Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: Am. Sub. S.B. 193 of the 130th G.A. **Date**: November 6, 2013

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

Local Impact Statement Procedure Required: No

Contents: Revises the process for determining political party status and establishing new political parties

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- The bill may result in a larger number of signature verifications for county boards of elections. However, any additional costs related to verifying these signatures are likely not significant.

Detailed Fiscal Analysis

Qualifications for establishing minor political parties

The bill revises the qualifications for recognition of minor political parties. The current qualifications were deemed unconstitutional (*Libertarian Party of Ohio v. Blackwell*), as was a directive issued by the Secretary of State pertaining to this issue. Under the bill, a minor political party is defined as any political party whose candidate for Governor or nominees for presidential electors receive less than 20% but not less than 2% of the total vote cast for the applicable office at the most recent regular state election. The bill specifies that a party that receives at least 2% of the total vote is eligible to remain a political party for four years. If a party fails to obtain 2% of the total vote cast for Governor or President, it ceases to be a political party. If this occurs, the organization may file a party formation petition with the Secretary of State. The petition must be signed by (1) a number of qualified voters that equals at least one-half of 1% of the total vote for Governor or President at the most recent election, and (2) at least 500 voters in a minimum of half of the congressional districts of the state. The petition must also declare the intention of the party to participate in the next general election. These criteria are different for the 2014 general election, however. For that election, the bill specifies that any group that wishes to form a political party and nominate candidates to appear on the ballot for the 2014 general election must submit a party formation

petition that is signed by at least 10,000 qualified electors and complies with all other requirements of the bill, except for the provision that requires 500 valid signatures from one half of the congressional districts in the state.

Nomination of candidates for new minor political parties

The bill specifies that any prospective candidates wishing to appear on the ballot as a nominee of a party that files a party formation petition as discussed above must file nominating petitions with the Secretary of State. The bill requires these petitions to be filed on a form prescribed by the Secretary of State and to be signed by at least 50 qualified voters that have not voted as a member of a different political party at any primary election within the current year or immediately preceding two calendar years. If the candidacy is only being submitted to voters within a specific district, and not statewide, the petition must be signed by at least five voters that meet the above-listed criteria. If more than two candidates gather the required signatures under the bill, the nominating committee of the political party is required to select a single candidate to appear on the general election ballot.

County boards of elections costs

Under continuing law, individual county boards of elections are responsible for verifying the applicable signatures of voters on both nominating petitions and party formation petitions. The petition requirements established in the bill may result in a larger number of signature verifications for county boards of elections. The Secretary of State issued a directive in January 2012 that automatically recognized the Libertarian, Constitution, Socialist, and Green parties as minor political parties. The directive was in response to a federal Sixth Circuit Court of Appeals ruling in October 2011 that required Ohio to recognize the Libertarian Party as a minor political party for purposes of 2012 elections in Ohio. County boards of elections have not been required to verify signatures for minor political party petitions since this court ruling. Boards of elections do, however, currently verify signatures on candidate nominating petitions. Even if the bill results in an increase in the number of necessary signature verifications, the additional costs are not likely to be significant.

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