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# Program of Study and Action

## POSITIONS FOR ACTION • 2022 - 2023



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## **FOREWORD**

The League of Women Voters of Colorado, a nonpartisan political organization, encourages informed and active participation in government and influences public policy through education and advocacy.

League program consists of governmental issues chosen by members for study and ultimate action. These may range from educational activities in the community to legislative lobbying. These positions were arrived at by grassroots consensus. In addition to approved program, the League is empowered to act to protect the right to vote of every citizen and to implement League principles.

This publication summarizes the state program of the League of Women Voters of Colorado with position statements that form the basis for action, background of each program item, and previous action.

## **VISION STATEMENT**

We envision a democracy where every person has the desire, the right, the knowledge, and the confidence to participate.

## **MISSION STATEMENT**

Empowering Voters. Defending Democracy.

Dando Poder a los Votantes. Defendiendo la Democracia.

## **DIVERSITY, EQUITY, INCLUSION**

The League of Women Voters of Colorado is an organization fully committed to diversity, equity, and inclusion in principle and in practice. Diversity, equity, and inclusion are central to the organization's current and future success in engaging all individuals, households, communities, and policy makers in creating a more perfect democracy.

## **PRINCIPLES (LWVUS)**

The League of Women Voters believes in representative government and in the individual liberties established in the Constitution of the United States. The League of Women Voters of the United States believes that all powers of the U.S. government should be exercised within the constitutional framework of a balance among the three branches of government: legislative, executive, and judicial.

The League of Women Voters believes that democratic government depends upon informed and active participation in government and requires that governmental bodies protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings, and making public records accessible.

The League of Women Voters believes every citizen should be protected in the right to vote; every person should have access to free public education that provides equal opportunity for all; and no person or group should suffer legal, economic, or administrative discrimination.

The League of Women Voters believes efficient and economical government requires competent personnel, the clear assignment of responsibility, adequate financing, and co-ordination among the different agencies and levels of government.

The League of Women Voters believes responsible government should be responsive to the will of the people; government should maintain an equitable and flexible system of taxation, promote the conservation and development of natural resources in the public interest, share in the solution of economic and social problems that affect the general welfare, promote a sound economy, and adopt domestic policies that facilitate the solution of international problems.

The League of Women Voters believes cooperation with other nations is essential in the search for solutions to world problems and that development of international organization and international law is

imperative in the promotion of world peace.

## PRINCIPLES (LWVCO)

### *Adopted 2010*

Sustainability is a way of life that seeks a balance in meeting current environmental, economic, and human needs without compromising the ability of future generations to meet the same goal. The concept of sustainability is implicit in the principles of the League of Women Voters. League positions follow the fundamental principle of sustainability, recognizing the interdependency among issues of public policy and the impact of current decisions on the global welfare of future generations.

## TAKING ACTION

In the League, we tend to focus our efforts on influencing legislative measures in the U.S. Congress and state and local legislative bodies by preparing testimony, lobbying legislators, and initiating advocacy campaigns on issues of interest to our members. At the same time, we file lawsuits and amicus briefs in court cases and monitor and comment when regulations are being written for executive branch agencies. The following guidelines apply to all these activities.

### **General Guidelines**

This section is organized with general guidelines for action, followed by the role of the national office and staff in advocacy, then how to use Impact on Issues to take action at the state and local level, and finally how state and local Leagues can request permission to take national action on non-priority federal issues. The goal is to work collaboratively among the levels of League with consistent messages and strategies. Effective advocacy efforts on national issues depend on a partnership at all League levels—lobbying in Washington and constituent lobbying at home. This one-two punch reinforces the League’s impact in influencing national and state legislation.

**Working Together to Influence Public Policy:** The process used in formulating positions and acting at the grassroots level makes the League unique and sets the League apart from other organizations. The fact that we are members not only of a local League, but of a state League, and of the League of Women Voters of the United States, makes us a powerful force.

**Speaking with One Voice:** “Speaking with one voice” is one of the most important tenets of the League. The national League is responsible for determining strategies and action policies that ensure that the League’s message on national issues is consistent throughout the country. Similarly, state Leagues are responsible for a consistent state message, and local Leagues must cooperate with one another to ensure that regional issues are addressed in a manner consistent with neighboring Leagues. Typically, the president of the national, state, or local League is the only person who speaks for the League in an official capacity, unless another person has been designated as the official spokesperson on a specific issue. This may be a League expert, a senior staff person, or a former board member. The key is that this designation is explicitly made by the appropriate Board. This helps to ensure that the League speaks with one voice which is essential for our effectiveness as an advocacy and lobbying organization.

**Voter Service:** The League’s nonpartisan voter services activities and lobbying activities must be kept separate, and voters’ guides and other voter service materials and publications must not contain statements of League positions.

**League Lobbying:** League lobbying is based on member study and agreement on selected issues and involves concerted efforts to achieve public policies consistent with League positions. League Boards at every level set their own priorities. League lobbying promotes or opposes specific pieces of legislation. The LWVUS public policy positions are the official statements of positions for each issue area and reflect the program adopted by the most recent national convention.

**Advocacy or Lobbying:** Advocacy is a broader concept than lobbying. Advocacy activities are often

considered “educational.” This is the case even when only one side of an issue is presented if no action on a piece of legislation is requested. Such activities can include: (1) developing public policy briefs that analyze issues and provide detailed information and recommendations for addressing them through specific reforms and (2) providing forums for discussing issues and educating policymakers and the public. Speaking in support of the organization is also advocating, i.e., for the overall cause of the organization.

Lobbying is defined as an attempt to influence specific legislation, both legislation that has been introduced and specific legislation that has been proposed. Lobbying includes actions that transmit a point of view on a specific piece of legislation to elected officials or their staffs, as well as action urging the public to contact their legislators about a specific piece of legislation. It also includes communications to the public expressing a view on a specific referendum or other ballot measure.

### **Advocacy at the National Level**

**Establishing National Priorities:** To guide its work in Congress, the LWVUS Board adopts lobbying priorities every year. The goal is to maintain focus on issues of primary importance identified by LWVUS.

The goals are to

- project a focused and consistent message,
- enhance the League’s effectiveness and impact,
- build the League’s credibility and visibility,
- ensure that the League has enough issue and political expertise,
- reflect program decisions made at convention and/or council,
- build on strong member interest and support, and
- enable the League to manage resources effectively.

**LWVUS Advocacy Team:** The advocacy team, working in collaboration with the LWVUS Board, is responsible for developing and implementing strategies for lobbying and advocating on national issues. LWVUS staff lobbyists carry out the day-to-day monitoring and action plans for the League and oversee the LWVUS Lobby Corps.

**Action Alerts:** Based on League priorities, the LWVUS advocacy team sends out regular Action Alerts detailing the subject under consideration, the proposed action steps, and the individuals to be contacted. Action Alerts are sent to the League’s online grassroots supporter list and state and local League presidents who are expected to respond with the appropriate action.

**LWVUS Lobby Corps:** The Lobby Corps (LC) is made up of Washington, DC-area League member volunteers who lobby each month when Congress is in session. The LWVUS advocacy staff acts as liaisons between LWV lobbyists on Capitol Hill and local and state Leagues. Advocacy staff works with LWV leaders and activists in targeted states and congressional districts to help develop and implement grassroots lobbying strategies.

**Grassroots Lobbying:** The LWVUS Grassroots Lobby Network provides another good way for Leagues to keep in contact with Members of Congress (MOC). This online network of activists sends the League message to Congress in a highly effective way. League members with email addresses are automatically enrolled in the Grassroots Lobby Network.

**State and Local Advocacy/Lobbying on LWVUS Priority Issues:** Once LWVUS has identified its advocacy priorities, state and local Leagues are requested to act on those issues under guidance from LWVUS. Optimally, state and local Leagues should encourage members to contact their national legislators on key League national issues; their action greatly enhances the League’s clout. Lobbying in Washington is vitally important, but direct lobbying of MOCs by constituents often is the key to persuading them to



support the League's position. The arguments that League leaders and members make to their Representative or Senators can make the difference in how they vote. MOCs return to their states or districts regularly during congressional recesses. This is a good time to schedule meetings with them or to talk with them at public events.

On key issues LWVUS may call on League presidents before critical votes in Congress. LWV presidents also will receive sample messages to be used on issues on which the organization is actively lobbying. Each state and local League president is expected to take whatever official action is requested in response to a national Action Alert.

**Local Leagues and Members:** While the LWVUS Board takes the lead in national action and keeps League action synchronized with the U.S. Congress, there is a role for every League in national legislation in many circumstances.

For example, when responding to an LWVUS Action Alert, a local League president would send a message on behalf of the organization (i.e. on League letterhead). Members are also encouraged to respond to Action Alerts, noting their League affiliation.

**Sharing Information:** Whenever state or local Leagues succeed in communicating with their Members of Congress or their staffs, it is very beneficial to send a report to the advocacy team at LWVUS.

**State and Local Action on Non-Priority Federal Issues:** A state or local League wishing to act on an issue at the national level that is not a priority of the national board must consult with the LWVUS. The state League must support a local League's action request. Leagues and League members must lobby only their own legislators. Individual members are welcome to act on their own behalf without any mention of or attribution to the League. Actions affecting other Leagues must be coordinated with those Leagues. When action is considered at the regional level, all the Leagues in the affected region must be part of the decision-making. LWVUS often helps to facilitate such regional efforts, particularly when the situation involves federal law.

**Federal Action Request Form:** For League convenience and to ensure a prompt reply, LWVUS has developed an online form that goes directly to the advocacy team at LWVUS. The Federal Action Request Form should be used any time Leagues would like to act at the federal level or are contemplating litigation in the federal courts. The form can be found on the LWVUS League Management Site at [www.lwv.org](http://www.lwv.org) or at <https://www.lwv.org/federal-action-request-form>

As part of the consultation process, the state/local League needs to provide the following information in writing:

- The proposed action and the message to be conveyed.
- The LWVUS position on which the action is based.
- The timeline for sending the message or signing the letter.
- Evidence that the issue is a priority for that state or local League.
- Any relevant additional supporting documents.

The LWVUS staff will review and consult with the LWVUS Board regarding the action request to determine that it is consistent with League positions and that it will not interfere with LWVUS action on a priority issue(s).

### **State and Local Action using *Impact on Issues***

**Using National Positions at the Regional, State, and Local Level:** Both the Principles (broad statements of beliefs) and Positions (specific statements and guidelines) can be used at the state and local level to develop support for actions taken at those levels. Impact on Issues, while often citing the federal level of government, is also designed as a guide to encourage state and local Leagues to develop plans for acting



at the community level.

League positions at the national level are by their very nature broad and general in scope: they are guides for acting. Local Leagues are responsible for determining action at the local level, and state Leagues are responsible for determining action at the state level and ensuring that the action is consistent throughout the state.

Therefore, state and local Leagues must determine that members understand and generally agree with actions to ensure that the action reflects the unique circumstances of the affected community. As with other action, when there are ramifications beyond a League's own governmental jurisdiction, that League must consult other Leagues that may be affected.

Typical actions include any effort aimed at influencing a decision on a federal issue, such as communicating with an elected or appointed official, joining a coalition, taking part in a press conference or rally, or writing a letter-to-the-editor.

**Acting in the Community:** Interpretation of a League position is the responsibility of the board wishing to use a position. Local League boards are responsible for interpreting local, state, and/or national positions before acting. State boards interpret state, regional, and/or national positions; the national board interprets national positions. Interpretation may be influenced by local conditions. A League contemplating action on a community issue should consider the following questions:

- Does the League have a position that supports the proposed action?
- Is there broad member understanding and agreement?
- Is it a priority for the League?
- Does the League have a unique role to play or a chance to take the lead?
- Are other organizations or a coalition already working on the issue?
- Is this the best use of the League's resources (time and money) or would they be better spent on other activities?
- Is the timing right? Is action likely in the present time frame?
- What kind of community involvement would best support the League's efforts?

## **POSITIONS IN BRIEF**

### **GOVERNMENT**

#### **Citizens' Rights**

**Citizens' Right to Know/Public Participation:** Protect the citizen's right to know and facilitate informed understanding and public participation in government decision-making.

**Individual Liberties:** Oppose major threats to basic constitutional rights.

#### **Voting**

**Voting Rights:** Protect the right of all citizens to vote; encourage all citizens to vote.

**Voting Methods:** Support authorizing and implementing alternatives to plurality voting that improve the election experience, encourage honest voting and consider ease of implementation.

#### **Elections**

**Election Security:** Elections should be structured to be private, transparent, verifiable, and provide convincing evidence that the reported outcomes reflect how people voted (evidence-based elections). In extreme circumstances voting electronically may be allowed.

**Redistricting-Legislative and Congressional Districts:** Support of measures to establish an agency other than the General Assembly to redistrict the Colorado General Assembly and the Colorado Congressional Districts. Support of redrawing the districts of both houses of the state legislature and the Colorado U.S. Congressional Districts based on specific criteria.

**Initiative Process:** Support for more stringent requirements for the passage of constitutional amendments than for initiated statutes and protection from legislative change for initiated statutes for a minimum of two years.

**Campaign Finance/Money in Politics (MIP):** Support campaign finance/MIP regulations that enhance political equality for all citizens ensures transparency, protects representative democracy from distortion by undisclosed contributions and big money, and combats corruption and undue influenced in government. Support campaign spending that is restricted but not banned. Support public financing, full disclosure, abolishing Super PACS, and creating an effective enforcement agency.

**Selection of the President:** Promote the election of the president and vice-president by direct popular vote. Support uniform national voting qualifications and procedures for presidential elections. Support efforts to provide voters with enough information about candidates.

#### **Colorado Constitution**

**Colorado Constitution:** Support for clarity of language and suitability of topic and detail in proposed constitutional amendments.

#### **Fiscal Policy**

**Fiscal Policy:** Support adequate and flexible funding of state government programs through an equitable tax system that is progressive and incorporates social, environmental, and economic goals. Oppose earmarking of funds, except in extreme cases, and sales tax on food.

**School Finance for Pre-K-12:** Support for a state finance system that would equalize opportunity and relieve the property tax.

### General Assembly

**General Assembly:** Support responsive legislative processes characterized by accountability, representativeness, decision making capability, effective performance, and transparency.

### Local Government

**Local Government:** Local governments should be accountable, responsive, flexible, efficient, effective, able to raise enough revenues to perform their duties, and have adequate constitutional and statutory powers to cope effectively.

### Transportation

Support for a state Department of Transportation to plan and coordinate all transportation modes to provide a balanced transportation system in Colorado that considers the needs of regional, county, and local governments. Funding for transportation should come from federal, state, and local sources

### *NATURAL RESOURCES*

**Environmental Planning and Management:** Support measures to improve the coordination, effectiveness, and efficiency of governmental units within the state of Colorado and measures that promote integrated planning for environmental management, wise use of Colorado's natural resources, comprehensive state-wide planning for land use, and a balanced transportation system. Support policies that enhance public participation in the permitting and monitoring of oil and gas operations in the state.

**Climate Change:** The League believes that climate change is a serious threat facing our nation and our planet and steps must be taken to protect the globe immediately.

**Land Use:** Support responsible land use planning by all levels of government. Support the creation of regional boards and commissions to address regional concerns.

**Air Quality:** Promote measures to reduce pollution from mobile and stationary sources.

**Energy:** Support environmentally sound policies that reduce energy growth rates, emphasize energy conservation, and encourage the use of renewable resources.

**Hydraulic Fracking:** Support policies that enhance public participation in the permitting and monitoring of oil and gas operation in the state. Support improved coordination with local government and strong environmental regulations.

**Water:** Support of measures that promote the wise and balanced use of water in Colorado.

**Waste Management:** Promote policies to reduce the generation and promote the reuse and recycling of solid and hazardous wastes.

**Hazardous Materials:** Support for adequate safeguards in the production, transportation, use, treatment, disposal, and storage of hazardous and radioactive materials.

### *SOCIAL POLICY*

**Equality of Opportunity:** Secure equal rights and equal opportunity for all. Promote social and economic justice and the health and safety of all Americans.

**Income Assistance:** Support income assistance programs, based on need, that provide decent, adequate standards for food, clothing, and shelter.

**Housing:** Support policies to provide a decent home and a suitable living environment for every American family.

**Education:** Support of a pre-K through 12 public education system in which a balanced curriculum of humanities, arts, and sciences leads to life-long learning for all students. Support of a stronger leadership role for the Colorado Department of Education to promote educational improvements and standards for early childhood education.

**Higher Education:** Higher education is a primary educational, research, cultural, and economic force in Colorado. The State of Colorado has a responsibility to support its public institutions of higher education and to assist the people of Colorado in attaining a post-secondary education.

**Child Care:** Support state licensing and continued oversight by an adequate number of trained staff and ensure availability of affordable quality child-care to all children who need it.

**Children's Support Systems:** Support measures to encourage public responsibility for the protection, care, and training of children recognizing the primary importance of parental responsibility.

**Health Care:** Promote a health care system for the United States that provides affordable access to a basic level of quality care for all U.S. residents including behavioral health that is integrated with and achieves parity with the physical health care system.

**Behavioral Health:** Every U.S. resident should have access to affordable, quality in- and out-patient behavioral health care including needed medications and supportive services that are integrated with, and achieve parity with, physical health care.

**Reproductive Choice:** Protect the constitutional right of privacy of the individual to make reproductive choices.

**Justice System:** Support of nonpartisan selection of judges on an appointive-retentive basis; measures that facilitate efficient administration of justice rather than incarceration for nonviolent offenders; sentencing measures that protect the community: compensation of victims and the community for the crimes of adult offenders: rehabilitation of offenders: and emphasizing the use of community-based sanctions.

**Juvenile Justice:** Support of a juvenile justice system that has as its primary purpose the rehabilitation, safety, and well-being of the offender. Support of a system that promotes the juvenile's understanding of the harm done and his/her responsibility to make amends to the victim and the community, emphasizes alternatives to detention or commitment and promotes the protection of the community, and the juvenile's successful reentry into the community.

**Death Penalty:** Support abolition of the death penalty.

**Gun Safety:** Protect the health and safety of citizens through limiting the accessibility and regulating the ownership of handguns and semi-automatic weapons. Support regulation of firearms for consumer safety.

**Immigration:** Promote reunification of immediate families; meet the economic, business, and employment needs of the United States; be responsive to those facing political persecution or humanitarian crises; and provide for student visas. Ensure fair treatment under the law for all persons. In transition to a reformed system, support provisions for unauthorized immigrants already in the country to earn legal status.

**Human Trafficking:** Oppose all forms of domestic and international human trafficking of adults and children including sex trafficking and labor trafficking.

## POSITIONS AND ACTIONS

### GOVERNMENT

#### Citizens' Right to Know/Public Participation

##### **League Position**

*Statement of Position on the Citizen's Right to Know/Citizen Participation as announced by the National Board June 1984*

The League of Women Voters of the United States believes that democratic government depends upon informed and active participation at all levels of government. The League further believes that governmental bodies must protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings, and making public records accessible.

##### **League Actions**

In 2016 the League supported a bill that proposed to make miniaturized, electronic, or digital forms of public records available for inspection under Colorado Open Records Act (CORA), but it proved objectionable on grounds of security of data and the possible cost to government to redacting confidential information. It failed.

A bill in 2017 intended to update requested document production to include current electronic, digital, and searchable formats was initially the product of a working group convened by the SoS. The working group followed amendments in the senate and approved an essential strike-below version in the house with which the senate finally concurred. The League supported this bill, and it passed.

A frustration of many lobbyists, especially citizen lobbyists who are rarely at the table when bills are written, is the "strike-below amendment" which replaces the entire bill text AFTER the public has testified in the committee hearing on the original language. HB22-1096 was a Bill Drafting Transparency bill, and LAC took the opportunity to request the bill be amended to make strike-below amendments visible to the public before the committee hearing. The bill was postponed indefinitely (Pid.)

#### Individual Liberties

##### **League Position**

*Statement of Position on Individual Liberties as announced by the National Board March 1982*

The League of Women Voters of the United States believes in the individual liberties guaranteed by the Constitution of the United States. The League is convinced that individual rights now protected by the Constitution should not be weakened or abridged.

##### **League Actions**

**Community Policing:** During the summer and fall of 2014, a series of town meetings were held by legislators involving community residents, police chiefs, sheriffs, and district attorneys. Subsequently ten bills were introduced in the 2015 session, some of which were addressed by LWV positions, particularly by the LWVUS position on individual liberties.

LWVCO supported a bill designed to be a disincentive via civil liability to the practice of police arresting someone because they refused to follow an order that was unlawful, i.e., an order that "violated the person's constitutional or statutory rights." It passed the House Judiciary Committee, but two days later the bill was brought up again in the same committee for reconsideration and was defeated.

LWVCO also supported a successful bill prohibiting police from destroying an auditory or video recording of an incident or from interfering with or retaliating against the person making the recording.

It also limits the seizure of a recording device without receiving consent or obtaining a warrant. This bill was supported by the Fourth Amendment to the U.S. Constitution.

## Voting Rights

### League Position

*Statement of Position on Citizen's Right to Vote as announced by the LWVUS Board, March 1982*

**The League of Women Voters of the United States believes that voting is a fundamental citizen right that must be guaranteed.**

### League Actions

Voting rights has been a basic League principle from the League's beginning in the women's suffrage movement. Although never studied, it became a part of the LWVUS program in 1975. Voting Rights was also part of LWVCO program until 1981, when it was dropped because action can be taken on the national position.

In the 1970's, LWVCO worked for passage of and continues to support requirements that voters be notified by mail before being purged from registration lists and removal of notarization requirements for absentee ballots.

During the years 1984-85, LWVCO succeeded in improving voter registration in Colorado. The LWVCO joined a coalition which was successful in putting a citizens' initiative on the November 1984 ballot. "Motor Voter," as it was referred to, passed overwhelmingly. It allowed citizens to register to vote when applying for a driver's license and shortened the deadline for registration.

Colorado's "Motor Voter" act was followed by more expansive national legislation in 1993, which Colorado implemented in 1994, including: voter registration at all motor vehicle licensing sites, by mail, in public assistance offices and those serving the disabled, and at military recruiting offices; residence requirement for voter registration increased from 25 to 30 days; and removal of provisions allowing a member of an elector's family to register the elector and registration by affidavit.

In 1990 LWVCO supported an enacted law allowing a qualified elector living anywhere in Colorado to register to vote in any county clerk's office in the state.

Effective July 1, 1993, legislation provided for principals of high schools in Colorado to register citizens to vote under the direction of the county clerk of each county.

The general election of 2000 drew attention to the need to ensure voter registration information is up to date and accurate in each county and at the state level at the time of an election. LWVCO supported a bill (passed) authorizing the Secretary of State to purchase a state-of-the-art communications system to transfer voter registration information from the motor vehicle offices to the county clerks and from the clerks to the Secretary of State's office. The modernized system would also be able to report vote tallies quickly, efficiently, and securely from the county clerks to the Secretary of State during elections and allow equally quick reporting of votes on election night. Most importantly, it would bring all counties—especially the small and tightly funded ones—into an efficient registration and vote reporting system.

During 2001 the Secretary of State convened a blue-ribbon panel with League representation to review Colorado's election laws. Specific goals of the panel were "to streamline the voter registration process, ensure election process integrity, and restore public confidence in the election system."

Several bills concerning changes in the conduct of elections in Colorado were considered by the 2004 and 2005 General Assemblies. One bill allowed voting by mail in local elections; the other allowed counties to create and use voting centers instead of precincts. In 2005, driven by the Help America Vote Act of 2001, which ensured safe and reliable voting, the legislature passed comprehensive changes in



areas such as voter registration, provisional voting, and voting systems.

Reacting to problems in the prior November election, the 2007 legislature passed two bills. The first bill the League supported included the use of student IDs as an acceptable form of identification and changes made to previous law on voter registration drives to remove the misdemeanor penalties and lower fines for “negligent” (as opposed to “willful”) failure to deliver forms to county clerks within the timeframe, which was extended from 7 to 15 days. Other aspects of the bill extended the timeframe for election judge training, permitted election judges to work split shifts, and required the Secretary of State

to adopt rules for electronic/computer registration book testing. The League supported the second bill, which allowed voters to sign up permanently to vote by mail and created secure ballot drop-off locations and a process for voters to verify receipt of their ballots.

In December 2007 many of the electronic voting machines in the state were decertified. Early in the 2008 session, LWVCO supported a successful bill to amend or rescind decertification orders if identified deficiencies were resolved. The governor and a bipartisan committee supported the use of paper ballots. The resultant delay while this was thrashed out made planning for the conduct of the 2008 election difficult. As a result, there was a heavy, although not exclusive, use of paper ballots at polling places located in precincts, super precincts, and vote centers.

In 2009, stemming from the recommendations of the Election Reform Commission appointed at the end of the 2008 session, a bill passed with one provision that allowed the use of the recertified voting machines, including those without a verified voter paper trail (VVPT), until January 1, 2014. LWVCO opposed as LWVUS has a strong position requiring a VVPT.

In 2010 the Secretary of State formed a Best Practices and Visions Commission to which a LWVCO representative was appointed. The goals of the commission were to make it as easy as possible for every eligible citizen to vote, to make sure every vote is counted accurately, and to limit the opportunity for fraud or abuse. The commission was dissolved in 2013.

Bills requiring photo IDs and proof of citizenship which are in opposition to League positions continued to be introduced and defeated.

In 2012 League took a neutral position on a bill to clarify exemptions to the *Colorado Open Records Act* (CORA). Clerks needed a consistent policy as to how to respond to requests for voted ballots, both as to length of time to respond to such requests and how to redact markings that could identify the voter. Although we agreed that clerks needed time to follow procedures without interruption following an election, we felt the stay period was too long and unreasonably restricted access to public records. That bill passed and in 2013 a follow-up bill was introduced which addressed some of the problems encountered by requesters trying to obtain records. We opposed this bill because of the open-ended wording related to fees/costs associated with transmitting records.

Despite League’s opposition to casting of a ballot via the internet with existing technology, we did support a bill in 2012 that would allow military personnel to receive their ballot via the internet.

The ambitious *Voter Access and Modernized Elections Act* was introduced and passed during the 2013 session. League approved the contents of the bill but was disappointed that a compromise was not worked out about the opposition’s main concern: same day registration. The most important features of the bill are:

- eliminates the Inactive Failed to Vote status formerly in statute, so all eligible voters will be mailed a ballot;
- offers options for voting: mail in, drop off, or Voter Service and Polling Centers that will be open 15 days prior to elections except on Sundays;



- allows voters to register or change their record online through the eighth day prior to the election if their signature is already on file; and
- allows individuals to register up to and including Election Day at Voting Centers.

In 2013 League supported three successful bills designed to encourage youth to register and vote: the first to allow 16-year-olds that will not be 18 at the next election to preregister, the second to require administrators of juvenile correction facilities to provide election information to individuals confined in their facilities, and the third to require state institutions of higher education to facilitate voter information at the time of school registration.

Colorado's Secretary of State (SoS) promoted a bill in 2011 that would have allowed the SoS office to check the voter database against a variety of sources. League opposed the bill, which did not pass.

In 2013 another bill was introduced that would have allowed the Secretary of State to cancel voter registration records of non-citizens. Although League supports clean, accurate voter records, we were concerned that the voter should have an opportunity, before the formality of a hearing, to challenge and resolve an error.

The bulk of 2014's bills had to do with tweaking the provisions in the 2013 Voter Access and Modernized Elections Act and was supported by League. Following problems with recall elections held the previous fall, it was necessary to conform to provisions for recall elections in statute with those in the state constitution by establishing Election Day as the day when elections begin. Another bill made corrections, clarifications, and alterations to the Election Code, such as allowing the military to request ballots electronically and requiring the Secretary of State to make use of the National Change of Address database monthly. The third bill created the Colorado Local Government Election Code for conducting nonpartisan special district elections not coordinated by a county clerk. It allows the governing body to opt to conduct their election under the Uniform Election Code of 1992 since sections of the modernization bill were not suitable for the relatively simple, small, nonpartisan local elections.

In the 2016 session League supported bills dealing with filing municipal election results locally rather than with the Secretary of State, requiring signature verification between the return envelope and the signature in the Statewide Colorado Registration and Election (SCORE) Assessment database in municipal elections and increasing the use of NCOA (national change of address) to update records within and between Colorado counties. There was also a bill aimed at clarification for voter registration drives as well as requiring mandatory training for circulators. A bill to appropriate money to cover the costs of acquiring necessary voting documents became law in 2016.

Colorado chose to eliminate the primary form of selecting a presidential candidate in 2003. While the caucus system is the responsibility of the party and thus their expense, a primary election is a public expense. A bill was introduced in 2016 to restore a presidential primary election in Colorado and to allow unaffiliated voters to temporarily affiliate with a political party. Further, it required the General Assembly to appropriate moneys to cover the costs incurred. The bill did not pass, but the voters approved Propositions 107 (to restore a presidential primary election) and 108 (which allowed unaffiliated voters to participate in primaries) in the 2016 election. Subsequently, a bill was passed late in the 2017 session that provides guidance in the implementation of propositions 107 and 108.

In response to the fact that many of the VSPCs (Voter Service and Polling Centers) are underutilized during the first week of early voting, which is a financial burden in terms of personnel as well as site rental, similar bills were introduced in 2015, 2016, and again in 2017 to modify early voting. Because the use of VSPCs had not been in effect during a presidential election and usage could not be projected, the bills did not pass. During the 2016 presidential election, the centers were used sparsely during the first week, but there was need for additional time particularly on the Monday before and then on Election Day. The stakeholders could not agree as to exactly how to reallocate the resources. Again,

the bill was defeated in 2017.

Finally, a bill to allow a voter to share his or her voted ballot with another person was introduced in the previous two years and defeated. In 2017, however, the “selfie” bill was passed.

Despite the League’s opposition to casting of a ballot via the internet with existing technology, we supported a bill in 2019 that allows disabled voters to receive their ballot via the internet so they can utilize their preferred accessibility technology to read and mark their ballot, print their completed ballot, and return the ballot the same as all other mail-in ballots.

The legislature expanded voting rights in 2018 and 2019, starting with allowing parolees to register to vote (2018) and then to vote (2019). A measure to expand time off for employees to register and vote failed in 2018. 2019 brought Automatic Voter Registration upon contact with the Motor Vehicle Division (MVD) or application for Medicaid (passed).

