OHIO LEGISLATIVE SERVICE COMMISSION

www.lsc.ohio.gov

Office of Research
and Drafting

Legislative Budget
Office

S.B. 4 136th General Assembly	Fiscal Note & Local Impact Statement
	Click here for S.B. 4's Bill Analysis

Version: As Reported by Senate General Government

Primary Sponsor: Sen. Gavarone

Local Impact Statement Procedure Required: No

Jared Cape, Budget Analyst, and other LBO staff

Highlights

- The bill establishes the Election Integrity Unit under the Secretary of State (SOS) to investigate allegations of election fraud, voter suppression, and other violations of the Election Law. Operating costs would be paid from the Business Services Fund (Fund 5990).

- The SOS's Public Integrity Unit currently performs many of the tasks required under the bill. It has six employees who conduct election-related investigations.

- County prosecutors and law enforcement could see some additional costs for handling additional cases or referrals arising from investigations undertaken by the SOS's Election Integrity Unit.

- The Attorney General (AGO) may incur additional costs for prosecuting alleged Election Law violations that a county prosecutor declines or fails to prosecute within the limited time period provided by the bill. The cost will depend on the frequency and complexity of the cases referred to the Office.

Detailed Analysis

The bill creates the Election Integrity Unit within the Office of the Secretary of State (SOS). The bill requires the Election Integrity Unit to investigate allegations of election fraud and voter suppression and other violations of the Election Law other than campaign finance violations. This includes allegations of election fraud and voter suppression submitted by the public, as well as allegations the Election Integrity Unity investigates on its own initiative. As indicated in the LSC bill analysis, the SOS currently has the authority to perform many of the duties specified in the bill, some of which are carried out by the existing Public Integrity Division. The bill, in contrast, places these responsibilities related to Election Law violations under the new Election Integrity Unit.

Most of the costs the SOS incurs now for overseeing elections are paid from the Business Services Fund (Fund 5990). According to the SOS, the bill would not cause the SOS to incur any additional costs, as it codifies many of the functions already carried out by the existing Public Integrity Division.

Under the bill, the Election Integrity Unit may also refer allegations of Election Law violations to a prosecutor, law enforcement agency, or other state or federal agency for further investigation or prosecution. Any additional investigations could result in some new prosecution and investigatory costs for political subdivisions.

The bill also establishes a timeline for prosecution. If an alleged violation is referred to a county prosecutor, the prosecutor has 12 months to (1) prosecute the violation, (2) provide the Unit with a written statement explaining the reason for declining to prosecute, or (3) request additional evidence from the Unit that is needed to meet the standard for an Election Law violation. The Unit may refer the matter to the Attorney General (AGO) if the prosecutor declines to prosecute the violation. If additional evidence was requested, the Unit may also refer the matter to the Attorney General for prosecution if, within 180 days of receiving the evidence, the prosecutor declines to prosecute or fails to prosecute.

It is unclear how many such cases would be shifted from counties to the AGO under the bill. The costs the AGO would incur for prosecuting these cases will depend on the frequency and complexity of the cases referred to the Office. Continuing law, unchanged by the bill, allows the Attorney General to initiate criminal proceedings for any violation of the Election Law, other than a campaign finance violation, if the county prosecutor does not prosecute the violation within "a reasonable time," or if the county prosecutor requests the Attorney General's assistance.