

INDEPENDENT

# Inking

FALL | 2023

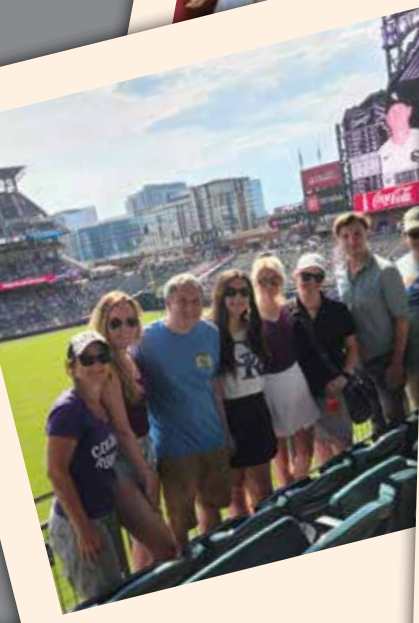
A publication of



INDEPENDENCE  
INSTITUTE.ORG



Introducing our  
Liberty Scholarship  
- PAGE 5



Bob and Elaine Collins







## THINK FREEDOM

### WE ARE AN ACTION TANK AND A PUBLIC RELATIONS FIRM FOR LIBERTY.

A central role of an effective think tank is to produce quality research and analysis. Since 1985, we have provided research resulting in changes in law and policy. But we have never been content with just research. We are more than a think tank. We are an "action tank." We put our ideas into action through groundbreaking litigation, coalition building, work on ballot initiatives, new media and investigative reporting. We don't just fight on paper. We fight for freedom on the streets, in the statehouse, in the media, on the ballot, and in the courts.

The mission of the Independence Institute is to empower individuals and to educate citizens, legislators and opinion makers about public policies that enhance personal and economic freedom.



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# An HH Victory Lap

By Jon Caldara, President

Our defeat of Proposition HH is just another in our long line of victories protecting Taxpayers.

I wrote back in May that HH would go down in flames because of the early work we did to build an accurate and early narrative against it which would only accelerate to Election Day.

Our analysis, reports, videos, podcasts, meetings with legislators and reporters while HH was being launched set the stage for its defeat. Continuing that work along with a coalition of activists and allied organizations kept the momentum going.

I could tell you in May with complete certainty HH was doomed because of the nearly 40 years of experience and capacity-building we have created at Independence. We killed HH before it became an emergency to defeat it.

Surviving another Election Day gives us an opportunity to step back and get perspective on what the mission of Independence Institute really is. While the Election Day closest on the calendar is an important part of what we do, by design the election eight to ten years out is far more important.

One of the reasons Colorado has lost so much of our personal and economic liberty in the last decade is because so many conservatives and libertarians keep placing their precious time and treasure on the election immediately in front of them. It feels so urgent. Always urgent! Every single time!

But the cost of spending resources at the expense of the **urgent** is that there is precious little left to invest in the **important**—building out all the capacities (which can take decades to do so properly) to ensure elections ultimately bend towards liberty.

Independence Institute focuses almost exclusively on the **important**, which is not as flashy, and therefore harder to fund, but it is what *always* shapes the future.

The progressives of Colorado understood this when they saw what Independence was building. They copied us, added a few zeros to their budgets, and therefore leapfrogged our success. Now, some 15 years later, they are reaping the policy victories.

Since 1985, Independence Institute has led the fight for Freedom in Colorado. Our research, education, and advocacy have changed public opinion, law, and policy. And our record shows it.

If you like Colorado's Taxpayer's Bill of Rights (TABOR), well that was us. If you like the state's flat income tax, and that it's been lowered at the ballot box to only 4.4%, well that was us too.

If you like the state's charter school laws, our term limits, our open records and open meetings laws, our concealed carry laws, and other liberty-minded reforms, well, then you know of our work.

Coloradans crave the freedom to direct their own lives. Colorado's leftist turn is an aberration. It is not permanent, but only if we so choose.

It is our sacred mission to build the long-term machinery to make Colorado again the place that draws the innovators, builders, risk takers, and creators to unleash their talents.

