



"Voice of the Western Slope"

# Election Guide 2018



The Club 20 Executive Committee and Board of Directors convened on August 16th to hear pro/con presentations on the ballot measures up for consideration on the November ballot. The below positions reflect their thoughtful discussions as to which measures will promote and protect the Western Colorado way of life.

## Referred Measures

### Amendment A-Prohibit Slavery and Involuntary Servitude in All Circumstances

Amends the Colorado Constitution to remove language that currently allows slavery and involuntary servitude to be used as punishment for the conviction of a crime.

**Argument For:** The section of the Colorado Constitution that allows slavery and involuntary servitude as punishment for a crime should be updated because it represents a time in the United States when not all people were seen as human beings or treated with dignity. Removing the language explicitly prohibits slavery and involuntary servitude in all circumstances, and reflects Colorado's commitment to equality and just treatment.

**Argument Against:** Slavery and involuntary servitude are already illegal in all instances. Therefore, the measure can be viewed as making a change to the Colorado Constitution that is merely symbolic and unnecessary. Under another view, removing the language in the constitution could have the unintended consequence of raising legal uncertainty around current offender work requirements until legal precedent is established.

**Fiscal Impact:** The measure may minimally impact state and local government revenue, costs, and workload if court filings increase due to offenders filing additional lawsuits.

Constitutional  
Amendment



NO POSITION

### Amendment V-Lower Age Requirement for Members of the State Legislature

Amends the Colorado Constitution to lower the age requirement for serving in the state legislature from 25 to 21.

**Argument For:** Excluding 21- to 24-year-olds from seeking election to the state legislature is an unnecessary restriction. A 21-year-old is considered an adult under the law. Voters can judge whether a candidate possesses the maturity, ability, and competence to hold political office. In addition, allowing younger candidates to run for office encourages the civic engagement of young people.

**Argument Against:** The current age requirement strikes an appropriate balance between youth and experience. Younger candidates may lack the maturity and expertise to be effective legislators. The policy decisions and political pressures that legislators face are best handled by people with more life experience. Lack of experience could hinder a young legislator's ability to represent his or her constituents effectively.

Constitutional  
Amendment



NO POSITION

## Referred Measures Continued

### Amendment W-Election Ballot Format for Judicial Retention Elections

Amends the Colorado Constitution to change the ballot format for judicial retention elections to remove the requirement that a retention question be asked for each justice and judge.

**Argument For:** Amendment W helps make the ballot more concise and reader-friendly. A well-designed and shorter ballot will allow voters to complete it more efficiently, which may encourage voter participation. A more compact ballot may also save counties printing and mailing costs, particularly in more populous counties that elect multiple justices or judges and counties that are required to print ballots in both English and Spanish.

**Argument Against:** The current ballot design is reader-friendly because it clearly asks a retention question for each justice and judge. The changes proposed in Amendment W may be inconsistent with previous sections of the ballot, and voters may be unclear if they are casting votes in a multi-candidate election or for each individual justice or judge. This confusion may increase the likelihood that voters will choose to skip judicial retention questions.

**Fiscal Impact:** Local government impact. Amendment W decreases county clerk and recorder workload and may reduce ballot printing and mailing costs.

Constitutional  
Amendment



NO POSITION

### Amendment X-Industrial Hemp Definition

Amends the Colorado Constitution to remove the definition of “industrial hemp” from the Colorado Constitution and, instead, use the definition in federal law or state statute

**Argument For:** Striking the definition of industrial hemp from the Colorado Constitution allows the state legislature to react to changes to the definition at the federal level. As a result, Colorado’s industrial hemp growers will maintain compliance with federal policy and remain competitive with other states.

**Argument Against:** Voters approved Amendment 64 to the Colorado Constitution in 2012, which included the current definition of industrial hemp. Amendment X allows the state legislature to make changes to the term’s definition, which may cause uncertainty among industrial hemp growers who have relied on the constitutional definition in establishing their businesses.

**Fiscal Impact:** Removing the definition of industrial hemp from the Colorado Constitution has no impact on the revenue or expenditures of any state or local government agencies.

Constitutional  
Amendment



SUPPORT

### Amendments Y and Z-Congressional and Legislative Redistricting

Aim to create non-partisan redistricting commissions that would develop electoral districts that better reflect our communities and are developed through a fair and transparent redistricting process.

Amendment Y would create a 12 member independent congressional redistricting commission with four members from the state’s largest political party, four members from the state’s second largest political party, and four unaffiliated members. Amendment Z would create a 12 member independent legislative redistricting commission of the same makeup, and would require districts to be competitive, which is defined by as having reasonable potential to change political party at least once every 10 years.

