



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number: LLS 21-0416
Prime Sponsors: Rep. Williams

Date: July 7, 2021
Bill Status: Postponed Indefinitely
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Bill Topic: **ELECTION RECOUNT REQUESTS**

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 |

This bill would have allowed any registered voter to request a recount of ballots cast in an election and would have allowed for manual recounts to be requested for both automatic and requested recounts. The bill would have increased local and state revenue and expenditures on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the introduced bill. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

Summary of Legislation

Current law sets the conditions for conducting a recount of ballots in an election. In some cases, recounts are automatically required and the cost paid by the election official conducting the election. In others, a recount may be requested and paid for by an interested party such as the losing candidate or their political party.

This bill expands who may request a recount to include any registered voter. As under current law, a person requesting a recount must pay for the cost of the recount. In addition, a registered voter or interested party may request that any recount be conducted by hand. In the case of automatic recounts, anyone requesting a manual recount must pay the cost difference to affected election official of conducting the recount by hand, rather than by machine. Lastly, the bill allows any registered voter who requested a recount to file a motion in district court challenging the recount if they have reasonable grounds to believe that the recount is not being conducted properly.

State Revenue and Expenditures

By allowing registered voters to challenge a requested recount in court, the bill potentially increases caseload for the trial courts in the Judicial Department. This may minimally increase both state revenue from court filing fees, and corresponding workload for the trial courts to hear these cases. State revenue from fees is subject to TABOR. This workload can be managed within existing appropriations.

Local Government

By allowing additional people to request a recount of an election, and by allowing requests for manual recounts, this bill increases revenue, workload, and costs for counties and other local governments that administer elections. Depending on the number and type of recount requests, local election officials will have additional workload and costs to estimate recount costs, conduct additional recounts, and conduct manual recounts in place of machine recounts. Costs will be offset by additional revenue received from the requester of the recount.

Effective Date

The bill was postponed indefinitely by the House State, Civic, Military, and Veterans Affairs Committee on March 29, 2021.

State and Local Government Contacts

County Clerks

Judicial

Secretary of State