



OHIO LEGISLATIVE SERVICE COMMISSION

Terry Steele

Fiscal Note & Local Impact Statement

Bill: S.B. 347 of the 131st G.A. **Date:** November 29, 2016
Status: As Reported by Senate State & Local Government **Sponsor:** Sen. LaRose

Local Impact Statement Procedure Required: No

Contents: Expands the circumstances under which certain primary elections are not required

State and Local Fiscal Highlights

- **Uncontested special Congressional primaries.** The bill eliminates the requirement of holding a primary election to replace a party's candidate for Congress if the special primary is uncontested, reducing costs for boards of elections and eliminating the need for the state to reimburse boards of elections for those expenses.
- **State reimbursements to boards of elections for special Congressional elections.** The cost for conducting Congressional special elections is borne by the Secretary of State (SOS). These costs are paid for on a reimbursement basis from the SOS to county boards of elections from moneys under the purview of the Controlling Board, specifically appropriation item 911614, Emergency Purposes/Contingencies. The Controlling Board transfers the necessary cash to the BOE Reimbursement and Education Fund (Fund 5FG0), under the Secretary of State's budget.
- **Uncontested primary races.** The bill specifies that, if a race in a primary election is uncontested, then the race does not appear on the ballot, and the candidate or candidates who have filed to run automatically receive the nomination. The removal of uncontested primary races from the ballot could potentially reduce election costs for county boards of elections, especially if those uncontested races were the only measures to be on the ballot during that election.

Detailed Fiscal Analysis

Uncontested primary races and ballot vacancies

The bill specifies that if a race in a primary election is uncontested, that the race does not appear on the ballot, and the candidate or candidates who have filed to run automatically receive the nomination. The candidate or candidates must then receive their certificates of nomination from the Secretary of State or the board of elections, depending on the race. The bill further specifies that if a contested primary race becomes uncontested because one or more candidates die, withdraw, or are disqualified before the day of the primary, and those candidates are not replaced, then the race likewise does not appear on the ballot.

Under the bill, if a primary candidate in an uncontested race who would have automatically received the nomination dies, withdraws, or is disqualified after the tenth day before a primary election, the candidate is considered to have received the nomination, and the candidate's political party then may fill the ballot vacancy as exists under continuing law. Current law only allows such procedure if a candidate in an uncontested race dies.

These provisions of the bill would in some cases remove certain primary races from the ballot during primary elections. This would reduce some election-related costs for county boards of elections. It is possible that there could be some primary elections in which all the races are uncontested, thereby fully removing the need for a primary election and eliminating these costs entirely. However, it is unclear as to how frequent, if at all, any such instances would be.

Congressional special primaries

The bill eliminates the requirement of holding a primary election to replace a party's candidate for Congress if the special primary is uncontested. Under current law, ballot vacancies in Congressional primary and general elections are filled by special election instead of the appointing process for vacancies that exists for other vacant offices. However, the bill does specify that if the sole candidate in an uncontested Congressional primary race dies or withdraws before the primary, that a special election to nominate that party's candidate be held as under current law. Similarly, continuing law specifies that a special primary election must be held if a party's Congressional candidate dies or withdraws after the primary but before the 90th day before the general election.

The cost for conducting Congressional special elections is borne by the Secretary of State (SOS). These costs are paid for on a reimbursement basis from the SOS to county boards of elections. Specifically, the SOS reimburses county boards of elections for these special election costs once those costs are certified and sent to the SOS for payment. The SOS pays these costs from moneys overseen by the Controlling Board under Fund 5KM0 appropriation item 911614, CB Emergency Purposes/Contingencies.

Once a request for payment is approved by the Controlling Board, the necessary cash is transferred to the BOE Reimbursement and Education Fund (Fund 5FG0), under the Secretary of State's budget, where the money is then disbursed to boards of elections.

The costs of conducting special elections vary and depend on several factors, including the number of counties impacted, the number of precincts that are required to be open within those counties, the total number of poll workers needed, as well as whether these precincts are located in urban or rural areas. As an example, the Congressional special election for the vacancy of Representative to Congress from the 8th Congressional District was held on June 7, 2016. This special election encompassed six total counties and 578 total precincts. The total cost of the special election was \$505,796, or approximately \$875 per precinct. The SOS generally estimates that the per precinct costs for conducting elections can range from \$800 to \$1,500 per precinct.