



THE AMERICHICKS-MOLLY VOGT & KIM MONSON 2018 Voter's Guide to Amendments and Propositions on Colorado's 2018 Ballot

Voters will be asked to vote on thirteen different state amendments and propositions this year. We have read and re-read each of them and are offering our recommendations for a “yay” or “nay” vote. Our intent is that this guide serves as a reference as you complete your ballot. Included is both a quick reference as well as our reasoning and analysis. We are also including links to the actual amendment or proposition for your reference. You may see an issue differently and we certainly understand and respect your perspective.

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**Be an Informed Voter!
Read each of these Amendments and Propositions for yourself.**

How to navigate thru the Colorado Secretary of State website to read each amendment or proposition:

- www.sos.state.co.us
 - *Elections & Voting
 - *Initiatives & Title Board
 - *Under Title Board: Initiatives, filings, agendas & results
 - *Upper righthand corner: Amendments & Propositions on the 2018 ballot

QUICK REFERENCE:

(Reasoning & Analysis Below)

AMENDMENT V: **NO**-Lowering the minimum age to serve as a Colorado State Senator or Representative.
AMENDMENT W: **NO**-Changing the ballot format for judge & justice retentions.
AMENDMENT X: **YES**-Changing the definition of industrial hemp from a Constitutional definition to a Statutory definition.
AMENDMENT Y: **NO**-Changing the duty of drawing congressional districts from the state legislature to a non-elected, appointed commission.
AMENDMENT Z: **NO**-Changing the manner in which state senate and state house of representative districts are drawn and replacing the existing legislative reapportionment commission with a non-elected, appointed commission.
AMENDMENT A: **NO**-Changing slavery and involuntary servitude language.
AMENDMENT 73: **NO**-Big income tax increase, ostensibly for education.
AMENDMENT 74: **YES**-Just compensation for the takings of private property.
AMENDMENT 75: **YES**-Changing campaign finance limits.
PROPOSITION 109: **YES**-Fix Our Damn Roads.
PROPOSITION 110: **NO**-Let's Go (Tax) Colorado.
PROPOSITION 111: **NO**-Changing the terms of Pay Day Loans.
PROPOSITION 112: **NO**-Setbacks of Oil & Gas Development.

INDEPTH REASONING & ANALYSIS

AMENDMENT V: **NO**-Life experience is priceless. Amendment V Lowers the minimum age requirement to serve in the Colorado State Legislature from 25 years of age to 21 years of age. Many 21-year olds of previous generations had significantly more life experiences than many of the 21-year olds of today. We think of the WWII Veterans, whom we've interviewed, who signed up to serve in the military at the ages of 17, 18 or 19. When returning home, in their early twenties, they brought with them a tremendous amount of life experience and perspective. Some of today's 21-year old individuals have not started their first job. A significant portion have not started a household. The [Pew Research Center](#) reports, "As of 2016, 15% of 25- to 35-year-old Millennials were living in their parents' home. This is 5 percentage points higher than the share of Generation Xers who lived in their parents' home in 2000 when they were the same age (10%), and nearly double the share of the Silent Generation who lived at home in 1964 (8%)." Logically, our representatives must have a variety of life experiences, to pull from, when evaluating and voting on legislation.

Text of Legislative Bill: http://leg.colorado.gov/sites/default/files/initiative%2520referendum_vfinal.pdf

Source: <http://www.pewresearch.org/fact-tank/2017/05/05/its-becoming-more-common-for-young-adults-to-live-at-home-and-for-longer-stretches/>

AMENDMENT W: NO-Changes the language on the ballot when voting about the retention of judges and justices. Instead of voting for each judge and justice on their individual merit, Amendment W changes the ballot language to ask this collective question, “Shall the following Justices (Judges)...of the Supreme (or other) Court be retained in office?” While the voter can designate “yes” or “no” by each judge or justice’s name, it is confusing on whether this individual vote takes precedence over the preceding collective ballot question. It is never a good idea to change the Constitution to make it more confusing. It is essential to protect the citizen’s right to vote on each judge or justice’s judicial record.

