



**Legislative
Council Staff**

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FISCAL NOTE

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Prime Sponsors: Rep. Lontine
 Sen. Fenberg

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Bill Status: House SVMA
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Bill Topic: MODIFICATIONS TO UNIFORM ELECTION CODE

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

This bill makes various changes to "Uniform Election Code of 1992." The bill increases state revenue, and state and local government expenditures, on an ongoing basis.

Appropriation Summary: In FY 2019-20, the bill requires total appropriations of \$273,545 to the Department of State.

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

**Table 1
State Fiscal Impacts Under HB 19-1278**

		FY 2019-20	FY 2020-21
Revenue	Cash Funds	\$1,000	\$1,000
	Total	\$1,000	\$1,000
Expenditures	General Fund	\$22,590	-
	Cash Funds	\$250,955	\$38,000
	Total	\$273,545	\$38,000
Transfers		-	-
TABOR Refund		-	-

Summary of Legislation

The bill makes several changes to the "Uniform Election Code of 1992," including changes to voter registration procedures, party filing requirements, procedures for curing ballots, provisional ballots, and other technical changes.

Among its many provisions, the bill does the following:

- changes the formulas and hours for drop boxes and voter service and polling centers (VSPCs);
- requires counties to locate some VSPCs on higher education campuses;
- creates a process by which an individual may seek a court order to keep polling places open past the regular closing time on election day when access to a polling location has been substantially impaired;
- changes the number of signatures required to place a candidate for various offices on the ballot by petition as specified in the bill;
- makes numerous changes to regulation and enforcement candidate nominating petitions, including requiring that petition entities be licensed by the Department of State in order use paid circulators, requiring that petition circulators make themselves available for any court proceeding or administrative hearing, requiring candidates and candidate committees to maintain and submit records of petition circulators, and requiring that petition circulators wear badges that clearly identify themselves as a paid or volunteer circulator;
- allows preregistered 17 year olds to participate in primary elections if they will be 18 by the date of the next general election; and
- allows a voter to cast a provisional ballot in a county in which he or she does not reside, but only for the offices and questions that the voter is eligible to vote on.

Assumptions

The fiscal note assumes that:

- 10 petition entities will register per year in FY 2019-20 and FY 2020-21; and
- petition entities will have a high level of compliance with the requirements established in this bill.

State Revenue

This bill increases revenue from license fees to the Department of State Cash Fund by an estimated \$1,000 per year beginning in FY 2019-20. License fees are subject to TABOR; however, under the March 2019 Legislative Council Staff forecast, a TABOR surplus is not expected in FY 2019-20 or FY 2020-21.

Fee impact on petition entities. Colorado law requires legislative service agency review of measures which create or increase any fee collected by a state agency. These fee amounts are estimates only, actual fees will be set administratively by the Department of State based on cash fund balance, program costs, and the number of licenses subject to the fee. The table below estimates the fee impact of this bill.

Table 2
Annual Fee Impact on Petition Entities
(FY 2019-20 and future years)

Type of Fee	Proposed Fee	Number Affected	Total Fee Impact
Petition Entity License Fee	\$100	10	\$1,000
			\$1,000

State Expenditures

This bill increases costs in the Department of State by \$273,545 in FY 2019-20 and by \$38,000 in FY 2020-21. Costs are primarily paid from the Department of State Cash Fund, except for costs associated with county reimbursement, which are paid from the General Fund. These costs are shown in Table 3 and discussed below. In addition, the bill increases workload for the Judicial Department and the Office of Administrative Courts.

Table 3
Expenditures Under HB 19-1278

	FY 2019-20	FY 2020-21
Department of State		
Voter Registration Forms	\$28,355	-
Computer Software and Programming	\$222,600	\$38,000
County Reimbursement	\$22,590	-
Total Cost	\$273,545	\$38,000

Department of State. This bill will increase expenditures in the Department of State by \$273,545 in FY 2019-20 and \$38,000 in FY 2021-22. Costs include reprinting of voter registration forms, computer software and programming, and county reimbursement.

