

Title Board
c/o Colorado Secretary of State
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Denver, CO 80290

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I'm requesting a rehearing on proposed ballot issues 2021-22 No. #62, #63, #64, and #65.
All the initiatives are unofficially captioned "*Additional Dedicated Revenue to the State Education Fund*".

My questions and concerns cover the same language found in all four initiatives. I've inserted the #62 text for the example. The bold emphases are the areas of concern.

2021-22 #62

A change to the Colorado Revised Statutes concerning additional funding for preschool through twelfth-grade public education **without raising taxes**, and, in connection therewith, requiring revenue collected by the state from one-third of one percent of all federal taxable income of every individual, estate, trust, and corporation, as modified by law, to be deposited in the state education fund; **allowing the additional revenue to be spent by the state and local school districts as a voter-approved revenue change**; specifying appropriations of the additional revenue do not supplant existing appropriations for public education; and requiring an annual report describing the allocation of the additional revenue.

Issue #1:

The phrase "without raising taxes" became a central feature in all four initiatives, though that wasn't in the staff draft. That phrase is 100% controversial and will prompt further distrust from voters.

Projected refunds under the Taxpayer's Bill of Rights amount to [\\$2.2 billion](#)* over the two-year period FY 2022-23 and 2023-24.

We're expecting \$622,600,000 in TABOR refunds in the first full-year that #62-65 would be in effect.

The cost of initiative #62 or 64 at 1/3 of 1% of taxable income is \$983,900,000 for the first full year.
The cost of initiative #63 or 65 at 1/2 of 1% of taxable income is \$1,500,000,000 for the first full year.

In either case, it appears the proposed initiative will wipe out any TABOR refunds.

Issue #2

The phrase "voter-approved revenue change" does not make it clear that this would be a vote that forfeits refunds that tax payers would otherwise be entitled to.
Suggestions to make it clearer are listed below.

Issue #3

The fiscal note should clearly reflect the impact to the refunds under the Taxpayer's Bill of Rights.

Suggestions for clearer wording

I reviewed past titles that bear many similarities to initiatives #62-65.

Short Title: Education Funding and TABOR Rebates

Amendment 59 (2008 initiative)

Ballot Title: Shall there be an amendment to the Colorado Constitution concerning the manner in which the state funds public education from preschool through the twelfth grade, and, in connection therewith, for the 2010-11 state fiscal year and each state fiscal year thereafter, **requiring that any revenue that the state would otherwise be required to refund** pursuant to the constitutional limit on state fiscal year spending be transferred instead to the state education fund?

Prop BB (2015 referendum)

Ballot Title: **May the state retain and spend state revenues that otherwise would be refunded** for exceeding an estimate included in the ballot information booklet for proposition AA and use these revenues to provide forty million dollars for public school building construction and for other needs, such as law enforcement, youth programs, and marijuana education and prevention programs, instead of refunding these revenues to retail marijuana cultivation facilities, retail marijuana purchasers, and other taxpayers?

Redline to Improve Original Title

Suggested 2021-22 #62

A change to the Colorado Revised Statutes concerning additional funding for preschool through twelfth-grade public education ~~without raising taxes~~, and, in connection therewith, requiring revenue collected by the state from one-third of one percent of all federal taxable income of every individual, estate, trust, and corporation, as modified by law, to be deposited in the state education fund; allowing the additional revenue **THAT OTHERWISE WOULD BE REFUNDED UNDER COLORADO LAW** to be spent by the state and local school districts as a voter-approved revenue change; specifying appropriations of the additional revenue do not supplant existing appropriations for public education; and requiring an annual report describing the allocation of the additional revenue.

Current Ballot Titles:

2021-22 #62

A change to the Colorado Revised Statutes concerning additional funding for preschool through twelfth-grade public education **without raising taxes**, and, in connection therewith, requiring revenue collected by the state from one-third of one percent of all federal taxable income of every individual, estate, trust, and corporation, as modified by law, to be deposited in the state education fund; **allowing the**

additional revenue to be spent by the state and local school districts as a voter-approved revenue change; specifying appropriations of the additional revenue do not supplant existing appropriations for public education; and requiring an annual report describing the allocation of the additional revenue.

2021-22 #63

A change to the Colorado Revised Statutes concerning additional funding for preschool through twelfth-grade public education without raising taxes, and, in connection therewith, requiring revenue collected by the state from one-third of one percent of all federal taxable income of every individual, estate, trust, and corporation, as modified by law, to be deposited in the state education fund; allowing the additional revenue to be spent by the state and local school districts as a voter-approved revenue change; requiring the additional revenue to be used for attracting, retaining, and compensating teachers and student support professionals; specifying appropriations of the additional revenue do not supplant existing appropriations for public education; and requiring an annual report describing the allocation of the additional revenue.

2021-22 #64

A change to the Colorado Revised Statutes concerning additional funding for preschool through twelfth-grade public education without raising taxes, and, in connection therewith, requiring revenue collected by the state from one-half of one percent of all federal taxable income of every individual, estate, trust, and corporation, as modified by law, to be deposited in the state education fund; allowing the additional revenue to be spent by the state and local school districts as a voter-approved revenue change; specifying appropriations of the additional revenue do not supplant existing appropriations for public education; and requiring an annual report describing the allocation of the additional revenue.

2021-22 #65

A change to the Colorado Revised Statutes concerning additional funding for preschool through twelfth-grade public education without raising taxes, and, in connection therewith, requiring revenue collected by the state from one-half of one percent of all federal taxable income of every individual, estate, trust, and corporation, as modified by law, to be deposited in the state education fund; allowing the additional revenue to be spent by the state and local school districts as a voter-approved revenue change; requiring the additional revenue to be used for attracting, retaining, and compensating teachers and student support professionals; specifying appropriations of the additional revenue do not supplant existing appropriations for public education; and requiring an annual report describing the allocation of the additional revenue.

[*Colorado Legislative Council Staff March 22 Economic & Revenue Forecast](#)