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COLORADO GENERAL ASSEMBLY

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AN ANALYSIS OF
1990 BALLOT PROPOSALS

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LETTER OF TRANSMITTAL

September 6, 1990

This analysis of statewide measures to be decided at the 1990 general election has been prepared by the Colorado Legislative Council as a public service to members of the General Assembly and the general public pursuant to section 2-3-303, Colorado Revised Statutes. Four proposed constitutional amendments and one proposed statute are analyzed in this publication.

Amendments 2 and 3 were referred by the General Assembly. Amendments 1, 4, and 5 are measures initiated by the people. If approved by the voters, the constitutional amendments could only be revised by a vote of the electors at a subsequent general election.

Initiated measures are placed on the ballot by petition of the registered electors. Initiated measures require the signature of registered electors in an amount equal to five percent of votes cast for Secretary of State.

The provisions of each proposal are set forth, with general comments on their application and effect. Careful attention has been given to arguments both for and against the various proposals in an effort to present both sides of each issue. While all arguments for and against the various proposals may not have been included, major arguments have been set forth so that each citizen may decide the relative merits of each proposal.

It should be emphasized that the Legislative Council takes no position, pro or con, with respect to the merits of these proposals. In listing the ARGUMENTS FOR and the ARGUMENTS AGAINST, the council is merely putting forth arguments relating to each proposal. The quantity or quality of the FOR and AGAINST paragraphs listed for each proposal is not to be interpreted as an indication or inference of council sentiment.

Respectfully submitted,

Representative Chris Paulson
Chairman
Colorado Legislative Council

AMENDMENT NO. 1 - CONSTITUTIONAL AMENDMENT INITIATED BY PETITION

Tax Limitation — Voting

Ballot Title: *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.*

Provisions of the Proposed Constitutional Amendment

The proposed amendment to the Colorado Constitution, which will generally take effect on December 31, 1990, places limits on the authority of the state and all local governments to raise revenue and on the state to expend such revenue. The limits would:

Limits on state and local government revenues.

— require voter approval before the state or any local government may impose new taxes, tax rate increases, tax extensions, or other changes in governmental policy that directly provide a net gain in tax revenues to the state or local government (except as permitted for emergency taxes or for inflation plus local growth in the property tax base);

— require voter approval for creation of government-backed debt or other financial obligations that extend past the fiscal year incurred without adequate cash reserves irrevocably pledged for all future payments (except for refinancing debt at a lower interest rate or adding new employees to existing pension plans);

— require voter approval before any license, permit, or fee is enacted or an existing charge expressed in monetary terms and not as a percentage for a license, permit, or fee is increased more than the percentage change in inflation since December 31, 1990, or to more than the next whole dollar every five years or more beginning in 1995;

— require that any revenue collected in the first year after a voter-approved increase that exceeds the amount the government said (in an election notice) the increase would produce is to be refunded by reducing the revenue source to match that first-year estimate and that the revenue source be reduced proportionately in all future years, and require that the cost of future bonds may not exceed the maximum cost stated in the election notice mailed by the government;

— require the state and local governments to reserve three percent or more of their fiscal year spending (after an initial two-year phase-in period) to be used in declared emergencies only, with any unused funds to be carried forward to meet the next year's minimum reserve;

— permit a tax increase to be imposed for an emergency, after the required emergency reserve has been spent. Amounts not spent on the emergency would be refunded. An emergency tax would expire if not approved by the voters at the next election;

Option to suspend election requirement.

— permit the voters, in an election, to either waive or modify their right to vote on specific proposals for up to five years (except on charter or constitutional

amendments, initiatives, bonded debt elections, or referenda by petition). State and local voters may also require voter approval for those items which are otherwise excepted from the voter-approval requirement;

Limits on state government revenues and spending.

— require that, beginning July 1, 1991, the annual percentage change in state government fiscal year spending, after deducting prior emergency spending, cannot exceed the percentage change in inflation plus the percentage change in state population in the prior calendar year, unless approved by the voters after June 30, 1991;

— require that any revenues obtained in excess of the spending limit are to be refunded in the next two fiscal years by reductions in tax rates or other revenue sources;

— permit the spending limit to be exceeded in an emergency provided that spending limits in the next two fiscal years are reduced to prevent a permanent increase in the spending base from the emergency;

— exclude from the state spending limit federal funds received, certain refunds, gifts, certain transfers, collections for other governments, employee share of pension payments and pension earnings, civil damages, asset sales, or similar occasional monetary conversions;

— provide that all net taxable income shall be taxed at one rate, the lowest of any rate charged in 1990 (five percent). Corporate income tax rates would have to be reduced to that level by July 1, 1993. The rate may only be exceeded in an emergency or by voter approval. Any form of retroactive income tax increase is prohibited;

— require the state to provide from its current revenues sufficient replacement funds to local governments to insure, in the state's judgment, that the revenue impact of this proposal 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;

Limits on local government revenues.

— prohibit new or increased real estate transfer tax rates;

— require that the maximum tax on any property, from the combined levy of all local governments, shall not exceed 69 mills, plus voter-approved debt. This limit can be exceeded only for past or future voter-approved debt. Where the property tax exceeds 69 mills, plus voter-approved debt, local governments are to reduce levies by 10 percent of the excess each year over a ten-year period to bring the total tax levy down to the limit. Local governments are to bear reductions proportionately or as otherwise provided by law. Essentially, the maximum tax on residential property would be one percent of actual value, plus voter-approved debt. The maximum tax on most other classes of property would be two percent, plus voter-approved debt;

— except for levies set by voters or to repay debt, restrict the annual mill levy of each local government to ensure that annual property tax revenue increases are tied to inflation and voter-approved changes. Schools shall make an additional adjustment for a percentage change in student enrollment. Other governments shall make an additional adjustment for a percentage change in assessment roll value from net new construction, and net changes in the assessment roll. (These adjustments could not occur if the combined mill levy on any

of the property within the taxing district equalled or exceeded 69 mills, plus voter-approved debt.);

— prohibit property taxes from being increased by elected officials as an emergency tax;

— create an annual personal property tax credit of up to $200 per taxpayer (one per business) with the credit annually adjusted for inflation;

— permit local governments to reduce or end their financial subsidy to any program the state commences or continues to delegate to them for administration but without full state funding, except for public education or programs required of them by federal law;

Property assessment provisions.

