

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0639.01 Pierce Lively x2059

SENATE BILL 22-222

SENATE SPONSORSHIP

Pettersen and Moreno,

HOUSE SPONSORSHIP

Kennedy and Weissman,

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT THE BALLOT TITLE AND FISCAL
102 SUMMARY FOR ANY BALLOT INITIATIVE THAT INCREASES OR
103 DECREASES STATE INCOME TAX RATES INCLUDE A TABLE
104 SHOWING THE AVERAGE TAX CHANGE FOR TAX FILERS IN
105 DIFFERENT INCOME CATEGORIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill is a referred measure that will, if approved by the voters of the state at the 2022 general election, require:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- The director of research of the legislative council of the general assembly to include a table in the fiscal summary for any initiated measure that would either increase or decrease the individual income tax rate. The table must have 4 columns as follows:
 - A column identifying 8 income categories;
 - A column identifying the current average income tax owed by taxpayers in each income category;
 - A column identifying the average income tax owed by taxpayers in each income category if the initiated measure were to pass; and
 - A column identifying the difference between the average income tax owed by taxpayers in each income category if the initiated measure were to pass and if the initiated measure were not to pass.
- The ballot title for a measure that either increases or decreases the individual income tax rate to include the table created by the director of research of the legislative council of the general assembly for the measure's fiscal summary.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 1-5-407, **amend** (7)
 3 as follows:

4 **1-5-407. Form of ballots.** (7) No printing or distinguishing
 5 marks shall be on the ballot except as specifically provided in this code,
 6 or in section 1-40-106 (3)(e) to (3)(g) AND (3)(j).

7 **SECTION 2.** In Colorado Revised Statutes, 1-40-105.5, **amend**
 8 (1.5)(a)(III); and **add** (1.5)(a)(V) as follows:

9 **1-40-105.5. Initial fiscal impact statement - definition.**
 10 (1.5) (a) For every initiated measure properly submitted to the title board,
 11 the director shall prepare a fiscal summary that consists of the following
 12 information:

13 (III) Any information from the initiated measure or a description
 14 of state and local government implementation in order to provide the

1 information required in subsection (1.5)(a)(I) or (1.5)(a)(II) of this
2 section; and

3 (V) IF THE MEASURE WOULD EITHER INCREASE OR DECREASE THE
4 INDIVIDUAL INCOME TAX RATE, A TABLE THAT SHOWS THE ESTIMATED
5 EFFECT OF THE CHANGE ON THE TAX OWED BY INDIVIDUALS IN DIFFERENT
6 INCOME CATEGORIES. THE TABLE PREPARED BY THE DIRECTOR MUST HAVE
7 ONE COLUMN TITLED "INCOME CATEGORIES" THAT SHOWS INCOME
8 CATEGORIES, ONE COLUMN TITLED "CURRENT AVERAGE INCOME TAX
9 OWED" THAT SHOWS THE AVERAGE INCOME TAX OWED BY FILERS WITHIN
10 EACH INCOME CATEGORY, ONE COLUMN TITLED "PROPOSED AVERAGE
11 INCOME TAX OWED" THAT SHOWS THE AVERAGE INCOME TAX OWED BY
12 FILERS WITHIN EACH INCOME CATEGORY IF THE INITIATED MEASURE WERE
13 TO PASS, AND ONE COLUMN TITLED "PROPOSED CHANGE IN AVERAGE
14 INCOME TAX OWED" THAT IDENTIFIES THE DIFFERENCE BETWEEN THE
15 AVERAGE INCOME TAX OWED BY FILERS WITHIN EACH INCOME CATEGORY
16 IF THE INITIATED MEASURE WERE TO PASS AND IF THE INITIATED MEASURE
17 WERE NOT TO PASS. IF THE DIFFERENCE IN THE AMOUNT OF TAX OWED
18 SHOWN IN THE TABLE IS AN INCREASE, THE CHANGE MUST BE EXPRESSED
19 AS A DOLLAR AMOUNT PRECEDED BY A PLUS SIGN. IF THE CHANGE IN THE
20 AMOUNT OF TAX OWED SHOWN IN THE TABLE IS A DECREASE, THE CHANGE
21 MUST BE EXPRESSED AS A DOLLAR AMOUNT PRECEDED BY A NEGATIVE
22 SIGN. THE DIRECTOR SHALL USE THE FOLLOWING INCOME CATEGORIES IN
23 CREATING THE TABLE:

24 (A) FEDERAL ADJUSTED GROSS INCOME OF TWENTY-FIVE
25 THOUSAND DOLLARS OR LESS;

26 (B) FEDERAL ADJUSTED GROSS INCOME GREATER THAN
27 TWENTY-FIVE THOUSAND DOLLARS AND NO MORE THAN FIFTY THOUSAND

1 DOLLARS;

2 (C) FEDERAL ADJUSTED GROSS INCOME GREATER THAN FIFTY
3 THOUSAND DOLLARS AND NO MORE THAN ONE HUNDRED THOUSAND
4 DOLLARS;

