

**COLORADO'S TALKING
PURPLE PRIMER:
13 Colorado Statewide
Ballot Measures and
(maybe) National Trends
in 20~ Minutes**

October 19, 2018



Quick Notes on Colorado's Process

- ▶ 55% vote approval needed to pass constitutional amendments.
 - ▶ But only 50% to *overturn one*.
- ▶ Geographic requirement only temp in effect for Nov 2018 round – court challenge.
- ▶ Legislature can do anything they want to statute initiatives once passed with simple majority. Governor can't veto one.



Amendment V: State Senator Assembly Age

Age	Number of states where this is the minimum age for a state senator	Number of states where this is the minimum age for a state representative, delegate, assemblyman or assemblywoman
30	5	---
27	1	---
26	1	---
25	<u>19</u>	3
24	---	3
21	10	<u>26</u>
18	14	17



Amendment V: Pro and Con

Pro

- ▶ Voters can judge whether a candidate possesses the maturity, ability, and competence to hold political office.
- ▶ Allowing younger candidates to run for office encourages the civic engagement of young people.

Con

- ▶ Younger candidates may lack the maturity and expertise to be effective legislators.
- ▶ Lack of experience could hinder a young legislator's ability to represent his or her constituents effectively.



JUDGE
JUDY SHEINDLIN

Amendment W

Ballot Format for Judicial Retention

- ▶ 1966 – Constitutional Amendment repealed partisan election of judges.
- ▶ Replaced by a judicial nomination commission.
- ▶ Justices/Judges must be retained by a public vote in even numbered-years.

Figure 1. Sample Judicial Retention Ballot*

Sample Ballot Under Current Law	Potential Ballot Under Amendment W
<p style="text-align: center;">Judicial</p> <p>Colorado Supreme Court (Vote Yes or No)</p>	<p style="text-align: center;">Judicial</p>
<p>Shall Justice Robert Smith of the Colorado Supreme Court be retained in office?</p> <p style="text-align: center;">Yes <input type="radio"/> No <input type="radio"/></p>	<p>Shall the following justices of the Colorado Supreme Court be retained in office? (Vote Yes or No for each justice)</p>
<p>Shall Justice Maria Rodriguez of the Colorado Supreme Court be retained in office?</p> <p style="text-align: center;">Yes <input type="radio"/> No <input type="radio"/></p>	<p>Robert Smith Yes <input type="radio"/> No <input type="radio"/></p>
<p>Colorado Court of Appeals (Vote Yes or No)</p>	<p>Maria Rodriguez Yes <input type="radio"/> No <input type="radio"/></p>
<p>Shall Judge James Johnson of the Colorado Court of Appeals be retained in office?</p> <p style="text-align: center;">Yes <input type="radio"/> No <input type="radio"/></p>	<p>Shall the following judges of the Colorado Court of Appeals be retained in office? (Vote Yes or No for each judge)</p>
<p>Shall Judge Mary Adams of the Colorado Court of Appeals be retained in office?</p> <p style="text-align: center;">Yes <input type="radio"/> No <input type="radio"/></p>	<p>James Johnson Yes <input type="radio"/> No <input type="radio"/></p>
<p>Shall Judge John Franklin of the Colorado Court of Appeals be retained in office?</p> <p style="text-align: center;">Yes <input type="radio"/> No <input type="radio"/></p>	<p>Mary Adams Yes <input type="radio"/> No <input type="radio"/></p>
	<p>John Franklin Yes <input type="radio"/> No <input type="radio"/></p>

*These sample ballots were prepared by Legislative Council Staff. Should Amendment W be adopted by the voters, actual ballots will vary based on county clerk and recorder ballot designs.



Amendment W: Pro and Con

Pro

- ▶ Reduces ballot size.
- ▶ Less ballot drop-off.
- ▶ Financial Savings (printing & mailing):
 - ▶ Large Counties (\$100,000)
 - ▶ Small Counties (\$10,000)
 - ▶ Voter Savings?

