

Department of Planning and Budget
2018 Fiscal Impact Statement

1. **Bill Number:** HB1210

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Hugo

3. **Committee:** Privileges and Elections

4. **Title:** Post-election risk-limiting audits.

5. **Summary:** Requires electoral boards and general registrars to conduct post-election risk-limiting audits with a five percent risk limit for federal and statewide election contests for every election in which a voting system is used. The risk-limiting audit is required to be completed prior to certifying the results of the election being audited. The risk-limiting audits are to be conducted in accordance with standards and procedures developed by the State Board of Elections (State Board). The bill provides that representatives of candidates and political parties and other lawfully present observers are entitled to observe the risk-limiting audit and requires that they be able to adequately monitor the audit process to determine whether it has been carried out correctly and to evaluate whether the correct ballots were audited and whether they agree with the auditors' determination of voter intent for each audited ballot. Voter intent during the risk-limiting audit is to be determined manually and directly from original, voter-verifiable ballots cast and counted in the election and from paper record copies. The bill provides that the State Board may order a partial or full recount of an election or may issue a writ for a new election if it determines that an elections official failed to comply with the requirements for conducting the risk-limiting audit. The State Board is directed to convene a work group to assist with the development of standards and procedures for preparing for and conducting post-election risk-limiting audits, and the work group, through the State Board, shall submit to the Governor and General Assembly an interim progress report by December 1, 2018, and a final report by December 1, 2019, of the standards and procedures for preparing for and conducting post-election risk-limiting audits and any legislative proposals that may be necessary to implement and administer the audits. The bill repeals the current law regarding risk-limiting audits, and the new post-election risk-limiting audit process does not become effective unless reenacted by the 2020 Session of the General Assembly.

6. **Budget Amendment Necessary:** No.

7. **Fiscal Impact Estimates:** Preliminary – see Item 8.

8. **Fiscal Implications:** This bill requires the State Board of Elections to establish a work group to develop standards and procedures for conducting post-election risk-limiting audits

and report its final findings by December 1, 2019. The new post-election risk-limiting audit requirements established in the bill will not become effect unless reenacted by the 2020 Session of the General Assembly. Local electoral boards and general registrars will be responsible for conducting the new post-election risk-limiting audits and reporting results to the Department of Elections (ELECT) if reenacted by the 2020 Session of the General Assembly. The fiscal impact to localities is indeterminate and would depend on the resources need to perform the post-election audit and the standards and procedures developed by the State Board of Elections.

However, as stand-alone legislation, ELECT considers implementation of this bill as “routine,” and does not require additional funding. The agency will review all electoral legislation likely to be enacted prior to the passage by each house. If the aggregate number of “routine” bills likely to pass either house is unusually large, it is possible the agency will require additional resources. If so, ELECT will identify the costs at that time.

9. Specific Agency or Political Subdivisions Affected: Virginia Department of Elections, State Board of Elections, and localities

10. Technical Amendment Necessary: No.

11. Other Comments: This bill is a companion to SB 591.

Date: 2/5/2018