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H.B. 680
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 680's Bill Analysis](#)

Version: As Passed by the House

Primary Sponsor: Rep. Abrams

Local Impact Statement Procedure Required: No

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Highlights

- **Absent voter's ballot timeline.** The bill revises absent voter's ballot timelines by shortening the time period to request a ballot by three days. This could potentially reduce the number of absent voter's ballots requested, which would reduce printing and postage costs for county boards of elections. However, because this three-day period occurs over a weekend preceding the election, any such reduction is likely to be small.
- **CARES Act funding.** The Secretary of State is eligible for approximately \$12.9 million in federal Coronavirus Aid, Relief, and Economic Security (CARES) Act funding through the Elections Assistance Commission (EAC). Any such funding would be deposited into the Help America Vote Act (HAVA) Fund (Fund 3AS0). The bill specifies the uses for which the Secretary of State may use federal CARES Act funds. The uses in the bill also comply with the specified EAC uses for these funds.
- **Altering the conduct of elections.** The bill bars public officials from changing the time, place, or manner in which an election takes place. Any costs related to making these changes would thus be avoided in the future.

Detailed Analysis

Absent voting changes

The bill makes several modifications to continuing law as it relates to absent voting. Specifically, the bill shortens the amount of time, for all elections, that voters have to apply for absentee ballots. Under the bill, a voter must apply to receive a ballot no later than seven days before the election instead of ten days. The potential result of this change is to reduce the number of absent voter's ballots requested and cast in a particular election by some degree. Additionally, the bill clarifies that the Secretary of State may not prepay the return postage on any applications for absent voter's ballots or on any actual absent voter's ballots. This mirrors

current law with respect to county boards of elections. Since the Secretary of State currently does not prepay postage on any such documents, there is no fiscal effect related to this change.

Use of CARES Act funds

The bill directs the Secretary of State to use any funds received under the federal CARES Act through the end of FY 2021 for certain purposes. Under the CARES Act, the Secretary of State is eligible to receive nearly \$12.9 million through the Elections Assistance Commission (EAC). These funds, once received, would be deposited into the federal Help America Vote Act (HAVA) Fund (Fund 3AS0). The CARES Act requires that this money be used to cover all additional costs associated with conducting the 2020 federal election cycle due to the COVID-19 pandemic.

More specifically, the bill mandates that the Secretary of State use these funds for the following reasons:

1. To pay the costs associated with the March 17, 2020, primary election in accordance with H.B. 197 of the 133rd General Assembly. H.B. 197 appropriated \$7.0 million to Fund 5RG0; as of June 2, \$3.0 million has been spent.
2. To recruit and train precinct election officials and temporary employees of the boards of elections for the November 2020 general election, in a manner to be determined in conjunction with the boards of elections;
3. To provide personal protective equipment (PPE) for election officials, and to pay for cleaning and modifying the layout of polling places and the offices of the boards of elections to provide adequate social distancing;
4. To provide any additional resources or related equipment needed to handle increased volumes of mail that may result during the November 2020 general election; and
5. To pay the costs associated with the mailing of absent voter ballot applications to all registered voters for the November 2020 general election. The cost of the most recent absent voter ballot application mailing made by the Secretary of State was \$1.4 million for the 2018 general election.

Related to the second and third points noted above, the bill does not directly specify the type of recruitment programs for poll workers nor does it prescribe what type of PPE is to be used. Ultimately, these costs would be limited to the amount the Secretary of State provides for these purposes under the funding it receives and distributes under the CARES Act.

Bar on changing conduct of an election

The bill specifies that except as otherwise provided, no public official can cause an election to be conducted other than in the time, place, and manner prescribed in statute. Presumably, any such attempts at changing an election in such a way would be infrequent. However, in such instances, it is likely that if the time, place, or manner of an election were changed relatively close to the time that an election was normally held, the resulting overall costs for that election would be higher.