

<p>SUPREME COURT OF COLORADO 2 East 14th Ave. Denver, CO 80203</p>	<p>DATE FILED April 30, 2026 1:11 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 #324 (“Congressional Redistricting Criteria”)</p> <p><b>Petitioner:</b> Curtis Hubbard,</p> <p>v.</p> <p><b>Respondents:</b> Kathleen Chandler and Rick Enstrom,</p> <p><b>and</b></p> <p><b>Title Board:</b> Michael Dohr, Theresa Conley, Kurt Morrison</p>	<p><b>▲ COURT USE ONLY ▲</b></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:</p>
<p><b>PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2025-2026 #324 (“CONGRESSIONAL REDISTRICTING CRITERIA”)</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 #324 (“Congressional Redistricting Criteria”).

## **STATEMENT OF THE CASE**

### **A. Procedural History of Proposed Initiative 2025-2026 #324.**

Kathleen Chandler and Rick Enstrom (“Proponents”) proposed Initiative 2025-2026 #324 (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 #324. On April 22, 2026, Petitioner filed a Motion for Rehearing, alleging that Initiative #324 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 Petitioner; 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.

### **GROUND 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 and the titles

set by the Board violate the “clear ballot title” requirement by omitting critical elements of the measure and will mislead voters. The following is an advisory list of issues to be addressed in Petitioners’ Opening Brief:

1. Whether the Title Board lacked jurisdiction because the Proposed Initiative is comprised of the multiple subjects of:

- (a) changing the criteria for Congressional redistricting maps adopted by the existing Independent Congressional Redistricting Commission, an entity which is embedded in the Colorado Constitution to control all aspects of such redistricting;
- (b) restricting voters’ access to the fundamental constitutional right of initiative by preventing Congressional redistricting through an initiative if that redistricting plan has been created with or even influenced by any partisan information;
- (c) restricting state legislators’ fundamental constitutional rights under the Speech or Debate Clause of the Colorado Constitution by preventing Congressional redistricting by the General Assembly if that redistricting plan has been created with or even influenced by any partisan information; and

(d) restricting Coloradans' fundamental constitutional rights of free speech and association by preventing any influence on Congressional redistricting through any reference to partisan considerations.

2. Whether the titles violate the clear title requirement by failing to inform voters that the prohibition on partisan performance and data extends beyond Congressional redistricting maps "created with" such information and includes any redistricting map that was even "influenced by" such information.

### **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 or, in the alternative, to correct the title to address the deficiencies outlined in Petitioner's briefs.

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, Erin Mohr, 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 #324 (“CONGRESSIONAL REDISTRICTING CRITERIA”)** 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:

Scott Gessler  
Gessler Blue LLC  
7350 E. Progress Pl., Suite 100  
Greenwood Village, Colorado 80111

*/s Erin Mohr*  
\_\_\_\_\_



DATE FILED  
April 30, 2026 1:11 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 #324 'Congressional Redistricting Criteria'" .....

.....

**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 24<sup>th</sup> day of April, 2026.

*Jena Griswold*

SECRETARY OF STATE



**IN RE: TITLE, BALLOT TITLE, AND SUBMISSION CLAUSE  
FOR INITIATIVE 2025-2026 #324  
("CONGRESSIONAL REDISTRICTING CRITERIA")**

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Initiative Proponents: Kathleen Chandler and Rick Enstrom

&

Objector: 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 #324, 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 #324:

*Shall there be an amendment to the Colorado Constitution changing congressional redistricting criteria, and, in connection therewith, repealing the requirement that the independent congressional redistricting commission maximize the number of politically competitive districts; prohibiting a redistricting map that is created with partisan voter registration data or partisan electoral performance, and instead creating seven new geographic communities of interest, consisting of 50 Colorado counties, and requiring the commission to use specified priorities to keep counties, cities, and geographic communities of interest together as much as possible?*