Con

- ▶ “A solution in search of a problem. And it doesn't solve a problem. It just creates confusion.”
- ▶ Voter confusion.





Amendment X

Changing Industrial Hemp Definition

TIME TO GET INTO THE WEEDS OF POLICYMAKING!

(2) Definitions. As used in this section, unless the context otherwise requires,

(d) ~~"Industrial hemp" means the plant of the genus cannabis and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed three-tenths percent on a dry weight basis~~ HAS THE SAME MEANING AS IT IS DEFINED IN FEDERAL LAW OR AS THE TERM IS DEFINED IN COLORADO STATUTE.



State Activity Background

- ▶ In Colorado, there were **200** acres used for hemp production in 2014. Production has grown to **9,800** acres in 2017. In 3 years!
- ▶ 38 states considered legislation related to industrial hemp in 2018.
- ▶ Pending **federal** legislation to remove industrial hemp from the Controlled Substances Act...



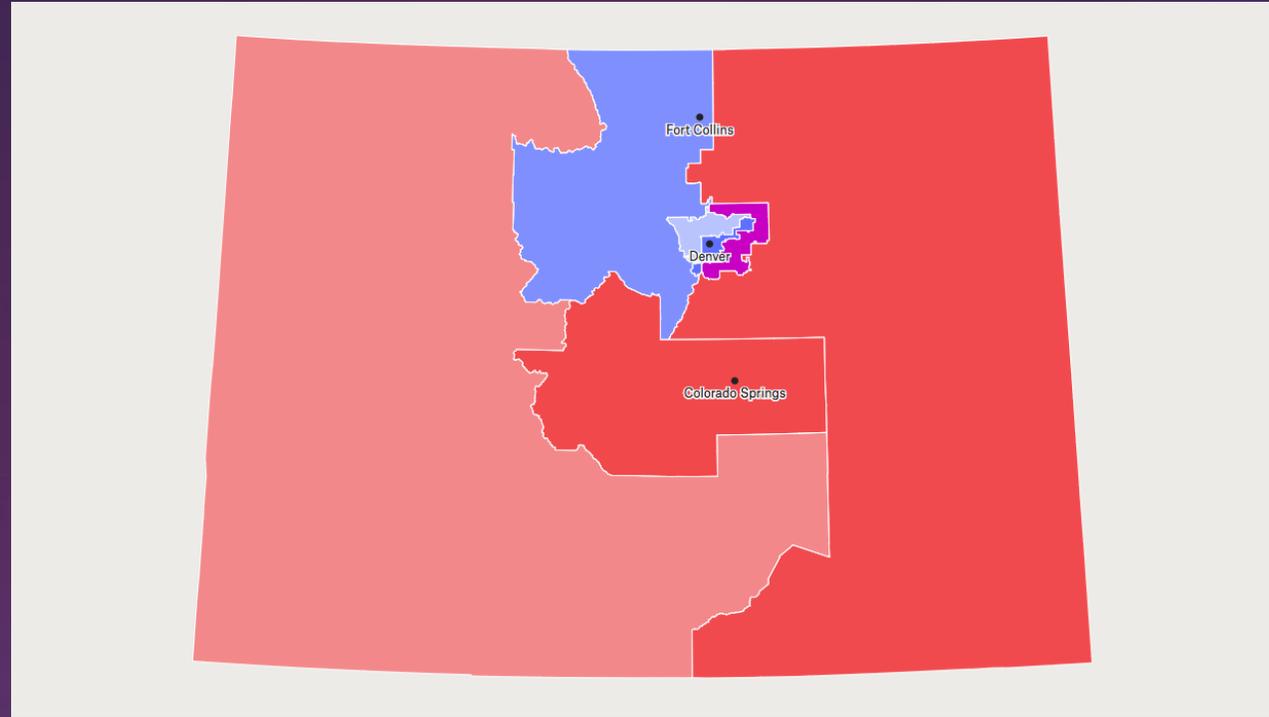
Amendment X: Pro and Con

Pro

- ▶ Allows Colorado's hemp industry to remain competitive with other states as the regulatory landscape evolves for this crop.

