



Lynda J. Jacobsen

*Bill Analysis*  
Legislative Service Commission

## **S.B. 47**

125th General Assembly  
(As Introduced)

**Sen. Stivers**

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### **BILL SUMMARY**

- Permits members of the General Assembly and members of public bodies who are called to active duty for 270 days or less to vote, under certain circumstances, from their active duty locations within 24 hours after a vote of the public body or General Assembly, as applicable.
- Requires a member of the General Assembly or a member of a public body voting or attempting to vote from an active duty location to use, to the extent feasible, private, nongovernmental resources, and permits such a member to use governmental resources if the person's commander or commanding officer approves.
- Prohibits the vote of a member of the General Assembly or of a public body voting from an active duty location from being counted if the vote would constitute the deciding vote in any matter voted on by the committee or house of the General Assembly or the public body of which the person is a member.
- Prohibits a member of the General Assembly or a member of a public body from voting or attempting to vote from an active duty location if the casting of the member's ballot would interfere with the member's active duty obligations.
- Specifies that a member of the General Assembly or a member of a public body who votes from the member's active duty location within 24 hours after a vote of that body will not be considered present for purposes of determining whether a quorum is present at the meeting or session.
- Permits a member of a public body, but not a General Assembly member, who is called to active duty and stationed in the United States to be

considered present at a meeting of the body for the purpose of determining whether a quorum is present and for voting if the member is present via methods of telecommunication by which members of the public can hear and interact with the member.

- Eliminates the requirement that members of the National Guard or of a reserve component of the United States Armed Forces be called to duty under specific military operations or directives of the Governor to be eligible for an extension of the time within which taxes and assessments charged against real property or mobile or manufactured homes owned by those members must be paid.
- Declares an emergency.

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## CONTENT AND OPERATION

### *Members of the General Assembly or of a public body voting from active duty locations*

The bill specifies that a member of the General Assembly or a member of a public body who is called to active duty for 270 days or less is not required to be present at a committee meeting or a session of the General Assembly or at a meeting of the public body, whichever is applicable, in order to vote at that meeting or session.<sup>1,2</sup> The vote of such a member must be counted as a valid vote if the member's vote is registered by telephone, facsimile transmission, electronic mail or other Internet communication, or other method of communication within 24 hours after a vote is conducted at the meeting or session. (Secs. 101.17(A) and 121.22(L)(1).) However, that member's vote must not be counted if that vote would constitute the deciding vote on any matter voted on by the committee or the house of the General Assembly or the public body of which the person is a member (secs. 101.17(A)(3) and 121.22(L)(3)).

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<sup>1</sup> "Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the congress of the United States, an order of the Governor to the Ohio National Guard, or a Governor's proclamation for the Ohio organized militia to aid the civil authorities (secs. 101.17(B)(2) and 121.22(M)).

<sup>2</sup> The bill overrides a provision of the Open Meetings Law that requires that a member of a public body be present in person at a meeting to be considered present or to vote (sec. 121.22(C)). Rules of the House of Representatives and Senate require that members be present before they can vote at floor sessions or committee meetings.

A member voting in this manner from an active duty location must not be considered to be present for the purpose of determining whether a quorum is present at the meeting or session for which the member's vote is being cast (secs. 101.17(A)(5) and 121.22(L)(5)).

**Use of governmental resources**

To the extent feasible, a member of the General Assembly or a member of a public body voting or attempting to vote from the member's active duty location must use private, nongovernmental resources. However, if the use of private, nongovernmental resources is not feasible, such a person may utilize governmental resources, if the person's commander or other appropriate commanding officer approves the use of those resources for that purpose. (Secs. 101.17(A)(2) and 121.22(L)(2).)

**Interference with active duty obligations**

No member of the General Assembly or of a public body may vote or attempt to vote from the member's active duty location if the casting of the vote would interfere with the member's active duty obligations. A member must obtain the approval of the member's commanding officer before voting or attempting to so vote. (Secs. 101.17(A)(4) and 121.22(L)(4).)

**Presence for determining quorum and for voting for members of public bodies on active duty in the United States**

The Open Meetings Law generally requires members of a public body to be present in person at a meeting of the body to be considered present or to vote at that meeting (sec. 121.22(C)). The bill specifies that a member of a public body (1) who is called to active duty and (2) who is stationed in the United States need not be present in person at a meeting open to the public in order to be considered present or to vote at that meeting. Under the bill, it is sufficient for such a member to be present via methods of telecommunications by which members of the public can hear and interact with the member of the public body. A member present at the meeting through such methods of telecommunications also must be considered to be present for purposes of determining whether a quorum is present at that meeting. (Sec. 121.22(K).) The provisions described in this paragraph do not apply to voting by General Assembly members either in committee meetings or at floor session.

**Real property and manufactured or mobile home tax extensions for military**

Existing law authorizes an extension of the time within which taxes must be paid on any real property or manufactured or mobile home that is owned by any of



the following: (1) a member of the National Guard or a member of a reserve component of the Armed Forces of the United States who is called to active or other duty under Operation Enduring Freedom, Operation Noble Eagle, or the directive issued by the Governor on September 28, 2001, or a successor to that directive, (2) the spouse of such a member, (3) such a member jointly with that member's spouse or dependent parent, or (4) the dependent parent of such a member who dies during such duty or as the result of wounds or illness incurred during such duty (Section 3).<sup>3</sup>

The bill eliminates the requirement that a member of the National Guard or of a reserve component of the Armed Forces of the United States be called to duty under Operation Enduring Freedom, Operation Noble Eagle, the directive issued by the Governor on September 28, 2001, or a successor to that directive in order to be eligible for an extension of the time within which those taxes must be paid. The bill also eliminates the provision authorizing an extension of time for members who are called to "other duty" under those operations and directives. Instead, the bill authorizes an extension of the time within which taxes must be paid on any real property or manufactured or mobile home that is owned by any of the following: (1) any member of the National Guard or of a reserve component of the Armed Forces of the United States who is called to active duty, (2) the spouse of such a member, (3) such a member jointly with that member's spouse or dependent parent, or (4) the dependent parent of such a member who dies during such duty or as the result of wounds or illness incurred during such duty. (Section 3.)

### **Effective date**

The bill is declared to be an emergency measure taking immediate effect for the reasons that (1) active duty military personnel may face real economic hardships while serving their country and urgently need the financial relief provided by the real property and manufactured home tax extensions and (2) military personnel serving in civil offices are unable to cast the necessary votes in those offices while absent from the state serving on active duty (Section 5).

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<sup>3</sup> A "dependent parent" is a parent who, at the time the member was activated, received from the member at least half of the dependent parent's support, including food, shelter, clothing, and medical and dental care.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-06-03	p. 169

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