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## **Fix Coming for Student Data Privacy Bill, Sponsor Says**

As a new law took effect setting parameters for protection of student privacy in use of education technology, the sponsor of the legislation emphasized the need for it but acknowledged revisions could be coming based on complaints.

Recent media reports have featured complaints about problems with the requirements of SB29 (S. Huffman), including how it hampers the use of technology and the fact that it requires frequently disclosures to parents of how technology is used in certain cases.

Gov. Mike DeWine signed the bill into law in July. It establishes that educational records created by a technology provider contracting with a school district belong to the school and generally prohibits commercial use of those records, among other features.

The law went into effect last week. Sen. Stephen Huffman (R-Tipp City), who sponsored it, issued a statement marking the occasion.

"This law is needed now more than ever as our students face more threats from a global online presence. Technology is part of our lives, and in many ways, more prevalent in our children's lives. I have grown increasingly convinced that we must ensure student actions online are appropriately protected. Tech companies should not be able to use their access to school devices to capture our kids' data, target them, or sell their data to third parties. SB29 makes several changes that boost student privacy laws in Ohio. There is more work to do, as the threats are always evolving. One item in this law that does need to be revised is the process of providing family notice when schools or tech companies interact with a student's school-issued device. I am aware of the issue and working with educators and my fellow members of the legislature to address this matter over the next few weeks while continuing to ensure that our children's privacy is respected," Huffman said.

## **Tuesday's Election Sees 13 Legislative Seats Unopposed**

While there are 116 legislative seats up for election on November ballot, 13 of them are all but settled with no opposition for the candidates.

Members of the 136th General Assembly who next week will see their election become all but a formality include several House candidates running for re-election: Reps. Dontavius Jarrells (D-Columbus), Ismail

Mohamed (D-Columbus), Melanie Miller (R-Ashland), Ron Ferguson (R-Wintersville), Elgin Rogers (D-Toledo), Tom Young (R-Centerville) and Speaker Jason Stephens (R-Kitts Hill). Additionally, Rep. Veronica Sims (D-Akron), appointed mid-term to replace former Rep. Tavia Galonski (D-Akron), is unopposed.

Other unopposed candidates who have secured their place in the next Legislature include Democrat Meredith Lawson-Rowe, unopposed in the 5th House District; Democrat Desiree Tims in the 38th House District; and Republican David Thomas in the 65th House District.

There is only one unopposed Senate race -- Rep. Susan Manchester (R-Lakeview) is running to replace Senate President Matt Huffman (R-Lima) in the 12th Senate District. Huffman is unopposed as he seeks to swap seats with Manchester in the 78th House District.

One sitting representative running for re-election -- House Minority Leader Allison Russo (D-Upper Arlington) -- is unopposed except for one write-in candidate, independent Susan Miller.

Three others face only third-party opposition: Rep. Latyna Humphrey (D-Columbus) faces newly recognized Ohio Libertarian Party candidate Eric Terford and independent write-in Tyler Rice. Rep. Munira Abdullahi (D-Columbus) faces Libertarian Brandy Seymour; and Rep. Adam Holmes (R-Nashport) faces independent Scott Wilson.

## **Hundreds Gather to Remember the Legacy of Former Speaker Jo Ann Davidson**

The current and former governors, current and former leaders and members of the General Assembly, statewide officeholders, lobbyists, staffers, graduates of the Jo Ann Davidson Ohio Leadership Institute and a couple hundred others gathered Thursday in the Statehouse Atrium to honor and remember the life and legacy of the first - and only - woman speaker of the Ohio House, Jo Ann Davidson.

Davidson, who was 97, died Friday, Oct. 25. She lay in state in the Statehouse Rotunda for four hours before the funeral service.

Speakers included Capital Square Review and Advisory Board (CSRAB) Executive Director Laura Battocletti who also served as the master of ceremonies. She was followed by Gov. Mike DeWine, Davidson's granddaughter Emily Enslin, former Congresswoman Deborah Pryce, and former House Clerk Fred Mills with the eulogy given by former legislator, Auditor of State and Attorney General and long-time friend Betty Montgomery.

