Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: Sub. S.B. 47 of the 130th G.A. **Date**: March 20, 2013

Status: As Enacted **Sponsor**: Sen. Seitz

Local Impact Statement Procedure Required: No

Contents: Revises various provisions of the Elections Law

State and Local Fiscal Highlights

- **Bulk purchase of elections supplies**. The bill permits the Secretary of State to enter into agreements for the bulk purchase of election supplies in order to reduce the costs for those purchases by boards of elections. Boards of elections would pay vendors directly under the program.
- **Bid threshold increase for ballot printing contracts.** The bill increases the competitive bidding threshold that applies to ballot printing contracts from $10,000 to $25,000. Overall, raising the bidding threshold could reduce the administrative and advertising costs that boards of elections incur for overseeing these contracts.
- **Petition process**. The bill makes several changes to provisions related to circulating, signing, and filing nominating, initiative, and referendum petitions. Overall, these provisions appear to have at most a minimal fiscal impact on the Secretary of State's office or county boards of elections.

Detailed Fiscal Analysis

Overview

The bill makes several changes to the Elections Law pertaining to circulating, signing, and filing of nominating, initiative, and referendum petitions, the processes and deadlines for withdrawals and filling of vacancies, and the purchasing of election supplies including ballot printing. This analysis focuses foremost on those provisions that have a fiscal impact: (1) the creation of a statewide bulk purchasing program for election supplies overseen by the Secretary of State, and (2) the increase in the competitive bidding threshold for ballot printing contracts. Both of these provisions could result in cost savings for boards of elections, which are funded through county general funds. Greater detail about all provisions contained in the bill can be found in the LSC Bill Analysis.

Bulk purchasing program for election supplies

The bill permits the Secretary of State to enter into agreements for the bulk purchase of election supplies in order to reduce the costs for those purchases by boards of elections. Under this arrangement, a county board of elections must agree to the terms and conditions that the Secretary of State prescribes for participating in the program, and must make payments directly to the vendors for the goods acquired. Although it is difficult to estimate the potential savings to be gleaned from this bulk purchasing authority, presumably the Secretary of State could negotiate bulk purchasing prices that are lower than what each county could negotiate individually, thereby reducing supply costs to boards of elections. Any potential savings would accrue to county general funds.

Increasing the competitive bidding threshold for ballot printing contracts

The bill also increases the competitive bidding threshold that applies to ballot printing contracts from $10,000 to $25,000. This could lower ballot printing costs for boards of elections in two ways. First, it could reduce the number of bid notices published in general circulation newspapers by some small number. Secondly, increasing the bidding threshold could reduce some of the administrative costs related to soliciting bids for ballot printing.

Referendum petitions

Circulation

The bill makes numerous changes to provisions related to circulating, signing, and filing various types of petitions. The bill eliminates requirements that an individual who circulates an initiative or referendum petition be registered and have resided in that county and precinct for at least 30 days at the time of the next election. The bill also requires that the circulator of a petition be at least 18 years of age. Regarding petition signatures, the bill specifies that a signature on a nominating petition is not valid if it is

dated more than one year before the date the petition was filed. Under current law, a signature on a nominating petition does not expire.

Filing

The bill establishes new requirements for filing statewide initiative and referendum petitions relating to the numbering and labeling of the petition, and requires the submission of an electronic copy of the petition along with the original petition. The bill also permits the Secretary of State, upon request, to inspect or copy the original petition for comparison to the electronic copy. Discrepancies found between the two that are the result of fraud may result in prosecution for election falsification. Upon verification of the part petitions (i.e., the signatures on a statewide petition gathered within a particular county) by the county board of elections, the Secretary of State must determine the sufficiency of the signatures at least 105 days before the election.

Gathering of additional signatures and rejection of a petition

The bill specifies that the submitter of a petition may not gather or submit additional signatures during the period between when the petition is submitted and when the Secretary of State has notified the petitioner of the sufficiency of the signatures submitted. The petitioners are given ten days to gather additional signatures if necessary. If additional signatures are needed, the bill requires the Secretary of State to prescribe a part petition form to be used and filed during this time and make this form available in paper and electronically. If additional signatures are filed, boards of elections must verify those within eight days, instead of within five days as under current law. The bill also specifies that after the Secretary of State, a board of elections, or another public office rejects an initiative or referendum petition as containing insufficient signatures, that petition may not be resubmitted.

Overall, the various provisions relating to the petition process appear to have little overall fiscal impact on the state or political subdivisions. The Secretary of State may incur some small costs for producing copies of an electronic petition, or examining the electronically submitted petition to determine if there are any discrepancies with the original petition. Boards of elections may be forced in some cases to reject some signatures that exceed the one-year validity limit created in the bill. However, any new costs, either to the Secretary of State or local boards of elections, would be minimal, likely in the form of some small additional administrative burden.

Process of filling vacancies

The bill makes several statutory deadline changes to reflect constitutional requirements with respect to filling vacant offices. The bill also prohibits certain individuals that lost a primary election from being eligible to fill a vacancy of office. However, those individuals are permitted to fill vacancies for the State Board of Education, member of a local board of education, member of a governing board of an educational service center, or township trustee. There appears to be no new fiscal effect on the state or counties as a result of these provisions.