STATE OF COLORADO

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Bill Ritter, Jr.
Governor

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EXECUTIVE ORDER

Proclamation
Declaration of Vote on Certain Measures

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, and in particular pursuant to article V, section 1 of the Colorado Constitution, I, Bill Ritter, Jr., Governor of the State of Colorado, hereby issue this Executive Order declaring the vote on certain measures initiated by or referred to the people of the State of Colorado.

I. Background and Need

Certain measures were initiated by or referred to the people of the State of Colorado at the biennial regular election held on November 4, 2008. Secretary of State Mike Coffman certified on December 17, 2008, that he had canvassed the abstract of votes, and that certain measures were approved by a majority of the votes cast.

Pursuant to article V, section 1 of the Colorado Constitution, measures initiated by or referred to the people shall become the law or a part of the Constitution when approved by a majority of the votes cast, and shall take effect from and after the date of the official declaration of the vote by proclamation of the Governor, but not later than thirty days after the vote has been canvassed.

II. Declaration

Accordingly, I hereby issue this Executive Order declaring the vote on the following measures initiated by or referred to the people on November 4, 2008.

A. Initiated Constitutional Amendment (Amendment 46): Shall there be an amendment to the Colorado constitution concerning a prohibition against discrimination by the state, and, in connection therewith, prohibiting the state from discriminating against or granting preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting; allowing exceptions to the prohibition when bona fide qualifications based

on sex are reasonably necessary or when action is necessary to establish or maintain eligibility for federal funds; preserving the validity of court orders or consent decrees in effect at the time the measure becomes effective; defining "state" to include the state of Colorado, agencies or departments of the state, public institutions of higher education, political subdivisions, or governmental instrumentalities of or within the state; and making portions of the measure found invalid severable from the remainder of the measure?

Yes – 1,102,098 (49.20%)
No – 1,138,087 (50.80%)

B. Initiated Constitutional Amendment (Amendment 47): Shall there be an amendment to the Colorado constitution concerning participation in a labor organization as a condition of employment, and, in connection therewith, prohibiting an employer from requiring that a person be a member and pay any moneys to a labor organization or to any other third party in lieu of payment to a labor organization and creating a misdemeanor criminal penalty for a person who violates the provisions of the section?

Yes – 1,003,022 (43.89%)
No – 1,282,477 (56.11%)

C. Initiated Constitutional Amendment (Amendment 48): Shall there be an amendment to the Colorado constitution defining the term "person" to include any human being from the moment of fertilization as "person" is used in those provisions of the Colorado constitution relating to inalienable rights, equality of justice, and due process of law?

Yes – 618,761 (26.79%)
No – 1,691,165 (73.21%)

D. Initiated Constitutional Amendment (Amendment 49): Shall there be an amendment to the Colorado constitution concerning deductions from governmental payroll systems, and, in connection therewith, prohibiting a governmental payroll system from taking a payroll deduction from any government employee except deductions required by federal law, tax withholdings, judicial liens and garnishments, deductions for individual or group health benefits or other insurance, deductions for pension or retirement plans or systems, or other savings or investment programs, and charitable deductions?

Yes – 882,398 (39.24%)
No – 1,366,562 (60.76%)

E. Initiated Constitutional Amendment (Amendment 50): Shall there be an amendment to the Colorado constitution concerning voter-approved revisions to limited gaming, and, in connection therewith, allowing the local voters in Central City, Black Hawk, and Cripple

Creek to extend casino hours of operation, approved games to include roulette and craps or both, and maximum single bets up to $100; adjusting distributions to current gaming fund recipients for growth in gaming tax revenue due to voter-approved revisions in gaming; distributing 78% of the remaining gaming tax revenue from this amendment for student financial aid and classroom instruction at community colleges according to the proportion of their respective student enrollments, and 22% for local gaming impacts in Gilpin and Teller counties and the cities of Central City, Black Hawk, and Cripple Creek according to the proportion of increased tax revenue from voter-approved revisions in each city or county; and requiring any increase in gaming taxes from the levels imposed as of July 1, 2008 to be approved at a statewide election, if local voters in one or more cities have approved any revision to limited gaming?

Yes – 1,330,507 (58.70%)
No – 936,226 (41.30%)

F. Initiated Constitutional Amendment (Amendment 51): Shall state taxes be increased $186.1 million annually after full implementation by an amendment to the Colorado Revised Statutes concerning an increase in the state sales and use tax to provide funding for long-term services for persons with developmental disabilities, and, in connection therewith, increasing the rate of the state sales and use tax beginning on July 1, 2009, by one-tenth of one percent in each of the next two fiscal years; permitting the state to retain and spend all revenues from the new tax, notwithstanding the state spending limit; requiring an amount equal to the net revenue from the new tax to be deposited in the newly created developmental disabilities long-term services cash fund; requiring the money in the fund to be used to provide long-term services for persons with developmental disabilities; and prohibiting reductions in the level of state appropriations in the annual general appropriation bill existing on the effective date of this measure for long-term services for persons with developmental disabilities?

Yes – 853,176 (37.63%)
No – 1,414,012 (62.37%)

G. Initiated Constitutional Amendment (Amendment 52): Shall there be an amendment to the Colorado constitution concerning the allocation of revenues from the state severance tax imposed on minerals and mineral fuels other than oil shale that are extracted in the state, and, in connection therewith, for fiscal years commencing on or after July 1, 2008, requiring half of the revenues to be credited to the local government severance tax fund and the remaining revenues to be credited first to the severance tax trust fund until an annually calculated limit is reached and then to a new Colorado transportation trust fund, which may be used only to fund the construction, maintenance, and supervision of public highways in the state, giving first priority to reducing congestion on the Interstate 70 corridor?

