

Seven Citizen Initiatives, Six Referred Amendments Make November Ballot

One day before the Sept. 5 deadline, the Colorado Secretary of State's Office has completed the signature line review for citizen ballot initiatives and certified seven for the November ballot. These are the same seven initiatives that proponents submitted with the required number of signatures by Aug. 6. With the review complete, these initiatives now join six constitutional amendments the state legislature referred to voters for this year's elections, bringing the total number of 2018 ballot measures to 13.

For citizen initiatives, this Friday, Sept. 7, is the last day for proponents to withdraw their measures from the ballot. The Colorado Secretary of State's Office will officially certify the ballot on Monday, Sept. 10.

Citizen-initiated ballot measures

- **#93: Funding for Public Schools** – seeks to create a “Quality Public Education Fund” in the state treasury to receive all revenues collected through an income tax increment for public school funding, to fund all-day kindergarten and to increase public education funding through a variety of methods including income and corporate taxes.
Type of initiative: Constitutional
Date approved: Aug. 9
Final valid signature count: 130,022
- **#97: Setback Requirement for Oil and Gas Development** – seeks to create buffer zones whereby new oil and gas production not on federal land must be located at least 2,500 feet from any structure intended for human occupancy, certain geographic features and any other areas designated by the state or local government and permits state and local governments to require greater setback distances.
Type of initiative: Statutory
Date approved: Aug. 29
Final valid signature count: 172,834
- **#108: Just Compensation for Reduction in Fair Market Value by Government Law or Regulation** – seeks to add to the Colorado Constitution that private property cannot be reduced in fair market value by government law or regulation without just compensation.
Type of Initiative: Constitutional
Date approved: Aug. 28
Final valid signature count: 137,029
- **#126: Payday Loans** – seeks to lower the maximum authorized finance charge for payday loans to an annual percentage rate of 36 percent.
Type of initiative: Statutory
Date approved: Aug. 28
Final valid signature count: 189,297

- **#153: Transportation Funding** – seeks to increase transportation funding by raising the vendor tax to 3.52 percent of all sales and the excess tax to 3.52 percent of all taxable sales, which would increase the money that goes to the transportation fund, create a local transportation priorities fund and specify how the money is spent on transportation.
Type of initiative: Statutory
Date approved: Aug. 23
Final valid signature count: 195,499
- **#167 – Authorize Bonds for Transportation Projects** – seeks to create a “Fix Our Damn Roads” Act that requires the Department of Transportation to issue revenue anticipation notes in a maximum amount of \$3.5 billion with a maximum repayment cost of \$5.2 billion and requires the department to use the proceeds for specific transportation projects.
Type of Initiative: Statutory
Date approved: Aug. 22
Final valid signature count: 169,568
- **#173: Campaign Contributions** – seeks to provide that if a candidate contributes or loans more than \$1 million to his or her candidate committee, his or her independent expenditure committee, or directs a third party to do so, then all candidates in the same election shall be entitled to accept aggregate individual contributions for a primary or a general election at five times the current rate.
Type of initiative: Constitutional
Date approved: Sept. 4
Final valid signature count: 136,328

Constitutional amendments referred by the Colorado General Assembly

- **Amendment A: Removal of Exception to Slavery Prohibition for Criminals** – would amend the state constitution to prohibit slavery and involuntary servitude as punishment for a crime and thereby prohibit slavery and involuntary servitude in all circumstances.
- **Amendment V: Reduced Age Qualification for General Assembly Members** – would amend the state constitution to reduce the age qualification for a member of the Colorado General Assembly from 25 years to 21 years.
- **Amendment W: Judge Retention Ballot Language** – would amend the state constitution to change the format of the election ballot for judicial retention elections by consolidating retention questions.
- **Amendment X: Definition of Industrial Hemp** - would amend the state constitution by changing the definition of industrial hemp from a constitutional definition to a statutory definition.
- **Amendment Y: Independent Commission for Congressional Redistricting** - would amend the state constitution by changing the way that congressional districts are drawn by taking the duty to draw congressional districts away from the state legislature and giving it to an independent commission composed of 12 citizens with restrictions designed to prevent control and influence by one political party.

Sept. 4, 2018

- **Amendment Z: Independent Commission for State Legislative Redistricting** - would amend the state constitution by changing the manner in which state Senate and state House of Representatives districts are drawn and reforming the existing legislative reapportionment commission by expanding the commission to 12 members, authorizing the appointment of members who possess specified qualifications and prohibiting any one political party's control of the commission.

Brownstein's **Colorado Ballot Initiative Tracker** is a comprehensive summary of all Colorado statewide ballot initiatives proposed during the 2017-2018 election cycle. Contact Jason Dunn or David Meschke for additional information or analysis.

Jason R. Dunn
Shareholder
jdunn@bhfs.com
303.223.1100

Sarah M. Mercer
Senior Policy Advisor and Counsel
smercerc@bhfs.com
303.223.1139

David B. Meschke
Associate
dmeschke@bhfs.com
303.223.1219

This document is intended to provide you with general information regarding Colorado ballot initiatives. The contents of this document are not intended to provide specific legal advice. If you have any questions about the contents of this document or if you need legal advice as to an issue, please contact the attorneys listed or your regular Brownstein Hyatt Farber Schreck, LLP attorney. This communication may be considered advertising in some jurisdictions.