



# Ballot Initiative STRATEGY CENTER

## Ballot Initiative Overview

2008 Election

### Colorado

Colorado is ground zero this year for a high volume of measures that have national implications and relate to national election themes - pertaining to energy, workers' rights, health care, equal opportunity programs, reproductive freedom, tax and spending policy reform and others.

A significant amount of money will be spent in the state by oil companies, big industry opponents of workers' rights, labor unions and others.

The ballot initiative picture in Colorado has been largely shaped by social conservatives, libertarian activists and emerging attempts by progressives to use the process. Recent cycles have seen an average of seven measures on the ballot (initiative and referenda combined), and they have generally enjoyed a success rate comparable to the national picture; roughly 2-1 are defeated. Colorado is one of a handful of states that allows ballot measures every year, but in odd years they can only be tax and budget related. In 2006 14 measures appeared on the ballot; half were citizen petitioned measures. According to post-election research by BISC, nine out of ten voters said they were interested in the initiatives on the ballot in 2006, and more than half (54%) say the initiatives were one of the most important factors in deciding whom to vote for in the gubernatorial and Congressional elections (with women in particular placing greater importance on candidate positions).

Regardless of where an issues lies on the political spectrum, libertarian ideas and arguments tend to work well in Colorado. This throws any partisan assumptions into doubt since voters will easily cross party lines to support or oppose issues. It is also still considered a small enough state by long-time residents that sometimes a nativist sentiment can play a role in campaigns. Coloradans can be skeptical and distrustful of outsiders trying to fund or impact their state.

There is a pattern of urban/rural division in Colorado elections, which affects ballot measures. Eleven (sub)urban counties make up the most populous parts of the state and they are the key in any statewide race. The other 53 counties often are outvoted.

**Fourteen measures were on the statewide ballot (Four passed).  
Ten were citizen-petitioned initiatives.  
Four were legislative referenda.**

## **8 Constitutional Amendments Qualified**

### **Amendment 46: Equal Opportunity**

Prohibition on Discrimination and Preferential Treatment by Colorado Government: Shall there be an amendment to the Colorado constitution concerning a prohibition against discrimination by the state, and, in connection therewith, prohibiting the state from discriminating against or granting preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting; allowing exceptions to the prohibition when bona fide qualifications based on sex are reasonably necessary or when action is necessary to establish or maintain eligibility for federal funds; preserving the validity of court orders or consent decrees in effect at the time the measure becomes effective; defining "state" to include the state of Colorado, agencies or departments of the state, public institutions of higher education, political subdivisions, or governmental instrumentalities of or within the state; and making portions of the measure found invalid severable from the remainder of the measure?

Proponents: Colorado Civil Rights Initiative, <http://coloradocri.org/>

Opponents: Vote No on Amendment 46, <http://votenoamendment46.com>

FAILED 49% - 51%

### **Amendment 47: Economic Security**

Prohibition on Certain Conditions of Employment: Shall there be an amendment to the Colorado constitution concerning participation in a labor organization as a condition of employment, and, in connection therewith, prohibiting an employer from requiring that a person be a member and pay any moneys to a labor organization or to any other third party in lieu of payment to a labor organization and creating a misdemeanor criminal penalty for a person who violates the provisions of the section?

Proponents: A Better Colorado, <http://www.abettercolorado.com/>

Opponents: Coloradans For Middle Class Relief, <http://www.voteno47.com/>

FAILED 44.5% - 55.5%

### **Amendment 48: Reproductive Freedom**

Definition of Person: Shall there be an amendment to the Colorado constitution defining the term "person" to include any human being from the moment of fertilization as "person" is used in those provisions of the Colorado constitution relating to inalienable rights, equality of justice, and due process of law?

Proponents: Colorado for Equal Rights, <http://www.coloradoforequalrights.com/>

Opponents: Protect Families, Protect Choice, <http://www.protectfamiliesprotectchoice.org/>  
FAILED 27% - 73%

**Amendment 49: Economic Security**

Limitation on Public Payroll Deductions: Shall there be an amendment to the Colorado constitution concerning deductions from governmental payroll systems, and, in connection therewith, prohibiting a governmental payroll system from taking a payroll deduction from any government employee except deductions required by federal law, tax withholdings, judicial liens and garnishments, deductions for individual or group health benefits or other insurance, deductions for pension or retirement plans or systems, or other savings or investment programs, and charitable deductions?

