
JOINT BUDGET COMMITTEE



INTERIM SUPPLEMENTAL BUDGET REQUESTS FY 2021-22

DEPARTMENT OF STATE

JBC WORKING DOCUMENT - SUBJECT TO CHANGE
STAFF RECOMMENDATION DOES NOT REPRESENT COMMITTEE DECISION

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INTERIM SUPPLEMENTAL REQUESTS

NOVEMBER 2021 COORDINATED ELECTION BALLOT TRACKING

	REQUEST	RECOMMENDATION
TOTAL	\$0	\$0
FTE	0.0	0.0
General Fund	0	0
Cash Funds	0	0
Federal Funds	0	0

Does JBC staff believe the request satisfies the interim supplemental criteria of Section 24-75-111, C.R.S.? **YES**
 [The Controller may authorize an overexpenditure of the existing appropriation if it: (1) Is approved in whole or in part by the JBC; (2) Is necessary due to unforeseen circumstances arising while the General Assembly is not in session; (3) Is approved by the Office of State Planning and Budgeting (except for State, Law, Treasury, Judicial, and Legislative Departments); (4) Is approved by the Capital Development Committee, if a capital request; (5) Is consistent with all statutory provisions applicable to the program, function or purpose for which the overexpenditure is made; and (6) Does not exceed the unencumbered balance of the fund from which the overexpenditure is to be made.]

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? **YES**
 [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]

Explanation: JBC staff and the Department agree that this request is the result of an unforeseen circumstance and data that was not available when the original appropriation was made.

DEPARTMENT REQUEST: The Department is requesting a one-time net \$0 shift of \$75,000 cash funds from the Department of State Cash Fund from one line to another. This shift would move money from the Operating Expenses line item in the Administration Division to the Hardware/Software Maintenance line item in the Information Technology Division.

STAFF RECOMMENDATION: Staff recommends that the Committee **approve** the request.

STAFF ANALYSIS: The supplemental budget request comes as a result of the experience using the BallotTrax software in the 2020 General Election.

BACKGROUND

Due in part to the restrictions and safety concerns of the COVID-19 pandemic, roughly 94 percent of Coloradans voted by mail in the 2020 General Election.¹ One concern that those voting by mail often have is how to ensure their ballot gets to where it needs to go and is counted.² One poll from April 2020 claims that at the time, only 47 percent of people trusted mail-in voting.³ Additionally, according to an ABC News/The Washington Post poll in July 2020, 59 percent of Americans preferred voting in-person prior to last year's presidential election.⁴

¹ <https://www.5280.com/2020/12/how-2020-has-affected-the-way-we-vote/>

² <https://electionlab.mit.edu/research/voter-confidence>

³ <https://emersonpolling.reportablenews.com/>

⁴ <https://fivethirtyeight.com/features/americans-support-voting-by-mail-but-not-all-of-them-want-to-or-can/>

In light of the general preference for in-person voting and in an effort to assuage Coloradans' fears about the reliability of mail-in ballots, the Department last year took steps to ensure that mail-in ballots were received and counted, and that voters could clearly see that their votes had been accounted for. One of the primary ways that the Department went about this was to implement a statewide system for tracking ballots using the BallotTrax software solution. BallotTrax is provided by i3logix, a Denver-based company, and through it voters are able to receive email confirmation when their ballots are received and accepted by their counties.

This was the first time that this functionality had been offered statewide in Colorado, and according to the Department, it was a success. The Department notes that even though this was the first year ballot tracking was offered, and absent any kind of marketing or education on the program, 52.8 percent of Coloradans used BallotTrax to ensure that their ballots had been accepted.

CURRENT SITUATION

The Department believes that there will continue to be distrust among voters related to mail-in voting, and that one of the best ways to combat that distrust is to continue providing ballot tracking services statewide.

In elections before the 2020 General Election, 12 counties in Colorado already provided their residents with some form of ballot tracking, but not all counties had or have the resources to implement a ballot tracking system. To provide all residents of Colorado the opportunity to track their ballots, as opposed to just those in 12 select counties, the Department would manage the statewide system and be able to provide more services for more people while also decreasing resource requirements for those counties which previously provided their own ballot tracking systems.

REASONS FOR INTERIM SUPPLEMENTAL REQUEST

In the 2020 General Election, the Department was able to use federal funds in the form of supplemental Help America Vote Act (HAVA) funding via the CARES Act because there was a federal contest on the ballot. HAVA funds can only be used when there is a federal contest. This will not be the case in the November 2021 Coordinated Election. Because of that, any statewide ballot tracking will need to use State funds as opposed to federal funds.

The Department hopes to use State funds, however it currently does not have sufficient spending authority in the appropriate line item to do so. The reason the Department did not ask for this in their FY 2021-22 budget request is that the 2020 General Election took place after the submittal of the request, so the Department had no way of knowing how the implementation of ballot tracking would turn out, or how much it would cost. After seeing the level of participation among Colorado voters, the Department decided to continue providing the service statewide.

The ballot tracking service would be funded through the Hardware/Software Maintenance line item in the Information Technology Division, but the Department has determined that using \$75,000 of this appropriation for ballot tracking would lead to deficiencies in other critical IT services. The Department has determined, though, that there is \$75,000 available in the Operating Expenses line item in the Administration Division that could be used this fiscal year. The Department does not anticipate permanently decreasing the appropriation to this line.

The \$75,000 amount comes from a formal request for proposals (RFP) response from BallotTrax that extends through FY 2024-25 and provides cost estimates for each fiscal year within that timeframe.

While the Department has not yet signed a contract for services, they will be in a position to do so if this request is approved. The Department plans to fund statewide ballot tracking in at least the three fiscal years following FY 2021-22 by submitting yearly budget requests. In that time period, there will be a total of seven elections, and the Department expects to use federal HAVA funds for five of those.