2018 saw three election clean-up bills dealing with streamlining of ballots, changing of dates, and general cleaning up. League supported them, and all three passed.

A newly elected Secretary of State was behind an omnibus bill to change the Uniform Elections Code of 1992. Among other provisions, the bill dealt extensively with voter service polling centers and signature requirements. There were also changes to candidate petition requirements and minor party equity. After much amending the bill passed late in the session.

In 2020 LWVCO opposed passage of Amendment 76 to change “every” to “only” a citizen 18 years or “only” (sic – should be “older”) can vote would disenfranchise 17-year-olds from voting in a primary election even if they were going to be 18 for the general election, but the measure passed with about 63% of the vote. In 2022 LWVCO lobbied hard but unsuccessfully to find a sponsor to introduce a resolution for a ballot measure to reverse the impact on 17-year-olds.

In 2021 League supported bills to increase voter participation: HB1011 providing translation of ballots (like the unsuccessful 2020 HB1081), HB1321 requiring the language of statewide ballot measures that affect revenue to include the fiscal impact, and SB188 allowing voters with a print disability to return an electronic ballot. League worked with the SB188 proponents and wrote an op-ed in Colorado Politics successfully advocating that the bill be narrowed from any voter with a disability to only voters with a print disability.

After the Jan 6, 2021, attack on the US Capitol and efforts to overturn the presidential election results, legislatures across the country, under the guise of election integrity, introduced bills to make voting or conducting elections more difficult. Colorado was no exception, but all the bills died. In the 2022 legislative session, more bills under the guise of election integrity were introduced including ballot-paper security specifications, eliminating mail-in ballot voting and requiring hand counting of ballots. LWVCO opposed these measures, and all failed in committee.

Legislation passed in the 2022 session prohibits openly carrying a firearm within 100 feet of a ballot drop box or any building in which a polling location or central count facility is located, or inside those locations during an election, providing clarity to existing statutes prohibiting voter intimidation. The LWVCO Legislative Action Committee supported the bill, which the governor signed into law March 30.

### Voting Methods

#### **League Position**

*Adopted by LWVCO in 2017 by Concurrence with LWV Boulder County position*

**Support authorizing and implementing alternatives to plurality voting that allow people to express their preferences more effectively. The League supports gaining on-the-ground experience with alternative**

voting methods to ascertain whether a voting method results in outcomes that match voters' preferences as recorded on their ballots. The League supports voting methods that improve the election experience, that encourage honest rather than tactical voting\*, and that consider ease of implementation.

#### Considerations:

Some voting methods are intended for single-winner elections, others for multi-winner elections. It is important that the intended use of a voting method match its actual application. Multi-winner voting methods can promote proportional representation which fosters diversity of our elected officials. Election officials should conduct post-election analysis to evaluate the voters' usage of the voting method and the election's reflection of voters' stated preferences. There should be enough data transparency—for example, access to ballot records in anonymous form—for an independent analysis to be conducted by other interested groups.

*\*A voting method encourages "honest" voting when it allows voters to meaningfully support all their preferred candidates, rather than leading them to either not support their favorite or "tactically" indicate a higher preference for a candidate who is not their favorite.*

#### League Action

Even though legislation to study and pilot voting methods did not pass (HB07-1162), a Voter Choice Task Force was established in 2007. The following year HB08-1378 established that a municipality or special district may conduct elections using single-winner instant-runoff voting (IRV) or the multi-winner proportional single transferable vote (STV). These two ranked voting methods are the only two forms of Ranked Choice Voting (RCV) allowed in Colorado. (About 100 years ago several Colorado cities used a different ranked voting method, known as Bucklin Voting or the Grand Junction system, which is not a form of RCV.)

Three legislative attempts to permit approval voting for local elections were unsuccessful in 2013, 2014, and 2017 with the League supporting, in part, the 2013 bill and fully supporting the 2017 bill.

In 2020 LWVCO worked closely with the sponsor to write and pass HB20-1071 to require the Secretary of State and counties to set up processes to conduct IRV elections for municipalities. LWVCO advocated unsuccessfully for expanding the bill to include STV and will continue to advocate for proportional representation in the future, both within state elections and for the US House of Representative via the *Fair Representation Act*.

Fortunately, several other bills that LAC opposed that would restrict voter access and engagement were postponed indefinitely.

### Election Security

*Adopted by LWVCO January 2022*

Security requirements include but are not limited to:

- Voter registration databases must be secure, accurate, regularly updated, transparent, and able to be independently audited. Individuals must be able to verify their own records and voting history.
- Chain of custody security with strict protocols to show direct accountability and control of key systems and passwords - designate select personnel with appropriate expertise to enforce limited access to original ballots - strictly document ballot access times and places.
- Election officials, workers, and volunteers must be qualified and trained, with no history of fraud or election offense, and no relationship to candidates.
- Ensuring sensitive task security by team oversight, with no two team members from the same

political party.

- Voting systems, both hardware and software, must be supported, tested, accessible, and secure.
- Verifying voter eligibility to cast a ballot via best practices that promote the ease and security of voting.
- Auditability, requiring “software independence.” Election outcome changes or errors caused by software must be detectable without relying on software. We must ensure that accurate vote counts are possible, for example, by using voter-verifiable paper ballots which can be recounted.
- Voter-verifiability, encouraging voters to confirm their votes, such as reviewing their easily verifiable paper ballots before casting them, and/or verifying that recording and tabulation occurred as the voters intended.
- Providing equitable voting access. When a voter would otherwise be disenfranchised, we should work diligently to provide a voting method which is as secure as possible under the circumstances. If allowing less secure voting methods, such as online ballot return, limit use to the rare situation in which a voter cannot physically use and return a voter-verifiable paper ballot. Voters should be warned that all online methods will be less private as well as less secure.
- Voting systems which allow recounts.
- Evidence-based election auditing for all contests, including some risk-limiting audits.
- Protecting individual voter’s privacy so ballots are not traceable to individual voters.
- Developed and rehearsed contingency plans for disasters and cybersecurity recovery.

#### **More on Election Security:**

Elections should be structured to provide transparent, verifiable, convincing evidence that the reported outcomes reflect how people voted (evidence-based elections).

Conducting elections securely and with ballot anonymity is much harder than doing banking securely because financial transaction details can be traced back to the originator, but ballots cannot.

Additionally, although online banking security regularly fails, the customer’s identity is known, and corrections and restitution can be made, even well after the fact. However, similar techniques cannot be used in online elections because ballots must not be traceable to individual voters.

All eligible voters should be able to vote privately and independently, with strong ballot protections and overall election security, including, where needed, electronic blank ballot delivery to voters, mailing paper ballots to uniformed and absentee overseas voters (UOCAVA) 45 days in advance, and providing accessible ballot marking equipment.

For those rare voters who may be allowed to return ballots online, use of a software-independent approach such as an end-to-end verifiable Internet voting system (E2E-VIV) is preferable - though it remains significantly less private and less secure than paper ballots.

Different vendors’ election system components should communicate with each other in standardized ways (interoperability), so election officials can mix and match, encouraging innovation and competitive pricing.

Election officials should securely retain all paper and electronic records, including ballot images and cast vote records.

The public should have access to copies of election equipment source code, samples of election equipment, copies of ballots (with personally identifying information removed), and copies of procedures. Passwords and other authentication secrets must be secured. Election officials must remain

in control of ballots and the actual equipment and software used.

Processes should be designed so that the public can observe the election, auditing, and testing processes closely enough to verify their integrity, but without interfering in an ongoing process. The public should have a mechanism to address election process flaws, if possible while an election is still underway, without interfering in ongoing elections.

### **League Actions**

In early 2022, LWVCO adopted a position on election security, and the state election security team is working to get concurrence at the upcoming national league convention, which failed. This state position was used as a platform of guidelines for evaluating LWVCO positions on bills proposed in the 2022 legislative session.

Actions taken by a few elected election officials in Colorado and other states after the 2020 elections revealed election security vulnerabilities. Legislation passed in the 2022 legislative session addressed these vulnerabilities through changes to existing statutes: adding clarity and specificity to requirements for security protocols; setting a 6-month time frame for clerks and election workers to complete training; and adding a mandate that election equipment be always kept under surveillance. As first introduced, the LAC took an amend position to this proposed legislation, pointing out language that inhibited freedom of speech. Once amended, the LAC changed its position to support. The updates to the Colorado statutes codified key aspects of LWVCO's positions on election security and established, yet again, Colorado as a leader in voting legislation.

Sadly, a new trend of increased threats against election administrators and many elected officials have emerged after the 2020 election. Secretary of State Jena Griswold testified that her office went from receiving a small handful of threats to an unprecedented thousands of threats. The Colorado Department of Public Safety testified that they are receiving approximately 50 to 60 reported threats and/or incidents per month in and around the capitol complex. Colorado law is silent on security for the elected constitutional offices of Secretary of State, Attorney General, and Treasurer. The bill passed the legislature.

Continuing with the security theme in 2022, a bill was introduced making it unlawful for a person to threaten, coerce, or intimidate an election official, to interfere with the performance of the official's duties, or to retaliate against the official. It also prohibits doxing - making personal information public - of election officials and their families if it's known that doxing will pose an imminent and serious threat. The LWVCO Legislative Action Committee supported this bill. It passed the House and Senate with bipartisan support.

## **Redistricting - Legislative and Congressional Districts**

### **League Position**

#### **Redistricting**

*Adopted 1973, revised 1983, 2011*

Support for the following criteria for drawing the boundaries of legislative districts of both houses of the state legislature and of Colorado U.S. congressional districts:

- Each district should have a population as nearly equal as may be required by the Constitution of the U.S., but in no event shall there be more than 5% deviation between the most populous and the least populous district.
- Each district shall be as compact an area as possible, and the aggregate linear distance of all district boundaries shall be as short as possible.
- Except when necessary to meet equal population requirements, no part of a county shall be added



to all or part of another county in forming districts. Within counties whose territory is contained in more than one district, the number of cities and towns whose territory is contained in more than one district shall be as few as possible.

- Consistent with the preceding criteria, communities of interest including ethnic, cultural, economic trade area, geographic, and demographic factors shall be pre- served within a single district wherever possible.

## League Actions

### Redistricting

Considerable confusion exists between the words “reapportionment” and “redistricting.” In the past, LWVCO has used the two definitions: “Redistricting” to describe the drawing of congressional representations and “Reapportionment” to describe the redrawing of state representations. In 2011 the LWVCO position was changed to reflect the fact that the process done by the state is “Redistricting.”

“Reapportionment” is the assignment to each state of several congressional representatives.

Reapportionment is a federal process, mandated by the U.S. Constitution although Congress chooses the exact formula used.

“Redistricting” is the redrawing of congressional and General Assembly district lines, a process totally controlled by the individual states. Redistricting is subject to the use of equal population and adherence to the 1964 *Voting Rights Act*, as well as other state constitutional and statutory requirements and certain federal laws and U.S. Supreme Court rulings.

Although Colorado’s original constitution stated that there should be redistricting every five years, this requirement was ignored until 1891. After that, the districts of the General Assembly were redrawn in 1901, 1913, 1933 (by initiative petition) and 1953.

Redistricting was a concern and a problem throughout the 1950s and 1960s. Colorado lawmakers worked on legislative redistricting for seven consecutive years beginning in 1961. There were problems with the district structure at the time and the application of Supreme Court rulings.

Because the 1962 General Assembly rejected all redistricting proposals submitted to it by the Legislative Council, 1962 elections were based on senatorial districts which ranged from 17,381 to 127,520 in population and representative districts which ranged from 7,520 in Huerfano County to 63,910 in Jefferson County. Colorado was one of the states involved in the U.S. Supreme Court ruling of 1964 that required both houses of state legislatures to have membership based on population and districts as nearly equal in population as practicable.

After the 1970 census redistricting was considered by the 1972 legislature. The session was the longest on record to date, as many as 90 of the 150 days of the session were spent on discussion of redistricting proposals. The resulting plan was challenged by the minority party, and the Colorado Supreme Court ruled that while the plan met the criterion of equal population, several districts were not compact enough. A reworked plan was submitted to the court for scrutiny before the final vote was taken by the legislature. The idea of an independent nonpartisan redistricting commission surfaced, but it soon became apparent that the legislature would not cooperate.

The League of Women Voters had been involved in the redistricting process since 1956, but our early positions did not include the one person/one vote principle. Early on the position stated that the districts of only one house needed to be drawn based on population and that the districts of the other house could be drawn based on population with area considerations. In 1962 the position was changed to state that districts of the legislature should be based on population but that the number represented could vary from 33% above to 33% below a strict population ratio.

In 1973 the LWVCO reviewed the old positions and, with the memory of the 1972 legislative session in mind, adopted a position supporting an independent agency for redrawing of the state legislative districts using certain criteria such as population and compactness.

With this new position LWVCO initiated a citizen amendment to the constitution that would take redistricting out of the hands of the legislature. To put the amendment on the 1974 ballot, over 57,000 signatures were gathered from all over the state by the LWVCO with the help of the Colorado Bar Association and other organizations.

The amendment gave the job of redistricting to a Reapportionment Commission (its legal name) with appointed members and a deadline for submitting a plan to the Colorado Supreme Court for approval. The new Reapportionment Commission convened in July 1981 and adjourned in March 1982. LWVCO monitored the entire session of the new commission. The object was to observe the process to see if it worked. In the League's opinion it did.

The LWVCO Convention in 1983 amended the League's position to include an independent agency to draw the U.S. Congressional redistricting lines.

After the 2000 census, the General Assembly failed to agree on redrawing the congressional districts; thus, the Colorado courts drew the new boundaries for the seven congressional districts. That move increased interest in developing a different mechanism. League favored a reorganization of the Reapportionment Commission to make it responsible for redrawing the congressional districts as well as the state legislative districts.

Several attempts have been made by the General Assembly to change the composition of the Reapportionment Commission, as well as one attempt to change the criteria. All failed. In 2003 the Republican legislature attempted to draw the lines a second time after the 2000 census. The state supreme court ruled against the constitutionality of a second redistricting plan, and the U.S. Supreme Court refused to hear the case, leaving the original plan in place.

In 2010 a bill passed that LWVCO opposed reworking the criteria to be used by the court if the legislature could not reach a redistricting plan. The new criteria were looser than LWVCO's preferred criteria and not prioritized in the same way allowing the possibility of non-neutral criteria to be used.

In 2011 a bipartisan committee of house and senate members attempted to redraw congressional districts in the hope that without a new district to add this could be done without resorting to the courts. However, the committee was unable to produce a single map, and subsequent house and senate maps were defeated. In December the Denver District Court, affirmed by the Colorado Supreme Court, ruled in favor of the "Moreno/South map" based on two lawsuits.

LWVCO spent a year and a half (2016- 2018) working in partnership with a broad coalition of groups from across the political spectrum to develop legislation and ballot initiatives that vest authority over redistricting the state's congressional and legislative districts in two independent commissions that include balanced representation by Democrats, Republicans, and unaffiliated voters. These efforts led to the introduction of SCR 18-004 (Congressional Redistricting) and SCR 18-005 (Legislative Redistricting) in 2018. Direct lobbying efforts by the coalition resulted in the unanimous passage of both measures in both chambers of the General Assembly.

Because the measures sought amendments to the Colorado Constitution, they were referred to the voters on the November 2018 ballot as Amendments Y and Z and required 55 percent of the vote. LWVCO and coalition partners, in a campaign referred to as Fair Maps Colorado, worked over the summer and fall to educate the public and generate support among Colorado voters. Both Y and Z passed with 71 percent of the vote.



The 12-member commissions, representing both major parties and unaffiliated voters from all of Colorado's congressional districts, were seated in 2020. [Note: The 2020 census numbers were not reported to the states as planned originally due to delays caused by COVID-19 and administration interference.]

In the 2019 legislative session, the Census Outreach Grant Program passed allowing agencies and local governments to increase the self-response and accuracy of the 2020 census. An accurate census affects reapportionment and redistricting and is therefore of great importance to the LWVCO.

Accurate residency data for redistricting continues to garner LWVCO support and in 2020 a bill passed that requires Colorado prisons to report the home address of inmates for the purposes of redistricting. This is important as people need to be represented in their home communities, not at their temporary prison address, which averages about three years and often is as little as a few months.

COVID-19 and government actions brought about the need to change some redistricting-related deadline dates placed in the Colorado constitution. The Colorado General Assembly took two steps to address the problem introducing SB21-247, *Concerning the Procedures of the Independent Redistricting Commissions* and House Joint Resolution 21-1008, concerning a Request to the Supreme Court of the State of Colorado to render its opinion upon questions regarding Sections 44 to 48.4 of Article V of the state constitution. Summarized, SB21-247 states "The COVID-19 pandemic has caused a delay in the ability of the United States Census Bureau...to deliver to the state the population and demographic data necessary to redraw election districts. The Census Bureau has indicated that the final census data will not be available for at least 6 months after the deadline contemplated in federal law..." In the case of SB247, the legislature gives the commissions authority to establish realistic dates. The resolution sent interrogatories to the Colorado Supreme Court that duplicated items found in SB247, asking for responses to several questions. The court found that "commissions, not the General Assembly, have the authority to determine the data necessary for staff to create preliminary" [maps] and for the commissions to follow the timeline they establish. Since the court responded to the interrogatories, SB247 was no longer necessary and was laid over until July, thus killing it without really doing so. The League supported both these pieces of legislation.

In 2021 LWVCO opposed a bill to allow candidates running for lieutenant governor to also run for another state or county office. If the candidate won on both tickets, they would have had to resign the state or county seat, which would result in the appropriate vacancy filling process. The current vacancy filling processes deny voters the opportunity to elect their officials and having a person run for multiple offices would have been confusion for voters. After the bill gained overwhelming majorities in both chambers, the governor vetoed it, and the legislature sustained the veto on the last day of the session.

### **State and Local Governments**

In 2021 LWVCO opposed a bill to allow candidates running for lieutenant governor to also run for another state or county office. If the candidate won on both tickets, they would have to resign the state or county seat, which would result in the appropriate vacancy filling process. The current vacancy filling processes deny voters the opportunity to elect their officials and having a person run for multiple offices would have been confusing for voters. After the bill gained overwhelming majorities in both chambers, the governor vetoed it, and the legislature failed to override the veto on the last day of the session.

### **Initiative Process**

#### **League Position**

*Adopted 1995*

**The LWVCO supports:**

- A greater number of petition signatures for an initiated constitutional amendment than for an initiated statute.
- A super majority vote of the people for the passage of all (initiated or referred) constitutional amendments except for removing obsolete provisions.
- The current (1995) six-month time for gathering of signatures for both constitutional and statutory initiatives.
- The protection of an approved initiated statute from change by the General Assembly for a minimum of two years. Only a simple majority vote would be necessary after a two-year period.

Exceptions can be made for Supreme Court review on constitutionality and technical amendments.

### League Actions

The LWVCO supported legislation in 1989 which changed the initiative process to require uniformity of petitions and validation of signatures and to eliminate the “cure” period for gathering additional signatures after a petition has been filed.

During the 1993 session LWVCO supported legislation to streamline the petition process, including random sampling to verify signatures, wearing of badges by petition circulators, and changes in requirements for local government elections. The “cure” period for gathering additional signatures is now back in Colorado. (The cure period occurs if the initial signatures submitted to the Secretary of State fall short of the required number needed to qualify for the ballot and so an extra amount of time can be used to gather additional signatures).

The Colorado Supreme Court upheld a provision that petition circulators do not need to wear badges or be registered to vote in Colorado.

LWVCO supported a legislative proposal appearing on the 1996 ballot calling for a 60% supermajority vote for constitutional amendments and protection of voter approved initiated statutory amendments. Voters defeated this proposal. We opposed legislation calling for a geographical spread of signature requirements for constitutional amendments in 1997. It failed.

In 2008 SCR3 was sent to the ballot with LWVCO support. It was another attempt to increase the number of petition signatures for a constitutional amendment, a geographic distribution of petition signatures, and a six- year protection from changes to statutory initiatives unless the General Assembly reached a two-thirds vote to change. LWVCO opposed the geographic distribution. This ballot issue failed.

LWVCO has supported several bills over the last few years that attempted to clarify language and instruct voters, such as including information on what an initiative and referendum are, and wording that a “yes” vote is to support the issue and a “no” vote is to oppose. Some have passed and others haven’t. We continue to support clarity and transparency of ballot issues.

We have also supported bills that clarify the petition process. Definitions of issue committees and amounts of expenditures that trigger requirements to register as a committee have been proposed in most recent sessions.

In 2016 an initiated proposal appeared on the ballot to make it more difficult to get a constitutional amendment adopted. The measure passed. Also known as “Raise the Bar,” it requires that two percent of registered voters in each of the state’s 35 senate districts are needed to get a constitutional proposal on the ballot. In addition, it requires that 55 percent of the voters must vote yes to pass an amendment.

In 2021 LWVCO opposed a bill applying to all candidates running for lieutenant governor to also run for another state or county office. If the candidate had won on both tickets, he/she would have had to

resign the state or county seat, which would result in the appropriate filling process. The current vacancy filling processes deny voters the opportunity to elect their official and having a person run for multiple offices would have been confusing. After the bill gained overwhelming majorities in both chambers, the governor vetoed it and the legislature sustained the veto on the last day of the session.

LWVCO once again opposed a requirement for a geographic distribution of signatures. Now that a geographic distribution is required for constitutional amendments, this bill attempted to require it for statutory initiatives. The bill failed in committee.

### Campaign Finance/Money in Politics

#### League Position

*Statement of Position on Campaign Finance, as announced by the LWVUS Board, April 2016*

The League of Women Voters of the United States believes that the methods of financing political campaigns should enhance political equality for all citizens; ensure maximum participation by citizens in the political process; protect representative democracy from being distorted by big spending in election campaigns; provide voters sufficient information about candidates and campaign issues to make informed choices; ensure transparency and the public's right to know who is using money to influence elections; enable candidates to compete equitably for public office; ensure that candidates have sufficient funds to communicate their messages to the public; and combat corruption and undue influence in government.

The League believes that political corruption includes the following:

A candidate or officeholder agrees to vote or work in favor of a donor's interests in exchange for a campaign contribution; an officeholder or staff gives greater access to donors; an officeholder votes or works to support policies that reflect the preferences of individuals or organizations in order to attract contributions from them; a candidate or office holder seeks political contributions implying that there will be retribution unless a donation is given; and the results of the political process consistently favor the interests of significant campaign contributors.

To achieve the goals for campaign finance regulation, the League supports:

- public financing of elections, either voluntary or mandatory, in which candidates must abide by reasonable spending limits;
- enhanced enforcement of campaign finance laws that includes changes to ensure that regulatory agencies are properly funded, staffed, and structured to avoid partisan deadlock in the decision-making process;
- abolishing Super PACs and abolishing spending coordinated or directed by candidates (other than a candidate's own campaign committee); and restrictions on direct donations and bundling by lobbyists, which may include monetary limits as well as other regulations.
- Until full public financing of elections is enacted, limits on election spending are needed to meet the League's best goals for protecting democratic processes. Among the different entities that spend money to influence elections, the League supports the following comparative limits:
- higher spending limits for political parties, genuinely non-partisan voter registration, and get-out-the-vote organizations and activities, and candidates spending money raised from contributors;
- mid-level spending limits for individual citizens (including wealthy individuals), Political Action Committees (with funds contributed by individuals associated with the sponsoring organization, such as employees, stockholders, members, and volunteers), and candidates spending their own money;
- lower spending limits for trade associations, labor unions, and non-profit organizations from their

general treasury funds;

- severely restricted spending by for-profit organizations spending from their corporate treasury funds; and
- no limits on spending by bona fide newspapers, television, and other media, including the internet, except to address partisan abuse or use of the media to evade campaign finance regulations.

This position is applicable to all federal campaigns for public office — presidential and congressional, primaries, as well as general elections. It also may be applied to state and local campaigns.

### League Actions

Beginning in 1992 LWVCO worked with Colorado Common Cause (CCC) and other groups to get campaign finance legislation passed in the General Assembly, and failing that, to get a citizen-sponsored initiative to reform campaign financing on the ballot and passed. The legislative route proved to be a failure. For years LWVCO lobbied the legislature for strong campaign reform, but all the bills that we supported died in committee. Finally, in 1996 the legislature passed, and the governor signed, a weak bill with very high contribution limits, no spending limits, and serious loopholes.

Meanwhile LWVCO worked successfully with CCC, Colorado Public Interest Research Group (CoPIRG) and a coalition of 18 other organizations to place a reform measure on the November 1994 ballot. This measure, Amendment 15, called for \$100-\$500 contribution limits, more disclosure, and enforcement by a separate commission. It failed narrowly at the polls because of an extremely well-financed opposition campaign. Early in 1995 the LWVCO Education Fund published a study of Colorado campaign finances drawing on statistics compiled over the past twenty years by CCC, LWVCO, and CoPIRG.

In 1996 LWVCO, CCC, and CoPIRG launched another petition drive and succeeded in getting a measure on the November ballot—again Amendment 15 with \$100 and \$500 contribution limits, voluntary spending limits, and more disclosure. The measure passed overwhelmingly with 66% of the vote. Three lawsuits were promptly filed in US District Court against the Colorado Secretary of State claiming the amendment (now called the Fair Campaign Practices Act) violated the First and Fourteenth Amendments regarding free speech and freedom of association. Plaintiffs included Right-to-Life groups, the Colorado Education Association, and the Republican Party. The consolidated suits were heard in US District Court March-June 1998. In April 1998 Judge Daniel Sparr ruled that most of the voluntary spending limits and reporting requirements for independent expenditures were constitutional.

The November 1998 election proceeded under Amendment 15 rules. All candidates accepted the voluntary spending limits. A distinct lowering of expenditures in contested races occurred.

In August 1999, Judge Sparr ruled the \$500 and \$100 limits for statewide and legislative races were unconstitutionally low. He also ruled the \$250 contribution limits to political committees unconstitutional. The judge also ruled that the state did have a right to regulate campaign contributions to prevent corruption and the appearance of corruption and left in place limits on political parties' contributions to candidates, limits on individual contributions to parties, and aggregate limits on Political Action Committee (PAC) contributions to candidates.

This decision pleased neither side and both appealed. Meanwhile in the 2000 Colorado legislative session, a bill passed which gutted Amendment 15, providing very high contribution limits, allowing corporate and union contributions to candidates, abolishing voluntary spending limits, and generally leaving large loopholes for big money to dominate the process. The 2000 general election, held under these rules, saw a great increase in very expensive campaigns. In December 2000 the US Tenth Circuit declared most of Amendment 15 moot and reversed the lower court's ruling on disclosure of

independent expenditures.

In 2002 the League joined with long-time allies CCC and CoPIRG to launch a third initiative for campaign reform, this time as a constitutional amendment. This initiative required \$200 and \$500 contribution limits to candidates, a variety of limits on political parties and PACs, voluntary spending limits with incentives, special incentives for small donor committees receiving \$50 or less from contributors, and financial disclosure from so-called “educational issue” committees (which claim not to support or oppose candidates by avoiding the magic words “vote for” or “vote against” as cited in the 1976 US Supreme Court decision, *Buckley v. Valeo*). As Amendment 27 it passed overwhelmingly again with 66% of the vote.

In July 2003 James Bopp, counsel for the Colorado Right-to-Life Committee (CRLC) and Colorado Citizens for Responsible Government (CRG), filed suit in US District Court against the Colorado Secretary of State arguing that Amendment 27 regulated issue advocacy, banned corporations from making electioneering communications, did not exclude organizations whose major purpose is other than express advocacy, and prevented CRG from business activity or receiving corporate contributions—all of which it claimed were unconstitutional.

League and CCC were *amicus curiae* (friends of the court) in this case submitting written briefs in support of Amendment 27 but not participating in the court proceedings. The LWVCO Education Fund received a grant of \$25,000 from the Deer Creek Foundation in St. Louis, Missouri, for expenses in the case. The District Court decided partly in favor of the plaintiffs; the decision was appealed by the Secretary of State to the US Court of Appeals for the Tenth Circuit. On August 21, 2007, the Court of Appeals affirmed the lower court decision; it ruled that CRLC’s major purpose was not to support or oppose political candidates but to promote respect for human life.

In 2007 the General Assembly passed, and the governor signed the *Clean Campaign Act*, which requires “527 committees” to report contributions and spending on the same schedule as candidates’ committees. These committees claimed, as had educational issues committees, to be spending on issue advocacy only.

In 2008 the General Assembly passed, and the governor signed a measure supported by LWVCO closing a loophole in the enforcement statutes implementing Amendment 27. Reports of campaign finance violations made by citizens and enforcement of any relevant sanctions were brought under the implementing statutes.

On January 21, 2010, a bitterly divided US Supreme Court, in *Citizens United v. FEC*, ruled that the government may not ban political spending by corporations in candidate elections on the grounds that the government has no business regulating political speech.

In 2012 LWVCO supported a bill to create a public campaign fund to be administered and enforced by a Colorado Citizen Funded Campaigns Commission. Candidates for Colorado’s General Assembly would have had the option to participate in the publicly funded system, but the bill didn’t pass.

In 2016 the League successfully supported two bills. The first requires the Secretary of State to create a campaign finance course to be posted on the official website of the SoS. The law required Administrative Law Judges (ALJs) who hear campaign finance cases to complete the course and certain further annual requirements for consistency of results in campaign finance cases. The second bill, seeking to clarify the application of reporting requirements for campaign contributions and expenditures to small issue committees, defines small-scale issue committees in the Fair Campaign Practices Act; sets specific guidelines for reporting amounts between \$200 and \$5,000, when full disclosure requirements begin; and prevents several small committees on the same issue from escaping reporting requirements.



A third bill sought to expand the disclosure requirements related to political party communication activity under the Fair Campaign Practices Act to include spending and communication advocating for the election or defeat of a political party. The League supported it, but it did not pass.

In 2017 there were five campaign finance bills introduced in the house. League supported all these bills. Only one bill passed allowing campaign committees to fix campaign finance reporting deficiencies in a set period without penalty. The four other bills concerning contribution limits and disclaimer requirements were postponed indefinitely (PI'd).

League did not support two failed proposals (2017 and 2018) to request a constitutional convention to establish “free and fair” election.

