

NOTE: Wayne Williams gave two employee email addresses to send my motion below. If there is a grid or key for the differences in the 10 petitions, please email it.

MOTION FOR REHEARING

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JAN 23 2018 10:48A.M.

Colorado Secretary of State

1. Petitions 98 through 107 had titles set on January 17, 2018. I am a registered CO elector and file this motion under C.R.S. 1-40-107. All titles are unfair, misleading, and incomplete. I also object to the ten texts, none of which is a single subject as required by Article V, section 1 (5.5) of the constitution and C.R.S. 1-40-106.5. The fiscal notes are also incorrect and misleading.

2. My objections will be detailed at the February 7, 2018 meeting of the title board by an expert in petition law. Note also the corporate income tax changes refer to (1)(d)(I)(I), which appears to be a typo.

3. Some examples of single-subject violations:

- a) the inclusion of property tax cuts with income tax increases;
- b) mixing state spending with state and local tax increases and decreases and other subjects and multiple constitutional changes;
- c) mass rewriting school district revenue without school district voter approval (costing local voters their constitutional right to vote);
- d) virtual repeal of the indisputably multi-subject TABOR in #98;
- e) "log-rolling" practices of packaging a "Christmas tree" of features;

f) violating TABOR by adopting a spending limit in #98 that approves massive and undisclosed state and local tax and spending increases without obeying TABOR (3), (4), and (7) constitutional procedures of "voter approval in advance" per TABOR (4);

g) the end of most texts which repeal TABOR (3)(c)'s requirement of honesty in ballot titles and election notices, and does so by statute, as a license to lie;

h) texts #100 and later tinker with the Gallagher Amendment in order to repeal the tax policy that lowers residential taxable ratios. In addition to being a second subject, TABOR (4)(a) requires that repeal to be headed as a tax increase in the ballot title because it would cause a net gain in tax revenue. It is also not disclosed anywhere in the ballot title. The Gallagher impact is a controversial topic in current news and its repeal for schools, which collect about 2/3rds of all property tax revenue, can't be concealed;

i) in texts like #101, the property tax ratio reduction is sheer log-rolling, violating the single subject rule designed to attract votes, as well as misleading because the residential ratio in the next cycle is scheduled to be 6.11%. Thus, the word "reducing" is deceptive as it actually prevents scheduled reductions below the stated ratio.

4. The titles:

a) do not disclose the termination of property tax relief;

- b) nor selective repeal of the Gallagher Amendment to set up a two-tiered and even more complex system;
- c) nor repeal of the well-known TABOR Amendment in #98, ending the right to vote, which is a fundamental constitutional right;
- d) misstate in #98 a free education through age 21 as being "through high school;"
- e) fail to state in #98 what the percentages of personal income mean in dollars, minimizing them when the fiscal note says it will soon be \$6.1 BILLION yearly;
- f) fail to define "personal income" in #98 and how it is set;
- g) fail to state whether #98's "statewide funding" is in addition to local funding;
- h) recite in #98 and others a vague purpose as substantive law, using biased catch phrases like "adequate" and "equitable;"
- i) repeal in nine texts the first sentence of TABOR (3)(c) requiring truthful ballot titles (not disclosed), including for this text itself;
- j) remove local control by school district voters over local school budgets;
- k) fail to define "inflation" after gutting TABOR, making the texts void for vagueness;
- l) in #99 and other texts, very vague reference to "one full-time equivalent" (what?) by ending the sentence with an adjective (see suggestion in fiscal notes);

m) failure in nine texts to list the current income tax rate and each added tax rate and each new total, and saying "increasing to 3.37%" when the board means "BY" that added amount. Note undisclosed impact on tens of thousands of citizens in each new bracket;

n) failure to list an additional \$120 million going to retarded students and \$20 million to (presumably illegal) immigrant students, and only \$10 million to bright students;

o) Incorporate here objections 3. h) and i) as title objections, too;

p) In #103 and others, the word "freezing" is deceptive, when the real effect is "preventing further reductions;"

q) In #104 and others, the word "reducing" is deceptive, when the real effect is "preventing further reductions."

5. Fiscal notes, such as #99, show yearly tax increases of \$1.5 BILLION, but expenditure increases of \$1.9 BILLION, \$400 MILLION more per year. That gap must be listed in the ballot title; it seems to create a \$400 million deficit which voters are entitled to know. Since state debt is prohibited by Article XI, sections 3, 4, and 5, and TABOR also requires voter approval of multiple-fiscal year financial obligations for districts allowed to borrow (with required wording), this is a second subject for unconstitutional debt. The alternative is a \$400 million cut in spending on roads, parks, salaries, etc. which voters are also entitled to know before voting.

For #102 and others, the tax increase is \$1.6 BILLION, and the expenditure increase is still \$1.9 BILLION. The reason for the \$100 million yearly variance is not clear and may be an error.

For #105 and others, the tax increase is \$1.9 BILLION and expenditures are \$1.9 BILLION--no deficit. This is not explained.

For the foregoing reasons, I request all ten petitions be declared multiple subjects and returned to the proponents. In the alternative, I request title changes be made as outlined above and the staff explain the above apparent discrepancies in writing.

Sincerely,

Helen Collins

632 Lakewood Circle

Colorado Springs CO 80910

(719) 538-4458

hpccollins@hotmail.com