

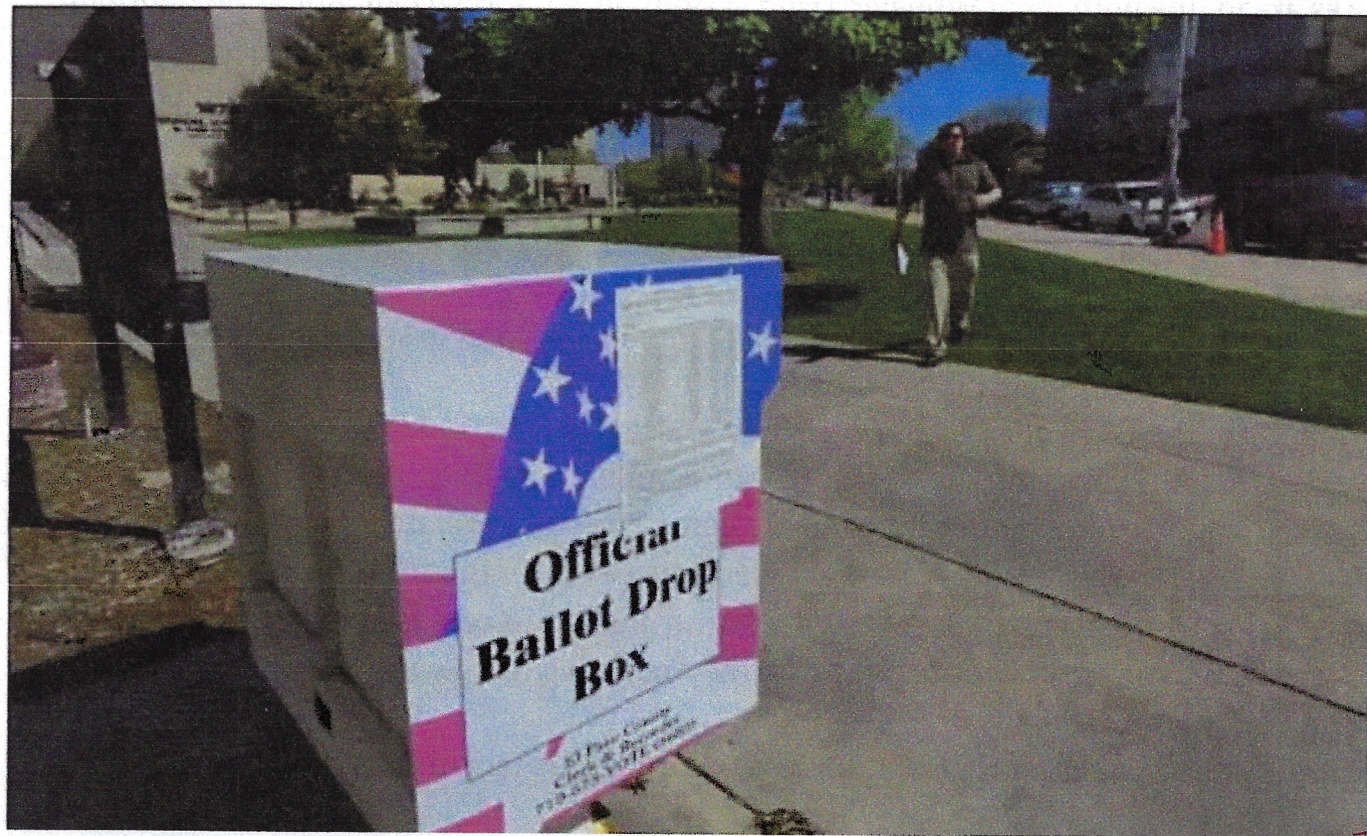
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Lawsuit seeks to remove graduated income tax measure from ballot

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A lawsuit filed Wednesday in Denver District Court seeks to strike the proposed graduated income tax measure from the November ballot.