— establish new criteria for property assessment procedures. Properties are to be reassessed in every odd-numbered year based on actual value as of January 1 two years before. Require assessment notices to be sent to taxpayers annually, regardless of any increases in assessed valuation. Assessments may be appealed annually. Require that actual value be stated on the property tax bill. Require that residential property be valued for assessment using the market approach to appraisal only. No change in the assessment valuation approach is required for other properties;

— require that residential property, now assessed at 15 percent of actual value, be assessed at 14.5 percent of actual value and other properties continue to be assessed at 29 percent of actual value. Provide that the assessment ratio for residential property and the 29 percent ratio for other properties can be increased under specified circumstances from its current level of actual value to 50 percent and 100 percent, respectively, and that the residential assessment ratio may then be increased to a maximum of 100 percent so long as the change does not result in a tax increase on residential property. This change would allow all other property taxes to be lowered in stages toward one percent of market value upon action by the General Assembly. Prohibit property assessed at 29 percent of actual value from paying more than two times the effective residential property tax rate;

Tax and bond election provisions.

— provide that all elections shall be by majority vote;

— restrict revenue election dates to the state general election, the regular biennial local government election, and the first Tuesday in November of odd-numbered years. Thus, the state is allowed one revenue election a year and local governments are allowed a maximum of three revenue elections in two years;

— provide that each government may consolidate its proposals on the ballot, except for constitutional or charter amendments or petitions;

— provide that an election notice be mailed at the lowest cost 15 to 25 days prior to the election to "All Registered Voters"at each elector registration address. Where governments which will have issues on the ballot overlap, the notices must be sent as a package. The notices of election must include, among other items of information, the following: an estimate of new revenue resulting from a proposed tax change; the annual and cumulative changes in spending by the government over the past five years; two summaries of filed comments of up

to 250 words each, one supporting and one opposing the proposal; and the maximum annual and cumulative repayment cost for a bond proposal;

Enforcement.

— provide for enforcement of the proposal by authorizing the filing of individual or class action lawsuits. These actions are to have the highest civil priority of resolution;

— provide that the guide for interpreting the proposal is "that which restrains most the growth of government;"

— provide that revenue collected, retained or spent illegally since three full fiscal years before a suit is filed shall be refunded with 10 percent annual simple interest and that such refunds shall be deducted from the relevant fiscal year base revenue before further growth adjustments are made.

General provisions.

— require that bonded debt, pensions, and liability judgments shall have first claim on revenue; and

— provide that additional restraints on revenue, spending, or debt are allowed.

Comments on the Proposed Amendment

Several provisions of the proposal raise questions as to meaning of terms and how the provisions are to be implemented. A discussion of some of these practical and legal questions may be helpful in understanding the possible impact of the proposal.

Property tax provisions. The proposal establishes the maximum tax on any property, from the combined levy of all governments, at 69 mills, plus voter-approved debt (an effective property tax rate of one percent of the residential property's actual value). In taxing areas where the combined levy now exceeds this limit, the levies must decline by ten percent of the excess in the first year and by ten percent or more each year thereafter to bring the total mill levy down to the limit within ten years. Taxing entities must bear any reduction in levy proportionately or as provided by law.

Questions have arisen regarding the implementation of the provisions detailing the 69 mill levy limit. Article X, Section 3 (1) (a) of the Colorado Constitution (the so-called uniformity provision) states: "Each property tax levy shall be uniform upon all real and personal property . . . located within the territorial limits of the authority levying the tax." The proposal does not explicitly repeal the uniformity provision, but does provide that ". . . no provision for a uniform levy within a district, or future levy increases, or otherwise, shall override these limits." Proponents contend that, while not explicitly repealed, the proposal effectively repeals the uniformity provision and that the proportional reduction in levy only applies to individual taxpayers with mill levy rates in excess of the limit. Others suggest that the proposal must be read in concert with the uniformity provision, which would continue to require a uniform tax rate upon all properties within a taxing entity.

The dilemma occurs when the total of all the levies on a property is over the limit. Should the levies on just that property be reduced, while the levies on all

other properties within each taxing entity remain the same as levied? Or should the levies on all properties in each taxing entity be reduced by the same amount so that the highest levy does not exceed the limit?

Assuming that the proposal would supersede the uniformity provision for those individual properties on which the total non-debt mill levies exceed the limit, the levies for the various taxing entities would be proportionately reduced only for those properties on which the non-debt mill levies total more than the limit. Therefore, if the mill levy imposed by a taxing entity is reduced for some taxpayers within the taxing entity to comply with the limit, it need not be reduced for all other taxpayers within that taxing entity. This could result in some taxpayers subsidizing services for those who may be fortunate enough to reside in a higher-tax area and receive the benefit of levy reductions. Under this interpretation, the first year (1992) reduction in property tax collections statewide would approximate $14.4 million. By the tenth year (2001) and each year thereafter, full implementation would result in an annual property tax reduction of approximately $143.8 million. This represents a 7.2 percent annual reduction in non-debt property tax collections. This estimate is based on the current assessed valuation base, and is therefore exclusive of any growth in the property tax base which would otherwise occur. By comparison, the total statewide amount of property tax collections generated by non-voter approved debt is currently $2.0 billion annually.

Assuming that the proposal would be interpreted in a manner which will maintain the uniformity provision requiring uniform mill levies to be applied across all properties within the taxing entity, if the total mill levies of all taxing entities exceed the limit for any individual property, each levy would be required to be proportionately reduced to such lower rate for all properties within the taxing entity. Thus, the mill levy for the county, school districts, municipalities, and overlapping special districts would be determined by the taxing entity with the highest combined mill levy within each of these entities. When the mill levy limit for some properties is reduced as required by the mill levy limitation, a uniform mill levy is only achieved by a corresponding reduction of the levy on all other properties within the taxing entity. This insures that all property is treated fairly by subjecting it to the same levy. Under this interpretation the property tax reductions would be significantly greater. By the year 2001, it is estimated that the annual property tax reduction under this interpretation would represent a 25.8 percent annual reduction in non-debt property tax collections.

Because of different interpretations as to whether the proposal would supersede the uniformity provision or be implemented in conjunction with it, and because of the difference in the fiscal effect each interpretation would have, it appears likely that the ultimate determination of this issue will rest with the courts. It is difficult to determine the final interpretation which would be adopted by the courts.

Revenue elections. The proposal requires voter approval for any new taxes, higher tax rates, tax extensions, or change in any fiscal policy that directly provides a net gain in tax revenue to any government. In 1989, the General Assembly enacted one increase for gasoline and special fuel taxes through December 31, 1990, and a second increase on those fuels to become effective January 1, 1991. Since the proposal becomes effective December 31, 1990, will those fuel tax increases be considered void since they were not approved by the voters? If so, this would result in an approximate loss, in gasoline taxes alone, of $30 million annually for highway construction and improvements.

