



Ohio Revised Code

Section 3517.17 [Former R.C. 3517.155, amended and renumbered as R.C. 3517.17 by H.B. 96, 136th General Assembly, effective 9/30/2025] Referral to commission; disposition of complaint.

Effective: September 30, 2025

Legislation: House Bill 96 - 136th General Assembly

(A)(1) Upon the referral of a matter for a hearing under division (E)(3) of section 3517.16 of the Revised Code, the Ohio election integrity commission shall appoint an attorney in good standing before the supreme court of Ohio to review and hear the complaint in accordance with Chapter 119. of the Revised Code. The attorney shall draft a report and recommend that the commission make a finding and, if applicable, impose a fine or refer the matter for prosecution, in accordance with division (B) of this section.

(2) All hearings conducted by the attorney with respect to the matter, and all meetings of the commission with respect to the matter, shall be conducted in person, except that the person who is alleged to have committed the violation may choose for the person, the person's legal counsel, or both to appear at any hearing or meeting with respect to the matter by means of video conference.

(3) Upon receiving the recommendation of the attorney under division (A)(1) of this section, the commission shall review the report and recommendation and shall do one of the following:

(a) Refer the matter back to the attorney for further investigation and a revised recommendation under division (A)(1) of this section;

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

(4) Except as otherwise provided in division (A)(5) of this section, the commission shall act under division (A)(3)(b) of this section not later than one hundred eighty days after the matter is referred to the commission for a hearing under division (E)(3) of section 3517.16 of the Revised Code.

(5) If the matter is referred to the commission for a hearing under division (E)(3) of section 3517.16



of the Revised Code less than one hundred eighty days before an election and the matter involves a candidate for nomination or election at the election or involves a ballot issue or question that appears on the ballot at the election, then if practicable, the commission shall act under division (A)(3)(b) of this section before the day of the election.

(B)(1) Except as otherwise provided in division (B)(2) of this section, the secretary of state or the commission, as applicable, shall determine by a preponderance of the evidence whether or not a violation alleged in a complaint has occurred and shall do only one of the following:

- (a) Find that no violation has occurred;
- (b) Find that a violation has occurred and impose a fine under section 3517.171 of the Revised Code;
- (c) Find that a significant violation has occurred or that repeated violations have occurred and refer the matter to the appropriate prosecutor, as determined under division (C) of this section.

(2) In the case of a complaint that alleges a violation of division (A) or (B) of section 3517.21 or division (A) or (B) of section 3517.22 of the Revised Code, the secretary of state or the commission, as applicable, shall determine by clear and convincing evidence whether or not the violation has occurred and shall do only one of the following:

- (a) Find that no violation has occurred;
- (b) Find that a violation has occurred and refer the matter to the appropriate prosecutor, as determined under division (C) of this section.

(C) For purposes of division (B) of this section, the appropriate prosecutor is a prosecutor as defined in section 2935.01 of the Revised Code and either of the following:

(1) In the case of a violation of law involving a campaign committee or the committee's candidate, a political party, a legislative campaign fund, a political action committee, or a political contributing entity, that is required to file a statement of contributions and expenditures with the secretary of state under division (A) of section 3517.11 of the Revised Code, the prosecutor of Franklin county;



(2) In the case of a violation of law involving any other person, one of the following as determined by the secretary of state or the commission, as applicable:

(i) The prosecutor of Franklin county;

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

(iii) The prosecutor of the county in which the person resides.

(D) If the allegations of the complainant are not proved, and the secretary of state or the commission, as applicable, determines that no violation has occurred, the secretary of state or the commission, as applicable, may find that the complaint is frivolous and order the complainant to pay reasonable attorney's fees and to pay the costs of the secretary of state or the commission, as applicable. The costs paid under this division shall be deposited into the Ohio election integrity commission fund.