

# Ballot Issues 2020



## Colorado General Election Ballot Issues – 2020

Tuesday, November 3, 2020

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## ELECTION DAY – NOVEMBER 3, 2020

**THE LEAGUE OF WOMEN VOTERS® OF COLORADO** has prepared this information as a public service to promote civic responsibility by providing nonpartisan information about the issues on which citizens will be asked to vote as part of the **November 3, 2020 election**.

**THE LEAGUE OF WOMEN VOTERS® OF COLORADO** promotes informed participation in government by providing nonpartisan educational information on topics of public concern and on the processes of government. Our mission is Empowering Voters

Contact the League's **VOTER HOTLINE** at **303-863-VOTE (8683)** for voter information, ballot information or for ballot issue speakers.

**Judges:** for information about the judges on the ballot, please refer to the *Legislative Analysis of the Ballot Issues*, commonly known as the 'Blue Book', which is mailed to registered voters in each household.

**THE LEAGUE OF WOMEN VOTERS® OF COLORADO** 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.

## Table of Contents

The Ballot – [p. 3](#)

Amendment B, Modify Property Taxes – [p. 4](#)

Amendment C, Conduct of Charitable Gaming Activities – [p. 5](#)

Amendment 76, Citizenship Qualifications of Electors – [p. 6](#)

Amendment 77, Local Voter Approval of Casino Bet Limits and Games – [p. 7](#)

Proposition EE, Cigarette, Tobacco and Nicotine Products Tax – [p. 8](#)

Proposition 113, Adopt Agreement to Elect US President by National Popular Vote – [p. 9](#)

Proposition 114, Reintroduction and Management of Gray Wolves – [p. 11](#)

Proposition 115, Prohibitions on Late-Term Abortions – [p. 12](#)

Proposition 116, State Income Tax Rate Reduction – [p. 13](#)

Proposition 117, Voter Approval for Certain Fee Based Enterprises – [p. 14](#)

Proposition 118, Paid Family and Medical Leave Insurance Program – [p. 15](#)

## THE BALLOT

*Issues are placed on the ballot in one of two ways:*

### 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 Colorado Constitution. These proposals are called **amendments**.

### Amendments to the Revised Statutes (Propositions)

- 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 issues may also be on the ballot.

## AMENDMENTS

### Amendment B - Modify Property Taxes

This is a referred amendment from the legislature to amend the Colorado Constitution to repeal the Gallagher Amendment.

#### Major Provisions:

- Repeals the constitutional provision that requires residential property tax assessment rates equal 45% and non-residential property tax rates equal 55% of the total share of state property taxes;
- Repeals the requirement that the non-residential property tax assessment rate be fixed at 29%; and
- Repeals the requirement that the General Assembly adjust the residential assessment rate in order to maintain the 45%-55% ratio of residential to non-residential property taxes.

#### Background:

In 1982 the voters added the Gallagher Amendment to the state constitution in order to provide ongoing property tax relief to residential property owners. This constitutional provision required that residential property taxes could make up no more than 45% of the state property tax base. Non-residential property owners are responsible for the remaining 55% of state property taxes. The Colorado General Assembly is responsible for adjusting residential assessments so that this 45%-55% ratio is maintained.

When the proposal was adopted in 1982, the residential assessment rate was 21%. Because residential property values have increased faster than business property values, the General Assembly has reduced the residential assessment rate over time in order to maintain the 45-55 split. Today the residential property tax assessment rate has dropped to 7.15% while the non-residential rate is still fixed at the constitutionally required 29%. If the Gallagher Amendment is not repealed, residential property tax assessment rates will again be reduced in 2021.

Property taxes fund local public schools, fire and police departments, hospital districts, city and county governments and other services. Property taxes are paid by homeowners and non-residential property owners like businesses, farmers and oil and gas operators.

Because of the requirement for voters to approve all tax increases, voters are often reluctant to approve increases. Local governments no longer have the means to make up for lost property tax revenue when property tax rates fall.

If voters repeal the Gallagher Amendment in November, a statute would take effect preventing the legislature from changing property assessment rates for four years and freezing residential tax rates at 7.15% and non-residential rates at 29%.

