



ADVISORY 2018-03

August 23, 2018

To: All County Board of Elections
Directors, Deputy Directors, and Board Members

Re: Am. Sub. Senate Bill 135, Voting Equipment Acquisition Program (132nd General Assembly)

BACKGROUND

The Ohio General Assembly passed Am. Sub. S.B. 135, the Voting Equipment Acquisition Program, on June 27, 2018.¹ The purpose of this Advisory is to explain the provisions of this legislation.

EXPLANATION

I. Voting and Tabulation Equipment Reimbursements (Purchases Made January 1, 2014 through July 29, 2018) (Effective July 30, 2018)

The legislation orders a total of \$10,000,000 allocated from the state treasury to the General Revenue Fund for the 2018 Fiscal Year to reimburse counties for prior purchases of voting equipment. Upon requests submitted by the Secretary of State, the Controlling Board will transfer and re-appropriate adequate portions of these funds to properly reimburse the counties as follows:

- Counties may be reimbursed a dollar amount up to, but not exceeding, the county's allocated funding amount for allowable expenditures relating to voting system acquisition or lease. Boards of elections must submit written documentation of voting equipment acquisition costs and expenditures in order to receive the reimbursement. Information and instructions for submitting documentation for reimbursement are forthcoming. The reimbursement shall be paid to the county's general fund.

¹ <https://www.legislature.ohio.gov/legislation/legislation-status?id=GA132-SB-135>.

- Such reimbursements will be made for allowable expenditures transacted by the county beginning January 1, 2014 and through July 29, 2018. **Please note that purchases made outside of this timeframe are not eligible for reimbursement.**

Any unutilized funds purposed for Voting and Tabulation Equipment Reimbursement for the 2018 Fiscal Year shall be reallocated for the same purpose in the 2019 Fiscal Year.

Counties that purchased a new voting system between January 1, 2014 and July 29, 2018 and are eligible for reimbursement should not participate in the Voting System Acquisition Program (explained in section III, below).

II. Voting System Acquisition Program and Creation of Advisory Committee (Effective July 30, 2018)

The legislation requires the Secretary of State to establish and implement a program for the acquisition and funding of new voting systems for the counties and requires the Department of Administrative Services to assist with solicitation and pricing as requested by the Secretary of State.

The legislation also creates a Voting Machine Acquisition and Advisory Committee to advise the Secretary of State and Department of Administrative Services in the acquisition and funding of new voting systems. The Committee must meet at least twice and consists of the following members:

1. One member of the majority party of the Ohio House of Representatives;
2. One member of the minority party of the Ohio House of Representatives;
3. One member of the majority party of the Ohio Senate;
4. One member of the minority party of the Ohio Senate;
5. The Secretary of State or the Secretary's designee;
6. Four members appointed by the Ohio Association of Election Officials (two Democrats and two Republicans and not more than two from the same population range of registered voters); and
7. Four members appointed by the County Commissioners Association of Ohio (two Democrats and two Republicans and not more than two from the same population range of registered voters).

III. Voting System Acquisition Program - Funding (Effective October 29, 2018)

Pursuant to the legislation, the Secretary of State shall request the Office of Budget and Management to make arrangements for the issuance of obligations² to ensure the timely payment of the costs of the voting systems acquisition program, given that no more than \$104,500,000 in proceeds of those obligations is raised for this purpose.

² Subject to R.C. 133.01.

The Secretary of State is permitted to enter into any agreements necessary to issue such obligations.

The proceeds shall be allocated to the counties in the following manner:

- **Counties with less than 19,999 registered voters** shall be allocated **\$205,000** with an additional allocation to be determined by the actual number of registered voters in the respective county as of July 1, 2017.
- **Counties with 20,000-99,999 registered voters** shall be allocated **\$250,000** with an additional allocation to be determined by the actual number of registered voters in the respective county as of July 1, 2017.
- **Counties with 100,000 or more registered voters** shall be allocated **\$406,000** with an additional allocation to be determined by the actual number of registered voters in the respective county as of July 1, 2017.

The Secretary of State's Office is required to provide a list of certified³ voting equipment vendors and machines to the county boards of elections, and a board of elections must select its equipment and services based on this list. The Secretary of State and each board of county commissioners must enter into an agreement stating that ownership of voting equipment belongs to the Secretary of State until the outstanding obligations of interests⁴ are met, and then such ownership of the voting equipment will transfer to the board of county commissioners.

Following this agreement, the county boards of commissioners shall enter in to all necessary agreements with the selected voting equipment vendor. Thereafter, the Secretary shall approve all allowable voting system costs and arrange for those to be paid directly to the vendor.

Note that, if a county acquires voting systems for a price which exceeds the county's allocated funding amount, the board of county commissioners is responsible for payment of the costs which are in excess of that amount.

If you have questions regarding this Advisory, please contact the Secretary of State's elections counsel who is assigned to your county at (614) 466-2585.

Sincerely,



Jon Husted

³ R.C. 3506.05.

⁴ Am. Sub. S.B. 135, Section 3.