

OHIO

SENATE

JOURNAL

TUESDAY, JANUARY 31, 2006

ONE HUNDRED FORTY-THIRD DAY
Senate Chamber, Columbus, Ohio
Tuesday, January 31, 2006, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Father Michael Gribble, St. Joseph's Cathedral, Columbus, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of the last legislative day was read and approved.

**REPORTS OF REFERENCE AND BILLS FOR SECOND
CONSIDERATION**

Senator Schuring reports for the Standing Committee on Reference, recommending that the following bills, standing in order for second consideration, be referred to committee as recommended:

Am. Sub. H. B. No. 276-Representatives Stewart, J., Miller, Carano, Hartnett, Evans, C., Perry, Allen, Taylor, Peterson, Setzer, Williams, Garrison, Chandler, Woodard, Barrett, Aslanides, Beatty, Brown, DeBose, Domenick, Fende, Flowers, Harwood, Mason, Mitchell, Otterman, Sayre, Smith, G., Stewart, D., Strahorn, Yates, Yuko.

To amend section 3314.03 and to enact sections 117.53, 3301.22, 3313.666, and 3313.667 of the Revised Code with respect to school policies prohibiting harassment, intimidation, or bullying.

To the Committee on Education.

H. B. No. 163-Representatives Widener, McGregor, Wagner, C. Evans, Setzer, Kearns, Oelslager, Widowfield, Seaver, Schaffer, Latta, Wagoner, Reidelbach, Webster, Evans, D., Hughes, Willamowski, Calvert, Cassell, Domenick, Flowers, McGregor, R., Patton, T., Perry, Smith, G..

To enact sections 2152.202 and 2925.511 of the Revised Code to authorize a court sentencing a drug abuse offender or imposing disposition on a delinquent child for such an offense to require the offender or child to reimburse involved law enforcement agencies for the costs of tests that determined that a substance involved in the offense contained a controlled substance.

To the Committee on Judiciary - Criminal Justice.

Am. H. B. No. 455-Representatives Kilbane, Wolpert, Yuko, Fende, Domenick, Combs, Walcher, Williams, Collier, Chandler, McGregor, J., Fessler, Daniels, Wagner, Cassell, Distel, Flowers, Martin, Patton, T., Seitz, Taylor.

To amend section 3313.13 of the Revised Code to allow employees of a city director of law to serve on a board of education for which the city director of law is not the legal adviser, and to declare an emergency.

To the Committee on Education.

S. B. No. 259-Senators Niehaus, Fingerhut.

To amend sections 1333.84, 1333.85, 4301.13, and 4301.24 of the Revised Code to revise the statutes governing the termination of manufacturers' franchise agreements with wine distributors, to eliminate the Liquor Control Commission's authority to set minimum mark-ups on wholesale wine sales and to fix minimum prices on wholesale wine sales, to prohibit volume and quantity discounting for the purpose of assisting the wholesale or retail sale of beer or intoxicating liquor, to allow wine distributors and wine retailers a maximum of thirty days of credit when purchasing wine, and to create the Wholesale Wine Distribution Study Committee.

To the Committee on Agriculture.

S. B. No. 260-Senators Austria, Spada, Amstutz, Armbruster, Carey, Cates, Clancy, Coughlin, Dann, Fingerhut, Gardner, Goodman, Grendell, Hagan, Harris, Hottinger, Jacobson, Jordan, Kearney, Mumper, Niehaus, Padgett, Schuler, Schuring, Stivers, Wachtmann, Wilson, Zurz.

To amend sections 109.42, 2743.191, 2907.02, 2907.05, 2921.34, 2929.01, 2929.13, 2929.14, 2929.19, 2930.16, 2941.148, 2950.01, 2950.09, 2950.11, 2967.12, 2967.121, 2971.03, 2971.04, 2971.05, 2971.06, 2971.07, 5120.49, 5120.61, 5120.66, and 5149.10 of the Revised Code to require that a person convicted of rape when the victim is less than 13 or when the person purposely compels the victim to submit by force or threat of force be sentenced to an indefinite prison term of 25 years to life, to require that a person convicted of gross sexual imposition when the victim is less than 13 be sentenced to an indefinite prison term of 15 or 25 years to life, to require that a person so sentenced serve that term under the Sexually Violent Predator Law as if a sexually violent predator and automatically is classified a sexual predator for the SORN Law, and to permit the court to subject a person so sentenced to supervision with an active global positioning system device if

released from a state correctional institution.

To the Committee on Judiciary - Criminal Justice.

S. B. No. 261-Senator Carey.

To express the intent of the General Assembly to amend the Coal Surface Mining Law to address issues of modernization and safety.

To the Committee on Environment and Natural Resources.

YES - 5: J. KIRK SCHURING, KIMBERLY A. ZURZ, C. J. PRENTISS, BILL HARRIS, JEFF JACOBSON.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Said bills were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Schuring submitted the following report:

The standing committee on Rules to which were referred the appointment by the Attorney General of:

Gene Krebs, Republican, Camden, Preble County, Ohio, representing residential consumers on the Ohio Consumers' Counsel Governing Board, term beginning December 19, 2005 and ending September 1, 2007, replacing Nancy Dix who resigned.

Having had the same under consideration, reports back the recommendation that the Senate advise and consent to said appointment.

YES - 10: BILL HARRIS, JEFF JACOBSON, RANDY GARDNER, ROBERT F. SPADA, STEPHEN C. AUSTRIA, J. KIRK SCHURING, ROBERT F. HAGAN, TERESA FEDOR, KIMBERLY A. ZURZ, C. J. PRENTISS.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointment of the Attorney General?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Grendell	Hagan	Hottinger
Jacobson	Jordan	Kearney	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Stivers
Wachtmann	Wilson	Zurz	Harris-32.

So the Senate advised and consented to said appointment.

Senator Schuring submitted the following report:

The standing committee on Rules to which were referred the appointments by the Governor of:

Barbara H. Bennett, Republican, from North Canton, Stark County, Ohio, as a Member of the Ohio Rail Development Commission for a term beginning November 14, 2005 and ending at the close of business October 20, 2009, replacing Janet Creighton, who resigned.

Anthony O. Calabrese, III, Independent, from Chagrin Falls, Cuyahoga County, Ohio, as a Member of the Barber Board for a new term beginning November 4, 2005 and ending at the close of business September 26, 2008.

Having had the same under consideration, reports back the recommendation that the Senate advise and consent to said appointments.