Generally, the proposal requires voter approval for increasing charges for licenses, permits, and fees by more than the percentage change in inflation since December 31, 1990, or the last increase, or more than the next whole dollar no sooner than 1995 and every five years or more thereafter. This provision seems to require, as an example, voter approval for the following items, among a multitude of other licenses, permits, and fees: tuition at the state's colleges and universities; raising the price of fares for public transportation; increasing fees for public libraries, recreation centers, etc.; and increasing charges to users of publicly owned utilities, airports, and hospitals. Licenses, permits, and fees may be adjusted annually for inflation without voter approval. The voters may also waive their right to vote on such increases for up to five years.

The proposal requires voter approval for creation of government or government-backed debt or other financial obligations that extend past the fiscal year and are incurred without adequate cash reserves irrevocably pledged for all future payments (except for refinancing debt at a lower interest rate or adding new employees to existing pension plans). Before a government could enter into a binding lease agreement for a photocopy machine, a road-grader, or a computer, would it have to create a reserve for future payments or receive voter approval to lease without a reserve? Would an increase in pension benefits require voter approval? Again, the voters could waive their right to vote on such matters for up to five years.

Government-issued bonds are rated by agencies which consider the diversity of funding options available to the issuing entity. Would the restrictions in the proposal lower the bond ratings of Colorado governmental entities, resulting in increased future borrowing costs for public projects and services? How would the possibility of lower bond ratings affect such capital development projects as airports and hospitals, since flexibility in setting user fees to repay bonds is critical to revenue bond financing? Under the proposal, the revenue sources to pay for the bonds would be approved with the bond election. The proposal further provides that revenues to pay for bonded debt are to have first priority on government revenues.

Emergency reserves. State and local governments are required to set aside emergency reserves from fiscal year spending of one percent in 1991, two percent in 1992, and three percent in 1993 and in each year thereafter. If the reserve is unused, it will carry forward to the next year. Emergency reserves can be spent only for declared emergencies, which exclude economic conditions, revenue shortfalls, or district salary or fringe benefit increases. If three percent of a government's revenue is restricted to emergencies, then additional funds may have to be set aside for cash flow purposes, revenue shortfalls, unforeseen expenditures, or contingency needs. Since this one-time reserve could not be used to cover revenue shortfalls, could this directly impact a government's bond rating as the unappropriated, unrestricted fund balance of a government is typically viewed as a "rainy day" fund that can be used to cover revenue shortfalls? Would the one-time increase in funds necessary to provide for an emergency reserve result in a decrease in available resources to provide current services, or will the normal revenue growth be sufficient to provide for these needs?

Program shifts. Except for kindergarten through 12th grade education or as required of a local district by federal law, local governments may reduce or end their funding for programs delegated to them by the state without full state funding. The impact of this provision seems apparent in some circumstances

and raises questions as to its implications in other areas. The two major areas impacted by this provision are the mandated county share of public assistance programs and the required county share of providing space and maintenance for state and county court facilities. Assuming that the counties would exercise their option under the proposal to end or reduce their share of the funding of such state mandated programs, the cost to the state could be significant, if the state replaces the money. Questions could arise as to the meaning of "mandated programs." For example, could costs be shifted to the state from local governments to meet water quality, waste and solid and hazardous waste requirements of state statutes and regulations? Would governments (state and local) be less able to respond to federal mandates and therefore suffer the revenue penalties associated with failure to comply with such mandates?

Services protected. The proposal specifies that the state shall provide from current revenues sufficient replacement funds to local governments to insure in its judgment that the proposal does not cause a default on bond obligations, and other obligations. Since legal payments on bonded debt is to have the first claim on district revenue, would this make the state the guarantor of payment on local government bonded indebtedness? Because of the state spending limitations, would sufficient replacement funds be available to meet this obligation?

Election requirements. The election provisions of the proposal require that a notice of such election be mailed to each elector registration address 15 to 25 days before a tax election. Such notice is to be mailed at the lowest cost, and where districts with proposals overlap, the notices are to be mailed as a package. Currently, however, the computerized capability is not available for identifying the registration address of each elector who is to receive, as a package, notices of election when overlapping taxing areas have proposals to be voted on. Identifying those who are to receive a package of notices will otherwise have to be done manually, if possible. This requirement could add to the cost of conducting such elections, even though taxing areas are to share in the costs of providing such notices.

The Secretary of State's office estimates that a statewide election costs approximately $3 million. Under the proposal, statewide elections could occur every year instead of every other year. This will increase the cost to the state of conducting statewide elections. The preparation and mailing of the notice of a statewide election will also add to the cost of conducting such elections. Local government elections could be held three times in two years. The intent is to reduce the number of local government elections which can be held and to require that they be held on general election dates or the regular biennial local government election date. By reducing the number of elections, costs of conducting such elections will be reduced. However, the lengthy ballots which could be necessary in some local government elections, and the required notices of election, will increase costs to the various governmental units. There is no way to determine the overall cost to local governments of the election requirements.

The notice of election is to contain, if relevant, an estimate of the government's revenue increase in dollars from the proposed change in the first full fiscal year of each change. If revenue increases from the change exceed the estimate for the same fiscal year, the government is required to refund the excess and reduce the revenue source proportionately in all future fiscal years. Would the refund be through a tax reduction in subsequent years? To whom is the excess revenue to be refunded, in what amount, and by what procedure? For example, if an increase in sales tax or gasoline tax approved by the voters generated more

revenue than estimated because of an unanticipated increase in tourist trade, who would get the refund? Would this require an excessive and expensive amount of bookkeeping on the part of businesses and government? Will governments routinely overestimate revenues to avoid the time and expense of refunding any excess revenue? If so, will the proposal improve on the idea of truth-in-taxation?

Arguments For

1) The requirement for voter approval of any new taxes or tax rate increases will provide an incentive for public officials to manage tax dollars more responsibly and to be more accountable. Requiring voter approval will reduce some of the pressure on public officials by special interests for more public funds. Public officials can still raise taxes to meet emergency needs, subject to voter approval at a subsequent election. Consolidation of the various elections now permitted will increase voter participation in questions involving the funding of government and will reduce the cost of holding more frequent special elections. The election notice requirements will provide voters with an understanding of the need for new revenue and will result in a more informed electorate. Voters exercise good judgment on such issues and have the right and duty to decide issues which relate to the size of their government. Revenues are allowed to grow as the economy grows, but an increase in the government's share of growth will only be permitted if the people approve. The proposal does not determine how the revenue is to be spent, but rather allows the voters to determine how much government they can afford.

