

## **As Introduced**

**136th General Assembly**

**Regular Session**

**2025-2026**

**S. B. No. 351**

**Senator Manning**

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

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

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

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

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

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

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

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

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(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 nonroutine expenditure or significant hiring decision or involve a purpose to propose, approve, or vote on a tax issue or tax increase.	137 138 139 140
(C) When members of a public body conduct a meeting or hearing by means of video conference or any other similar electronic technology, the public body shall establish a means, through the use of electronic equipment that is widely available to the general public, to converse with witnesses, receive documentary testimony and physical evidence, and permit public comment, if applicable.	141 142 143 144 145 146 147
(D) The authority granted in this section applies notwithstanding any conflicting provision of the Revised Code. Nothing in this section shall be construed to negate any provision of section 121.22 of the Revised Code, Chapter 119. of the Revised Code, or other section of the Revised Code that is not in conflict with this section. If a section of the Revised Code permits a particular public body to meet or hold hearings by means of teleconference, video conference, or any other similar electronic technology, that section prevails over the provisions of this section with respect to that particular public body. This section is not intended to eliminate, or otherwise affect, any requirements under federal law.	148 149 150 151 152 153 154 155 156 157 158 159
(E) <u>A public body may adopt a policy, notwithstanding division (B) of this section, that specifies conditions under which a member of the public body, who is an active duty service member, may attend a meeting or hearing by means of video conference or any other similar electronic technology. The policy shall require that the active duty service member, at the time of the meeting, be deployed at a location outside of the</u>	160 161 162 163 164 165 166

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