**Those in favor say:**

1. The Gallagher Amendment is an arbitrary formula governing property tax assessment rates. It uses state-wide averages of real estate values that ignore the difference between urban and rural Colorado. Consequently, rapidly increasing home values concentrated on the Front Range have caused revenue losses for many rural communities that struggle to make up the lost revenue. We need a solution for all of Colorado, not a formula that hurts rural communities and jobs. The Gallagher Amendment is doing more harm than good. This ballot proposal eliminates the Gallagher Amendment so we can maintain the funding we need for critical services such local schools, fire departments, hospitals, emergency and water services.
2. Repealing the Gallagher Amendment is not a tax increase. it freezes residential assessment rates at current levels. Homeowners won't forego any of the past reductions in assessed valuation that Gallagher has required, but they would give up future reductions. In a period of great division in Colorado, a bipartisan majority in the legislature as well as a broad network of respected business and civic leaders across the state support the effort to repeal the Gallagher Amendment.

#### **Those opposed say:**

1. The cost of living for Coloradans continues to increase. On top of income taxes, sales taxes and skyrocketing fees, we do not need to see increases in property taxes in the midst of a recession. We should trust localities to know what's best for them. If local voters feel the need for increased revenues, they can adjust their local taxes accordingly.
2. Under the Gallagher Amendment, residential property taxes will drop to 5.88% in 2021, but repealing the amendment will result in the tax rate remaining 7.14%, which is a higher rate for homeowners. Repealing Gallagher will also leave the door open for the legislature to increase property rates in the future in order to increase the revenue.
3. Some are rightfully concerned about the impact the Gallagher Amendment has had on businesses in Colorado. The non-residential assessment rate has remained the same through the years while residential assessment rates have been reduced. However, the problem with repealing Gallagher is that it would do nothing to help businesses. The commercial rate would remain the same for now, and it is extremely unlikely that legislators would ever lower it in the future.

## **Amendment C - Conduct of Charitable Gaming Activities**

This is a referred proposal from the legislature to amend the Colorado Constitution to allow revisions to charitable gaming activities.

#### **Major Provisions:**

- Allows bingo-raffle licensees to hire managers and operators of games of chance; and
- Reduces the required period of existence for a charitable organization to obtain a bingo-raffle license from five years to three years.

#### **Background:**

Currently nonprofit organizations with bingo and raffle licenses are required to conduct those games with only volunteer members from the organization. Before the nonprofit organization can apply for a raffle or bingo license, it must have been in continuous existence for five years and submit other

pertinent information. This proposal limits payment to a hired manager or operator to no more than the minimum wage. The proceeds of the game must be directed to the specific purposes of the nonprofit organization conducting the game.

**Those in favor say:**

1. The proposal would allow more opportunities for non-profits to consider running bingo raffles as a revenue stream for the benefit of their association's programs. Associations would have the choice to compensate their volunteers which in turn, would help with the recruitment and retention of the people that work the game to support the non-profit.

**Those opposed say:**

1. Paid workers will take funds away from the charitable organization conducting the game of chance thereby increasing the overhead costs to the organization. This reduces the amount of money a charitable organization can spend for its primary purpose. By removing the requirement that volunteers conduct the games, it more closely resembles for-profit gambling than charitable fundraising.

## **Amendment 76 - Citizenship Qualifications of Electors**

This proposal is a citizen initiative to change certain language pertaining to voting in the Colorado Constitution.

**Major Provisions:**

- Changes the language from "Every Citizen" to "ONLY A CITIZEN" of the United States; and
- Requires voters to be 18-years of age.

**Background:**

The eligibility requirements for voting in Colorado elections are stated in the Colorado Constitution and state law. Under current law, a U.S. citizen who is 18 years of age, has lived in the state for 22 days before an election, and has registered to vote may vote in all elections. While the Colorado Constitution guarantees the vote to "every citizen," it does not prohibit extension of voting eligibility to persons under 18 years of age or non-citizens.

Since 2019 state law allows 17-year-olds to vote in primary elections if they will be 18 years old by the time of the general election. The proposed Amendment 76, if passed, will not affect the citizenship, residency, or voter registration requirements of current law, but it will prohibit eligibility for the 17-year-olds who are now able to vote in primary elections.

**Those in favor say:**

1. This proposal guarantees the Colorado Constitution will prevent future policies to allow non-citizens to vote. Voting is a fundamental right. It will provide constitutional protections by specifying exclusively who can vote in Colorado.



