



## **ADVISORY 2023-01**

February 17, 2023

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

Re: House Bill 487 and Changes Regarding Ballot Printing Requirements

### **BACKGROUND**

This Advisory alerts boards of elections to changes in the administration of elections resulting from the passage of Amended House Bill 487 ("H.B. 487"). More specifically, H.B. 487 changes R.C. 3505.13 regarding Ohio's requirement for the printing of ballots and contract proposals related to that printing. The change in law takes effect on April 3, 2023.<sup>1</sup>

### **SUMMARY**

#### **I. OUTSOURCING OF BALLOT PRINTING**

Previously, a ballot printing contract could be awarded to the lowest responsible bidder in the state, and all ballots were required to be printed within the State of Ohio. H.B. 487 allows a board of elections to award the ballot printing contract to an out-of-state vendor.

Starting April 3, 2023, a ballot printing contract must be awarded to the most qualified responsible proposer that meets certain printing, mailing, and security standards. H.B. 487 requires that the Secretary of State establish those standards under its administrative rule-making power. The proposer must post a performance bond equal to 100% of a single election's contract amount, or if the contract is for multiple elections, then the board may require the proposer to post a performance bond of a sum equal to 100% of the board's estimated ballot printing costs for the largest election to be conducted during the contract period.

#### **II. PROPOSAL REQUIREMENTS FOR BALLOT PRINTING**

##### **A. TIMING**

Previously, a ballot printing contract of over \$25,000 could not be awarded until five days' notice after either newspaper publication or mailing notice to printing offices within the state. H.B. 487 changes that timeline.

Starting on April 3, 2023, a ballot printing contract of over \$25,000 cannot be awarded until after a 15-day proposal period. During that period, the board must publish a notice at least

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<sup>1</sup> [Article II, Section 1\(c\)](#) of the Ohio Constitution.

once in a newspaper of general circulation published in the county. The board also may post the notice electronically or mail notices to the responsible printing offices.

**B. BID REQUIREMENTS**

Previously, a bid for ballot printing must have included at least two sureties, or a surety company, satisfactory to the board, equal to twice the bid amount, conditioned upon the faithful performance of the printing contract and payment as damages by such bidder to the board of any excess of cost over the bid caused by the bidder's incomplete contract, although these requirements could be waived if the contract was \$25,000 or less. Starting April 3, 2023, each proposal must be accompanied by a bid bond equal to 10% of the proposal.

Due to the effective date of H.B. 487, the outsourcing and bid requirements will not apply to ballot printing contracts for the May 2023 elections. As noted above, the Secretary of State's Office must adopt administrative rules for outsourced ballot printing, mailing, and security standards. Our Office will seek your input and provide notice when proposed rules are available for public comment.

If you have any questions about this Advisory, please contact the Secretary of State's elections counsel at (614) 728-8789.

Yours in service,

  
Frank LaRose  
Ohio Secretary of State