YES - 10: BILL HARRIS, JEFF JACOBSON, RANDY GARDNER, ROBERT F. SPADA, STEPHEN C. AUSTRIA, J. KIRK SCHURING, ROBERT F. HAGAN, TERESA FEDOR, KIMBERLY A. ZURZ, C. J. PRENTISS.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointments by the Governor?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
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Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Grendell	Hagan	Hottinger
Jacobson	Jordan	Kearney	Miller
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Stivers	Wachtmann	Wilson	Zurz
			Harris-33.

So the Senate advised and consented to said appointments.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Sub. S. B. No. 154-Senators Wachtmann, Armbruster, Goodman, Hottinger, Mumper, Padgett, Spada, Schuring Representatives Reidelbach, Peterson, Otterman, Martin, Hoops, Brown, Aslanides, Beatty, Book, Buehrer, Carano, Cassell, Collier, Combs, Distel, Domenick, Driehaus, Evans, C., Fende, Flowers, Garrison, Hartnett, Harwood, Healy, Hughes, Key, Mason, McGregor, J., McGregor, R., Miller, Perry, Sayre, Seitz, Setzer, Smith, G., Stewart, D., Strahorn, Taylor, Wagoner, Williams, Yuko.

To amend sections 1.64, 1751.01, 2305.113, 2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 3327.10, 3331.02, 3719.06, 3719.81, 4723.481, 4723.50, 4729.01, 4729.51, 4730.01, 4730.02, 4730.03, 4730.05, 4730.06, 4730.07, 4730.10, 4730.11, 4730.12, 4730.16, 4730.18, 4730.19, 4730.21, 4730.22, 4730.25, 4730.26, 4730.27, 4730.28, 4730.31, 4730.32, 4730.33, 4730.34, 4731.141, and 5903.12; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4730.11 (4730.12), 4730.12 (4730.14), and 4730.18 (4730.15); to enact new sections 4730.11, 4730.17, and 4730.18 and sections 4730.08, 4730.081, 4730.09, 4730.091, 4730.13, 4730.20, 4730.38, 4730.39, 4730.40, 4730.401, and 4730.41 to 4730.52; and to repeal sections 4730.15 and 4730.17 of the Revised Code to revise the laws regarding the practice of physician assistants, including the establishment of physician-delegated prescriptive authority, and to modify the authority of advanced practice nurses to furnish supplies of drugs to patients, were taken up.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin

Dann	Fedor	Fingerhut	Gardner
Goodman	Grendell	Hagan	Hottinger
Jacobson	Jordan	Kearney	Miller
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Stivers	Wachtmann	Wilson	Zurz
			Harris-33.

So the Senate concurred in the amendments of the House of Representatives.

REPORTS OF CONFERENCE COMMITTEES

Senator Jacobson submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on Am. Sub. H.B. 3, Representative DeWine - et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the Senate with the following amendments:

In line 38, after "3501.13," insert "3501.17,"

In line 39, after "3501.39," insert "3503.02,"

In line 43, after "3509.02," insert "3509.03, 3509.031, 3509.04, 3509.05,"

In line 44, after "3509.09," insert "3511.02, 3511.09,"

In line 48, delete "3517.992,"

In line 50, after "3599.38," insert "4113.52,"

In line 54, delete "3501.24,"

In line 149, after "subdivision" insert ", and, if the board of elections operates and maintains a web site, notice of the election also shall be posted on that web site for thirty days prior to the election"

In line 651, after "and" insert ", if the board of elections operates and maintains a web site, notice of the election also"; delete "the board of"

In line 652, delete "elections" and insert "that"; delete ", or, if the board does not operate and"

Delete lines 653 and 654

In line 655, delete "Revised Code,"

In line 693, after "and" insert ", if the board of elections operates and maintains a web site, notice of the election also"; delete "the board of"

In line 694, delete "elections" and insert "that"; delete ", or, if the board does not operate and"

Delete lines 695 and 696

In line 697, delete "Revised Code."

In line 725, after "and" insert ", if the board of elections operates and maintains a web site, notice of the election also"; delete "the board of elections" and insert "that"

In line 726, delete ", or, if the board does not operate and maintain its own"

Delete line 727

In line 728, delete "internet space under section 3501.24 of the Revised Code."

In line 757, after "and" insert ", if the board of elections operates and maintains a web site, notice of the election also"; delete "the board of elections" and insert "that"

In line 758, delete ", or, if the board does not operate and maintain its own"

Delete line 759

In line 760, delete "internet space under section 3501.24 of the Revised Code."

In line 790, delete "For" and insert "If the board of elections operates and maintains a web site, notice of the election and an explanation of the proposed name change shall be posted on that web site for"

In line 791, delete ", the board of elections shall post notice of the election"

Delete lines 792 through 794

In line 795, delete "space under section 3501.24 of the Revised Code"

In line 825, delete "For" and insert "If a board of elections operates and maintains a web site, notice of the election and a description of the proposed limited home rule government shall be posted on that web site for"

In line 826, delete ", the board of elections shall post notice of the election"

Delete lines 827 through 830

In line 831, delete "Revised Code"

In line 863, delete "For" and insert "If a board of elections operates and maintains a web site, notice of the election shall be posted on that web site for"

In line 864, delete ". the board"

Delete lines 865 through 867

In line 868, delete "space under section 3501.24 of the Revised Code"

In line 930, after the underlined comma insert "if the board of elections operates and maintains a web site,"

In line 931, delete ". or, if the"

Delete lines 932 and 933

In line 934, delete "section 3501.24 of the Revised Code,"

In line 1012, after "and" insert ". if the board of elections operates and maintains a web site, notice of the election also"

In line 1013, delete "the board of elections" and insert "that"; delete ". or, if the"

Delete lines 1014 and 1015

In line 1016, delete "section 3501.24 of the Revised Code,"

In line 1061, after "and" insert ". if the board operates and maintains a web site, the board also"

In line 1062, delete ". or, if the board does not operate and"

Delete lines 1063 and 1064

In line 1065, delete "Revised Code,"

In line 1335, delete "by posting for that period" and insert ". if the board of elections operates and maintains a web site, notice of the election also shall be posted"; delete "the"

In line 1336, delete "board of elections" and insert "that"; delete "or, if the board does not operate and"

Delete lines 1337 and 1338

In line 1339, delete "Revised Code" and insert "for thirty days prior to the election"

In line 1361, after "and" insert ". if the board of elections operates and maintains a web site,"

In line 1362, delete "or,"

Delete lines 1363 and 1364

In line 1365, delete "under section 3501.24 of the Revised Code"

In line 2200, after "and" insert ". if the board of elections operates and maintains a web site, the board also"

In line 2201, delete ", or, if the board does not operate"

Delete lines 2202 and 2203

In line 2204, delete "Revised Code."

