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H.B. 43
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Sobecki and Hoops

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Corrected Version*

SUMMARY

- Allows public bodies to meet and hold hearings via teleconference or video conference.
- Requires public bodies to provide the public with access to meetings and hearings commensurate with the method in which the meeting is being conducted.

DETAILED ANALYSIS

Public meetings via teleconference and video conference

The bill modifies Open Meetings Law to allow public bodies to meet and hold hearings via teleconference or video conference. Under current law, Open Meetings Law generally requires public bodies to take official action and deliberate official business only in open meetings where the public may attend and observe, and members of the public body must be present in person at a meeting in order to be considered present, vote, or be counted as part of a quorum.

The bill allows public bodies to attend meetings and conduct hearings remotely, via teleconference or video conference. Under the bill, members of a public body who attend meetings or hearings by means of teleconference or video conference are considered present in person at the meeting or hearing, are permitted to vote, and are counted for purposes of determining whether a quorum is present. The bill requires public bodies to provide some form of electronic access for the public to participate in hearings in which the public is entitled to participate, and to listen to or observe meetings to which the public is entitled to listen to or observe. The form of access must be commensurate with the method in which the meeting or hearing is being conducted. The public body must ensure that the public can observe and hear

* Correctly reflects the As Introduced version of the bill.

the discussions and deliberations of all the members of the public body, whether the member is participating in person or electronically. For example, if the meeting is being video-conferenced, the public must have visual access to the meeting as well as audio access. The bill lists example methods for remote participation, including livestreaming, local radio, television, cable or public access channels, call in information for a teleconference, or any other similar electronic technology.¹

All administrative hearing requirements not in conflict with the new section, such as notice and adoption of rules, still apply to administrative hearings, regardless of whether or not the meeting is conducted electronically.²

COMMENT

Under continuing law, H.B. 197 of the 133rd General Assembly, as amended by H.B. 404 of the 133rd General Assembly, temporarily authorizes public bodies to hold and attend meetings and hearings virtually, via teleconference, video conference, or other similar electronic technology, until July 1, 2021.³

HISTORY

Action	Date
Introduced	02-03-21

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¹ R.C. 121.22, not in the bill, and R.C. 121.221. The General Assembly has authorized various exceptions to the requirement. For example, the Ohio Board of Regents may meet via videoconferencing. R.C. 3333.02, not in the bill.

² R.C. 121.221(D). See also Chapter 119 of the Revised Code, not in the bill.

³ Section 12 of H.B. 197 of the 133rd General Assembly, amended by Section 1 of H.B. 404 of the 133rd General Assembly.