



## Boulder County Democratic Party (BCDP) Executive Committee (EC)

Wednesday, September 14, 2016

5:30 p.m. - 8:30 p.m.

BCDP Headquarters

5735-A Arapahoe Avenue, Boulder, CO 80303

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### Agenda

#### Social Time

**5:30 p.m.** - Snack time and social.

#### **Program – Candidates running for election**

Jonathan Singer, Steve Fenberg, and KC Becker

Jonathan Singer (HD11) talked about how much the Democratic Women of Boulder County raised - twice what they did last year. He also talked about their visiting the State House and how they work. Constituent volunteers are not paid lobbyist. Representative democracy is based on what you tell them. He also reminded people on how a bill becomes a law – involves lobbyists, community meetings, 33-18-1 (number of people needed in house, senate and the governor), good legislators, even better interns and students. Caucus meetings generally can occur at any mean when you get several people together. He also reminded us that the legislature got a lot of things accomplished when the Democrats had control of both houses. Jonathan indicated he could definitely use help as he knocks doors for his reelection. He

highlighted he would like to see family leave act revisited this next year. Rep Faith Winter originally brought this up. The Governor said he would sign this if it made both houses. He also stated that the bill to let people off to take care of kids (family leave) should be passed this next year. He thought Jenise May's seat (she was succeeded by a Republican) is where he thought we lost the majority last time. The last bill he mentioned hoping to get passed is the Distracted driving bill which is being worked on but has died in previous first committees.

Candidate Steve Fenberg is running for SD 18 (Rollie Heath's seat). He was the former Director of New Era Colorado – started it with a couple of other folks. He left that position a few months ago in order to run for the Senate where he is running on issues that are important to him since he felt Boulder would generally be supportive of the same issues. Steve indicated economic development, fiscal issues, budget reform, education reform and financing (social issues as well as economic development) and election access and reform to modern times) are the issues most people care about. He indicated there are three targeted races in Senate and specifically we need Rachel Zenzinger to be back in Senate in place of Laura Woods. He will be working on construction defects bills and allowing communities to set rent control for affordable housing – he hopes to get both of these passed this next year as they affect average folks in Colorado.

KC Becker (HD13) – KC indicated her district spans from the Front Range to the Western Slope and up to the Wyoming border (I70). She has been a legislator for 3 years. She indicated she tries to work as a bipartisan in the Legislature, but Denver is operating more like DC than a city council. Environmental issues, equity issues, education are some of her priorities. She indicated there are some economic issues where she felt there could be compromise – workforce development was one last year and will probably continue. Training might be one for next year.

**6:29 p.m.** - Pledge of Allegiance

## **Business Meeting**

**6:50 p.m.** - Call to Order & Consent Agenda

\* Call to order – Chair Lara Lee Hullinghorst called the meeting to order and then turned it over to Vice Chair Alex Gano.

\* Recognition of elected officials and first-time guests – Representative Jonathan

Singer (HD 11), Rep. KC Becker (HD 13), County Commissioner Deb Gardner, Christine Berg, Mayor of Lafayette, and Candidates Steve Fenberg (SD18) and Edie Hooton (HD10),

+ Click here for the August minutes

([https://gallery.mailchimp.com/9ed672e753a99f3b05ab1674b/files/8\\_10\\_2016\\_E.C.Minutes\\_.pdf](https://gallery.mailchimp.com/9ed672e753a99f3b05ab1674b/files/8_10_2016_E.C.Minutes_.pdf)) – one small correction to them – moved and seconded to approve the minutes.

\* Nominations & Resignations. TAKE NOTE: Just a reminder that none of the current BCDP officers are seeking re-election. If you are interested in running for Chair, Treasurer, Secretary, or one of the three Vice Chair positions, please talk to one of the current officers.

6:15 p.m. - Updates & Reports

\* Treasurer's Report - Celeste Landry - She talked about the amount of money we have on hand plus upcoming expenses – Longmont office and the Voter Guide. She indicated we may get a reimbursement check for when our office was closed. Our neighbor is paying the Xcel bill which we need to pay so that has to be corrected. She also indicated she had been informed of why we cannot get rid of our second website bill since it has precinct information on it which will need to be moved over to the new website. She was please at the number of buttons we are selling. She also stated a former volunteer who passed away has left us the maximum amount she could and her son made a similar donation as well. Celeste mentioned there are two campaign finance reports that are coming up. All receipts will need to be provided to her as soon after October 13 as possible. We have also had a few more members join the Century Club. Finally, she mentioned she is looking for someone who would be interested in being the assistant treasurer, and who might also be interested in the position for next year.

