

UC Berkeley

California Journal of Politics and Policy

Title

Guns, Grass, and God's Wrath, Colorado's Budget, Politics, and Elections

Permalink

<https://escholarship.org/uc/item/7mh961pk>

Journal

California Journal of Politics and Policy, 8(1)

Author

Berry, Michael J

Publication Date

2016

DOI

10.5070/P2cjpp8130124

Copyright Information

Copyright 2016 by the author(s). All rights reserved unless otherwise indicated. Contact the author(s) for any necessary permissions. Learn more at <https://escholarship.org/terms>

Peer reviewed

Guns, Grass, and God's Wrath, Colorado's Budget, Politics, and Elections

Michael J. Berry
University of Colorado, Denver

I. Introduction

At the 2014 Democratic Party Assembly, incumbent Governor John Hickenlooper lamented that no “other state in the union . . . has been through as much as Colorado has in the past couple of years.” His statement was an implicit reference to a number of recent tragedies in the state. Among the most prominent were the 2012 Aurora movie theater shooting, the callous murder of Department of Corrections director Tom Clements in his home in early 2013, and the most devastating forest fires and floods to ever hit the state in June and September 2013. Hickenlooper’s statement on the uniqueness of the state, however, could just as easily apply to the state’s political realm.

Colorado received considerable notoriety from the commencement of recreational marijuana sales on January 1, 2014. In a carefully staged photo opportunity, Iraq war veteran, Sean Azzariti, made the first legal recreational marijuana purchase as the state embarked on a grand social experiment. The prior year witnessed the first recall elections in state history resulting in the removal of two Democratic legislators from office including Senate President John Morse. An additional state senator facing a strong recall effort resigned under pressure. These highly charged campaigns to remove legislators were in response to the enactment of several controversial gun control laws.

The legalization of recreational marijuana and the fight over gun control grabbed the lion’s share of headlines in the state over the past year. With respect to the state budget, the tax revenue from marijuana sales should soon have significant budgetary implications. Though not as substantial, new gun control laws also have budgetary consequences since gun purchasers must now pay for the cost of background checks, where previously public funds were allocated for this purpose. In a broader sense, a key result of the ongoing battle over gun control is the precedent set by the successful recalls of state legislators. This tactic could potentially reverberate to other issues addressed by the legislature including, perhaps, the budget.

On the electoral front, Colorado had three notable races in the 2014 midterm elections—the campaigns for the U.S. Senate, the House’s 6th Congressional District, and the governor’s office. Prior to the election, first-term Democratic incumbents held the senate seat and governorship, while the 6th Congressional District had a three-term Republican incumbent. The senate race between incumbent Democrat Mark Udall and challenger Cory Gardner was expected to be one of a handful that determined the balance of power in the senate. According to polling data, public

support for the candidates was nearly evenly divided throughout the summer and into the fall. On election night, Gardner emerged as the victor by just two percentage points.

As the fall campaigns began in earnest, many political pundits identified the house race in Colorado's 6th district as likely to be one of the most competitive in the country. Following a lengthy redistricting battle after the 2010 census, the new congressional district map was expected to produce more competitive districts. Among the most notable of these was incumbent Representative Mike Coffman's district, which lost large segments of conservative Douglas County. The district's changed demographic composition was evident when the two candidates participated in the state's first Spanish-language congressional debate. While many expected the race to be won by a small number of votes, Coffman cruised to a third term by nearly 10 percentage points.

Most of the drama on election night came in the governor's race. Republican candidate Bob Beauprez was ahead of the incumbent governor for most of the evening. As midnight approached, both candidates briefly addressed their supporters while the race was still undecided. Colorado state law imposes mandatory recounts if the second-place candidate is within 0.5 percent of the total ballots cast for the leading candidate (Colo. Rev. Stat. § 1-10.5-101). Republican Secretary of State Scott Gessler publicly suggested that a recount was imminent. However, as precincts in liberal Boulder and Denver counties reported into Wednesday morning, Governor Hickenlooper pulled ahead and won a second term.

