

Guide to the

Rule-Making Process of the Ohio Secretary of State

Jon Husted

Ohio Secretary of State



Duties and Responsibilities

The Secretary of State is the chief elections officer for the State of Ohio and has the following responsibilities:

- Oversees the elections process
- Appoints the members of boards of elections in each of Ohio's 88 counties
- Supervises the administration of election laws
- Reviews statewide initiative and referendum petitions
- Chairs the Ohio Ballot Board, which approves ballot language for statewide issues
- Canvasses votes for all elective state offices and issues
- Investigates election fraud and irregularities
- Trains election officials and works with counties to train precinct election officials
- Compiles and maintains election-related statistics and records
- Receives campaign finance reports from statewide candidates, state political action committees, state political parties and legislative caucus campaign committees

The Secretary of State's office also:

- Licenses ministers to perform marriage
- Provides authentication of documents for use overseas
- Keeps records of all laws passed by the Ohio General Assembly, municipal charters, administrative rules adopted by agencies, and all executive orders issued by the governor
- Grants corporations, limited partnerships, limited liability, and out-of-state companies the authority to do business in Ohio
- Documents secured commercial transactions
- Serves as a member of the Ohio Apportionment Board
- Provides public access to a wide variety of corporate, uniform commercial code, election and campaign finance records and documents
- Maintains records of all registered notaries public in Ohio

Agency Rule-Making Authority

The Secretary of State has rule-making authority under Ohio Revised Code Sections 111.15 and 119.03. Rules promulgated under ORC 119.03 require the Secretary of State to hold a public hearing before the rule is adopted. This guide focuses on the Secretary of State's rule-making process under ORC 119.03.

Rule-Making Process and Public Participation in that Process

1. Agency rules are drafted and reviewed by the Secretary of State's legal staff in cooperation with legislative staff and any other member of the staff who has particular expertise in the subject matter of the rule.
2. Proposed rules are filed with the Joint Committee on Agency Rule Review (JCARR), the Legislative Service Commission (LSC), and the Secretary of State. If appropriate, proposed rules will also be filed with the Office of Small Business in the Department of Development. A rule summary and fiscal analysis and a public hearing notice on the proposed rule are filed with each rule, as required by law.
3. At least 30 days before the date set for a hearing on the rule, reasonable public notice of the hearing is given in the Register of Ohio. This notice includes (a) a statement of the Secretary of State's intention to consider adopting, amending, or rescinding a rule; (b) a synopsis of the proposed rule, amendment, or rescission or a general statement of the subject matter to which the proposed rule, amendment, or rescission relates; (c) a statement of the reason or purpose for adopting, amending, or rescinding the rule; and (d) the date, time, and place of the hearing on the proposed action.
4. For at least 30 days before the date set for a hearing on the rule, the proposed rule is available for public inspection at the office of the Secretary of State. The Secretary of State posts the notice (which includes the information described in #3 above) in a prominent place in the office.
5. At least 31 days but not later than 40 days after the rules are filed, a public hearing is conducted at a location determined by the Secretary of State's office and at a date and time designated in the notice. The public is invited to appear at the hearing and to offer testimony on the proposed rule. The Secretary of State's office also will consider all comments in writing, by fax, or by e-mail to the Secretary of State's office.

- If it is decided that no additional changes to the proposed rule are necessary, and the Joint Committee on Rule Review does not take action to invalidate the rule as proposed, the agency will issue an order adopting the rule, set an effective date for the rule, and file the rule in its final form with JCARR, LSC and the Secretary of State.

Obtaining Information About Public Hearings

In addition to notice of a public hearing of any proposed rule being given in the Register of Ohio and being posted at the offices of the Secretary of State, the Secretary of State will post notice of the hearing on the agency's website. Any interested party may also request to be placed on a list of persons to be notified of public hearings on proposed rules. Please send such a request to:

General Counsel

Office of the Ohio Secretary of State
180 E. Broad St., 15th Floor
Columbus, Ohio 43215

Telephone: (614) 466-2585 • Fax: (614) 485-7060

Jon Husted
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The seal of the Ohio Secretary of State is circular, featuring a landscape with a sun rising over hills and water. The text "THE SECRETARY OF STATE" is at the top and "OHIO" is at the bottom, with a small star below it. A signature "Jon Husted" is written across the seal in a cursive font.

180 East Broad Street, 16th floor - Columbus, Ohio 43215

E-mail: info@OhioSecretaryofState.gov
On the web: www.OhioSecretaryofState.gov

General Counsel

Telephone: (614) 466-2585 • Fax: (614) 485-7060

Legislative Services

Telephone: (614) 728-4709 • Fax: (614) 485-7583

Elections

Telephone: (614) 466-2585 • Toll Free: (877) SOS-OHIO (767-6446)
TTY: (614) 728-3295 • TTY Toll Free: (877) TTY-OHIO (889-6446)

Business Services

Telephone: (614) 466-3910 • Toll Free: (877) SOS-FILE (767-3453)
TTY: (614) 466-0562 • TTY Toll Free: (877) 644-6889

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180 East Broad Street, Suite 103 (ground floor) • Columbus, Ohio 43215