



BALLOT GUIDE

2026 Colorado Ballot Measures

Initiative 85 (S) — Penalties for Fentanyl Crimes

Status: Approved for Ballot

What it does: Makes fentanyl possession a felony with a treatment pathway for small amounts and imposes an 8-to-32-year sentence for distributing or sharing any amount.

Case for Support

- Stronger penalties address a uniquely lethal drug and give prosecutors greater leverage against dealers.
- Fentanyl deaths and public drug activity damage safety, business recovery, property values, tourism and talent recruitment.

Case for Oppose

- The same mandatory sentence can apply to low-level sharing and commercial trafficking, raising serious proportionality concerns.
- It may discourage overdose calls and creates major prison and court costs without funding new treatment capacity.



Proposition NN (S) — Keep and Spend Money for Education and Public Purposes

Status: Approved for Ballot

What it does: Allows the state to retain revenue above the existing TABOR cap. For ten years, the money primarily supports property-tax reimbursements, K-12 funding and children's programs; later use will be legislatively controlled.

Case for Support

- The measure provides new state funding that could be used for local school districts to increase teacher pay and improve retention, smaller classes, career education and student services tied to workforce quality.
- It does not raise tax rates and may free General Fund capacity for other priorities, primarily estimated to be healthcare spending (Medicaid).

Case for Oppose

- The measure increases total net taxes by \$4.6 billion – a 27% increase in the state's General Fund. It raises the state's net tax take by eliminating refunds taxpayers would otherwise receive — increasing further the cost of government at a time when affordability is a major competitive issue.
- It permanently favors education and broadly defined children's programs over roads and other changing priorities, without guaranteeing better outcomes.
- With both Proposition NN and Graduated Income Tax appearing on the ballot, the potential massive increase in taxation would further damage Colorado's standing vs competitor states.



Initiative 137 (S) — Sporting-Goods Revenue for Wildfire and Conservation

Status: Signatures submitted and official review is pending.

What it does: Directs an estimated \$175 million in existing annual sales-tax revenue associated with sporting goods to conservation, wildfire-risk mitigation, forest and water work, and outdoor recreation, and exempts that revenue from TABOR.

Case for Support

- Wildfire mitigation protects property, insurance, water, utilities, tourism and business continuity; its narrower revenue source and specified allocation distinguish it from NN.

Case for Oppose

- It reduces TABOR refunds or General Fund flexibility and creates another spending earmark without clear performance requirements.

Initiative 177 (C) — Right to Purchase and Sell Natural Gas

Status: Qualified for ballot.

What it does: Creates constitutional rights for consumers to purchase natural gas for cooking and heating and for utilities and distributors to sell it to homes and businesses.

Case for Support

- Protects energy choice and planning certainty for homeowners, restaurants, hospitals, manufacturers and buildings that use natural gas.
- Programs like Energize Denver, State Reg 28, and other regulatory goal-settings are effectively designed to ban the use of natural gas in Colorado without actually using those words.

Case for Oppose

- Constitutional language may create litigation and limit future decisions involving safety, rates, infrastructure costs, climate policy, and local authority.



Initiative 195 (C/S) — Graduated Income Tax

Status: Signatures submitted and official review is pending.

What it does: Replaces Colorado's flat income tax with six brackets from 3.7% to 8.4% for individuals and businesses and dedicates new revenue to education, health care and early childhood programs.

Case for Support

- About 97% of individual taxpayers would have their tax rates decreased, while those with the highest incomes would see tax rates increase and pay more.
- It would raise nearly \$2 billion annually for important public purposes like education, health care and early childhood services.

Case for Oppose

- A \$2+ billion annual tax increase that doubles Colorado's top rate would put us among the top 10 highest income tax states in the nation. Significantly higher than all but two (CA/OR) of our competitive states per the Metro Denver EDC. This would be anti-competitive and would raise the cost of investing and growing in Colorado.
- The brackets are not indexed for inflation, so more taxpayers, including some who initially receive a tax rate cut, will move into higher brackets over time without changes in their relative spending power.
- The brackets apply to more than just W2 wages, so a small business owner with pass-thru tax reporting will pay substantially higher taxes even in cases when they don't actually receive the income from their business.

It replaces Colorado's simple, predictable flat tax with a more complicated system affecting individuals and businesses, while giving lawmakers broad discretion over billions in new revenue without requiring specific results.

- It's possible the legislature will have the ability to change tax brackets in the future without voter approval, as long as the change doesn't create a net-tax-increase. This could result in an even more progressive code with even greater burden on the top brackets while lower brackets see additional drops or even eliminations.



Initiative 232 (S) — 4.4% Income-Tax Rate Cap

Status: Signatures submitted and official review is pending.

What it does: Sets a statutory 4.4% maximum individual and corporate income-tax rate beginning in 2027. It does not change the current rate by itself. Advance Colorado designed it as a direct countermeasure to Initiative 195 and frames it as protecting a flat, predictable tax structure.

Case for Support

- Preserves a flat, predictable tax structure and gives voters a direct alternative to Initiative 195's higher brackets.

Case for Oppose

- It adds little unless 195 passes, may constrain future fiscal choices and could create legal uncertainty if both measures pass.