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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**S.J.R. 5**  
**(with AM3232-1)**  
**134<sup>th</sup> General Assembly**

## **Fiscal Note & Local Impact Statement**

[Click here for S.J.R. 5's Bill Analysis](#)

**Version:** In Senate Judiciary

**Primary Sponsors:** Sen. Gavarone

**Local Impact Statement Procedure Required:** No

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### **Highlights**

- The resolution proposes to submit for state voters' approval at the November 8, 2022 general election, a constitutional amendment to eliminate the requirement that the amount and conditions of bail be established pursuant to Section 5(b) of Article IV of the Ohio Constitution and instead to require courts consider public safety, including the seriousness of the offense, and a person's criminal record, the likelihood a person will return to court, and any other factor the General Assembly may prescribe when determining bail as amended under Section 9 of Article 1 of the Ohio Constitution.
- The Secretary of State will incur one-time ballot advertising costs, probably in the hundreds of thousands of dollars. The costs are paid for with cash transferred, upon approval of the Controlling Board, from the state's Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Statewide Ballot Advertising Fund (Fund 5FH0), which is part of the Secretary of State's operating budget.

### **Detailed Analysis**

The resolution proposes an amendment to eliminate the requirement that the amount and conditions of bail be established pursuant to Section 5(b) of Article IV of the Ohio Constitution and instead to require courts consider public safety, including the seriousness of the offense, and a person's criminal record, the likelihood a person will return to court, and any other factors the General Assembly may prescribe when determining bail as amended under Section 9 of Article 1 of the Ohio Constitution.

If adopted by a majority of electors voting on it, the amendment takes effect immediately. To the extent that more individuals are not granted bail, county, municipal, and regional jail facilities may experience an increase in costs related to longer stays in jail. For 2020, the

Department of Rehabilitation and Correction reported that the average cost of housing an inmate in Ohio's jails was \$73.99 per bed per day for full-service jails and \$73.98 per day, for 12-day facilities.

## **Ballot advertising**

The Secretary of State will incur costs for ballot advertising in accordance with Section 1 of Article XVI of the Ohio Constitution, which requires that the ballot language, the explanations, and arguments, if any, be published once a week for three consecutive weeks preceding the election in at least one newspaper of general circulation in each county of the state where a newspaper is published. The ballot advertising costs are paid for with cash transferred, upon approval of the Controlling Board, from the state's Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Statewide Ballot Advertising Fund (Fund 5FH0), which is part of the Secretary of State's operating budget.

Ballot advertising costs will depend on the length of the ballot language, explanations, and arguments. As a guide, the ballot advertising costs were about \$613,000 for the three statewide issues that appeared on the November 2015 ballot, \$492,000 for the two statewide issues on the November 2017 ballot, and \$410,000 for one statewide issue on the November 2018 ballot. Advertising costs are variable and largely depend on the length of the proposed amendment, the explanation, and the arguments for and against the ballot issue.