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J. WARD
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Colorado Secretary of State

This is a motion under 1-40-107 (1) C.R.S. for rehearing revised initiative #62. The rehearing date is December 6, 2017.

The grounds include:

1) Proponents are not satisfied with the title and submission clause. The ballot title is unfair and does not fairly express the true meaning and intent of this proposed state law. The ballot title is also not brief.

2) We disagree with the fiscal impact statement. The abstract prepared by the legislative council is inflated, incorrect, misleading and prejudicial. It does not comply with 1-40-105.5 C.R.S. It claims huge impacts before the first tax returns are filed in 2020. But we realize this will be revisited after we have finished collecting signatures this summer.

To expound on 1), the single subject can be the end: "the state income tax system." The board has historically said, and the supreme court has held, it must not consider results or consequences of a petition. Yet it here says, "resulting from" in the subject. A better, more neutral subject is "the state income tax system." That distinguishes it from all other ballot issues. It also avoids repeating "modification" at the start and "modifying" at the end.

Brevity will also prevent saying "Colorado," "state," and "state" three times at the start. Twice is enough.

The "simplifying" clause near the end is the first feature in the text and should be first in the ballot title, after "and, in connection therewith." By the way, that legalese may be tradition, but it adds no information. Average citizens never say "therewith." "Which" is a good and simple substitute. That would change all the verb endings from "ing" to "s" endings.

"Over a period of 12 years" can be trimmed to "over 12 years" with no loss of clarity.

The words "to claim" convey uncertainty and a duty by filers to take some action; the flat dollar credit is pre-printed on Line 2. Please delete "to claim," which means, "to allege." The text later mentions state "claims" against filers, which creates confusion.

Similarly, "up to" also conveys uncertainty. A choice by filers to take a smaller credit or no credit is an individual waiver, not a major feature. The point is, the state offers the same flat dollar amount.

"Share of the sum of" makes it sound like a stock certificate. Filers get "an equal tax credit." The rest of the clause is too obscure; it tells DOR how to compute the equal tax credit. Filers don't compute it. Telling them what the new tax return looks like is sufficient; adding the five components of the tax credit, then dividing by individual resident filers, are steps not on the tax return. Only the pre-calculated equal credit is there.

The worst clause in the board's ballot title is its argument on Referendum C. It seems to justify Referendum C. It inserts a pro-C statement without naming C. This shows bias against our text. Saying "as authorized by state voters in 2005" makes "C" sound untouchable, as if voters would be repudiating themselves. That is not neutral. Such arguments must be left to the campaign trail. If the board believes voters do not know "Referendum C", it can avoid showing bias by saying "and certain excess revenue." That alerts readers as to one part of the tax credit. Readers will get a full description by reading the half-page text, the Blue Book analysis, and its printed arguments on both sides. That honors the statutory mandate for titles to be "brief." The ballot title is not a substitute Blue Book. The better alternative is simply to say #62 "allows equal tax credits to all adult resident taxpayers" which avoids excessive verbiage that alienates voters from proponents. The purpose of Line 2 of the return is to help state staff compute the flat dollar amount to print on Line 2. Voters will not be performing this function of simple arithmetic. Voters do not like the math in taxes. We make it simpler for tax filers, but the ballot title sounds too complex.

The board's words are controversial and disputed about a detail not needed in a title. The board should not insert its view of Ref. C or inject matters not in the text. It is like saying our text takes away money that could be spent "for the children."

This is about a fair title, not about revisiting Ref. C.

"Collection, enforcement, and administration" are synonyms here. The last clause should read "modifying income tax procedures." "Procedures" is a synonym for the other three. Quadruple redundancy adds nothing. Using 132 words to describe "simplifying" the income tax will be held against us by voters. They won't realize the state is making our simple reform sound complicated.

OUR PROPOSED BALLOT TITLE:

"Shall there be a change to the Colorado Revised Statutes concerning the state income tax system, which simplifies income tax returns; allows equal tax credits to all adult resident taxpayers; modifies income tax procedures; and reduces the tax rate from 4.63% to 4% over 12 years? "