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**Before the House Government Accountability and Oversight Committee
Senate Bill 139– Ohio’s Electronic Legal Material Act
Sponsor Testimony by Senators Michael J. Skindell and John Eklund
February 28, 2018**

Good Morning Chairman Blessing, Vice Chair Reineke, Ranking Member Clyde and Members of the House Government Accountability and Oversight Committee, thank you for the opportunity to provide sponsor testimony on Senate Bill 139, Ohio’s Electronic Legal Material Act.

Currently, Ohio has no mechanism for authentication of electronic legal materials published in the state such as statutes and regulations. Increasingly, state governments are publishing primary legal material such as state statutes, regulations, and court opinions online. Online publication is often accompanied by the decision to stop providing print copies of the legal material. Although online publication has facilitated greater public access, it has also raised various concerns about ensuring that the electronic material will be preserved in unaltered form and will be available permanently. This legislation offers a mechanism for providing the state’s official legal material online with the same level of trustworthiness traditionally given by print publication.

At this point, the UELMA has been adopted in some form in twelve states. In 2016, the UELMA was introduced in state legislatures of four other states. UELMA requires that a state publishing official authenticate electronic legal material. Authentication means that the official publisher must provide a method for the user to determine that the material received from the publisher is unaltered from the officially published version. Although online publication has facilitated public access, it has also raised a number of concerns about ensuring that the electronic material will be preserved in unaltered form and will be available permanently.

Electronic legal material that has been designated official must be:

- Capable of being authenticated;
- Preserved;
- Permanently accessible to the public; and
- Provide for back-up and recovery and ensure the integrity and continued usability of the material.

The legal material to be authenticated in this legislation is the Constitution of the State of Ohio, the state session laws, the Ohio Revised Code, adopted state agency rules and final decisions of state administrative agencies. The official publisher that authenticates these legal materials will be the Secretary of State for the Constitution and session laws; the Legislative Service

Commission for the Ohio Revised Code and the Ohio Administrative Code and the state agency adopting a particular rule for those rules not published in the Ohio Administrative Code.

The UELMA has been endorsed by the Ohio Regional Association of Law Libraries, the American Association of Law Libraries, the American Bar Association (ABA), the ABA Standing Committee on the Library of Congress and the Government Documents Roundtable of Ohio. The Supreme Court of Ohio already uses a form of authentication of electronic legal materials for Court rulings and opinions. This legislation was brought to my attention from administrators of law libraries in both Cleveland and Cincinnati.

Thank you for the opportunity today to provide sponsor testimony on this legislation. We would be happy to answer any questions.