Ohio Legislative Service Commission

Terry Steele

Fiscal Note & Local Impact Statement

Bill: Sub. S.B. 109 of the 130th G.A. **Date**: May 8, 2013

Status: As Reported by Senate State Government Oversight & Reform **Sponsor**: Sen. Obhof

Local Impact Statement Procedure Required: No

Contents: Makes revisions to the Elections Law

State and Local Fiscal Highlights

- **Secretary of State control of boards of elections**. The bill permits the Secretary of State to assume control and oversight over boards of elections and to establish rules pertaining to that oversight. Depending on the rules adopted by the Secretary of State, this provision could result in cost increases to both county boards of elections and the Secretary of State.
- **Precinct officials at special elections**. The bill permits county boards of elections to reduce the number of required precinct officials at a special election from four to two. This would reduce staffing costs for special elections for county boards of elections or the political subdivision responsible for paying the costs of that special election under the process for apportioning those costs in current law.
- **Electronic pollbooks**. The bill allows county boards of elections to use electronic pollbooks as long as they are tested and certified by the Board of Voting Machine Examiners. Vendors must pay a fee of $2,400 for this testing and certification. These amounts are deposited into the Board of Voting Machine Examiners Fund (Fund 4S80) under the Secretary of State's budget. While counties could incur new costs to procure these devices, over time there might also be some small savings from no longer having to print updated paper copies of these documents.

Detailed Fiscal Analysis

Overview

The bill makes various changes to the Elections Law pertaining to the administration of elections, ballot counting procedures, and the use of electronic pollbooks. Within the Secretary of State's Office, the Elections Division is responsible for the statewide administration of elections. These costs are primarily funded through GRF appropriations, specifically GRF appropriation item 050321, Operating Expenses, the FY 2013 appropriation for which is $2.1 million. County boards of elections are funded through county general fund appropriations. LSC has identified three overall areas where the bill could have some fiscal effects, both for the state and political subdivisions. These items are discussed below. The bill also makes several changes to references to presiding judges, election officials, and other various aspects of Elections Law that do not have any fiscal effect. A summary of those changes can be found in the LSC Bill Analysis.

Elections administration

The bill makes several changes in the Elections Law in regard to the administration of elections. These changes include the Secretary of State's oversight over county boards of elections, the number of precinct officials necessary for special elections, and the filing and distributing of campaign finance statements.

Secretary of State oversight of boards of elections

The bill requires the Secretary of State to adopt rules to establish circumstances under which the Secretary of State will assume official oversight and control of a county board of elections, as well as conditions for a board of elections to transition out of that oversight. The overall fiscal impact of this provision is uncertain, and will ultimately depend on the type of rules adopted by the Secretary of State. If the rules adopted by the Secretary of State require additional actions by county boards of elections, there could be increased costs associated with this provision. If the Secretary of State were to assume control of a board of elections under the bill, there could be some additional staffing costs associated with the state employees responsible for carrying out the required oversight.

Precinct staffing at special elections

The bill permits a board of elections to reduce the number of required precinct election officials for a special election from four to two, if the board determines that four officials are not required for the particular special election. This option could reduce costs for boards of elections for certain special elections. The Secretary of State has estimated that the per precinct cost for special elections can range from $800 to $1,500 per precinct, depending on the location and number of voters in those precincts. Under

current law, counties are permitted to employ four to six poll workers per polling location. The Revised Code establishes a minimum rate of compensation for poll workers, which the Secretary of State may adjust by directive. The current minimum poll worker compensation amount, last adjusted in FY 2008, is $101.50. Based on this amount, the minimum poll worker compensation cost per polling location is $406 for four poll workers or $609 for six poll workers. Some counties, however, pay more than this amount, and therefore, their costs are higher as a result. Under the current process for apportioning the cost of special elections, the potential savings resulting from reduced poll worker staffing would also accrue to the political subdivision that is charged for these costs.

Submitting documents to the Secretary of State

The bill permits a county board of elections to send campaign finance statements filed with the board, and certifications that all polling locations in the county meet the requirements for accessibility for the disabled, by electronic means rather than by certified mail. This provision would reduce county board of elections costs for transmitting such documents, as well as the costs to the Secretary of State's Office for filing and retaining such documents.

Election observers

The bill permits election observers to be present during the casting of ballots in person at the office of a county board of elections prior to election day. Observers are required to submit notification to the board 11 days prior to when the ballots are required to be ready for in-person early voting. Overall, the Secretary of State may experience some minimal administrative costs for creating these forms, and county boards of elections may experience some minimal cost increases for processing them.

Ballots

Current law states that ballots that are marked contrary to law may not be counted, except in the case of a technical error. The bill specifies that a ballot is marked contrary to law and does not contain a technical error if the voter marks more selections for a particular office, question, or issue than the voter is allowed by law to make for that office, question, or issue (often called "overvoting"), but specifies two particular exceptions under which the ballot must be counted. Overall, the fiscal effect of these changes is uncertain, both in terms of the additional time that might be spent determining voter intent, or any time saved due to ballot disqualifications under the bill.

Ballot issue certification

The bill prohibits a political subdivision or other entity that certifies a question or ballot issue to a board of elections for placement on the ballot from submitting this certification electronically. The bill requires these certifications to only be submitted in paper form. Although some jurisdictions may currently file this documentation with

their local boards of elections in electronic form, they are not likely to incur new costs for doing so via mail or in person as required under the bill.

Electronic pollbooks

The bill authorizes the state Board of Voting Machine Examiners to test, and the Secretary of State to certify, electronic pollbooks for use in Ohio in the same manner as voting equipment under current law. The bill also permits a board of elections to adopt the use of electronic pollbooks that have been certified by the Secretary of State, but specifically requires that any county opting to use electronic pollbooks must have at least two pollbook interfaces at each polling location. Overall, counties that opt to use electronic pollbooks will incur up-front costs for purchasing these devices, but may see some small reduction in cost by eliminating the need to reproduce updated paper copies of these official records. The state of Virginia entered into a contract with a vendor in which the hardware package for each electronic pollbook was approximately $2,500 per unit. Nationally, there are seven vendors that manufacture electronic pollbooks. As with voting machines, a pollbook vendor is required to pay a fee of $2,400 when a pollbook is submitted for testing to the Board of Voting Machine Examiners. This fee is deposited into the state Board of Voting Machine Examiners Fund (Fund 4S80).

SB0109SR.docx / lb