Con

- ▶ Colorado voters added the current definition. New measure may deviate from the voters' original intent.



Amendment Y—Congressional Redistricting

7 seats now; 8 seats after 2020 (*probably*)



Amendment Z—Legislative Redistricting

35 Senators and 65 Representatives



Redistricting Commission Features

Applicant Pool

- 1050 total applicant pool of Democrats, Republicans (two largest parties), and unaffiliated.
- CO is split about 1/3, 1/3, 1/3
- Must meet minimum requirements.

Member Selection

- 12 members total: 4 Dems, 4 Repubs, 4 unaffiliated
- Panel of 3 retired judges select 6 (3 of these from pool, then 3 from smaller list put forth by legislature leaders).
- Other 6 by lot.

Drawing Lines

- Equal population
- Communities of interest
- Compactness
- Maximize political competitiveness
- Drawn by legislative staff.



Amendments Y & Z: Pro and Con

Pro

- ▶ Wide R and D support.
- ▶ Limits the role of partisan politics.
- ▶ Encourages political compromise.
- ▶ Redistricting process more transparent.
- ▶ Clear, ordered, and fair criteria.

Con

- ▶ Denies involvement by minor party members.
- ▶ Judges will pick some members.
- ▶ Commission members may be unaccountable.

AMENDMENT A

Remove
Exception for
Slavery and
Involuntary
Servitude

- ▶ Currently: “...**except** as a punishment for crime..”
- ▶ A “yes” vote supports this proposal to remove part of the Colorado Constitution that says slavery and involuntary servitude are allowable for the punishment of a crime.



Amendments A: Pro and Con

Pro

- ▶ This measure eliminates slavery and involuntary servitude in all circumstances.

Con

- ▶ Possibility about the legality of forced community service and some prison work requirements if it passes.

Amendment 73

Education Funding

- ▶ Increase income taxes for individuals with income **above \$150,000** per year according to a **graduated bracket system** rather than a flat tax rate.
- ▶ Increase the **corporate tax rate** from 4.63 percent to 6 percent.
- ▶ **Reduce** residential and nonresidential property tax rates.
- ▶ Create the **Quality Public Education Fund** dedicated to public education from revenue generated by tax increases.



Amendment 73: Pro and Con

Pro

- ▶ Increase funding per pupil, special ed, ESL, gifted program, and preschool.
- ▶ Helps to address inequities in Colorado's current tax system.
- ▶ Stabilizes the volatile local share of education funding by first lowering property tax rates and then freezing the rates, which are third lowest in the nation.

Con

- ▶ One income tax rate is replaced by six brackets.
- ▶ The measure imposes a tax increase without any guarantee of increased academic achievement.
- ▶ Increasing the state income tax rate could negatively impact the state's economy.

Amendment 75

Campaign Contribution Limits Initiative

- ▶ If any candidate for state office directs more than **one million dollars** in support of their own campaign, then every candidate for the same office in the same primary or general election may accept **five** times the aggregate amount of campaign contributions normally allowed.



Comparison of Limits

Current Limits for **Governor**

▶ $\$575 + \$575 = \$1,150$

Current Limits for **State HOR**

▶ $\$200 + \$200 = \$400$

Current Limits for **State Senate**

▶ $\$200 + \$200 = \$400$

Initiative Limits for **Governor**

▶ $\$2,875 + \$2,875 = \$5,750$

Initiative Limits for **State HOR**

▶ $\$1,000 + \$1,000 = \$2,000$

Initiative Limits for **State Senate**

▶ $\$1,000 + \$1,000 = \$2,000$



Amendment 75: Pro and Con

Pro

- ▶ Aimed at leveling the field when a super-rich candidate attempts to buy elected office by contributing millions of dollars to his or her own campaign.
- ▶ Candidates who rely on individual contributions are at a significant disadvantage in communicating their message to voters.

