

As Introduced

136th General Assembly

Regular Session

2025-2026

S. B. No. 4

Senator Gavarone

A BILL

To amend sections 109.95 and 3501.05 and to enact
section 3501.055 of the Revised Code to
establish the Election Integrity Unit in the
Office of the Secretary of State and to modify
the law governing the prosecution of Election
Law violations.

1
2
3
4
5
6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 109.95 and 3501.05 be amended and
section 3501.055 of the Revised Code be enacted to read as
follows:

7
8
9

Sec. 109.95. (A) Notwithstanding any provision of the
Revised Code to the contrary pertaining to prosecutorial
authority, ~~the both of the following apply:~~

10
11
12

(1) The attorney general may initiate criminal proceedings
for election fraud under section 3599.42 of the Revised Code
which results from a violation of any provision of Title XXXV of
the Revised Code, other than Chapter 3517. of the Revised Code,
involving voting, an initiative or referendum petition process,
or the conducting of an election, by presenting evidence of
criminal violations in question to the prosecuting attorney of

13
14
15
16
17
18
19

any county in which the violations may be prosecuted. If the
prosecuting attorney does not prosecute the violations within a
~~reasonable time~~ twelve months or requests the attorney general
to do so, the attorney general may proceed with the prosecution
of the violations ~~with~~.

(2) If a prosecuting attorney to whom the election
integrity unit refers an alleged violation under section
3501.055 of the Revised Code does not prosecute the violation
within twelve months, the attorney general may proceed with the
prosecution of the violation.

(B) In prosecuting a violation under division (A) of this
section, the attorney general may proceed with all of the
rights, privileges, and powers conferred by law on a prosecuting
attorney, including, but not limited to, the power to appear
before a grand jury and to interrogate witnesses before a grand
jury.

Sec. 3501.05. The secretary of state shall do all of the
following:

(A) Appoint all members of boards of elections;

(B) Issue instructions by directives and advisories in
accordance with section 3501.053 of the Revised Code to members
of the boards as to the proper methods of conducting elections.

(C) Prepare rules and instructions for the conduct of
elections;

(D) Publish and furnish to the boards from time to time a
sufficient number of indexed copies of all election laws then in
force;

(E) Edit and issue all pamphlets concerning proposed laws

or amendments required by law to be submitted to the voters; 48

(F) Prescribe the form of registration cards, blanks, and 49
records; 50

(G) Determine and prescribe the forms of ballots and the 51
forms of all blanks, cards of instructions, pollbooks, tally 52
sheets, certificates of election, and forms and blanks required 53
by law for use by candidates, committees, and boards; 54

(H) Prepare the ballot title or statement to be placed on 55
the ballot for any proposed law or amendment to the constitution 56
to be submitted to the voters of the state; 57

(I) Except as otherwise provided in section 3519.08 of the 58
Revised Code, certify to the several boards the forms of ballots 59
and names of candidates for state offices, and the form and 60
wording of state referendum questions and issues, as they shall 61
appear on the ballot; 62

(J) Except as otherwise provided in division (I) (2) (b) of 63
section 3501.38 of the Revised Code, give final approval to 64
ballot language for any local question or issue approved and 65
transmitted by boards of elections under section 3501.11 of the 66
Revised Code; 67

(K) Receive all initiative and referendum petitions on 68
state questions and issues and determine and certify to the 69
sufficiency of those petitions; 70

(L) Require such reports from the several boards as are 71
provided by law, or as the secretary of state considers 72
necessary; 73

(M) Compel the observance by election officers in the 74
several counties of the requirements of the election laws; 75

(N) (1) Except as otherwise provided in division (N) (2) of 76
this section, through the election integrity unit created under 77
section 3501.055 of the Revised Code, investigate the 78
administration of election laws, frauds, and irregularities in 79
elections in any county, and report violations of election laws 80
to the attorney general or prosecuting attorney, or both, for 81
prosecution; 82

(2) On and after August 24, 1995, report a failure to 83
comply with or a violation of a provision in sections 3517.08 to 84
3517.13, 3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised 85
Code, whenever the secretary of state has or should have 86
knowledge of a failure to comply with or a violation of a 87
provision in one of those sections, by filing a complaint with 88
the Ohio elections commission under section 3517.153 of the 89
Revised Code. 90

(O) Make an annual report to the governor containing the 91
results of elections, the cost of elections in the various 92
counties, a tabulation of the votes in the several political 93
subdivisions, and other information and recommendations relative 94
to elections the secretary of state considers desirable; 95

(P) Prescribe and distribute to boards of elections a list 96
of instructions indicating all legal steps necessary to petition 97
successfully for local option elections under sections 4301.32 98
to 4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 99

(Q) Adopt rules pursuant to Chapter 119. of the Revised 100
Code for the removal by boards of elections of ineligible voters 101
from the statewide voter registration database and, if 102
applicable, from the poll list or signature pollbook used in 103
each precinct, which rules shall provide for all of the 104
following: 105

(1) A process for the removal of voters who have changed residence, which shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 and the National Voter Registration Act of 1993, including a program that uses the national change of address service provided by the United States postal system through its licensees;

(2) A process for the removal of ineligible voters under section 3503.21 of the Revised Code;

(3) A uniform system for marking or removing the name of a voter who is ineligible to vote from the statewide voter registration database and, if applicable, from the poll list or signature pollbook used in each precinct and noting the reason for that mark or removal.

