

Colorado Legislative Council Staff Fiscal Note

**STATE and LOCAL
REVISED FISCAL IMPACT**

(replaces fiscal note dated February 4, 2014)

This fiscal note is provided pursuant to Senate Rule 25(e).

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| Drafting Number: LLS 14-0140 | Date: February 10, 2014 |
| Prime Sponsor(s): Rep. Hullinghorst | Bill Status: Senate Second Reading |
| Sen. Ulibarri | Fiscal Analyst: Bill Zepernick (303-866-4777) |

SHORT TITLE: NONPARTISAN ELECTIONS NOT COORDINATED CNTY CLERKS

| Fiscal Impact Summary | FY 2014-2015 | FY 2015-2016 |
|-------------------------------|----------------------------|--------------|
| State Revenue | | |
| State Expenditures | Minimal workload increase. | |
| FTE Position Change | | |
| Appropriation Required: None. | | |

The fiscal note incorporates amendments adopted in the Senate SVMA committee and L.041, L.042, L.29, L.038, L.044, and L.043 in second reading.

Summary of Legislation

The **reengrossed bill, as amended**, creates the Colorado Local Government Election Code to govern the conduct of nonpartisan elections by special districts that are not coordinated by a county clerk. The new election code does not apply to counties, municipalities, regional transportation districts, or school districts. Among other things, the local government election code, modeled after the municipal election code, covers the following:

- voter eligibility and registration;
- candidate nominations;
- election judge qualifications and duties;
- notice and preparation for local government elections, including establishment of polling places and use of election equipment;
- conduct of elections and counting of votes; and
- processes for challenges to voters, surveys of returns, elections contests, and judicial proceedings when controversies arise.

The code also gives special districts the option of conducting independent mail ballot elections, which clarifies the procedures for districts to conduct mail ballot elections in non-coordinated election.

Last year, House Bill 13-1303 reduced the minimum duration for residency in the state from 30 days to 22 days and eliminated minimum precinct residency requirements for voting. The bill aligns the residency requirements for school district and municipal elections with the requirements of HB 13-1303 by removing minimum residency requirements for municipal precincts, special districts, and school election precincts. The bill correspondingly aligns dates for the preparation of voter lists and oaths sworn by electors.

State Expenditures

The bill requires copies of resolutions adopted by local governments that choose to conduct their elections pursuant to the state election code to be sent to the Secretary of State and the Department of Local Affairs. The number of local governments choosing to adopt such a resolution is not known, but the workload for receiving these election plans is expected to be minimal.

Local Government Impact

Workload impact to local governments is expected to be minimal. The bill clarifies the conduct of non-coordinated special district elections following the passage of HB 13-1303 and gives special districts additional clarity and guidance in the conduct of elections under a specific local government election code, including the conduct of independent mail ballot elections. Aligning the residency requirements for school districts, municipalities, and special districts with HB 13-1303 removes logistical concerns and potential workload for election officials to address situations where voters meet the state residency requirement but not the local precinct or district requirement.

The bill may increase workload to county clerks to pass on ballots to special districts that were incorrectly delivered to county clerks rather than the special district. In addition, to the extent that special districts do not currently comply with the Americans with Disabilities Act in the selection and operation of polling places, different venues for polling places may be required and could potentially increase costs.

Effective Date

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

State and Local Government Contacts

State
County Clerks
Special Districts

Education
Municipalities

Counties
Regional Transportation District