

**As Introduced**

**136th General Assembly**

**Regular Session**

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**H. B. No. 362**

**Representatives Miller, J., Abdullahi**

**Cosponsors: Representatives Russo, Grim, McNally, Brennan, White, E., Rader,  
Brent, Troy**

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To amend sections 3517.153, 3517.154, 3517.155,	1
3517.993, and 3599.40 and to enact section	2
3517.24 of the Revised Code to regulate the	3
dissemination of deceptive and fraudulent	4
synthetic media for the purpose of influencing	5
the results of an election.	6

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

<b>Section 1.</b> That sections 3517.153, 3517.154, 3517.155,	7
3517.993, and 3599.40 be amended and section 3517.24 of the	8
Revised Code be enacted to read as follows:	9

<b>Sec. 3517.153.</b> (A) Upon the filing of a complaint with the	10
Ohio elections commission, which shall be made by affidavit of	11
any person, on personal knowledge, and subject to the penalties	12
for perjury, or upon the filing of a complaint made by the	13
secretary of state or an official at the board of elections,	14
setting forth a failure to comply with or a violation of any	15
provision in sections 3517.08 to 3517.13, 3517.20 to 3517.22,	16
3599.03, or 3599.031 of the Revised Code, the commission shall	17
proceed in accordance with sections 3517.154 to 3517.157 of the	18
Revised Code.	19

(B) The commission shall prescribe the form for complaints 20  
made under division (A) of this section. The secretary of state 21  
and boards of elections shall furnish the information that the 22  
commission requests. The commission or a member of the 23  
commission may administer oaths, and the commission may issue 24  
subpoenas to any person in the state compelling the attendance 25  
of witnesses and the production of relevant papers, books, 26  
accounts, and reports. Section 101.42 of the Revised Code 27  
governs the issuance of subpoenas insofar as applicable. Upon 28  
the refusal of any person to obey a subpoena or to be sworn or 29  
to answer as a witness, the commission may apply to the court of 30  
common pleas of Franklin county under section 2705.03 of the 31  
Revised Code. The court shall hold proceedings in accordance 32  
with Chapter 2705. of the Revised Code. 33

(C) No prosecution shall commence for a violation of a 34  
provision in sections 3517.08 to 3517.13, 3517.17, 3517.18, 35  
3517.20 to 3517.22, 3517.24, 3599.03, or 3599.031 of the Revised 36  
Code unless a complaint has been filed with the commission under 37  
this section and all proceedings of the commission or a panel of 38  
the commission, as appropriate, under sections 3517.154 to 39  
3517.157 of the Revised Code are completed. 40

(D) The commission may recommend legislation and render 41  
advisory opinions concerning sections 3517.08, 3517.082, 42  
3517.092, 3517.102, 3517.105, 3517.1014, 3517.13, 3517.20 to 43  
3517.22, 3517.24, 3599.03, and 3599.031 of the Revised Code for 44  
persons over whose acts it has or may have jurisdiction. When 45  
the commission renders an advisory opinion relating to a 46  
specific set of circumstances involving any of those sections 47  
stating that there is no violation of a provision in those 48  
sections, the person to whom the opinion is directed or a person 49  
who is similarly situated may reasonably rely on the opinion and 50

is immune from criminal prosecution and a civil action, 51  
including, without limitation, a civil action for removal from 52  
public office or employment, based on facts and circumstances 53  
covered by the opinion. 54

(E) The commission shall establish a web site on which it 55  
shall post, at a minimum, all decisions and advisory opinions 56  
issued by the commission and copies of each election law as it 57  
is amended by the general assembly. The commission shall update 58  
the web site regularly to reflect any changes to those decisions 59  
and advisory opinions and any new decisions and advisory 60  
opinions. 61

**Sec. 3517.154.** (A) (1) The full-time attorney for the Ohio 62  
elections commission shall review each complaint filed with the 63  
commission under section 3517.153 of the Revised Code, shall 64  
determine the nature of the complaint, and, unless division (A) 65  
(2) (a) of this section requires that the complaint receive an 66  
automatic expedited hearing, shall make a recommendation to the 67  
commission for its disposition, in accordance with this section. 68  
The attorney shall make the determination and the 69  
recommendation, if required, not later than one business day 70  
after the complaint is filed. 71

(2) (a) If the attorney determines that the complaint sets 72  
forth a violation of division (B) of section 3517.21~~or,~~ 73  
division (B) of section 3517.22, or section 3517.24 of the 74  
Revised Code and that the complaint is filed during one of the 75  
periods of time specified in division (B) (1) of section 3517.156 76  
of the Revised Code, the complaint shall receive an automatic 77  
expedited hearing under section 3517.156 of the Revised Code. 78