\* Field Team Report - Mike Hart – Next FLAG meeting will be October 7, 2016 . Field Nominations: Mike Page, PCP for precinct 304 has volunteered to adopt orphan precinct 832 as PSP; Arthur Hacker has volunteered to adopt orphan precinct 861 as PSP; Barbara Halpin has volunteered to serve as the PCP for her precinct 618; Sally Gilman has volunteered to adopt either orphan precincts 815 or 822; Ellie Johnson has volunteered to be a Precinct Helper (PH) in her precinct 803; Nicholas Kerwin has volunteered to be a PSP for an orphan precinct to be determined; Jason Brown has

volunteered to be a PSP for an orphan precinct to be determined; and John Dunn has volunteered to serve as PCP for Precinct 504. Area Coordinator nominations include Bill Osher for HD 13, AC 6 (he lives in precinct 864). Field Resignations: Kathleen Carrigan, PCP Pct 646; William Craig, PCP Pct. 608; Paul Daige, PCP Pct 504. Field Removals: Stacy Hogsett, PCP Pct. 605; Carla Blakely, PCP Pct 634 (now an orphan precinct); Tim Morrissey, PCP Pct 626; Ashley Salamonaca, PCP Pct 617; Jeffrey Harris, PCP Pct 633 (now an orphan); and Suellen Cooper PCP Pct 614. Motion made and seconded on the removal. Approved with a 2/3 majority. Moved and second to accept nomination. The motion passed. The next VAN training will be tomorrow night in Louisville library.

\* Resolutions Committee - Cliff Smedley – Cliff said the group endorsed 3 resolutions that have not been approved (2 of them regarding fracking issues) but made good connections. There is an upcoming event where the film, *Hands that Feeds* (organized by a union in NYC of illegal aliens) will be shown, an affordable housing panel; and a resolution on Standing Rock.

\* Outreach & Inclusion Team - Annette Crawford & Candace Bowie – Annette indicated they were doing training for registration targeting Latinos. The first event where this was used was in the mobile home park in Boulder. Flyers were given out to everyone. Training precinct helpers is a second project they are working on – the student volunteers would like to work with precinct leaders and help get out the vote. Also they want to have a ballot assistance center to help people who might have questions or problems with ballot (non-partisan group).

\* Presidential debates are scheduled for September 26 (Lazy Dog Saloon on Pearl), October 9 and 19 with a Vice Presidential Debate on October 4. The officers are organizing watch parties. Alex talked about the items on the agenda including Century Club event next Thursday.

Alex stated he met with representatives from the County Clerk's office regarding election judges (167 spots available and can be nominated by the party and the coordinated campaign). If anyone is interested in doing this let him know.

\*Note on Proxy Voting. Under our bylaws

(<http://static1.squarespace.com/static/5718fe24b6aa60f6a1eba185/t/571913822fe1312b43921982/1461261192619/BCDPBylaws20160112publish.pdf>) , Article III(A)(4),

"Proxies", all proxies must be signed and members can hold only one proxy per meeting; a simple e-mail will not suffice.

7:15 p.m. - Ballot Measure Endorsements

In order to ensure an orderly discussing, please read the following in its entirety.

We will again be discussing some ballot measures that have been approved in their final text for the November ballot.

The following initiatives may be discussed and voted upon at the meeting: Boulder Valley School District property tax increase, St. Vrain Valley School District property tax increase, Superior referendum on telecommunications authorization, Lafayette property tax increase for Eco Passes, Scientific and Cultural Facilities District tax extension, Boulder County Open Space and Sustainability tax extensions, and six state ballot measures, including: an initiative to make state constitutional amendments more difficult, an initiative to replace the current caucus system with a presidential primary, an initiative to open primary elections to unaffiliated voters, an amendment to increase end-of-life options, an amendment to eliminate reference to "involuntary servitude" in the state constitution, and an amendment to exempt certain types of property from property taxes.

Procedurally, in order to consider additional initiatives to the agenda that were not on the Official Call, a 2/3 vote majority is required to pass. However, since notice of a motion to rescind the sugary drink tax was in the meeting's Official Call, a simple majority was required to pass the motion to rescind the August 10 vote on the Sugary Drink Tax. Shari Malloy proposed that we move this to the end of the ballots to be discussed as time allows. The vote to reconsider was 24 for and 17 against. We will reconsider our previous vote on this issue.

Additionally there are 3 initiatives that were not included in the call which we need to consider. These are:

1. Lafayette - excise tax on storage units – Christine Berg stated their City Council wanted to increase this to be in line with other local communities. This would help supplement various programs offered in the community. Dan indicated this was omitted in error. Majority of votes cast is how we can approve or not to include. The vote passed to include in our consideration

2. Boulder City Council Term Limits – 12 years in a lifetime is the maximum time to serve – Dan again said this was his error in not including this in the call. The vote passed for consideration.
3. Boulder Referendum on Blue Line – water services not being supported. Because of annexation need a more precise line as to where the Blue Line is. Who gets sewer service and who doesn't? The EC Vote approved this for discussion.

Dan Gould reminded the attendees that the same rules to vote apply tonight as we used last month. The motion was made to suspend the rules to consider all the initiatives as issued in the call. This was seconded. It needs 2/3 of the majority present for approval. It passed. Dan asked that if someone wants to speak either for or against an initiative, please come and stand next to the podium during the presentation so we can get through each initiative without having to be too late tonight.

9. Boulder Valley Schools Property Tax Increase – Dan Gould - BVSD to approve a property tax for administrative and maintenance purposes. Will raise about \$23m. Recommendation to support. Life of tax – may not expire but it does have a cap. Debate voted on to close. Vote in favor of property tax - **endorsed**.

