



**Colorado  
Legislative  
Council  
Staff**

**SB16-211**

**FISCAL NOTE**

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

**Drafting Number:** LLS 16-1271 **Date:** May 3, 2016  
**Prime Sponsor(s):** Sen. Cadman; Scheffel **Bill Status:** Senate Local Government  
 Rep. Hullinghorst; Duran **Fiscal Analyst:** Chris Creighton (303-866-5834)

**BILL TOPIC:** LIMIT CERTAIN CONTESTS PAST SPECIAL DISTRICT ELECTIONS

<b>Fiscal Impact Summary</b>	<b>FY 2016-2017</b>	<b>FY 2017-2018</b>
<b>State Revenue</b> Cash Funds	Potential minimal reduction.	
<b>State Expenditures</b>	Minimal workload reduction.	
<b>TABOR Impact</b>		Potential minimal reduction.
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Ongoing potential revenue and minimal workload reduction.		

**Summary of Legislation**

For special district elections conducted prior to April 21, 2016, and on May 3, 2016, this bill prohibits contesting the results of the election on the grounds that any person voting at the election was not eligible to vote, except in limited circumstances, and the qualification of any person elected or appointed to a special district is validated and may not be contested.

**Background**

Election results may be contested on the grounds that:

- the candidate elected is not eligible to hold the office for which they were elected;
- illegal votes were received or legal votes rejected at the polls in sufficient numbers to change the outcome of the election;
- an election judge or canvass board made an error in counting or declaring the result of an election or committed misconduct, fraud, or corruption that changed the election result; and
- another candidate was elected to the office.

To contest an election under current law, within 10 days after the official survey of returns has been filed with the designated election official, the contestor must file a written statement of

intention to contest the election in district court. This statement must contain the name of the contestor, a statement that the contestor is an eligible voter in the political subdivision of the contest, the name of the contestee, the office being contested, the time of the election being contested, and the grounds for the contest.

### **State Revenue**

By limiting the ability to contest special district elections, this bill potentially decreases cash fund revenue from filing fees to the Judicial Department. Individuals choosing to contest the results of a special district election must pay a filing fee of \$224. Any reduction in revenue is expected to be minimal.

### **TABOR Impact**

This bill potentially reduces state revenue from fees, which will reduce 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**

This bill minimally reduces workload in the trial courts by reducing the number of special district election contests that are likely to be filed with the courts. This workload reduction in the Judicial Department is expected to be minimal and no change in appropriations is required.

### **Local Government**

This bill reduces workload and costs for special districts and local election officials by limiting the ability to contest the results of a special district election.

### **Effective Date**

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

### **State and Local Government Contacts**

Secretary of State

Special Districts

Judicial