Con

- ▶ This measure further complicates the system without truly addressing financial disparities among candidates.
- ▶ This increase in campaign contribution limits further inflates election spending.

Amendment 74

Compensating Land Owners

- ▶ Requires that property owners be compensated for **any** reduction in property value caused by **any** state laws or regulation.



Amendment 74 Context

- ▶ Existing 3 ways that state or local governments can take or compensate private property:
 - ▶ Eminent domain (taking property for public benefit); intentional or accidental damage as part of state actions; or regulatory taking (i.e. zoning).

- ▶ In response to statutory Proposition 112.



Amendment 74: Pro and Con

Pro

- ▶ When a government action takes **or** devalues property, it is only fair to make sure private property owners are compensated for their losses.
- ▶ For many Coloradans, property is the most significant asset they own.

Con

- ▶ Over only 3 years, Oregon faced over 7000 lawsuits totaling nearly \$20 billion after it passed Measure 37. It then repealed it.
- ▶ The numerous lawsuits and costs could cripple state **and** local governments.
- ▶ A possible *constitutional* change in response to a possible *statutory* change.

Proposition 112

New Oil and Gas Setbacks

- ▶ Would require a 2,500 foot buffer (8.3 football fields) zones around “occupied structures” & “vulnerable areas.”
 - ▶ 54% of land would be unavailable/ 85% of non-federal land (*per industry source*).
- ▶ Current state regulations
 - ▶ 500 feet (1.6 football fields) from a home or occupied building.
 - ▶ 1,000 feet from schools, hospitals, etc.



Proposition 112: Pro and Con

Pro

- ▶ Environmental protection.
- ▶ Safety.
- ▶ The COGCC has not listened to complaints.
- ▶ Some people are reluctant to purchase or rent a home or visit a business or recreation area located near oil or natural gas development.

Con

- ▶ Loss of economic productivity.
- ▶ Loss of tax revenue from new oil and gas development.
- ▶ Existing setback is a balanced approach already.
- ▶ Under current law, the COGCC has the authority to modify setback requirements in the future, if necessary.

