



OHIO LEGISLATIVE SERVICE COMMISSION

Terry Steele

Fiscal Note & Local Impact Statement

Bill: S.B. 10 of the 132nd G.A.
(L_132_2260)

Status: In House Government Accountability and Oversight

Sponsor: Sen. LaRose

Local Impact Statement Procedure Required: No

Subject: Defines circumstances under which primary elections are not required

State & Local Fiscal Highlights

- **Uncontested special congressional primaries.** Eliminating the requirement of holding a primary election to replace a party's candidate for Congress in uncontested primaries will reduce costs for boards of elections and eliminate the need for the state to reimburse boards of elections for those expenses. The Secretary of State makes these reimbursements using money overseen by the Controlling Board under Fund 5KM0 appropriation item 911614, CB Emergency Purposes/Contingencies.
- **GRF appropriation for local elections database.** The bill requires the Secretary of State to establish and maintain an electronic local elections database accessible to all state agencies, political subdivisions, and the public. The bill appropriates \$300,000 in each fiscal year of the FY 2018-FY 2019 biennium under new GRF appropriation item 050XXX, Local Elections Database, to pay for this system.
- **Notices to boards of elections.** The bill requires political subdivisions placing issues on the ballot to notify the board of elections to all impacted counties in which the political subdivision has territory. There may be some minimal costs for filing the additional notices that would be required.
- **Uncontested primary races.** Removing 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

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. These costs are paid for on a reimbursement basis from the Secretary of State to county boards of elections. Specifically, the Secretary of State reimburses county boards of elections for these special election costs once those costs are certified and remitted for payment. The Secretary of State pays these costs using money 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 affected, 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 Secretary of State generally estimates that per-precinct costs for conducting elections can range from \$800 to \$1,500.

Uncontested primary races and ballot vacancies

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 bill further specifies that if a contested primary race becomes uncontested because one or more of the candidates dies, withdraws, or is disqualified before the day of the primary, and is not replaced, then the race likewise does not appear on the ballot. Also 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.

Local elections database

The bill appropriates \$300,000 in both FY 2018 and FY 2019 under newly created GRF appropriation item 050XXX, Local Elections Database, under the Secretary of State's budget. This money would be used to pay for the cost of creating an electronic local elections database to facilitate communication between the boards of elections and the Secretary of State concerning local elections. The publically accessible database would be used to house information about local candidates, questions, or issues on local ballots. The database must include a map of the boundaries of every congressional district, General Assembly district, political subdivision, ward, and precinct in Ohio. All applicable state agencies and political subdivisions would be required to provide the Secretary of State with boundary information upon request. Consequently, these other entities could incur some administrative costs for providing the necessary boundary information for the development of the database.

Notices to boards of elections

Finally, the bill requires the governing authority of a political subdivision with territory in more than one county that decides to place a question on the ballot to submit a notice of this fact to the board of elections of every other county in which the political subdivision has territory. Currently, the political subdivision is only required to file notice with the board of elections of the most populous portion of the political subdivision. Filing these additional notices to other boards of elections would impose a minimal cost to the applicable political subdivisions.

Synopsis of Fiscal Effect Changes

The substitute version of the bill (L_132_2260) requires the creation of an electronic local elections database to facilitate communication between county boards of elections and the Secretary of State concerning local elections. It appropriates \$300,000 in GRF funding each fiscal year of the FY 2018-FY 2019 biennium under the Secretary of State's budget for this purpose. There could be additional costs for other state agencies and political subdivisions that are required to provide relevant information to be stored in the database.

The bill requires the governing authority of a political subdivision with territory in more than one county that decides to place a question on the ballot to submit a notice of this fact to the board of elections of every other county in which the political subdivision has territory. Currently, the political subdivision is only required to file notice with the board of elections of the most populous portion of the political subdivision. Filing these additional notices with other boards of elections would impose a minimal cost to the applicable political subdivisions.