(b) If the attorney determines that the complaint sets 79  
forth a failure to comply with or a violation of division (G), 80

(I), (J), (O), (P), or (Q) of section 3517.13, division (A) of 81  
section 3517.21, ~~or~~ division (A) of section 3517.22, or section 82  
3517.24 of the Revised Code and that the complaint is filed 83  
during one of the periods of time specified in division (B) (1) 84  
of section 3517.156 of the Revised Code, the attorney shall 85  
recommend to the commission that the complaint receive an 86  
expedited hearing under section 3517.156 of the Revised Code, 87  
and the complaint shall receive such a hearing. 88

(c) If the attorney determines that the complaint sets 89  
forth a failure to comply with or a violation of a section of 90  
the Revised Code over which the commission has jurisdiction to 91  
hear complaints other than the sections described in divisions 92  
(A) (2) (a) and (b) of this section, and unless the attorney makes 93  
a determination as provided for in division (A) (3) of this 94  
section, the attorney shall recommend to the commission that the 95  
complaint be submitted to the commission under section 3517.155 96  
of the Revised Code. After the attorney makes that 97  
recommendation, the attorney shall notify all parties to the 98  
complaint of the attorney's recommendation. 99

(3) (a) If a complaint sets forth a failure to comply with 100  
or a violation of a section of the Revised Code over which the 101  
commission has jurisdiction to hear complaints other than the 102  
sections described in divisions (A) (2) (a) and (b) of this 103  
section and if the complaint is filed during one of the periods 104  
of time specified in division (B) (1) of section 3517.156 of the 105  
Revised Code, the attorney may determine that the complaint 106  
should receive an expedited hearing under that section. The 107  
attorney shall make that determination by considering one or 108  
more of the following: 109

(i) The number of prior failures to comply with or 110

violations of Title XXXV of the Revised Code that the person or 111  
entity against whom the complaint has been brought has committed 112  
and any prior penalties the commission has imposed on the person 113  
or entity; 114

(ii) If the complaint involves a statement required to be 115  
filed under section 3517.10, division (E) of section 3517.102, 116  
or section 3517.105, 3517.107, 3517.108, 3517.109, 3517.1011, 117  
3517.1012, or 3517.1014 of the Revised Code or an addendum 118  
required to be filed under section 3517.11 of the Revised Code 119  
that is filed late, how late the filing is and how much time has 120  
elapsed between the deadline for filing the statement or 121  
addendum and the filing of the complaint; 122

(iii) If the complaint involves contributions and 123  
expenditures, contributions and disbursements, deposits and 124  
disbursements, gifts and disbursements, or donations and 125  
disbursements required to be reported under section 3517.10, 126  
division (E) of section 3517.102, or section 3517.105, 3517.107, 127  
3517.108, 3517.109, 3517.1011, 3517.1012, 3517.1013, or 128  
3517.1014 of the Revised Code that are either not reported or 129  
reported late, the number of contributions and expenditures, 130  
contributions and disbursements, deposits and disbursements, 131  
gifts and disbursements, or donations and disbursements not 132  
reported or how late they were reported; 133

(iv) If the complaint involves contributions required to 134  
be reported by a campaign committee under section 3517.10, 135  
division (E) of section 3517.102, or section 3517.105, 3517.107, 136  
3517.108, or 3517.109 of the Revised Code that are not reported, 137  
whether any of the contributors of the contributions not 138  
reported have a personal or professional relationship with the 139  
campaign committee's candidate; 140

(v) If the complaint involves a statement required to be 141  
filed under section 3517.10, division (E) of section 3517.102, 142  
or section 3517.105, 3517.107, 3517.108, 3517.109, 3517.1011, 143  
3517.1012, 3517.1013, or 3517.1014 of the Revised Code that is 144  
incomplete, the degree to which it is incomplete; 145

(vi) If the complaint involves the receipt of 146  
contributions in violation of section 3599.03 of the Revised 147  
Code, the dollar amount and number of contributions received in 148  
violation of that section; 149

(vii) If the complaint involves a failure to make the 150  
identification or a misstatement of the identification required 151  
under section 3517.105 or 3517.20 of the Revised Code, whether 152  
the failure or misstatement was purposely made; 153

(viii) If the complaint sets forth a failure to comply 154  
with or a violation of a section of the Revised Code described 155  
in division (A) (2) (c) of this section, whether the person or 156  
entity against whom the complaint has been made has committed 157  
more than one such failure or violation within a reasonable 158  
amount of time, or whether the cumulative nature of the failures 159  
or violations indicates a systematic disregard for the law. 160

