



Members Brief

An informational brief prepared by the LSC staff for members and staff of the Ohio General Assembly

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Legislative Documents and the Public Records Law

A legislative document arising out of the confidential relationship between legislative staff and a member of the General Assembly, such as correspondence and proposed legislation, is generally not a public record for purposes of the Public Records Law. Certain documents are public records when they have been presented to the members of either or both houses or of a legislative committee, when a bill or resolution is filed for introduction, or when a legislator releases it to the public.

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Confidentiality of legislative documents

Covered relationships

Legislative staff must maintain a confidential relationship with each General Assembly member, and with each member of the General Assembly staff, with respect to communications between them. Generally, a legislative document arising out of this confidential relationship is not a public record for purposes of the Public Records Law (see the Members Brief entitled, *Ohio's Public Records Law*).¹

A **legislative document** includes:

- A working paper, work product, correspondence, preliminary draft, note, proposed legislation, proposed amendment to legislation, analysis, opinion, memorandum, or other document in whatever form prepared by legislative staff for a legislator or General Assembly staff;

¹ R.C. 101.30(B).

- Any document or material provided by a legislator or General Assembly staff to legislative staff that requests, or that provides information or materials to assist in, the preparation of any of the items described above; or
- Any summary of legislation or an amendment that is prepared by or in the possession of a legislator or General Assembly staff, if the summary is prepared before the legislation or amendment is filed for introduction or presented at a committee hearing or floor session.

Legislative staff means the staff of the Legislative Service Commission, Correctional Institution Inspection Committee, Legislative Information Systems Office, and any other legislative agency included in LSC's budget group.

General Assembly staff means an officer or employee of either house of the General Assembly who acts on behalf of a General Assembly member or of a committee or either house of the General Assembly.²

When legislative documents are public records

A legislative document is a public record if (1) it is an analysis, synopsis, fiscal note, or local impact statement that is prepared by legislative staff, (2) it is required to be prepared for the benefit of the members of either or both houses or any legislative committee, and (3) it has been presented to those members. A legislative document also is a public record if a legislator for whom legislative staff prepared the document does any of the following:

- Files it for introduction (bills and resolutions);
- Presents it at a committee hearing or floor session (amendments or substitute bills or resolutions); or
- Releases it, or authorizes General Assembly staff or legislative staff to release it, to the public.

The LSC Director, when it is in the public interest and with LSC's consent, also may release to the public any legislative document in the possession of LSC staff arising out of a confidential relationship with a former legislator or former member of the General Assembly staff (1) who is not available to make the document a public record as described above because of death or disability, (2) who the Director is unable to contact for that purpose, or (3) who fails to respond to the Director after the Director has made a reasonable number of attempts to make contact for that purpose.³

² R.C. 101.30(A).

³ R.C. 101.30(B) and (C).