Text of Legislative Bill: http://leg.colorado.gov/sites/default/files/initiative%2520referendum_wfinal.pdf

AMENDMENT X: YES-Changing the definition of Industrial Hemp from a Constitutional definition to a Statutory definition. This brings the definition of industrial hemp more in line with the federal definition. Industrial hemp is used in a variety of products such as paper, textiles, cordage, clothing, construction materials, biofuels and more. Since industrial hemp is used in so many products that cross state lines, we think a more universal definition makes sense.

Text of Legislative Bill: http://leg.colorado.gov/sites/default/files/initiative%2520referendum_xfinal.pdf

Source: <https://www.forbes.com/sites/ashoka/2013/05/29/industrial-hemp-a-win-win-for-the-economy-and-the-environment/#2889b3ba289b>

AMENDMENT Y: NO-23 pages to this Amendment? Good grief! Amendment Y changes how Congressional Districts are drawn. It is never a good idea to add an Amendment to the Constitution that is 23 pages long or that takes decision making (i.e. accountability) from an elected body and gives it to an unelected, appointed commission. Many of our friends and colleagues, whom we have great regard, are on the endorsement list for both Amendments Y and Z. After reading and re-reading Amendments Y and Z, we must respectfully disagree. They note that the current system is broken and that this is better. They are frustrated that the courts, ultimately, make the decision on Colorado’s redistricting maps. Amendment Y moves the selection of Commission members into the hands of Colorado’s Supreme Court Justice and three justices or judges, thereby, totally bypassing elected officials, who answer to the citizen. Amendment Y is very complex. Here’s how it works:

- ↳ Takes the duty to draw Congressional Districts from the Legislature, our elected representatives, and moves the decision-making responsibility to an unelected, appointed Commission.
- ↳ “Limits Judicial Review of a map to a determination by the Supreme Court of whether the Commission or its nonpartisan staff committed an abuse of discretion.” **Wait**, our understanding of the premises of Amendments Y and Z are to prevent the Courts from making the decisions on redistricting.

This is long, bear with us! Continue on.

THE WEEDS:

- ↳ Creates a Commission comprised of twelve members who (1) must have voted in the last two elections, (2) have been registered Democrat, Republican or Unaffiliated for at least the previous five years (3) cannot serve if they have been a candidate for federal office during the previous five years, (4) cannot serve if within the previous three years, had been compensated for working on an election of a candidate to the U.S. Senate or House of Representatives, (5) cannot serve if within the previous three years, been an elected official at the federal, state, county or municipal level in Colorado, (6) cannot serve if within the previous three years, been an elected political party official above the precinct level in Colorado or an employee of a political party, (7) cannot serve if is a member of the Commission responsible for dividing the state into senatorial and representative districts of the general assembly, or (8) cannot serve if within the previous three years, has been a professional lobbyist registered to lobby with the state of Colorado, any municipality or at the federal level.
- ↳ By August 10th of the year prior to the redistricting year, nonpartisan staff (**bureacrats**) will create an application form that will allow **appointing authorities** to evaluate a person's experience and qualifications.
- ↳ Information required from the applicant includes professional background, party affiliation, a description of past political activity, a list of all political and civic organizations to which the applicant has belonged within the previous five years, whether applicant meets the above qualifications, why the applicant wants to serve on the Commission, and how the applicant will promote **consensus** among the Commissioners if appointed.
- ↳ All of the applicant's information will be of public record and published on the General Assembly's website or comparable means of communicating with the public.

NOW IT GETS REALLY INTERESTING!

