

# **SOUTH DAKOTA LEGISLATIVE RESEARCH COUNCIL**

## **2023 South Dakota Legislature**

FISCAL NOTE 2023-FN160A

SB160, An Act to establish post-election audits.

The bill would require that, within 15 days following the completion of the state canvassing or a primary or general election, each county auditor would conduct a post-election audit of the ballots cast in the election. A post-election audit would have to be conducted in 5% of a county's precincts, selected at random, by hand counting all votes cast in two statewide contests with the closest statewide margin based on the number of votes cast. The results of the hand count would be compared to the results for those precincts at the county canvass. If the results of the audit show a discrepancy greater than the margin by which any contest for elected office on the ballot in the county was decided, the candidates for that office would have an additional seven days to file a petition requesting a recount.

The office of the secretary of state would reimburse each county for the cost of any post-election audit required by the bill. For the purposes of this fiscal note, since there is no available data as to how many recounts may be performed if the bill were to pass, only the cost of the post-election audits are estimated.

By the end of 2022, 34 states required a traditional election audit. Requests were sent out to Delaware, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, and West Virginia for data on the costs of holding election audits in those states. These states were selected either due to their proximity or population similarity to South Dakota. From the states that responded:

- Delaware does not incur additional expenses in conducting post-election audits, which are performed by the Delaware Department of Elections as part of routine election administration;
- Idaho has conducted two post-election audits to date, costing \$32,550 on average for each audit. Out of 44 counties, 8 were audited each time. Reimbursements to counties were \$2,900 on average;
- Both Illinois and Missouri do not collect data on the costs of audits at the local level; and
- Idaho indicated a numerable cost for holding post-election audits, with reimbursements to counties a portion of the total cost.

Assuming the cost per county in Idaho would match that in South Dakota, as Idaho also requires the review of 5% of a county's precincts, the State could expect to pay around \$15,950 per election. Every two years, the State could expect to pay \$31,900 to the counties.

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