

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0922.02 Pierce Lively x2059

**HOUSE BILL 21-1321**

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**HOUSE SPONSORSHIP**

**Kennedy and Weissman,**

**SENATE SPONSORSHIP**

**Moreno and Pettersen,**

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**House Committees**

State, Civic, Military, & Veterans Affairs  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING VOTER TRANSPARENCY REQUIREMENTS TO INCREASE**  
102            **INFORMATION ABOUT THE FISCAL IMPACT OF STATEWIDE**  
103            **BALLOT MEASURES THAT WOULD RESULT IN A CHANGE IN**  
104            **DISTRICT REVENUE, AND, IN CONNECTION THEREWITH, MAKING**  
105            **AN APPROPRIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill requires that certain language appear at the beginning of a ballot title for an initiated measure that would either increase or

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

decrease tax revenue through a tax policy change. In the case of a measure that would reduce state tax revenue through a tax policy change, the ballot title must begin "Shall funding available for state services that include but are not limited to (the three largest areas of program expenditures) be impacted by a reduction of (projected dollar figure of revenue reduction to the state in the first full fiscal year that the measure reduces revenue) in tax revenue...?". In the case of a measure that would reduce local district property tax revenue through a tax policy change, the ballot title must begin "Shall funding available for public services offered by counties, school districts, water districts, fire districts, and other districts funded, at least in part, by property taxes be impacted by a reduction of (projected dollar figure of revenue reduction to all districts in the first full fiscal year that the measure reduces revenue) in property tax revenue...?". In the case of a measure that would increase tax revenue for any district through a tax policy change, after the language required by section 20 (3)(c) of article X of the state constitution, the ballot title must state either "in order to increase or improve levels of public services", or, if applicable, "in order to increase or improve levels of public services, including, but not limited to (the program expenditure that the measure states will receive increased funding)".

The bill also creates additional requirements for the fiscal summary of an initiated measure that would increase or decrease the individual income tax rate or state sales tax rate. The bill requires the fiscal summary for such a measure to include a table that shows the average tax burden change for a filer in different income categories.

The bill changes the requirements for the ballot information booklet entry for certain measures. The bill requires the ballot information booklet entry for an initiated measure that would increase or decrease income tax revenue or state sales tax revenue to include a table that shows the number of tax filers in designated income categories, the total tax burden change for each of those income categories, and the average tax burden change for a filer within each of those income categories. If an initiated measure includes a tax policy change that reduces state tax revenue, the bill requires the ballot information booklet to include a description of the 3 largest areas of program expenditure funded by the affected revenue stream.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1. Short title.** The short title of this act is the "Ballot  
3 Measure Fiscal Transparency Act of 2021".

4           **SECTION 2.** In Colorado Revised Statutes, 1-5-407, **amend** (7)

1 as follows:

2 **1-5-407. Form of ballots.** (7) No printing or distinguishing  
3 marks shall be on the ballot except as specifically provided in this code  
4 OR IN SECTION 1-40-106 (3)(e) TO (3)(h).

5 **SECTION 3.** In Colorado Revised Statutes, 1-40-105.5, **amend**  
6 (1.5)(a)(IV); and **add** (1.5)(a)(V) as follows:

7 **1-40-105.5. Initial fiscal impact statement - definition.**

8 (1.5) (a) For every initiated measure properly submitted to the title board,  
9 the director shall prepare a fiscal summary that consists of the following  
10 information:

11 (IV) The following statement: "This fiscal summary, prepared by  
12 the nonpartisan Director of Research of the Legislative Council, contains  
13 a preliminary assessment of the measure's fiscal impact. A full fiscal  
14 impact statement for this initiative is or will be available at  
15 [www.ColoradoBlueBook.com](http://www.ColoradoBlueBook.com)."; AND

16 (V) IF THE MEASURE WOULD EITHER INCREASE OR DECREASE THE  
17 INDIVIDUAL INCOME TAX RATE OR STATE SALES TAX RATE, A TABLE THAT  
18 SHOWS THE ESTIMATED EFFECT OF THE CHANGE TO THE INDIVIDUAL  
19 INCOME TAX RATE OR STATE SALES TAX RATE ON THE TAX BURDEN OF  
20 DIFFERENT INCOME CATEGORIES. IN DETERMINING THIS EFFECT, THE  
21 DIRECTOR MAY USE THE SAME METHODOLOGY THAT THE DEPARTMENT OF  
22 REVENUE USES WHILE PREPARING A TAX PROFILE AND EXPENDITURE  
23 REPORT TO MEASURE THE DISTRIBUTION OF STATE AND LOCAL TAXES  
24 AMONG HOUSEHOLDS PURSUANT TO SECTION 39-21-303 (2)(d)(I)(C). THE  
25 TABLE PREPARED BY THE DIRECTOR MUST SHOW THE AVERAGE TAX  
26 BURDEN CHANGE FOR FILERS WITHIN EACH INCOME CATEGORY. IF THE  
27 CHANGE IN A TAX BURDEN SHOWN IN THE TABLE IS AN INCREASE, THE

