



OHIO LEGISLATIVE SERVICE COMMISSION

Terry Steele

Fiscal Note & Local Impact Statement

Bill: S.B. 256 of the 132nd G.A.

Status: As Introduced

Sponsor: Sen. LaRose

Local Impact Statement Procedure Required: Yes

Subject: Requires boards of elections to conduct risk-limiting election audits beginning in November 2020

Local Fiscal Highlights

- The bill requires boards of elections to conduct risk-limiting audits of the official results of every election beginning with the November 3, 2020 election. A current Secretary of State directive requires counties to conduct either percentage-based or risk-limiting audits of elections in only even-numbered years.
- County boards of elections will incur additional costs for conducting post-election audits for the additional elections to be audited under the bill. There may also be some initial minimal cost increases for switching to risk-limiting audits from the percentage-based format currently used by most boards of elections.

Detailed Fiscal Analysis

Overview

Beginning with the general election held on November 3, 2020, the bill requires a board of elections to conduct a risk-limiting audit of the official election results of every election. The bill requires the Secretary of State (SOS) to prescribe procedures for conducting these audits, including: (1) auditing at least three contested races, (2) making every ballot that was included in the canvass of elections results eligible for audit, and (3) using a risk-limiting audit protocol.

The bill could increase costs to county boards of elections in two ways. First, after November 2020, there will need to be audits of all elections rather than just those occurring in even-numbered years as required by SOS directive and described below. These additional audits would increase costs to county boards of elections. Secondly, there could be some initial cost increases for county boards of elections currently using percentage-based auditing to do post-election audits rather than the risk-limiting audit format required under the bill. As of this writing, there are at least three counties (Columbiana, Cuyahoga, and Washington) using the risk-limiting auditing procedures required in the bill. Finally, the bill could also result in some additional costs to the SOS for establishing the guidelines for risk-limit audits and collecting the additional volume

of audits resulting from the requirement that post-election audits be done after each election beginning in November 2020.

Current directive

By existing SOS directive, boards of elections are required to conduct post-election audits for every general election held in an even-numbered year and for every presidential primary election.¹ The bill codifies this requirement until November 2020, when boards of elections must use a risk-limiting auditing protocol to verify results for every election instead of choosing between a risk-limiting and a percentage-based audit protocol. (See the LSC Bill Analysis for more detailed descriptions of the percentage-based audit and risk-limiting audit techniques.) The provisions of the bill related to timelines and provisions concerning public notice and observers are the same as the provisions contained in the current SOS directive.

Risk-limiting audit costs

Cuyahoga County established a website that the county uses as a guide for both logic and accuracy testing and for post-election risk-limiting audits in association with a grant received from the U.S. Election Assistance Commission (EAC).² As part of that grant, the county put forth its initial budget for logic and accuracy testing and carrying out a post-election risk-limiting audit.³ The budget contained one-time costs for materials as well as initial website development that likely will not be applicable for all risk-limiting audits going forward, as counties likely already have most of the necessary materials to conduct audits under current SOS directive. Overall, Cuyahoga County's personnel costs for undertaking risk-limiting audits of two elections were just over \$137,000. Specific to the bill's requirements, the county spent nearly \$31,000 on the risk-limiting auditing process itself for the November 2011 and March 2012 presidential primary elections. Risk-limiting audit costs for local contests are smaller. For example, the Cuyahoga County Board of Elections spent \$583 for a risk-limiting audit of the September 2011 primary election for the Broadview Heights mayoral race.⁴

In general, the cost of performing post-election audits of any kind depends on the number of votes cast in a particular race. Even-numbered year elections usually have higher voter turnout. Consequently, while boards of elections will incur new costs to carry out the risk-limiting audits for all elections under the bill, these costs will not be as great as those for conducting post-election audits only in even-numbered years as required under current SOS directive.

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¹ https://www.sos.state.oh.us/globalassets/elections/directives/2017/dir2017-14_eom_ch_09.pdf.

² <http://cuyahogaelectionaudits.com/>.

³ https://www.eac.gov/assets/1/6/Final_Report_Logic_Accuracy_Cuyahoga.pdf.

⁴ <http://cuyahogaelectionaudits.com/wp-content/uploads/Risk-Limiting-Post-Election-Audit-SAMPLE.pdf>.