

Board does not approve such a program before the implementation of the act.

- Establishes the position of Americans with Disabilities Act coordinator within the Secretary of State's Office. As a result, there will be a minimal increase in personnel costs.
- Creates the county electronic voting machine maintenance fund.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2004	FY 2005	FUTURE YEARS
Counties			
Revenues	Potential gain of up to \$1.5 million	Potential gain of up to \$1.5 million	-0-
Expenditures	Potential increase up to \$940,000 or more	Potential increase up to \$940,000 or more	Potential increase up to \$940,000 or more
Other Political Subdivisions			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential increase	Potential increase	Potential increase

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- The increase in per diem pay for judges may increase the costs for county boards of elections.
- Statewide the annual increase in costs could be as much as \$940,000 or more, depending on the number of poll workers and the number of elections in a year.
- Permitting local government employees to work as judges of elections may result in a potential cost increase if an agency uses overtime or outsourcing to complete that employee's work during their absence.
- Allocates \$1,500,000 to counties to undertake voter education and poll worker training programs.

Detailed Fiscal Analysis

Provisions of the Bill

The bill revises current law in the following ways:

- Increases the maximum per diem pay for individuals serving as judges of an election from \$85 to \$95.
- Permits employees of the state and political subdivisions to work as judges of elections, provided they are not election officials or public school teachers.
- Allows employees of the state and political subdivisions working as poll workers to receive poll worker pay, in addition to their regular compensation. Political subdivisions must pass a resolution permitting employees to receive regular compensation in addition to poll worker pay. The director of a state agency must also authorize the compensation for employees of the agency. Eliminates required ballot language pertaining to local option elections dealing with the sales of alcoholic beverages at a specific location.
- Prohibits public employers from engaging in collective bargaining with employees of county boards of elections.

Per Diem Pay Increase Provision

The provision increasing the maximum per diem pay for judges may increase the costs of an election to the county. As of November 2002, there were 11,756 voting precincts in the state of Ohio. Each precinct employs approximately four, but can have as many as six judges per election. Assuming each precinct employs only four judges per election, compensates judges at the current maximum rate of \$85 per diem, and that these precincts compensate judges at the increased rate established in the bill, there is a potential increase in cost of \$470,240 per election. Assuming two elections per year, the potential annual increase would be \$940,480. Potential costs would be higher than this if there are more than four judges or more than two elections in a year.

State and Local Government Employees Provisions

The bill allows state and local government employees to serve as election judges. Whether or not leave with pay may be granted for this service is determined by the state agency or political subdivision. Leave with pay for state employees is subject to the conditions and terms set forth by the head of the state agency.

For employees of a county office or other county entity, the employee's appointing authority may permit leave with pay. This will be done

in accordance with a resolution, passed by the board of county commissioners, that sets forth the terms and conditions for that leave.

Employees of other political subdivisions within the state may also receive leave with pay. This leave will also be subject to the terms and conditions set forth in an ordinance or resolution passed by the legislative authority of that political subdivision.

These provisions could result in a potential increase in costs if the state agency, county, or other political subdivision elects to permit leave with pay for employees, and then uses overtime or outsourcing to complete the work of those employees during their absence.

The bill prohibits collective bargaining between county boards of elections and their employees. The Legislative Service Commission contacted 15 county boards of elections. All indicated that Lucas County is the only county that is known to engage in collective bargaining. Unionization can lead to collective bargaining costs, and potentially higher salaries. The bill could reduce or prevent these costs.

HAVA Provisions

Pursuant to guidelines in the Help America Vote Act (HAVA) of 2002, the Secretary of State will receive federal funds to meet the federal requirements of the act, as well as supplement any additional state requirements. This revenue gain will be utilized for the state of Ohio to become compliant with the requirements of HAVA, as well as comply with any additional state requirements listed in this bill or otherwise.

