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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

S.B. 71  
(I\_135\_3120-1)  
135<sup>th</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for S.B. 71's Bill Analysis](#)

**Version:** In House Government Oversight

**Primary Sponsor:** Sen. Gavarone

**Local Impact Statement Procedure Required:** Yes

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### Highlights

- County boards of elections may incur additional costs to determine the validity or invalidity of a person's candidacy and required filings due to an indeterminable increase of protests.
- County boards of elections may incur some negligible costs related to updating forms for declarations of candidacy and nominating petitions to provide additional space for name changes as required by the bill.

### Detailed Analysis

#### Candidate protests and candidacy forms

County boards of elections may incur additional costs to determine the validity or invalidity of a person's candidacy and required filings, resulting from an increase of protests, the magnitude of which is unknown. The bill allows *any* elector who is eligible to vote for an office at the general election to file a protest against a primary candidate for that office on certain grounds. Current law specifies that the eligible voter filing the protest be of the same political party as the candidate. The party's controlling committee may also do so under current law. Continuing law requires any protest to be filed in writing with the election officials by 4:00 p.m. on the 74<sup>th</sup> day before the primary election (the 67<sup>th</sup> day for a write-in candidate). After a protest, the election officials must hold a hearing to determine if a candidate's filing is to be rejected. The bill does not change protests against an independent or nonpartisan candidate or a candidate of a newly formed political party, as they may be challenged by any elector who is eligible to vote for the office on any available ground.

The bill further requires declarations of candidacy and nominating petitions to have a space after the candidate's name that instructs the candidate to provide any other names used

within the last five years, other than name changes resulting from marriage which is addressed in current law. This change would result in some minimal costs to county boards of elections to update these candidate forms. Finally, the bill permits county central committees to use a secret ballot process to fill certain vacant partisan elected offices. This provision has no apparent fiscal impact.

## **Synopsis of Fiscal Effect Changes**

The substitute bill (I\_135\_3120-1) removes all the existing provisions of the DATA Act and replaces them with provisions pertaining to expanding candidate protests by allowing any elector that is eligible to vote to file a protest against a primary candidate. Current law requires that the person filing the protest be of the same political party. This may result in additional protest filings to county boards of elections.

The bill further requires declarations of candidacy and nominating petitions to have a space after the candidate's name that instructs the candidate to provide any other names used within the last five years, other than name changes resulting from marriage. This change would result in some negligible costs to county boards of elections to update these candidate forms. Finally, the bill allows county central committees to use a secret ballot process to fill vacancies for certain county offices. Use of this permissive authority has no fiscal impact.