5 (D) FEDERAL ADJUSTED GROSS INCOME GREATER THAN ONE
6 HUNDRED THOUSAND DOLLARS AND NO MORE THAN TWO HUNDRED
7 THOUSAND DOLLARS;

8 (E) FEDERAL ADJUSTED GROSS INCOME GREATER THAN TWO
9 HUNDRED THOUSAND DOLLARS AND NO MORE THAN FIVE HUNDRED
10 THOUSAND DOLLARS;

11 (F) FEDERAL ADJUSTED GROSS INCOME GREATER THAN FIVE
12 HUNDRED THOUSAND DOLLARS AND NO MORE THAN ONE MILLION
13 DOLLARS;

14 (G) FEDERAL ADJUSTED GROSS INCOME GREATER THAN ONE
15 MILLION DOLLARS AND NO MORE THAN TWO MILLION DOLLARS; AND

16 (H) FEDERAL ADJUSTED GROSS INCOME GREATER THAN TWO
17 MILLION DOLLARS AND NO MORE THAN FIVE MILLION DOLLARS.

18 **SECTION 3.** In Colorado Revised Statutes, 1-40-106, **amend**
19 (3)(h); and **add** (3)(j) as follows:

20 **1-40-106. Title board - meetings - ballot title - initiative and**
21 **referendum - definitions.** (3) (h) In determining whether a ballot title
22 qualifies as brief for purposes of ~~sections~~ SECTION 1-40-102 (10) and
23 ~~1-40-106 (3)(b)~~ SUBSECTION (3)(b) OF THIS SECTION, the language
24 required by subsection (3)(e), (3)(f), ~~or~~ (3)(g), OR (3)(j) of this section
25 may not be considered.

26 (j) A BALLOT TITLE FOR A MEASURE THAT EITHER INCREASES OR
27 DECREASES THE INDIVIDUAL INCOME TAX RATE MUST, IF APPLICABLE,

1 INCLUDE THE TABLE CREATED FOR THE FISCAL SUMMARY PURSUANT TO
2 SECTION 1-40-105.5 (1.5)(a)(V).

3 **SECTION 4.** In Colorado Revised Statutes, 1-40-124.5, **amend**
4 (1)(b)(III) introductory portion as follows:

5 **1-40-124.5. Ballot information booklet.** (1) (b) The director of
6 research of the legislative council of the general assembly shall prepare
7 a fiscal impact statement for every initiated or referred measure, taking
8 into consideration fiscal impact information submitted by the office of
9 state planning and budgeting, the department of local affairs or any other
10 state agency, and any proponent or other interested person. The fiscal
11 impact statement prepared for every measure shall be substantially similar
12 in form and content to the fiscal notes provided by the legislative council
13 of the general assembly for legislative measures pursuant to section
14 2-2-322. A complete copy of the fiscal impact statement for such measure
15 shall be available through the legislative council of the general assembly.
16 The ballot information booklet shall indicate whether there is a fiscal
17 impact for each initiated or referred measure and shall abstract the fiscal
18 impact statement for such measure. The abstract for every measure shall
19 appear after the arguments for and against such measure in the analysis
20 section of the ballot information booklet, and shall include, but shall not
21 be limited to:

22 (III) For any initiated or referred measure that modifies the state
23 tax laws, if the measure would either increase or decrease individual
24 income tax revenue or state sales tax revenue, a table that shows the
25 number of tax filers in each income category, the total ~~tax burden~~ change
26 IN THE AMOUNT OF TAX OWED for each income category, and the average
27 ~~tax burden~~ change IN THE AMOUNT OF TAX OWED for each filer within

1 each income category. If the change in ~~a tax burden~~ THE AMOUNT OF TAX
2 OWED shown in the table is an increase, the change must be expressed as
3 a dollar amount preceded by a plus sign. If the change in ~~a tax burden~~ THE
4 AMOUNT OF TAX OWED shown in the table is a decrease, the change must
5 be expressed as a dollar amount preceded by a negative sign. The table
6 must use the following income categories:

7 **SECTION 5. Refer to people under referendum.** At the
8 election held on November 8, 2022, the secretary of state shall submit this
9 act by its ballot title to the registered electors of the state for their
10 approval or rejection. Each elector voting at the election may cast a vote
11 either "Yes/For" or "No/Against" on the following ballot title: "Shall
12 there be a change to the Colorado Revised Statutes requiring that the
13 ballot title and fiscal summary for any ballot initiative that increases or
14 decreases state income tax rates include a table showing the average tax
15 change for tax filers in different income categories?" Except as otherwise
16 provided in section 1-40-123, Colorado Revised Statutes, if a majority of
17 the electors voting on the ballot title vote "Yes/For", then the act will
18 become part of the Colorado Revised Statutes.