- ↳ No later than January 5th of the redistricting year, the **Chief Justice of the Colorado Supreme Court** shall appoint a panel to review the applications. The **panel must consist of the three justices or judges** who most recently retired from the Colorado Supreme Court or the Colorado Court of Appeals. While it looks like there has been an attempt to ensure that Democrats, Republicans and Unaffiliateds will have a seat at the table, this is where the system can be gamed. The justices or judges who are appointed need only be affiliated or unaffiliated with a political party for only two years prior to appointment to the panel.
- ↳ All decisions of the panel regarding the selection of applicants requires **unanimous** approval. Really? It defies reason that three judges will unanimously agree on every applicant.
- ↳ And, these retired judges will be compensated as members of the panel and nonpartisan staff (bureaucrats) will assist the panel in carrying out its duties.
- ↳ After applications are submitted, nonpartisan staff (bureaucrats), with the help of the Secretary of State, shall make an **objective** (subjective) and factual finding on whether an applicant's name may be included in the pool of applicants.
- ↳ By January of the redistricting year, the **panel of judges**, in a public meeting, shall randomly select of all of the applicants, **approved by the judges**, by lot, 300 applicants associated with the state's largest political party, 300 applicants associated with the state's second largest political party and 450 applicants who are unaffiliated with any political party.
- ↳ From these pools, the **panel of judges**, will choose 50 applicants from each of the above pools.

- ↪ The criteria that the judges will use is (1) experience in organizing, representing, advocating for, adjudicating the interests of or actively participating in groups, organizations, or associations in Colorado and (2) relevant analytical skills, the ability to be impartial and the ability to promote **consensus** on the commission.

HANG WITH US, WE'RE ALMOST DONE!

- ↪ Now the **panel of judges**, choose by lot, two commissioners from the state's largest political party, two commissioners from the state's second largest political party and two commissioners who are not affiliated with any political party.
- ↪ And, the Majority Leader of the State Senate, the Minority Leader of the State Senate, the Majority Leader of the State House of Representatives and the Minority Leader of the State House of Representatives will each select a pool of ten applicants, who are affiliated with one of the state's two largest political parties from all applications submitted to the nonpartisan staff (bureaucrats) who meet the qualifications noted above and who demonstrate the qualities listed above.
- ↪ Then the **panel of judges**, selects one commissioner from each legislative leader's pool of applicants and two commissioners from the pool of applicants not affiliated with any political party.
- ↪ The **panel of judges** must ensure that the commission consists of four commissioners affiliated with the state's largest political party, four commissioners affiliated with the state's second largest political party and four commissioners who are not affiliated with a political party.
- ↪ The **panel of judges** may interview applicants before making the appointments to the Commission. The **panel of judges** are directed (1) to the extent possible, ensure that the commission reflects Colorado's racial, ethnic, gender and geographic diversity (tribalism) (2) Ensure that at least one commissioner is registered to vote in each Congressional district, (3) ensure that at least one commissioner resides west of the Continental Divide, (4) ensure that all commissioners meet the qualifications and qualities listed above.
- ↪ A simple majority of the appointed commissioners may approve rules and procedural decisions.
- ↪ Requires an affirmative vote of eight commissioners of the twelve (with stipulations) to adopt a final redistricting plan that is submitted to the **Supreme Court** or an affirmative vote of eight of the twelve of adoption of a **revised plan** after a plan is returned to the commission from the **Supreme Court**.
- ↪ The nonpartisan staff (bureaucrats) create the initial plan.
- ↪ Subsequent to initial plan, staff shall prepare, publish online and present to the Commission no fewer than three plans, known as the staff plans. Commissioners may request staff to prepare additional plans or amendments to plans.
- ↪ The Commission submits its' final plan to the **Supreme Court** for approval. If the **Supreme Court** determines that the plan constitutes an abuse of discretion in applying or failing to apply criteria listed in Section 44.3 of this Article V, the **Supreme Court** shall return the plan to the Commission with it's reason for disapproval.

- ↪ If the Commission fails to adopt and return the plan within twelve days, staff shall have three days to prepare a plan that resolves the **Supreme Court's** reasons for disapproval.
- ↪ The **Supreme Court** shall approve the plan for the redrawing of Congressional Districts no later Than December 15th of the redistricting year.

Note: Requires 55% of the Vote to become an amendment to the Colorado Constitution.

FIVE TAKEAWAYS regarding Amendment Y:

- It's a very bad idea to embed this complex, convoluted, 23-page amendment in the Colorado Constitution.
- If Colorado's political landscape changes in the future, embedding Amendment Y in the Constitution makes it virtually impossible for Colorado to adjust to any new paradigm.
- Puts the redistricting decisions in the hands of non-elected judges and bureaucrats.
- Creates a complex process, that can be gamed, for the selection of Redistricting Commissioners.
- Does not include any consideration for minor political parties.

