

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 13-0656

Date: February 21, 2013

Prime Sponsor(s): Rep. Buck

Bill Status: House SVMA

Fiscal Analyst: Bill Zepernick (303-866-4777)

TITLE: CONCERNING THE RELIEF THAT A COURT MUST ORDER IN SPECIFIED ELECTION CONTESTS UPON A SHOWING THAT A CERTAIN QUANTUM OF ILLEGAL VOTES WERE CAST.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue		
State Expenditures	See State Expenditures section.	
FTE Position Change		
Effective Date: August 7, 2013, if the General Assembly adjourns on May 8, 2013, as scheduled, and no referendum petition is filed.		
Appropriation Summary for FY 2013-2014: None required.		
Local Government Impact: See Local Government Impact.		

Summary of Legislation

The bill specifies the type of relief that the courts must grant in cases involving county and nonpartisan elections when illegal votes are found to have been cast. Specifically, the court must:

- order a recount if the number of illegal votes, if invalidated, place the margin of victory within the margin required for a recount in state law; or
- declare the election invalid and order other appropriate relief if the number of illegal votes is greater than the margin of victory.

State Expenditures

The bill is not expected to have a significant impact on caseload in the courts. The bill creates a new form of relief that may be ordered, but does not create a new cause of action. The new forms of relief may encourage more election-related litigation; however, given that no cases have been filed over the last five years in this area, any impact is assumed to be minimal.

Local Government Impact

The bill may result in additional recounts being ordered or an election being declared invalid if the outcome of a county or nonpartisan race is challenged in court and illegal votes are found to have been cast. However, given that there is little evidence of illegal votes being cast in elections in Colorado or nationally, the possibility of illegal votes shifting the margin of victory to such a degree so as to require a recount or invalidate an election is remote.

If ordered by the court, the costs of conducting a recount ranges from about \$2,000 in a small county to more than \$30,000 in a large county. If an election is declared invalid, it is unclear if new elections would be held for the office under dispute or whether a vacancy committee or some other method would be required. If new elections are required, costs to counties would vary by the office being contested, county size, and voting method. Holding a new countywide election in a large, Front Range county would cost more than \$600,000; small counties would have costs between \$30,000 and \$80,000.

Departments Contacted

State	Counties	Judicial
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