

Introduction

If an Ohio public body allows for the public to comment at an in-person meeting, but this public body chooses to meet electronically, how can Ohioans make sure their voices will be heard? What can be done today to help make that happen?

Chairman Peterson, Vice Chairman Thomas, Ranking Member Humphrey, members of the Ohio House Government Oversight Committee, ladies and gentlemen, my name is William Tarter, Jr. from Broadview Heights, Ohio and I believe House Bill 257 can assist in answering those questions and ensure the voices of Ohioans if a public body meets electronically.

House Bill 257

Happy Halloween and thank you for the opportunity to testify in support of House Bill 257. This afternoon, I am speaking as a private citizen and not representative of my employer.

I support House Bill 257 because I believe that virtual meetings for public bodies will increase accessibility for individuals to watch, listen, and in some instances participate in public meetings. Hybrid and/or virtual meetings are especially helpful during colder months, as well as for individuals who are aging, or those who may otherwise not be able to attend meetings in person.

Previous and proposed Ohio public meetings law regarding electronic public meetings, mandate that the public have **access** to be able to listen and/or view.

However, during the pandemic, when it came to public participation and public comment at a public meeting in a virtual environment, I began to notice that public bodies fell into one of three categories:

- 1) They did not allow public comment at in-person meetings and they did not allow public comment at electronic meetings.
- 2) They allowed public comment at in-person meetings and they adopted a way for method for verbal public comment. Sometimes it came directly from citizens speaking, while others allowed written comments that were submitted and read aloud into the record by the Clerk. In some instances, there were both options available to citizens. It was a **treat** to see these meetings in action because they allowed for maximum accessibility.
- 3) **It's the third category, however, that is more grim.** There were some public bodies that previously provided a way for public comment at in-person meetings, but during electronic meetings only livestreamed their meetings. Not only was public comment eliminated, written comments were only distributed to the elected officials, not read aloud at all and not posted anywhere. This meant that the public had an inconsistent expectation of being able to provide thoughts or feedback on a pending policy matter, and/or hear the thoughts and opinions of other citizens. It all depended on if it is an in-person meeting or a virtual meeting. **This was a not-so-welcome trick, not a treat!**

Back in 2021 when then House Bill 43 (which ultimately was folded in House Bill 110) and in present day, I have advocated for a provision that specifically says: **"if a public policy permitted verbal public comment in a non-electronic environment, then they must develop a method for verbal public comment in an electronic environment."**

I would like to thank Rep. Hoops and his Legislative Aide Jack Smith, for his openness and consideration to address this third category, by adding language to HB257 which adds the provision: “means by which members of the public may comment, if applicable.” This is an important provision to ensure that the public, which may be allowed to provide public comment if the meeting in person, will retain that ability if the public body decides to meet virtually.

Benefits

Why is all of this important?

- Verbal public comment, spoken by the commenter themselves or read aloud by the Clerk, provides a way to provide thoughts and ask questions in real time that could be answered during the meeting by public officials.
- Comments are also included in the video record.
- Ohioans to hear the thoughts from their fellow citizens on matters of public importance.

Public bodies are still given flexibility to develop policies in line with the virtual medium of their choice (Zoom, Microsoft Teams, Webex, etc.), as well as local control for development of procedures for public comment protocols, for example: allocating a time limit such as two or three minutes per person, requiring a witness form to testify, whether the citizen testifies vs. the clerk reading the comments aloud into the record, etc.

Conclusion

In conclusion, having clarity and certainty that the public can still participate (if the public bodies allow), regardless of whether a public meeting is in-person or virtual, will greatly enhance public accessibility to civic information and ensure Ohioan’s voices are heard. Today’s legislation is a giant step forward to create more Sunlight, or (in celebration of Halloween) **Moonlight**. I am happy to see this legislation move forward and request your support.

Thank you!

Respectfully submitted,

William Tarter, Jr.

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Broadview Heights, Ohio