**Those opposed say:**

1. The proposal seeks to solve a problem that does not exist as it proposes unnecessary and potentially controversial changes to language in the Colorado Constitution. It may create voter confusion regarding state and local elections and could discourage or disenfranchise voters.

**Amendment 77 - Local Voter Approval of Casino Bet Limits and Games**

This proposal is an initiated amendment to the Colorado Constitution and a change to the Colorado Revised Statutes concerning voter approved changes to limited gaming in Central City, Black Hawk and Cripple Creek.

**Major Provisions:**

- Amends the state constitution to provide for local elections in the towns of Central City, Black Hawk and Cripple Creek to revise limits applicable to gaming;
- Authorizes voters in the above named cities to increase the amount of single bet limits above \$100 and to approve additional casino games; and
- Amends state law regarding casino tax revenue to allow money to go to programs to improve community college student retention and increase credentials completion, in addition to the current supplement for student financial aid and classroom instruction programs.

**Background:**

In 2008 Colorado voters approved a change in the state constitution to allow bet limits of \$100 on casino gambling in the cities of Central City, Black Hawk and Cripple Creek. They also approved adding the games of roulette and craps to those games which were originally allowed in 1990 (slot machines and the card games of blackjack and poker).

Under current law, seventy-eight percent of the tax revenues from gaming is distributed to the state's public community colleges, junior colleges, and local district colleges to supplement existing state funding for student financial aid and classroom instruction programs. This ballot initiative would expand uses of this revenue to include programs to improve student retention and increase credential completion.

**Those in favor say:**

1. This proposal gives voters in Central City, Black Hawk and Cripple Creek the right to approve a maximum single bet of any amount and add games such as Baccarat, but not to alter gaming laws. It gives residents in the three towns the option to hold a local election and decide whether to extend betting limits and games.
2. During the pandemic, unemployment numbers show that Colorado's three gaming towns, which have built their economies around tourism, have been battered the most. This proposal is an important step to start improving the economies in these towns.
3. The goal of this measure is to boost travel and tourism jobs while providing more tax revenue to increase the graduation rate at community colleges. Millions of dollars are being cut from community college budgets due to the pandemic.



**Those opposed say:**

1. Removing bet limits may result in increased financial problems and pathological addiction for some gamblers who would bet larger amounts of money.
2. Increased gambling in these towns could lead to impacts on other nearby communities, but they do not have a vote in this matter and would not receive compensation to deal with these impacts.
3. Gaming revenue for funding community colleges is an unstable source and is dependent on economic conditions. The benefit of any additional funding to community colleges does not outweigh all the negative aspects of this proposal.

## **PROPOSITIONS**

### **Proposition EE - Cigarette, Tobacco and Nicotine Products Tax**

This proposal is a referred measure from the legislature to increase tobacco taxes.

**Major Provisions:**

- Increases taxes on cigarettes and tobacco products;
- Creates a new tax on nicotine (vaping) products; and
- Authorizes the new tax revenue to be spent on expanded preschool programs, K-12 education, affordable housing, eviction legal assistance, tobacco prevention, health care and general state spending.

**Background:**

This measure would incrementally increase cigarette and tobacco product taxes and create a new tax on nicotine products such as e-cigarettes.

Cigarettes are currently taxed in Colorado at a statutory rate of 20 cents per pack (one cent per cigarette). In 2004, Amendment 35 authorized an additional constitutional tax of 64 cents per pack (3.2 cents per cigarette), for a total state-levied cigarette tax of 84 cents. Proposition EE would incrementally increase the statutory cigarette tax rate to \$2.00 per pack (10 cents per cigarette) by July 2027, increasing the total state-levied cigarette tax to \$2.64 per pack.

Colorado currently taxes tobacco products (cigars and tobacco designed to be chewed or smoked in a pipe) at a statutory rate of 20% of the manufacturer's list price (MLP) and a constitutional rate of 20% of the MLP for a total rate of 40% of the MLP. This measure would incrementally raise the statutory tax rate to 42% by July 2027 for a new total tobacco products tax rate of 62% of the MLP.

While nicotine products such as e-cigarettes are currently not taxed in Colorado, this ballot measure would create a tax on nicotine products that would match other tobacco products' tax rates. The rate would begin at 30% of the MLP in 2021 and would increase gradually to 62% of MLP by July 2027.

