



**Sub. H.B. 406\***

124th General Assembly

(As Reported by S. State & Local Government & Veterans Affairs)

**Reps. Reidelbach, Hollister, Seitz, Calvert, Seaver, Niehaus, G. Smith, Schmidt, Setzer, Husted, Latta, Kearns, Webster, Patton, Williams, Distel, Lendrum, Faber, Schneider, Carmichael, Flowers, Hughes, Wolpert, McGregor, Salerno, Coates, Peterson, Sullivan, Cirelli, Barrett, Bocchieri, Gilb, Oakar, Latell**

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**BILL SUMMARY**

- Authorizes the Secretary of State to publish and distribute election statistics, official rosters, pamphlet laws, and session laws in an electronic format.
- Significantly reduces the number of permanently bound volumes of the session laws that must be compiled, published, and distributed by the Secretary of State.

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**CONTENT AND OPERATION**

**Overview of existing law and the bill**

Under current law, the Secretary of State is required to compile, publish, and distribute various documents, including the election statistics of Ohio, the official roster of federal, state, and county officers, the official roster of township and municipal officers, the pamphlet laws, and the session laws. The law generally specifies the number of documents that must be produced and/or distributed, and the persons and entities entitled to receive them.

The bill generally authorizes the Secretary of State to compile, publish, and distribute the documents mentioned above in an electronic format *instead of* in the nonelectronic (paper or book) format currently required, except that a limited

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\* *This analysis was prepared before the report of the Senate State and Local Government and Veterans Affairs Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

number of permanently bound volumes of the session laws still must be produced and distributed. The Secretary of State must maintain the ability to provide a paper, book, or other nonelectronic format of these documents in case a public records request is made for a nonelectronic format of a document. (See COMMENT.)

### **Publication of the election statistics and the official rosters**

Current law requires the Secretary of State to biennially compile and publish 2,500 copies of the election statistics of Ohio; 4,000 copies of the official roster of federal, state, and county officers; and 2,500 copies of the official roster of township and municipal officers. The bill provides that, unless the Secretary of State compiles and publishes these documents in an electronic format as authorized by the bill, the Secretary of State must continue to biennially compile and publish these documents in the stated numbers, "in a paper, book, or other nonelectronic format." (Sec. 111.12(A).)

The bill authorizes the Secretary of State to biennially compile and publish these documents in an electronic format instead of in a paper, book, or other nonelectronic format in the numbers mentioned above. Thus, if the Secretary of State chooses to provide electronic versions of these documents, the nonelectronic versions need not be provided. But, the Secretary of State must maintain the ability to provide copies of these documents in a nonelectronic format when a nonelectronic format is requested under the Public Records Law. The current Public Records Law includes a provision allowing a person to choose to obtain a paper copy of a public record; the bill does not change that provision of existing law. (Sec. 111.12(B); sec. 149.43(B)(1) and (2), not in the bill.)

### **Distribution of pamphlet laws**

Current law specifies the manner of *distributing* pamphlet laws for the Secretary of State.<sup>1</sup> The pamphlet laws traditionally have been in a paper format. (Sec. 149.09.) Under the bill, the Secretary of State is authorized to *produce and distribute* the pamphlet laws in an electronic format instead of merely distributing the paper format as provided by current law. If the Secretary of State chooses to produce and distribute the pamphlet laws in an electronic format, the Secretary of State must notify the Clerk of the House of Representatives and the Clerk of the Senate that the printing of paper copies for distribution by the Secretary of State is

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<sup>1</sup> *One copy of each pamphlet law must be forwarded to each county law library and each county auditor, and 100 copies of each pamphlet law must be forwarded to the State Library Board. Any remaining copies of each pamphlet law received by the Secretary of State must be distributed upon the request of interested persons.*

no longer necessary and that the Secretary of State intends to produce and distribute the pamphlet laws in an electronic format.<sup>2</sup> The Secretary of State will be responsible for paying for the cost of producing and distributing the pamphlet laws in an electronic format. (Sec. 149.09(A) and (B)(1).)

Under the bill, the Secretary of State must establish, by rule, a "schedule," for the electronic distribution of the pamphlet laws to county law libraries, county auditors, and the State Library Board. The Secretary of State may compile one or more pamphlet laws in the same electronic distribution. (Sec. 149.09(B)(2) and (3).)