**I. The Title Board lacks jurisdiction to set a ballot title for Initiative #324 because it comprises multiple subjects.**

**A. The first subject: reconfiguration of criteria for setting congressional districts.**

As the single subject statement in the title that this Board set states, one subject of this measure is “changing congressional redistricting criteria.” The measure does this by creating a set of “geographic communities of interest” that apply to 50 of 64 counties in the state. Proposed Art. V, sec. 44(b.5). It also sets an ordering in which aspects of these geographic communities of interest criteria apply. *Id.*, sec. 44.3(2). It then makes the requirement for applying traditional communities of interest optional. Compare Colo. Const., art. V, § 44.3(2)(a) with Proposed sec. 44.3(2)(h). And finally, it repeals the requirement to maximize the number of competitive districts drawn.

B. The second subject: limiting the fundamental constitutional right of initiative.

Section 2 of Initiative #324 provides that any congressional redistricting plan “adopted... by initiative must not be created with, or influenced by, the use of partisan voter registration data or partisan electoral performance of any kind.” Proposed Section 44.3(1)(c).

In other words, two designated representatives cannot “create[]” their measure by using voter registration or electoral performance information. The use of “must” in this subsection makes this a mandatory restriction on any submitted proposed initiative. *See 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.”).

The Supreme Court has decided this issue. A substantive restriction on a fundamental constitutional right that is paired with procedural changes to the same constitutional structure is a multi-subject initiative. In *In re Title, Ballot, and Submission Clause for 2003-2004 # 32 & # 33*, 76 P.3d 460, 462 (Colo. 2003), the Court found that an initiative that changed certain petition procedures around the initiative and referendum process but also prohibited all attorneys from being involved in the title setting process comprised two subjects. “By foreclosing any possibility that an attorney could serve on the title board, these initiatives restrict the political rights of all attorneys.... [T]his exclusion from the political process is a substantive matter, not a procedural change to the petitions process.” *Id.* at 462, citing *Evans v. Romer*, 854 P.2d 1270 (Colo. 1993), cert. denied, 510 U.S. 959 (1993) (invalidating a substantive restriction imposed by initiative on a fundamental constitutional right).

Clearly, if restricting the manner in which petition matters can be authorized to proceed to the ballot (through limiting the composition of the Title Board) is a second subject, restricting the manner in which initiated congressional redistricting proposals can be formulated so as to be on the ballot is a second subject of this measure. A substantive limitation such as this one cannot be paired with a procedural change, redefining and reordering redistricting criteria, and survive a single subject analysis. Thus, no title for it should have been set by the Board.

C. The third subject: limiting the fundamental constitutional rights of speech and association.

This initiative also restricts what can be said in an initiative campaign to convince voters to adopt a congressional redistricting plan. As noted, a new map “must not be... influenced by” the use of voter registration or electoral performance data “of any kind.” Proposed Section 44.3(1)(c).

As a result, no advocate of the map can advance it to influence the election based on a position, opinion, or belief that the map favors or disfavors any political party or political candidate. This prior restraint of speech in the political context is a substantive restriction on what voters can say, hear, and consider when voting on a redistricting initiative. “Restrictions on speech based on its content are ‘presumptively invalid’ and subject to strict scrutiny.” *Ysursa v.*

*Pocatello Educ. Ass’n*, 555 U.S. 353, 358 (2009), citing *Davenport v. Wash. Educ. Ass’n*, 551 U.S. 177, 188 (2007).

As was true above, this substantive restriction is not part of a single subject with purely procedural changes to the redistricting process. Therefore, no title can be set on #324.

D. *The fourth subject: limiting the constitutional rights of state legislators under the Colorado Constitution’s speech and debate clause.*

As noted above, the initiative restricts “[a]ny congressional redistricting plan adopted... by the general assembly... [from being] created with, or influenced by, the use of partisan voter registration data or partisan electoral performance of any kind.” Proposed Section 44.3(1)(c). In short, this means that legislators can neither consider nor advocate for a map based on its factual electoral backdrop in terms of voter registration or performance.