In line 2333, after the underlined comma insert "if the board of elections operates and maintains a web site."

In line 2334, delete ", or, if the board does not"

Delete lines 2335 and 2336

In line 2337, delete "Revised Code."

In line 2406, after "and" insert ", if the board of elections operates and maintains a web site."

In line 2407, delete ", or,"

Delete lines 2408 and 2409

In line 2410, delete "under section 3501.24 of the Revised Code."

In line 2460, after "and" insert ", if the board of elections operates and maintains a web site, notice of the election also"; delete "the board of"

In line 2461, delete "elections" and insert "that"; delete ", or, if the board does not operate and"

Delete lines 2462 and 2463

In line 2464, delete "Revised Code."

In line 2537, after "ballot" insert an underlined comma; after "and" insert ", if a board of elections operates and maintains a web site, that board"

In line 2538, delete "their" and insert "its"; delete ", or, if a board does not operate"

Delete lines 2539 and 2540

In line 2541, delete "Revised Code."

In line 2605, after "ballot" insert an underlined comma; after "and" insert ", if a board of elections operates and maintains a web site, that board"

In line 2606, delete "their" and insert "its"; delete ", or, if a board does not operate"

Delete lines 2607 and 2608

In line 2609, delete "Revised Code."

Delete lines 3072 through 3075

In line 3076, delete "(Z)" and insert "(Y)"

In line 3078, delete "(AA)" and insert "(Z) Establish a procedure by"

which a registered elector may update the elector's signature used in the poll list or signature pollbook produced by the board of elections of the county in which the elector resides:

(AA)"

Delete lines 3347 through 3408 and insert:

"**Sec. 3501.17.** (A) The expenses of the board of elections shall be paid from the county treasury, in pursuance of appropriations by the board of county commissioners, in the same manner as other county expenses are paid. If the board of county commissioners fails to appropriate an amount sufficient to provide for the necessary and proper expenses of the board of elections pertaining to the conduct of elections, the board of elections may apply to the court of common pleas within the county, which shall fix the amount necessary to be appropriated and the amount shall be appropriated. Payments shall be made upon vouchers of the board of elections certified to by its chairperson or acting chairperson and the director or deputy director, upon warrants of the county auditor.

The board of elections shall not incur any obligation involving the expenditure of money unless there are moneys sufficient in the funds appropriated therefor to meet the obligation ~~as required in division (D) of section 5705.41 of the Revised Code~~. If the board of elections requests a transfer of funds from one of its appropriation items to another, the board of county commissioners shall adopt a resolution providing for the transfer except as otherwise provided in section 5705.40 of the Revised Code. The expenses of the board of elections shall be apportioned among the county and the various subdivisions as provided in this section, and the amount chargeable to each subdivision shall be withheld by the auditor from the moneys payable thereto at the time of the next tax settlement. At the time of submitting budget estimates in each year, the board of elections shall submit to the taxing authority of each subdivision, upon the request of the subdivision, an estimate of the amount to be withheld from the subdivision during the next fiscal year.

(B) Except as otherwise provided in division (F) of this section, the entire compensation of the members of the board of elections and of the director, deputy director, and other employees in the board's offices; the expenditures for the rental, furnishing, and equipping of the office of the board and for the necessary office supplies for the use of the board; the expenditures for the acquisition, repair, care, and custody of the polling places, booths, guardrails, and other equipment for polling places; the cost of pollbooks, tally sheets, maps, flags, ballot boxes, and all other permanent records and equipment; the cost of all elections held in and for the state and county; and all other expenses of the board which are not chargeable to a political subdivision in accordance with this section shall be paid in the same manner as other county expenses are paid.

(C) The compensation of judges and clerks of elections; the cost of renting, moving, heating, and lighting polling places and of placing and removing ballot boxes and other fixtures and equipment thereof; the cost of

printing and delivering ballots, cards of instructions, and other election supplies; and all other expenses of conducting primaries and elections in the odd-numbered years shall be charged to the subdivisions in and for which such primaries or elections are held. The charge for each primary or general election in odd-numbered years for each subdivision shall be determined in the following manner: first, the total cost of all chargeable items used in conducting such elections shall be ascertained; second, the total charge shall be divided by the number of precincts participating in such election, in order to fix the cost per precinct; third, the cost per precinct shall be prorated by the board of elections to the subdivisions conducting elections for the nomination or election of offices in such precinct; fourth, the total cost for each subdivision shall be determined by adding the charges prorated to it in each precinct within the subdivision.

(D) The entire cost of special elections held on a day other than the day of a primary or general election, both in odd-numbered or in even-numbered years, shall be charged to the subdivision. Where a special election is held on the same day as a primary or general election in an even-numbered year, the subdivision submitting the special election shall be charged only for the cost of ballots and advertising. Where a special election is held on the same day as a primary or general election in an odd-numbered year, the subdivision submitting the special election shall be charged for the cost of ballots and advertising for such special election, in addition to the charges prorated to such subdivision for the election or nomination of candidates in each precinct within the subdivision, as set forth in the preceding paragraph.

(E) Where a special election is held on the day specified by division (E) of section 3501.01 of the Revised Code for the holding of a primary election, for the purpose of submitting to the voters of the state constitutional amendments proposed by the general assembly, and a subdivision conducts a special election on the same day, the entire cost of the special election shall be divided proportionally between the state and the subdivision based upon a ratio determined by the number of issues placed on the ballot by each, except as otherwise provided in division (G) of this section. Such proportional division of cost shall be made only to the extent funds are available for such purpose from amounts appropriated by the general assembly to the secretary of state. If a primary election is also being conducted in the subdivision, the costs shall be apportioned as otherwise provided in this section.

(F) When a precinct is open during a general, primary, or special election solely for the purpose of submitting to the voters a statewide ballot issue, the state shall bear the entire cost of the election in that precinct and shall reimburse the county for all expenses incurred in opening the precinct.

(G) The state shall bear the entire cost of advertising in newspapers statewide ballot issues, explanations of those issues, and arguments for or against those issues, as required by Section 1g of Article II and Section 1 of Article XVI, Ohio Constitution, and any other section of law and shall reimburse the counties for all expenses they incur for such advertising.

