

2026 Colorado Ballot Measures

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JAY INMAN
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Colorado's 2026 Ballot Initiatives

We will do a separate SubStack on the election portion

Colorado voters will consider 14 statewide ballot initiatives in 2026: seven constitutional amendments and seven propositions. These measures address education funding, immigration enforcement, energy choice, hunting and fishing, election procedures, taxes, criminal penalties, youth medical care, school athletics, and conservation.

I strongly recommend the [Colorado Conservative](#) Web site for even more details on the ballot measures. They are complex, there is messy history around a lot of them, and I try to be as brief as possible when making my vote recommendations.

The 14 Statewide Measures

Proposition NN — Public Education Funding:

Proposition NN asks voters to authorize Colorado to retain revenue above the TABOR limit in an amount tied to state public K-12 education funding. It does not raise a tax rate. When the state collects revenue above the existing limit, however, retained money would otherwise be available for TABOR refunds or other refund mechanisms. The final fiscal note projected reduced refunds of \$329.9 million in FY 2026-27 and \$521.0 million in FY 2027-28 under its then-current forecast.

Recommend NO... The reason is complex. Below is text from the Colorado Conservative. I sat on the D-20 DAC (District Accountability Committee) and we wrestled with Academics and Funding accountability. The Colorado Conservative called this one VERY accurately.

Amendment 81 — Law-Enforcement Communication with Federal Immigration Authorities

A YES vote expands or protects lawful communication and cooperation contemplated by the measure. A NO vote preserves the current Colorado framework and its existing limits on certain forms of state or local participation in federal immigration enforcement.

Recommend YES

Our support begins with a simple public-safety proposition: two legitimate levels of law enforcement should be able to communicate when their lawful responsibilities intersect. That can help remove repeat criminal offenders who are also subject to federal immigration action and can reduce the need for riskier attempts to locate them after release.

gas governed by existing constitutional rules and by future state decisions, building codes, and local ordinances.

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Recommend YES - Government should not force a household to use a lawful energy source when safety and environmental goals can be met through standards rather than prohibition. Consumers should be free to choose energy based on reliability, performance, and personal need instead of having one imposed on them by mandate.

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Amendment 83 — Right to Hunt and Fish

Amendment 83 would add a right of the people of Colorado to hunt, fish, and take fish and wildlife to the state Constitution. The right would include harvesting by traditional methods and would apply to species managed by the state, except nongame species, endangered species, and species that federal law makes illegal to hunt. A YES vote creates that constitutional protection. A NO vote leaves hunting, fishing, and wildlife management governed by existing constitutional rules, statutes, and agency regulations.

Recommend YES - Lawful hunting and fishing deserve protection when that right remains subject to science-based conservation, public safety, and private-property rights. Amendment 83 does not create an unrestricted right to take wildlife. It excludes nongame and endangered species, preserves federal prohibitions, bars any implication that trespass is allowed, and retains state authority to regulate when the stated conservation and safety standards are met.

Amendment 84 — Identification for Mail Ballots

Amendment 84 would add a mail-ballot identification requirement to the Colorado Constitution for federal or statewide elections. A voter would have to sign the ballot affirmation and provide either the last four digits of a Social Security number, a Colorado REAL ID number, a Colorado REAL ID driver's license number, or the last four digits of another Colorado identification number that satisfies federal REAL ID requirements. Election officials would compare the information with the statewide voter-registration database.

Recommend Yes - convenient voting and reliable identity verification can coexist. A mail-ballot system depends on public confidence that each counted ballot came from an eligible registered voter. An objective database match adds a distinct safeguard rather than relying solely on a signature comparison.

The cure requirement is central to our support. A missing digit, transcription error, database mismatch, or honest misunderstanding should trigger notice and a practical opportunity to correct the record, not automatic disenfranchisement. Instructions must be plain, notices prompt, digital and in-person options accessible, and county practices consistent.

Amendment 85 — Plain-Language Ballot Titles

Amendment 85 would add two rules to the Colorado Constitution. First, every state and local ballot question would have to use plain language and stay at or below an eighth-grade reading level. Second, a state statute could not require wording before, after, or inside the ballot title of a citizen initiative if that wording conflicts with those rules.

Recommend YES - A ballot question is the government asking for the voter's consent. The voter should not have to untangle a paragraph written for lawyers before casting a vote. Clear words and shorter sentences make that decision easier to understand and easier to check.

Amendment 86 — Off-Cycle Congressional Redistricting

Amendment 86 would keep Colorado's current independent congressional redistricting process and add a new rule for changing a final map after it has been adopted. For the 2028 congressional election and later elections, a final map could be changed only through the Independent Congressional Redistricting Commission and the Colorado Supreme Court.

Recommend YES - A congressional map should not become a political tool between censuses. Colorado created an independent commission to separate map drawing from ordinary legislative power. A final map should remain final unless a public, lawful process shows that a change is needed.

