



Via Hand Delivery & Electronic Mail

May 7, 2025

The Honorable Rob McColley
President, Ohio Senate
1 Capitol Square, 2nd Floor
Columbus, OH 43215

Re: Proposed Reforms of Ohio Elections Commission

Dear President McColley,

I read with interest last week the testimony provided to the Ohio Senate Finance Committee by Phil Richter, the longtime executive director of the Ohio Elections Commission (OEC). Mr. Richter spoke to the committee on reforms to his commission that were included in the House version of the state budget. I have already appeared before the Senate committee to explain my office's budget request, but the topic of OEC reform is a separate policy discussion that I have not had an opportunity to address.

The substance of Mr. Richter's testimony centers on a plan the House of Representatives adopted last month that would effectively abolish the current commission and decentralize its enforcement authority to my office and the 88 county boards of elections. As the state's chief election officer, I am compelled to offer some input. First, the one agreement I can reach with Mr. Richter is that abolishing the commission entirely "will create chaos for the enforcement of Ohio's campaign finance laws." I oppose any effort to decentralize campaign finance oversight to Ohio's 88 county boards of elections, as such a move would lead to at least 88 different enforcement standards of the law. Prosecuting election crimes at the county level is challenging enough. These board members, hard-working as they are, often serve as local political party chairs. They should not be placed in the awkward, unsolicited position of policing their own candidates, nor are they staffed, equipped, or trained to manage these complex cases. We should absolutely debate the critical reforms needed at the Ohio Elections Commission, but we need to improve it, not abolish and decentralize its authority.

The director also testified that the current commission effectively serves its purpose. On that point, we part ways. Respectfully, the commission has become an increasingly toothless and inconsistent shell of what it was intended to be. To date, it has issued nearly \$100 million in fines that have so far gone uncollected, sending a terrible message that you can break the law and get away with it. There is no reason to have campaign finance laws in Ohio if we cannot meaningfully enforce them, yet that is precisely where the commission has left us.

Mr. Richter's testimony speaks of a cost-efficient operation that delivers "consistency and impartiality essential to fair campaign finance law enforcement throughout the state." Again, I must respectfully disagree on nearly every part of that assertion. First, failing to successfully collect almost \$100 million in financial penalties levied against offenders over many years is hardly cost-efficient to Ohio taxpayers. The General Assembly could fund schools, repair aging infrastructure, upgrade election equipment, or even reduce taxes with that uncollected revenue. Wrongdoing might actually be deterred if fines were treated as more than a suggestion.

Further, the OEC has struggled with several chronic performance issues that have damaged its effectiveness and authority, including inconsistent opinions and decisions, questionable guidance, unnecessary delays in adjudicating cases, statutory prohibitions on experienced appointees, perceptions of partisan bias, and a seeming fixation on minor infractions over major offenses. Perhaps most significantly, in 2020 and 2021, I referred to the OEC evidence of multiple campaign finance violations related to the state and federal House Bill 6 criminal cases. Nearly five years have passed since the initial allegation of wrongdoing, and the commission still has not acted.

Reform is long overdue. Last year, Senate lawmakers and staff asked for my input on improvements to the commission. Our staff has subsequently met with them to advance several recommendations, including but not limited to the following:

- Creating an Ohio Election Integrity Commission.
- Expanding the body's oversight beyond campaign finance law to include fine-levying authority for certain election crimes that can be difficult to prosecute, such as ballot harvesting, double voting, petition fraud, voter registration fraud, loitering or illegally electioneering at polling places, and noncitizen registration and voting.
- Raising the qualifications for commission members to include legal or equivalent experience in campaign finance and election law.

- Preventing partisan appointments and staff guidance from undermining the commission's commitment to enforcing Ohio law fairly and consistently.
- Cutting bureaucratic red tape and reducing costs by creating an expedited review process.

We look forward to working with your members on these proposals, ideally within the budget bill under consideration by the Senate.

In conclusion, the current House plan calls for rolling the OEC's current budget into one of our fiscal line items, effectively abolishing the commission's current operation by July of this year. We likely need more time to facilitate that transition. On this point, I can again find common ground with Mr. Richter in saying that any reform of the OEC should be done through a transition over the remainder of the current calendar year. Additionally, should the Senate proceed with any of the proposed plans to absorb the administration of OEC into the Office of the Secretary of State, we will need to seek at least \$800,000 in additional operating funds and the possible expansion of office space to accommodate unbudgeted personnel.

Given the importance of this matter, I am willing to pursue these challenges in hopes of creating a more effective means of enforcing compliance with Ohio's election laws. I ask the Senate to pursue this debate with haste, and I stand ready to assist with whatever you need in your deliberations.

Yours in service,



Frank LaRose
Ohio Secretary of State