

As Introduced

136th General Assembly

Regular Session

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S. B. No. 351

Senator Manning

To amend section 121.221 of the Revised Code to 1
allow an active duty service member on 2
deployment, and who is a member of a public body 3
in the state, to attend meetings of the public 4
body virtually. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 121.221 of the Revised Code be 6
amended to read as follows: 7

Sec. 121.221. (A) As used in this section: 8

"Hearing" means an administrative hearing, hearing as 9
defined in section 119.01 of the Revised Code, or other hearing 10
at which a person may present written or oral testimony on a 11
matter before the public body. 12

"Meeting" has the same meaning as in section 121.22 of the 13
Revised Code. 14

"Public body" has the same meaning as in section 121.22 of 15
the Revised Code. 16

"Multi-party meeting" means a meeting in which the members 17
of a public body and the members of at least one other public 18
body are participants. 19

(B) Except as otherwise provided in the Revised Code, 20
members of a public body may hold and attend meetings and may 21
conduct and attend hearings by means of video conference or any 22
other similar electronic technology, and all of the following 23
apply: 24

(1) Any resolution, rule, or formal action of any kind has 25
the same effect as if it occurred during an open meeting or 26
hearing of the public body. 27

(2) Notwithstanding division (C) of section 121.22 of the 28
Revised Code, members of a public body who attend meetings or 29
hearings by means of video conference or any other similar 30
electronic technology shall be considered present as if in 31
person at the meeting or hearing, shall be permitted to vote, 32
and shall be counted for purposes of determining whether a 33
quorum is present at the meeting or hearing. 34

(3) The public body shall not hold hearings or meetings by 35
means of video conference or any other similar electronic 36
technology until the public body has adopted a policy that 37
specifies at least all of the following: 38

(a) The public body shall provide notification of meetings 39
and hearings held under this section to the public, to the media 40
that have requested notification of a meeting, and to the 41
parties required to be notified of a hearing at least seventy- 42
two hours in advance of the meeting or hearing by reasonable 43
methods by which any person may determine the time, location, 44
agenda of the meeting or hearing, and the manner by which the 45
meeting or hearing will be conducted, except in the event of an 46
emergency requiring immediate official action, as defined by the 47
policy. In the event of an emergency, the public body shall 48
immediately notify the news media that have requested 49

notification or the parties required to be notified of a hearing 50
of the time, place, and purpose of the meeting or hearing. 51

(b) The public body shall provide the public access to a 52
meeting held under this section, and to any hearing held under 53
this section that the public would otherwise be entitled to 54
attend, commensurate with the method in which the meeting or 55
hearing is being conducted, including for example, livestreaming 56
by means of the internet, television, cable, or public access 57
channels, or by means of any other similar electronic 58
technology. The public body shall ensure that the public can 59
observe and hear the discussions and deliberations of all the 60
members of the public body, whether the member is participating 61
in person or electronically. Members of the public body shall 62
have a sufficient internet or other electronic connection to 63
allow the member to be seen and heard clearly, and shall be 64
visible at all times. 65

(c) All votes taken in the meeting or hearing shall be 66
taken by roll call vote unless there is a motion for unanimous 67
consent, and the motion is not objected to by a member of the 68
public body. If a vote is taken unanimously, the public body 69
shall provide the public with information on how the members of 70
the public body voted, including any members who abstained from 71
voting. 72

(d) Any member of the public body who intends to attend a 73
meeting by means of video conference or other similar electronic 74
technology shall notify the chairperson of that intent not less 75
than forty-eight hours before the meeting, except in the case of 76
an emergency as defined in the policy. 77

(e) No public body may hold, and no member of a public 78
body may attend meetings or conduct and attend hearings by means 79

of video conference or other similar electronic technology if 80
any of the following apply: 81

(i) The meeting or hearing involves a vote to approve a 82
major nonroutine expenditure as defined in the policy adopted by 83
the public body under this section; 84

(ii) The meeting or hearing involves a vote to approve a 85
significant hiring decision as defined by that policy; 86