In 2019 LWVCO followed several bills that would provide transparency and accountability in campaign contributions. The Clean Campaign Act of 2019 will limit foreign money in elections and require disclosure of corporate political spending, among other actions. Other issues addressed in successful bills include establishing enforcement mechanisms for campaign finance violations and setting contribution limits and disclosure requirements for county offices. In 2020 a bill to limit campaign contributions for school district candidates had LWVCO support and was passed into law. In 2021 League did not support two failed proposals to request a constitutional convention to establish “free and fair” elections.

After numerous attempts in recent years with continued support from LWVCO, a bill to limit campaign contributions for school board candidates finally passed and was signed by the governor in 2022.

### Selection of the President

#### **League Position**

*Statement of Position on Selection of the President, as announced by the National Board January 1976, revised March 1982, updated June 2004, and revised by the 2010 Convention*

The League of Women Voters of the United States believes that the direct-popular-vote method for electing the president and vice president is essential to representative government. The League of Women Voters believes, therefore, that the Electoral College should be abolished. We support the use of the National Popular Vote Compact as one acceptable way to achieve the goal of the direct popular vote for election of the president until the abolition of the Electoral College is accomplished. The League also supports uniform voting qualifications and procedures for presidential elections. The League supports changes in the presidential election system — from the candidate selection process to the general election. We support efforts to provide voters with enough information about candidates and their positions, public policy issues, and the selection process itself. The League supports action to ensure that the media, political parties, candidates, and all levels of government achieve these goals and provide that information.

#### **League Actions**

Since 2017 the Colorado League has supported several bills that were introduced in response to the results of the presidential election. In 2017 and 2018 unsuccessful bills would have required candidates for president or vice president to file their federal income tax returns for the previous five years with the Colorado SoS to have their name on the Colorado ballot.

In 2006 Colorado’s senate was the first legislative chamber in the nation to pass legislation to join a National Popular Vote Interstate Compact, which would take effect once states with a majority (270) of electoral votes signed onto the agreement. NPV preserves the Electoral College. Similar one-chamber successes occurred in 2007 and in 2009.

National Popular Vote Interstate Compact legislation was introduced again in 2017 and in 2019. The bill failed in 2017 but passed in 2019. Opponents quickly took advantage of the bill’s petition clause to

put a “citizens’ veto” on the ballot in 2020, but voters passed Proposition 113 to affirm the legislature’s decision to join the National Popular Vote Compact.

## Colorado Constitution

### League Position

*Adopted 1983-1985*

For evaluating the Colorado Constitution and proposed constitutional amendments in terms of clarity of language, suitability of topic, and detail, the LWVCO favors use of the following criteria.

The constitution and proposed amendments should:

- guarantee the rights of individuals.
- provide for establishment of the executive, legislative, and judicial branches; establish the basic function of each with checks and balances; provide clearly defined lines of authority and responsibility and grant them adequate powers to carry out these responsibilities.
- provide a flexible framework for effective state and local government broad enough to allow for changing conditions.
- be a concise, understandable, and integrated statement of basic law free from statutory detail and obsolete provisions, logically organized, and internally consistent.
- provide methods to amend, revise or re- place the Constitution.
- allow intergovernmental cooperation.
- establish the power to tax but leave specifics of structure and detail to enactment by the General Assembly.
- be consistent with the Federal Constitution.

### League Actions

In 1963 the LWVCO undertook a major study of the Colorado Constitution that included the framework of state government, the three branches of government, and those fiscal and local governmental powers defined in the constitution. This study and resulting positions were the basis for action regarding the judicial system and apportionment for many years and led to more detailed studies of such issues as financing state government and financing education.

In 1981 the League again adopted a study of the Colorado Constitution focused primarily on the methods of changing the constitution. In 1983 the specific focus was on the legislative and executive powers as they related to managing and meeting the state’s current and evolving needs. The executive and legislative sections of the Colorado Constitution were found to be basically acceptable in their present form. In 1993 the legislature referred a constitutional amendment to the voters limiting future constitutional amendments to a “single subject clearly expressed in the title.” The LWVCO supported this amendment, and it was adopted by the voters in the 1994 general election.

Since the legislature can change a statutory amendment as soon as it is adopted, many persons using the initiative process recently have preferred to propose constitutional rather than statutory amendments. Some of these proposals would have been more appropriate as statutes — subject to change — since they have created conflicting revenue and budgetary problems that have restrained the state government’s ability to adequately address key problems.

League would support a measure to encourage the use of statutory rather than constitutional amendments if there is at least a two-year waiting period before changes can be made. In 2008, LWVCO supported SCR3, Changes to Initiatives, which made it to the ballot as Referendum O. This amendment would have increased the number of petition signatures required for constitutional initiatives and



lowered them for statutory initiatives, required a geographical distribution for signatures, changed the timelines for the petition process, and increased protection to statutory amendments from legislative changes. LWV supported efforts to educate voters on the issue, but Referendum O was defeated in the general election. A similar SCR3 in 2010 and SCR1 in 2011 both died before getting to the ballot.

Referendum Q on the 2010 ballot was supported by LWVCO. This amendment would have provided a process for temporarily moving the seat of government in case of a disaster emergency on grounds of security of data and the possible cost to government of redacting confidential information. It failed.

### Fiscal Policy

#### **League Position**

*Statement of Position on Fiscal Policy as adopted by 1984 Convention and as announced by the LWVUS Board March 1985, January 1986, and June 1986 (partial)*

The League of Women Voters of the United States believes that federal fiscal policy should provide for: adequate and flexible funding of federal government programs through an equitable tax system that is progressive overall and that relies primarily on a broad-based income tax; responsible deficit policies; and a federal role in providing mandatory, universal, old-age, survivors, disability, and health insurance.

#### **LWVCO Position**

*Adopted 1979-1981 Revenue*

The League of Women Voters supports:

- a system to raise revenue which incorporates social, environmental, and economic goals;
- the use of the following criteria for evaluating Colorado revenue structure: ability to pay, equitable, certain, convenient, economical, flexible, adequate, reliable, elastic, diverse, and simple;
- a progressive state income tax, individual and corporate;
- state revenue from the severance tax; and
- a raise in taxes and/or elimination, reduction, or shift of funding from other programs when revenues are insufficient to finance a League supported program.

The League of Women Voters opposes:

- a sales tax on food; and
- earmarking of funds except when necessary and if used on a limited basis and with discretion.

#### **Budget and Expenditures**

The following concepts should be included in the state of Colorado's budget-building process:

- a three-year budget cycle;
- consideration of fiscal consequences of alternative future policies and funding;
- development of spending priorities; and
- long-range planning

The budget-building process should be carried out within the constitutional framework of a dynamic balance between the executive and legislative branches of government. The budget process should incorporate significant participation by the executive branch and co-operation between the executive and legislative branches.

The following options for funding capital investments should be available to the state of Colorado:

Debt financing (revenue bonds) - support for revenue bonds without the need for a vote because existing revenue is already in place for funding such bonds.

Debt financing (general obligation) - support for general obligation debt funding, provided that these

conditions are met (debt financing would require a constitutional change):

- a vote of the citizens on bond issues be required;
- a statutory limit be placed on the amount that can be raised by such a method;
- the use of general obligation bond funding be limited to capital investments;
- changes in the tax structure at the state or local level;
- creation of special funds; and
- an annual state capital budget and appropriation bill.

### Assessment

Assessors should be appointed rather than elected. Professional qualifications for assessors should be established by the state. The state should control property tax assessment by requiring training for assessors and their staffs, enforcing equalized assessments throughout the state, and adopting measures to decrease the time between completion of building construction and liability for taxes.

### League Actions

From 1977 through 1979 LWVCO studied “The Money Exchange: Study of Revenue Sources and their Effects on the Taxpayer.” From 1979 through 1981 LWV expanded the fiscal study to include “A Study of Colorado Revenue Structure: Expenditures, including Services, Budgeting, and Spending.” Over the years the position has been updated as needed.

**Budget:** Each year the League analyzes and comments on the state budget. We have neither supported nor opposed the budget since 1986.

The passage of TABOR (see [Taxpayers Bill of Rights](#)) in 1992 and Amendment 23 on K-12 spending (2000), combined with difficult economies since 2000, have so limited the flexibility of the Joint Budget Committee that there is little discretion. The LWVCO opposed TABOR, campaigned against it, and worked unsuccessfully with a coalition to defeat the amendment. Since its passage, our focus has been on ways to return flexibility to the legislature in making the budget and to find sources of revenue to meet the needs of the state.

**Capital Development:** In 1981 the League supported legislation to establish a capital needs fund and an administering legislative committee that would prioritize the need to build and maintain state-owned facilities. The joint Capital Development Committee was established in 1986. The intention was to have long-range planning for capital construction and controlled maintenance to address the budget constraints resulting from TABOR and poor economies.

**Fuel Taxes, Auto Registration Fees, Transportation:** In 1986 LWVCO supported a successful proposal to increase fuel taxes for the state’s transportation system. Again in 1988, the League supported the governor’s transportation bill designed to raise revenue for the construction of high-priority highway projects. It failed. In 1996 and 1997 the League opposed bills earmarking General Fund revenue for highways; the 1997 proposal passed. In 2009 the League supported the FASTER bill to raise vehicle registration fees and penalties for late renewals. The funds were to be devoted to repairing bridges and overpasses. This earmarking was deemed reasonable because of the nexus between vehicles and roads. In 2010 and 2011 some of the penalties for late renewal were scaled back.

**Food Sales Tax:** The LWVCO has a strong position against sales tax on food. In 1980 the League successfully worked for the repeal of the state sales tax on food. In 1987 LWVCO successfully opposed the reintroduction of a sales tax on food for the purpose of funding two new prisons. In 1989 the same issue was proposed in a special session of the legislature and failed. In 1997 a bill was introduced to remove sales tax on food by local governments, but because it did NOT allow for replacement revenue, it was defeated.

**Tax Reform:** LWVCO has supported simplified income tax codes that still require as many people as possible to participate in funding state needs, commensurate with ability to pay. We have supported progressive taxation and opposed a flat tax. With the passage of the TABOR amendment, the constitution now requires a flat income tax.

In 2010 LWVCO supported Senate Joint Resolution 2, which requested that the University of Denver study the financing of state and local government in Colorado, the first comprehensive study of Colorado's tax system since 1959. The Center for Colorado's Economic Future (CCEF) released the first phase of this study in April 2011. Among the findings was recognition that Colorado's revenue system no longer reflected the nature of its economic activity, and as a result, may not be as equitable as the system once was. The study also highlighted the fact that earmarking of revenue rendered the system inflexible in dealing with changing times. The experience of LWVCO as it evaluates the needs of the state and the ways to fund those needs mirrors the CCEF findings.

In 2021 the League supported successful tax reform, an area of significant progress this legislative session. Legislation in this area increases the state's Earned Income Tax Credit and funds the Child Tax Credit, by cutting or reducing tax expenditures for the richest and helps make Colorado's tax system more progressive.

Also in 2021, the League supported HB21-1321, which would require ballot titles for tax changing measures to spell out how much different income groups' taxes would change and, if proposing to cut taxes, major programs or services that could be impacted by a tax cut. Both 1311 and 1321 passed.

**Earmarking of Taxes:** In general, the League opposes earmarking of tax receipts because doing so limits the ability of elected representatives to do their jobs. However, the post-TABOR environment has often made earmarking the only way to gain popular support for revenue enhancements. The League has continued to oppose earmarking of TABOR surplus funds but has been lenient in support of tax increase proposals that have appeared on the ballot. We have supported some tax increases where the revenue was designated for a related purpose such as the increased cigarette tax whose revenue was used for health care. TABOR's requirement that all tax increases be voted on and the public's appetite for taxes that are earmarked for specific purposes challenge this position. However, we continue to believe that representative government means placing the responsibility for determining the use of funds with the people elected to do that job.

**Tax and Spending Limits:** LWVCO opposes constitutional amendments that restrict taxes and spending. These measures undermine the philosophy of representative government and impose severe restrictions that prevent an equitable and flexible system of taxation. They reduce the ability of elected officials to provide adequate funding for state and local government, schools, highways, and public welfare programs. The passage of Article X, Section 20, of the Colorado Constitution (TABOR) imposed both revenue and spending limits on all levels of government. Since 1992 when that act was passed, many localities have voted to override the limitations on local tax collection and spending. The advocates for limits have responded with initiated constitutional amendments to reverse the effect of these votes and to further limit taxes and fees imposed for specific purposes. LWVCO has opposed these proposals, and none has been successful.

**Revenue Reduction:** Since the passage of Article X, Section 20 (TABOR) and because of its ramifications for both state and local governments, the League has carefully watched proposals that would reduce revenue. Although our analysis has consistently found that the Business Personal Property Tax harms job creation overall, eliminating it would reduce revenues to counties that might need to be backfilled by state funds, which have been greatly reduced by tax cuts.

In recent years tax incentives (also called tax expenditures) have been used as tools of economic development and assistance to the working poor. In 2011 LWVCO supported a successful bill to evaluate tax expenditures (tax credits and exemptions) that reduce tax revenues by giving special

consideration mostly to business. The Department of Revenue published information about the amount of tax expenditures claimed in 2011. Total costs (for multi-year expenditures) and benefits are difficult to estimate and assess. Yet the reduction of tax revenues can be huge and come when the state is least able to afford it.

In 2015 League supported a bill to create a Tax Expenditure Evaluation Committee. The bill was approved by house and Senate leadership before being killed by the Senate Appropriations Committee.

**TABOR Surplus:** TABOR mandates that surplus revenue over the allowable limit be refunded to the taxpayers. This sounds easier than it is since determining who has paid how much “excess” revenue is difficult. Initially refunds were made to specific special interests—primarily, but not exclusively, to help the less fortunate. In 1999 and 2000 both sales and income taxes were cut to avoid collecting excess revenue in the first place. Knowing that Colorado has a boom-and-bust economy, League strongly opposed making these tax cuts permanent preferring cuts that had a time limit. The difficulties of the years 2001 to the present have shown the wisdom of temporary rather than permanent tax cuts.

In 2004 despite a recovering economy, the increase in spending was limited to 4.4% over the prior year making it impossible to restore significant spending cuts that had hurt the poor, almost eliminated transportation spending, and required changes in the way higher education was funded to avoid further TABOR-mandated cuts. This was a classic case of “ratcheting down.” Tax cuts of 1999 and 2000 set Colorado up for problems; the soft economy of 2001-2003 brought significant shortages, and TABOR prevented recovery.

During the difficult years of the new century, League supported efforts to work within TABOR to gain more budget flexibility for the state. These included support for Referendum C in 2005 that repaired the ratchet down effect allowing spending and revenues to grow from the prior year’s spending limit rather than from the prior year’s actual revenue.

In 2009 the General Assembly passed a bill redefining the notions of “spending limits” that had been in place since the passage of TABOR. As a result, all revenue from income taxes, sales and use taxes, and excise taxes can be used for the needs of the state without a spending limit. The bill creates a Rainy-Day Fund by earmarking 0.5% per year of the monies going to the General Fund until the fund reaches 8% of the General Fund. This is like the past before TABOR and before the laws driving all “excess” General Fund money to transportation and capital construction. In good times the fund fills up and in down times it can be drawn against. The League supported this bill.

In 2015 we supported an unsuccessful bill to correct the classification of a revenue stream from a tax receipt (incorrect) to a fee (correct). The bill would have created an enterprise for the Hospital Provider Fee, a fund created in 2009 to help subsidize care for patients unable to pay. The enterprise would remove that fee revenue from the TABOR base so not to trigger refunds that require cutting of appropriations to higher education and the like.

The Hospital Provider Fee returned in 2017 as one of three bills that had significant implications for the state budget and therefore were of interest to LWVCO. We supported the Sustainability of Rural Colorado, which provides funding for rural schools, roads, and hospitals primarily through the reclassification of the Hospital Provider Fee to an enterprise pursuant to TABOR. This broad bipartisan bill passed on the last day of the legislative session. LWVCO also supported a bill allowing an annual adjustment to the Referendum C cap of Colorado personal income over the last five years. The modification would potentially increase the amount of money the state may retain and spend on infrastructure and essential programs. Despite widespread community support the bill failed. Finally, LWVCO monitored a significant bipartisan measure that attempted to generate new revenue for transportation and infrastructure projects throughout the state. This measure also failed.

In 2018 the legislature passed a transportation infrastructure funding measure that designated \$495B

toward transportation. The contentious bill also allowed for citizen initiatives to determine funding allocations for the program. Two propositions — one to raise taxes and the other to issue bonds — went to the ballot, and both failed by large margins. The funding was pushed forward to 2019, in the form of a referred measure.

In 2019 LWVCO supported two successful bills with a potentially significant impact on the state budget. One of the bills is a referred measure asking voter approval to retain so-called excess state revenue to provide support for K-12 education, higher education, and transportation in equal shares. The question appeared on the November 2019 ballot as Proposition CC and unfortunately was defeated.

LWVCO has long been a supporter of TABOR reform, and these measures have the potential to provide much needed funding for some of the state's most pressing needs, without raising tax rates. Although the changes from voters and interpretations of TABOR have returned some flexibility to fiscal management, Colorado is still mostly short of revenues for essential services, not only in bad times but also good times.

### **School Finance (Pre-K-12)**

**Note:** *This section deals with the financing of public schools (including charter schools) and for each year may include three types of information: (1) the school finance bill and any other bills that primarily impact school financing; (2) issues related to special state funds set aside for education; and (3) state financial responsibilities related to education (e.g., lawsuits, ballot issues, court decisions, etc.). Legislation related to state, district, or school programs, policies, and procedures can be found in the Education section under the major heading SOCIAL POLICY.*

#### **League Position**

*Adopted 1968, rev. 1985*

**Support a state finance system that would provide enough funds for public schools to equalize educational opportunity and relieve the property tax.**

**A state school finance system should include the following objectives:**

- equity for students, taxpayers, and school districts;
- adequate sources of revenue;
- support for high-cost programs for students with special needs;
- local school district control over the use of funds and the raising of revenue over the state determined level;
- incentives for efficiency and effectiveness including cooperation among school districts to assure availability of adequate facilities; and
- support for some state participation in the funding of Capital Reserve Funds of local school districts with special needs or unusual situations.

#### **League Actions**

Since the passage of Amendment 23 in 2000, the yearly school finance bill establishes the increase in basic per pupil funding AND includes “new” funding proposals such as new programs, increased or decreased funding for existing programs, or the deleting of programs — all constituting amendments to existing state statute. In most years there are so many new proposals, with League supporting some and opposing others, that the Legislative Action Committee (LAC) takes a Watch position on the school finance bill. Instead of following all new proposals through the legislative process, LAC focuses on those which relate to LWVCO positions, especially very strong support or oppose positions, for School Finance or Education. In some cases, positions for other areas such as Income Assistance or Juvenile Justice contribute to a focus on a given proposal in the school finance bill.



The LWVCO has concentrated on school finance since 1968, supporting the School Finance Act of 1973 and amendments to that law which increased funding equity for districts. LWVCO has also supported funding for disadvantaged students and for districts with rapidly rising and falling enrollments. In the early 1980s, it became clear that the 1973 School Finance Act was beyond reform and that a new system was needed. From 1983 to 1985 the LWVCO studied and came to consensus on school finance. At the same time League initiated a broad-based coalition, including educational, civic, business, and agricultural organizations, to conduct an in-depth study of the issue. The Coalition to Improve School Finance developed and published a series of recommendations and sponsored a bill that contained our recommendations. It failed.

However, pressure was building to accomplish a complete overhaul of the school finance system and to address the inequities which had increased since 1973. This was achieved with the School Finance Act of 1988, probably the single most important bill of the session. LWVCO supported this plan, designed to be phased in over a three-year period, to provide a more uniform system of funding K-12 education for Colorado.

In fact, the 1988 act was never fully phased in, and for some years the chief demand of the pro-education community was “full funding” of the school finance law.

With the adoption in 1992 of the Bird-Arveschoug 6% limit on state spending and the voter-approved Taxpayer Bill of Rights (TABOR) amendment to the state constitution, which limited state and local taxation and spending, funding for public schools became even more difficult. (See Fiscal Policy section.)

The General Assembly subsequently adopted the Public School Finance Act of 1994, which is the current state school finance structure although it has been modified each year. The 1994 Act provided a formula for distribution of state and local school finance dollars which can be adjusted to meet the amount to be appropriated. Total funding to a local school district (state and local dollars) is on a per pupil basis adjusted for such factors as local cost of living, size of school district, and number of at-risk pupils.

As a result of the TABOR amendment, local dollars for schools have generally remained at a stable levy since mill levies cannot be increased without a citizen vote, and increased dollars have come mostly from state appropriations. The result is that the state by 1999 provided a substantially increased share of school finance money from 43% in 1988 to 57% in 1999.

State school funding has not kept up with the shift from local to state dollars and steady, substantial increases in student population. The funding of schools has fallen well behind inflation. As a result, Colorado's per pupil funding, formerly well up in the top half of states, dropped to the lower part of the bottom half of states.

By far the most significant development in many years in funding Colorado's schools occurred in the 2000 general election when Colorado voters approved the citizen-initiated Amendment 23 supported by LWVCO. Designed to give Colorado schools a major financial shot in the arm, this amendment to the Colorado Constitution addressed the failure to match growth in inflation by mandating future per pupil expenditures to increase by the rate of inflation plus one percent for the next ten years and by the rate of inflation thereafter. The amendment also earmarked 0.33% of state income tax money to go to a newly created State Education Fund which is exempt from the 6% and TABOR limits. This money is available to aid in funding the school finance act and for new programs. Legislation was adopted in the 2001 session to implement Amendment 23 and to provide the initial utilization of State Education Fund moneys.

The School Finance Act for 2004 reduced the anticipated funding for schools by nearly \$39M. Funding related to additional factors (e.g., cost of living, number of at-risk students) was cut by \$21M. Sponsors made this reduction based on the interpretation that Amendment 23 applied only to the basic funding

allotment and not to additional factors. The remaining \$18M reduction was achieved by repealing the school district property tax revenue limit allowing school districts to adjust how local school district mill levies were calculated.

The 2005 legislative session was more supportive of public education and tried to resolve some of the problems created by legislation passed in the prior year. The School Finance Act included several positive features: English language learners were added to the definition of at-risk students, more positions were funded for the Colorado Preschool Program, and some funding was restored for schools labeled “unsatisfactory” under the Colorado Student Assessment Program (CSAP).

Two program areas (Special Education and Preschool) where LWVCO has strong support positions received increased funding in 2006. Important improvements for Special Education used Referendum C money to increase the 2005-06 budget by \$20M and help with high-cost students with severe or multiple disabilities. The Colorado Preschool Program Act was renamed Colorado Preschool and Kindergarten Act to allow at-risk children not ready for kindergarten to be eligible for full-day preschool funding. The goal of adding 6,000 preschool positions had to be scaled back to 2,000 in 2006-07, with 2,000 to be added in each of the next two years.

Additional financial issues dealt with in the 2006 legislature: set how to handle costs related to educating juveniles in a detention facility; provided grants (\$1M) for intensive summer school programs for pupils entering grades 4-8 who scored Unsatisfactory on prior CSAP; restored \$500,000 for School Breakfast program for students from low-income families; and settled on \$7.8M for capital construction for Charter Schools.

The State Education Fund created by Amendment 23 had been depleted because of the recession early in the 2000s thus it was not available to help with 2007 financial decisions. In 2007 the governor proposed freezing decreases in local property taxes to allow school districts to cover a greater portion of their education programs thus requiring less in state funds. This proposal was quite controversial both from a constitutional perspective (i.e., would a freeze on decreases be prohibited by TABOR) and from a political/legislative perspective (i.e., promises made to citizens in conjunction with passage of Referendum C required available funds be stretched to cover Higher Education and Health Care). The final act included the statement that for 2007 and thereafter the mill levy/property tax revenue would be at least equivalent to the preceding year. Those districts which had not obtained voter approval to retain and spend revenues in excess of TABOR limitations would still operate under those restrictions.

Other issues in the 2007 School Finance Act: increased maximum size of pre-school classes from 15 to 16; added 2,000 preschool positions for 2007-08; specified a formula for calculating at-risk per pupil funding for charter schools; and required each school district to file an annual budget with the Colorado Department of Education (CDE).

In 2008 the School Finance bill passed on the last day of the session. Per pupil allotment (\$5,250) increased by 3.6% (more than the 3.2% required by Amendment 23). Another \$2M was set aside for high-cost special education students upholding a 2006 commitment to provide more assistance. Funding full-day kindergarten for at-risk students was added as part of K-12 funding (gradual increments from \$40M in 2008-09 to \$100M in 2013-14); districts were encouraged to give priority to enrolling homeless children. Kindergarten was removed from the Colorado Preschool and Kindergarten Program, and its name changed back to Colorado Preschool Program (CPP), prior kindergarten positions shifted to preschool, and 2,300 new positions were added to CPP. In 2008-09 every eligible at-risk 4-year-old could attend state-funded preschool. LWVCO supported these proposals.

In contrast to school finance, there was very high agreement on a capital construction bill passed in 2008. More than 80% in both chambers approved the bill Building Excellent Schools Today (BEST). A Public School Capital Construction Assistance Fund, including an emergency reserve fund, as established by consolidating several sources of revenue. LWVCO strongly supported this new approach



to resolve the backlog of schools in need of major repair or replacement. It was especially important that it resolved the 2006 Giardino v. CO lawsuit requiring the state to aid school districts without financial resources to repair or replace unsafe or obsolete buildings. Colorado was behind in making appropriate yearly payments.

Early in 2009 three bills combined to reduce funding by \$29M with the largest portion coming from decreasing the per pupil allotment by almost \$20M. In this year the legislature introduced a new factor in the school finance formula to relieve budget pressures; it became known as the “negative factor” (see [The Negative Factor](#)). March revenue projections were lower than predicted leading to a more spartan bill than originally introduced. Funding for operation of full-day kindergarten was maintained a provision that LWVCO had supported. The cap on the amount of additional property tax districts can levy was increased from 20% to 25% of their total program. Basic per pupil allotment increased to \$5,507, but school districts and charter schools were asked to hold a portion of their allocation in reserve.

2010 was a year of unprecedented constraints on the state budget. In January the state rescinded \$110M of the funds allocated for the 2009-10 school year. In March following even lower revenue predictions, the 2010 School Finance bill cut K-12 funding. Amendment 23 was interpreted as applying only to categorical programs and to setting the base per pupil allocation but not including the additional factors that adjust the allocation for each district such as cost of living, number of at-risk students. Basic per pupil allotment increased to \$5,529, but the bottom line was a major reduction in K-12 funding for 2010-11. For the first time LWVCO opposed the School Finance bill.

LWVCO reluctantly supported the 2011 School Finance bill, which reduced funding by \$227.5M from the previous year. The basic per pupil allotment was \$5,634, and no new expenditures were approved. After years of decline the School Finance Act of 2012 held steady maintaining per pupil funding at \$6,474. An additional \$57M to the budget took care of increasing student population so that more cuts were avoided. The act also increased the funding for charter school capital construction from \$1M to \$6M a year, provided \$1.3M in assistance to small school districts to meet state mandates, and added \$480,000 for the school counselor corps program.

Improved revenues in 2013 allowed increased funding for schools though with the caution that this might be a one-time event. Per-pupil funding was increased \$173 to \$6,647. In addition League monitored or supported the following changes relevant to our positions: increasing the number of slots in the Colorado Preschool Program, giving districts flexibility to use the slots to offer full day kindergarten or preschool; financing supplemental at-risk aid for charter schools, school districts, and Charter School Institute schools; increasing the special education (Tier B) appropriation by \$20M; and increasing the capital construction yearly funding for charter schools from \$6 to \$7M.

In 2005 a lawsuit was filed challenging the constitutionality of the state’s school finance system (Lobato v. CO). A May 2013 ruling from the Colorado Supreme Court found that the funding process met the definition of “thorough and uniform”, effectively removing the courts from the discussion of school finance in Colorado.

In 2013 LWVCO supported the Future School Finance Act, an overhaul of the 1994 School Finance Act. It passed but would only go into effect if a ballot issue passed in the fall of 2013 to increase taxes by about \$1B per year to fund it. The ballot issue failed.

Two bills supported by League passed in the 2014 session which together increased base per pupil funding to \$6,121 and increased funding for the READ Act, the Charter School Capital Construction fund, early childhood at-risk funding, the English Language Learners program, and the Board of Cooperative Educational Services.

The 2015 School Finance Act was limited by TABOR factors. It increased the per pupil funding base to

\$6,292, ruled that state funding will not be reduced even if property tax values go up, and drew \$5 million annually from the State Public School Fund to be distributed to districts for at-risk students on a per-capita basis.

In 2016 the legislature held the negative factor constant, increased per pupil funding to \$6,367 to reflect a 1.2% inflation rate, and increased Per Pupil Funding (PPF) by \$112. The bill also adjusted charter school waivers, audits, and accounting and deemed governing boards of institute charter schools as immune from the state's open meeting laws. Relaxing transparency and accountability measures for charter schools creates an even more uneven playing field for traditional public schools.

The 2016 General Assembly passed a bill, which League supported, providing resources to help rural districts recruit and retain teachers. The League also supported a new law that aligns disclosure requirements in the Fair Campaign Practices Act for school elections with the deadlines for expenditure reports in regular even-year elections. Campaign expenditures must now be reported before school board elections are over.

The legislature in 2017 again held the "negative factor" (now the "budget stabilization factor") constant and increased funding by the inflation rate of 2.8%. The 2017-18 per pupil funding rate rose to \$6,546 an increase of \$242. An adjustment to property tax rates relative to the Gallagher Amendment and another to the Hospital Provider Fee allowed for the increase. Otherwise, school funding would have been on the decline.

The League opposed the Mill Levy Override to Schools bill. Our positions on equity and local school district control over local funds were the basis for our opposition. As passed the final bill requires local school boards to either develop a detailed plan for distributing mill levy override funds to all schools or provide all district innovation and charter schools with a 95% per pupil distribution of those funds.

School finance continued its upward trend in per pupil and total program funding in 2018 and 2019, supported by the League. Total program funding was set at \$7.1B, an almost \$500M increase over 2017. Per pupil funding increased \$222.57 to \$6768.77 reflecting 3.4% inflation. For 2019-20 total program funding is set at \$7.4B, an increase of \$325.7M. Per pupil funding at 2.7% inflation is set at \$6,951.53. The new levels will increase assistance for rural schools (a one-time disbursement of \$20M) and special education (\$22M per year). There is also a one-time transfer of \$40.3M from the General Fund. The budget stabilization factor was reduced by \$150M in 2018-2019 and is set for a \$100M reduction in 2019-20. The amount for 2020-21 cannot exceed the previous year's amount.

