

**WARNING:  
IT IS AGAINST THE LAW:**

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**DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR. TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND REGISTERED TO VOTE.**

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**PETITION TO INITIATE**

To The Honorable Natalie Meyer, Secretary of the State of Colorado:

We, the undersigned, registered electors of the State of Colorado, do hereby respectfully order and demand that:

The following proposed Amendment to the Constitution of the State of Colorado shall be submitted to the legal voters of this State for their adoption or rejection at the polls at the next general election to be held Tuesday, the sixth day of November, 1990 and each of its signers hereto for himself or herself, as the case may be, says:

I sign this petition in my own proper person only; I am a registered elector of the State of Colorado; my residence address and the date of signing this petition are correctly written immediately after my name, and I do hereby designate the following named persons to represent me in all matters affecting this petition, to wit:

1. Douglas Bruce, Box 26018, Colorado Springs, CO 80936
2. Clyde Harkins, 10910 W. 60th Ave., Arvada, CO 80004
3. John Lonergan, 208 Crystal Hills Blvd., Manitou Springs, CO 80829
4. Joan Ehlis, 519 Brown Ave., Pueblo, CO 81004
5. Richard Viera, 9552 W. Wesley Drive, Lakewood, CO 80227

The title as designated and fixed by the Board is as follows:

**AN AMENDMENT TO ARTICLE X OF THE COLORADO CONSTITUTION TO REQUIRE VOTER APPROVAL FOR CERTAIN STATE AND LOCAL GOVERNMENT REVENUE INCREASES; TO RESTRICT PROPERTY, INCOME, AND OTHER TAXES; TO LIMIT THE RATE OF INCREASE IN STATE SPENDING; TO CHANGE PROPERTY VALUATION AND ASSESSMENT LAWS; AND TO PROVIDE FOR ADDITIONAL INITIATIVE AND REFERENDUM ELECTIONS AND FOR THE MAILING OF INFORMATION TO REGISTERED VOTERS.**

The proposed initiative Amendment to the Constitution of the State of Colorado (of which the title when fixed, shall be made or constituted a part) is as follows:

**Be it Enacted by the People of the State of Colorado:**

**Article X, Section 20**

**The Taxpayer's Bill Of Rights. (1) General provisions. This is the Taxpayer's Bill Of Rights. It takes effect December 31, 1990 or as stated. Its provisions are self-executing and severable. In addition to existing remedies, individual or class action suits hereunder for refunds or injunctive or declaratory relief may be brought in state district court and shall have the highest civil priority of resolution. The preferred interpretation of this section shall be that which**

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restrains most the growth of government. Revenue amounts collected, retained, or spent illegally since three full fiscal years before a suit is filed shall be refunded with 10% annual simple interest from such illegal action. Such refunds with interest shall also be deducted from a relevant fiscal year base before further change under subsections (8) or (9) (e) or otherwise. Legal payments on bonded debt, pensions, and liability judgments have the first claim on district revenue. Additional restraints on district revenue, spending, or debt are neither repealed nor prohibited.

(2) Term definitions. For purposes of this section: (a) "District" includes the state or any local government;

(b) "Emergency" excludes economic conditions, revenue shortfalls, or district salary or fringe benefit increases;

(c) "Fiscal year spending" includes all expenditures and all reserve increases except, as to both, those for refunds made in a current or next fiscal year or those from gifts, federal funds, reserve transfers, pension contributions by employees and pension fund earnings, collections for another government, or civil damages, asset sales, or similar occasional monetary conversions; and

(d) "Inflation" means the percentage change in the United States Bureau of Labor Statistics Consumer Price Index for Denver-Boulder, all items, all urban consumers, or its successor index.

(3) Election provisions. (a) All ballot proposals mentioned herein or by initiative or referendum shall be decided by a majority of those voting on the proposal in the state general election, the regular biennial local district election, or on the first Tuesday in November of odd-numbered years. Except for charter or constitutional amendments, any initiatives, or referenda by petition, each district may consolidate such proposals on the ballot. Except for bonded debt, charter or constitutional amendments, any initiatives, or referenda by petition, district voters may waive or modify their right to vote on such proposals for up to five years at a time, and may limit district use of subsection (4) exceptions to that right to vote.

(b) 15-25 days before a tax, debt, other referendum, or initiative election except under subsection (4) (c), election officials shall mail at the lowest cost, and mail as a package where districts with proposals overlap, one properly-

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titled "NOTICE OF ELECTION TO INCREASE TAXES/TO INCREASE DEBT/ON A REFERENDUM/ON AN INITIATIVE PETITION" to "All Registered Voters" at each elector registration address. It shall list, if relevant:

- (i) The election date, hours, polling place, ballot title and submission clause, text or accurate summary of the proposal, and election office address and telephone number;
- (ii) The district estimate of its revenue increase in dollars from the proposed change in the first full fiscal year of each change;
- (iii) For the current and each of the past four years, the estimated or actual total of district fiscal year spending plus federal funds, and the cumulative change in dollars and in percentage terms;
- (iv) The district's maximum repayment costs, both annual and cumulative, of any proposed bonded debt to be authorized; and
- (v) Two summaries, up to 250 words each, one for and one against the proposal, of written comments filed by 30 days before the election. No summary shall mention names of persons or private groups, nor any endorsements of or resolutions against the proposal. Designated representatives obeying these rules shall write this summary for their petition. Election officials shall accurately summarize all other written comments.

