



## Fiscal Note

### Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

## HB 25-1315: VACANCIES IN THE GENERAL ASSEMBLY

#### Prime Sponsors:

Rep. Sirota; Pugliese

Sen. Weissman; Kirkmeyer

#### Fiscal Analyst:

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**Fiscal note status:** The fiscal note reflects the introduced bill.

### Summary Information

**Overview.** The bill changes requirements in vacancy committees and creates a new November vacancy election for General Assembly vacancies.

**Types of impacts.** The bill is projected to affect the following areas on an ongoing basis.

- State Expenditures
- State Revenue
- Local Government

**Appropriations.** For FY 2025-26, the bill requires an appropriation of \$338,415 to the Department of State.

**Table 1**  
**State Fiscal Impacts**

Type of Impact	Budget Year FY 2025-26	Out Year 1 FY 2026-27	Out Year 2 FY 2027-28
State Revenue	\$0	\$0	\$0
State Expenditures (Cash Fund)	\$338,415	\$0	\$17,125
Transferred Funds	\$0	\$0	\$0
Change in TABOR Refunds	\$0	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE	0.0 FTE

## **Summary of Legislation**

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The bill requires that a vacancy committee to fill a vacancy in the General Assembly include county commissioners. It also specifies that a member of a vacancy committee must be appointed for at least 90 days to participate in the vacancy committee process.

If a vacancy in the General Assembly occurs for a member affiliated with a major political party after July 31 of an even-numbered year, and before July 31 of an odd-numbered year, a vacancy committee selects a candidate to serve until the next odd-year November election. A vacancy election, a new type of election created by this bill, is then held as a part of the district's odd-year November coordinated election. Only unaffiliated voters and voters affiliated with the vacating member's political party may vote in the vacancy election. Candidates for the vacancy election are required to submit a nominating statement and signed petition to the Secretary of State. The winner of the vacancy election serves until the next November General Election.

The bill also adds contribution limits and disclosure requirements to vacancy candidates.

## **State Revenue**

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### **Fee Impact on Businesses and Professions**

Colorado law requires legislative service agency review of measures which create or increase any fee collected by a state agency. Under current law, the Department of State (DOS) is authorized to adjust fees so that the revenue generated approximates its direct and indirect costs. The DOS is primarily funded through business filing fees. To cover the costs described in the State Expenditures section below, fees will likely need to be raised to cover all or some of the costs of this bill.

This fiscal note assumes that fees will be adjusted such that the DOS can recoup its FY 2025-26 costs in FY 2026-27. The fees affected, the timing of any increase, and the actual amount of fee charges will be set administratively by the DOS based on cash fund balance and total program costs.

## **State Expenditures**

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The bill increases state expenditures in the Department of State by about \$338,000 in FY 2025-26 and by about \$17,000 every other fiscal year thereafter. These costs, paid from the Department of State Cash Fund, are shown in Table 2 and described in the sections below.

**Table 2**  
**State Expenditures**  
**Department of State**

<b>Cost Component</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year 1 FY 2026-27</b>	<b>Out Year 2 FY 2027-28</b>
Computer Programming	\$303,240	\$0	\$0
Petition and Signature Verification	\$18,175	\$0	\$17,125
Audit Programming	\$17,000	\$0	\$0
<b>Total Costs</b>	<b>\$338,415</b>	<b>\$0</b>	<b>\$17,125</b>
<b>Total FTE</b>	<b>0.0 FTE</b>	<b>0.0 FTE</b>	<b>0.0 FTE</b>

## Computer Programming

The bill will require that the Department of State (DOS) modify both the statewide voter registration system and its Ballot Access application to create a new major party vacancy election and to allow those elections to occur as part of a coordinated election. Specifically, the systems must be able to flag and generate ballots properly to ensure that only eligible voters receive a vacancy election ballot during coordinated elections (which currently go to all voters, without regard to party affiliation). Additional costs may also be incurred to make changes to the party affiliation change process. Modified software development, testing, and deployment are expected to require 2,280 hours of computer programming at a rate of \$133 per hour.

## Petition and Signature Verification

The DOS will need to create new petitions for candidates to collect signatures. This is a one-time cost of \$1,050. In addition, DOS will need to process petitions for an average of 25 candidates per year to fill vacancies in the General Assembly and review about 7,500 additional signatures per year for candidates petitioning onto the vacancy election ballot. This document management service is provided by the Department of Personnel and Administration at an average cost of \$17,125 for each odd year coordinated election.

## Audit Programming

A new vacancy candidate field will need to be created in the candidate contribution tracking system, and contributions limits will need to be flagged. The contribution and tracking system is also being updated, so these changes will also need to be reflected in the new system. The total one-time cost for the system changes is estimated at \$17,000.

## County Reimbursement

The bill increases expenditures in the DOS by an indeterminate amount to reimburse counties for additional election costs (described in the Local Government section below). The Department of State reimburses counties for 45 percent of their eligible election expenses.

## TABOR Refunds

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The bill is expected to increase the amount of state revenue required to be refunded to taxpayers by the amounts discussed in the State Revenue section above. This estimate assumes the March 2025 LCS revenue forecast. A forecast of state revenue subject to TABOR is not available beyond FY 2026-27. Because TABOR refunds are paid from the General Fund, increased cash fund revenue will reduce the amount of General Fund available to spend or save.

## Local Government

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Counties will have additional costs to print, send, process, and count unique ballots for eligible voters in vacancy elections, when these vacancies occur. These expenses will vary by county size and frequency of vacancy elections, and have not been estimated. A portion of the costs to administer an election are reimbursable by the state.

For November elections where a county would not have otherwise held a coordinated election, the requirement to hold a vacancy election will increase costs to issue election notices, print and mail ballots, provide in-person voter centers, process and count ballots, and certify the election to the DOS. It is assumed that this scenario would not occur frequently, given that it is uncommon for there to be no local or statewide issues affecting a county in odd-numbered election years that would not otherwise require a coordinated election.

## Effective Date

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The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

## State Appropriations

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For FY 2025-26, the bill requires an appropriation of \$338,415 from the Department of State Cash Fund to the Department of State.

## State and Local Government Contacts

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County Clerks

Secretary of State

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The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).