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VOTER GUIDE



The following are Independence Institute's voting recommendations based on our review of the statewide and select local ballot measures.

STATEWIDE MEASURES

Amendment G – Modify Property Tax Exemption for Veterans with Disabilities

Our Recommendation: YES

This amendment would increase the number of disabled veterans (by about 3,400) who qualify for a property tax exemption. Currently, the homestead exemption is limited to veterans with service-related disability rated 100 percent permanent. Upon voter approval, the exemption would be expanded to those classified as having “individual unemployability” status. Because this is an amendment to the Colorado constitution, a 55% majority is required to pass it.

Our veterans have put their lives and limbs on the line to secure our freedom. We support expanding property tax exemptions to those veterans who are unemployable due to service-related disabilities.

Amendment H – Judicial Discipline Procedures and Confidentiality

Our Recommendation: YES

This measure would create a new administrative board to preside over ethical misconduct hearings involving state court judges. The board would be comprised of an equal number of judges, attorneys, and citizens, but they would all be appointed by the Governor and the Colorado Supreme Court. The board would conduct disciplinary hearings and hear appeals of informal remedial sanctions handed down by the Commission on Judicial Discipline. Because this is

an amendment to the Colorado constitution, a 55% majority is required to pass it.

The amendment was brought forward due to a string of scandals in the judicial branch and has the potential to be a positive first step in rectifying existing issues and regaining public trust in the judiciary.

Amendment I – Constitutional Bail Exception for First-Degree Murder

Our Recommendation: NEUTRAL

This amendment would make persons arrested and charged with first degree murder ineligible for bail if prosecutors could prove they had a strong enough case. The state constitution currently says only those who have committed “capital offenses” can be denied bail.

This has been deemed a problem since the repeal of the death penalty in 2020 because first degree murder no longer meets the “capital offence” criteria without execution as a potential punishment. Because this is an amendment to the Colorado constitution, a 55% majority is required to pass it.

Amendment J – Repealing the Definition of Marriage in the Constitution

Our Recommendation: YES

It is generally Independence Institute policy not to weigh in on social issues, including same-sex marriage. However, this amendment would simply remove a section of the Colorado Constitution that defines marriage exclusively as a union between a man and a woman— language that is no longer valid

law—to align the state with rulings issued by the U.S. Supreme Court, the Colorado Supreme Court, and legislation enacted by the federal government. Despite being an amendment to the Colorado Constitution, the fact that Amendment J is repealing a section of the constitution means it only requires a simple majority to pass, rather than the usual 55%.

Amendment K - Modify Constitutional Election Deadlines

Our Recommendation: NO

This amendment would move the deadline up by one week for citizen initiatives to file their petition signatures. The changes would give the Secretary of State and county clerks extra time to finalize content of ballots before they must be printed and sent to voters. Because this is an amendment to the Colorado Constitution, a 55% majority is required to pass it.

While extra time to finalize content of ballots might be beneficial to the Secretary of State and county clerks, those benefits should not come at the expense of citizens wishing to make their voices heard at the ballot. Amendment K would reduce the time for citizens to gather and submit petition signatures to get a proposed initiative on the ballot, an already difficult and extremely costly procedure. As such, we recommend a no vote.

Amendment 79 - Constitutional Right to Abortion

Our Recommendation: NO

It is generally Independence Institute policy not to weigh in on social issues, including abortion. This amendment, however, goes beyond questions of morality surrounding abortion to include the potential for future taxpayer-funded mandates for public health insurance plans.

This amendment would explicitly protect access to legal abortion via the constitution. It also would remove Colorado's 40-year-old ban on the use of public funds for abortion services. This would allow Colorado to cover more abortions under Medicaid and state and local governments to add abortion coverage to their employee health insurance plans. Because this is an amendment to the Colorado Constitution, a 55% majority is required to pass it.

Abortion is already legal without any gestational limits in Colorado. The failure of this measure at the ballot would not change that. It would, however, prevent the

Colorado General Assembly and local governments from creating new public health insurance coverage mandates, keeping taxpayers off the hook for funding procedures that may or may not violate their conscience.