(b) Prior to making a determination under division (A) (3) 161  
(a) of this section that the complaint should receive an 162  
expedited hearing under section 3517.156 of the Revised Code, 163  
the attorney shall take into consideration the number of panels 164  
of the commission that have cases pending before them and the 165  
number of cases pending before the panels and shall not make a 166  
determination that will place an undue burden on a panel of the 167  
commission. 168

(c) If the attorney determines that the complaint should 169

receive an expedited hearing under section 3517.156 of the 170  
Revised Code, the attorney shall recommend to the commission 171  
that the complaint receive an expedited hearing, and, if a 172  
majority of the members of the commission agrees with the 173  
recommendation, the complaint shall receive an expedited hearing 174  
under that section. 175

(4) The attorney may join two or more complaints if the 176  
attorney determines that the allegations in each complaint are 177  
of the same or similar character, are based on the same act or 178  
failure to act, or are based on two or more acts or failures to 179  
act constituting parts of a common scheme or plan. If one 180  
complaint contains two or more allegations, the attorney may 181  
separate the allegations if they are not of the same or similar 182  
character, if they are not based on the same act or failure to 183  
act, or if they are not based on two or more acts or failures to 184  
act constituting parts of a common scheme or plan. If the 185  
attorney separates the allegations in a complaint, the attorney 186  
may make separate recommendations under division (A) (2) or (3) 187  
of this section for each allegation. 188

(B) Whenever a person or other entity files a complaint 189  
with the commission setting forth a failure to comply with or a 190  
violation of a section of the Revised Code as described in 191  
division (A) (2) (c) of this section and the complaint is filed 192  
during one of the periods of time specified in division (B) (1) 193  
of section 3517.156 of the Revised Code, the person or entity 194  
may request an expedited hearing under that section at the time 195  
the complaint is filed. The attorney for the commission shall 196  
inform the members of the commission of that request at the time 197  
the attorney makes a recommendation under division (A) of this 198  
section. The commission may grant the request for an expedited 199  
hearing under this division if it determines that an expedited 200

hearing is practicable. 201

**Sec. 3517.155.** (A) (1) Except as otherwise provided in 202  
division (B) of this section, the Ohio elections commission 203  
shall hold its first hearing on a complaint filed with it, other 204  
than a complaint that receives an expedited hearing under 205  
section 3517.156 of the Revised Code, not later than ninety 206  
business days after the complaint is filed unless the commission 207  
has good cause to hold the hearing after that time, in which 208  
case it shall hold the hearing not later than one hundred eighty 209  
business days after the complaint is filed. At the hearing, the 210  
commission shall determine whether or not the failure to act or 211  
the violation alleged in the complaint has occurred and shall do 212  
only one of the following, except as otherwise provided in 213  
division (B) of this section or in division (B) of section 214  
3517.151 of the Revised Code: 215

(a) Enter a finding that good cause has been shown not to 216  
impose a fine or not to refer the matter to the appropriate 217  
prosecutor; 218

(b) Impose a fine under section 3517.993 of the Revised 219  
Code; 220

(c) Refer the matter to the appropriate prosecutor~~+~~. 221

(2) As used in division (A) of this section, "appropriate 222  
prosecutor" means a prosecutor as defined in section 2935.01 of 223  
the Revised Code and either of the following: 224

(a) In the case of a failure to comply with or a violation 225  
of law involving a campaign committee or the committee's 226  
candidate, a political party, a legislative campaign fund, a 227  
political action committee, or a political contributing entity, 228  
that is required to file a statement of contributions and 229



expenditures with the secretary of state under division (A) of 230  
section 3517.11 of the Revised Code, the prosecutor of Franklin 231  
county; 232

(b) In the case of a failure to comply with or a violation 233  
of law involving any other campaign committee or committee's 234  
candidate, or any other political party, political action 235  
committee, or political contributing entity either of the 236  
following as determined by the commission: 237

(i) The prosecutor of Franklin county; 238

(ii) The prosecutor of the county in which the candidacy 239  
or ballot question or issue is submitted to the electors or, if 240  
it is submitted in more than one county, the most populous of 241  
those counties. 242

