

**BALLOT ISSUES
2012**



**LEAGUE OF WOMEN VOTERS OF
COLORADO EDUCATION FUND**

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**VOTER HOTLINE
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**VOTE ON ELECTION DAY
NOVEMBER 6, 2012**

THE LEAGUE OF WOMEN VOTERS® OF COLORADO EDUCATION FUND has prepared this pamphlet as a public service to promote civic responsibility by providing nonpartisan information about the issues that citizens will be asked to vote on in the **November 6, 2012 election**.

THE LEAGUE OF WOMEN VOTERS® OF COLORADO EDUCATION FUND promotes informed participation in government by providing non-partisan educational information on topics of public concern and on the processes of government.

Contact the League's **VOTER HOTLINE** at **303-863-VOTE (8683)** for:
Voter information
Ballot information
Ballot issue speakers

For information about the retention of Judges, please refer to the 'Legislative Analysis of the Ballot Issues' commonly known as the 'Blue Book', which is mailed to each household with registered voters by the Secretary of State's office.

THE LEAGUE OF WOMEN VOTERS® OF COLORADO EDUCATION FUND is not responsible for the accuracy or fairness of the arguments of either side. The pro and con statements are a compilation of the material submitted by proponents and opponents of each ballot issue.

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THE BALLOT

Issues are placed on the ballot by:

Referendum

- A proposal by the Legislature which is referred to citizens for a vote.

Initiative

- A proposal by citizens who have gathered the required number of signatures (five percent of the total number of votes cast for Secretary of State in the previous general election).

Statewide issues appearing on the ballot may be of two types:

Amendments to the Colorado Constitution

- May be referred to the voters by a two-thirds vote of both houses of the General Assembly or may be proposed by citizens using the initiative process. Only the voters (not the legislature) can change the constitution. These proposals are called amendments.
- Those identified with a **number** are **citizen initiatives**, and those identified with a **letter** are referred by the **General Assembly**.

Amendments to the Revised Statutes

- May be referred to the voters by a majority vote of both houses of the General Assembly or may be proposed by citizens using the initiative process. Although approved by voters, amendments to the Colorado Revised Statutes may subsequently be changed by the legislature. These proposals are called **propositions** and are changes to the statutes.

Local or regional issues may also be on the ballot for a vote of the citizens.

VOTING REQUIREMENTS

Identification is required for voting at all polling places. One of the following forms is required:

- Valid Colorado driver's license;
- Valid Colorado identification card;
- Valid U.S. passport;
- Valid U.S. military card;
- Copy of current utility bill or paycheck or government check showing name and current address;
- FAA photo pilot's license;
- Certified naturalization document;
- Valid Medicare or Medicaid card;
- Certified copy of birth certificate; or
- Valid student ID card with photo.

If you have difficulty voting at your polling place, see an election judge about obtaining a provisional ballot.

ELECTION CALENDAR 2012

October 9 - Last day to register for General Election.

October 15 – County clerks begin mailing ballots to voters who have previously applied for mail-in ballots.

October 22 – November 2 —Early voting for the General Election.

October 30—Last day to apply for a mail-in ballot to be mailed to you.

November 2—Last day to apply for mail-in ballot in person.

November 6—General Election.

REFERENDUM

AMENDMENT S STATE PERSONNEL SYSTEM

A referred amendment to sections 13, 14, and 15 of Article XII of the Colorado Constitution concerning the state personnel system.

Major Provisions:

- Requires merit-based appointments to be made through a comparative analysis process based on objective criteria. May include a competitive test;
- Allows for the removal from the personnel system of a limited number of positions;
- Increases the number of candidates eligible to be considered for a position;
- Modifies the residency requirement;
- Increases the time allowed for temporary employment;
- Decreases and adjusts the terms of service for members of the state personnel board; and
- Expands the preference given to veterans.

Background:

Amendments to the state constitution in 1918 created the state personnel system meant to establish a merit selection system for all appointed public officers and employees of the state, with a number of exemptions. Later amendments added a five-member paid state personnel board, which had the authority to adopt rules to implement and govern the merit selection system. Members of the board could not be either officers or employees of the state or of a state employee organization. An executive department of personnel was also added with a state personnel director responsible for administering the entire system.

Currently, appointments and promotions within the personnel system are based on competitive tests of competence after which only the three highest ranking candidates can be considered for appointment. All appointees must reside in the state with some exceptions for those with special qualifications as determined by the state personnel board. Temporary employment is limited to six months. All appointed public officers and employees, now numbering approximately 33,000, are within the personnel system, except those specifically excluded by the state constitution. Members of the state personnel board serve terms of five years and may serve multiple terms. If approved, the board will continue to consist of three

members appointed by the governor and two elected by employees of the state personnel system. Job candidates who are veterans have points added to a passing grade on the competitive examination.