(iii) The meeting or hearing involves a purpose to 87
propose, approve, or vote on a tax issue or tax increase; 88

(iv) Excluding expense reimbursements to members for 89
actual expenses incurred while fulfilling their duties, the 90
members of the public body are compensated for their position as 91
members of the public body, except when members are 92
participating in a multi-party meeting if the multi-party 93
meeting does not involve a vote to approve a major nonroutine 94
expenditure or significant hiring decision or involve a purpose 95
to propose, approve, or vote on a tax issue or tax increase; 96

(v) The members of the public body are elected by vote of 97
the general public to their positions as members, except when 98
members are participating in a multi-party meeting if the multi- 99
party meeting does not involve a vote to approve a major 100
nonroutine expenditure or significant hiring decision or involve 101
a purpose to propose, approve, or vote on a tax issue or tax 102
increase. 103

(f) If, upon the notification of an upcoming meeting of a 104
public body, and not later than forty-eight hours before the 105
meeting, the greater of at least ten per cent of the members of 106
the public body or two members of the public body, notifies the 107
chairperson of the public body that an item in the agenda must 108

be acted upon at a meeting conducted fully in person, upon the 109
chairperson's acknowledgment of receipt of the notification, the 110
public body shall take action on the item of the agenda only at 111
a meeting conducted fully in person. 112

(4) A public body shall not hold a hearing, and members of 113
a public body shall not attend a hearing, by means of video 114
conference or other similar electronic technology without the 115
consent of all parties to the hearing. 116

(5) (a) No public body may hold, and no member of a public 117
body may attend, meetings or conduct and attend hearings by 118
means of video conference or other similar electronic technology 119
if any of the following apply: 120

(i) The meeting or hearing involves a vote to approve a 121
major nonroutine expenditure. 122

(ii) The meeting or hearing involves a vote to approve a 123
significant hiring decision. 124

(iii) The meeting or hearing involves a purpose to 125
propose, approve, or vote on a tax issue or tax increase. 126

(iv) Excluding expense reimbursements for actual expenses 127
incurred while fulfilling their duties, the members of the 128
public body are compensated for their position as members of the 129
public body. 130

(v) The members of the public body are elected by the 131
general public to their positions as members. 132

(b) The prohibition on compensated and elected members 133
holding or attending virtual meetings and hearings established 134
in division (A) (5) (a) of this section does not apply to members 135
participating in a virtual multi-party meeting if the multi- 136

party meeting does not involve a vote to approve a major 137
nonroutine expenditure or significant hiring decision or involve 138
a purpose to propose, approve, or vote on a tax issue or tax 139
increase. 140

(C) When members of a public body conduct a meeting or 141
hearing by means of video conference or any other similar 142
electronic technology, the public body shall establish a means, 143
through the use of electronic equipment that is widely available 144
to the general public, to converse with witnesses, receive 145
documentary testimony and physical evidence, and permit public 146
comment, if applicable. 147

(D) The authority granted in this section applies 148
notwithstanding any conflicting provision of the Revised Code. 149
Nothing in this section shall be construed to negate any 150
provision of section 121.22 of the Revised Code, Chapter 119. of 151
the Revised Code, or other section of the Revised Code that is 152
not in conflict with this section. If a section of the Revised 153
Code permits a particular public body to meet or hold hearings 154
by means of teleconference, video conference, or any other 155
similar electronic technology, that section prevails over the 156
provisions of this section with respect to that particular 157
public body. This section is not intended to eliminate, or 158
otherwise affect, any requirements under federal law. 159

(E) A public body may adopt a policy, notwithstanding 160
division (B) of this section, that specifies conditions under 161
which a member of the public body, who is an active duty service 162
member, may attend a meeting or hearing by means of video 163
conference or any other similar electronic technology. The 164
policy shall require that the active duty service member, at the 165
time of the meeting, be deployed at a location outside of the 166

jurisdiction of the public body. As used in this division, 167
"active duty service member" means any member of the armed 168
forces of the United States performing active duty under Title 169
10 of the United States Code. 170

Section 2. That existing section 121.221 of the Revised 171
Code is hereby repealed. 172