(H) The cost of renting, heating, and lighting registration places; the cost of the necessary books, forms, and supplies for the conduct of registration; and the cost of printing and posting precinct registration lists shall be charged to the subdivision in which such registration is held.

(I) As used in this section, "statewide ballot issue" means any ballot issue, whether proposed by the general assembly or by initiative or referendum, that is submitted to the voters throughout the state.

Sec. 3501.19. (A) Except as otherwise provided in division (C) of this section, on each of the following dates, the board of elections shall send a notice by nonforwardable mail to each elector who is registered to vote in a precinct in which an election will be conducted:

(1) The sixtieth day before the day of any special election that may be held on the first Tuesday after the first Monday in August, 2006;

(2) The sixtieth day before the day of the 2006 general election;

(3) The sixtieth day before the day of the 2008 primary election;

(4) The sixtieth day before the day of the 2008 general election.

(B) The notice required under division (A) of this section shall include each of the following:

(1) The day of the election;

(2) The location of the polling place for the precinct in which the elector is registered to vote;

(3) A reminder, which shall be indicated in bold type, stating as follows:

"Voters must bring identification to the polls in order to verify identity. Identification may include a current and valid photo identification, a military identification that shows the voter's name and current address, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than this reminder or a voter registration notification, that shows the voter's name and current address. Voters who do not provide one of these documents will still be able to vote by providing the last four digits of the voter's social security number and by casting a provisional ballot. Voters who do not have any of the above forms of identification, including a social security number, will still be able to vote by signing an affirmation swearing to the voter's identity under penalty of election falsification and by casting a provisional ballot."

(C) If the notice sent under division (A) of this section is returned undelivered to the board, the board shall cause the elector's name in the official registration list and in the poll list or signature pollbook for that elector's precinct to be marked to indicate that the notice was returned to the board.

At the first election at which an elector whose name has been so marked appears to vote, the elector shall be required to provide identification to the

election officials.

If the elector provides to the election officials a current and valid photo identification, a military identification that shows the voter's name and current address, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of an election mailed by a board of elections under division (A) of this section or a notice of voter registration notification mailed by a board of elections under section 3503.19 of the Revised Code, the voter shall be permitted to cast a ballot in accordance with division (B) of section 3505.18 of the Revised Code. The board shall correct that elector's registration, if needed, and shall remove the indication that the elector's notice was returned from that elector's name on the official registration list and on the poll list or signature pollbook.

If the elector provides to the election officials a photo identification that does not contain the elector's current address, if the elector provides the last four digits of the elector's social security number, if the elector is unable to provide any of the required forms of identification, if the elector refuses to provide any of the required forms of identification, or if the elector executes an affirmation under division (A)(4) of section 3505.18 of the Revised Code, the elector shall be permitted to vote by provisional ballot under section 3505.181 of the Revised Code. If the provisional ballot is counted pursuant to division (B)(3) of section 3505.183 of the Revised Code, the board shall correct that elector's registration, if needed, and shall remove the indication that the elector's notice was returned from that elector's name on the official registration list and on the poll list or signature pollbook.

(D) No board of elections shall be required to mail a notice under division (A) of this section to any elector who registered to vote within thirty days prior to the date for mailing the notice under that division.

(E) A notice mailed to an elector under division (A) of this section shall not be considered a government document that contains the voter's name and current address for the purpose of providing identification under sections 3503.14, 3503.16, 3503.19, 3503.28, 3505.18, 3505.181, 3505.182, 3505.183, 3509.03, 3509.031, 3509.04, 3509.05, 3511.02, and 3511.09 of the Revised Code."

Between lines 3840 and 3841, insert:

"Sec. 3503.02. All registrars and judges of elections, in determining the residence of a person offering to register or vote, shall be governed by the following rules:

(A) That place shall be considered the residence of a person in which the person's habitation is fixed and to which, whenever the person is absent, the person has the intention of returning.

(B) A person shall not be considered to have lost the person's residence

who leaves the person's home and goes into another state or county of this state, for temporary purposes only, with the intention of returning.

(C) A person shall not be considered to have gained a residence in any county of this state into which the person comes for temporary purposes only, without the intention of making such county the permanent place of abode.

(D) The place where the family of a married ~~man or woman~~ person resides shall be considered to be ~~his or her~~ the person's place of residence; except that when the ~~husband and wife~~ spouses have separated and live apart, the place where ~~he or she~~ such a spouse resides the length of time required to entitle a person to vote shall be considered to be ~~his or her~~ the spouse's place of residence.

(E) If a person removes to another state with the intention of making such state the person's residence, the person shall be considered to have lost the person's residence in this state.

(F) Except as otherwise provided in division (G) of this section, if a person removes from this state and continuously resides outside this state for a period of four years or more, the person shall be considered to have lost the person's residence in this state, notwithstanding the fact that the person may entertain an intention to return at some future period.

(G) If a person removes from this state to engage in the services of the United States government, the person shall not be considered to have lost the person's residence in this state during the period of such service, and likewise should the person enter the employment of the state, the place where such person resided at the time of the person's removal shall be considered to be the person's place of residence.

(H) If a person goes into another state and while there exercises the right of a citizen by voting, the person shall be considered to have lost the person's residence in this state.

(I) If a person does not have a fixed place of habitation, but has a shelter or other location at which the person has been a consistent or regular inhabitant and to which the person has the intention of returning, that shelter or other location shall be deemed the person's residence for the purpose of registering to vote."

Delete lines 3927 through 3957

Delete lines 3631 through 3717 and insert:

"Sec. 3501.382. (A)(1) A registered voter who, by reason of disability, is unable to physically sign the voter's name as a candidate, signer, or circulator on a declaration of candidacy and petition, nominating petition, other petition, or other document under Title XXXV of the Revised Code may authorize a legally competent resident of this state who is eighteen years of age or older as an attorney in fact to sign that voter's name to the petition or other election document, at the voter's direction and in the voter's presence, in accordance with

either of the following procedures:

(a) The voter may file with the board of elections of the voter's county of residence a notarized form that includes or has attached all of the following:

(i) The name of the voter who is authorizing an attorney in fact to sign petitions or other election documents on that voter's behalf, at the voter's direction and in the voter's presence;

(ii) An attestation of the voter that the voter, by reason of disability, is unable to sign physically petitions or other election documents and that the voter desires the attorney in fact to sign them on the voter's behalf, at the direction of the voter and in the voter's presence;

(iii) The name, residence address, date of birth, and, if applicable, Ohio supreme court registration number of the attorney in fact authorized to sign on the voter's behalf, at the voter's direction and in the voter's presence. A photocopy of the attorney in fact's driver's license or state identification card issued under section 4507.50 of the Revised Code shall be attached to the notarized form.