The speech or debate clause in the Colorado Constitution is located in article V, § 16. That clause “plainly protects legislators from inquiry into legislative acts or their motives for performing them.” *Romer v. Colo. General Assembly*, 810 P.2d 215, 222 (Colo. 1991), citing *United States v. Brewster*, 408 U.S. 501, 509 (1972). After all, the purpose of the speech or debate clause is to “protect the integrity of the legislative process by insuring the independence of individual legislators.” *Anderson v. Senthilnathan*, 2023 COA 88, ¶ 61 (citations omitted).

Initiative #324 is a substantive restriction on the protected rights and prerogatives of legislators under Colorado’s speech or debate clause. If they adopt a congressional redistricting plan, their legislative act and even their motives in adopting said plan are open to challenge. If #324’s proponents are to open this substantive can of worms, they must do so via a separate initiative. Under *In re Title for 2003-2004 # 32 & # 33*, *supra*, they cannot both change the procedural guidelines for redistricting and restrict the materials that legislators consider or use in advancing a redistricting plan.

Thus, this measure as currently constructed cannot be titled, and it should be returned to Proponents to be separated into at least two single-subject initiatives.

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

A. The title only refers to limits on redistricting criteria applied by the Redistricting Commission and does not state that the new criteria also bind any map adopted by the General Assembly or by initiative.

Under Proposed Section 44.3(2), “any congressional redistricting adopted by a commission, by the General Assembly, or by initiative must adhere to the criteria below in sequential order.” Yet, the title states that the measure only “requir[es] the commission to use specified priorities to keep counties, cities, and geographic communities of interest together as much as possible.” As this statement is factually inaccurate, it must be remedied in any title set.

- B. The title fails to refer to the fact that the initiative binds redistricting by the legislature and by the voters through initiative.

Given the multiple references to the expense of this measure, the title should state that it applies to maps adopted by initiative or by the General Assembly.

- C. The title fails to state that no plan can be “influenced by” partisan voter registration or electoral performance data of any kind.

Voters should understand that they are adopting a ballot measure that restricts the ability of any person to advocate for or against a map because it will have a projected partisan effect. If voters are going to curtail the type of information that can be relayed during a campaign of incredible importance to each of them, they should know that they are limiting their own speech and the speech of all other political voices if they adopt this measure.

Likewise, they should know that their elected legislators cannot speak of the potential change in representation if legislators are authorized to adopt a congressional redistricting map. But there is no such statement about or allusion to this fact in the Board-adopted title.

- D. The title fails to state that one of the key elements of redistricting for the last half century – consideration of communities of interest that relate to federal issues – are now only a permitted, not a required, aspect of congressional redistricting.

Proposed Section 44.3(2)(h) states that traditional communities of interest “may” be considered in drawing up a new map. By law, “community of interest” means under current law “any group in Colorado that shares one or more substantial interests that may be the subject of federal legislative action... [to] be considered for inclusion within a single district for purposes of ensuring its fair and effective representation.” In other words, this aspect of redistricting relates directly to the election of federal officeholders and their accountability to constituents.

Under current law, the Congressional Redistricting Commission “must preserve” these communities of interest as much as possible. Colo. Const., art. V, §44.3(2)(a). That requirement is struck by Proposed Section 44.3(2)(a). It is replaced by the mere possibility that such communities of interest are considered in the redistricting process. Proposed Section 44.3(2)(h). The fact that this mandatory accountability factor is now a mere option in drawing districts is not apparent to voters. That change that will eliminate the need to have common federal issues that unite congressional districts, a key aspect of “fair and effective representation.” This new gap between constituents and their representatives, must appear in plain language in the title.

