

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 14-0986 **Date:** April 7, 2014
Prime Sponsor(s): Rep. Buckner; Gardner **Bill Status:** House SVMA
Fiscal Analyst: Bill Zepernick (303-866-4777)

SHORT TITLE: CNTY CLERK STANDING JUD REVIEW SOS ELECTION ACTION

Fiscal Impact Summary*	FY 2014-2015	FY 2015-2016
State Revenue		
State Expenditures	Potential for increased costs and workload.	
FTE Position Change		
Appropriation Required: None.		

* This summary shows changes from current law under the bill for each fiscal year.

This fiscal note is preliminary. It may be revised if new information is received.

Summary of Legislation

The bill allows a county clerk and recorder to seek judicial review in Denver District Court of certain actions by the Secretary of State related to elections.

State Expenditures

The bill increases workload and costs in the Judicial Department and the Department of State, as discussed below.

Trial courts. By creating a new cause of action to allow county clerks to seek judicial review of Secretary of State rules, the bill may increase the number of cases filed with the courts (specifically, in Denver District Court) by a small amount. Given the small number of cases expected, it is assumed that this work can be accomplished within existing appropriations to the Judicial Department.

Department of State. The Department of State will likely be required to respond to cases filled by county clerks seeking judicial review of election rules and other final agency actions. While this will increase legal service costs and workload in the Department of State, the number and complexity of these cases is not known. Therefore, given that a relatively small number of such cases are expected to be filed each year, the fiscal note assumes that any change in appropriations can be addressed through the annual budget process, if necessary.

Timing of election litigation. Allowing county clerks to seek judicial review of certain actions of the Secretary of State may shift the timing and nature of election disputes between the parties. Such disputes create uncertainty around election processes, and because they often occur after county clerks have begun preparing for an election, they require expedited review by the courts.

Local Government Impact

To the extent that county clerks make use of the option to seek judicial review of Secretary of state rules, costs and workload could increase. However, such judicial reviews could also help clarify issues in election law sooner in the election cycle and prevent more complicated litigation in the future.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature, and applies to final actions issued by the Secretary of State after the effective date of this bill.

State and Local Government Contacts

State	Judicial	Counties	County Clerks
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