



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated February 12, 2024)

Drafting Number:	LLS 24-0329	Date:	April 10, 2024
Prime Sponsors:	Sen. Gonzales Rep. Rutinel	Bill Status:	Senate Appropriations
		Fiscal Analyst	Hamza Syed 303-866-4976 hamza.syed@coleg.gov

Bill Topic: VOTING FOR CONFINED ELIGIBLE ELECTORS

Summary of Fiscal Impact:	<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> State Transfer	<input checked="" type="checkbox"/> Local Government
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> TABOR Refund	<input type="checkbox"/> Statutory Public Entity

The bill requires that county jails and detention centers provide in-person voting for eligible confined voters during general elections. The bill increases state and local government expenditures, and may increase state revenue, beginning FY 2024-25.

Appropriation Summary: For FY 2024-25, the bill requires an appropriations up to \$167,400 to the Department of State.

Fiscal Note Status: The revised fiscal note reflects the introduced bill, as amended by the Senate State, Veterans, and Military Affairs Committee.

**Table 1
State Fiscal Impacts Under SB 24-072**

		Budget Year FY 2024-25	Out Year FY 2025-26	Out Year FY 2026-27
Revenue		-	-	-
Expenditures	General Fund	\$75,240	-	\$25,080
	Cash Funds	\$92,160	-	-
	Total Expenditures	\$167,400	-	\$25,080
Transfers		-	-	-
Other Budget Impacts	General Fund Reserve	\$11,286	-	\$3,762

Summary of Legislation

The bill requires that county jails and detention centers offer at least one in-person voting day for eligible confined voters at each general election. The county sheriff's office must designate a main contact for facilitating this voting program with the county clerk and recorder's office. The sheriff's designee must provide voting information to confined voters, and must coordinate with the clerk and recorder's office to set up a mail ballot and ballot curing system within the jail or detention center. The Department of State (DOS) must provide training to counties to assist in the development of these systems.

State Revenue

Fee impact on businesses and professions. Colorado law requires legislative service agency review of measures which create or increase any fee collected by a state agency. Under current law, the DOS is authorized to adjust fees so that the revenue generated approximates its direct and indirect costs. The DOS is primarily funded through business filing fees. To cover the costs described in the State Expenditures section below, fees may need to be raised to cover all or some of the costs of this bill. The fees affected and the actual amount of fee charges will be set administratively by the DOS based on cash fund balance, total program costs, and the estimated number of professional activities subject to fees. This revenue is subject to TABOR.

State Expenditures

This bill will increase state expenditures in DOS by about \$167,400 in FY 2024-25, 0\$ in FY 2025-26, and about \$25,000 in FY 2026-27. These costs, paid from the General Fund and the Department of State Cash Fund, are displayed in Table 2 and described below.

Table 2
Expenditures Under SB 24-072

	FY 2024-25	FY 2025-26	FY 2026-27
Department of State			
Computer Programming	\$92,160	-	-
County Reimbursement	\$75,240	-	\$25,080
Total Cost	\$167,400	-	\$25,080

Computer programming. The Statewide Voter Registration System (SCORE) will require updates to capture additional information on voters who are voting at a jail or detention center. This information will flag when a county must change the mailing address for eligible confined voters and facilitate county implementation of the bill. These system changes are estimated to require 720 hours of programming time at a rate of \$128 per hour. These expenses are from the Department of State Cash Fund.

County reimbursement. Under current law, the state is required to reimburse 45 percent of eligible county election costs. It is assumed that state reimbursement to counties will increase under the bill beginning in FY 2024-25. Counties will need to increase election judge staffing and other resources to implement in-person voting in jails and detention centers. For presidential elections, this is estimated to cost up to \$4,000 per county for the 22 medium and large counties and up to \$2,400 each for the 33 small counties. Midterm elections are estimated to cost about one-third as much as presidential election years. This cost is subject to DOS rule making authority in which the Department will determine what is considered eligible for reimbursement. Based on this, the state's reimbursement to counties may increase by \$75,240 for the upcoming presidential election in FY 2024-25, and by \$25,080 for midterm elections in future years. Reimbursement for county expenses are assumed to be paid from the General Fund.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, decreasing the amount of General Fund available for other purposes.

Local Government

As described in the State Expenditure section, county clerks will have increased staffing and operating costs to conduct in-person voting in jails and detention centers, which is partially offset by reimbursement from the state. In addition, counties will have one-time costs to purchase appropriate electronic voting equipment. By county size, these equipment costs are estimated to be \$22,000 for a large county, \$12,000 for a medium county, and \$2,000 for a small county. The fiscal note assumes these additional costs are not eligible for reimbursement, however, as previously noted, the final determination of reimbursement is with the rulemaking authority in the Department of State. Lastly, workload and costs will also increase for county sheriffs to facilitate voting in jails and detention facilities, including providing security for elections staff and overseeing the movement of incarcerated voters within the facility during in-person voting.

Effective Date

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

State Appropriations

For FY 2024-25, the bill requires the following appropriations:

- \$75,240 from the General Fund to the Department of State; and
- \$92,160 from the Department of State Cash Fund to the Department of State.

State and Local Government Contacts

Corrections
Sheriffs

County Clerks

Secretary of State

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).