During the first three years after passage, funding would be directed to the state's general fund and primarily used for K-12 education, rural schools, affordable housing development and eviction legal assistance. Revenue would subsequently be dedicated to health and education programs, including

expanded preschool programs (which will receive the primary funding), tobacco education, health care and general state spending. The new revenue would be used to offer at least 10 hours per week of free preschool to every child in their final year before kindergarten, beginning in the 2023-24 school year.

**Those in favor say:**

1. The proposed cigarette, tobacco and nicotine vaping taxes should reduce consumption of highly addictive and harmful products that cause cancer, heart and lung disease. Colorado has one of the lowest taxes on tobacco and no tax on vaping products, while also having one of the nation's highest rates of nicotine vaping among youth
2. This measure would fund an innovative, first in the nation approach to preschool. Providing access for up to 10 hours a week of preschool at no cost during the last year before kindergarten would help working families. High quality preschool improves educational, health, and economic outcomes later in life.

**Those opposed say:**

1. Many smokers use vaping products as a way to quit using traditional cigarettes. Taxes on vaping products discourage smokers from quitting. Youth vaping should be addressed through enforcement of existing age restrictions and additional education and prevention
2. These are regressive taxes that disproportionately harm low income users of cigarette, tobacco, and nicotine products. Because these products are addictive, users may continue to purchase them even after a tax increase. The state should not depend on tax revenue from addictive products to fund state programs, especially when the tax is intended to decrease consumption of those products.

## **Proposition 113 - Adopt Agreement to Elect US President by National Popular Vote**

This proposal is a referendum petition seeking voter approval of previous legislation on the National Popular Vote Interstate Compact. \*

**Major Provision:**

- Amends Colorado statutes to allow Colorado to enter into an agreement among states to elect the President of the United States by national popular vote; and
- Takes effect when states with enough electoral votes to form a majority (270) have joined the National Popular Vote Interstate Compact.

**Background:**

The National Popular Vote Interstate Compact is meant to assure that the presidential candidate with the most votes nationally will be elected president. States joining the compact agree to award their electoral votes to the candidate who wins the national popular vote, regardless of the vote in their state.

Currently voters across the United States vote for President and Vice President as a ticket with the total number of votes making up the popular vote. In December following the presidential election,

electors from the Electoral College vote for President and Vice President. The US Constitution gives each state the power to appoint their electors. The Electoral College has 538 electors, the total number of senators and representatives in Congress from each state and the District of Columbia. Colorado has 9 electors. Political parties choose Colorado's electors. In order to win the presidency, a candidate must receive 270 of the 538 Electoral College votes. Colorado, along with all other states except Nebraska and Maine, awards all of its electoral votes to the candidate who wins the state's popular vote. If no candidate receives a majority of Electoral College votes, the House of Representatives chooses the President while the Senate chooses the Vice President. The last time this happened was 1824. There have been five elections which had different results between the popular vote and the Electoral College vote. The most recent ones were in 2000 and 2016, and the remainder were in the 1800's.

The Colorado General Assembly passed legislation to join the compact in the 2019 session. Voters in Colorado have the ability to petition to review legislative actions. A petition effort gathered sufficient signatures to place this question on the 2020 ballot.

This proposal commits Colorado to award its electoral votes to the candidate for president who wins the largest share of the national popular vote. It will only take effect when states with enough electoral votes (270) to form a majority have joined the compact. Currently 15 states and the District of Columbia with 196 electoral votes have joined the compact. These numbers include Colorado.

**Those in favor say:**

1. The National Popular Vote guarantees the Presidency to the candidate who receives the most popular votes in all fifty states and ensures one person equals one vote in every Presidential election no matter where the voter lives. In 2019, the legislature and the Governor added Colorado to the National Popular Vote interstate agreement. Colorado became the 15<sup>th</sup> state to join. The National Popular Vote will become the way we elect our President once enough states representing the majority of presidential electors join the agreement.
2. The President represents the entire country and should be elected by the majority of all Americans. Every vote for President should be relevant and equal regardless of whether the person votes with the majority of that state or what size of state that person lives in.

**Those opposed say:**

1. Colorado's nine electoral votes should go to the candidate who wins the most votes in Colorado, not California or Texas. National Popular Vote would move presidential election political power to big states and large metropolitan areas
2. The National Popular Vote would result in more polarized elections and less consensus-building. Under the current system, candidates work to build the broadest coalition possible to win a majority of the Electoral College by competing for swing voters in swing states. That helps prevent extreme candidates from succeeding. This proposal would motivate candidates to energize turnout in areas where they are strongest by making extreme promises.