Battocletti called Davidson a mentor, crediting her for launching her on her career in state government while DeWine said the one word he would use to describe Davidson would be "grace." He said she spent a lifetime learning, modeling and teaching grace. He went on to say it embodies common decency, respect, acts of kindness, the Golden Rule in action - "it's subtle, it's understated."

DeWine described her as a "deeply devoted" public servant who was a "master of cutting through the complexity" of issues. "She was a workhorse, not a show horse," referencing her penchant for working behind the scenes and not worrying about who got credit and more interested in getting results.

However, other speakers spoke to her competitive spirit, someone who was not content to be in the minority in the House and who worked, candidate by candidate until the Republicans were able to win the majority and then elect her speaker.

Her granddaughter said the first time she became aware that her grandmother was unusual came when she was in first grade "watching a state-approved video about Ohio" and Davidson flashed on the screen. Enslin said she formed a more complete picture of her grandmother when she moved to Columbus to attend Ohio State and Davidson "opened her life to me."

She said she quickly discovered that Davidson's social life in her 80s "far outpaced mine" but that she always had time for her.

Montgomery said that Davidson's life with three older brothers prepared her for politics and although she never went to college - something she regretted - she worked hard, sometimes holding three jobs, so her two daughters could.

Mills said when she became speaker, her goal was to make sessions more collegial than they had been under former Speaker Vern Riffe but folks wondered if she were up to the task. Mills said that was answered during a contentious session when she brought the gavel down so forcefully she missed the wooden part of the dais and shattered the glass, sending shards every which way.

Among those in attendance were former Govs. Bob Taft and John Kasich; former Senate Presidents Dick Finan, Doug White, Tom Niehaus and Larry Obhof; former Speaker Cliff Rosenberger; former legislators and chancellors of the Department of Higher Education Randy Gardner and John Carey; Senate Minority Leader Nickie Antonio; Attorney General Dave Yost; and Auditor of State Keith Faber, among a host of others.

## **Judge Denies Contempt Motion against LaRose for New Form on Voter Challenges**

Secretary of State Frank LaRose's revised version of Form 10-U can be used by election officials to challenge voters at the polls following a decision by U.S. District Court Judge Christopher Boyko.

Boyko denied the American Civil Liberties Union (ACLU) of Ohio's motion to hold LaRose in contempt for the new form, arguing that it violated a federal court order from 2006.

"Not only have plaintiffs failed to satisfy their burden of establishing by clear and convincing evidence that defendant has violated the court's 2006 permanent injunction order, but unlike in 2006, plaintiffs have not demonstrated an undue burden on their fundamental right to vote nor that they have suffered disparate treatment so as to warrant the exercise of the court's remedial powers on their behalf," Boyko wrote.

"Plaintiffs have failed to show the necessary stake not only at the outset of litigation, but throughout its course. Plaintiffs lack Article III standing -- an indivisible element of federal court subject matter jurisdiction."

LaRose celebrated the decision on social media, calling it a "big legal win for election integrity."

"You can't make this up -- the ACLU of Ohio sued me to try to force us to accept noncitizen IDs without proof of citizenship. We fought and we won! American elections are only for American citizens, and in Ohio we make sure of it," LaRose said.

The ACLU of Ohio wrote the following on social media:

"Secretary LaRose's discriminatory requirement will remain in place. Naturalized citizens who still have 'noncitizen' on their driver's license may be required to provide proof of citizenship at the polls. We urge naturalized citizens to look at their license. If it still bears a 'noncitizen' notation, bring your naturalization papers or U.S. passport if you plan to cast a ballot in person, in case you are challenged."

## **ODH Reports Slight Increase in Weekly COVID Cases, CDC Approves Second Vaccine for At-Risk Groups**

The Ohio Department of Health (ODH) reported a slight uptick in weekly COVID numbers Thursday, with new cases increasing from 2,751 on Oct. 24 to 2,779. That ended a period of six weeks where new cases dropped. By comparison, there were 6,103 cases in the last September update.

