

Sub. S. B. No. 21  
As Passed by the Senate

\_\_\_\_\_ moved to amend as follows:

- In line 5 of the title, after "107.13" insert ", 111.51" 1
- In line 19 of the title, after "Assembly" insert ", the Governor,  
and the Secretary of State" 2  
3
- In line 20 of the title, delete ","; delete "to allow" 4
- In line 21 of the title, delete "the General Assembly and the  
Governor" 5  
6
- In line 26, after "107.13" insert ", 111.51" 7
- In line 155, after "107.13," insert "111.51," 8
- After line 167, insert: 9
- "Sec. 111.51. (A) The secretary of state, in the 10  
secretary's official capacity, may retain legal counsel other 11  
than from the attorney general for either of the following 12  
purposes: 13
- (1) To represent, and intervene on behalf of, the 14  
secretary of state in any judicial proceeding involving the 15



functions of the office of the secretary of state. The secretary 16  
of state may intervene in any such judicial proceeding at any 17  
time as a matter of right. Intervention under this division 18  
shall be in accordance with Rule 24 of the Ohio Rules of Civil 19  
Procedure or with Rule 24 of the Federal Rules of Civil 20  
Procedure, as applicable. 21

(2) To provide advice and counsel to the secretary of 22  
state on matters that affect the official business of the office 23  
of the secretary of state. 24

(B) The secretary of state shall approve all terms of 25  
representation and authorize payment for all financial costs 26  
incurred under division (A) of this section from the office of 27  
the secretary of state's operating expenses appropriation line 28  
item or from a separate appropriation made for those costs. The 29  
requirements of sections 125.05 and 127.16 of the Revised Code 30  
do not apply to a representation agreement entered into under 31  
division (A) of this section. 32

(C) Notwithstanding any contrary provision of law, nothing 33  
in this section shall be construed to do any of the following: 34

(1) Constitute a waiver of any privilege of the secretary 35  
of state or any officer or staff of the office of the secretary 36  
of state; 37

(2) Permit any violation of section 9.58 of the Revised 38  
Code; 39

(3) Permit the retention of counsel, or intervention, in 40  
any criminal proceeding; 41

(4) Limit any authority of the secretary of state that is 42  
granted under the constitution of this state or under any other 43

provision of law." 44

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS 45

**Secretary of State - intervention and special counsel** 46

**R.C. 111.51 and conforming change in R.C. 109.02** 47

Allows the Secretary of State to intervene in civil 48  
lawsuits and to retain special counsel other than from the 49  
Attorney General, in the same manner as the Governor and the 50  
General Assembly may do under the bill. 51