Amendment 80 - Constitutional Right to School Choice

Our Recommendation: YES

This amendment would establish the right to school choice in the Colorado Constitution for children in kindergarten through 12th grade and create the right for parents to direct the education of their children. It would also define school choice to include public neighborhood and charter schools, private schools, home schools, open enrollment options, and "future innovations in education." Because this is an amendment to the constitution, a 55% majority is required to pass it.

As one of Colorado's original school choice advocates, Independence Institute has long worked toward the expansion of educational opportunities for Colorado kids ranging from charter schools to private schools to homeschool. For that reason, and because we believe the failure of this initiative would send an inaccurate message to already hostile policymakers, we recommend a yes on Amendment 80.

However, voters should note that this amendment does NOT create a new school choice program or expand existing options for parents. Instead, it creates the possibility of lawsuits on the issue of choice that may or may not lead to new--or preserve current--school options in the future. If passed, care will be required to ensure that the language of this amendment is not used by lawmakers or the courts in a way that leads to expanded government influence or control over independent schools and providers.

Proposition Jj - Retain Additional Sports Betting Tax Revenue

Our Recommendation: NO

This proposition would ask voters to allow retention of all revenues collected from sports betting. The additional money would be used for water conservation and protection projects.

TABOR is a key provision in Colorado's constitution to protect taxpayers from government growth and overreach. Propositions like this seem appealing to many because they only affect a small proportion of the

populace and because sports betting is often considered a vice. It is convenient to say “Sure, raise taxes on them because it doesn’t affect me.” But what happens when the government wants to tax you on one of your hobbies?

In this endless cycle of taxation, it is the government who wins and takes more money than it needs for oftentimes wasteful projects. We recommend a no vote.

Proposition KK - Firearms and Ammunition Excise Tax

Our Recommendation: NO

This proposition would ask voters to impose a new 6.5 percent excise tax on gun and ammunition sales. The tax would be paid by gun dealers, manufacturers, and ammunition vendors, who would then pass the cost on to consumers. Although Colorado state government spending is at a record high, the legislature cut funding for behavioral health support for veterans and youth, school safety and gun crime prevention programs, and services for victims of domestic violence and other violent crimes; the new tax would replace the funds the legislature cut.

The federal government already levies a 10 percent excise tax on handguns and an 11 percent tax on all other firearms and all ammunition to fund conservation efforts. If passed, the new 6.5 percent tax would be additive to the federal government’s and would make Colorado only the second state in the country (behind California, of course) to levy a state excise tax on gun and ammunition sales.

To quote Governor Jared Polis, “In effect, when you tax something, you penalize it.” Coloradans have a state and federal constitutional right to keep and bear arms. Those exercising that fundamental right should not be “penalized” in order to compensate for crimes they did not commit.

The added tax also risks exacerbating socioeconomic disparities in who has access to the best tools to defend themselves by pricing those with limited economic means out of the ability to purchase and train with firearms.

Proposition 127 - Prohibit Bobcat, Lynx, and Mountain Lion Hunting

Our Recommendation: NO

This initiative would permanently end hunting seasons for mountain lions and bobcats in Colorado. It would also bar the state from allowing lynx hunting should

the species ever be delisted by the Feds as “endangered.” The animals could still be killed by state or federal employees for population management, or, with state permission, by ranchers to prevent livestock depredation.

Policymaking by duplicity is no way to govern a state. The proponents of the Proposition 127 ban have compared the lawful taking of mountain lions to “trophy hunting” to give the impression that the animals are merely killed for sport and left to waste. Yet, current Colorado law explicitly requires all successful mountain lion hunters to prepare their quarry for human consumption, and many thousands of Colorado hunters do just that each year.

The measure is also not about the health of Colorado’s big cat populations. Colorado Parks and Wildlife biologists estimate that the state’s population of mountain lions has grown since the species was classified as a big game species in 1965, as has the state’s bobcat population.

Instead, the measure is about using the force of law to take away long-cherished practices of certain residents that offend the sensibilities of urban Colorado, the latest instance of waging culture war at the ballot box. The ban would have both direct and indirect economic impacts by ending the big cat hunting industry. A larger, unmanaged big cat population could damage other big game populations and increase big cat encounters in rural and exurban areas of the state.

