



May 19, 2026

Delivered by email

RE: Request for Special Session Pursuant to Article V, Section 7 of the Colorado Constitution

Dear Honorable Members of the Colorado General Assembly,

I write to request that the General Assembly exercise its authority under Article V, Section 7 of the Colorado Constitution to convene in special session to investigate Governor Polis' recent conduct and consider all available accountability measures—including censure and impeachment. The legislature should not allow the Governor to commute Tina Peters' sentence immediately after the legislative session, then finish his term without being held formally accountable for his complicity with the Trump Administration's corruption and cruelty and his failure to defend Colorado from federal overreach.

At this point, Governor Polis has twice betrayed his constitutional obligation to faithfully administer Colorado's laws and defend Colorado's sovereignty from the Trump Administration's efforts to harm our marginalized communities and hijack our election system. First, he acquiesced to President Trump's pressure campaign by commuting Tina Peters' prison sentence—not truthfully based on his own independent concerns about the length of her sentence, but in service of a political agenda. And second, he has for months repeatedly attempted to share Coloradans' personal information with ICE, in direct contravention of Colorado law.

1. Tina Peters Commutation

The clemency power is rooted in centuries of common law as an act of mercy, for an imperfect justice system. The power to grant clemency for violations of state law belongs solely to the executive of this state [Colo. Constitution, Article IV, Sec. 7.] The independence is essential to our federalist system. If the Governor handed that authority to President Trump, he did not just make the wrong decision. He surrendered Colorado's sovereignty to administer its own laws, in betrayal of our constitutional design.¹ Such a betrayal would give the current or any future President a roadmap to corrupt state systems with impunity by deploying cronies to break the law and then coerce a compliant Governor to grant clemency for their crimes.

The available evidence suggests that this is precisely what the Governor did. In December 2025, after President Trump issued an illegal federal pardon to Tina Peters for state

¹ *Bond v. United States*, 564 U.S. 211, 221 (2011) (“The Framers concluded that allocation of powers between the National Government and the States enhances freedom, first by protecting the integrity of the governments themselves, and second by protecting the people, from whom all governmental powers are derived.”).

crimes, he shifted his efforts to lawlessly commandeering Colorado's administration of its own laws by pressuring Governor Polis to grant this pardon both publicly and, according to *The New York Times*, in private conversations. According to this reporting, Governor Polis made the decision to commute Tina Peters' sentence after these communications, even over the objection of his own clemency advisory board.²

The Governor has tried to argue that his clemency decision was rooted in his own, independent determination that her sentence was too harsh. That would be a legitimate exercise of his authority, whether or not the public agreed with it. But the evidence suggests it is not what happened here. Undercutting any claim of concern for harsh sentences, last year, the Governor vetoed a bill to prevent harsher sentences in municipal than state courts, HB25-1147. Furthermore, the Governor has left almost a dozen people in prison who completed every requirement of a rigorous rehabilitation program he himself signed into law, earned the parole board's recommendation for release, and have waited more than a year for him to act.³

The Governor's sweeping discretionary authority to grant clemency makes it more, not less, important for the legislature to hold him accountable for its misuse. The Framers understood this well. At the Constitutional Convention in Philadelphia, delegates worried openly that the pardon power could be weaponized to reward allies, obstruct justice, or place certain individuals above the law. James Madison explained, however, that no exercise of that authority was beyond democratic accountability. The people retained a vital check on corrupt clemency: legislative oversight, and where necessary, impeachment.⁴

That principle applies here with full force. The Governor of Colorado wields extraordinary clemency authority, but that authority was never meant to be insulated from scrutiny and immune from consequence. When a governor uses the clemency power not to serve justice but to capitulate to federal pressure, the legislature must hold him accountable.

2. Collaboration with ICE

Colorado law prohibits state employees from sharing Coloradans' personal information with federal immigration enforcement without a court-issued warrant or order. Governor Polis signed that law in 2021 and reaffirmed it in 2025—because Colorado determined that local and state collaboration with ICE makes us all less safe. Yet, when the Trump administration served the Polis administration with an ICE administrative subpoena—not a warrant, not a court order, just a federal agency request with no legal force without judicial authorization—the Governor ordered state employees to comply, threatening them with termination if they refused.

