

CHAPTER 162

ELECTIONS

HOUSE BILL 00-1100

BY REPRESENTATIVES Taylor, Kester, Clapp, Coleman, Gagliardi, Gotlieb, Hoppe, Miller, Plant, Scott, Spence, Tapia, Tupa, Vigil, and Windels;
also SENATORS Tebedo and Nichol.

AN ACT

CONCERNING STATE REIMBURSEMENT TO COUNTIES FOR A PORTION OF THE COSTS OF CONDUCTING ELECTIONS IN WHICH STATE BALLOT MEASURES ARE ON THE BALLOT.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 1-5-505 (1), Colorado Revised Statutes, is amended to read:

1-5-505. Election expenses to be paid by county. (1) EXCEPT AS PROVIDED IN SECTION 1-5-505.5, the cost of conducting general, primary, and congressional vacancy elections, including the cost of printing and supplies, shall be a county charge, the payment of which shall be provided for in the same manner as the payment of other county expenses.

SECTION 2. Part 5 of article 5 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

1-5-505.5. State reimbursement to counties for ballot measure elections.

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "BALLOT ISSUE" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 1-1-104 (2.3).

(b) "BALLOT QUESTION" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 1-1-104 (2.7).

(2) FOR AN ELECTION HELD IN AN ODD-NUMBERED YEAR PURSUANT TO ARTICLE 41 OF THIS TITLE IN WHICH THE ONLY ITEM ON THE BALLOT OF A PARTICULAR COUNTY IS A STATE BALLOT ISSUE, THE STATE SHALL REIMBURSE SUCH COUNTY FOR THE COSTS INCURRED THAT ARE SHOWN BY SUCH COUNTY TO BE DIRECTLY ATTRIBUTABLE TO

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

CONDUCTING SUCH ELECTION AND SHALL NOT INCLUDE ANY PORTION OF THE USUAL COSTS OF MAINTAINING THE OFFICE OF THE CLERK AND RECORDER, INCLUDING, WITHOUT LIMITATION, OVERHEAD COSTS AND PERSONAL SERVICE COSTS OF PERMANENT EMPLOYEES.

(3) FOR ANY OTHER ODD- OR EVEN-NUMBERED YEAR ELECTION IN WHICH A STATE BALLOT ISSUE OR STATE BALLOT QUESTION IS ON THE BALLOT OF A PARTICULAR COUNTY, THE STATE SHALL REIMBURSE SUCH COUNTY FOR THE COST OF THE DUTIES PERFORMED BY THE COUNTY CLERK AND RECORDER THAT RELATE TO CONDUCTING THE ELECTION ON SUCH BALLOT ISSUE OR BALLOT QUESTION; EXCEPT THAT SUCH REIMBURSEMENT SHALL BE SET AT THE FOLLOWING RATES:

(a) FOR COUNTIES WITH TEN THOUSAND OR FEWER ACTIVE REGISTERED ELECTORS, FORTY-FIVE CENTS FOR EACH ACTIVE REGISTERED ELECTOR AS OF THE TIME OF SUCH ELECTION;

(b) FOR COUNTIES WITH MORE THAN TEN THOUSAND ACTIVE REGISTERED ELECTORS, THIRTY-FIVE CENTS FOR EACH ACTIVE REGISTERED ELECTOR AS OF THE TIME OF SUCH ELECTION.

(4) THE GENERAL ASSEMBLY SHALL MAKE APPROPRIATIONS TO THE DEPARTMENT OF STATE FROM THE DEPARTMENT OF STATE CASH FUND OR FROM THE GENERAL FUND FOR THE PURPOSE OF REIMBURSING COUNTIES UNDER THE TERMS OF THIS SECTION IN CONFORMITY WITH SECTION 24-21-104.5, C.R.S.