Amendment 87 — Graduated Income Tax

Amendment 87 would replace Colorado's 4.4 percent flat income tax with graduated marginal rates beginning in tax year 2027. It would apply the same bracket schedule to individuals, estates, trusts, and C corporations. Income from the taxable portion of a principal-residence sale would remain subject to a 4.4 percent rate.

Recommend NO - Amendment 87 asks Colorado to reverse a tax policy its voters have reinforced for more than three decades. Voters adopted TABOR in 1992, including direct voter approval for tax increases and a requirement that taxable net income be taxed at one rate. In 2020, voters approved Proposition 116 and reduced the state income-tax rate from 4.63 to 4.55 percent. In 2022, they approved Proposition 121 and reduced it again to 4.4 percent. Those votes do not bind every future generation forever, but they establish a clear record: Colorado voters have repeatedly chosen a lower, uniform income-tax rate and direct control over tax increases.

Amendment 87 does not literally bypass the electorate. It is a citizen initiative, and voters will decide it. It does, however, ask voters to remove the uniform-rate protection and replace it with a system that gives future campaigns more levers to pull. Once six brackets exist, advocates can return with proposals to change one rate, move one threshold, add one surcharge, or redefine which taxpayers are expected to carry the next spending promise. Each future increase would still require a vote, but the simple constitutional boundary would be gone.

Proposition 132 — Penalties for Fentanyl Crimes

Proposition 132 is a statutory measure that substantially increases criminal penalties for fentanyl, carfentanil, benzimidazole opiates, and specified analogs beginning January 1, 2027. It applies to unlawful possession and to distribution, a legal term that includes selling, transferring, or sharing. A YES vote adopts the new felony

classifications, mandatory treatment provision, longer sentences, and narrower exemptions. A NO vote keeps the existing quantity-based system and current mitigation rules.

Recommend YES because fentanyl has changed the risk Colorado is confronting. The official Legislative Council analysis identifies fentanyl as the leading cause of drug-overdose deaths in Colorado and the United States. Nationally, the Centers for Disease Control and Prevention reports that fentanyl was involved in 75 percent of overdose deaths among young people ages 10 through 19 from 2020 through 2024. Preliminary federal data also show that while overdose deaths fell nationally in 2025, Colorado was among the few states where total overdose deaths increased by at least 10 percent. The national improvement is welcome; Colorado cannot mistake it for permission to relax.

The danger to children is especially serious because illicit fentanyl does not always arrive in a form a young person recognizes as fentanyl. It is pressed into counterfeit pills made to resemble legitimate medication and mixed into other drugs. A teenager may make one reckless decision without understanding that the pill in hand contains a substance many times more potent than the drug it imitates. The person who manufactures, sells, or transfers that product creates a risk far beyond an ordinary illegal transaction.

Colorado therefore needs an unmistakable rule for the illicit supply chain: knowingly manufacturing or distributing controlled substances containing fentanyl will bring severe consequences. The state should not tolerate a market in which sellers can move counterfeit pills or fentanyl mixtures and then minimize the danger because the quantity was small. A small quantity can still contain multiple lethal exposures. Public policy should place the risk of that uncertainty on the person choosing to distribute an illegal product, not on the child, family, or unsuspecting user who suffers the consequence.

Proposition 133 — Human Trafficking of a Minor

Proposition 133 is a statutory measure concerning human trafficking of a minor for sexual servitude, also called child sex trafficking. A YES vote expands the offense to include knowingly giving or receiving anything of monetary value to buy or sell sexual activity with a minor and requires life in prison without parole for anyone convicted of the offense. A NO vote keeps the current Class 2 felony, its 8-to-48-year prison range, and five years of mandatory parole.

YES because protecting children from deliberate commercial sexual exploitation is among the clearest and most important duties of government. Proposition 133 is an extreme measure, but it is aimed at an extreme offense: knowingly buying, selling, or facilitating commercial sexual activity involving a child. The measure asks Colorado to say that children come first and that an adult proven to have traded in a child's sexual exploitation will face the full weight of the justice system.

Proposition 134 — Participation in School and Collegiate Sports

Proposition 134 is a statutory measure that creates a statewide sex-based eligibility rule for school-sponsored sports. Every covered team must be designated for biological males, biological females, or as coeducational or mixed. Students may compete on the team matching their biological sex or on a mixed team. A female student may join a male team when no corresponding female team is available. A YES vote adopts these

rules. A NO vote leaves eligibility to the existing combination of law, school policy, and athletic-association standards.

The measure defines male and female by whether a person's reproductive system is organized around the production of sperm or ova. It applies from elementary school through college to public, charter, private, and religious schools, including interscholastic teams, intramural sports, and school-sponsored after-school programs. It does not apply to independent youth leagues that are not operated by schools.

