

BALLOT GUIDE 2018

This year's ballot is extensive, but this comprehensive guide from the [Bell Policy Center](#) covers each statewide question voters will see on Election Day.

Inside you'll find our recommendations, data, and analysis on how each ballot measure may affect economic mobility in Colorado.

We encourage Colorado voters to pay close attention to the following measures and their far-reaching implications for our state's future:

- **Amendment 73: Support**
Sustainable funding for Colorado public schools & students (page 1)
- **Amendment 74: Oppose**
Dangerous language could undermine public health & safety across the state (page 1)
- **Proposition 109: Oppose**
Irresponsible plan to fix some roads jeopardizes critical services (page 2)
- **Proposition 110: Support**
Sustainable funding addresses transit & transportation needs (page 3)
- **Proposition 111: Support**
Rate cap curbs predatory payday loans (page 3)

Have questions about how to vote? For everything you need to know, visit www.justvotecolorado.org

Measures denoted in this guide with an asterisk (*) are constitutional additions, and require passage by a 55% majority vote.



AMENDMENT 73*

Funding for Public Schools

Raises funding for P-12 public education by enacting a graduated income tax increase and adjusting the property tax assessment rates for school districts.

ARGUMENT FOR

Since 2010, the budget stabilization factor has resulted in Colorado schools losing more than \$7 billion in funding. This has caused large funding imbalances among school districts, and many Colorado public school students aren't receiving a constitutionally required "thorough and uniform" learning experience. The lack of adequate investment has also led to more than half of Colorado's school districts running on four-day weeks.

ARGUMENT AGAINST

We need a more effective system. Colorado's tax system is already complicated, and this makes it more so. Increased funding doesn't guarantee higher academic achievement, and economic growth could be negatively influenced by higher corporate income taxes.

WHAT THE RESEARCH SAYS

- Across the country, Colorado ranks last in competitive pay for its teachers.
- Raises corporate income tax rate from 4.63% to 6%.
- Sets residential assessment rate for school property taxes at 7% and nonresidential rate at 24%.
- Education funding in Colorado is \$672 million short for FY 2018-19 due to the budget stabilization factor.
- Based on taxable income, marginal income tax rates will increase from 4.63% to the following:
 - \$150,001 – \$200,000: 5%
 - \$200,001 – \$300,000: 6%
 - \$300,001 – \$500,000: 7%
 - Over \$500,000: 8.25%

WHAT THE BELL SAYS

Support. This proposal provides critical revenue for our schools by raising the taxes of higher earners. It creates sustainable support by stabilizing property taxes, and ensures full-day kindergarten is funded, while early childhood education receives additional investment.



AMENDMENT 74*

Just Compensation for Damage Due to Government Law or Regulation

Greatly expands the definition of "regulatory taking," including government compensation if the value of any property declines by at least 10% due to state or local laws and regulations.

ARGUMENT FOR

Increased regulation can negatively affect property values. If owners cannot access mineral resources due to government action, they should be compensated for lost value.

ARGUMENT AGAINST

The language is vague and would open state and local governments up to large awards. It will lead to frivolous lawsuits. Property owners could extort governments and stop them from taking needed action to protect public safety.

WHAT THE RESEARCH SAYS

- Oregon passed a similar proposal in 2004, costing the city of Portland over \$250 million in its first two years of implementation. Most of the money went to large land developers. Citizens repealed most of its provisions in 2007 by an overwhelming majority.
- Proponents put this measure forth in response to Proposition 112.
- Economists say many government land-use regulations benefit property values, not hurt them.
- This proposal would apply to any government action, and goes beyond the "damage" from physical impacts as the current provision has historically been interpreted.

WHAT THE BELL SAYS

Oppose. This proposal's vague and broad language will lead to a frenzy of lawsuits, putting further pressure on state and local budgets. The fear of lawsuits could discourage state and local government agencies and officials from taking necessary actions to protect people, which may lead to unintended consequences.



AMENDMENT 75*

Campaign Contributions

Increases individual campaign contribution limits fivefold for all candidates in an election when one of three circumstances occur: when a candidate loans or contributes at least \$1 million to his or her campaign; when a candidate contributes or loans \$1 million to a committee that supports or opposes other candidates in that election; or when a candidate coordinates third-party contributions of at least \$1 million to any committee or organization for the purpose of influencing the candidate's own election.

