

As Reported by the Senate Local Government and Elections Committee

134th General Assembly

Regular Session

2021-2022

Sub. H. B. No. 93

Representatives Abrams, LaRe

Cosponsors: Representatives Richardson, Carfagna, Johnson, Ingram, Seitz, Zeltwanger, Koehler, Riedel, Gross, Cross, Carruthers, Plummer, Sheehy, Galonski, Crossman, Leland, White, Baldrige, Blackshear, Brent, Brown, Click, Crawley, Creech, Cutrona, Ghanbari, Ginter, Grendell, Hall, Hillyer, Householder, Howse, Jarrells, John, Jones, Kelly, Kick, Lepore-Hagan, Lightbody, Liston, Miller, A., Miller, J., Miranda, O'Brien, Pavliga, Ray, Robinson, Roemer, Russo, Schmidt, Smith, K., Smith, M., SobECKi, Stein, Stephens, Troy, Weinstein, West, Young, B.

A BILL

To amend sections 111.42, 111.43, 111.45, 111.46, 111.48, 111.99, 149.43, 315.25, 317.13, 317.32, 319.28, 2303.12, and 5301.255 and to enact sections 111.431 and 321.25 of the Revised Code and to repeal Section 4 of S.B. 258 of the 134th General Assembly to make changes to the Address Confidentiality Program administered by the Secretary of State, to make changes to county recorder fees, to modify certain requirements for the 2022 primary election, and to declare an emergency.

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

Section 1. That sections 111.42, 111.43, 111.45, 111.46, 111.48, 111.99, 149.43, 315.25, 317.13, 317.32, 319.28, 2303.12, and 5301.255 be amended and sections 111.431 and 321.25 of the

Revised Code be enacted to read as follows: 15

Sec. 111.42. (A) A person to whom all of the following 16
applies may apply to the secretary of state with the assistance 17
of an application assistant to become a participant in the 18
address confidentiality program, in which an address designated 19
by the secretary of state serves as the person's address or the 20
address of the minor, incompetent, or ward on whose behalf the 21
person is applying: 22

(1) The applicant is an adult who is applying on behalf of 23
the person's self or is a parent or guardian applying on behalf 24
of a minor, incompetent, or ward. 25

(2) The applicant or the minor, incompetent, or ward, as 26
applicable, resides, works, or attends a school or an 27
institution of higher education in this state. 28

~~(3) The applicant or the minor, incompetent, or ward, as 29
applicable, is changing residence. 30~~

~~(4) The applicant fears for the safety of the applicant, a 31
member of the applicant's household, or the minor, incompetent, 32
or ward on whose behalf the application is made because the 33
applicant, household member, minor, incompetent, or ward is a 34
victim of domestic violence, menacing by stalking, human 35
trafficking, trafficking in persons, rape, or sexual battery. 36~~

~~(5)~~ (4) The applicant or the minor, incompetent, or ward, 37
as applicable, is not a tier I sex offender/child-victim 38
offender, a tier II sex offender/child-victim offender, or a 39
tier III sex offender/child-victim offender. 40

(B) An application to become a participant in the address 41
confidentiality program shall be made on a form prescribed by 42
the secretary of state and filed in the office of the secretary 43

of state in the manner prescribed by the secretary of state. The 44
application shall contain all of the following: 45

(1) A notarized statement by the applicant that the 46
applicant fears for the safety of the applicant, a member of the 47
applicant's household, or the minor, incompetent, or ward on 48
whose behalf the application is made because the applicant, 49
household member, minor, incompetent, or ward is a victim of 50
domestic violence, menacing by stalking, human trafficking, 51
trafficking in persons, rape, or sexual battery; 52

(2) A statement that the application assistant recommends 53
that the applicant or the minor, incompetent, or ward, as 54
applicable, participate in the address confidentiality program; 55

(3) A knowing and voluntary designation of the secretary 56
of state as the agent for the purposes of receiving service of 57
process and the receipt of mail; 58

(4) The mailing address and telephone number or numbers at 59
which the secretary of state may contact the applicant; 60

(5) The address or addresses of the applicant's residence, 61
school, institution of higher education, business, or place of 62
employment that the applicant requests not be disclosed for the 63
reason that disclosure will increase the risk that the 64
applicant, a member of the applicant's household, or the minor, 65
incompetent, or ward on whose behalf the application is made 66
will be threatened or physically harmed by another person; 67

(6) The signature of the applicant, the name and signature 68
of the application assistant who assisted the applicant, and the 69
date on which the applicant and the application assistant signed 70
the application; 71

(7) Except for a claim based on the performance or 72

nonperformance of a public duty that was manifestly outside the 73
scope of the officer's or employee's office or employment or in 74
which the officer or employee acted with malicious purpose, in 75
bad faith, or in a wanton or reckless manner, a voluntary 76
release and waiver of all future claims against the state for 77
any claim that may arise from participation in the address 78
confidentiality program. 79

(C) Upon receiving a properly completed application under 80
division (B) of this section, the secretary of state shall, 81
within ten business days, do all of the following: 82

(1) Certify the applicant or the minor, incompetent, or 83
ward on whose behalf the application is filed as a program 84
participant; 85

(2) Designate each eligible address listed in the 86
application as a confidential address; 87

(3) Issue the program participant a unique program 88
participant identification number; 89

(4) Issue the program participant an address 90
confidentiality program authorization card, which shall be valid 91
during the period that the program participant remains certified 92
to participate in the address confidentiality program, and which 93
shall include the address at which the program participant may 94
receive mail through the office of the secretary of state; 95

(5) Provide information to the program participant 96
concerning all of the following: 97

(a) The manner in which the program participant may use 98
the secretary of state as the program participant's agent for 99
the purposes of receiving mail and receiving service of process 100
and the types of mail that the secretary of state will forward 101

to the program participant;	102
(6) Provide information to the program participant	103
concerning the (b) The process to register to vote and to vote	104
as a program participant, if the program participant is eligible	105
to vote;	106
<u>(c) The process to file a real property confidentiality</u>	107
<u>notice with the county recorder concerning any real property in</u>	108
<u>which the program participant acquires an ownership interest</u>	109
<u>after being certified a program participant and after the</u>	110
<u>effective date of this amendment;</u>	111
<u>(d) The process to authorize the secretary of state to</u>	112
<u>disclose confidential information concerning the program</u>	113
<u>participant under certain circumstances, as described in</u>	114
<u>division (E) of section 111.43 of the Revised Code.</u>	115
(D) A program participant shall update the person's	116
application information, within thirty days after any change has	117
occurred, by submitting a notice of change to the office of the	118
secretary of state on a form prescribed by the secretary of	119
state. The secretary of state may, with proper notice, cancel a	120
program participant's certification if the participant is found	121
to be unreachable for a period of sixty days or more.	122
(E) The certification of a program participant shall be	123
valid for four years after the date of the filing of the	124
application for the program participant unless the certification	125
is withdrawn or invalidated before the end of that four-year	126
period.	127
(F) (1) A program participant who continues to be eligible	128
to participate in the address confidentiality program may renew	129
the program participant's certification by submitting a renewal	130

application to the secretary of state with the assistance of an 131
application assistant. The renewal application shall be on a 132
form prescribed by the secretary of state and shall contain all 133
of the information described in division (B) of this section. 134

(2) The secretary of state may prescribe by rule a grace 135
period during which a program participant whose certification 136
has expired may renew the program participant's certification 137
without being considered to have ceased being a program 138
participant during that period. 139

(3) When a program participant renews the program 140
participant's certification, the program participant shall 141
continue to use the program participant's original program 142
participant identification number. 143

(G) A tier I sex offender/child-victim offender, a tier II 144
sex offender/child-victim offender, or a tier III sex 145
offender/child-victim offender is not eligible to participate in 146
the address confidentiality program described in sections 111.41 147
to 111.99 of the Revised Code. 148

Sec. 111.43. (A) A program participant may request that a 149
governmental entity, other than a board of elections, use the 150
address designated by the secretary of state as the program 151
participant's address. Except as otherwise provided in division 152
~~(D)~~(F) of this section and in section 111.44 of the Revised 153
Code, if the program participant requests that a governmental 154
entity use that address, the governmental entity shall accept 155
that address. The program participant ~~may~~shall provide the 156
program participant's address confidentiality program 157
authorization card as proof of the program participant's status. 158

(B) A program participant who acquires an ownership 159

interest in real property in this state after being certified as 160
a program participant and after the effective date of this 161
amendment may submit a real property confidentiality notice to 162
the county recorder of the county in which the real property is 163
located, as described in section 111.431 of the Revised Code. 164

(C) If a program participant's employer, school, or 165
institution of higher education is not a governmental entity, 166
the program participant may request that the employer, school, 167
or institution of higher education use the address designated by 168
the secretary of state as the program participant's address. The 169
program participant may provide the program participant's 170
address confidentiality program authorization card as proof of 171
the program participant's status. 172

~~(C) (1)~~ (D) (1) The office of the secretary of state shall, 173
on each day that the secretary of state's office is open for 174
business, place all of the following that the secretary of state 175
receives on behalf of a program participant into an envelope or 176
package and mail that envelope or package to the program 177
participant at the mailing address the program participant 178
provided to the secretary of state for that purpose: 179

(a) First class letters, flats, packages, or parcels 180
delivered via the United States postal service, including 181
priority, express, and certified mail; 182

(b) Packages or parcels that are clearly identifiable as 183
containing pharmaceutical agents or medical supplies; 184

(c) Packages, parcels, periodicals, or catalogs that are 185
clearly identifiable as being sent by a governmental entity; 186

(d) Periodicals to which the program participant 187
subscribes; 188

<u>(e)</u> Packages, parcels, periodicals, or catalogs that have	189
received prior authorization from the office of the secretary of	190
state for forwarding under this section.	191
(2) Except as provided in divisions (C)(1)(a) <u>(D)(1)(a)</u> to	192
(d) <u>(e)</u> of this section, the office of the secretary of state	193
shall not forward any packages, parcels, periodicals, or	194
catalogs received on behalf of a program participant.	195
(3) The secretary of state may contract with the United	196
States postal service to establish special postal rates for the	197
envelopes or packages used in forwarding a program participant's	198
mail under this section.	199
(4) (a) Upon receiving service of process on behalf of a	200
program participant, the office of the secretary of state shall	201
immediately forward the process by certified mail, return	202
receipt requested, to the program participant at the mailing	203
address the program participant provided to the secretary of	204
state for that purpose. Service of process upon the office of	205
the secretary of state on behalf of a program participant	206
constitutes service upon the program participant under rule 4.2	207
of the Rules of Civil Procedure.	208
(b) The secretary of state may prescribe by rule the	209
manner in which process may be served on the secretary of state	210
as the agent of a program participant.	211
(c) Upon request by a person who intends to serve process	212
on an individual, the secretary of state shall confirm whether	213
the individual is a program participant but shall not disclose	214
any other information concerning a program participant.	215
(D) <u>(E) (1) A program participant may submit to the</u>	216
<u>secretary of state, on a form prescribed by the secretary of</u>	217

