SECRETARY OF STATE NO LATER THAN SUCH DATE.

**SECTION 8.** In the constitution of the state of Colorado, article v, **repeal and reenact** section 44.6, as follows:

SECTION 44.6. SEVERABILITY. IF ANY PROVISION OF SECTIONS 44.1 THROUGH 44.5 OF THIS ARTICLE V IS FOUND BY A COURT OF COMPETENT JURISDICTION TO BE UNCONSTITUTIONAL, OR IF ANY APPLICATION OF THESE SECTIONS IS FOUND BY SUCH A COURT TO BE UNCONSTITUTIONAL, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THE REMAINING PROVISIONS OF THESE SECTIONS THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION. THE PROVISIONS OF SECTIONS 44.1 THROUGH 44.5 OF THIS ARTICLE V ARE DEEMED AND DECLARED SEVERABLE.



## Fiscal Summary

### Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

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**Measure:** Initiative 256 – CONGRESSIONAL REDISTRICTING

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

**Date:** April 13, 2026

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### Fiscal Summary of Initiative 256

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

The measure requires the independent redistricting commission to hold three public hearings for any changes to the congressional district map done outside of the redistricting year. This will increase expenditures to appoint members to the redistricting commission for any vacancies that exist, for Legislative Council Staff to support the commission, and for the commission to hold public hearings reviewing the map. There will also be additional workload for the Colorado Supreme Court to review any new congressional maps.

#### Economic Impact

The measure has no impact on the state's economy.