2) The proposal will limit the growth of government revenues generated by the property tax to the inflation rate and local growth, unless the voters approve of an exception. Property taxes are a significant burden, especially for senior citizens and others on fixed income. The proposal limits the property tax on homes to no more than 69 mills, plus voter-approved debt (essentially equivalent to one percent of market value). This limitation will provide stability for property owners.

3) The proposal will control state spending. Future growth in state spending is limited to the combined change in population and inflation, unless the voters approve more spending. This limitation will allow for government services to an increasing population in inflation-adjusted dollars, but government will not be able to grow at the expense of the private sector unless the voters approve of an exception. This proposal will protect the people from government spending in excess of what would be justified by increases in inflation and population.

4) The proposal contains various safeguards which will maintain a necessary balance in government revenues. Increasing fees and charges rather than taxes is prevented because fee increases above the inflation rate will *require* voter approval. Borrowing will be discouraged by the requirement of an election. Spending every available dollar will be prohibited by a required reserve for use in case of emergencies. The state will not be able to make local governments run state programs unless the state pays the full cost. Instead of seeking new sources of revenue, government will be encouraged to consider new sources of savings.

5) Both the private sector and the public sector will benefit from the economic growth the proposal will foster. The key to a strong economy is a healthy private sector that can provide jobs. Business is reluctant to invest when tax rates are going up regularly. The economy is in trouble and government must share in the hard times. By allowing people to keep more of what they earn,

productivity and investment will be rewarded. That boost to the economy will also lead to more tax revenue for the public sector.

Arguments Against

1) The proposal will weaken representative government and local control. For more than a century the people of Colorado have been well served by the process of governance through elected state and local representatives. The authority for elected officials to make any meaningful decisions about taxes and levels of spending would be taken away and replaced by government by referendum on revenue raising issues. Every voter could not possibly become thoroughly informed about the budgetary needs of all units of government. Government by initiative and referendum is cumbersome, expensive, and not subject to the checks and balances of representative government.

2) Rigid tax and spending limitations placed in the constitution are an inflexible way to govern our society. This proposal will place detailed restrictions in the constitution and will put a stranglehold on Colorado governments for now and for years to come. The authority for elected representatives to respond to emergencies is overly restrictive. The proposal will impose restrictions on the ability to reform and modernize the tax structure and to provide equity among taxpayers as changes occur in the state's economy. Representative government is premised on the notion that government should retain the option of changing laws as times change. The ability of state and local governments to provide for the public safety, fund social service programs, improve transportation, maintain quality water services, support education, and provide other governmental services critical to promoting quality of life, economic development, and job creation will be weakened.

3) The effect of the proposal goes far beyond the purpose of curtailing growth in government. The proposal reduces existing local revenues to provide needed services. Many governments are already experiencing problems in providing needed services because of revenue shortfalls, which have already resulted in reductions in important governmental services. Local governments would be less able to respond to federal mandates, which are unaffected by the proposal. The proposal will result in further reductions in these services. The long-range uncertainty of a government's ability to maintain assets and demonstrate revenue growth could have a generally negative impact on the credit quality and the bond rating of governments. The funding of new or expanded infrastructure for growth would be very difficult to achieve under this proposal.

4) Several provisions of the proposal are vague and subject to conflicting interpretations. Extensive and expensive litigation will be necessary to resolve the meaning of the various provisions, plus lawsuits will inevitably arise as governments try to abide by the provisions of the proposal. Litigation will have the undesirable effect of involving the courts in the administration of state and local governments, adding many cases to an already overloaded court docket, causing delay in the implementation of policy, and increasing the cost of government.

5) State and local government expenses will be increased because of the election requirements. The proposal will base the limit of any increase in expenditures and revenues, other than through voter approval, on statistical measures which may not reflect the true need or cost of services, and which have questionable relevance to the increased cost of providing public services, to the increased demand for public services which accompanies economic growth, or

to the cost of federally-mandated programs. Any allowable inflation adjustments will always be retrospective, or after the fact. Thus, if license, permit, and user fees are set to recover government costs, recovering all of those costs will be impossible when there is inflation. Some programs, such as those for cleaner air, water, waste water, solid and hazardous waste disposal, which have increased the costs of government, are unrelated to inflation. It cannot be reasonably demonstrated that program costs are directly related to population growth. Local governments with a heavy reliance on property taxes will be unable to respond to emergencies.

AMENDMENT NO. 2 - STATUTE PROPOSED BY THE GENERAL ASSEMBLY

Presidential Primary

Ballot Title: *Shall the State of Colorado conduct a presidential primary election which conforms to political party rules at which electors shall cast votes for qualified candidates of their political party, and the results of which may be used by political parties to allocate delegates to national political conventions for the selection of a presidential candidate at such conventions?*

Provisions of the Proposed Statute

The proposed statute would:

— provide for a presidential primary election in Colorado for the selection of delegates to national political conventions which will select presidential candidates of political parties to be voted for at the succeeding general election;

— allow the General Assembly, during the 1991 session, to determine the exact date for the presidential primary election;

— allow an elector to vote only for a candidate of the same political party as the elector and allow an unaffiliated elector to affiliate with a political party and vote in the party's primary election on the day of such election; and

— require each political party, to the extent permitted by state and national political party rules, to use the primary election results to allocate delegate votes to presidential candidates for the presidential nominating convention of that party. Political parties do not need to allocate delegate votes to candidates who receive less than fifteen percent of the votes cast in the presidential primary election for that party.

Comments on the Proposed Statute

Current state law does not specifically address the procedures for selection of delegates to presidential nominating conventions. This is left to the political parties. The statutes do contain other requirements for the conduct of precinct caucuses and the county, district, and state assemblies. If the electorate approves a presidential primary, the Democrat and Republican parties in Colorado would have to develop new rules for the selection of delegates to the national conventions.

This proposal would not change the party caucuses or county, district, or state assemblies except that the presidential delegates would be determined

through the presidential primary held on the date determined by the General Assembly. The August primary election would not be changed in any manner.

Precinct caucuses are held on the first Tuesday in April, at which time delegates to county assemblies are selected. County assemblies must be held no sooner than ten days and no later than thirty days after the precinct caucuses. The state and district assemblies shall be held no later than 65 days before the primary election. The state assembly/conventions shall select delegates to the national political conventions.

