



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

# FINAL FISCAL NOTE

**Drafting Number:** LLS 19-0807  
**Prime Sponsors:** Rep. Lontine  
Sen. Fenberg

**Date:** September 19, 2019  
**Bill Status:** Signed into Law  
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**Bill Topic:** MODIFICATIONS TO UNIFORM ELECTION CODE

**Summary of Fiscal Impact:**

- State Revenue
- TABOR Refund
- State Expenditure
- Local Government
- State Transfer
- Statutory Public Entity

This bill makes various changes to "Uniform Election Code of 1992." The bill increases state revenue, and state and local government expenditures, on an ongoing basis.

**Appropriation Summary:** In FY 2019-20, the bill requires total appropriations of \$2.4 million to the Department of State and an appropriation of \$2,790 to the Department of Personnel and Administration.

**Fiscal Note Status:** This revised fiscal note reflects the enacted bill.

**Table 1  
State Fiscal Impacts Under HB 19-1278**

		FY 2019-20	FY 2020-21
<b>Revenue</b>	Cash Funds	\$1,000	\$1,000
	<b>Total</b>	<b>\$1,000</b>	<b>\$1,000</b>
<b>Expenditures</b>	General Fund	\$2,121,380	-
	Cash Funds	\$633,653	\$20,550
	<b>Total</b>	<b>\$2,755,033</b>	<b>\$20,550</b>
<b>Transfers</b>		-	-
<b>TABOR Refund</b>		-	-

## Summary of Legislation

The bill makes several changes to the "Uniform Election Code of 1992," including changes to voter registration procedures, party filing requirements, procedures for curing ballots, provisional ballots, and other technical changes.

Among its many provisions, the bill does the following:

- changes the requirements for drop boxes and voter service and polling centers (VSPCs), and includes a provision allowing counties to apply for a waiver of drop box requirements for the 2020 general election;
- requires counties to locate some VSPCs on higher education campuses;
- creates a process by which an individual may seek a court order to keep polling places open past the regular closing time on election day when access to a polling location has been substantially impaired;
- changes the number of signatures required to place a candidate for various offices on the ballot by petition as specified in the bill;
- makes numerous changes to the regulation and enforcement of candidate nominating petitions, including requiring that petition entities be licensed by the Department of State in order use paid circulators, requiring that petition circulators make themselves available for any court proceeding or administrative hearing, requiring candidates and candidate committees to maintain and submit records of petition circulators, and requiring that petition circulators wear badges that clearly identify themselves as a paid or volunteer circulator;
- allows preregistered 17 year olds to participate in primary elections and caucuses if they will be 18 by the date of the next general election;
- allows a voter who does not reside in a county but wishes to vote at a polling location in that county to receive a mail ballot that contains the names of statewide federal and state offices and statewide ballot issues and questions; and
- creates the Local Elections Assistance Cash Fund, to reimburse counties for the one-time purchase of voting equipment necessary to fulfill the requirements of the bill, and allows up to \$350,000 in federal Help America Vote Act (HAVA) funds in the Federal Election Assistance Fund to be used for this equipment reimbursement.

## State Revenue

This bill increases revenue from license fees to the Department of State Cash Fund by an estimated \$1,000 per year beginning in FY 2019-20, assuming 10 registrations per year. License fees are subject to TABOR; however, under the March 2019 Legislative Council Staff forecast, a TABOR surplus is not expected in FY 2019-20 or FY 2020-21.

**Fee impact on petition entities.** Colorado law requires legislative service agency review of measures which create or increase any fee collected by a state agency. These fee amounts are estimates only, actual fees will be set administratively by the Department of State based on cash fund balance, program costs, and the number of licenses subject to the fee. The table below estimates the fee impact of this bill.

**Table 2**  
**Annual Fee Impact on Petition Entities**  
**(FY 2019-20 and future years)**

<b>Type of Fee</b>	<b>Proposed Fee</b>	<b>Number Affected</b>	<b>Total Fee Impact</b>
Petition Entity License Fee	\$100	10	\$1,000
			<b>\$1,000</b>

**State Expenditures**

This bill increases state expenditures by \$2.8 million in FY 2019-20 and by \$20,550 in FY 2020-21, primarily in the Department of State and mostly paid from the General Fund. Costs are also increased in the Department of Personnel and Administration (DPA) by a small amount. These costs are shown in Table 3 and discussed below. In addition, workload will increase under the bill for the Judicial Department and the Office of Administrative Courts.

**Table 3**  
**Expenditures Under HB 19-1278**

	<b>FY 2019-20</b>	<b>FY 2020-21</b>
<b>Department of State</b>		
Voter Registration Forms	\$28,355	-
Computer System Modifications, Software, and Hardware	\$255,298	\$20,550
County Reimbursement for Primary Ballots	\$22,590	-
County Reimbursement for One-time Equipment Costs	\$2,446,000	-
<b>Department of Personnel and Administration</b>		
Address Confidentiality Program Forms	\$2,790	-
<b>Total Cost and Fund Split</b>	<b>\$2,755,033</b>	<b>\$20,550</b>
<i>General Fund (DPA)</i>	\$2,790	-
<i>General Fund (DOS)</i>	\$2,118,590	-
<i>Department of State Cash Fund (DOS)</i>	\$283,653	\$20,550
<i>Federal Election Assistance Fund (DOS)</i>	\$350,000	-

**Department of State.** This bill will increase costs for reprinting of voter registration forms, computer software and programming, and county reimbursement, as described below

- *Voter registration forms.* The bill requires a change to the information provided and the self-affirmation on the standard voter registration form. The standard cost to reprint all forms is \$28,355.