PROPOSITION 111

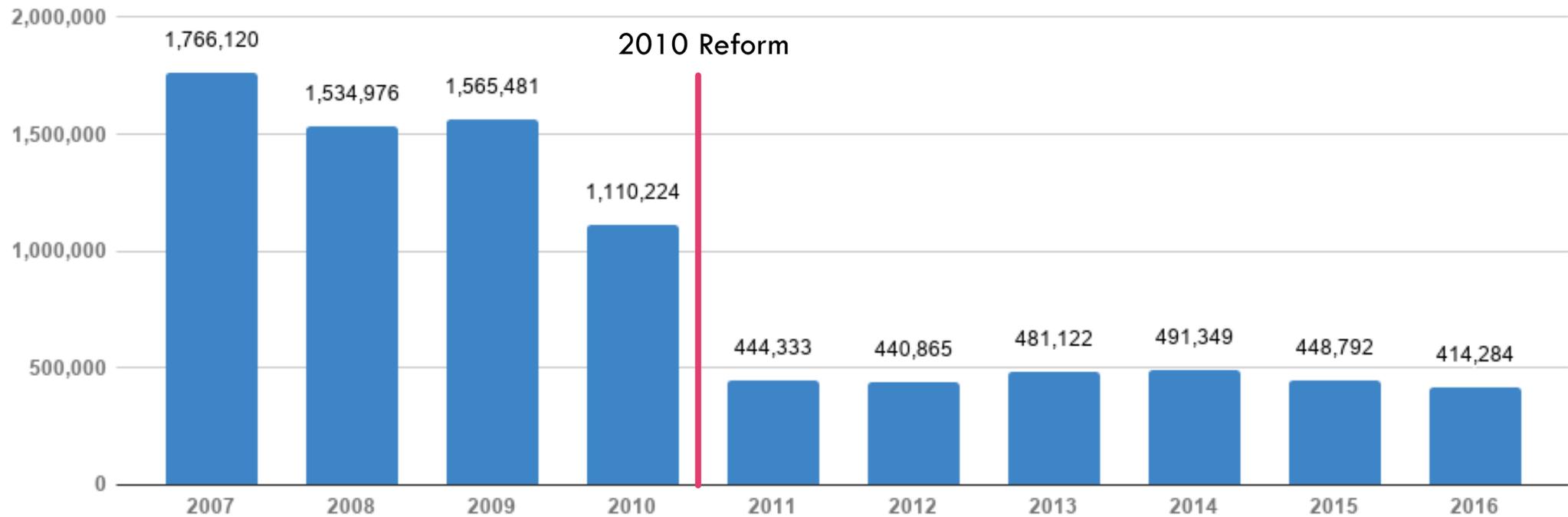
LIMITATIONS ON PAYDAY LOANS

- ▶ Payday Loans Are:
 - ▶ Short-term, high-interest loans, generally repaid in a single payment on the borrower's next payday.
 - ▶ A lending option for borrowers who may not qualify for other types of credit.



Colorado Payday Loan Trend After 2010 Reform

Number of Deferred Deposit/Payday Loans 2007-2016



Source: Colorado Attorney General, Deferred Deposit/Payday Lenders Compassion Chart 2007-2016

Comparison of Estimated Cost of a Six-Month Payday Loan

	Under Current Law	Under Proposition 111
Loan amount	\$500	\$500
Total cost of loan	\$262	\$53
<u>Total amount paid</u>	<u>\$793</u>	<u>\$553</u>
APR	180%	36%

Source: 2018 Blue Book



Proposition 111: Pros and Cons

Pros

- ▶ Reduces the current maximum allowable charges on payday loans to 36% APR.
- ▶ Expands what constitutes as unfair or deceptive trade practices for payday lending.
- ▶ Limits what some see as “predatory lending.”
- ▶ Attacks cycle of debt.

Cons

- ▶ The measure may restrict the ability of payday lenders to function in the state at all.
- ▶ With limited or no access to these loans, consumers may pay higher costs to other creditors for late payments, bounced checks, overdrafts, or utility disconnect fees, or turn to unregulated lenders for higher-cost loans.



Proposition 109 “Fix Our Damn Roads”

A **yes** vote supports the initiative to authorize **\$3.5 billion** in bonds to fund statewide transportation projects including bridge expansion, construction, maintenance, and repairs, and require that the state repay the debt from the **general fund** without raising taxes.

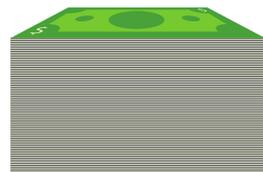
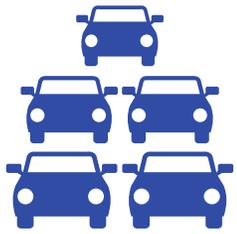


Proposition 110 “Let’s Go Colorado”

A **yes** vote supports the initiative to authorize **\$6 billion** in bonds to fund transportation projects, establish the Transportation Revenue Anticipation Notes Citizen Oversight Committee, and raise the state sales tax rate by **0.62 percent** from 2.9 percent to 3.52 percent for 20 years.

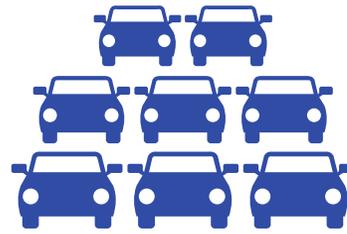
WHY ISN'T IT EASY? GROWTH AND \$\$

1991



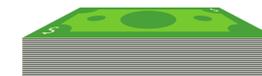
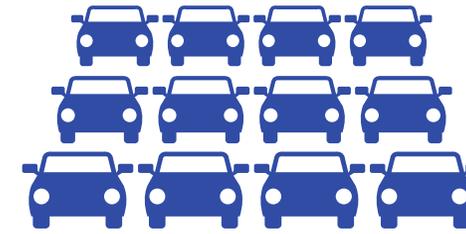
\$125.70
per person