The Secretary of State must maintain the ability to provide copies of the pamphlet laws in a nonelectronic format for purposes of public records requests made under the Public Records Law.

### **Publication and distribution of the session laws**

Under current law, the Secretary of State is required to publish and distribute annually or biennially a maximum of 900 copies of the session laws in a *permanently bound form* to be distributed as specified in the law.<sup>3</sup> These permanently bound volumes must contain copies of all enrolled acts and joint resolutions, a subject index, a table indicating the Revised Code sections affected, and a certificate that the laws, as assembled in each volume, are true copies of the original enrolled acts in the Secretary of State's office. (Sec. 149.091.)

The bill authorizes the Secretary of State to compile, publish, and distribute annually or biennially the session laws in an electronic format instead of compiling and publishing them in a permanently bound volume or other "paper" format in the numbers currently required, but continues to require permanently bound volumes, in generally more limited numbers than current law. Under the

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<sup>2</sup> *The clerks generally provide for the printing of legislative documents, including the pamphlet laws which are provided to the Secretary of State for distribution (secs. 101.52 and 101.522).*

<sup>3</sup> *The Secretary of State must distribute copies of these permanently bound volumes in the following manner: 109 to the Clerk of the House of Representatives; 43 to the Clerk of the Senate; one to each county auditor; one to each county law library; 75 to the Ohio Supreme Court; two to the Division of the Library of Congress; two to the State Library; two to the Ohio Historical Society; and 13 to the Legislative Service Commission (sec. 149.091(A) to (I)). In addition, the Secretary of State may distribute 200 copies, free of charge, to public officials (sec. 149.091(J)). Remaining copies may be sold by the Secretary of State at a price to be determined by DAS. The selling price cannot exceed the cost of publication and distribution by 10%. (Sec. 149.091(K).)*

bill, the Secretary of State must provide a minimum of 25 copies of the session laws in permanently bound form.<sup>4</sup> The permanently bound volumes and the electronic format must include copies of all enrolled acts and joint resolutions, a subject index, and a table indicating the Revised Code sections affected. Each permanently bound volume or compilation of session laws in electronic format also must include the Secretary of State's certificate that the laws so compiled and published are true copies of the original enrolled acts and joint resolutions in the Secretary of State's office. (Sec. 149.091(A), (B) and (C).)

The bill removes existing authority for the Secretary of State to sell additional copies of the permanently bound volumes at a price to be determined by the Department of Administrative Services but not to exceed the cost of publication and distribution by 10%; it replaces that authority with authority to sell remaining compilations in a paper format (but not permanently bound volumes) at a price that cannot exceed the actual cost of publication and distribution. Similarly, the bill allows the Secretary of State to sell the session laws in an electronic format to individuals or entities not otherwise entitled by law to receive them. The selling price cannot exceed the actual cost of producing and distributing the session laws in an electronic format. (Sec. 149.091(A)(4) and (C)(4).)

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## COMMENT

Under the Public Records Law, all public records generally must be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. If a person chooses to obtain a copy of a public record, the public office or person responsible for the public record generally *must permit that person to choose* to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the

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<sup>4</sup> *Under the bill, the Secretary of State must distribute copies of these permanently bound volumes in the following manner: 5 to the Clerk of the House of Representatives; 5 to the Clerk of the Senate; 5 to the Legislative Service Commission; 2 to the Ohio Supreme Court; 2 to the Division of the Library of Congress; 2 to the State Library; 2 to the Ohio Historical Society; and 2 to the Secretary of State (secs. 149.091(B) and 149.11). The county law libraries and the county auditors would get none of these permanently bound volumes, but, if the Secretary of State does not compile, publish, and distribute the session laws in an electronic format, the Secretary of State must distribute one copy of each compilation of the session laws "in a paper format" to each county law library and county auditor (sec. 149.091(A)).*

public office or person responsible for the public record (sec. 149.43(B)(1) and (2), not in the bill).

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	10-17-01	p. 950
Reported, H. State Government	01-15-02	pp. 1231-1232
Passed House (97-0)	01-16-02	p. 1237
Reported, S. State & Local Gov't & Veterans Affairs	---	---

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