Fiscal Note & Local Impact Statement

127 th General Assembly of Ohio

Ohio Legislative Service Commission
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BILL: **Sub. S.B. 380** DATE: **December 17, 2008**

STATUS: **As Passed by the General Assembly – Vetoed January 12, 2009** SPONSOR: **Sen. Seitz**

LOCAL IMPACT STATEMENT REQUIRED: **Yes**

CONTENTS: **To make changes to election laws**

State Fiscal Highlights

STATE FUND	FY 2009 – FUTURE YEARS
Secretary of State – General Revenue Fund	
Revenues	- 0 -
Expenditures	Potential annual increase in voter registration mismatch notification costs
Victims of Crime Reparations Fund (Fund 4020)	
Revenues	Potential negligible gain in fine revenue annually
Expenditures	- 0 -

Note: The state fiscal year is July 1 through June 30. For example, FY 2009 is July 1, 2008 – June 30, 2009.

- The bill requires the Secretary of State to develop guidelines that define mismatches and notify any county when there are any mismatches between voter registration information and motor vehicle records that the Secretary of State receives. As a result, the Secretary of State could incur some new administrative costs for developing guidelines and issuing mismatch notifications to county boards of elections. These expenses would be paid from the GRF.

- The bill applies an existing first-degree misdemeanor penalty to election observers who interfere with the conduct of an election. This could lead to a small increase in the number of elections-related court cases. Part of any resulting fine proceeds would be deposited into the Attorney General's Victims of Crime Reparations Fund (Fund 4020).

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2009 – FUTURE YEARS
Counties – Boards of Elections and Courts	
Revenues	Potential minimal gain in fine revenue for election observer violations
Expenditures	Potential increase in boards of elections costs for notifying voters of: 1. incomplete information contained in absentee ballot envelopes 2. mismatches between Secretary of State's Statewide Voter Registration database and Bureau of Motor Vehicle's database
	Potential decrease in costs for county boards of elections to operate in-person absentee voting centers
	Potential minimal increase in court operating costs for prosecuting and adjudicating election observer violations

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

- ***Notification costs.*** Under specific timeframes, the bill requires that county boards of elections notify absent voters by mail or telephone if their ballots contain incomplete information. The bill also requires county boards of elections to notify any registered voter of mismatched data that the county receives from the Secretary of State, and to offer the voter a chance to correct the mismatch. These provisions could result in new local costs for county boards of elections.

- ***Voting centers.*** The bill changes the length of time that a county board of elections may operate an in-person absentee voting center from 35 days under current law to 20 days. Shortening this timeframe would reduce expenses incurred for operating an in-person absentee voting location.

- ***Election observers.*** The bill applies an existing first-degree misdemeanor penalty to election observers whom interfere with the conduct of an election. It also gives anyone who has been harassed by an observer the right to sue in a civil action. These changes could slightly increase the number of election-related court cases and increase prosecution and adjudication costs. These costs in turn could be offset by some new fine and court cost revenue. Overall, there would likely be few such cases.

Detailed Fiscal Analysis

Summary of fiscal effects

The bill requires the Secretary of State to check all voter registration information in the Statewide Voter Registration Database against the information provided by the Bureau of Motor Vehicles, and requires the Secretary of State to establish guidelines for determining mismatches. The Secretary of State would then be responsible for notifying county boards of elections of any mismatches between these records. In turn, county boards of elections would be required to notify affected voters of any such mismatches. The bill also requires that the information contained on an absent voter's identification envelope contain the exact information specified in law, and requires that boards of elections notify absent voters by mail or telephone when this information is incomplete. These provisions are likely to increase costs for the Secretary of State as well as boards of elections.

The bill also reduces the number of days that a county board of elections may operate an in-person absentee voting center from 35 days before an election under current law to 20 days before an election. The likely effect of this would be to decrease the cost of operating these locations. Finally, the bill allows election observers to be present during in-person absentee voting and lays out what observers may do at polling places both on election day and during in-person absentee voting. Observers who violate these guidelines would be subject to a first-degree misdemeanor penalty, the default penalty for an infraction of the elections law. The bill also gives a person a right to sue if the person has been harassed by an elections observer. There could be some added prosecution and adjudication costs, as well as some fine and court cost revenue as a result of these penalty provisions.

Secretary of State costs

Voter registration mismatches and related notification requirements

Under continuing federal and state law, the Secretary of State is required to check all voter registration information against information provided by the Bureau of Motor Vehicles. Under the bill, the Secretary of State is required to establish guidelines based upon Elections Assistance Commission recommendations and to notify the applicable board of elections of any mismatches between voter registration information and motor vehicle records. This may result in some administrative costs for the Secretary of State's office, the cost of which would largely depend upon the way the Secretary of State chooses to notify county boards of elections. Presumably, the Secretary of State would use some form of electronic transmission to convey the mismatches to county boards of elections, making the costs negligible. These costs would be paid from the Secretary of State's GRF appropriations.

County boards of elections costs

Notification costs

The potential for new local costs in the bill stems from the voter notification and verification procedures it contains. The bill requires county boards of elections to notify absent voters by mail or telephone before polls close on election day if their ballot envelopes contain

incomplete information, but makes this notification optional if these ballots are received within eight days of the election. If county boards of elections choose to notify within the eight-day period, then they must notify all absent voters of incomplete information. The bill also requires county boards of elections to notify all newly registered and currently registered voters if there is a mismatch in registration data between the Statewide Voter Registration Database and the BMV database.

The bill does not specify how these notifications should be made, but it can be assumed that counties would opt to contact individuals by telephone rather than mail. County boards of elections would incur some costs, potentially in the thousands of dollars, as a result. LSC determines that a provision may have a local fiscal impact if it could potentially cause larger counties to incur costs of $5,000 or greater. The cost would depend on the number of notifications made by mail versus those made by telephone.

The bill also states that the information filled out by the voter on the absent voter identification envelope be *exactly* in the form specified in statute. Current law states that the information on the envelope must only be *substantially in the form* specified in statute. Under this stricter requirement, the number of envelopes that do not contain the necessary information could increase. If so, county boards of elections would incur further expense for notifying voters of any incomplete information.

Election observers

The bill permits election observers both at in-person absentee voter locations and at polling places on election day, and lays out guidelines that observers must follow at these sites. Violation of these guidelines would be harassment in violation of election law, a first-degree misdemeanor. Such a charge typically carries a sentence of not more than six months in prison and a maximum fine of $1,000. This violation could potentially result in increased prosecution and adjudication costs for county courts, the cost of which might be partially offset by any fine and court revenue received. A portion of the fines collected would also be deposited into the state's Victims of Crime Reparations Fund (Fund 4020). Presumably, there would be few such cases.

In-person absentee voting centers

Currently, in-person absentee voting may take place 35 days before election-day at one voting center in each county. The bill shortens the in-person absentee voting period to 20 days before an election. Presumably, this would reduce a board of elections' costs for operating a voting center, including staffing and rental costs, if any. As an example, the Franklin County Board of Elections spent a total of $225,015 to conduct in-person absentee voting at Veterans' Memorial Coliseum for the 2008 general election; $142,433 of this cost was for staffing. Under the abbreviated timeframe in the bill, these costs might decrease.

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