

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 51

Senator Gavarone

A BILL

To amend section 3501.05 and to enact section 1
3501.055 of the Revised Code to establish the 2
Election Integrity Division in the Office of the 3
Secretary of State. 4

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

Section 1. That section 3501.05 be amended and section 5
3501.055 of the Revised Code be enacted to read as follows: 6

Sec. 3501.05. The secretary of state shall do all of the 7
following: 8

(A) Appoint all members of boards of elections; 9

(B) Issue instructions by directives and advisories in 10
accordance with section 3501.053 of the Revised Code to members 11
of the boards as to the proper methods of conducting elections. 12

(C) Prepare rules and instructions for the conduct of 13
elections; 14

(D) Publish and furnish to the boards from time to time a 15
sufficient number of indexed copies of all election laws then in 16
force; 17

(E) Edit and issue all pamphlets concerning proposed laws	18
or amendments required by law to be submitted to the voters;	19
(F) Prescribe the form of registration cards, blanks, and	20
records;	21
(G) Determine and prescribe the forms of ballots and the	22
forms of all blanks, cards of instructions, pollbooks, tally	23
sheets, certificates of election, and forms and blanks required	24
by law for use by candidates, committees, and boards;	25
(H) Prepare the ballot title or statement to be placed on	26
the ballot for any proposed law or amendment to the constitution	27
to be submitted to the voters of the state;	28
(I) Except as otherwise provided in section 3519.08 of the	29
Revised Code, certify to the several boards the forms of ballots	30
and names of candidates for state offices, and the form and	31
wording of state referendum questions and issues, as they shall	32
appear on the ballot;	33
(J) Except as otherwise provided in division (I) (2) (b) of	34
section 3501.38 of the Revised Code, give final approval to	35
ballot language for any local question or issue approved and	36
transmitted by boards of elections under section 3501.11 of the	37
Revised Code;	38
(K) Receive all initiative and referendum petitions on	39
state questions and issues and determine and certify to the	40
sufficiency of those petitions;	41
(L) Require such reports from the several boards as are	42
provided by law, or as the secretary of state considers	43
necessary;	44
(M) Compel the observance by election officers in the	45

several counties of the requirements of the election laws; 46

(N) (1) Except as otherwise provided in division (N) (2) of 47
this section, through the election integrity division created 48
under section 3501.055 of the Revised Code, investigate the 49
administration of election laws, frauds, and irregularities in 50
elections in any county, and report violations of election laws 51
to the attorney general or prosecuting attorney, or both, for 52
prosecution; 53

(2) On and after August 24, 1995, report a failure to 54
comply with or a violation of a provision in sections 3517.08 to 55
3517.13, 3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised 56
Code, whenever the secretary of state has or should have 57
knowledge of a failure to comply with or a violation of a 58
provision in one of those sections, by filing a complaint with 59
the Ohio elections commission under section 3517.153 of the 60
Revised Code. 61

(O) Make an annual report to the governor containing the 62
results of elections, the cost of elections in the various 63
counties, a tabulation of the votes in the several political 64
subdivisions, and other information and recommendations relative 65
to elections the secretary of state considers desirable; 66

(P) Prescribe and distribute to boards of elections a list 67
of instructions indicating all legal steps necessary to petition 68
successfully for local option elections under sections 4301.32 69
to 4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 70

(Q) Adopt rules pursuant to Chapter 119. of the Revised 71
Code for the removal by boards of elections of ineligible voters 72
from the statewide voter registration database and, if 73
applicable, from the poll list or signature pollbook used in 74

each precinct, which rules shall provide for all of the 75
following: 76

(1) A process for the removal of voters who have changed 77
residence, which shall be uniform, nondiscriminatory, and in 78
compliance with the Voting Rights Act of 1965 and the National 79
Voter Registration Act of 1993, including a program that uses 80
the national change of address service provided by the United 81
States postal system through its licensees; 82

(2) A process for the removal of ineligible voters under 83
section 3503.21 of the Revised Code; 84

(3) A uniform system for marking or removing the name of a 85
voter who is ineligible to vote from the statewide voter 86
registration database and, if applicable, from the poll list or 87
signature pollbook used in each precinct and noting the reason 88
for that mark or removal. 89

(R) Prescribe a general program for registering voters or 90
updating voter registration information, such as name and 91
residence changes, by boards of elections, designated agencies, 92
offices of deputy registrars of motor vehicles, public high 93
schools and vocational schools, public libraries, and offices of 94
county treasurers consistent with the requirements of section 95
3503.09 of the Revised Code; 96

