



**Colorado  
Legislative  
Council  
Staff**

**HB16-1126**

**FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-0097  
**Prime Sponsor(s):** Rep. Windholz

**Date:** February 2, 2016  
**Bill Status:** House SVMA  
**Fiscal Analyst:** Chris Creighton (303-866-5834)

**BILL TOPIC:** ELECTION WATCHERS

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue	Less than \$5,000	Less than \$5,000
State Expenditures	Minimal workload increase.	
TABOR Impact	Potential increase.	
Appropriation Required: None.		
Future Year Impacts: Minimal ongoing workload and revenue impact.		

**Summary of Legislation**

This bill amends current law regarding election watchers. The bill modifies the way election watchers are selected and requires that, to the extent possible, the names of election watchers be submitted no later than 25 days before the election. Further, this bill specifies the oath that election watchers are required to take and the process by which an election watcher may report election discrepancies.

This bill also requires that election watchers with access to confidential information be required to pass a background check before being appointed. The Secretary of State's Office (SOS) will research the most cost-effective options for conducting these background checks and post findings on the department's website by January 1, 2017. County clerks are granted access to view the records of an election watcher that has access to confidential election data through the Colorado Bureau of Investigation (CBI), but may not request records more than once each calendar year, and prior to the first election of the year.

**Background**

Election watchers monitor various aspects of the election process from before to the polls open through the count and announcement of the election results. Election watchers must be eligible electors and may be appointed by political parties, candidates, issue committees, and the registered proponents and opponents of ballot measures. This fiscal note estimates that there are 300 election watchers that will require a background check.

### **State Revenues**

This bill likely increases revenue to the Department of Public Safety (DPS) to conduct name-based criminal records checks. The SOS will research the most cost-effective options for conducting background checks on election watchers; however it is assumed that the CBI internet name-based background check (\$6.95 each) will be the most cost-effective option. Assuming up to 300 background checks per year, CBI Identification Unit fee revenue will increase by less than \$5,000 (300 background checks X \$6.95 background check fee = \$2,085 in fee revenue).

### **TABOR Impact**

This bill potentially increases state revenue from fees, which will increase the amount of money required to be refunded under TABOR. TABOR refunds are paid out of the General Fund.

### **State Expenditures**

This bill will result in a minimal increase in workload in the SOS and DPS, as described below.

**Secretary of State's Office.** The SOS will have a minimal workload impact for staff to examine and determine the most cost-effective method for conducting background checks on election watchers. This workload can be absorbed by existing staff.

**Department of Public Safety — Colorado Bureau of Investigation.** Assuming that the CBI is the most likely background check option, increased workload and background check costs are expected in DPS. The number of background checks is expected to be 300 and it is assumed that this can be absorbed by existing staff. Additional appropriations will be sought through the budget process, if existing staff is unable to provide the number of background check requests required.

In addition, this bill allows county clerks to access background check records once each calendar year. Staff time in DPS will be needed to provide access to these records for the county clerks when requests are made. It is assumed that this increased workload can be absorbed within existing resources.

### **Local Government Impact**

This bill is expected to minimally impact county clerk workloads to request and review election watcher records. Other changes to watcher-related processes are not expected to significantly affect workload or costs for county clerks.

### **Effective Date**

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed. It applies to all elections conducted on or after the effective date.

**State and Local Government Contacts**

Counties  
Law  
Office of Information Technology  
Secretary of State

County Clerks  
Municipalities  
Public Safety  
Special Districts