

**23** questions on the November ballot for Denver residents span issues that directly impact voters' lives—from taxes and state revenues to voting. Educated decisions will require some homework. Links to the legislative analysis of Denver issues, a PDF of the Blue Book, and the Denver sample ballot can be found with this article at [FrontPorchNE.com](http://FrontPorchNE.com).

Denver ballots begin mailing Oct. 9. Given a 90-page Blue Book, consider using this overview as a cheatsheet to note how you want to vote. When your ballot arrives, you can be ready to fill it out and submit it early.

### What's the difference between an amendment and a proposition?

Constitutional changes are called amendments; changes to state law are called propositions. Constitutional changes require approval by 55 percent of voters, but propositions pass with a simple majority. Once something is in the constitution, it takes another statewide vote to change or remove a provision. But a new law approved by voters can later be amended by the legislature. Amendments and propositions proposed by voters are assigned numbers; legislative ballot measures are assigned letters.

### How Measures Get on the Ballot: Initiatives and Referenda

There are only two ways for measures to get on the ballot. Initiatives are proposals made by advocacy groups that have gathered the required number of petition signatures. A measure placed on the ballot by a two-thirds vote of both houses

## State Ballot Measures

of the legislature is called a referendum.

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### Property Taxes

#### Amendment B - What it would do

– This legislative measure proposes to repeal the 1982 Gallagher Amendment, which sets the rules for what shares of property taxes statewide are paid by homeowners and by business owners.

**Context and history** – If you think income tax rates and state-run enterprises are complicated, the Gallagher Amendment will seem really confusing. It originally was intended to control growth in residential property taxes by requiring that tax revenues from homes contribute only 45 percent of total property tax revenues while taxes from businesses contributed 55 percent. To maintain that ratio, assessment rates on homes could go up or down, depending on changes in the overall market value of homes compared to the values of business properties.

When TABOR came along a decade later, it upset Gallagher's balancing act. Specifically, TABOR seemed to dictate that if home assessment rates went down, they never could go back up. (There are different interpretations of this, but that's too complicated to go into.) So the

residential assessment rate has steadily declined, shifting more of the property tax burden to businesses and hurting local revenues for local governments that have little business property within their boundaries. Rural and small fire protection districts have been particularly hard hit. In the case of school districts, other constitutional and legal provisions require the state to cover losses in local revenues, so the Gallagher/TABOR squeeze has affected the state budget as well.

**How it would work** – If passed, this amendment would discard the 45-55 ratio between homes and businesses and allow the legislature to freeze the residential assessment rate at 7.15 percent and the commercial rate at 29 percent. (The assessment rate is the percentage of a property's actual value that is subject to tax.) This proposal also would allow the legislature to change assessment rates in the future. The plan would ease the tax pressure on businesses and provide some revenue relief for many local governments, like those fire districts. But, over time, taxes on homes probably would rise faster than they would have had Gallagher remained in place. (Even if the residential assessment rate drops, tax bills usual go up because of rising property values and voter-approved increases in local tax rates.)

### Bingo Rules

#### Amendment C - What it would do

– The initiative would make it easier for charitable organizations to get bingo and raffle licenses and to hire paid workers to run games.

**Context and history** – After working through the long list of emotional or complicated ballot measures, you may well wonder why you're being asked to vote on bingo rules. The answer is that in past eras, gambling of any kind was a tough issue, so gaming procedures were encased in the state constitution, not the regular law books. So changes require constitutional amendments, which need your vote.

**How it would work** – The amendment is being promoted as a way to help non-profits support themselves in tough times by lowering current barriers to running bingo and raffles. The legislature put this on the ballot. If passed, new charities would have to wait only three years instead of five to get a bingo license. And they could hire people to run and manage games, as long as those people weren't paid more than minimum wage. Currently only volunteer organization members can run games.

### Voting Eligibility

#### Amendment 76 - What it would do

– This proposal would change the state constitution to say "only a citizen" can vote.

