

As Passed by the Senate

132nd General Assembly

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2017-2018

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

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 15

of initial acquisition with a term of at least five years. 16

(C) "Associated allowable expenditures" does not include 17
costs associated with training, nor does it include additional 18
costs associated with operating, servicing, maintaining, or 19
insuring a voting system. 20

(D) "Voting systems" means, collectively, voting machines 21
and associated allowable expenditures. 22

(E) "Allocated funding amount" means the amount allocated 23
to each county by the Secretary of State from the total funding 24
allocated in Sections 2 and 3 of this act. 25

Section 2. All items in this section are appropriated as 26
designated out of any moneys in the state treasury to the credit 27
of the designated fund. For all operating appropriations made in 28
this act, those in the first column are for fiscal year 2018 and 29
those in the second column are for fiscal year 2019. The 30
operating appropriations made in this act are in addition to any 31
other operating appropriations made for the FY 2018-FY 2019 32
biennium. 33

CEB CONTROLLING BOARD 34

General Revenue Fund Group 35

GRF	911917	Voting and Tabulation	\$	10,000,000	\$	0	36
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Equipment Reimbursement 37

TOTAL GRF General Revenue Fund Group	\$	10,000,000	\$	0	38
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TOTAL ALL BUDGET FUND GROUPS	\$	10,000,000	\$	0	39
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VOTING AND TABULATION EQUIPMENT REIMBURSEMENT 40

The foregoing appropriation item 911917, Voting and 41
Tabulation Equipment Reimbursement, shall be used by the 42

Secretary of State, in conjunction with the Controlling Board, 43
to reimburse counties in an amount up to but not exceeding the 44
county's allocated funding amount for expenditures related to 45
the acquisition or lease of voting systems that were made on or 46
after January 1, 2014, and prior to the effective date of this 47
act. The Director of Budget and Management, in conjunction with 48
the Secretary of State, shall have the ability to access and 49
move these funds as necessary in order to distribute them to the 50
intended counties. 51

The unexpended, unencumbered portion of the foregoing 52
appropriation item 911917, Voting and Tabulation Equipment 53
Reimbursement, at the end of fiscal year 2018 is hereby 54
reappropriated in fiscal year 2019 for the same purposes. 55

Section 3. Notwithstanding anything to the contrary in 56
section 111.26 of the Revised Code, on the effective date of 57
this act, or as soon as possible thereafter, the Secretary of 58
State shall establish and implement a program to facilitate the 59
acquisition and funding of new voting systems for Ohio counties. 60
The Department of Administrative Services is required to provide 61
solicitation and pricing assistance as requested by the 62
Secretary of State. 63

There is hereby created the Voting Machine Acquisition 64
Advisory Committee. The Committee shall consist of the following 65
members: 66

(A) One member of the majority party of the House of 67
Representatives appointed by the Speaker of the House of 68
Representatives; 69

(B) One member of the minority party of the Ohio House of 70
Representatives appointed by the Minority Leader of the House of 71

Representatives;	72
(C) One member of the majority party of the Ohio Senate	73
appointed by the President of the Senate;	74
(D) One member of the minority party of the Ohio Senate	75
appointed by the Minority Leader of the Senate;	76
(E) The Secretary of State or the Secretary's designee;	77
(F) Four members who are elections officials selected by	78
the Ohio Association of Election Officials, two of whom shall be	79
members of the Republican Party and two of whom shall be members	80
of the Democratic Party. Not more than two members under this	81
division shall be from a county with the same population range	82
of registered voters as described in division (A) of Section 5	83
of this act;	84
(G) Four members appointed by the County Commissioners	85
Association of Ohio, two of whom shall be members of the	86
Republican Party and two of whom shall be members of the	87
Democratic Party. Not more than two members under this division	88
shall be from a county with the same population range of	89
registered voters as described in division (A) of Section 5 of	90
this act.	91
All appointments to the Committee shall be made within 10	92
days of the effective date of this act, and written notice of	93
these appointments shall be provided to the Secretary of State	94
as soon as possible after these appointments are made.	95
The Committee shall meet twice within 45 days after the	96
effective date of this act, at the call of the Secretary of	97
State, to advise the Secretary of State and Department of	98
Administrative Services in the acquisition and funding of new	99
voting systems, as approved by the Board of Voting Machine	100

Examiners under section 3506.05 of the Revised Code, for Ohio 101
counties. Members of the board shall not be compensated. Upon 102
the selection of voting systems for Ohio counties, the Committee 103
shall cease to exist. 104

Section 4. At the request of the Secretary of State, the 105
Office of Budget and Management shall make arrangements for the 106
issuance of obligations, including fractionalized interests in 107
public obligations as defined in division (N) of section 133.01 108
of the Revised Code, to ensure the timely payment of the costs 109
of the voting systems acquisition program contained in this act, 110
provided that not more than \$104,500,000 in proceeds of those 111
obligations shall be raised for this purpose. The Secretary of 112
State is authorized to enter into one or more lease purchase 113
agreements or master lease purchase agreements, supplemental 114
leases, subleases, and any other agreements necessary for the 115
issuance of those obligations. 116

Section 5. (A) The Secretary of State shall allocate the 117
funding authorized in Sections 2 and 4 of this act to each 118
county in the following manner: 119

(1) For those counties with fewer than 19,999 registered 120
voters: a base allocation of \$205,000 and an additional 121
allocation to be determined by the actual number of registered 122
voters in that county as of July 1, 2017. 123

(2) For those counties with between 20,000 and 99,999 124
registered voters: a base allocation of \$250,000 and an 125
additional allocation to be determined by the actual number of 126
registered voters in that county as of July 1, 2017. 127

(3) For those counties with 100,000 or more registered 128
voters: a base allocation of \$406,000 and an additional 129

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. 159
The Secretary of State shall confirm the allowable voting system 160
costs for that county and arrange for payment of that amount 161
directly to the selected vendor. The allowable voting system 162
costs would be an amount up to but not exceeding the county's 163
allocated funding amount. If a board of county commissioners 164
determines to purchase voting systems, the cost of which is 165
greater than the allocated funding amount, the board of county 166
commissioners shall be responsible to pay directly to the vendor 167
those costs that exceed its allocated funding amount. 168

(C) For voting system acquisitions or lease expenditures 169
made on or after January 1, 2014, and prior to the effective 170
date of this act, the board of elections shall submit written 171
documentation of its costs to the Secretary of State, including 172
a breakdown of the total costs that enables identification of 173
the costs of voting machines and associated allowable 174
expenditures. Pursuant to Section 2 of this act, the Secretary 175
of State shall reimburse the county for expenditures associated 176
with the acquisition or lease of a voting system in an amount up 177
to but not exceeding the county's allocated funding amount, in a 178
timely manner after receiving the required documentation from a 179
county board of elections. The reimbursements shall be paid to 180
the county's general fund. 181

Section 6. (A) Except as otherwise provided in division 182
(B) of this section, the sections of law contained in this act 183
are subject to the referendum under Section 1c of Article II, 184
Ohio Constitution, and therefore take effect on the ninety-first 185
day after this act is filed with the Secretary of State. 186

(B) Sections 1, 2, 3, and 5 of this act are exempt from 187
the referendum under Section 1d of Article II, Ohio 188

Constitution, and section 1.471 of the Revised Code and 189
therefore take effect immediately when this act becomes law. 190