<u>state, an authorization for the secretary of state to disclose</u>	218
<u>confidential information concerning the program participant</u>	219
<u>under one or more of the following circumstances, as indicated</u>	220
<u>on the authorization form:</u>	221
<u>(a) To an official or employee of the United States postal</u>	222
<u>service for the purpose of performing the secretary of state's</u>	223
<u>duties under division (D) of this section;</u>	224
<u>(b) To any of the following persons for the purpose of</u>	225
<u>confirming the program participant's status as a program</u>	226
<u>participant, for the purpose of verifying the program</u>	227
<u>participant's residence address, or for other similar purposes</u>	228
<u>in order to assist the program participant:</u>	229
<u>(i) A judge or magistrate;</u>	230
<u>(ii) An official or employee of the bureau of motor</u>	231
<u>vehicles;</u>	232
<u>(iii) A school administrator;</u>	233
<u>(iv) An administrator of a public assistance program;</u>	234
<u>(v) An administrator of a food pantry.</u>	235
<u>(c) To another person identified on the authorization form</u>	236
<u>for a purpose indicated on the authorization form.</u>	237
<u>(2) A person authorized under division (E) (1) of this</u>	238
<u>section to receive a program participant's confidential</u>	239
<u>information may request only the information that the person or</u>	240
<u>the person's office requires under normal circumstances. The</u>	241
<u>person shall not require the disclosure of information as a</u>	242
<u>condition of receiving any services to which the applicant or</u>	243
<u>participant is otherwise entitled.</u>	244

(3) Upon receiving a request for information concerning a 245
program participant who has submitted a valid authorization form 246
under division (E) (1) of this section, the secretary of state 247
shall determine whether the authorization form permits the 248
secretary of state to disclose the information to the requestor 249
and, if so, within ten business days, shall disclose that 250
information to the requestor along with the following statement: 251
"You are not permitted to redisclose the following information 252
for any reason. Failure to protect the confidentiality of this 253
information is a violation of state law." 254

(F) Division (A) of this section does not apply to a 255
municipal-owned public utility. The confidential addresses of 256
participants of the address confidentiality program that are 257
maintained by a municipal-owned public utility are not a public 258
record and shall not be released by a municipal-owned public 259
utility or by any employee of a municipal-owned public utility. 260

Sec. 111.431. (A) A program participant who acquires an 261
ownership interest in real property in this state after being 262
certified as a participant in the address confidentiality 263
program may submit a real property confidentiality notice to the 264
county recorder of the county in which the real property is 265
located. The program participant shall provide the program 266
participant's address confidentiality program authorization card 267
as proof of the program participant's status. A real property 268
confidentiality notice shall be on a form prescribed by the 269
secretary of state and shall include all of the following: 270

(1) The program participant's full name; 271

(2) The last four digits of the program participant's 272
social security number; 273

<u>(3) The date the program participant's certification expires;</u>	274 275
<u>(4) The program participant's program participant identification number;</u>	276 277
<u>(5) The address at which the program participant may receive mail through the office of the secretary of state;</u>	278 279
<u>(6) The legal description and street address of the real property in which the program participant has an ownership interest, which shall be the same as the legal description and street address included on any instrument concerning the real property that includes the program participant's name and that has been presented to the county recorder for recording;</u>	280 281 282 283 284 285
<u>(7) A fictitious name, chosen by the secretary of state, that may be used by a county recorder, auditor, treasurer, or engineer or the clerk of the court of common pleas for internal indexing purposes;</u>	286 287 288 289
<u>(8) The program participant's signature.</u>	290
<u>(B) When the county recorder receives a properly completed real property confidentiality notice under division (A) of this section, the county recorder promptly shall transmit copies of the notice to the secretary of state, and to the county auditor, treasurer, and engineer.</u>	291 292 293 294 295
<u>(C) (1) Except as otherwise provided in divisions (D) and (F) of this section, after a program participant has submitted a properly completed real property confidentiality notice under division (A) of this section, the county recorder, auditor, treasurer, and engineer shall not disclose to any person the program participant's name, telephone number, electronic mail address, or program participant identification number, the</u>	296 297 298 299 300 301 302

address at which the program participant may receive mail 303
through the office of the secretary of state, or any other 304
information that may be used to identify the program 305
participant, in conjunction with the legal description, parcel 306
identification number, or street address of the real property in 307
which the program participant has an ownership interest or any 308
other information that may be used to identify the real 309
property. If the county recorder receives a request for that 310
information for the purpose of performing a title examination, 311
the county recorder shall comply with division (G) of this 312
section, and inform the requestor of the procedure to apply to 313
the secretary of state for authorization under division (E) of 314
this section. If the county recorder, auditor, treasurer, or 315
engineer receives a real property confidentiality notice under 316
this section, the county recorder, auditor, treasurer, or 317
engineer shall bring any existing publicly available records or 318
databases into conformity with this section not later than five 319
business days after receiving the real property confidentiality 320
notice. 321

(2) If a program participant is a party to a court of 322
common pleas proceeding, the program participant may provide a 323
properly completed real property confidentiality notice to the 324
clerk of the court of common pleas. Upon such notice, the clerk 325
of the court of common pleas shall notify the secretary of state 326
that the program participant has provided a real property 327
confidentiality notice to the clerk of the court of common 328
pleas, and shall not otherwise disclose to any person the 329
information described in division (C) (1) of this section. 330

(D) The county recorder, auditor, treasurer, or engineer 331
or the clerk of the court of common pleas may disclose the 332
information described in division (C) of this section if any of 333

the following apply: 334

(1) The information is disclosed to the staff of the 335
county recorder, auditor, treasurer, or engineer or the staff of 336
the clerk of the court of common pleas in order to carry out the 337
duties of the office. 338

(2) The program participant is the person to whom the 339
information is to be disclosed. 340

(3) The program participant has provided a notarized 341
statement to the secretary of state, authorizing the disclosure 342
to that person for a specific purpose described in the 343
statement, and the secretary of state has issued a written 344
authorization to the county recorder, auditor, treasurer, or 345
engineer, or to the clerk of the court of common pleas, as 346
applicable, to disclose the information to that person. 347

(4) The person to whom the information is to be disclosed 348
provides a written authorization issued by the secretary of 349
state under division (E) of this section to disclose the 350
information for the purpose of performing a title examination. 351

(5) A court of competent jurisdiction orders the 352
disclosure, as described in section 111.46 of the Revised Code. 353

(E) (1) A person who requires access to the information 354
described in division (C) of this section for the purpose of 355
performing a title examination may apply to the secretary of 356
state for a written authorization. 357

(2) The person shall submit to the secretary of state, on 358
a form prescribed by the secretary of state, a written 359
application that includes all of the following: 360

(a) The applicant's name, title, address, and affiliated 361

<u>organization, if any;</u>	362
<u>(b) The purpose for which the applicant is requesting access to the information;</u>	363
<u>(c) The applicant's relationship to the program participant, if any;</u>	364
<u>(d) A legal description of the real property subject to the title examination;</u>	365
<u>(e) A statement that the applicant will treat the information as confidential and will use the information only for the purpose identified in the application;</u>	366
<u>(f) The applicant's signature;</u>	369
<u>(g) Any other information required by the secretary of state.</u>	370
<u>(3) After the secretary of state receives an application submitted under division (E) of this section, the secretary of state shall, within ten business days, provide the applicant with a written response approving or denying the application. The secretary of state shall approve the application if the secretary of state determines that the application is properly completed; that the information the applicant seeks is subject to division (C) of this section; and that the applicant is seeking the information only for the purpose of performing a bona fide title examination. If the information the applicant seeks is not subject to division (C) of this section, the secretary of state shall, within ten business days, notify the applicant of that fact and, if applicable, shall send a notice to the county recorder, auditor, treasurer, and engineer and to the clerk of the court of common pleas under division (F) (3) of this section.</u>	371
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(F) Upon the occurrence of any of the following, the 391
county recorder, auditor, treasurer, and engineer and the clerk 392
of the court of common pleas shall cease to keep confidential 393
the information described in division (C) of this section and 394
shall make the information available to the public in the same 395
manner as other information concerning real property: 396

(1) The program participant ceases to hold a recorded 397
ownership interest in the real property that is the subject of 398
the real property confidentiality notice. When the county 399
recorder receives notice that the program participant has ceased 400
to hold that ownership interest, the county recorder promptly 401
shall revoke the real property confidentiality notice and notify 402
the secretary of state, and the county auditor, treasurer, and 403
engineer of that revocation. The secretary of state shall then, 404
if applicable, notify the clerk of the court of common pleas of 405
that revocation. 406

(2) The program participant submits a notarized revocation 407
of the real property confidentiality notice to the county 408
recorder. Upon receiving the revocation, the county recorder 409
promptly shall transmit copies of the revocation to the 410
secretary of state, and to the county auditor, treasurer, and 411
engineer, and the secretary of state shall, if applicable, 412
transmit a copy of the revocation to the clerk of the court of 413
common pleas. 414

(3) The county recorder, auditor, treasurer, or engineer 415
or the clerk of the court of common pleas receive a notice from 416
the secretary of state that the program participant's 417
certification has been canceled under section 111.45 of the 418
Revised Code. 419

(4) Pursuant to the order of a court of competent 420

jurisdiction. 421

(G) Nothing in this section shall preclude an individual's 422
name from being recorded and indexed for the purpose of giving 423
notice of an ownership interest, lien, or other encumbrance on 424
real property. On such records, if the record contains the 425
information described in division (C) of this section, the 426
county auditor, recorder, treasurer, or engineer, or the clerk 427
of the court of common pleas, if applicable, shall redact the 428
legal description of the property, parcel identification number, 429
or street address of the real property in which the program 430
participant has an ownership interest or any other information 431
that may be used to identify the real property, on any versions 432
of the documents available to the public. The county auditor, 433
recorder, treasurer, or engineer, for the purpose of indexing a 434
program participant's records, may use the program participant's 435
fictitious name listed in the program participant's real 436
property confidentiality notice. 437

(H) A real estate broker or real estate salesperson as 438
defined in section 4735.01 of the Revised Code, a land 439
professional under section 4735.023 of the Revised Code, a title 440
examiner, an attorney, or a county official shall not be held 441
liable for damages resulting from the failure to discover a 442
defect in title, failure to properly index or record a person's 443
interest in property, or failure to alert a professional to rely 444
on confidential information, when such failure was the proximate 445
result of an individual's participation in the address 446
confidentiality program, unless the real estate broker, real 447
estate salesperson, land professional, title examiner, attorney, 448
or county official was negligent in failing to do so. 449

Sec. 111.45. (A) The secretary of state shall cancel the 450

certification of a program participant if any of the following 451
are true: 452

(1) The program participant's application contained one or 453
more false statements. 454

(2) The program participant has filed a written, notarized 455
request with the secretary of state, on a form prescribed by the 456
secretary of state, asking to cease being a program participant. 457

(3) The program participant's certification has expired 458
and the program participant has not renewed the certification in 459
accordance with division (F) of section 111.42 of the Revised 460
Code not later than the deadline specified by the secretary of 461
state by rule to renew the certification. 462

(B) Upon canceling a certification under division (A) of 463
this section, the secretary of state shall notify, within ten 464
business days, do both of the following: 465

(1) Notify the director of the board of elections of the 466
county in which the former program participant resides; 467