II. Colorado's Economy and Budget

Acting in his capacity as governor, Hickenlooper has touted the state's economic recovery from the Great Recession as outpacing the national recovery. Since he was running for reelection, the Democratic incumbent obviously has an incentive to present the state economy in rosy terms. Judging by most metrics, Hickenlooper's claims of economic improvement are supported. According to the Bureau of Labor Statistics, Colorado's seasonally adjusted unemployment rate peaked at 8.9 percent in October 2010. By the end of 2014, this number fell below the national average to 4.2 percent. Though some months had modest gains, the Colorado economy enjoyed 28 consecutive months of job growth, which helps explain the disproportionate increase in population growth relative to other states. The Census Bureau reports Colorado's 4.8 percent population growth since 2010 was double the national rate. In percentage terms, the increase lagged behind only North Dakota (7.6 percent), Texas (5.2 percent), and Utah (5.0 percent).

Last November, Hickenlooper presented his budget proposal for the 2014–2015 fiscal year. According to the accompanying letter to the six-member Joint Budget Committee (JBC), the governor's budget included "a focus on one-time expenditures, enhancement and replacement of information technology and capital infrastructure, and increasing the required General Fund reserve level to 6.5 percent from the current 5.0 percent" (Hickenlooper 2013). Because of reserve fund depletion, the proposal advocated for a reinvestment and expansion for future contingencies. Also prioritized were funds to help areas of the state continue to deal with wildfire and flood relief.

When submitting requests to the Office of State Planning and Budget (OSPB), departments are required to provide a description of their activities and strategic plan in addition to a line-item description of its budget request. After consideration by the JBC, the full legislature typically passes the budget in May in time for the start of the fiscal year on July 1. The constitution mandates balanced budgets. Total spending included in the governor's 2014–2015 budget was \$24.1

billion, \$9.0 billion of that came from the General Fund, over which legislators have the most control. These figures represent increases from the prior fiscal year of about 4.5 percent.

The governor's budget proposed increasing appropriation levels from the General Fund for most departments with two exceptions, personnel and administration, and public health and environment. Among the spending areas the governor's office emphasized were increases in K-12 and higher education funding totaling a combined \$325 million, increasing the state's reserve fund by \$127.9 million, an initiative to reduce wait times at offices issuing driver's licenses, and a new institution in the department of corrections aimed at capturing fugitives.

In dollar amounts, the largest proposed increase to the state budget is the additional \$145.6 million requested for health care policy and financing. This is a response to numerous factors including an increased caseload for programs falling under this category and increased provider costs.

Colorado frequently ranks low in education spending relative to other states. Accounting for a 1.3 percent increase in student enrollment, the budget request proposed increasing state spending by \$223 per student—\$258.4 million in total. Since the governor campaigned for the passage of Amendment 66 (a \$950 million personal income tax increase to support K-12 education), it was not surprising to see proposed increases in education funding in the aftermath of its defeat at the hands of voters in 2013. The budget request included a \$102 million increase in higher education spending from the General Fund, a 15 percent increase from the prior year. About \$60 million of the increase was pegged for operating expenses and about \$40 million for student financial aid. With this additional revenue, the governor hoped to limit tuition increases to six percent or lower in the following year. As enrollments have grown in both higher education and K-12, the increases were deemed critical.

General Fund appropriations for the Department of Corrections were proposed to grow from \$664 million last year to \$706 million. After the tragic killing of its former director on March 19, 2013, new director Rick Raemisch was charged with conducting a comprehensive departmental review and will soon provide reform recommendations to the governor. Raemisch gained some notoriety after spending 24 hours in solitary confinement and writing an op-ed for *The New York Times* describing his harrowing experience and declaring the "urgency for reform" (Raemisch 2014). In anticipation of these proposals, his proposed budget reserves \$10 million for reform measures including \$1 million for a new fugitive apprehension unit.

This fugitive apprehension spending was mainly a response to the circumstances surrounding the person believed to be responsible for Clements's murder. Even Ebel, a felon and suspected gang member with a history of violent crime, had cut his ankle monitor, which violated the terms of his parole. While unaccounted for, he murdered a pizza delivery person and Clements, in addition to nonfatally shooting a Texas deputy. Attempting to escape police captivity, Ebel was killed in a shootout with police in Texas. The new program is intended to help the state better track and capture individuals in cases such as this to prevent future crimes.

Another notable aspect of this year's budget is the allocation of funds for disaster relief. Beginning on September 9, 2013 communities across the Front Range in central Colorado were inundated with rain of historic proportions with Boulder one of the worst hit areas. Once the storm system dissipated, Boulder reported a rainfall total in excess of 17 inches, close to its average for the entire year (Smith and Hennen 2013). Homes and businesses were flooded, roads swept away, and trees toppled. According to government estimates, floodwaters breached more than 18,000 homes forcing thousands to evacuate. Eight deaths were attributed to the disaster. Because the floods were spread across more than a dozen counties, rebuilding has been costly.

