

# Fiscal Note & Local Impact Statement

127<sup>th</sup> General Assembly of Ohio

Ohio Legislative Service Commission  
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**BILL:** Sub. **S.B. 380** **DATE:** **December 3, 2008**

**STATUS:** **In Senate State & Local Govt. & Veterans Affairs** **SPONSOR:** **Sen. Seitz**

**LOCAL IMPACT STATEMENT REQUIRED:** **Yes**

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

## State Fiscal Highlights

STATE FUND	FY 2009 – FUTURE YEARS
<b>Secretary of State - General Revenue Fund</b>	
Revenues	- 0 -
Expenditures	Potential annual minimal increase in voter registration notification costs
<b>Victims of Crime Reparation Fund (Fund 4020)</b>	
Revenues	Potential minimal 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 notify any county when there are any mismatches between voter registration information and motor vehicle records that the Secretary of State receives. There could be some minimal administrative costs associated with issuing these notifications to county boards of elections, paid from the Secretary of State's GRF appropriations.
- The bill adds to an existing fifth-degree felony for election falsification by also making it illegal for any person that requests an absent voter's ballot, has signed the application, and has not been registered for at least 30 days from doing so. Expanding this violation to encompass these situations could increase the number of court cases by a small number. Part of the resulting fine proceeds would be deposited into the Attorney General's Victims of Crime Reparation Fund (Fund 4020).

## Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2009 – FUTURE YEARS
<b>Counties – Boards of Elections and Courts</b>	
Revenues	Potential minimal gain in fine revenue for any new election falsification cases annually
Expenditures	Potential substantial increase in notification costs for incomplete information on ballot identification envelopes per election
	Potential increase in absent voter verification costs per election
	Potential minimal increase in costs for prosecuting and adjudicating election falsification cases annually

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



- Under specific timeframes, the bill requires that county boards of elections to notify absent voters by mail or telephone if their ballots contain incomplete information. This could add significant new local costs for county boards of elections, likely beyond \$5,000 per county in some cases.
- The bill requires that any person requesting an absent voter's ballot, either by mail or in person, be registered to vote for at least 30 days before applying for an absent voter's ballot. This will require county boards of elections staff located at absent voter polling places to verify these records with information in the voter registration database. There could be some administrative costs for implementing this process.
- The bill adds to an existing fifth-degree felony for election falsification by also making it illegal for any person that requests an absent voter's ballot, has signed the application, and has not been registered for at least 30 days from doing so. Expanding this violation to encompass these situations could increase the number of court cases by a small number. This may result in some additional prosecution and adjudication costs, as well as some small gain in court cost and fine revenue.

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## *Detailed Fiscal Analysis*

### *Summary of the bill*

The bill makes several changes to Ohio's election laws. First, the bill requires the Secretary of State to check all voter registration information against information provided by the Bureau of Motor Vehicles. The Secretary of State is then required to notify all applicable counties of any mismatches between these records. Second, the bill allows election observers to be present during in-person absentee voting. Third, the bill requires that any person requesting an absent voter's ballot, either by mail or in person, be a registered voter for at least 30 days before applying for an absent voter's ballot and expands an existing fifth-degree felony penalty to include violations of this provision. Finally, the bill requires that the information contained on an absent voter's identification envelope contain the exact information detailed in the bill, and requires boards of elections to notify absent voters by mail or telephone when this information is incomplete. The fiscal impact of these provisions is discussed below.

### *State costs*

#### *Secretary of State – boards of elections 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 notify the applicable board of elections of any mismatches between voter registration information and motor vehicle records. These additional notifications may result in some administrative costs for the Secretary of State's office, the cost of which would largely depend upon the form of notification the Secretary of State decided to use. 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 of incomplete information on absent voter's ballot identification envelope*

The new local costs in the bill primarily stem 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 does not specify the circumstances under which mail or telephone notification should be used, but it can be assumed that counties would opt to contact individuals by telephone closer to election day. County boards of elections would incur some costs, potentially in the thousands of dollars, to make these notifications, dependent upon how many notifications were made by mail versus by telephone. LSC determines that a provision may have a local fiscal impact if it could potentially cause counties and large local governments to incur costs of \$5,000 or greater.

The bill also states that the information on the voter identification envelope must be exactly in the form described in current law. Current law states that the information on the envelope must only be substantially in the form described in current law. Therefore, it is possible that this change could result in an increase in the number of envelopes that do not contain the necessary information, which could result in a larger number of notifications by county boards of elections to absent voters.

**Voter verification procedures and election falsification**

To a lesser degree than the notification procedures outlined above, county boards of elections might also incur costs for carrying out the voter verification procedures laid out in the bill. The bill requires that a voter be registered for at least 30 days before applying to vote by absent voter's ballot, whether by mail or in person. As a result, county boards of elections would need access to the voter registration database at in-person absent voter polling locations to verify this information. For many counties, there would probably not be any additional costs attributed to this provision. However, smaller counties could incur some administrative costs for setting up a communications mechanism between the absent voter polling place and complying with this procedure.

The bill also expands a fifth-degree felony for an election falsification violation to apply to any person who requests an absent voter's ballot, has signed the application, and has not been registered for at least 30 days. Such a charge typically carries a sentence of six to twelve months in prison and a fine of up to \$2,500. This provision of the bill could potentially result in an increase in court cases for county courts, the cost of which could be partially offset by any fine revenue received. Additionally, a portion of the fine revenue collected would be deposited into the state Victims of Crime Reparation Fund (Fund 4020). Given that there are few election falsification cases statewide, this provision is unlikely to result in anything more than minimal new local costs.

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