

Colorado Legislative Council Staff
FISCAL IMPACT STATEMENT

Date: August 15, 2002

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BALLOT TITLE: AN AMENDMENT TO THE COLORADO REVISED STATUTES CONCERNING THE CONDUCT OF ELECTIONS USING MAIL-IN BALLOTS, AND, IN CONNECTION THEREWITH, REPLACING EXISTING STATUTORY PROVISIONS RELATING TO MAIL BALLOT ELECTIONS WITH PROVISIONS GOVERNING "AUTOMATIC ABSENTEE BALLOT ELECTIONS"; REQUIRING THAT, AFTER JANUARY 1, 2005, ANY ELECTION HELD ON THE SAME DAY AS ANY PRIMARY, GENERAL, CONGRESSIONAL VACANCY, SPECIAL LEGISLATIVE, PARTISAN OFFICER RECALL, OR OTHER NOVEMBER COORDINATED ELECTION, BE CONDUCTED AS AN AUTOMATIC ABSENTEE BALLOT ELECTION; PERMITTING OTHER ELECTIONS AND ELECTIONS HELD BEFORE JANUARY 1, 2005 TO BE CONDUCTED AS AUTOMATIC ABSENTEE BALLOT ELECTIONS; REQUIRING AN ELECTION OFFICIAL WHO CONDUCTS AN AUTOMATIC ABSENTEE BALLOT ELECTION TO SUBMIT A PLAN FOR THE ELECTION TO BE APPROVED BY THE SECRETARY OF STATE; SPECIFYING REQUIREMENTS FOR THE DELIVERY AND RETURN OF BALLOTS IN AN AUTOMATIC ABSENTEE BALLOT ELECTION, INCLUDING PROVISIONS FOR BALLOT DROP-OFF SITES, POLLING BOOTH LOCATIONS, AND THE ISSUANCE AND RETURN OF REPLACEMENT BALLOTS; SPECIFYING REQUIREMENTS FOR BALLOT QUALIFICATION IN AN AUTOMATIC ABSENTEE BALLOT ELECTION, INCLUDING THE VERIFICATION OF VOTERS' SIGNATURES AND THE COUNTING OF SUCH BALLOTS; SPECIFYING THAT INTERFERENCE WITH THE DELIVERY OF A BALLOT IN AN AUTOMATIC ABSENTEE BALLOT ELECTION TO THE DESIGNATED ELECTION OFFICIAL IS AN ELECTION OFFENSE; AND INCREASING PENALTIES FOR SPECIFIED ELECTION OFFENSES.

Fiscal Impact Summary	FY 2002/2003	FY 2003/2004
State Revenues		
Department of State Cash Fund	minimal increase	
State Expenditures		
Department of State Cash Fund	\$143,565	\$98,000
FTE Position Change	0.0 FTE	0.0 FTE
Other State Impact: TABOR Impact (see Other State Impacts section)		
Effective Date: Upon approval of voters at the 2002 general election		
Appropriation Summary for FY 2002/2003: State Dept - \$143,565 - Department of State Cash Fund		
Local Government Impact: Reduced county election costs		

Summary of Referred Measure

The proposal requires most elections held after January 1, 2005, to be conducted by mail. For other elections, the proposal allows local election officials to determine the method of voting. All mail ballots must be returned in a signed envelope either by mail, at drop-off sites, or at designated polling places on election day. The proposal adds new security and other requirements for conducting elections by mail and for checking ballots before votes are counted. The proposal also increases the penalties for mail-ballot election fraud and other offenses.

State Revenue

Under current law, falsely submitting a ballot or unduly influencing a voter is punishable by up to 18 months in jail and a fine of up to \$5,000. This proposal increases the fine up to \$10,000. Assuming a high level of compliance, this fine increase is expected to only minimally affect state revenues.

State Expenditures

The proposal requires election officials to compare the signature on a mail ballot with the signature on file in the county clerk's office. New computer technology would be required in most county clerk offices for election judges to be able to compare signatures from ballots with existing signatures on file. Currently, 19 counties use a voter registration system supported by the state. This system would need to be modified to accommodate the requirement for signature comparison. Assuming that the requirements of the bill are implemented over two years, the modifications to the system are expected to cost \$143,565 in budget year 2002-03 and \$98,000 in budget year 2003-04. These costs would be paid from the Department of State Cash Fund. A portion of these costs would be paid to extract signatures from the Department of Revenue's driver's license database.

Other State Impacts

Any potential revenue from fees authorized under this proposal will count towards the state's constitutional revenue limit (TABOR). The current revenue forecast indicates that the state will not exceed its revenue limit during FY 2002-03 or FY 2003-04, but the state will exceed the limit beginning in FY 2004-05. Under current law, any surplus moneys are refunded in the following fiscal year. Current law also requires that the state refund 105 percent of the amount required to be refunded through the state's six-tier sales tax method.

Local Government Impact

The measure changes the process of voting at polling places, reducing the need for election judges and eliminating the need for traditional voting machines in each precinct. However, the proposal also requires counties to purchase and upgrade voting systems to comply with the

requirement that election judges compare signatures on ballots returned by mail with signatures on file in the clerk's office. Overall, these changes are expected to reduce county election costs. Any costs associated with obtaining signatures in an electronic form would be paid by counties.

State Appropriations

The Department of State would require a appropriation of \$143,565 from the Department of State Cash Fund for FY 2002-03.