The Office of State Planning and Budgeting says \$144.2 million from the General Fund had already been reserved for flood-related purposes. The governor created the Colorado Department of Transportation Infrastructure Recovery Force, which identified 120 bridges damaged by floods. In addition, the budget proposed \$12 million to be allocated to water and wastewater treatment facilities impacted by the disaster. Nearly 2,000 gas and oil wells in the flood zone required inspection to determine whether damage or leakage had occurred. The governor's proposal to increase the state's reserve fund was partially so financial resources could be devoted to addressing unexpected events.

In addition to the 2013 flooding disaster, the Black Forest Fire, which burned more than 20 square miles near Colorado Springs, also caused widespread destruction. The state spent an estimated \$10 million fighting the fire that destroyed about 500 homes and claimed two lives. The state's recent history fighting large fires in drought conditions has brought about legislative proposals for the state to develop a more expansive aerial firefighting fleet. A report on one of the proposals estimated a cost of \$33.6 million to initiate aircraft devoted to fighting fire in the first year and \$23.6 million annually thereafter to maintain the fleet (Cooke 2014).

The budget signed by Hickenlooper at the end of April 2014 closely aligned with the spending priorities outlined in his budget request, though the budget total of under \$23 billion was less than the \$24.1 billion proposed. As expected, education spending increased substantially for both K-12 and higher education. The parameters of the adopted increase in higher education spending were nearly identical to the governor's proposal—a \$100 million increase with 40 percent allocated to student aid. The governor's reserve fund increase proposal was also funded at the proposed level. Lawmakers agreed on most of the disaster relief measures as well, including the approval of \$20 million to purchase and contract aircraft devoted to firefighting efforts. The approved budget funded many of the criminal justice spending initiatives highlighted by the governor, including increased funding for the Colorado Bureau of Investigation.

III. The Recreational Marijuana Experiment

In 2000, Colorado voters approved an amendment to the state constitution permitting the use of medicinal marijuana for certain ailments (Article XVIII § 14). The state medical marijuana industry was relatively nascent until the election of Barack Obama in 2008. On the campaign trail, Obama indicated that as president he would not devote federal resources to investigate and charge individuals working in state medical marijuana industries, despite the fact that the substance remains a schedule I narcotic under federal law. After the election, this sentiment was echoed by newly appointed Attorney General Eric Holder. The Justice Department formalized this policy in an October 2009 memo intended to provide “uniform guidance to focus federal investigations and prosecutions” in the 13 states where medical marijuana was permitted (Ogden 2009).

The groundbreaking memo stated that the Justice Department remained committed to enforcing the Controlled Substance Act in every state and emphasized its mission to combat the manufacture, trafficking, and distribution of narcotics. However, it made a noticeable policy change by stating that as a “general matter, pursuit of these priorities should not focus federal resources in your States on individuals whose actions are in clear and unambiguous compliance with existing state laws providing for the medical use of marijuana” (Ogden 2009). The memo did emphasize the Justice Department's authority to conduct antidrug operations in states where medical marijuana was sanctioned. It further outlined a nonexhaustive list of factors that could elicit fed-

eral intervention in these states including, “unlawful possession or unlawful use of firearms; violence; sales to minors; financial and marketing activities inconsistent with the terms, conditions, or purposes of state law, including evidence of money laundering activity and/or financial gains or excessive amounts of cash inconsistent with purported compliance with state or local law; amounts of marijuana inconsistent with purported compliance with state or local law; illegal possession or sale of other controlled substances; or ties to other criminal enterprises” (Ogden 2009).

In 2012, Colorado voters went a step further and ratified a second marijuana constitutional amendment, this time permitting recreational consumption (Article XVIII § 16). A subsequent memo outlined the Justice Department’s eight enforcement priorities in states with legalized recreational marijuana. These included combatting large-scale trafficking and preventing consumption among minors. Although marijuana remains illegal under the federal Controlled Substances Act, the Obama administration has, for the most part, not interfered with states that have elected to adopt more liberal drug policies with respect to medical and recreational marijuana.

