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S.B. 4*
135th General Assembly

Bill Analysis

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Version: As Reported by Senate General Government

Primary Sponsor: Sen. Gavarone

Emily E. Wendel, Attorney

SUMMARY

Election Integrity Unit

- Creates the Election Integrity Unit in the Office of the Secretary of State.
- Requires the Unit to investigate alleged violations of the Election Law upon receiving complaints from the public or on its own initiative.
- Allows the Unit to administer oaths, issue subpoenas, summon witnesses, compel the production of evidence, and hold hearings.
- Permits the Unit to refer allegations to a prosecutor, a law enforcement agency, or another state or federal agency for further investigation or prosecution, as appropriate.
- Requires the Unit to submit annual reports of its activities to the Governor and the General Assembly.

Prosecution of Election Law violations

- Gives a county prosecutor a limited period of time to prosecute a violation referred by the Unit, to make a formal decision not to prosecute, or to request additional evidence from the Unit.
- Allows the Unit to refer the matter to the Attorney General under certain circumstances.

* This analysis was prepared before the report of the Senate General Government Committee appeared in the Senate Journal. Note that the legislative history may be incomplete.

DETAILED ANALYSIS

Election Integrity Unit

The bill creates the Election Integrity Unit in the Office of the Secretary of State. Under the Secretary's direction, the Unit must investigate allegations of election fraud and voter suppression, including any alleged violation of the Election Law, other than an alleged campaign finance violation. (Under continuing law, campaign finance violations remain under the jurisdiction of the Ohio Elections Commission (OEC).)¹ Under the bill, the Unit must allow the public to submit allegations of election fraud and voter suppression, and also may investigate allegations on its own initiative.

The bill allows the Unit, in performing its duties, to administer oaths, issue subpoenas, summon witnesses, compel the production of evidence, and hold hearings. The Unit also may refer allegations submitted to it, or otherwise investigated under the bill, to a prosecutor, a law enforcement agency, or another state or federal agency for further investigation or prosecution, as appropriate (see **"Prosecution of Election Law violations,"** below).

The Unit must submit a report by January 15 of each year to the Governor and the General Assembly that includes all of the following with respect to the previous calendar year:

- The number of allegations the Unit received from members of the public;
- The number of allegations the Unit investigated on its own initiative;
- The number of allegations the Unit referred to another agency for further investigation or prosecution;
- All of the following concerning each allegation:
 - The general nature of the allegation;
 - The county in which the violation is alleged to have occurred;
 - Whether the allegation has been referred to another agency, and if so, which agency;
 - The current status of the investigation or any resulting criminal or civil proceeding.²

Current Secretary of State investigative authority

Existing law requires the Secretary of State to investigate the administration of election laws, frauds, and irregularities in elections and to report violations to the Attorney General or a county prosecutor. And, under continuing law, the Secretary has the power to issue subpoenas, summon witnesses, compel the production of evidence, and hold hearings related to the administration and enforcement of the Election Law. The Revised Code currently does not specify which of the Secretary's staff are responsible for carrying out those duties; the bill requires the new Election Integrity Unit to do so.³

¹ R.C. 3517.153, not in the bill.

² R.C. 3501.055 and conforming changes in R.C. 3501.05(N).

³ R.C. 3501.05.

In 2022, the Secretary of State announced the creation of the Public Integrity Division, which is to house three investigative sections: Election Administration, Campaign Finance, and Business Services. It appears that the Election Integrity Unit described above would constitute one of these sections.⁴

Prosecution of Election Law violations

In general, under continuing law, county prosecutors have exclusive authority to prosecute violations of the Election Law, such as false voter registration, voter impersonation, or tampering with election equipment. However, violations of the Campaign Finance Law must be brought before the OEC first, and the OEC may refer them to a county prosecutor or, in certain limited cases, to the Attorney General.⁵ The bill makes changes regarding the authority to prosecute Election Law violations, other than campaign finance matters.

Violations referred by the Election Integrity Unit

Under the bill, if the Election Integrity Unit refers an alleged violation to a county prosecutor, the prosecutor has 12 months to do one of the following:

- Prosecute the violation;
- Provide the Unit with a written statement explaining the reason for declining to prosecute. The Unit then may refer the matter to the Attorney General for further investigation or prosecution.
- Request any additional evidence from the Unit that is needed to meet the *prima facie* standard for an Election Law violation. The Unit must provide any available additional evidence within 90 days. The prosecutor then has another 180 days to either prosecute or provide the Unit with a written statement explaining a reason for declining to prosecute. If the prosecutor does not take one of those actions, the Unit may refer the matter to the Attorney General.

If the Attorney General requests additional evidence from the Unit, the Unit similarly must provide any available additional evidence within 90 days.

Proceedings initiated by the Attorney General

Continuing law, unchanged by the bill, also allows the Attorney General to initiate criminal proceedings for any violation of the Election Law, other than a campaign finance violation, that involves voting, an initiative or referendum process, or the conduct of an election. The Attorney General must present evidence of the violation to the county prosecutor. If the county prosecutor does not prosecute the violation within “a reasonable time,” or if the county prosecutor requests the Attorney General’s help, the Attorney General may prosecute the violation.⁶

⁴ Ohio Secretary of State, [LaRose Announces Office’s First-Ever Public Integrity Division](#) (October 5, 2022) and [Public Integrity Division – Frequently Asked Questions](#), available at [ohiosos.gov](#) under “Public Integrity Division.”

⁵ R.C. 3517.121 and 3517.155, not in the bill.

⁶ R.C. 109.95, not in the bill.

HISTORY

Action	Date
Introduced	01-22-25
Reported, S. General Government	---

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