

# OHIO AUDITOR OF STATE KEITH FABER



**From:** Auditor of State's Center for Audit Excellence

**To:** All IPA Firms

**Subject:** HB 51 and Virtual Meetings

**Date:** March 14, 2022

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Below are highlights from HB 51, which was signed into law by the Governor on February 17, 2022 and goes into effect immediately. This bill provides temporary authority to conduct an open meeting entirely on a virtual basis.

- **Effective dates.** Effective February 17, 2022 through June 30, 2022, HB 51 allows members of public bodies to hold and attend virtual meetings.
- **Allowable technology.** Meetings can be held via teleconference videoconference, or any other similar electronic technology.
- **Status of formal actions taken at virtual meetings.** Any resolution, rule or other formal action adopted at a virtual meeting has the same effect as one that occurred during an open meeting or hearing.
- **Members present in person.** Members of public bodies attending virtually are considered present as in person at the meeting or hearing, can vote, and are considered present for quorum purposes.
- **Notice requirements.** Twenty-four hours in advance of the virtual meeting or hearing, public bodies must notify: 1) the public, 2) media that have requested notification of a meeting, and 3) the parties that must be notified of a meeting or hearing. The public body must provide this notice by reasonable methods that allow a person to determine the time, location, and manner by which this meeting or hearing will be conducted.
- **Emergency notice requirements.** In the event of an emergency, the public body need not follow these notification requirements and instead must immediately notify the news media that have requested notification or the parties that must be notified of the time, place, and purpose of the meeting or hearing.

- **Access rules.** The public body must give the public access to a virtual meeting or hearing that the public would otherwise be entitled to attend commensurate with the method the public body is using to conduct the meeting. This includes livestreaming online, local radio, television, cable, or public access channels, call in information for a teleconference, or by means of any other similar electronic technology. The public body also must make sure the public can observe and hear discussions and deliberations of the body (when applicable), whether or not a member is participating in person or electronically.
- **Testimony and evidence.** When a public body conducts a virtual meeting, the public body must establish a method to converse with witnesses and receive documentary testimony and physical evidence. This method must be widely available to the general public.

As you may recall, this is similar to legislation in HBs 197 and 404 of the 133rd GA which allowed for virtual meetings from March 9, 2020 until July 1, 2021 as a result of COVID-19; however, this legislation had previously expired. Therefore from July 2, 2021 through February 16, 2022, in order for resolutions, rules, and other formal actions to be effective, a public body had to conduct meetings and hearings in person. During this time period, if members of public bodies were attending a meeting virtually these members were not considered present as in person, were not counted for quorum purposes, and could not vote. As noted above, HB 51 is effective for the period February 17, 2022 through June 30, 2022. Barring further additional legislation authorizing virtual meetings for public bodies, on July 1, 2022, public bodies will once again be required to hold meetings and hearings in person.

These updates will be reflected in the 2022 OCS updates to be released in the spring.

Questions can be directed to: [IPACorrespondence@ohioauditor.gov](mailto:IPACorrespondence@ohioauditor.gov).