(2) Notify the county recorder, auditor, treasurer, and 468
engineer and the clerk of the court of common pleas of each 469
county in which the former program participant has filed real 470
property confidentiality notices under section 111.431 of the 471
Revised Code that have not been revoked under that section. 472

Sec. 111.46. (A) The secretary of state shall make 473
available to the attorney general, for inclusion ~~into~~ in the 474
Ohio law enforcement gateway, the name, telephone number, and 475
confidential address of each program participant. Access to 476
information in the gateway regarding an address confidentiality 477
program participant may only be granted to chiefs of police, 478
village marshals, county sheriffs, county prosecuting attorneys, 479

and a designee of each of these individuals. 480

(B) (1) (a) A city director of law or similar chief legal 481
officer who requires access to a program participant's 482
confidential address or telephone number for a legitimate 483
governmental purpose may petition the court of common pleas of 484
Franklin county to order the secretary of state to make that 485
confidential address or telephone number available to the 486
petitioner. 487

~~(B)~~ (b) A city director of law or similar chief legal 488
officer who requires access to information that is subject to a 489
real property confidentiality notice under section 111.431 of 490
the Revised Code for a legitimate governmental purpose may 491
petition the court of common pleas of the county in which the 492
real property is located or the court of common pleas of 493
Franklin county to make that information available to the 494
petitioner. 495

(2) Upon the filing of a petition under division (B) (1) of 496
this section, the court shall fix a date for a hearing on it and 497
shall require the clerk of the court to serve a notice of the 498
date, time, place, and purpose of the hearing upon the 499
petitioner. The clerk also shall serve that notice upon the 500
secretary of state so that the secretary of state may send the 501
notice to the program participant in accordance with division 502
~~(C)~~ (B) (3) of this section, and, if applicable, upon the county 503
recorder, auditor, treasurer, or engineer or the clerk of the 504
court of common pleas of the county in which the real property 505
is located. 506

~~(C)~~ (3) Upon receiving a notice under division (B) (2) of 507
this section, the secretary of state immediately shall send a 508
copy of the notice to the program participant by certified mail, 509

return receipt requested. 510

~~(D)~~ (4) At a hearing held under this section, the 511
petitioner shall appear, and the program participant or the 512
program participant's attorney may appear and be heard. After 513
the hearing and considering the testimony, the court shall issue 514
the requested order only if it appears to the court by clear and 515
convincing evidence that the disclosure of the ~~program~~ 516
~~participant's confidential address or telephone number~~ 517
information to the petitioner is necessary for a legitimate 518
governmental purpose. 519

~~(E)~~ (C) Upon request by a city director of law or similar 520
chief legal officer, who intends to petition ~~the a~~ court for 521
access to an individual's ~~address or telephone number~~ 522
confidential information under division (B) of this section, the 523
secretary of state shall, within ten business days, confirm 524
whether the individual is a program participant but shall not 525
disclose any other information concerning a program participant. 526

(D) If a program participant is a child's parent, 527
guardian, or legal custodian, the program participant is a party 528
to a child custody or child support proceeding concerning the 529
child, and another party to the proceeding requests the court to 530
disclose the program participant's confidential address or 531
telephone number, or if the court seeks to disclose the 532
confidential information sua sponte, the court shall do all of 533
the following: 534

(1) If a party requests the disclosure, direct the 535
requestor to file a pleading detailing the necessity for the 536
disclosure; 537

(2) Schedule a hearing on the matter; 538

(3) Provide the program participant with a copy of the 539
pleading, if filed; and 540

(4) Provide the parties adequate notice of the hearing. 541

If a party requests the disclosure of a participant's 542
confidential information, or if the court seeks to release the 543
confidential information sua sponte, the requestor shall have 544
the burden to show, or the court must find, by clear and 545
convincing evidence, that the disclosure is necessary, and that 546
the disclosure does not pose a risk of harm to the program 547
participant or the child. If the requestor does not meet this 548
burden or the court does not make this finding, the court shall 549
deny the request. If the requestor meets this burden or the 550
court makes this finding, the court shall document its findings 551
of fact, and may direct the program participant to release the 552
confidential address or telephone number, or the court may 553
disclose the program participant's confidential address or 554
telephone number. 555

Sec. 111.48. There is in the state treasury the address 556
confidentiality program fund. The fund shall consist of money 557
paid into the fund pursuant to division ~~(B) (10)~~ (B) (11) of 558
section 2929.18 and division (D) of section 2929.28 of the 559
Revised Code and any money appropriated to the fund by the 560
general assembly or donated to the fund. The secretary of state 561
shall use the money in the fund for the purpose of administering 562
the address confidentiality program described in sections 111.41 563
to 111.47 of the Revised Code. 564

Sec. 111.99. (A) No person who submits an application 565
under section 111.42 of the Revised Code shall knowingly make a 566
false attestation in the application that the applicant fears 567
for the applicant's safety, the safety of a member of the 568

applicant's household, or the safety of the minor, incompetent, 569
or ward on whose behalf the application is made because the 570
applicant, household member, minor, incompetent, or ward is a 571
victim of domestic violence, menacing by stalking, human 572
trafficking, trafficking in persons, rape, or sexual battery. 573

(B) ~~No person~~ (1) As used in division (B) of this section: 574

(a) "Public official" means any officer, employee, or duly 575
authorized representative or agent of a public office. 576

(b) "Public office" means any state agency, public 577
institution, political subdivision, other organized body, 578
office, agency, institution, or entity established by the laws 579
of this state for the exercise of any function of government. 580

(2) No public official who has access to a confidential 581
address or telephone number or to information that is subject to 582
a real property confidentiality notice under section 111.431 of 583
the Revised Code because of the person's ~~employment or status as~~ 584
a public official position shall knowingly disclose that 585
confidential ~~address or telephone number information~~ to any 586
person, except as required or permitted by law. 587

(C) No person who obtains a confidential address or 588
telephone number from the Ohio law enforcement gateway shall 589
knowingly disclose that confidential address or telephone number 590
to any person, except as is necessary for a law enforcement 591
purpose when related to the performance of official duties, or 592
for another legitimate governmental purpose. 593

(D) No person who obtains a confidential address or 594
telephone number from the secretary of state under division (E) 595
of section 111.43 of the Revised Code shall knowingly disclose 596
that information to any person, except for the purpose for which 597

the disclosure was authorized under that division. 598

(E) No person who obtains information that is subject to a 599
real property confidentiality notice under section 111.431 of 600
the Revised Code for the purpose of conducting a title 601
examination under division (E) of that section shall knowingly 602
disclose that confidential information to any person, except for 603
the purpose identified in the application submitted under that 604
division. 605

(F) Whoever violates this section is guilty of a 606
misdemeanor of the first degree. 607

Sec. 149.43. (A) As used in this section: 608

(1) "Public record" means records kept by any public 609
office, including, but not limited to, state, county, city, 610
village, township, and school district units, and records 611
pertaining to the delivery of educational services by an 612
alternative school in this state kept by the nonprofit or for- 613
profit entity operating the alternative school pursuant to 614
section 3313.533 of the Revised Code. "Public record" does not 615
mean any of the following: 616

(a) Medical records; 617

(b) Records pertaining to probation and parole 618
proceedings, to proceedings related to the imposition of 619
community control sanctions and post-release control sanctions, 620
or to proceedings related to determinations under section 621
2967.271 of the Revised Code regarding the release or maintained 622
incarceration of an offender to whom that section applies; 623

(c) Records pertaining to actions under section 2151.85 624
and division (C) of section 2919.121 of the Revised Code and to 625
appeals of actions arising under those sections; 626

(d) Records pertaining to adoption proceedings, including	627
the contents of an adoption file maintained by the department of	628
health under sections 3705.12 to 3705.124 of the Revised Code;	629
(e) Information in a record contained in the putative	630
father registry established by section 3107.062 of the Revised	631
Code, regardless of whether the information is held by the	632
department of job and family services or, pursuant to section	633
3111.69 of the Revised Code, the office of child support in the	634
department or a child support enforcement agency;	635
(f) Records specified in division (A) of section 3107.52	636
of the Revised Code;	637
(g) Trial preparation records;	638
(h) Confidential law enforcement investigatory records;	639
(i) Records containing information that is confidential	640
under section 2710.03 or 4112.05 of the Revised Code;	641
(j) DNA records stored in the DNA database pursuant to	642
section 109.573 of the Revised Code;	643
(k) Inmate records released by the department of	644
rehabilitation and correction to the department of youth	645
services or a court of record pursuant to division (E) of	646
section 5120.21 of the Revised Code;	647
(l) Records maintained by the department of youth services	648
pertaining to children in its custody released by the department	649
of youth services to the department of rehabilitation and	650
correction pursuant to section 5139.05 of the Revised Code;	651
(m) Intellectual property records;	652
(n) Donor profile records;	653

(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	654 655
(p) Designated public service worker residential and familial information;	656 657
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	658 659 660 661 662
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	663 664
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	665 666 667 668 669 670 671 672 673 674 675 676
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	677 678 679 680 681
(u) Test materials, examinations, or evaluation tools used	682

in an examination for licensure as a nursing home administrator	683
that the board of executives of long-term services and supports	684
administers under section 4751.15 of the Revised Code or	685
contracts under that section with a private or government entity	686
to administer;	687
(v) Records the release of which is prohibited by state or	688
federal law;	689
(w) Proprietary information of or relating to any person	690
that is submitted to or compiled by the Ohio venture capital	691
authority created under section 150.01 of the Revised Code;	692
(x) Financial statements and data any person submits for	693
any purpose to the Ohio housing finance agency or the	694
controlling board in connection with applying for, receiving, or	695
accounting for financial assistance from the agency, and	696
information that identifies any individual who benefits directly	697
or indirectly from financial assistance from the agency;	698
(y) Records listed in section 5101.29 of the Revised Code;	699
(z) Discharges recorded with a county recorder under	700
section 317.24 of the Revised Code, as specified in division (B)	701
(2) of that section;	702
(aa) Usage information including names and addresses of	703
specific residential and commercial customers of a municipally	704
owned or operated public utility;	705
(bb) Records described in division (C) of section 187.04	706
of the Revised Code that are not designated to be made available	707
to the public as provided in that division;	708
(cc) Information and records that are made confidential,	709
privileged, and not subject to disclosure under divisions (B)	710

and (C) of section 2949.221 of the Revised Code; 711

(dd) Personal information, as defined in section 149.45 of 712
the Revised Code; 713

(ee) The confidential name, address, and other personally 714
identifiable information of a program participant in the address 715
confidentiality program established under sections 111.41 to 716
111.47 of the Revised Code, including the contents of any 717
application for absent voter's ballots, absent voter's ballot 718
identification envelope statement of voter, or provisional 719
ballot affirmation completed by a program participant who has a 720
confidential voter registration record, ~~and;~~ records or portions 721
of records pertaining to that program that identify the number 722
of program participants that reside within a precinct, ward, 723
township, municipal corporation, county, or any other geographic 724
area smaller than the state; and any real property 725
confidentiality notice filed under section 111.431 of the 726
Revised Code and the information described in division (C) of 727
that section. As used in this division, "confidential address" 728
and "program participant" have the meaning defined in section 729
111.41 of the Revised Code. 730

