

## And Then There Were Seven: Of 185 Proposed Colorado Ballot Initiatives, Only 7 Left With Chance to Appear on November Ballot

The latest deadline for proponents of a proposed state ballot initiative hoping to get their measure on the November ballot has passed. Monday, Aug. 6, was the last possible day to submit the required number of signatures to the Colorado Secretary of State's Office. Only seven of the 185 filed initiatives submitted signatures to the Colorado Secretary of State's Office.

The Secretary of State's Office will now review each submittal to determine whether it meets the minimum requirement of 98,492 valid signatures, and for constitutional measures, whether 2 percent of the valid signatures come from each of the state's 35 Senate districts. One measure, Initiative #93, has already been approved. Proponents anticipate the initiative will appear as Amendment 73 on the ballot.

Of these seven initiatives, four would add to or amend Colorado statute, while three would add or alter an amendment to the Colorado Constitution. The proposed initiatives, along with dates submitted and signature counts from proponents, are:

- **#93: Funding for Public Schools** – seeks to create a “Quality Public Education Fund” in the state treasury to receive all revenues collected through an income tax increment for public school funding, to fund all-day kindergarten and to increase public education funding through a variety of methods including income and corporate taxes.  
**Type of Initiative:** Constitutional  
**Date submitted:** July 11  
**Verified signature count:** 130,022
- **#97: Setback Requirement for Oil and Gas Development** – seeks to create buffer zones whereby new oil and gas production not on federal land must be located at least 2,500 feet from any structure intended for human occupancy, certain geographic features and any other areas designated by the state or local government and permits state and local governments to require greater setback distances.  
**Type of Initiative:** Statutory  
**Date submitted:** Aug. 6  
**Signature count estimate:** 171,000
- **#108: Just Compensation for Reduction in Fair Market Value by Government Law or Regulation** – seeks to add to the Colorado Constitution that private property cannot be reduced in fair market value by government law or regulation without just compensation.  
**Type of Initiative:** Constitutional  
**Date submitted:** Aug. 3  
**Signature count estimate:** 209,000

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- **#126: Payday Loans** – seeks to lower the maximum authorized finance charge for payday loans to an annual percentage rate of 36 percent.  
**Type of Initiative:** Statutory  
**Date submitted:** Aug. 6  
**Signature count estimate:** 190,000
- **#153: Transportation Funding** – seeks to increase transportation funding by raising the vendor tax to 3.52 percent of all sales and the excess tax to 3.52 percent of all taxable sales, which would increase the money that goes to the transportation fund, create a local transportation priorities fund and specify how the money is spent on transportation.  
**Type of Initiative:** Statutory  
**Date submitted:** Aug. 6  
**Signature count estimate:** 198,000
- **#167 – Authorize Bonds for Transportation Projects** – seeks to create a “Fix Our Damn Roads” Act that requires the Department of Transportation to issue revenue anticipation notes in a maximum amount of \$3.5 billion with a maximum repayment cost of \$5.2 billion and requires the department to use the proceeds for specific transportation projects.  
**Type of Initiative:** Statutory  
**Date submitted:** Aug. 6  
**Signature count estimate:** 150,000
- **#173: Campaign Contributions** – seeks to provide that if a candidate contributes or loans more than \$1 million to his or her candidate committee, then all candidates in the same election who did not benefit from the contributions shall be entitled to accept aggregate individual contributions for a primary or a general election at five times the current rate.  
**Type of Initiative:** Constitutional  
**Date submitted:** Aug. 6  
**Signature count estimate:** 212,000

With Initiative #93 now approved for the ballot, the Secretary of State’s Office has until Sept. 5 to certify or reject the other six initiatives.

As noted, proposed constitutional initiatives face more stringent requirements than statutory initiatives due to the passage last cycle of Colorado’s Amendment 71. Under Amendment 71, also known as “Raise the Bar,” proponents must not only turn in a minimum of 98,492 signatures, but at least 2 percent of the required number of signatures must be obtained from registered voters in each of Colorado’s 35 state senate districts.

This requirement is in effect while litigation challenging its constitutionality is ongoing. Federal District Court Judge William J. Martinez issued an [order](#) in March that concluded that the amendment’s geographic distribution requirement violated the 14th Amendment to the U.S. Constitution and the principle of “one person, one vote.”

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The 10th Circuit Court of Appeals stayed the order for 2018 as the appeal is pending, allowing the requirements to take effect for now while leaving open the question for future election cycles.

Brownstein's **Colorado Ballot Initiative Tracker** is a comprehensive summary of all Colorado statewide ballot initiatives proposed during the 2017-2018 election cycle. Contact Jason Dunn or David Meschke for additional information or analysis.

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