According to the Department of Revenue’s Marijuana Enforcement Division, there were 501 licensed medical marijuana providers in the state as of December 2014. At least initially, the state permitted only those with existing medical marijuana licenses to apply for a recreational license. With this restriction, when retail sales commenced on January 1, 2014, there were fewer than 150 dispensaries with recreational certification (Associated Press 2013b). Most of the outlets were in the Denver metro area, but they existed all across the state.

The economic windfall from marijuana legalization is beginning to take shape, although it will likely take several years before coming into focus. According to the state, recreational marijuana sales totaled more than \$14 million in January 2014—the first month such sales began (Ingold 2014). Voter-approved taxes on recreational marijuana include a base sales tax of 2.9 percent, an additional 10 percent sales tax, and a 15 percent excise tax. Local sales taxes may also be imposed. The state received approximately \$2 million in tax revenue from recreational sales over a four-week span. State reports for February 2014 indicate the state collected \$3.2 million in recreational and medical marijuana taxes with about \$1 million of the total generated from medical sales.

Recreational sales increased each month through August 2014. The trend coincided with a more gradual decrease in medical marijuana sales over the same period. August was the first month that recreational sales (\$34.1 million) eclipsed medical sales (\$33.4 million). Recreational sales peaked in December at more than \$35 million (Colorado Department of Revenue 2015). At year’s end, the combined the medical and recreational marijuana markets totaled over \$700 million in sales. Governor Hickenlooper originally estimated the state would receive \$134 million in marijuana tax revenue over the next fiscal year. This figure was revised in April to approximately \$114 million (Wyatt 2014). Based on projections, the amounts equate to nearly 1.5 percent of the state General Fund. The final accounting of marijuana revenue from taxes and fees in 2014 totaled \$76 million—a considerable sum for the novel marketplace, but far less than originally projected (Colorado Department of Revenue 2015).

Under the tax structure approved by voters, the first \$40 million in marijuana tax revenue is mandated to go to school construction. Any excess revenue not earmarked for a specific purpose may be allocated in numerous ways. In discussions regarding how to best proceed, the Joint Budget Committee has considered over a dozen potential spending areas. The committee is currently considering the governor’s marijuana tax revenue spending request, which prioritizes programs to prevent youth marijuana use and investments in public health and substance abuse treatment. In response to a letter submitted by the Colorado Association of Chiefs of Police,

Hickenlooper amended his original request by including proposals for police officer training and efforts to identify and combat marijuana-impaired driving. Establishing a legal limit of THC (marijuana's active compound) in one's system while driving is one of the many marijuana-related issues the legislature has had to address. After considerable study and debate, the legislature imposed a legal limit of 5 nanograms of THC per milliliter of blood. More recently, it has debated whether to impose additional regulations on the sale of edible marijuana products.

The potentially lucrative tax base as well as evolving public opinion on the issue appears to have many other states considering liberalizing their existing laws. As of December 2014, marijuana for medicinal purposes was permitted in 23 states and the District of Columbia (National Conference of State Legislatures 2016). According to one estimate, ballot measures or legislative proposals for recreational use are progressing in 17 states (Lyman 2014). By many accounts, Alaska appears to be next in line with its residents expected to vote on legalizing recreational use in the state's August primary election. Polling data suggest the measure enjoys the support of a majority of Alaskans, but the two most recent ballot measures to simply decriminalize small amounts of marijuana in 2000 and 2004 were each unsuccessful.

With only two states having sanctioned recreational consumption, the prospect of marijuana tourism provides another potential source of revenue. Colorado's State Tourism Office has so far been reluctant to promote the legalization of marijuana as a reason to visit the state. Cognizant that some visitors may be traveling to the state for precisely this purpose, many of the state's ski resorts have emphasized that public consumption of cannabis remains illegal. However, a number of companies organizing marijuana tours have begun to emerge. So too have "bud and breakfasts." The popular travel advice company Fodor's recently published articles specifically devoted to marijuana tourism in Colorado. Out-of-state visitors over the age of 21 are limited to purchasing smaller quantities of marijuana than state residents.

While it is somewhat difficult to identify whether legalization has resulted in more visitors to the state, one indicator suggests the possibility of an increase in visitors. Denver-area hotel bookings over the annual April 20 smokers' holiday weekend were up almost 75 percent from 2013 (Johanson 2014), and bookings were up a more modest seven percent for the first quarter of 2014. In 2014, organizers expected the annual 4/20 festival in downtown Denver to draw upwards of 100,000 people. Though the media reports on attendance were generally below that, the state enjoys additional revenue beyond marijuana taxes when out-of-state visitors spend on hotels, transportation, food, and other things that generate tax revenue.

