

As Passed by the House

132nd General Assembly

Regular Session

2017-2018

Am. Sub. S. B. No. 135

Senator LaRose

Cosponsors: Senators Eklund, Uecker, Brown, Skindell, Beagle, Gardner, Hackett, Hottinger, Kunze, Lehner, Manning, Oelslager, Peterson, Schiavoni, Sykes, Tavares, Terhar, Thomas, Wilson, Yuko Representatives Cera, Antonio, Kelly, Ramos, Rogers, Anielski, Arndt, Ashford, Barnes, Blessing, Boggs, Brenner, Brown, Carfagna, Clyde, Craig, Dean, Dever, Duffey, Fedor, Gavarone, Ginter, Green, Greenspan, Hambley, Hill, Holmes, Howse, Ingram, Landis, Lang, LaTourette, Lepore-Hagan, Lipps, Manning, McClain, Miller, O'Brien, Patterson, Pelanda, Reineke, Rezabek, Riedel, Ryan, Scherer, Schuring, Seitz, Smith, K., Stein, Strahorn, West, Wiggam, Young, Speaker Smith

A BILL

To make supplemental operating appropriations for 1
the FY 2018-FY 2019 biennium and issue 2
certificate of participation obligations to 3
implement a voting machine and equipment 4
acquisition program. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. As used in this act: 6

(A) "Voting machines" includes voting machines, marking 7
devices, automatic tabulating equipment, and direct recording 8
electronic voting machines, as defined in section 3506.01 of the 9
Revised Code. 10

(B) "Associated allowable expenditures" means the 11
following costs associated with a voting system: 12

(1) Servers and software;	13
(2) Delivery, installation, configuration, and testing;	14
(3) Warranties and software licenses purchased at the time of initial acquisition with a term of at least five years.	15 16
(C) "Associated allowable expenditures" does not include costs associated with training, nor does it include additional costs associated with operating, servicing, maintaining, or insuring a voting system.	17 18 19 20
(D) "Voting systems" means, collectively, voting machines and associated allowable expenditures.	21 22
(E) "Allocated funding amount" means the amount allocated to each county by the Secretary of State from the total funding allocated in Sections 2 and 3 of this act.	23 24 25
Section 2. All items in this section are appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. For all operating appropriations made in this act, those in the first column are for fiscal year 2018 and those in the second column are for fiscal year 2019. The operating appropriations made in this act are in addition to any other operating appropriations made for the FY 2018-FY 2019 biennium.	26 27 28 29 30 31 32 33
CEB CONTROLLING BOARD	34
General Revenue Fund Group	35
GRF 911917 Voting and Tabulation \$ 10,000,000 \$ 0	36
Equipment Reimbursement	37
TOTAL GRF General Revenue Fund Group \$ 10,000,000 \$ 0	38
TOTAL ALL BUDGET FUND GROUPS \$ 10,000,000 \$ 0	39

VOTING AND TABULATION EQUIPMENT REIMBURSEMENT 40

Upon requests submitted by the Secretary of State, the 41
Controlling Board shall approve transfers of appropriation from 42
the foregoing appropriation item 911917, Voting and Tabulation 43
Equipment Reimbursement, to GRF appropriation item 050508, 44
Statewide Voting and Tabulation Equipment, to reimburse counties 45
in an amount up to but not exceeding the county's allocated 46
funding amount for expenditures related to the acquisition or 47
lease of voting systems that were made on or after January 1, 48
2014, and prior to the effective date of this act. 49

The unexpended, unencumbered portion of the foregoing 50
appropriation item 911917, Voting and Tabulation Equipment 51
Reimbursement, at the end of fiscal year 2018 is hereby 52
reappropriated in fiscal year 2019 for the same purposes. 53

Section 3. Notwithstanding anything to the contrary in 54
section 111.26 of the Revised Code, on the effective date of 55
this act, or as soon as possible thereafter, the Secretary of 56
State shall establish and implement a program to facilitate the 57
acquisition and funding of new voting systems for Ohio counties. 58
The Department of Administrative Services is required to provide 59
solicitation and pricing assistance as requested by the 60
Secretary of State. 61

There is hereby created the Voting Machine Acquisition 62
Advisory Committee. The Committee shall consist of the following 63
members: 64

(A) One member of the majority party of the House of 65
Representatives appointed by the Speaker of the House of 66
Representatives; 67

(B) One member of the minority party of the Ohio House of 68

Representatives appointed by the Minority Leader of the House of	69
Representatives;	70
(C) One member of the majority party of the Ohio Senate	71
appointed by the President of the Senate;	72
(D) One member of the minority party of the Ohio Senate	73
appointed by the Minority Leader of the Senate;	74
(E) The Secretary of State or the Secretary's designee;	75
(F) Four members who are elections officials selected by	76
the Ohio Association of Election Officials, two of whom shall be	77
members of the Republican Party and two of whom shall be members	78
of the Democratic Party. Not more than two members under this	79
division shall be from a county with the same population range	80
of registered voters as described in division (A) of Section 5	81
of this act;	82
(G) Four members appointed by the County Commissioners	83
Association of Ohio, two of whom shall be members of the	84
Republican Party and two of whom shall be members of the	85
Democratic Party. Not more than two members under this division	86
shall be from a county with the same population range of	87
registered voters as described in division (A) of Section 5 of	88
this act.	89
All appointments to the Committee shall be made within 10	90
days of the effective date of this act, and written notice of	91
these appointments shall be provided to the Secretary of State	92
as soon as possible after these appointments are made.	93
The Committee shall meet twice within 45 days after the	94
effective date of this act, at the call of the Secretary of	95
State, to advise the Secretary of State and Department of	96
Administrative Services in the acquisition and funding of new	97