We know that in the fight for liberty, the battle is not just the next election. We are not excited by the next politician or personality. We are not part of a political party. We take a long-term view to change the political culture and build a freedom infrastructure of capacities that make future policy victories inevitable.

**We think differently. Therefore, we act differently. Therefore, we win.**





# How Federal Subsidies Distort Colorado Energy Policy

By Jake Fogleman

Corporate welfare has long been an unfortunate feature of U.S. energy policy. A recent government report highlights how much that corporate welfare redounds to the benefit of wind and solar over the resources that form the backbone of the country's energy economy.

The U.S. Energy Information Administration (EIA) released its latest *Federal Financial Interventions and Subsidies in Energy* report in August. The updated report tallied the subsidies that the federal government provided energy producers between fiscal years (FY) 2016 and 2022. It found that nearly half (46 percent) of the \$183.3 billion in taxpayer-funded energy subsidies over that period went to renewables, while just 15 percent went to traditional fuels like natural gas, coal, oil, and nuclear.

Renewable subsidies more than doubled over the period examined, increasing to \$15.6 billion in fiscal year 2022 from \$7.4 billion in 2016. Fossil fuel-based energy resources were subsidized nearly five times less than renewables in the last fiscal year (~\$3.2 billion), while nuclear producers received just \$390 million (~one percent) of the total subsidies doled out in 2022.

The disparity in federal subsidies devoted to renewables is even more staggering when taking into account the amount of energy each resource produced last year.

Fossil fuels produced approximately 80.8 quadrillion British thermal units (Btu) of energy in 2022, according to the report, while renewables in all forms produced just 13.4 quadrillion Btu. That means that on a dollars per unit of energy produced basis, renewables were subsidized 29 times more than fossil fuel-based energy in 2022.



Meanwhile, nuclear produced approximately 8.1 quadrillion Btu (roughly what wind, solar, hydro, and geothermal produced combined) yet received more than 23 times fewer subsidies on a dollars per unit of energy produced basis despite contributing reliable, carbon-free energy.

An increasingly common trope among backers of green energy is that renewable resources are now ready for “prime time” and can out-compete traditional fuels like coal, natural gas, and nuclear in the marketplace. Contrary to those claims, official government data depicts that those sources are hugely dependent on taxpayer largesse.

Given that the report only examines FY2016 through FY 2022, it does not account for the passage of the Inflation Reduction Act, which is expected to ladle an additional \$1.2-\$3 trillion worth of taxpayer gravy on top of wind and solar producers and other green endeavors. It also excludes state and local subsidies, which would almost certainly weight the analysis even further toward renewables in a state like Colorado.

The central tenet of any sensible free-market energy policy must be a level playing field where generation sources compete with one another on cost and value provided to the grid, allowing consumers to respond to unadulterated price signals to arrive at the most efficient energy portfolio.

Instead, what we face is an energy landscape distorted by a combination of subsidies and mandates that greatly advantage some resources (intermittent renewables) over others (fossil fuels and nuclear) to the detriment of taxpayers and the long-term stability of the electric grid.



*Jake Fogleman*

Jake Fogleman is a Policy Analyst with the Energy and Environmental Policy Center. He is a cum laude graduate of Metropolitan State University of Denver, where he studied political science and economics. Jake is a Colorado native.

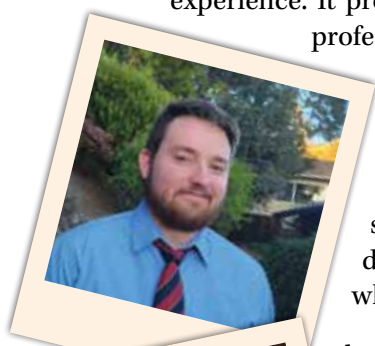
# Liberty Scholarship Already Impacting Future Leaders

Earlier this year, Independence Institute was proud to announce the creation of the Independence Institute Liberty Scholarship, made possible by the generous support of Bob and Elaine Collins. And with the first class of scholarship recipients this summer, the program is already yielding results.

