Amendment 36

Colorado Legislative Council Staff

FISCAL IMPACT STATEMENT

Date: August 11, 2004

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BALLOT TITLE: AN AMENDMENT TO THE COLORADO CONSTITUTION CONCERNING POPULAR PROPORTIONAL SELECTION OF PRESIDENTIAL ELECTORS, AND, IN CONNECTION THEREWITH, CREATING PROCEDURES FOR ALLOCATING COLORADO'S ELECTORAL VOTES FOR PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES, BASED ON THE PROPORTION OF BALLOTS THAT ARE CAST IN THIS STATE FOR EACH PRESIDENTIAL TICKET; MAKING THE TERMS OF THE PROPOSED AMENDMENT EFFECTIVE SO THAT POPULAR PROPORTIONAL SELECTION OF PRESIDENTIAL ELECTORS APPLIES TO THE 2004 GENERAL ELECTION; SETTING FORTH PROCEDURES AND TIMELINES THAT GOVERN THE CERTIFICATION OF ELECTION RESULTS AND THE POTENTIAL RECOUNTING OF VOTES IN ELECTIONS FOR PRESIDENTIAL ELECTORS AND IN THE ELECTION ON THIS PROPOSED AMENDMENT; GRANTING THE COLORADO SUPREME COURT ORIGINAL JURISDICTION FOR THE ADJUDICATION OF ALL CONTESTS CONCERNING PRESIDENTIAL ELECTORS AND REQUIRING THAT SUCH MATTERS BE HEARD AND DECIDED ON AN EXPEDITED BASIS; AND AUTHORIZING THE GENERAL ASSEMBLY TO ENACT LEGISLATION TO CHANGE THE MANNER OF SELECTING PRESIDENTIAL ELECTORS OR ANY OF THE PROCEDURES CONTAINED IN THIS AMENDMENT.

Fiscal Impact Summary	FY 2004/2005	FY 2005/2006
State Revenues General Fund		
State Expenditures General Fund		
FTE Position Change	0.0 FTE	0.0 FTE
Other State Impact: None		
Effective Date: Upon voter approval, starting with the 2004 presidential election		
Appropriation Summary for FY 2004/2005: None		
Local Government Impact: None		

Summary of Measure

This proposed constitutional amendment would change the way the Colorado's presidential electors are allocated for purposes of the Electoral College. The Electoral College is a system used in the United States to elect the president and the vice president. Under this system, each state is

allotted electoral votes equal to the number of the state's representatives and senators in the U.S. Congress.

Colorado currently allocates all of the state's electoral votes to the presidential ticket receiving the highest number of popular votes received. Under this proposal, beginning with the November 2004 election, Colorado would allocate its electoral votes according to the percentage of ballots cast for each presidential ticket. Electoral votes would be divided, in whole numbers, among the competing candidates according to the number of votes each candidate receives.

The most recent federal apportionment of population grants Colorado nine presidential electors. Under this proposal, these votes would be allocated in whole numbers according to the proportion of votes cast for each presidential ticket. For example, if Candidate Smith gets 55 percent of the votes and Candidate Jones gets 45 percent, then Smith would receive five electoral votes and Jones would receive four.

The proposal also adds procedures and timelines to the state constitution for certifying election results and recounts related to the vote on this proposal.

State Revenue

The measure would not significantly affect state revenues. If a recount was requested, the requesting party would be obligated to pay the Secretary of State for any associated costs. These moneys would count under the state's constitutional revenue limit and may increase TABOR refunds in future years.

State Expenditures

The measure would not significantly affect state expenditures. If a recount is ordered in any presidential election starting with the 2004 presidential election, the Colorado Supreme Court would have jurisdiction to oversee any disputes. This would necessitate a revision of the court's docket at the minimum, and could require additional resources. Any additional funding would have to be appropriated by the General Assembly.

Local Government Impact

The measure would not affect local government revenues or expenditures.

State Appropriations

Assuming no action by the Colorado Supreme Court is required for the 2004 presidential election, no additional resources would be required to implement the proposal for FY 2004-05.