(iv) The form of the signature that the attorney in fact will use in signing petitions or other election documents on the voter's behalf, at the voter's direction and in the voter's presence.

(b) The voter may acknowledge, before an election official, and file with the board of elections of the voter's county of residence a form that includes or has attached all of the following:

(i) The name of the voter who is authorizing an attorney in fact to sign petitions or other election documents on that voter's behalf, at the voter's direction and in the voter's presence;

(ii) An attestation of the voter that the voter, by reason of disability, is physically unable to sign petitions or other election documents and that the voter desires the attorney in fact to sign them on the voter's behalf, at the direction of the voter and in the voter's presence;

(iii) An attestation from a licensed physician that the voter is disabled and, by reason of that disability, is physically unable to sign petitions or other election documents;

(iv) The name, residence address, date of birth, and, if applicable, Ohio supreme court registration number of the attorney in fact authorized to sign on the voter's behalf, at the voter's direction and in the voter's presence. A photocopy of the attorney in fact's driver's license or state identification card issued under section 4507.50 of the Revised Code shall be attached to the notarized form.

(v) The form of the signature that the attorney in fact will use in signing petitions or other election documents on the voter's behalf, at the voter's direction and in the voter's presence.

(2) In addition to performing customary notarial acts with respect to the power of attorney form described in division (A)(1)(a) of this section, the notary public shall acknowledge that the voter in question affirmed in the presence of the notary public the information listed in divisions (A)(1)(a)(i), (ii), and (iii) of this section. A notary public shall not perform any notarial acts with respect to such a power of attorney form unless the voter first gives such an affirmation. Only a notary public satisfying the requirements of section 147.01 of the Revised Code may perform notarial acts with respect to such a power of attorney form.

(B) A board of elections that receives a form under division (A)(1) of this section from a voter shall do both of the following:

(1) Use the signature provided in accordance with division (A)(1)(a)(iv) or (A)(1)(b)(v) of this section for the purpose of verifying the voter's signature on all declarations of candidacy and petitions, nominating petitions, other petitions, or other documents signed by that voter under Title XXXV of the Revised Code;

(2) Cause the poll list or signature pollbook for the relevant precinct to identify the voter in question as having authorized an attorney in fact to sign petitions or other election documents on the voter's behalf, at the voter's direction and in the voter's presence.

(C) Notwithstanding division (D) of section 3501.38 or any other provision of the Revised Code to the contrary, an attorney in fact authorized to sign petitions or other election documents on a disabled voter's behalf, at the direction of and in the presence of that voter, in accordance with division (A) of this section may sign that voter's name to any petition or other election document under Title XXXV of the Revised Code after the power of attorney has been filed with the board of elections in accordance with division (A)(1) of this section. The signature shall be deemed to be that of the disabled voter, and the voter shall be deemed to be the signer.

(D)(1) Notwithstanding division (F) of section 3501.38 or any other provision of the Revised Code to the contrary, the circulator of a petition may knowingly permit an attorney in fact to sign the petition on a disabled voter's behalf, at the direction of and in the presence of that voter, in accordance with division (A)(1) of this section.

(2) Notwithstanding division (F) of section 3501.38 or any other provision of the Revised Code to the contrary, no petition paper shall be invalidated on the ground that the circulator knowingly permitted an attorney in fact to write a name other than the attorney in fact's own name on a petition paper, if that attorney in fact signed the petition on a disabled voter's behalf, at the direction of and in the presence of that voter, in accordance with division (C) of this section.

(E) The secretary of state shall prescribe the form and content of the form for the power of attorney prescribed under division (A)(1) of this section and also shall prescribe the form and content of a distinct form to revoke such a

power of attorney.

(F) As used in this section, "unable to physically sign" means that the person with a disability cannot comply with the provisions of section 3501.011 of the Revised Code. A person is not "unable to physically sign" if the person is able to comply with section 3501.011 through reasonable accommodation, including the use of assistive technology or augmentative devices."

In line 4021, after "identification" insert ", a copy of a military identification that shows the voter's name and current address."

In line 4127, after the second "database" insert ";

(5) Establishing a process for annually auditing the information contained in the statewide voter registration database"

Between lines 4138 and 4139, insert:

"(G)(1) The statewide voter registration database established under this section shall be made available on a web site of the office of the secretary of state as follows:

(a) Except as otherwise provided in division (G)(1)(b) of this section, only the following information from the statewide voter registration database regarding a registered voter shall be made available on the web site:

(i) The voter's name;

(ii) The voter's address;

(iii) The voter's precinct number;

(iv) The voter's voting history.

(b) During the thirty days before the day of a primary or general election, the web site interface of the statewide voter registration database shall permit a voter to search for the polling location at which that voter may cast a ballot.

(2) The secretary of state shall establish, by rule adopted under Chapter 119. of the Revised Code, a process for boards of elections to notify the secretary of state of changes in the locations of precinct polling places for the purpose of updating the information made available on the secretary of state's web site under division (G)(1)(b) of this section. Those rules shall require a board of elections, during the thirty days before the day of a primary or general election, to notify the secretary of state within one business day of any change to the location of a precinct polling place within the county.

(3) During the thirty days before the day of a primary or general election, not later than one business day after receiving a notification from a county pursuant to division (G)(2) of this section that the location of a precinct polling place has changed, the secretary of state shall update that information on the secretary of state's web site for the purpose of division (G)(1)(b) of this section."

In line 4168, after "identification" insert ", a military identification that

shows the voter's name and current address."

In line 4490, after the first comma insert "a military identification that shows the voter's name and current address."

In line 4765, after the first comma insert "a military identification that shows the voter's name and current address."

In line 4789, delete "A" and insert "If a board of elections operates and maintains a web site, the"; delete "of elections"

In line 4792, delete "the board of elections" and insert "that"

Delete lines 4793 through 4795 and insert an underlined period

Delete lines 4815 through 4875 and insert:

"Sec. 3503.29. (A) The secretary of state shall develop and make available through a web site of the office of the secretary of state a training program for any person who receives or expects to receive compensation for registering a voter. The secretary of state shall specify, by rule adopted pursuant to Chapter 119. of the Revised Code, the information to be included in the online training program developed under this division.