\*A 'Yes' vote retains Colorado's participation in the National Popular Vote agreement.

\*A 'No' vote removes Colorado from the National Popular Vote agreement.

## Proposition 114 - Reintroduction and Management of Gray Wolves in Colorado

This is an initiated proposal to amend the Colorado Revised Statutes to reintroduce and to manage gray wolves to Colorado.

### Major Provisions:

- Develops a plan to manage and reintroduce gray wolves to Colorado west of the Continental Divide by December 31, 2023; and
- Uses state funds to assist livestock owners in preventing conflicts with gray wolves and to pay fair compensation for livestock loss.

### Background:

Gray wolves inhabited the southern Rocky Mountains for years, until 1945, when the last one was killed in southwestern Colorado. Wolves evolved alongside their prey, such as deer and elk. Bringing wolves back will help restore this predator-prey balance, keeping prey and landscape they graze on healthier. Colorado is home to about 710,000 deer and elk, roughly three quarters of which live west of the Continental Divide. There are presently about 2000 wolves in the northern Rocky Mountain region. There have recently been confirmed sightings of gray wolves in Colorado. It is unclear if it is a self-sustaining population.

If this proposal is approved, the Colorado Parks and Wildlife Commission will hold statewide hearings about scientific, economic, and social considerations, and include public input on updated plans. The Commission would be responsible for wildlife management and regulation activities. They would work in conjunction with the US Fish and Wildlife regarding any federal endangered species designation, and would need federal approval prior to reintroduction of the gray wolves.

### Those in favor say:

1. Reintroducing wolves would go far to restore the natural balance to the Colorado Rocky Mountain wildlife for generations to come. Without them the deer and elk population can overgraze sensitive habitats. This would ensure a permanent gray wolf population to the state and would benefit the fish, wildlife and plant communities of the region, including growth of streamside vegetation that has benefited fish, amphibians, beaver and songbirds.
2. This has been done in other states with successful recovery efforts.

### Those opposed say:

1. The presence of wolves can cause conflict with humans and animals that live in Colorado. Gray wolves are known to prey on livestock, particularly when the deer populations are low in certain areas of the state.

2. Since gray wolves from neighboring states have already been seen, it seems that wolves may be establishing their own presence, making a program unnecessary. Allowing wolves to come back on their own would give Coloradans more time to adapt to their presence.

## **Proposition 115 - Prohibitions on Late-Term Abortions**

This is an initiated proposal to amend the Colorado Revised Statutes to prohibit an abortion after 22 weeks gestational age of the fetus.

### **Major Provisions:**

- Prohibits abortion after 22 weeks gestational age of the fetus;
- Allows an abortion after 22 weeks when necessary to save the life of the mother;
- Provides for a criminal penalty for anyone who performs an illegal abortion; and
- Suspends for three years the medical license of a physician who performs an illegal abortion.

### **Background:**

Current Colorado law allows abortion at any time during a pregnancy. Prenatal screening for genetic and structural fetal abnormalities are typically completed before 22 weeks. The U.S. Supreme Court has ruled that a woman has the right to choose to have an abortion before the fetus is viable. Further regulation comes from the states which may regulate or prohibit abortions after fetal viability. The state law must contain exceptions for pregnancies that endanger the woman's life or health.

There are only 6 other states and 5 countries in the world that permit late abortions.

### **Those in favor say:**

1. This measure places a reasonable restriction on abortion after viability, while still allowing a pregnant woman several months to make a choice about her pregnancy.
2. The measure also provides an exception that allows an abortion after 22 weeks when necessary to save the life of the mother.
3. In no case, can a woman be criminalized or penalized for seeking an abortion if this measure passes. This is a balanced approach with reasonable exceptions to a very personal issue.

### **Those opposed say:**

1. This one-size-fits-all measure would hurt real people going through unimaginably complicated personal situations.
2. Decisions around pregnancy are best made by a woman and her family, in consultation with her doctors and in accordance with her faith – not by politicians.
3. This proposal is an intentionally confusing initiative being pushed by many of the same politicians and groups who have repeatedly tried to ban abortion outright in Colorado.

