



Ohio Administrative Code Rule 3517-1-02 Initiation of proceeding.

Effective: May 2, 1996

(A) Complaint.

A complaint shall be submitted to the commission in one of two forms:

(1) By affidavit by an individual based on personal knowledge in the following format:

(a) Typewritten, double-spaced, in no less than 12 point pica typeface, on 8" x 11" white bond paper, and contain no more than eight pages excluding exhibits;

(b) Clearly set forth the names, full residence and/or business addresses of all parties and affiants, including the name, title and address of the officer, member or agent making the complaint and person responsible for the behavior about which the complaint is made. If any party is a campaign committee, the candidate, and campaign treasurer in those circumstances involving sections 3517.08 to 3517.13 of the Revised Code, shall be made a party to the case. For cases which will or may be subject to the expedited hearing process, telephone and fax numbers for all parties shall be included, when known;

(c) Any party which is not representing itself shall be represented by an attorney at law licensed to practice law in Ohio. The complaint shall include the full address of the attorney with complete telephone and fax numbers. An individual complainant shall not represent multiple complainants unless the complainant is an attorney licensed to practice law in Ohio. Persons authorized to practice law in other jurisdictions may, upon proper application to the commission, be authorized to practice before the commission in a particular proceeding;

(d) Clearly set forth the specific source or basis of the personal knowledge and be signed and sworn before a notary public or other person authorized by law to administer oaths in a form substantially in accordance with section 2935.19 of the Revised Code;



(e) Contain by attachment all affidavits, exhibits and other documents relied upon in alleging the violation or tending to support the allegations;

(f) Clearly set forth sufficient facts, supported by affidavits, exhibits and/or other documents to constitute a prima facie violation of Ohio election law over which the commission has jurisdiction;

(g) Clearly set forth each and every separate alleged violation of Ohio election law over which the commission has jurisdiction in a narrative form, cross-referenced to the relevant Revised Code section(s).

(2) Upon filing with the commission by the secretary of state or an official of a county board of elections which shall be in the following format:

(a) A separate complaint shall be made and form used for each candidate, campaign committee, political committee, political party, or legislative campaign fund being complained about except in instances where all parties alleged to have made the violation are affiliated and/or share the same address:

(b) Only on a form or in a format as prescribed by the commission;

(c) Clearly set forth the name and full business address of the officer making the complaint and a contact person, if the complaint is filed by a person other than the officer;

(d) Clearly set forth the full name and address of all parties and affiants, whether individuals, committees, organizations, respondents, legislative campaign funds, or others. If any party is a committee, organization, or legislative campaign fund, the complaint must also include the name, title and address of the treasurer, officer, member or agent responsible for the alleged violation. If any party is a campaign committee, the candidate, and campaign treasurer in those circumstances involving sections 3517.08 to 3517.13 of the Revised Code, shall be made a party to the case.

(e) Clearly set forth sufficient facts, supported by affidavits, exhibits and/or other documents to constitute a prima facie violation of Ohio election law cross-referenced to the relevant revised code sections, and contain by attachment all exhibits and other documents relied upon in alleging the



violation or tending to support the allegations.

(3) Staff attorney to the commission shall reasonably review all complaints filed with the commission within one business day of receipt. Upon review, counsel shall make a determination as to the nature of the complaint. If counsel determines that a complaint is filed under division (B) of section 3517.21 or 3517.22 of the Revised Code, the complaint shall be immediately referred to a panel of the commission for probable cause determination. For all other complaints filed with the commission, counsel shall make a timely recommendation to the commission as to the disposition of the complaint.

If staff attorney is unable to make a determination or recommendation within one business day, such recommendation shall be made as soon thereafter as is reasonably practicable. Failure by counsel to make a determination or recommendation within one business day shall not be affect or otherwise render voidable the final disposition of a case before the commission.

In those situations where staff attorney will be unavailable for an extended period of time, the chair of the commission shall make the required one business day recommendations as required by statute. If the chair is unable to make any such determinations or recommendations, he shall designate another person licensed to practice law in Ohio to make the required determinations and recommendations.

(B) Request for advisory opinion.

Each request for an advisory opinion shall be made in the following format:

(1) Typewritten, double-spaced, in no less than 12 point pica typeface, on 8" x 11" white bond paper, and contain no more than five pages excluding exhibits;

(2) Clearly set forth the names and full residence and/or business addresses and telephone numbers of the person(s) making the request;

(3) Clearly set forth a hypothetical fact pattern upon which the commission's advice is requested and describe, in general, all parties involved in the hypothetical fact pattern, whether individuals,



committees, organizations, legislative campaign funds, or others. The request must include the name, title and address of the individual, treasurer, officer, member of agent responsible for the request and contain by attachment all sample exhibits and other documents which the commission will need to render its opinion;

(4) Clearly set forth each and every separate element or section of Ohio elections law upon which the commission's advice is requested, in a narrative form, cross-referenced to the relevant code section(s);

(5) Clearly set forth sufficient evidence that the requesting party has the necessary standing to request such opinion;

(6) Requesting parties may submit a memorandum in support of the request. Such memorandum shall be no more than twelve pages. If the requesting party submits a memorandum, the commission shall post a public notice in its office that such a request has been received and offer interested parties the opportunity to respond in support of or opposition to the request. A copy of said notice shall be sent to the office of the secretary of state for posting in that office.

Any response submitted pursuant to the public notice shall be filed with the commission within seven days of the posting of such notice in the office of the commission for such response to receive consideration by the commission. The original requesting party shall not submit any additional memorandum aside from the original memorandum filed in support of its request for advisory opinion.

(7) Advisory opinions of the commission may not be applied retrospectively.

(8) In the letter requesting the opinion, the requesting party shall demonstrate, to the sufficiency of the staff attorney for the commission, that the request is made in good faith. If the requesting party does not establish to the sufficiency of the staff attorney that the request is being made in good faith, the staff attorney shall recommend to the commission that an opinion not be issued.

(9) Any request that does not sufficiently establish any of the elements in this section, shall be returned to the requesting party by the chair with a letter indicating the reason why the request is



being returned.

(C) Number of copies to be filed.

(1) An individual filing a complaint based on personal knowledge shall file with the commission an original, eight copies (one for each commission member and one for counsel) and sufficient copies for each named respondent. If a committee, organization and an officer thereof, or a candidate are named, one copy must be filed for each party named;

(2) The secretary of state or a board of elections shall file an original and one copy for each named respondent in the complaint;

(3) A party requesting an advisory opinion shall file an original and eight copies.

(D) Any non-complying or insufficient complaint or request for advisory opinion shall be first entered into the records of the commission and then returned to the submitting party with a notice of insufficiency detailing the area (or areas) of the complaint or request which is insufficient. The submitting party shall have ten business days from the date of mailing, in which to resubmit satisfactory documents. If the complaint or request for advisory opinion is not timely resubmitted, counsel shall recommend to the full commission that such complaint or request for advisory opinion be dismissed without prejudice or given no response.

Parties against whom a non-complying or insufficient complaint is filed shall respond within the required time frame of these rules based upon the date that such satisfactory documents are properly re-submitted to this commission.

(E) Commission staff shall assign a separate designation to all complaints filed with and advisory opinions issued by the commission. This designation shall be comprised of numbers, letters, or other characters as determined by commission staff. After each case has received its designation, any correspondence with commission shall include this designation.