



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 25-1319: COUNTY COMMISSIONER VACANCIES

Prime Sponsors:

Rep. Pugliese; Duran

Sen. Kirkmeyer

Fiscal Analyst:

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

Summary Information

Overview. The bill creates a new November vacancy election for certain county commissioner 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 \$314,920 to the Department of State.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures	\$314,920	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

Summary of Legislation

The bill creates a new type of vacancy election for county commissioner vacancies that occur in a county with a population of at least 50,000 and the commissioner is affiliated with a major political party. If a vacancy occurs 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 is then held as a part of the district's odd-year November coordinated election. Only unaffiliated voters and voters affiliated with the vacating commissioner's political party may vote in the vacancy election, unless the political party votes to open the election to all voters. Candidates for the vacancy election are required to submit a nominating statement and signed petition to their county clerk. The winner of the vacancy election serves until the next November General Election. Candidates in vacancy election are subject to campaign finance limitations and required election disclosures.

State Revenue

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 may 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

The bill increases state expenditures in the Department of State by about \$315,000 in FY 2025-26. 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

Cost Component	Budget Year FY 2025-26	Out Year FY 2026-27
Computer Programming	\$297,920	\$0
Audit Programming	\$8,500	\$0
Total Costs	\$314,920	\$0
Total FTE	0.0 FTE	0.0 FTE

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 county commissioner 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 2,240 hours of computer programming at a rate of \$133 per hour.

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

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

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

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

State Appropriations

For FY 2025-26, the bill requires an appropriation of \$314,920 from the Department of State Cash Fund to the Department of State.

State and Local Government Contacts

Counties

Secretary of State

County Clerks