



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 25-1191: ELECTIONS TO FILL COUNTY COMMISSIONER VACANCIES

Prime Sponsors:

Rep. Richardson

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Fiscal note status: The fiscal note reflects the introduced bill.

Summary Information

Overview. The bill requires that a county commissioner vacancy be filled by voters in an election rather than by a vacancy committee.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- State Revenue
- State Expenditures
- Local Government

Appropriations. For FY 2025-26, the bill requires an appropriation of \$686,280 to the Department of State.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue (Cash Funds)	\$0	\$686,280
State Expenditures (Cash Funds)	\$686,280	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$686,280
Change in State FTE	0.0 FTE	0.0 FTE

Summary of Legislation

The bill eliminates the use of a vacancy committee to fill the vacated office of a county commissioner, and requires instead that counties conduct an election. If the vacancy occurs within 180 days of a regularly scheduled primary, coordinated, or general election, the vacancy election is held as part of that election. If outside this window, the county clerk must conduct a separate special election. If the county conducts a special election, the county clerk must submit an election plan to the Department of State (DOS), and the bill establishes timelines for the DOS to approve the plan; for ballots to be mailed; for absentee ballots; and, for the operation of polling centers.

A person wanting to be a candidate in a county commissioner vacancy election must submit a notarized statement of intent, along with a \$500 filing fee to the DOS. Candidates must meet all legal requirements for serving, and have been affiliated with the party of the vacated county commissioner by January 1 of the year in which the vacancy occurs. Only voters who reside in the district served by the vacating commissioner and who are registered with the same party, or who are unaffiliated, may vote in the vacancy election.

State Revenue

Fee Impact on Businesses and Professions

Colorado law requires legislative service agency review of measures which create or increase any fee collected by a state agency. Under current law, the Department of State (DOS) is authorized to adjust fees so that the revenue generated approximates its direct and indirect costs. The DOS is primarily funded through business filing fees. To cover the costs described in the State Expenditures section below, fees will likely need to be raised to cover all or some of the costs of this bill.

This fiscal note assumes that fees will be adjusted such that the DOS can recoup its FY 2025-26 costs in FY 2026-27. The fees affected, the timing of any increase, and the actual amount of fee charges will be set administratively by the DOS based on cash fund balance, total program costs, and the estimated number of professional activities subject to fees.

The bill also increases state revenue by \$500 for each county candidate seeking certification from the DOS and paying the required fee. All fee revenue collected by the DOS is subject to TABOR.

State Expenditures

The bill increases state expenditures in the Department of State by \$686,280 in FY 2025-26 only, paid from the Department of State Cash Fund. The bill also increases ongoing workload for the department. New expenses are shown in Table 2 and described below.

Table 2
State Expenditures
Department of State

Cost Component	Budget Year FY 2025-26	Out Year FY 2026-27
Software Development	\$686,280	\$0
Total Costs	\$686,280	\$0
Total FTE	0.0 FTE	0.0 FTE

Software Development

The bill will require that the DOS modify both the statewide voter registration system (SCORE) and its Ballot Access application to create a new election type for county commissioner vacancies and to allow county commissioner vacancy elections to occur as part of a general or coordinated election. Specifically, the systems must be able to flag and generate ballots properly to ensure that only eligible voters receive a vacancy election ballot during general and coordinated elections (which currently go to all voters, without regard to party affiliation). Additional costs may also be incurred to make changes to the party affiliation change process. Modified software development, testing, and deployment are expected to require 5,160 hours of computer programming at a rate of \$133 per hour. All costs are paid from the Department of State Cash Fund.

Candidate Support

Individuals running in a county commissioner vacancy election must register with the DOS and be subject to the requirements for electoral candidates under current law. This will minimally increase workload in the DOS to process candidate affidavits, collect filing fees, and to provide compliance support to candidates for things such as contribution limits, reporting requirements, disclaimer requirements, etc. This workload will be minimal and can be addressed without additional appropriations.

County Reimbursement

The bill increases expenditures in the DOS by an indeterminate amount to reimburse counties for additional election costs (described in the Local Government section below). The Department of State reimburses counties for 45 percent of their eligible election expenses.

TABOR Refunds

The bill is expected to increase the amount of state revenue required to be refunded to taxpayers by the amounts discussed in the State Revenue section above. This estimate assumes the December 2024 LCS revenue forecast. A forecast of state revenue subject to TABOR is not available beyond FY 2026-27. Because TABOR refunds are paid from the General Fund, increased cash fund revenue will reduce the amount of General Fund available to spend or save.

Local Government

Stand-alone special elections conducted by counties increase costs to issue election notices, print and mail ballots, provide in person voter centers, process and count ballots, and certify the election to the DOS. These expenses will vary by county size and frequency of vacancy elections, and have not yet been estimated. For county commissioner vacancy elections occurring as part of a general or coordinated election, costs will increase to print unique ballots for eligible voters and to ensure that they are processed and counted correctly.

Effective Date

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

State Appropriations

For FY 2025-26, the bill requires an appropriation of \$686,280 from the Department of State Cash Fund to the Department of State.

State and Local Government Contacts

County Clerks

Secretary of State

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).