(B) If the commission decides that the evidence is 243  
insufficient for it to determine whether or not the failure to 244  
act or the violation alleged in the complaint has occurred, the 245  
commission, by the affirmative vote of five members, may request 246  
that an investigatory attorney investigate the complaint. Upon 247  
that request, an investigatory attorney shall make an 248  
investigation in order to produce sufficient evidence for the 249  
commission to decide the matter. If the commission requests an 250  
investigation under this division, for good cause shown by the 251  
investigatory attorney, the commission may extend by sixty days 252  
the deadline for holding its first hearing on the complaint as 253  
required in division (A) of this section. 254

(C) The commission shall take one of the actions required 255  
under division (A) of this section not later than thirty days 256  
after the close of all the evidence presented. 257

(D) (1) The commission shall make any finding of a failure 258

to comply with or a violation of law in regard to a complaint 259  
that alleges a violation of division (A) or (B) of section 260  
3517.21, or division (A) or (B) of section 3517.22 of the 261  
Revised Code by clear and convincing evidence. The commission 262  
shall make any finding of a failure to comply with or a 263  
violation of law in regard to any other complaint by a 264  
preponderance of the evidence. 265

(2) If the commission finds a violation of division (B) of 266  
section 3517.21 or division (B) of section 3517.22 of the 267  
Revised Code, it shall refer the matter to the appropriate 268  
prosecutor under division (A)(1)(c) of this section and shall 269  
not impose a fine under division (A)(1)(b) of this section or 270  
section 3517.993 of the Revised Code. 271

(3) If the commission finds a violation of section 3517.24 272  
of the Revised Code, it may impose a fine under section 3517.993 273  
of the Revised Code, but it shall not refer the matter to a 274  
prosecutor. 275

(E) In an action before the commission or a panel of the 276  
commission, if the allegations of the complainant are not 277  
proved, and the commission takes the action described in 278  
division (A)(1)(a) of this section or a panel of the commission 279  
takes the action described in division (C)(1) of section 280  
3517.156 of the Revised Code, the commission or a panel of the 281  
commission may find that the complaint is frivolous, and, if the 282  
commission or panel so finds, the commission shall order the 283  
complainant to pay reasonable attorney's fees and to pay the 284  
costs of the commission or panel as determined by a majority of 285  
the members of the commission. The costs paid to the commission 286  
or panel under this division shall be deposited into the Ohio 287  
elections commission fund. 288

Sec. 3517.24. (A) As used in this section:

(1) "Synthetic media" means an image or an audio or video recording of a real individual's appearance, speech, or conduct that is realistic but false and that is created or intentionally manipulated using generative adversarial network techniques or other digital technology.

(2) "Deceptive and fraudulent synthetic media" means synthetic media to which either of the following apply:

(a) It appears to a reasonable person to depict the individual making a statement the individual did not make or taking an action the individual did not take.

(b) It gives a reasonable person a fundamentally different understanding or impression of the individual's appearance, speech, or conduct than an unaltered, original version of the image or audio or video recording would give the reasonable person.

(B) Except as otherwise provided in division (C) of this section, during the period beginning ninety days before the day of an election and ending on the day of the election, no person shall recklessly disseminate deceptive and fraudulent synthetic media for the purpose of influencing the results of the election without disclosing that fact as follows:

(1) In the case of an image, the image shall be accompanied by the following written statement: "This image has been manipulated or generated by artificial intelligence." The statement shall be in a font size that is easily readable by the average viewer.

(2) In the case of an audio recording, the audio recording shall include the following statement, spoken in a clear manner

at a pitch that is easily heard by the average listener: "This 318  
audio recording has been manipulated or generated by artificial 319  
intelligence." The statement shall be made at the beginning and 320  
end of the audio recording and, in the case of an audio 321  
recording that is more than four minutes long, at least every 322  
two minutes during the audio recording. 323

(3) In the case of a video recording, the video recording 324  
shall include, for the entire duration of the video recording, 325  
the following written statement: "This video recording has been 326  
manipulated or generated by artificial intelligence." The 327  
statement shall be in a font size that is easily readable by the 328  
average viewer. 329

(C) Division (B) of this section does not apply to any of 330  
the following: 331

(1) The dissemination of deceptive and fraudulent 332  
synthetic media by a radio or television broadcaster, including 333  
a cable or satellite television operator, programmer, or 334  
producer, when either of the following apply: 335

(a) The dissemination is part of a bona fide newscast, 336  
news interview, news documentary, or on-the-spot coverage of 337  
bona fide news events and either of the following apply: 338

(i) The broadcast clearly acknowledges through content or 339  
a disclosure, in a manner that can be easily heard or read by 340  
the average listener or viewer, that there are questions about 341  
the authenticity of the deceptive and fraudulent synthetic 342  
media. 343