(B) Except as otherwise provided in division (E) of this section, the secretary of state, by rules adopted pursuant to Chapter 119. of the Revised Code, shall prescribe a program under which the secretary of state shall register any person who receives or expects to receive compensation for registering a voter in this state.

(C) Except as otherwise provided in division (E) of this section, in each year in which a person receives or expects to receive compensation for registering a voter, that person, prior to registering a voter, shall do all of the following:

(1) Register with the secretary of state in accordance with the program prescribed under division (B) of this section;

(2) Complete the training program established by the secretary of state under division (A) of this section.

(3) Sign an affirmation that includes all of the following:

(a) The person's name;

(b) The person's date of birth;

(c) The person's permanent address;

(d) The name of each county in which the person expects to register voters;

(e) A statement that the person has registered, as required under division (C)(1) of this section, with the secretary of state;

(f) A statement that the person has completed the training program

required under division (C)(2) of this section:

(g) A statement that the person will follow all applicable laws of this state while registering voters.

(D) Except as otherwise provided in division (E) of this section, each time a person who receives or expects to receive compensation for registering a voter submits a completed registration form that has been entrusted to that person to a board of elections, the person also shall submit, with the voter registration form, a copy of the affirmation signed by the person under division (C)(3) of this section. A single copy of the signed affirmation may be submitted with all voter registration forms that are returned by that person at one time.

(E) None of the following officials or employees who are registering voters in the course of the official's or employee's normal duties shall be required to comply with divisions (C) and (D) of this section:

- (1) An election official;
- (2) A county treasurer;
- (3) A deputy registrar of motor vehicles;
- (4) An employee of a designated agency;
- (5) An employee of a public high school;
- (6) An employee of a public vocational school;
- (7) An employee of a public library;
- (8) An employee of the office of a county treasurer;
- (9) An employee of the bureau of motor vehicles;
- (10) An employee of a deputy registrar of motor vehicles;
- (11) An employee of an election official.

(F) As used in this section, "registering a voter" and "registering voters" includes any effort, for compensation, to provide voter registration forms or to assist persons in completing or returning those forms."

In line 4982, delete "either"

In line 4983, after "identification" insert ". a military identification that shows the voter's name and current address."

Delete lines 5095 through 5482 and insert:

"Sec. 3505.181. (A) All of the following individuals shall be permitted to cast a provisional ballot at an election:

(1) An individual who declares that the individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election, but the name of the individual does not appear on

the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote;

(2) An individual who has a social security number and provides to the election officials the last four digits of the individual's social security number as permitted by division (A)(2) of section 3505.18 of the Revised Code;

(3) An individual who has but is unable to provide to the election officials any of the forms of identification required under division (A)(1) of section 3505.18 of the Revised Code and who has a social security number but is unable to provide the last four digits of the individual's social security number as permitted under division (A)(2) of that section;

(4) An individual who does not have any of the forms of identification required under division (A)(1) of section 3505.18 of the Revised Code, who cannot provide the last four digits of the individual's social security number under division (A)(2) of that section because the individual does not have a social security number, and who has executed an affirmation as permitted under division (A)(4) of that section;

(5) An individual whose name in the poll list or signature pollbook has been marked under section 3509.09 or 3511.13 of the Revised Code as having requested an absent voter's ballot or an armed service absent voter's ballot for that election and who appears to vote at the polling place;

(6) An individual whose notification of registration has been returned undelivered to the board of elections and whose name in the official registration list and in the poll list or signature pollbook has been marked under division (C)(2) of section 3503.19 of the Revised Code;

(7) An individual who is challenged under section 3505.20 of the Revised Code and the election officials determine that the person is ineligible to vote or are unable to determine the person's eligibility to vote;

(8) An individual whose application or challenge hearing has been postponed until after the day of the election under division (D)(1) of section 3503.24 of the Revised Code;

(9) An individual who changes the individual's name and remains within the precinct, moves from one precinct to another within a county, moves from one precinct to another and changes the individual's name, or moves from one county to another within the state, and completes and signs the required forms and statements under division (B) or (C) of section 3503.16 of the Revised Code;

(10) An individual whose signature, in the opinion of the precinct officers under section 3505.22 of the Revised Code, is not that of the person who signed that name in the registration forms;

(11) An individual who is challenged under section 3513.20 of the Revised Code who refuses to make the statement required under that section, who a majority of the precinct officials find lacks any of the qualifications to

make the individual a qualified elector, or who a majority of the precinct officials find is not affiliated with or a member of the political party whose ballot the individual desires to vote;

(12) An individual who does not have any of the forms of identification required under division (A)(1) of section 3505.18 of the Revised Code, who cannot provide the last four digits of the individual's social security number under division (A)(2) of that section because the person does not have a social security number, and who declines to execute an affirmation as permitted under division (A)(4) of that section;

(13) An individual who has but declines to provide to the precinct election officials any of the forms of identification required under division (A)(1) of section 3501.18 of the Revised Code or who has a social security number but declines to provide to the precinct election officials the last four digits of the individual's social security number.

(B) An individual who is eligible to cast a provisional ballot under division (A) of this section shall be permitted to cast a provisional ballot as follows:

(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.

(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is both of the following:

(a) A registered voter in the jurisdiction in which the individual desires to vote;

(b) Eligible to vote in that election.

(3) An election official at the polling place shall transmit the ballot cast by the individual, the voter information contained in the written affirmation executed by the individual under division (B)(2) of this section, or the individual's name if the individual declines to execute such an affirmation to an appropriate local election official for verification under division (B)(4) of this section.

(4) If the appropriate local election official to whom the ballot or voter or address information is transmitted under division (B)(3) of this section determines that the individual is eligible to vote, the individual's provisional ballot shall be counted as a vote in that election.

(5)(a) At the time that an individual casts a provisional ballot, the appropriate local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under division (B)(5)(b) of this section whether the vote was counted, and, if the vote was not counted, the reason that

the vote was not counted.

(b) The appropriate state or local election official shall establish a free access system, in the form of a toll-free telephone number, that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted. The free access system established under this division also shall provide to an individual whose provisional ballot was not counted information explaining how that individual may contact the board of elections to register to vote or to resolve problems with the individual's voter registration.