2015



\$68.54
per person

2040

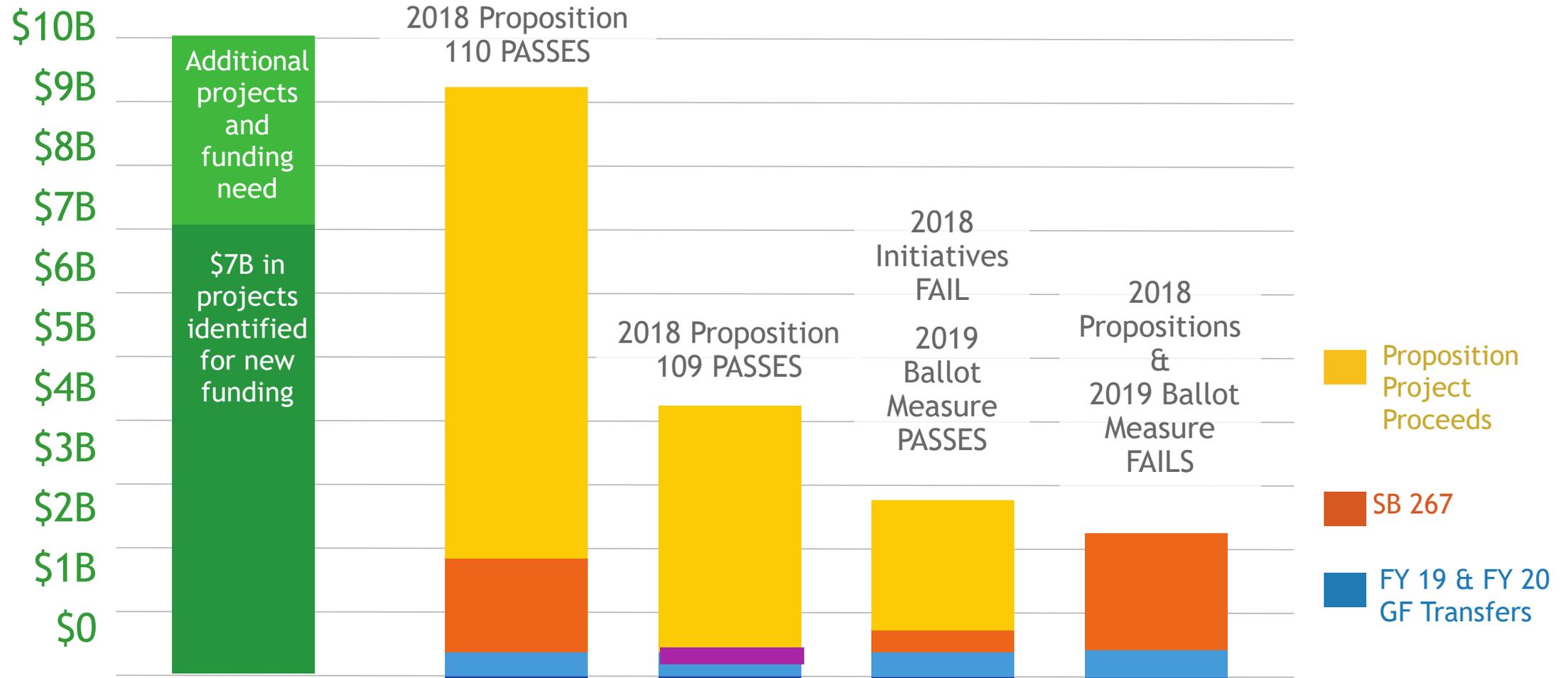


\$41.16
per person

*Vehicle Miles
Traveled

All numbers adjusted for inflation.

