



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

Drafting Number:	LLS 18-0978	Date:	March 15, 2018
Prime Sponsors:	Rep. Lee; Wist Sen. Court; Gardner	Bill Status:	House SVMA
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Bill Topic: JUDICIAL RETENTION BALLOT FORMAT

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure (<i>minimal</i>)	<input checked="" type="checkbox"/> Local Government (<i>conditional</i>)
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This concurrent resolution refers a question to the voters allowing for justice and judge retention questions to be grouped on the ballot by the level of court they serve. This resolution minimally increases state expenditures in FY 2018-19, and conditional on voter approval, potentially reduces county government costs.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the introduced concurrent resolution.

Summary of Legislation

This concurrent resolution refers a question to the voters allowing for justice and judge retention questions to be listed on the ballot by the level of court they serve, such as county or district court. Under current law, a separate retention question must be listed for each justice or judge on the ballot.

Background

There are 324 justices and judges in Colorado. In 1966, Colorado voters approved a constitutional amendment that repealed the election of judges and instead enacted a system of judicial nominating commissions, Governor-appointed judges, and retention elections. Under this system, a justice or judge must be retained every four years in a retention election. In these elections, voters are asked on the ballot if each justice or judge seeking retention should be retained. A judge or justice seeking retention is not challenged; therefore, a yes vote allows he or she to retain the position, and a no vote ends his or her term as a justice or judge and vacates the position.

State Expenditures

For FY 2018-19 only, this concurrent resolution impacts state expenditures and workload as described below.

Election expenditure impact — existing appropriations. This concurrent resolution includes a referred measure that will appear before voters at the November 2018 general election. While no additional appropriation is required in this concurrent resolution, certain election costs are incurred by the state when ballot measures are referred to voters. These costs, paid using existing appropriations, are in two areas. First, current law requires the state to reimburse counties for costs incurred conducting a ballot measure election, paid from the Department of State Cash Fund in the Secretary of State's Office, estimated at \$3.2 million in FY 2018-19. Second, the text and title of the measure must be published in one legal newspaper per county and an analysis of the measure must be included in the Ballot Information Booklet mailed to all registered voter households, paid from the Ballot Analysis Revolving Fund in the Legislative Department, which is estimated to cost \$2.1 million in FY 2018-19. Publication costs will increase by approximately \$115,000 per measure beyond this base amount for any additional referred or initiated measures placed on the ballot.

Local Government

Conditional on voter approval, by allowing justices and judges seeking retention to be grouped on the ballot according to the level of court they serve, this concurrent resolution may reduce ballot length and county clerk ballot printing costs. If approved by voters and to the extent that such a reduction occurs, ballot costs are estimated to reduce by between \$500 and \$3,000 in small to medium counties, and by between \$40,000 to \$60,000 in large counties, with the City and County of Denver estimating a \$115,000 reduction. This impact will vary by county and by election, because ballot length depends on multiple factors including the number of justices and judges seeking retention, the number of offices up for election, the number questions appearing on the ballot, and municipal or special district election content in coordinated elections. Any reduction in ballot length may reduce county clerk ballot mailing costs. This impact has not been estimated.

Effective Date

This concurrent resolution takes effect after the date of the official declaration of the vote by proclamation of the Governor, not later than 30 days after the votes have been canvassed.

State and Local Government Contacts

Counties	County Clerks
Judicial	Office of Judicial Performance Evaluation
Legislative Council Staff	Secretary of State