Other numbers reported Thursday included the following:

- 116 hospitalizations, compared to 108 on Oct. 24 and 245 on Sept. 26.
- Seven ICU admissions, compared to six on Oct. 24 and seven on Sept. 26.
- 29 deaths, compared to 18 on Oct. 24 and 39 on Sept. 26.

Since the pandemic began, there have been 3.86 million total cases, 155,030 hospitalizations, 15,936 ICU admissions and 44,401 Ohio resident deaths reported by ODH.

Other ODH data showed at least 795,548 people have received the latest updated vaccine that became available in August. That includes a weekly increase of 98,498 and represents 6.81 percent of the state population.

U.S. Centers for Disease Control and Prevention (CDC) Director Dr. Mandy Cohen recently endorsed an advisory committee recommendation that people ages 65 and older and those who are moderately or severely immunocompromised receive a second dose of the new vaccine six months after their first dose. The updated recommendation also gives flexibility for additional doses for those who are moderately or severely immunocompromised in consultation with their health care provider.

The CDC announcement noted data continues to confirm "the importance of vaccination to protect those most at risk for severe outcomes of COVID-19." It also protects against effects of long COVID.

"This vote allows people to make the best decisions possible to keep themselves and their loved ones safe from COVID-19. CDC will continue to educate the public on how and when to get their updated vaccinations so they can risk less severe illness and do more of what they love," Cohen said.

ODH Director Dr. Bruce Vanderhoff also recently promoted vaccination as the "best defense" against COVID as it continues to evolve, noting that an average of 35 Ohioans die each week. The update on Thursday brought Ohio over 1,000 COVID deaths during 2024, according to ODH figures.

"With colder weather and the holiday season fast approaching, getting vaccinated is as important as ever, especially as we look forward to indoor gatherings with friends and loved ones," Vanderhoff said. "This is particularly true for those ages 65 or older, as well as those who are immunocompromised or have certain chronic health conditions, as they are at greater risk."

## **GOP Court Rejects Presumptive Juvenile Records Sealing in 130-SB143**

Overturning decades-old precedent, the Ohio Supreme Court majority has ruled that the state constitution's 200-year-old open courts mandate makes juvenile as well as adult proceedings public, despite historical protections for minors, and reinforces the country's federalist system. Democrats say rejecting juvenile records sealing in 130-SB143 (Seitz) is a "novel reading" of Article I, Section 16 of the Ohio Constitution and could open children -- if not grand juries, jury deliberations, and judges' chambers -- to a Pandora's box of sunshine requests.

In *Cincinnati Enquirer v. Bloom*, Republicans led by Chief Justice Sharon Kennedy say the state constitutional guarantee that "all courts shall be open" is broader than the U.S. Constitution's First Amendment right to free speech and Sixth Amendment right to a "speedy and public trial" and protects not only litigants' access to due process but also citizens' access to court records and proceedings. Writing for the majority, Justice R. Patrick DeWine notes state constitutions were long considered the "primary protectors of individual rights" before judicial systems including Ohio's began conflating state constitutional protections with federal ones, even when they were differently worded.

"[W]hen we say that our state constitution means whatever the U.S. Supreme Court says that the federal Constitution means, we ignore our obligation to the Ohio Constitution," DeWine states, quoting the state Supreme Court's ruling in *Direct Plumbing Supply Co. v. Dayton* (1941) "Ohio remains a sovereign state" with a Bill of Rights "undiminished."

He says judges and legislators should not march in "lockstep" with federal courts and "read the open courts provision out of the Ohio Constitution" as the General Assembly did in SB143. DeWine says the U.S. Constitution offers "no explicit guarantee" beyond a "speedy and public" trial and cites a 1955 state appeals court finding that Ohio's open courts provision is "independent" of the Sixth Amendment.

"Notwithstanding this constitutional command, the Ohio Legislature has passed a statute that requires juvenile court judges to seal the records in delinquency cases when a juvenile has been found not to be delinquent," DeWine notes.

That was the outcome for 13-year-old J.L., whom a police officer saw standing over and firing shots into another male in 2022 but was later cleared of delinquency charges in Hamilton County Juvenile Court. The *Cincinnati Enquirer* sought his court records after J.L. himself was shot and killed a few months later, but Judge Kari Bloom sealed his case file based on SB143 and the resulting statute, R.C. 2151.356.

