
Detailed Fiscal Analysis

The bill makes various changes to Elections Law including alterations to the penalty provisions, changes in filing deadlines, the creation of two new filing requirements, and the establishment of permissive language allowing the Secretary of State to contract with an individual or entity not associated with the Secretary of State for the examination of statements filed by the campaign committee of a candidate for statewide office.

The provisions dealing with filing deadlines have no direct and measurable fiscal impact on the state or any of its political subdivisions.

The creation of new filing requirements will result in increased expenditures within the Secretary of State's office for the creation, filing, and auditing of the new reports.

The language allowing the Secretary of State to contract for the examination of filings by candidates for statewide office could result in increased expenditures should the Secretary of State choose to contract for such services.

Penalty Provisions

The bill makes various changes to penalties in Elections Law. There are relatively few cases of violations of elections laws when compared to the overall criminal caseloads throughout the state. The bill increases some fines and jail terms while decreasing others. The net effect of the bill's provisions on incarceration costs and fine revenues can not be determined. However, the bill changes some penalties from minor fines and jail terms to felony offenses. The costs of prosecuting and incarcerating felony offences are much greater than those for misdemeanor violations. In some instances, a single new felony case could cost an individual county thousands of dollars more than a misdemeanor violation.

The following chart outlines, by section number, the current fines and jail sentences and those proposed by the bill:

| ORC Section Number | Description | Current Maximum Fine/ Maximum Sentence | Proposed Maximum Fine/ Maximum Sentence |
|-----------------------|--|---|--|
| 3599.02 | Bribery | \$500/ 1 year | \$5,000/ 1 ½ years |
| 3599.14 | Declaration of candidacy | \$500/ 6 months | \$1,000/ 6 months |
| 3599.17 | Election official failure to appear | \$100/ 15 days | \$1,000/ 6 months |
| 3599.18 | Election official refuse or alter registration | \$500/ 1 year | \$1,000/ 6 months |
| 3599.19 | Election official unlawful use of ballots/ elections materials | \$500/ 6 months | \$1,000/ 6 months |
| 3599.20 | Electoral interference/ forgery | \$500/ 6 months | \$2,500/ 1 year |
| 3599.22 | Printing of ballot violations | \$1,000/ 6 months | \$1,000/ 6 months |
| 3599.23 A(1),(2),B | Printing of ballot packaging and delivery | No Maximum Fine/ 1 year | \$1,000/ 6 months |
| 3599.23 | Loss of printed ballots or other elections materials | No Maximum Fine/ 1 year | \$750/ 90 days |
| 3599.25 | Counseling electors to vote knowing they are not qualified | \$500/ 6 months | \$5,000/ 1 ½ years |
| 3599.31 | Law officers enforcement of unlawful congregating | \$1,000/ 30 days | \$1,000/ 6 months |
| 3599.32 | Officials knowingly disobey duty | \$1,000/ 1 year | \$1,000/ 6 months |
| 3599.35 | Committee person impersonation | \$500/ 60 days | \$1,000/ 6 months |
| 3599.36 | Election falsification | \$1,000/ 6 months | \$2,500/ 1 year |
| 3599.37 | Failure to appear/ refusal to cooperate | \$1,000/ 6 months | \$1,000/ 6 months |
| 3599.38 | Election official attempt to influence voter | \$100/ 6 months | \$1,000/ 6 months |

Crime Victims Reparations Fund & State Public Defenders

The Crime Victims Reparations Fund and the State Public Defender both receive funds from the court costs which are assessed in both county and municipal courts and in courts of common pleas. The following chart delineates the amount of money received by both the Crime Victims Reparations Fund and the Public Defender.

| Fund | Misdemeanors | Felonies |
|--------------------------------|--------------|----------|
| Crime Victims Reparations Fund | \$9 | \$30 |
| Public Defender | \$11 | \$11 |

Because the bill does not create any new violations, but enhances existing penalties, the Public Defender will not receive any additional revenues. However, the Crime Victims Reparations Fund will receive additional revenues for any enhanced penalties that are changed from misdemeanor to felony violations under the bill.

□ *LBO staff: Joshua N. Slon, Budget/Policy Analyst*

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