



Legislative
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REVISED FISCAL NOTE

(replaces fiscal note dated April 1, 2019)

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

Date: April 12, 2019
Bill Status: House Appropriations
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Bill Topic: MODIFICATIONS TO UNIFORM ELECTION CODE

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> 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 \$3,100,743 to the Department of State and an appropriation of \$2,790 to the Department of Personnel and Administration.

Fiscal Note Status: The fiscal note reflects the introduced bill, as amended by the House State, Veterans, and Military Affairs Committee.

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

		FY 2019-20	FY 2020-21
Revenue	Cash Funds	\$1,000	\$1,000
	Total	\$1,000	\$1,000
Expenditures	General Fund	\$25,380	-
	Cash Funds	\$3,078,153	\$20,550
	Total	\$3,103,533	\$20,550
Transfers		-	-
TABOR Refund		-	-

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 formulas and hours for drop boxes and voter service and polling centers (VSPCs);
- 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 to cast a provisional ballot in a county in which he or she does not reside, that includes only 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.

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.

Fee impact on businesses. By increasing election-related expenditures in the Department of State, this bill potentially increases fee revenue to the Department of State Cash Fund starting in FY 2019-20. Specifically, the Secretary of State may be required to increase business filing and other fees in order to pay for the costs of this bill and other ongoing costs within the Department of State. The Secretary of State has statutory authority to adjust fees to ensure that revenue to the Department of State Cash Fund is sufficient to cover the department's costs. Given that fee decisions depend on multiple factors outside the scope of this bill, the potential revenue increase and impact to specific fees has not been estimated. Fee revenue to the Department of State Cash Fund is subject to TABOR.

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

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

State Expenditures

This bill increases state expenditures by \$3.1 million in FY 2019-20 and by \$20,550 in FY 2020-21, primarily in the Department of State and mostly paid from the Department of State Cash Fund. Costs are also increases in the Department of Personnel and Administration (DPA). 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**

	FY 2019-20	FY 2020-21
Department of State		
Voter Registration Forms	\$28,355	-
Computer Software and Programming	\$175,798	\$20,550
County Reimbursement for Primary Ballots	\$22,590	-
County Reimbursement for One-time Equipment Costs	\$2,874,000	-
Department of Personnel and Administration		
Address Confidentiality Program Forms	\$2,790	-
Total Cost and Fund Split	\$3,103,533	\$20,550
<i>General Fund (DPA)</i>	\$2,790	-
<i>General Fund (DOS)</i>	\$22,590	-
<i>Department of State Cash Fund (DOS)</i>	\$3,078,153	\$20,550

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; change voter registration functions to allow registration without a driver's license or state identification card; and conduct system testing. Programming costs for contract staff are calculated at 1,400 hours at a rate of \$106 per hour, for a cost of \$148,400.
- *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.* Subject to available appropriations, 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 \$2,125,000. The cost for drop box equipment, including the physical drop box, monitoring equipment, and networking, is roughly \$10,700. This fiscal note assumes 70 new drop boxes are required, resulting in a cost of \$749,000. Therefore, total reimbursement to counties is estimated to be \$2.9 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.
- *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, these entities will have increased costs paid to the county clerk due to increased VSPC hours of operation and increased hours of voting on election day.

Effective Date

The bill takes effect August 2, 2019, if the General Assembly adjourns on May 3, 2019, as scheduled, and no referendum petition is filed. It applies to election conducted on or after this date.

State Appropriations

For FY 2019-20, the bill requires the following appropriations:

- \$3,078,153 from Department of State Cash Fund to the Department of State for computer programming, system modifications, and county equipment reimbursement;
- \$22,590 from the General Fund to the Department of State for county reimbursement of presidential primary costs; 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