(ff) Orders for active military service of an individual 731
serving or with previous service in the armed forces of the 732
United States, including a reserve component, or the Ohio 733
organized militia, except that, such order becomes a public 734
record on the day that is fifteen years after the published date 735
or effective date of the call to order; 736

(gg) The name, address, contact information, or other 737
personal information of an individual who is less than eighteen 738
years of age that is included in any record related to a traffic 739
accident involving a school vehicle in which the individual was 740

an occupant at the time of the accident;	741
(hh) Protected health information, as defined in 45 C.F.R. 160.103, that is in a claim for payment for a health care product, service, or procedure, as well as any other health claims data in another document that reveals the identity of an individual who is the subject of the data or could be used to reveal that individual's identity;	742 743 744 745 746 747
(ii) Any depiction by photograph, film, videotape, or printed or digital image under either of the following circumstances:	748 749 750
(i) The depiction is that of a victim of an offense the release of which would be, to a reasonable person of ordinary sensibilities, an offensive and objectionable intrusion into the victim's expectation of bodily privacy and integrity.	751 752 753 754
(ii) The depiction captures or depicts the victim of a sexually oriented offense, as defined in section 2950.01 of the Revised Code, at the actual occurrence of that offense.	755 756 757
(jj) Restricted portions of a body-worn camera or dashboard camera recording;	758 759
(kk) In the case of a fetal-infant mortality review board acting under sections 3707.70 to 3707.77 of the Revised Code, records, documents, reports, or other information presented to the board or a person abstracting such materials on the board's behalf, statements made by review board members during board meetings, all work products of the board, and data submitted by the board to the department of health or a national infant death review database, other than the report prepared pursuant to section 3707.77 of the Revised Code.	760 761 762 763 764 765 766 767 768
(ll) Records, documents, reports, or other information	769

presented to the pregnancy-associated mortality review board 770
established under section 3738.01 of the Revised Code, 771
statements made by board members during board meetings, all work 772
products of the board, and data submitted by the board to the 773
department of health, other than the biennial reports prepared 774
under section 3738.08 of the Revised Code; 775

(mm) Telephone numbers for a victim, as defined in section 776
2930.01 of the Revised Code, a witness to a crime, or a party to 777
a motor vehicle accident subject to the requirements of section 778
5502.11 of the Revised Code that are listed on any law 779
enforcement record or report, other than when requested by an 780
insurer or insurance agent investigating an insurance claim 781
resulting from a motor vehicle accident. 782

A record that is not a public record under division (A) (1) 783
of this section and that, under law, is permanently retained 784
becomes a public record on the day that is seventy-five years 785
after the day on which the record was created, except for any 786
record protected by the attorney-client privilege, a trial 787
preparation record as defined in this section, a statement 788
prohibiting the release of identifying information signed under 789
section 3107.083 of the Revised Code, a denial of release form 790
filed pursuant to section 3107.46 of the Revised Code, or any 791
record that is exempt from release or disclosure under section 792
149.433 of the Revised Code. If the record is a birth 793
certificate and a biological parent's name redaction request 794
form has been accepted under section 3107.391 of the Revised 795
Code, the name of that parent shall be redacted from the birth 796
certificate before it is released under this paragraph. If any 797
other section of the Revised Code establishes a time period for 798
disclosure of a record that conflicts with the time period 799
specified in this section, the time period in the other section 800

prevails. 801

(2) "Confidential law enforcement investigatory record" 802
means any record that pertains to a law enforcement matter of a 803
criminal, quasi-criminal, civil, or administrative nature, but 804
only to the extent that the release of the record would create a 805
high probability of disclosure of any of the following: 806

(a) The identity of a suspect who has not been charged 807
with the offense to which the record pertains, or of an 808
information source or witness to whom confidentiality has been 809
reasonably promised; 810

(b) Information provided by an information source or 811
witness to whom confidentiality has been reasonably promised, 812
which information would reasonably tend to disclose the source's 813
or witness's identity; 814

(c) Specific confidential investigatory techniques or 815
procedures or specific investigatory work product; 816

(d) Information that would endanger the life or physical 817
safety of law enforcement personnel, a crime victim, a witness, 818
or a confidential information source. 819

(3) "Medical record" means any document or combination of 820
documents, except births, deaths, and the fact of admission to 821
or discharge from a hospital, that pertains to the medical 822
history, diagnosis, prognosis, or medical condition of a patient 823
and that is generated and maintained in the process of medical 824
treatment. 825

(4) "Trial preparation record" means any record that 826
contains information that is specifically compiled in reasonable 827
anticipation of, or in defense of, a civil or criminal action or 828
proceeding, including the independent thought processes and 829

personal trial preparation of an attorney. 830

(5) "Intellectual property record" means a record, other 831
than a financial or administrative record, that is produced or 832
collected by or for faculty or staff of a state institution of 833
higher learning in the conduct of or as a result of study or 834
research on an educational, commercial, scientific, artistic, 835
technical, or scholarly issue, regardless of whether the study 836
or research was sponsored by the institution alone or in 837
conjunction with a governmental body or private concern, and 838
that has not been publicly released, published, or patented. 839

(6) "Donor profile record" means all records about donors 840
or potential donors to a public institution of higher education 841
except the names and reported addresses of the actual donors and 842
the date, amount, and conditions of the actual donation. 843

(7) "Designated public service worker" means a peace 844
officer, parole officer, probation officer, bailiff, prosecuting 845
attorney, assistant prosecuting attorney, correctional employee, 846
county or multicounty corrections officer, community-based 847
correctional facility employee, youth services employee, 848
firefighter, EMT, medical director or member of a cooperating 849
physician advisory board of an emergency medical service 850
organization, state board of pharmacy employee, investigator of 851
the bureau of criminal identification and investigation, judge, 852
magistrate, or federal law enforcement officer. 853

(8) "Designated public service worker residential and 854
familial information" means any information that discloses any 855
of the following about a designated public service worker: 856

(a) The address of the actual personal residence of a 857
designated public service worker, except for the following 858

information:	859
(i) The address of the actual personal residence of a prosecuting attorney or judge; and	860 861
(ii) The state or political subdivision in which a designated public service worker resides.	862 863
(b) Information compiled from referral to or participation in an employee assistance program;	864 865
(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker;	866 867 868 869 870
(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer;	871 872 873 874
(e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law;	875 876 877 878 879
(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker;	880 881 882 883 884 885
(g) A photograph of a peace officer who holds a position	886

or has an assignment that may include undercover or plain 887
clothes positions or assignments as determined by the peace 888
officer's appointing authority. 889

(9) As used in divisions (A) (7) and (15) to (17) of this 890
section: 891

"Peace officer" has the meaning defined in section 109.71 892
of the Revised Code and also includes the superintendent and 893
troopers of the state highway patrol; it does not include the 894
sheriff of a county or a supervisory employee who, in the 895
absence of the sheriff, is authorized to stand in for, exercise 896
the authority of, and perform the duties of the sheriff. 897

"Correctional employee" means any employee of the 898
department of rehabilitation and correction who in the course of 899
performing the employee's job duties has or has had contact with 900
inmates and persons under supervision. 901

"County or multicounty corrections officer" means any 902
corrections officer employed by any county or multicounty 903
correctional facility. 904

"Youth services employee" means any employee of the 905
department of youth services who in the course of performing the 906
employee's job duties has or has had contact with children 907
committed to the custody of the department of youth services. 908

"Firefighter" means any regular, paid or volunteer, member 909
of a lawfully constituted fire department of a municipal 910
corporation, township, fire district, or village. 911

"EMT" means EMTs-basic, EMTs-I, and paramedics that 912
provide emergency medical services for a public emergency 913
medical service organization. "Emergency medical service 914
organization," "EMT-basic," "EMT-I," and "paramedic" have the 915

meanings defined in section 4765.01 of the Revised Code.	916
"Investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code.	917 918 919
"Federal law enforcement officer" has the meaning defined in section 9.88 of the Revised Code.	920 921
(10) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:	922 923 924 925 926 927
(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;	928 929 930 931
(b) The social security number, birth date, or photographic image of a person under the age of eighteen;	932 933
(c) Any medical record, history, or information pertaining to a person under the age of eighteen;	934 935
(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.	936 937 938 939 940 941
(11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code.	942 943

(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.	944 945
(13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.	946 947 948 949
(14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.	950 951
(15) "Body-worn camera" means a visual and audio recording device worn on the person of a peace officer while the peace officer is engaged in the performance of the peace officer's duties.	952 953 954 955
(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.	956 957 958 959
(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:	960 961 962 963
(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the law enforcement agency knows or has reason to know the person is a child based on the law enforcement agency's records or the content of the recording;	964 965 966 967 968
(b) The death of a person or a deceased person's body, unless the death was caused by a peace officer or, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;	969 970 971 972

(c) The death of a peace officer, firefighter, paramedic,	973
or other first responder, occurring while the decedent was	974
engaged in the performance of official duties, unless, subject	975
to division (H) (1) of this section, the consent of the	976
decedent's executor or administrator has been obtained;	977
(d) Grievous bodily harm, unless the injury was effected	978
by a peace officer or, subject to division (H) (1) of this	979
section, the consent of the injured person or the injured	980
person's guardian has been obtained;	981
(e) An act of severe violence against a person that	982
results in serious physical harm to the person, unless the act	983
and injury was effected by a peace officer or, subject to	984
division (H) (1) of this section, the consent of the injured	985
person or the injured person's guardian has been obtained;	986
(f) Grievous bodily harm to a peace officer, firefighter,	987
paramedic, or other first responder, occurring while the injured	988
person was engaged in the performance of official duties,	989
unless, subject to division (H) (1) of this section, the consent	990
of the injured person or the injured person's guardian has been	991
obtained;	992
(g) An act of severe violence resulting in serious	993
physical harm against a peace officer, firefighter, paramedic,	994
or other first responder, occurring while the injured person was	995
engaged in the performance of official duties, unless, subject	996
to division (H) (1) of this section, the consent of the injured	997
person or the injured person's guardian has been obtained;	998
(h) A person's nude body, unless, subject to division (H)	999
(1) of this section, the person's consent has been obtained;	1000
(i) Protected health information, the identity of a person	1001

in a health care facility who is not the subject of a law 1002
enforcement encounter, or any other information in a health care 1003
facility that could identify a person who is not the subject of 1004
a law enforcement encounter; 1005

(j) Information that could identify the alleged victim of 1006
a sex offense, menacing by stalking, or domestic violence; 1007

(k) Information, that does not constitute a confidential 1008
law enforcement investigatory record, that could identify a 1009
person who provides sensitive or confidential information to a 1010
law enforcement agency when the disclosure of the person's 1011
identity or the information provided could reasonably be 1012
expected to threaten or endanger the safety or property of the 1013
person or another person; 1014

(l) Personal information of a person who is not arrested, 1015
cited, charged, or issued a written warning by a peace officer; 1016

(m) Proprietary police contingency plans or tactics that 1017
are intended to prevent crime and maintain public order and 1018
safety; 1019

(n) A personal conversation unrelated to work between 1020
peace officers or between a peace officer and an employee of a 1021
law enforcement agency; 1022

(o) A conversation between a peace officer and a member of 1023
the public that does not concern law enforcement activities; 1024