If revenue increases from the change exceed the estimate listed in (ii) for the same fiscal year, the district shall promptly refund the excess and reduce the revenue source proportionately in all future fiscal years. No bonded debt hereafter authorized by voters shall issue on terms that could cause it to exceed its proportion of the maximum repayment costs listed in (iv).

- (4) **Revenue elections.** Effective November 7, 1990, the following require voter approval in advance:
- (a) Except as provided by subsections (6) or (9), a new tax, tax rate increase, tax extension, or other change in district tax law or fiscal policy that directly provides a net gain in tax revenue to any district;
  - (b) Except for refinancing debt at a lower interest rate or adding new employees to existing pension plans, the creation of a district or district-backed debt or other financial obligation that extends past the fiscal year incurred without adequate cash reserves irrevocably pledged for all future payments; or
  - (c) Enactment or increase of a district charge for a license, permit, or fee,

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except that existing charges expressed in monetary terms and not as a percentage may be increased without voter approval by no more than inflation since the later of December 31, 1990 or the last change, or to no more than the next whole dollar no sooner than 1995 and every five years or more after such increase. Voter-approved changes in charges cancel their accrued time. The same time period shall not apply to both exceptions.

(5) **Emergency reserves.** For use in declared emergencies only, each district shall reserve at the start of its next fiscal year 1% or more, the following fiscal year 2% or more, and all later fiscal years 3% or more of its fiscal year spending. Unused reserves may be applied toward the next year's minimum.

(6) **Emergency taxes.** This subsection does not grant any new taxing authority. Property tax levies shall not be imposed for an emergency. Emergency taxes shall also meet all of the following conditions: (a) A majority of those elected to each house of the general assembly or to a local district board declares the emergency and imposes the tax by recorded roll call votes;

(b) Emergency tax revenues shall be spent only after emergency reserves are depleted and shall be promptly refunded if not spent on the emergency; and

(c) A tax not approved at the next election 60 days or more after the declaration expires 25 days after the election.

(7) **Program shifts.** Except for public education or as required of a local district by federal law, a local district may reduce or end its financial subsidy to any program the general assembly commences or continues to delegate to it for administration under state regulation but without full state funding. Effective July 1, 1991.

(8) **Spending limited.** After deducting emergency spending from the prior fiscal year base, the annual percentage change in state fiscal year spending shall not exceed the total of inflation plus the percentage change in state population in the prior calendar year except by non-emergency revenue approved by voters after June 30, 1991. Population shall be determined by annual federal census estimates or as provided by law, and such number shall be adjusted every 10 years to conform to the federal census. If the increase in total state

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revenue from sources not excluded in the definition of fiscal year spending exceeds the permissible spending change in dollars for the same fiscal year, the excess shall be refunded in the next two fiscal years by reductions in tax rates or in other revenue sources. In an emergency, this spending limit may be exceeded, provided that spending limits in the next two fiscal years are reduced sufficiently to prevent a permanent increase in the spending base from the emergency. Effective July 1, 1991.

(9) Taxes limited. (a) New or increased transfer tax rates on real property are prohibited.

For all tax years beginning after 1990 as to (b) - (e): (b) Except for the corporate income tax rate until July 1, 1993, all net taxable income shall be taxed at one rate, which may exceed the lowest net income tax rate in 1990 only in an emergency or by voter approval. Neither an income tax rate increase nor a new district definition of taxable income shall apply to any time period before its enactment.

(c) There shall be an annual total tax credit of \$200. per taxpayer toward annual personal property taxes. This credit shall be annually adjusted for inflation. This credit applies to only one taxpayer per business and shall not be transferable to other taxes or tax years and shall not create a cash refund. Forms must be filed only for personal property with a residual tax.

(d) (i) Unless changes in its physical condition intervene, real property shall be reassessed only in every odd-numbered year, based on its actual value on January 1 two years before. Assessment notices shall be sent annually. Assessments may be appealed annually. Actual value shall be stated on all property tax bills. The actual value of residential real property shall be determined solely by the market approach to appraisal.