Text of Legislative Bill: http://leg.colorado.gov/sites/default/files/initiative%2520referendum_yfinal.pdf

FYI: How the Reapportionment Commission Members were chosen in the past. One little paragraph replaced with 23 pages. Very bad idea!

"The Reapportionment Commission consists of 11 members. Pursuant to the Colorado Constitution, the Senate Majority Leader, House Speaker, Senate Minority Leader, and House Minority Leader all designated one person to serve on the commission. The Governor appointed three members to the commission. The Chief Justice of the Colorado Supreme Court appointed the final four members of the commission."

Source: <https://www.colorado.gov/pacific/cga-redistrict/colorado-reapportionment-commission>

AMENDMENT Z: NO- Changes the manner in which state senate and state house of representative districts are drawn and replacing the existing legislative reapportionment commission with a non-elected, appointed commission. Amendment Z is 24 pages long. Again, good grief! It is never a good idea to add a 24-page amendment to the Constitution.

See Above: Basically, the text of Amendment Z mirrors the language of Amendment Y, above, except it Replaces "Congressional Districts" and all references to "Congressional Districts" with "State Senate and State House of Representatives Districts." There are a few other, minor, discrepancies.

For the reasons above, we are recommending a strong **NO**.

Text of Legislative Bill: http://leg.colorado.gov/sites/default/files/initiative%2520referendum_zfinal.pdf

AMENDMENT A: NO-Attorneys are salivating on this one. Changing slavery and involuntary servitude

Language: We are no fan of slavery and we support criminal justice reform. This amendment changes the language of the Colorado Constitution from “There shall never be in this state either slavery or involuntary servitude, except as a punishment for a crime; whereof the party shall have been duly convicted,” to “There shall never be in this state either slavery or involuntary servitude.” We think this change could possibly open Colorado taxpayers to litigation and lawsuits from inmates of jails and prisons who could conceivably say the work they do, as prisoners, constitutes involuntary servitude. Just a note, Kim’s kids were convinced that doing their chores was “involuntary servitude.”

Suggestion: A better amendment would be to just strike the word “slavery.”

Text of legislative Bill: http://leg.colorado.gov/sites/default/files/initiative%2520referendum_afinal.pdf

AMENDMENT 73: NO-If you want less of something, tax it. If you want more of it, let it thrive. Changing

Colorado’s equal state income tax rate of 4.63% to a progressive state income tax with a top marginal rate of 8.25%. It’s never a good idea to lock a tax increase into the Constitution. Unintended consequences of this amendment are higher residential property taxes and less money for libraries, fire districts, parks & trails. A progressive income tax hurts every day, hardworking Coloradans and dings the middle class when they work harder, or more hours, to get ahead. Also, Amendment 73 embeds the initial income tax increase at \$150,000.00 with no adjustment for inflation. Entrepreneurs, innovators and hard-working individuals will flee our state. The *New York Business Journal* reports, “According to recent data, New York state tops the charts in terms of outmigration from the state, and is followed by Illinois, California, New Jersey and Connecticut. All five of these states have negative net migration rates.” All five of these states have been Democrat strongholds for years, pursuing bigger government, higher taxes and more rules & regulations over individuals lives. Folks from all political persuasions are voting with their feet and leaving these states. We just wish they wouldn’t vote for the political ideology, of the states they are leaving, when moving to Colorado.

Ballot Question: <https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/results/2017-2018/93Results.html>

Text of Measure: <https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/filings/2017-2018/93Final.pdf>

<https://www.bizjournals.com/newyork/news/2018/05/25/new-york-ranks-no-1-in-losing-residents-to-other.html>

AMENDMENT 74: YES-Just compensation for the takings of private property. It's only fair that government pay individuals (us) if they take our stuff. If government takes our property or opportunity to use our property via Eminent Domain or through laws, ordinances, rules or regulations, it is only fair that government pay Just Compensation for such "takings." The Founders were well aware of kings and dictators, commandeering everyday people's property. Therefore, private property rights are at the root the American Idea. That is why they are included in the Fifth Amendment of the U.S. Constitution: "nor shall private property be taken for public use, without just compensation."

