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H.B. 823
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. D. Thomas and T. Mathews

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SUMMARY

- Allows an elected official who is deployed on active military duty to retain the official's position and to attend meetings virtually.

DETAILED ANALYSIS

Elected official rights when on active duty

The bill specifies that when an elected official is an active or reserve member of the U.S. armed forces or the Ohio National Guard and is deployed on active duty, all the following apply:

- Notwithstanding the Open Meetings Law, the elected official may attend any meeting of a public body of which the elected official is a member and may hear and vote on any matter before the public body, through teleconference, video conference, or any other similar synchronous electronic technology.
- The elected official may not be considered absent from a meeting of any public body of which the elected official is a member for purposes of any provision of law that requires a member of a public body to attend a certain number of meetings of the public body to avoid forfeiting the person's office. This provision applies regardless of whether the elected official attends any meetings virtually.
- The elected official is not considered to be absent from the state or a political subdivision for purposes of any provision of law that specifies that an office becomes vacant when the official is absent.

- The elected official is not considered to have committed nonfeasance in office or otherwise failed to perform the duties of the office by reason of the elected official's absence while deployed on active duty.¹

Definitions

"Active duty" means full-time duty in the U.S. armed forces or the Ohio National Guard, including full-time training duty, annual training duty, and active state duty for members of the National Guard.

U.S. armed forces means the Army, Air Force, Navy, Marine Corps, Space Force, Coast Guard, and any other military service branch that is designated by Congress as a part of the U.S. armed forces.

"Elected official" means a person who holds an elective office of the state or a political subdivision.

"Public body" means:

- Any board, commission, committee, council, or similar decision making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;
- Any committee or subcommittee of a body described above;
- A court of jurisdiction of a sanitary district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use when meeting for the purpose of the appointment, removal, or reappointment of a member of the board of directors of the district, or for any other matter related to the district other than litigation involving the district.²

HISTORY

Action	Date
Introduced	04-15-26

ANHB0823IN-136/sb

¹ R.C. 3.07, 3.17, 3.171, 305.03, 503.241, and 3313.11.

² R.C. 3.171(A).