In an interesting twist in 2018, nearly all of Colorado's school superintendents created a bill to update the state's school finance formula and more equitably distribute state funds. The measure contingent on passage of Amendment 73 (to establish tax brackets and raise taxes) failed quickly.

### **Taxpayers Bill of Rights (TABOR)**

#### **What TABOR is:**

In 1992 Colorado voters adopted an amendment to Article X, Section 20 of the State Constitution by a majority of 53.6%. Labeled by its author as the Taxpayers Bill of Rights (TABOR), the amendment dramatically changed the financial management practices of Colorado's state and local governments by putting strict limitations on the amount of tax revenues and fees for services they can collect and spend.

#### **What TABOR does:**

- Makes all tax increases by all government units subject to approval by the voters, thus undermining the principles of representative government and local control.
- Limits spending increases by all levels of government to inflation plus growth. Since passage, many municipalities have voted to override the limits on tax receipts and spending.

- Originally limited growth in the state's General Fund spending to the amount of growth plus inflation over a base of the prior year's spending. This prevented the state from recovering after a recession, effectively "ratcheting down" spending permanently. In 2005 voters in Colorado passed Referendum C, which eliminated the ratchet effect by allowing General Fund spending to grow from the prior year's spending limit rather than the prior year's actual spending.
- Does not allow for changing economic conditions in the state.
- Requires all levels of government to build emergency funds, but strictly limits how they can be spent and replaced.
- Specifies that state income tax will be a flat percentage of federal adjusted gross income, making Colorado vulnerable to federal tax policy changes.
- Caps property taxes hurting local governments and school districts. Property taxes are among those whose caps have been removed in some political subdivisions.

TABOR is long, complex, detailed, and inflexible. As a result, the General Assembly has created convoluted "work-arounds" to meet the needs of the state. These solutions have survived legal challenges.

### The Gordian Knot

Colorado's fiscal situation suffers from a combination of revenue limits, spending mandates, and spending limits. TABOR places spending limits (although relaxed because of Referendum C) on the state.

The spending mandates have come from two sources. First Amendment 23, passed in 2000, caused increases in spending on K-12 education to keep up with inflation. Second was the Gallagher Amendment passed in 1982, which caused residential property taxes to fall. The Gallagher Amendment divides the state's total property tax burden between residential and nonresidential (commercial) property. According to the amendment 45% of the total amount of state property tax collected must come from residential property and 55% from commercial property. As a result, in many counties where there is little commercial real estate, property tax revenues have fallen, and school funding has been reduced.

This has placed more burdens on the state to support poorer counties to equalize per pupil spending. Tight budgets in 2008-2012 have caused K-12 education spending to be curtailed possibly in violation of Amendment 23, although no legal challenges have yet been brought.

### The Negative Factor/Budget Stabilization Factor

The Budget Stabilization Factor (formerly the Negative Factor) was created by the legislature in 2009 to reduce funding for school districts yet remain compliant with Amendment 23 (a citizens' initiative passed in 2000 to increase annual K-12 funding in relation to inflation). The factor considers variables above and beyond per pupil base funding such as district size and number of at-risk students. Lawmakers can create a budget that meets the base requirements of Amendment 23 and then subtract a percentage from each district's per pupil amount.

### General Assembly

#### **League Position**

*Adopted 1973, rev. 1982*

**Support of measures to ensure that the structures, procedures, and practices of the Colorado legislature be characterized by:**

- **Accountability.** A General Assembly responsive to citizens and able to hold its own leaders,

committees, and members responsible for their actions and decisions.

- **Representativeness.** A General Assembly whose leaders, committees, and members represent the state as well as their own districts.
- **Decision-Making Capability.** A General Assembly with the knowledge, resources, and power to make decisions that meet the needs of Colorado and reconcile conflicting interests and priorities.
- **Effective Performance.** A General Assembly able to function in an efficient manner with a minimum of conflict, wasted time, and duplication of effort.
- **Open Government.** A General Assembly whose proceedings in committee as well as on the floor are fully open.

Based on these criteria LWVCO supports:

- **Leadership and Committees:** implementing a prescribed set of procedures to give the committee itself, rather than the chairman alone, control over committee operations.
- **Committee Assignments:** making assignments achieve representation of diverse interests. Review and continually evaluate the committee system considering contemporary needs and realities.
- **Decision-Making:** developing mechanisms for determining state priorities. Coordinate fiscal processes to consider total programs, establish priorities, and examine the expenditures and revenues of the budget. Eliminate unnecessary secrecy within the General Assembly and between the General Assembly and the Executive Branch. Schedule legislative activities to make effective and responsible use of legislative time. Provide adequate professional staff for legislators and for committees to secure and make effective use of information. Improve the sources and the flow of information through computerization and other methods. Use electronic voting and other time-saving devices.
- **Majority Rule and Minority Rights:** providing measures that would facilitate discharge of bills from committees.
- **The Right to Know:** making available full information from legislative proceedings in committees as well as from floor action.
- **Executive Power:** ensuring the power of the executive is exercised within the constitutional framework of a dynamic balance between the executive and legislative branches of government.

### League Actions

The LWVCO has never studied the General Assembly as such. Members completed a national study of the U.S. Congress and, as the two bodies are similar, it was proposed and adopted at the 1973 LWV State Convention that the LWVCO extend the LWVUS position on the U.S. Congress to cover structures, practices, and procedures of the Colorado General Assembly where applicable.

In 1986 and 1987 the LWVCO helped draft legislation to improve the total budget process and actively lobbied for legislation to create a state ethics commission; neither effort was successful. However, a bill which extended the open meeting requirements of the Sunshine Act to governing boards of state institutions of higher education was passed in 1987. (Amendment 41 in 2006, which passed, provided ethics guidelines for public officers and elected officials.)

Finally, years of dissatisfaction with the legislative process culminated in the formation of a statewide coalition called Citizens for Legislative Reform. LWVCO assumed leadership of the coalition and helped to develop the GAVEL (Give a Vote to Every Legislator) Amendment. GAVEL prohibits three legislative procedural abuses: (1) the "pocket veto," (2) the killing of bills by a rules committee, and (3) the "binding" political party caucus. In 1988 GAVEL was placed on the general election ballot by citizen initiative.

(LWVCO provided 22,000 of the 68,000 petition signatures submitted.) GAVEL passed with 72% of the votes cast.

During the regular and special sessions of the 1989 General Assembly, League lobbyists monitored legislative compliance with GAVEL.

The first two provisions were easily implemented. Each bill assigned to a committee received a hearing and was put to a vote (no “pocket vetoes,” in which a party leader tables bills before they can be heard). Each bill passed by its assigned committee(s) was calendared for action on the floor, and the House Rules Committee was abolished. The third provision of GAVEL, however — prohibition of the “binding” caucus — was violated by the majority party in both houses. Senate Republicans moved quickly to modify their violation by passing the Long Appropriations Bill from caucus to the floor without a committed vote. House Republicans held the same bill in caucus and pressed for commitment while conducting a series of elaborate, diversionary tactics.

Colorado Common Cause, a member of Citizens for Legislative Reform, sued in Denver District Court against 39 House Republicans, claiming violation of the “binding caucus” prohibition in GAVEL. The original case, dismissed on the grounds of absolute immunity for legislators, was appealed directly to the Colorado Supreme Court. In April 1991, the court ruled that the lower court had been in error in not hearing or ruling on whether GAVEL had been violated. Legislative immunity, as embodied in the speech-or-debate clause of the Colorado Constitution, “does not afford a ground to dismiss a complaint for declaratory relief from alleged violations of the GAVEL amendment.” LWVCO lobbyists continue to urge full compliance with the GAVEL Amendment.

In 2009 a new law authorized televised coverage of the Colorado House of Representatives (joined by the Senate in 2011). The LWVCO supported the move to allow viewing of the floor activities, which with the internet availability of committee meetings provides access to most legislative action without being physically present.

A bipartisan bill that provides an opportunity for Colorado citizens to testify to the legislature from a remote location was passed in 2014 and began implementation in 2015. LWVCO Legislative Action Committee observers found it to be very helpful and working well in its initial, limited roll-out. The logistics, using equipment at Colorado Mesa University in Grand Junction and a large new committee hearing room in the Capitol, continue to work very well, with new sites being added.

### Local Government

#### **League Position**

*Revised 1986*

**Support measures to improve the coordination, effectiveness, efficiency, and economical operation of local government units.**

#### Counties and Municipalities

**Alternative forms of local government on a permissive statewide basis should be allowed, and preference should be given to structural county home rule with additional statutory powers, combined city and county governments, and federations.**

**Less populous counties should be permitted to consolidate, and all counties should be permitted to modify their structure to achieve a more centralized and efficient extension of state government. Such changes should be efficiently limited to protect the interest of municipalities.**

**Proposed municipal incorporation should consider the welfare of the entire area, financial responsibility, and prior existence of a unit of government capable of providing services. The welfare of the entire area should be a prime consideration in annexations, and people affected should have a voice**



in the decision.

### Metropolitan and Urban Areas

A form of metropolitan governance should be considered as a means of resolving governmental problems which transcend municipal and county boundaries. Such a form should: reduce duplication and fragmentation of local government so that whenever possible efficiency and economy will result; provide solutions to governmental problems which are equitable and effective and that enhance the environment; be sufficiently flexible to respond to changes in governmental and citizen needs; develop a sense of regional or metropolitan community without destroying a sense of local community; and encourage citizen participation at both regional and local levels.

A variety of flexible, permissive solutions and standards to deal with the problems in the metropolitan and urban areas of the state should be employed; however, all school districts should operate under the same law regarding boundaries.

(The Denver School District boundaries are the same as those of the City and County of Denver as required in Article XX of the Colorado Constitution. Elsewhere in the state school district boundaries are determined by guidelines set forth in state statutes and do not have to conform to city or county lines.)

Home rule cities should be permitted to join other governmental units to provide metropolitan services.

Metropolitan planning and/or an adaptation of a state planning department is essential to deal with problems unique in metropolitan areas.

### Service Authorities

The following services should be included in state legislation pertaining to service authorities:

1st priority: water, sewage, solid waste disposal, storm drainage

2nd priority: mass transportation, land use planning, parks and recreation, libraries, housing

Preferred at state level: air and water pollution control

Not recommended: police and fire protection

Cooperation on the regional level is encouraged.

### Special Districts

Special districts should be more difficult to form and should be consolidated, dissolved, and/or multi-purpose in nature whenever possible.

The financial accountability of special districts should be improved, and mill levies limited.

Services should be provided by existing units of government whenever possible.

Guidance and supervision from a central agency are desirable.

### League Actions

From 1959 to 1963 LWVCO studied local governmental units because counties, municipalities, school districts, and special districts did not seem to have adequate constitutional and statutory powers to cope effectively with providing services and exercising controls.

A coalition, including LWVCO, drew up a local government amendment, which after much compromise, was passed by the General Assembly and approved by the voters in November 1970. It provided for county home rule with only those powers granted by the legislature, home rule for municipalities of any size, and regional service authorities.

Implementing legislation was passed in 1971 to permit counties to adopt structural home rule, and in 1972 to permit the formation of regional service authorities with planning powers if approved by a majority of voters in two or more counties.

In 1975 legislation supported by League was passed to clarify the procedure for increasing from three



to five the membership of the board of county commissioners in counties of over 70,000 population.

In 1985-86 LWVCO updated local government positions, which included a review of special districts and an analysis of problems encountered by local governments that have been the targets of franchisers, developers, and other private parties by suits claiming violation of anti-trust laws by these governments.

In 1988 LWVCO supported a successful statutory amendment establishing a sales tax for a Scientific and Cultural Facilities District that includes the metropolitan counties of Boulder, Denver, Jefferson, and parts of Adams, Arapahoe, and Douglas.

In 1990 LWVCO worked with the Colorado Press Association on a failed petition drive for a Sunshine (Open Meetings) Amendment to cover local governments. However, a successful effort was mounted in the 1991 session of the General Assembly to extend the state Sunshine Law to city councils, county commissions, school boards and special districts.

In 2015 a long-overdue raise in compensation for state and county elected officials was passed. The last time these salaries were raised was in 1998, and there had been 44% inflation since then. League supported this measure because good government demands good people who are representative of the whole population.

Continuing with the security theme in 2022, a bill was introduced making it unlawful for a person to threaten, coerce, or intimidate an election official, to interfere with the performance of the official's duties, or to retaliate against the official. It also prohibits doxing - making personal information public - of election officials and their families if it's known that doxing will pose an imminent and serious threat. The LWVCO Legislative Action Committee supported this bill. It passed in the House and Senate with bipartisan support.

## Transportation

### **League Position**

*Adopted 1990*

Support a state Department of Transportation (DOT) to plan and coordinate all transportation modes and intermodal linkages. A balanced transportation system is one that includes a variety of modes in an appropriate mix for each area and helps improve mobility and quality of life for all residents. When planning for a balanced transportation system, the DOT should consider social, governmental, economic, and environmental factors:

- Public mass transportation should be improved immediately.
- The Highway Trust Fund, the Highway Users Tax Fund, Regional Service Authority funds, and local funds should be used to finance transportation.
- New revenue sources as needed should be considered, including but not limited to user fees, appropriations from the General Fund, revenue bonds, and private funds.
- When expanding or building a new transportation entity, including a regional airport, consideration must be given to safety, access, availability, affordability, impact on existing land uses, noise, and the needs of regional, county, and local governments.

### **League Actions**

During the 1991 session of the General Assembly, a bill was passed establishing a Colorado Department of Transportation (CDOT) to be phased in over a three-year period. This department plans and coordinates all modes of transportation throughout the state.

At the same time, legislators rejected a bill establishing a Metropolitan Transportation Authority to

function as a planning agency for the six-county Denver Metro Area. The Denver Regional Council of Governments (DRCOG) continues as the Metropolitan Planning Organization for the six-county Denver area.

In 1994 LWVCO supported a metro area ballot question to allow the Regional Transportation District (RTD) to retain funds already collected instead of refunding them. The measure was defeated.

In 2004, LWVCO supported successful passage of the FasTracks Initiative to build several commuter and light rail lines in the metro area. The 0.4% tax increase went into effect in January 2005.

The 2009 legislature passed with LWVCO support the FASTER program to raise vehicle registration fees to fund repairs and replacements to deteriorating roads and bridges. The bill also replaced the Colorado Tolling Enterprise with the High-Performance Transportation Enterprise (HPTE). HPTE has four external board members as well as three board members from the Transportation Commission. HPTE's mission is to develop innovative and efficient means for financing transportation infrastructure projects such as a High Occupancy/toll lane on US 36. LWVCO supported a bill in 2009 which created the new Division of Transit and Rail in CDOT. The Division is tasked with integrating transit and passenger rail into the State Transportation Plan.

In 2014 League supported three successful bills: one that exempted military personnel from certain motor vehicle taxes if they were deployed out of the country for a full year; another that allowed state agencies to share tax-exempt motor fuel with other state agencies; and a measure that expands the list of persons eligible for grants that increase the number of electric vehicles and/or charging stations.

In 2016 a League supported bill was passed that reestablished and broadened the CDOT Efficiency and Accountability Committee. In 2015 auditors were unable to obtain adequate information on over \$1.4 billion of CDOT's expenditures. The League also supported a bill that would have required the CDOT to hold community conversations in each of the state's 15 regional transportation districts to discuss transportation needs and preferred options for funding them. It was postponed indefinitely (PI'd) in committee.

In 2021 the League supported Sustainability of Transportation System, which created a raft of new fees on a variety of road users. In Colorado, the transportation sector is a major source of Green House Gas (GHG) pollution. The bill enables part of the solution for reducing global-warming GHG pollution and reducing other air pollution that results from burning of fossil-fuels for transportation. Multiple incentives and supporting services are included for the transition to non-emission electric vehicles (EV) and other reductions in vehicular pollution. Dedicated funding for the transportation system will be derived from fees on gasoline and diesel fuel, retail deliveries, passenger rides, electric motor vehicle registrations, and short-term vehicle rentals. Despite extensive earmarking, which the League opposes, the bill paves a way to pay for better transportation infrastructure between the constraints of TABOR and strong voter reluctance to approve tax increases. Five state enterprises are created or modified to receive and manage the new funding, including for Nonattainment Area Air Pollution Mitigation directed at ozone reduction. The Environmental Justice and Equity branch is created in CDOT to identify barriers to public inclusion in decision-making.

Another significant transportation bill supported by LAC was Front Range Passenger Rail District. This bill enables establishment of a governing district. The bill sets forth the general area of the proposed district along the front range of Colorado from the Wyoming to New Mexico border, mostly along I-25.

## **NATURAL RESOURCES**

### **Environmental Planning & Management (Environmental Justice)**

#### **League Position**

*Adopted 1971*

- The structure of state government should ensure coordination and cooperation among state agencies. The responsibilities and enforcement powers of state boards and commissions should be clarified.
- The state should be allowed to set more restrictive standards than the federal government.
- The state should provide technical support to local governments in matters of environmental planning and management.
- Development projects in Colorado should be environmentally sound and should follow all federal and state environmental laws.
- Federal installations and lands should comply with state regulation, and state enforcement agencies should be permitted inspection rights at federal installations. The public should be involved early in the decision-making process, and procedures should be established which allow for alternative solutions.

**Criteria for Decisions**

- Creation of a clean and healthy environment which considers the quality of life and provides the greatest benefit to the greatest number of citizens, present, and future.
- The physical suitability of the land, the current or potential adequacy of necessary services and facilities (including local and regional transportation), and the capability of the area to support an adequate employment base for current and future populations.
- Recognition that long-range ecological effects have greater importance than short-range problems.
- Industrial growth which is evaluated carefully for environmental impact with recognition given to the varying needs of different geographic areas.
- Consideration of distribution and growth of population and conservation of natural resources.
- The nonrenewable resources of Colorado constitute a wealth that is a heritage of the people.
- The people of the state of Colorado bear the burden of the social, economic, environmental, and aesthetic impact of the extraction of these resources from the state and should be compensated accordingly.

**League Actions**

In 2021 Environmental Justice was a major theme, directly or indirectly, of several bills that the League supported. As defined by the Environmental Protection Agency, Environmental Justice is: Fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations, and policies.

Environmental Justice Disproportionately Impacted Community defines disproportionately impacted communities as those that identify as minority, by proportion of households that are low-income and/or housing-cost burdened, and historically by discriminatory policies. The bill establishes an Environmental Justice Task Force, ombudsperson, and advisory board in CDPHE. Also, the 2021 Transportation bill (SB 260) establishes an Environmental Justice office in CDOT.

The 2022 legislature considered bills responding to the severe wildfire events of the last several seasons. Two successful bills focused on funding and technical support to counties and local governments for wildfire prevention, mitigation, and recovery. Both were amended to stress management for forest health and noted the importance of forests in carbon sequestration. Colorado State Forest Service is to develop a forest carbon co-benefit framework for project-level forest

management practices and use this to provide technical expertise to assist industry and landowners with carbon inventories and monitoring. Another bill provided funding and direction for enhanced public outreach for wildfire risk mitigation efforts. About 3 million Coloradans live in the Wildland-Urban Interface defined as *any area where man-made improvements are built close to, or within, flammable vegetation*.

The League supported a bill to study the protection of native pollinating insects. Pollinators are a tremendous benefit to agriculture but have been suffering declines due to fertilizer and pesticide applications. It is necessary to do a thorough study and take action to provide protection.

### Climate Change

*Statement of Position on Climate Change Policy as announced by the LWVUS January 2019*

The League believes that climate change is a serious threat facing our nation and our planet.

The League believes that an interrelated approach to combating climate change including through energy conservation, air pollution controls, building resilience, and promotion of renewable resources is necessary to protect public health and defend the overall integrity of the global ecosystem. The League supports climate goals and policies that are consistent with the best available climate science and that will ensure a stable climate system for future generations. Individuals, communities, and governments must continue to address this issue while considering the ramifications of their decisions at all levels of local, state, regional, national, and global.

#### **League Actions**

The League supported two bills in 2016 that were defeated. One bill would have required the Colorado Department of Health and Environment to set measurable goals with deadlines in its climate action plan and the other proposed that municipalities and counties designate their own control of locations for oil and gas development.

Two bills we opposed failed. The first would have required the Colorado Department of Health and Environment to stop work on developing a plan to meet federal regulations on carbon emissions due to a U.S. Supreme Court stay on implementing the federal Clean Power Plan. The second would have created a state fund to cover assumed increased costs for electricity due to complying with the Environmental Protection Agency's (EPA) Clean Power Plan.

Finally, a bill we supported passed with bipartisan support. It simplifies tax credits for the purchase of new fuel-efficient cars and trucks purchased in Colorado.

In 2017 the League successfully opposed two bills. The first would have put limits on underground storage tank regulations and the other would have repealed the income tax credit for innovative motor vehicles and would have eliminated the provisions agreed to in the 2016 bill.

In 2018 climate change legislation bills increased with a wider recognition of the problem. The house called for a Select Committee on Climate Responsibility. Emission reductions, renewable energy, resiliency, sustainability, and affordability were topics covered in presentations by stakeholders that were held in two- to three-hour sessions. Significant bills included a successful bipartisan bill, Allow Electric Utility Customers Install Energy Storage Equipment, which the League supported. The bill Prewire Residence for Electric Vehicle Charging Port, which had our support, passed the House but failed in the Senate.

In 2019 the League supported Climate Action Plan to Reduce Pollution that sets statewide greenhouse gas reduction goals relative to 2005 statewide greenhouse gas levels and requires the Air Quality Control Commission to adopt rules and regulations for statewide greenhouse gas reduction.

Collecting long-term climate change data requires the Air Quality Control Commission in the Department of Public Health and Environment to collect, analyze, report, and forecast greenhouse gas emissions data. It also requires the commission to propose rules to implement measures to allow the state to meet its greenhouse gas emission reduction goals.

Greenhouse Gas Pollution Impact in Fiscal Notes requires Legislative Council staff to assess change in greenhouse gas emissions as part of every fiscal note. This action will assist with Colorado's future planning and legislation in order lessen climate change impacts on our health and safety.

In 2021 we supported several bills for implementation of the Climate Action Plan such as rulemaking for reducing GHG emissions and fugitive methane, and demand-side management of fossil methane fuel in residential use. Global Warming Potential for Public Project Materials establishes standards that limit certain materials used in construction of public projects.

The greenhouse gas reduction goals set in statute by the Climate Action Plan are detailed in the *Colorado GHG Pollution Reduction Roadmap, Jan 2021*, which reports the built environment as one of the top four emissions contributors in the state.

In 2022 we supported an expansive bill to require local governments and certain state agencies to adopt and enforce building codes that include electric-ready and solar-ready construction to support electric vehicle charging and capacity for high-efficiency electric heating and appliances. Model codes will be established by an appointed Energy Code Board with membership representing technical and professional expertise and include community and commercial participation. Grant programs will be established for building electrification and for high-efficiency electric heating and appliances installation. At least 30% of grant funds must be prioritized to low-income, disproportionately impacted, and Just Transition communities.

The objectives of another bill are to reduce (GHG) emissions from heating and cooling private sector commercial and residential buildings and from the manufacture and transport of certain building materials by providing incentives of exemptions from certain sales and use tax. The exemptions are intended to encourage builders to use eligible decarbonizing building materials with in a maximum acceptable global warming potential as determined by the state architect. The bill intends to encourage purchase and use of heat pump systems rather than traditional heating methods that use fossil fuels combustion. An amendment added a 10% tax credit on the purchase price.

### Land Use

#### **League Position**

*Adopted 1974, rev. 1998*

**Each level of government in Colorado should recognize its responsibility to make land use decisions that protect our resources and preserve our quality of life. Local governments should undertake comprehensive land use planning and should avail themselves of all the statutory tools that are available for that purpose.**

**Communities should be encouraged to retain their individuality and sense of place.**

**In matters of more than local concern, municipalities and/or counties should establish regional boards and commissions in order to address concerns that overlap governmental boundaries.**

**Growth should not take place faster than services and infrastructure can be provided nor exceed the resources of the community. Development of Colorado's natural resources and recreational areas should emphasize environmental protection and reclamation. Scenic vistas and other open space should be protected.**



Increased transportation alternatives should be available for everyone, including tourists, and a system of transportation planning should be developed and implemented as an integral part or tool of land use planning. Air quality concerns should be integrated into land use and transportation planning.

Sites, structures, and artifacts of significant historical and cultural importance should be preserved.

Consideration and use of new techniques in land management and regulation which will reinforce and support our land use goals and objectives should be encouraged.

Prime agricultural land and the water to make it productive should be preserved for economic, social, health, land use planning, and aesthetic purposes.

While the LWVCO recognizes that land use planning and decisions have been and will continue to be made at the local level, we support the ideal of future statewide planning.

### League Actions

At the 1973 LWVCO Convention, a land use study was adopted as a logical follow-up to the earlier environmental planning and management study, which had concluded that a strong state role was necessary. LWVCO needed criteria to evaluate land use decisions and to define the role of each level of government in planning, management, and regulation of land use. As preparation the study first looked at the geographic, demographic, and socio-economic nature of Colorado. Innovative land use techniques and taxing procedures were also investigated.

LWVCO supported a strong land use bill in the 1973 session of the legislature under the Environmental Planning and Management positions. It failed. In 1974 another land use bill was introduced that did pass, and today is still a major piece of land use legislation. The League did not support the bill because it abdicated too much of the state's role to local government.

Since LWVCO's land use position was adopted in 1974, action has emphasized protection of the land use planning functions of both state and local governments. In 1985 LWVCO successfully opposed a developers' vested property rights bill, which would have crippled land use planning in the state. In 1987 a similar bill was introduced, which the League again opposed, but it passed and was signed into law.

In the mid-seventies the legislature passed a comprehensive mined land reclamation law supported by LWVCO. Subsequently, we have opposed legislation to weaken the reclamation program.

In 1989 LWVCO successfully supported legislation clarifying the authority of local governments to enter into inter-governmental agreements for joint land use planning. In the same session LWVCO unsuccessfully supported legislation barring municipalities from annexing non-contiguous lands by means of narrow strips of land along rights-of-way ("flagpoling").

In 1991 LWVCO successfully supported a measure instituting a new mined land permit fee schedule to further ensure that reclamation occurs. However, the weakened program from the 1988 legislation was at least partially responsible for a cyanide heap-leaching mine failure that threatened fish and irrigated agriculture. In the 1993 session the League supported a successful bill to rectify weaknesses in the Mined Land Reclamation Law. The Mined Land Board now has the authority to prevent such disasters from occurring in the future.

The sand and gravel industry found state regulations too stringent for their mines, so they introduced legislation in 1995 addressing only construction materials mining. LWVCO opposed this bill as introduced because of lax requirements. We worked successfully to improve the legislation, which then passed. LWVCO also worked to protect such land resources as natural areas and agricultural lands subject to wind erosion.

In 1994 we supported legislation that required the Oil and Gas Conservation Commission to reclaim



lands (especially agricultural) disturbed by oil and gas drilling operations. A Severance Tax Fund was established to address the reclamation issues.

In 1998 three years after the adoption of a study on Land Use, a concurrence was reached on new wording for these state League positions. The strong emphasis on statewide land use planning in the previous position made it difficult to address legislation on the state level that was attacking present law.

### Air Quality

#### League Position

*Guidelines and Criteria on Air Quality, from 2018-2020 League of Women Voters of the United States*

The League of Women Voters of the United States supports:

- measures to reduce vehicular pollution, including inspection and maintenance of emission controls, changes in engine design and fuel types and development of more energy-efficient transportation systems;
- regulation and reduction of pollution from stationary sources;
- regulation and reduction of ambient toxic-air pollutants; and
- measures to reduce transboundary air pollutants, such as ozone and those that cause acid deposition.

#### League Actions

LWVCO has had a longstanding concern with air quality and has undertaken support for measures to decrease the levels of carbon monoxide in the air, to control smoking in public places, to reduce harmful particulates from wood burning stoves and fireplaces, and to abate the effects of asbestos. The Clean Air Act Amendments of 1977 were the landmark federal legislation which set standards and deadlines for states to meet.

During the 1980s the League supported legislation and presented testimony before the Colorado Air Quality Control Commission (CAQCC) to meet standards for all pollutants and to use oxygenated fuels in motor vehicles, parking restrictions, high occupancy vehicle lanes, limited no-drive days, increased bus service, and light rail transportation. LWVCO supported smoking bans in public places and increased auto emissions testing, including diesel.

In 1989 the League helped to pass a bill to regulate emissions of chlorofluorocarbons. LWVCO continues to support the efforts and powers of Colorado Air Quality Control Commission (CAQCC).

During the 1990s LWVCO successfully supported legislation requiring automobiles with collector license plates to obtain a certificate of emission control. We supported a good state air quality and prevention program for stationary sources, bringing Colorado law into conformance with the Clean Air Act Amendments of 1990. Wood smoke reduction bills were also passed affecting the Metro Denver area. We supported successful legislation to limit smoking in the Capitol.

Also, during 1993, we supported legislation regarding mobile source air pollution which changed the way auto inspection and maintenance were done. The changes were necessary in order to improve air quality and to prevent the loss of federal highway funds. In 1998 LWVCO supported a successful initiative to regulate air emissions from confined commercial swine feeding operations.

Since the late 1990s there have been only a few major attacks on air quality standards. We continue to work in coalitions to oppose measures that weaken emission standards. We supported successful legislation to prohibit smoking, with some exceptions, in any indoor enclosed area. However, we have

been unsuccessful in making Colorado air quality standards more stringent than federal law.

In 2010 the League supported a bill requiring utilities to submit plans to comply with EPA standards.

In both 2016 and 2017 an air quality measurable goal bill was introduced and died in the Senate. It asked for specific goals within the Colorado Climate Action Plan that is in the process of being written and completed.

In 2018 the League opposed a bill that would lengthen the motor vehicle inspection cycle from 2 to 4 years. The bill increased emissions enough that the state would need to update its plan to comply with the *Federal Clean Air Act* of the EPA. The bill never passed out of the Senate.

Once again, the League opposed a bill that would have repealed the income tax credit for innovative motor vehicles. It failed in the house. Another bill we opposed sought to lengthen the motor vehicle inspection cycle from 2 to 4 years. This change would have increased emissions enough that the state would need to update its plan to comply with the Federal Clean Air Act of the EPA. The bill never passed out of the Senate.