IV. Gun Control and Legislator Recalls

The topic of gun control has generated considerably more controversy in Colorado than the burgeoning marijuana industry. Tragedy struck the state on July 20, 2012 when a lone gunman indiscriminately killed 12 people and injured at least 70 others at an Aurora movie theater's midnight showing of *The Dark Night Rises* Batman film. In December of the same year, 26 innocent people, 20 children and six adults, were killed during a shooting at Sandy Hook Elementary School in Newton, Connecticut. President Obama pledged to take "meaningful action" to prevent further mass shootings, and many state officials were spurred by the tragedies to promote gun control reforms. Governor Hickenlooper and Democrats in the state legislature spearheaded the controversial efforts.

In 2013, Democrats held 19 of the 35 seats in the senate and 36 of the 65 seats in the house. Holding majority party status in both chambers, legislators proposed seven bills addressing a va-

riety of gun-related issues. Bills banning guns on college campuses (HB 1226) and imposing potential liability on automatic weapon manufactures (SB 196) were unsuccessful, but the remaining five, after long legislative debate, were ultimately enacted into law. On March 20, Governor Hickenlooper signed three of the most controversial. The first required nearly universal background checks for most gun purchases (HB 1229). A related bill required gun buyers to pay background check costs (HB 1228). The third limited ammunition magazine capacity to 15 rounds (HB 1224). The magazine capacity limit in particular received substantial opposition from many groups and individuals. Two additional laws imposed in-person training for concealed weapons permits (SB 195) and a ban on gun ownership for individuals with a prior record of domestic violence involving a firearm (SB 197).

Ammunition manufacturer Magpul Industries, which employs over 200 people in the state, threatened to relocate out of Colorado should the measure pass. It made good on its threat and transferred operations to Wyoming and Texas. Many sheriffs publicly declared they would refuse to enforce the law and nearly 90 percent of them joined a lawsuit seeking to overturn the magazine limit (Associated Press 2014). In addition to seeking to overturn the laws through the courts, opponents began a movement to recall the governor and legislators that had voted in favor of the laws.

Colorado is one of 19 states that permit citizens to recall public officials before the expiration of their term (National Conference of State Legislatures 2013). Under the constitution, recall elections are triggered on certification of valid signatures corresponding to 25 percent of the total ballots cast for the office in the prior election. Recall drives produced enough signatures for recall elections for Senate President John Morse and Senator Angela Giron, both Democrats. Two other Democratic legislators were targeted, including Rhonda Fields who sponsored the magazine limit bill (Richardson 2013); each narrowly avoided recall, but Senator Evie Hudak decided to resign as the campaign for her recall was building momentum. Following certification, Governor Hickenlooper scheduled the two recall elections for September 10.

Both legislators held a decided fundraising advantage in the recall elections. Combined, supporters of the incumbents raised nearly \$3 million, while those in favor of the recall collected \$540,000 (Lee and Torres 2013). Turnout for the elections was low in both districts, partially due to the fact that mail-in ballots were not permitted. In the recall election for Senator Morse, 21 percent of the registered electorate in senate district 11 cast a total 18,000 ballots and he was removed from office by a margin of less than two percent. In Senator Giron's district, by the time polls closed, about 35 percent of those registered had participated totaling about 35,000 votes; those in favor of the recall outnumbered those opposed by nearly 12 percent. The cost to administer the elections totaled \$270,000 in Pueblo County and \$150,000 in El Paso County. Both unsuccessfully appealed to the state for reimbursement (Associated Press 2013a). The main long-term consequence of the elections is the demonstration that efforts to recall legislators can succeed, an experience that may temper future legislative efforts to address controversial issues.

V. The 2014 Midterm Elections

Expected to be one of the most competitive states in the nation in the 2012 presidential election, President Obama carried Colorado by five percent. As a state widely known to be trending blue, outsiders may be surprised that among active voters, Democratic registration continues to lag behind both Republican and unaffiliated voters. Voters registered as unaffiliated constitute the largest voting bloc at 34.9 percent of the electorate. Republican voters represent an additional

32.7 percent with Democratic voters running third at 31.3 percent (Colorado Secretary of State 2014). In 2014, the state's senate seats were both held by Democrats and the house delegation was split four to three in favor of the Republicans. Among the three most interesting elections in that year's election cycle were the races for the governor's office, U.S. Senate, and the 6th Congressional District.