10. St. Vrain School District Construction Bond – Trying to maximize their construction dollars. Recommendation to support. Pros and Cons discussions. In favor of tax increase for St. Vrain. **Endorsed** this bond.

11. Superior Telecommunications Authorization – high speed internet to residents, businesses, etc. Recommendation to support as does not raise taxes to accomplish this. **Passed this unanimously**.

12. Lafayette Tax Increase for Eco Pass – Sally Bell – Recommendation to support. Mayor says this is a community service to provide these plus lowers traffic. Approved to **endorse** this.

13. Scientific and Cultural District Tax Renewal – Dan Gould – Approved to **endorse** this.

14. County Open Space and sustainability Infrastructure taxes (two measures) for Lafayette – Richard Marsh – vote to recommend this. Open space and sustainability is a priority in Boulder County. For every \$1 put into the community we get \$5 back. **Endorsing** open space tax extension. Also **endorsing** sustainability taxes. Both passed.

15. Colorado Initiative #96 (Amendment 71) – Constitutional Amendment Restrictions – Richard Marsh – need at least 2% of voters per senate district to approve this and has to pass by 55% of voters (doesn't apply to repealing existing amendments in the constitution). Recommend to oppose based upon local control. Many people talked pro and con. Call to question. Vote is to **oppose** this.

16. Colorado Initiative #140 Presidential Primary – Denise Clark – to allow for presidential primary which would allow unaffiliated voters to participate. This would be paid for by all taxpayers. Recommendation to oppose. Raffi made a motion to postpone voting on this until after his presentation (switching the order of voting). Motion passed to switch order. After voting against initiative #98 came back to this. Definitely need primaries over caucuses because we don't have the space. 28-12 to end discussion. In favor of open primary – 10; oppose open presidential primary- 26. **Oppose** Open Presidential Primary

17. Colorado Initiative #98 Semi-Open Primaries – Raffi Mercuri – This opens the primary to allow unaffiliated to vote in the primary but can't choose candidates from each party. Assembly process is still good to get candidates on the ballots. Recommendation is to support this because of mistrust. Approved to stop discussion. Vote in favor of semi-open primaries – 9; opposition was everyone else. **Not endorsing** this initiative

18. Colorado Initiative #145 – Medical Aid in Dying – Paul Geissler – Recommend support this – Vote to **endorse** – vote was unanimous.

19. State Referendum T – Elimination of “Slavery and Indentured servitude” – Cliff Smedley – similar to removing the confederate flag this removes references to slavery and indentured servitude in the state constitution. – Recommend to approve. **Unanimous approval.**

20. State Referendum U – Exemption from Property Tax – Cliff Smedley –

Recommendation to Oppose Endorsing this referendum. Unanimous in **not endorsing** this referendum.

21. Lafayette Tax on Storage Businesses – Dan Gould – Recommendation to oppose. Mayor Berg disagrees with the recommendation and expressed her reasoning very clearly. No opposition from the storage unit businesses. City council supports this as well. Voted to **endorse** this.

Motion to extend the meeting another 15 minutes. Seconded and approved.

22. Boulder Referendum on the Blue Line – Dan Gould – this is an invisible line that above the city of Boulder does not provide water and sewer. This modifies where the line goes and has to be approved by community through City Council.. Recommendation to support. Vote was to **endorse** (only one person voted against).

23. Boulder Referendum to extend Benefits to Council Members – Dan Gould – want to approve council members being paid for the entire year as opposed to only 10 months. Treat council members same as covered employees of the city for certain insurance coverage – goes into effect in 2020. Voted to **endorse** this with only 1 person opposing our supporting this.

24. Sugary Drink Tax (2H) – Angelique Espinoza – this tax will help fight childhood obesity and is endorsed by CDC – almost all of the elected officials in Boulder support this tax. Different people pro and against. Recommendation was to endorse. Motion to call to question and seconded. Have now **endorsed** this tax.

25. Boulder City Council Term Limits – Kitty Sargent – 12 year lifetime. Recommendation to oppose as does not apply to all council members equally. Voted to **oppose**.

9:45 p.m. - Community Announcements & Sharing – Due to length of time spent on initiatives we did not get to this tonight but we will in October.

Rules for this segment:

- \* You must have signed up at the desk at check-in.
- \* Each person is limited to two minutes, up to ten minutes total.
- \* No campaigning for or against candidates is allowed.
- \* No disparaging remarks are allowed.

9:45 p.m. - Next Meeting

Proposed Date:

Wednesday, October 12, 2016

BCDP HQ

5735A Arapahoe Avenue, Boulder, CO 80303

Proposed Program/Agenda:

Democratic candidates and field team updates

9:50 p.m. - Adjourn Business Meeting

Motion was made and seconded to adjourn the meeting. Motion passed.

