Amendment 87: Graduated Income Tax

Placed on the ballot by citizen initiative • Passes with a majority vote

Amendment 87 proposes amending the Colorado Constitution and Colorado statutes to:

- remove the constitutional requirement that the state income tax be set at a single flat rate;
- replace the current flat income tax with a graduated state income tax that sets lower rates for lower incomes and higher rates for higher incomes;
- spend the additional revenue collected from these income tax rate changes on K-12 education, health care, and early childhood care and education; and
- exempt additional revenue collected under the measure from the state's constitutional revenue limit.

What Your Vote Means

YES

A "yes" vote on Amendment 87 creates a graduated state income tax that increases revenue; uses the additional money for K-12 education, health care, and early childhood care and education; and exempts additional revenue collected from the state's constitutional revenue limit.

NO

A "no" vote on Amendment 87 keeps the current constitutional requirement for a flat state income tax rate.

Summary and Analysis of Amendment 87

What does Amendment 87 do?

The measure replaces the state's current flat income tax rate for individuals and businesses with a graduated income tax that lowers taxes for taxable income below $500,000 and raises taxes for taxable income above $500,000. It requires that the additional money collected from this change be spent on K-12 education, health care, and early childhood care and education, and exempts this money from the state's constitutional revenue limit, also known as the Taxpayer's Bill of Rights (TABOR) limit. The state must produce an audited annual report on how much additional revenue was collected and how it was spent.

What is the state's current income tax structure?

Since 1987, Colorado has had a flat income tax rate, in which all taxpayers, including individuals and businesses, pay the same income tax rate on their income. The state's current flat income tax rate is 4.4 percent. The majority of state income tax revenue is used for general state programs and services. The TABOR amendment in the state constitution requires that income be taxed at a flat rate.

Income tax is paid on a portion of a household's or business's income, which is called taxable income. For example, a married couple earning $42,000 in income per year may have about $10,000 in taxable income and owe $440 in taxes annually. A married couple earning $130,000 in income per year may have about $100,000 in taxable income and owe $4,400 in taxes annually.

What is the graduated income tax structure proposed in Amendment 87?

Amendment 87 removes the constitutional requirement that income be taxed at a flat rate and creates a graduated income tax starting in 2027. In this graduated tax system, an individual's or business's income is split into six ranges—called brackets—with the lowest income tax bracket taxed at the lowest rate and each higher bracket taxed at increasing rates, as shown in Table 1.

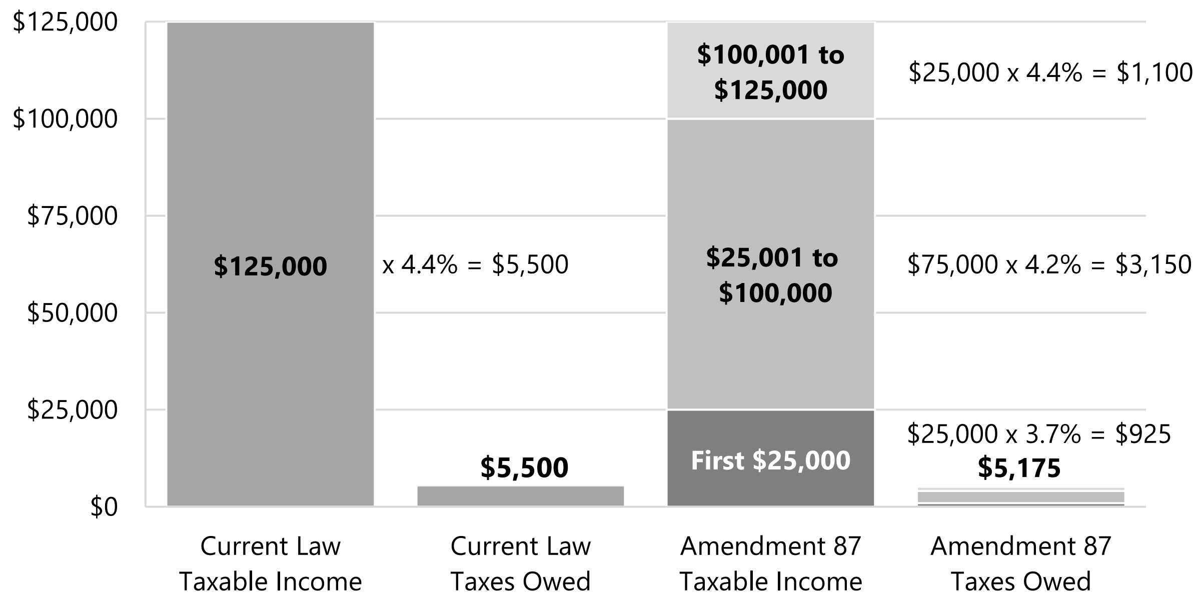
This is similar to how the federal income tax works. Unlike the federal income tax, the new state income tax brackets are not adjusted for inflation, so more of taxpayers' incomes will fall into the higher brackets over time. Each tax rate is only applied to the portion of taxable income that falls into that bracket.