The Liberty Scholarship was founded to recognize extraordinary young people who have shown particular promise as they participate in the Future Leaders Program at Independence Institute.

“Bob and Elaine Collins and Independence Institute share a love of the same values that made Colorado so great, which is a love of personal and economic freedom, respect for strong character and hard work, endless curiosity, and a celebration of taking a risk to create something to bring more value to the world,” commented Jon Caldara, President of Independence Institute.

The scholarship program is proving to be a motivating and impactful aspect of the internship experience. It propels liberty-minded young people to further their academic and professional careers.



We want to tell you about the first two recipients of the scholarship.

**Ben McDougall** interned for our famed David Kopel and spent the summer focusing on the Second Amendment. As a current law student, Ben is grateful that the scholarship will help him pay for school while he works to protect the right to bear arms.



**Anna Grace Holloway** spent the summer learning about Local Government with our Coalitions and Future Leaders Program Manager, Kathleen Chandler. Anna Grace’s ultimate goal is to practice law, and this scholarship allowed her to “dip her toes in the water” of government and public policy.

Opportunities like these propel the next generation into the future equipped with the ideals and principles of freedom.

When asked what he hoped for in our future leaders, Bob Collins replied, “Integrity, initiative, steadfastness, and risk-taking. And they have to believe in themselves. They need to want to make a difference.”

Elaine Collins added, “And I think they need to be willing to put their whole being involved with what they’re doing, I mean to really care. I fully believe that the future is held in the young people that are coming along.”

Caldara went on to comment, “The Collinses invested in building this scholarship with an organization they trust, an organization with longevity and one they trust will always stand for the values they find important.”

The next class of interns is in the midst of their time at Independence Institute, and scholarship recipients will be chosen this winter. And we have even begun to anticipate the third class of interns this upcoming spring.

With this scholarship, Independence Institute will instill the values that Bob and Elaine lived by as they worked to build their success and we hope our students expand those traits as they launch their own lives and careers.

**Independence Institute would like to once again thank Bob and Elaine Collins for making the Independence Institute Liberty Scholarship possible. We look forward to honoring their support by propelling the success of extraordinary Future Leaders.**



Scan to view a video about the scholarship

# How Our Policy Briefings Increased Curriculum Transparency

By Pam Benigno

Michael Wailes, president of the Johnstown-Milliken school board, attended one of our five fall 90-minute school board candidate policy briefings as he was up for re-election. Since then, the district has adopted our model curriculum transparency policy, which I discussed during the briefing. Parents and staff in the district now know that all materials are open for public review.

It has become more difficult for parents to access classroom materials used in their children's schools, especially electronic resources and those used by guest speakers. Parents should have the opportunity to view any materials used with their children while in the care of the school district.

In the spring of 2022, we published *Curriculum Transparency: A Must for Effective Parent-Teacher Partnerships*. The transparency paper is one of numerous policy papers provided to school board members and was discussed during our biennial school board candidate policy briefings.

Aspiring school board members have the opportunity to acquaint themselves with Independence Institute and our diverse range of resources when attending a policy briefing. This was our 10th election cycle to host the meetings. I provided them with a unique perspective on 14 different topics. Once elected, they are unlikely to hear the same view from the education establishment. For example, I emphasized the importance of public school choice, the related laws, and the bipartisan support the laws received during passage. All candidates across the state were invited. This year, we set an attendance record with 72 candidates from 50 school districts.

After our Colorado Springs briefing, one candidate shared that she felt more confident to serve on the board after attending. She had driven two and a half hours for the briefing, believing it would help her better. Another candidate who also made the long drive described feeling like he was drinking from a firehose (in a good way) because of the amount of information presented. He left with a stack of our publications and acknowledged that he had a lot of studying to do.

All candidates statewide receive our school board member handbook which is updated every two years and covers more than 20 topics. As I was updating the handbook this year, I realized that it has become a historical document as it provides valuable background information on many of the issues that have been included over the life of the publication. For instance, the story of the Douglas County School District's former Choice Scholarship Program and the subsequent favorable U.S. Supreme Court rulings.