Primary Systems in Other States. Colorado is one of 26 states which have what is called a "closed" primary system. A closed primary election is one in which a voter must declare (or have previously declared) a political party affiliation and vote only that party's ballot in the primary election. One of the major advantages of the closed system is that party registration makes it more difficult for one party to "raid" the primary of another party. "Raiding" occurs when the voters of one party participate in the other party's primary and select, for example, the weakest candidate to oppose the candidate of their choice. A total of 21 states have "open" primaries. An open primary election is one in which a voter may vote for the nomination of any of the candidates on the ballot regardless of his or her political party affiliation. A major argument advanced in favor of the open primary is that it allows a voter to participate freely in primaries by not requiring party registration.

There are variations of the open primary in the three remaining states. Alaska and Washington have "open-blanket" primaries. Such primaries allow a registered voter to participate in both primaries at once. Thus, for example, a voter could select a Republican for the office of Governor and a Democrat for the office of Secretary of State. A non-partisan primary is held in Louisiana. Under this system, candidates of both parties are listed on the ballot in a single primary. In essence, the Louisiana primary is not a party election, but rather is considered a preferential election designed to select the two candidates to run for each contested office in the general election. All qualified electors are entitled to vote at the primary elections, regardless of their party affiliation, if any, and all candidates at the election who qualify may be voted on without regard to the candidate's party affiliation.

Arguments For

1) A presidential primary would give Coloradans more influence in the selection of presidential candidates. State presidential primaries held early in the nominating process play a particularly important role in the selection of the presidential candidates, whereas, in recent years, states that are late in choosing their delegates have had a lesser impact on the nominating process. Such a primary would afford Colorado voters, who have declared a party affiliation, an opportunity for more direct and more meaningful participation in the determination of their party's nominee for president.

2) Because the influence of the state in the presidential nominating process would be increased, a presidential primary would encourage presidential candidates to actively campaign in Colorado and to pay greater attention to issues of concern to Coloradans. A presidential primary would focus national media attention on issues of importance to Colorado and the West. A presidential primary would help familiarize Colorado voters with the strengths, weaknesses and political positions of those who are seeking their party's nomination for

president. The more visible primary system would result in numerous opportunities for voters to become informed about the candidates and their opinions.

3) A presidential primary would stimulate voter interest and voter participation. The majority of Colorado voters are unfamiliar with the complex and less accessible caucus process. Primaries provide easier access to the process of electing the president, thus it is not surprising that greater numbers of voters participate in primaries than in the caucus system. The adoption of a primary would bring about increased voter participation, and heightened political awareness.

4) The Colorado General Assembly is given the flexibility to fix the date of the primary election to coincide with the dates of the presidential nominating process in other western states. Adoption of the proposal could be a step toward the establishment of a regional presidential primary similar to the "Super Tuesday" regional primary in which many southern states participate. Such a regional primary would put a large pool of delegates to the national nominating conventions at stake, and thus induce presidential candidates to give greater attention to the West.

Arguments Against

1) A presidential primary would continue to weaken the political party system. Primaries encourage presidential candidates to bypass regular party organizations in favor of a personal publicity campaign. Presidential primaries generally result in presidential nominees who feel less obligated to congressional and other national, state, and local party organizations and more dependent on the candidate's own organization and contributors.

2) A presidential primary would do little to clarify the issues in presidential elections. Presidential primaries simply provide a popularity contest for the more well-known candidates. The candidate who spends the most money, makes the best television commercials, or perhaps is the state's "favorite son", is the person likely to receive the most votes at a primary election. Caucuses provide deliberative forums where interested and knowledgeable people can make enlightened decisions.

3) A presidential primary would encourage a movement away from the party organizations and thus would decrease the input of political party regulars who are most apprised of a presidential candidate's strengths and weaknesses. Conversely, caucuses give party members a chance to meet and debate the issues before a vote is taken. In effect, the caucus system allows the general public greater access to the decision-making process than the primary system.

4) A presidential primary would require an expensive election process and would be an unnecessary burden on the Colorado taxpayer. The Office of Secretary of State estimates the cost of a general election to be approximately $3.0 million and the cost of a presidential primary would approximate $2.0 million. A closed presidential primary in Colorado would limit the number of eligible voters participating in the election because more than one-third (36 percent) of Colorado's registered voters are unaffiliated. Conversely, an open primary system would be less cumbersome for independent voters who would not have to declare a party affiliation if they desire to vote in a primary election. An open primary would allow voters the prerogative to participate in the nomination process of that party race in which they would be most interested.

AMENDMENT NO. 3 - CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY

Obsolete Provisions

Ballot Title: *An amendment to Articles IV, VII, XI, XII, XIII, and XVIII of the Constitution of the State of Colorado, concerning the repeal of obsolete constitutional provisions.*

Provisions of the Proposed Constitutional Amendment

The proposed amendment to the Colorado Constitution would:

— delete the requirement that the territorial seal shall be the state seal;

— delete the authority for the General Assembly to prescribe an educational qualification for electors;

— delete the prohibition on state financing of the 1976 winter Olympics;

— delete the disqualification from holding office by reason of a duel;

— delete the reference to service in the Spanish-American war as of April 21, 1898, in relation to veterans' preference under the state personnel system;

— delete the provision which exempts justices of the peace and county judges from being subject to impeachment; and

— delete the requirement for publication of session laws in Spanish and German until the year 1900.

Comments on the Proposed Amendment

This referred constitutional amendment represents a continuing effort on the part of the General Assembly to refer "housecleaning" amendments to the voters in order to eliminate from the constitution provisions that are overly specific, obsolete, or no longer serve the purpose for which they were adopted. For example, in 1988 the voters approved an amendment to delete obsolete language and to conform the Colorado Constitution with amendments to the United States Constitution.

The General Assembly is constitutionally prohibited from proposing amendments to more than six articles of the constitution at any one general election. Thus, the effort to delete obsolete provisions in the constitution has to be accomplished as a series of amendments. This proposal amends six articles of the constitution which appear to be noncontroversial and technical in nature.

The first proposed change would delete the requirement that the seal of the territory of Colorado in use in 1879 would be the seal of the State of Colorado "...until otherwise provided by law." In 1908, the General Assembly adopted the territorial seal as the state seal. Therefore, the provision is obsolete, but the provision continues to grant the General Assembly the power to prescribe the form of the state seal. The second proposed change would delete the language providing that the General Assembly may prescribe educational qualifications for electors. The federal Voting Rights Act of 1965 prohibits any type of literacy test in any state and this requirement has been upheld by the United States Supreme Court. Therefore, this provision is obsolete. The third proposed

change would delete as obsolete a provision adopted in 1972 which prohibited state funding in any manner for the 1976 Winter Olympics.