The appropriate state or local election official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under this division. Access to information about an individual ballot shall be restricted to the individual who cast the ballot.

(6) If, at the time that an individual casts a provisional ballot, the individual provides identification in the form of a current and valid photo identification, a military identification that shows the voter's name and current address, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the individual's name and current address, or provides the last four digits of the individual's social security number, or executes an affirmation that the elector does not have any of those forms of identification or the last four digits of the individual's social security number because the individual does not have a social security number, or declines to execute such an affirmation, the appropriate local election official shall record the type of identification provided, the social security number information, the fact that the affirmation was executed, or the fact that the individual declined to execute such an affirmation and include that information with the transmission of the ballot or voter or address information under division (B)(3) of this section. If the individual declines to execute such an affirmation, the appropriate local election official shall record the individual's name and include that information with the transmission of the ballot under division (B)(3) of this section.

(7) If an individual casts a provisional ballot pursuant to division (A)(3), (7), (8), (12), or (13) of this section, the election official shall indicate, on the provisional ballot verification statement required under section 3505.182 of the Revised Code, that the individual is required to provide additional information to the board of elections or that an application or challenge hearing has been postponed with respect to the individual, such that additional information is required for the board of elections to determine the eligibility of the individual who cast the provisional ballot.

(8) During the ten days after the day of an election, an individual who casts a provisional ballot pursuant to division (A)(3), (7), (12), or (13) of this

section shall appear at the office of the board of elections and provide to the board any additional information necessary to determine the eligibility of the individual who cast the provisional ballot.

(a) For a provisional ballot cast pursuant to division (A)(3), (12), or (13) of this section to be eligible to be counted, the individual who cast that ballot, within ten days after the day of the election, shall do any of the following:

(i) Provide to the board of elections proof of the individual's identity in the form of a current and valid photo identification, a military identification that shows the voter's name and current address, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the individual's name and current address;

(ii) Provide to the board of elections the last four digits of the individual's social security number;

(iii) In the case of a provisional ballot executed pursuant to division (A)(12) of this section, execute an affirmation as permitted under division (A)(4) of section 3505.18 of the Revised Code.

(b) For a provisional ballot cast pursuant to division (A)(7) of this section to be eligible to be counted, the individual who cast that ballot, within ten days after the day of that election, shall provide to the board of elections any identification or other documentation required to be provided by the applicable challenge questions asked of that individual under section 3505.20 of the Revised Code.

(C)(1) If an individual declares that the individual is eligible to vote in a jurisdiction other than the jurisdiction in which the individual desires to vote, or if, upon review of the precinct voting location guide using the residential street address provided by the individual, an election official at the polling place at which the individual desires to vote determines that the individual is not eligible to vote in that jurisdiction, the election official shall direct the individual to the polling place for the jurisdiction in which the individual appears to be eligible to vote, explain that the individual may cast a provisional ballot at the current location but the ballot will not be counted if it is cast in the wrong precinct, and provide the telephone number of the board of elections in case the individual has additional questions.

(2) If the individual refuses to travel to the polling place for the correct jurisdiction or to the office of the board of elections to cast a ballot, the individual shall be permitted to vote a provisional ballot at that jurisdiction in accordance with division (B) of this section. If any of the following apply, the provisional ballot cast by that individual shall not be opened or counted:

(a) The individual is not properly registered in that jurisdiction.

(b) The individual is not eligible to vote in that election in that jurisdiction.

(c) The individual's eligibility to vote in that jurisdiction in that election cannot be established upon examination of the records on file with the board of elections.

(D) The appropriate local election official shall cause voting information to be publicly posted at each polling place on the day of each election.

(E) As used in this section and sections 3505.182 and 3505.183 of the Revised Code:

(1) "Jurisdiction" means the precinct in which a person is a legally qualified elector.

(2) "Precinct voting location guide" means either of the following:

(a) An electronic or paper record that lists the correct jurisdiction and polling place for either each specific residential street address in the county or the range of residential street addresses located in each neighborhood block in the county;

(b) Any other method that a board of elections creates that allows a precinct election official or any elector who is at a polling place in that county to determine the correct jurisdiction and polling place of any qualified elector who resides in the county.

(3) "Voting information" means all of the following:

(a) A sample version of the ballot that will be used for that election;

(b) Information regarding the date of the election and the hours during which polling places will be open;

(c) Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;

(d) Instructions for mail-in registrants and first-time voters under applicable federal and state laws;

(e) General information on voting rights under applicable federal and state laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated;

(f) General information on federal and state laws regarding prohibitions against acts of fraud and misrepresentation.

Sec. 3505.182. Each individual who casts a provisional ballot under section 3505.181 of the Revised Code shall execute a written affirmation. The form of the written affirmation shall be printed upon the face of the provisional ballot envelope and shall be substantially as follows:

"Provisional Ballot Affirmation

STATE OF OHIO

I, (Name of provisional voter), solemnly swear or affirm that I am a registered voter in the jurisdiction in which I am voting this provisional ballot and that I am eligible to vote in the election in which I am voting this provisional ballot.

I understand that, if the above-provided information is not fully completed and correct, if the board of elections determines that I am not registered to vote, a resident of this precinct, or eligible to vote in this election, or if the board of elections determines that I have already voted in this election, my provisional ballot will not be counted. I further understand that knowingly providing false information is a violation of law and subjects me to possible criminal prosecution.

I hereby declare, under penalty of election falsification, that the above statements are true and correct to the best of my knowledge and belief.

.....
(Signature of Voter)

.....
(Voter's date of birth)

The last four digits of the voter's social security number

.....
(To be provided if the voter is unable to provide a current and valid photo identification, a military identification that shows the voter's name and current address, or a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the voter's name and current address but is able to provide these last four digits)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

Additional Information For Determining Ballot Validity
(May be completed at voter's discretion)

Voter's current address:

Voter's former address if photo

identification does not contain voter's current address

Voter's driver's license number or, if not provided above, the last four digits of

voter's social security number

(Please circle number type)

.....

(Voter may attach a copy of any of the following for identification purposes: a current and valid photo identification, a military identification that shows the voter's name and current address, or a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the voter's name and current address.)

Reason for voting provisional ballot (Check one):

..... Requested, but did not receive, absent voter's ballot

..... Other

Verification Statement

(To be completed by election official)

The Provisional Ballot Affirmation printed above was subscribed and affirmed before me this day of (Month), (Year).