- E. The title fails to state that 14 counties are excluded from the new redistricting factor, “geographic communities of interest” and, in particular, fails to state which counties are so excluded.

The title states there are 50 counties in the new “geographic communities of interest.” It is unlikely all registered voters know there are 64 Colorado counties. It is likely not top-of-mind for many voters. The fact that over 1/5 of all Colorado counties are excluded from this

redistricting consideration is a major element of this measure. The fact that larger counties such as Arapahoe, Jefferson, and Weld (as well as smaller counties such as Clear Creek, Fremont, and Gilpin) are excluded is more than just noteworthy. It is central to the way in which many Coloradans will be represented under new maps. And voters should not have to dig for these details in deciding whether or not to sign a petition to put this matter on the ballot, much less whether to make this differential treatment part of the Constitution. The title should name all excluded counties.

**WHEREFORE**, in light of the arguments and legal precedent cited above, the Title Board should dismiss Initiative #324 for lack of jurisdiction, and if it does not do so, it should revise the titles so that they are fair, accurate, and not misleading.

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

RECHT KORNFELD, P.C.

s/ Mark Grueskin

Mark Grueskin

Nathan Bruggeman

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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 #324** was sent this day, April 22, 2026, via email to:

Scott Gessler  
Counsel for proponents

Emily Burke Buckley  
Senior Assistant Attorney General

s/ Erin Mohr

**IN RE: TITLE, BALLOT TITLE, AND SUBMISSION CLAUSE  
FOR INITIATIVE 2025-2026 #324  
("Congressional Redistricting Criteria")**

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Kathleen Chandler and Frederick Enstrom, Objectors

v.

Colorado Title Board

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**MOTION FOR REHEARING**

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By undersigned counsel, Kathleen Chandler, a registered voter of Arapahoe County, and Frederick ("Rick") Enstrom, a registered voter of Jefferson County, Colorado, object under C.R.S. § 1-40-107(1)(a)(I) to the title set for Initiative #324.

On April 15, 2026, the Title Board Set the following ballot title and submission clause for Initiative #324:

Shall there be an amendment to the Colorado Constitution changing congressional redistricting criteria, and, in connection therewith, repealing the requirement that the independent congressional redistricting commission maximize the number of politically competitive districts; prohibiting a redistricting map that is created with partisan voter registration data or partisan electoral performance, and instead creating seven new geographic communities of interest, consisting of 50 Colorado counties, and requiring the commission to use specified priorities to keep counties, cities, and geographic communities of interest together as much as possible?

In so doing, the Board set a title that is misleading and erroneous, because the title states that it requires "the commission" to use specified priorities. But the proposed initiative is not limited to a commission, but rather the criteria apply to maps drawn by a commission, the legislature, and by initiative.



## Ballot Title Setting Board

### Proposed Initiative 2025-2026 #324<sup>1</sup>

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

An amendment to the Colorado Constitution changing congressional redistricting criteria, and, in connection therewith, repealing the requirement that the independent congressional redistricting commission maximize the number of politically competitive districts; prohibiting a redistricting map that is created with partisan voter registration data or partisan electoral performance, and instead creating seven new geographic communities of interest, consisting of 50 Colorado counties, and requiring the commission to use specified priorities to keep counties, cities, and geographic communities of interest together as much as possible.

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 changing congressional redistricting criteria, and, in connection therewith, repealing the requirement that the independent congressional redistricting commission maximize the number of politically competitive districts; prohibiting a redistricting map that is created with partisan voter registration data or partisan electoral performance, and instead creating seven new geographic communities of interest, consisting of 50 Colorado counties, and requiring the commission to use specified priorities to keep counties, cities, and geographic communities of interest together as much as possible?