## **Proposition 116 - State Income Tax Rate Reduction**

This proposal is an initiated amendment to the Colorado Revised Statutes which decreases the state income tax rate from 4.63% to 4.55%.

### **Major Provisions:**

- Reduces the state income tax rate from 4.63% to 4.55% for all taxpayers on federal taxable income of every individual and corporation beginning on January 1, 2020.

### **Background:**

The change from a progressive tax system to a flat 5% income tax for all taxpayers went into effect in the mid-1980s. The new income tax system resulted in large tax receipts for the state. These were diverted to Colorado taxpayers in the form of refunds through an initiated constitutional amendment TABOR (the Taxpayers Bill of Rights) approved by Colorado voters in 1992. The tax rate was lowered to 4.63% in the 2000's by the legislature. Any change in the TABOR amendment or any new tax levied by Colorado governments must be approved by a vote of the people.

State income tax collections are the main source of General Fund revenue which is the primary source for financing state government operations. Currently, most of the money in the General Fund is spent on health care, education, human services and other state programs.

### **Those in favor say:**

1. This proposal reduces income taxes for ALL Colorado taxpayers. With so many people out of work and struggling financially from the hardships of the COVID 19 pandemic, Coloradans need to keep more of their hard-earned money. Small businesses need relief from their tax burden in these hard times.
2. State revenue has risen every year for a decade. This proposal would decrease state revenues by less than 0.5% of this year's budget. The last time Colorado made a modest reduction to its income tax rate, the state's economy expanded. Income tax revenues actually increased by more than double the rate of inflation. Private enterprise, not more government spending, drives job creation and economic growth, which Coloradans need more than ever.

### **Those opposed say:**

1. Few taxpayers would benefit from the proposed tax cut. About 75% of taxpayers would receive less than \$50 a year. Wealthy people with incomes over \$500,000 which represents less than 2% of taxpayers, will receive over half of the total tax savings.
2. Colorado's economy and its people have suffered from the COVID economic and health crisis in recent months. The cuts in revenue following a tax cut would add to the losses in education, transportation, health care and other state services. At a time when much additional aid is needed, there will only be reduced funds to aid Coloradans. Resulting layoffs and reductions of critical state services will damage Colorado's economy and quality of life even more.



## Proposition 117 - Voter Approval for Certain Fee Based Enterprises

This proposal amends the Colorado Revised Statutes to require voter approval for some fee based enterprises.

### Major Provisions:

- Requires voter approval for state enterprises which have or are projected to have revenues of more than \$100 million from fees in the first five fiscal years; and
- Combines the revenue collected for enterprises which are created simultaneously or within the preceding five years and serve the same purpose when calculating the amount of revenue.

### Background:

The Colorado Constitution defines a state enterprise as a government-owned business which issues bonds and receives less than 10% of its annual revenue from the state. It receives its revenue in return for providing a good or service. This definition was included in the 1992 TABOR amendment. Since 1992 the number of state enterprises has risen from 6 to 22, and the amount of enterprises funds grew from \$742 million dollars in 1993 to \$17.9 billion in 2018. Enterprises range from Division of Wildlife (began in 1992) to the Front Range Waste Diversion Enterprise (began in 2019). All of these entities charge fees for services only from the persons using those services and none of that revenue is treated as taxes that fund general services. These revenues do not count toward the TABOR revenue limit.

Many counties and municipalities in Colorado also operate enterprises. This proposal does not affect any of them.

The proposal will require voter approval of any new enterprise that is projected by legislative fiscal personnel to receive fee revenue of more than \$100 million in its first five years. If an enterprise actually receives funds in the first five years in excess of \$100 million, it will have to get voter approval. After the first five years, it will not have to go to the ballot. If more than one enterprise is created which serves essentially the same person, all of their funds will be added together to measure for the \$100 million voting threshold. If passed, this legislation will go into effect January 1, 2021. It will impact only the enterprises authorized after that date.

### Those in favor say:

1. Fees are growing exponentially and this revenue falls outside of TABOR limitations. Use of enterprise fees is just a way to get around TABOR.
2. To make legislators accountable, this money should be made subject to oversight. Voting on fees puts the power in the people's hands. These fees are no different than taxes and should undergo voter approval.

### Those opposed say:

1. Enterprise rules were approved under TABOR and are operating now as they were intended.
2. The enterprise fees make those who use the services provided pay for them, not all taxpayers.



