

**FINAL  
FISCAL NOTE**

**Drafting Number:** LLS 12-0719  
**Prime Sponsor(s):** Rep. Todd  
 Sen. King K.

**Date:** July 9, 2012  
**Bill Status:** Signed into Law  
**Fiscal Analyst:** Bill Zepernick (303-866-4777)

**TITLE:** CONCERNING MODIFICATIONS TO PROCEDURES THAT GOVERN RECALL ELECTIONS.

<b>Fiscal Impact Summary</b>	<b>FY 2012-2013</b>	<b>FY 2013-2014</b>
<b>State Revenue</b>		
<b>State Expenditures</b> Cash Funds Department of State Cash Fund	Minimal impact. See State Expenditures section.	
<b>FTE Position Change</b>		
<b>Effective Date:</b> The bill was signed into law by the Governor on May 29, 2012, and applies to recall elections filed on or after this date.		
<b>Appropriation Summary for FY 2012-2013:</b> None required.		
<b>Local Government Impact:</b> Increased costs. See Local Government Impact section.		

**Summary of Legislation**

The bill makes various changes and clarifications in the laws governing recall elections. Among other things, the bill does the following:

- prohibits profane or false statements in either the recall petition's statement of grounds for the recall or in the elected official's statement of justification;
- requires nonpartisan, non-school board recall election petitions to be filed with the political subdivision's designated election official, rather than with the district court;
- specifies the procedures for filing a recall petition for a political subdivision without a designated election official;
- clarifies the time frame for gathering recall petition signatures and the placement of the warning to electors about reading and signing the petition;
- requires the designated election official to provide the reason that a petition was rejected and sets forth procedures for correcting a petition and filing an appeal;
- requires the designated election official to notify the subject of the recall petition within 24 hours after delivery of the petition and make a copy of the petition available to him or her;
- requires the designated election official to notify the recall committee and the elected official on petition sufficiency within 15 business days;

- sets forth the time frame for cancelling a recall election if the elected official resigns;
- if a recall election is cancelled, clarifies that the person appointed as provided by law shall hold office until the next regularly scheduled election;
- clarifies that a recall election date be set within 75 days of the petition being deemed sufficient and the protest period ending and clarifies that the recall election may be included as part of a regularly scheduled election within 90 days of the end of the protest period;
- requires the designated election official to submit a written mail ballot plan to the Secretary of State if a mail-ballot recall election is to be held and requires the Secretary of State to approve or disapprove the plan within 5 calendar days of receiving the plan;
- for statewide recall elections, requires that the Governor publish a notice of the election in the newspaper in the state with the largest circulation and that the Secretary of State publish notice on the department's official website;
- for non-statewide recall elections, requires that the designated election official publish notice in a newspaper of general circulation;
- for recall elections, requires the designated election official to meet all deadlines in the uniform election code for events that must be completed 45 days before the election no later than 42 days prior to the recall election;
- sets forth procedures for write-in candidates and nomination petitions for candidates in partisan and nonpartisan recall elections;
- requires a political subdivision to reimburse the county clerk for reasonable expenses related to the recall of an elected official of the subdivision; and
- makes various conforming amendments and technical changes.

### **State Expenditures**

The bill is not expected to have a significant impact on the Department of State. Staff will update various election materials to reflect the new deadlines and procedures in the course of their regular duties. Staff may be required to review additional mail-ballot plans under the bill, but the number of plans and time required is expected to be minimal. No new appropriations are required.

### **Local Government Impact**

The bill may increase costs to local governments for conducting recall elections. First, political subdivisions will incur costs to reimburse county clerks for expenses related to the recall of an elected official in the subdivision. Any reimbursement provided will offset costs for the county clerk. Second, county clerks are required to provide the elected official with a copy of the recall petition within 24 hours of its delivery. Given the short time frame and the length of recall petitions, especially in larger jurisdictions, county clerks may require temporary staff or incur overtime costs to make copies and redact signatures within the required time frame.

### **Departments Contacted**

State                      County Clerks                      CCI                      CML