



HOUSE OF REPRESENTATIVES
STEVE HAMBLEY AND SCOTT RYAN

Chair Anielski, Ranking Member Bishoff, and members of the House State and Local Government Committee; I am pleased to present to you today House Bill 34. One of the tenants of “good government” is that essential communication or notices of government action are delivered to interested parties in a timely and reliable manner. Keeping the costs of delivering these notices reasonable is likewise a concern of those charged with managing finite public budgets and personnel.

Almost two years in the making, House Bill 34 is the culmination of numerous discussions between members of the Ohio Council of County Officials facilitated by the County Commissioners Association, as well as the Ohio Township Association looking at a wide-ranging list of Ohio Revised Code sections that require county, local, and state government entities to send official notices via certified mail.

The purpose of certified mail is to provide an indisputable record that an article was actually delivered, or attempted to be delivered to a recipient. Many state, county, and local governments have found the certified mail requirement for many specific circumstances to be redundant, if not the most expensive way to verify that an official notice has been delivered to an interested party.

One of the early interested parties that helped shape this bill included the Cuyahoga County Board of Revision. They notified us that in Cuyahoga County alone, 85% of Certified Mail notices are returned unclaimed or undeliverable in a typical year. At \$5.00 per parcel, this cost adds up to \$500,000 per year being spent with very little to show for it. House Bill 34 hopes to address these concerns and allow government agencies under certain circumstances to utilize the benefits of 21st century communication technology rather than rely primarily upon the certified mail services introduced by the United States Postal Service in 1955.

House Bill 34, simply stated, replaces the “certified mail” requirement with “either by certified mail or if the board has record of an internet identifier associated with the holder, by ordinary mail and by that internet identifier of record” for a number of specific official notices. This internet identifier of record can be an email address, website contact form, or other applicable way of contact on record with the authority sending the official notice. It is important to note that we have taken the language for this from the Ohio Revised Code section 2950. This section deals with notifying sex abuse victims that their abusers have changed residency.

State, county, and local government agencies that communicate between themselves often have email addresses and other internet identifiers which are “of record” and easily obtained. Therefore, mandated certified mail communication for official notices between these government entities would appear to be unnecessary. We also included the “email or internet identifier of



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record” option for circumstances where anyone applying for variances, permits, licenses, valuation complaints, etc. could easily be asked to provide an "email of record" as part of the application. Therefore, they are providing tacit approval for an alternative form of notification that does not include certified mail.

In the last general assembly, there were questions on whether this bill would get struck down by courts in regard to due process. By working with LSC staff, we have addressed these questions, and have strengthened the definition of an “internet identifier of record.” House Bill 24 now clearly states:

““internet identifier of record” means an electronic mail address, or any other designation used for self-identification or routing in internet communication or posting, provided for the purpose of receiving communication.”

I believe that the operative word “provided“ indicates clearly that in order to satisfy the “reasonableness of the circumstances test” mentioned in the LSC Analysis that the “internet identifier of record” should have been provided by the intended recipient of those notices for those purposes.

House Bill 34 is a bill that ensures good government while improving efficiency in the delivery of official notices by various government agencies. The objective of House Bill 34 is to minimize costs related to official communications between government agencies as well as to specific interested parties. We have no official estimate for the financial impact of House Bill 34, but I would contend that over the long run it could mean millions of dollars in savings to various government agencies across the state of Ohio. Let’s allow our government agencies to save taxpayers money by using electronic mail and internet based communications under specific circumstances rather than rely primarily upon costlier certified mail services dating back to the 1950s to achieve the same purpose – i.e., the delivery of essential communication or notices of government action to interested parties in a timely and reliable manner.

We ask for your support of House Bill 34, and we are available for any questions. Thank you.