Respectfully submitted by

Terrye Whitaker, Secretary

Boulder County Democratic Party

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## **BCDP INITIATIVE ANALYSIS FOR VOTING AT 09142016 EC MEETING**

### **Boulder Valley School District Earmarked Tax Increase.**

#### **SUMMARY OF MEASURE**

The BVSD is asking voters to approve a property Tax increase earmarked for capital construction, technology and maintenance. The initial tax hike of 1.7 mills (0.0017 % of assessed value) would raise \$10 million per year. The Measure authorizes the School Board to increase the mill rate up to 1 mill per year to a maximum on 4 mills (0.004 %). The maximum estimated revenue would be about \$23 million at current property values. Examples of the use of these added funds are to do routine and deferred maintenance, improve technology, and offset projected shortfalls in future years.

#### **REASONS TO SUPPORT**

Some of the current tax revenues of the BVSD that could be used for instruction are used for maintenance and this increase would allow some of those funds to be shifted back to instruction.

Technology needs (computer networks, telecommunications, etc.) continue to grow at these funds could be used to meet these needs without reducing budgets in other areas.

The increase has a cap.

The State continues to lag behind in providing adequate funding for schools, primarily due to TABOR revenues limits.

#### **REASONS TO OPPOSE**

The District just got a mill level increase in 2014 and asking for another increase now is too soon.

Property values in Boulder County continue to rise at strong rates, and this results in increased funding to the school district with increase the mill level. The District should use some of these additional revenues for the earmarked purposes rather than ask for more money from the voters.

#### **RECOMMENDATION: SUPPORT**

A quality education is one of the hallmarks of our society, and schools should have the resources to provide this quality education.

**ANALYST:** Dan Gould

# 09142016 BCDP EC STATE INITIATIVES FOR DISCUSSION

## Saint Vrain Valley School District Construction Bond

### SUMMARY OF MEASURE

The SVVSD is asking voters to approve borrowing about a little over \$260 million to pay for new school construction, additions and upgrades to current buildings, and repair and maintenance. The District estimates that the bond would impact Boulder County homes by approximately \$1.82/year for every \$100K of home value.

### REASONS TO SUPPORT

The District's school-aged population is projected to increase by about 2.5% per year and many buildings are at or near capacity now.

The District has a history maximizing construction dollars--doing more than was originally planned for.

The State continues to lag behind in providing adequate funding for schools, primarily due to TABOR revenues limits.

### REASONS TO OPPOSE

The District could look for ways for new residential construction to pay for the new schools such construction requires.

### RECOMMENDATION: SUPPORT

Cramming more students into current school buildings is not good for quality education.

**ANALYST:** Dan Gould

Town of Superior Referendum \_\_\_\_\_

Authorizing Municipal Broadband Service

BALLOT TEXT

Without increasing taxes, shall the Town of Superior have the legal right to provide high-speed internet (advanced services), telecommunications services and cable television services to residents, businesses, schools, libraries, nonprofit entities and other users of such services, either directly or indirectly with public or private sector partners, as expressly permitted by Colorado Revised Statutes §§ 29-27-101 through 304, entitled "Competition in Utility and Entertainment Services"?

PRO

Municipalities are less worried about making a profit than cable or telephone companies and are more interested in providing a reliable, locally accountable service accessible to anyone willing to pay a basic access fee. This could make it easier for low-income families to get Internet services.

The measure does not raise taxes.

Over forty cities in Colorado, including Longmont and Boulder, have voted to offer community-based broadband services.

CON

Large telecommunications companies have the ability to ensure security and timely infrastructure upgrades that community-based Internet services may not. Many people believe that government should not be in competition with the private sector.

RECOMMENDATION: Support

This measure gives the town the ability to offer telecommunications services, but does not require it to.

ANALYST

Kitty Sargent

**BALLOT TITLE: Lafayette City Measure**

”INCREASE IN PROPERTY TAX TO FUND FREE BUS PASSES” (TABOR question)

**SUMMARY OF MEASURE**

Levies an additional ad valorem property tax of up to 1.25 mills per \$1,000 assessed valuation on all taxable real properties within the City of Lafayette, to fund free or reduced price bus passes for all Lafayette residents. The bus passes will apply to all local, regional and express bus routes throughout the Denver Metropolitan area, including all Boulder County municipalities. Initial authorization is for six (6) years, but may be extended upon voter approval. (The current mill levy is 10.164.)

**REASONS TO SUPPORT**

- a. Lafayette has major traffic congestion stemming from outlying commuters driving through Lafayette en route to or from Boulder. The measure will divert some local traffic onto buses, alleviating overall congestion, which is only expected to get worse over time.
- b. It is affordable for the average resident, since it is expected to raise property taxes by only about \$35 to \$50 per year for a \$300,000 home.
- c. It greatly benefits minimum wage and low-income workers, who now pay a significant portion of their hourly wages to ride the bus daily to jobs in Boulder and Denver. The pass will, in effect, significantly boost their incomes through savings on commuting costs.
- d. Children can use the passes to ride local buses to school, which frees up parents, many of whom are rushing to their own jobs.
- e. It will provide an incentive to increase regular ridership for all reasons because a pass is easy and convenient to use. Longmont, Nederland and Lyons, which also have community bus passes, have seen ridership increases.