Yes – 790,091 (35.78%)
No – 1,417,961 (64.22%)

H. Initiated Constitutional Amendment (Amendment 54): Shall there be an amendment to the Colorado constitution concerning restrictions on campaign contributions, and, in connection therewith, prohibiting the holder of contracts totaling $100,000 or more, as indexed for inflation, awarded by state or local governments without competitive bidding ("sole source government contracts"), including certain collective bargaining agreements, from making a contribution for the benefit of a political party or candidate for elective office during the term of the contracts and for 2 years thereafter; disqualifying a person who makes a contribution in a ballot issue election from entering into a sole source government contract related to the ballot issue; and imposing liability and penalties on contract holders, certain of their owners, officers and directors, and government officials for violations of the amendment?

Yes – 1,130,055 (51.21%)
No – 1,076,654 (48.79%)

I. Initiated Constitutional Amendment (Amendment 58): Shall state taxes be increased $321.4 million annually by an amendment to the Colorado Revised Statutes concerning the severance tax on oil and gas extracted in the state, and, in connection therewith, for taxable years commencing on or after January 1, 2009, changing the tax to 5% of total gross income from the sale of oil and gas extracted in the state when the amount of annual gross income is at least $300,000; eliminating a credit against the severance tax for property taxes paid by oil and gas producers and interest owners; reducing the level of production that qualifies wells for an exemption from the tax; exempting revenues from the tax and related investment income from state and local government spending limits; and requiring the tax revenues to be credited as follows: (A) 22% to the severance tax trust fund, (B) 22% to the local government severance tax fund, and (C) 56% to a new severance tax stabilization trust fund, of which 60% is used to fund scholarships for Colorado residents attending state colleges and universities, 15% to fund the preservation of native wildlife habitat, 10% to fund renewable energy an energy efficiency programs, 10% to fund transportation projects in counties and municipalities impacted by the severance of oil and gas, and 5% to fund community drinking water and wastewater treatment grants?

Yes – 944,158 (41.95%)
No – 1,306,732 (58.05%)

J. Initiated Constitutional Amendment (Amendment 59): Shall there be an amendment to the Colorado constitution concerning the manner in which the state funds public education from preschool through the twelfth grade, and, in connection therewith, for the 2010-11 state fiscal year and each state fiscal year thereafter, requiring that any revenue that the state would otherwise be required to refund pursuant to the constitutional limit

on state fiscal year spending be transferred instead to the state education fund; eliminating the requirement that, for the 2011-12 state fiscal year and each state fiscal year thereafter, the statewide base per pupil funding for public education from preschool through the twelfth grade and the total state funding for all categorical programs increase annually by at least the rate of inflation; creating a savings account in the state education fund; requiring that a portion of the state income tax revenue that is deposited in the state education fund be credited to the savings account in certain circumstances; requiring either a two thirds majority vote of each house of the general assembly or, in any state fiscal year in which Colorado personal income grows less than six percent between the two previous calendar years, a simple majority vote of the general assembly to use the moneys in the savings account; establishing the purposes for which moneys in the savings account may be spent; establishing a maximum amount that may be in the savings account in any state fiscal year; and allowing the general assembly to transfer moneys from the general fund to the state education fund, so long as certain obligations for transportation funding are met?

Yes – 1,010,371 (45.69%)
No – 1,201,174 (54.31%)

K. Referred Constitutional Measure (Referendum L): An amendment to Section 4 of Article V of the Constitution of the State of Colorado, concerning the ability of an elector of the State of Colorado who has attained the age of twenty-one years to serve as a member of the Colorado General Assembly.

Yes – 1,010,858 (46.52%)
No – 1,162,250 (53.48%)

L. Referred Constitutional Measure (Referendum M): The repeal of Section 7 of Article XVIII of the State Constitution, concerning outdated, obsolete provisions regarding land value increase.

Yes – 1,307,728 (62.26%)
No – 792,637 (37.74%)

M. Referred Constitutional Measure (Referendum N): The repeal of Section 5 of Article XVIII and Article XXII of the State Constitution, concerning the elimination of outdated obsolete provisions of the State Constitution.

Yes – 1,449,336 (68.75%)
No – 658,751 (31.25%)

N. Referred Constitutional Measure (Referendum O): An amendment to Section 1 of Article V of the Constitution of the State of Colorado, concerning ballot initiatives, and, in connection therewith, increasing the number of signatures required for a proposed

initiative to amend the State Constitution; reducing the number of signatures required for a proposed statutory initiative; requiring a minimum number of signatures for a proposed initiative to amend the State Constitution to be gathered from residents of each congressional district in the state; increasing the time allowed to gather signatures fro a proposed statutory initiative; modifying the review of initiative petitions; establishing a filing deadline for proposed initiatives to amend the State Constitution; and requiring a two-thirds vote of all members elected to each house of the general assembly to amend, repeal, or supersede and law enacted by an initiative for a period of five years after the law becomes effective.

Yes – 1,004,902 (47.50%)
No – 1,110,824 (52.50%)

Given under my hand and the Executive Seal of the State of Colorado this 8th day of January, 2009.

Bill Ritter, Jr.
Governor