

## **Guidelines to Taxpayer's Bill of Rights ballot issue notices and how to submit a FOR or AGAINST statement in the ballot guide.**

Thanks to the Taxpayer's Bill of Rights (TABOR), registered electors must be provided notice of elections that request tax increases or debt measures. This ballot analysis notice is mailed to voters. In statewide elections, we call this the "Blue Book" because the cover is usually blue. In local elections, we call it the "Gray Book" because in some years the paper is colored gray.

You can refer to either the statewide or the local booklet as the ballot analysis guide.

The TABOR notice provides an opportunity for supporters and opponents to include a 500 word statement either FOR or AGAINST the ballot issue(s).

- Only an eligible elector in the political subdivision can submit the pro/con statement. E.g. Jane opposes a city's proposed sales tax increase but she only shops in the area. She doesn't live in, own a rental and is not a sole proprietor/LLC business in that city. She can't file the comment and must find a friendly eligible elector to do it for her.
- If no comment is filed by the deadline, the section in the "grey book" will state "no comments were received." Don't let this happen!

The 2019 key deadlines and legal citations are included on the last page of this guide.

Most elections occur in November but special districts are allowed to present tax increase or debt measures in May elections (and some other months).

If you encounter an election in a month besides November, just count back in days from the election to determine deadlines. Use the last page of this guide.

Special Districts also have an additional category for who is an "eligible elector" and can submit a FOR or AGAINST statement.

Another difference with a Special District is who serves as the Designated Election Official (DEO). Some may have a company that handles their legal matters and one of their representatives may be designated as DEO. You must submit your For or Against statement with the DEO.

Your county clerk should be able to tell you who is the DEO for each ballot issue.

- It's important to know who the DEO is as soon as possible because they will supply you information and you'll submit the FOR or AGAINST statement with that designated DEO.
- Many special districts have limited websites and determining the DEO can be a challenge so contact the election department if you have a question.

### RULES and HINTS

- ✓ AGAINST statements must be submitted 45 days before the election to be included in the TABOR ballot issue notice. Generally, the 45<sup>th</sup> day falls on a Saturday or Sunday; statutes mandate that the preceding Friday is the deadline.
- ✓ FOR or AGAINST statement must include submitter's full name, address and signature, this will not be printed in the notice. Submitter must be a registered elector in the political subdivision.

500 word limit applies, typewritten is preferred. You may use bold or italics to highlight words in your statement. To do this, you should submit a written statement which you get time-stamped to prove delivery and I recommend that you include an electronic copy so the formatting stays just as you have presented.

Statement should address the specific issue. Also, "No summary shall mention names of persons or private groups, nor any endorsements of or resolutions against the proposal."

Nothing prevents a person from mailing the statement via USPS though I would not recommend it. Postmark date would not apply so delivery time could be a gamble. Hand delivery is recommended or by email with request for confirmation.

### STRATEGY

Since only 500 words will be allowed, this can create questions for submitters.

## 1. What if two statements are submitted for the same side?

Answer: The DEO has the ability to combine the statements. Try to coordinate with local activists to avoid this problem.

Suggestion: The day before the deadline ask the DEO if someone else has submitted statements for EITHER side. Some of the DEOs may be hard to reach so get their contact info early on in the process.

The advantage of requesting any filed comments just hours in advance is you know both sides AND you can counter something the pro-tax/debt side said by quickly modifying your statement.

If someone else has filed a comment before you and on the same side, see if they already used up the 500 available word space and if not, add something if you feel it's appropriate. Ideally, activists work together.

## 2. Should I file a statement for the side that I oppose?

Answer: That's up to you. It's been done before and it's worked and sometimes it has backfired. I've never done it and it can be considered questionable behavior. Keep in mind that the submitter's name is public record if someone wants to look. A follow-up tip: Ask the DEO on the NEXT MONDAY for the final comments. Quickly research the person who submitted for the other side and verify they are a eligible elector for the political subdivision. Remember that they can be a property owner (but not have to live there) in the case of a special district.

If the submitter is not an eligible elector, you can protest their statement. You have a short window if you run into this.

### **BLUE BOOK – THIS IS FOR STATEWIDE BALLOT ISSUES.**

This process is different from the "Gray Book" for local elections. Colorado Legislative Staff works through three drafts and requests input from eligible electors.

The best option is to sign-up for email alerts at <https://leg.colorado.gov/BallotAnalysis>

Legislative staff sends notice of statewide ballot issue draft analyses and instructions how to submit comments by email. Three drafts are presented before setting the final wording.

## 2019 CALENDAR IMPORTANT DATES

(modify the calendar days for each following election year)

NOTE: Deadlines fall to Friday before if the date counts to a Saturday or Sunday.

### 26-July (Friday)

Last day for a political subdivision to notify the county clerk in writing that it has taken formal action to participate in the General Election. (100 days before the General Election) 1-7-116(5) 1-1-106(5)

**Your action: REQUEST list from your county clerk, recruit registered electors in the jurisdictions to submit comments.**

### 27-August (Tuesday)

Last day for intergovernmental agreements to be signed by county clerks and political subdivisions. (No later than 70 days before the General Election) 1-7-116(2)

Your action: Check with county clerk about any changes to original list.

### **20-September (Friday – 12 pm deadline)**

**Last day to file written comments concerning local ballot issues with the designated election official in order to be included in the ballot issue notice. (the Friday before 45th day preceding the election) Art. X, Sec. 20(3)(b)(v) 1-7- 901(4)**

### 23-September (Tuesday)

Last day for the designated election official to deliver the full text of any required ballot issue notices to the county clerk. (No later than 42 days before the election) 1-7-904

### 4-October (Friday)

Last day for election department to mail notice of a ballot issue election. (At least 30 days before a ballot issue election) Art. X, Sec. 20(3)(b) 1-1- 106(5)

Your action: Wait for notice to arrive in the mail and take pleasure in knowing that you helped in a large way to shape a local tax election and ensure that voters have information.

**You can use this guide for 2020 and beyond, just count the calendar days noted above.** Additionally, the Colorado Secretary of State publishes an annual election calendar. Search online "Election Calendar Colorado Secretary of State" and a link should be readily available each year.