**Context and history** – The amendment is being pushed by Citizen Voters, the Colorado arm of a Florida-based conservative

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This ballot guide is posted at [FrontPorchNE.com](http://FrontPorchNE.com) with links to the legislative analysis of Denver issues, a PDF of the Blue Book, and a link to a sample ballot for Denver voters.

group that is trying to promote such changes in some other states. Some observers see this mostly as a ploy to draw additional conservative voters to the polls.

**How it would work** – On one level this seems to be merely a semantic change. The state constitution currently reads that “every citizen” can vote. But passage of the amendment also would roll back a recent law change that allows 17-year-olds to register and vote in primary elections if they will turn 18 before that year’s general election.

### Betting Limits

**Amendment 77 – What it would do** – Passage of this amendment would allow voters in the three historic towns of Black Hawk, Central City and Cripple Creek to set betting limits and expand the types of games offered in the towns’ casinos.

**Context and history** – Colorado voters have faced a long series of gambling ballot measures since they first approved casino gambling in 1990. That initial constitutional amendment set strict limits on casino hours of operation, the types of games offered and the amounts that could be bet —the initial bet ceiling was only \$5. Those restrictions meant Colorado gambling had somewhat limited appeal, and the three towns and casino owners have long pushed for changes. In 2008 voters approved an amendment that allowed voters in the three towns to decide if they wanted to approve 24/7 casino operation, addition of roulette and craps and a \$100 betting limit. As an effort to make that change more attractive to voters statewide, the plan directed some of the new revenue to community colleges. Town officials and casino owners are backing the 2020 proposal and by mid-September had raised nearly \$4 million for the campaign.

**How it would work** – The 2008 amendment didn’t generate as much additional revenue for community colleges, the three towns and their surrounding counties as backers had hoped, so Amendment 77 would basically allow town voters to set whatever bet limit they like and add new games without restriction. Because of the requirement for local elections, May 1, 2021, is the earliest changes could go into effect.

### Tobacco Taxes

**Proposition EE - What it would do** – Passage of this proposal would increase state taxes on tobacco products and for the first time tax nicotine products such as electronic cigarettes.

**Context and history** – In 2004 voters passed an amendment that brought cigarette taxes to 84 cents a pack. (That’s pretty much the only statewide tax increase approved by voters since TABOR was passed.) Most of that revenue is used by various health-related programs. In recent years lawmakers have been looking for ways to both squeeze more revenue out of tobacco taxes and to perhaps reduce teens’ use of new products like e-cigarettes. Colorado has one of the highest rates of teen vaping in the nation. Debate about the plan has been relatively low-key, although there’s been criticism of a last-minute legislative change in the proposal that sets a minimum price for a pack of cigarettes. That’s seen by some as discriminatory against discount cigarette sellers.

**How it would work** – If passed, the plan would raise cigarette taxes to \$2.64 a pack by 2027. Taxes on cigars, pipe and chewing tobacco would be raised to 62 percent of manufacturer’s list price from 40 percent. And levies on e-cigarettes, currently not taxed, would hit 62 percent of manufacturer’s price by 2027. The new taxes are estimated to raise \$177.1

million in 2021-22, with the revenues going to rural schools, preschools and tobacco education programs.

### National Popular Vote

**Proposition 113 - What it would do** – A “yes” vote on Proposition 113 approves a bill passed by the legislature and signed by the Governor. It joins Colorado with other states as part of an agreement to elect the President of the United States by national popular vote if enough states enter the agreement. (*This is the corrected statement about Prop 113 as written in the Blue Book. It is incorrect in the printed October Front Porch.*)

**Context and history** – National Popular Vote is a compact or agreement among about a dozen states that would require member states to award their Electoral College votes to the presidential candidate who wins the popular vote nationwide, regardless of the popular vote in an individual state. The movement is an effort to change the nation’s presidential voting system without amending the Constitution and to avoid the problem of the Electoral College result being different from the popular vote, as happened in 2016. While the issue isn’t strictly partisan, National Popular Vote tends to be supported by many Democratic officials and opposed by Republican ones. (States do have some flexibility in this. Maine and Nebraska award their electoral votes based on the popular vote winner in individual congressional districts.) Democrats won both houses of the Colorado legislature and the governor’s office in 2018, and in 2019 they passed a law joining National Popular Vote. Opponents of the proposal were way ahead in fund-raising as of mid-September.

