

ADVISORY 2025-04

August 11, 2025

To: All County Boards of Elections
Board Members, Directors, and Deputy Directors

Re: Petitions Using Form No. 6-D Regarding Adoption of Voting Machines

BACKGROUND

This Advisory is to alert boards of elections to the attempted use of Secretary of State Form No. 6-D in a manner not authorized by Ohio law. Recently, in at least two counties, petitioners have filed Secretary of State Form No. 6-D, Petition for Election on the Question "Shall Voting Machines be Adopted?" However, in each instance, the use of voting machines was already adopted, years before these petition efforts were underway.

The petitioners' goal is to repeal authorization for voting machines in these counties. However, the relevant statute does not provide for repeal in this manner.¹

SUMMARY

Under R.C. 3506.02, "[v]oting machines, marking devices, and automatic tabulating equipment may be adopted for use in elections ... in the following manner: ... (C) By the affirmative vote of a majority of the electors of such county voting upon the question of adoption of such equipment in such county." The statute specifies the language that must be used for such a ballot issue: "Shall voting machines, marking devices, and automatic tabulating equipment be adopted in the county of _____?"² [Form 6-D](#) reflects the language that is mandated by the statute.

In the recent uses of Form 6-D, the petition summaries argue that "many citizens no longer trust the machines and would like to vote 'no' on whether to adopt them or not" However, because these counties have already adopted the use of voting machines, what petitioners are actually seeking is a repeal of the prior adoption of the use of machines. Their theory appears to be that if a majority of citizens now vote "no" on the question of adopting the use of machines, machines would no longer be authorized in that county. This is incorrect.

The language of R.C. 3506.02(C) is clear. By its plain terms, it provides a mechanism for electors to vote on "the adoption of such equipment in such county." It does not provide for the repeal of a prior authorization through that same mechanism.³ If the legislature had intended to include a

¹ See [R.C. 3506\(C\)](#).

² [R.C. 3506.02](#).

³ The General Assembly "says in a statute what it means and means in a statute what it says there." *Miller v. Miller*, 132 Ohio St.3d 424, 437 (2012); see also *State ex rel. Lee v. Karnes*, 103 Ohio St.3d 559, 564 (2004).

repeal process in R.C. 3506.02(C), it could have done so.⁴ It did not. Indeed, the General Assembly has considered, but has not adopted, legislation that would allow the process petitioners seek to use here.⁵

This Advisory does not take a position on the merits of the petitioners' underlying goal. However, elections officials must give effect to the words used in the statute, and cannot insert words not used by the legislature. R.C. 3506.02(C) does not provide for repealing a county's authorization of voting machines through this process, and such petitions must be rejected.

If you have any questions concerning this advisory, please contact the Secretary of State's elections counsel at 614-728-8789.

Yours in service,



Frank LaRose
Ohio Secretary of State

⁴ *Hall v. Banc One Mgmt. Corp.*, 114 Ohio St. 3d 484, 490 (2007).

⁵ See *e.g.*, House Bill 472 (135th General Assembly); Senate Bill 274 (135th General Assembly).