In February, Representative Cory Gardner announced his intent to run against incumbent Senator Mark Udall. Since 2010, Gardner represented Colorado's 4th Congressional District, which includes several Front Range cities such as Loveland and Fort Collins in addition to each county on the state's eastern border. Udall was a first-term incumbent having been elected to the Senate in 2008. He won that election with a margin of victory of 10 percent, but polling data consistently suggested his reelection bid would be much closer. A March poll by Public Policy Polling showed Udall with a two percent lead that was within the margin of error.

The race stood to run contrary to the longstanding trend where first-term incumbents typically increase their share of the vote running for reelection (Ansolabehere and Snyder 2002). While Gardner led in most polls throughout the summer and fall, Udall was typically within the margin of error, and most analysts considered the election to be a toss-up. Despite winning three of the four largest counties in terms of total ballots cast (each over 225,000), Udall only managed to carry 20 of the state's remaining 60 counties, and Gardner narrowly won the election. Only one of the state's seven congressional districts was expected to be competitive.

Since its creation in the 1980s, the historically affluent 6th Congressional District has never elected a Democrat. After the resignation of Tom Tancredo, former secretary of state, Mike Coffman easily won his first two elections for the seat by an average of nearly 30 percent. Following the 2010 Census, a court-imposed district map transformed the district, which had previously been centralized in the southern suburbs of Denver, to include areas to the east and north of the city including Aurora making it likely to be more competitive. Republican-leaning parts of the district were carved out and the number of Latino residents increased from about eight percent to more than 20 (Isenstadt 2013). Coffman showed a renewed focus on immigration as a result and narrowly won reelection in 2012. In 2014, Coffman faced former Speaker of the Colorado House, Andrew Romanoff, in a district that mirrors the party division statewide. It was expected to be one of the most competitive house races in the nation. Both candidates were successful in fundraising in addition to the host of outside groups that spent considerable sums. As the results came in on election night, Coffman emerged as the winner by nearly 10 percent.

Incumbent Governor John Hickenlooper ran for a second term in 2014. In the prior gubernatorial election, the Republican nominee received a mere 11 percent of the vote. This vote total was especially notable since eclipsing the 10 percent mark meant that the state Republican Party narrowly avoided being saddled with minority-party status under state law. Tom Tancredo, running as the American Constitution Party candidate, ended up in second place about 14 points behind Hickenlooper. Absent a minor party candidate of note to divide the conservative vote, this election was much more competitive.

Several challengers vied for the Republican gubernatorial nomination. The four-way race included former Representatives Beauprez and Tancredo, former Secretary of State Scott Gessler, and former state Senator Mike Kopp. Throughout the campaign season, polls frequently had Hickenlooper ahead by large margins in each potential match up. However, once Beauprez edged out Tancredo to win the party's nomination, the polls began to tighten. This race ultimately provided the most drama on election night, as Hickenlooper did not eclipse Beauprez's vote share until after midnight.

VI. Issues on the Horizon

In many respects, Colorado is a state in transition. Marijuana and gun control are among the most notable issues of late, but there are certainly others. Residents in 11 predominantly rural counties recently voted on whether officials should pursue seceding from the state. The “51st State Question” passed in five of these counties. A more serious issue that bears watching is the battle over the use of hydraulic fracturing, or “fracking.” Fracking occurs by injecting a chemical concoction deep underground to make natural gas deposits easier to extract. In 2013, voters in four cities, including the college towns of Boulder and Fort Collins, approved ballot measures to ban fracking in their communities. It initially appeared that a fracking ban had been voted down in the city of Broomfield by a margin of 13 votes out of more than 20,000 votes cast, but following a recount and months of legal maneuvering, the ban ultimately passed by a margin of just 20 votes.

In 2014, several statewide ballot measures concerning fracking were progressing toward certification. One proposal sought to constitutionally protect the rights of localities to ban the practice as some have already done. Several competing measures proposed instituting bans on fracking within a designated area around occupied structures. Another proposed preventing severance tax dollars from being allocated to communities that adopt fracking bans. Several of these measures cleared the signature requirement, but Governor Hickenlooper and Representative Jared Polis helped broker a temporary cease-fire among opposing groups whereby all initiatives were withdrawn. To further study the issue, Hickenlooper commissioned an 18-member panel, which was charged with making recommendations to the legislature.

