

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 15-0609
Prime Sponsor(s): Rep. Windholz

Date: March 2, 2015
Bill Status: House SVMA
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BILL TOPIC: RIGHTS OF WATCHERS IN ELECTIONS

Fiscal Impact Summary*	FY 2015-2016	FY 2016-2017
State Revenue		
State Expenditures	Minimal increase. See State Expenditures section.	
FTE Position Change		
Appropriation Required: None.		

* This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

Under current law, election watchers monitor various aspects of the election process from prior to the polls opening through the count and announcement of the election results. Election watchers must be eligible electors and may be appointed by political parties, candidates, and ballot measure proponents and opponents.

The bill expands the time frame monitored by election watchers to include all election activities, from voter registration and the mailing of ballots to the canvassing, certification, and recount of the results. The bill also removes the requirement that election watchers have the same party affiliation or unaffiliated status as the party or candidate appointing them. The bill makes various other changes concerning election watchers as described below.

Concerning **access to election records**, the bill permits election watchers to:

- inspect and review all election records used in the course of the election at no charge;
- make a copy of any election record, with certain restrictions regarding the redaction of confidential information; it also limits the fee that an election official may charge to the actual incremental cost of providing copies of records;
- view voter registration and signature records in a timely manner so as to facilitate review and deliberation concerning the validity of mail ballot signatures;

Concerning **election monitoring activities**, the bill:

- specifies that, in addition to challenging ineligible voters, election watchers have the right to challenge any decisions made by election judges during the conduct of the election;
- allows appointing authorities to designate a watcher for each team of election judges or individuals performing election activities; and
- allows election watchers to take photo, video, and audio recordings of election activities, except for information that reveals how a voter cast his or her vote.

In addition to the expanded authority for election watchers described above, the bill also prohibits election watchers from maliciously delaying election activities. It also specifies that election watcher's access to records can be withheld if the record is needed for use by the election official. The bill requires the Secretary of State's Office to resolve any controversies or unresolved disputes between election watchers and election officials.

State Expenditures

The Secretary of State's Office may have a minimal increase in workload to receive complaints and resolve conflicts involving election watchers and election officials. While the number of these situations that may arise is unknown, it is assumed that the Secretary of State's Office can address them within existing resources and no change in appropriations is required. In addition, the fiscal note assumes that the Secretary of State's Office may already address some of these local election controversies within its existing election oversight responsibilities.

Local Government Impact

County clerks will have increased costs and workload under the bill to accommodate the expanded role of election watchers under the bill. Specifically, staff time is required to prepare and provide records to election watchers and redact confidential information when necessary. Costs will also be incurred for copying and printing, software licenses for redaction software, and legal services in the event of a complaint filed with the Secretary of State. The involvement of election watchers in verification of mail ballot signatures may reduce the number of ballots processed by each team of election judges, and will likely increase the number of judges required. Some county clerks will be required to modify their work spaces or rent additional space to accommodate additional election watchers being involved at more stages of the election process. Costs will vary by a number of factors, including county size and the number of election records requested by election watchers.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature, and applies to elections conducted on or after this date.

State and Local Government Contacts

State
Counties Clerks
Special Districts

Revenue
Counties

Law
Municipalities