**Arguments For:** These measures will provide greater transparency, limit the role of partisan politics in the redistricting process, provides more opportunity for public input, and brings more structure to the process by using clear, ordered, and fair criteria in drawing the districts

**Arguments Against:** Reduces accountability because the redistricting commissioners are not elected, but are appointed; The selection process is complex and may prevent individuals with important experience from becoming commissioners; The criteria outlined in the measure is broad and may leave room for unintended interpretation.

**Fiscal Impact: State revenue.** Beginning in FY 2020-21, Amendment Z may minimally increase Secretary of State cash fund revenue from fines collected from lobbyists who fail to disclose the required information.

**State expenditures.** Overall, Amendment Z increases state expenditures to fund the Independent Legislative Redistricting Commission by \$252,065 in FY 2020-21, and decreases state expenditures by \$65,977 in FY 2021-22, as compared with the expenses for the current Reapportionment Commission.

Constitutional  
Amendments



SUPPORT

# Citizen Initiated Measures- Constitutional Amendments

## Amendment 73-Funding For Public Schools

Would raise the state corporate and income tax rates for those who earn more than \$150,000 per year to help fund full-day kindergarten and increase public school funding. The proposal would increase the corporate income tax rate from 4.63% to 6% and would increase income tax rates on individuals, estates, and trusts on a sliding scale:

>\$150,000-\$200,000	.37% increase
>\$200,000-\$300,000	1.37% increase
>\$300,000-\$500,000	2.37% increase
Over \$500,000+	3.62% increase

The measure sets the residential property tax assessment rate at 7% for schools and sets the non-residential property assessment rate at 24% which is less than the current rate of 29%.

**Arguments For:** If passed, Initiative 93 would increase base per-pupil funding, pay for full-day kindergarten, and allow Local school districts to prioritize how to spend the new revenue in ways that best fit their community, such as recruiting and retaining highly qualified teachers, improving access to early childhood education programs, strengthening science and math, vocational, and literacy programs, and providing a safe learning environment for all students.

Colorado is 28th in the nation for per-pupil funding and half of the state's school districts operate only four days per week to save money. Colorado needs a sustainable revenue source to be educationally and economically competitive.

**Arguments Against:** The measure is projected to raise \$1.6 billion in taxes annually and would be one of the largest tax increases in Colorado history. Increasing the state income tax rate could negatively impact the state's economy. Individuals will have less money to spend, save, and invest, and businesses will have less money to invest in their workers. Many businesses report their earnings through individual income tax returns and would pay the higher income tax rates under the measure. Colorado may also have a harder time attracting or retaining workers and businesses, as the top income tax rate under the measure would be 8.25 percent, the ninth highest state income tax rate in the country.

Funds are not tied to educational outcomes and there are no guarantees that these funds will make it into the classroom or improve student outcomes.

The 2018-19 state budget already includes a 6.95 percent increase for education, roughly \$475 more per student .

**Proponents:** [www.greateducation.org](http://www.greateducation.org)

**Opponents:** Don't Turn Colorado Into California.

## Amendment 74-Just Compensation for Reduction in Fair Market Value by Government Law or Regulation

Would allow a private property owner to sue state or local governments if their property is taken, damaged, or reduced in fair market value due to a government law or regulation, for public or private use, with out just compensation.

Owners must prove that the devaluation is the result of government action.

**Arguments For:** This amendment will allow private property owners to take state or local governments to court when their property is devalued. Current existing law does not allow a property owner to sue until their property has been devalued by 90%. Initiative 108 would allow a property owner to sue for fair compensation for a much lower threshold.

This measure protects private property rights and gives landowners greater recourse if the government makes a decision that reduces their fair market value.

**Arguments Against:** This measure could unleash litigation over a plethora of claims, including zoning changes, local business/industrial development decisions, and just about any land management decision that a local government may make. It will pit property owners against one another and will turn land management decisions into a lawyer's playground. The ballot measure doesn't identify the kind of private property that could be taken or gives a definition of 'fair market value' which makes the language very ambiguous and leaves this measure open to interpretation. This measure should not be in Colorado's constitution.

**Proponents:** [www.coloradosharedheritage.com](http://www.coloradosharedheritage.com)

**Opponents:** Save Our Neighborhoods

Constitutional  
Amendment



NO POSITION

Constitutional  
Amendment



OPPOSED

## Amendment 75-Campaign Contributions

If a candidate contributes or loans more than \$1 million to his or her candidate committee, then all candidates in the same election who did not benefit from contributions shall be entitled to accept aggregate individual contributions for a primary or general election at five times the current rate.