(ii) Residential real property shall be valued for assessment at the lower of 14.5% or the 1990 ratio of its actual value. The state may change the residential ratio and 29% ratio to 50% and 100%, respectively, and multiply all other ratios by no more than 3.45, provided all levy references, including this section, are deemed divided by 3.45. The residential ratio may then be increased, but never decreased, to a maximum of 100%, provided all levy references, including this section, are deemed further reduced equally to prevent a tax increase on residential property and to lower the levy limit on all property.

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(iii) Except for voter-approved debt, the maximum annual levy total on any property shall be 69 mills. Only a 1991 property tax bill over its limit shall be reduced by only 10% of its excess levies, with equal or greater reductions on every later year's tax bill, to reach its limit in 10 years or less. Apart from the foregoing exception, no provision for a uniform levy within a district, for future levy increases, or otherwise, shall override these limits. Districts shall bear reductions proportionately or as provided by law.

(e) Except for levies set by voters or limited to debt repayment, each district shall annually set its levy to yield no more than its prior fiscal year's property tax revenue base, then adjust for inflation in that prior fiscal year, then adjust for voter-approved changes. A school district shall then add only the result of multiplying the prior base by a percentage change in student enrollment. Other districts shall then add only the result of multiplying the prior base by a percentage change in assessment roll value from new construction, minus destruction, of real property improvements and additions to, minus deletions from, the assessment roll.

(10) **Services protected.** The state shall provide from current revenues sufficient replacement funds to local districts to insure in its judgment that this section neither causes a default on bond, pension, liability, or other mandatory payments nor lowers the quality of public educational, health, safety, or other essential government services.

The summary prepared by the Board is as follows:

This measure requires, except in emergencies, state and local governments to obtain voter approval prior to: (1) Imposition of a new tax, a tax rate increase, tax extension, or other change in policy that directly provides a net gain in tax revenue; (2) creation of a debt or other financial obligation, with limited exceptions, that extends past the fiscal year, which debt was incurred without cash reserves irrevocably pledged for future payments; and (3) enactment or increase of any license, permit, or fee beyond that allowed to reflect inflationary increases. The effective date for the voter approval requirement is November 7, 1990. Any revenue collected, retained, or spent in violation of this amendment is to be refunded with interest. Individual or class action suits may be filed to require such refunds or otherwise to enforce the amendment. Emergency taxes, other than the property tax, may be imposed but will expire if not subsequently approved by the voters.

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This measure requires that property tax mill levies yield no more than the prior year's revenues adjusted for (1) inflation, (2) voter-approved changes, and (3) changes in the assessment rolls. The measure establishes the residential real property ratio at the lower of 14.5 percent or the 1990 ratio of its actual value and mandates that its value be determined solely by the market approach. Real property would be reassessed every two years. Except for voter-approved debts, the measure sets the maximum annual property tax levy at 69 mills and provides that, if the 1991 levy exceeds such maximum, it shall be reduced over a ten-year period. The measure provides a personal property tax credit of up to \$200, adjusted annually for inflation, and prohibits new or increased transfer tax rates on real property.

The measure also provides for a single income tax rate which may exceed the lowest net income tax rate in 1990 only in an emergency or by voter approval, but delays the imposition of the single rate on corporations until July 1, 1993.

The measure limits percentage increases in state spending effective July 1, 1991, to the total of inflation plus the percentage change in state population in the prior calendar year and any non-emergency voter-approved revenue. The spending limitation may be exceeded in an emergency so long as the spending limits in the next two fiscal years are reduced to prevent a permanent increase in the spending base. State and local governments must establish an emergency reserve.

The measure allows local governments, after July 1, 1991, to reduce or end their subsidy to spending programs, other than public elementary or secondary education and federally-required programs, which are delegated to them for administration by the general assembly but without full state funding. The measure also requires the state to provide, from current revenues, replacement funds to local governments to insure that this amendment neither causes a local government to default on any mandatory payment nor lowers the quality of educational, health, safety, and other essential government services.

The measure requires election officials to mail information about elections involving tax or debt increases or other measures to all registered voters.

New state expenditures required under the terms of this law would be approximately \$50-70 million in fiscal year 1990-91, and \$170-190 million in fiscal year 1991-92. The fiscal impact on other levels of government is indeterminate.

The **ballot title** and **submission clause** as designated and fixed by the Board is as follows:

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| SHALL THERE BE AN AMENDMENT TO ARTICLE X OF THE COLORADO CONSTITUTION TO REQUIRE VOTER APPROVAL FOR CERTAIN STATE AND LOCAL GOVERNMENT REVENUE INCREASES; TO RESTRICT PROPERTY, INCOME, AND OTHER TAXES; TO LIMIT THE RATE OF INCREASE IN STATE SPENDING; TO CHANGE PROPERTY VALUATION AND ASSESSMENT LAWS; AND TO PROVIDE FOR ADDITIONAL INITIATIVE AND REFERENDUM ELECTIONS AND FOR THE MAILING OF INFORMATION TO REGISTERED VOTERS? | YES |  |
|  | NO  |  |