



OFFICE OF THE PROSECUTING ATTORNEY CARROLL COUNTY, OHIO

7 East Main Street • Carrollton, Ohio 44615 • (330) 627-4555 • FAX (330) 627-4591

STEVEN D. BARNETT Prosecuting Attorney
MICHAEL J. ROTH Chief Assistant Prosecuting Attorney
ADAM E. LUMLEY Assistant Prosecuting Attorney
LACEE K. FELIX Assistant Prosecuting Attorney

June 16, 2025

The Honorable Kristin D. Roegner, Chair
The Honorable Theresa Gavarone, Vice Chair
The Honorable Willis C. Blackshear, Ranking Member
The Ohio Senate General Government Committee
Senate Building
1 Capitol Square
Columbus, OH 43215

RE: S.B. 4—Secretary of State Election Integrity Unit

Dear Chair Roegner, Vice Chair Gavarone, Ranking Member Blackshear, and Members of the Ohio Senate General Government Committee:

Ohio's county prosecutors understand the need to hold individuals accountable for fraudulent and illegal conduct in the course of elections. Trust and security in our election systems are fundamental to the credibility and the legitimacy of the vote of the people in our democracy. Those who violate state elections laws must be held accountable. While Senate Bill 4 (S.B. 4) is laudable in reinforcing these precepts, S.B. 4 is flawed and does not take into account the significant logistics that arise in a criminal investigation.

S.B. 4 essentially puts county law enforcement and county prosecutors on a running clock of twelve months to fully and successfully investigate and file a criminal case involving an election crime. Nowhere else in the entire criminal law is an arbitrary twelve month clock running. In fact, with certain exceptions, felony offenses have a six year limitation of action. A deadline accomplishes nothing.

Criminal investigations do not occur in a vacuum. The State of Ohio is held to the highest burden of proof when pursuing a criminal case—beyond a reasonable doubt. This high threshold requires a competent and thorough investigation. Most criminal investigations are not solved in one hour with the most high-tech of machinery and databases that spit out an answer, (which producers never show the legal fights that often occur with “scientific” or “forensic” methods) as you may be used to seeing on television to solve a criminal case. Presently, what the Secretary of State believes constitutes a competent investigation that is referred to county prosecutors is essentially and respectfully now only a tip. In no way shape or form does a tip or referral for prosecution amount to a competent and thorough investigation. Nowhere in S.B. 4 is the Ohio Attorney General put on a similar clock when an election case is referred back to them. Attorneys with the Ohio Attorney

The Ohio Senate General Government Committee
S.B. 4
Page 2

General are held to the same ethical and professional prosecution standards as county prosecutors. Whereas assistant attorneys general would have a full six year statute of limitations to investigate and bring a criminal felony election charge, Ohio's county prosecutors are not granted the same fundamentals by S.B. 4. These cases take time; they take effort on the part of investigators to gather the necessary documents, interview the necessary witnesses, and competently prepare a case for court. A competent prosecution also includes a witness that can identify the criminal defendant in court. A tip from the Secretary of State cannot even substantiate the essential element of identity.

By placing an arbitrary time clock on county prosecutors to file a criminal charge in light of the lack of prosecutable evidence defeats the purposes for which you seek to advance S.B. 4. Furthermore, by rushing through these issues without listening to the "boots on the ground" S.B. 4 only accomplishes a political, feel-good moment without substance and without consideration to the evidentiary burdens that prosecuting a case entails. Justice does not always come at the speed of light.

If you want the criminal justice system to respond to election law crimes, give the Secretary of State better tools to deter election crimes in the first place. S.B. 4 and an arbitrary time line does nothing to either help deter election crimes or ensure that an offender is convicted. I respectfully ask that you remove any time deadlines in S.B. 4 since an arbitrary deadline has nothing to do with the integrity underlying an election.

Let law enforcement officers be law enforcement officers and let prosecutors be prosecutors.

Thank you for the committee's consideration of my comments.

Respectfully submitted,



STEVEN D. BARNETT
PROSECUTING ATTORNEY

SDB/