



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Emily E. Wendel

S.B. 135

132nd General Assembly
(As Introduced)

Sens. LaRose, Eklund, Uecker, Brown, Skindell

BILL SUMMARY

- Appropriates a total of \$89 million to the Department of Administrative Services (DAS) to assist counties in paying the cost of voting equipment, including \$7 million from the General Revenue Fund and an \$82 million capital appropriation to be funded by issuing bonds.
 - Requires DAS, in consultation with the Secretary of State, to issue a request for proposals to create a unified statewide purchasing or leasing program for voting equipment.
 - Provides procedures for DAS to reimburse counties for 80% of the cost of a past contract to purchase or lease voting equipment.
 - Specifies procedures for DAS to cooperate with counties to pay 80% of the cost of a future contract to purchase or lease voting equipment.
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CONTENT AND OPERATION

The bill appropriates a total of \$89 million to the Department of Administrative Services (DAS) during Fiscal Years 2018 and 2019 to assist counties in paying the cost of voting equipment. That figure consists of \$7 million appropriated from the General Revenue Fund (GRF) and an \$82 million capital appropriation to be funded by issuing bonds.¹ Additionally, the bill requires DAS, in consultation with the Secretary of State,

¹ Sections 1 through 4 of the bill.

to issue a request for proposals to create a unified statewide purchasing or leasing program for voting equipment.²

General Revenue Fund appropriation

The bill requires DAS's Office of Procurement Services to use the \$7 million GRF appropriation to reimburse counties for 80% of the cost of purchasing or leasing voting and tabulation equipment, along with associated services and equipment, if the contract was entered into on or after January 1, 2014. The Director of DAS, in consultation with the Secretary of State, must calculate the amount to be allocated to each county from the GRF appropriation (see **COMMENT**). A county must apply to the Office of Procurement Services for the reimbursement, and the reimbursement must be paid to the county's general fund.³

Capital appropriation

The DAS Office of Procurement Services must use the \$82 million capital appropriation to pay 80% of the costs that boards of elections incur for acquiring voting machines. DAS, in consultation with the Secretary of State, must allocate a portion of the \$82 million capital appropriation to each county in proportion to the number of registered electors in the county as of July 1, 2017 (see **COMMENT**). The Office of Procurement Services then must use each county's allocated funding either (1) to help the county purchase voting machines or (2) to reimburse the county for part of a voting machine purchase that occurs before the bill's effective date.⁴

The bill authorizes the Treasurer of State to issue and sell original obligations in an aggregate principal amount not to exceed \$82 million as needed to provide sufficient moneys to pay costs associated with previous capital appropriations and the bill's capital appropriation.⁵

Future purchases

A board of elections that purchases voting machines after the bill takes effect must submit a request to the Secretary of State. The Secretary then must provide the board with a list of certified vendors and voting machines, and the board must select

² Section 1 of the bill.

³ Sections 1 and 2 of the bill.

⁴ Section 3 of the bill.

⁵ Section 4 of the bill.

voting machines from the list and notify the Office of Procurement Services of its selection.

The board must enter into a memorandum of understanding with DAS and the board of county commissioners concerning the purchase. The Office must purchase the voting machines and any other necessary equipment or services on behalf of the board and transfer custody of the machines to the board. The county is responsible for paying the vendor 20% of the total cost of the contract, as determined by the Director of DAS and the Secretary of State.⁶

Reimbursement

If a board of elections purchases voting machines before the bill takes effect, the Office of Procurement Services must reimburse the board for 80% of that purchase, up to the amount of the allocation described above. The reimbursement must be paid to the county's general fund.⁷

Current law

Under existing law, each county is responsible for purchasing and maintaining its own voting and tabulation equipment, subject to the continuing requirement that the equipment be certified by the Secretary of State and the Board of Voting Machine Examiners.⁸

COMMENT

The bill does not specify what happens if the amount allocated to a county from the \$7 million GRF appropriation or from the \$82 million capital appropriation is not enough to cover 80% of the county's voting machine purchase, except in the case of a past purchase reimbursed from the capital appropriation. Because the bill does not authorize the state to pay more than 80% of that cost, and continuing law makes counties responsible for the cost of voting equipment, the county might be required to pay the difference. Alternatively, a county might attempt to claim a larger payment from the state because the bill states that the county is entitled to payment of 80% of the cost.

⁶ Section 3(A) of the bill.

⁷ Section 3(B) of the bill.

⁸ R.C. 3506.02, 3506.03, and 3506.06, not in the bill.



HISTORY

ACTION

DATE

Introduced

04-20-17

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