"The statute violates the Ohio Constitution by requiring a blanket closure of the juvenile court proceedings," DeWine states. "The *Enquirer* simply asks that we apply the same constitutional presumption of public access to juvenile delinquency proceedings that we apply to adult criminal proceedings."

While juvenile courts did not emerge in Ohio for many decades after its 1802 and 1851 constitutions and were not specifically in mind when framers wrote them, he allows, juveniles were formerly tried in adult courts and currently fall under larger courts of common pleas.

"The [constitutional] provision speaks to 'all courts' -- a phrasing that a voter would understand to apply to all courts in Ohio regardless of what future changes the Legislature might make in court structure or jurisdiction," argues DeWine.

Bloom cited the Ohio Supreme Court's opinion *In re T.R.* (1990) and *State ex rel. Plain Dealer Publishing Co. v. Geauga Co. Court of Common Pleas, Juv. Div.* (2000), in which the late Chief Justice Tom Moyer concurred, for the generally held proposition that minors not adjudicated delinquent should be protected from public scrutiny. DeWine rejected them as binding precedent, however.

"We conclude that these cases were wrongly decided and should not be deemed controlling," he says. "While the right of access is not 'absolute,' we have held that court proceedings are presumptively open, and any attempt to close the courts by sealing records or limiting attendance must be balanced against the public's interest."

DeWine says *stare decisis* -- Latin legalese for "standing by things decided" or following precedent -- does not control constitutional disputes or a previous court ruling that is wrong on its face. He quoted the majority in *State ex rel. Ohioans for Secure and Fair Elections v. LaRose* (2020): "*Stare decisis* does not compel adherence to an incorrect interpretation of the Constitution," the Court said flatly.

At the same time, DeWine says open courts language in Article I, Section 16 of the Ohio Constitution does not prevent a judge from sealing certain juvenile records through an "individualized balancing of interests."

"We recognize that there are strong interests in protecting the privacy of juveniles -- particularly when a juvenile has been judged not to be delinquent," he says, returning to his primary argument.

"But there are also countervailing interests in ensuring that juvenile proceedings are subject to public scrutiny. These interests include 'educating society about the juvenile court, promoting public confidence in the judicial branch, deterring future acts of delinquency, deterring abuse of power by judges and other public officials, and alerting parents to their responsibilities regarding their minor children,'" argues DeWine, citing *State ex rel. Plain Dealer Publishing Co. v. Floyd* (2006).

The GOP majority concluded Bloom need not engage in an "individualized balancing of interests," since J.L. was dead, and must provide the *Enquirer* his records.

Justice Michael Donnelly concurred in judgment only. He says the Court should order the juvenile court to open J.L.'s records, but not for the reasons articulated by Republicans. Like dissenting Justices Melody Stewart and Jennifer Brunner, Donnelly says the majority engaged in a far-ranging analysis not requested by the newspaper and devised a presumptive rule of open juvenile records instead of deferring to the balancing test *T.R.* provides and they ostensibly support.

Stewart put a finer point on Donnelly's dissenting argument, accusing Republicans of "mental gymnastics that even the *Enquirer* did not perform."



"The majority has decided that its ideological disagreement with this Court's interpretation of the open-courts provision in *T.R.* allows it to ignore the lack of argument and advocacy from the parties, ignore the principles of *stare decisis*, and contort the spirit of judicial restraint to announce its independent view of what the open-courts provision means: This is the very definition of judicial activism," she says.

"The majority is able to make this bright-line rule without any individualized determination of the interests at stake, without consideration of what might be contained in the sealed transcript, without consideration of whether names of witnesses, victims or family members might warrant protection, and without any analysis of the public's interest in having access to the sealed transcript of a court proceeding at which a now-deceased child was determined to be not delinquent ...," Stewart continues.

"The majority's independent interpretation of the open-courts provision and its novel application of it here has implications far beyond this case, including expanding the media's access to a judge's or juror's notes, details regarding child victims in abuse and neglect proceedings, details of spouses and children involved in divorce and custody proceedings, and access to sealed juvenile records of people who are now adults," she concludes.

