



Ohio Legislative Service Commission

Terry Steele

Fiscal Note & Local Impact Statement

Bill: Sub. S.B. 8 of the 128th G.A. **Date:** December 9, 2009
Status: As Reported by Senate State & Local Government & Veterans Affairs **Sponsor:** Sen. Seitz

Local Impact Statement Procedure Required: Yes

Contents: Makes changes to the absent voter's ballot application and voting process and other related changes

Overview

The bill makes numerous changes to Ohio's election law and the Secretary of State's and county boards of elections' responsibilities in overseeing the voting process. Because the changes are numerous, the provisions with the greatest fiscal effect, either cost savings or cost increases, for both the state and political subdivisions are highlighted in the bullet points below. The detailed analysis that follows these highlights elaborates on these provisions and identifies other changes that have lesser or uncertain fiscal effects for the state and its political subdivisions.

State Fiscal Highlights

- **Absent voter free access system.** The bill requires the Secretary of State to develop a free access system whereby any eligible uniformed overseas voter can determine the status of the person's absent voter's ballot request, completed absent voter's ballot, and whether the person's absent voter's ballot was counted. There will be costs to both the Secretary of State's office and to county boards of elections for the development and implementation of this system. Presumably, the state's share of this cost would be paid for from the Secretary of State's GRF appropriation item 050321, Operating Expenses.
- **Ballot supplies purchasing program.** The bill requires the Department of Administrative Services (DAS) to establish a purchasing program through which the Department enters into purchase contracts for supplies used by boards of elections, including any required polling place supplies. If DAS can acquire these supplies through its contracts at a cheaper rate than each individual county, this would reduce some supply costs to county boards of elections.

Local Fiscal Highlights

- **Mismatch notifications.** The bill requires that county boards of elections notify absent voters by mail or telephone if their ballots contain incomplete information within certain timeframes. The bill also requires that county boards of elections notify registered voters of mismatched data that the county receives from the Secretary of State and offer them a chance to correct the mismatch. These provisions could result in new costs for county boards of elections.
- **In-person absent voting.** The bill changes the length of time that county boards of elections may operate in-person absentee voting centers from 35 days to 18 days. The bill also permits counties to operate up to three different centers for in-person absentee voting. Depending on how county boards of elections choose to operate these centers, this provision could increase or decrease costs.
- **Absent voter free access system.** In conjunction with the Secretary of State, county boards of elections would also incur costs for creating a system whereby uniformed overseas voters can determine the status of their absent voter ballots.
- **Return postage on absent voter's ballots.** The bill requires the Secretary of State to determine by rule whether county boards of elections are to include or omit any form of postage for ballot return envelopes sent to an elector. The bill stipulates that the Secretary of State can only require return postage if there is a state appropriation to pay for these costs.
- **Reduced number of precinct officials.** The bill allows counties to reduce the number of poll workers in polling locations in which there are combined precincts. This could potentially reduce staffing costs to county boards of elections.
- **Sex offender voting requirements.** The bill requires all sex offenders whose polling place is a school to vote by either absent voter's ballot or in person on the day of election at the county board of elections. Depending on how this is enforced, there would be some additional costs to county boards of elections.
- **Correction of election information.** The bill requires a county board of elections to notify an individual that has provided incorrect or incomplete information on a voter registration form or absentee ballot, and permits the person to send the proper information. This could result in some additional administrative costs to counties.
- **Ballot printing and election supply contracts – public notice.** The bill increases the cost of ballot printing contracts and other election supplies that a board of elections may enter into without publishing notice and without requiring a bond from \$10,000 to \$25,000. Assuming that counties would select the most cost effective printing bid available, this provision could reduce advertising costs to some counties.
- **Ballot supplies purchasing program.** County boards of elections could reduce the amount spent on ballot supplies if they were able to acquire goods through a cooperative purchasing program overseen by the Department of Administrative

Services (DAS). Presumably, the state would have greater purchasing power than individual counties.

Detailed Fiscal Analysis

Secretary of State – Elections Division

The Secretary of State's Elections Division, which oversees the statewide administration of elections, is primarily GRF funded, although some expenses are paid from the Corporate and Uniform Commercial Code Filing Fund (Fund 5990). Of the 19 employees in the Elections Division, nine are funded through GRF appropriation item 050321, Operating Expenses, which is funded at approximately \$2.3 million in each fiscal year. Fund 5990 supports the cost of ten employees. The provisions below would be funded from these sources.

Absent voter free access system

The bill requires the Secretary of State to develop a free access system whereby any eligible uniformed overseas voter can determine the status of his or her absent voter's ballot request, completed absent voter's ballot, and whether the person's absent voter's ballot was counted. Because the bill requires the system to show whether or not that ballot was sent and subsequently received, the system will require periodic transmission of information between county boards of elections and the Secretary of State. The Secretary of State's office would incur some costs for system development and implementation, as well as additional costs for the necessary data entry of the status of these absent voter's ballots. County boards of elections would also incur some costs for transmitting this information.

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 Secretary of State's Statewide Voter Registration database and the Department of Public Safety's Bureau of Motor Vehicles database.

County boards of elections would incur costs, potentially in the thousands of dollars, as a result. The cost would depend on the number of notifications made by mail versus those made by telephone. It should be noted that, although not required by

law, some counties already provide notifications to voters as required by this provision of the bill. During the 2008 general election, for example, Franklin County spent approximately \$2,000 on such notifications.

