



Written Testimony Regarding Senate Bill 206

**To:
Ohio Senate Government Oversight and Reform Committee
June 5, 2018**

Respectfully submitted by:
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Re: Ohio Citizen Participation Act - Senate Bill 206

Chairman Coley and Members of the Committee on Government Oversight and Reform:

On behalf of Yelp, I thank you for the opportunity to submit written testimony in support of Senate Bill 206.

Yelp is an online platform dedicated to connecting people with great local places. Our users have written over 155 million reviews¹ on everything from coffee shops and restaurants to DMVs and doctor's offices.

In order to maintain consumer platforms like ours, we strongly advocate for legislation that protects a consumer's ability to share honest, first-hand experiences with their peers without fear of threats, fines, or lawsuits.

This is why Yelp is supportive of SB 206, the Ohio Citizen Participation Act.

Ohioans have a deep tradition of sharing opinions, whether directly through word of mouth to friends and neighbors, in newspaper editorials, on radio and television, or, within the last decade, on the internet. According to a recent study², 82% of U.S. adults read online reviews before making a purchasing decision. Whether it's for a restaurant, hotel, pediatrician, or coffee shop, consumer review platforms empower people to make more informed decisions by allowing them to tap into others' experiences.

As consumer review platforms have grown, however, some businesses have tried to stop people from sharing their opinions online by filing Strategic Lawsuits Against Public Participation (SLAPPs). While any cause of action may be a SLAPP in disguise, SLAPPs generally come in the form of defamation claims. Individuals or businesses file SLAPPs in order to intimidate a commenter with the threat legal fees and what can be a lengthy court process. Unfortunately, it's often easier for commenters to simply remove their original statements from the internet rather than take the trouble to defend even honest statements in court.

By definition, the claims made in a SLAPP are meritless — they're simply malicious actions designed to establish a dilemma for the speaker: remove the speech at issue, or spend tens of thousands of dollars, if not much more, and several years defending the right to honestly speak about everyday experiences.

We at Yelp have seen firsthand that SLAPPs have a tremendous chilling effect on free speech and access to valuable information that can empower and protect the general public. And, while we believe this bill goes a long way in remedying this, we have a few recommendations to ensure Ohioans are protected from these frivolous lawsuits and are empowered to share their experiences with others:

- To avoid confusion, the limited exception to the exception to the anti-SLAPP law for statements made in connection with the sale or lease of goods and services should explicitly reference

¹ This number is as of March 1, 2018. For more information, visit <https://www.yelp.com/factsheet>.

² Smith, Aaron and Anderson, Monica. <http://www.pewinternet.org/2016/12/19/online-reviews/>, Pew Research Center



protected activities such as journalism, consumer reviews, and articles published online (not merely in traditional newspapers or magazines).

- Additional bill language should be added to clarify that provide forums for “protected communications” are also shielded from SLAPPs targeting such protected communications.
- Revised bill language providing improved protections and guidance to users that litigants seek to identify in situations concerning anonymous speech.

At Yelp, we believe that litigation is a poor substitute for customer service. This is why we are supportive of SB 206 and believe it will provide Ohioans with a powerful tool to fight back against entities that seek to chill their legitimate speech. The protection of free speech, both offline and on, has always been, and should continue to be, a top priority of the government. We applaud the Senate Committee on Government Oversight and Reform for your dedication to this issue and look forward to a future where people can share their firsthand experiences with local businesses without facing the threat of a SLAPP.

Respectfully submitted,

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