

AN ACT

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

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. AS used in this act:

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

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

- (1) Servers and software;
- (2) Delivery, installation, configuration, and testing;
- (3) Warranties and software licenses purchased at the time of initial acquisition with a term of at least five years.

(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.

(D) "Voting systems" means, collectively, voting machines and associated allowable expenditures.

(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.

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.

CEB CONTROLLING BOARD

General Revenue Fund Group

GRF 911917	Voting and Tabulation	\$ 10,000,000	\$ 0
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Equipment Reimbursement

TOTAL GRF General Revenue Fund Group	\$ 10,000,000	\$ 0
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TOTAL ALL BUDGET FUND GROUPS	\$ 10,000,000	\$ 0
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VOTING AND TABULATION EQUIPMENT REIMBURSEMENT

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

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

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

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

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

(B) One member of the minority party of the Ohio House of Representatives appointed by the Minority Leader of the House of Representatives;

(C) One member of the majority party of the Ohio Senate appointed by the President of the Senate;

(D) One member of the minority party of the Ohio Senate appointed by the Minority Leader of the Senate;

(E) The Secretary of State or the Secretary's designee;

(F) Four members who are elections officials selected by the Ohio Association of Election Officials, two of whom shall be members of the Republican Party and two of whom shall be members of the Democratic Party. Not more than two members under this division shall be from a county with the same population range of registered voters as described in division (A) of Section 5 of this act;

(G) Four members appointed by the County Commissioners Association of Ohio, two of whom shall be members of the Republican Party and two of whom shall be members of the Democratic Party. Not more than two members under this division shall be from a county with the same population range of registered voters as described in division (A) of Section 5 of this act.

All appointments to the Committee shall be made within 10 days of the effective date of this act, and written notice of these appointments shall be provided to the Secretary of State as soon as possible after these appointments are made.

The Committee shall meet twice within 45 days after the effective date of this act, at the call of the Secretary of State, to advise the Secretary of State and Department of Administrative Services in the acquisition and funding of new voting systems, as approved by the Board of Voting Machine

Examiners under section 3506.05 of the Revised Code, for Ohio counties. Members of the board shall not be compensated. Upon the selection of voting systems for Ohio counties, the Committee shall cease to exist.

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

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

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

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

(3) For those counties with 100,000 or more registered voters: a base allocation of \$406,000 and an additional allocation to be determined by the actual number of registered voters in that county as of July 1, 2017.

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

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

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

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

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

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

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

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

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

(B) Sections 1, 2, 3, and 5 of this act are exempt from the referendum under Section 1d of Article II, Ohio Constitution, and section 1.471 of the Revised Code and therefore take effect immediately when this act becomes law.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Am. Sub. S. B. No. 135

132nd G.A.

This act is not of a general and permanent nature and does not require a code section number.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20 ____.

Secretary of State.

File No. _____ Effective Date _____