



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

S.B. 51
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Gavarone

Emily E. Wendel, Attorney

SUMMARY

- Creates the Election Integrity Division in the Office of the Secretary of State.
- Requires the Division to investigate alleged violations of the Election Law upon receiving complaints from the public or on its own initiative.
- Allows the Division to administer oaths, issue subpoenas, summon witnesses, compel the production of evidence, and hold hearings.
- Permits the Division 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 Division to submit annual reports of its activities to the Governor and the General Assembly.

DETAILED ANALYSIS

Election Integrity Division

The bill creates the Election Integrity Division in the Office of the Secretary of State. The Secretary must appoint a division chief and may remove the division chief at any time. Under the Secretary's direction, the Division 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.)¹ Under the bill, the Division must allow the public to submit allegations of election fraud and voter suppression, and also may investigate allegations on its own initiative.

¹ R.C. 3517.153, not in the bill.

The bill allows the Division, in performing its duties, to administer oaths, issue subpoenas, summon witnesses, compel the production of evidence, and hold hearings. The Division 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.

The Division 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 Division received from members of the public;
- The number of allegations the Division investigated on its own initiative;
- The number of allegations the Division 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 Division to do so.³

In 2022, the Secretary of State announced the creation of the Public Integrity Division, which has similar duties to the Election Integrity Division described above. However, the existing Public Integrity Division appears to have a broader area of responsibility. In addition to investigating Election Law violations, the Secretary's website indicates that the Public Integrity Division handles campaign finance reporting, voting system certification, voter registration and list maintenance, post-election audits, data retention and transparency, cybersecurity, and investigations involving notaries and other business matters.⁴

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

³ R.C. 3501.05.

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."

HISTORY

Action	Date
Introduced	02-07-23
