



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 23-0603
Prime Sponsors: Rep. Daugherty

Date: February 22, 2023
Bill Status: House State Affairs
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Bill Topic: **REQMNTS FOR RECALL ELECTIONS & VACANCIES**

Summary of Fiscal Impact:

- | | |
|---|--|
| <input type="checkbox"/> State Revenue | <input type="checkbox"/> TABOR Refund |
| <input checked="" type="checkbox"/> State Expenditure | <input checked="" type="checkbox"/> Local Government |
| <input type="checkbox"/> State Transfer | <input type="checkbox"/> Statutory Public Entity |

The bill makes several changes to the requirements for recall elections and filling municipal government vacancies. The bill will increase workload for state and local governments on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

The bill amends statutes related to state office recall elections, and filling local government vacancies. Notable among its many changes, this bill:

- clarifies the affidavit of intent requirements for write-in candidates in a recall election for a partisan office;
- requires that candidates seeking to fill vacancies caused by recalls have the same party affiliation as the recalled officer;
- standardizes the process to replace city council members, mayors, and public trustees when a vacancy occurs or a municipal official is removed or recalled from office; and,
- requires city clerks to call special elections to fill municipal vacancies if the city council lacks a quorum to appoint a replacement; and,
- makes several changes to the requirements for municipal recall elections, including clarifying signature requirements and deadlines.

State Expenditures

The Department of State (DOS) will have a minimal increase in workload to adjust internal documents and update public information resources. No appropriation is required for these efforts. Costs may also increase to the extent the DOS requires legal services from the Department of Law relating to interpreting the bill or candidate challenges to the bill's restriction on ballot access in state recall elections. Generally, fiscal notes assume such legal costs will be addressed using existing appropriations or the annual budget process, if necessary.

Local Government

Workload will minimally increase for municipalities to update policies, procedures, and public information sources to align with the bill's requirements and clarifications. Overall, the bill is not expected to change current practices for municipalities regarding appointing replacement officers or holding special elections in the event of vacancies in the offices covered by the bill.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

County Clerks
Secretary of State

Local Affairs

Municipalities