Our outreach to school board members isn't limited to every two years. Now, it is time to reach out to newly elected members.

**Of the 72 who attended a briefing, 41 won their seats.**



*Pam Benigno*

Pamela Benigno is Director of the Education Policy Center. A tireless advocate for both public and private school choice, she works with education organizations, policymakers, and community leaders to expand school choice opportunities.

# Californian of the Year/ Colorado Gives Day

By Mary Goodley

Colorado Gives Day supports many genuinely terrific organizations that help Coloradans in need. It also supports organizations hell-bent on turning our once liberty-loving state into a workers' paradise.

We decided to balance the scales and became the first limited-government charity to participate in Colorado Gives Day! And thanks to our supporters it's not only raising the needed funding to support our mission, but also anger-

ing a lot of Leftists. You know, the ones trying to turn Colorado into California?

In fact, we give out a "Californian of the Year" award to the person(s) who best symbolizes the command-and-control takeover of Colorado. When we reach our goals on Colorado Gives Day, we send the following gifts to the honorees.

**Join us and help support our mission to keep lowering taxes, protect your rights, and free Colorado!**

Colorado Gives Day Total	Recipient(s)	Christmas gift
\$20,000	<i>Reason Magazine</i> for their puff pieces celebrating Colorado's Governor Jared Polis. There's nothing better than out-of-state experts reporting on how libertarian your communist governor is. Their gift: <i>Libertarianism for Beginners</i> with a foreword by John Stossel.	
\$40,000	<b>Governor Jared Polis</b> for constantly providing contradictory statements while driving the state towards collectivism. His gift: our very first Gaslighter of the Year award.	
\$60,000	<b>Denver Mayor Mike Johnston</b> for helping attract even more homeless people to Denver. His gift: a pooper scooper (seems relatively self-explanatory.)	
\$80,000	<b>The authors of Proposition HH:</b> Sen. Fenberg, Sen. Hansen, Rep. deGruy Kennedy, and Rep. Weissman, for writing a ballot title telling voters HH will lower taxes when in fact it will be the largest tax increase in state history. Their gift: <i>How to Stop Lying: The Ultimate Cure Guide for Pathological Liars and Compulsive Liars</i>	
\$100,000	<b>Collectively the six state legislators who are members of the Democratic Socialists of America</b> for the honesty of labeling themselves as what they truly are—we appreciate the transparency. Their gift: A MacBook split into 6 equal parts so they can share it equally in accordance with their socialistic beliefs.	



# 21st Annual Alcohol, Tobacco & Firearms Party!



President, Jon Caldara presenting the "Worst Male Shooter" award



Quinn Cunningham, lead instructor at FASTER Colorado



Tina Francone, Mark Mowbray, and Andrew Diedrich



Joe Havekost and Eyal Sittenfeld



Morning safety briefing





Cole Underwood, Tim Hoiles, and Fiscal Policy Director Ben Murrey



Laura Carno, Director of FASTER Colorado



After the annihilation of thousands of clay pigeons, ATF Party attendees enjoyed cocktails, cigars and barbeque while listening to our speakers. Lunch was followed by an auction of donated items including an AR-15. Proceeds went to support FASTER Colorado, a program that trains armed school staff to protect children in the event of an active shooter.



Ben Beatty, Chris Beatty, and Vanessa Rutledge



Jon Caldara auctions a butterfly knife, a type of knife that was, until recently, prohibited in California

# Inherent Sovereign Authority and War!

By Jon Caldara

Rob Natelson, our Senior Fellow in Constitutional Jurisprudence, has had his research articles cited 39 times by Supreme Court justices—one of the best records in the nation for any constitutional scholar. So, when he turns his attention to a new topic, it can be noteworthy. Over the past few months, Rob has been working on not one but TWO major new research projects.

