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Committees

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Chairman Schuring, Vice Chair Rulli, Ranking Member O'Brien, and Members of the Senate General Government and Agency Review Committee, thank you for allowing us the opportunity to provide sponsor testimony on Senate Bill 293. This legislation would create a procedure within the Court of Claims to hear complaints alleging a violation of the Open Meetings Law.

In 2016 a similar mediation program was created to assist with public records disputes, and, since then, over 300 Ohioans have used the program to receive their records faster and cheaper. Individual Ohioans, the media, attorneys, and public employees have filed to receive records from the state, local governments, law enforcement agencies, school districts, and other public entities. We have seen tremendous success and savings with this program and can provide more detailed statistics through the Chair's office. Mirroring the language of that program, SB 293 creates a procedure to hear complaints alleging a violation of Open Meetings Law. This process will be significantly cheaper and will reach resolution more quickly than with current practices. While current court processes could take months or years to resolve disputes, the average number of days for a public records complaint from filing with the Court of Claims to disposition is 103 days.

Currently, the only manner in which to resolve open meetings disputes is through often lengthy and costly court proceedings, and thus is not accessible to the average Ohioan. Under SB 293, to file a complaint against a public body, a person simply has to complete a form prescribed by the clerk of court of claims and pay a \$25 filing fee. If the special master assigned by the clerk to the complaint determines the complaint shall move forward, they can refer it for mediation, dismiss the complaint, or refer to the court of claims for further action. This legislation establishes a transparent and fair precedent by

providing all Ohioans with a faster, more affordable method of settling public records disputes through the Court of Claims.

With public records the resolution is rather simple, the complainant will either get the records or not get the records, based on the mediation decision. Open meetings disputes are much less clear as to the resolution and each case may be very unique. However, Jeff Clark, the current special master for public records at the Court of Claims, has been made aware of the proposed legislation and believes they are prepared to handle a similar process for open meetings disputes.

Proponents of this legislation include the Ohio News Media Association, which has made this a priority bill for their members, and Auditor of State Keith Faber, as he is committed to efforts that advance government transparency and was the sponsor of the public records mediation process legislation. ONMA can demonstrate with real examples as to how the process has helped their members resolve public records disputes in a timely and effective manner and how the mediation process improves access to the average Ohioan.

Thank you for your consideration of SB 293. We are happy to answer any questions from the committee.