**REASONS TO OPPOSE**

- a. Information is incomplete now. There is no firm cost information from RTD, so final charges are not known.
- b. Lyons and Nederland are too small to extrapolate to Lafayette’s experience. Longmont’s pass is good within Longmont city limits only, so its experience isn’t applicable either.
- c. U.S. bus ridership tends to be in the low single digits, so even doubling that percentage won’t make a significant dent in traffic congestion.
- d. For the above reason (c.), the new tax is an unwise use of public funds.

- e. Every local resident is eligible for the free pass, even those who may be quite wealthy.
- f. The measure is rushed and poorly conceived, and needs more information and details before taking it to voters.

**RECOMMENDATION: SUPPORT**, as costs per household are relatively small, and it would greatly help the finances of low-income riders commuting to work, even if overall ridership increases may not be that large.

**ANALYST:** Sally Bell

## **STATE REFERENDUM 4B:**

### **Scientific and Cultural Facilities District (SCFD) Tax Renewal**

## **SUMMARY**

The Metro-Counties Scientific and Cultural Facilities District (SCFD) was created in 1988. It collects a 0.1% sales tax in the seven Metro-Denver counties included in the District. This tax must be renewed every few years. This renewal-the third- would extend the life of the tax until 2030.

## **PRO**

The Revenues provides funds for artistic, cultural and scientific activities and organizations that probably could not survive without the District's support. Such activities add to the quality and variety of life.

The SCFD grants can reduce the cost of tickets to events, giving more affordable access than would otherwise be possible.

Boulder County receives a large proportion of such support (63 of approximately 300 organizations that receive grants). For example: Chautauqua, E-Town, and the Colorado Music Festival, to name a few.

This is a relatively small tax: 1¢ on each \$10.00 of purchases.

## **CON**

Such organizations should not depend of tax revenues to survive. If they are worthwhile, they should be able to survive on revenue from customers/users/patrons and from private philanthropy.

**RECOMMENDATION: Support.** This tax supports worthwhile cultural programs and organizations, many of which are in Boulder County.

**ANALYST:** Dan Gould

**BALLOT TITLE:** (Boulder County Measures ## 2016-77, 78, 79 & 80)

COUNTY OPEN SPACE AND SUSTAINABILITY/INFRASTRUCTURE TAX

(I don't know actual title of the ballot measures.)

## **SUMMARY OF MEASURES**

In 1993, county voters approved a 0.25% sales and use tax for open space acquisition, improvement, management & maintenance. This tax has been extended through the years and is due to expire on 12/31/2019. According to County, future open space needs can be served by 0.125% tax.

These measures seek to renew and split the current 0.25% open space sales and use tax and dedicate one-half to open space (0.125%) and one-half to sustainability &

infrastructure programs, including conservation, composting, alternative transportation and climate change mitigation.

Resolutions 2016-77 and 2016-78 address the extension of 0.125% for open space.

Resolutions 2016-79 and 2016-80 address the 0.125% for sustainability.

There will be separate ballot items for each of the 2 tax measures, so theoretically, the voters could approve both, either or neither.

### **REASONS TO SUPPORT**

- a. Open space program has been successful in preserving key county lands and adding to recreational opportunities.
- b. Open space tax necessary to continue support what is already in place.
- c. Sustainability and related infrastructure programs will ensure environmental, social and economic well-being of the county and its natural and human resources for present and future generations.

### **REASONS TO OPPOSE**

- a. Open space - no real opposition other than anti-tax advocates.
- b. Sustainability/infrastructure – any new tax should be used for roads.
- c. Sustainability/infrastructure – county-sponsored composting interferes with private waste disposal providers.
- d. Sustainability/infrastructure – what's the rush. Why now instead of closer to 12/31/2019.
- e. Sustainability/infrastructure – the measure should set deadline for organic farming methods of open space.

**RECOMMENDATION:** SUPPORT BOTH MEASURES. There will be no net increase in tax; instead, the same historic tax is split between two county programs. Both programs serve legitimate county-wide interests. Boulder County is a leader in conservation and environmental sustainability.

**ANALYST:** Rich Marsh

**BALLOT TITLE:** COLORADO INITIATIVE #96

### **SUMMARY OF MEASURE**

An amendment to the Colorado Constitution making it more difficult for citizens to amend the Colorado constitution by:

(1) adding the requirement that any petition for a citizen-initiated constitutional amendment be signed by at least 2% of the registered electors from each state senate district in order to be placed on the ballot;

(2) keeping current requirement that total number of petition signers is no less than 5% of the vote total in the last general election for secretary of state; and

(3) increasing the percentage of votes needed to pass from a simple majority to at least 55% of the votes cast.

The measure does not apply to repealing existing amendments in the constitution.

Current law: (1) the number of signatures necessary to place on the ballot is 5% of the vote total in the last general election for the Secretary of State and (2) the number for passage is a simple majority of votes cast.

## Running the numbers:

There are 35 state senate districts. As of August 1, 2016, there were about 2,984,000 registered active voters across the 35 senate districts. 2% of this total is 59,680. In 2015, the number of petition signatures required to place an initiative on ballot was about 98,000 (5% of vote total in last general election for secretary of state).