In his first project, Rob debunks a strange concept called “the doctrine of inherent sovereign authority,” an extra-constitutional legal theory the Supreme Court occasionally uses to uphold federal government actions not supported by the Constitution. An example occurred just this year when the court refused to strike down Congress’ invasion into child placement and adoptions despite the field traditionally being considered the states’ concern under the Constitution. One reason provided by the Court is the federal government’s “pre-constitutional powers,” another name for inherent sovereign authority.

Rob’s research shows that the historical narrative used to support inherent sovereign authority is bogus. It’s based on a bad reading of several founding documents and on “history” that doesn’t square with the facts. And as icing on the cake, inherent sovereign authority is also the product of a logical fallacy called “petitio principii,” meaning that one’s conclusion assumes the truth of a disputed premise. In this case, the assumption that sovereignty passed to the Continental Congress on July 4, 1776 overlooks the possibilities that perhaps sovereignty lapsed, was passed directly to the people, or was passed to the individual states.

It is known that uncontrolled illegal immigration is contributing directly to the homeless problem in Denver and elsewhere and Rob’s second research project takes the topic head on. Being conducted with Massachusetts scholar Andrew Hyman, it’s about the right of states—particularly border states—to go to war.

Perhaps you didn’t know that the states have any war powers and assume that war is solely the prerogative of the federal government. But if you read the Constitution thoroughly, you’ll find that’s simply not true.

The Constitution explicitly recognizes that a state may wage defensive war, even without federal permission. This is particularly true in cases of, and this is the Constitution’s word, “invasion.”

But does the situation at the Southern border amount to an invasion as the Constitution uses the term? Rob’s answer is, to a significant degree, “yes.” This means that states like Texas and Arizona have the constitutional right to respond militarily. They can use their National Guard (militia) or even call up other troops. They can capture people who are in the state illegally, move them out of the state, battle the Mexican drug cartels, and in theory anyway, even make forays into Mexico!

Of course, Rob doesn’t recommend treating immigrant families seeking a better life as enemy combatants. But there are some real enemy combatants around the border—such as the human smugglers and cartels—and they should be treated as such.



Articles on both topics will be posted to the Constitutional Studies page on the Independence Institute ([i2i.org/constitution](https://www.i2i.org/constitution)) in the coming weeks.

Rob Natelson practiced law for over a decade and served as a law professor for 25 years. He has been Independence Institute’s Senior Fellow in Constitutional Jurisprudence since 1994.



# A History Lesson on Discrimination Against the Right to Bear Arms

By Dave Kopel

In early October I filed an Independence Institute amicus brief in *United States v. Rahimi*, the only Second Amendment merits case currently before the Supreme Court. The case involves the constitutionality of 18 U.S.C. sect. 922(g)(8), which imposes a federal prison sentence of up to 15 years for persons who possess a firearm while subject to certain state-issued restraining orders.

The bottom line of the brief is that subsection 922(g)(8)(C)(i) does *not* infringe the Second Amendment; it restricts the arms rights of individuals who have been found by a judge to be a “credible threat” to an intimate partner or child. In contrast, subsection 922(g)(8)(C)(ii) does infringe the Second Amendment, because it does not require any judicial finding.

The main purpose of the brief is to describe what sorts of historic laws can serve as precedents or analogues for modern gun control laws. The brief agrees with the U.S. Solicitor General that modern laws against persons who have been proven to be dangerous are supported by the common law and by historic statutes against persons who carried arms to terrorize the public or threaten to breach the peace.

However, several amici in support of the Solicitor General, as well as the Department of Justice in cases in lower courts, also rely on old laws based on invidious discrimination—such as against Catholics, slaves, free people of color, and so on. The modern attorneys who cite old discriminatory statutes as precedents in favor of gun control always make a disclaimer that they don’t agree with the old laws, but the attorneys then claim that these laws still guide the current meaning of the right to keep and bear arms.

The amicus brief explains the error of such thinking. Arms rights discrimination has been obliterated by constitutional enactments. It is the constitutional enactments that define our constitutional right to arms. The right is not defined by the old abuses that the constitutional enactments were designed to stop.

