



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 24-0329	Date:	February 12, 2024
Prime Sponsors:	Sen. Gonzales Rep. Rutinel	Bill Status:	Senate State Affairs
		Fiscal Analyst:	Hamza Syed 303-866-4976 hamza.syed@coleg.gov

Bill Topic: **VOTING FOR CONFINED ELIGIBLE ELECTORS**

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

The bill requires that county jails and detention centers provide in-person voting for eligible confined voters during general elections. The bill increases state and local government expenditures, and may increase state revenue, beginning FY 2024-25.

Appropriation Summary: For FY 2024-25, the bill requires an appropriations totaling \$199,080 to the Department of State.

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

**Table 1
State Fiscal Impacts Under SB 24-072**

		Budget Year FY 2024-25	Out Year FY 2025-26	Out Year FY 2026-27
Revenue		-	-	-
Expenditures	General Fund	\$106,920	-	\$35,640
	Cash Funds	\$92,160	-	-
	Total Expenditures	\$199,080	-	\$35,640
Transfers		-	-	-
Other Budget Impacts	General Fund Reserve	\$16,038	-	\$5,346

Summary of Legislation

The bill requires that county jails and detention centers offer at least one in-person voting day for eligible confined voters at each general election. The county sheriff's office must designate a main contact for facilitating this voting program with the county clerk and recorder's office. The sheriff's designee must provide voting information to confined voters, and must coordinate with the clerk and recorder's office to set up a mail ballot and ballot curing system within the jail or detention center. The Department of State (DOS) must provide training to counties to assist in the development of these systems.

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 adds a new factual basis for the existing offense of a violation of duty imposed by election code by adding a sheriff, or sheriff's designee, who fail to comply with the bill's requirements. From FY 2020-21 to FY 2022-23, one person (a white female) has been convicted and sentenced for this offense. Based on this low number of cases and the assumption that sheriffs will comply with the bill, no or few additional cases are expected. Because the bill is not expected to have a tangible impact on criminal justice-related expenditures or revenue at the state or local levels, these potential impacts are not discussed further in this fiscal note.

State Revenue

Fee impact on businesses and professions. Colorado law requires legislative service agency review of measures which create or increase any fee collected by a state agency. Under current law, the DOS is authorized to adjust fees so that the revenue generated approximates its direct and indirect costs. The DOS is primarily funded through business filing fees. To cover the costs described in the State Expenditures section below, fees may need to be raised to cover all or some of the costs of this bill. The fees affected and the actual amount of fee charges will be set administratively by the DOS based on cash fund balance, total program costs, and the estimated number of professional activities subject to fees. This revenue is subject to TABOR.

State Expenditures

This bill will increase state expenditures in DOS by about \$199,000 in FY 2024-25, 0\$ in FY 2025-26, and about \$37,000 in FY 2026-27. These costs, paid from the General Fund and the Department of State Cash Fund, are displayed in Table 2 and described below.

**Table 2
Expenditures Under SB 24-072**

	FY 2024-25	FY 2025-26	FY 2026-27
Department of State			
Computer Programming	\$92,160	-	-
County Reimbursement	\$106,920	-	\$35,640
Total Cost	\$199,080	-	\$35,640

Computer programming. The Statewide Voter Registration System (SCORE) will require updates to capture additional information voters who are voting at a jail or detention center. This information will flag when a county must change the mailing address for eligible confined voters and facilitate county implementation of the bill. These system changes are estimated to require 720 hours of programming time at a rate of \$128 per hour.

County reimbursement. Under current law, the state is required to reimburse 45 percent of eligible county election costs. It is assumed that state reimbursement to counties will increase under the bill beginning in FY 2024-25. Counties will need to increase election judge staffing and other resources to implement in-person voting in jails and detention centers. For presidential elections, this is estimated to cost an average of \$7,200 per county for the 22 medium and large counties and \$2,400 each for the 33 small counties. Midterm elections are estimated to cost about one-third as much as presidential election years. Based on this, the state’s reimbursement to counties will increase by about \$107,000 for the upcoming presidential election in FY 2024-25, and about \$36,000 for midterm elections in future years. Reimbursement for county expenses are assumed to be paid from the General Fund.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, decreasing the amount of General Fund available for other purposes.

Local Government

As described in the State Expenditure section, counties will have increased costs to conduct in-person voting in jails and detention centers, which is partially offset by reimbursement from the state. For counties, the bill will have additional one-time costs to purchase allowable electronic voting equipment. By county size, these equipment costs are estimated to be \$22,000 for a large county, \$12,000 for a medium county, and \$2,000 for a small county. It is unknown if these additional equipment costs are eligible for state reimbursement.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature, and applies to elections that are conducted on or after that date.

State Appropriations

For FY 2024-25, the bill requires the following appropriations:

- \$106,920 from the General Fund to the Department of State for county reimbursement; and
- \$92,160 from the Department of State Cash Fund to the Department of State for IT system changes.

State and Local Government Contacts

Corrections
Sheriffs

County Clerks

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](#).