



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: [Am. Sub. S.B. 200 of the 130th G.A.](#) **Date:** November 8, 2013
Status: As Passed by the Senate **Sponsor:** Sen. Uecker

Local Impact Statement Procedure Required: No

Contents: Modifies the law pertaining to the Statewide Voter Registration Database

State Fiscal Highlights

- The bill makes several modifications to the law pertaining to the Statewide Voter Registration Database. The data-sharing requirements of the bill could result in increased costs to the Elections Division within the Secretary of State's Office if any hardware or software upgrades to the Statewide Voter Registration Database are required. The database is managed in-house.
- Costs for the Statewide Voter Registration Database are covered by appropriations under GRF line item 050321, Operating Expenses.

Local Fiscal Highlights

- The bill requires county boards of elections to notify voters in cases where information provided by certain state agencies conflicts with information contained in the Statewide Voter Registration Database. This could result in some increased costs depending on the number of conflicts that are found and the rules established by the Secretary of State concerning the type of notification to be used.
- The bill reduces the minimum number of direct recording electronic (DRE) voting machines a county is required to have by changing a formula in existing law. As a result, the 59 counties that currently employ DRE equipment could experience some cost reductions associated with DRE machine storage, transport, maintenance, and replacement.

Detailed Fiscal Analysis

Overview

The bill makes several changes to the law pertaining to the management of the Statewide Voter Registration Database. These changes include general maintenance requirements, as well as required data sharing among state agencies and data sharing with other states. The Elections Division within the Secretary of State's Office is responsible for overseeing this database. Although the primary source of funding for the database is GRF appropriation item 050321, Operating Expenses, any particular costs associated with conforming the system to the requirements of the federal Help America Vote Act would be covered under Federal Special Revenue appropriation item 050616, Help America Vote Act. The primary fiscal effect on the county level is the change to the current formula used to determine how many direct recording electronic (DRE) voting machines a county must have available for elections. This change could reduce operating, storage, and replacement costs for the 59 counties that currently use DREs. The provisions of the bill and the potential fiscal impacts are detailed below.

Statewide Voter Registration Database information-sharing requirements

Under the bill, state agencies, including the Department of Health, the Bureau of Motor Vehicles, the Department of Job and Family Services, and the Department of Rehabilitation and Correction, must provide any information and data to the Secretary of State that the Secretary of State considers necessary to maintain the Statewide Voter Registration Database, except where prohibited by federal law or regulation. (The Secretary of State currently exchanges such information with the Department of Health and Bureau of Motor Vehicles.) As part of this data-sharing process, the bill requires the Secretary of State to establish rules identifying the entities to receive this information and to ensure that any information that is confidential while in possession of the entity providing the data remains confidential while in the Secretary of State's possession. Next, the bill applies a time standard by which voter registration must be transmitted to the Secretary of State, specifically requiring registrars and deputy registrars of motor vehicles to send voter registration applications and change of residence or change of name forms to the Secretary of State within five days. Under current procedures, it is unclear as to how frequently these entities currently send this information to the Secretary of State.

The bill also requires the Secretary of State to adopt rules establishing a uniform method for addressing instances in which records contained in the Statewide Voter Registration Database do not conform with records maintained by a state agency. If the information a state agency provides conflicts with that elector's record in the system and the discrepancy would affect the elector's eligibility to vote, the bill requires a board of elections to contact a registered elector pursuant to those rules to verify the accuracy of the information. Consequently, there could be some additional costs to county boards

of elections if they are required to contact voters concerning any such discrepancies. This would be the case if, for example, county boards would be required to make these notifications by mail. However, there could be less costly notification procedures put in place since the bill requires that the Secretary of State establish the method of contacting for voters in these circumstances by rule.

The bill also requires the Secretary of State to enter into agreements to share information or data with other states or groups of states, as the Secretary of State considers necessary, in order to maintain the Statewide Voter Registration Database. The Secretary of State must ensure that any confidential information or data provided to the Secretary of State under this program remains confidential while in the Secretary of State's possession. However, under the bill, the Secretary of State may provide such otherwise confidential information or data to persons or organizations that are engaging in legitimate governmental purposes related to the maintenance of the Statewide Voter Registration Database.

The overall fiscal impact of these data-sharing provisions on the Elections Division within the Secretary of State's Office is uncertain. The Statewide Voter Registration Database is managed and operated in-house. As a result, any upgrades resulting from the data-sharing requirements of the bill would be completed by existing staff. The cost of any necessary upgrades to current system hardware or software will depend on the total amount of additional data that would be exchanged between state agencies and other states under the bill. The costs for maintaining the system are paid for from two sources. The first is GRF appropriation item 050321, Operating Expenses, which is appropriated \$2.1 million in both FY 2014 and FY 2015. The second source of funding for the Statewide Voter Registration Database is Federal Special Revenue item 050616, Help America Vote Act, which is appropriated \$1.7 million in both FY 2014 and FY 2015. A portion of this line item is used to pay for any voter registration database upgrades associated with requirements of the Help America Vote Act.

Change of address and death notice updates

The bill increases the frequency with which the Secretary of State must send each county board of elections' voter registration records to the U.S. Postal Service's National Change of Address Service. The bill also requires the Ohio Department of Health to file monthly reports with the Secretary of State of persons who have died that month. Currently, both the Secretary of State and Department of Health are carrying out these functions as prescribed by the bill. Consequently, there is no additional cost associated with these provisions.

Other Statewide Voter Registration Database provisions

The bill makes other general modifications to the Statewide Voter Registration Database. Specifically, the bill allows the Secretary of State to prescribe, by rule, the way in which county boards of elections send information to the Secretary of State for purposes of maintaining the database. It is unclear as to whether this provision has any fiscal impact on county boards of elections as it will ultimately depend on the rules

adopted by the Secretary of State. The final change concerning the Statewide Voter Registration Database in the bill is a provision that removes restrictions as to what information is available on the system. Under current law, only an elector's name, address, precinct number, and voting history must be made available on the Statewide Voter Registration Database web site. By eliminating the word "only," the bill allows for additional information to be included. However, there is no requirement that any additional information be made available. There does not appear to be any fiscal impact as a result of this change.

Voting machine minimums for counties using DRE equipment

The bill reduces the minimum number of direct recording electronic (DRE) voting machines a county is required to have if that is the primary voting system used in the county, a figure that is currently set by formula. Currently, this minimum number is obtained by taking the number of registered voters as of the October registration deadline in the most recent presidential election or the average number of registered voters in the last two presidential elections, whichever is higher. This number is then divided by 175 to determine the minimum number of voting machines. The bill alters the formula by specifying that the number of absent voter's ballots cast and counted at the most recent presidential election should be subtracted from the registered voter total when performing this calculation. The effect of this change is to reduce the minimum number of DRE voting machines required in the 59 counties that operate this type of voting equipment currently. Consequently, these 59 counties could realize some cost reductions associated with machine storage, transport, and maintenance. Counties would also potentially be required to replace a smaller number of DRE voting machines in the future.