The League supported a successful bill, Climate Action Plan to Reduce Pollution, that requires the Air Quality Control Commission to adopt rules and regulations and a framework to build upon with future bills that will follow. The league also supported a successful bill, Collect Long-Term Climate Change Data, that will facilitate prompt state action to address Greenhouse Gas (GHG) emissions in adopting rules.

Finally, an interesting bill that passed and had League support was one requiring the Legislative Council staff to include an assessment of whether a bill will increase or decrease GHG emissions over a ten-year period.

League opposed a bill, *California Motor Vehicle Emission Standards*, which would prohibit emission programs that are more stringent than EPA or state of California standards. The bill was postponed indefinitely.

In 2021 an Air Toxics regulation bill mandates community engagement in planning around identified sources of toxic air pollutants. Its passage represents a significant step forward in addressing some of the underlying issues of Environmental Justice, even without a pre-defined framework.

We supported an important step in reducing pollution from stationary sources through *Regulate Air Toxics* that requires consideration of air toxics in addition to the benzene, hydrogen cyanide, hydrogen sulfide based on reported incident data and also new data from active air monitoring including continuous fenceline monitoring adjacent to identified facilities and a program of ambient air monitoring in nearby communities.

Public Protections from Toxic Air Contaminants (2022) expanded the regulation of air toxics by requiring the establishment of health-based standards to be used in the permitting process along with source emission reports for toxic air contaminants. AQCC will identify priority toxic air contaminants and set health-based standards for each. Emissions control regulations will prioritize emissions reductions in disproportionately impacted communities where there are multiple sources of emissions of priority toxic air contaminants. CDPHE will establish six new monitoring sites for ambient air toxic contaminants. Lastly, CDPHE will conduct a needs assessment to evaluate the reporting program and the administration of the air pollution permitting program.

In 2022 we supported the Air Quality Investment bill to create four grant programs for voluntary actions by local governments, tribal governments, private entities, public-private partnerships, and nonprofit organizations. The programs are: Clean Air Grants for renewable energy, energy efficiency, electrification, clean hydrogen production, carbon capture, methane capture, and sustainable aviation

fuel; Community Electric Bicycles Access; Electrifying School Buses; Cannabis Resource Optimization for energy and water conservation and increased use of renewable energy. The bill appropriates funds for the RTD Eco Pass program for state employees and for aerial surveying for pollutants by CDPHE. It enables AQCC to enter contracts for the permit reviewing process to reduce the existing backlog.

Colorado has broken records with weather alerts regarding ozone pollution along the front range between June 1 and August 31 due to sunlight, heat, and traffic exhausts. Reducing ground traffic and encouraging the use of public transit can lower ozone-forming emissions. SB22-180 creates a grant program in the Colorado Energy Office to provide funding for free transit services during the June-August ozone season.

## Energy

### League Position

*Guidelines and Criteria on Energy, from 2018-2020 League of Women Voters of the United States*

The League of Women Voters of the United States supports:

- energy goals and policies that acknowledge the United States as a responsible member of the world community;
- reduction of energy growth rates;
- use of a variety of energy sources, with emphasis on conserving energy and using energy-efficient technologies;
- the environmentally sound use of energy resources, with consideration of the entire cycle of energy production;
- predominant reliance on renewable resources;
- policies that limit reliance on nuclear fission;
- action by appropriate levels of government to encourage the use of renewable resources and energy conservation through funding for research and development, financial incentives, rate-setting policies and mandatory standards;
- mandatory energy-conservation measures, including thermal standards for building efficiency, new appliance standards and standards for new automobiles with no relaxation of auto-emission control requirements;
- policies to reduce energy demand and minimize the need for new generating capacity through techniques such as marginal cost or peak-load pricing or demand management programs;
- maintaining deregulation of oil and natural gas prices; and
- assistance for low-income individuals when energy policies bear unduly on the poor.

### League Actions

LWVCO supported Amendment 37, the *Renewable Portfolio Standard* (RES), which was passed by the voters in 2004 and expanded by the Legislatures of 2007, 2010, and 2013. Colorado now requires investor-owned utilities to derive 30% of their retail electric sales from renewable energy sources by the year 2020. The legislature also extended the requirement at a lower level to rural electric cooperatives (REAs) and larger municipal utilities in 2008. The 2013 General Assembly raised the RES to 20% by the year 2020 for REAs serving 100,000 or more meters and for the General and Transmission Cooperative Energy Association serving REAs. Additional measures affecting REAs were passed: requiring net metering on buildings with solar installations in 2008 and making governance more transparent in 2010.

Since 2007 the League has supported legislation that would cut energy usage in state and other public buildings, increase the use of alternative fuels in state vehicle fleets, and set standards to purchase more environmentally friendly products. Financial incentives to consumers, businesses, and electric and natural gas utilities were also initiated to encourage the adoption of renewable energy technologies and energy efficiency measures.

In 2009 the League supported legislation establishing a renewable energy loan program for Colorado schools and committing to offsetting all electricity use in Colorado parks with electricity from renewable sources by 2020. Reduction of barriers to the adoption of renewable energy production and energy efficiency in the public sector has been addressed each year.

LWVCO supported the 2012 reorganization of the Governor's Energy Office into the Colorado Energy Office once continued funding for low-income weatherization programs was assured. The bill funded the office through the 2016-17 fiscal year and added promotion of traditional energy sources to its portfolio.

In 2016 several bills were introduced addressing oil and gas operations. The League supported three that failed. The first asked for the replacement of the word "foster" with "administer" in the statute to neutralize the oversight of the Colorado Oil and Gas Conservation Commission (COGCC). The second proposed that oil and gas operators share development plans with affected local government. The third would have required the Public Utilities Commission (PUC) to consider the costs of greenhouse gases when authorizing the electric resource plans for rate-regulated utilities.

The League supported five late session energy bills in 2017. The only bill to pass extends the investor-owned utility demand side management programs to 2028. The four defeated bills required hearings on electric utility storage, addressed a regional electric transmission organization, addressed Public Utility Commission ethics, and increased fueling options for alternative fuel vehicles.

Two bills supported by the League in 2018 regarding transparency in reporting and public safety of oil and gas regulations failed in the senate.

The Community Solar Gardens Modernization Act, that amends the statute authorizing the expansion of solar gardens up to 10 MgW, was a successful energy bill.

In the 2021 session bills were introduced that addressed energy and expanded environmental protections. These were supported by the League:

- The Reduction of Greenhouse Gases Increase Environmental Justice requires the social cost of carbon to be considered in decisions and rulemaking.
- The adoption of Programs Reduce Greenhouse Gas Emissions Utilities aims to reduce emissions of CO<sub>2</sub> and methane.
- One that would do the following, Public Utilities Commission Encourage Renewable Energy Generation facilitates on-site distributed renewable energy resources and allows pooling of all distributed generation under a master meter for multi-family dwellings.
- The promotion of Innovative and Clean Energy Technologies requires the Public Utilities Commission to consider proposals for electric generation or storage using innovative energy technology as part of required Electric Resource Planning and requires projects to be sited in areas of the state that have been economically impacted by retirement of existing generation sources.
- The further Implementation of Climate Action Plan to Reduce Pollution:
  - directs rulemaking for reducing fugitive methane, Industrial & Manufacturing sources of GHG, demand-side management;

- adds resilience in Electric Transmission Infrastructure to support expansion of renewable energy resourcing; and
- enhanced attention to methane pollution.

In 2021 the League supported energy conservation programs described in Energy Performance in Buildings tackling ways to improve energy efficiency in large buildings by requiring owners to collect and report energy-use benchmarking and comply with standards related to greenhouse gas emissions. PUC Modernize Gas Utility Demand Side-Management Standards addresses gas energy efficiency programs. Included is determining the social cost of carbon and methane from leaks. The PUC must set maximum savings targets for utility and customers while analyzing energy efficiency program effectiveness.

Adopt Programs Reduce Greenhouse Gas Emissions Utilities focused specifically on reducing emissions of CO<sub>2</sub> and methane in “clean heat targets.” While we generally supported the goals of reducing use of fossil methane fuel, the bill did not provide satisfactory descriptions of methods and targets and we did not take a position. The bill passed however, and we continue to monitor its programs and progress.

Electricity transmission build-out with interstate coordination as directed under SB 072 Public Utilities Commission Modernize Electric Transmission can result in lowering the cost of decarbonizing the electric grid, reducing the need for storage capacity, and offering more efficient siting for wind and solar. A requirement for utilities to join organized wholesale markets is intended for coordinating and efficiently managing the dispatch and transmission of electricity and to support resilience in the grid.

The League supported renewable energy as promoted by SB 261 Public Utilities Commission Encourage Renewable Energy Generation that facilitates on-site distributed renewable energy resources such as solar panel installations and battery storage. The bill allows pooling of distributed generation on a property serving multiple units (e.g. an apartment complex or mobile home park) and allowing more households to benefit directly from using solar power generation.

In 2022, we supported a bill to facilitate development and use of geothermal energy as a zero-pollution, renewable energy source for building heating and cooling and as a reliable and sustainable source for electricity generation; the bill had near-unanimous support in both chambers. A grant program in the Colorado Energy Office provides funding for ground source heat pumps for primary heating and cooling, for closed-loop drilling for hot water or steam for community heating systems, and for electric power generation using geothermal hot water or steam energy. For community projects new buildings or existing buildings can be retrofitted for geothermal heating systems and one-quarter of the grant funding will be directed to low-income, disproportionately impacted and Just Transition communities.

Microgrids are increasingly being explored to provide emergency power associated with natural disasters, weather emergencies, or failures in the primary electric grid. Microgrids can be defined as self-contained power systems, confined to a small geographic area, such as a college campus, hospital complex, business center, or neighborhood. They often include distributed energy sources such as solar or wind power and might also have some means to store energy, such as batteries. We supported a bill that requires the Colorado Energy Office and the Colorado Resiliency Office to produce a grid resilience and reliability roadmap that will include recommendations for evaluating cost-benefits of microgrids. We also supported a bill intended for rural community resilience through a grant program to facilitate development of electric microgrids in communities at risk of power outage.

The League monitored a bill on Severance Tax on Oil & Gas. This bill changes the calculation of the ad valorem credit allowed against state severance tax on oil and gas. It extends the date to January 1, 2025, and made appropriations for staffing and operations of around \$250,000 over the next two years. It passed in the final days of the session.



## Hydraulic Fracturing

### League Position

*Adopted 2013*

LWVCO supports policies that enhance public participation in the permitting and monitoring of oil and gas operations in the state. LWVCO supports efforts to improve coordination with local governmental units for environmental management and wise land use. We support strong environmental regulations for water quality, air quality, and those that impact human health.

The LWVCO supports:

- public hearings held in the actual community of the drilling;
- public notice of hearings on transparent user-friendly web sites and other media;
- transparent, user-friendly web site to register complaints and view subsequent resolution;
- use of the Local Government Designee (LGD) and education for LGD's in the state to respond to local citizen concerns more easily;
- strong environmental and safety regulation of water quality and air quality including pre and post testing of water wells and air around all oil and gas well sites;
- transparency in the reporting of all chemicals used during drilling, posted on a neutral website that is easily accessible to the public;
- adequate number of inspectors for the volume of oil & gas activity in the state to ensure that operations are safe, and accidents are properly reported and mitigated;
- research, development, and use of environmentally friendly extraction methods and equipment, including those providing for the capture of methane;
- monitoring of the water quantity used for oil and gas drilling operations in a manner that is transparent to the public;
- reporting of information on the demands for water used for oil and gas drilling in specific river basins; and
- reuse of produced water with regulatory oversight.

### League Actions

LWVCO supported unsuccessful attempts in the early 1970s to enact a Colorado Environmental Policy Act. In the mid-1970s, the League successfully supported legislation that required consideration of geological and topographical factors in new subdivision approvals and the passage of the Colorado Mined Land Reclamation Act.

During the push to develop Colorado's oil shale resources, from the early 1970s through the early 1980s, LWVCO urged that all the federal agencies involved coordinate their planning and environmental assessment procedures and that state agencies be included in the planning for development. The League emphasized that any oil shale projects should be produced in an environmentally sound manner and should abide by all federal and state environmental and planning laws. Attempts to abolish the reclamation program for minerals have consistently been opposed by the League.

During the 1990s the LWVCO opposed bills regarding "private property rights" or "takings," since they undermined comprehensive land use planning and were fiscally onerous. The bills were defeated.

The Colorado Oil and Gas Conservation Commission (COGCC) was established in 1951 to handle the permitting and oversight of oil and gas drilling operations.

In 2007 LWVCO supported revamping the composition of the Commission to decrease the number of individuals working in the industry and to increase the members representing concerns about health, the environment, and the interests of surface landowners. During the 2011 session attempts were made to reverse this but were defeated.

By early 2013 Colorado had over 49,000 oil and gas drilling operations, predominantly on the Front Range and in the southwest part of the state. As the number has increased over the last few years and operations have come closer to populated areas, there has been legislation introduced to address a variety of health and safety issues. During the 2013 session the League supported bills passed increasing the number of inspectors for oil and gas operations and decreasing the lower limit for number of barrels spilled that triggers reporting requirements. LWVCO also supported bills allowing use of produced water for dust suppression, increasing penalties for violations, and mandating uniform groundwater sampling, but these failed.

In 2014 the League continued to support efforts for more inspectors, increased fines for polluters, and better response times to spills. All these efforts succeeded. The League also supported tighter air quality standards around drilling operations. In 2014 the Air Quality Control Commission voted to support monitoring on the Front Range, but not the Western Slope.

After several years of attempting to get stricter rules for oil and gas drilling, the 2019 session passed a massive bill making major changes to the COGCC. Along with changing the mission of the COGCC from “foster” to “regulate” oil and gas production, it changed the composition of the board to only one industry representative and added environmental and wildlife representatives. The focus was on “public health, welfare and safety” and is requiring the COGCC to establish more protection around drilling operations at all phases of operation. There will be more local control allowed, so rule making from the COGCC will be developed, also updating of flow-line rules, and alternative site analysis in operations. This bill was strongly supported by the League.

## Water

### **League Position**

*Revised 1975*

**Administration of the uses of water should not be left to litigation but should be effectively supplied by the executive branch of state government. An adequate and enforceable constitutional and legislative framework is necessary.**

**Groundwater law should be designed to protect groundwater resources from waste and irreparable damage. Such law, with due regard for the public good, should also help to assure long-term stability for investments based on pumped water. To these ends the legal framework should be consistent with the physical facts of groundwater occurrence and relationships and should include provisions for adequate administration and enforcement.**

**Water supply and quality control should be regarded as interdependent and inseparable. Clean water should be supported for reasons of health, aesthetics, and recreational use. A coordinated program of information and education about Colorado’s water should be maintained.**

### **Criteria for Wise Use of Water:**

- **Essential to a balanced use of water in Colorado is an effectively coordinated Land Use-Water Use Plan. Although the state must have overall responsibility, local and regional representatives should exercise a strong role in determining policy, planning, and the execution of the plans.**
- **The carrying capacity of the land must be considered in all decision-making. Within the carrying capacity concept, The League primarily supports the protection of the state’s prime agricultural**

lands and ecological and environmental concerns. Of less importance but deserving serious consideration in the balanced use of water are municipal use, economic factors, growth dispersal, recreation, and industrial development.

- Prime agricultural land and the water to make it productive should be preserved for economic, social, health, land planning, and aesthetic purposes.
- The importance of a municipal use varies with its purpose. Firefighting and hospital use (including air conditioning) deserve a higher priority than supplying water for general air conditioning, parks, and commercial businesses.
- Conservation should be implemented through such means as metering, pricing, plumbing codes, limitations on use (such as restrictions on lawn watering), education, and to a lesser degree the use of fines, rewards, and taxation practices.
- Recycling of water seems the most acceptable way of stretching or augmenting Colorado's supply. Some surface and underground storage is necessary in Colorado. Without further research, weather modification as a means of augmentation lacked the support of League members. Additional research should be promoted in all areas.
- Water to maintain stream flow is important for its ecological and environmental value but condemnation of water rights for this purpose must be judiciously used. In particular:
  - to effectively administer a state water plan, the state should be a party to all proposed changes in the use of a water right;
  - condemnation which results in the loss of a water right or its use should entitle the owner to compensation at the fair market value of its present use;
  - a limited moratorium on large water projects might be desirable if it were a part of a development of a state water policy or plan; and
  - a state review of the provisions in treaties and compacts would be desirable.

### League Actions

The LWVCO began its studies of water resources in 1957 with the legal foundations for the right to use water in Colorado, sources of supply, and the special problems of groundwater supply and administration. In 1975 a study update resulted in criteria for the wise use of water.

Since 1974 LWVCO has opposed the proposed Two Forks Dam.

LWVCO supported the original minimum instream flow legislation in 1973 and, when its constitutionality was in question, joined the lawsuit as a Friend of the Court; the Colorado Supreme Court found the law to be constitutional. The League has opposed many attempts to weaken this statute.

The League's groundwater action has emphasized support of a groundwater policy that protects both the quality and quantity of this resource. During the 1980's the LWVCO worked for the adoption of a groundwater quality regulatory program that would adequately protect Colorado's groundwater. The Water Quality Control Commission (WQCC) adopted the framework for regulation of groundwater quality in 1987. LWVCO participated in the development of toxic organic standards, adopted by the WQCC in 1989. Since then, LWVCO has supported the classification of aquifers to protect their quality.

In the late 1980s LWVCO supported the establishment of a regulatory program for chemigation (the application of chemicals along with pumped water) to help protect groundwater from contamination. The League has supported successful legislation to reduce pollution from agricultural chemicals and opposed attempts to weaken this legislation.

The League worked on full implementation of the National Safe Drinking Water Act and supports the Colorado Safe Drinking Water program and any efforts to strengthen enforcement. The League has participated in the development of a well-head protection program and continues to be an advocate for state revolving loan funds to help small communities meet drinking water standards.

Since the late 1980s LWVCO has supported EPA's recommendations to bring Colorado's water quality program into compliance with EPA regulations, especially antidegradation of streams and toxics control. In 1992 legislation was passed with criteria for classifying waters of the state to prevent degradation.

In the early 1990s attempts were made to weaken and fragment the power of the WQCC. LWVCO worked to significantly improve or defeat these bills. In 1994 LWVCO supported legislation, giving the Water Quality Control Division the authority to act against imminent pollution (passed).

In 1991 LWVCO supported the narrative classification of aquifers in the San Luis Valley and Eastern Colorado and in 1994, the extension of this protection to the Western Slope. Beginning in 1991 we urged site-specific classification of aquifers used as a main source of municipal drinking water.

In 1992 the Colorado Water Quality Forum was organized so that all those affected by water quality decisions could attempt to find agreement on at least some regulatory issues. LWVCO was a participant in this ongoing process. The League was also an active participant in the state's Non-Point Source Task Force for over 10 years.

LWVCO's water policy efforts have included support of proposed legislation that would strengthen the role of the state engineer in the administration of water rights and groundwater rights, all of which failed. In the early 1990s the League supported unsuccessful "Basin of Origin" legislation that would have given some protection to areas where water is diverted for urban use. In the 2009 session such legislation passed.

In 1997 the LWVCO Education Fund began managing a project called the Colorado Water Protection Project, funded by the EPA through the Water Quality Control Division, Non-Point Source program. In 2000 this project expanded to publish a statewide newsletter for the Non-Point Source Program. The program was terminated in 2009 and the newsletter in 2010. The goal of the project was to implement a comprehensive program to increase public awareness in Colorado about the causes of and solution to urban polluted runoff. A later extension of the League project "AWARE Colorado" was developed to educate decision makers about the connection between land use and water quality.

Recreational uses of water have increased over the years. In 2002 legislation passed that broadened the voluntary instream flow program. In 2007 recreation in-channel diversions for kayaking was passed. The present language, upheld by the courts, has the Colorado Water Conservation Board overseeing the instream flow program. The League has opposed narrow definitions of this program.

The worst drought in a century occurred in 2002-2003. There were water restrictions by municipalities and many junior agricultural water rights holders were unable to obtain water. In 2003 the League worked successfully with a coalition to defeat a proposed revenue bonding program referendum to build dams. In the 2004-2005 sessions the legislature passed a Statewide Water Supply Initiative to study supply and demand in all the major river basins. The League supported this legislation but asked for a broader representation at the discussion groups. This request was met with resistance but finally granted. In the 2005 session a bill passed to establish inter-basin roundtables to discuss the transfer of water from one basin to another.

The League continues to support legislation addressing increased funding for additional storage in reservoirs and holding facilities. In 2007 more construction money was proposed for storage projects and conservation measures (the latter did not pass). The League also supports adequate funding for the WQCC staff to ensure adequate supervision of water quality requirements.

Since 2008 the League has supported successful legislation that would notify home buyers about the source of their water, particularly in groundwater areas. A pilot project was started to collect precipitation from rooftops and impervious surfaces for nonportable uses such as garden and lawn sprinkling. The League supported the formation of the Fountain Creek Watershed District and Drinking Water and Wastewater small grant programs. The water efficiency grants program has been extended.

During the 2011 session a bill was introduced that would have updated the On-Site Wastewater regulations and allowed more flexibility from the professionals and clearer definitions for county health departments. LWVCO supported this legislation, which did not pass. During the 2012 session it was reintroduced and passed with bipartisan support.

The 2013 session saw continued support of water efficiency measures and break-through legislation regarding reuse of “graywater.” It added language to define graywater and establish regulations for its use. This will aid in stretching water supplies, particularly in drought years.

The biggest milestone in 2014 was approval for the Colorado Water Conservation Board to do a statewide water plan. The League supported this first-time effort. The League continued supporting water efficiency measures through fixtures, rain barrel collection, and flexible water markets. The first passed while the last two failed.

The League supported two bills that were passed in 2016. One was the rain barrel bill that allows homeowners to collect 110 gallons of rainwater. The other provides protection of water rights in agriculture transfers. The League supported a bill to expand the Water Banks Administration; it failed.

In 2017 most bills were minor or clean up, slightly expanding some issues. The League supported a gray water study program that is part of a larger program to address water shortage in the arid west and increase reuse of water supplies. The League also supported a program for testing for lead in public school drinking water systems.

Over the last few years, there have continued to be efforts to expand water uses, with bills passing that include reuse of water for toilet flushing, use on industrial hemp, and use on edible crops. One of the 2018 highlights was the passage of legislation to allow the use of two 55-gallon rain barrels to collect water and use it on plants and lawns.

There continues to be money available for the state Water Plan. New bills to address adverse impacts from mining have been passed and more conservation efforts using xeriscape have been passed.

2022 was a good water year in the legislature. To reduce water use because the increasing drought conditions, the legislature dealt with ground water compacts on the Republican and Rio Grande Rivers and reduced irrigatable agricultural lands. The League supported a water wise and turf replacement bill to encourage suburban and urban areas to take median and other turf areas out of circulation and replace with water wise landscaping. HB 22-1151 *Turf Replacement* passed on the final days of the session with amendments adding appropriations for municipalities or other interested citizens to participate in this program to be water wise given the climate change occurring in our already semi-arid area.

## **Waste Management**



## League Position

*Guidelines and Criteria on Waste Management, from 2018-2020 League of Women Voters of the United States*

The League of Women Voters of the United States supports:

- policies to reduce the generation and promote the reuse and recycling of solid and hazardous wastes;
- policies to ensure safe treatment, transportation, storage, and disposal of solid and hazardous wastes to protect public health and air, water, and land resources;
- planning and decision-making processes that recognize suitable solid and hazardous wastes as potential resources;
- policies for the management of civilian and military high- and low-level radioactive wastes to protect public health and air, water, and land resources;
- the establishment of processes for effective involvement of state and local governments and citizens in siting proposals for treatment, storage, disposal, and transportation of radioactive wastes;
- full environmental review of treatment, storage, and disposal facilities for radioactive wastes; and
- safe transport, storage, and disposal of radioactive wastes.

## League Actions

The League's approach to environmental protection is one of problem-solving. The aim is to prevent ecological degradation and to reduce and control pollutants. The federal government should have the major role in setting standards for environmental protection, but other levels of government should have the right to set more stringent standards.

During the 1992 and 1993 sessions, the LWVCO followed several bills aimed at reducing the solid waste stream. They included legislation for statewide initiatives for recycling, mandating use of recycled paper in the capitol and recovery of motor oil products. These passed.

In 1994 LWVCO supported two bills on solid waste: one on labeling of recycled oil and the other apportioning monies from the Waste Tire Fund to handle cleanup of tires and recycling projects. They both passed.

In 2019 a Waste Diversion Grant Program, to fund much of the Front Range recycling efforts, passed. Another bill, Local Government Recycling Standards, allowing municipalities to set standards for retail food establishment's use of ready-to-eat containers being recycled, which we watched but decided to support, was postponed indefinitely by the sponsor in committee.

One of the major environmental quality bills supported by LAC this session was HB21-1162, Management of Plastic Projects. This bill has been in the works since last session when it had to be abandoned in midst of the pandemic. It passed in 2021 and sets out a timeline for reduced use of plastic projects in the state including imposing a 10-cent fee on paper and plastic bags beginning January 2023. Beginning in January 2024 single-use plastic bags will be banned at most stores and polystyrene containers will be banned at restaurants. In 2023 local government will be able to impose stricter rules within their boundaries.

The League took an active role in supporting a bill to protect public health and the environment from per- and poly-fluoroalkyl substances (PFAS) that are synthetic toxic chemicals known as "forever chemicals" because they do not easily break down. Once favored by manufacturers for their grease, heat, and water-proofing properties, even small doses of PFAS have been linked to serious health effects. CDPHE data has revealed widespread PFAS in Colorado's waters resulting from the presence

of PFAS-containing consumer products in the waste stream and from the use of certain firefighting foams. The bill prohibits the sale or distribution of certain consumer products and of fluids used in oil and gas production that contain intentionally added PFAS chemicals after January 1, 2024. Persons using class B firefighting foam containing PFAS may not allow a release of the foam, must fully contain the foam through appropriate containment measures, and must safely store all class B firefighting foam and any associated waste and wastewater.

### Hazardous Materials

#### League Position

*Criteria for siting waste disposal facilities, from 2018-2020 League of Women Voters of the United States*

The following criteria were developed to assist state and local Leagues in reviewing specific waste disposal sites and to help state and local Leagues evaluate both the process employed in site selection and the suitability of a proposed site or hazardous and radioactive waste treatment, storage, and disposal facilities. This decision-making process should provide for:

- ample and effective opportunities for public participation, including funding to conduct such participation;
- evaluation of economic, social, and environmental impacts so that decision makers and the public have adequate information on which to base a decision. In addition to the actual site, secondary land use impacts — such as buffer areas; adequacy of roads, sewers, water; etc. — should be considered;
- an examination of alternative sites and methods of treatment and disposal. Comparison of costs must include short- and long-term costs, such as liability insurance; post closure maintenance; monitoring of ground and surface waters and air before and after closure; and potential loss of land or water resources due to contamination;
- participation and review by all government levels to assure conformance with all adopted comprehensive plans at each level of government; and
- procedures for resolution of inter-governmental conflicts.

Hazardous and radioactive waste treatment, storage, or disposal facilities should be sited in areas that pose the least amount of risk to the public and to sensitive environmental areas. They should be located away from areas of critical concern such as:

- natural hazard areas subject to flooding, earthquakes, volcanoes, hurricanes, or subsidence;
- drinking water supply sources, such as reservoirs, lakes, and rivers and their watersheds, and aquifers and their recharge areas;
- fragile land areas, such as shorelines of rivers, lakes, streams, oceans, estuaries, bays or wetlands;
- rare or valuable ecosystems or geologic formations, significant wildlife habitat, or unique scenic or historic areas;
- areas with significant renewable resource value, such as prime agricultural lands or grazing and forest lands that would be destroyed as a result of the siting of hazardous waste facilities; and
- residential areas, parks, and schools.

#### League Actions

In 1979 LWVCO began a two-year study of hazardous materials. The League studied the production, transportation, use, disposal, and storage of hazardous materials in Colorado, with special emphasis on nuclear material and the impact of low-level radiation. The study included an overview of chemical and radiation sites, including Denver's Lowry Landfill, Rocky Mountain Arsenal, Rocky Flats Nuclear

Weapons Plant, Fort St. Vrain Nuclear Power Plant, and the mining legacies of uranium milling and tailings.

In 1980 LWVUS issued “Criteria for Hazardous and Nuclear Waste Disposal or Storage Sites.” With a few additions these criteria formed the basis of a concurrence adopted in 1981 by LWVCO.

League members have been members in the “watchdog” role of the Governor’s Lowry Landfill Monitoring Committee and the Colorado Committee on Hazardous Wastes Regulation. In 1983 LWVCO successfully supported bills for: hazardous waste siting, local government designation of emergency response authorities, a mechanism to allow local governments to seek reimbursement for cost incurred from abandoned or spilled hazardous wastes, and penalties pertaining to radiation control. In 1985 LWVCO supported successful passage of a bill that provided for appropriations for Colorado’s share of funds for federal “Superfund” activities. A bill for community and employee access to information on hazardous materials failed. Since then, federal legislation has allowed more access.

In 1987 a heavily amended bill addressing transportation of hazardous materials was passed. Over League objections the state budget adopted that year included enormous cuts in funds for the Attorney General’s office, curtailing the ability of the state to prosecute illegal disposal of hazardous waste. In 1989 LWVCO strongly supported successful legislation to regulate Underground Storage Tanks (UST) and clean up ones that were leaking (LUST).

## *SOCIAL POLICY*

### Equality of Opportunity

#### League Position

*Statement of Position on Equality of Opportunity, as revised by the National Board in January 1989, based on positions announced by the National Board in January 1969, adopted by the 1972 Convention, expanded by the 1980 Convention, and the 2010 Convention*

The League of Women Voters of the United States believes that the federal government shares with other levels of government the responsibility to provide equality of opportunity for education, employment, and housing for all persons in the United States regardless of their race, color, gender, religion, national origin, age, sexual orientation, or disability.

Employment opportunities in modern technological societies are closely related to education; therefore, the League supports federal programs to increase the education and training of disadvantaged people.

The League supports federal efforts to prevent and/or remove discrimination in education, employment, and housing and to help communities bring about racial integration of their school systems.

Equal rights and equal opportunity should be secured for all.

Social and economic justice should be promoted and the health and safety of all Americans.