Those in favor say:

1. This proposal adds flexibility to the hiring process by expanding the pool of eligible candidates and allowing employers to consider a wider range of criteria so that the state can recruit and retain the most qualified candidate for each position.
2. This measure will allow greater use of temporary, seasonal and special project positions, resulting in cost savings and more highly qualified staff to serve the people of Colorado. Savings may be realized by hiring of non-residents for positions close to the state borders.
3. This proposal allows greater use by veterans of preference points.
4. State personnel board members will be more accountable under term limits.

Those opposed say:

1. The changes proposed by this amendment undermine the merit base of the state personnel system by putting in place a comparative analysis of

candidates based on objective criteria rather than a single competitive test of competence.

2. Allowing additional employee exemptions with the approval of the state personnel director for as many as one percent (1%) of the total employees in the state personnel system places too much political power in the hands of the state personnel director.
3. Changing from three to six the number of job candidates to be considered for a position increases the possibility a less qualified person could be chosen.

CONSTITUTIONAL INITIATIVES

AMENDMENT 64 USE AND REGULATION OF MARIJUANA

An initiated amendment to Article XVIII of the Colorado Constitution adding a new section 16 providing for the personal use and regulation of marijuana.

Major Provisions:

- Legalizes possession, use, display, purchase, transfer and transportation of one ounce or less of marijuana by persons 21 years of age or older. Requires identification for purchase and prohibits driving under the influence;
- Allows persons 21 years of age or older to possess and grow no more than six marijuana plants;
- Provides for the operation of marijuana-related facilities that cultivate, process, package, test, manufacture and sell marijuana or marijuana accessories provided the person conducting the activities has a valid license for the activity;
- Charges the Department of Revenue with developing regulations for licensing and operating marijuana facilities, establishing health and safety

standards, preventing the sale of marijuana to persons under 21 years of age, and the advertising of marijuana and marijuana products;

- Allows local governments to regulate operations of marijuana establishments within their jurisdictions as long as these regulations do not conflict with state law;
- Requires the state legislature to enact an excise tax on marijuana sales and provides that the first \$40 million raised by the tax each year be placed in the Public School Capital Construction Fund; and
- Requires the state legislature to enact legislation regulating the growth, processing and sale of industrial hemp.

Background:

Marijuana, also known as cannabis, is a plant that contains a psychoactive compound. Marijuana is used as a recreational drug, as a part of religious or spiritual rites, and as a medicine. Evidence of marijuana use exists dating back to the 3rd millennium BC.

In the early 20th Century, individual states led the way in banning marijuana. The federal government effectively outlawed use of the substance in 1937.

In 2000, although medical marijuana use was not authorized by federal law, Colorado voters adopted an amendment to the Colorado state constitution allowing the use of marijuana for medical purposes. In 2006, Colorado voters rejected an amendment, which would have legalized the possession of up to one ounce of marijuana by persons 21 or over. One ounce of marijuana is similar to the amount of tobacco in a pack and a half of cigarettes.

Industrial hemp is a form of the cannabis plant that contains very low levels of psychoactive compounds. It is used in paper, clothing, construction materials and fuel. While the United States government does not distinguish industrial hemp from the marijuana plants that have more psychoactive properties, large quantities of industrial hemp and hemp products are imported annually. This proposal would provide a path to the cultivation, processing and sale of industrial hemp in Colorado.

Passage of this measure will not affect Colorado's medical marijuana provisions and regulations. Neither will it allow access to marijuana by those younger than 21 years of age, permit driving while impaired by marijuana, nor prevent companies, schools, hospitals or other entities from prohibiting the use of marijuana on their property.

Those in favor say:

1. Regulating marijuana like alcohol for adults 21 and older will replace an uncontrolled and underground market with a tightly controlled system of regulation. Taking marijuana sales off the street will make it harder for teens to access marijuana and reduce adult consumers' exposure to other illegal products. It will reduce funding for drug cartels and other criminal enterprises, and it will allow the state to redirect limited law enforcement resources toward addressing violent and serious crimes.
2. Regulating and taxing marijuana will generate hundreds of millions of dollars in new tax revenues and law enforcement savings over the coming decade for state and local governments. The first \$40 million raised annually by a new excise tax will be directed toward public school construction. Regulated marijuana and industrial hemp markets will create jobs and provide new business to other industries.
3. Government studies comparing the damage of marijuana and alcohol have concluded that marijuana is less harmful than alcohol. It is less addictive, less harmful to the body, and less likely to trigger violent behavior.