**Arguments For:** Wealthy candidates have an unfair advantage in elections because current campaign finance laws allow them to contribute vast sums of their personal resources to their own campaigns. Colorado's current limits on individual contributions are among the lowest in the country, and candidates who rely on individual contributions are at a significant disadvantage in communicating their message to voters. This Amendment offers an effective way to encourage competitive elections.

**Arguments Against:** Colorado's campaign finance system is broken, and this measure further complicates the system without truly addressing financial disparities among candidates. This increase in campaign contribution limits will allow all candidates, including wealthy candidates, to collect more money, further inflating election spending. Opening the door to more money is not the way to fix Colorado's campaign finance system.

**Proponents:** Stop Buying Our Elections

**Opponents:** No Organized Opposition

Constitutional  
Amendment



SUPPORT

## Statutory Changes

### Proposition 109-Authorize Bonds for Transportation Funding

Requires the General Assembly to identify and appropriate funds to pay for transportation bonds in the amount of \$3.5 billion to be spent solely on road and bridge expansion, construction, and maintenance and repair projects. The annual appropriation will be approximately \$432,600,000 out of the General Fund and the maximum repayment cannot exceed \$5.2 billion.

**Arguments For:** This measure accelerates the construction of essential highway projects without raising taxes or fees. Building and maintaining a highway system are core functions of government. The state has failed to invest sufficient funds to maintain and expand the highway system. The measure corrects this by directing the state to prioritize highway projects ahead of other programs. Funds should be used for road and bridge projects only, no funds should be used for transit or bike lanes. Voters want to fix our roads without increasing taxes and without "creating a slush fund" for state and local governments.

**Arguments Against:** Proposition 109 commits up to \$5.2 billion to repay borrowing without creating a new source of revenue. This commitment diverts money from other programs, which may include education, health care, and routine transportation maintenance. Furthermore, the measure would pay for only a portion of the projects and fails to address the cost of ongoing maintenance of these projects.

This measure proposed to allocate funds to roads and bridges only. There are no funds for local projects for communities to use to improve local infrastructure which make up approximately 70% of the roads that are most traveled in the state.

This measure also has no funds for multimodal projects. These types of projects would include senior van rides to doctor's appointments, complete streets, safe routes to schools, bike lanes, and other projects aimed at moving people who aren't able or who aren't willing to drive.

**Proponents:** Fix Our Damn Roads-[www.i2i.org](http://www.i2i.org)

**Opponents:** No Organized Opposition

Statutory  
Change



OPPOSED

## Proposition 110-Transportation Funding

Would increase the state's sales tax by 0.62%, from 2.9% to 3.52%, and will allow CDOT to issue bonds totaling up to \$6.0 billion with a total repayment cost not to exceed \$9.4 billion over 20 years. The revenue generated is dedicated for the following purposes:

- 45 percent for bond repayment and state transportation funding;
- 15 percent for multimodal transportation; and
- 40 percent for municipal and county transportation projects.

The measure also creates a citizen oversight commission that must annually report how the bond proceeds have been used.

**Arguments For:** Colorado's highways are deteriorating, and the cost of improvements continues to increase. The state needs to invest immediately in its infrastructure and cannot afford to expand and modernize its transportation system without a new revenue source. Colorado needs a modern transportation system that includes road, bus, bike, pedestrian, and rail options to address its growing population. This measure creates a flexible statewide transportation solution, and it lets local communities identify their own transportation projects and prioritize their most 26 urgent needs.

Proposition 110 creates a sustainable source of funding for Colorado's transportation needs. Colorado's highway costs outpace collections from the gas tax. This measure offers a way for the state to increase transportation funding and repay bonds. This new, dedicated revenue for transportation will allow the state to continue to meet its obligations to fund education, health programs, and public safety while also investing heavily in Colorado's roads.

**Arguments Against:** This measure raises taxes for a fundamental government service that should be fully funded through the state budget. Any shortfall in transportation funding is a result of prioritizing state spending in other areas of government. Additionally, this measure dedicates too much revenue to multimodal transportation, money that should be used exclusively for road repair and improvement. The majority of the workforce use their personal vehicles to commute daily and depend on quality road and highway maintenance.

