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

<u>2007-2009</u>

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.