

**JBC STAFF FISCAL ANALYSIS
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING THE ABILITY OF AN ELECTOR TO OPT OUT OF RECEIVING BALLOTS BY MAIL.

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Date Prepared: April 28, 2015

Fiscal Impact of Bill as Amended to Date

The most recent Legislative Council Staff Fiscal Note (attached) reflects the fiscal impact of the bill as of 04/27/15.

XXX	No Change: Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill
	Update: Fiscal impact has changed due to <i>new information or technical issues</i>
	Update: Fiscal impact has changed due to <i>amendment adopted</i> after LCS Fiscal Note was prepared
	Non-Concurrence: JBC Staff and Legislative Council Staff disagree about the fiscal impact of the bill

The Senate State, Veterans, & Military Affairs Committee Report (04/28/15) includes amendments to the bill, however, Legislative Council Staff and JBC Staff agree that the committee amendments do not change the fiscal impact of the bill.

Amendments in This Packet for Consideration by Appropriations Committee

Amendment	Description
J.001	Staff-prepared appropriation amendment

Current Appropriations Clause in Bill

The bill requires but does not contain an appropriation clause.

Description of Amendments in This Packet

J.001 Staff has prepared amendment **J.001** (attached) to add a provision appropriating \$118,989 total funds for FY 2015-16. This includes:

- \$62,200 cash funds for the Department of State from the Department of State Cash Fund; and
- \$56,789 General Fund for the Department of Revenue, of which \$16,789 is reappropriated to the Office of Information Technology in the Office of the Governor.

Points to Consider*Technical Issue*

As noted in the LCS fiscal note (attached), the current effective date for the bill (August 5, 2015) does not allow the changes to the computer systems to be made in time for the November 2015 election as required. To reconcile the effective date and the requirements of the bill, the effective date could be moved up to July 1, 2015, or the bill could be altered to take effect for elections on or after January 1, 2016. If the bill is amended to apply to elections in CY 2016, LCS Staff and JBC Staff agree that the General Fund appropriation required by the Department of Revenue would be reduced by \$40,000 to \$16,898 in FY 2015-16.

TABOR/ Excess State Revenues Impact

The March 2015 Legislative Council Staff (LCS) revenue forecast projects a TABOR surplus liability in FY 2015-16 and FY 2016-17. These sums must be refunded to taxpayers out of the General Fund. Legislation that increases non-exempt revenue (such as cash funds) to the State will further increase the TABOR refund made out of the General Fund. Correspondingly, this will reduce the amount of General Fund available for programs.

A portion of the appropriation for this bill is from the Department of State Cash Fund, which is primarily supported by business filing fees. Pursuant to Section 24-21-104 (3) (b), the Department has the authority to increase fees to generate revenue approximating its direct and indirect costs. If the Department needs to increase fees (i.e. cash fund revenue) to support the expenditures required by this bill, available General Fund will be reduced in an equal amount. The LCS fiscal note (attached) was unable to determine whether a fee increase would be necessary at this time.

General Fund Impact

The Joint Budget Committee has proposed a budget package for FY 2015-16 based on the March 2015 Legislative Council Staff revenue forecast. The budget package allocates a total of \$18.5 million General Fund to be available to fund 2015 legislation. If the full \$18.5 million is not used to fund legislation, it will remain in the General Fund reserve.