

COURT OF APPEALS OF OHIO, TENTH APPELLATE DISTRICT

Hicks for a Better Clermont v. Ohio Election Integrity Comm.

2026-Ohio-1155 · No. 25AP-736 · Decided March 31, 2026

SUMMARY

The Tenth District Court of Appeals of Ohio reversed a Franklin County Court of Common Pleas decision invalidating an Ohio Elections Commission rule and remanding a campaign-finance matter for rehearing. The appellate court held that former R.C. 3517.157(D), as a specific provision governing the commission, authorized procedures inconsistent with the general requirements of R.C. Chapter 119, and that Adm.Code 3517-1-11 was not internally inconsistent. The court remanded for the common pleas court to address the campaign committee’s separate procedural due process arguments in the first instance.

CASE DETAILS

COURT	Court of Appeals of Ohio, Tenth Appellate District
WRITING FOR THE COURT	Edelstein, J.; Boggs, P.J.; Dingus, J.
JURISDICTION	Ohio Court of Appeals, Tenth Appellate District
DECIDED	March 31, 2026
DOCKET	25AP-736
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Ohio Election Integrity Commission appealed the Franklin County Court of Common Pleas' decision invalidating the commission's order and remanding the matter for rehearing.
STANDARD OF REVIEW	The appellate court reviews the common pleas court's review of an administrative decision for abuse of discretion, but reviews purely legal questions, statutory construction, and challenges to an agency's rulemaking authority de novo.
PRECEDENTIAL VALUE	Published and precedential Ohio Court of Appeals opinion
PARTIES	Ohio Election Integrity Commission v. Hicks for a Better Clermont

TOPICS

- election administration
- administrative law
- rulemaking
- judicial review of agency action
- statutory interpretation

PRACTICE AREAS

election law

administrative law

appellate procedure

constitutional law

QUESTIONS PRESENTED

1. Whether former R.C. 3517.157(D) authorized the commission to adopt hearing procedures inconsistent with the general procedural requirements of R.C. Chapter 119.
2. Whether Adm.Code 3517-1-11(A) was internally inconsistent because it permitted the full commission to make a final disposition during a preliminary review.
3. Whether the administrative rule complied with procedural due process under the Fourteenth Amendment and Article I, Section 16 of the Ohio Constitution.

HOLDINGS

1. Former R.C. 3517.157(D), as the more specific statute governing the commission's handling of complaints, expressly authorized the commission to conduct hearings under procedures inconsistent with R.C. Chapter 119. The common pleas court therefore erred by invalidating Adm.Code 3517-1-11(A)(3)(e) solely because it differed from Chapter 119 procedures.
2. Adm.Code 3517-1-11(A) is not internally inconsistent. The rule permits the full commission, after conducting a preliminary review, either to order a full hearing when a significant factual dispute or material factual uncertainty exists or to make a final disposition when appropriate.

KEY QUOTATIONS

“The commission has statutory authority to develop procedures different from those contained in R.C. Chapter 119, and the trial court erred in finding the commission’s order invalid for not following the procedures in R.C. Chapter 119.” (¶ 16)

“Thus, Adm.Code 3517-1-11(A) does not set forth a mechanism that only creates a limited pre-adjudicatory review that impermissibly morphs into a final disposition. Instead, the rule creates a preliminary review scheme that includes the ability of the full commission to reach a final disposition in certain circumstances.” (¶ 22)

FACTUAL BACKGROUND

Hicks for a Better Clermont, a campaign committee formed in December 2023, filed its annual campaign-finance report after the January 31, 2024 deadline. The Ohio Election Integrity Commission conducted a preliminary review, heard testimony from Christopher Hicks, found a violation of R.C. 3517.13(D), and imposed no penalty for good cause. The common pleas court invalidated the commission's order based on its interpretation of the commission's administrative rule and remanded for a rehearing.

PROCEDURAL HISTORY

The Clermont County Board of Elections complained that Hicks for a Better Clermont filed its annual campaign-finance report late. After a preliminary review at which the full commission heard testimony, the commission

found a violation but imposed no fine for good cause. The common pleas court invalidated the commission's order, held Adm.Code 3517-1-11(A)(3)(e) internally inconsistent and conflicting with R.C. Chapter 119, and remanded for rehearing. The Tenth District reversed and remanded for further proceedings, including consideration of the campaign committee's unresolved procedural-due-process argument.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The common pleas court must first consider Hicks's procedural-due-process argument. If the rule is constitutionally valid, the common pleas court must address Hicks's remaining arguments.

CASES CITED

- Barnes v. Ohio Secy. of State Notary Comm., 2024-Ohio-5334, ¶ 7 (10th Dist.)
- Univ. of Cincinnati v. Conrad, 63 Ohio St.2d 108, 110 (1980)
- Pons v. Ohio State Med. Bd., 66 Ohio St.3d 619, 621 (1993)
- Blakemore v. Blakemore, 5 Ohio St.3d 217, 219 (1983)
- Big Bob's, Inc. v. Ohio Liquor Control Comm., 2003-Ohio-418, ¶ 15 (10th Dist.)
- Madyda v. Ohio Dept. of Pub. Safety, 2024-Ohio-3201, ¶ 17 (10th Dist.)
- New York Frozen Foods, Inc. v. Bedford Hts. Income Tax Bd. of Rev., 2016-Ohio-7582, ¶ 8
- Parrott v. State Med. Bd. of Ohio, 2016-Ohio-4635, ¶ 24
- Vargas v. State Med. Bd. of Ohio, 2012-Ohio-2735, ¶ 8 (10th Dist.)
- Cowans v. Ohio State Racing Comm., 2014-Ohio-1811, ¶ 32 (10th Dist.)
- D.L. Lack Corp. v. Liquor Control Comm., 2010-Ohio-6172, ¶ 12 (10th Dist.)
- Lake v. State Med. Bd. of Ohio, 2025-Ohio-2842, ¶ 26
- Nestle R&D Ctr., Inc. v. Levin, 2009-Ohio-1929, ¶ 40
- State ex rel. Celebrezze v. Natl. Lime & Stone Co., 68 Ohio St.3d 377, 382 (1994)
- Wehr v. Div. of Ohio & Gas Resources Mgt., 2018-Ohio-5247, ¶ 15 (10th Dist.)
- Giese v. Dir., Ohio Dept. of Job & Family Servs., 2007-Ohio-2395, ¶¶ 26-32 (6th Dist.)
- Riverside v. State, 2010-Ohio-5868, ¶ 58 (10th Dist.)
- Klickovich v. State Med. Bd. of Ohio, 2026-Ohio-31, ¶ 5
- Lycan v. Cleveland, 2016-Ohio-422, ¶ 21
- Seman v. State Med. Bd. of Ohio, 2020-Ohio-3342, ¶ 21 (10th Dist.)
- State v. Cowan, 2004-Ohio-4777, ¶ 8