Thus, the petition signature requirement under this initiative is a minimum of 98,000 total signatures of which 59,680 must come from across the 35 districts.

(Note: The above calculation was based on “active” registered voters in the 35 districts. If “inactive” are included, the total number of registered voters increases to about 3,500,000. 2% of this number is 70,000 spread across the 35 districts.)

## **REASONS TO SUPPORT**

1. Since 2005, over 2 dozen amendments have been placed on the ballot. The Colorado Constitution has 150 amendments vs US Constitution which only has 27 amendments. Only California and Oregon have seen more citizen-initiatives than Colorado. It's too easy under current law to place a citizen-initiated amendment on the ballot. This measure “raises the bar” on doing so.
2. The measure leaves citizen-referendum alone. Citizens can still create legislation.
3. The senate district requirement gives rural votes a larger and necessary voice.
4. Constitutions are meant to protect fundamental rights and outline the framework of government. This measure makes it harder to pass narrowly-focused amendments with conflicting and unsustainable policies embedded in the constitution.
5. Removes ability of out-of-state special interests to add ballot measures.

Sponsored by Raise The Bar/Protect The Constitution (<http://raisethebarco.com>)

Endorsed by: many individuals and groups, including Governor Hickenlooper; various state legislators; Club 20 (western slope); Action 22 (southern Colorado);

Pro\*15 (NE Colorado); Denver Metro Chamber; Aurora EDC; Jeffco EDC; Metro Denver EDC; Farm Bureau; Dairy Farmers; Pork Producers; Livestock Producers; Wheatgrowers; Egg Producers; Colo Bankers Assn; Special District Assn of Colo; Colo Water Congress; Colo Hospital Assn.; Associated Builders & Contractors; Colo Homebuilders; Colo Assn of School Boards; and others.

## **REASONS TO OPPOSE**

1. "The first power hereby reserved by the people is the initiative". This measure significantly undermines this power.
2. The senate district requirement effectively hands veto power to any Colorado senate district. This will be easy to accomplish in districts where the oil & gas or other dominant industry is prevalent.
3. The senate district requirement dilutes the voting power of concentrated population centers (urban & metropolitan) under the guise that less populated rural areas need greater representation.
4. Some say that Raise The Bar has fallaciously equated their initiative to the process of amending the US Constitution.
5. Raise The Bar's concern over out-of-state interests ignores out-of-state and multinational entities that fight local control measures or sponsor their own measures.
6. The cost of a citizen-initiated amendment would substantially increase by requiring petition signing in all 35 senate districts. Big Money can afford to do this. Most citizen-initiatives cannot.
7. Sponsors of the initiative include Utah-based Colorado Dairy Farmers Trust which has given \$100,000 in support of the measure. Prime example of out-of-state interest influencing Colorado initiatives.

Organized opposition: Colorado Common Cause; Independence Institute (John Caldara); Our Health, Our Future, Our Longmont (Kaye Fissinger).

## **RECOMMENDATION:**

Consistent with BoCo Dems support of local control and the "first power" reserved to the people, I recommend that we OPPOSE this Initiative.

**ANALYST:** Rich Marsh

## **STATE INITIATIVE 140: PRESIDENTIAL PRIMARY ELECTION**

### **STATE BALLOT LANGUAGE:**

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

“Shall there be a change to the Colorado Revised Statutes recreating a presidential primary election to be held before the end of March in each presidential election year in which unaffiliated electors may vote without declaring affiliation with a political party.

### **SUMMARY**

Voters experienced disenfranchisement and disappointment with the state’s system for participation in the presidential nomination process in 2016. For the Democratic Party, attendance at caucuses overwhelmed many party-run events. Long lines caused delays and limited some eligible voters’ ability to take part in the process. Republican Party chose not to hold official preference polls, leaving active republican voters without a say in the party’s potential nominees.

Colorado held presidential primaries in 1992, 1996, and 2000. This measure would restore a presidential primary in Colorado beginning in 2020.

Currently, the 35% of Colorado voters who are independent of a party must join a party if they want to participate in caucuses where presidential preference polls are taken or a primary election. This measure if passed would allow an unaffiliated voter to cast a primary vote in one party primary, without having to join that party.

Voters who are currently affiliated with a party could not vote in another party's primary without canceling or switching their affiliation a month prior to the election. This makes the proposal a "semi-open" primary.

It would also allow a party to hold precinct caucuses on a Saturday, rather than a Tuesday, during presidential election years.

## **PRO**

A presidential primary will be paid for by all taxpayers, therefore all eligible voters should have the ability to vote in the primary. Currently, Colorado allows unaffiliated voters to vote in the party primary of their choice only if they register with that particular party. This requires unaffiliated voters to change their voter registration prior to the primary or caucus and then they would have to change their registration afterward to vote as an unaffiliated voter in the general election.

This limits the number of unaffiliated voters that vote in a primary election or caucus.

A semi-open presidential primary would involve more voters, increase participation and could encourage candidates who are responsible to the viewpoints of more Coloradoans.