voting systems, as approved by the Board of Voting Machine 98
Examiners under section 3506.05 of the Revised Code, for Ohio 99
counties. Members of the board shall not be compensated. Upon 100
the selection of voting systems for Ohio counties, the Committee 101
shall cease to exist. 102

Section 4. At the request of the Secretary of State, the 103
Office of Budget and Management shall make arrangements for the 104
issuance of obligations, including fractionalized interests in 105
public obligations as defined in division (N) of section 133.01 106
of the Revised Code, to ensure the timely payment of the costs 107
of the voting systems acquisition program contained in this act, 108
provided that not more than \$104,500,000 in proceeds of those 109
obligations shall be raised for this purpose. The Secretary of 110
State is authorized to enter into one or more lease purchase 111
agreements or master lease purchase agreements, supplemental 112
leases, subleases, and any other agreements necessary for the 113
issuance of those obligations. 114

Section 5. (A) The Secretary of State shall allocate the 115
funding authorized in Sections 2 and 4 of this act to each 116
county in the following manner: 117

(1) For those counties with fewer than 19,999 registered 118
voters: a base allocation of \$205,000 and an additional 119
allocation to be determined by the actual number of registered 120
voters in that county as of July 1, 2017. 121

(2) For those counties with between 20,000 and 99,999 122
registered voters: a base allocation of \$250,000 and an 123
additional allocation to be determined by the actual number of 124
registered voters in that county as of July 1, 2017. 125

(3) For those counties with 100,000 or more registered 126

voters: a base allocation of \$406,000 and an additional 127
allocation to be determined by the actual number of registered 128
voters in that county as of July 1, 2017. 129

The Secretary of State shall use these allocated funding 130
amounts in accordance with the following: 131

(B) For voting systems purchased on or after the effective 132
date of this act, upon request by a board of elections, the 133
Secretary of State shall provide a list of the vendors and 134
voting machines certified in accordance with section 3506.05 of 135
the Revised Code, including related services and equipment. The 136
board of elections shall select voting machines and related 137
services from this list. 138

The Secretary of State and each board of county 139
commissioners shall enter into an agreement concerning this 140
selection and acquisition. The Secretary of State shall be the 141
owner of such voting system during the period for which the 142
obligations representing fractionalized interests set forth in 143
Section 3 of this act are outstanding. Upon the maturity of such 144
obligations, the ownership interest of the voting systems shall 145
transfer to the board of county commissioners. Under such 146
written agreement, the board of county commissioners shall: 147

(1) Identify its selection and identify a breakdown of the 148
total costs that enable identification of the costs of voting 149
machines and associated allowable expenditures; 150

(2) Have the right to possess such voting systems; and 151

(3) Be responsible for all operation, servicing, 152
maintenance, and insurance costs of and all claims and 153
liabilities relating to such voting systems. 154

Following the execution of the above acquisition 155

agreement, the board of county commissioners shall enter into 156
all necessary contracts or agreements with the selected vendor. 157
The Secretary of State shall confirm the allowable voting system 158
costs for that county and arrange for payment of that amount 159
directly to the selected vendor. The allowable voting system 160
costs would be an amount up to but not exceeding the county's 161
allocated funding amount. If a board of county commissioners 162
determines to purchase voting systems, the cost of which is 163
greater than the allocated funding amount, the board of county 164
commissioners shall be responsible to pay directly to the vendor 165
those costs that exceed its allocated funding amount. 166

(C) For voting system acquisitions or lease expenditures 167
made on or after January 1, 2014, and prior to the effective 168
date of this act, the board of elections shall submit written 169
documentation of its costs to the Secretary of State, including 170
a breakdown of the total costs that enables identification of 171
the costs of voting machines and associated allowable 172
expenditures. Pursuant to Section 2 of this act, the Secretary 173
of State shall reimburse the county for expenditures associated 174
with the acquisition or lease of a voting system in an amount up 175
to but not exceeding the county's allocated funding amount, in a 176
timely manner after receiving the required documentation from a 177
county board of elections. The reimbursements shall be paid to 178
the county's general fund. 179

Section 6. (A) Except as otherwise provided in division 180
(B) of this section, the sections of law contained in this act 181
are subject to the referendum under Section 1c of Article II, 182
Ohio Constitution, and therefore take effect on the ninety-first 183
day after this act is filed with the Secretary of State. 184

(B) Sections 1, 2, 3, and 5 of this act are exempt from 185

the referendum under Section 1d of Article II, Ohio	186
Constitution, and section 1.471 of the Revised Code and	187
therefore take effect immediately when this act becomes law.	188