- *Voter registration forms.* The bill requires a change to the information provided and the self-affirmation on the standard voter registration form. The standard cost to reprint all forms is \$28,355.
- *Voter registration system modifications.* The bill will require computer programming changes to the state's voter registration database and web-based portal (SCORE and WebSCORE) and to the online voter registration (OLVR) application to create dynamic ballot eligibility based on date of birth, election type, and future elections; modify petition signature verification age requirements; change voter registration functions to allow registration without a driver's license or state identification card; and conduct system testing. Programming costs for contract staff are calculated at 1,600 hours at a rate of \$106 per hour, for a cost of \$169,600.
- *Petition review software.* The bill requires the Department of State to update the petition-review software it uses to recognize 17 year old preregistrant voters in the voter registration database as eligible petition signers for candidate petitions. This software is currently provided by a vendor and the estimated cost to update the software in FY 2020-21 is \$15,000.

- *VSPC hardware and software.* The changes that the bill makes to the VSPC formula and the added requirement of placing VSPCs on higher education campuses results in an increase in the number of VSPCs overall. The cost for hardware and licensing to support these additional VSPCs is \$53,000 in FY 2019-20 and \$23,000 per year in the future.
- *County reimbursement.* Under current law, the General Assembly is required to appropriate money from the General Fund to cover the cost incurred by counties in the preparation and conduct of a presidential primary. This bill allows preregistered 17 year olds to participate in primary elections if they will be 18 at the time of the next general election, which will result in an increase in the number of ballots mailed by county clerks. According to the Department of State, there are currently 43,183 16 and 17 year old preregistrants in the state; this fiscal note assumes that roughly half of these preregistrants (22,590) will be newly eligible to participate in the 2020 presidential primary election under the provisions of this bill. Assuming costs of roughly \$1.00 per 17 year-old, county reimbursement for the presidential primary election will increase by \$22,590 in FY 2019-20.
- *Petition entity licensing.* The Department of State will also have increased workload to license petition entities that collect signatures on candidate petitions. Because only 10 petition entities are expected to apply for a license, this workload increase is assumed to be minimal and can be accomplished within existing resources.

Judicial Department. This bill may increase workload for the trial courts in the Judicial Department to process additional case filings related to candidate petition circulators and to hold hearings when a petitioner requests that a polling place stay open for longer in the event access to the location is impaired. Overall, it is assumed that this increase in workload for the courts can be accomplished within existing appropriations. Should a change in funding be required for any agency or division within the Judicial Department, the fiscal note assumes it will be addressed through the annual budget process.

Office of Administrative Courts. To the extent a petition entity challenges a licensing or enforcement decision by the Secretary of State, costs and workload will increase for the Office of Administrative Courts within the Department of Personnel and Administration. Overall, this impact is assumed to be minimal. Any changes in staffing in the administrative courts or costs to the Department of State from utilizing the administrative courts will be addressed through the annual budget process.

Local Government

The bill will increase costs and workload for County Clerks by a significant amount starting in FY 2019-20. By increasing the number of VSPCs and ballot drop boxes required during portions of the voting period, costs will increase statewide by approximately \$3,962,000 for counties with more than 250,000 active voters, \$1,052,000 for counties with between 25,000 and 250,000 active voters, and \$35,000 for counties with fewer than 25,000 active voters. These costs include hardware, equipment, staffing, and other expenses. Adding VSPCs and drop boxes on higher education campuses will cost counties an additional \$675,000 statewide.

The cost to counties for processing provisional ballots cast by voters who do not reside in the county in which they wish to vote, including additional staffing and transportation of ballots, will be approximately \$12 to \$15 per ballot and will vary by county depending on the number of provisional ballots cast. The bill will also increase costs to counties for printing and mailing ballots to preregistered 17 year old in primary elections. Counties will be reimbursed for the costs to mail presidential primary ballots, as described in the State Expenditures section above.

The bill will also increase election costs for special districts and school districts that have coordinated elections with a County Clerk. Specifically, these entities will have increased costs paid to the county clerk due to increased VSPC hours of operation and increased hours of voting on election day.

Effective Date

The bill takes effect August 2, 2019, if the General Assembly adjourns on May 3, 2019, as scheduled, and no referendum petition is filed. It applies to election conducted on or after this date.

State Appropriations

For FY 2019-20, the bill requires the following appropriations to the Department of State:

- \$250,955 from Department of State Cash Fund for computer programming and system modifications; and
- \$22,590 from the General Fund for county reimbursement of presidential primary costs.

State and Local Government Contacts

Counties
Personnel

County Clerks
School Districts

Higher Education
Secretary of State