Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: Sub. S.B. 216 of the 130th G.A. **Date**: December 5, 2013

Status: As Passed by the Senate **Sponsor**: Sen. Seitz

Local Impact Statement Procedure Required: No

Contents: Revises the law concerning provisional ballots

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- The bill revises the laws pertaining to provisional ballots. As a whole, these provisions would appear to reduce ballot-counting costs for county boards of elections. By reducing the number of days for a voter to provide the needed information to a board of elections, it could result in fewer provisional ballots that would need to be verified and counted.
- The bill permits a board of elections to consolidate the number of presiding judges and poll books in voting locations with more than one precinct. If a board of elections would opt to use this authority, there could be a reduction in staffing and poll book printing costs.

Detailed Fiscal Analysis

Provisional ballot changes

The bill makes several changes to procedures pertaining to the filling out and counting of provisional ballots. These changes, and the fiscal impact, if any, are discussed in greater detail below. Overall, these provisions would appear to reduce the potential number of provisional ballots cast during a particular election and establish standards for counting of ballots, both of which may reduce costs to county boards of elections. Overall, there were 105,195 provisional ballots cast during the 2010 general election and 208,084 provisional ballots cast during the 2012 general election.

Provisional ballot categories

The bill consolidates several categories of individuals who may cast a provisional ballot. This change in the bill does not alter who may actually cast a provisional ballot. Under this provision of the bill, anyone that was previously able to cast a provisional ballot would still be permitted to do so. The bill also removes various references to individuals that are required to cast a provisional ballot because their eligibility to vote was challenged. Overall, as these provisions act to remove or consolidate statutory references, they do not appear to have any fiscal effect on boards of elections.

Provisional ballot affirmations

The bill adds an individual's current address and date of birth as a required field on a provisional ballot affirmation form. The bill also requires the voter to fill out all the required fields on an affirmation form except for the portion to be signed by the election official. If a provisional voter is not registered to vote or must update the person's name or address for the purpose of voter registration, the bill requires the board of elections to treat the person's completed provisional ballot affirmation as an application to register to vote or to update the person's registration for future elections, as long as the person has provided the required information. Consequently, the bill eliminates the need for an elector who has moved or had a change of name to submit a separate registration update form when casting a provisional ballot. Next, the bill provides that, if an individual provides proof of a legal name change to a precinct official, then he or she may cast a regular ballot. The bill also includes several pieces of registration information that if falsified, would constitute a penalty of election falsification, which is a fifth degree felony, the penalty for which could be 6-12 months in prison and a fine of up to $2,500.

Altogether, these provisions would appear to have little fiscal impact on boards of elections. Typically, provisional ballot affirmation forms have a field for a current address, so boards of elections should not have to produce new forms. Also, using the information from a provisional ballot affirmation form to serve as a valid voter registration or voter registration update could potentially reduce costs to process this

information through additional forms. While the bill does add new categories of election falsification penalties, it would appear unlikely that there would be many new additional court cases resulting from this.

Provisional ballot counting

The bill shortens the time period that a person has to provide additional information to have their ballot counted from ten days to seven. Presumably, under the more restrictive time frame fewer individuals would provide the necessary additional information to have those provisional ballots counted. Therefore, boards of elections would have fewer provisional ballots to verify and count, reducing costs to county boards of elections. The bill also requires that a provisional ballot cast in the right voting location but wrong precinct be counted for all applicable ballot measures if that voter was directed to the wrong precinct through poll worker error. Because this provision resulted from a court order, these procedures are already being followed. Therefore, there would be no additional costs associated with the revised provisional ballot counting provisions of the bill.

Voting locations with more than one precinct

The bill requires a vote of three of the four members of a board of elections for the board to choose to have a single voting location serve more than one precinct. If the board does so, the bill allows the board to designate a single presiding judge for the voting location. The presiding judge must be a member of the political party whose candidate received the highest number of votes for Governor at the most recent gubernatorial election in the precincts whose polling places are located at the voting location, when tallying the combined vote for Governor in all of those precincts. The bill also permits the board to combine the pollbooks for precincts that share a voting location to create a single pollbook for the location. Currently, each precinct must have its own pollbook and its own presiding judge. This provision would reduce both staffing costs and pollbook printing costs for counties that elect to use this authority. As a point of reference, in Franklin County a presiding judge receives $133.72 plus $50 for training costs and $15 in travel costs.

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