



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number: LLS 22-0625
Prime Sponsors: Rep. Baisley

Date: June 15, 2022
Bill Status: Postponed Indefinitely
Fiscal Analyst: Annie Scott | 303-866-5851
Annie.Scott@state.co.us

Bill Topic: **VOTING SYSTEMS STANDARDS ADOPTION**

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 |

This bill would have required voting systems and equipment to comply with the most recent Election Assistance Commission voting systems standards. The bill would have increased local government expenditures, and minimally increased state workload, on an ongoing basis.

Appropriation Summary: No appropriation would have been required.

Fiscal Note Status: The 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

Beginning January 1, 2023, the bill requires that all voting systems and equipment comply with the most recent federal Election Assistance Commission (EAC) voting systems standards. This bill also permits the Secretary of State to adopt rules requiring that voting systems meet or exceed the latest EAC standards.

Background

Under current law, voting systems and equipment must, at a minimum, meet the federal standards adopted by the Federal Election Commission (FEC) in 2002, and the Secretary of State has the authority to update standards in rule to adopt EAC standards adopted after 2008, as long as they meet or exceed the 2002 standards.

State Expenditures

This bill impacts workload in the Department of State's (DOS) Election Division, which will work with counties and vendors to ensure that all voting systems and equipment meet the latest voting systems standards adopted by the EAC. This workload can be accomplished within existing resources and no change in appropriations is required.

Local Government

This bill requires counties to use voting systems and equipment that comply with the most recent EAC voting systems standards. Existing voting systems utilized by counties do not meet these requirements. However, as described in the Technical Note below, voting equipment is not currently available that meet the latest standards. Therefore, if such equipment is not available, county clerks would be required to conduct hand counts of ballots until such equipment is available and purchased. Hand-counting ballots would increase costs for counties and delay reporting of results. When the voting systems meeting the latest standards is available, county clerks will be required to purchase this software and hardware, which will increase costs for counties. Preliminarily, the cost to replace these systems may total approximately \$30 million statewide. By county size, costs may approximately be:

- \$150,000 for each county with a population of under 2,000 people;
- \$350,000 for each county with a population of 2,000-50,000 people; and
- \$1,000,000 - \$1,500,000 for each county with a population over 50,000 people.

Technical Note

The bill requires that voting systems comply with the most recent EAC standards, which are the Voluntary Voting Systems Guidelines 2.0 adopted in 2021. Currently, there is not a laboratory capable of testing voting equipment for compliance with these standards, and no voting system vendors have developed voting systems that meet the standards.

Effective Date

The bill was postponed indefinitely by the House State, Civic, Military, and Veterans Affairs Committee on February 14, 2022.

State and Local Government Contacts

Counties

Municipalities

County Clerks

Secretary of State

Information Technology