Table 1
Graduated Income Tax Rates by Income Bracket Under Amendment 87

Taxable Income Bracket	Current Tax Rate	Amendment 87 Tax Rate	Difference
$25,000 or less	4.4%	3.7%	-0.7
$25,001 to $100,000	4.4%	4.2%	-0.2
$100,001 to $500,000	4.4%	4.4%	0.0
$500,001 to $750,000	4.4%	7.4%	+3.0
$750,001 to $1,000,000	4.4%	7.9%	+3.5
More than $1,000,000	4.4%	8.4%	+4.0

For example, as shown in Figure 1 below, an individual or business earning $125,000 a year in taxable income is taxed at a rate of 3.7 percent for the first $25,000. The next portion of taxable income between $25,000 and $100,000 is taxed at a rate of 4.2 percent. The remaining $25,000 is taxed at the rate of 4.4 percent. The total tax owed under the measure would be $5,175, or $325 less than the $5,500 they would owe under current law.

Figure 1
Tax Rates and Taxes Owed for a Taxpayer with $125,000 in Taxable Income



How does Amendment 87 change the amount of taxes owed?

For individuals and businesses with taxable incomes of less than $500,000, the measure decreases the amount of income taxes owed, up to a maximum reduction of $325 per taxpayer. For taxpayers with incomes of about $500,000 and above, the measure increases the amount of income taxes owed.

Table 2 shows an example of taxes owed under the measure and under current law for seven hypothetical taxpayers with different levels of taxable income.

Table 2
Taxes Owed Under Current Law and Amendment 87

Example Taxable Income	Current Income Tax Owed	Amendment 87 Income Tax Owed	Difference in Income Tax Owed
$25,000	$1,100	$925	-$175
$62,500	$2,750	$2,500	-$250
$125,000	$5,500	$5,175	-$325
$300,000	$13,200	$12,875	-$325
$550,000	$24,200	$25,375	+$1,175
$625,000	$27,500	$30,925	+$3,425
$875,000	$38,500	$50,050	+$11,550
$2,000,000	$88,000	$143,925	+$55,925

How does Amendment 87 change state revenue?

By changing tax rates for individuals and businesses, Amendment 87 is expected to increase state income tax revenue by an estimated $2 billion in the first full year and more in later years. However, actual revenue collections may be more or less than this estimate depending on economic conditions and other factors.

The change in state revenue under the measure is calculated as the difference between the actual income tax revenue collected under the measure's graduated income tax rates and the income tax revenue that would have been collected under the state's current rate of 4.4 percent. See the Fiscal Impact section below for additional detail.

Does Amendment 87 impact TABOR refunds?

The measure has no impact on current TABOR refunds or TABOR refund mechanisms. Under current law, the state is expected to collect $15 billion in income tax revenue in 2028. Under this measure, it is expected to collect $2 billion more in income tax revenue, for a total of $17 billion. The additional $2 billion is exempt from the TABOR limit. The TABOR limit and the amount of revenue subject to the limit remain the same, and estimated TABOR refunds will not change. For additional information, see the LCS memorandum titled, "A Brief Overview of the TABOR Revenue Limit."[1]

How will the additional revenue be spent?

The increased revenue collected under Amendment 87 must be spent on K-12 education, health care, and early childhood care and education. It must add to, and not replace, spending on those services. The state legislature will decide what specific programs will receive additional funding and how much.

