



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: [Sub. H.B. 391 of the 128th G.A.](#) **Date:** March 19, 2010
Status: As Reported by House Civil & Commercial Law **Sponsor:** Rep. Chandler

Local Impact Statement Procedure Required: No — Minimal Cost

Contents: Establishes an address confidentiality program operated by the Secretary of State and makes other changes

State Fiscal Highlights

- The bill creates an Address Confidentiality Program operated by the Secretary of State that allows qualified participants to receive mail correspondence via a confidential mailing address. As a result, the Secretary of State will incur new costs for screening applicants, processing mail, and handling absent voter ballots for participants who opt to vote in this manner. An estimated 350 people are expected to enroll in the program initially.
- The program would be housed in the Elections Division of the Secretary of State's office. The Elections Division is primarily funded through GRF appropriation item 050321, Operating Expenses, and supplemented by funding from State Special Revenue appropriation item 050603, Business Services Operating Expenses.

Local Fiscal Highlights

- The bill allows a person to petition the Court of Common Pleas of Franklin County for a hearing to make a program participant's confidential address available. This could lead to a small increase in cases, and therefore, some slight increase in costs for the Franklin County Court of Common Pleas.
- The bill requires the Secretary of State to process absent voter's ballots for participants in the Address Confidentiality Program instead of county boards of elections. This could lead to a slight reduction in absent voter ballot expenses for boards of elections.

Detailed Fiscal Analysis

Overview

The bill requires the Secretary of State to operate an address confidentiality program that allows individuals who believe they are in danger of being threatened or harmed by another person to receive mail correspondence using a confidential address. Currently, 37 other states operate similar programs. Under the bill, program enrollment is valid for four years and is renewable, unless the certification is withdrawn or invalidated. The bill further requires the Secretary of State to enter into a memorandum of understanding with the Attorney General's Office to make data pertaining to participants in the program available to law enforcement officers when necessary. The bill also requires the Secretary of State to handle absent voter ballots for program participants as part of the program. In addition to creating this new program, the bill includes federal law enforcement employees to the list of law enforcement officials whose familial and residential information is covered under current exemptions in the public records law.

Secretary of State

Address confidentiality program costs

In all likelihood, the address confidentiality program will be implemented by the Elections Division, which is primarily funded through GRF appropriation item 050321, Operating Expenses, with some additional funding provided by State Special Revenue appropriation item 050603, Business Services Operating Expenses. Ultimately, the overall cost the Secretary of State incurs will depend upon how the Office structures the program, how many staff members are hired to oversee the program, and any contract agreements that the Secretary of State is likely to arrange with the United States Post Office in order to lower postage costs. These potential costs are discussed below.

Based upon participation rates in address confidentiality programs in other states, the Secretary of State anticipates that 350 persons will enroll in the program initially. The state of Texas, which maintains a similar program, reports that the annual mail cost per participant is \$36.10. Assuming the same per enrollee mail cost for Ohio's program, the Secretary of State would incur mailing costs of approximately \$13,000 in the first year ($\$36.10 \text{ cost per person} \times 350 \text{ initial participants} = \$12,635$). These expenses would rise over time as more people enroll in the program. Preliminary estimates are that the Elections Division would handle approximately 17,000 pieces of first class mail annually. In addition to these ongoing costs, there would be some start-up expenses, including the creation of a confidential database of program enrollees. While the Secretary of State does not anticipate hiring any new staff at the outset, additional staff could be needed as enrollment increases. Overall, initial costs are expected to be in the \$100,000 to \$150,000 range.

Texas began its address confidentiality program in 2007 with an initial enrollment of approximately 2,000 individuals. The growth in the participation rate is approximately 5% annually. Current enrollment is about 2,300 people. Operating costs were approximately \$383,000 in FY 2009. Of that amount, approximately \$300,000 was for staffing, and \$83,000 was for mail handling expenses. Texas' program is operated by six staff members and handles some 113,000 pieces of first class mail each year.

Absent voter ballot costs

The bill permits individuals participating in the address confidentiality program to vote by an absent voter's ballot through the Secretary of State instead of the board of elections for the county in which the participant resides. Under this arrangement, the Secretary of State would be responsible for obtaining the proper ballot and determining whether the ballot was properly completed. If so, the Secretary of State would then send the ballot to the appropriate county board of elections to be counted. This could result in some small amount of additional ballot processing costs for the Secretary of State, depending on how many address confidentiality program enrollees decide to vote by an absent voter's ballot. Conversely, this would lead to a slight reduction in costs for county boards of elections for supplying these absent voter ballots.

Franklin County Court of Common Pleas

The bill allows a person to petition the Court of Common Pleas of Franklin County for a hearing to order the Secretary of State to make a program participant's confidential address available to the person. This provision could result in an increase in caseload for the Franklin County Court of Common Pleas. There are likely to be few such cases, thus any additional costs that the Court incurs would be small.

Public Records Law exemptions – federal law enforcement officers

The bill modifies several definitions in the Public Records Law by adding federal law enforcement officers to the list of persons who may request that their residential and familial information be excluded from disclosure in public records requests. This would include law enforcement officers employed by the Federal Bureau of Investigation; the Drug Enforcement Administration; the U.S. Marshals Service; the Federal Bureau of Prisons; the Bureau of Alcohol, Tobacco, and Firearms, the Immigration and Naturalization Service; and the U.S. Secret Service. The bill also allows for the names of these persons to be replaced with their initials on the general tax list of real property and its duplicate maintained by the county auditor. Because these procedures are already in place for other law enforcement officers, local governments would incur little, if any, new cost for including federal officials among those who qualify for these public records law exemptions.