*Hearing April 15, 2026:*

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

*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 5:46 P.M.*

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<sup>1</sup> Unofficially captioned “**Congressional Redistricting Criteria**” 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 #324<sup>1</sup>

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

An amendment to the Colorado Constitution changing congressional redistricting criteria, and, in connection therewith, repealing the requirement that the congressional redistricting maps maximize the number of politically competitive districts and preserve whole communities of interest; prohibiting a redistricting map that is created with partisan voter registration data or partisan electoral performance, and instead creating seven new geographic communities of interest, consisting of 50 of the 64 Colorado counties, and requiring any maps created by the congressional redistricting commission, the state legislature, or citizen initiative to use specified priorities to keep counties, cities, and geographic communities of interest together as much as possible.

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 changing congressional redistricting criteria, and, in connection therewith, repealing the requirement that the congressional redistricting maps maximize the number of politically competitive districts and preserve whole communities of interest; prohibiting a redistricting map that is created with partisan voter registration data or partisan electoral performance, and instead creating seven new geographic communities of interest, consisting of 50 of the 64 Colorado counties, and requiring any maps created by the congressional redistricting commission, the state legislature, or citizen initiative to use specified priorities to keep counties, cities, and geographic communities of interest together as much as possible?

*Hearing April 15, 2026:*

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

*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*

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

*Hearing adjourned 5:46 P.M.*

*Rehearing April 23, 2026:*

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

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

*Hearing adjourned 4:09 P.M.*

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2025-2026 #324 FINAL

*Be it enacted by the people of the State of Colorado,*

**SECTION 1.** In the constitution of the State of Colorado, **amend** (3) of section 44 of Article V as follows:

**§ 44. Representatives in congress--congressional districts--commission created**

(3)(a) “Commission” means the independent congressional redistricting commission created in subsection (2) of this section.

(b)(I) “TRADITIONAL 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 TRADITIONAL 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) “TRADITIONAL community of interest” does not include relationships with political parties, incumbents, or political candidates.

(b.5) “GEOGRAPHICAL COMMUNITY OF INTEREST” MEANS ANY ONE OF THE FOLLOWING:

(I) THE WESTERN SLOPE OF COLORADO, WHICH IS COMPRISED OF ARCHULETA COUNTY, DELTA COUNTY, DOLORES COUNTY, EAGLE COUNTY, GARFIELD COUNTY, GRAND COUNTY, GUNNISON COUNTY, HINSDALE COUNTY, LA PLATA COUNTY, MESA COUNTY, MOFFAT COUNTY, MONTEZUMA COUNTY, MONTROSE COUNTY, PITKIN COUNTY, OURAY COUNTY, RIO BLANCO COUNTY, ROUTT COUNTY, SAN JUAN COUNTY, SAN MIGUEL COUNTY, AND SUMMIT COUNTY.

(II) THE EASTERN PLAINS OF COLORADO, WHICH IS COMPRISED OF BACA COUNTY, BENT COUNTY, CHEYENNE COUNTY, CROWLEY COUNTY, KIOWA COUNTY, KIT CARSON COUNTY, LINCOLN COUNTY, LOGAN COUNTY, MORGAN COUNTY, OTERO COUNTY, PHILLIPS COUNTY, PROWERS COUNTY, SEDGWICK COUNTY, WASHINGTON COUNTY, AND YUMA COUNTY.

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(III) PUEBLO COUNTY, HUERFANO COUNTY, LAS ANIMAS COUNTY, AND THE SAN LUIS VALLEY, WHICH IS COMPRISED OF ALAMOSA COUNTY, CONEJOS COUNTY, COSTILLA COUNTY, MINERAL COUNTY, RIO GRANDE COUNTY, AND SAGUACHE COUNTY.

(IV) BOULDER COUNTY AND LARIMER COUNTY.

(V) DOUGLAS COUNTY AND ELBERT COUNTY.

(VI) EL PASO COUNTY.

(VII) THE CITY AND COUNTY OF DENVER.

(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.