Proponents: Ethical Standards Now, <http://www.ethicalstandardsnow.org/>

Opponents: Protect Colorado's Future, <http://www.protectcoloradosfuture.org/>

FAILED 39% - 61%

**Amendment 50: Gaming**

Shall there be an amendment to the Colorado constitution concerning voter-approved revisions to limited gaming, and, in connection therewith, allowing the local voters in Central City, Black Hawk, and Cripple Creek to extend casino hours of operation, approved games to include roulette and craps or both, and maximum single bets up to \$100; adjusting distributions to current gaming fund recipients for growth in gaming tax revenue due to voter-approved revisions in gaming; distributing 78% of the remaining gaming tax revenue from this amendment for student financial aid and classroom instruction at community colleges according to the proportion of their respective student enrollments, and 22% for local gaming impacts in Gilpin and Teller counties and the cities of Central City, Black Hawk, and Cripple Creek according to the proportion of increased tax revenue from voter-approved revisions in each city or county; and requiring any increase in gaming taxes from the levels imposed as of July 1, 2008 to be approved at a statewide election, if local voters in one or more cities have approved any revision to limited gaming?

Proponents: Coloradans for Community Colleges

Opponents: Vote No on 50: No High Stakes 24/7 Gambling in Colorado,

<http://keepvegasout.com/>

PASSED 59% - 41%

**Amendment 52: Energy/Investment/Taxes**

Shall there be an amendment to the Colorado constitution concerning the allocation of revenues from the state severance tax imposed on minerals and mineral fuels other than oil shale that are extracted in the state, and, in connection therewith, for fiscal years commencing on or after July 1, 2008, requiring half of the revenues to be credited to the local government severance tax fund and the remaining revenues to be credited first to the severance tax trust fund until an annually calculated limit is reached and then to a new Colorado transportation trust fund, which may be used only to fund the construction, maintenance, and supervision of public highways in the state, giving first priority to reducing congestion on the Interstate 70 corridor?

Proponents: Better Roads Now Issue Committee, <http://www.betterroadsnow.com/>  
Opponents: A Smarter Colorado, <http://asmartercolorado.org/>  
FAILED 36% - 64%

#### **Amendment 54: Economic Security**

Restrictions on Campaign Contributions from Government Sole-Source Contractors: Shall there be an amendment to the Colorado constitution concerning restrictions on campaign contributions, and, in connection therewith, prohibiting the holder of contracts totaling \$100,000 or more, as indexed for inflation, awarded by state or local governments without competitive bidding ("sole source government contracts"), including certain collective bargaining agreements, from making a contribution for the benefit of a political party or candidate for elective office during the term of the contracts and for 2 years thereafter; disqualifying a person who makes a contribution in a ballot issue election from entering into a sole source government contract related to the ballot issue; and imposing liability and penalties on contract holders, certain of their owners, officers and directors, and government officials for violations of the amendment?

Proponents: Clean Government Colorado, <http://www.cleangovernmentcolorado.com/>  
Opponents: Protect Colorado's Future, <http://www.protectcoloradosfuture.org/>  
PASSED 51% - 49%

#### **Amendment 59: Education/Investment/Taxes**

Savings Account for Education: Shall there be an amendment to the Colorado constitution concerning the manner in which the state funds public education from preschool through the twelfth grade, and, in connection therewith, for the 2010-11 state fiscal year and each state fiscal year thereafter, requiring that any revenue that the state would otherwise be required to refund pursuant to the constitutional limit on state fiscal year spending be transferred instead to the state education fund; eliminating the requirement that, for the 2011-12 state fiscal year and each state fiscal year thereafter, the statewide base per pupil funding for public education from preschool through the twelfth grade and the total state funding for all categorical programs increase annually by at least the rate of inflation; creating a savings account in the state education fund; requiring that a portion of the state income tax revenue that is deposited in the state education fund be credited to the savings account in certain circumstances; requiring either a two-thirds majority vote of each house of the general assembly or, in any state fiscal year in which Colorado personal income grows less than six percent between the two previous calendar years, a simple majority vote of the general assembly to use the moneys in the savings account; establishing the purposes for which moneys in the savings account may be spent; establishing a maximum amount that may be in the savings account in any state fiscal year; and allowing the general assembly to transfer moneys from the general fund to the state education fund, so long as certain obligations for transportation funding are met?

