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Amy Swank
5945 Vandeleur Place
Dublin, Ohio 43016

Chair Ray, Vice Chair LaRe, Ranking Member Brent, and members of the House General Government Committee, thank you for the opportunity to provide written testimony on HB 609.

I strongly support HB 609 in order to protect citizen participation in local government. I believe public participation in government is the backbone of good democracy (which is why I am submitting these comments) and discussion among all interested parties creates better outcomes for communities.

I have spent the last year advocating for the responsible development of data centers in several communities in Ohio. In doing so, I have witnessed firsthand many different methods local Ohio governments have for public participation. My understanding of Ohio law is that localities – especially those that are home rule - have broad discretion to modify established policies and conduct business as they wish with very little notice of that change. Often their governing documents and rules of order give this same broad discretion to limit or otherwise thwart public comment. Unfortunately, in my experience, elected officials sometimes exercise that discretion to suppress public comments.

To emphasize that I believe this is a real issue, I share as examples my experiences in my own hometown of Dublin. At a second reading of a rezoning ordinance in June, Mayor Chris Amorose Groomes admonished residents to only comment if they have “new information” even though the City had failed to send notices to homes within 300 feet as required by its charter for the first reading so this was the first meeting of which residents received proper notice. In September, the City of Dublin Planning and Zoning Commission denied the opportunity for public comment on an agenda item because it was labeled a “discussion item.” In December, Dublin City Council moved to suspend its two-hearing rule and go straight to the public hearing about a land acquisition even though there was no public disclosure that could identify the parcels being acquired such as the owners’ names, parcel addresses, or county auditor ID numbers until 72 hours before the meeting which is after Council received their “meeting packets” that would have included written public comments. Do these instances represent the highest ideals of democracy and citizen participation?

It is experiences like these why I believe HB 609 is necessary to protect citizen participation in local government. That said, I respectfully ask the Committee to consider two changes to the legislation. First, maintain that the proposed public commentary requirement in Section

121.22(F)(3) apply to all “public bodies” as defined in Section 121.22(B)(1) because limiting it to only elected officials may permit elected officials to circumvent public comments by delegating authority to various committees such as Planning and Zoning Commissions, Administrative Review Teams, etc. whose decisions often directly impact citizens and whose membership is often appointed by elected officials. Second, in addition to allowing “public commentary and testimony before taking formal action on any item,” require that a draft of the proposed language of any ordinance, resolution or other formal action within the meaning of Section 121.22(F)(3) unless it is deemed an emergency ordinance be posted publicly at least seven days prior to the meeting in order for residents to have meaningful notice of what they may wish to provide public comment on. Currently only notice of the meeting date, time and location is required by Ohio law and often the agendas do not provide enough details to inform citizens of the underlying matters. Allowing time for citizens to research the underlying matter will provide better commentary to the governing body. Additionally, posting a draft of any proposed legislation also ensures it is provided to members of the decision-making body in enough time to review it themselves and possibly speak with constituents. This would not impact public bodies from discussing new matters that do not involve the adoption, modification or termination of legislation at the meeting. Furthermore, requiring legislation itself to be posted as opposed to a summary or agenda item would not create disputes as to whether the summary or agenda accurately described the legislation. I believe these two modifications will help ensure the protections HB 609 is aiming to guarantee.

Thank you for the opportunity to provide this written testimony regarding HB 609 and for protecting the voices of Ohio citizens.