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**Ohio Senate Government Oversight and Reform Committee  
House Bill 312—Local Government Credit Cards  
Written Testimony of Dennis R. Hetzel  
President & Executive Director / Ohio News Media Association  
March 7<sup>th</sup>, 2018**

On behalf of the members of the Ohio News Media Association, which represents newspaper and digital news outlets across the state, I thank committee members for this opportunity to comment on a proposed amendment to House Bill 312. The amendment, which was developed in collaboration with the Auditor of State's office, would address an outdated deficiency in Ohio's Public Records Law.

Ohio's Public Records Law allows for records requests to be made in both written and electronic formats. Many records requests are fulfilled without incident or denied due to an established exemption in R.C. 149.43. At times, requestors will file suit if they believe denials are not allowed under the law. If the requestor prevails, he or she may seek statutory damages, court costs and attorney fees to cover the cost of litigation. However, in two recent Ohio Supreme Court rulings, the Court said it would not consider requests for damages in open records cases when the initial records request was made electronically. The Court noted that R.C. 149.43(C)(2), which sets standards for the awarding of statutory damages in public records cases, explicitly states that damages only can be awarded if the submissions are made in writing and delivered by hand or certified mail.

The amendment under consideration simply modernizes this outdated provision by adding 'electronic submission' to R.C. 149.43(C)(2). Note that this will not "loosen" the criteria for the awarding of damages but simply follows modern practices so that the courts may consider such requests. This will ensure consistency between the mechanisms in which public records can be requested and the awarding of fees and damages in cases where a public body improperly responds to a records request. We urge the committee to support this amendment and to favorably report HB 312. Thank you for your time and consideration.