

## Colorado Legislative Council Staff Fiscal Note

# STATE and LOCAL FISCAL IMPACT

**Drafting Number:** LLS 15-0399  
**Prime Sponsor(s):** Rep. Rosenthal

**Date:** January 13, 2015  
**Bill Status:** House SVMA  
**Fiscal Analyst:** Bill Zepernick (303-866-4777)

**BILL TOPIC:** RESTRICT REVEALING HOW PERSON VOTES

Fiscal Impact Summary*	FY 2015-2016	FY 2016-2017
State Revenue	Minimal potential decrease. See State Revenues Section.	
State Expenditures	Minimal workload decrease. See State Expenditures section.	
FTE Position Change		
Appropriation Required: None.		

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

## Summary of Legislation

The bill narrows the scope of the existing class 3 misdemeanor offense concerning disclosure of how a person voted in a state or local election. Specifically, the bill eliminates the prohibition on voters revealing the contents of their ballot, and restricts this offense to election officials and other persons who, in the course of their official duties, obtain knowledge of how a person voted and reveal this information. Under the bill, it will also remain illegal for a voter to mark his or her ballot in a way that allows it to be identified later or for any person to induce a voter to reveal how he or she voted

## Background

Over the last three years, there have been no cases or convictions relating to voters who revealed the content of their ballot or who marked their ballot in an identifying manner.

## State Revenue

Beginning in FY 2015-16, this bill may decrease state revenue credited to the Fines Collection Cash Fund in the Judicial Department by a minimal amount by reducing the scope of an existing misdemeanor offense. The fine penalty for a class 3 misdemeanor is \$50 to \$750. Because the courts have the discretion of incarceration, imposing a fine, or both, the impact to state revenue cannot be determined. However, given that there have been no convictions for this crime over the last several years, the fiscal note assumes that any potential revenue decrease will be minimal.

### **State Expenditures**

The bill may minimally reduce workload in the trial courts by reducing the scope of an existing misdemeanor offense. Given the lack of cases brought for this offense, any change will be minimal and no change in appropriations to the Judicial Department is required.

### **Local Government Impact**

By reducing the scope of an existing misdemeanor, this bill could potentially decrease costs for counties. However, any reduction is assumed to be minimal given the lack of convictions for this offense over the last several years. The penalty for a class 3 misdemeanor is 0 to 6 months in a county jail, a fine of \$50 to \$750, or both. Because the courts have the discretion of incarceration or imposing a fine, the impact at the local level cannot be determined. The cost to house an offender in county jails varies from about \$53 to \$114 per day. For the current fiscal year, the state reimburses county jails at a daily rate of \$52.74 to house state inmates. It is assumed that the impact of this bill will be minimal.

### **TABOR Impact**

Because this bill potentially decreases state revenue from fines, it may correspondingly decrease the amount of revenue required to be refunded under TABOR for FY 2015-16. TABOR refunds are paid from the General Fund in the year following the excess collections.

### **Effective Date**

The bill takes effect August 5, 2015, if the General Assembly adjourns on May 6, 2015, as scheduled, and no referendum petition is filed. The bill applies to conduct occurring on or after this date.

### **State and Local Government Contacts**

Judicial  
Counties  
Special Districts

State  
County Clerks

Law  
Municipalities