The 1689 English Bill of Rights, which is part of the British Constitution and was applicable in America, repudiated deprivation of arms rights because of peaceful political disagreement or because of adherence to a Protestant denomination that was not the established Church of England. The 1689 enactment allowed some restrictions based on economic or social class, and did not protect non-Protestants.

The 1791 Second Amendment rejected arms rights limitations based on religion or class/income. Therefore, the short-lived 1756 anti-Catholic laws in two colonies have no validity as post-1791 precedents for limitations on Second Amendment rights.

The 1865 Thirteenth Amendment abolished all the “badges and incidents” of slavery. Being disarmed is an incident of being enslaved. Hence, the Thirteenth Amendment obliterated the precedential value of earlier statutes forbidding slaves to have arms or allowing possession only with a discretionary license.

All four clauses of section one of the 1868 Fourteenth Amendment finished the work. Prior statutes imposing arms restrictions on free people of color were thereafter negated as precedents for arms restrictions.



“Sergeant Bland Simpson” (1943)  
Original pencil drawing on paper by  
Lt. Karl Robert Rittmann



*Dave Kopel*

Dave Kopel is Director of our Second Amendment Project and our Research Director. He is also an adjunct scholar with the Cato Institute in Washington; and adjunct professor of advanced constitutional law at University of Denver’s Sturm College of Law.

# An Intern's Gun Totin' and Golfing Experience

By Alexander Graff



My name is Alexander Graff and I'm a senior at Oregon State University studying political science. I am also participating in the Koch Internship Program through Stand Together Fellowships and the Charles Koch Foundation. That is how I got the amazing opportunity to work for Independence Institute under Research Director and Second Amendment Project Director David Kopel. This October, I left my remote office in New Jersey to visit Denver and work in-person at Independence Institute for a week.

My week started with the Independence Institute-hosted Center Right Coalition meeting on Monday morning. It was eye opening to see the organization persevering to be champions for Coloradans. From tax issues (vote no on HH!), fiscal policy, homeless and addiction issues, gun rights, and more, the team at II is a force in Colorado politics. After the meeting, Dave and I set off on a scenic drive to the NRA's Whittington Center in the Sangre de Cristo Mountains to work on a new project.

There was plenty to be done once we arrived, but Dave let me know that, time permitting, we would have some fun out on the vast number of gun ranges. After we made it to our cabin late Monday night, Dave and I discussed our lives and professional careers over some college golf. It turns out we have a lot in common. Not only are we both avid believers in the Second Amendment, we listen to similar music and enjoy golf and tabletop games. It was refreshing to discover I share many of the same interests with someone who I regard as a scholarly superstar. By the end of the night, we had planned to do some golfing at the end of the week.

Tuesday came and, sure enough, we made quick work of our project and were able to spend some time out on the Whittington ranges. Between the views of New Mexico and the variety of ranges I experienced, it will go down as a day that I will never forget.

Wednesday and Thursday flew by as I worked on Dave's tasks and my own schoolwork. We had an early tee-time on Friday morning and Jon Caldara joined us at the golf course. With Jon and Dave there together, I tried especially hard to avoid displaying terrible golf skills. Our time on the course was filled with jokes, laughter, advice, and friendly competition.

Saturday marked the end of my trip and was a bit solemn. I found myself wanting to be able to stay for another week as Colorado has so much to offer and see. On the flight home, I couldn't help but feel grateful for the experience and began planning when I could come to the Rocky Mountains again!

I would also like to express thanks and gratitude to Hilleary Waters and Kathleen Chandler for their hospitality and providing me with transportation throughout my stay.

**Thank you, Independence Institute!**



NRA's Whittington Center



# The Best of *Devil's Advocate*

By Margo Finer



**Vanessa Rutledge** with Citizens for a Safe & Clean Denver talks about solutions needed to clean up this city. Does Mayor Mike Johnston have the answers or is it just more of the same failed policies?



**Kelly Maher**, 9News political expert and Colorado Republican strategist, reflects on the suffering state GOP. Can it and should it survive?



**Colorado House Representative Lisa Frizell** talks about the shortcuts taken to bypass stakeholders and citizens to get Proposition HH on the ballot. Would passing Proposition HH take our TABOR refunds forever?



