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H.B. 272
133rd General Assembly

Final Analysis

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Version: As Passed by the General Assembly

Primary Sponsors: Reps. Oelslager and Hillyer

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SUMMARY

- Prohibits any public official from causing an election to be conducted other than in the time, place, and manner prescribed by the Revised Code.
- Prohibits any public official from issuing an order to close all places of worship in Ohio or in a geographic area of Ohio.
- Expands the exercise of personal jurisdiction by a court to include personal jurisdiction over a person on any basis consistent with the Ohio Constitution and the United States Constitution.

DETAILED ANALYSIS

Public officials' orders concerning elections

The act prohibits any public official from causing an election to be conducted other than in the time, place, and manner prescribed by the Revised Code. Under the act, a public official is any elected or appointed officer, employee, or agent of the state or any political subdivision, board, commission, bureau, or other public body established by law. (By its terms, this definition might appear to include a judge as a public official. However, the act probably would not prevent a court from ordering a change in an election procedure if the court found that the procedure in the Revised Code violated the Ohio or U.S. Constitution or a federal law.)¹

¹ R.C. 3501.40. Under the constitutional doctrine of separation of powers, an act of the General Assembly cannot limit authority that another branch of government, like the courts, has under the Ohio Constitution. See, for example, *South Euclid v. Jemison*, 28 Ohio St.3d 157 (1986).

Under continuing law, the Governor may postpone an election, for not more than six months, in the event of an emergency resulting from enemy attack.²

Closure of places of worship

The act also prohibits any public official from issuing an order to close all places of worship in Ohio or in a geographic area of Ohio. “Place of worship” means a building or grounds where activities of an organized religious group are conducted. The act uses the same definition of “public official” for this provision as for the act’s provision concerning elections: any elected or appointed officer, employee, or agent of the state or any political subdivision, board, commission, bureau, or other public body established by law.³

Personal jurisdiction

Continuing law expressly identifies the actions (see below) that permit a court to exercise personal jurisdiction over a person acting directly or by an agent.⁴ These actions create a requisite amount of contact with Ohio in order for the court to exercise jurisdiction over the person. Prior law provided that when a court exercised personal jurisdiction over a person based solely because the person performed one of those actions, only a claim arising from that action could be asserted against the person; in other words, it precluded claims not based on that requisite contact.⁵

The act extends the exercise of a court’s personal jurisdiction such that, in addition to the listed actions, a court may exercise personal jurisdiction over a person on any basis consistent with the Ohio Constitution and the U.S. Constitution.⁶

A court’s personal jurisdiction under continuing law applies to a cause of action arising from a person’s:⁷

- Transacting any business in Ohio;
- Contracting to supply services or goods in Ohio;
- Causing tortious injury by an act or omission in Ohio;
- Causing tortious injury in Ohio by an act or omission outside the state, if the person regularly does or solicits business, engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in Ohio;

² See R.C. 161.09, not in the act.

³ R.C. 9.57.

⁴ R.C. 2307.382(A).

⁵ R.C. 2307.382(C).

⁶ R.C. 2307.382(C).

⁷ R.C. 2307.382(A).

- Causing injury in Ohio to any person by express or implied breach of warranty made in the sale of goods outside the state when the person might reasonably have expected such person to use, consume, or be affected by the goods in Ohio, and the person also regularly does or solicits business, engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in the state;
- Causing tortious injury in this state to any person by an act outside the state committed with the purpose of injuring persons, when the person might reasonably have expected that some person would be injured thereby in Ohio;
- Causing tortious injury to any person by a criminal act, any element of which takes place in the state, which the person commits or in the commission of which the person is guilty of complicity;
- Having an interest in, using, or possessing real property in Ohio;
- Contracting to insure any person, property, or risk located in the state at the time of contracting.

Also under continuing law, a person who enters into an agreement, as a principal, with a sales representative for the solicitation of orders in Ohio is transacting business in Ohio.⁸

HISTORY

Action	Date
Introduced	06-04-19
Reported, H. Civil Justice	10-17-19
Passed House (92-0)	11-13-19
Reported, S. Judiciary	05-20-20
Passed Senate (24-8)	05-27-20
House concurred in Senate amendments (59-35)	09-01-20

20-HB272-133/ar

⁸ R.C. 2307.382(B).