

**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.**

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**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
<del>(6) Provide information to the program participant</del>	103
<del>concerning the</del> (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, <del>periodicals,</del> 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 <del>(C)(1)(a)</del> <u>(D)(1)(a)</u> to	192
<del>(d)</del> <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
<del>(D)</del> <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</u>	363
<u>access to the information;</u>	364
<u>(c) The applicant's relationship to the program</u>	365
<u>participant, if any;</u>	366
<u>(d) A legal description of the real property subject to</u>	367
<u>the title examination;</u>	368
<u>(e) A statement that the applicant will treat the</u>	369
<u>information as confidential and will use the information only</u>	370
<u>for the purpose identified in the application;</u>	371
<u>(f) The applicant's signature;</u>	372
<u>(g) Any other information required by the secretary of</u>	373
<u>state.</u>	374
<u>(3) After the secretary of state receives an application</u>	375
<u>submitted under division (E) of this section, the secretary of</u>	376
<u>state shall, within ten business days, provide the applicant</u>	377
<u>with a written response approving or denying the application.</u>	378
<u>The secretary of state shall approve the application if the</u>	379
<u>secretary of state determines that the application is properly</u>	380
<u>completed; that the information the applicant seeks is subject</u>	381
<u>to division (C) of this section; and that the applicant is</u>	382
<u>seeking the information only for the purpose of performing a</u>	383
<u>bona fide title examination. If the information the applicant</u>	384
<u>seeks is not subject to division (C) of this section, the</u>	385
<u>secretary of state shall, within ten business days, notify the</u>	386
<u>applicant of that fact and, if applicable, shall send a notice</u>	387
<u>to the county recorder, auditor, treasurer, and engineer and to</u>	388
<u>the clerk of the court of common pleas under division (F) (3) of</u>	389
<u>this section.</u>	390

(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 the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;	627 628 629
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	630 631 632 633 634 635
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	636 637
(g) Trial preparation records;	638
(h) Confidential law enforcement investigatory records;	639
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	640 641
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	642 643
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	644 645 646 647
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	648 649 650 651
(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. 742  
160.103, that is in a claim for payment for a health care 743  
product, service, or procedure, as well as any other health 744  
claims data in another document that reveals the identity of an 745  
individual who is the subject of the data or could be used to 746  
reveal that individual's identity; 747

(ii) Any depiction by photograph, film, videotape, or 748  
printed or digital image under either of the following 749  
circumstances: 750

(i) The depiction is that of a victim of an offense the 751  
release of which would be, to a reasonable person of ordinary 752  
sensibilities, an offensive and objectionable intrusion into the 753  
victim's expectation of bodily privacy and integrity. 754

(ii) The depiction captures or depicts the victim of a 755  
sexually oriented offense, as defined in section 2950.01 of the 756  
Revised Code, at the actual occurrence of that offense. 757

(jj) Restricted portions of a body-worn camera or 758  
dashboard camera recording; 759

(kk) In the case of a fetal-infant mortality review board 760  
acting under sections 3707.70 to 3707.77 of the Revised Code, 761  
records, documents, reports, or other information presented to 762  
the board or a person abstracting such materials on the board's 763  
behalf, statements made by review board members during board 764  
meetings, all work products of the board, and data submitted by 765  
the board to the department of health or a national infant death 766  
review database, other than the report prepared pursuant to 767  
section 3707.77 of the Revised Code. 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