**Jake Fogleman** discusses new modeling that shows Governor Jared Polis' Renewable Energy Plan will quadruple electricity rates and Coloradans will experience 25 hours of blackouts during the coldest winter months.



**Ben Murrey** talks about the outrageously high Colorado property tax bills and how this was planned in 2020 by your Colorado legislature by duping voters into repealing the Gallagher amendment. Now that same legislature is vowing to provide relief, how can you trust them?



**Marianne Goodland**, Chief Legislative Reporter at Colorado Politics, talks about one of the most "nuts" legislative sessions she has witnessed in her lifetime.

# Digital Engagement Continues to Grow

By Margo Finer

Throughout this year, Independence Institute has focused intensely on our digital engagement and platform. Independence Institute has always worked to be innovative with technology in the pursuit of freedom and that has played out in many different ways this year.

Among our new digital advances, Independence Institute expanded our email newsletter outreach and social media work, bringing a greater audience for long-form videos featured on our YouTube channel. As traction on long-form video grew, it created a way to influence mainstream media in Denver. This then enabled us to produce short-form videos that expanded our reach even further, especially on YouTube and Instagram.

Independence Institute's stronger platform will allow us to expand our influence in Colorado, better educate the public, and fight future challenges. Independence Institute will continue to develop and spread its technological wings with goals to reach the next generation of young people and stand strong in the fight for freedom.

<p>Sign up for our email newsletters</p> 	<p>Follow us on Twitter</p> 	<p>Follow us on Facebook</p> 	<p>Follow us on Instagram</p> 	<p>Follow us on YouTube</p> 
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# I Can Talk to Anyone

By Kathleen Chandler

I can talk to anyone, and I do so through the lens of freedom! Along with no fear of connection comes my ability to weave principles that bring to light how freedom allows the most people to flourish the best. I am the Coalitions and Future Leaders Program Manager at Independence Institute and I help people see that they are the solution to the overreach of government and the intellectual decline of our culture.

Through the Future Leaders Program, our student internship program, we do more than just place students. We are working to train and equip the next generation of thought leaders and influencers. Our program pairs selected students (high school-aged and beyond) with our policy experts and program leaders. Each student is given a project to complete with expectations of academic and personal growth and they must submit an article for publication consideration as well.

We have all heard that the idea of freedom is only one generation away from extinction. So, what are **you** doing to ensure that you are not the last to know and taste the sweetness of freedom? Today we need to challenge each other more with ideas that will help Coloradans flourish. **Will you join me in fighting for freedom?** Here are some ways Independence Institute can help you become better informed and increase your effectiveness in spreading the message of freedom:

<p>Attend our Local Government class and learn how to participate on a local level.</p> 	<p>Visit CompleteColorado.com, our news aggregator. While there, click on Page Two for original reporting and commentary.</p> 	<p>Read an article on constitutional law.</p> 
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# Why *Complete Colorado* Matters; the Littleton Edition

By Mike Krause

On September 21, the day before the deadline for pro/con statements on TABOR measures for the local ballot issue notice (a.k.a. the Gray Book), *Complete Colorado* got a tip that the Littleton city clerk rejected a citizens' 'con' submission for Ballot Question 3K, claiming since it wasn't a TABOR issue there would be no Gray Book, and thus no statements would be accepted.

There was just one glaring problem: Question 3K was obviously a TABOR issue, meaning the city clerk was obviously wrong. That's a pretty juicy story, so we jumped on it. But first, some background.

Colorado's Taxpayer's Bill of Rights (TABOR) is best known for requiring governments to get voter consent for new or increased taxes, or to keep and spend tax dollars collected over TABOR's modest revenue limits.

But TABOR also requires local governments to send out a ballot issue notice to registered voters 30 days prior to an election, giving the details of ballot measures that raise taxes, increase debt, or suspend revenue limits—in other words, anything TABOR-related. The guide includes a section where voters can submit 'for' or 'against' comments, up to 500 words each. It's a powerful, though often underutilized, way for regular citizens to have their voices heard about fiscal matters on the ballot. Naturally, governments hate this.