ARGUMENT FOR

Our campaign finance system is broken. Wealthy candidates can have an unfair advantage in elections, and this would allow other candidates to be more competitive. Colorado's contribution limits are among the lowest in the U.S.; this would raise — rather than eliminate — individual limits, and only if a high bar is reached.

ARGUMENT AGAINST

This measure further complicates the system and provides no evidence it will result in fairer and more competitive elections. The \$1 million limit is arbitrary — soon, it could be met in many elections. Self-funded candidates have the freedom to approach issues based on their own convictions versus special interests. The measure contains confusing language, which could pose problems once it's enshrined in the Colorado Constitution.

WHAT THE RESEARCH SAYS

- Candidates can make unlimited personal contributions to their campaigns. Independent expenditure committees may accept unlimited funds to support or oppose a candidate.
- Individual campaign contributions in Colorado are among the nation's lowest, limited to \$200 for state legislative elections and \$575 for governor and other statewide offices. The national median is \$1,000 and \$3,800, respectively.
- Concern over self-funded candidates is growing. Citizens worry about the impact of unlimited money on elections and large donors' influence on politics.
- Self-funded candidates who predominantly rely on their own contributions are statistically more likely to lose elections.
- Evidence suggests comprehensive campaign finance reform, including transparency and disclosure, is a promising approach.

WHAT THE BELL SAYS

Oppose. Campaign finance is an area ripe for reform, and this change could help, but adding more money is not the solution. A Colorado panel of experts recommends comprehensive changes, rather than a piecemeal approach. Combined with unclear language, this proposal is a less than ideal approach to a critical problem.



PROPOSITION 109

Authorize Bonds for Transportation Funding

Requires Colorado Department of Transportation to issue up to \$3.5 billion in bonds to fund 66 transportation projects. Prohibits raising taxes or fees to fund bond repayment. Legislature will need to direct \$260 million per year in General Fund revenue to pay off these bonds.

ARGUMENT FOR

This proposal will fix our transportation problems without raising taxes and fees. It will let the legislature know transportation funding is critical for the state, and elected officials should prioritize it by finding money in the budget to fund it.

ARGUMENT AGAINST

It would require Colorado to issue "junk bonds" with no sustainable way to repay them. Funding bonds out of current General Fund revenue means other priority programs — such as education and health care — must be cut. Only transportation projects related to roads and bridges are funded, not public transit.

WHAT THE RESEARCH SAYS

- The estimated cost to repay the bonds is \$260 million per year — about one-third of the state's higher education budget. It could also take away funds to pay down the more than \$600 million negative factor in K-12 education.
- The list of projects is based on priority projects identified by the Transportation Commission, but it focuses exclusively on road/bridge repair and expansion at the expense of other transportation priorities.

WHAT THE BELL SAYS

Oppose. Under this proposal, no new revenue is added for needed transportation projects, putting significant strain on an already stretched General Fund budget. It's bad transportation policy and bad fiscal policy.



PROPOSITION 110 Transportation Funding

Raises statewide sales and use tax from 2.9% to 3.52%, to fund transportation needs across Colorado and authorizes Colorado Department of Transportation to issue \$6 billion in bonds.

ARGUMENT FOR

Transportation infrastructure is critical for Colorado; it must be improved and expanded to meet our needs. Improvements will be fully funded at a relatively small cost and will improve the lives of Coloradans. It also funds public transit and other multimodal transportation projects.

ARGUMENT AGAINST

We should reorder spending priorities, not raise taxes to fund transportation. Improving transportation is important, but we shouldn't raise regressive sales taxes to fund it.

WHAT THE RESEARCH SAYS

- 45% would go toward repaying bonds and state transportation projects; 15% toward multimodal projects, including public transit and bike paths; 40% toward municipal and county transportation projects.
- Would raise \$766.7 million in FY 2019-20.
- \$6 billion in bonds would be paid off over 20 years at no more than \$9.4 billion.
- Sales taxes are regressive and take a larger share out of low- and middle-income Coloradans' budgets.

WHAT THE BELL SAYS

Support. While we're concerned about the effects of a sales tax hike on low- and middle-income Coloradans, there's a demonstrated need for increased, sustainable funding for transportation projects. A broad range of these projects, including public transit and bike paths, will be funded.



PROPOSITION 111 Limit on Payday Loans

Reduces the current maximum allowable charges on payday loans to 36% APR.

