

STATE OF COLORADO

Colorado General Assembly

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MEMORANDUM

To: Tanya Nathan and Lindsey Rasmussen

From: Legislative Council Staff and Office of Legislative Legal Services

Date: February 28, 2026

Subject: Proposed Initiative Measure 2025-2026 #240

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Legislative Council Staff and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado Constitution. We hereby submit our comments and questions to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council Staff and the Office of Legislative Legal Services is to provide comments and questions intended to aid designated representatives, and the proponents they represent, in determining the language of their proposal and to avail the public of the contents of the proposal. Our first objective is to be sure we understand your intended purposes of the proposal. We hope that the comments and questions in this memorandum provide a basis for discussion and understanding of the proposal. Discussion between designated representatives or their legal representatives and employees of the Legislative Council Staff and the Office of Legislative Legal Services is encouraged during review and comment meetings, but comments or discussion from anyone else is not permitted.

This proposed initiative **2025-2026 #240** was submitted by the same designated representatives as a part of a group of related proposed initiatives, including proposed initiatives **2025-2026 #239**, **#241**, and **#242**. The comments and questions raised in this memorandum do not include comments and questions that were addressed in the memoranda for proposed initiatives **2025-2026 #239**, **#241**, and **#242**, except as necessary to fully understand proposed initiative **2025-2026 #240**. Comments and

questions addressed in those memoranda may also be relevant, and those questions and comments are considered part of this memorandum.

Purposes

Purposes for Proposed Initiative 2025-2026 #240

The major purposes of the proposed amendments to the Colorado Constitution and to the Colorado Revised Statutes appear to be to:

1. Make findings and declarations of the people of the state of Colorado;
2. Create a temporary congressional district map to be used in the 2028 and 2030 congressional elections that sets new boundaries for Colorado's eight congressional districts; and
3. Require the independent congressional redistricting commission established in article V, section 44 of the Colorado Constitution to continue to set boundary lines for Colorado's congressional districts in 2031 and every 10 years thereafter.

Substantive Comments and Questions

The substance of the proposed initiative raises the following comments and questions:

1. Article V, section 1 (5.5) of the Colorado Constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
2. Article V, section 1 (4)(a) of the Colorado Constitution requires that when the majority of voters approve an initiative, the initiative is effective on and after the date of the official declaration of the vote and proclamation of the governor.

Because the proposed initiative does not contain an effective date, this would be the default effective date. Does this default effective date satisfy your intent? If not, you should include the desired effective date that is not earlier than the default effective date to comply with this constitutional requirement.

3. In the proposed initiative, article V, section 44 (1.5)(a) of the Colorado Constitution and section 2-1-101.7 (1), C.R.S., share very similar language and appear to provide for similar requirements related to the temporary single-member districts for congress of the United States. Why is there repetitive language in these two sections?

4. In the proposed initiative, article V, section 44 (1.5)(b) of the Colorado Constitution requires the Colorado Supreme Court to review and approve the temporary congressional districts established in the proposed initiative if the the districts comply with the requirements of the proposed initiative. By when must this review occur? What happens if the Colorado Supreme Court finds that the temporary districts are not in compliance with the requirements of the proposed initiative?

Technical Comments

The following comments address technical issues raised by the form of the proposed initiatives. These comments will be read aloud at the public meeting only if the designated representatives so request. You will have the opportunity to ask questions about these comments at the review and comment meeting. Please consider revising the proposed initiative as follows:

1. In the proposed initiative, article V, section 44 (1.5)(c) of the Colorado Constitution says that “[t]he independent congressional redistricting commission established pursuant to subsection 2 shall continue...”. It is standard drafting practice to refer to another subsection within the same section of the Colorado Constitution as “subsection (2) of this section”.
2. It is standard drafting practice to include the subsection number and paragraph letter of a section that is cross-referenced in the Colorado Constitution. For example, in proposed article V, section 44 (1.5)(a) of the Colorado Constitution, the reference to “subsection (c)” should be “subsection (1.5)(c) of this section”.