

**IN THE MATTER OF THE TITLE, BALLOT TITLE, AND SUBMISSION CLAUSE
FOR INITIATIVE 147 (2025–2026)
MOTION FOR REHEARING ON TITLE SET**

The preliminary title set for Initiative #147 currently reads as follows:

State taxes shall be increased \$3.25 billion annually, in order to increase or improve levels of public services, by an amendment to the Colorado Constitution and a change to the Colorado Revised Statutes modifying and repealing existing law and creating new law to impose a graduated state income tax on individuals, estates, trusts, and corporations starting January 1, 2027, and, in connection therewith, amending the Taxpayer’s Bill of Rights to eliminate the constitutional requirement for all income to be taxed at one rate, establishing various income tax rates based on the amount of taxable income earned by the taxpayer, and authorizing the state to retain and spend any resulting increase in revenue, which will result in the estimated change in income taxes owed by individuals as identified in the following table:

As with Initiative #145, the title must begin with “Shall state taxes be increased...” and must include the statutory phrase “in order to increase or improve levels of public services” because of House Bill 21-1321. CRS 1-40-106(3)(g) does not prohibit a Title Board from setting a title that notifies the voter the appropriations are undefined, therefore I added that to the suggested title below.

That said, the remainder of the title should be reordered to reflect the measure’s true impact:

1. The repeal of a portion of the Taxpayer’s Bill of Rights (TABOR), which guarantees a flat tax rate and currently requires voter approval for changes.
2. Creation of a new tiered income tax in statute which can be changed without future voter approval.
3. Billions for undefined public services.
4. Permanent elimination of TABOR tax rebates associated with the new tax revenue.

Suggested Revised Title

State taxes shall be increased \$3.25 billion annually, by amending the Colorado Constitution to eliminate the requirement in the Taxpayer’s Bill of Rights (TABOR) that all income be taxed at one flat rate and by creating new law in the Colorado Revised Statutes to impose a tiered state income tax on individuals, estates, trusts, sole proprietors, and corporations beginning January 1, 2027, establishing various income tax rates based on the amount of taxable income earned by the taxpayer, and, in connection therewith, depositing the resulting revenue in the state general fund in order to increase or improve levels of public services, which are undefined, authorizing the state to retain and

spend the additional revenue rather than refund it to taxpayers as otherwise required by law, which will result in the estimated change in income taxes owed by individuals as identified in the following table:

I. Multiple Subjects

Initiative #147 combines several subjects into a single measure:

1. Eliminating the flat-rate income tax protection in the Taxpayer's Bill of Rights (TABOR) that presently can only be changed by voters. Repealing the flat tax requirement transfers that authority away from voters to lawmakers.
2. Creating a new statutory tiered income tax that can be changed by future, without voter approval.
3. Increasing income tax revenues by billions for undefined appropriations and obligations that haven't been disclosed.
4. Permanently eliminating Taxpayer's Bill of Rights rebates from the associated multi-billion tax increase.

Bundling these subjects creates a risk of violating the single-subject rule.

II. Misleading or Incomplete Title

1. Speculative Claims

While CRS 1-40-106 requires the phrase "in order to increase or improve levels of public services," the language implies a guaranteed outcome. The measure provides no criteria to ensure actual improvement or a gauge. New revenue could merely replace existing sources. By including the phrase, "as undefined", at least the petition signer or voter would get a little bit of transparency that they're essentially signing a stack of blank checks. I've included the phrase "as undefined" in my suggested revised title shown above.

2. Undefined Appropriations

HB 21-1321 compels inclusion of the "public services" phrase, but it does not prevent the Title Board from clarifying that the appropriations are undefined. To fulfill the spirit of transparency, the Board should alert voters that "public services" is not defined in the measure and does not guarantee improvements to any specific programs.

3. Explicit TABOR Reference

Because the measure repeals a provision of TABOR, the title should explicitly reference "Taxpayer's Bill of Rights (TABOR)." Providing more detail in the title assists voters, especially at the petition-signing stage when no Blue Book is available.

4. Refund Disclosure

Please include that the measure allows the state to retain and spend revenue that would **otherwise be refunded to taxpayers under TABOR**. Additional clarity in the title is

vital because, at the petition stage, voters do not yet have the benefit of the Blue Book for context.

III. Conclusion

For these reasons, I respectfully request that the Title Board grant rehearing to:

1. Correct the order of substantive description in the title.
2. Address the single-subject concerns.
3. Clarify that the appropriations are undefined.
4. Explicitly reference the Taxpayer's Bill of Rights (TABOR).
5. Clarify that the measure authorizes retention of revenue that would otherwise be refunded to taxpayers.

It is also noteworthy for an official record that the designated representative of initiative #145 (and prime advocate for #147), personally sponsored HB 21-1321—the legislation that requires the Board to insert the phrase “in order to increase or improve levels of public services.” This context is relevant, as the statutory requirement originated with the initiative’s own proponent.

Sincerely,
Natalie Menten
Colorado Eligible Elector