



Ohio Clerk of Courts

**Ohio State Senate
General Government Committee
May 10, 2023
Interested Party Testimony on HB 33**

Good afternoon, Chairman Rulli, Vice Chair Schuring, Ranking Member DeMora, and members of the Senate General Government Committee. My name is Tracy Zuver and I am the Fulton County Clerk of Courts and President of the Ohio Clerks of Court Association. I am here with Branden Meyer, who is the co-chair of the Ohio Clerks of Court Association's Legislative Committee and the Fairfield County Clerk. Thank you for the opportunity to testify as an interested party on House Bill 33, and specifically, on a provision that was added in the House that requires clerks of court to accept electronic court filings.

First and foremost, thank you to the members of this committee for their important work and dedication on this operating budget.

The language included in the budget bill regarding e-filing is the same language that the Clerks of Court Association has been working on with Representatives Brian Stewart and Richard Brown for the past few months. We are supportive of the concept of e-filing and recognize that it is the way of the future. However, in order for the clerks to expeditiously implement an e-filing system, we need 4 changes to the current language in House Bill 33.

The 4 changes we are seeking are:

1. *Increase the cap on the computerization fee from \$20 to \$25*

Currently, the law allows for an additional fee of up to \$20 be added to certain filings and deposited into a special computerization fund to be used solely for the purpose of technological advances or to computerize the clerk of court's office. The fee has not been increased in over a decade. We are asking for an increase to help us with updating our computer systems and technology necessary to accept e-filings.

2. *Permit the clerk to use the computerization funds with solely authorization of the county commissioners*

Current law requires the judge to determine if, for the efficient operation of the clerk's office, the clerk may access the money in the computerization fund to purchase upgraded technology, and then the county commissioners to authorize the disbursement of the funds. We are seeking an amendment to allow the clerks to access the computerization funds without an order from the judge. The clerks are best positioned to determine the technology and computerization needs of the office and can work directly with the county commissioners to authorize the use of funds and the county treasurer to disburse the funds.

3. *Clarify that "electronic format" includes facsimile*

The intent of the legislation is to provide lawyers and others filing documents with the clerk of courts to be able to do so without personally coming into the courthouse. Filing documents via facsimile accomplishes the goal the same as filing electronically via email or through an online portal.



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4. *Delay the effective date to December 31, 2024*

We respectfully request that the implementation date be delayed until December 31, 2024 to allow time for our clerks to implement an e-filing system, if needed. Today, currently only 38 clerks accept electronic filing through their case management systems and an additional 25 clerks accept filings via email or facsimile.

We want to thank you again for the opportunity to testify on HB33 and welcome any questions you may have.