



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated February 5, 2024)

Table with 4 columns: Drafting Number, Prime Sponsors, Date, Bill Status, Fiscal Analyst. Values include LLS 24-0830, Rep. Garcia; Parenti; Sen. Hinrichsen, March 15, 2024, Senate State Affairs, Josh Abram | 303-866-3561, josh.abram@coleg.gov

Bill Topic: FALSE SLATES OF ELECTORS

Summary of Fiscal Impact table with checkboxes for State Revenue, State Expenditure, State Transfer, TABOR Refund, Local Government, and Statutory Public Entity.

The bill creates various criminal offenses related to slates of false presidential electors. It may minimally increase criminal justice-related revenue and costs following presidential elections years.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The revised fiscal note reflects the reengrossed bill.

Summary of Legislation

The bill creates various criminal offenses related to false slates of presidential electors under the state election code. False presidential electors are electors who are pledged to vote for a presidential candidate who did not win the highest number of votes in Colorado at the general election, with the exception of electors acting in accordance with the National Popular Vote Compact. Specifically, the bill specifies that:

- a person who knowingly signs or files a list of false presidential electors with specified state or federal entities commits the offense of offering a false instrument for recording;
• a person who knowingly votes for a presidential candidate as a false presidential elector commits the offense of forgery;
• a person who knowingly and false swears the oath for presidential electors commits the offense of perjury;
• a person who has not been elected as a presidential elector who induces another person to knowingly and falsely swear the oath for presidential electors commits the offense of subornation of perjury; and
• a person who knowing enters into an agreement with others to offer a false instrument or commit forgery in the context of false presidential electors commits conspiracy to commit these offenses.

The bill specifies that the penalty if convicted of offering a false instrument, forgery, or conspiracy to commit these offenses in the context of false presidential electors is a fine of up to \$10,000. Persons convicted of perjury or subornation of perjury under the bill are also subject to a fine of up to \$10,000 and are ineligible to serve as a member of the General Assembly or hold 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. This bill both creates several new offenses under the state election code related to false presidential electors. To estimate the prevalence of these offenses, the fiscal note analyzed the existing offenses of election forgery and offering a false instrument for recording in the second degree.

- **Election forgery.** From FY 2020-21 to FY 2022-23, no one has been convicted and sentenced for this offense.
- **Offering a false instrument for recording in the second degree.** From FY 2020-21 to FY 2022-23, 12 persons have been convicted and sentenced for this offense. Of the persons convicted, 9 were male and 3 were female. Demographically, 11 were White and 1 was Black/African American.

Assumptions. Based on the data outlined above, and the assumption that the new offenses only apply in very specific instances involving presidential electors, the fiscal note assumes that there will continue to be minimal or no additional criminal case filings or convictions for offenses under the bill. Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Revenue and Expenditures

During presidential election years, the bill may potentially increase state criminal fine revenue and minimally workload in the trial courts in the Judicial Department. Workload may also minimally increase for the Department of Law to prosecute cases, and in the offices that represent indigent clients to defend those clients. However, the fiscal note assumes a high degree of compliance and that cases involving 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. 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](#).