One of Denver's major law firms filed the lawsuit on behalf of Michael Andre Hancock of Arapahoe County, who challenged the ballot measure during the title board process earlier this year.

The defendants are Secretary of State Jena Griswold and Amendment 87 proponents Chris deGruy Kennedy of the Bell Policy Center and Kiyana Newell of New Era Colorado.

The lawsuit challenges how Protect Colorado's Future — the coalition behind the measure — gathered its signatures. It claims the group failed to file training certificates for some of its paid petitioners. Protect Colorado's Future used a mix of paid circulators and volunteers from its partner organizations. In all, 18 different entities with 311 volunteers or paid circulators gathered signatures for the ballot measure.

The lawsuit said 69 individuals appeared on the list of paid circulators but did not appear on the list of registered petition circulators.

It also challenged how the secretary of state validated the petitions.

The lawsuit alleged that the invalid petition gatherers turned in 9,849 signatures, which should have been rejected.

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If those signatures were deemed invalid, the number of valid signatures would drop from 130,938 to 121,089. That's below the required 124,238 valid signatures for citizen initiatives.

Michael Fields of Advance Colorado, who has a competing ballot proposal, said his group is not bank-rolling the lawsuit.

Such lawsuits are not cheap.

The law firm that filed the lawsuit, Brownstein Hyatt Farber Schreck, charges hundreds of dollars per hour, which is typical for a law office with its size and firepower. For example, in a 2025 letter of agreement with the Central Firestone District, Brownstein agreed to \$530 per hour, though a rate sheet attached to that agreement showed counsel rates as high as \$1,285 per hour.

In fact, those rates are in line with what Wheeler Trigg O'Donnell, a national civil litigation boutique law firm headquartered in Denver, is charging Denver to represent the city attorney in a lawsuit. The city said the firm's \$800-an-hour blended rate represents a significant discount from what its more senior attorneys typically charge.

A statement from the Bell Policy Center on behalf of Protect Colorado's Future sought to paint the lawsuit as funded by "deep-pocketed interests" who are "engaged in a desperate effort to keep the popular measure from voters."

The group also sought to highlight the law firm's other clients, in addition to suggesting the ballot fight is a battle between the wealthy and the not-so-wealthy.

Chris deGruy Kennedy of the Bell Policy Center said that "more than 130,000 Coloradans signed this petition because they're tired of paying the same tax rate as millionaires."

He said the same lobbying firm that represents tobacco companies and private prison operators "is now trying to silence those voters, but we intend to defend every one of them."

DeGruy Kennedy added, "Rather than make their case to the public, lawyers for the rich and powerful are trying to kill it in a courtroom. It's no surprise that they're trying to take this choice away from voters, but we won't let them win."

The coalition behind the measure spent \$620,000 on paid circulators to gather signatures, according to reports.

That fight is taking shape as contending sides are pushing diametrically opposed ballot measures. One side has long sought to raise more revenue, arguing what the state collects is insufficient to pay for services and programs. The other side counters that a flat tax is fair to everyone, producing sufficient revenue for state spending and what policymakers need is fiscal discipline.

In an earlier statement, Protect Colorado's Future said Amendment 87 would cut taxes for 97% of Colorado taxpayers, raise \$2 billion annually for K-12 education, healthcare and childcare and increase taxes only on the wealthiest 3% of individuals and largest 5% of corporations that make more than \$500,000 annually.

The measure also mandates an annual independent public audit to ensure the dollars are spent as required.

A competing ballot measure, Proposition 136, would cap the state income tax rate at 4.4% and is backed by Advance Colorado.

The measure that gets the most votes above the required 50% plus one threshold becomes law.

The general election ballot includes 14 measures: 13 that reached it through petition and one, Proposition NN, sent by the Colorado General Assembly.

Election Day is Nov. 3. Ballots will start going out no later than 18 days before the election.