## **CON**

The semi-open primary can potentially dilute the parties' ability to nominate. Political parties are communities of shared belief. In choosing candidates for an election, party members choose someone to stand up for these values, make the case for policies that reflect these values to the wider public, and act on them if elected. Under a semi-open primary system party members

would lose the ability to choose candidates who reflect the distinctive values of the party to which they belong. If a semi-open primary system works, it means that candidates are chosen who reflect the values of the public at large. The political party thus loses the ability to stand candidates who offer ideas to the public who express its distinctive values and beliefs.

The open primary could also be negative for voter participation. Statistics show that voter participation in the United States was higher when people could only vote in the primary for their own party. In Hawaii, primary voter turnout fell from 74.6% in 1978 to 42.2% in 2006 after changing to open primaries. The closed primary system had more of an incentive for people to join one of the major parties. This led to people being more involved in the voting process. With the open primary, some argue, more voters become independent and are less likely to participate in the nominating or election processes.

## **RECOMMENDATION: *OPPOSE*:**

Changing to a primary election would alleviate the overcrowding experienced at the democratic caucuses when significantly more voters turned out than were anticipated. However, a semi-open primary would potentially lead to less voters joining a particular party and parties losing the ability to choose candidates that reflect their true values.

**ANALYST:** Denise Clark

## **BALLOT TITLE: Colorado Statewide Initiative 98 (Semi-Open Primary Elections)**

### **Summary of Measure:**

Ballot initiative 98 is an amendment to the Colorado Revised Statutes to allow unaffiliated (independent) voters to vote in any party's primary election, but only ONE party's primary election. This is NOT the measure which reinstates the Presidential Primary Election.

Voters who are affiliated to any other party besides the Democratic party would NOT be allowed to vote in our primary.

A party could, by a super-majority of its Central Committee, choose—on a cycle-by cycle basis-- not to use the semi-open primary to select its candidates but, instead, have them selected at their county, district and state assemblies.

### **Reasons to Support**

A. Semi-Open Primary elections allow more diverse participation in party primaries. In a voting district like Boulder County, this is especially important considering the dominance of the Democratic Party in the general elections. The only time unaffiliated electors can cast their vote is during the general election, and by then the major party nominees have already been selected, and unaffiliated voters who lean left or right are realistically only given two choices, whether or not they support the candidates. Voting in primary elections make our elections more heterogeneous and dynamic, which in my opinion is healthy for the party, the county, and the state.

B. All taxpayers fund primary elections, they should therefore have the choice to participate in the primary elections.

C. Campaigns are forced to be more inclusive in their voter outreach which would familiarize a larger portion of the electorate with the major party candidates who will be on the ballot in the general election. It may also shore up support for down-ballot races in the general as some unaffiliated voters would already be familiar with the candidates and would want to vote for them again.

### **Reasons to Oppose**

A. The Semi-Open Primary gives a voice to people who choose not to actively participate or affiliate in the party. Some would argue that by opening the primary elections to unaffiliated voters, the primaries may be tainted with votes which are intentionally cast without the party's best interest at heart. Closed primaries are only open to those with a vested interest in the party.

B. Campaigning becomes a much bigger, more expensive effort as there are more targeted voters for a candidate to reach.

**Recommendation: Support.** I would implore the committee to resist the fear of party interlopers. Republican, Green, and other affiliated voters would not be able to cast their vote in our primary elections. Aside from this, there is no reason to believe that unaffiliated voters would skew the primary towards a "bad" democratic candidate. The party, as an entity, must be neutral towards candidates in the democratic primary and therefore no vote cast by an unaffiliated voter would be "bad" for the party.

We should also be aware of our strength in Boulder County. The candidate who wins the Democratic primary in our county almost certainly gets elected in the general. More voters of this county should have a voice in our primary as it is realistically the only contested election which takes place.

**Analyst: Raffi Mercuri**

## **State Initiative #145 Medical Aid in Dying**

### **SUMMARY OF MEASURE**

Shall there be a change to the Colorado revised statutes to permit any mentally capable adult Colorado resident who has a medical prognosis of death by terminal illness within six months to receive a prescription from a willing licensed physician for medication that can be self-administered to bring about death; and in connection therewith, requiring two licensed physicians to confirm the medical prognosis, that the terminally-ill patient has received information about other care and treatment options, and that the patient is making a voluntary and informed decision in requesting the medication; requiring evaluation by a licensed mental health professional if either physician believes the patient may not be mentally capable; granting immunity from civil and criminal liability and professional discipline to any person who in good faith assists in providing access to or is present when a patient self-administers the medication; and establishing criminal penalties for persons who knowingly violate statutes relating to the request for the medication?

### **REASONS TO SUPPORT**

- Medical aid in dying is a safe and trusted medical practice, because the eligibility requirements and safeguards ensure that only mentally capable, terminally ill adults with a prognosis of six months or less who want the choice of a peaceful death are able to request and obtain aid in dying medication.
- The person must be fully informed of all their options for care, including pain management, palliative care, hospice and comfort care.
- Two physicians must determine the person has no mental condition impairing their ability to make decisions and is free from undue influence or coercion.
- The physician must offer the person multiple opportunities to take back the request for aid in dying medication.
- Two witnesses must sign the request form confirming that the person is mentally capable and the request is voluntary.
- The 19-year Oregon experience demonstrates it is a safe and trusted medical practice. The law has worked as intended and none of the abuses have come to pass. Research indicates that one of the greatest benefits of the law is providing peace of mind for the terminally ill, so

they can focus on living the life they have left to the fullest.