Several resort communities along with the Denver-Metro areas will collect the majority of the sales tax to be used for this measure and will not get to keep all of the funds they collected. These funds will be put in a pot and distributed throughout the state. Some feel that they would be better off solving their own transportation needs rather than supporting a statewide funding fix.

**Proponents:** [www.lets gocolorado.com](http://www.lets gocolorado.com)

**Opponents:** No Organized Opposition

## Proposition 111-Payday Loans

This initiative would cap payday loan annual percentage rates at 36%, simplifying finance charges/fees and reducing the amount that a lender can charge.

**Arguments For:** The average annual percentage rate for payday loans in Colorado is 129 percent with some APRs climbing above 200 percent. That means a Colorado borrower would pay \$119 in fees and interest to borrow the average payday loan of \$392. People understand this is a predatory product and no one should be charging 200 percent interest on a \$500 loan. The 36 percent interest rate would put payday lenders on the same footing as any other lender in Colorado.

**Arguments Against:** This measure may eliminate the payday lending business in Colorado.

Payday loans provide options for consumers who may not qualify for other types of credit. With limited or no access to these loans, consumers may pay higher costs to other creditors for late payment, bounced check, overdraft, or utility disconnect fees, or turn to unregulated lenders for higher-cost loans. This measure is unnecessary because the state legislature passed reforms in 2010 that led to reduced loan costs and fewer defaults, while ensuring that consumers have access to a well-regulated source of short-term credit.

**Proponents:** [www.stop predatory payday loans.org](http://www.stop predatory payday loans.org)

**Opponents:** No Organized Opposition

Statutory  
Change



SUPPORT

Statutory  
Change



NO POSITION

## Proposition 112-Setback Requirement for Oil and Gas Development

Statutory  
Change

Would establish a 2,500 foot buffer zone (almost 1/2 mile) between new oil and gas operations and occupied structures, such as homes, schools, and hospitals as well as vulnerable areas which include playgrounds, sports fields, public parks, public and community drinking water sources, irrigation canals, reservoirs, lakes, rivers, perennial or intermittent streams, and creeks as well as any additional vulnerable areas designated by the state or local government.



**OPPOSED**

**Arguments For:** Oil and natural gas operations may adversely impact public health, safety, and the environment. Some people living near these operations have reported negative health effects to the CDPHE, including sinus and respiratory conditions, as well as other symptoms such as headaches and nausea. Such development increases noise, traffic, dust, light, and odors. Proposition 112 requires that new oil and natural gas development be located farther away from homes, schools, businesses, and other occupied buildings, thereby reducing nuisance impacts and potential exposure to air pollutants. Proposition 112 also establishes a required setback from water sources and recreation areas to help protect those resources.

Over the past several years, Colorado's northern Front Range has seen both substantial urban development and increased oil and natural gas activity. Proposition 112 provides property owners with greater certainty about the location of new oil and natural gas development in their communities. Keeping oil and natural gas development farther away from occupied structures reduces resident exposure to industrial activity and the potential hazards related to such activity. It may also improve the quality of life for nearby residents. Some people are reluctant to purchase or rent a home or visit a business or recreation area located near oil or natural gas development.

**Arguments Against:** Proposition 112 eliminates new oil and natural gas activity on most non-federal land in Colorado. According to the COGCC, about 85 percent of Colorado's non-federal land would be excluded from development with the required 2,500-foot setback. Oil and natural gas development is important to Colorado's economy, generating an estimated \$10.9 billion in production value in 2017 and supporting many other industries and jobs. Proposition 112 will reduce the economic benefits the oil and natural gas industry provides for the state and may result in the loss of jobs, lower payments to mineral owners, and reduced tax revenue that is used for local schools and other governmental services and programs.

This measure is unnecessary because the existing COGCC setback requirements provide a balanced approach to protecting public health, safety, and the environment. The state's existing setback requirements were developed through a collaborative rule-making process and guided by technical expertise. When adopting its setback rules, the COGCC considered the concerns of mineral owners, residents, schools, businesses, and others. Under current law, the COGCC has the authority to modify setback requirements in the future, if necessary.

It is estimated that Proposition 112 will cost the state thousands of jobs with 33,500 to 43,00 jobs lost in year 1, growing to around 115,000-147,800 jobs by year 2030.

**Proponents:** [www.corising.org](http://www.corising.org)

**Opponents:** [www.protectcolorado.com](http://www.protectcolorado.com)

For more information on these measures or the November election, visit [www.sos.state.co.us](http://www.sos.state.co.us)

For more information on Club 20 or to become a member, visit [www.club20.org](http://www.club20.org)