(S) Prescribe a program of distribution of voter 97
registration forms through boards of elections, designated 98
agencies, offices of the registrar and deputy registrars of 99
motor vehicles, public high schools and vocational schools, 100
public libraries, and offices of county treasurers; 101

(T) To the extent feasible, provide copies, at no cost and 102
upon request, of the voter registration form in post offices in 103

this state;	104
(U) Adopt rules pursuant to section 111.15 of the Revised Code for the purpose of implementing the program for registering voters through boards of elections, designated agencies, and the offices of the registrar and deputy registrars of motor vehicles consistent with this chapter;	105 106 107 108 109
(V) Establish the full-time position of Americans with Disabilities Act coordinator within the office of the secretary of state to do all of the following:	110 111 112
(1) Assist the secretary of state with ensuring that there is equal access to polling places for persons with disabilities;	113 114
(2) Assist the secretary of state with ensuring that each voter may cast the voter's ballot in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters;	115 116 117 118
(3) Advise the secretary of state in the development of standards for the certification of voting machines, marking devices, and automatic tabulating equipment.	119 120 121
(W) Establish and maintain a computerized statewide database of all legally registered voters under section 3503.15 of the Revised Code that complies with the requirements of the "Help America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666, and provide training in the operation of that system;	122 123 124 125 126
(X) Ensure that all directives, advisories, other instructions, or decisions issued or made during or as a result of any conference or teleconference call with a board of elections to discuss the proper methods and procedures for conducting elections, to answer questions regarding elections, or to discuss the interpretation of directives, advisories, or	127 128 129 130 131 132

other instructions issued by the secretary of state are posted 133
on a web site of the office of the secretary of state as soon as 134
is practicable after the completion of the conference or 135
teleconference call, but not later than the close of business on 136
the same day as the conference or teleconference call takes 137
place. 138

(Y) Publish a report on a web site of the office of the 139
secretary of state not later than one month after the completion 140
of the canvass of the election returns for each primary and 141
general election, identifying, by county, the number of absent 142
voter's ballots cast and the number of those ballots that were 143
counted, and the number of provisional ballots cast and the 144
number of those ballots that were counted, for that election. 145
The secretary of state shall maintain the information on the web 146
site in an archive format for each subsequent election. 147

(Z) Conduct voter education outlining voter 148
identification, absent voters ballot, provisional ballot, and 149
other voting requirements; 150

(AA) Establish a procedure by which a registered elector 151
may make available to a board of elections a more recent 152
signature to be used in the poll list or signature pollbook 153
produced by the board of elections of the county in which the 154
elector resides; 155

(BB) Disseminate information, which may include all or 156
part of the official explanations and arguments, by means of 157
direct mail or other written publication, broadcast, or other 158
means or combination of means, as directed by the Ohio ballot 159
board under division (F) of section 3505.062 of the Revised 160
Code, in order to inform the voters as fully as possible 161
concerning each proposed constitutional amendment, proposed law, 162

or referendum; 163

(CC) Be the single state office responsible for the 164
implementation of the "Uniformed and Overseas Citizens Absentee 165
Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 166
1973ff, et seq., as amended, in this state. The secretary of 167
state may delegate to the boards of elections responsibilities 168
for the implementation of that act, including responsibilities 169
arising from amendments to that act made by the "Military and 170
Overseas Voter Empowerment Act," Subtitle H of the "National 171
Defense Authorization Act for Fiscal Year 2010," Pub. L. No. 172
111-84, 123 Stat. 3190. 173

(DD) Adopt rules, under Chapter 119. of the Revised Code, 174
to establish procedures and standards for determining when a 175
board of elections shall be placed under the official oversight 176
of the secretary of state, placing a board of elections under 177
the official oversight of the secretary of state, a board that 178
is under official oversight to transition out of official 179
oversight, and the secretary of state to supervise a board of 180
elections that is under official oversight of the secretary of 181
state. 182

