



**Colorado
Legislative
Council
Staff**

HB16-1369

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-0856
Prime Sponsor(s): Rep. Rosenthal

Date: April 1, 2016
Bill Status: House SVMA
Fiscal Analyst: Chris Creighton (303-866-5834)

BILL TOPIC: ELIMINATE CRIMINAL PENALTY SELF-DISCLOSURE BALLOT

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue Cash Fund	Minimal impact. See state revenue section.	
State Expenditures Cash Fund	Minimal workload impact. See state expenditures section.	
TABOR Impact	Minimal impact- see TABOR impact section.	
Appropriation Required: None.		
Future Year Impacts: Ongoing minimal revenue impact and workload decrease.		

Summary of Legislation

Under current law, a voter that shows his or her completed ballot in a way that discloses its contents commits a criminal misdemeanor offense. This bill eliminates the criminal offense for a voter that discloses his or her completed ballot through electronic means. This bill also clarifies that it is a criminal misdemeanor offense to take a photograph of another voter's ballot.

Comparable Crime

Pursuant to Section 2-2-322 (2.5), C.R.S., 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 changes an element of the existing crime that creates a new factual basis for the offense. There have been no misdemeanor penalty cases or convictions related to voter ballot disclosure within the last four years.

State Revenue

Beginning in FY 2016-17, this bill minimally impacts state revenue credited to the Fines Collection Cash Fund in the Judicial Department. The misdemeanor penalty for ballot disclosure is a fine of no more than \$1,000. Increased fine revenue may be received from misdemeanor

offenses committed by taking a photograph of another voter's ballot. However, revenue may decrease due to the elimination of the misdemeanor penalty for a voter that voluntarily discloses the contents of his or her ballot through electronic means. Given that no cases or convictions related to voter ballot disclosure have occurred in the last four years this analysis assumes that any revenue impact will be minimal.

TABOR Impact

This bill may increase or decrease state revenue from fines, which will increase or decrease the amount of money required to be refunded under TABOR. TABOR refunds are paid out of the General Fund.

State Expenditures

The bill minimally impacts workload in the trial courts. Workload could increase due to misdemeanor cases being filed for photographing of another voters ballot. However by reducing the scope of the existing misdemeanor offense for disclosing the contents of a ballot the trial courts could experience a decrease in cases related to ballot disclosure. Given the lack of cases brought for ballot disclosure, any workload impact is expected to be minimal and no change in appropriations to the Judicial Department is required.

Local Government Impact

This bill impacts county costs, however any impact is assumed to be minimal given the lack of convictions for voter ballot disclosure offense over the last four years. The penalty for a misdemeanor ballot disclosure is no more than \$1,000 or one year in county jail or both. Because the courts have the discretion of incarceration or imposing a fine, the impact at the local level cannot be determined. The cost to house an offender in a county jail varies from about \$53 to \$114 per day. For the current fiscal year, the state reimburses county jails at a daily rate of \$52.74 to house state inmates.

Effective Date

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

State and Local Government Contacts

Counties	District Attorneys	Information Technology
Judicial	Criminal	Law
Local Affairs	Municipalities	Secretary of State