



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

HB 20-1313

FINAL FISCAL NOTE

Drafting Number: LLS 20-1067
Prime Sponsors: Rep. Sullivan
Sen. Todd

Date: August 13, 2020
Bill Status: Signed into Law
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Bill Topic: ADMINISTRATION OF LATE BALLOTS

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

The bill specifies various requirements for county clerks concerning replacement ballots and voter registration changes towards the end of the voting period. The bill will increase state workload and expenditures for local governments beginning in FY 2020-21.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

The bill establishes requirements for county clerks in connection with the administration of elections towards the end of the voting period.

Voter registrations. Beginning 15 days before the election through the 8th day before the election, the bill requires county clerks to process voter registration applications or changes in voter registrations that require a new ballot within two business days.

Mail ballot requirements. Beginning on the 15th day before an election, county clerks must deliver original or replacement ballots to the United States Postal Service within two business days after processing a voter registration application or updated voter registration. Within 11 days of an election all ballots must be mailed by first class mail. And finally, within eight days of an election county clerks must deliver original or replacement ballots to the United States Postal Service within two business days after receiving a voter registration application or updated voter registration.

Late delivery of ballots. County clerks must replace a mailed ballot that was destroyed, spoiled, lost, or otherwise not received by an elector, if the elector requests a new ballot at least eight days prior to the election. Additionally, county clerks must deliver a ballot to eligible electors that either update their voter registration address or register to vote at least eight days prior to the election. County clerks must maintain a record of each ballot sent to an elector pursuant to these requirements.

Civil penalty. The bill requires individuals responsible for the preparation, issuance, transportation, or mailing of ballots that have personal knowledge that the ballots under their care have either been lost, stolen, or will be delayed must report the issue to the county clerk and Secretary of State. Individuals that fail to report these issues will be subject to a civil penalty not to exceed \$50. This penalty does not apply to election judges, county clerk and recorder staff, or individual United States Postal Service workers.

State Revenue and Expenditures

The bill may increase workload for the trial courts in the Judicial Department concerning the newly created civil infraction in FY 2020-21. The new civil penalty may also increase revenue to the General Fund and is subject to TABOR. Any increase in revenue is expected to be minimal.

Local Government

County expenditures will increase beginning in FY 2020-21 to provide additional replacement ballots and to shorten processing times for voter registration applications. Costs will vary depending on the size of the county and frequency that voters update registration information or request replacement ballots. Costs are not expected to exceed \$100,000 for any county.

Additionally, to the extent that District Attorneys are involved in investigating failures to report missing ballots, their workload will increase.

Effective Date

The bill was signed into law by the Governor on July 10, 2020, and takes effect on September 14, 2020, assuming no referendum petition is filed.

State and Local Government Contacts

Counties	County Clerks	District Attorneys
Information Technology	Judicial	Secretary of State