



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Final Fiscal Note

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<b>Drafting Number:</b>	LLS 22-0155	<b>Date:</b>	September 1, 2022
<b>Prime Sponsors:</b>	Rep. Duran; Sirota Sen. Fenberg; Pettersen	<b>Bill Status:</b>	Signed into Law
		<b>Fiscal Analyst:</b>	Annie Scott   303-866-5851 Annie.Scott@state.co.us

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**Bill Topic:** PROTECTIONS FOR ELECTIONS OFFICIALS

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**Summary of Fiscal Impact:**

<input checked="" 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 prohibits any person from threatening, coercing, or intimidating an election official or making an official's personal information public on the internet if publishing such information poses a threat, requires the removal of an election worker's information from the internet in such cases, and allows access to this information under certain circumstances. The bill increases state and local workload, and may increase state and local revenue and expenditures, beginning in FY 2022-23.

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**Appropriation Summary:** No appropriation is required.

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**Fiscal Note Status:** The fiscal note reflects the enacted bill.

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## Summary of Legislation

The bill creates protections for election officials and election workers under the Uniform Elections Code of 1992 and the Criminal Code.

**Election officials.** The bill creates two new offenses aimed at protecting election officials, as follows.

*Intimidation.* Current law prohibits interfering with or preventing an election official from carrying out their duties. This bill creates a new class 2 misdemeanor for threatening, coercing or intimidating an election official in order to interfere with or retaliate against the performance of official duties.

*Dissemination and removal of personal information.* Current law prohibits an individual from knowingly making the personal information of certain protected parties or their families available on the internet, if the dissemination poses an obvious serious threat. This bill adds a new prohibition for publishing information about an election officials and their families, and makes violations of this prohibition a class 1 misdemeanor.

**Election workers.** The bill permits an election worker to request that a state or local government official remove his or her personal information from records on the internet. The official must remove the information if the request includes:

- the election worker's full name and home address;
- evidence that the person is an election worker; and
- affirmation that the election worker believes the available personal information poses a safety threat.

The bill specifies certain exempt parties who are allowed to access the redacted information when it is maintained by a county recorder, assessor, or treasurer. A process must be created to grant this access if one is not already in place, and an administrative fee may be assessed for this access.

## Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. This section outlines data on crimes comparable to the offenses in this bill and discusses assumptions on future rates of criminal conviction for those offense.

**Interfering with an election official.** The bill creates a new class 2 misdemeanor for intimidating or coercing an election official. From FY 2018-19 to FY 2020-21, one white female was convicted and sentenced for the existing offense of interfering with an election official.

**Dissemination of personal information.** This bill creates a new class 1 misdemeanor for making an election official's personal information available on the internet. To form an estimate on the prevalence of this new crime, the fiscal note compared the existing offense of making available a protected person's information on the internet. From FY 2018-19 to FY 2020-21, zero offenders have been sentenced and convicted for this existing offense.

**Assumptions.** Based on the comparable criminal information above, the fiscal note assumes that any increase in misdemeanor case filings and convictions under the bill will be minimal.

Visit [leg.colorado.gov/fiscalnotes](https://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

## State Revenue and Expenditures

Beginning in the current FY 2022-23, the bill will minimally increase workload in state agencies and may minimally increase state revenue and expenditures in the Judicial Department.

**State agencies.** If an election worker contacts a state department to remove personal information from online records, workload increases minimally for agencies to redact information when requested. The fiscal note assumes that these cases will be rare and any increase in workload will be minimal. It is assumed that all agencies have a process for removing published information based on current law allowing other protected persons to have information removed.

**Judicial Department.** Workload in the Judicial Department will increase for trial courts to hear additional class 1 and class 2 misdemeanor cases, and associated state revenue from fines and court fees may increase minimally. The number of cases are expected to be low and no additional appropriations are required. State revenue from criminal fines and court fees are subject to TABOR.

## Local Government

The bill is expected to increase workload in local governments should election workers request that an office remove personal online information, and may minimally increase revenue in the case that an administrative fee is assessed by a county recorder, assessor, or treasurer for an exempt party to access the redacted information.

To the extent there are additional misdemeanor cases, district attorneys will have additional workload to prosecute these cases. For cases occurring within the city and county of Denver, Denver County Court will have additional workload and revenue associated with these cases.

## Effective Date

This bill was signed into law by the Governor, took effect on June 2, 2022, and applies to offenses committed on or after that date.

## State and Local Government Contacts

Counties  
Judicial  
Secretary of State

County Clerks  
Municipalities

Information Technology  
Personnel