The fourth proposed change would delete the constitutional section which provides that a person may not hold any office in the state if that person fights in a duel, or is a second in a duel, or assists in a duel. The last recorded duel in Colorado occurred more than 100 years ago. The fifth proposed change would delete a reference to veterans of the "Spanish American War as of April 21, 1898" for purposes of awarding veterans' preference in seeking state employment.

The sixth proposed change would remove the exemptions for county judges and justices of the peace from being liable for impeachment for high crimes and misdemeanors. And last, the measure would delete the constitutional language that all publication of laws must be published in Spanish and German until the year 1900.

Argument For

1) Approval of this measure will continue the effort to reform the Colorado Constitution by deleting obsolete provisions and conforming to the United States Constitution when it is deemed necessary and appropriate. The constitutional document should not be cluttered with archaic and obsolete provisions.

Argument Against

1) While the constitutional provisions proposed to be deleted by this measure are obsolete and have no application, it does no harm to leave them in the constitution as a matter of historical significance.

AMENDMENT NO. 4 - CONSTITUTIONAL AMENDMENT INITIATED BY PETITION

Limited Gaming

Ballot Title: *An amendment to Article XVIII of the constitution of the state of Colorado by the addition of a new section 9 to allow the conducting of limited gaming in the cities of Central and Black Hawk, county of Gilpin, Colorado, and the city of Cripple Creek, county of Teller, Colorado, on and after October 1, 1991.*

Provisions of the Proposed Constitutional Amendment.

The proposed amendment to the Colorado Constitution would:

— legalize limited gambling in Central City, Black Hawk, and Cripple Creek beginning October 1, 1991. Gambling would be restricted to blackjack, poker, and slot machines, and would be further limited to a single maximum $5 bet;

— restrict limited gambling to the commercial districts of these cities and to structures which conform to the architectural styles and designs common to such areas between 1875 and World War I, regardless of the age of said structures, and which conform to the requirements of the applicable city ordinances;

— restrict the area to be used for gambling to no more than thirty-five percent of the total square footage of each building and no more than fifty percent of the square footage of any one floor;

— prohibit limited gambling between the hours of 2:00 a.m. and 8:00 a.m. (the hours in which liquor establishments must be closed);

— allow limited gambling in establishments licensed to sell alcoholic beverages;

— create the "Limited Gaming Control Commission" which would be responsible for the administration and regulation of limited gambling and the promulgation of rules and regulations governing the licensing thereof;

— create a limited gaming fund in the state treasury to which licensing fees and up to forty percent of the gross proceeds generated from limited gambling would be paid;

— provide for the following distribution of moneys in the limited gaming fund less administrative and regulatory costs: fifty percent to the state general fund or such other fund as designated by the General Assembly; twenty-eight percent to the state historical fund (of this, twenty percent shall be used for the preservation and restoration of Central City, Black Hawk, and Cripple Creek, and the remaining eighty percent for historic preservation throughout the state); twelve percent to Gilpin and Teller counties; and ten percent to Central City, Black Hawk, and Cripple Creek; and

— require the General Assembly to enact, amend or repeal such laws as are necessary to implement the provisions of the proposed amendment. These laws would include provisions for the licensing of qualifying nonprofit charitable organizations which may periodically host limited gambling activities in licensed gambling establishments.

Comments on the Proposed Amendment

History of gambling law in Colorado. The Colorado Constitution, as adopted in 1876, prohibited gambling. Over the years, certain forms of gambling have been legalized by the General Assembly and the voters. In 1947 a referred law was adopted which authorized pari-mutuel wagering at horse and dog races. In 1952, the Colorado Supreme Court decided that pari-mutuel betting on dog and horse races did not amount to the maintenance of a lottery prohibited by the constitution and the legality of pari-mutuel wagering was sustained. The constitutional prohibition on gambling remained unchanged until 1958 when an initiated amendment was adopted which permitted the operation of games of chance (bingo and raffles) by certain nonprofit organizations. Implementing legislation was enacted in 1959. After previous attempts to authorize a sweepstakes or lottery failed, a constitutional amendment which established a state-supervised lottery was approved in 1980. Implementing legislation for the lottery was enacted in 1982. Lotto games were authorized by the General Assembly in 1988.

In 1979, the General Assembly enacted a law which permitted certain nonprofit, tax exempt, religious, charitable, educational and other organizations to conduct lawful gambling on liquor-licensed premises under specified conditions. For the next five years casino-type gambling by certain nonprofit organizations in conjunction with a liquor license was conducted. Because of much

confusion in the administration and enforcement of the law and many abuses in the operation of such gambling activities, the law was repealed in 1984.

Previous attempts to authorize casino-gambling and other forms of limited legal gambling have failed. For example, a 1982 initiated proposal to permit casino gambling in the southern part of the state and in resort areas and economically depressed counties failed to qualify for the ballot because of fraud in the petition drive. In 1984, voters rejected an initiated proposal to legalize casino gambling in a designated area of Pueblo County. An initiated effort in 1984 to permit the conduct of poker and to revive "charitable gambling" failed to qualify for the ballot.

This year the General Assembly rejected a proposal to authorize "betting pools" in liquor-licensed establishments and a proposal to authorize licensees under the bingo law to use electronic or computerized devices or machines for the playing of poker. The General Assembly also rejected a proposed constitutional amendment similar to this initiated proposal to permit limited gambling in several historic communities.

State revenue. The state of Colorado receives a percentage of the revenue derived from legal gambling. The figures below reflect the amount received by the state in the latest fiscal or calendar year.

Pari-mutuel Betting — The state receives 4 percent of the total bet. In 1989 the state's share was $8.2 million.

Lottery — The state receives approximately 30 percent of the proceeds from lottery and lotto for state parks and recreation, capital construction, and local parks and recreation (conservation trust fund). In fiscal year 1988-89, lottery sales equaled $78.9 million, and the total amount distributed to the three areas was $18.9 million.

Bingo and Raffles — The state receives 3 percent of the net profit of bingo and raffle games. In 1989 the state's share was $811,348.

Arguments For

1) Limited gambling would help to ensure the preservation of historic buildings in Central City, Black Hawk, and Cripple Creek, and in other areas of the state. With the diminishing economies of these communities, legalized gambling would help raise the necessary funds to restore the historic character of the designated towns without burdening the taxpayers of Colorado or the citizens of the communities. The flavor of the frontier gold mining life should be maintained since the significance of these areas was in large part responsible for Colorado becoming a state in 1876. Without additional resources being committed to the preservation of the structures and character of these historic towns, the buildings will continue to deteriorate and collapse. If this is permitted to occur, a treasured national and state resource will eventually be lost.