## **Proposition 118 - Paid Family and Medical Leave Insurance Program**

This initiated proposal amends the Colorado Revised Statutes to create a statewide paid family and medical leave program.

### **Major Provisions:**

- Creates a statewide paid family and medical leave insurance program and division within the Department of Labor & Employment;
- Provides partial wage replacement for up to 12 weeks a year for eligible employees taking time off for medical reasons or to provide care to family members; and
- Requires premium payments be split between employers and employees.

### **Background:**

This proposal would create a state-run paid family and medical leave insurance program. Employees qualify to participate in the program if the employee has worked for her/his current employer for at least 180 days. Self-employed individuals may opt into the plan.

Qualifying employees receive a portion of their regular weekly pay, not to exceed \$1,100 per week, for up to 12 weeks per year. Benefits are payable for an additional 4 weeks (16 weeks total) to eligible individuals with a serious health condition related to pregnancy or childbirth complications. Benefits are paid on a bi-weekly basis.

Qualifying conditions covered by the program include an individual's serious health condition; caring for a newborn child, an adopted child, or a child placed through foster care for the first year; caring for a family member with a serious health condition; circumstances related to a family member's active military duty; an individual's need for safe leave due to domestic abuse, sexual assault or abuse, or stalking.

Premiums are collected through payroll deductions and the employer is required to remit the employer and employee contributions to the Family and Medical Leave Insurance Division within the Colorado Department of Labor & Employment (CDLE). Employer and employee premium payments begin on January 1, 2023 and premiums are split evenly between employer and employee. The initial premium amount is equal to 0.90 percent of the employee's wages in the program's first two years. (Premium amounts beginning in 2025 will be set at an amount necessary to obtain the total amount of premium contributions equal to 135 percent of the prior year's claims and 100 percent of the cost of program administration. Premiums may not exceed one and two-tenths of a percent of an employee's wages.) Employers with approved private family and medical leave plans are not required to pay premiums provided the private plans provide employees with the same benefits and protections.

Employees taking leave are protected against discrimination and retaliatory measures by the employer and, upon return to work, must be restored to the position held by the employee when the leave commenced, or be restored to an equivalent position with equivalent pay, employment benefits, and other terms and conditions of employment.

**Those in favor say:**

Nearly everyone will need to take time to care for themselves, a newborn baby, or a seriously ill family member at some point. But, today, only one in five Colorado workers has access to paid family and medical leave and those that need it the most are the least likely to have it. A lack of paid family and medical leave coverage has become glaringly obvious during the coronavirus pandemic.

This proposal would make sure 2.6 million hard-working Coloradans can put their families first without having to risk losing their job. It also protects small businesses by allowing them to offer paid leave to their employees without having to pay for it, helping them compete with large corporations who can afford to offer this type of a benefit.

**Those opposed say:**

This measure is a \$1.3 billion tax increase that requires employees to pay into a program that they may never benefit from using. Employees are already faced with job uncertainty in the current economy and cannot afford to lose part of their salary or other benefits. If the demand for the benefit is higher than expected, employees will be expected to contribute an even larger percentage of wages in the future or sacrifice other workplace gains.

This measure creates a new and expensive bureaucracy with almost 200 employees, a director that is a political appointee and has little accountability. With so many unmet needs in Colorado like teacher pay and transportation, this is a program we cannot afford.

## **THE LEAGUE'S WORK**

**VOTING RIGHTS:** Voting is a fundamental right and all eligible voters should have the equal opportunity to exercise that right. We are dedicated to ensuring that our elections remain free, fair, and accessible.

**ELECTIONS:** We are all equal at the ballot box, but only if we vote. We engage millions of voters every year, ensuring Americans have the information they need to participate in elections that determine our future.

**ACTION:** The League acts on public policy issues, supporting or opposing issues. Action may include workshops for members, lobbying government officials, petition drives, publishing information for the general public and the news media, and holding public forums.

## **THE LEAGUE'S COLORADO IMPACTS**

- Support of Automatic Voter Registration (2019)
- Passage of Amendments Y & Z, creating independent redistricting commissions (2018)
- Strong support of Voter Access and Modernized Elections Act, authorizing same-day voter registration and mailed ballots to all registered voters (2013)
- Support of Voter Preregistration at Age 16 (2013)
- Transparency of Elections and Colorado Open Records Act (2012)