ARGUMENT FOR

Current rates on payday loans are in the triple digits, trapping borrowers in a cycle of debt. This proposal reduces the rates and also eliminates a special exemption payday lenders have that allows them to charge exorbitant rates to vulnerable families.

ARGUMENT AGAINST

It will put Colorado payday lenders out of business, costing people their jobs. Low-income borrowers with bad credit will have fewer options when they need a loan.

WHAT THE RESEARCH SAYS

- 15 states and D.C. either prohibit payday loans or cap rates at their usury limit, generally 36% APR or less.
- Coloradans paid \$50 million in fees to payday lenders in 2016; about 25% of the loans defaulted.
- Studies in states that have capped rates or prohibited payday loans show borrowers use less costly ways of meeting financial shortfalls.
- The average Colorado payday loan rate in 2016 was 129% APR, but can be as high as 200%.

WHAT THE BELL SAYS

Support. The Bell is part of this proposal's campaign to reduce the interest rates on payday loans from an average of 129% APR, helping Coloradans avoid getting stuck in a cycle of debt.



PROPOSITION 112 Setback Requirement for Oil & Gas Development

Increases distance of oil and gas development activities from all buildings and vulnerable areas to at least 2,500 feet. Currently, setbacks range from 500 to 1,000 feet.

ARGUMENT FOR

Oil and gas development can be dangerous, and this measure reduces the chance of health risks to people living nearby.

ARGUMENT AGAINST

The setback limit is unnecessary and arbitrary, and increases the prohibited area by sixfold. This would put a dent in our energy economy.

WHAT THE RESEARCH SAYS

- According to the Colorado Oil and Gas Conservation Commission, 85% of non-federal lands would be off limits to oil and gas activity. However, federal lands (36% of Colorado) wouldn't be covered under this proposal.
- This measure is informed by research done in Colorado that shows illnesses and dangers from oil and gas pollution are elevated within a half-mile radius of the site.

WHAT THE BELL SAYS

No position. This proposition will likely address the documented dangers of oil and gas development near buildings, people, and important areas, but it will also significantly hamper the oil and gas industry in Colorado.



AMENDMENT A Removal of Exception to Slavery in Colorado Constitution

Removes “except as a punishment for crime, whereof the party shall be duly convicted” from the ban on slavery in the Colorado Constitution.

ARGUMENT FOR

The elimination of this language is a commitment to the core tenets of freedom and equality. Twenty-five other state constitutions don't include similar phrases, yet work and community service programs operate without issue in their prisons.

ARGUMENT AGAINST

This proposal is irrelevant, as slavery is already outlawed across the board. Coloradans will see little to no change if the language is removed.

WHAT THE RESEARCH SAYS

- There is limited to no fiscal impact.
- While inmates are typically required to perform work duties or engage in educational programs to receive privileges, the Colorado Department of Corrections says no one is forced to work.
- No effect is seen on prison operations in states without this language.
- The referred measure passed out of the legislature unanimously.

WHAT THE BELL SAYS

Support. Any form of slavery doesn't belong in the Colorado Constitution. Eliminating this phrase now ensures it won't be misused later.



AMENDMENT V* Reduce Age Qualification for General Assembly Members

Lowers the minimum age required to serve in the Colorado General Assembly from 25 to 21.

ARGUMENT FOR

Legally, a 21-year-old is an adult, and voters can choose if candidates, regardless of age, are prepared to serve. As the state changes, younger Coloradans need their voices to be heard as part of the broader policy conversation.

ARGUMENT AGAINST

As it currently stands, the age qualification achieves an appropriate balance of youth and know-how.

WHAT THE RESEARCH SAYS

- Tied with Utah and Arizona, Colorado's age requirement is the highest minimum in the U.S.
- In 43 states, state representatives must meet a minimum age of either 18 or 21. In half of the country, 18 and 21 also represent the minimum requirement for state senators.
- The state Senate passed this measure 29-6; the House passed it 45-20.

WHAT THE BELL SAYS

Support. Including younger Coloradans in civic engagement can encourage deeper support for policy work, and can provide the legislature with unique perspectives.



AMENDMENT W* Ballot Format for Judicial Retention

Requires county clerks to list a single ballot question for each level of courts for judicial retention elections, rather than a question for each judge. “Shall XYZ judges be retained” will be listed once for each level of court, rather than for each judge.