YES because fairness requires Colorado to preserve a meaningful female athletic category. The fight for women's equal civic, educational, and athletic opportunity spans generations. School sports became one of the places where that progress could be measured: girls and women gained teams, coaching, facilities, records, championships, recruitment, and scholarships that had long been denied or neglected. Those opportunities should not be treated as symbolic or expendable.

Female sports are separated by sex for a practical reason. On average, biological differences that become more pronounced through puberty can affect size, speed, power, strength, reach, muscle mass, lung capacity, endurance, and injury risk. The degree of advantage varies by sport and by individual, and there is overlap between athletes. But categories are not built around whether every individual male can defeat every individual female. They are built around group-level differences that materially shape fair competition at the upper end of performance.

Proposition 135 — Certain Surgeries on Minors

Proposition 135 is a statutory measure prohibiting surgery on a person under 18 when the purpose is to alter biological sex characteristics as treatment in response to the minor's perception of sex or gender. It also prohibits state or federal funds, Medicaid reimbursement, and insurance coverage from paying for prohibited surgery. A YES vote adopts the prohibition. A NO vote keeps current Colorado law, under which medically necessary surgery may be covered by public or private insurance or paid for out of pocket.

The measure does not prohibit all gender-related care. It does not restrict counseling or social transition, and its text does not prohibit puberty blockers or hormone therapy. It allows male circumcision and treatment for medically verifiable differences of sex development or acquired physical or chemical abnormalities. It takes effect January 1, 2027, and applies to violations on or after that date.

YES because irreversible surgery should wait until adulthood. That judgment does not require us to deny what a young person feels, dismiss a family's concern, or treat transgender people as a problem to be solved. A person who feels estranged from his or her body deserves to be heard, treated with dignity, and given competent care. Adults should generally remain free to make informed decisions about their own bodies, including decisions others would not make for themselves.

The line is different for children because childhood is a protected period of development. Puberty can be confusing even when a young person has no conflict about sex or gender. Bodies change quickly. Emotions and self-understanding can change as well.

Proposition 136 — Income-Tax Rate Limit

Proposition 136 is a statutory measure that would set 4.4 percent as the maximum Colorado income-tax rate for individuals and corporations beginning with tax year 2027. The permanent rate is already 4.4 percent. The measure therefore does not cut anyone's current tax bill and does not immediately change state or local revenue or spending. A YES vote adds the ceiling to statute. A NO vote keeps the current 4.4 percent rate without the new ceiling.

Amendment 87 would replace the flat 4.4 percent rate with graduated rates. It would lower marginal rates on taxable income below \$100,000, keep 4.4 percent from \$100,000 through \$500,000, and raise marginal rates above \$500,000, reaching 8.4 percent above \$1 million. Proposition 136 would permit the lower rates but conflict with every rate above 4.4 percent.

The official analysis says the exact result would be unclear if voters approve both measures. Colorado law generally looks to the measure receiving more affirmative votes when voter-approved provisions conflict, but the legislature or a court may have to resolve the interaction. Voters should therefore evaluate Proposition 136 both as a general ceiling and as a direct counterweight to Amendment 87.

We recommend YES because Colorado should make fiscal plans under a tax rate its voters have repeatedly chosen, not under the assumption that the rate can be raised whenever spending ambitions outrun revenue. Proposition 136 does not reduce the current rate. It takes the 4.4 percent rate already in law and says that this is the upper boundary unless Coloradans deliberately change course.

The contrast on the 2026 ballot is striking. Amendment 87 asks voters to lower rates for many filers while raising marginal rates—sharply in the top brackets—for others. Proposition 136 moves in the opposite direction: it permits future reductions for anyone but denies government the ability to impose a rate above 4.4 percent on any individual or corporation while the ceiling remains in force. One measure treats higher rates on a smaller group as a source of expanded spending. The other tells government to plan within a known maximum. We favor the second approach.

Colorado voters have already spoken more than once. Proposition 116 lowered the permanent rate from 4.63 percent to 4.55 percent in 2020. Proposition 121 lowered it again to 4.40 percent in 2022. Those were statewide choices in favor of a lower, uniform rate. Proposition 136 respects that record by turning the present rate into a clear ceiling rather than a temporary political resting point.

Proposition 137 — Sporting-Goods Revenue for Conservation

Proposition 137 would let Colorado retain and spend an estimated portion of existing state sales-tax revenue associated with sporting goods and equipment outside the TABOR revenue limit. The state sales-tax rate would not change, and shoppers would not pay a new tax at the register.

NO. The conservation goals are serious, popular, and worthy of public investment. Wildfire mitigation, healthy forests, reliable water, protected habitat, and usable outdoor spaces matter to every part of Colorado. But worthy purposes do not excuse a weak funding design. Proposition 137 asks voters to approve a continuing stream first and learn the detailed spending plan later.

Jay on a Colorado Blue Sky Day