Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: Sub. S.B. 205 of the 130th G.A. **Date**: February 19, 2014

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

Local Impact Statement Procedure Required: No

Contents: Revises the law pertaining to the handling of absent voter's ballots

State Fiscal Highlights

- The bill generally prohibits the Secretary of State from mailing unsolicited absent voter's ballot applications except for general elections in which the General Assembly provides appropriations for that purpose. The Secretary of State mailed approximately 6.9 million such applications at a cost of $1.2 million during the 2012 General Election cycle. Those mailings were paid for from the Help America Vote Act (HAVA) Fund (Fund 3AS0).

Local Fiscal Highlights

- The bill generally prohibits county boards of elections from prepaying return postage for absent voter's ballot applications and absent voter's ballots. This would eliminate any such costs in counties that may have previously opted to provide this postage.

Detailed Fiscal Analysis

Absent voter's ballot mailings

The bill permits the Secretary of State to mail unsolicited applications for absent voter's ballots to individuals only under the two following circumstances: (1) the applications are mailed for a general election, and (2) the Ohio General Assembly has made appropriations for that purpose. The Secretary of State would not be permitted to mail unsolicited absent voter's ballots for any other reason. During the 2012 General Election cycle, the Secretary of State mailed unsolicited absent voter's ballots to about 6.9 million absent voters at a cost of approximately $1.2 million. Those mailings were paid for from Federal Special Revenue Fund appropriation item 050616, Help America Vote Act (HAVA). This line item is used to carry out HAVA-related requirements through federal money deposited into the Help America Vote Act (HAVA) Fund (Fund 3AS0). These responsibilities include (1) improving the statewide voter registration database, and (2) ameliorating, acquiring, leasing, modifying, or replacing voting systems. The Secretary of State has not received additional federal funding for these purposes since federal FY 2010. The February 2014 cash balance of Fund 3AS0 is $3.4 million.

The bill also prohibits a county board of elections from prepaying return postage for applications for absent voter's ballots, absent voter's ballots, federal post card applications, or other applications for uniformed services or overseas absent voter's ballots or uniformed services or overseas absent voter's ballots. Currently, if counties opt to pay for these mailings, the cost of doing so would depend not only on the number of mailings, but also the length of the ballot, since postage costs are based on weight. There were approximately 1.9 million absent voter's ballots cast during the 2012 General Election, of which slightly more than 19,000 were uniformed services or overseas absent voter's ballots. Under the bill, voters would be responsible for paying the postage costs of returning these ballot applications or completed ballots. Therefore, the bill would result in cost savings for those counties that have elected to pay the return postage costs of these ballots in the past.

Completion of absent voter's ballots

There are other provisions of the bill that appear to have little, if any, fiscal effect. The first is a provision that prohibits an election official from completing any portion of an absent voter's ballot application, or from completing any portion of an absent voter's ballot or absent voter's ballot identification envelope, on behalf of a voter, with the exception of assistance provided to a disabled or illiterate elector. The bill also allows a person's right to vote to be challenged on the ground that the identification statement of the voter has not been completed. If the election officials find that the statement accompanying an absent voter's ballot is incomplete or insufficient, the vote must not be accepted or counted. The bill also specifies the procedures for handling identification

envelopes by election officials, including the curing of absent voter's ballot defects. Under the bill, in cases in which the voter identification envelope statement is incomplete or does not conform to the information in the statewide voter registration database, election officials must mail written notice to the voter to correct any defects. The voter then has seven days to make the necessary changes, in writing, on a form prescribed by the Secretary of State. If these changes are not made, the ballot is not counted. As a consequence of this requirement, there could be some postage costs incurred by county boards of elections to mail out any written notices in these situations.

Finally, the bill expands the provision of current law that permits a disabled elector to receive assistance in casting the elector's ballot. Specifically, under the bill, an elector who does both of the following may be accompanied in the voting booth and aided by any person of the elector's choice: (1) appears to vote on the day of an election or appears at the office of the board of elections to cast absent voter's ballots in person, and (2) declares to the presiding judge of elections or to the election official who is accepting applications to cast absent voter's ballots in person that the elector is unable to mark the elector's ballot by reason of blindness, disability, or illiteracy. There does not appear to be any fiscal impact to any of these provisions.

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