(ii) The broadcaster is required by law to disseminate the 344  
deceptive and fraudulent synthetic media at the direction of a 345  
candidate. 346

(b) The broadcaster is paid to disseminate the deceptive 347  
and fraudulent synthetic media and either of the following 348  
apply: 349

(i) The broadcaster, after making a good faith effort, 350  
determines that the image or video or audio recording is not 351  
deceptive and fraudulent synthetic media. 352

(ii) The broadcaster is required by law to disseminate the 353  
deceptive and fraudulent synthetic media at the direction of a 354  
candidate. 355

(2) The dissemination of deceptive and fraudulent 356  
synthetic media on an internet web site or in a regularly 357  
published newspaper, magazine, or other periodical of general 358  
circulation, including an internet or electronic publication, 359  
that routinely carries news and commentary of general interest, 360  
if the web site or periodical clearly states that the deceptive 361  
and fraudulent synthetic media does not accurately represent the 362  
depicted individual's appearance, speech, or conduct; 363

(3) The dissemination of deceptive and fraudulent 364  
synthetic media that constitutes satire or parody. 365

(D) (1) Whoever violates this section is subject to a civil 366  
penalty as follows: 367

(a) Except as otherwise provided in divisions (D) (1) (b) 368  
and (c) of this section, a fine of not more than one thousand 369  
dollars; 370

(b) Except as otherwise provided in division (D) (1) (c) of 371  
this section, if the violator commits the violation with the 372  
intention to incite violence or bodily harm, a fine of not more 373  
than five thousand dollars; 374

(c) For a second or subsequent violation within a period 375  
of five years, a fine of not more than ten thousand dollars. 376

(2) A person harmed by a violation of this section has and 377  
may commence a civil cause of action against the violator for 378  
injunctive or other equitable relief. The cause of action 379  
created by this division is in addition to any other cause of 380  
action available under statutory or common law. 381

**Sec. 3517.993.** This section authorizes the establishment 382  
of fines that may be imposed only with respect to acts or 383  
failures to act that occur on and after August 24, 1995. 384

(A) Except as otherwise provided in division (D) (2) of 385  
section 3517.155 of the Revised Code, the Ohio elections 386  
commission may impose administrative fines under division (A) (1) 387  
(b) of section 3517.155 of the Revised Code in accordance with 388  
the amounts set forth under sections 3517.24, 3517.992, 3599.03, 389  
and 3599.031 of the Revised Code. 390

(B) The commission may suspend all or part of a fine it 391  
imposes under this section upon whatever terms and conditions 392  
the commission considers just. 393

(C) (1) The commission shall consider any of the following 394  
circumstances in determining whether to impose a maximum fine 395  
under this section: 396

(a) Whether the violator has been found guilty of any 397  
other violation of Title XXXV of the Revised Code; 398

(b) Whether the violation was made knowingly or purposely; 399

(c) Whether any relevant statements, addenda, or 400  
affidavits required to be filed have not been filed; 401

(d) Whether the violator has any outstanding fines imposed 402

for a violation of Title XXXV of the Revised Code; 403

(e) Whether the violation occurred during the course of a 404  
campaign. 405

(2) The commission shall consider any of the following 406  
circumstances in determining whether to impose a minimal fine or 407  
no fine under this section: 408

(a) Whether the violator previously has not been found 409  
guilty of any other violation of Title XXXV of the Revised Code; 410

(b) Whether the violator has promptly corrected the 411  
violator's violation; 412

(c) Whether the nature and circumstances of the violation 413  
merit a minimum fine; 414

(d) Whether there are substantial grounds tending to 415  
excuse or justify the violation, although failing to establish a 416  
defense to the violation; 417

(e) Whether the violation was not purposely committed. 418

(3) The circumstances set forth in divisions (C) (1) and 419  
(2) of this section shall be considered by, but shall not 420  
control the decision of, the commission in imposing a fine. 421

(D) Fines imposed by the commission under this section 422  
shall be paid into the Ohio elections commission fund. 423

**Sec. 3599.40.** Except as otherwise provided in section 424  
3599.39 of the Revised Code and except for a violation of 425  
section 3517.24 of the Revised Code, whoever violates any 426  
provision of Title XXXV of the Revised Code, unless otherwise 427  
provided in such title, and whoever violates division (D) of 428  
section 9.03 of the Revised Code, is guilty of a misdemeanor of 429

the first degree. 430

**Section 2.** That existing sections 3517.153, 3517.154, 431  
3517.155, 3517.993, and 3599.40 of the Revised Code are hereby 432  
repealed. 433