Proponents: Savings Account for Education, <http://coloradosafe.org/>  
Opponents: No Committee Identified  
FAILED 45% - 55%

## **2 Statutory Initiatives Qualified**

### **Amendment 51: Investment/Taxes**

State Sales Tax for Services for Individuals with Developmental Disabilities: Shall state taxes be increased \$186.1 million annually after full implementation by an amendment to the Colorado revised statutes concerning an increase in the state sales and use tax to provide funding for long-term services for persons with developmental disabilities, and, in connection therewith, increasing the rate of the state sales and use tax beginning on July 1, 2009, by one-tenth of one percent in each of the next two fiscal years; permitting the state to retain and spend all revenues from the new tax, notwithstanding the state spending limit; requiring an amount equal to the net revenue from the new tax to be deposited in the newly created developmental disabilities long-term services cash fund; requiring the money in the fund to be used to provide long-term services for persons with developmental disabilities; and prohibiting reductions in the level of state appropriations in the annual general appropriation bill existing on the effective date of this measure for long-term services for persons with developmental disabilities?

Proponents: Coalition to End the Wait List, <http://endcoloradowaitlist.org/>

Opponents: No Committee Identified

FAILED 37% - 63%

### **Amendment 58: Education/Energy/Investment/Taxes**

Severance Tax: Shall state taxes be increased \$321.4 million annually by an amendment to the Colorado Revised Statutes concerning the severance tax on oil and gas extracted in the state, and, in connection therewith, for taxable years commencing on or after January 1, 2009, changing the tax to 5% of total gross income from the sale of oil and gas extracted in the state when the amount of annual gross income is at least \$300,000; eliminating a credit against the severance tax for property taxes paid by oil and gas producers and interest owners; reducing the level of production that qualifies wells for an exemption from the tax; exempting revenues from the tax and related investment income from state and local government spending limits; and requiring the tax revenues to be credited as follows: (a) 22% to the Severance Tax Trust Fund, (b) 22% to the local government Severance Tax Fund, and (c) 56% to a new Severance Tax Stabilization Trust Fund, of which 60% is used to fund scholarships for Colorado residents attending state colleges and universities, 15% to fund the preservation of native wildlife habitat, 10% to fund renewable energy and energy efficiency programs, 10% to fund transportation projects in counties and municipalities impacted by the severance of oil and gas, and 5% to fund community drinking water and wastewater treatment grants?

Proponents: A Smarter Colorado, <http://asmartercolorado.org/>

Opponents: Coloradans for a Stable Economy

FAILED 42% - 58%

## **4 Constitutional Amendments Were Referred**

### **Referendum L: Administration of Government**

Age Qualification for Serving in General Assembly: Submitting to the registered electors of the

state of Colorado an amendment to Section 4 of Article V of the Constitution of the State of Colorado, concerning the ability of an elector of the State of Colorado who has attained the age of twenty-one years to serve as a member of the Colorado General Assembly.

FAILED 46% - 54%

**Referendum M: Administration of Government**

Elimination of Obsolete Constitutional Provisions Regarding Land Value Increase: Submitting to the registered electors of the state of Colorado the repeal of Section 7 of Article XVIII of the State Constitution, concerning outdated, obsolete provisions regarding land value increase.

PASSED 62% - 38%

**Referendum N: Administration of Government**

Elimination of Obsolete Constitutional Provisions Regarding Intoxicating Liquor: Submitting to the registered electors of the state of Colorado the repeal of Section 5 of Article XVIII and ARTICLE XXII of the State Constitution, concerning the elimination of outdated obsolete provisions of the State Constitution.

PASSED 69%- 31%

**Referendum O: Election Reform**

Initiative Petition Requirements: Submitting to the registered electors of the state of Colorado an amendment to Section 1 of Article V of the Constitution of the State of Colorado, concerning ballot initiatives, and, in connection therewith, increasing the number of signatures required for a proposed initiative to amend the State Constitution; reducing the number of signatures required for a proposed statutory initiative; requiring a minimum number of signatures for a proposed initiative to amend the State Constitution to be gathered from residents of each congressional district in the state; increasing the time allowed to gather signatures for a proposed statutory initiative; modifying the review of initiative petitions; establishing a filing deadline for proposed initiatives to amend the State Constitution; and requiring a two-thirds vote of all members elected to each house of the General Assembly to amend, repeal, or supersede any law enacted by an initiative for a period of five years after the law becomes effective.

Proponents: Colorado's Future, <http://www.coloradosfuture.org/>

FAILED 47% - 53%

*For additional information please check with the Colorado Secretary State:*

*<http://www.sos.state.co.us/>*