**How it would work (corrected)** – If this measure passes, the law passed by the Colorado legis-

lature will stand and Colorado will continue to be a member of the NPV compact. When states with a total of 270 electoral votes (the number needed to elect a president) ratify the compact, the winner of the Electoral College will be the same as the winner of the popular vote. Currently the states in the National Popular Vote compact have 187 electoral votes.

If this ballot question is not approved, Colorado will no longer be a member of the National Popular Vote compact.

### Wolf Introduction

**Proposition 114 - What it would do** – This change to state law would direct state wildlife officials to develop a plan for introducing and managing gray wolves on designated public lands west of the Continental Divide by the end of 2023.

**Context and history** – This is the latest episode in the decades-long debate over whether wildlife officials should actively expand wolf range in the West and whether gray wolves should have protection as an endangered or threatened species. Federal officials reintroduced wolves to Idaho, Montana and Yellowstone National Park in the 1990s. The issue divides environmental groups, who believe healthy ecosystems need a top predator like wolves, and livestock and ranching interests concerned about stock losses. Supporters of reintroduction were early leaders in fundraising. The issue has been complicated by the wolves themselves. Animals believed to have moved from Wyoming have been spotted in northwestern Colorado, raising the question of whether the state needs to reintroduce wolves, or whether they reintroduce themselves.

**How it would work** – If the measure passes, Colorado Parks and Wildlife Commission would have to develop a reintroduction plan after holding

public hearings and reintroduce wolves on designated public lands by Dec. 31, 2023. The state would have to compensate ranchers who lose livestock to wolves, and the measure would require the legislature to set aside funds for such compensation.

## Abortion

**Proposition 115 - What it would do** – Under this plan, state law would prohibit abortion of fetuses after 22 weeks of gestational age.

**Context and history** – Coloradans have been faced with eight abortion ballot measures over the years, starting with a successful 1984 ban on use of public funding for most abortions. Voters also approved a 1998 measure to require parental notification when minor children seek abortions. But citizens have rejected proposed bans on partial-birth abortions, requiring notifications for women seeking abortions and multiple “personhood” proposals.

**How it would work** – Colorado is one of only a few states with no abortion time limit in law. The grass-roots supporters of the measure argue that 22 weeks is a reasonable limit. Local and national reproductive rights groups have rallied against the initiative and raised significant funding to campaign against it. If the proposal passes doctors who violate the law could be fined up to \$5,000 and have their medical licenses suspended. A woman who had a later abortion could not be charged with a crime. An abortion after 22 weeks would be allowed if a doctor determined the mother’s life was in danger.

## Tax Rates

**Proposition 116 - What it would do** – This proposal would set the state’s flat income tax rate for individuals and businesses at 4.55 percent, down from the

current 4.63 percent.

**Context and history** – Taxes are another issue that Colorado voters have seen on their November ballots many times since the Taxpayer’s Bill of Rights (TABOR) was passed in 1992. That amendment required voter approval of all tax rate increases, set limits on annual growth of government spending and enacted several other complicated provisions that prompted a long list of other ballot measures, legislative actions and court rulings in the years that followed.

Despite TABOR’s limits, state government spending has grown steadily in recent years, to the consternation of most Republicans and small government advocates. But Democrats and many advocacy groups believe Colorado doesn’t raise enough revenue, pointing to statistics like low per-pupil school funding compared to most other states and to perennially tight funding for transportation.