1 CHANGE MUST BE EXPRESSED AS A DOLLAR AMOUNT PRECEDED BY A PLUS  
2 SIGN. IF THE CHANGE IN A TAX BURDEN SHOWN IN THE TABLE IS A  
3 DECREASE, THE CHANGE MUST BE EXPRESSED AS A DOLLAR AMOUNT  
4 PRECEDED BY A NEGATIVE SIGN. THE DIRECTOR SHALL USE THE  
5 FOLLOWING INCOME CATEGORIES IN CREATING THE TABLE:

6 (A) FEDERAL ADJUSTED GROSS INCOME OF FOURTEEN THOUSAND  
7 NINE HUNDRED NINETY-NINE DOLLARS OR LESS;

8 (B) FEDERAL ADJUSTED GROSS INCOME GREATER THAN OR EQUAL  
9 TO FIFTEEN THOUSAND DOLLARS AND LESS THAN THIRTY THOUSAND  
10 DOLLARS;

11 (C) FEDERAL ADJUSTED GROSS INCOME GREATER THAN OR EQUAL  
12 TO THIRTY THOUSAND DOLLARS AND LESS THAN FORTY THOUSAND  
13 DOLLARS;

14 (D) FEDERAL ADJUSTED GROSS INCOME GREATER THAN OR EQUAL  
15 TO FORTY THOUSAND DOLLARS AND LESS THAN FIFTY THOUSAND  
16 DOLLARS;

17 (E) FEDERAL ADJUSTED GROSS INCOME GREATER THAN OR EQUAL  
18 TO FIFTY THOUSAND DOLLARS AND LESS THAN SEVENTY THOUSAND  
19 DOLLARS;

20 (F) FEDERAL ADJUSTED GROSS INCOME GREATER THAN OR EQUAL  
21 TO SEVENTY THOUSAND DOLLARS AND LESS THAN ONE HUNDRED  
22 THOUSAND DOLLARS;

23 (G) FEDERAL ADJUSTED GROSS INCOME GREATER THAN OR EQUAL  
24 TO ONE HUNDRED THOUSAND DOLLARS AND LESS THAN ONE HUNDRED  
25 FIFTY THOUSAND DOLLARS;

26 (H) FEDERAL ADJUSTED GROSS INCOME GREATER THAN OR EQUAL  
27 TO ONE HUNDRED FIFTY THOUSAND DOLLARS AND LESS THAN TWO

1 HUNDRED THOUSAND DOLLARS;

2 (I) FEDERAL ADJUSTED GROSS INCOME GREATER THAN OR EQUAL  
3 TO TWO HUNDRED THOUSAND DOLLARS AND LESS THAN TWO HUNDRED  
4 FIFTY THOUSAND DOLLARS;

5 (J) FEDERAL ADJUSTED GROSS INCOME GREATER THAN OR EQUAL  
6 TO TWO HUNDRED FIFTY THOUSAND DOLLARS AND LESS THAN FIVE  
7 HUNDRED THOUSAND DOLLARS;

8 (K) FEDERAL ADJUSTED GROSS INCOME GREATER THAN OR EQUAL  
9 TO FIVE HUNDRED THOUSAND DOLLARS AND LESS THAN ONE MILLION  
10 DOLLARS; AND

11 (L) FEDERAL ADJUSTED GROSS INCOME GREATER THAN OR EQUAL  
12 TO ONE MILLION DOLLARS.