The opposition says, "Amendment 74 would require the government – the taxpayers – to compensate private property owners for virtually any decrease whatsoever in the fair market value of their property traceable to any government law or regulation. Although expanding property rights may sound good, this measure is incredibly broad and would have sweeping implications on local governments and communities across the state."

Our response: Local governments and municipalities across the state have been using their unconstitutional power to limit the opportunity of private property owners. These local governments and municipalities are changing the rule book in the middle of the game, doing an end run around justly compensating the individual. This is inherently wrong.

If local governments and communities across the state are taking actions that cause the taxpayer to pay legal costs, then it is time to vote these folks out of office. Given our litigious society, we have two suggestions to further protect our property rights:

- 1) Tort Reform: When the Founders included "nor shall private property be taken for public use, without just compensation," in the Fifth Amendment to the Constitution, they never dreamed of the frivolous lawsuits that are filed and supported by Trial Lawyers. It is time to curb this abuse of the legal system.
- 2) How about holding politicians and bureaucrats personally responsible and liable for their actions thereby protecting the wallet of We the Taxpayers from being the slush fund bailing out legislators, city council members, county commissioners and bureaucrats who vote or pass rules and regulations that harm private property rights?

Ballot Question: <https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/results/2017-2018/108Results.html>

Text of Measure: <https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/filings/2017-2018/108Final.pdf>

AMENDMENT 75: YES-Changing campaign finance limits. A step in the right direction! Amendment 75 says that if an individual either contributes or loans \$1,000,000 or more to support his or her election, that all candidates in the same election shall be entitled to accept aggregate contributions five times the amount of the campaign finance limits for that election. We believe that campaign contributions are an extension of free speech and that there should be no campaign contribution limits.

Ballot Question: <https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/results/2017-2018/173Results.html>

Text of Measure: <https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/filings/2017-2018/173Final.pdf>

PROPOSITION 109: YES-Fix Our Damn Roads, without a massive tax increase. We all agree that our roads and bridges could use a little love. There are two competing transportation ballot questions on the ballot this November. Prop 109 proposes to fix our roads and bridges with existing revenues. The competing Proposition 110 would make everyday items like diapers, toilet paper and school supplies more expensive (see below).

Fix Our Damn Roads (1) Fixes our roads and bridges without a tax increase; (2) designates exactly where the money will be spent; (3) names the projects (From CDOT'S Tier One list) in the ballot measure; (4) honors the will of the people and TABOR, the Taxpayer's Bill of Rights; (5) does not include carve-outs for special interests, and (6) bonds for \$3.5 billion with a repayment cost, including interest, of \$5.2 billion to fix our roads and bridges.

Colorado has the money. The Colorado legislature and governor have been starving roads and bridges to fund massive social programs and pet projects. The Denver Post reports that Colorado is expected to collect an additional \$1.29 billion next fiscal year, thanks to federal tax cuts, economic growth and a resurgent oil and gas industry. Colorado has the money to fix our roads without a huge tax increase. Prop 109 directs politicians and bureaucrats to just do it.

Ballot Question: <https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/results/2017-2018/167Results.html>

Text of Measure: <https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/filings/2017-2018/167Final.pdf>

Sources: <https://www.denverpost.com/2018/03/19/colorado-revenue-forecasts/>
<https://coloradopolitics.com/in-response-we-dont-need-a-tax-hike-to-fix-colorados-highways/>