This measure was sparked by GOP state Sen. Jerry Sonnenberg of Sterling and the libertarian Independence Institute. It originally was proposed as a counter-measure to a tax rate increase being pushed by liberal and good-government groups. Those groups shelved their plan because of the difficulty of gathering sufficient signatures during the pandemic. To the consternation of most Democrats, Gov. Jared Polis has expressed some interest in the proposal, but not made a full endorsement. Opponents were ahead in early fundraising.

**How it would work** – Implementation of this measure would be simple; the Colorado Department of Revenue simply would collect taxes at a lower rate. By one estimate the change would reduce state revenues by \$158 million in the first year, with that amount rising in following years. That may not sound like

a lot, but the pandemic hit state revenues hard, and the legislature had to cut about \$3 billion from state spending to balance the 2020-21 budget, and the decline in state revenues is expected to continue.

## State Fees

**Proposition 117 - What it would do** – If passed this would require voter approval of state “enterprises” expected to produce \$100 million more in fees in their first five years of operation.

**Context and history** – To evaluate this measure, you have to dive back into the details of TABOR and its annual limits on increases in state spending. If tax revenues exceed an annual limit, the difference has to be refunded to taxpayers. But a lot of state revenue generated by fees or cash – think entrance fees to state parks and college tuition, among others – doesn’t count against that TABOR limit if those fees support 90 percent or more of an agency’s operations.

In recent years fiscal conservatives and Republicans have been skeptical of new fees pushed by Democrats, including transportation and hospital levies, and they argue those charges somehow violate the spirit of TABOR. Conservative groups such as Colorado Rising and Americans for Prosperity are pushing this one.

**How it would work** – The mechanics of how this plan would be implemented if passed probably will have to be worked out by lawmakers and the courts. But the basic idea is that if a proposed new enterprise is projected to raise more than \$100 million in fee revenue in its first five years, creation of the enterprise would have to be approved by voters at a statewide general election. Fiscal implications are hard to gauge at this point.

## Family Leave

**Proposition 118 - What it would do** – The initiative proposes creation of a state-run family and medical leave benefit that would provide up to \$1,100 a week for 12 weeks (or 16 weeks in some cases).

**Context and history** – In recent years legislative Democrats have made middle-class economic security a major policy priority. The centerpiece of that effort has been creation of a statewide family and medical leave that would pay benefits to people who have to take time off from work for health reasons, to care for other family members or to deal with other family challenges.

That idea hasn’t gotten off the ground at the Capitol because of disagreements over structure and funding. And the pandemic-related hits to the economy and state revenues made legislative action a no-go this year. So, the liberal and family-advocacy groups behind the idea decided to take it to the ballot. Conservative advocacy groups generally oppose the idea. Significant amounts of out-of-state money have been raised in support of the measure.

**How it would work** – The state Department of Labor and Employment would administer the leave program, which would be funded by a payroll tax. That tax would be shared equally by employers and employees, and for 2023 and 2024 the total tax would be .45 percent of a worker’s salary. That could rise in subsequent years under a formula based on total contributions, claims and administrative costs. Employers with 10 or fewer workers would be exempt from paying. Payments would be made on a sliding scale of from 50 to 90 percent of a worker’s wages, up to \$1,100 per week. Benefits would extend to 16 weeks for pregnancy or childbirth complications.

# Denver Ballot Measures

The Denver voters this fall will have to decide if they want to raise both sales and property taxes during a time of economic uncertainty and where they stand in a showdown over the balance of mayoral and city council powers.

On taxes, the Denver City Council has proposed two sales tax increases to fund efforts to respond to climate change and to reduce homelessness. If both measures pass you'll pay a nickel more in sales taxes on a \$10 purchase, on top of the 83 cents you already pay. Initial revenue from the increases is estimated at more than \$75 million a year.

The Denver Board of Education is asking voters to approve two property tax measures that are projected to raise total revenues of \$827 million. The cost would be about \$50 more a year in property taxes for the owner of a median-priced home.