2) Limited gambling will assist in capturing more tourist revenue and will increase tourism overall. The added attraction of limited gambling will create an extended tourist season for these towns. The benefits of added tourism will be felt not only in the towns where limited gambling is allowed but in the surrounding communities. More tourist dollars spent will result in more available state and local funds and less taxation on the residents of Colorado. Almost

half of the tax revenue generated will go to the state general fund to be shared throughout the state.

3) The new service type businesses necessary to support the increased tourism in these areas will create new jobs both locally and statewide. These additions to the work force will increase individual income and sales tax revenues to the state and local governments. The proposal will benefit many nonprofit charitable organization by allowing so-called "charity nights" in licensed gambling establishments.

4) Limited gambling is designed to act as a supplement to, and not a replacement of existing businesses in the communities. Taxes derived from gambling will ensure the preservation of historic buildings. The proposal is an effort to enhance the historic qualities of the communities, boost the economies of the areas by providing a year-round tourist attraction, and capture a portion of Colorado gambling dollars which are now being spent in other states. The proposal is designed to eliminate the incentive of high profits which attract high dollar investors and organized crime. By limiting the possibility of excessive profits, any attempt at exploitation by outsiders will be limited. The proposal sufficiently taxes the net revenues from gambling to ensure that all increased expenditures necessary for the set-up, regulation and enforcement will be funded directly from the revenue received. The financing of historic preservation, improvement of municipal infrastructure, and increased law enforcement resources are to be funded from gambling revenues.

Arguments Against

1) The historic character of these communities as collections of unaltered, original, and authentic buildings will be sacrificed to maintain the gambling industry. Property values will increase and any commercial structure which could possibly qualify for a gambling license will command a premium price for ownership. Resident owners will be bought out. Pressure will be great to expand the space available for gambling. The renovation and expansion of existing historic buildings as well as construction of architectural reproductions will result in fewer unaltered historical buildings. This could lead to these towns being deleted from the list of National Historic Landmarks and National Register Districts. The historic quality of these communities will be overshadowed by the primary business of gambling.

2) Limited gambling will not be a cure for the ills of these historic communities, but will create more ills. Other than providing year-round, rather than seasonal, employment for some residents, the communities will not benefit greatly from higher employment anticipated from limited gambling. Employees of the gambling industry will most likely live in the larger surrounding communities since housing in the historic communities is limited. The limited housing that is now available will be at a premium price, driving up property values, and further tempting resident owners to sell and move elsewhere. Existing residential areas may be subject to integration of non-historic construction in the midst of historic buildings, thereby further weakening the historic character. Basic infrastructure to serve the public (e.g. bathroom facilities, streets and roadways, and parking) should be in place before gambling begins. To provide the increased infrastructure capacity to meet the increased demand will utilize all the resources of the community.

3) The authorization of limited gambling in a few designated areas is the first step toward legalized statewide casino gambling. This forecast seems inevitable since it makes little sense to authorize slot machines, poker and blackjack in these designated communities while prohibiting the local VFW hall from operating video poker machines with a payout to winners. Once limited gambling is allowed in a few communities, other depressed communities will want to participate for the economic development aspect it offers. Since there are limited dollars available for gambling, the inevitable expansion to other areas of the state would dilute any perceived benefits to the designated communities and they would be back to competing for tourist dollars. This measure will lead to an effort to legalize casino gambling statewide which is not in the best interest of the state.

4) The incidence of compulsive gambling, with its injurious effects to the individual and society, will increase with the authorization of limited gambling. The increase in the number of people attracted to these communities by gambling will result in an increase in crime, thereby creating a need for more law enforcement personnel. Building an economic base on gambling is not sound public policy. While gambling is a cost-effective way to tax citizens, it is a regressive tax preying on those who can least afford it. It is not a painless tax. Government should not depend on gambling as a source of revenue, nor should it encourage a quick-buck, no-work ethic that undermines the value of honest and meaningful labor and savings.

AMENDMENT NO. 5 — CONSTITUTIONAL AMENDENT INITIATED BY PETITION

Limitation of Terms

Ballot Title: *An amendment to the Colorado Constitution limiting the number of consecutive terms that may be served by the Governor, Lt. Governor, Secretary of State, Attorney General, Treasurer, members of the General Assembly, and United States Senators and Representatives elected from Colorado.*

Provisions of the Proposed Constitutional Amendment

The proposed amendment to the Colorado Constitution would:

— limit the terms of office of the Governor, Lieutenant Governor, Secretary of State, State Treasurer, and Attorney General to two consecutive four year terms, effective for terms beginning on or after January 1, 1991;

— limit the terms of office of state senators to two consecutive four-year terms, and state representatives to four consecutive two-year terms, effective for terms beginning on or after January 1, 1991;

— limit the terms of office of Colorado's U.S. Senators to two consecutive six-year terms, and Colorado's U.S. Representatives to six consecutive two-year terms, effective for terms beginning on or after January 1, 1991;

— declare the support of the people of Colorado for a nationwide limit of twelve consecutive years of service in the United States Senate and House of Representatives and for Colorado public officials to use their best efforts to work for such a limit;

— declare the will of the people of Colorado to encourage the federal officials elected from Colorado to voluntarily observe the wishes of the people with respect to the limitation of congressional terms if any provision of the measure is determined to be invalid by the courts.

History

Efforts to limit the terms of elected officials have been made since the founding days of the United States of America. In 1777, the Continental Congress imposed a three-year limit on delegates under the Articles of Confederation. However, when the U.S. Constitution was drafted to replace the Articles of Confederation in 1789, term limitations were not incorporated into the constitution. At present, there are no limits on congressional terms in the U.S. Constitution, although presidential terms were limited to two four-year terms with the ratification of the 22nd Amendment to the U.S. Constitution in 1951. To date, no state has constitutionally limited the terms of its federal officeholders. The issue of whether it is constitutional for a state to limit the terms of its federal officeholders has not been decided upon by the courts.

Comments on the Proposed Amendment

The following three tables present a profile of Colorado's state and federal elected officeholders in terms of how many years they serve, the amount of turnover in elected office, and the extent to which current officeholders maintain their positions.

