

THE OHIO SENATE



THE OHIO HOUSE OF REPRESENTATIVES

January 17, 2014

The Hon. Jon Husted
Secretary of State
State of Ohio
180 East Broad Street, 16th Floor
Columbus, OH 43215

Dear Secretary Husted:

It was disappointing to see that you failed to properly consider the needs and preferences of Ohioans in issuing Directive 2014-01. It is further concerning that you apparently disregarded your statutory obligations for issuance of directives—a requirement you voted to enact as Speaker of the House in 2008.

Revised Code § 3501.053 governs the issuance of permanent and temporary directives. For a permanent directive to be issued, your office is required to allow for public comment. The statute reads: “Prior to issuing any permanent directive, the secretary of state shall provide reasonable notice of the issuance of the directive and allow a reasonable amount of time for public review and public comment of the proposed directive.” We are not aware of any process established by your office for public comment, nor does it appear that an opportunity for public comment was given prior to the issuance of Directive 2014-01.

If Directive 2014-01 was intended as a temporary directive in consideration of the February special election, it will not be effective for the May primary. Temporary directives can only be issued and “shall only have effect...beginning ninety days prior to the day of an election and ending on the fortieth day following the day of that election.” A temporary directive for the May primary could only be issued between 90 days before and 40 days after that election. You have ignored clearly expressed bipartisan legislative intent that citizen input be considered when issuing a directive sufficiently in advance of an election.

In issuing the directive, you give preference to the opinion of one interest group on an important subject where many others possess divergent views. The Ohio Association of Election Officials (OAE) is a significant voice in the debate over election procedures and requirements, but it is only one voice. Other interested individuals and organizations should have been given an opportunity to express opinions and concerns—and have those suggestions considered—before the preference of a single interest group was enacted.

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Thankfully, there is still opportunity to correct this error. First, your office should publicize and promote the public comment process. Second, you should rescind Directive 2014-01, and allow all stakeholders to participate in the development of a directive regarding early voting hours for the May 2014 primary. Even if at this time the special election precludes a permanent directive and the formal comment process it entails, your office is free to consult with interested parties at any time.

We would be happy to discuss this particular directive and the requirements of § 3501.053 in further detail. We look forward to your response and hope that the public is able to have meaningful dialogue on this important issue going forward.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nina Turner', with a long horizontal line extending to the right.

Nina Turner
25th Senate District

A handwritten signature in black ink, appearing to read 'Kathleen Clyde', written in a cursive style.

Kathleen Clyde
75th House District