(p) The interior of a residence, unless the interior of a 1025
residence is the location of an adversarial encounter with, or a 1026
use of force by, a peace officer; 1027

(q) Any portion of the interior of a private business that 1028
is not open to the public, unless an adversarial encounter with, 1029

or a use of force by, a peace officer occurs in that location.	1030
As used in division (A) (17) of this section:	1031
"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	1032 1033
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	1034 1035
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	1036 1037
"Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code.	1038 1039
"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.	1040 1041 1042 1043
"Sex offense" has the same meaning as in section 2907.10 of the Revised Code.	1044 1045
"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.	1046 1047
(18) "Insurer" and "insurance agent" have the same meanings as in section 3905.01 of the Revised Code.	1048 1049
(B) (1) Upon request and subject to division (B) (8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B) (8) of this section, upon request by any person, a public office or person responsible for public records shall make copies of the requested public record available to	1050 1051 1052 1053 1054 1055 1056

the requester at cost and within a reasonable period of time. If 1057
a public record contains information that is exempt from the 1058
duty to permit public inspection or to copy the public record, 1059
the public office or the person responsible for the public 1060
record shall make available all of the information within the 1061
public record that is not exempt. When making that public record 1062
available for public inspection or copying that public record, 1063
the public office or the person responsible for the public 1064
record shall notify the requester of any redaction or make the 1065
redaction plainly visible. A redaction shall be deemed a denial 1066
of a request to inspect or copy the redacted information, except 1067
if federal or state law authorizes or requires a public office 1068
to make the redaction. 1069

(2) To facilitate broader access to public records, a 1070
public office or the person responsible for public records shall 1071
organize and maintain public records in a manner that they can 1072
be made available for inspection or copying in accordance with 1073
division (B) of this section. A public office also shall have 1074
available a copy of its current records retention schedule at a 1075
location readily available to the public. If a requester makes 1076
an ambiguous or overly broad request or has difficulty in making 1077
a request for copies or inspection of public records under this 1078
section such that the public office or the person responsible 1079
for the requested public record cannot reasonably identify what 1080
public records are being requested, the public office or the 1081
person responsible for the requested public record may deny the 1082
request but shall provide the requester with an opportunity to 1083
revise the request by informing the requester of the manner in 1084
which records are maintained by the public office and accessed 1085
in the ordinary course of the public office's or person's 1086
duties. 1087

(3) If a request is ultimately denied, in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing. The explanation shall not preclude the public office or the person responsible for the requested public record from relying upon additional reasons or legal authority in defending an action commenced under division (C) of this section.

(4) Unless specifically required or authorized by state or federal law or in accordance with division (B) of this section, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any requirement that the requester disclose the requester's identity or the intended use of the requested public record constitutes a denial of the request.

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory, that the requester may decline to reveal the requester's identity or the intended use, and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person requests a copy of a public record in 1118
accordance with division (B) of this section, the public office 1119
or person responsible for the public record may require that 1120
person to pay in advance the cost involved in providing the copy 1121
of the public record in accordance with the choice made by the 1122
person requesting the copy under this division. The public 1123
office or the person responsible for the public record shall 1124
permit that person to choose to have the public record 1125
duplicated upon paper, upon the same medium upon which the 1126
public office or person responsible for the public record keeps 1127
it, or upon any other medium upon which the public office or 1128
person responsible for the public record determines that it 1129
reasonably can be duplicated as an integral part of the normal 1130
operations of the public office or person responsible for the 1131
public record. When the person requesting the copy makes a 1132
choice under this division, the public office or person 1133
responsible for the public record shall provide a copy of it in 1134
accordance with the choice made by that person. Nothing in this 1135
section requires a public office or person responsible for the 1136
public record to allow the person requesting a copy of the 1137
public record to make the copies of the public record. 1138

(7) (a) Upon a request made in accordance with division (B) 1139
of this section and subject to division (B) (6) of this section, 1140
a public office or person responsible for public records shall 1141
transmit a copy of a public record to any person by United 1142
States mail or by any other means of delivery or transmission 1143
within a reasonable period of time after receiving the request 1144
for the copy. The public office or person responsible for the 1145
public record may require the person making the request to pay 1146
in advance the cost of postage if the copy is transmitted by 1147
United States mail or the cost of delivery if the copy is 1148

transmitted other than by United States mail, and to pay in 1149
advance the costs incurred for other supplies used in the 1150
mailing, delivery, or transmission. 1151

(b) Any public office may adopt a policy and procedures 1152
that it will follow in transmitting, within a reasonable period 1153
of time after receiving a request, copies of public records by 1154
United States mail or by any other means of delivery or 1155
transmission pursuant to division (B) (7) of this section. A 1156
public office that adopts a policy and procedures under division 1157
(B) (7) of this section shall comply with them in performing its 1158
duties under that division. 1159

(c) In any policy and procedures adopted under division 1160
(B) (7) of this section: 1161

(i) A public office may limit the number of records 1162
requested by a person that the office will physically deliver by 1163
United States mail or by another delivery service to ten per 1164
month, unless the person certifies to the office in writing that 1165
the person does not intend to use or forward the requested 1166
records, or the information contained in them, for commercial 1167
purposes; 1168

(ii) A public office that chooses to provide some or all 1169
of its public records on a web site that is fully accessible to 1170
and searchable by members of the public at all times, other than 1171
during acts of God outside the public office's control or 1172
maintenance, and that charges no fee to search, access, 1173
download, or otherwise receive records provided on the web site, 1174
may limit to ten per month the number of records requested by a 1175
person that the office will deliver in a digital format, unless 1176
the requested records are not provided on the web site and 1177
unless the person certifies to the office in writing that the 1178

person does not intend to use or forward the requested records, 1179
or the information contained in them, for commercial purposes. 1180

(iii) For purposes of division (B) (7) of this section, 1181
"commercial" shall be narrowly construed and does not include 1182
reporting or gathering news, reporting or gathering information 1183
to assist citizen oversight or understanding of the operation or 1184
activities of government, or nonprofit educational research. 1185

(8) A public office or person responsible for public 1186
records is not required to permit a person who is incarcerated 1187
pursuant to a criminal conviction or a juvenile adjudication to 1188
inspect or to obtain a copy of any public record concerning a 1189
criminal investigation or prosecution or concerning what would 1190
be a criminal investigation or prosecution if the subject of the 1191
investigation or prosecution were an adult, unless the request 1192
to inspect or to obtain a copy of the record is for the purpose 1193
of acquiring information that is subject to release as a public 1194
record under this section and the judge who imposed the sentence 1195
or made the adjudication with respect to the person, or the 1196
judge's successor in office, finds that the information sought 1197
in the public record is necessary to support what appears to be 1198
a justiciable claim of the person. 1199

(9) (a) Upon written request made and signed by a 1200
journalist, a public office, or person responsible for public 1201
records, having custody of the records of the agency employing a 1202
specified designated public service worker shall disclose to the 1203
journalist the address of the actual personal residence of the 1204
designated public service worker and, if the designated public 1205
service worker's spouse, former spouse, or child is employed by 1206
a public office, the name and address of the employer of the 1207
designated public service worker's spouse, former spouse, or 1208

child. The request shall include the journalist's name and title 1209
and the name and address of the journalist's employer and shall 1210
state that disclosure of the information sought would be in the 1211
public interest. 1212

(b) Division (B) (9) (a) of this section also applies to 1213
journalist requests for: 1214

(i) Customer information maintained by a municipally owned 1215
or operated public utility, other than social security numbers 1216
and any private financial information such as credit reports, 1217
payment methods, credit card numbers, and bank account 1218
information; 1219

(ii) Information about minors involved in a school vehicle 1220
accident as provided in division (A) (1) (gg) of this section, 1221
other than personal information as defined in section 149.45 of 1222
the Revised Code. 1223

(c) As used in division (B) (9) of this section, 1224
"journalist" means a person engaged in, connected with, or 1225
employed by any news medium, including a newspaper, magazine, 1226
press association, news agency, or wire service, a radio or 1227
television station, or a similar medium, for the purpose of 1228
gathering, processing, transmitting, compiling, editing, or 1229
disseminating information for the general public. 1230

(10) Upon a request made by a victim, victim's attorney, 1231
or victim's representative, as that term is used in section 1232
2930.02 of the Revised Code, a public office or person 1233
responsible for public records shall transmit a copy of a 1234
depiction of the victim as described in division (A) (1) (ii) of 1235
this section to the victim, victim's attorney, or victim's 1236
representative. 1237

(C) (1) If a person allegedly is aggrieved by the failure 1238
of a public office or the person responsible for public records 1239
to promptly prepare a public record and to make it available to 1240
the person for inspection in accordance with division (B) of 1241
this section or by any other failure of a public office or the 1242
person responsible for public records to comply with an 1243
obligation in accordance with division (B) of this section, the 1244
person allegedly aggrieved may do only one of the following, and 1245
not both: 1246

(a) File a complaint with the clerk of the court of claims 1247
or the clerk of the court of common pleas under section 2743.75 1248
of the Revised Code; 1249

(b) Commence a mandamus action to obtain a judgment that 1250
orders the public office or the person responsible for the 1251
public record to comply with division (B) of this section, that 1252
awards court costs and reasonable attorney's fees to the person 1253
that instituted the mandamus action, and, if applicable, that 1254
includes an order fixing statutory damages under division (C) (2) 1255
of this section. The mandamus action may be commenced in the 1256
court of common pleas of the county in which division (B) of 1257
this section allegedly was not complied with, in the supreme 1258
court pursuant to its original jurisdiction under Section 2 of 1259
Article IV, Ohio Constitution, or in the court of appeals for 1260
the appellate district in which division (B) of this section 1261
allegedly was not complied with pursuant to its original 1262
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1263

(2) If a requester transmits a written request by hand 1264
delivery, electronic submission, or certified mail to inspect or 1265
receive copies of any public record in a manner that fairly 1266
describes the public record or class of public records to the 1267

public office or person responsible for the requested public 1268
records, except as otherwise provided in this section, the 1269
requester shall be entitled to recover the amount of statutory 1270
damages set forth in this division if a court determines that 1271
the public office or the person responsible for public records 1272
failed to comply with an obligation in accordance with division 1273
(B) of this section. 1274

The amount of statutory damages shall be fixed at one 1275
hundred dollars for each business day during which the public 1276
office or person responsible for the requested public records 1277
failed to comply with an obligation in accordance with division 1278
(B) of this section, beginning with the day on which the 1279
requester files a mandamus action to recover statutory damages, 1280
up to a maximum of one thousand dollars. The award of statutory 1281
damages shall not be construed as a penalty, but as compensation 1282
for injury arising from lost use of the requested information. 1283
The existence of this injury shall be conclusively presumed. The 1284
award of statutory damages shall be in addition to all other 1285
remedies authorized by this section. 1286

The court may reduce an award of statutory damages or not 1287
award statutory damages if the court determines both of the 1288
following: 1289

(a) That, based on the ordinary application of statutory 1290
law and case law as it existed at the time of the conduct or 1291
threatened conduct of the public office or person responsible 1292
for the requested public records that allegedly constitutes a 1293
failure to comply with an obligation in accordance with division 1294
(B) of this section and that was the basis of the mandamus 1295
action, a well-informed public office or person responsible for 1296
the requested public records reasonably would believe that the 1297

conduct or threatened conduct of the public office or person 1298
responsible for the requested public records did not constitute 1299
a failure to comply with an obligation in accordance with 1300
division (B) of this section; 1301