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.

In-person absentee voting centers

The bill changes the procedures for in-person absentee voting. Currently, in-person absentee voting may take place 35 days before election day at one voting center in each county. The bill changes this to allow up to three geographically diverse voting centers in each county, but shortens the in-person absentee voting period to 18 days, ending the Saturday before the election. The bill also specifies that multiple in-person early voting centers may only be used during general elections and primary elections that take place in even-numbered years. The fiscal impact of this provision is uncertain. Generally, shortening the early voting period would result in decreased voting center operating expenses. However, should a county use more than one location for in-person absentee voting, these costs would increase.

Ultimately, the impact on operating costs would depend on a variety of factors. Presumably, counties that had low in-person absentee voting turnouts would not use more than one facility and would thus experience a cost savings under the bill. However, larger counties with a higher turnout may opt to use more than one facility, thus incurring new costs. 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 presidential election; \$142,433 of this cost was for staffing. Most likely, if a board of elections opted to use more than one voting center, it would select facilities that cost less to rent individually and would staff them with fewer people at each location.

Absent voter free access system

As mentioned previously, the bill requires the Secretary of State to develop a free access system whereby any eligible uniformed overseas voter can determine the status of the person's absent voter's ballot request, completed absent voter's ballot, and whether the person's absent voter's ballot was counted. This system will require periodic transmission of information between county boards of elections and the Secretary of State. Any related costs would chiefly depend on the number of county residents in the uniformed armed services that vote by absent voter ballot, but would most likely be minimal.

Determination of intent on overvotes

The bill prohibits county board of election officials from attempting to determine voter intent in cases in which an overvote for a particular office or issue exists on a ballot. While county boards of elections policies vary in this regard, this provision would appear to reduce costs by eliminating the additional staff time that certain county boards of elections devote to making these judgments of voter intent.

Return postage on absent voter's ballots

The bill requires the Secretary of State to determine by rule, whether county boards of elections are to include or omit any form of postage, for any ballot return envelopes sent to an elector. However, the bill stipulates that the Secretary of State may impose a postage requirement only if there is a state appropriation to reimburse counties for these costs. In the November 2008 general election, there were approximately 1.7 million absentee ballots cast. The state of Ohio spent approximately \$2.6 million to reimburse counties for the costs of mailing all absentee ballots for that election. The overall postage costs would depend on the size of the ballot that is being mailed as well as the number of absentee ballots requested.

Reduced number of precinct officials in combined precincts

The bill authorizes a county board of elections that opts to use multiple precinct polling locations in lieu of individual precinct polling locations to reduce the number of poll workers at those locations. Currently, each precinct is required to have a presiding judge and four poll workers. The bill would allow for one presiding judge *per location* instead of *per precinct*. Additionally, for each additional precinct at a polling location, only two poll workers would be required instead of four. For example, under current law, if there were four precincts at a polling location, it would be required to be staffed by four presiding judges and 16 poll workers. Under the bill, there would be one presiding judge, and only ten poll workers. Generally, poll workers are paid \$95 per diem, and presiding judges are paid \$105 per diem. The overall savings would depend on how many precincts are combined into a single polling location, and if counties decided to exercise this option.

Sex offenders' voting requirements

The bill requires sex offenders and child-oriented victim offenders to vote absent voter ballot or in person at a county board of elections. While the bill does not specify how this provision is to be enforced, counties would presumably use their Sex Offender Registry and Notification (SORN) systems to determine which eligible voters in those counties are sex or child-oriented victim offenders. At that point, counties would need to notify the registered sex or child-oriented victim offenders that they are required to vote by absent voter ballot or in person at the county board of elections if their assigned polling location is at a school.

The cost for counties to implement this requirement depends upon how each county decides to enforce this provision. Presumably, a county board of elections would be required to have an available ballot for each precinct in the county or have ballot on demand capability to accommodate a sex or child-oriented victim offender that wished to vote in person. According to the Attorney General's Office, there are approximately 17,000 registered sex offenders in the state that could be eligible voters.

Correction of information on election forms

The bill requires a county board of elections to contact an individual that has registered to vote or has voted an absent voter's ballot to inform the person that there is either incorrect or incomplete information on his or her registration application. The individual is permitted to supply the required additional information either in person at the board of elections, or by telephone, fax, or through electronic mail or the Internet. This provision may result in some additional registration processing costs to counties, but these costs are likely to be minimal.

Time limit for using a voting booth

A voter is currently prohibited from occupying a voting booth for more than ten minutes when all the voting compartments or machines are in use and voters are waiting to occupy them. The bill eliminates this time limit. If this leads to longer lines in certain voting precincts it may result in overtime for poll workers and other employees, thereby increasing costs to counties. This would particularly be the case in elections with numerous candidates or issues on the ballot.

Purchase contracts for election supplies

The bill requires the Department of Administrative Services (DAS) to establish a cooperative purchasing program through which boards of elections could acquire ballot supplies. Because of its purchasing power, DAS would presumably be able to obtain these supplies at lower cost than each individual county.

Ballot printing contracts

Under current law, a contract for the printing of ballots and furnishing other supplies involving a cost of \$10,000 or more must not be let until after five days' notice is published once in a leading newspaper of general circulation. The bill increases this threshold to \$25,000. Assuming that counties would select the most cost effective printing bid available, this provision could reduce advertising costs to some counties.