



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 24-0830	Date:	February 5, 2024
Prime Sponsors:	Rep. Garcia; Parenti Sen. Hinrichsen	Bill Status:	House State Affairs
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Bill Topic: **FALSE SLATES OF ELECTORS**

Summary of	<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> State Transfer	<input checked="" type="checkbox"/> Local Government
Fiscal Impact:	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> TABOR Refund	<input type="checkbox"/> Statutory Public Entity

The bill makes it a crime to create or serve on a false slate of presidential electors and a crime of perjury to falsely swear or attest to the oath of a presidential elector. This may minimally increase criminal justice related costs following presidential elections years.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

The bill creates three new class I misdemeanor crimes:

- conspiring to create or serve in a false slate of presidential electors,
- creating a false slate of presidential electors, and
- serving in a false slate of presidential electors.

The bill also makes it a crime of perjury to knowingly and falsely swear or attest to the oath required by law for presidential electors.

If individuals are convicted of one of these misdemeanor crimes, courts must impose a fine of not more than \$1,000, order repayment of the costs of any investigation by the Attorney General or a district attorney, and may sentence the defendant to jail for no more than 364 days. If a defendant is convicted of perjury, courts must order that the defendant is ineligible to be a member of the General Assembly, and incapable of holding any office of trust or profit in the state.

Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. The following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

Prior conviction data and assumptions. This bill creates three new offense related to false electors, all a class I misdemeanor, and creates a new factual basis for the existing offense of perjury to knowingly and falsely swear or attest to the oath required by law for presidential electors. To form an estimate on the prevalence of these new crimes, and the reclassified crime, the fiscal note analyzed the existing offense of falsely impersonating an elector as a comparable crime, and the offense of conspiring to give false information within the elections code. From FY 2020-21 to FY 2022-23, zero offenders have been sentenced and convicted for these existing election-related offenses. However, giving the experience of other states prosecuting similar cases as those contemplated in this bill in recent years, the fiscal note assumes that case filings and convictions may potentially occur in the future. Overall, any cases under the bill are assumed to be minimal and infrequent.

State Revenue and Expenditures

During presidential election years, the bill may increase state fine revenue and expenditures in the trial courts in the Judicial Department, and increase workload in the Department of Law to prosecute cases, and in the offices that represent indigent clients to defend those clients. However, this fiscal note assumes a high degree of compliance and that cases of false presidential electors will occur infrequently, if ever. No change in appropriations is required for any state agency.

Local Government

Similar to the state, the bill may increase workload in district attorney offices to prosecute additional cases, and increases costs for county jails to incarcerate additional persons convicted of offenses under the bill. Any impacts to local governments are assumed to be minimal.

Effective Date

The bill takes effect July 1, 2024, and applies to offenses committed on or after that date.

State and Local Government Contacts

Judicial Law Secretary of State

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).