The League of Women Voters of the United States supports equal rights for all regardless of sex. The League supports action to bring laws into compliance with the *Equal Rights Amendment*:

- (a) to eliminate or amend those laws that have the effect of discriminating based on sex;
- (b) to promote laws that support the goals of the ERA; and
- (c) to strengthen the enforcement of such existing laws.

The League of Women Voters of the United States supports equal right for all under state and federal law. LWWUS supports legislation to equalize the legal right, obligations, and benefits available to same-gender couples with those available to heterosexual couples. LWWUS supports legislation to permit same-gender couples to marry under civil law. The League believes that the civil status of marriage is already clearly distinguished from the religious institution of marriage and that religious rights will be preserved.

#### League Actions

Throughout the 1990s and 2000s, numerous bills failed that would have supported and extended legal protections from hate crimes and employment discrimination to gay, lesbian, bisexual, and transgendered individuals (LGBT now LGBTQIA). Other failing bills, also supported by the League, included small group insurance plans that would have covered domestic partnerships.

In 2004 LWVCO supported failed bills that would have allowed same-gender couples to form civil unions and to adopt children.

In 2007 a bill extending legal protections from discrimination to LGBT citizens passed both houses and was signed into law by the governor. League supported this bill as well as a successful bill that extended adoption and parenting rights to same sex couples.

In 2008 LWVCO supported a successful bill that added 23 areas where discrimination based on sexual orientation is prohibited, including public housing and accommodation, consumer credit, charter school enrollment, and adequate hospital facilities. LWVCO also supported a bill that made it an unfair labor practice to penalize employees who discuss or disclose wages.

Legislation supported by LWVCO in 2009 to extend compensation benefits to domestic partners of state employees failed. Another bill provided for a Designated Beneficiaries Agreement to allow simple estate and end-of-life provisions without a will. It passed with LWVCO support.

In 2010 a LWVCO-supported Pay Equity Commission passed. The goal of the commission was to establish Colorado as a model employer regarding pay equity through education, outreach, and study of other state models while providing reports and updates.

The major public policy initiative in the 2012 and 2013 legislative sessions was an act allowing any couple, same or opposite gender, to form a civil union. League strongly supported civil unions. After failing to come to a floor vote in the house in both the regular and special sessions in 2012, the bill was passed in 2013.

In 2015 the League supported a failed bill to reestablish the Pay Equity Commission, which was set to sunset on July 1, 2015. The commission had several accomplishments and some failures due to a lack of leadership and funding. The 2015 bill called for few changes and allowed some funding from gifts, grants, and donations and changed the way the commissioners were appointed.

In the area of LGBT rights, League opposed the “pastor protection” bill, a 2016 measure that sought to exempt religious organizations and personnel from the obligation to accommodate same-sex marriages and other religious ceremonies. The bill, which was quickly quashed by a house committee, also would have allowed these organizations to retain their tax-exempt status despite the blatant civil rights violations.

League supported two bills in 2017 that would have improved the lives of gay, lesbian, and transgendered people, but both failed. One bill would have allowed transgendered people to change the gender marker on their birth certificate without undergoing sex reassignment surgery and without a court appearance. Another measure sought to ban attempts by therapists to “cure” homosexual thoughts and behaviors (as well as gender confusion) in children under 18. The inhumane and discredited practice has been banned in more than half the states in the U.S., but Colorado will not be among them for now, as the bill was postponed indefinitely (Pl’d).

### **Income Assistance**

#### **League Position**

*Statement of Position on Equality of Opportunity, as revised by the National Board in January 1989, based on positions announced by the National Board in January 1969, adopted by the 1972 Convention, expanded by the 1980 Convention and the 2010 Convention*  
See *Impact on Issues*

#### **League Actions**

In 1993 the LWVCO worked on six welfare bills opposing four and supporting two – one of which, the major reform bill, survived the process to establish a voluntary pilot program that stressed helping recipients achieve and maintain self-sufficiency.

Welfare reform was a major priority of LWVCO in 1997 following the passage of the federal act of 1996. Six major bills were introduced resulting in a compromise bill which the League could support. League then helped with rules and regulations for implementation and monitored the process during 1997-98.

Another important piece of legislation that passed allowed income assistance to legal immigrants.

Old Age Pension B for those aged 60-64 years was a major priority in 1998. League fought successfully to keep it in the constitution as there is no other program to deal with this age group consisting mostly of women who are poor, in bad health, and not well-educated.



In 1999 LWVCO worked in coalition to try to get health care for *Aid to the Needy Disabled* and to increase the monthly allowance to \$299. We were successful only in getting a \$249/month allowance.

In 2001 League successfully worked for passage of earned income disregards for those leaving welfare. Also successful was transitional Medicaid for one year for those leaving welfare and getting a job. Finally, LWVCO supported exit interviews for those who received diversion grants or left welfare so they would understand what services they could still receive.

During the 2002 legislative session, the League supported several bills to improve welfare. These bills, which passed, dealt with developing a screening tool to identify mental health and substance abuse barriers, segregating federal welfare funds from county funds, and extending the life-time limit to allow counties to grant both hardship and domestic violence extensions.

In 2005 one League-supported bill passed that allows workers who lose their jobs due to domestic violence to be eligible for unemployment insurance right away. Workers will be given fifteen business days before they must look for work.

In 2008 the Colorado Works Program Omnibus bill passed supported by the League once it was extensively amended to restore hard-won elements from previous years and to increase flexibility for local governments to address local circumstances. The bill created a Colorado long-term works reserve and gradually reduced the percent of block grants that counties could hold in reserve down to 30%. The bill brought Colorado into compliance with federal requirements.

In the 2011 session LWVCO opposed eliminating the Low-income Telephone Assistance Program, but by 2013 recognized that with reduced participation and increased costs, it was time to end the program.

In 2011 LWVCO supported attempts to mitigate the cliff effect when clients lose support as their income passes the poverty line, but the proposals were scaled back to a child-care pilot project. Low-income energy assistance funding from severance taxes was extended for several years though a bill League also supported to increase assistance for the elderly and disabled failed. Another League-supported bill passed that recommended an increase in the Old Age Pension and funded some dental care for recipients.

Two successful bills that LWVCO supported in 2013 increased to \$10 million the amount set aside each year for in-home services to seniors and created a permanent, refundable Earned Income Tax Credit and child tax credit. The credits won't go into effect until certain economic triggers are reached.

In 2014 the Economic Opportunity and Poverty Reduction Task Force introduced seven bills on which they had worked through the interim. The task force also requested an audit of the Property Tax/Rent/Heat (PTC) rebate, which turned up deficiencies that a bill supported by League took steps to correct. League also supported a bill that increased the monthly amount of Aid to the Needy Disabled assistance that people could receive while applying for federal Social Security Insurance (SSI) or Social Security Disability Insurance (SSDI) benefits.

Childcare was the standout area for the year with four bills passing two of which LWVCO followed and supported. One filled a gap in eligibility for Colorado's childcare income tax credit, which was only available to those who owed enough federal taxes to take the federal credit. Improvements were also made to the Colorado Child Care Assistance Program: families below the poverty level will pay lower copays, reimbursement will be tiered to encourage high quality providers to participate, childcare hours will not be tied strictly to work hours, and the cliff effect will be moderated.

A start was made in 2015 toward passing through child support payments to recipients of Temporary Assistance for Needy Families with League support. The bill will take effect in 2017 only if the state allocates general funds to replace revenue lost to the counties.

Steps were taken to prepare for social, economic, and workforce issues arising from the rapid growth of

the over-65 population in Colorado by establishing a strategic planning group on aging supported by League.

With League support in 2016, a bill that allows victims of domestic violence to receive Child Care assistance without pursuing monies from the perpetrator was passed. Also, a pilot program allowing some counties to ease the cliff effect that occurs when a recipient's income increases just enough to make them ineligible for this assistance was successfully supported by our League.

Failing in the same year were measures that would have increased the minimum wage in select counties and would have helped released felons get a job interview without disclosing their record until selected for the interview.

In 2017 League supported unsuccessful legislation that would have prohibited employers from advertising that a person with a criminal history may not apply for a position. Employers would also have been prevented from including questions about arrests and convictions on the application. In 2019 it passed.

In 2020, the League actively supported SB20-200, which implements the Colorado Secure Savings Program ("Program") which will increase the amount of retirement savings by Colorado's private sector workers. The implementation of the Program is based on a bill that passed in 2019 (SB19-173) to study the feasibility and set-up of this Program, after two previous attempts in 2016 and 2018 to set up this program had failed.

In 2021, the League supported SB21-148 creating the Financial Empowerment Office in the Department of Law. This bill continues efforts by the legislature to grow the financial resilience of Coloradans. This bill expands access to safe and affordable banking and credit and includes free individual financial counseling and coaching. The program created by this bill intends to develop stronger consumer protections for Coloradans.

The League supported HB22-1259, *Concerning Modifications to the Colorado Works Program, and, in Connection Therewith, Making an Appropriation*. This bill, which passed, requires monthly cash assistance payments under the Colorado Works program for indigent families to increase by 10% above the previous year and provides for future increases base on cost-of-living adjustments. The amount of monthly payments had not increased since 1996. The bill transfers \$18 million from the Economic Recovery and Relief Cash Fund to the Colorado Long-Term Works Reserve. Once those funds are depleted, cash assistance will be funded evenly by the General Fund, the Unclaimed Property Trust Fund and state and county TANF reserves starting in FY2023-24 with equal amounts of TANF reserves coming from the state and counties.

The bill provides adjustment to the way in which the program has been administered to provide gradual diminishing of support once a client is earning an income and less punitive rules. The program's work requirement can be waived for a single parent with a child below one year of age. A person convicted of a drug felony on or after June 3, 1997, can receive benefits. The CDHS must annually review and update the program and must align the program with other public assistance programs. More outreach is mandated to increase access to eligible Coloradans and training for county workers assisting them. The bill encourages data collection on the program's effectiveness, which will be reported to the General Assembly in its annual SMART Act hearing. A \$7 million appropriation will go to the Employment Opportunities with Wages Program in the DHS to help Colorado Works participants find permanent employment with a living wage. The bill includes a mechanism for funding a county program exhausted because of a natural disaster or emergency.

It is assumed that about 14,000 households will receive basic cash assistance in 2022-23 with the increase in cash assistance to take effect on July 1, 2022.

HB22-1359 creates the Colorado Household Financial Recovery Pilot Program in the Department of

the Treasury to facilitate lending to certain individuals and households impacted by the COVID-19 pandemic. The pilot program may establish a loan loss reserve to partially offset risk in making loans to eligible individuals or households and make payments to lenders to buy down interest rates. Gifts grants and donations can be accepted for use by the program.

## Housing

### **League Position**

*Statement of Position on Equality of Opportunity, as revised by the National Board in January 1989, based on positions announced by the National Board in January 1969, adopted by the 1972 Convention, expanded by the 1980 Convention and the 2010 Convention*  
*See Impact on Issues*

### **League Actions**

Colorado suffers from a lack of affordable, decent housing. For many years LWVCO has lobbied for housing legislation which requires that minimal necessities (water, heat, electricity) be provided in rental housing and at the same time safeguards landlords' rights. LWVCO has also supported efforts to establish a Housing Trust Fund.

In 1989 a voluntary contribution on state income tax returns was authorized to provide funding for the homeless.

In 2008 LWVCO supported the Colorado Housing Investment Fund, a bill that emerged from a Blue Ribbon Commission on affordable housing, but it failed.

League supported a 2014 measure, which passed, that expanded the sources of funding for grants and loans for affordable housing projects including state tax credits.

In 2019 LWVCO supported measures that provide funding for affordable housing through the Housing Development Grant Fund and another bill that doubled the amount of state affordable housing tax credits that the Colorado Housing and Finance Authority (CHFA) may allocate each year over five years. LWVCO also supported creation of the Eviction Legal Defense Fund, which passed and awards grants to nonprofit organizations that provide legal advice to indigent clients at risk of eviction.

There were several tenant protections bills that passed in 2019 that LWVCO supported including expanding the warranty of habitability, increasing the time to cure unpaid rent, prohibiting landlords from charging rental application fees that exceed their costs, and creating the Mobile Home Park Act Dispute Resolution and Enforcement Program and Fund.

In 2020 League supported successful tenant protection bills that suppress court records of eviction proceedings, designate housing discrimination based on source of income a type of unfair housing practice, and create the Immigrant Tenant Protection Act. Mobile Home Park legislation built on the 2019 legislative foundation by providing additional protections for residents and an opportunity for homeowners to make an offer to purchase their park. Additional funding for the Housing Development Grant Fund and the Eviction Legal Defense Fund was allocated under the Nicotine Products tax ballot measure.

During mid-2020 and 2021 state and federal funding for affordable housing, homelessness, and eviction prevention was greatly expanded due to disparities amplified by the pandemic. League supported legislation that provided emergency direct assistance, increased housing security for renters and homeowners, created a grant program to purchase underused motels, hotels, and other properties for housing, and promoted unused state-owned real property for affordable housing and other beneficial uses.

During the 2021 legislative session, League supported successful tenant protection bills that regulate late fees, modify eviction timelines and court procedures, and provide an opportunity for renters to

establish or build credit.

Significant funding, including \$550 million from the *American Rescue Plan Act*, was designated to address housing issues and incentivize affordable housing in local communities. League supported successful legislation to update the focus, transparency, reporting, and grant programs for housing through the Department of Local Affairs, and to clarify local governments' authority to enact inclusionary housing policies.

Other bills were introduced during the 2021 session to address housing insecurity, key among them was SB21-173, *Rights in Residential Lease Agreements*. This bill provides protections for Colorado tenants regarding late fees, eviction court proceedings, and rental agreements.

During the 2022 legislative session, League supported additional funding for the Eviction Legal Defense Fund and successful legislation based upon recommendations by the Affordable Housing Task Force interim committee to allocate \$428 million *American Rescue Plan Act* dollars. Priority funding included a revolving loan fund, grant programs for local governments and nonprofits, incentives for production of manufactured homes, expanded support for middle-income rental housing, and a revolving loan fund and grants to support resident owned communities at mobile home parks. League also supported an extensive bill to expand protections for mobile home park residents. Other legislation extended the \$10 million state Affordable Housing Tax Credit, added veteran or military status as a protected class under Colorado's fair housing practices, established a Fair Housing Unit within the Attorney General's Office, expanded regulations and standards for new factory-built structures and tiny homes, and updated state nonconsensual towing requirements.

In 2022, the state also invested \$200 million *American Rescue Plan Act* dollars to address and prevent homelessness. Included in this package were grants for local governments and nonprofits, a new campus in the Denver metro area to house and connect people with services, and the repurposing of an existing campus to create a supportive residential community. Other legislation created a statewide homelessness contribution income tax credit.

## Education

### Pre-Kindergarten – 12th Grade (P-K- 12)

**Note:** *Legislation related to state, district, or school programs, policies, and procedures can be found here in the Education section. The School Finance section in the GOVERNMENT section deals with the financing of public schools (including charter schools).*

#### **League Position**

*Revised 1995*

**The League believes:**

- The state legislature may establish base level expectations in the areas of discipline and academic achievement to ensure consistency and equity across the state.
- The Colorado Board of Education should bear primary responsibility for establishing general attendance requirements, required levels of academic achievement, and graduation requirements.
- The Colorado Board of Education should establish teacher certification/licensing requirements based on the recommendations of the Colorado Department of Education.
- The local school districts should bear the primary responsibilities for establishing discipline policies, setting district calendars, determining the use of local district-owned facilities and equipment, and for developing curriculum and selecting instructional materials. Local districts retain the right to exceed minimum standards set by state-level entities.
- Education in the humanities, arts, and sciences should include, but not be limited to, language arts, social sciences, math, science, foreign language, music, art, physical education, and health.

- Essential components of the educational system, for which user fees may sometimes be appropriate on a sliding scale, include but are not limited to pre-school, extra-curricular activities, and before- and after-school care.
- The education of a young child is a shared responsibility. The school must provide a safe environment where learning can and does happen. We support measures which promote, help, and encourage families to prepare students to meet academic standards. Attendance and discipline are essential to learning success.
- In equalizing educational opportunity; equity for students, taxpayers, and school districts; programs for students with special needs; incentives for efficiency and effectiveness including cooperation among school districts; and assuring the availability of adequate facilities.
- In a Colorado Department of Education that would take a stronger leadership role to provide better service and which, using persuasion and incentives, would encourage educational improvement.

### League Actions

Since state authorization of charter schools in 1994, the League has supported keeping charter school legislation focused on innovation and serving the at-risk population. While the League does not have a specific position on charter schools, we have taken positions on related bills based on efficiency, equity, and local control.

In 1995 LWVCO Convention adopted a consensus about the role of the State of Colorado in determining policies and standards for Pre-K-12 education. The consensus supported the establishment and enforcement of quality standards for early childhood care and education programs including nutrition, health and safety, equipment, physical safety, teacher qualifications and licensing, and curriculum. The consensus reaffirmed League's position that all children should be in a school by the age of six.

Beginning in 1997, the Colorado Student Assessment Program (CSAP) was designed to provide a snapshot of how well Colorado students were achieving the model content standards in reading, writing, math, and science adopted in 1995.

In 2000 the General Assembly adopted a controversial major educational reform measure opposed by the League. This bill, among other provisions, provided for grading schools based on the student results on the CSAP tests plus ACT tests to be given to all 11th graders. It also required the conversion of "failing" schools into independent charter schools operated by private groups. In the 2001 session, some modifications were approved including substituting ratings for letter grades.

LWVUS adopted a position opposing tax credits for private schools in 1978. In 2003 LWVCO opposed passage of the Colorado Opportunity Contract Pilot Program. It would have established the first K-12 voucher program in the country. The bill mandated that school districts with eight or more schools graded Low or Unsatisfactory offer publicly funded vouchers to any low-income students who had scored Unsatisfactory on CSAP tests. Opponents filed suit citing language in the Colorado Constitution regarding local control of schools and the prohibition of public financial aid to religious institutions. On June 28, 2004, the Colorado Supreme Court, in a 4-3 decision, upheld a district court decision striking down the pilot program as unconstitutional. The court found that control of local funds is essential to local control of schools. The court did not address the other issues raised by plaintiffs. In 2011, 2013, 2014, and 2015 LWVCO opposed failed attempts to provide "tuition tax credits" for private schools.

In 2004 the League opposed legislation that established the State Charter School Institute. As passed, it allowed groups to apply directly to the institute to become state charter schools and removed the authority to approve charter schools from those districts that had moratoriums in place. It also required districts to cover excess costs for educating a student with disabilities in a charter school.



LWVCO supported clarifications made in 2006 regarding costs, funding for at-risk students, and federally required educational services. The League also supported a bill to allow school districts to impose a transportation fee, as amended to exempt low-income students, since state reimbursement for transportation had dropped from about 40% to 25%.

League supported the 2005 bill, School Accreditation Standards, which mandates and standardizes the calculation of graduation and dropout rates, as well as data on continuing education rates and mobility.

In 2007 LWVCO supported modifications, including the development of a statistical model to analyze individual students' progress. In 2008 LWVCO supported adjustments to the procedure for calculating long-term academic growth. With the adoption of new Colorado Academic Standards starting in 2009, CSAP was superseded by the Transitional Colorado Assessment Program (TCAP) and then in 2014 the Colorado Measures of Academic Success (CMAS).

In 2009 LWVCO supported a bill making modifications to the School Accountability Report bringing measures and procedures into alignment along with some of the more negative aspects of the prior accreditation act (1998).

In 2010 the League testified against a bill, Principal and Teacher Effectiveness, because it was an unfunded mandate and utilized a top-down directive rather than incentives for improved effectiveness. It passed.

The 2012 READ Act that mandates a detailed process of testing for Pre-K through 3rd grade reading skills and reporting to parents was passed over the League's opposition. The League supported legislation that addressed a formula that gave a percentage of at-risk funding to district charter schools based on the number of at-risk students in the district rather than in the schools themselves. The bill was rolled into the 2012 school finance act. An effort supported by the League to moderate "no tolerance" discipline legislation also survived by being incorporated into the school finance act.

In 2013 a bill that expands the duties of school district accountability committees was supported by the League and passed into law. A bill to extend support for students to remain in English language proficiency programs from two to seven years was supported by the League but died due to funding issues.

The issue of excessive high stakes testing was brought to the legislature in 2014 by concerned parents. The League supported two bills that would have delayed and/or reduced this practice. Both were defeated, but an interim Standards and Assessment Task Force was approved. The task force developed a list of recommendations that resulted in five testing bills that League had on its watch list in 2015. The result was passage of a bill that limits social studies testing and another that includes many of the recommendations of the study committee.

The LWVCO unsuccessfully opposed the *Claire Davis School Safety Act*, which waives school district immunity for acts of school violence. In addition to questions about the effectiveness of the threat of lawsuits in preventing school violence, there was no funding attached to help schools be more effective in preventing such incidents.

In 2016 the League successfully opposed the Education Income Tax Credits for Non-Public Schools bill because it would have restricted equal access and undermined funding to public schools. The League also supported a law to align disclosure requirements in the Fair Campaign Practices Act for school elections with the deadlines for expenditure reports in regular even-year elections. Campaign expenditures must now be reported before school board elections are over.

In both 2016 and 2017 League again opposed *Education Income Tax Credits for Non-Public Schools* bills. They were defeated as were the same bills in 2011, 13, 14, 15. Two other repeat bills in 2016 and 2017 would have reduced the requirement that 50% of teacher evaluations be based on student test

scores. Despite ample testimony that this requirement is an ineffective method of evaluation, these bills were PI'd in committee. In 2016 and 2017, the League unsuccessfully supported bills that would have required business of 50 or more employees to allow parents unpaid leave to attend their child's school activities.

In 2017 The League supported two bills designed to incorporate research-based best practices to further the quality of public education in Colorado. Early Learning Strategies in Education Accountability passed, but the second, Reward Access to the Arts in Public Education failed in the House.

In 2019 the General Assembly passed several bills in support of both educators and students that the LWVCO supported. The biggest one of these was State Funding for Full Day Kindergarten. The LWVCO supported this bill in various iterations for the past several years because it helps to equalize educational opportunities. The state funding will provide for full day kindergarten to be funded at the same amount as students enrolled full time in other grades. School districts and charter schools providing full day kindergarten are prohibited from charging any fees for attending kindergarten that are not routinely charged for students enrolled in other grades.

Two measures will increase resources for student health: the Colorado K-5 Social and Emotional Health Pilot Program, which will begin during the 2020- 2021 school year and will sunset (with option to continue) July 1, 2023, and the School Nurse Grant Program to increase the number of school nurses.

LWVCO has long supported bills that aid educators throughout the state. Three bills passed through the General Assembly in 2019 that will help in several different ways. One is a loan forgiveness program that provides incentives for recruiting and retaining educators in hard-to-fill positions due to geography or content area. Another bill provides stipends to students who are enrolled in teacher preparation programs and agree to teach in a rural school. The third bill provides income tax credit for early childhood educators.

Bills that passed include the *School Nurse Grant Program* bill that would increase the number of school nurses and the *Comprehensive Human Sexuality Education* bill, which was perhaps the most controversial bill of the session. It left the 2013 comprehensive sex education law on the books with additional requirements. The ban on abstinence-only instruction was left firmly in place. After much amending, the final bill left the 2013 comprehensive sex education law on the books intact, with additional requirements.

In 2019 two bills related to charter schools failed: one calling for local school board control (League supported) and another seeking income tax credits for nonpublic schools.

In 2021 the League added media literacy to areas of importance that fit under position statements. HB21-1103, Media Literacy Implementation, requires media literacy instruction in schools. The bill directs the Colorado Department of Education to maintain online materials and a resource bank, in addition to providing technical assistance, policies and procedures for implementation, best practices, and recommendations to K-12 local education providers to support media literacy instruction.

### Higher Education

#### **League Position**

Adopted 2007

Higher education is a primary educational, research, cultural, and economic force in Colorado. The State of Colorado has a responsibility to support its public institutions of higher education and to assist the people of Colorado in attaining a postsecondary education. Postsecondary education includes vocational, technical, community college, four-year, and post-graduate institutions. State activities should be carried out with appropriate input from all concerned parties including the public.

**Governance:**

The League believes the state should emphasize coordination rather than control over higher education. In addition, the state should act in an advisory capacity and provide oversight in some areas.

Possible areas for coordination include:

- promotion of quality education;
- avoidance of unnecessary duplication;
- promotion of efficiency and good management; and
- maintenance of a comprehensive and cohesive state system of postsecondary education.
- Possible areas for oversight include:
- cooperative ventures;
- general standards and requirements; and
- graduation criteria.

The League believes institutional latitude and flexibility should be encouraged but with state oversight. Most decisions are more appropriately made at the institutional level.

Objectives should be to:

- adopt policies at the state level that recognize institutional differences;
- encourage decision-making that accommodates the unique role, mission, and characteristics of each institution; and
- allow institutions to utilize their expertise to make decisions in areas such as mission, objectives, tuition, degree programs, and student recruitment.

The Department of Higher Education and the Colorado Commission on Higher Education should be led and staffed by professionals with relevant skills and/or experience and be free from political influence.

**Financing:**

The League supports a sustainable funding mechanism for public higher education that will provide quality postsecondary programs across the state.

Objectives should be to:

- maintain and attract quality teaching staff to attract and support quality students as well as research grants;
- eliminate barriers to higher education funding: constitutional, statutory, and other;
- assure funding of capital construction and controlled maintenance; and
- explore alternative funding for institutions.

The League supports sustainable funding for financial aid programs to provide access to higher education for all qualified Colorado students.

Objectives should be to:

- increase state funded need-based financial aid to enable all qualified students to attain a postsecondary education;
- increase state funded merit-based scholarships to reward and attract high quality Colorado students;
- provide favorable interest rates on student loans; and
- Explore alternative funding for student financial aid.

### **Access to Higher Education and Persistence by Students:**

The League believes that all qualified students should have the opportunity to attend postsecondary education and that successful participation should be facilitated by a variety of resources. Preschool, elementary, secondary, and postsecondary education should be viewed as a continuum leading to life-long learning. Access and persistence begin with preparation during preschool through grade 12 (P-12).

Objectives should include:

- implementing effective programs that prepare students for increasingly difficult academic work;
- maintaining rigorous high school graduation standards and expectations;
- developing programs, including mentoring, that facilitate positive engagement in learning, use a variety of community resources to support students socially and emotionally, and improve academic performance; and
- assuring that information programs are provided, during middle school and high school, for students and parents regarding academic and financial issues related to attending higher education institutions as well as information about the variety of options that are available.

Access and persistence should be promoted by higher education institutions.

Objectives should include:

- providing information about each institution to high schools throughout the state;
- facilitating transition from high school to college as well as the process for moving from a community college to a four-year institution or for returning to higher education;
- developing programs, including mentoring, that use a variety of resources to support students socially and emotionally and improve academic performance; and
- assuring ease of transferring credits between institutions of higher education, including the transition from a community college to a four-year institution. Programs promoting access and persistence used in higher education institutions, as well as in Pre-K-12, should be evaluated to assure they are effective and equitable.

Opportunities for vocational and technical education should be increased at the secondary level and at the community college level.

### **League Actions**

Early in 1985 the legislature passed a bill that called for restructuring of the Colorado Commission on Higher Education (CCHE). At the 1985 LWVCO Convention, the “structure, finance, and governance of higher education in Colorado” was adopted as a two-year study item. The LWVCO consensus in 1987 favored the CCHE as the central policy and coordinating board for higher education in Colorado. The finance part of the original study was never completed.

At the 2005 Convention delegates voted to adopt a study of public higher education. This included governance, financing, access to higher education, and persistence by students. The new consensus position was adopted in 2007.

In 2008 the League supported legislation that clarified the roles of the Colorado Department of Higher Education (CDHE) and CCHE. In part the legislation set up a Higher Education Advisory Committee to propose solutions concerning the needs of higher education and provide a liaison between the General Assembly and governing boards of state-supported higher education institutions. The work of this committee unanimously supported its continuance in 2011. It was renewed through the sunset review process.

In fall 2008 the voters approved Amendment #50, Limited Gaming. This constitutional amendment,

supported by League, established a new formula for the distribution of new tax revenues with 22% going to gaming towns and 78% going to financial aid at community colleges.

Legislation supported by LWVCO in 2011 enabled colleges and universities to begin capital construction projects sooner, thus saving on future costs. Also, a new Higher Education Federal Mineral Lease Revenues Fund was created to support capital construction and new capital improvement projects. A significant bill, the Colorado Achievement Plan for Kids (CAP4), revised school readiness standards, aligned Pre-K-12 standards and assessments, and required postsecondary and workforce planning at state institutions for the first time.

The League supported several bills in 2011-12 that established statewide transfer agreements to facilitate transfer of credits from community colleges to four-year universities and to recognize prior learning experiences. These transfer agreements included a general core of coursework that could be transferred.

In 2012 the League also supported bills that modified policies and procedures of higher education institutions to improve retention and graduation rates for students and clarified how the state regulates private institutions of higher education.

In 2013 the League advocated for two important in-state tuition proposals. Colorado ASSET (Advancing Students for a Stronger Economy Tomorrow), which finally passed after four attempts over five years. It allows any student who attends a public or private Colorado high school for at least three years and graduates to be given in-state tuition rates. Also passed was Tuition for Military Dependents that allowed dependents of members of the armed forces in Colorado to be eligible for in-state tuition.

The League also supported the successful Creation of a Manufacturing Career Pathway bill to increase the opportunities for vocational and technical education beginning in secondary school.

LWVCO supported advances in adult literacy and workforce development. A 2014 bill established a grant fund to support literacy and workforce readiness. In 2015 the percentage of graduates who immediately enroll in a career and technical education program, community college, or four-year higher education institution was added to criteria for performance evaluation of schools.

In 2015 the League supported another in-state tuition bill for any student who is a member of a federally recognized American Indian Tribe with historical ties to Colorado. The student would be eligible for financial aid but not the College Opportunity Fund. The bill was defeated in the Senate.

In 2016 a bipartisan effort supported by League resulted in homeless young people classified as residents for in-state tuition. Also, a new law was passed that allows school districts to lease space to community colleges which will help students to access higher education opportunities closer to home.

In 2018 the League supported a successful bill that gives employers a tax credit for contributions to employees' 529 accounts, accounts that can be used primarily for higher education.

