



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 672 of the 132nd G.A.

**Status:** As Introduced

**Sponsor:** Rep. Barnes

**Local Impact Statement Procedure Required:** Yes

**Subject:** Court procedure and remedy to correct errors in public records

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### State & Local Fiscal Highlights

- State and local government agencies generally are likely to experience some increase in administrative work, including the time and effort to respond to petitions for the correction of records. The magnitude of the increase in work and related annual operating costs will depend on the number and complexity of petitions filed.
- Given the large volume of public records maintained by public offices statewide, there is the potential for significant annual costs to be incurred by common pleas courts generally in the form of new personnel and related appropriated resources.

### Detailed Fiscal Analysis

The bill creates a procedure for persons to correct errors and omissions in public records or to invalidate legally defective records that personally affect them by filing a petition with the court of common pleas in either the county where the public office responsible for the record is located or in the county where the record is kept.

The bill requires a petitioner to specify: (1) the error, omission, or legal defect, (2) the basis for the belief that the record is inaccurate or defective, and (3) the manner in which they believe the record should be amended. The public office responsible for the record must respond by either acknowledging the error, omission, or defect, or by denying the allegation. When denying an allegation, the office is required to state the basis for its belief that the record is accurate, complete, and properly executed.

As a result of the bill, state and local government agencies generally are likely to experience some increase in administrative work, including the time and effort to respond to petitions for the correction of records. The magnitude of the increase in work and related annual operating costs will depend on the number and complexity of petitions filed.

Every public office in the state is required to publish, either in print or on the public office's website, an explanation of the procedure by which an error, omission, or legal defect in a public record may be addressed through the bill's judicial procedure. It is highly likely that state and local public offices generally will be able to comply with

the publishing requirement utilizing existing personnel and appropriated resources. This is probably best viewed as a requirement performed one time or occasionally rather than as an ongoing daily activity.

If a petition is made, a hearing must be held to consider the evidence regarding the public record at issue. After the hearing, if the court finds that the error, omission, or defect described in the petition has been made and the petitioner has been personally affected, its findings are to be issued along with an order to correct the record or declare it invalid. It is unclear how frequently this judicial procedure would come into play. It is also unclear if discrepancies can be resolved prior to court involvement through administrative procedures.

Courts of common pleas generally will experience some increase in work to implement and maintain the bill's judicial procedure. The related annual costs will depend upon the frequency and complexity of the petitions filed, both of which are indeterminate. Given the large volume of public records maintained by public offices statewide, there is the potential for significant annual costs to be incurred by common pleas courts generally in the form of new personnel and related appropriated resources.