(R) Prescribe a general program for registering voters or updating voter registration information, such as name and residence changes, by boards of elections, designated agencies, offices of deputy registrars of motor vehicles, public high schools and vocational schools, public libraries, and offices of county treasurers consistent with the requirements of section 3503.09 of the Revised Code;

(S) Prescribe a program of distribution of voter registration forms through boards of elections, designated agencies, offices of the registrar and deputy registrars of motor vehicles, public high schools and vocational schools, public libraries, and offices of county treasurers;

(T) To the extent feasible, provide copies, at no cost and upon request, of the voter registration form in post offices in this state;

(U) Adopt rules pursuant to section 111.15 of the Revised

Code for the purpose of implementing the program for registering 135
voters through boards of elections, designated agencies, and the 136
offices of the registrar and deputy registrars of motor vehicles 137
consistent with this chapter; 138

(V) Establish the full-time position of Americans with 139
Disabilities Act coordinator within the office of the secretary 140
of state to do all of the following: 141

(1) Assist the secretary of state with ensuring that there 142
is equal access to polling places for persons with disabilities; 143

(2) Assist the secretary of state with ensuring that each 144
voter may cast the voter's ballot in a manner that provides the 145
same opportunity for access and participation, including privacy 146
and independence, as for other voters; 147

(3) Advise the secretary of state in the development of 148
standards for the certification of voting machines, marking 149
devices, and automatic tabulating equipment. 150

(W) Establish and maintain a computerized statewide 151
database of all legally registered voters under section 3503.15 152
of the Revised Code that complies with the requirements of the 153
"Help America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 154
1666, and provide training in the operation of that system; 155

(X) Ensure that all directives, advisories, other 156
instructions, or decisions issued or made during or as a result 157
of any conference or teleconference call with a board of 158
elections to discuss the proper methods and procedures for 159
conducting elections, to answer questions regarding elections, 160
or to discuss the interpretation of directives, advisories, or 161
other instructions issued by the secretary of state are posted 162
on a web site of the office of the secretary of state as soon as 163

is practicable after the completion of the conference or 164
teleconference call, but not later than the close of business on 165
the same day as the conference or teleconference call takes 166
place. 167

(Y) Publish a report on a web site of the office of the 168
secretary of state not later than one month after the completion 169
of the canvass of the election returns for each primary and 170
general election, identifying, by county, the number of absent 171
voter's ballots cast and the number of those ballots that were 172
counted, and the number of provisional ballots cast and the 173
number of those ballots that were counted, for that election. 174
The secretary of state shall maintain the information on the web 175
site in an archive format for each subsequent election. 176

(Z) Conduct voter education outlining voter 177
identification, absent voters ballot, provisional ballot, and 178
other voting requirements; 179

(AA) Establish a procedure by which a registered elector 180
may make available to a board of elections a more recent 181
signature to be used in the poll list or signature pollbook 182
produced by the board of elections of the county in which the 183
elector resides; 184

(BB) Disseminate information, which may include all or 185
part of the official explanations and arguments, by means of 186
direct mail or other written publication, broadcast, or other 187
means or combination of means, as directed by the Ohio ballot 188
board under division (F) of section 3505.062 of the Revised 189
Code, in order to inform the voters as fully as possible 190
concerning each proposed constitutional amendment, proposed law, 191
or referendum; 192

(CC) Be the single state office responsible for the 193
implementation of the "Uniformed and Overseas Citizens Absentee 194
Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 195
1973ff, et seq., as amended, in this state. The secretary of 196
state may delegate to the boards of elections responsibilities 197
for the implementation of that act, including responsibilities 198
arising from amendments to that act made by the "Military and 199
Overseas Voter Empowerment Act," Subtitle H of the "National 200
Defense Authorization Act for Fiscal Year 2010," Pub. L. No. 201
111-84, 123 Stat. 3190. 202

(DD) Adopt rules, under Chapter 119. of the Revised Code, 203
to establish procedures and standards for determining when a 204
board of elections shall be placed under the official oversight 205
of the secretary of state, placing a board of elections under 206
the official oversight of the secretary of state, a board that 207
is under official oversight to transition out of official 208
oversight, and the secretary of state to supervise a board of 209
elections that is under official oversight of the secretary of 210
state. 211