<http://coendoflifeoptions.org/>

### **REASONS TO OPPOSE**

- Some people get suicide prevention while others get suicide assistance, and the difference between the two groups is their health status. This is blatant discrimination.
- Disability is at the heart of the assisted suicide debate. Some people fear disability as a fate worse than death. Proponents are willing to treat lives ended through assisted suicide coercion and abuse as “acceptable losses” when balanced against their unwillingness to accept disability or responsibility for their own suicide.
- In a society that prizes physical ability and stigmatizes impairments, it’s no surprise that previously able-bodied people may tend to equate disability with loss of dignity. This reflects the prevalent but insulting societal judgment that people who deal with incontinence and other losses in bodily function are lacking dignity.
- The prevalence of elder abuse has been one factor that raises concerns about the risk that older people with health impairments may be coerced into choosing assisted suicide. Disability abuse is similarly prevalent but less well known.
- Colorado’s proposed law grants civil and criminal immunity to physicians providing lethal prescriptions based on a stated claim of “good faith” belief that the person was terminal and acting voluntarily. This is the lowest culpability standard possible.

<http://www.notdeadyetcolorado.org/>

**RECOMMENDATION:** SUPPORT because terminally ill people should be able to make informed decisions about their lives and die with dignity and without suffering. There are adequate safeguards to prevent abuse, and a similar law has worked well in Oregon. It is legal in CA, MT, OR, VT, and WA.

**ANALYST:** Paul Geissler

### **SUMMARY OF MEASURE**

The Colorado Removal of Exception to Slavery Prohibition for Criminals Amendment, also known as Amendment T, is on the November 8, 2016, ballot as a legislatively referred constitutional amendment

A "yes" vote supports this proposal to remove part of the Colorado Constitution that allows forced, unpaid labor by convicted criminals.

A "no" vote opposes this proposal, leaving the constitution unchanged and allowing forced, unpaid labor by convicted criminals.

## **Overview**

Currently, the Colorado Constitution contains a provision that allows convicted criminals to be forced to work in prison without pay or restitution. Amendment T would remove that provision. The provision currently reads,

"There shall never be in this state either slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted."

The phrase "except as a punishment for crime, whereof the party shall have been duly convicted" means that anyone convicted of a crime could be subject to labor without consent in prison. The measure would remove this wording, making it unconstitutional to force convicted criminals to work without their consent.

## **REASONS TO SUPPORT**

NONE of our current inmate work programs are compulsory so this Amendment changes nothing. It is simply intended to fix archaic language so that slavery is never regarded as acceptable in our state constitution. This is comparable to southern states removing the confederate flag. The Colorado Legislature passed this referendum UNANIMOUSLY (both houses, both parties).

## **REASONS TO OPPOSE**

This Amendment is superficial and effectively changes nothing so why not leave things as they are. There is no real problem that is being solved.

## **RECOMMENDATION - SUPPORT**

A document as important as our state constitution should never have any sort of provision that allows slavery at any time. This change will update our constitution to reflect present day values.

## **STATE REFERENDUM "U"**

Exemption some Activities from Property Taxes

## **OVERVIEW**

A possessory interest is the financial gain that an individual or private firm makes from leasing government land or other property. This money is typically taxed. Amendment U

would create a tax exemption for possessory interests with a value of \$6,000 or less. The exemption would begin with tax year 2018. After that year, and in two year increments, the \$6,000 level would be adjusted for inflation.

### **TEXT OF THE MEASURE**

Shall there be an amendment to the Colorado constitution concerning an exemption from property taxation for a possessory interest in real property if the actual value of the interest is less than or equal to six thousand dollars or such amount adjusted for inflation?

### **REASONS TO SUPPORT**

A government, or public, interest is typically associated with these government leases. However, these Public Private Partnerships involve an element of risk to the private partner, especially during the initial stages. Providing individuals and private firms this tax incentive in consideration of this risk draws a larger pool of applicants for the government entity to choose from when entering into such a partnership. Public Private Partnerships, if done correctly, benefit everyone

### **REASONS TO OPPOSE**

Such government leases have the potential for good but today's manifestation of such agreements is routinely not in the public interest and therefore deserve scrutiny and discouragement until the government side of these deals becomes more advantageous to the public. Private interests regularly acquire control of government assets for below-market costs and/or they make above-market profits. Contracts valued in the thousands don't make headlines but the dynamics are very similar to government leases to the more familiar mining interests, timber interests, and tolling interests.

### **RECOMMENDATION - OPPOSE**

It is apparent that campaign contributions are influencing policy makers so that they are currently giving sweetheart deals to private entities. With current dynamics this tax incentive would further the injustices to the public interest that are occurring in government leasing.

ANALYST: Cliff Smedley

