2007 Regular Legislative Session FISCAL ANALYSIS OF PROPOSED LEGISLATION Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: HB 3270 STATUS: A-Engrossed

SUBJECT: General election ballot recounts by hand in prescribed circumstances **GOVERNMENT UNIT AFFECTED:** County elections officers, Secretary of State

PREPARED BY: Adrienne Sexton **REVIEWED BY:** Daron Hill

DATE: June 4, 2007

2007-2009 2009-2011

EXPENDITURES: See Comments.

EFFECTIVE DATE: January 1, 2008

GOVERNOR'S BUDGET: This bill is not anticipated by the Governor's recommended budget.

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

COMMENTS: The measure would establish prescribed circumstances under which county clerks would be required to conduct hand-counts of ballots in comparison to the vote tally machine results in general elections. The hand-counts would apply to: 1) the two candidates for an office receiving the largest number of votes and there is a specified difference in the margin of victory; 2) an election contest for a state office; and 3) if possible, an election contest for a state measure. In certain circumstances, multiple hand-counts would be required.

It is anticipated that requiring hand-counts will cause the county elections officers to incur additional staff costs for election board work, but actual costs by election and by county cannot be determined with precision. Some variables to the impact are the margin of victory between the two candidates receiving the largest number of votes, number of ballots cast, number of precincts selected by the Secretary, and results of the first hand-count. The following table shows **examples** of additional costs based on the assumption that 500 hand-tallies for a contest can be done by a 4-member board in two hours, with a wage and benefit cost of \$80, and costs of \$200 for additional materials, board preparation and support.

	Ballots Cast 2004 Gen Election	Precincts	Average ballots cast per precinct	Cost for recount of 3% precincts (3 contests)	Cost for recount of 5% precincts (3 contests)	Cost for recount of 10% precincts (3 contests)	Cost for recount of 100% precincts (1 statewide contest)
Baker	9,121	17	537	\$331	\$419	\$638	\$1,659
Benton	46,030	20	2,302	\$863	\$1,305	\$2,409	\$7,565
Clackamas	196,471	187	1,051	\$3,029	\$4,915	\$9,631	\$31,635
Clatsop	19,450	33	589	\$480	\$667	\$1,134	\$3,312
Columbia	25,100	54	465	\$561	\$802	\$1,405	\$4,216

Coos	33,587	19	1,768	\$684	\$1,006	\$1,812	\$5,574
Crook	12,123	17	713	\$375	\$491	\$782	\$2,140
Curry	12,897	27	478	\$386	\$510	\$819	\$2,264
Deschutes	74,535	52	1,433	\$1,273	\$1,989	\$3,778	\$12,126
Douglas	55,574	72	772	\$1,000	\$1,534	\$2,868	\$9,092
Gilliam	1,162	3	387	\$217	\$228	\$256	\$386
Grant	4,243	5	849	\$261	\$302	\$404	\$879
Harney	3,735	3	1,245	\$254	\$290	\$379	\$798
Hood River	9,926	13	764	\$343	\$438	\$676	\$1,788
Jackson	103,026	51	2,020	\$1,684	\$2,673	\$5,145	\$16,684
Jefferson	8,205	15	547	\$318	\$397	\$594	\$1,513
Josephine	42,663	43	992	\$814	\$1,224	\$2,248	\$7,026
Klamath	31,752	42	756	\$657	\$962	\$1,724	\$5,280
Lake	3,998	19	210	\$258	\$296	\$392	\$840
Lane	187,388	83	2,258	\$2,898	\$4,697	\$9,195	\$30,182
Lincoln	24,563	32	768	\$554	\$790	\$1,379	\$4,130
Linn	52,548	51	1,030	\$957	\$1,461	\$2,722	\$8,608
Malheur	10,970	24	457	\$358	\$463	\$727	\$1,955
Marion	130,609	128	1,020	\$2,081	\$3,335	\$6,469	\$21,097
Morrow	4,212	5	842	\$261	\$301	\$402	\$874
Multnomah	365,530	129	2,834	\$5,464	\$8,973	\$17,745	\$58,685
Polk	35,809	14	2,558	\$716	\$1,059	\$1,919	\$5,929
Sherman	1,127	5	225	\$216	\$227	\$254	\$380
Tillamook	14,094	28	503	\$403	\$538	\$877	\$2,455
Umatilla	26,578	39	681	\$583	\$838	\$1,476	\$4,452
Union	13,678	19	720	\$397	\$528	\$857	\$2,388
Wallowa	4,568	12	381	\$266	\$310	\$419	\$931
Wasco	12,140	10	1,214	\$375	\$491	\$783	\$2,142
Washington	232,799	158	1,473	\$3,552	\$5,787	\$11,374	\$37,448
Wheeler	916	3	305	\$213	\$222	\$244	\$347
Yamhill	42,544	19	2,239	\$813	\$1,221	\$2,242	\$7,007

The costs of elections are borne variously by the state, counties, cities and other governmental subdivisions. The distribution of election costs is dependent on whether the election is a primary or general election, or special election. Other specific dates are available to local jurisdictions in both evenand odd-numbered years for local issues.

Although the even-year general election is a state election, counties are responsible for the costs of printing, distributing and counting ballots cast by electors within their county boundaries. Reimbursement for pro rata costs are collected only from education or other special districts which have placed local option or bond issues on the ballot. The state does not reimburse any costs; cities are exempt by statute.

The Secretary of State reports that the state's plan adopted under the Help America Vote Act (HAVA) and the 2007-09 budget for federal HAVA funds do not include the processes proposed by HB 3270 A-Engrossed. There may be federal requirements for hand-count auditing in the future but it is not known when that would occur, or whether federal funding would be provided.