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# OHIO LEGISLATIVE SERVICE COMMISSION

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S.B. 173  
135<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Sens. DeMora and Gavarone

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### SUMMARY

- Includes election officials as designated public service workers for purposes of the law that exempts those workers' residential and familial information from being disclosed as a public record.

### DETAILED ANALYSIS

#### Election officials as designated public service workers

The bill includes election officials as designated public service workers for purposes of the law that exempts those workers' residential and familial information from being disclosed as a public record. Continuing law includes a number of other persons as designated public service workers, such as law enforcement and other first responders, judges, prosecutors, and certain medical and social service providers.<sup>1</sup>

The term "election official" means all of the following persons:<sup>2</sup>

- The Secretary of State;
- Employees of the Secretary of State serving the Division of Elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor;
- The members of a board of elections;
- The director and deputy director of a board of elections;

<sup>1</sup> R.C. 149.43(A)(1)(p), (7), and (9).

<sup>2</sup> R.C. 3501.01(U), not in the bill.

- Employees of a board of elections, whether on a full-time, part-time, or temporary basis;
- Precinct election officials (often referred to as pollworkers).

## **Background on the designated public service worker exemption**

### **Exempted information**

Continuing law prohibits state and local public offices from disclosing any of the following information about a designated public service worker pursuant to a public records request:<sup>3</sup>

- The person's actual personal residence address, unless the person is a judge or a prosecutor, whose eligibility for election is based on the person's place of residence. A public office may disclose the state or political subdivision in which the person resides.
- The person's residential or emergency telephone number;
- The person's Social Security number, financial account information, or medical information. (Public offices generally are prohibited from disclosing that information about any individual.)<sup>4</sup>
- Any of the information listed above regarding the person's spouse, former spouse, or child, as well as the spouse, former spouse, or child's name, employer, or work address;
- The name of any beneficiary of the person's employment benefits;
- The identity and amount of any charitable or employment benefit deduction the person's employer makes from the person's compensation, unless the amount of the deduction is required to be disclosed under state or federal law;
- Information compiled from referral to or participation in an employee assistance program;
- A photograph of a peace officer whose duties may include undercover or plain clothes assignments.

### **Notifying public offices**

In general, a public office does not know whether a person qualifies as a designated public service worker unless the person notifies the office to redact the person's information from publicly available records. Continuing law includes some mechanisms for a designated public service worker to do so.

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<sup>3</sup> R.C. 149.43(A)(8).

<sup>4</sup> R.C. 149.43; R.C. 149.45(A) and (B) and 3503.13, not in the bill; and 42 United States Code 405(c)(2)(C)(viii).

A designated public service worker may request a state or local public office, other than a county auditor, to redact the person’s residence address from any records the office makes available to the public on the internet. The request must be made on a form prescribed by the Attorney General. For example, an eligible person may request a board of elections to redact the person’s address from the public version of its voter registration records.<sup>5</sup>

In the case of a county auditor, an eligible person instead may request the auditor to substitute the person’s initials for the person’s name on publicly available property tax records. Because a county auditor’s records are based on the property itself, the address cannot be redacted.<sup>6</sup>

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## HISTORY

Action	Date
Introduced	10-17-23

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<sup>5</sup> R.C. 149.45 and 3503.13, not in the bill. See also Ohio Attorney General, [Redaction Request Forms](#), available at [ohioattorneygeneral.gov](http://ohioattorneygeneral.gov) under “Legal Community,” “Sunshine Laws.”

<sup>6</sup> R.C. 319.28(B), not in the bill.