- *Voter registration system modifications.* The bill will require computer programming changes to the state's voter registration database and web-based portal (SCORE and WebSCORE) and to the online voter registration (OLVR) application to create dynamic ballot eligibility based on date of birth, election type, and future elections; modify petition signature verification age requirements; enable cross-county features for voters who wish to vote in a county in which they do not reside, and conduct system testing. Programming costs for contract staff are calculated at 2,150 hours at a rate of \$106 per hour, for a cost of \$227,900.
- *VSPC hardware and software.* The changes that the bill makes to the VSPC formula and the added requirement of placing VSPCs on higher education campuses results in an increase in the number of VSPCs overall. The cost for hardware and licensing to support these additional VSPCs is \$27,398 in FY 2019-20 and \$5,550 per year in the future.
- *Petition review software.* The bill requires the Department of State to update the petition review software it uses to recognize 17 year old preregistrant voters in the voter registration database as eligible petition signers for candidate petitions. This software is currently provided by a vendor and the estimated cost to update the software in FY 2020-21 is \$15,000.
- *County reimbursement for primary ballots.* Under current law, the General Assembly is required to appropriate money from the General Fund to cover the cost incurred by counties in the preparation and conduct of a presidential primary. This bill allows preregistered 17 year olds to participate in primary elections if they will be 18 at the time of the next general election, which will result in an increase in the number of ballots mailed by county clerks. According to the Department of State, there are currently 43,183 16 and 17 year old preregistrants in the state; this fiscal note assumes that roughly half of these preregistrants (22,590) will be newly eligible to participate in the 2020 presidential primary election under the provisions of this bill. Assuming costs of roughly \$1.00 per 17 year-old, county reimbursement for the presidential primary election will increase by \$22,590 in FY 2019-20.
- *County reimbursement for one-time equipment costs.* The bill creates the Local Elections Assistance Cash Fund to reimburse counties for one-time equipment purchase costs to meet the requirements of the bill relating to number of VSPCs and ballot drop boxes. The cost for equipment necessary to establish a VSPC varies from \$35,000 to \$50,000 per location. This fiscal note assumes an additional 50 VSPCs will be required under the bill, at an average equipment cost of \$42,500 per location, resulting in a cost of \$2.1 million. The cost for drop box equipment, including the physical drop box, monitoring equipment, and networking, is roughly \$10,700. This fiscal note assumes 30 new drop boxes are required, resulting in a cost of \$321,000. Therefore, total reimbursement to counties is estimated to be \$2.4 million. Based on the likely purchase date of equipment prior to the start of the 2020 election cycle, this reimbursement is assumed to occur in FY 2019-20. It is assumed that \$350,000 from the Federal Election Assistance Fund will first be used to reimburse counties for election equipment expenses; the remainder of the costs (\$2.1 million) will be paid using funds appropriated to the Local Elections Assistance Cash Fund. It is assumed that funding to the Local Elections Assistance Cash Fund will be appropriated from the General Fund. Funds in the Federal Election Assistance Fund and in the Local Elections Assistance Cash Fund are continuously appropriated to the Department of State.
- *Petition entity licensing.* The Department of State will also have increased workload to license petition entities that collect signatures on candidate petitions. Because only 10 petition entities are expected to apply for a license, this workload increase is assumed to be minimal and can be accomplished within existing resources.

**Department of Personnel and Administration.** The bill increases costs in the Department of Personnel and Administration by \$2,790 in FY 2019-20 to reprint application forms for the Address Confidentiality Program (ACP). The ACP provides survivors of domestic violence, sexual offenses, and stalking with a legal substitute address for interacting with all state and local government agencies. Because the bill makes changes to the self-affirmation section of the voter registration application, the version of the voter registration application utilized by ACP participants would also need to be changed. The cost to reprint the forms is \$2,790.

**Office of Administrative Courts.** To the extent a petition entity challenges a licensing or enforcement decision by the Secretary of State, costs and workload will increase for the Office of Administrative Courts within the Department of Personnel and Administration. Overall, a high level of compliance is assumed, therefore this impact is assumed to be minimal.

**Judicial Department.** This bill may increase workload for the trial courts in the Judicial Department to process additional case filings related to candidate petition circulators and to hold hearings when a petitioner requests that a polling place stay open for longer in the event access to the location is impaired. Overall, it is assumed that this increase in workload for the courts can be accomplished within existing appropriations.

## Local Government

The bill will increase costs, revenue, and workload for county clerks by a significant amount starting in FY 2019-20. Counties will be reimbursed for one-time equipment costs, as well as for printing and mailing ballots to preregistered 17 year olds in primary elections, as described in the State Expenditures section above. In addition, counties will have costs in order to open and maintain additional VSPC and ballot box locations. The average cost to operate a VSPC is \$1,700 per day. The bill will also increase election costs for special districts and school districts that have coordinated elections with a county clerk. Specifically, to the extent the bill increases overall costs to conduct coordinated elections, these entities will have increased costs to pay county clerks due for their share of the election costs.

## Effective Date

The bill was signed into law by the Governor on May 29, 2019, and took effect August 2, 2019.

## State Appropriations

For FY 2019-20, the bill requires and includes the following appropriations totaling \$2.4 million:

- \$2,096,000 from the General Fund to the Local Elections Assistance Cash Fund for county equipment reimbursement;
- \$22,590 from the General Fund to the Department of State for county election reimbursement;
- \$283,653 from Department of State Cash Fund to the Department of State, of which \$227,900 is IT-related personal services and hardware and \$28,355 is for form reprinting; and
- \$2,790 from the General Fund to the Department of Personnel and Administration for form reprinting.

**State and Local Government Contacts**

Counties  
Personnel

County Clerks  
School Districts

Higher Education  
Secretary of State