**SECTION 2.** In the constitution of the State of Colorado, **add** (1)(c), and (2), and **repeal** (3) of section 44.3 of Article V as follows:

**§ 44.3. Criteria for determinations of congressional districts—definition**

(1)(c) ANY CONGRESSIONAL DISTRICTING PLAN ADOPTED BY A COMMISSION, BY THE GENERAL ASSEMBLY, OR BY INITIATIVE MUST NOT BE CREATED WITH, OR INFLUENCED BY, THE USE OF PARTISAN VOTER REGISTRATION DATA OR PARTISAN ELECTORAL PERFORMANCE OF ANY KIND.

(2) AFTER THE CRITERIA IN SECTION (1) HAVE BEEN MET, ANY CONGRESSIONAL DISTRICTING ADOPTED BY A COMMISSION, BY THE GENERAL ASSEMBLY, OR BY INITIATIVE MUST ADHERE TO THE CRITERIA BELOW IN SEQUENTIAL ORDER. THE CONGRESSIONAL REDISTRICTING PLAN MUST ADHERE TO THE FIRST CRITERION IN SUBSECTION (a) BELOW, THEN ADHERE TO EACH SUBSEQUENT CRITERION.

(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.~~ IF A COUNTY’S TOTAL POPULATION, EXCLUDING THE COUNTY’S NONCONTIGUOUS TERRITORY AND INCLUDING ENCLAVES OF OTHER COUNTIES WITHIN THE COUNTY’S BORDERS, IS GREATER THAN THE POPULATION NECESSARY FOR ONE OR MORE CONGRESSIONAL DISTRICTS, THEN THAT COUNTY MUST CONTAIN WITHIN IT THE MAXIMUM NUMBER OF WHOLE CONGRESSIONAL DISTRICTS POSSIBLE.

(b) A COUNTY MUST NOT BE DIVIDED AMONG MORE THAN TWO CONGRESSIONAL DISTRICTS.

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- (c) THE CONGRESSIONAL DISTRICTING PLAN MUST PRESERVE GEOGRAPHIC COMMUNITIES OF INTEREST, AS DEFINED IN SECTION 44.3, SUBSECTION (d), WITHIN A SINGLE CONGRESSIONAL DISTRICT UNLESS THE POPULATION OF THE WHOLE GEOGRAPHIC COMMUNITY OF INTEREST EXCEEDS THE POPULATION NECESSARY FOR A CONGRESSIONAL DISTRICT.
- (d) A PART OF ONE COUNTY MUST NOT BE ADDED TO ALL OR PART OF ANOTHER COUNTY IN FORMING CONGRESSIONAL DISTRICTS, UNLESS NECESSARY TO ACHIEVE POPULATION EQUALITY IN SECTION (1)(a).
- (e) THE NUMBER OF COUNTIES WHOSE TERRITORY IS CONTAINED IN MORE THAN ONE CONGRESSIONAL DISTRICT MUST BE AS SMALL AS POSSIBLE.
- (f) THE NUMBER OF CITIES AND TOWNS WHOSE TERRITORY IS CONTAINED IN MORE THAN ONE CONGRESSIONAL DISTRICT MUST BE AS SMALL AS POSSIBLE.
- (g) CITIES THAT ARE LOCATED IN MORE THAN ONE COUNTY SHOULD BE KEPT WHOLE.
- (h) A CONGRESSIONAL DISTRICT MAP MAY INCLUDE TRADITIONAL COMMUNITIES OF INTEREST.
- ~~(b) (i). 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.~~

**SECTION 3. Effective Date.** This measure takes effect on the date of the official declaration of the vote and proclamation of the governor.

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## Fiscal Summary

### Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

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**Measure:** Initiative 324 – CONGRESSIONAL REDISTRICTING CRITERIA

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**Date:** April 13, 2026

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### Fiscal Summary of Initiative 324

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 increases the workload of the Congressional Redistricting Commission when adopting maps. Costs may also increase to address legal challenges.

#### Economic Impact

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