TABLE I

The **average tenure,** or number of years served, for state and federal public officeholders between 1960 and 1988 was:

Colorado Delegation to U.S. Congress

Members of House of Representatives	6.0 years (3 terms)
Members of Senate*	9.6 years (1.6 terms)

State Offices

State Repesentatives	4.5 years (2.3 terms)
State Senators	6.4 years (1.6 terms)
Executive Brance Elective Office**	6.8 years (1.7 terms)

* includes unfinished terms through 1990
** includes Governor, Lt. Governor, Sec. of State, Treasurer, and Attorney General

TABLE II

The **average turnover rate**, or ratio of newly elected individuals to the total number of seats in a given year, during the **1980s** was:

	Colorado Congressional Delegation		General Assembly (100 members)		Executive Branch Elective Office	
1980	14%	(1/7)*	28%	(28/100)	no election	
1982	13%	(1/8)	39%	(39/100)	40%	(2/5)
1984	13%	(1/8)	25%	(25/100)	no election	
1986	50%	(4/8)	34%	(34/100)	60%	(3/5)
1988	0%	(0/8)	19%	(19/100)	no election	
(Avg)	18%		29%		50%	

* indicates # of newly elected/total # of seats

TABLE III

The **incumbency reelection rate**, or the rate at which officeholders seeking reelection win, was in the **1980s**:

	Colorado Congressional Delegation		General Assembly (100 members)		Executive Branch Elective Office	
1980	100%	(5/5)*	90%	(57/63)	no election	
1982	100%	(5/5)	88%	(45/51)	100%	(3/3)
1984	100%	(6/6)	92%	(57/62)	no election	
1986	75%	(3/4)	88%	(53/60)	100%	(2/2)
1988	100%	(6/6)	97%	(65/67)	no election	
(Avg)	95%		91%		100%	

* indicates # elected/# seeking reelection

Limitation of Terms

Three measures were introduced during the 1990 session of the Colorado General Assembly which attempted to limit terms of office for elected officials at the state and national level. None of these measures were adopted by the General Assembly. In addition to the measures introduced in 1990, six similar measures were introduced in the General Assembly between 1975 and 1989, none of which were adopted by the General Assembly nor placed on the ballot. Six measures have been introduced to date in the 101st Congress which attempt to limit or change congressional terms of office, none of which have been passed by either house of Congress.

Arguments For

1) Our founding fathers believed holding elected office was a public service to be performed only for a limited time. Today, however, we refer to some elected officials as "career" or "professional" politicians and many such officials view their positions as career or lifetime jobs. This careerism stems partly from the fact that incumbents seeking reelection nearly always win. Once in office for long periods of time, incumbents tend to lose touch with the interests of their constituents and focus more of their attention on issues over which they have gained power through the seniority system. The result is a system in which political participation is discouraged, office holders are unresponsive to constituents, and elected officials spend more time on election campaigns than they do on their duties as public officials. A return to a "citizen" government through the limitation of terms is the answer to this political congestion.

2) Long periods of service by public office holders does provide for experience but does not necessarily provide citizens with better lawmakers. Limiting terms of office will allow more individuals, particularly those with established professions or occupations outside of public office, the opportunity to serve the public. Broadening public service will invigorate the political system by making room for new policy-makers with new perspectives on addressing public policy issues. Realizing that terms of office are limited, public officeholders will be more productive, devote more time to their duties as elected officials, and will be more bold in political decision-making without fearing the potential impact of such decisions on future reelection efforts.

3) It is necessary for the voters to approve this initiated measure because it is highly unlikely that those whom it will affect—namely elected officeholders—will ever work to bring it about themselves. Asking current officeholders to vote in favor of limiting terms of office is asking them to vote themselves out of a job or livelihood which many have no plans to relinquish claim to. Since all past attempts to adopt a limit on terms in both the General Assembly and U.S. Congress have failed, it is time for the people of Colorado to take a stand and join the other states in this grass roots effort to limit terms of office.

4) That portion of the measure which limits terms of members of Congress from Colorado will be a first step in limiting United States congressional terms. Colorado will and should be the leader in this effort. The notion of limiting the powers of government is by no means a new one to the citizens of the United States—in fact, our constitutional theory is based upon limitations on the powers of government. For this reason, it is likely that other states will join Colorado in this effort. It is time to stop worrying about losing our share of the federal spoils system, and to start making our governmental system a more equitable one.

Arguments Against

1) This measure should be rejected because it fails to address what ails our political system. The problems of corruption and incumbency advantage will persist even if term limitations are instituted. If our aim is to have more competitive elections and to limit the advantages of the incumbent, we can achieve these goals without artificially limiting terms of office. For example, we can overhaul the campaign finance laws by placing a cap on campaign spending or by limiting campaign funds raised by political action committees; reduce the duration of the legislative session; reduce the mailing and travelling privileges of incumbents; reduce the large personal staff of incumbents; reduce congressional salaries; abolish the accrual of congressional pensions based on years of service; redraw district lines; and, provide more equitable media coverage of candidates and their records. These alternatives to limiting terms will bring about the same desired results without the need for constitutional amendments.

2) In a democracy, people should be able to vote for whomever they want without arbitrary limits. Term limitations would make our political system less democratic because they would infringe upon the voters' freedom of expression. Term limitations represent a distrust of the voters' ability to choose the best candidate. The voters presently choose by means of election the individuals that they wish to serve them, and remove from office those public servants who they do not want to serve them either by not reelecting them or by recall. Voters should be able to continue to exercise these rights without limitations.

3) There is nothing wrong with having long-time experience in public office. To believe otherwise is to believe that elective office is the one vocation where experience is an obstacle to good performance. It takes a great deal of time to gain the experience necessary to tackle complex governing issues. The price of this measure is to force seasoned officeholders to leave office just as they had acquired valuable experience, and to strengthen the hand of permanent bureaucrats, congressional staff and lobbyists, none of whom are elected by, or accountable to, the public. Seasoned office- holders' value stems not only from their experience, but from their ability to rise above parochial concerns and usefully temper youthful enthusiasm with a historical perspective on policies that have worked and those that have failed.

4) The citizens of Colorado would suffer under that portion of the measure which would limit the terms of the state's congressional delegation. Because Colorado would be limiting only the terms of its own Washington delegation, relative to other states it will lose its seniority and power in Congress. It is unlikely that an amendment to the U.S. Constitution limiting the terms of office of Congressmen from all 50 states will ever be adopted. Under this proposal, Colorado would stand alone in forcing its representatives to step down just as they have gained enough experience to achieve positions of leadership and authority in Washington. As a result, many issues will be decided with less influence from Colorado's Washington delegation or Colorado's citizenry.