We hope that the voters of Colorado have learned their lesson from the reintroduction of wolves about the perils of ballot-box biology and opening new fissures between urban and rural parts of the state. We strongly recommend a no vote.

Proposition 128 - Parole Eligibility for Crimes of Violence

Our Recommendation: YES

Proposition 128 would require persons convicted of certain violent crimes to serve at least 85 percent of their sentence in prison before being eligible for parole. It would also make a person convicted for the third or more times of certain violent offenses ineligible for parole.

We agree with the idea that violent offenders, particularly those who repeatedly victimize others through violent criminal acts, should remain incapacitated and

removed from our communities until they have paid their debts to society.

Voters should temper their expectations about the impact of this measure, in that judges will likely just reduce their sentencing to account for the new requirement. The measure does not create minimum sentences for certain crimes. And judges are fully aware of the percentage of time served behind bars when they order a sentence. The measure also risks taking away a potential tool for encouraging good behavior behind bars.

On balance, however, it is the duty of a well-governed state to remove violent offenders from polite society to preserve public order and enable human flourishing. We recommend a yes vote, with an understanding that it may be a modest change.

Proposition 129 - Establishing Veterinary Professional Associates

Our Recommendation: YES

This initiative would create a new mid-level position between a vet technician (2-year associates degree) and a veterinarian (8 or more years of education). Functioning similarly to a Physician's Assistant (PA) role in human health care, the position would be for those with a master's degree and given the title of a veterinary professional associate or VPA. VPAs would be licensed and regulated by the State Board of Veterinary Medicine and could diagnose, perform routine surgeries, and order/perform tests and procedures under supervision of a licensed veterinarian.

It is no secret that Coloradans love their pets. Unfortunately, the state is also facing a shortage of veterinarians to care for those pets, particularly in rural Colorado. Creating a VPA position would help ease this problem by allowing educated and highly trained animal medical professionals to enter practice more quickly to help shoulder some of the workload of existing veterinarians.

Ultimately, Proposition 129 is a positive "scope-of-practice" reform for animal healthcare that has the potential to help pet owners get increased access to quality veterinary care at lower costs. We recommend a yes vote.

Proposition 130 - Funding for Law Enforcement

Our Recommendation: YES

Proposition 130 would direct the Colorado General Assembly to make a one-time \$350 million appropriation from the General Fund to a newly created "Peace Officer Training and Support Fund" administered by the Department of Public Safety (CDPS).

The CDPS would be tasked with distributing that money in grants to local law enforcement agencies to improve officer recruitment, training, and retention. It would also require the state to provide a one-time \$1 million death benefit to the family of each state and local law enforcement officer killed in the line of duty. The state would be required to maintain the benefit even after the initial \$350 million fund is depleted.

It should be noted that the measure does not specify when legislature must make the \$350 million appropriation to create this new fund, meaning lawmakers could put it off potentially indefinitely. It does, however, require the money to come from existing General Fund revenue rather than from a new tax.

Proposition 131 - Establishing All-Candidate Primary and Ranked Choice Voting General Elections

Our Recommendation: Neutral

This initiative would end party primaries in favor of jungle primaries for candidates running for certain offices, including Governor, state and federal legislative seats, Attorney General, and Secretary of State. All qualified candidates, regardless of party affiliation, would be put on the same primary ballot to be voted on by all registered voters. The top four vote getters would then move on to the general election, where a winner would be selected by voters rank-ordering candidates by preference. The winner is then determined by tabulating the ranked votes using a method called instant runoff voting, whereby the candidate with the least number of first-choice votes is eliminated in rounds until a candidate secures more than half of the active remaining votes.

Overall, we like the measure's innovative approach to shaking up a stale system for selecting candidates for office. A jungle primary could force candidates to campaign on issues that appeal to a broader cross-section of voters, rather than just to committed partisans that may or may not be representative of the rest of the state.

However, we have some concerns that ranked-choice voting could add complexity and expense to conducting elections, especially in the short-run. This, in turn, could risk reduced trust in election integrity. The state legislature has also erected a series of benchmarks that must be hit before the measure, even if it is adopted by the voters, can take effect.