Those 21 and older will be able to possess limited amounts of marijuana and use it, as long as it is not consumed publicly or in a manner that endangers others. It will remain illegal to drive under the influence of marijuana and employers will be able to maintain their current employment policies.

Those opposed say:

1. Although this proposal would amend the Colorado constitution to make Colorado one of the first states to fully legalize marijuana for recreational use, the possession and use of marijuana would continue to violate federal law. This proposal would allow opening of marijuana retail stores and of growing, manufacturing, and testing facilities in communities across the state. A broad-based, non-partisan coalition including law enforcement, educators, counselors, physicians, and parents are opposed to this proposal.
2. By legalizing marijuana for recreational purposes, this proposal increases marijuana's availability and attractiveness to young people at a time when schools are already reporting more problems with drug use among adolescents. For children and young adults, smoking marijuana permanently affects brain development, impairs learning ability and contributes to

depression. Adolescents are more likely than adults to develop problems with marijuana abuse and addiction. Marijuana abuse accounts for 67 percent of the adolescents in substance-abuse treatment programs in the United States.

3. This proposal would increase the incidence of impaired driving. Between 2006 and 2010, more than 400 people were killed in Colorado from car crashes involving a driver who was on drugs. Smoking pot reduces coordination and impairs decision making which will lead to a significant increase in the number of crashes and deaths due to people who are driving under the influence of marijuana.

AMENDMENT 65
COLORADO CONGRESSIONAL
DELEGATION TO SUPPORT
CAMPAIGN FINANCE LIMITS

An initiated amendment to Article XXVIII of the Colorado Constitution and to the Colorado Revised Statutes 1-45-102 and 1-45-103.7 concerning campaign finance limits.

Major Provisions

- Amends the Colorado Constitution to encourage the establishment of campaign spending limits rather than voluntary spending limits;
- Amends the Colorado Revised Statutes to urge state lawmakers to establish campaign spending limits rather than encourage voluntary spending limits; and
- Amends the Colorado Revised Statutes to instruct the Colorado Congressional delegation to propose and support, and the Colorado State Legislature to ratify, an amendment to the United States Constitution that limits campaign contributions and spending.

Background:

The practice of voter instruction to elected officials was widely used during the founding period of the United States, and was used successfully to pass the 17th

Amendment for direct election of U.S. Senators.

Ten years ago, Colorado voters passed comprehensive campaign finance reform that set contribution limits, banned corporate contributions and required full disclosure of campaign spending.

In the past, courts have ruled that limiting contributions to candidates and campaigns was a permissible restriction on money in politics to prevent corruption or the appearance of corruption. More recently, the U.S. Supreme Court ruled that money is speech and cannot be restricted. Therefore, spending limits on campaigns are not allowed and spending by persons and organizations independent of campaigns are not restricted. If this proposal is passed, it will be mostly symbolic and will not have any legal force.

Those in favor say:

1. The role of money in politics should be limited. This measure directs elected representatives in Congress and the state legislature to support an amendment to the U.S. Constitution that would establish limits on out of control political spending to create a level playing field. Public trust in elected officials is at an all-time low, partly because of the belief that

powerful wealthy interests exert disproportionate influence.

2. The surest way to change the campaign finance system is to amend the U.S. Constitution.
3. By encouraging Congress to take action, this proposal is a first step in addressing money in politics.
4. We can correct the U.S. Supreme Court's recent ruling by passing a federal amendment that authorizes limits on campaign contributions and spending, and ensures that all citizens, regardless of wealth, have an opportunity to speak.

Those opposed say:

1. This proposal is extremely vague. New laws restricting participation in elections should be written carefully and precisely. The proponents do not disclose exactly what new laws this proposal will require. If passed, the proposal's requirement to support legislation cannot be enforced.
2. When politicians enact laws to restrict political speech, politicians always claim that the new laws will get the money out of politics. But in practice, the restrictions are often written to

make things more difficult for
challengers.

3. It is always dangerous to give the government the power to outlaw people from spending money on speech which criticizes the government during elections.

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For a side-by-side **candidate** comparison, personalized sample ballot, polling place info and more, visit **www.VOTE411.org**.

Races covered are US Congressional Districts, State Legislators (Senate and House), CU Regents, State Board of Education and RTD Directors.

Local candidates and issues may also be found at **www.VOTE411.org**

DON'T SKIP THE JUDGES!

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