



Ohio Prosecuting Attorneys Association

Louis Tobin
Executive Director
House Bill 672
Written Opponent Testimony
December 5, 2018

Chairman Butler, Vice-Chair Pelanda, Ranking Member Boggs and members of the House Civil Justice Committee, thank you for the opportunity to provide written opponent testimony on House Bill 672.

House Bill 672 creates a procedure by which “a person claiming an interest” in a public record may seek a court order to have an error, omission, or defect in that record corrected or to have the record invalidated. As elected officials of a public office and as the legal counsel for county and township authorities, prosecutors are concerned with the breadth of this proposal and the potential impact that it could have on both the operations and finances of county government.

Public records are public records precisely because the public at-large has an interest in monitoring the conduct of government. Public records are defined as “any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in R.C. 1306.01, created or received by or coming under the jurisdiction of any public office which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.”

Because any member of the public may be a “person claiming an interest” in a public record and because public records are defined to cover such a broad swath of material, House Bill 672 has the potential to create a countless number of requests to correct any “error, omission, or defect” in any public record for undefined reasons. Courts, prosecutor’s offices, and other public offices could easily get bogged down in responding to such requests and attending mandatory court hearings – even if the court ultimately decides that the error, omission, or defect does not warrant correction or invalidation. The bill will allow for countless frivolous requests to correct records, all of which will require a response and a court hearing. We do not believe that this would be a wise use of limited time and resources.

Thank you again for the opportunity to provide written opponent testimony on this bill.