On the political front, the city council, which has become both more progressive and assertive over the last couple of election cycles, has teed up five ballot measures designed to give it more power.

Also this election, voters will decide whether to repeal the city's decades-old ban on owning pit bulls.

Citizens and interest groups had no direct hand in placing this year's 12 measures on Denver ballots; it was all the work of the council and school board.

## Climate Change Funding

**Referred Measure 2A - What it would do** – Passage of this measure would increase city sales and use taxes by .25 percent, with the revenue going into a Climate Protection Fund. It's

estimated to raise \$36 million a year. Advocates say at least \$200 million a year is needed.

**Context and history** – This proposal is in line with the council's progressive tilt and the City's overall efforts to reduce automobile usage and promote other environmental protection measures. The current total sales taxes paid on purchases within the city is 8.31 percent, of which 4.31 percent is levied by Denver and the rest by the state, RTD and the Scientific and Cultural Facilities District. This and the homeless tax would raise the grand total Denver rate to 8.81 percent, 5 cents more on every \$10 of spending.

**How it would work** – The measure lists a long but somewhat vague set of allowed uses for the money, including workforce training in renewable energy fields, increased investments in renewable energy technology, neighborhood-based "environmental and climate justice programs," programs intended to help communities adapt to climate change, providing alternative transportation opportunities and upgrading home and office energy efficiency. The proposal also specifies the funding should "maximize investments in communities of color, under resourced communities, and communities most vulnerable to climate change."

## Homeless Tax

**Referred Measure 2B - What it would do** – If passed this measure would increase city sales taxes by .25 percent and use the revenue for housing and services for people experiencing or having exited homelessness. It would raise an estimated \$40 million a year.

**Context and history** – Homelessness has been a top Denver issue for nearly two decades. Growth of homelessness and outdoor camping during the pandemic have highlighted the issue recently. The City estimates there are 4,000 people experiencing homelessness, up 6 percent from 2019. Business groups estimated last year that the city already spends \$50 million on the problem and that charitable and other groups spend an additional \$90 million.

**How it would work** – The revenue would go into a Homelessness Resolution Fund and would be spent on such services as new or renovated housing, rental assistance, or supportive services and new or existing shelter capacity and services.

## Hiring Professional Svcs.

**Referred Measure 2C - What it would do** – This measure would allow the council to hire consultants, lawyers, investigators and other outside professionals to conduct investigations or do other work.

**Context and history** – This is the first of the 2020 measures that seeks to expand council powers at the expense of the mayor. Currently the council needs the mayor's permission to hire such outside expertise. This was partly sparked by a mayor-council dispute over hiring outside experts to investigate renovation work at Denver International Airport.

City government doesn't have the equal executive, legislative and judicial branches that characterize state and federal govern-

ment. The city charter, reflecting "good government" philosophies from the early 20th century, sets up a strong mayor system that puts the council in a subordinate position.

**How it would work** – There are no complicated procedures here; the council could just do it.

## Transportation Advisory Bd.

**Referred Measure 2D - What it would do** – This charter amendment would create an appointed, unpaid 19-member advisory board to review the work and budget of the city's Department of Transportation and Infrastructure.

**Context and history** – Some city leaders want to take a broader, more assertive role on transportation issues, which traditionally have been more the responsibility of the state and the Regional Transportation District. Voters approved part of that shift last year when they approved a measure converting the old Department of Public Works in the transportation and infrastructure agency. This also is part of the council's bid for more powers, because 13 of the advisory group's members would be appointed by council.

**How it would work** – Each council member would nominate a board member from his or her district. The mayor would appoint the other six members. The board would "advise" the council on department operations and review its proposed annual budget.

## Mayoral Appointments

**Referred Measure 2E - What it would do** – This proposal would amend the city charter to give city council the authority to consent to certain mayoral appointments. Includes the managers of transportation and infrastructure, parks and recreation, finance, safety, excise and licenses, general services, human services, aviation, public health and environment, and community planning and development, plus the city attorney, sheriff, police chief and fire chief.