So back to Littleton.

*Complete Colorado* reporter Sherrie Peif reached out to the city clerk, based on information from longtime Littleton activist Frank Atwood (who wrote the rejected 'con' statement), and sure enough, she dug her heels in: 3K wasn't a TABOR issue, so no statements would be accepted.

Ballot Question 3K—referred by city council and ultimately passed by Littleton voters—asked for voter consent to keep and spend revenue collected over the estimate of a previous sales tax increase (Ballot Question 3A in 2021). In other words, it was obviously a TABOR issue. But don't take my word for it. The City of Littleton even said so on its website, explaining that voters were seeing the question on the ballot because "TABOR requires revenue generated above the required estimates to be either refunded or subjected to a ballot question to retain them."

When Sherrie asked the clerk to send along any documentation justifying that decision for a story, she was told she'd have to contact the city attorney. So she did, along with a couple election law experts (who all said the same thing: of course it's a TABOR issue).

Within hours, the city attorney called back. Turns out it was all just a big misunderstanding, you see. There must have been some confusion somewhere along the line, as 3K was indeed a TABOR issue, and of course there will be a ballot guide sent out, and Mr. Atwood is welcome to go ahead and submit his 'con' statement for inclusion.

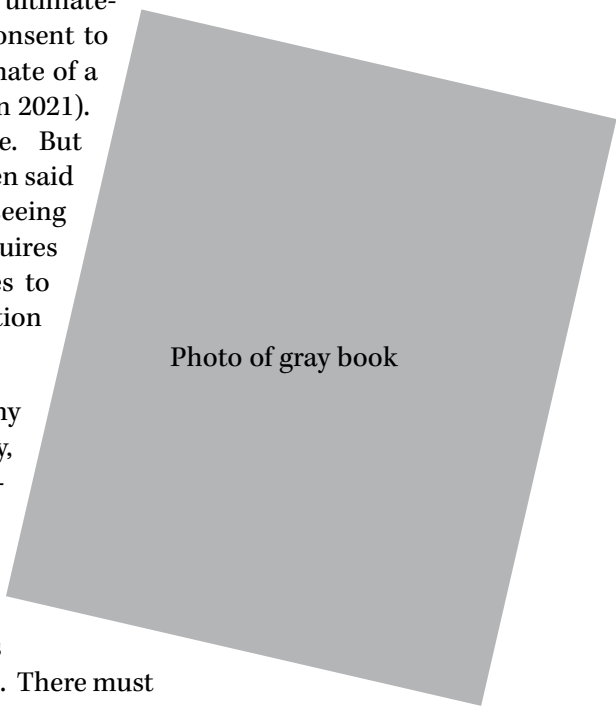


Photo of gray book



*Mike Krause*

Mike Krause is Editor-in-Chief of *Complete Colorado*. A former ski instructor and construction carpenter, Mike was a Senior Fellow and editorial writer at II before heading up *Complete Colorado*.



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# The First Limited-Government Charity to Participate in Colorado Gives Day!



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Colorado Gives Day supports many genuinely terrific organizations that help Coloradans in need. It also supports organizations hell-bent on turning our once liberty-loving state into a workers' paradise.

So Independence Institute decided to balance the scales. We became the first limited-government charity to participate in Colorado Gives Day! And thanks to you, our supporters, it's not only raising the needed funding to support our mission, it's also angering a lot of leftists who are destroying Colorado. You know them—the ones trying to turn Colorado into California.

In fact, we give out a "Californian of the Year" award to the person who best symbolizes the command-and-control takeover of our state. And if we reach our goals on Colorado Gives Day, we send a special gift to each of the nominees. (Our governor has been a previous winner)

Check out page 7—this is a fun way to keep promoting Independence Institute's mission of lowering taxes, protecting our rights and keeping Colorado free!

## Learn more and schedule your donation TODAY at [www.i2i.org/cgd](http://www.i2i.org/cgd)

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