13 **SECTION 4.** In Colorado Revised Statutes, 1-40-106, **add** (3)(e),  
14 (3)(f), (3)(g), (3)(h), (3)(i), and (3)(j) as follows:

15 **1-40-106. Title board - meetings - ballot title - initiative and**  
16 **referendum - definitions.** (3) (e) FOR MEASURES THAT REDUCE STATE  
17 TAX REVENUE THROUGH A TAX POLICY CHANGE, THE BALLOT TITLE MUST  
18 BEGIN "SHALL FUNDING AVAILABLE FOR STATE SERVICES THAT INCLUDE  
19 BUT ARE NOT LIMITED TO (THE THREE LARGEST AREAS OF PROGRAM  
20 EXPENDITURE) BE IMPACTED BY A REDUCTION OF (PROJECTED DOLLAR  
21 FIGURE OF REVENUE REDUCTION TO THE STATE IN THE FIRST FULL FISCAL  
22 YEAR THAT THE MEASURE REDUCES REVENUE) IN TAX REVENUE...?". THE  
23 ESTIMATES REFLECTED IN THE BALLOT TITLE SHALL NOT BE INTERPRETED  
24 AS RESTRICTIONS OF THE STATE'S BUDGETING PROCESS.

25 (f) FOR MEASURES THAT REDUCE LOCAL DISTRICT PROPERTY TAX  
26 REVENUE THROUGH A TAX POLICY CHANGE, THE BALLOT TITLE MUST  
27 BEGIN "SHALL FUNDING AVAILABLE FOR PUBLIC SERVICES OFFERED BY

1 COUNTIES, SCHOOL DISTRICTS, WATER DISTRICTS, FIRE DISTRICTS, AND  
2 OTHER DISTRICTS FUNDED, AT LEAST IN PART, BY PROPERTY TAXES BE  
3 IMPACTED BY A REDUCTION OF (PROJECTED DOLLAR FIGURE OF PROPERTY  
4 TAX REVENUE REDUCTION TO ALL DISTRICTS IN THE FIRST FULL FISCAL  
5 YEAR THAT THE MEASURE REDUCES REVENUE) IN PROPERTY TAX  
6 REVENUE...?". THE TITLE BOARD SHALL EXCLUDE ANY DISTRICTS WHOSE  
7 PROPERTY TAX REVENUE WOULD NOT BE REDUCED BY THE MEASURE FROM  
8 THE MEASURE'S BALLOT TITLE. THE ESTIMATES REFLECTED IN THE BALLOT  
9 TITLE SHALL NOT BE INTERPRETED AS RESTRICTIONS OF A LOCAL  
10 DISTRICT'S BUDGETING PROCESS.

11 (g) FOR MEASURES THAT INCREASE TAX REVENUE FOR ANY  
12 DISTRICT THROUGH A TAX POLICY CHANGE AND SPECIFY THE PUBLIC  
13 SERVICES TO BE FUNDED BY THE INCREASED REVENUE, AFTER THE  
14 LANGUAGE REQUIRED BY SECTION 20 (3)(c) OF ARTICLE X OF THE STATE  
15 CONSTITUTION, THE BALLOT TITLE SHALL STATE "IN ORDER TO INCREASE  
16 OR IMPROVE LEVELS OF PUBLIC SERVICES, INCLUDING, BUT NOT LIMITED TO  
17 (THE PUBLIC SERVICE SPECIFIED IN THE MEASURE)...". FOR MEASURES  
18 THAT INCREASE TAX REVENUE FOR ANY DISTRICT THROUGH A TAX POLICY  
19 CHANGE AND DO NOT SPECIFY THE PUBLIC SERVICES TO BE FUNDED BY THE  
20 INCREASED REVENUE, AFTER THE LANGUAGE REQUIRED BY SECTION 20  
21 (3)(c) OF ARTICLE X OF THE STATE CONSTITUTION, THE BALLOT TITLE  
22 SHALL STATE "IN ORDER TO INCREASE OR IMPROVE LEVELS OF PUBLIC  
23 SERVICES...". THE ESTIMATES REFLECTED IN THE BALLOT TITLE SHALL NOT  
24 BE INTERPRETED AS RESTRICTIONS OF A DISTRICT'S BUDGETING PROCESS.

25 (h) A BALLOT TITLE FOR A MEASURE THAT EITHER INCREASES OR  
26 DECREASES THE INDIVIDUAL INCOME TAX RATE OR STATE SALES TAX RATE  
27 MUST, IF APPLICABLE, INCLUDE THE TABLE CREATED FOR THE FISCAL

1 SUMMARY PURSUANT TO SECTION 1-40-105.5 (1.5)(a)(V).

2 (i) IN DETERMINING WHETHER A BALLOT TITLE QUALIFIES AS BRIEF  
3 FOR PURPOSES OF SECTIONS 1-40-102 (10) AND 1-40-106 (3)(b), THE  
4 LANGUAGE REQUIRED BY SUBSECTION (3)(e), (3)(f), (3)(g), OR (3)(h) OF  
5 THIS SECTION MAY NOT BE CONSIDERED.