SECTION 3. 1-7-116 (2) (b), Colorado Revised Statutes, is amended to read:

1-7-116. Coordinated elections. (2) The political subdivisions for which the county clerk and recorder will conduct the coordinated election shall enter into an agreement with the county clerk and recorder for the county or counties in which the political subdivision is located concerning the conduct of the coordinated election. The agreement shall be signed no later than sixty days prior to the scheduled election. The agreement shall include but not be limited to the following:

(b) Provision for a reasonable sharing of the actual cost of the coordinated election among the county and the political subdivisions. For such purpose, political subdivisions are not responsible for sharing any portion of the usual costs of maintaining the office of the county clerk and recorder, including but not limited to overhead costs and personal services costs of permanent employees, except for such costs that are shown to be directly attributable to conducting coordinated elections on behalf of political subdivisions. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE STATE'S SHARE OF THE ACTUAL COSTS OF THE COORDINATED ELECTION SHALL BE GOVERNED BY THE PROVISIONS OF SECTION 1-5-505.5. WHERE THE STATE'S REIMBURSEMENT TO A PARTICULAR COUNTY FOR THE COSTS OF CONDUCTING A COORDINATED ELECTION PURSUANT TO SECTION 1-5-505.5 IS LESS THAN THE COSTS OF CONDUCTING A COORDINATED ELECTION FOR WHICH THE COUNTY IS ENTITLED TO REIMBURSEMENT BY MEANS OF A COST-SHARING AGREEMENT ENTERED INTO PURSUANT TO THE PROVISIONS OF THIS SUBSECTION (2), SUCH DIFFERENTIAL SHALL BE ASSUMED BY THE COUNTY. WHERE THE STATE'S REIMBURSEMENT TO A PARTICULAR COUNTY FOR THE COSTS OF CONDUCTING A COORDINATED ELECTION PURSUANT TO SECTION 1-5-505.5 IS GREATER THAN THE COSTS OF CONDUCTING A

COORDINATED ELECTION FOR WHICH THE COUNTY IS ENTITLED TO REIMBURSEMENT BY MEANS OF A COST-SHARING AGREEMENT ENTERED INTO PURSUANT TO THE PROVISIONS OF THIS SUBSECTION (2), THE COUNTY SHALL BE ENTITLED TO RETAIN SUCH DIFFERENTIAL, WITH NO OBLIGATION TO RETURN ANY PORTION OF SUCH AMOUNT TO THE STATE.

SECTION 4. 24-21-104.5, Colorado Revised Statutes, is amended to read:

24-21-104.5. General fund appropriation - cash fund appropriation - elections. The general assembly is authorized to appropriate moneys from the department of state cash fund to the department of state ~~in each fiscal year in which a presidential primary is held~~ to cover the costs of the local county clerk and recorders relating to the conduct of presidential primary elections, GENERAL ELECTIONS, AND NOVEMBER ODD-YEAR ELECTIONS. If the amount of moneys in the department of state cash fund is insufficient to cover such costs, the general assembly may appropriate additional general fund moneys to cover such costs after exhausting all moneys in the department of state cash fund. ~~The general assembly may also appropriate general funds to the department of state to cover the costs of the duties performed by local county clerk and recorders relating to the conduct of other elections.~~ Any appropriation made pursuant to this section shall not be used in calculating the fees provided for in section 24-21-104 (3) (b). The intent of the general assembly is to authorize the appropriation of department of state cash fund moneys and general fund moneys to the department of state to offset some of the costs of local county clerk and recorders associated with the additional election duties and requirements resulting from the passage of section 20 of article X of the state constitution, from the preparation and conduct of the presidential primary election pursuant to section 1-4-1202, C.R.S., and from the increased number of initiatives that are being filed.

SECTION 5. Appropriation in long bill to be adjusted. For the implementation of this act, appropriations made in the annual general appropriation act to the department of state, for the fiscal year beginning July 1, 2000, from the department of state cash fund, to the special purpose division for local election reimbursement, shall be decreased by two hundred forty-three thousand two hundred seventy-five dollars (\$243,275).

SECTION 6. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to elections on or after the applicable effective date of this act.

Approved: May 22, 2000