ARGUMENT FOR

It will shorten and simplify the ballot for judicial retention. This saves money, combats voter fatigue, and increases rates of ballot completion.

ARGUMENT AGAINST

The changes could confuse voters who may think they must choose between judges. Judges are prohibited from communicating with voters to clarify they're not running against each other.

WHAT THE RESEARCH SAYS

- Center for Civic Design recommends fewer words and less repetitive language on ballots.
- Denver Clerk says Iowa has this system.
- Legislative Council estimates small counties could save \$500-\$3,000; Denver could save \$115,000.
- Savings could be blunted in elections with many ballot measures, which necessitates a long ballot regardless.
- Denver reports 71% of voters vote for the first retention question; 63% vote for the last.

WHAT THE BELL SAYS

Support. With this proposal, the ballot format will be simplified, saving tax money, and encouraging more people to complete their ballots entirely.



AMENDMENT X*

Definition of Industrial Hemp

Removes the definition of industrial hemp from the Colorado Constitution and creates a statutory definition based on federal law.

ARGUMENT FOR

Including the definition in statute gives the legislature greater flexibility to adapt to evolving federal law, and preserves Colorado's position as a leader in the hemp industry. It would address strains on growers, and benefit rural areas economically.

ARGUMENT AGAINST

The federal definition restricts those with past drug convictions from growing, possessing, or owning a hemp business. Amendment 64, passed by voters in 2012, put the current hemp definition in the Colorado Constitution.

WHAT THE RESEARCH SAYS

- Changes in federal law to encourage more hemp production are on the horizon. Colorado needs to be ready to stay competitive.
- Since THC limits are defined in the Colorado Constitution, responding to federal changes is challenging.
- Despite the federal ban on hemp, Colorado set its own commercial hemp licensing system. Colorado is now home to the country's most successful hemp industry.
- The bill passed both the Senate and House, 35-0 and 60-5, respectively.

WHAT THE BELL SAYS

Support. As federal requirements are modified, this proposal makes it easier for Colorado to adapt. It helps bolster Colorado's industrial hemp industry, and gives rural parts of the state a chance to benefit from hemp's economic growth.



AMENDMENT Z*

Legislative Redistricting

Replaces the current Reapportionment Commission with the Independent Legislative Redistricting Commission and charges it with creating more competitive districts. Sets criteria for appointment and who can serve. Requires an equal balance of Republicans, Democrats, and unaffiliated members.

ARGUMENT FOR

Using an independent commission instead of Colorado's current commission, which is appointed by the legislature and doesn't include unaffiliated members, makes the process less political. See Amendment Y for more information.

ARGUMENT AGAINST

See Amendment Y.

WHAT THE RESEARCH SAYS

- See Amendment Y.

WHAT THE BELL SAYS

Support. See Amendment Y.



AMENDMENT Y*

Congressional Redistricting

Creates the Independent Congressional Redistricting Commission and charges it to create more competitive districts. Removes the legislature from the process and sets criteria for appointing members. Requires an equal balance of Republicans, Democrats, and unaffiliated members. Incorporates principles of the federal Voting Rights Act into state law to protect minority voting rights.

ARGUMENT FOR

Using a commission instead of the legislature would make this process less political. Holding more public hearings, delegating map drawing responsibility to nonpartisan staff, and a super majority vote to approve maps would be fairer. Including unaffiliated voters better represents Colorado's constituency. Setting criteria for creating more competitive districts would decrease gerrymandering.

ARGUMENT AGAINST

This would make a complicated process even more complex. The requirements for public hearings and member appointment might be hard to meet. Criteria for discerning what makes a "competitive district" aren't clearly defined.

WHAT THE RESEARCH SAYS

- Two groups with different views on the process joined to form a compromise.
- It passed the legislature unanimously.
- Colorado would be the only state with two separate commissions if both this and Amendment Z pass.
- It draws on approaches by California and Iowa, both considered to be effective. California includes unaffiliated voters and its last effort worked fairly well. In Iowa, legislative staff draw districts without political data, then the legislature approves the maps.

WHAT THE BELL SAYS

Support. Colorado's Congressional redistricting process will be fairer, less partisan, and more transparent. Criteria for the commission to follow, including provisions of the federal Voting Rights Act, will be added to the Colorado Constitution.