Three main bills were worked on during the 2019 legislative session. HB19-1206 Higher Education Supplemental Academic Instruction, was one. Low-income and minority students are disproportionately placed into developmental education courses, which cost them money, do not count toward a degree, and extend time to graduate. Some students may become discouraged from pursuing a postsecondary education despite successfully completing developmental education courses.

This bill supports supplemental academic instruction with enrollment in gateway courses rather than requiring basic skills as stand-alone courses. A gateway course is the first college-level course in English or math that is approved for transfer and is required for the student's program of study. Institutions shall not enroll a student into stand-alone developmental education courses that may extend the student's time to degree. Data show that supplemental instruction reduces attrition.

SB19-002, Concerning the Regulation of Student Education Loan Servicers. The bill requires that a



student education loan servicer be licensed. Student loan servicers administer student loans, serving as an interface between the lender and the student loan borrower for receiving and applying payments and advising the borrower. There are no consistent, market-wide federal standards. Banks are regulated, as are collection agencies, but student loan servicers are not. Under the bill, servicers may not defraud or mislead borrowers; engage in unfair or deceptive practices, misapply payments; provide inaccurate information to credit bureaus; fail to evaluate the borrower for income-based repayment programs; or engage in other prohibited acts.

SB19-007, Prevent Sexual Misconduct at Higher Education Campuses. This bill requires institutions of higher education, including 4-year, 2-year, and technical colleges, to adopt a sexual misconduct policy for enrolled students, to publish and to periodically update. The policy should include definitions of sexual misconduct; options for reporting; explanation of the institution's role; procedures for investigating reports; prohibited actions during an investigation; protections for the complainant, reporter, and witnesses; and the appeal process.

Around a dozen bills were introduced on the topic of higher education or related items in 2021. They were wide ranging addressing funding and changes to how the public institutions function. The League followed and supported two bills: Colorado American Indian Tribes In-state Tuition, allows Native Americans from tribes historically attached to Colorado but living elsewhere to receive in-state tuition and Displaced Workers Grant, provides scholarships for training for workers whose jobs have been eliminated due to no fault of their own.

2022 bills, mostly supported by the League, included expanding student access to enrollment in postsecondary courses while the student is enrolled in high school; a higher education grant program for state institutions of higher education for the purpose of establishing, or expanding existing, inclusive higher education programs for students with intellectual and developmental disabilities; a bill that requires the Department of Higher Education to submit data related to postsecondary outcomes for students with a disability; a bill to permit community colleges to offer a bachelor of science degree in nursing to students pursuing a certificate in nursing; a bill that waives undergraduate tuition and fees for Colorado resident students who have been in foster care; a bill that includes a qualified education loan payment as an eligible distribution from a 529 plan for purposes of the state income tax deduction for contributions to 529 plans; and tuition assistance for students enrolled in building trade programs.

### Children

#### Child Care

#### **League Position**

##### **LWVCO supports:**

- affordable, quality childcare available to all regardless of financial circumstances;
- state licensing and continued oversight by an adequate, trained staff;
- use of public funds, public facilities, and employer contributions to provide for childcare;
- policies for adequate care of sick children of working parents;
- payment of child-care allowances through public funds, employer contributions, and private philanthropy; and
- legislation and community education for the crucial protection of families through affordable, quality childcare.

#### **League Actions**

An evaluation of child-care facilities in Colorado was adopted by the 1987 LWVCO Convention in order to be able to act on this issue. The study examined regulations, costs, and availability of child care.

Criteria for evaluation of legislation and the regulation of child-care facilities were developed. In 2011 LWVCO supported successful legislation that closed loopholes in the fingerprint-based background check requirements for newly hired child-care employees.

### Children's Support Systems

#### **League Position**

##### **Welfare of Children:**

It is desirable for children to be raised in their own homes and educated in their own communities whenever possible. They should be removed from their own homes only when adequate cause for removal has been proven. All children between the ages of six and sixteen should be required to attend a public or other school or receive comparable instruction. Provision should be made for the early diagnosis and correction of handicaps among children.

##### **Services for Children:**

Those entrusted with the responsibility for the disposition, care, and training of children should be qualified in their field. Modern casework procedures must be used in determining the disposition of a child. A special juvenile court system to insure the proper judicial climate with special juvenile court services should be provided for all children.

##### **Institutional Care:**

Institutions used for the care of children should meet modern standards with emphasis placed on individual care casework, services, and records. Adequate institutional care requires a high proportion of staff to children and a program that places emphasis on training, rehabilitation, and release of children as rapidly as possible.

#### **League Actions**

The LWVCO has been a primary advocate for children and children's laws since the early 1940s. The focus for several years was out-of-home placement of children in the detention system, in community facilities for trained supervision that could not be provided in the home, or in foster care. LWVCO worked for legislative funding for a juvenile detention center now in use.

During the 1989 session of the General Assembly, the LWVCO supported four bills that passed that provided for disabled children's home care, a Children's Trust Fund, enforcement of child support, and revised regulations in the enforcement of obligations.

Seventeen bills came out of the Family Issues Task Force and its eight sub-committees in 1993. Two bills that passed included one that changed the term "visitation" to "parenting" when referring to time spent by a non-custodial parent seeing his/her child. The other helped preserve families by making "reasonable efforts" to avoid unnecessary out-of-home placements.

In 1994 LWVCO supported legislation creating the Task Force to Recodify the Children's Code. In 1995 the League monitored the Task Force meetings and provided input to the Child Protection, Adoption and Relinquishment subcommittees.

LWVCO has monitored child abuse and neglect issues such as speeding up court processes, expediting investigations and proceedings, increasing penalties, and screening for potential abusers in child-care facilities. We supported legislation to remove the religious exemption for child abuse from criminal code.

The LWVCO supports legislation focused on fair and equitable child support payments. In 1995 legislation passed that allows for the suspension of a driver's license based on non-payment of child support, and in 1997 legislation mandating suspension of occupational and professional licenses for those in arrears (required by the 1996 federal welfare reform).

LWVCO supported creation of a Foster Care/Adoption Task Force. Progress was made with the

passage of bills that we supported to expedite dependency and neglect cases, ensure permanency for children, ensure the safety and well-being of children, improve the quality of foster care, and address the issues of homeless youth and youth emancipating from foster care. We have also supported legislation to expedite procedures to legally free children for adoption, to prepare them and adoptive families for adoption, and to better support adoptive families.

In 2005 LWVCO supported a comprehensive state and local child fatality death review system.

In 2010 LWVCO supported the creation of the Child Protection Ombudsman Program to recommend improvements to the system and to provide an impartial process for concerned citizens and individuals involved in the child protection system to register concerns and complaints about the system.

In 2011 we supported codifying the death review process in order to standardize it throughout the state.

In 2012 League opposed a bill that passed allowing juveniles in temporary child welfare custody to be placed at Ridge View Youth Services Center, a juvenile correctional facility serving delinquent youth.

With a goal of more efficient oversight and funding of early childhood programs, we supported a bill in 2012 that would have moved all such programs into an office of early childhood in the Department of Human Services (DHS). When that bill failed DHS created the office and moved all its early childhood programs into it.

In 2013 we successfully supported a bill that moved all early childhood programs from other departments into DHS's office.

In response to continuing concern about child abuse fatalities, two bills were passed in 2013 with League support. One improved the child abuse reporting system through creation of a statewide child abuse hotline, improvements in county hotline coverage, and increased training for hotline staff. The other made improvements in the state and local child fatality review process.

In 2014 League supported two bills that passed. One provided that a child over age 12 would have the option of returning to the family of origin if the family overcame the problem that was the basis for the termination (voluntarily or involuntarily). This provides one more path to permanency for older children. Another made it illegal under the Children's Code to advertise through a public medium for the purpose of finding or placing a child to adopt or take into permanent custody. An exemption was made for individuals and agencies authorized to facilitate adoption.

League supported creation of a narrower, common standard for what constitutes a drug-endangered child so that law enforcement, social services and mandatory reporters could make better assessments as to when intervention is needed, but the bill failed.

The Office of the Child Protection Ombudsman was originally placed in the Department of Human Services, which is one of the agencies it investigates: there were concerns about the independence and effectiveness of the office.

LWVCO strongly supported a significant 2015 bill that moved the office into the Judicial Department where it operates as a separate agency. Other successful legislation that the League supported closed gaps in background checks on prospective kin and non-kin foster parents, allowed child placement agencies to share confidential information with each other to better protect children and made permanent the differential response pilot project that allows a county department to provide services to a family based on their determination of the level of risk for further abuse.

In 2018 and 2019 we continued our support for improving the protection of children and encouraging adoption from the foster care system.

In 2018 we successfully supported a bill supporting former foster youth ages 18 to 21 by allowing

county departments of human services to provide them with supportive services after they have exited the foster care system.

In 2019 we successfully supported two bills to improve the protection of children. The first allows county adult protective services and county child protective services to access each other's abuse/neglect records in order to assess the safety of an at-risk adult or child. The other bill creates the Colorado Child Abuse Response and Evaluation Network (CARENetwork) that will result in the development and maintenance of a standardized coordinated medical response to suspected cases of child abuse or neglect. There will also be training and education for community providers and a referral process to those providers so that children can receive appropriate assessment and care in their own communities. The League also successfully supported a bill that significantly reforms the Colorado adoption assistance program by bringing it into compliance with federal law and standardizing the subsidy process thus ensuring that families are given equitable consideration for benefits regardless with which county department they are dealing.

In 2021 we successfully supported a bill, Foster Youth in Transition Program, that allows foster youth who have left the program to voluntarily re-enter between the ages of 18-21. It also creates a grant program and advisory board to provide services to former foster youth 18-23 to help transition to adulthood. This bill was created in response to concerns that many foster youths are eager to emancipate from the system only to discover they need help with housing, employment, education, mental health, and other issues.

Also, in 2021 we successfully supported a bill Early Childhood System creating a new department, the Department of Early Childhood, which will fulfill the League's long-standing desire to consolidate resources for early childhood education and services in one place. The new department will strengthen Colorado's early care and education system by reducing bureaucracy and duplicative efforts spread across various agencies and improve provider support to help ensure that families can obtain services they need when they need them. The bill also requires a plan to implement voluntary universal preschool statewide in alignment with voter intent in Prop EE.

## Health

### Health Care

#### **League Position**

Adopted 1987

#### **LWVCO believes:**

The state of Colorado should bear some financial responsibility for funding programs to guarantee access to health care.

Additional state monies should be generated to fund health care from "sin" taxes (alcohol, tobacco, luxury items) and income tax increases.

Physicians (to include but not limited to doctors, dentists, nurses, etc.) should be required to participate in state and federal health programs which serve the low-income and elderly population.

Medicaid coverage should be expanded to cover children and pregnant women at, or below, 150% of the federal poverty level.

LWVCO supports policies and programs to increase efficient use of our health care dollars by increasing reimbursement for wellness and preventive care, decreasing inappropriate medical services, and providing universal access to primary health care for all Colorado residents regardless of income level.

#### **League Actions**

Since 1990 LWVCO has supported creation of a health insurance plan for people who could not get insurance.

In 1994 an insurance reform bill to improve access to health insurance for small businesses was passed with League support.

In 1997 League supported several changes to the way Medicaid services were provided in Colorado. Recipients were encouraged to enroll in Health Maintenance Organizations (HMOs) instead of more expensive fee-for-service systems. Mental health parity was enacted in 1997 with League support. This law required health care policies to provide coverage for treatment of six major mental illnesses at least equal to coverage for physical illness.

League lobbied for several years on behalf of a bill strengthening protections against female genital mutilation. It passed in 1999.

The state was able to participate in the national Children's Health Insurance Program (CHIP), which provides insurance for children who would otherwise be uninsured. Legislation was passed in 2001 with League support to make paperwork easier, allow annual instead of monthly payments, lower family contributions, and set a higher income threshold at which families could qualify.

In 2001 League supported legislation, which passed, aimed at providing greater protection for Colorado children whose families object to medical treatment based on their religious convictions. In 2001 League supported Cover Colorado, which strengthened state assistance to those denied insurance because of pre-existing conditions.

During the 2002-03 legislative sessions, the League worked on major bills related to health insurance, prescription drugs, increased access to health care, and mandated health benefits. However, limits were placed on medical assistance services for Medicaid participants, mental health services were reduced, enrollment of pregnant women in health care programs was suspended, and limits were put on children enrolled in the Child Health Plan+ program (CHP+). Health insurance bills, especially those relating to small businesses that reduced the mandated benefits, were not supported by the League.

In 2004 League supported a bill that increased the eligibility for health care for children and pregnant women from 185 to 200% of the Federal Poverty Level (FPL), funded medical assistance to legal immigrants, and removed the asset test under the medical assistance program for children and families.

In 2007 supported by the League bills passed to provide prescription drug benefits and to establish the Colorado Cares Rx Drug Program to provide generic and non-patented drugs.

In 2008 a Blue Ribbon Commission for Health Care set up by the 2006 legislature reported on alternative health delivery systems. Spearheaded by the Larimer County League, LWVCO was in the forefront of this effort, testifying throughout the state. One of the five final plans, the provision for universal health care coverage, was supported by the LWVCO. Also, in 2008 the number of children covered by federal government programs was increased, by raising income eligibility for the Baby and Kids Care program under Medicaid. For the CHP+ program for children and pregnant women not covered under Medicaid, the income level was also raised. In 2008 the Governor formed a Behavioral Health Cabinet with the mission "to strengthen the health, resiliency, and recovery of Coloradans through quality and effective behavioral health prevention, intervention, treatment, and recovery." The economic crisis that began in 2008 caused such stringent spending reductions that many behavioral health programs were scaled back or were not funded.

In 2009 LWVCO supported the Colorado Healthcare Affordability Act assessing a fee on hospitals to raise revenue to be used to obtain matching federal dollars. This successful act increased reimbursements to hospitals under the Medicaid and Colorado Indigent Care program thus increasing the number of people covered by medical assistance. The League also supported an act that would have created single-payer health care coverage, but it was defeated. Recruitment of foreign-trained physicians for underserved areas was facilitated and assistance for student loan repayments for persons serving in these areas was approved.



During the 2010 session LWVCO supported four bills to standardize and increase the efficiency of the health insurance claims process. Regulations for school districts to provide parents with up-to-date information on their children's immunization requirements and status were put in place. Gender cannot be used to allow varied premiums for health insurance coverage. Mammography may be individualized for each patient. In Colorado, behavioral health includes the areas of mental health and substance abuse.

In 2010, four pieces of legislation, all supported by the League and all signed into law, established infrastructure and planning to increase access to adequate behavioral health care. One expanded the system of family advocates to include systems navigators to help families get through complex behavioral health benefits and related systems. Another authorized state agencies to enter into public/private agreements with nonprofits. The next authorized the state Department of Human Services to review current crisis services and formulate a plan to address the lack of coordinated crisis response services. The last authorized the governor to create a Behavioral Health Transformation Council to study and recommend changes in statewide behavioral health care design and delivery.

In 2011 LWVCO opposed a bill adding monthly premiums for some families whose children are enrolled in the CHP+ program. The bill passed but was vetoed by the governor. The Colorado Health Benefit Exchange, supported by LWVCO, set up a marketplace for businesses and individuals to purchase mandated insurance coverage. The bill passed. LWVCO also supported an unsuccessful bill for an authority to design a health care cooperative for Colorado. The legislature passed, with League support, a first step toward integrating public behavioral health and physical health services. The bill requires the Department of Health Care Policy and Financing (HCPF) to report to the legislature issues that relate to the provision of both to a patient during the same appointment.

In 2012 League supported successful legislation to increase access to health care requiring that bills to uninsured patients be capped at the lowest negotiated private payer rate and requiring screening for discount and charity eligibility. League also supported unsuccessful legislation requiring hospitals to provide notice of all services that the hospital refuses to provide because of religious beliefs.

Also, in 2012 following the mass murders at a theater in Aurora, the governor proposed and the legislature authorized the development of a statewide network of 24-hour crisis centers for people with mental health emergencies. Difficulties with the Request for Proposals and lawsuits delayed the implementation of these centers until late 2014.

In 2013 supported by League, a keystone bill was passed to expand Medicaid coverage to fill the gap before eligibility for subsidies through the exchange kicks in. Four other bills that League supported facilitate ongoing implementation of the federal Patient Protection and Affordable Care Act (ACA) and Colorado's own state health benefit exchange. League opposed a failed attempt to repeal the exchange. League also supported legislation addressing inconsistencies or gaps in health care coverage including required reporting of elder abuse.

In 2014 Colorado opened the doors on its health benefit exchange called Connect for Health Colorado. League supported successful supplementary health care bills that promoted access, quality, and affordability. Family Medicine Residency Programs in Rural Areas supported rural training for primary care physicians, and a new Colorado Commission on Affordable Health Care will look at rising health care costs and find long-term statewide solutions for consumer and public affordability.

In 2014 and 2015 League continued to oppose bills that sought to weaken Colorado's rollout of health care reform including repealing the health benefit exchange. All failed.

In 2015 League supported two bills that passed that aid patients to remain in their homes by requiring hospitals to provide enhanced transitions for patients and by studying caretaker respite needs. League continued its ongoing support of rural access options with a successful bill facilitating telehealth. League

also supported bills that conserve resources and reduce waste such as Prescription Give-back for Institutions.

We followed a multitude of bills in 2016. Those that passed made changes that improved the system. One law allows Medicaid recipients the option to receive prescribed drugs for chronic medical conditions through the mail paying no higher copays. Another allows the department of health and environment to adopt rules for emergency medical services providers. This bill also establishes the Community Assistance Referral and Education Services (CARES) program to improve the health of residents, prevent illness and injury, or reduce the incidence of 911 calls and emergency department visits for non-emergency, non-urgent care. Also important to our state, a law that now authorizes the governor to enter an interstate compact with other states to allow physicians licensed in a member state to obtain an expedited license enabling them to practice medicine in Colorado.

There was a large volume of health care bills introduced in 2017. Some dealt with consumer access and quality while others concentrated on costs. Our League successfully supported bills that improved substance abuse treatment, telehealth coverage, and Medicaid home health coverage. Most of the bills attempting to study various ways to ameliorate costs were defeated.

In 2018 there were health care bills that addressed behavioral health, transparency, health care costs and delivery systems. Several opioid bills were introduced in both houses to stem the effects of an opioid crisis that was resulting in high rates of prescription and illicit opioid addiction and overdose deaths in Colorado. The opioid bills successfully passed the legislature, but outside of those, there was very little progress in other key health care legislation which addressed consumer interests and needs.

The League supported four successful bills to prevent opioid misuse and overprescribing and to help victims with access to behavioral health care providers and payments for treatment.

In 2019 the Colorado legislature was very active with a host of health-care bills, many of which had titles and subject matter very similar to bills that had failed in prior years. The message in the bills was consistent: let's get the costs of health care down in Colorado and let's protect consumer access and quality in health care. Meanwhile the new Governor opened up a state Office of Saving People Money on Health Care. Bills focused on transparency, cost reduction options and innovation in health care delivery systems.

League supported successful bills that addressed transparency in hospital costs, prescription drug costs and out-of-network disclosures.

Additional bills the League supported and that passed examine options for major health care reform. The Health Care Cost Savings Act of 2019 considers the financial impact of four health care delivery system options, and the Proposal for Affordable Health Coverage Option proposes a state or public option to be offered as a choice on the Exchange. A new pilot project using existing alliance and cooperative health frameworks will address high-cost insurance. Other bills, which passed, and the League supported, seek to control some of the specific high-cost drivers and consumer experiences in health care, including Free Standing Emergency Departments Licensure, Import Prescription Drugs from Canada (both defeated in 2018) and a bill to reduce insulin prices.

Ongoing consumer input was supported by League in a bill to recreate the Consumer Insurance Council and one to create a statewide health care review committee. League took a watch position on a successful bill that intends to seek a waiver for a reinsurance fund with the anticipation that insurance companies would lower rates if reinsurance covered the costliest patients. The School Immunization Requirements, which League supported, was deemed lost in the final days of the session.

The success of the 2019 session was the passage of numerous bills that stand to provide thoughtful input to the health care delivery systems in the state and will in turn provide better prospects for cost, quality, and access for the consumer.

In 2020 League supported successful health care bills aimed at regulating nicotine products, allowing pharmacists to prescribe and dispense HIV infection prevention drugs, and modifying school entry immunization documents and processes. In the shortened legislative session, several health care bills were laid over or otherwise not fully vetted and ended up being saved for the 2021 legislative session.

In 2021 League supported bills aimed at reducing the cost of prescription drugs, all of which passed successfully. These included an expansion of the 2019 bill to import drugs from Canada, to the 2021 bill to expand importation to other countries. It was estimated that consumers could save 61% of prescription drug costs with the importation program, still requiring federal law modifications before potential implementation. The Prescription Drug Affordability Board (PDAB) was created through a bill establishing regulatory review of up to a dozen high-priced drugs annually. State employee health plans were targeted for prescription drug savings in a bill focused on a reverse-auction process for pharmacy benefit manager contracts. A follow-up bill from an earlier session addressed additional provisions around capping consumer costs for insulin.

HB21-1232, Standardized Health Benefit Plan Colorado Option, creating a standardized health plan option, to be offered on the Exchange, went through significant changes from an original public option plan, but ultimately passed, and may serve to provide an additional avenue for affordable health care options in the future.

Other successful 2021 health care bills that League supported tightened up consumer protections for transparency in billing and promoted ongoing planning around health care equity and disparities. Overall, the 2021 session made solid advances in health care affordability, while enhancing quality and access.

In 2022 League supported several health care bills which passed that could improve access to health care in rural and underserved communities, serving the League mission of encouraging Justice, Equity, Diversity, and Inclusion (JEDI). These included a bill to facilitate medical professional training opportunities in underserved areas through an enhanced preceptor tax credit program. Another bill supported expanded nursing bachelor degree programs in community colleges, which could help rural workforce needs. Legislation passed in the 2022 session that authorizes Colorado to participate in an interstate compact for licensed professional counselors. When enough states join the compact, Colorado rural and state border areas could benefit. Professional counselors, able to practice on an interstate basis could offer services to underserved areas, including via telehealth.

In 2022 League also supported health care bills utilizing American Rescue Plan Act (ARPA) funding. A bill that would provide for underwriting grants to support health care delivery models for integrated whole-person health. Another ARPA bill funded renovation of behavioral health beds at Fort Logan as well as around the state where there is a demonstrated community need.

Not all health care bills emerged from the session without amendments. A bill to provide for the redispensing of unused drugs, an area where millions of dollars within the state could be saved while serving clients unable to afford prescription drugs, was reduced to merely a commitment to continue to study this program.

### **Behavioral Health**

#### **League Position**

Adopted by LWVCO in 2015; adopted by LWVUS in 2017 by concurrence

#### **Support for:**

- **behavioral Health as the nationally accepted term that includes both mental illness and substance use disorder;**
- **access for all people to affordable, quality, in- and out-patient behavioral health care including**

needed medications and supportive services;

- behavioral Health care that is integrated with, and achieves parity with, physical health care;
- early and affordable behavioral health diagnosis and treatment for children and youth from early childhood through adolescence;
- early and appropriate diagnosis and treatment for children and adolescents that is family-focused and community-based;
- access to safe and stable housing for people with behavioral health challenges including those who are chronically homeless;
- effective re-entry planning and follow-up for people released from both behavioral health hospitalization and the criminal justice system;
- problem solving or specialty courts including mental health and drug courts in all judicial districts to provide needed treatment and avoid inappropriate entry into the criminal justice system;
- health education – from early childhood throughout life – that integrates all aspects of social, emotional, and physical health and wellness; and
- efforts to decrease the stigmatization of, and normalize, behavioral health problems and care.

### League Actions

In 2013 the LWVCO authorized a Behavioral Health Task Force to provide the League with information to understand the state of behavioral health more fully in Colorado and the public policy needs. The Task Force decided on its scope of work, heard from 13 highly qualified experts in behavioral health, researched, read publications, and obtained information from other Colorado resources. Seventeen Task Force members – psychotherapists, medical professionals, a former state representative, a former chief/district judge, a county commissioner, director of a substance use prevention agency, parents of adults with mental illness, and volunteers on statewide and county boards and behavioral health organizations – represented 10 Colorado Leagues.

In its study published in May 2014, the Task Force recommended that League advocacy positions should include Behavioral Health and health care should include parity between behavioral and physical health services. Everyone in Colorado with a behavioral health challenge should be able to access affordable, quality care and treatment, and Colorado must make available, from many points of entry, early and affordable behavioral health intervention and treatment for children and adolescents. Colorado needs to increase the number of beds available across the state for civil commitments, and behavioral health crisis centers across the state must be implemented as soon as possible. School curricula should be expanded to include units on behavioral health, and mental health screening should be provided in schools. Also, Colorado needs to provide strengthened, high-quality services for people with behavioral health challenges who are re-entering communities after incarceration or civil commitment.

In 2014 League supported three bills that became law. First, Use of Isolated Confinement for Mental Illness requires that “the DOC shall not place a person with serious mental illness in long term isolated confinement except when exigent circumstances are present.” It also requires the establishment of a work group made up of corrections management and psychiatric personnel, inmate advocates, and independent mental health professionals to advise the department on the proper care and treatment of severely mentally ill offenders in long term isolated confinement. Next a suicide prevention commission was established, made up of a cross section of public and private individuals, to examine the issue of suicides in the state and to address issues related to suicide prevention.

Finally, Mental Health Duty to Warn Target Entities was a response to the Aurora theater shooting in 2012. As the law stood, therapists had a duty to warn possible targets of their clients “where the patient

has communicated to the mental health provider a serious threat of imminent physical violence against a specific person.” The scope was changed to include warning larger, though still specific, entities, such as theater owners, that a mentally ill person had voiced credible threats against them.

League also supported a bill that failed to pass. The Legislative Civil Commitment Task Force recommended combining the statutes regarding alcohol and substance abuse and mental illness commitments into one comprehensive law. Opposition came from second amendment advocates, who objected to portions of the current statutes mandating the reporting of court ordered commitments to the Colorado Bureau of Investigations for use in background checks for gun sales. A substitute bill was introduced that would have modified the definition of gravely disabled and eliminated “imminent” danger and added “recent threats or actions” indicating danger to self or others as a task force had recommended. It was withdrawn by the sponsor because it also was opposed by gun rights advocates.

In 2015 League supported three bills to make incremental changes benefiting those who need behavioral health services. A bill passed that includes autism spectrum disorders in the state’s mental health parity law. Another bill that passed expanded the definition of mental health professionals to allow more professionals to treat minors with only the minor’s consent. While the League supported an effort to create a pilot program for Alcohol and Substance Abuse Medical Detox Centers within the Department of Human Services, it was postponed indefinitely due to lack of funding.

In 2016 League supported five Behavioral Health bills, four of which became law. First, the legislature enacted a suicide prevention bill that encourages all health settings to implement the Zero Suicide Model to improve the ability of health care providers to better support individuals who are at risk of suicide. Institutional adoption of the Zero Suicide framework allows for a broad impact leading to systemic change to reduce the rate of suicide deaths across Colorado.

Next, in response to findings of financial mismanagement within a Denver Community-Centered Board (CCB), a bill was passed to require periodic audits of the 20 nonprofit community boards that manage Medicaid and mill levy funds for Coloradans with disabilities.

Two other bills made incremental improvements to behavioral health care. One required mental health professionals to report to schools and law enforcement authorities when a person makes an articulable and significant threat against a school or the people in a school. The other bill outlines policies designed to increase employment opportunities for persons with intellectual and developmental disabilities. Finally, League supported an effort to clarify which mental health professionals must be included in a memorandum of understanding establishing a collaborative management team to improve outcomes for children, youth, and families involved with multiple agencies; it was postponed indefinitely.

With an emphasis to make Colorado a leader in behavioral health, 2017 ushered in many behavioral health bills. League supported 13 of these; all passed but one. Five of the bills emanated from an ongoing task force concerning mental illness in the criminal justice system. Of these a significant bill aiming to strengthen Colorado’s Behavioral Health Crisis System spells the end of using jails as holding facilities for persons experiencing a mental health crisis and enhances the ability of emergency departments to serve those who are experiencing a behavioral health crisis.

As Colorado has recognized the growing opioid addiction epidemic, youth suicides, and substance abuse, two bills were passed. One creates a two-year pilot program in areas within Colorado where opioid use is the highest wherein grants will be awarded to increase access to addiction treatment. The other bill establishes a research center for substance abuse and addiction as well as prevention strategies and treatment at the University of Colorado Health Sciences Center.

Several other bills were passed to address behavioral health issues. A bill laying the foundation for a housing program for persons with mental illness transitioning from incarceration addressed a critically needed area. Another bill expanding grant funding, increases students’ access to school health



professionals. Also, to correct an omission in previous legislation, a patient with acute stress disorder or posttraumatic stress disorder now has the statutory right to use medical marijuana.

Finally, with several behavioral health bills requesting appropriations from the Marijuana Cash Tax Fund (MCTF), a bill was passed allowing the use of MCTF to fund services for behavioral health disorders, including those provided to persons diverted from the criminal justice system.

In 2021 the LWVCO followed two bills related to improving how domestic abuse cases are handled within the judicial system. One bill, Policies and Procedures to Identify Domestic Abuse, establishes a task force that will develop a statutory definition for the Colorado Children's Code to define "domestic abuse" in a way that recognizes the impact domestic abuse may have on the emotional and developmental well-being of a child. The other bill, Domestic Violence Training Court Personnel, increases and clarifies domestic violence training requirements for court personnel who are regularly involved in cases related to domestic matters, including child and family investigators, parenting responsibility evaluators, and legal representatives of children. It does so by requiring initial and ongoing training on domestic violence, child abuse, and child sexual abuse and its traumatic effects on children, adults, and families. These bills are part of an effort to recognize the significance of domestic violence on behavioral health.

### **Reproductive Choice**

#### **League Position**

Statement of Position on Public Policy on Reproductive Rights as announced by the LWVUS Board January 1983

**The League of Women Voters of the United States believes that public policy in a pluralistic society must affirm the constitutional right of privacy of the individual to make reproductive choices.**

#### **League Actions**

In 1984 LWVCO opposed an initiative passed by the voters to prohibit the use of state funds (Medicaid) for abortions for poor women because it was seen as discrimination against economically disadvantaged women. Since then, many anti-abortion initiatives and legislative bills have come up in Colorado that would have made abortions impossible or very difficult for different groups of women and made it dangerous for doctors and their practices to offer the service of abortion.

