



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 487
134th General Assembly

Final Analysis

[Click here for H.B. 487's Fiscal Note](#)

Primary Sponsor: Rep. T. Young

Effective date: April 3, 2023

Ben S. Fogle, Attorney

SUMMARY

- Changes the process by which a board of elections must award a ballot printing contract worth more than \$25,000.
- Allows the board to award the contract to an out-of-state vendor.
- Requires the board to allow a request for proposals period of at least 15 days, and allows the board to post electronic notices in addition to newspaper and mailed notices.
- Reduces the amount of the bond that must be included with each proposal, and makes other changes to the bidding process.
- Requires the Secretary of State to adopt rules establishing printing, mailing, and security standards for ballot printing vendors.

DETAILED ANALYSIS

The act changes the process by which a board of elections must award a ballot printing contract worth more than \$25,000. (Under continuing law, the boards of elections may award contracts worth \$25,000 or less without competitive bidding.) Some terminology is changed: “bids” are now “proposals,” and contracts are “awarded” rather than “let.”

First, the act allows the board to award the contract to an out-of-state vendor by removing the requirement that ballots be printed within Ohio. Former law required that only vendors located in Ohio were eligible for contracts, and required that all ballots were printed in Ohio.

Second, the act makes changes to notice requirements and the proposal period. Under the act, the board must issue a request for proposals for a proposal period of at least 15 days. The board must publish a notice at least once in a newspaper of general circulation published in the county. The board also may post the notice electronically by email or other electronic means, mail notices to the responsible printing offices, or both. Former law required the board

either to give five days' newspaper notice or to mail notices to eligible printing offices before awarding the contract.

Third, the act reduces the amount of the bond that must be included with each proposal. Under the act, each proposal must be accompanied by a bid bond equal to 10% of the amount of the proposal. If a vendor's proposal is selected, the vendor then must post a performance bond equal to the full contract amount for a single election. If the contract is for more than one election, the board instead may require a performance bond equal to the full contract amount for the largest election included in the contract period. By contrast, former law required each bid to include a bond with at least two sureties, or a surety company, in a sum double the amount, or 200%, of the contract.

Fourth, the act makes changes to the competitive bidding requirements. It requires the contract to be awarded to the most qualified responsible proposer that meets the minimum standards established by the Secretary of State (see below). Former law required that the contract be awarded to the lowest responsible bidder in Ohio.

Finally, the act requires the Secretary of State to adopt rules under the Administrative Procedure Act establishing printing, mailing, and security standards for ballot printing vendors.¹

HISTORY

Action	Date
Introduced	11-10-21
Reported, H. Government Oversight	03-02-22
Passed House (82-13)	03-23-22
Reported, S. Local Government and Elections	12-13-22
Passed Senate (30-1)	12-14-22

22-ANHB0487EN-134/tl

¹ R.C. 3503.13 and conforming change in R.C. 3513.14.