(EE) Perform other duties required by law. 183

Whenever a primary election is held under section 3513.32 184
of the Revised Code or a special election is held under section 185
3521.03 of the Revised Code to fill a vacancy in the office of 186
representative to congress, the secretary of state shall 187
establish a deadline, notwithstanding any other deadline 188
required under the Revised Code, by which any or all of the 189
following shall occur: the filing of a declaration of candidacy 190
and petitions or a statement of candidacy and nominating 191
petition together with the applicable filing fee; the filing of 192

protests against the candidacy of any person filing a 193
declaration of candidacy or nominating petition; the filing of a 194
declaration of intent to be a write-in candidate; the filing of 195
campaign finance reports; the preparation of, and the making of 196
corrections or challenges to, precinct voter registration lists; 197
the receipt of applications for absent voter's ballots or 198
uniformed services or overseas absent voter's ballots; the 199
supplying of election materials to precincts by boards of 200
elections; the holding of hearings by boards of elections to 201
consider challenges to the right of a person to appear on a 202
voter registration list; and the scheduling of programs to 203
instruct or reinstruct election officers. 204

In the performance of the secretary of state's duties as 205
the chief election officer, the secretary of state may 206
administer oaths, issue subpoenas, summon witnesses, compel the 207
production of books, papers, records, and other evidence, and 208
fix the time and place for hearing any matters relating to the 209
administration and enforcement of the election laws. 210

In any controversy involving or arising out of the 211
adoption of registration or the appropriation of funds for 212
registration, the secretary of state may, through the attorney 213
general, bring an action in the name of the state in the court 214
of common pleas of the county where the cause of action arose or 215
in an adjoining county, to adjudicate the question. 216

In any action involving the laws in Title XXXV of the 217
Revised Code wherein the interpretation of those laws is in 218
issue in such a manner that the result of the action will affect 219
the lawful duties of the secretary of state or of any board of 220
elections, the secretary of state may, on the secretary of 221
state's motion, be made a party. 222

The secretary of state may apply to any court that is 223
hearing a case in which the secretary of state is a party, for a 224
change of venue as a substantive right, and the change of venue 225
shall be allowed, and the case removed to the court of common 226
pleas of an adjoining county named in the application or, if 227
there are cases pending in more than one jurisdiction that 228
involve the same or similar issues, the court of common pleas of 229
Franklin county. 230

Public high schools and vocational schools, public 231
libraries, and the office of a county treasurer shall implement 232
voter registration programs as directed by the secretary of 233
state pursuant to this section. 234

Sec. 3501.055. (A) There is in the office of the secretary 235
of state the election integrity division. The division shall be 236
under the supervision of a division chief appointed by the 237
secretary of state and subject to removal at the pleasure of the 238
secretary of state. 239

(B) Under the direction of the secretary of state, the 240
election integrity division shall do all of the following: 241

(1) Investigate allegations of election fraud and voter 242
suppression, including any alleged violation of Chapter 3599. of 243
the Revised Code, other than an alleged violation of section 244
3599.03 or 3599.031 of the Revised Code, on the division's own 245
initiative or upon receiving a complaint; 246

(2) Allow the public to submit allegations of election 247
fraud and voter suppression to the division; 248

(3) Refer allegations submitted to the division or 249
otherwise investigated by the division under this section to a 250
prosecutor, a law enforcement agency, or another state or 251

<u>federal agency for further investigation or prosecution, as</u>	252
<u>appropriate;</u>	253
<u>(4) Submit a report to the governor and the general</u>	254
<u>assembly not later than the fifteenth day of January of each</u>	255
<u>year. The report shall include all of the following with respect</u>	256
<u>to the previous calendar year:</u>	257
<u>(a) The number of allegations the division received from</u>	258
<u>members of the public;</u>	259
<u>(b) The number of allegations the division investigated on</u>	260
<u>its own initiative;</u>	261
<u>(c) The number of allegations the division referred to</u>	262
<u>another agency for further investigation or prosecution;</u>	263
<u>(d) All of the following concerning each allegation:</u>	264
<u>(i) The general nature of the allegation;</u>	265
<u>(ii) The county in which the violation is alleged to have</u>	266
<u>occurred;</u>	267
<u>(iii) Whether the allegation has been referred to another</u>	268
<u>agency for further investigation or prosecution, and if so, to</u>	269
<u>which agency;</u>	270
<u>(iv) The current status of the investigation or any</u>	271
<u>resulting criminal or civil proceeding.</u>	272
<u>(C) In performing its duties, the election integrity</u>	273
<u>division may administer oaths, issue subpoenas, summon</u>	274
<u>witnesses, compel the production of books, papers, records, and</u>	275
<u>other evidence, and hold hearings.</u>	276
Section 2. That existing section 3501.05 of the Revised	277
Code is hereby repealed.	278