PROPOSITION 110: NO-Let's Go (Tax) Colorado. Proposes a 21% state sales tax increase ostensibly for "transportation." If this massive state sales increase is passed, Colorado will rank 13th in the nation for taxes at the register. This means that everyday items that we purchase, like a craft brew with friends, diapers, toilet paper and school supplies will be much more expensive. Ouch! Let's Go (Tax) Colorado (1) Proposes a massive 21 percent state sales tax increase. Currently, Colorado state sales tax is \$.029. This tax would increase our state sales tax to \$.0352 on each dollar (a 21% increase). And this massive tax would push many municipalities total sales tax rate over 9% with some cities and town's rates over 11%. (2) provides a goody bag of money for politicians, bureaucrats, lobbyists and interested parties to spend on pet projects; (3) lacks transparency and accountability to everyday, hardworking Coloradans, i.e. there are no specific projects named in the ballot measure; (4) includes language that money collected above the TABOR limits is not returned to the people; (5) includes an exemption for aviation and jet fuels, and (6) bonds for \$6 billion with a repayment cost, including interest, of \$9.4 billion. Where will all this money go? Many people ask, "Where has the marijuana tax money gone?" Our answer, "Up in smoke!"

Ballot Question: <https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/results/2017-2018/153Results.html>

Text of Measure: <https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/filings/2017-2018/153Final.pdf>

Sources: <https://taxfoundation.org/ranking-state-and-local-sales-taxes-1>
<https://www.salestaxhandbook.com/colorado/rates>
<http://thetaborfoundation.org/sales-tax-hike-for-transportation-a-regressive-unstable-funding-scheme/>

PROPOSITION 111: NO-Changing the terms of Pay Day Loans. Unfortunately, this well-meaning proposal will hurt the very people it is purporting to help. If Colorado lenders felt comfortable offering a steady interest rate to every single person who applied for a loan, there would obviously be no market for a higher interest rate lender and this entire argument would be mute. The reasons that some individuals are charged more than others is because not all applicants have equal payback records, collateral and incoming revenue to ensure a full and timely payback. Anyone lending money should have the freedom to hedge their bets against flight risks and delays in full repayment. If government requires all lenders to charge the same interest rates to all applicants, unfortunately, those who need the loans the most will have no access to a loan at any rate, because no lender would be incentivized to take on the added risk. It is cruel to use government to shut down the opportunity to borrow for a person needing short term capital.

Perhaps, the proponents of Proposition 111 should open their own payday loan business to compete in the free market instead of using the force of government to take away opportunity of both borrowers and lenders.

Ballot Question: <https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/results/2017-2018/126Results.html>

Text of Measure: <https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/filings/2017-2018/126Final.pdf>

PROPOSTION 112: NO-Setbacks of Oil & Gas Development. Doesn't it defy logic that the politicians, bureaucrats and interested parties who keep advocating for **MORE and MORE and MORE** tax dollars would also seek to throw away the existing \$230.85 Million a year in tax revenue from responsible energy exploration in Colorado? The O&G industry in Colorado is the most regulated among all the states in the U.S., which BTW is also the most regulated on the world. A 2500' setback for all new exploration in CO would essentially end O&G exploration in CO. This would affect every single one of us. Shutting down oil and gas exploration in Colorado would include losses of:

- *By 2030, More than \$26 billion, annually, to Colorado's economy.
- *43,000 jobs in year 1 and 147,800 jobs by 2030.
- *\$230.85 million in lost annual tax revenue in year 1 and over \$1 Billion, annually, by 2030.
- *Property rights and income of many Coloradans.

How will Colorado make up the loss in tax revenue and jobs? Government doesn't create revenue or jobs. Many Coloradans who lose their jobs in the oil and gas industry will flee to states with better employment opportunities. This will increase the tax burden on the hard-working, everyday individuals still living in Colorado. Ouch!

Ballot Question: <https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/filings/2017-2018/126Final.pdf>

Text of Measure: <https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/filings/2017-2018/97Final.pdf>

Source: <http://commonsensepolicyroundtable.org/oil-gas-setback-study/>

We hope this Voter's Guide has been helpful. It has taken hours of research to compile this resource. It should take you about twenty minutes to read the complete guide. We have not received any compensation to compile this voter's guide. Regarding both of our radio shows, we buy our time, produce our shows and find our own sponsors. If you find our work valuable, please consider a contribution, via the contribution button on our website, www.americhicks.com so that we can continue to "Dissect issues as right vs wrong instead of right vs left. Agree or disagree, let's have a conversation."

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