6 (j) AS USED IN THIS SUBSECTION (3), UNLESS THE CONTEXT  
7 OTHERWISE REQUIRES, "AREAS OF PROGRAM EXPENDITURE" MEANS  
8 CATEGORIES OF SPENDING BY ISSUE AREA. FOR STATE EXPENDITURES,  
9 "PROGRAM EXPENDITURE" REFERS TO TOTAL EXPENDITURES BY PROGRAM,  
10 AS LISTED IN THE "BUDGET IN BRIEF" PREPARED BY THE JOINT BUDGET  
11 COMMITTEE FOR THE MOST RECENT FISCAL YEAR.

12 **SECTION 5.** In Colorado Revised Statutes, 1-40-124.5, **amend**  
13 (1)(b) introductory portion, (1)(b)(II), and (1)(b)(III); and **add** (1)(b)(IV)  
14 as follows:

15 **1-40-124.5. Ballot information booklet.** (1) (b) The director of  
16 research of the legislative council of the general assembly shall prepare  
17 a fiscal impact statement for every initiated or referred measure, taking  
18 into consideration fiscal impact information submitted by the office of  
19 state planning and budgeting, the department of local affairs or any other  
20 state agency, and any proponent or other interested person. The fiscal  
21 impact statement prepared for every measure shall be substantially similar  
22 in form and content to the fiscal notes provided by the legislative council  
23 of the general assembly for legislative measures pursuant to section  
24 2-2-322. ~~C.R.S.~~ A complete copy of the fiscal impact statement for such  
25 measure shall be available through the legislative council of the general  
26 assembly. The ballot information booklet shall indicate whether there is  
27 a fiscal impact for each initiated or referred measure and shall abstract the

1 fiscal impact statement for such measure. The abstract for every measure  
2 shall appear after the arguments for and against such measure in the  
3 analysis section of the ballot information booklet, and shall include, but  
4 shall not be limited to:

5 (II) An estimate of the amount of any state and local government  
6 recurring expenditures or fiscal liabilities if such measure is enacted; ~~and~~

7 (III) For any initiated or referred measure that modifies the state  
8 tax laws, ~~an estimate of the impact to the average taxpayer, if feasible, if~~  
9 ~~such measure is enacted~~ IF THE MEASURE WOULD EITHER INCREASE OR  
10 DECREASE INDIVIDUAL INCOME TAX REVENUE OR STATE SALES TAX  
11 REVENUE, A TABLE THAT SHOWS THE NUMBER OF TAX FILERS IN EACH  
12 INCOME CATEGORY, THE TOTAL TAX BURDEN CHANGE FOR EACH INCOME  
13 CATEGORY, AND THE AVERAGE TAX BURDEN CHANGE FOR EACH FILER  
14 WITHIN EACH INCOME CATEGORY. IF THE CHANGE IN A TAX BURDEN  
15 SHOWN IN THE TABLE IS AN INCREASE, THE CHANGE MUST BE EXPRESSED  
16 AS A DOLLAR AMOUNT PRECEDED BY A PLUS SIGN. IF THE CHANGE IN A TAX  
17 BURDEN SHOWN IN THE TABLE IS A DECREASE, THE CHANGE MUST BE  
18 EXPRESSED AS A DOLLAR AMOUNT PRECEDED BY A NEGATIVE SIGN. THE  
19 TABLE MUST HAVE THE SAME INCOME CATEGORIES AS THE TABLE  
20 CONSTRUCTED PURSUANT TO SECTION 1-4-105.5 (1.5)(a)(V); AND

21 (IV) IF THE MEASURE CONTAINS A PROPOSED TAX POLICY CHANGE  
22 THAT REDUCES STATE TAX REVENUE, A DESCRIPTION OF THE THREE  
23 LARGEST AREAS OF PROGRAM EXPENDITURE, AS DEFINED IN SECTION  
24 1-40-106 (3)(j).

25 **SECTION 6. Appropriation.** For the 2021-22 state fiscal year,  
26 \$7,865 is appropriated to the legislative department for use by the  
27 legislative council. This appropriation is from the general fund and is



1 based on an assumption that the legislative council will require an  
2 additional 0.1 FTE. The legislative council may use this appropriation to  
3 implement this act.

4           **SECTION 7. Safety clause.** The general assembly hereby finds,  
5 determines, and declares that this act is necessary for the immediate  
6 preservation of the public peace, health, or safety.