Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: Am. H.J.R. 1 of the 129th G.A. **Date**: June 28, 2011

Status: As Reported by Senate Judiciary Civil Justice **Sponsor**: Reps. Huffman and Fende

Local Impact Statement Procedure Required: No

Contents: Age limit for election or appointment to judicial office

State Fiscal Highlights

- **Ballot advertising costs.** Appropriations made to the Controlling Board, typically GRF line item 911441, Ballot Advertising Costs, would be used to reimburse the Secretary of State for all expenses the Secretary of State incurs to advertise the ballot issue statewide. The funds to reimburse the Secretary of State are transferred by the Controlling Board to the Statewide Ballot Advertising Fund (Fund 5FH0). The amount of cash that would be transferred from the GRF to Fund 5FH0 could be up to $200,000 or more.
- **Public Employees Retirement System (PERS).** To the extent that judicial officeholders choose to defer retirement and continue working up to age 75, PERS would presumably save, for the time being, any expenditures associated with providing retirement benefits to that judicial officeholder. The magnitude of this potential savings annually is uncertain.

Local Fiscal Highlights

- **County boards of elections.** County boards of elections may incur some small additional expense for printing the language of the proposed amendment on ballots. This would be the case for all counties to print the necessary absent voter and provisional ballots. In addition, counties using optical scan ballots would also incur some additional cost for printing this language on ballot forms.

Detailed Fiscal Analysis

Overview

The resolution proposes to include a constitutional amendment on the ballot of the statewide special election on November 8, 2011. The constitutional amendment proposes to:

- Amend Section 6 of Article IV of the Constitution of Ohio to generally raise from 70 to 76 the age at which a person cannot assume judicial office pursuant to election or appointment; and
- Repeal Sections 19 and 22 of Article IV of the Constitution of Ohio to eliminate the authority of the General Assembly to establish courts of conciliation and to reappoint a Supreme Court commission.

Ballot costs

If both houses of the General Assembly concur in the resolution, the Secretary of State would incur costs for ballot advertising under Section 1 of Article XVI of the Constitution of Ohio. Section 1 requires that the ballot language, the explanations, and the arguments, if any, be published once a week for three consecutive weeks preceding such election, in at least one newspaper of general circulation in each county of the state, where a newspaper is published.

Appropriations made to the Controlling Board, typically GRF line item 911441, Ballot Advertising Costs, are used to reimburse the Secretary of State for all expenses the Secretary of State incurs for such advertising. The funds to reimburse the Secretary of State are transferred by the Controlling Board to the Statewide Ballot Advertising Fund (Fund 5FH0).

The Secretary of State spent $567,095 in ballot advertising costs for the three statewide issues that appeared on the November 2009 ballot. Statewide advertising costs for this resolution, because it involves a single ballot issue, would likely be considerably less.

County boards of elections may incur some small additional expense for printing the language of the proposed amendment on ballots. This would be the case for all counties to print the necessary absent voter and provisional ballots. In addition, counties using optical scan ballots would also incur some additional cost for printing this language on ballot forms.

Repealed sections of the Constitution of Ohio

If approved by the voters, the repeal of Sections 19 and 22 of Article IV of the Constitution of Ohio will have no direct fiscal effect on the state or any of its political subdivisions. This is because Ohio does not utilize courts of conciliation or a Supreme Court commission.

Public Employees Retirement System (PERS)

If approved by the voters, the resolution would impact PERS pension benefits and pension fund assets; therefore, it could also indirectly affect employer and employee contributions in the future. Raising generally, from 70 to 76, the age at which a person cannot assume judicial office pursuant to election or appointment would yield some potential savings to PERS. Judicial officeholders are not required to enroll in PERS, however, many choose to do so. To the extent that judicial officeholders choose to defer retirement and continue working, PERS would presumably save, for the time being, any expenditures associated with providing retirement benefits to that judicial officeholder. The magnitude of these potential savings annually is uncertain.

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