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H.B. 272
133rd General Assembly

Bill Analysis

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Version: As Passed by the Senate

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 bill 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 bill, 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 bill 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, a bill 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 bill 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 bill uses the same definition of “public official” for this provision as for the bill’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

Current law lists the causes of action (see below) based on which a court may exercise personal jurisdiction over a person acting directly or by an agent.⁴ It provides that when jurisdiction over a person is based solely on that Revised Code section, only a cause of action arising from the listed acts may be asserted against the person.⁵ The bill replaces the provision described in the second sentence above with the provision that in addition to a court’s exercise of personal jurisdiction over the listed causes of action, a court may exercise personal jurisdiction over a person on any basis consistent with the Ohio Constitution and the United States Constitution.⁶

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

- Transacting any business in this state;
- Contracting to supply services or goods in this state;
- Causing tortious injury by an act or omission in this state;
- Causing tortious injury in this state by an act or omission outside this 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 this state;
- Causing injury in this state to any person by express or implied breach of warranty made in the sale of goods outside this state when the person might reasonably have expected

² See R.C. 161.09, not in the bill.

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).

such person to use, consume, or be affected by the goods in this state, 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 this state;

- Causing tortious injury in this state to any person by an act outside this state committed with the purpose of injuring persons, when the person might reasonably have expected that some person would be injured thereby in this state;
- Causing tortious injury to any person by a criminal act, any element of which takes place in this 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 this state;
- Contracting to insure any person, property, or risk located in this state at the time of contracting.

Current law, unchanged by the bill, provides that a person who enters into an agreement, as a principal, with a sales representative for the solicitation of orders in this state is transacting business in this state.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

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⁸ R.C. 2307.382(B).