



Rep. Tom Young
42nd Ohio House District

Chairman Wilkin, Vice Chair White, Ranking Member Brown, and members of the House Government Oversight Committee, I appreciate the opportunity to provide sponsor testimony for House Bill 487.

The changes proposed in HB 487 update the ballot and printing procurement statutes for Ohio's 88 county boards of elections. As I will discuss later, section 3505.13 has not been revised for nearly 40 years and much has changed in the elections world that necessitate an update and modernization to this code section. As a former member of the Montgomery County board of elections and going through the lengthy and detailed selection process of new voting machines and poll books and all things related, I am confident that boards of elections will benefit from the passage of HB 487 through lower prices, increased competition and greater flexibility to choose a ballot printer that meets the unique needs of their county.

The antiquated language of how bids are currently required to be published and awarded is not helpful to the boards of elections. ORC 3505.13 requires bidders to submit a performance bond with their bid in the amount of 200% of the bid. Usually, performance bonds do not need to be submitted with bids. Only the selected or winning bidder is required to provide a performance bond. For example, due to the outdated language in 3505.13, Cuyahoga County typically only has

one qualified bidder willing to offer their ballot printing services. In 2018/2019 in Cuyahoga County, the 200% bond requirement added approximately \$130,000 to the overall cost of the ballot printing contract. The print vendor had to increase prices to the county by over 20% to meet this requirement. There was no added value to the county because of this requirement, so HB 487 would reduce the bonding threshold to a more reasonable percentage.

Procurement Language Modernized

Since Am. House Bill 598 of the 114th GA was passed in 1982 the complexity of elections has dramatically changed. This legislation was written to address the current law at that time in which boards of elections had to contract with a vendor in the same county, rather than the state. There are countless new rules, state directives, federal regulations, and legislation that the election boards and the vendors must comply with such as the Help America Vote Act in 2002, the Military and Overseas Voter Empowerment Act in 2009, Ohio's adoption of Early Voting and Absentee voting changes, Federal cybersecurity guidelines, as well as Secretary of State Directive regarding cybersecurity. Election printing and mail fulfilment is no longer a commodity. It is a value added, highly specialized service that incorporates great complexity. The procurement language needs to require value added "proposals" from qualified print vendors, not printers that can submit the lowest "bid" and win the business because they are the cheapest.

Updated procurement language is needed that incorporates value-based proposal elements for award. This refreshed language is based around Request for Proposals ("RFPs"), these are "Proposals" that are submitted by qualified "Proposers" and are "Awarded" for the specified RFP.

This allows the election boards latitude to make the decision of awarding a vendor on a combination of factors that provide the most value to the election Boards and ensures the highest percentage of success. The use of the RFP process still gives the Boards the flexibility to award to the lowest proposer, but it gives them more options to award. The RFP process eliminates the expectation that the Board needs to award to the vendor with the lowest price. The use of dated “Bid” language from “Bidders” with the “Lowest Price” needs to be eliminated.

This legislation modernizes how print vendors are notified of opportunities and Augments the current process to include a procurement posting via electronic means. Notifications to be published online through procurement websites or election board publications. Notifications also to be e-mailed to qualified vendors.

Additionally, in this legislation we reduce the performance bond to 100%, not 200%. Surety companies, today, will not offer 200% performance bonds to printers. And legitimate print vendors will comply with 100% performance bonds of the largest election during the contract period. For contracts that span multiple elections (as many election board contracts typically do), my legislation allows the performance bond to be 100% of the largest election during the contract period.

Remove Barrier for out of state vendors

Eliminating the in-state printing requirement opens the process up to outside vendors. This allows for more competition, a higher level of service and fills the need for counties who do not have a choice of vendors due to size or value.

Secretary of State Rules

As the Secretary of State adopts rules and minimum standards regarding ballot printing the state can ensure Voter Registration data is encrypted and secure. From these minimum standards other processes and procedures should address the chain of custody for bulk ballot delivery from the vendor to the county.

I should also mention that the Ohio Association of Election Officials is in complete support of this legislation.

Finally, this legislation declares an emergency in order to alleviate the effects of unprecedented supply chain shortages, especially in paper, on Ohio's electoral process.

Thank you for your time and I would be happy to answer any questions you may have.