## **'Safest States' Report Ranks Ohio 32nd Nationally, Last among Neighbors**

Ohio recently ranked 32nd overall and last among neighbor states in a report measuring safety metrics by personal finance website WalletHub. Indiana led the region at 12th nationally, followed by Kentucky, 21st; Michigan, 26th; Pennsylvania, 28th; and West Virginia, 30th.

The five safest states were Vermont, New Hampshire, Maine, Massachusetts and Utah. The five lowest were Florida, Arkansas, Texas, Mississippi and Louisiana.

The report also had five categories, with Ohio's placement including the following:

- Road Safety: 17th nationally and second regionally behind Indiana.
- Emergency Preparedness: 25th nationally and third regionally behind Michigan and West Virginia.
- Financial Safety: 30th nationally and second regionally behind Pennsylvania.
- Personal and Residential Safety: 31st nationally and second-to-last regionally ahead of Michigan.
- Workplace Safety: 31st nationally and second-to-last regionally ahead of West Virginia.

"The safest states in America protect their residents from harm in a multitude of different ways, from keeping crime rates low and maintaining safe roadways to having strong economies and job markets that prevent people from falling into dangerous financial situations. They have high levels of occupational safety and disaster preparedness, too. In addition, states are made safer by efforts that individual residents take, such as forming a neighborhood watch or working in firefighting and EMT jobs at high rates," said WalletHub analyst Chip Lupo.

The report was developed by using 52 "key safety indicators" across the five categories. Ohio's placement in them included the following, with ranks closer to first representing better conditions:

- Third in DUIs per capita.
- Fourth in share of families with children aged six to 17 who go to safe schools.
- Eighth in injuries and illnesses per 10,000 full-time workers.
- Eighth in median days lost due to occupational injuries and illnesses.
- Eighth in sex offenders per capita.
- 10th in employment growth from 2023 to 2024.
- 10th in loss amount from climate disasters causing \$1 billion or more in damages.
- 12th in fatal occupational injuries per 100,000 full-time workers.
- 15th in share of families with children aged zero to 17 who feel they live in safe neighborhoods.
- 16th in drug abuse per capita.
- 16th in uninsured population.
- 16th in share of people not saving money for their children's college.

- 17th in debt per income.
- 17th in fatalities per 100 million vehicle miles of travel.
- 18th in assaults per capita.
- 19th in hate groups per capita.
- 19th in neighborhood watch groups per capita.
- 19th in pedestrian and pedalcyclist fatality rate per capita.
- 19th in road quality.
- 19th in share of households with an emergency fund.
- 19th in underemployment rate.
- 20th in suicide rate.
- 21st in job security.
- 22nd in share of unbanked households.
- 23rd in thefts per capita.
- 24th in traffic indiscipline.
- 25th in fraud and other complaints per capita.
- 25th in new unemployment claims per total civilian labor force.
- 26th in share of elder abuse, gross neglect and exploitation complaints.
- 27th in driving laws rating.
- 28th in murders and non-negligent manslaughters per capita.
- 32nd in active firefighters per capita.
- 32nd in median credit score.
- 33rd in law enforcement employees per capita.
- 34th in share of households unable to pay an energy bill in the last 12 months.
- 35th in forcible rapes per capita.
- 36th in poverty rate.
- 37th in number of climate disasters causing \$1 billion or more in damages.
- 38th in hate crime incidents per capita.
- 38th in identity theft complaints per capita.
- 38th in number of mass shootings.
- 38th in unemployment rate.
- 39th in share of adults with rainy day funds.
- 40th in personal bankruptcy filings per capita.
- 40th in share of homes "seriously underwater" and having negative equity.
- 42nd in bullying incidence rate.
- 42nd in emergency medical technicians and paramedics per capita.
- 42nd in overdose deaths per capita.
- 42nd in share of uninsured drivers.
- 43rd in foreclosure rate.

WalletHub also used a binary metric that found there had been a terrorist attack or related incident in Ohio. It additionally found Ohio did not have an Occupational Safety and Health Administration-approved state plan.