LWVCO joined with other organizations to oppose parental notification, late-term abortion restrictions, protection of the viable child, and the so-called women's right to know.

In 1998 an initiative passed in Colorado that would have required notification to a parent that a minor child was seeking an abortion. The measure was struck down as unconstitutional by the Tenth Circuit Court of Appeals based on failing to provide an adequate health exception. In the 2003 legislature a similar bill, only slightly revised, passed on the last day of the legislative session.

In 2000 Governor Bill Owens removed funding for 14 rural health clinics run by Planned Parenthood because the organization provided abortions. These clinics were not providing abortions, but this loss, combined with reduced federal funding, meant that by 2002 many medical services previously free were now being charged on a sliding scale, beyond the reach of many.

LWVCO opposed a bill in 2003 that would increase regulatory burdens on abortion providers, which failed. Also, in 2003, LWVCO supported a bill that would give sexual assault victims information about emergency contraception. It failed but was passed in 2005 only to be vetoed by Governor Owens and eventually passed and signed by Governor Ritter in 2007.

In 2008 LWVCO supported a successful bill that increased the poverty level for Medicaid recipients, which enabled previously uncovered Coloradans to receive assistance with reproductive services — but not abortions.

In 2010, 2011, 2014, and 2015, several bills concerned with murder or violence committed against the unborn failed. LWVCO opposed them because they would have added fetal personhood language to Colorado statute. The League supported a successful bill to assure that reproductive services are included in insurance coverage.

In 2008, 2010, and 2014 initiatives appeared on the ballot to define when life begins and assert fetal personhood. All failed by large margins.

Between 2012 and 2013 LWVCO opposed two bills that both failed in committee. One was a proposed memorial to be sent to the president that would put Colorado on record as opposing required health insurance coverage for any health service to which employers have religious objection. The second would have prohibited almost all abortions except when performed to save the life of the mother.

Two other bills relating to reproductive choice were supported by LWVCO and were signed into law. The first bill increases penalties against criminal conduct, intentional or accidental, causing death of a fetus. This bill does not confer “personhood” on the fetus, and a woman’s right to a legal abortion and a doctor’s right to perform an abortion are protected. The second bill provides for the use of state and federal grant money for school districts that wish to include comprehensive, accurate sex education in their curriculum and need financial help in doing so.

A 2014 bill would have allowed felony charges against abortion providers. It was opposed by League and failed. A measure supported by League to ensure women’s unencumbered access to reproductive health care, the Reproductive Health Freedom Act, also failed.

In 2015 several bills made unsuccessful attempts to restrict reproductive choice. Three of the bills would have placed onerous restrictions on doctors, clinics, and clinical practice by threats of felony charges, ultrasound requirements, and a licensing mandate. A fourth bill would have outlawed abortions for the purpose of sex selection, allegedly practiced as part of a cultural pattern of son preference. This bill was a nearly exact copy of a failed 2013 federal measure. LWVCO opposed them all.

In the area of birth control, a 2015 bill would have authorized state monies to continue a grant-funded program providing long-acting, reversible contraception and related services to low-income women in the state. The League was disappointed in the bill’s failure since the program, administered through the state health department and begun in 2008 as a demonstration grant, was so successful in reducing unwanted pregnancies among teens that it was a model around the country. The initiative reduced teen pregnancies by 40% among those receiving devices, saving tens of millions of dollars in Medicaid costs.

Two bills in 2016 made attempts to move Colorado statutes a bit closer toward fetal personhood. One would have allowed homicide charges to be brought in cases of assault on pregnant women resulting in the deaths of their unborn children. The other attempted to change the legal definition of “person” to include those “born alive” — a definition that already exists in the Colorado Revised Statutes (CRS), but in the bill was a reference to rare but headline-grabbing cases of late-term abortions resulting in live births. League opposed both bills, and both failed.

One bill the League could support did emerge, though it failed. It would have brought contraceptive insurance coverage in Colorado in line with mandates in the Affordable Care Act.

Both 2016 and 2017 saw the same bill to outlaw abortion and charge providers with a Class 1 felony. Both sessions also produced the usual bills that attempted to create onerous restrictions on clinics, providers, and patients such as rigorous facility standards, specific scripts for providers to follow, and mandatory ultrasounds and waiting periods for patients. An interesting twist to these bills is the involvement of the attorney general in inspecting and creating rules for clinics and providers. All these bills failed, and League opposed them.

A bill in 2017 would have required the state (on the Department of Public Health and Environment

website) to inform pregnant women seeking terminations that they could “reverse” a chemical abortion halfway through the two-stage process. The recommended procedure is scientifically discredited and is the brainchild of a doctor working in a religiously affiliated clinic. The bill was voted down in a house committee – but, incredibly, by just one vote.

In 2018 a comprehensive bill, HB18-1438, Health Care Coverage – Reproductive Health Care, was introduced. This legislation would have required coverage for reproductive health care services and covered pregnant women 180 days past pregnancy. This bill was PI’d. Also, PI’d was HB18-1082 encouraging women requesting an abortion to have an ultrasound to obtain “accurate” information.

As has become the norm in all legislative sessions, in 2019, Protect Human Life at Conception, was introduced and PI’d.

In 2020, The Colorado Building Families Act passed. This bill required insurance coverage for infertility services. (But a later court ruling limited coverage requirements for small businesses and self-employed). Again in 2020, bills intending to restrict abortion continued to be introduced in the Colorado legislature. Two bills would have mandated that doctors provide medical care to a child born alive after or during an abortion. This was PI’d. Protect Human Life at Conception, and Prohibition on Abortion after 22 weeks, were also PI’d.

However, enough signatures were obtained to place a 22-week abortion ban on the ballot in November 2020. But then, this bill, known as “Due Date Too Late,” was defeated by 59% of the vote.

In 2021, LWVCO strongly opposed Protect Human Life at Conception. This anti-abortion bill was a repeat of those introduced in previous years and was postponed indefinitely (PI’d).

Health Care Access in Cases of Rape or Incest was supported by LWVCO and passed. LWVCO strongly supported Reproductive Health Care Program, which passed. This provides contraceptive methods and counseling to individuals who are not eligible for coverage under Medicaid because of their citizenship or immigration status.

LWVCO supported Protecting Preventative Health Care coverage, which passed. This bill codified certain preventative healthcare services. Some services were lost by amendment, but the bill did retain coverage for sexually transmitted (STI) diagnosis and treatment for minors without parental notification. It stipulates coverage regardless of a patient’s gender. It also requires insurance to cover the total cost of contraceptives.

LWV supported Protection of Pregnant People in Perinatal Period. This covered vaginal birth after a previous caesarian birth and repeals language that disallows a pregnant person with a viable fetus, or someone acting on their behalf, from executing a declaration that life-sustaining procedures be withheld or withdrawn. This bill passed.

## Justice

### Justice System

#### **League Position**

Adopted 1978, rev. 1993

#### **Support of Judges**

The League supports:

- nonpartisan selection of judges on an appointive/retentive basis (reaffirmed in 1977);
- mandatory training for judges as soon as possible after appointment including such training as courtroom administration, available sentencing alternatives, and courtroom procedures; and
- a program of continuing education, preferably required, for judges.

## State Support of Services

The League supports:

- state support of district and county courts.

## Community Corrections

The League supports:

- support of community corrections as an alternative to state institutionalization for criminal offenders selected by careful screening procedures.

## Department of Corrections

The League of Women Voters supports:

- measures which promote redirection of the inmates' lives by providing incentives and opportunities for them to understand their behavior and to cope with societal demands;
- measures which promote an ongoing diagnostic and screening process to assure proper classification and program placement;
- measures which include programs that promote both work and educational experiences;
- measures that provide a humane and safe environment for inmates and staff;
- mandatory training for all correctional personnel; and
- education should be an option for inmates at least on a part-time basis.

## Correctional Industries Program:

- The program should have an advisory board that includes representatives of private industry.
- Industries' programs should provide participants with marketable job skills.
- Supervisors should be competent in the work process.
- The product or service produced should be marketable.
- Inmates must perform acceptably.
- Pay scale and employment hours should allow the inmate some choice.
- After considering both aggravating and mitigating circumstances, judges should use the least costly form of punishment consistent with the crime and the offender. Prison should be used primarily for violent offenders.
- The state should consider developing and using sentencing guidelines to ensure statewide judicial consistency in sentencing.
- Offenders should have equal access to adequate legal representation and treatment of offenders should be free of discrimination.
- The array of education and treatment services needed by offenders in prisons and in communities should be adequately funded. These services include basic education, job training, treatment for abuse of alcohol and drugs, and health and mental health care.

## Prison Overcrowding (adopted 1993)

Prison overcrowding should be alleviated through:

- expanding the use of intermediate sanctions for nonviolent offenders and in parole revocation for technical violations. Intermediate sanctions include community corrections, community service, electronic monitoring, intensive supervision probation, restitution, work release, fines,

and required community-based treatment for use of alcohol and illegal drugs;

- increasing the use of boot camp for offenders who agree to participate in this program; and
- allowing judges greater discretion in determining the place\* of sentence by reducing the number of offenses that require mandatory prison sentences.

**\*Note:** Felony offenders can be sentenced to the Department of Corrections (prison) or to the custody of the Judicial Department (probation).

### League Actions

The Colorado judicial system is regarded as a model for other states. This was one of the first states to implement merit selection and tenure in its court system. In 1966 the LWVCO and the Colorado Bar Association sponsored successful passage of a constitutional amendment which provided for two judicial commissions: (1) to make recommendations to the governor for the selection of judges for the Colorado Supreme Court and the District Court and (2) to investigate and resolve disciplinary matters concerning alleged judicial willful misconduct or failure to perform duties.

A League study, "Colorado Corrections System," with emphasis on goals, programs, facilities, and funding of adult corrections was adopted in 1978. Prison industries were investigated for their rehabilitative value as well as cost effectiveness. A new consensus was adopted in 1978.

The system was further refined in 1979 by legislation (supported by League) directing the Judicial Department to increase the salaries of judges in the state court system, increase the number of judges on the Court of Appeals, mandate the development of risk assessment guidelines for the parole board, provide for an information exchange about parolees and prisoners, and facilitate the tracking of offenders through the system to develop a plan for the evaluation of judges seeking retention in office.

By 1988 LWVCO supported and the legislature enacted legislation to establish state and district commissions to evaluate judicial performance prior to elections for the retention of justices and judges. Retention recommendations are printed in the Blue Book for each election and are available online. LWVCO has consistently opposed bills that call for the direct election of judges.

In 1990 League supported legislation, enacted by the legislature, designed to ease prison overcrowding by allocating funds to build an additional prison, establish pre-parole facilities and programs, and expand diversion programs and community corrections.

The 1991 LWVCO State Convention adopted a two-year program to restudy the justice system to develop positions on sentencing and prison overcrowding. The scope of the study was limited to adult offenders. LWVCO supported the creation of a nonpartisan Colorado Commission on Criminal and Juvenile Justice in 2007 to undertake a comprehensive analysis of Colorado's criminal code, sentencing laws, prevention programs, and other aspects of the criminal justice system. The purpose was to focus on recidivism reduction initiatives and cost-effective expenditure of limited criminal justice funds. Through 2011 bills on sentencing reform, re-entry of individuals into the community from jail and prison, reforms to parole guidelines, and changes to Driving Under the Influence (DUI) and Driving While Ability Impaired (DWAI) passed on the recommendation of the commission and with League support.

League also supported unsuccessful legislation requiring the department of corrections to allow a low-risk sex offender to complete his or her required treatment in a community-based program if the department does not have enough prison-based treatment for the offender.

A 2017 bill was a repeal and reenactment of an entire section of the Colorado statutes on judicial performance evaluation and commissions. The stakeholders, including the current state commission, were consulted for approval through the legislative amendment process and approved the bill as passed. The basic tenets of the previous statutes were retained, but membership in the state



commission was increased to eleven from ten for additional duties of oversight and planning for the entire system, expiration of terms of commission members were adjusted, senior judges were added to the re- quired evaluation process, a courtroom observer program was initiated, and the recommendation for retention election for judges was changed from “Retain/ Do Not Retain” to “Meets Performance Standard/Does Not Meet Performance Standard.” The League supported the bill, and it passed.

In 2017 League supported three successful bills that help reform the criminal justice system in Colorado. The bills that were adopted allow for a more effective use of the resources provided for parole supervision, bring together several existing statutes governing “good time” for county jail inmates, and make community corrections consistent with current practice. League also supported unsuccessful legislation requiring the Colorado Department of Corrections to allow a low-risk sex offender to complete his or her required treatment in a community-based program if the department does not have enough prison-based treatment for the offender.

The 2020 session included the passage of Enhance Law Enforcement Integrity. This bill was the most comprehensive police accountability law passed in the country following the George Floyd murder. It includes:

- provisions for body cameras;
- bans on certain use of force;
- use of force against a fleeing felon only when there is an imminent threat to another;
- provision for failure of an officer to intervene in the case of excessive force;
- prosecution of individual police;
- announcement of use of force against protesters; and
- decertification of an officer convicted of misconduct.

In 2021 the League supported two criminal justice reform bills, only one of which passed the legislature. The bill that was adopted creates practices to promote the health and safety of incarcerated pregnant women. Over a year was spent working on this bill with both stakeholders and the mortality review committee. The bill helps to ensure the safe and respectful treatment of incarcerated pregnant women and provides them with various services such as counseling, nutrition, parenting support, and birthing supplies. Care extends into the postpartum period. The law also prohibits the use of restraints on pregnant women while in custody. It promotes bonding between parent and child through visitation and breastfeeding, which provides for better post incarceration outcomes.

### Juvenile Justice

#### League Position

Adopted 2001

The League believes a juvenile justice system should include the following features:

- prevention and early intervention programs;
- fair and impartial treatment of all offenders;
- early assessment of the needs of the juveniles;
- programs that are age and gender appropriate;
- a variety of services including mental health, counseling, and vocational and educational services;
- family and community involvement programs with trained staff and adequate funding;
- frequent and thorough oversight and evaluation of staff, programs, and facilities, both public and

private; and

- **League has strong concerns about charging juveniles as adults, particularly the younger ones. This option should be reserved for the most heinous crimes and only as a last resort.**

### League Actions

LWVCO's involvement with the Task Force to Recodify the Children's Code in 1994 and 1995 led to an increasing concern about juvenile justice. We supported legislation creating a youth crime prevention and intervention fund to provide grants to programs for youth crime prevention. We supported legislation that created the Division of Prevention and Intervention Services for Children and Youth within the Department of Public Health and Environment. We also supported continuation of the Youthful Offender System for juveniles charged as adults. LWVCO worked unsuccessfully to defeat legislation that lowered the age at which juveniles may be charged as adults to 12 and lowered the age at which juveniles could be direct filed on to 14.

Beginning in 2006, we worked to re-form laws regarding the direct-file process. Success finally came in 2012 with passage of three significant bills. The first raised the age for direct file from 14 to 16, allowed for judicial review of a direct-file decision, limited cases eligible for direct-file to only the most egregious, and exempted some direct-filed youth from mandatory minimum sentences. The other bills prohibited holding a youth charged as an adult in an adult facility prior to trial unless agreed to by a district court judge and allowed for longer juvenile sentences in certain cases giving district attorneys more flexibility in their decision of whether to direct-file.

In 2006 League successfully lobbied for passage of a bill that changed the mandatory sentence for juveniles charged as adults with a class I felony from life in prison without parole to life in prison with the possibility of parole after 40 years, repeated efforts to make the law retroactive have been unsuccessful as of 2015. We also supported bills that were adopted to encourage the use of restorative justice practices with juveniles, to open up eligibility for sentencing to the Youthful Offender System to more juveniles sentenced as adults and to certain 18- and 19-year-olds, to bring Colorado into compliance with federal law regarding the housing of juveniles in adult jails and lockups, and to allow juveniles charged as adults to be held in a juvenile facility prior to trial.

In 2013 League successfully supported a restorative justice pilot program bill to allow use of restorative justice prior to filing charges and a bill that created an interim committee to study the issue of juvenile defense in juvenile delinquency proceedings. The study showed that over a period of 10 years 40% of children in delinquency cases were not represented by a defense attorney at any stage in their case even though children have a constitutional right to counsel in juvenile court. This resulted in a bill passed in 2014, supported by League, which improved access to defense counsel for juveniles at detention hearings and first appearances in court. League also supported a successful 2014 bill allowing the State Public Defender to hire social workers to assist in the defense of juvenile defendants in juvenile court. In the 12 states that already had this policy in place, it increased the use of alternatives to detention and incarceration and improved outcomes for juveniles.

A 2015 success was Juvenile Petty Offense Contracts providing an alternative way for juveniles who have committed a petty offense to be held accountable for their actions without going to court and acquiring a juvenile record. Another bill that League supported failed to pass. Policies on Juvenile Shackling in Court would have required the chief judge in every judicial district in the state to develop and implement an appropriate and evidence-based policy regarding the shackling of juveniles in juvenile court. Even though the bill failed, the Chief Justice of the Colorado Supreme Court directed the chief judges to do this. In 2016 and 2017 we continued our efforts to support a juvenile justice system that is rehabilitative in nature and safe for the children who are in its care. In 2016 we supported two bills that reform how juveniles who were charged, convicted, and sentenced as adults for crimes they committed when they were children are treated in the justice system. Both bills passed. The first bill created re-

sentencing options for offenders serving a mandatory sentence of life in prison without the possibility of parole for a crime committed when they were children. These offenders are now re-sentenced to life in prison with the possibility of parole after 40 years minus earned time or a determinate sentence in the range of 30 to 50 years minus earned time. The other bill directed the Department of Corrections to create and implement a program to prepare chosen offenders who were sentenced as an adult for a crime committed when they were children for life in the community when they are released. We also successfully supported a bill that codified safety provisions for the use of restraint and seclusion of individuals, particularly youth that are detained by a state or local agency.

In 2017 we supported four important juvenile justice reform bills, and they all passed. The first made significant reforms to the juvenile justice system. It changed the name of the Division of Youth Corrections back to the Division of Youth Services and clarified that its purpose is to rehabilitate youth. In addition, it established a therapeutic and rehabilitative pilot program within the Division of Youth Corrections. It required phasing out the use of physically harmful restraints, pain-compliance techniques, and seclusion; implementing trauma informed practices into its programs; and creating community boards to promote transparency and community involvement. The next improved and simplified the expungement process for juveniles. Another prevented a child aged 10 to 12 from being ordered to detention unless he/she has been arrested for a felony or a weapons charge.

In 2018 and 2019 League successfully supported two significant juvenile justice reform bills. The first created a juvenile specific definition of competency to proceed within the Children's Code and clarified procedures for establishing incompetency and restoration of competency. The second focused on reforming juvenile diversion, probation, and parole through the statewide use of validated screening and assessment tools.

In 2021 a bill was passed to clarify, improve, and expand the juvenile diversion programs in Colorado. It established a pre-arrest category, allows funding to entities other than the district attorney's office, so that community-based diversion programs can be created. The bill also creates more transparency in the assessment process for acceptance into the program and requires acceptance of juveniles should they meet the criteria.

### Death Penalty

#### **League Position**

Statement of Position on Abolition of the Death Penalty, as adopted by the 2006 Convention

**The League of Women Voters of the United States supports the abolition of the death penalty.**

#### **League Actions**

In 2006 at the Convention of the League of Women Voters of the US, delegates voted to concur with a position adopted by the LWV of Illinois resulting in the position: The League of Women Voters of the United States supports the abolition of the death penalty.

LWVCO supported a bill in the 2013 session to repeal the death penalty in Colorado.

In 2016 a bill was introduced, with League opposition, which would have required only 9 of 12 jurors to impose the death penalty. It was killed in the Senate Judiciary Committee. That same committee heard a bill in 2017 that would have eliminated the death penalty, but it was defeated even after many witnesses, including DAs, murder survivors, and League testified for it.

A bill to repeal the death penalty in Colorado in favor of a maximum sentence of life without parole was introduced in 2019 and passed in a senate committee. The bill was withdrawn by the (tearful) sponsor due to uncertainty about getting enough votes to pass the senate floor. It will be reintroduced in 2020.

On March 23, 2020, Colorado became the 22nd U.S. state (plus the District of Columbia) to abolish the death penalty. The law repealed the state's capital punishment statute and commuted the sentences of the state's three death-row prisoners to life without possibility of parole.

## Gun Safety

### **League Position**

Statement of Position on Gun Policy, as adopted by 1990 Convention and amended by the 1994 and 1998 Conventions

**The League of Women Voters of the United States believes that the proliferation of handguns and semi-automatic assault weapons in the United States is a major health and safety threat to its citizens.**

**The League supports strong federal measures to limit the accessibility and regulate the ownership of these weapons by private citizens. The League supports regulating firearms for consumer safety.**

**The League supports licensing procedures for gun ownership by private citizens to include a waiting period for background checks, personal identity verification, gun safety education, and annual license renewal. The license fee should be adequate to bear the cost of education and verification.**

**The League supports a ban on “Saturday night specials,” enforcement of strict penalties for the improper possession of and crimes committed with handguns and assault weapons, and allocation of resources to better regulate and monitor gun dealers.**

### **League Actions**

During the early 1990s the LWVCO responded to the increase in gun deaths and injuries, particularly those involving children, and supported successful bills to increase the penalty for drive-by shootings and to restrict possession of weapons within a school zone. The League opposed bills to allow state pre-emption of local gun control ordinances and to make it easier to obtain a permit to carry a concealed gun anywhere in the state. All failed. After the tragic April 1999 shooting at Columbine High School, the LWVCO and other groups called for action on prevention measures, but too little time remained in the session. The LWVCO cosponsored a May 1, 1999 protest and march against the National Rifle Association (NRA) meeting in Denver. Many believed that the NRA should cancel the meeting or move its location in deference to the Columbine victims and families, but the NRA did not.

The 2000 legislature introduced some 24 gun-related bills. The LWVCO supported measures to reinstate Colorado Bureau of Investigation (CBI) background checks on gun purchasers, prohibit straw purchases, close the gun show loophole, raise the minimum age to buy handguns from 18 to 21, and require safe storage of guns – all measures supported by the governor, and the last three defeated by his own party. This activated a new organization, SAFE (Sane Alternatives to the Firearms Epidemic) to get a ballot initiative on the 2000 ballot to close the gun show loophole. LWVCO supported the amendment, which passed by 70%.

In 2003 the legislature passed into law two major gun bills opposed by LWVCO: one mandated that sheriffs “shall” issue concealed-carry permits to qualified applicants; the other gutted the authority of cities and counties to regulate firearms locally.

In 2007 the legislature passed two bills authorizing the state to maintain the existing statewide database of concealed-carry permittees until 2011 and closing a loophole to clarify that a person cannot use a concealed carry permit from another state unless the person resides in the issuing state. The League supported both measures.

In 2009 an attempt, opposed by League, to reopen the gun show loophole was turned back. The League supported two companion bills passed in 2010 that: (1) prohibit people arrested for felonies and violent crimes, or who have restraining orders against them, from purchasing firearms, and (2) require CBI to investigate old felony arrests where disposition of the case is not indicated in any database.

In 2013 League opposed bills that failed that would have increased the presence of guns in the community and exempted Colorado from federal firearms regulations. The governor signed five-gun safety bills, all supported by League, that require background checks on almost all gun transfers, require gun buyers to pay for background checks, prohibit large-capacity (over 15 rounds) magazines, require

in-person rather than on-line training for concealed carry permits, and mandate relinquishment of firearms by domestic violence offenders.

In the summer of 2013, opposition from the gun rights movement responding to these bills resulted in the unprecedented recall of two state senators, and the resignation of a third. A 2014 bill to restore the right to carry firearms to certain nonviolent felons, after a period of lawful abidance and a required appeal process, was supported by League based on re-entry to the community. The bill was defeated.

In 2015 eleven bills to repeal or relax gun safety laws were introduced in the legislature and opposed by League. Bills that started in the house were killed in committee while those introduced in the senate passed that body but were killed on reaching the house. The annual attempts to weaken or eliminate concealed carry (CCW) permit requirements were introduced. Deadly Force Against Intruders in Businesses (2009 on) made its annual appearance. One extreme bill would have allowed anyone with a CCW permit to carry a hidden weapon on school grounds and in public schools. Members of the Colorado Coalition Against Gun Violence (CAGV), which includes LWVCO, testified in committee where proponents of gun safety finally outnumbered gun advocates.

More guns for more people, the gun lobby theme, continued in 2016 and 2017 with repeated attempts to weaken or repeal Colorado gun laws – bills that were routinely defeated. However, in 2016 a new bill appeared, one that would allow those ages 18 to 21 that are active in the military or honorably discharged to obtain a CCW permit. (In Colorado those under 21 may not legally purchase a handgun.) In 2017 a new bill would have allowed school employees who possess a CCW permit to carry guns at school. League opposed both, and they were defeated.

In 2018 several bills to repeal gun safety or loosen restrictions on guns were introduced and defeated. A bill that passed was Penalty for Burglary of Firearms, which increased the penalties for stealing guns. In 2019 many of the same bills were introduced and defeated. The Extreme Risk Protective Order (ERPO), also known as the Red Flag bill, was passed and signed by the governor. A recall effort of the bill's sponsor failed.

Because of COVID-19, bills were killed due to lack of time to deal with the issues, especially controversial legislation. Bills were often brought back in the 2021 session of the Colorado General Assembly.

In 2021 several bills supported by the League passed the legislature. It was a good year for gun safety advocates with bills promoting gun safety passing and those detrimental to gun safety being killed. Among the bills passed were Safe Storage of Firearms; reporting of Lost or Stolen Firearms; Local Regulations of Firearms allowing stronger restrictions on purchase and possession of firearms, ammunition, components and accessories and permitting cities, counties, special districts, and public colleges and universities to prohibit guns in public buildings and specific areas under their jurisdiction; increased regulation of Domestic Violence Relinquishment; expanded Background Checks; and creation of an Office of Gun Violence Protection.

## Immigration/Trafficking

### Immigration

#### **League Position**

Statement of Position on Immigration, as announced by the LWVUS Board, April 2008

**The League of Women Voters believes that immigration policies should promote reunification of immediate families; meet the economic, business, and employment needs of the United States; and be responsive to those facing political persecution or humanitarian crises. Provision should also be made for qualified persons to enter the United States on student visas. All persons should receive fair treatment under the law.**



The League supports federal immigration law that provides an efficient, expeditious system (with minimal or no backlogs) for legal entry of immigrants into the United States.

To complement these goals the League supports federal policies to improve economies, education, job opportunities, and living conditions in nations with large emigrating populations.

In transition to a reformed system, the League supports provisions for unauthorized immigrants already in the country to earn legal status.

The League supports federal payments to impacted communities to address the financial costs borne by states and local governments with large immigrant populations.

### **League Actions**

In the 2011 legislative session, seven bills and four resolutions addressed various aspects of illegal immigration, with LWVCO responding to them based on the LWVUS positions. One would have made violation of federal immigration law also a state offense and authorized law enforcement to arrest a person without a warrant if the officer had “probable cause” to suspect that the person was an alien who was in violation of three enumerated federal offenses. LWVCO opposed this bill, which died in committee.

In 2013 League successfully supported passage of Colorado ASSET (Advancing Students for a Stronger Economy Tomorrow). This legislation established criteria allowing any student who attended a Colorado high school for at least three years, and graduated, to be recognized as a resident and given in-state tuition rates at Colorado public institutions of higher education.

In 2013 League also supported the Community and Law Enforcement Trust Act, successfully repealing statutes passed in 2006 that put sheriffs and police in the business of enforcing immigration laws and Driver’s License & Identification Documentation that created a special class of driver’s license for undocumented residents.

Immigration and supports for immigrant populations received a lot of attention during the 2021 session and the LAC followed several bills in this area, including SB21-199, Removing Barriers to Certain Public Opportunities. This was a key bill that aims to address barriers for undocumented immigrants that resulted from legislation passed during the 2006 special session by repealing restrictions that limited access to state benefits and limited career opportunities by denying professional licenses.

## **Human Trafficking**

### **League Position**

Statement of Position on Human Trafficking, as adopted at the LWVUS 2014 National Convention  
**The League of Women Voters opposes all forms of domestic and international human trafficking of adults and children, including sex trafficking and labor trafficking. We consider human trafficking to be a form of modern-day slavery and believe that every measure should be taken, and every effort should be made through legislation and changes in public policy to prevent human trafficking. Prosecution and penalization of traffickers and abusers should be established, and existing laws should be strictly enforced. Extensive essential services for victims should be applied where needed. Education and awareness programs on human trafficking should be established in our communities and in our schools.**

### **League Actions**

In 2014 supported by League, a significant bill passed to classify human trafficking of a minor as a sex offense against a child, increase penalties for traffickers, and create the Human Trafficking Council of Colorado to recommend future legislation and coordinate state and local resources.

In 2015 LWVCO supported a bill that passed that gives minor and adult victims of human trafficking an affirmative defense to a charge of prostitution made on or after July 1, 2015. The legislation also established that, if charged or convicted of the crime of prostitution before July 1, 2015, minor victims

can petition to have their records expunged and adult victims can petition to have their records sealed.

LWVCO also supported successful legislation that directs the Human Trafficking Council to make recommendations to the House and Senate Judiciary Committees as to whether the General Assembly should enact legislation concerning the prosecution or granting of immunity to a child victim of commercial sexual exploitation, the creation of other legal protections for child victims, and any changes to current statute necessary to implement those protections. The council is also directed to make recommendations regarding the assessment, placement, and treatment of minor victims.

In 2016 the League supported three bills that were signed into law. The first allows the law to consider minor victims of human trafficking as abused children; therefore, victims can receive resources or treatment without being arrested and charged with a crime. The second closes loopholes that helped traffickers to operate under the guise of message therapy. The third allows members of the Human Trafficking Council to be reimbursed for travel expenses and drops the requirement that one member of the council be appointed by the Commissioner of Agriculture and adds the requirement that one person representing the judiciary be appointed by the Chief Justice of the Colorado Supreme Court.

In 2019 League supported two successful bills that improve how human trafficking victims are treated. The first bill provides protections for minors who are victims of human trafficking. Protections includes an immunity from a prostitution charge and provision of an affirmative defense for criminal violations except for a class 1 felony. Police are required to refer a minor who engages in prostitution -related behavior to the county department of human services. The other bill requires the Department of Public Safety to provide human trafficking training to law enforcement agencies, organizations and individuals who provide services to the victim of human trafficking.



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