(EE) Perform other duties required by law. 212

Whenever a primary election is held under section 3513.32 213
of the Revised Code or a special election is held under section 214
3521.03 of the Revised Code to fill a vacancy in the office of 215
representative to congress, the secretary of state shall 216
establish a deadline, notwithstanding any other deadline 217
required under the Revised Code, by which any or all of the 218
following shall occur: the filing of a declaration of candidacy 219
and petitions or a statement of candidacy and nominating 220
petition together with the applicable filing fee; the filing of 221
protests against the candidacy of any person filing a 222

declaration of candidacy or nominating petition; the filing of a 223
declaration of intent to be a write-in candidate; the filing of 224
campaign finance reports; the preparation of, and the making of 225
corrections or challenges to, precinct voter registration lists; 226
the receipt of applications for absent voter's ballots or 227
uniformed services or overseas absent voter's ballots; the 228
supplying of election materials to precincts by boards of 229
elections; the holding of hearings by boards of elections to 230
consider challenges to the right of a person to appear on a 231
voter registration list; and the scheduling of programs to 232
instruct or reinstruct election officers. 233

In the performance of the secretary of state's duties as 234
the chief election officer, the secretary of state may 235
administer oaths, issue subpoenas, summon witnesses, compel the 236
production of books, papers, records, and other evidence, and 237
fix the time and place for hearing any matters relating to the 238
administration and enforcement of the election laws. 239

In any controversy involving or arising out of the 240
adoption of registration or the appropriation of funds for 241
registration, the secretary of state may, through the attorney 242
general, bring an action in the name of the state in the court 243
of common pleas of the county where the cause of action arose or 244
in an adjoining county, to adjudicate the question. 245

In any action involving the laws in Title XXXV of the 246
Revised Code wherein the interpretation of those laws is in 247
issue in such a manner that the result of the action will affect 248
the lawful duties of the secretary of state or of any board of 249
elections, the secretary of state may, on the secretary of 250
state's motion, be made a party. 251

The secretary of state may apply to any court that is 252

hearing a case in which the secretary of state is a party, for a 253
change of venue as a substantive right, and the change of venue 254
shall be allowed, and the case removed to the court of common 255
pleas of an adjoining county named in the application or, if 256
there are cases pending in more than one jurisdiction that 257
involve the same or similar issues, the court of common pleas of 258
Franklin county. 259

Public high schools and vocational schools, public 260
libraries, and the office of a county treasurer shall implement 261
voter registration programs as directed by the secretary of 262
state pursuant to this section. 263

Sec. 3501.055. (A) There is in the office of the secretary 264
of state the election integrity unit. 265

(B) Under the direction of the secretary of state, the 266
election integrity unit shall do all of the following: 267

(1) Investigate allegations of election fraud and voter 268
suppression, including any alleged violation of Chapter 3599. of 269
the Revised Code, other than an alleged violation of section 270
3599.03 or 3599.031 of the Revised Code, on the unit's own 271
initiative or upon receiving a complaint; 272

(2) Allow the public to submit allegations of election 273
fraud and voter suppression to the unit; 274

(3) Refer allegations submitted to the unit or otherwise 275
investigated by the unit under this section to a prosecutor, a 276
law enforcement agency, or another state or federal agency for 277
further investigation or prosecution, as appropriate; 278

(4) Submit a report to the governor and the general 279
assembly not later than the fifteenth day of January of each 280
year. The report shall include all of the following with respect 281

<u>to the previous calendar year:</u>	282
<u>(a) The number of allegations the unit received from</u>	283
<u>members of the public;</u>	284
<u>(b) The number of allegations the unit investigated on its</u>	285
<u>own initiative;</u>	286
<u>(c) The number of allegations the unit referred to another</u>	287
<u>agency for further investigation or prosecution;</u>	288
<u>(d) All of the following concerning each allegation:</u>	289
<u>(i) The general nature of the allegation;</u>	290
<u>(ii) The county in which the violation is alleged to have</u>	291
<u>occurred;</u>	292
<u>(iii) Whether the allegation has been referred to another</u>	293
<u>agency for further investigation or prosecution, and if so, to</u>	294
<u>which agency;</u>	295
<u>(iv) The current status of the investigation or any</u>	296
<u>resulting criminal or civil proceeding.</u>	297
<u>(C) In performing its duties, the election integrity unit</u>	298
<u>may administer oaths, issue subpoenas, summon witnesses, compel</u>	299
<u>the production of books, papers, records, and other evidence,</u>	300
<u>and hold hearings.</u>	301
Section 2. That existing sections 109.95 and 3501.05 of	302
the Revised Code are hereby repealed.	303