



## **Senate General Government and Agency Review Committee**

**Auditor of State Keith Faber**

**Senate Bill 293**

**May 20, 2020**

Chairman Schuring, Vice Chair Rulli, Ranking Member O'Brien, and members of the committee, thank you for the opportunity to testify in support of Senate Bill 293.

Since taking office, my initiatives have been about making government efficient, effective, and transparent. As the State Auditor, I get to meet and interact with local officials across the state. Many are fantastic public servants. I tell people, out of the thousands of hands that touch public money, the amount of abuse and fraud is a small amount. As a public official, constituents are empowered to hold them accountable. We know that the best business is conducted in the sunlight and hold our officials to high standards when it comes to Ohio's Sunshine Laws. When those laws are violated, citizens deserve an affordable and timely opportunity to file a complaint to receive access to public information.

When I was in the Senate, I sponsored Senate Bill 321 of the 131st General Assembly which created a mediation process in the Court of Claims for public records disputes. This bill passed unanimously through the House and Senate, a truly bipartisan piece of legislation. Since 2016, this process has proven to be an effective resolution of public records complaints with more than 300 Ohioans receiving records quickly and without high mediation costs.

To build on that success, Senate Bill 293 creates a similar process for open meetings disputes. Rather than having to go to a court of common pleas and initiating a lengthy, expensive legal process that will clog the dockets, the Court of Claims mediation filing is only 25 dollars, can be submitted through an online form, and cases will likely be settled in a few weeks or months, rather than many months or years. If the mediation fails, a special master issues a ruling and decisions can be appealed to a full court, appellate court, and ultimately the Ohio Supreme Court. Just like any other legal decision, there are appeals processes. In the first four years of the public records mediation process, however, only 12 appeals have been filed.

Open meetings disputes can be much more complicated than public records complaints. I have full faith in the Court of Claims, which already deals with issues of greater complexity, and the current public records Special Master to handle each open meetings dispute appropriately.

To be clear, the intention of the bill is to provide access to information that citizens deserve. As elected officials, we should always be working for our constituency and trying to be more transparent, not less. It is important that taxpayers know how decisions are made regarding their tax dollars. Open meetings laws were passed to make sure these decisions are transparent.

Efficient, effective, and transparent – three things we want in government are all included in Senate Bill 293. Our state has been a leader in promoting access to public records. By helping Ohioans resolve open meetings disputes, we can further our leadership in enforcing Sunshine Laws. As Auditor I encourage all of my clients to be transparent with their constituency and efficient with their taxpayer dollars. Creating an affordable and accessible process for the public to file open meetings complaints accomplishes both of those goals.

I would like to thank Senators Manning and Blessing in addition to the Ohio News Media Association for all of their hard work on this bill. This is a good government piece of legislation.

Thank you again for allowing me to testify today, and I would welcome any questions you may have.