



Colorado Legislative Council Staff Fiscal Note

FINAL

FISCAL NOTE

Drafting Number: LLS 12-0544
Prime Sponsor(s): Sen. Heath; White
 Rep. Court; Murray

Date: June 15, 2012
Bill Status: Deemed Lost
Fiscal Analyst: Kirk Mlinek (303-866-4782)

TITLE: CONCERNING PROCEDURES TO PROTECT TRANSPARENCY IN ELECTIONS WHILE PRESERVING THE INTEGRITY OF BALLOTS IN CONNECTION WITH A REQUEST FOR PUBLIC INSPECTION OF BALLOTS UNDER THE "COLORADO OPEN RECORDS ACT".

Fiscal Impact Summary	FY 2012-2013	FY 2013-2014
State Revenue		
State Expenditures		
FTE Position Change		
Effective Date: The bill was deemed lost on May 9, 2012.		
Appropriation Summary for FY 2012-2013: None required.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

The bill prohibits a designated election official from granting requests to publicly inspect ballots or ballot images that arise out of any election in the state for the 45-day period immediately preceding an election and concluding on the date by which the abstract of votes for the election in question must be certified. The bill refers to this period of time as the stay period. A denial of inspection does not apply to a recount, and persons interested in the recount may witness the handling of ballots involved in the recount.

The bill also states that:

- election records and ballots are available at all times other than the stay period;
- election records and ballots are to remain in the custody of the election official at all times;
- records are to be covered or redacted so as to protect an elector's identity;
- special care be given to protect the privacy of electors within discrete groups who are more susceptible of being personally identified (e.g., military and overseas electors and voters in overlapping districts resulting in a pool of less than 10 voters); and
- ballots may be randomly presented, at the discretion of the election official, for inspection as a means of protecting certain electors' privacy.

The actual costs incurred by the office of the election official in making the records available may be charged to the person requesting the inspection. The person seeking the records may try to minimize his or her costs by identifying the candidate contest, ballot issue, or ballot question for which information is being requested.

Local Government Impact

The bill is not expected to increase the workload of the county clerks as it simply shifts the allowable inspection period to before and after the stay period. The bill is not expected to increase revenue in clerk and recorder offices as current law permits clerks to charge for actual costs incurred in complying with requests to inspect public records. The bill clarifies that if a clerk hires an outside party to perform the duties required by the bill, the clerk may not charge more than the costs that would have been charged if the work had been done by an employee.

Departments Contacted

State Law Counties Clerks