**Context and history** – Council dissatisfaction with scandals in the sheriff’s office, plus criticism of how the police handled protests last spring, are part of the impetus behind this proposal. But this also is part of council larger effort to gain more power.

**How it would work** – The council would have 30 days to consider mayoral nominees. If the council rejected a nominee by a majority vote, the mayor would have to nominate someone else.

## Council Meetings

**Referred Measure 2F - What it would do** – This charter amendment would give the council more flexibility in scheduling its meetings.

**Context and history** – The city charter requires the full council to meet in person every Monday. That requirement made meeting difficult during the COVID-19 crisis and when Black Lives Matter protestors disrupted meetings.

**How it would work** – The council would set its meeting schedule by city ordinance, making the schedule easier to change when circumstances required.

## Council Budget Authority

**Referred Measure 2G - What it would do** – This change would allow the council to make budget changes during the middle of the fiscal year.

**Context and history** – The council currently considers and approves the City’s annual budget but cannot make changes after that. Management of the budget is up to executive branch departments.

**How it would work** – The measure basically would allow council to spend new and excess revenue and transfer unspent balances.

## Municipal Broadband

**Referred Measure 2H - What it would do** – Passage of this proposal would allow the city to offer or contract for broadband and other telecommunications services.

**Context and history** – A law passed by the state legislature in 2005 basically banned local governments from offering broadband and other services, thereby protecting the private businesses like Comcast that hold franchises. But the law allows cities to opt out of that ban by public vote. More than 100 Colorado jurisdictions have opted out, but none have yet taken major steps like creating city broadband.

**How it would work** – Passage of this would not make any changes in the availability or cost of broadband or cable services. As the council resolution put it, approval would be “an important step forward to position the City and County of Denver to explore a variety of possible opportunities ... to partner with public or private organizations to enhance the availability and affordability of high-speed Internet.”

## Clerk’s Appointees

**Referred Measure 2I - What it would do** – Passage would give the city clerk and recorder more flexibility in appointing senior deputies.

**Context and history** – Under a 2018 ballot measure, the clerk can appoint a deputy and two additional top aides.

**How it would work** – This proposal would allow the clerk to appoint two additional top aides and remove the requirement that a specific director of elections be appointed. Clerk Paul Lopez, a former council member, asked for the change.

## Pit Bull Ban

**Referred Measure 2J - What it would do** – This proposal would modify the city ban on ownership of pit bulls and allow having the dogs with certain conditions.

**Context and history** – The city passed a pit bull ban in 1989 after some highly publicized attacks on people. Other cities around the state and nation passed similar bans. Since then veterinary and other studies have questioned whether pit bulls are more dangerous than other breeds.

**How it would work** – Pit bull owners will have to apply for permits for up to two dogs. Dogs that have “clean” records for three years could be registered with the city like any other breed.

# DPS Ballot Measures

## DPS Operational Funds

**Referred Measure 4A – What it would do** – Authorize an additional mill levy to raise \$32 million.

**What it would pay for** – What’s called the “Debt Free Schools” measure would provide \$15 million for employee salaries, \$3 million for counseling services, \$4 million for nursing and \$2 million for special education.

**Taxpayer cost** – The plan is projected to cost about \$51 annually for owners of a Denver home valued at the median of \$465,000.

## DPS Bond Issue

**Referred Measure 4B - What it would do** – Authorize \$795 million in bond debt.

**What it would pay for** – A long list of projects would be funded, including \$208 million in updates and maintenance, \$65 million to increase capacity in some schools, \$128.5 million for air conditioning, \$130 million for rebuilding Montbello High School, \$65 million for technology and \$31.7 million in flexible funding for individual schools

**Taxpayer cost** – The measure authorizes extension of existing debt so will not increase property taxes.