The bill requires the Secretary of State's Office to establish the full-time position of Americans with Disabilities Act (ADA) coordinator. This position will assist the Secretary of State with ensuring there is equal access to polling places for people with disabilities, assist with ensuring that each voter may cast the voter's ballot in a manner that provides the same opportunity for access and participation, advise the Secretary of State in the development of standards for the certification of voting machines, marking devices, and automatic tabulating equipment, and report annually to the General Assembly on the progress of these duties. The ADA coordinator will be a position within the Secretary of State's office and the compensation of this position will result in an increase of costs for the Secretary of State.

The Secretary of State's office must establish standards for the certification of voting machines with a voter verified paper trail component. The standards shall include, but are not limited to:

- A definition of a voter verified paper audit trail as a paper record of the voter's choices that is verified by the voter prior to the casting of the ballot, and is securely retained by the board of elections.
- Requirements that the voter verified paper trail shall contain information that can be optically scanned, shall not be retained by the voter, and shall not contain individual voter information.
- A prohibition against the production of any direct recording electronic voting machine of anything that legally could be removed by the voter from the polling place.
- A requirement that paper used in producing a voter verified paper audit trail be sturdy, clean, and resistant to degradation.

The Secretary of State will experience increased costs resulting from the additional certification process for certifying machines with a voter verified paper trail component.

The board of voting machine examiners and the Secretary of State shall not approve or certify any marking device that is not accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation as for other voters. The marking device must not provide to the voter any type of receipt that may be retained after leaving the polling place. In order to satisfy this provision, the Secretary of State or board of voting machine examiners may have to purchase marking devices that are more expensive in order to meet these requirements.

The bill also places restrictions on the approval and certification of voting machines by the board of voting machine examiners or Secretary of State. The machines must be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation. It must not provide the voter any type of receipt or confirmation, which can be retained after leaving the polling place. After January 1, 2006, if the voting machine is a direct recording electronic voting machine, it shall include a voter verified paper audit trail. There will be increased costs in providing the machines that meet these requirements. There will also be costs associated with retrofitting all direct recording electronic voting machines that were purchased before January 1, 2006 and do not have a voter verified paper audit trail component. These costs will be dependent on vendor capabilities to produce such a device, and the predetermined amount that the Secretary of State's office will appropriate per machine that requires retrofitting.

New Funds Created by Bill and Specified Transfers

The bill creates the County Electronic Voting Machine Fund in the state treasury. All moneys received pursuant to the Help America Vote Act of 2002 that are not approved for release by the Controlling Board as of January 1, 2006, shall be deposited in the state treasury to the credit of the fund.

The Secretary of State will have three new funds created within its budget. The Voter/Poll Worker Training Fund is the first created. The bill will transfer \$3,000,000 to this fund from the Election Reform Fund. Of this appropriation, the Secretary of State shall use \$1,500,000 to conduct a statewide voter education and poll worker training program, subject to Controlling Board approval. The remaining \$1,500,000 will be allocated to the counties for the same purpose.

The second fund created is the 2004 HAVA Voting Machine Fund. The bill states if no Controlling Board action has been taken as of the effective date of this act, that the Director of Budget and Management shall transfer an amount not to exceed \$27,250,000 from the Election Reform Fund to the 2004 HAVA Voting Machines Fund. This transfer shall be used for the deployment of HAVA certified voting systems in 2004.

The third fund created is the 2005 HAVA Voting Machine Fund. As of the effective date of the bill, the Director of Budget and Management shall transfer an amount not to exceed \$79,250,000 from the Election Reform Fund, to the 2005 HAVA Voting Machine Fund. The bill also states that any unspent and unencumbered money from the 2004 HAVA Voting Machine Fund that was not required for replacement or upgrades shall also be transferred into the 2005 HAVA Voting Machine Fund. The 2004 HAVA Voting Machine Fund will be abolished at that time.

Finally, the bill specifies that the Legislative Service Commission shall receive a transfer from the Election Reform Fund in the amount of \$350,000 to the newly created Voting Machine Security Fund. This transfer must be used to conduct security reviews of electronic voting machines. After all studies have been completed, the Director of Budget and Management shall transfer any certified unencumbered and unexpended money to the County Electronic Voting Machine Maintenance Fund created in section 3506.17 of the Revised Code.

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