

**REVISED STATE  
CONDITIONAL FISCAL IMPACT**

(replaces fiscal note dated February 13, 2009)

<b>Drafting Number:</b> LLS 09-0535	<b>Date:</b> February 23, 2009
<b>Prime Sponsor(s):</b> Rep. Looper; Balmer Sen. Williams	<b>Bill Status:</b> House Appropriations
	<b>Fiscal Analyst:</b> Bill Zepernick (303-866-4777)

**TITLE:** CONCERNING VOTING BY MEMBERS OF THE ARMED FORCES SERVING OUTSIDE THE UNITED STATES.

Fiscal Impact Summary	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
<b>State Revenue</b> Cash Funds Internet-Based Voting Pilot Fund	Potential Gifts, Grants, and Donations			
<b>State Expenditures</b> Cash Funds Internet-Based Voting Pilot Fund			\$392,500	\$92,500
<b>FTE Position Change</b>				
<b>Effective Date:</b> 90 days following final adjournment of the General Assembly (August 4, 2009, if adjournment sine die is May 6, 2009).				
<b>Appropriation Summary for FY 2009-2010:</b> None required.				
<b>Local Government Impact:</b> None.				

**Summary of Legislation**

**The fiscal note reflects amendments adopted by the House Committee on State, Veterans, and Military Affairs. These amendments postpone implementation of the pilot program until the 2012 general election, and make other technical changes.**

The bill requires the Department of State, in coordination with county clerks and recorders, to implement an internet-based voting pilot program for overseas military personnel in selected areas for the 2012 general election. The internet-based voting system is required to transmit votes and information securely, authenticate the identify of voters, prevent vote fraud and manipulation, be accessible to eligible overseas military voters, and verify that votes are attributed to the person casting the vote. The Internet-Based Voting Pilot Program Fund is created and may accept gifts, grants, and donations from public and private sources. The pilot program shall not be implemented until sufficient funds are available in the cash fund.

The bill also allows overseas military personnel to:

- submit an emergency voter registration after being discharged from the military or moving to a new county upon returning to Colorado;
- receive a mail-in ballot electronically if they filed a mail-in ballot application or are on the permanent mail-in voter list and elect to receive the ballot electronically; and
- have his or her mail-in ballot counted if it is received before the eighth day following election day.

### **State Revenue**

The bill may result in gifts, grants, and donations to the Internet-Based Voting Pilot Fund. No funding source has been identified at this time. The pilot program cannot be implemented until sufficient funds are available in the cash fund. The fiscal note estimates that total revenue of \$485,000 is needed to implement the internet-based voting pilot program for the 2012 general election.

### **State Expenditures**

The bill increases expenditures by the Department of State by \$392,500 in FY 2011-12 and \$92,500 in FY 2012-13, conditional upon the receipt of gifts, grants, and donations to fund the internet-based voting pilot program. The pilot program must begin by February 2012 in order to be operational for the 2012 general election. It would last for 10 months and conclude in December 2012.

***Voting System Software.*** The Department of State would incur a one-time cost of \$300,000 to purchase internet-based voting software in FY 2011-12. Such voting software is currently available and has been used by other states and businesses. This cost includes customization to conform with Colorado election law and testing to ensure that the security requirements are met.

***Contracted Personal Services.*** Contracted staff would provide project planning, coordination, and management. Costs of \$75,000 per year are estimated for two to three staff members to implement the pilot program in FY 2011-12 and FY 2012-13.

***Data Center and Communications.*** The Department of State would be required to lease or purchase data center equipment such as servers. The department would also need to provide web hosting for a website that online voters would access. These costs are estimated at \$30,000 for the pilot program, split evenly between FY 2011-12 and FY 2012-13.

<b>Table 1. Expenditures Under HB09-1205</b>		
<b>Cost Components</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>
Voting System Software	\$300,000	\$0
Contracted Personal Services	75,000	75,000
Data Center and Communications	15,000	15,000
Voter Outreach	2,500	2,500
<b>TOTAL</b>	<b>\$392,500</b>	<b>\$92,500</b>

**Funding**

No appropriation is required at this time. If sufficient funds are received from grants, gifts, and donations, the fiscal note assumes that the Department of State would be required to request an appropriation of \$392,500 for FY 2011-12 from the Internet-Based Voting Pilot Fund through the annual budget process.

**Departments Contacted**

State