² *How a Democratic Governor Came to Release an Election Denier From Prison*, N.Y. Times, May 17, 2026, <https://www.nytimes.com/2026/05/17/us/politics/polis-tina-peters-commutation.html>.

³ Shelly Bradbury, *Gov. Jared Polis Stops Releasing Prisoners Who've Spent Decades Behind Bars for Youthful Crime*, Denver Post, Jan. 16, 2026, <https://www.denverpost.com/2026/01/16/colorado-prison-early-release-polis-iyacap>.

⁴ Gene Healy, *The Complete Power to Pardon" and "the Sole Power of Impeachment*, Cato Inst., Sept. 1, 2017, <https://www.cato.org/blog/complete-power-pardon-sole-power-impeachment>.

My organization Towards Justice, a whistleblower, and labor unions sued to stop him.⁵ This litigation revealed that before the lawsuit, the administration had already illegally complied with a separate ICE subpoena—a fact the Governor's own spokesperson admitted should not have happened.⁶ And even after a Denver judge blocked him, the Governor kept trying to find a way to hand over Coloradans' data to ICE.⁷

The Governor's efforts to collaborate with ICE violate Colorado law and pose a direct threat to working families across Colorado. People across this state are terrified to seek out protection when their boss steals their wages, when they are victimized by crime, because they fear that government agencies will hand their information over to ICE. Governor Polis has spent Coloradans' trust—and hundreds of thousands of their dollars in legal fees—doing the dirty work of an administration hell-bent on tearing our communities apart. That is not the faithful execution of Colorado law.

3. The Legislature Must Hold the Governor Accountable

Taken together, a pattern emerges: this is not a governor who has been following Colorado law. He has been following orders from Washington, forcing state officials to violate Colorado law by turning Coloradans' information over to ICE, and excusing those who already did by doing the President's bidding and freeing Tina Peters from the consequences of her crimes.

There is much we still do not know. What did the President say to the Governor in their private conversations? What threats were made, what promises offered, what was exchanged—explicitly or implicitly—in return for his collaboration? Those questions must be asked by the only body that can still hold our lame duck Governor accountable. The commutation was released the moment the legislative session ended, as if calculated to evade scrutiny. That evasion cannot stand.

The Colorado Constitution gives the General Assembly the tools to demand answers. The question of whether the Governor's conduct rises to the level of an impeachable offense—whether his capitulation to a corrupt federal pressure campaign, his violations of Colorado law, and his betrayal of the communities he swore to protect constitute the “abuse or violation of some public trust” that justify his impeachment⁸—is precisely the kind of question

⁵ *Moss v. Polis*, No. 2025CV32001 (Denver Dist. Ct. filed June 2025).

⁶ *Colorado Gave Records to ICE Four Times Since February, Including Once by Mistake*, KUNC, July 23, 2025, <https://www.kunc.org/news/2025-07-23/colorado-gave-records-to-ice-four-times-since-february-in-response-to-subpoenas-including-once-by-mistake>.

⁷ Taylor Kolven, *Judge Again Bars Gov. Polis from Ordering Colorado State Employees to Respond to a Subpoena from ICE*, Colo. Sun, Apr. 21, 2026, <https://coloradosun.com/2026/04/21/jared-polis-barred-from-ordering-response-to-another-ice-subpoena>.

⁸ The Federalist Papers, No. 65 (Hamilton).

impeachment proceedings exist to answer. That conclusion should not be prejudged. Formal censure should be on the table too. But what should not be on the table is nothing. The absence of accountability is not neutrality. It is permission for those in power to trample our rights, surrender our sovereignty, and face no consequence for doing so.

The failure to hold abuses of power accountable is precisely what has gotten us into the mess we are currently in.

The people of Colorado are not helpless, and neither is this legislature. You are a co-equal branch of government, vested with the authority and the obligation to check an executive who has abandoned his oath. The people you represent are demanding accountability. It is your job to provide it.

Sincerely,

David Seligman, Candidate for Attorney General