(b) That a well-informed public office or person 1302
responsible for the requested public records reasonably would 1303
believe that the conduct or threatened conduct of the public 1304
office or person responsible for the requested public records 1305
would serve the public policy that underlies the authority that 1306
is asserted as permitting that conduct or threatened conduct. 1307

(3) In a mandamus action filed under division (C) (1) of 1308
this section, the following apply: 1309

(a) (i) If the court orders the public office or the person 1310
responsible for the public record to comply with division (B) of 1311
this section, the court shall determine and award to the relator 1312
all court costs, which shall be construed as remedial and not 1313
punitive. 1314

(ii) If the court makes a determination described in 1315
division (C) (3) (b) (iii) of this section, the court shall 1316
determine and award to the relator all court costs, which shall 1317
be construed as remedial and not punitive. 1318

(b) If the court renders a judgment that orders the public 1319
office or the person responsible for the public record to comply 1320
with division (B) of this section or if the court determines any 1321
of the following, the court may award reasonable attorney's fees 1322
to the relator, subject to division (C) (4) of this section: 1323

(i) The public office or the person responsible for the 1324
public records failed to respond affirmatively or negatively to 1325
the public records request in accordance with the time allowed 1326

under division (B) of this section. 1327

(ii) The public office or the person responsible for the 1328
public records promised to permit the relator to inspect or 1329
receive copies of the public records requested within a 1330
specified period of time but failed to fulfill that promise 1331
within that specified period of time. 1332

(iii) The public office or the person responsible for the 1333
public records acted in bad faith when the office or person 1334
voluntarily made the public records available to the relator for 1335
the first time after the relator commenced the mandamus action, 1336
but before the court issued any order concluding whether or not 1337
the public office or person was required to comply with division 1338
(B) of this section. No discovery may be conducted on the issue 1339
of the alleged bad faith of the public office or person 1340
responsible for the public records. This division shall not be 1341
construed as creating a presumption that the public office or 1342
the person responsible for the public records acted in bad faith 1343
when the office or person voluntarily made the public records 1344
available to the relator for the first time after the relator 1345
commenced the mandamus action, but before the court issued any 1346
order described in this division. 1347

(c) The court shall not award attorney's fees to the 1348
relator if the court determines both of the following: 1349

(i) That, based on the ordinary application of statutory 1350
law and case law as it existed at the time of the conduct or 1351
threatened conduct of the public office or person responsible 1352
for the requested public records that allegedly constitutes a 1353
failure to comply with an obligation in accordance with division 1354
(B) of this section and that was the basis of the mandamus 1355
action, a well-informed public office or person responsible for 1356

the requested public records reasonably would believe that the 1357
conduct or threatened conduct of the public office or person 1358
responsible for the requested public records did not constitute 1359
a failure to comply with an obligation in accordance with 1360
division (B) of this section; 1361

(ii) That a well-informed public office or person 1362
responsible for the requested public records reasonably would 1363
believe that the conduct or threatened conduct of the public 1364
office or person responsible for the requested public records 1365
would serve the public policy that underlies the authority that 1366
is asserted as permitting that conduct or threatened conduct. 1367

(4) All of the following apply to any award of reasonable 1368
attorney's fees awarded under division (C) (3) (b) of this 1369
section: 1370

(a) The fees shall be construed as remedial and not 1371
punitive. 1372

(b) The fees awarded shall not exceed the total of the 1373
reasonable attorney's fees incurred before the public record was 1374
made available to the relator and the fees described in division 1375
(C) (4) (c) of this section. 1376

(c) Reasonable attorney's fees shall include reasonable 1377
fees incurred to produce proof of the reasonableness and amount 1378
of the fees and to otherwise litigate entitlement to the fees. 1379

(d) The court may reduce the amount of fees awarded if the 1380
court determines that, given the factual circumstances involved 1381
with the specific public records request, an alternative means 1382
should have been pursued to more effectively and efficiently 1383
resolve the dispute that was subject to the mandamus action 1384
filed under division (C) (1) of this section. 1385

(5) If the court does not issue a writ of mandamus under 1386
division (C) of this section and the court determines at that 1387
time that the bringing of the mandamus action was frivolous 1388
conduct as defined in division (A) of section 2323.51 of the 1389
Revised Code, the court may award to the public office all court 1390
costs, expenses, and reasonable attorney's fees, as determined 1391
by the court. 1392

(D) Chapter 1347. of the Revised Code does not limit the 1393
provisions of this section. 1394

(E) (1) To ensure that all employees of public offices are 1395
appropriately educated about a public office's obligations under 1396
division (B) of this section, all elected officials or their 1397
appropriate designees shall attend training approved by the 1398
attorney general as provided in section 109.43 of the Revised 1399
Code. A future official may satisfy the requirements of this 1400
division by attending the training before taking office, 1401
provided that the future official may not send a designee in the 1402
future official's place. 1403

(2) All public offices shall adopt a public records policy 1404
in compliance with this section for responding to public records 1405
requests. In adopting a public records policy under this 1406
division, a public office may obtain guidance from the model 1407
public records policy developed and provided to the public 1408
office by the attorney general under section 109.43 of the 1409
Revised Code. Except as otherwise provided in this section, the 1410
policy may not limit the number of public records that the 1411
public office will make available to a single person, may not 1412
limit the number of public records that it will make available 1413
during a fixed period of time, and may not establish a fixed 1414
period of time before it will respond to a request for 1415

inspection or copying of public records, unless that period is 1416
less than eight hours. 1417

The public office shall distribute the public records 1418
policy adopted by the public office under this division to the 1419
employee of the public office who is the records custodian or 1420
records manager or otherwise has custody of the records of that 1421
office. The public office shall require that employee to 1422
acknowledge receipt of the copy of the public records policy. 1423
The public office shall create a poster that describes its 1424
public records policy and shall post the poster in a conspicuous 1425
place in the public office and in all locations where the public 1426
office has branch offices. The public office may post its public 1427
records policy on the internet web site of the public office if 1428
the public office maintains an internet web site. A public 1429
office that has established a manual or handbook of its general 1430
policies and procedures for all employees of the public office 1431
shall include the public records policy of the public office in 1432
the manual or handbook. 1433

(F) (1) The bureau of motor vehicles may adopt rules 1434
pursuant to Chapter 119. of the Revised Code to reasonably limit 1435
the number of bulk commercial special extraction requests made 1436
by a person for the same records or for updated records during a 1437
calendar year. The rules may include provisions for charges to 1438
be made for bulk commercial special extraction requests for the 1439
actual cost of the bureau, plus special extraction costs, plus 1440
ten per cent. The bureau may charge for expenses for redacting 1441
information, the release of which is prohibited by law. 1442

(2) As used in division (F) (1) of this section: 1443

(a) "Actual cost" means the cost of depleted supplies, 1444
records storage media costs, actual mailing and alternative 1445

delivery costs, or other transmitting costs, and any direct 1446
equipment operating and maintenance costs, including actual 1447
costs paid to private contractors for copying services. 1448

(b) "Bulk commercial special extraction request" means a 1449
request for copies of a record for information in a format other 1450
than the format already available, or information that cannot be 1451
extracted without examination of all items in a records series, 1452
class of records, or database by a person who intends to use or 1453
forward the copies for surveys, marketing, solicitation, or 1454
resale for commercial purposes. "Bulk commercial special 1455
extraction request" does not include a request by a person who 1456
gives assurance to the bureau that the person making the request 1457
does not intend to use or forward the requested copies for 1458
surveys, marketing, solicitation, or resale for commercial 1459
purposes. 1460

(c) "Commercial" means profit-seeking production, buying, 1461
or selling of any good, service, or other product. 1462

(d) "Special extraction costs" means the cost of the time 1463
spent by the lowest paid employee competent to perform the task, 1464
the actual amount paid to outside private contractors employed 1465
by the bureau, or the actual cost incurred to create computer 1466
programs to make the special extraction. "Special extraction 1467
costs" include any charges paid to a public agency for computer 1468
or records services. 1469

(3) For purposes of divisions (F) (1) and (2) of this 1470
section, "surveys, marketing, solicitation, or resale for 1471
commercial purposes" shall be narrowly construed and does not 1472
include reporting or gathering news, reporting or gathering 1473
information to assist citizen oversight or understanding of the 1474
operation or activities of government, or nonprofit educational 1475

research. 1476

(G) A request by a defendant, counsel of a defendant, or 1477
any agent of a defendant in a criminal action that public 1478
records related to that action be made available under this 1479
section shall be considered a demand for discovery pursuant to 1480
the Criminal Rules, except to the extent that the Criminal Rules 1481
plainly indicate a contrary intent. The defendant, counsel of 1482
the defendant, or agent of the defendant making a request under 1483
this division shall serve a copy of the request on the 1484
prosecuting attorney, director of law, or other chief legal 1485
officer responsible for prosecuting the action. 1486

(H) (1) Any portion of a body-worn camera or dashboard 1487
camera recording described in divisions (A) (17) (b) to (h) of 1488
this section may be released by consent of the subject of the 1489
recording or a representative of that person, as specified in 1490
those divisions, only if either of the following applies: 1491

(a) The recording will not be used in connection with any 1492
probable or pending criminal proceedings; 1493

(b) The recording has been used in connection with a 1494
criminal proceeding that was dismissed or for which a judgment 1495
has been entered pursuant to Rule 32 of the Rules of Criminal 1496
Procedure, and will not be used again in connection with any 1497
probable or pending criminal proceedings. 1498

(2) If a public office denies a request to release a 1499
restricted portion of a body-worn camera or dashboard camera 1500
recording, as defined in division (A) (17) of this section, any 1501
person may file a mandamus action pursuant to this section or a 1502
complaint with the clerk of the court of claims pursuant to 1503
section 2743.75 of the Revised Code, requesting the court to 1504

order the release of all or portions of the recording. If the 1505
court considering the request determines that the filing 1506
articulates by clear and convincing evidence that the public 1507
interest in the recording substantially outweighs privacy 1508
interests and other interests asserted to deny release, the 1509
court shall order the public office to release the recording. 1510

Sec. 315.25. (A) The county engineer shall make and keep, 1511
in a book provided for that purpose, an accurate record of all 1512
surveys made by ~~him~~ the engineer or ~~his~~ the engineer's deputies 1513
for the purpose of locating any land or road lines, or fixing 1514
any corner or monument by which it may be determined, whether 1515
official or otherwise. Such surveys shall include corners, 1516
distances, azimuths, angles, calculations, plats, and a 1517
description of the monuments set up, with such references 1518
thereto as will aid in finding the names of the parties for whom 1519
the surveys are made, and the date of making such surveys. Such 1520
book shall be kept as a public record by the engineer at ~~his~~ the 1521
engineer's office, and it shall be at all proper times open to 1522
inspection and examination by all persons interested therein. 1523
Any other surveys made in the county by competent surveyors, 1524
certified by such surveyor to be correct and deemed worthy of 1525
preservation, may, by order of the board of county 1526
commissioners, be recorded by the engineer. 1527

