



**Colorado
Legislative
Council
Staff**

SB16-142

**FINAL
FISCAL NOTE**

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

Drafting Number: LLS 16-1058
Prime Sponsor(s): Sen. Scott
Rep. Ryden

Date: July 11, 2016
Bill Status: Signed into Law
Fiscal Analyst: Chris Creighton (303-866-5834)

BILL TOPIC: MISCELLANEOUS UPDATES TO ELECTIONS LAWS

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue		
Cash Funds	<u><\$5,000</u>	<u><\$5,000</u>
State Expenditures		
General Fund	Workload increase.	\$21,864
		\$21,864
TABOR Impact		<\$5,000
Appropriation Required: \$22,410 - Department of Corrections (FY 2016-17 - FY 2020-21).		
Future Year Impacts: Ongoing workload and expenditure increases.		

Summary of Legislation

This bill makes various changes and updates to election statutes. Among its many provisions, this bill:

- replaces references to the registration book with the statewide voter registration system (SCORE);
- allows county clerks to destroy paper voter registration records once they have been recorded in SCORE;
- requires county clerks, rather than the Secretary of State (SOS), to generate a list of electors who submitted more than one ballot;
requires voter registration agencies to transmit completed voter registrations daily within 22 days of an election;
- requires notices for primary elections to include a notice to advise eligible electors who are not affiliated with a political party that they may declare an affiliation and vote in a primary election;
- allows designated election officials to post the list of eligible write in candidates on their website;
- makes it a class 6 felony for any person to knowingly access SCORE without authorization;
- allows the SOS to create rules requiring that certain duties of election judges may only be performed by election judges about whom the county clerk has requested a background check; and

- changes the period for which a write-in candidate affidavit should be received by and the when a municipal election may be cancelled from 20 to 64 days.

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. This bill makes it a class 6 felony to knowingly access SCORE without authorization. For the purposes of this analysis, comparable crime data was analyzed for the theft of medical records which is also a class 6 felony. In the past five years there have been 22 convictions where someone was charged with a class 6 felony for theft of medical records. Of these 22 convictions, 13 were male (11 White, 1 African American, 1 Hispanic) and 9 were female (7 White, 1 Hispanic, 1 Native American). It is assumed that there will be less than five convictions of knowingly accessing SCORE without authorization per year. It is further assumed that most of these convictions will not result in incarceration, but one case every five years will.

State Revenue

Beginning in FY 2016-17, this bill is anticipated to increase state cash fund revenue by less than \$5,000 per year, credited to the Fines Collection Cash Fund in the Judicial Department. The fine penalty for a class 6 felony is between \$1,000 and \$100,000. Because the courts have the discretion of incarceration, imposing a fine, or both, the precise impact to state revenue cannot be determined. To the extent that a defendant is sentenced to probation, an additional \$50 per month will be collected.

TABOR Impact

This bill increases state cash fund revenue from fines, which will increase the amount of money required to be refunded under TABOR. TABOR refunds are paid out of the General Fund. TABOR refund obligations are not expected for FY 2016-17.

State Expenditures

Beginning in FY2016-17, this bill increases state agency workload and costs as described below. This bill also requires an appropriation to the Department of Corrections (DOC), as listed in Table 1.

Secretary of State. This bill increases workload and costs in the SOS to update election processes and procedures. Many of the election law changes in this bill reflect current practice, therefore this workload increase is minimal. Additional printing costs could also be incurred if any election documentation needs to be reprinted to reflect the changes made by this bill. This increase in workload and costs can be accomplished within existing appropriations.

Department of Revenue. The Drivers License Division in the Department of Revenue will be required to make minor changes to update their current processes and procedures related to voter registration. These changes are minimal and can be accomplished within existing appropriations.

Judicial Department. The creation of a new felony 6 offense for knowingly accessing SCORE without authorization increases trial court workload in the Judicial Department by a minimal amount. This analysis assumes less than five cases per year.

The bill may also increase workload or costs for the Office of the State Public Defender and Office of Alternate Defense Counsel, to provide representation for any persons deemed to be indigent. The fiscal note assumes any such increases will be minimal and will not require an increase in appropriations.

Five-Year Fiscal Impact on Correctional Facilities

This bill is anticipated to increase state General Fund expenditures by an estimated \$22,410 for the DOC between FY 20016-17 and FY 2020-21. It is assumed that one conviction every five years will result in incarceration with an average length of stay of 12.3 months.

Current law prohibits the General Assembly from passing any bill to increase periods of imprisonment in state correctional facilities without appropriating an amount sufficient to cover the increased capital construction and operating costs of the bill in each of the first five fiscal years. However, current law also allows the DOC to place offenders classified as medium custody and below in private contract prisons, for which no state capital construction costs are incurred.

Offenders sentenced under this bill to DOC may be placed in either a state-run or a private contract prison, depending on several factors. Any offenders that *must* be housed in a state-run prison will likely require a shift of other inmates in that facility to private contract prisons. Therefore, this fiscal note assumes that the impact of this bill will be accommodated through the use of private contract prisons, and that no new capital construction funds are necessary.

Offenders placed in a private contract prison cost the state about \$59.90 per offender per day, including the current daily rate of \$56.02 and an estimated \$3.88 per offender per day for medical care provided by the DOC. No impact is expected in the first year because of the estimated time for criminal filing, trial, disposition, and sentencing. Table 1 shows the estimated cost of the bill over the next five fiscal years.

Fiscal Year	Inmate Bed Impact	Operating Cost	Total Cost
FY 2016-17	0.0	\$0	\$0
FY 2017-18	1.0	\$21,864	\$21,864
FY 2018-19	0.0	\$546	\$546
FY 2019-20	0.0	\$0	\$0
FY 2020-21	0.0	\$0	\$0
Total		\$22,410	\$22,410

Local Government Impact

By updating elections law to reflect current practice this bill minimally increases county workload and costs. It is anticipated that this increase can be accomplished within existing resources. Counties are expected to receive and process voter registrations, which will be sent to the counties daily within 22 days of an election.

This bill allows county clerks to destroy paper voter records once they have been recorded in SCORE. If a county decides to destroy paper voter records, doing so will initially increase document destruction costs, but will result in future storage costs savings. Additional printing costs could also be incurred if any election documentation needs to be reprinted to reflect the changes made by this bill.

State Appropriations

Consistent with this fiscal note, this bill appropriates the five-year appropriations shown in Table 1 to the Department of Corrections.

Effective Date

The bill was signed into law by the Governor and took effect on May 18, 2016. It applies to any election conducted on or after the effective date.

State and Local Government Contacts

Corrections
Information Technology
Municipalities

Counties
Judicial
Revenue

County Clerks
Local Affairs
Secretary of State