New Funding Scenarios: Highway Revenue Over 20 Years





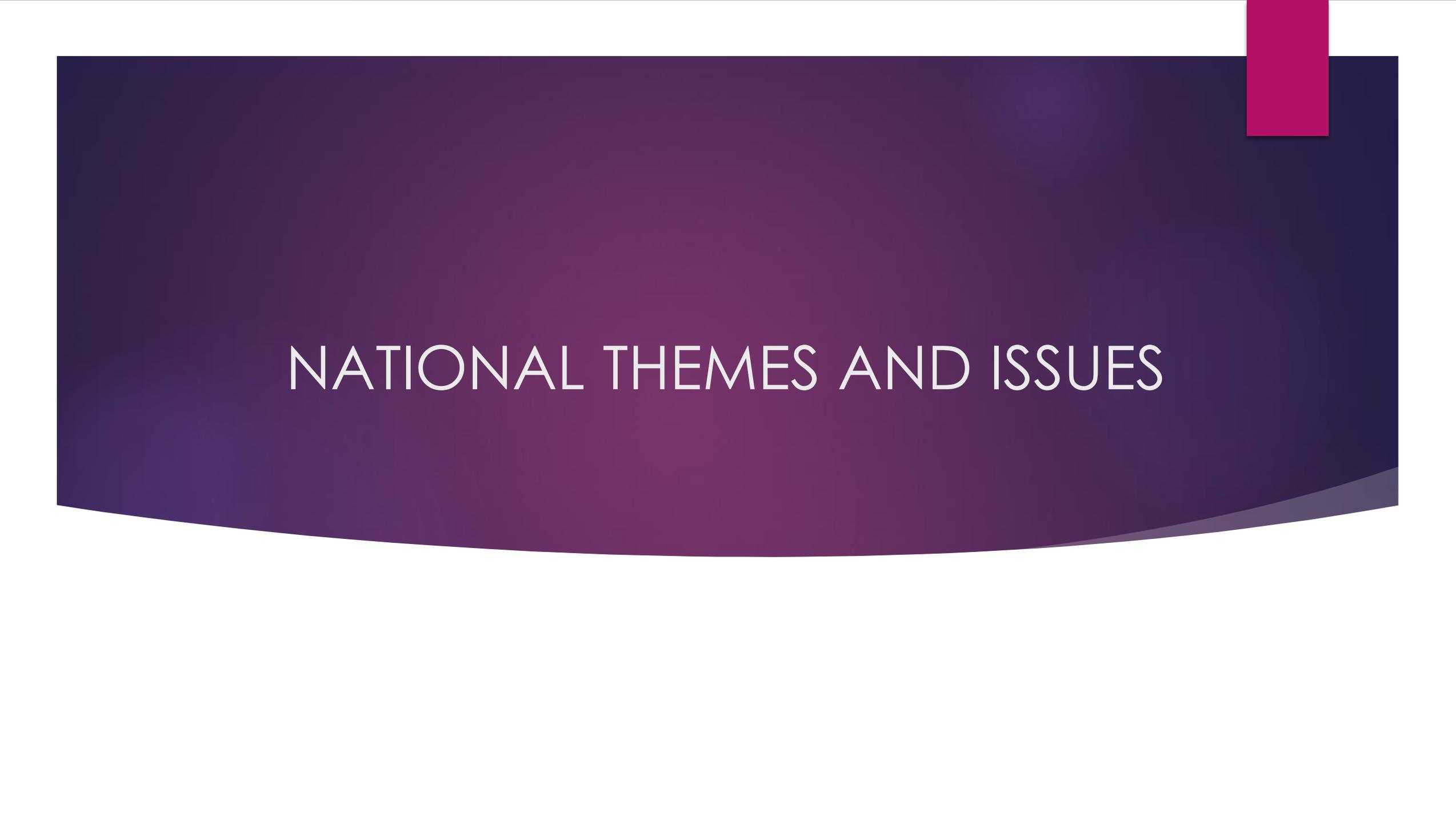
Transportation Issues: Cons

Cons for 109

- ▶ A modest bond commitment but without any source of revenue to pay for it.
- ▶ Possibly not enough funds to fix the roads.