(B) The county engineer shall keep confidential 1528
information that is subject to a real property confidentiality 1529
notice under section 111.431 of the Revised Code, in accordance 1530
with that section. 1531

Sec. 317.13. (A) Except as otherwise provided in division 1532
(B) of this section, the county recorder shall record in the 1533
official records, in legible handwriting, typewriting, or 1534

printing, or by any authorized photographic or electronic 1535
process, all deeds, mortgages, plats, or other instruments of 1536
writing that are required or authorized by the Revised Code to 1537
be recorded and that are presented to the county recorder for 1538
that purpose. The county recorder shall record the instruments 1539
in regular succession, according to the priority of 1540
presentation, and shall enter the file number at the beginning 1541
of the record. On the record of each instrument, the county 1542
recorder shall record the date and precise time the instrument 1543
was presented for record. All records made, prior to July 28, 1544
1949, by means authorized by this section or by section 9.01 of 1545
the Revised Code shall be deemed properly made. 1546

(B) The county recorder may refuse to record an instrument 1547
of writing presented for recording if the instrument is not 1548
required or authorized by the Revised Code to be recorded or the 1549
county recorder has reasonable cause to believe the instrument 1550
is materially false or fraudulent. This division does not create 1551
a duty upon a recorder to inspect, evaluate, or investigate an 1552
instrument of writing that is presented for recording. 1553

(C) If a person presents an instrument of writing to the 1554
county recorder for recording and the county recorder, pursuant 1555
to division (B) of this section, refuses to record the 1556
instrument, the person has a cause of action for an order from 1557
the court of common pleas in the county that the county recorder 1558
serves, to require the county recorder to record the instrument. 1559
If the court determines that the instrument is required or 1560
authorized by the Revised Code to be recorded and is not 1561
materially false or fraudulent, it shall order the county 1562
recorder to record the instrument. 1563

(D) The county recorder shall keep confidential 1564

information that is subject to a real property confidentiality 1565
notice under section 111.431 of the Revised Code, in accordance 1566
with that section. A copy of the real property confidentiality 1567
notice shall accompany subsequent recordings of the property, 1568
unless the program participant's certification has been canceled 1569
under section 111.431 or 111.45 of the Revised Code. 1570

Sec. 317.32. The county recorder shall charge and collect 1571
the following fees, to include, except as otherwise provided in 1572
division (A) (2) of this section, base fees for the recorder's 1573
services and housing trust fund fees collected pursuant to 1574
section 317.36 of the Revised Code: 1575

(A) (1) Except as otherwise provided in division (A) (2) of 1576
this section, for recording and indexing an instrument if the 1577
photocopy or any similar process is employed, a base fee of 1578
seventeen dollars for the first two pages and a housing trust 1579
fund fee of seventeen dollars, and a base fee of four dollars 1580
and a housing trust fund fee of four dollars for each subsequent 1581
page, size eight and one-half inches by fourteen inches, or 1582
fraction of a page, including the caption page, of such 1583
instrument; 1584

(2) For recording and indexing an instrument described in 1585
division (D) of section 317.08 of the Revised Code if the 1586
photocopy or any similar process is employed, a fee of twenty- 1587
eight dollars for the first two pages to be deposited as 1588
specified elsewhere in this division, and a fee of eight dollars 1589
to be deposited in the same manner for each subsequent page, 1590
size eight and one-half inches by fourteen inches, or fraction 1591
of a page, including the caption page, of that instrument. If 1592
the county recorder's technology fund has been established under 1593
section 317.321 of the Revised Code, of the twenty-eight 1594

dollars, fourteen dollars shall be deposited into the county treasury to the credit of the county recorder's technology fund and fourteen dollars shall be deposited into the county treasury to the credit of the county general fund. If the county recorder's technology fund has not been established, the twenty-eight dollars shall be deposited into the county treasury to the credit of the county general fund.

(B) For certifying a ~~photocopy~~ copy or electronic record from the record previously recorded, a base fee of one dollar and a housing trust fund fee of one dollar per page, size eight and one-half inches by fourteen inches, or fraction of a page; for each certification if the recorder's seal is required, except as to instruments issued by the armed forces of the United States, a base fee of fifty cents and a housing trust fund fee of fifty cents;

(C) For entering or indexing any ~~marginal~~ reference by separate recorded instrument, a base fee of two dollars and a housing trust fund fee of two dollars for each ~~marginal~~ reference set out in that instrument, in addition to the fees set forth in division (A) (1) of this section;

(D) For indexing in the real estate mortgage records, pursuant to section 1309.519 of the Revised Code, financing statements covering crops growing or to be grown, timber to be cut, minerals or the like, including oil and gas, accounts subject to section 1309.301 of the Revised Code, or fixture filings made pursuant to section 1309.334 of the Revised Code, a base fee of two dollars and a housing trust fund fee of two dollars for each name indexed;

(E) For filing zoning resolutions, including text and maps, in the office of the recorder as required under sections

303.11 and 519.11 of the Revised Code, a base fee of twenty-five dollars and a housing trust fund fee of twenty-five dollars, regardless of the size or length of the resolutions;

(F) For filing zoning amendments, including text and maps, in the office of the recorder as required under sections 303.12 and 519.12 of the Revised Code, a base fee of ten dollars and a housing trust fund fee of ten dollars regardless of the size or length of the amendments;

(G) For photocopying a document, other than at the time of recording and indexing as provided for in division (A)(1) or (2) of this section, a base fee of one dollar and a housing trust fund fee of one dollar per page, size eight and one-half inches by fourteen inches, or fraction thereof;

(H) For local facsimile transmission of a document, a base fee of one dollar and a housing trust fund fee of one dollar per page, size eight and one-half inches by fourteen inches, or fraction thereof; for long distance facsimile transmission of a document, a base fee of two dollars and a housing trust fund fee of two dollars per page, size eight and one-half inches by fourteen inches, or fraction thereof;

(I) For recording a declaration executed pursuant to section 2133.02 of the Revised Code or a durable power of attorney for health care executed pursuant to section 1337.12 of the Revised Code, or both a declaration and a durable power of attorney for health care, a base fee of at least fourteen dollars but not more than twenty dollars and a housing trust fund fee of at least fourteen dollars but not more than twenty dollars.

In any county in which the recorder employs the

photostatic or any similar process for recording maps, plats, or 1654
prints the recorder shall determine, charge, and collect for the 1655
recording or rerecording of any map, plat, or print, a base fee 1656
of five cents and a housing trust fund fee of five cents per 1657
square inch, for each square inch of the map, plat, or print 1658
filed for that recording or rerecording, with a minimum base fee 1659
of twenty dollars and a minimum housing trust fund fee of twenty 1660
dollars; for certifying a copy from the record, a base fee of 1661
two cents and a housing trust fund fee of two cents per square 1662
inch of the record, with a minimum base fee of two dollars and a 1663
minimum housing trust fund fee of two dollars. 1664

The fees provided in this section shall be paid upon the 1665
presentation of the instruments for record or upon the 1666
application for any certified copy of the record, except that 1667
the payment of fees for providing copies of instruments 1668
conveying or extinguishing agricultural easements to the office 1669
of farmland preservation in the department of agriculture under 1670
division (H) of section 5301.691 of the Revised Code shall be 1671
governed by that division, and payment of fees for electronic 1672
recording may be made by electronic funds transfer, automated 1673
clearing house, or other electronic means after presentation. 1674

The fees provided for in this section shall not apply to 1675
the recording, indexing, or making of a certified copy or to the 1676
filing of any instrument by a county land reutilization 1677
corporation, ~~its.~~ 1678

The fees provided for in this section shall not apply to 1679
the recording, indexing, or making of a certified copy or to the 1680
filing of any instrument by a county land reutilization 1681
corporation's wholly owned subsidiary, or any other electing 1682
subdivision as defined in section 5722.01 of the Revised Code if 1683

the wholly owned subsidiary or the electing subdivision is 1684
acting in capacity consistent with the purpose of the land 1685
reutilization program. 1686

Sec. 319.28. (A) Except as otherwise provided in division 1687
(B) of this section, on or before the first Monday of August, 1688
annually, the county auditor shall compile and make up a general 1689
tax list of real and public utility property in the county, 1690
either in tabular form and alphabetical order, or, with the 1691
consent of the county treasurer, by listing all parcels in a 1692
permanent parcel number sequence to which a separate 1693
alphabetical index is keyed, containing the names of the several 1694
persons, companies, firms, partnerships, associations, and 1695
corporations in whose names real property has been listed in 1696
each township, municipal corporation, special district, or 1697
separate school district, or part of either in the auditor's 1698
county, placing separately, in appropriate columns opposite each 1699
name, the description of each tract, lot, or parcel of real 1700
estate, the value of each tract, lot, or parcel, the value of 1701
the improvements thereon, and of the names of the several public 1702
utilities whose property, subject to taxation on the general tax 1703
list and duplicate, has been apportioned by the department of 1704
taxation to the county, and the amount so apportioned to each 1705
township, municipal corporation, special district, or separate 1706
school district or part of either in the auditor's county, as 1707
shown by the certificates of apportionment of public utility 1708
property. If the name of the owner of any tract, lot, or parcel 1709
of real estate is unknown to the auditor, "unknown" shall be 1710
entered in the column of names opposite said tract, lot, or 1711
parcel. Such lists shall be prepared in duplicate. On or before 1712
the first Monday of September in each year, the auditor shall 1713
correct such lists in accordance with the additions and 1714

deductions ordered by the tax commissioner and by the county 1715
board of revision, and shall certify and on the first day of 1716
October deliver one copy thereof to the county treasurer. The 1717
copies prepared by the auditor shall constitute the auditor's 1718
general tax list and treasurer's general duplicate of real and 1719
public utility property for the current year. 1720

Once a permanent parcel numbering system has been 1721
established in any county as provided by the preceding 1722
paragraph, such system shall remain in effect until otherwise 1723
agreed upon by the county auditor and county treasurer. 1724

(B) (1) An individual, or the spouse of that individual, 1725
whose residential and familial information is not a public 1726
record under divisions (A) (1) (p) and (A) (7) of section 149.43 of 1727
the Revised Code may submit an affidavit to the county auditor 1728
requesting the county auditor to remove the name of the 1729
individual filing the affidavit from any record made available 1730
to the general public on the internet or a publicly accessible 1731
database, and from the general tax list and duplicate_of real 1732
and public utility property, and to instead insert the 1733
individual's initials on any such record, and on the general tax 1734
list and duplicate of real and public utility property as the 1735
name of the individual that appears on the deed. 1736

(2) Upon receiving an affidavit described in division (B) 1737
(1) of this section, the county auditor shall act within five 1738
business days in accordance with the request to remove the 1739
individual's name from any record made available to the general 1740
public on the internet or a publicly accessible database, and 1741
from the general tax list and duplicate of real and public 1742
utility property and insert the individual's initials on any 1743
such record and on the general tax list and duplicate of real 1744

and public utility property, if practicable. If the removal and 1745
insertion is not practicable, the county auditor shall verbally 1746
or in writing within five business days after receiving the 1747
affidavit explain to the individual why the removal and 1748
insertion is impracticable. 1749