What happens if Amendment 87 and Proposition 136 both pass?

Proposition 136 limits the state income tax rate at the current law rate of 4.4 percent. If both Amendment 87 and Proposition 136 are approved by voters, the proposed tax rates for income over $500,000 in Amendment 87 would be higher than the 4.4 percent limit in Proposition 136.

Generally, when parts of voter-approved measures conflict, the policy outcome is determined by the measure that received more votes. However, if both measures are approved by voters, the exact outcome is unclear. The state legislature or a court will need to determine how to resolve any conflicts.

Arguments For Amendment 87

1) Amendment 87 cuts taxes for 97 percent of taxpayers, including most households and small businesses, while increasing taxes only for top earners who have the ability to pay. A graduated income tax is more equitable than a flat tax because it recognizes a fundamental economic reality: each dollar taxed on someone earning $30,000 imposes a far greater

[1] Online at: leg.colorado.gov/bluebook

hardship than each dollar taxed on someone earning $1 million. By aligning tax rates with taxpayers' financial means, a graduated tax distributes the burden more justly across all income levels, lowers taxes for most households and small businesses, and puts more money in the hands of working families who will spend it in their local communities.

2) The measure funds critical services at a time when additional funding is desperately needed. Crucial programs are at risk of further cuts because of changes in federal policy. Revenue from the graduated tax will fund education, health care, and child care, public services that many Colorado households rely on. Colorado public schools are significantly underfunded, and constraints on the state budget make Medicaid cuts increasingly likely. Additional funding will provide more security for the people who depend on these services.

3) The graduated income tax is not an experiment, but a proven approach for funding essential public services. The federal government and 27 other states already have a graduated income tax. This tax structure lessens rising wealth inequality and increases funding for state programs. Sales and property taxes place greater burdens on lower-income households, and a graduated income tax corrects for this inequity while also funding services for all Coloradans.

Arguments Against Amendment 87

1) The measure is a multibillion-dollar tax increase, and hiking taxes on higher incomes will harm Colorado's economy. Higher tax rates make Colorado a less competitive place to start and grow a business, and may encourage some high earners to leave the state entirely. When businesses and high-earning individuals relocate, people at all income levels may lose their jobs. Further, because the brackets do not increase with inflation, more and more taxpayers will pay these higher taxes each year. Colorado cannot risk employers and jobs fleeing the state because our taxes are too high. Keeping taxes competitive for everyone fuels economic activity and builds a stronger, more prosperous Colorado for all.

2) The measure is an attack on the fair and predictable tax system that TABOR currently guarantees. The state's current flat tax is fair because everyone has equal access to state services, high-income earners already pay more taxes, and low-income earners qualify for more tax deductions and credits. The state should better prioritize the tens of billions of dollars it already collects, rather than switch to a new, complicated tax system.

3) The measure will permanently expand the size of government, increase careless and wasteful spending of taxpayer dollars, and hinder economic growth. Instead of spending billions of dollars more on broadly defined government services, state policy should focus on lowering taxes for everyone or funding specific programs that are proven to help Colorado's residents.

Information about the organizations supporting and opposing this measure is available on the Colorado Secretary of State's website:

www.coloradosos.gov/pubs/elections/Initiatives/ballot/contacts/2026.html

Fiscal Impact of Amendment 87

Taxpayer Impacts

Amendment 87 will decrease the amount of income tax owed by taxpayers with Colorado taxable income of less than $510,834 and increase the amount of income tax owed by taxpayers with Colorado taxable income of $510,834 and above. State law requires Legislative Council Staff to estimate the potential tax burden on affected taxpayers within specified federal adjusted gross income categories. Federal adjusted gross income is total income from all sources, with certain adjustments, as determined when filing federal income taxes. Colorado taxable income, calculated when filing state income taxes, is based on federal adjusted gross income with additional adjustments required or allowed under state law. Table 3 shows the expected change in tax burden by federal adjusted gross income category. The measure has no impact on current TABOR refunds or TABOR refund mechanisms.

