



Ohio Revised Code

Section 3517.16 [Former R.C. 3517.154, amended and renumbered as R.C. 3517.16 by H.B. 96, 136th General Assembly, effective 9/30/2025] Filing complaint; initial finding by secretary of state.

Effective: September 30, 2025

Legislation: House Bill 96 - 136th General Assembly

(A)(1) Any person who has personal knowledge of a violation of a provision of the Revised Code listed in division (A) of section 3517.15 of the Revised Code may file a complaint with the secretary of state, on a form prescribed by the secretary of state and signed under penalty of perjury.

(2) An official at a board of elections may file a complaint with the secretary of state, on a form prescribed by the secretary of state and signed under penalty of perjury, alleging a violation of a provision of the Revised Code listed in division (A) of section 3517.15 of the Revised Code.

(3) The election integrity unit of the office of the secretary of state may initiate a complaint alleging a violation of a provision of the Revised Code listed in division (A) of section 3517.16 of the Revised Code.

(B)(1) Subject to division (F) of this section, the election integrity unit shall review each complaint filed with the secretary of state under division (A)(1) or (2) of this section. If the complaint does not allege a violation of a provision of the Revised Code listed in division (A) of section 3517.15 of the Revised Code or, in the case of a complaint filed under division (A)(1) of this section, is not based on personal knowledge, the secretary of state shall dismiss the complaint. Except as otherwise provided in division (B)(2) of this section, a dismissal under this division is without prejudice.

(2) After a complaint is dismissed under division (B)(1) of this section on the ground that the complaint is not based on personal knowledge, if the same person files another complaint alleging the same or a substantially similar violation and the complaint is not based on personal knowledge, the secretary of state shall dismiss the complaint with prejudice.

(3) If the complaint is not dismissed under division (B)(1) or (2) of this section, the election integrity unit shall investigate the complaint.



(C) Subject to division (F) of this section, the election integrity unit shall draft a report to the secretary of state concerning each complaint filed under division (A) of this section that is not dismissed under division (B) of this section. The report shall recommend that the secretary of state make a particular finding and, if applicable, impose a fine or refer the matter for prosecution, in accordance with section 3517.17 of the Revised Code.

(D) The election integrity unit may join two or more complaints if the unit determines that the allegations in each complaint are of the same or similar character, are based on the same act or failure to act, or are based on two or more acts or failures to act constituting parts of a common scheme or plan. If one complaint contains two or more allegations, the unit may separate the allegations if they are not of the same or similar character, if they are not based on the same act or failure to act, or if they are not based on two or more acts or failures to act constituting parts of a common scheme or plan. If the unit separates the allegations in a complaint, the unit may make separate recommendations under division (C) of this section for each allegation.

(E)(1) Upon receiving the recommendation of the election integrity unit under division (C) of this section, the secretary of state shall review the report and recommendation and shall do one of the following:

(a) Refer the matter back to the unit for further investigation and a revised recommendation under division (C) of this section;

(b) Make a finding in accordance with section 3517.17 of the Revised Code, and, if applicable, impose a fine or refer the matter for prosecution.

(2) The secretary of state shall serve notice of the secretary of state's decision under division (E)(1)(b) of this section on the person who is alleged to have committed the violation in accordance with section 119.05 of the Revised Code.

(3) If, within fourteen days after service of the notice is complete under section 119.05 of the Revised Code, the person objects to the secretary of state's decision, the secretary of state shall not impose a fine or refer the matter for prosecution, and immediately shall refer the matter to the Ohio



election integrity commission for its determination under section 3517.17 of the Revised Code.

(4) If the person does not object to the secretary of state's decision within fourteen days after receiving the notice, the secretary of state's decision is final and, if applicable, the secretary of state shall impose a fine or refer the matter for prosecution as determined under division (E)(1)(b) of this section.

(F)(1) If any of the following apply to a complaint, the secretary of state shall proceed under division (F)(2) of this section:

(a) The secretary of state is a party to the complaint.

(b) A candidate for an office for which the secretary of state is also a candidate is a party to the complaint or is otherwise involved in the complaint.

(c) The complaint involves a contribution, expenditure, or independent expenditure made to advocate the election or defeat of the secretary of state or a candidate for an office for which the secretary of state is also a candidate.

(d) The secretary of state determines that the secretary of state otherwise has a conflict of interest with respect to the complaint or that the secretary of state should proceed under division (F)(2) of this section to avoid any appearance of impropriety.

(2) Notwithstanding any contrary provision of divisions (B) to (E) of this section, when division (F)(1) of this section applies to a complaint, the secretary of state shall request the attorney general to designate one or more persons to fulfill the duties of the election integrity unit described in divisions (B) to (D) of this section. The attorney general shall designate those persons and shall fulfill the duties of the secretary of state under divisions (B) to (D) of this section.