



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

Drafting Number: LLS 18-0629
Prime Sponsors: Sen. Lundberg

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Bill Status: Senate SVMA
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Bill Topic: BAN VOTE TRADING

- Summary of Fiscal Impact:
- State Revenue
- State Expenditure (minimal)
- State Transfer
- TABOR Refund
- Local Government (minimal)
- Statutory Public Entity

This bill makes it a crime to trade or offer to trade a vote. This bill increases state and local revenue, costs, and workload by a minimal amount. These impacts continue in future years.

Appropriation Summary: No appropriation is required.

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

Table 1
State Fiscal Impacts Under SB 18-076

Table with 4 columns: Revenue, Expenditures, Transfers, FY 2018-19, FY 2019-20. Rows show revenue less than \$5,000 and zero expenditures/transfers.

Summary of Legislation

This bill makes it an unclassified misdemeanor crime to trade or offer to trade a vote for or against a candidate, ballot issue, or ballot question. The penalty for an offender convicted of vote trading is a fine of up to \$1,000, imprisonment of up to one year in county jail, or both.

Comparable Crime

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 creates the new crime of vote trading which is an unclassified misdemeanor. Since this is a new crime, there is no sentencing data. To form an estimate on the prevalence of this new crime, sentencing data on fraudulent voting and unlawfully giving or promising money or employment in return for a vote or a non-vote was analyzed. Since 2015, there have been no convictions for either of these crimes. As a result, this analysis assumes a high level of compliance and that the number of people charged with vote trading will be minimal.

State Revenue

Beginning in FY 2018-19, this bill may increase state Judicial Department revenue by less than \$5,000 per year.

Criminal fines and court administrative fees. The bill may increase state revenue from criminal fines and court administrative fees by less than \$5,000 per year credited to the Fines Collection Cash Fund, various other cash funds, and the General Fund. The fine penalty for misdemeanor vote trading is up to \$1,000 and other fees may be imposed for a variety of court-related costs including probation supervision fees. Because the courts have the discretion of incarceration, imposing a fine, or both, the precise impact to state revenue cannot be determined. However, based on the low number of fines imposed by the courts, the fiscal note assumes that any revenue generated is likely to be less than \$5,000. Some fee revenue is shared with local governments; refer to the Local Government Impact section for additional information.

TABOR Refund

The bill may increase state revenue subject to TABOR by less than \$5,000 beginning in FY 2018-19. State revenue is not currently expected to exceed the TABOR cap and no refund is required. Therefore, the bill is not expected to impact TABOR refunds. However, refunds in future years when the state next collects a TABOR surplus will be increased.

State Expenditures

Beginning in FY 2018-19, this bill may increase Judicial Department workload by a minimal amount, as discussed below.

Judicial Department. To the extent that persons are charged with vote trading, workload will increase in the trial courts to try these misdemeanor cases. Workload and costs for the Office of the State Public Defender and the Office of the Alternate Defense Counsel may increase under the bill to represent indigent offenders charged with vote trading. Probation workload may also increase. Because few cases of vote trading are expected, these workload increases are minimal and will not require an increase in appropriations for any Judicial Department agency.

Local Government

This bill may increase local government revenue, costs, and workload by a minimal amount as described below. The exact impact to a particular local government will vary depending on the number of vote trading offenses committed within its jurisdiction.

District attorneys. The bill increases workload and costs for district attorneys to prosecute any new vote trading offenses under the bill.

County jails. The court may sentence an offender to up to one year in jail for misdemeanor vote trading. Because the courts have the discretion of incarceration or imposing a fine, the precise impact at the local level cannot be determined. Estimated costs to house an offender in a county jail vary from \$53 to \$114 per day. For the current fiscal year, the state reimburses county jails at a daily rate of \$54.39 to house state inmates.

Denver County Court. The bill may increase criminal fine and court fee revenue, costs, and workload for the Denver County Court to try misdemeanor vote trading cases. Probation services in the Denver County Courts may also experience a minimal increase in workload and revenue to supervise persons convicted under the bill within Denver County.

Effective Date

The bill takes effect September 1, 2018, and applies to elections conducted on or after this date.

State and Local Government Contacts

County Clerks
Judicial

District Attorneys
Secretary of State