Table 3
Estimated Impact on Taxpayers by Income

Income Category	Estimated Number of Taxpayers	Total Change in Tax Burden	Average Change in Tax Burden
$14,999 or less	579,309	-$638,951	-$1
$15,000 to $29,999	408,924	-$16,093,434	-$39
$30,000 to $39,999	272,616	-$29,611,480	-$109
$40,000 to $49,999	238,539	-$38,651,945	-$162
$50,000 to $69,999	443,000	-$85,925,358	-$194
$70,000 to $99,999	408,912	-$93,232,609	-$228
$100,000 to $149,999	408,912	-$115,554,178	-$283
$150,000 to $199,999	238,532	-$77,522,900	-$325
$200,000 to $249,000	102,228	-$33,224,100	-$325
$250,000 to $499,999	204,456	-$66,448,200	-$325
$500,000 to $999,999	55,900	-$15,893,609	-$284
$1,000,000 or more	46,328	$1,208,468,497	+$26,085

Income is federal adjusted gross income, not Colorado taxable income; therefore, the income ranges and tax rates do not align with those in Table 2. The estimated number of taxpayers column counts joint filers as one taxpayer. Estimates are based on Colorado Department of Revenue data for all residents for tax year 2023 and Legislative Council Staff estimates.

State Revenue

By replacing the state flat income tax with a graduated income tax, the measure increases revenue from income taxes by an estimated $958.4 million in budget year 2026-27, $1.972 billion in budget year 2027-28, and increasing amounts in future years based on income and population growth. The estimate for budget year 2026-27 represents a half-year impact for tax year 2027. The additional revenue will be credited to the Colorado Future's Account created in the measure. The increased revenue is exempt from TABOR as a voter-approved revenue change. The state budget year begins each July 1 and ends on June 30.

State law requires Legislative Council Staff to include an estimate of the maximum dollar amount of the change in state government revenue for the first full fiscal year of a proposed tax increase. This is the number that appears in the ballot question. The estimates in the previous paragraph represent the revenue impact of the measure under the current Legislative Council Staff revenue forecast. Based on forecast error that could occur, the maximum dollar amount of the change in state government revenue and fiscal year spending for budget year 2027-28 is estimated as an increase of $2.7 billion.

State Spending

The measure increases the amount of state revenue available to spend for the purposes identified in the measure, including K-12 education, health care, and early childhood care and education, in FY 2026-27 and future fiscal years. To administer the tax rate change, the measure is expected to increase one-time spending in the Department of Revenue by $98,000.

School District Revenue and Spending

The measure increases available state funding to school districts. The exact amount distributed to school districts will depend on decisions made by the General Assembly when allocating money from the Colorado Future's Account.

State Spending and Tax Increases

Article X, Section 20, of the Colorado Constitution requires that the following fiscal information be provided when a tax increase question is on the ballot:

- estimates or actual amounts of state fiscal year spending for the current year and each of the past four years with the overall percentage and dollar change; and
- for the first full year of the proposed tax increase, estimates of the maximum dollar amount of the tax increase and of fiscal year spending without the increase.

"Fiscal year spending" is a legal term in the Colorado Constitution. It equals the amount of revenue subject to the constitutional spending limit that the state or a district is permitted to keep and either spend or save for a single year. Table 4 shows state fiscal year spending for the current year and each of the past four years.

Table 4
State Fiscal Year Spending

Fiscal Year	Actual FY 2022-23	Actual FY 2023-24	Actual FY 2024-25	Actual FY 2025-26	Estimated FY 2026-27
Fiscal Year Spending	$16.66 billion	$18.07 billion	$19.15 billion	$19.91 billion	$20.50 billion

Four-Year Dollar Change in State Spending: $3.85 billion
Four-Year Percent Change in State Spending: 23.1 percent

Table 5 shows the maximum revenue expected from the income tax increase in Amendment 87 for FY 2027-28, the first full fiscal year for which the tax increase would be in place, and an estimate of state fiscal year spending without the tax increase.

Table 5
Estimated State Fiscal Year Spending and the Proposed Tax Revenue Increase

	FY 2027-28 Estimate
Fiscal Year Spending Without the Tax Increase	$24.62 billion
Revenue Increase from Increased Income Taxes	$2.7 billion