Cons for 110

- ▶ A much larger bond commitment.
- ▶ A sales tax increase for 20 years.



NATIONAL THEMES AND ISSUES

Done and Dusted

12 measures have already been voted on this year in primary or special elections.

10 passed.

2 failed.

California: bond, transportation lockbox, ballot measures effect, rainwater capture system (all 4 passed)

California: cap-and-trade gas system (failed)

Maine: RCV (passed)

Ohio: redistricting commission (passed)

Oklahoma: legalize medical marijuana (passed)

Oregon: Medicaid tax (passed)

South Dakota: Marsy's Law alternation (passed)

Wisconsin: eliminate state treasurer (failed)



Elections and Redistricting

- ▶ **Redistricting:** more this year than past 8 years (**Ohio, Colorado, Michigan, Missouri, Utah**)
 - ▶ *Bipartisan support, reform-group driven, legislature cooperation and continued role*
- ▶ **Elections:** automatic voter registration, election-day registration, felon re-enfranchisement, photo voter ID
 - ▶ *And 9 states to consider interlocking ethics/campaign finance/lobbying measures*



Medicaid in the States

Oregon passed a Medicaid tax in January.

Idaho, Nebraska, and Utah for full expansion.

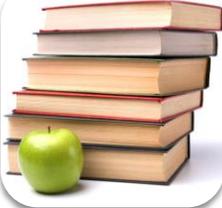
Montana's measure also seeks to support and continue its Medicaid expansion.

Medicaid covers 1 in 5 Americans.

Raising Tax Revenue



Maine tax on incomes above \$128,400 for home healthcare.



Colorado graduated tax on high incomes for education (similar **AZ** measure taken off ballot).



California tax on incomes above \$1 million for homelessness prevention.



Other revenue raising measures involve tobacco, gambling, local referendums, and bonds.

Limiting Tax Revenue



Florida and **Oregon** measures would require a 2/3 and 3/5 vote respectively to raise taxes.



Arizona measure to severely restrict raising or creating certain types of taxes.



North Carolina could lower maximum possible income tax.



California might require voter approval to raise future gas tax.



Energy and Environmental Protection

Arizona and Nevada

- 50% renewable electricity by 2030.

Montana

- Long-term protection plans for new hard rock mines.

Alaska

- More restrictive permitting for industry to protect salmon waters.

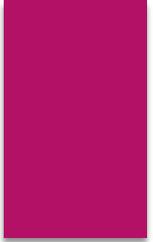
Colorado

- 2 measures over hydraulic fracturing.

Washington

- Would be country's first fee on carbon emissions.

Other Notables



Abortion restrictions: Alabama, Oregon, and West Virginia.

Ten Commandments on public property in Alabama.

Veto of discrimination ban based on individual's gender in Mass.

Payday lending restriction in Colorado.

Local and state police enforcement of federal immigration law in Oregon.

"Pink tax" prohibition in Nevada.

Gun safety and police measures in Washington.

School voucher expansion veto in Arizona.



RESOURCES

- ▶ Nonpartisan Blue Book prepared by legislative staff:
<https://leg.colorado.gov/publications/2018-blue-book-english>
- ▶ NCSL magazine article on national ballot measures:
<http://www.ncsl.org/research/elections-and-campaigns/midterm-ballot-measures-something-for-everyone.aspx>
- ▶ NCSL national statewide ballot measure database:
<http://www.ncsl.org/research/elections-and-campaigns/ballot-measures-database.aspx>
- ▶ Colorado Secretary of State 2018 Amendments and Propositions:
<https://www.sos.state.co.us/pubs/elections/Initiatives/ballot/contacts/2018.html>
- ▶ Ballotpedia 2018 statewide ballot measures:
https://ballotpedia.org/2018_ballot_measures

Thank you!
Now...
whatever you choose...
GO VOTE!

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