Because of the potential upsides as well as the lingering uncertainty surrounding the measure, we remain neutral on Proposition 131.

SELECT LOCAL MEASURES

Initiated Ordinance 309 - Denver Slaughterhouse Ban

Our Recommendation: NO

This measure would outlaw existing slaughterhouses and the future construction, maintenance, and use of slaughterhouses in Denver. The measure targets a single factory which is employee-owned and employs over 150 Coloradans. The Denver facility accounts for 15-20% of lamb processing capacity in the US.

If the measure were to pass, the largest lamb packing plant in the US would be forced to close by 2026. The measure would likely cut thousands of industry-related jobs, cut hundreds of millions of dollars in Colorado's economic activity, and disrupt meat supply chains. For these reasons, we recommend a no vote.

Ballot Issue 1A - Adams County Water District De-TABOR

Our Recommendation: NO

This measure would ask Adams County voters to exempt future tax revenue for the South Adams County Water and Sanitation District from TABOR limits. Those additional funds would ostensibly go toward improving the community's water quality.

TABOR is a key provision in Colorado's constitution to protect taxpayers from government growth and overreach. Once exempt from TABOR, the government will likely never again ask citizens to restrict their revenues, growth, or spending.

Rather than constantly collecting more taxes from taxpayers, local governments should be more effective in how they spend our money. TABOR limits and refunds give more agency to individuals to spend or save their

own money based on their personal necessity, rather than government mandate for unproven programs.

Ballot Issue 1A - Arapahoe County De-TABOR

Our Recommendation: NO

This measure would ask voters in Arapahoe County to permanently exempt future tax revenue from TABOR limits. Arapahoe is one of thirteen counties still working within TABOR limits. Proponents claim that demand for services has outpaced revenues, and essential services could be cut in 2025 without "deTABORing."

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Rather than constantly collecting more taxes from taxpayers, local governments should be more effective in how they spend our money. Arapahoe County is above average in total assessment evaluation and mills levied on properties compared to other counties, suggesting the need for more efficient resource allocation. We recommend a no vote.

Ballot Issue 1A - Jefferson County De-TABOR

Our Recommendation: NO

This measure would ask voters if Jefferson County would be allowed to collect, retain, and spend the full revenues from authorized revenue sources beginning in Fiscal Year 2024. The funds would be used for transportation, infrastructure, and public safety.

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Rather than constantly increasing revenues from taxpayers, local governments should be more effective in how they spend our money. Jefferson County is above average in total assessment evaluation and mills levied on properties compared to other counties, suggesting the need for more efficient resource allocation.

In 2023, Jefferson County overcollected almost \$40 million that was then returned to taxpayers. By "deTABORing," Jefferson County taxpayers would forever forgo such reimbursements and their right to restrict

exorbitant increases in government revenue. We recommend a no vote.

Issue 7A - RTD De-TABOR

Our Recommendation: NO

This measure would ask voters to permanently spare RTD's entire budget from TABOR limits. The agency currently has two different TABOR exemptions for its budget, with one expiring this year and the other in 2050.

Rather than being allowed to keep all revenue for its massive budget of approximately \$1 billion, RTD should prove to voters that it can be run effectively and efficiently. Use of RTD is falling, as is its approval rating. People feel unsafe on light rails and buses. Existing service lines are inconsistent. Long-awaited projects for which tax money has already been devoted remain non-existent. Of course, RTD will argue that if only it had more money, then it could improve its safety and services. But where is the track record of success to prove that? We recommend a no vote to help restore RTD TABOR refunds to taxpayers so they can choose to spend their dollars as they see fit.

JUDICIAL RETENTION

Three members of the Colorado Supreme Court are up for retention on the 2024 statewide ballot: former Chief Justice Boatwright, newly appointed Chief Justice Marquez, and Justice Berkenkotter.

This election marks the first time that the Institute has weighed in on judges, and we are not endorsing any position. However, we have decided to link to two important views:

1. The recommendations of Colorado Legislative Council in their role as drafters of the Blue Book:



2. The views of former Chief Justice of the District Court in Pueblo, Judge Dennis Maes from his article on *CompleteColorado.com*.



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