



Jon Husted
Ohio Secretary of State

180 East Broad Street, 16th Floor
Columbus, Ohio 43215
Tel: (877) 767-6446 Fax: (614) 644-0649
www.OhioSecretaryofState.gov

ADVISORY 2015-04

July 17, 2015

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

Re: Am. Sub. H.B. 64, State Operating Budget (131st General Assembly)

SUMMARY

The Ohio General Assembly passed Am. Sub. H.B. 64, the State Operating Budget, on June 26, 2015. This Advisory alerts boards of elections to changes in the administration of elections resulting from the passage of this legislation.

EXPLANATION

Below is a brief explanation of each provision that impacts county boards of elections. The provisions of the budget that appropriate funding are effective as of July 1, 2015.¹ All other provisions are effective upon the expiration of 90 days after the filing date of the legislation.²

*Funding for Procurement of Electronic Pollbooks*³

- The budget allocates \$12,750,000 for county boards of elections to procure electronic pollbooks. The legislation instructs the Department of Administrative Services (DAS), in consultation with the Secretary of State, to facilitate the procurement and purchase of the pollbooks by county boards of elections.
- The maximum amount of funding allocated to each county is its *pro rata* share of the total appropriation as determined by the number of registered electors residing in the county as of July 1, 2015. The funding is intended to cover 85% of the cost of the electronic pollbooks, and each county is required to cover the remaining amount.

*Salary of Members of Boards of Elections*⁴

- The budget bill increases the compensation for members of county boards of elections.
- In 2015, the annual compensation for each member cannot be less than \$3,687 or more than \$21,855 annually and is calculated as follows:

¹ Art. 2, §1(d) of the Ohio Constitution.

² Art. 2, §1(c) of the Ohio Constitution.

³ Section 207.63 of the legislation.

⁴ R.C. 3501.12.

- \$92.89 for each full one thousand of the first one hundred thousand population;
 - \$44.26 for each full one thousand of the second one hundred thousand population;
 - \$24.04 for each full one thousand of the third one hundred thousand population;
and
 - \$7.37 for each full one thousand above three hundred thousand population.
- The amount of compensation provided is increased by 5% annually in years 2016 and 2017. The minimum and maximum annual compensation amounts also are increased in each of those years.

Questions and Issues

- There are several provisions in the legislation that require changes to the *Ohio Questions and Issues Handbook*. The *Handbook* is being updated to reflect these changes, and counties will be notified via email when the updated version is available online.

*Elimination of February Special Election*⁵

- The legislation eliminates the option of holding a special election in February. As a result of the legislation, a special election may be held only in August or on the day of a primary or general election (i.e., in May or November of most years). In presidential election years, a special election may be held in March (rather than in May) to coincide with the presidential primary election.

*Cost of Special Election*⁶

- For each special election, a board of elections must prepare an estimate of the cost of preparing for and conducting an election on one question or issue, one nomination for office, or one election to office in each precinct in the county at that special election, and must divide that cost by the number of registered voters in the county.
 - The board of elections must file the estimate with the board of county commissioners and the Secretary of State not less than 15 business days before the deadline to submit a question or issue for placement on the ballot at that election.
- When a political subdivision seeks to submit an item for placement on the ballot at a special election, the board of elections must provide the political subdivision with the estimated cost of preparing for and conducting the election. The estimate must be calculated either by multiplying the number of registered voters in the political subdivision by the estimated cost per voter for the election (calculated as provided in the first bullet) or by multiplying the cost per precinct (calculated as provided in the first bullet) by the number of precincts in the political subdivision.

⁵ R.C. 3501.01(D).

⁶ R.C. 3501.17.

- Under the bill, a political subdivision that places an item on the ballot at a special election must pay 65% of the estimated cost of the election not less than 10 business days after the deadline for submitting a question or issue for placement on the ballot at that election. The payment must be made to the county elections revenue fund.
- The bill requires the board of elections, not later than 60 days after the date of a special election, to provide to each political subdivision the true and accurate cost for the question or issue, nomination for office, or election to office that the subdivision submitted to the voters on the special election ballots.
 - If the board of elections determines that a political subdivision prepaid less than the actual cost of the election, the political subdivision must remit the balance of the cost of the election to the county elections revenue fund within 30 days after being notified of the final cost.
 - If the board of elections determines that a political subdivision prepaid more than the actual cost of the election, the board of elections must promptly notify the board of county commissioners of that difference. The board of county commissioners then must remit the amount of the overpayment from the county elections revenue fund to the political subdivision within 30 days after receiving that notification.

*Absent Voter's Ballot Application Mailing Fund*⁷

- The bill creates the “Absent Voter's Ballot Application Mailing Fund” for the Secretary of State to pay the cost of printing and mailing unsolicited applications for absentee ballots when the Ohio General Assembly appropriates funds for that purpose.
- Continuing law permits the Secretary of State to mail unsolicited applications for absentee ballots to individuals only for a general election and only if the Ohio General Assembly has made an appropriation for that particular mailing.⁸ \$1.25 million has been appropriated for the mailing for the 2016 general election.

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

Sincerely,


Jon Husted

⁷ R.C. 111.31 (new section).

⁸ R.C. 3501.05.