(C) The county auditor shall keep confidential information 1750
that is subject to a real property confidentiality notice under 1751
section 111.431 of the Revised Code, in accordance with that 1752
section. 1753

Sec. 321.25. The county treasurer shall keep confidential 1754
information that is subject to a real property confidentiality 1755
notice under section 111.431 of the Revised Code, in accordance 1756
with that section. 1757

Sec. 2303.12. (A) The clerk of the court of common pleas 1758
shall keep at least four books. They shall be called the 1759
appearance docket, trial docket and printed duplicates of the 1760
trial docket for the use of the court and the officers thereof, 1761
journal, and execution docket.~~He~~ The clerk shall also keep a 1762
record in book form or ~~he~~ the clerk may prepare a record by 1763
using any photostatic, photographic, miniature photographic, 1764
film, microfilm, or microphotographic process, electrostatic 1765
process, perforated tape, magnetic tape, or other 1766
electromagnetic means, electronic data processing, machine 1767
readable media, graphic or video display, or any combination 1768
thereof, which correctly and accurately copies or reproduces the 1769
original document, paper, or instrument in writing.~~He~~ The clerk 1770
shall use materials that comply with the minimum standards of 1771
quality for permanent photographic records prescribed by the 1772
National Bureau of Standards.~~He~~ The clerk shall keep an index 1773
to the trial docket and to the printed duplicates of the trial 1774

docket and of the journal direct, and to the appearance docket, 1775
record, and execution docket, direct and reverse. All clerks 1776
keeping records and information by the methods described in this 1777
section shall keep and make readily available to the public the 1778
machine and equipment necessary to reproduce the records and 1779
information in a readable form. 1780

(B) The clerk of the court of common pleas shall keep 1781
confidential information that is subject to a real property 1782
confidentiality notice under section 111.431 of the Revised 1783
Code, in accordance with that section. 1784

Sec. 5301.255. (A) A memorandum of trust that satisfies 1785
both of the following may be presented for recordation in the 1786
office of the county recorder of any county in which real 1787
property that is subject to the trust is located: 1788

(1) The memorandum shall be executed by the trustee of the 1789
trust and acknowledged by the trustee of the trust in accordance 1790
with section 5301.01 of the Revised Code. 1791

(2) The memorandum shall state all of the following: 1792

(a) The name and address of the trustee of the trust; 1793

(b) The date of execution of the trust; 1794

(c) The powers specified in the trust relative to the 1795
acquisition, sale, or encumbering of real property by the 1796
trustee or the conveyance of real property by the trustee, and 1797
any restrictions upon those powers. 1798

(B) A memorandum of trust that satisfies divisions (A) (1) 1799
and (2) of this section also may set forth the substance or 1800
actual text of provisions of the trust that are not described in 1801
those divisions. 1802

(C) A memorandum of trust that satisfies divisions (A) (1) 1803
and (2) of this section shall constitute notice only of the 1804
information contained in it. 1805

(D) Upon the presentation for recordation of a memorandum 1806
of trust that satisfies divisions (A) (1) and (2) of this section 1807
and the payment of the requisite fee prescribed in section 1808
317.32 of the Revised Code, a county recorder shall record the 1809
memorandum of trust in the official records described in 1810
division (A) ~~(18)~~ (17) of section 317.08 of the Revised Code, if 1811
the memorandum of trust describes specific real property, or in 1812
the official records described in division (A) ~~(24)~~ (23) of that 1813
section, if the memorandum of trust does not describe specific 1814
real property. 1815

Section 2. That existing sections 111.42, 111.43, 111.45, 1816
111.46, 111.48, 111.99, 149.43, 315.25, 317.13, 317.32, 319.28, 1817
2303.12, and 5301.255 of the Revised Code are hereby repealed. 1818

Section 3. That Section 4 of S.B. 258 of the 134th General 1819
Assembly is hereby repealed. 1820

Section 4. Notwithstanding any contrary provision of the 1821
Revised Code, all of the following apply to the primary election 1822
to be held on May 3, 2022: 1823

(A) To be eligible to appear as a candidate for 1824
nomination, or to receive votes as a write-in candidate, for the 1825
office of member of the United States House of Representatives, 1826
a person shall file the applicable declaration of candidacy and 1827
petition or declaration of intent to be a write-in candidate not 1828
later than four p.m. on March 4, 2022, in the manner specified 1829
under Title XXXV of the Revised Code. 1830

(B) A declaration of candidacy, declaration of candidacy 1831

and petition, nominating petition, or declaration of intent to 1832
be a write-in candidate filed by a person seeking nomination for 1833
the office of member of the United States House of 1834
Representatives, the Ohio Senate, the Ohio House of 1835
Representatives, or the state central committee of a political 1836
party shall not be considered invalid on the basis that it does 1837
not include the number of the district the filer seeks to 1838
represent or that it includes an incorrect district number. If 1839
the filer seeks nomination for the office of member of the Ohio 1840
Senate, the Ohio House of Representatives, or the state central 1841
committee of a political party, the document shall be deemed to 1842
include the number of the applicable district in which the filer 1843
resides. If the filer seeks nomination for the office of member 1844
of the United States House of Representatives, the filer shall 1845
notify the election officials in writing of the district the 1846
filer seeks to represent. 1847

(C) (1) A declaration of candidacy, declaration of 1848
candidacy and petition, nominating petition, or declaration of 1849
intent to be a write-in candidate filed by a person seeking 1850
nomination for the office of member of the Ohio Senate or the 1851
Ohio House of Representatives shall not be considered invalid on 1852
the basis that it contains the filer's former residence address 1853
that is not located in the district the filer seeks to 1854
represent, so long as the filer does all of the following not 1855
later than the deadline for the filer to change residence under 1856
division (C) of Article XI, Section 9, Ohio Constitution: 1857

(a) Becomes a resident of the district the filer seeks to 1858
represent; 1859

(b) Files with the board of elections an addendum to the 1860
declaration of candidacy, declaration of candidacy and petition, 1861

nominating petition, or declaration of intent to be a write-in candidate that indicates the filer's new residence address; 1862
1863

(c) Submits a notice of change of address for voter registration purposes. 1864
1865

(2) After a filer notifies the board of elections of the filer's new residence address under division (C)(1) of this section, the signatures on the filer's petition shall be verified under this section on the basis of the filer's new residence address. 1866
1867
1868
1869
1870

(D) A signature on a declaration of candidacy and petition or nominating petition filed by a person seeking nomination for the office of member of the United States House of Representatives, the Ohio Senate, the Ohio House of Representatives, or the state central committee of a political party shall not be considered invalid on the ground that the signer does not reside in the district the filer seeks to represent, so long as one of the following applies: 1871
1872
1873
1874
1875
1876
1877
1878

(1) The filer seeks nomination for the office of member of the United States House of Representatives and both of the following are true: 1879
1880
1881

(a) The district the filer sought to represent under the congressional district plan described in S.B. 258 of the 134th General Assembly had territory in the county in which the signer resides. The filer shall notify the election officials in writing of the district the filer sought to represent under that act. 1882
1883
1884
1885
1886
1887

(b) The congressional district the filer seeks to represent has territory in the county in which the signer resides. 1888
1889
1890

(2) The filer seeks nomination for the office of member of the Ohio Senate and both of the following are true: 1891
1892

(a) The Senate district in which the filer resided under the General Assembly district plan adopted by the Ohio Redistricting Commission in September 2021 had territory in the county in which the signer resides. 1893
1894
1895
1896

(b) The Senate district the filer seeks to represent has territory in the county in which the signer resides. 1897
1898

(3) The filer seeks nomination for the office of member of the Ohio House of Representatives and both of the following are true: 1899
1900
1901

(a) The House district in which the filer resided under the General Assembly district plan adopted by the Ohio Redistricting Commission in September 2021 had territory in the county in which the signer resides. 1902
1903
1904
1905

(b) The House district the filer seeks to represent has territory in the county in which the signer resides. 1906
1907

(4) The filer seeks nomination for the office of member of the state central committee of a political party to represent a congressional district and both of the following are true: 1908
1909
1910

(a) The district in which the filer resided under the congressional district plan described in S.B. 258 of the 134th General Assembly had territory in the county in which the signer resides. 1911
1912
1913
1914

(b) The congressional district the filer seeks to represent has territory in the county in which the signer resides. 1915
1916
1917

(5) The filer seeks nomination for the office of member of 1918

the state central committee of a political party to represent a 1919
Senate district and both of the following are true: 1920

(a) The Senate district in which the filer resided under 1921
the General Assembly district plan adopted by the Ohio 1922
Redistricting Commission in September 2021 had territory in the 1923
county in which the signer resides. 1924

(b) The Senate district the filer seeks to represent has 1925
territory in the county in which the signer resides. 1926

(E) If a person seeking nomination for the office of 1927
member of the United States House of Representatives, the Ohio 1928
Senate, the Ohio House of Representatives, or the state central 1929
committee of a political party files a declaration of candidacy, 1930
declaration of candidacy and petition, nominating petition, or 1931
declaration of intent to be a write-in candidate with a board of 1932
elections and that board subsequently becomes aware that the 1933
filer is seeking to represent a district for which a different 1934
board of elections is the appropriate office to process the 1935
filing under Chapter 3513. of the Revised Code, the board of 1936
elections that originally received the filing promptly shall 1937
transfer that filing to the appropriate board of elections. 1938

(F) A signature on a declaration of candidacy and petition 1939
or nominating petition filed by a person seeking nomination for 1940
the office of member of the United States House of 1941
Representatives, the Ohio Senate, the Ohio House of 1942
Representatives, or the state central committee of a political 1943
party shall not be considered invalid on the ground that the 1944
signature was signed before a district plan of the applicable 1945
type was adopted or enacted or took effect, provided that, in 1946
accordance with sections 3513.262 and 3513.263 of the Revised 1947
Code, a signature on a nominating petition is not valid if it is 1948

dated more than one year before the date the nominating petition is filed. 1949
1950

(G) Except for the following deadlines, the Secretary of State may adjust any deadlines pertaining to the administration of the May 3, 2022, primary election as the Secretary of State determines necessary to accommodate the shorter timeframe to prepare to hold the election on May 3, 2022, and to ensure that ballots are prepared and made available in the times and manner required under Title XXXV of the Revised Code and federal election law: 1951
1952
1953
1954
1955
1956
1957
1958

(1) The deadline to file a declaration of candidacy, declaration of candidacy and petition, or declaration of intent to be a write-in candidate; 1959
1960
1961

(2) The deadline to certify a ballot issue or question to the election officials or to file a petition with the election officials to place a question or issue on the ballot at the May 3, 2022, primary election or a special election on that date; 1962
1963
1964
1965

(3) The deadline for the boards of elections to have uniformed services and overseas absent voter's ballots printed and ready for use, unless the Secretary of State obtains a waiver pursuant to 52 U.S.C. 20302(g) for the May 3, 2022, primary election; 1966
1967
1968
1969
1970

(4) Any deadline that, under the Revised Code, falls on or after April 3, 2022. 1971
1972

Section 5. Sections 3 and 4 of this act are hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to allow candidates and election officials sufficient time to prepare for the 2022 primary election. 1973
1974
1975
1976
1977

Therefore, Sections 3 and 4 of this act shall go into immediate
effect.

1978

1979