

# STATE OF COLORADO

## Colorado General Assembly

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## MEMORANDUM

**To:** Suzanne Taheri and Elizabeth Caven

**From:** Legislative Council Staff and Office of Legislative Legal Services

**Date:** March 4, 2026

**Subject:** Proposed initiative measure 2025-2026 #256, concerning Congressional Redistricting

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 #256** was submitted by the same designated representatives as a part of a group of related proposed initiatives, including proposed initiatives **2025-2026 #251** through **#256**. 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 #251** through **#255**, except as necessary to fully understand proposed initiative **2025-2026 #256**. Comments and questions

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

## **Purposes**

The major purposes of the proposed amendment to the Colorado Constitution appear to be to:

1. Repeal and reenact sections 44 through 44.6 of article V of the Colorado Constitution, which establishes the process for congressional redistricting by the independent congressional redistricting commission (congressional commission), with the following modifications:
  - a. Upon the adoption and approval of a final congressional redistricting plan in a redistricting year following a federal decennial census, prohibit the modification of the plan for the 2028 congressional election or election thereafter except with the approval of the independent congressional commission and adoption by the Colorado supreme court;
  - b. In reviewing a modified congressional district plan, require the congressional commission to hold at least three public meetings;
  - c. Prohibit the congressional commission from adopting a congressional district plan that has the effect of dividing communities of interest or favoring one political party; and
  - d. Prohibit the congressional commission from approving or the supreme court from giving effect to a congressional district map if it has been drawn purposefully to favor one political party or to minimize politically competitive districts.

## 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 for the proposed initiative. Does this default effective date satisfy your intent? If not, you should include the desired effective date for the proposed initiative that is not earlier than the default effective date to comply with this constitutional requirement.

3. The initiative establishes two potentially conflicting standards for partisanship. Section 3 of the proposed initiative, which adds subsection (1.5) to section 44 of article V, prohibits a plan that has the effect of favoring one political party, while section 5 of the proposed initiative, which adds subsection (4)(c) to section 44.3 of article V, prohibits a map drawn purposefully to favor one political party. How are the commission and the supreme court expected to reconcile these differing legal standards ("effect" versus "purposefully") when evaluating a map?
4. Section 1 of the proposed initiative repeals and reenacts section 44 of article V, while section 3 of the proposed initiative adds a new subsection (1.5) to section 44 of article V. Why is subsection (1.5) added in a separate section of the initiative rather than being incorporated directly into the repealed and reenacted text of section 44 of article V in section 1 of the proposed initiative?
5. The proposed initiative repeals the entirety of the independent congressional redistricting commission's framework (sections 44 through 44.6 of article V of the Colorado Constitution) and reenacts the congressional redistricting commission's framework with minor modifications. Is it your intent to completely replace the existing constitutional provisions adopted by voters in 2018, or is this repeal and reenactment strictly a drafting mechanism to insert the new 2028 modification

restrictions? If your intent is to replace the existing constitutional provisions, why have the proponents taken this approach in the proposed initiative?

6. In addition to adding subsection (1.5) to section 44 of article V and subsection (4)(c) to section 44.3 of article V, are there any other substantive changes to sections 44 through 44.6 of article V of the Colorado Constitution embedded within the reenacted text in 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. Each section in the Colorado Constitution has a headnote. Headnotes briefly describe the content of the section. For example, the following headnote for section 3 of the proposed initiative should be included after the amending clause:  
**Section 44. Representatives in congress - congressional districts - commission created.**
2. The Colorado Revised Statutes are divided into sections, and each section may contain subsections, paragraphs, subparagraphs, and sub-subparagraphs as follows:

X-X-XXXX. Headnote. (1) Subsection.

(a) Paragraph

(I) Subparagraph

(A) Sub-subparagraph

(B) Sub-subparagraph

(II) Subparagraph

(b) Paragraph

(2) Subsection

(3) Subsection

Accordingly, consider changing the paragraphs letters included in the proposed initiative from capital letters to lowercase letters.

3. It is standard drafting practice to set off nonessential phrases (i.e., introductory, parenthetical, or prepositional phrases) with commas. For example, subsection (1)(e) of proposed section 1 should include a comma after “For years.”
4. In proposed section 2, (2)(c)(VI) is misnumbered and should instead be (2)(c)(V).
5. It is standard drafting practice to not capitalize standalone titles of government officers or names of agencies. For example, it is unnecessary to initial-capitalize “commission.”
6. It is unnecessary to include “C.R.S.” after each statutory section number.
7. It is unnecessary to include “(4)” before the new paragraph (c) in section 5 of the proposed initiative.
8. The first letter of the first word of a sentence should be capitalized.