

The background of the entire cover is a close-up, slightly blurred image of the American flag, showing the red and white stripes and the blue field with white stars.

# **GUIDE TO THE RULE-MAKING PROCESS OF THE OHIO SECRETARY OF STATE**



**OFFICE OF THE  
OHIO SECRETARY OF STATE**

## DUTIES AND RESPONSIBILITIES

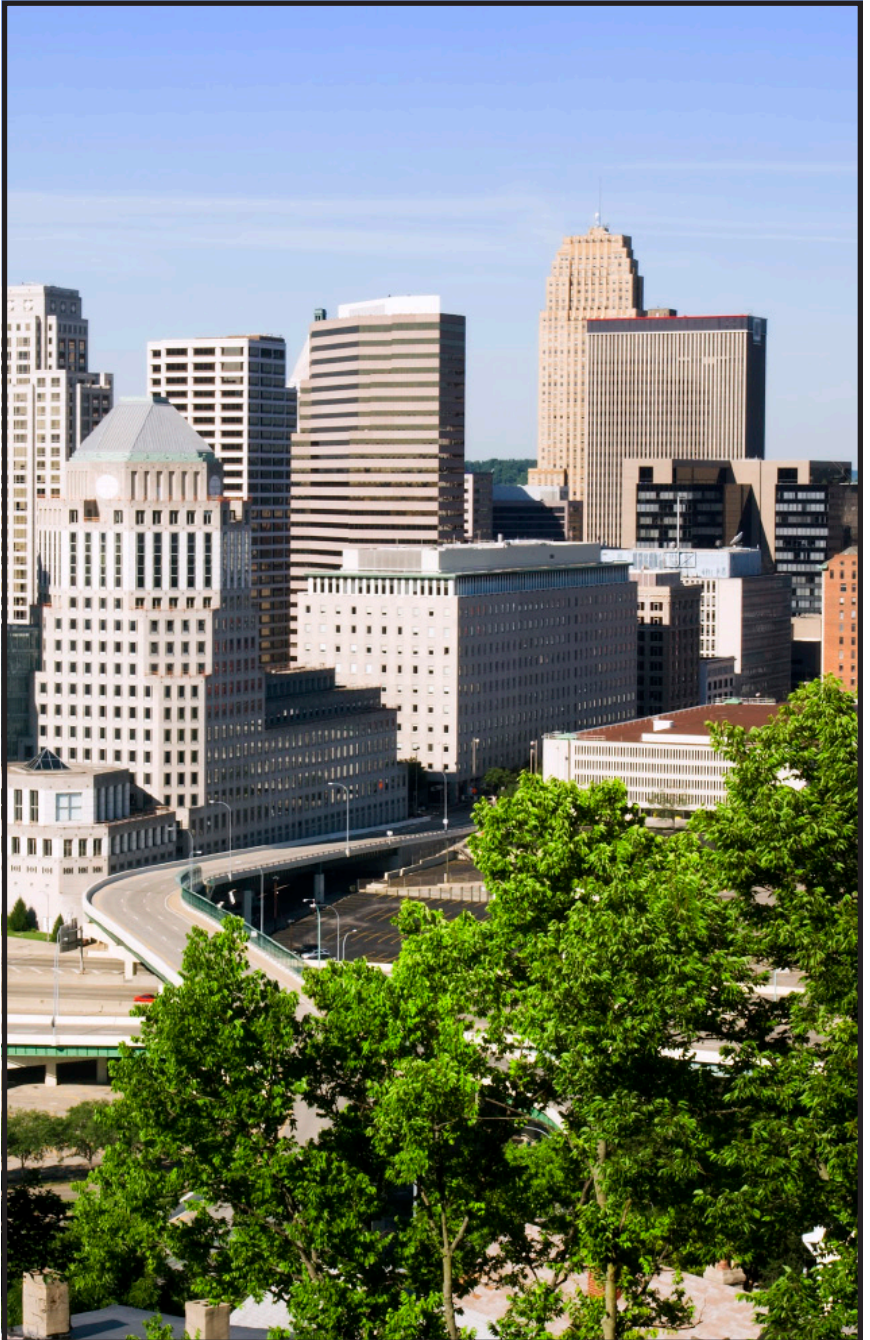
**The Secretary of State is the chief elections officer for the State of Ohio. In that capacity, she is responsible for:**

- Overseeing the elections process
- Appointing the members of boards of elections in each of Ohio's 88 counties
- Supervising the administration of election laws
- Approving ballot language
- Reviewing statewide initiative and referendum petitions
- Chairing the Ohio Ballot Board
- Canvassing votes for all elective state offices and issues
- Investigating election fraud and irregularities
- Training election officials and reimbursing counties for poll worker training costs
- Compiling and maintaining election-related records
- Receiving campaign finance filings from statewide candidates, state political action committees (PACs), state political parties and legislative caucus campaign committees

**The Secretary of State's office also:**

- As the state's official records keeper, compiles data on state resources and quality of life indicators
- Licenses ministers to perform marriage
- Registers non-resident alien land
- Issues apostilles
- Files 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 and limited liability 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





## AGENCY RULE-MAKING AUTHORITY

The Secretary of State has rule-making authority under Ohio Revised Code Section 111.15 and under the Ohio Administrative Procedure Act. Only a rule promulgated under the Administrative Procedure Act requires the Secretary of State to hold a public hearing before the rule is adopted. However, the Secretary of State welcomes written comments from the public regarding any rule promulgated under Section 111.15, and all such comments will be considered. This guide focuses on the Secretary of State's rule-making authority under the Administrative Procedure Act.



## **RULE-MAKING PROCESS AND PUBLIC PARTICIPATION IN THAT PROCESS**

1. Agency rules are drafted, and reviewed every five years as required by law, by the secretary of state's legal staff in cooperation with the agency's legislative staff and any other member of the staff who has particular expertise in the subject matter of the rule. The Secretary of State determines the need for any new rule, amendment to a rule, or rescission of an existing rule.
2. At least 65 days before their adoption, 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, fiscal analysis, and notice of a public hearing on the proposed rule is filed together with the 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 30 days but not later than 40 days after the rules are filed (see #2 above), a public hearing is conducted at a location determined by the Secretary of State's office, at the date and time designated in the notice, where the public is invited to appear and testify on the proposed rule. The Secretary of State's office welcomes the participation of all interested parties and will consider all comments in writing, by fax, or e-mail to the Secretary of State's office.
6. If, after considering all public comments, the agency decides not to make any changes to the proposed rule, it will issue an order adopting it, designate the effective date of the rule and file it in its final form with JCARR, LSC and the Secretary of State. Before the effective date of the rule, the agency will make a reasonable effort to inform those affected by the rule of the rule's effective date, and will make the full text of the rule available for distribution, upon request.



## 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**

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### **ELECTIONS**

Telephone: (614) 466-2585  
Toll Free: (877) SOS-OHIO (767-6446)  
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### **BUSINESS SERVICES**

Telephone: (614) 466-3910  
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