Expanding prohibitions on the practice has substantial financial consequences. Oil and gas is an industry of \$29 billion annually that employs 50,000 people (Stokols 2014). A University of Colorado study estimated a statewide fracking ban would cost the state more than \$8 billion in gross state product, \$567 million in tax revenue, and 68,000 jobs over a five-year span (Wobekind and Lewandowski 2014). While many Democrats express concerns about the public health consequences of fracking, Governor Hickenlooper, a former geologist who worked in the industry, supports the practice. Just last year, he famously told a senate committee that he drank a glass fracking fluid. It remains to be known whether state residents will figuratively drink the fracking Kool-Aid along with him.

References

- Ansolabehere, Stephen, and James M. Snyder, Jr. 2002. "The Incumbency Advantage in U.S. Elections: An Analysis of State and Federal Offices, 1942–2000." *Election Law Journal* 1 (3): 315–38.
- Associated Press. 2013a. "Recall Elections a Local Expense, State Rules." July 31.
- . 2013b. "Colorado Issues 136 Licenses for Recreational Marijuana Sales." December 23.
- . 2014. "Trial Set to Start for Lawsuit over Gun Laws." March 30.
- Colorado Department of Revenue. 2015. "Marijuana Tax Data." Available: <<https://www.colorado.gov/pacific/revenue/colorado-marijuana-tax-data>>.
- Colorado Secretary of State. 2014. "2014 Voter Registration Statistics." Available: <<http://www.sos.state.co.us/pubs/elections/VoterRegNumbers/2014VoterRegNumbers.html>>.
- Cooke, Paul L. 2014. "Special Report: Colorado Firefighting Air Corps." Colorado Division of Fire Prevention and Control. March 28.
- Hickenlooper, John. 2013. "FY 2014–15 Budget Request." November 1. Available: <<https://www.colorado.gov/pacific/hcpf/fy-2014-15-budget-request>>.
- Ingold, John. 2014. "Colorado Saw \$2 Million in Recreational Marijuana Taxes in January." *Denver Post*, March 10.
- Isenstadt, Alex. 2013. "Mike Coffman Does a 180 on Immigration." Available: <<http://www.politico.com/story/2013/02/coffman-does-a-180-on-immigration-88145.html>>.
- Johanson, Mark. 2014. "Marijuana Tourism Kicks into High Gear in Colorado over 420 'Holiday.'" *International Business Times*, April 15.
- Lee, Kurtis, and Zahira Torres. 2013. "Outside Money Shows National Interest in Colorado Recall Elections." *Denver Post*. September 9.
- Lyman, Rick. 2014. "Pivotal Point Is Seen as More States Consider Legalizing Marijuana." *The New York Times*, February 26.
- Ogden, David. 2009. "Memorandum for Selected United States Attorneys: Investigations and Prosecutions in States Authorizing the Medical Use of Marijuana." United States Department of Justice, Office of the Deputy Attorney General. October 19.
- National Conference of State Legislatures. 2013. "Recall of State Officials." Available: <<http://www.ncsl.org/research/elections-and-campaigns/recall-of-state-officials.aspx>>.
- . 2016. "State Medical Marijuana Laws." Available: <<http://www.ncsl.org/research/health/state-medical-marijuana-laws.aspx>>.
- Raemisch, Rick. 2014. "My Night in Solitary." *The New York Times*, February 20.
- Richardson, Valerie. 2013. "Colorado Recall Effort Takes Aim at Democrats after Gun Bills." *The Washington Times*, March 26.
- Smith, Matt, and Dave Hennen. 2013. "Record Rain, Steep Canyons Fueled Colorado Floods." *CNN*, September 20. Available: <<http://www.cnn.com/2013/09/18/us/colorado-flooding/index.html>>.
- Stokols, Eli. 2014. "How Fracking Could Break Colorado Democrats." *Politico Magazine*, April 15.
- Wobbekind, Richard, and Brian Lewandowski. 2014. "Hydraulic Fracturing Ban: The Economic Impact of a Statewide Fracking Ban in Colorado." University of Colorado, Boulder. Leeds School of Business: Business Research Division.
- Wyatt, Kristen. 2014. "Gov. Hickenlooper Scales Back Marijuana Tax Prediction." *Associated Press*. April 7.