(If applicable, the election official must check the following true statement concerning additional information needed to determine the eligibility of the provisional voter.)

..... The provisional voter is required to provide additional information to the board of elections.

..... An application or challenge hearing regarding this voter has been postponed until after the election.

(The election official must check the following true statement concerning identification provided by the provisional voter, if any.)

..... The provisional voter provided a current and valid photo identification.

..... The provisional voter provided a current valid photo identification, other than a driver's license or a state identification card, with the voter's former address instead of current address and has provided the election official both the current and former addresses.

..... The provisional voter provided a military identification that shows the voter's name and current address or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, with the voter's name and current address.

..... The provisional voter provided the last four digits of the voter's social security number.

..... The provisional voter is not able to provide a current and valid photo

identification, a military identification that shows the voter's name and current address, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, with the voter's name and current address but does have one of these forms of identification. The provisional voter must provide one of the foregoing items of identification to the board of elections within ten days after the election.

..... The provisional voter is not able to provide a current and valid photo identification, a military identification that shows the voter's name and current address, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, with the voter's name and current address but does have one of these forms of identification. Additionally, the provisional voter does have a social security number but is not able to provide the last four digits of the voter's social security number before voting. The provisional voter must provide one of the foregoing items of identification or the last four digits of the voter's social security number to the board of elections within ten days after the election.

..... The provisional voter does not have a current and valid photo identification, a military identification that shows the voter's name and current address, a copy of a current utility bill, bank statement, government check, paycheck, or other government document with the voter's name and current address, or a social security number, but has executed an affirmation.

..... The provisional voter does not have a current and valid photo identification, a military identification that shows the voter's name and current address, a copy of a current utility bill, bank statement, government check, paycheck, or other government document with the voter's name and current address, or a social security number, and has declined to execute an affirmation.

..... The provisional voter declined to provide a current and valid photo identification, a military identification that shows the voter's name and current address, a copy of a current utility bill, bank statement, government check, paycheck, or other government document with the voter's name and current address, or the last four digits of the voter's social security number but does have one of these forms of identification or a social security number. The provisional voter must provide one of the foregoing items of identification or the last four digits of the voter's social security number to the board of elections within ten days after the election.

.....
(Signature of Election Official)"

In addition to any information required to be included on the written

affirmation, an individual casting a provisional ballot may provide additional information to the election official to assist the board of elections in determining the individual's eligibility to vote in that election, including the date and location at which the individual registered to vote, if known.

If the individual declines to execute the affirmation, an appropriate local election official shall comply with division (B)(6) of section 3505.181 of the Revised Code."

In line 5574, after "identification," insert "a military identification that shows the voter's name and current address,"

Between lines 6526 and 6527, insert:

"**Sec. 3509.03.** Except as provided in section 3509.031 or division (B) of section 3509.08 of the Revised Code, any qualified elector desiring to vote absent voter's ballots at an election shall make written application for those ballots to the director of elections of the county in which the elector's voting residence is located. The application need not be in any particular form but shall contain all of the following:

- (A) The elector's name;
- (B) The elector's signature;
- (C) The address at which the elector is registered to vote;
- (D) The elector's date of birth;
- (E) One of the following:

- (1) The elector's driver's license number;
- (2) The last four digits of the elector's social security number;

(3) A copy of the elector's current and valid photo identification, a copy of a military identification that shows the elector's name and current address, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector.

(F) A statement identifying the election for which absent voter's ballots are requested;

(G) A statement that the person requesting the ballots is a qualified elector;

(H) If the request is for primary election ballots, the elector's party affiliation;

(I) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed.

A voter who will be outside the United States on the day of any election during a calendar year may use a single federal post card application to apply for absent voter's ballots. Those ballots shall be sent to the voter for use at the primary and general elections in that year and any special election to be held on the day in that year specified by division (E) of section 3501.01 of the Revised Code for the holding of a primary election, designated by the general assembly for the purpose of submitting constitutional amendments proposed by the general assembly to the voters of the state unless the voter reports a change in the voter's voting status to the board of elections or the voter's intent to vote in any such election in the precinct in this state where the voter is registered to vote. A single federal postcard application shall be processed by the board of elections pursuant to section 3509.04 of the Revised Code the same as if the voter had applied separately for absent voter's ballots for each election. When mailing absent voter's ballots to a voter who applied for them by single federal post card application, the board shall enclose notification to the voter that the voter must report to the board subsequent changes in the voter's voting status or the voter's subsequent intent to vote in any such election in the precinct in this state where the voter is registered to vote. Such notification shall be in a form prescribed by the secretary of state. As used in this section, "voting status" means the voter's name at the time the voter applied for absent voter's ballots by single federal post card application and the voter's address outside the United States to which the voter requested that those ballots be sent.

Each application for absent voter's ballots shall be delivered to the director not earlier than the first day of January of the year of the elections for which the absent voter's ballots are requested or not earlier than ninety days before the day of the election at which the ballots are to be voted, whichever is earlier, and not later than twelve noon of the third day before the day of the election at which the ballots are to be voted, or not later than the close of regular business hours on the day before the day of the election at which the ballots are to be voted if the application is delivered in person to the office of the board.

Sec. 3509.031. (A) Any qualified elector who is a member of the organized militia called to active duty within the state and who will be unable to vote on election day on account of that active duty may make written application for absent voter's ballots to the director of elections for the county in which the elector's voting residence is located. The elector may personally deliver the application to the director or may mail it, send it by facsimile machine, or otherwise send it to the director. The application need not be in any particular form but shall contain all of the following:

- (1) The elector's name;
- (2) The elector's signature;
- (3) The address at which the elector is registered to vote;
- (4) The elector's date of birth;
- (5) One of the following:

- (a) The elector's driver's license number;
- (b) The last four digits of the elector's social security number;

(c) A copy of the elector's current and valid photo identification, a copy of a military identification that shows the elector's name and current address, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector.

(6) A statement identifying the election for which absent voter's ballots are requested;

(7) A statement that the person requesting the ballots is a qualified elector;

(8) A statement that the elector is a member of the organized militia serving on active duty within the state;

(9) If the request is for primary election ballots, the elector's party affiliation;

(10) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed;

(11) If the elector desires ballots to be sent to the elector by facsimile machine, the telephone number to which they shall be so sent.

(B) Application to have absent voter's ballots mailed or sent by facsimile machine to a qualified elector who is a member of the organized militia called to active duty within the state and who will be unable to vote on election day on account of that active duty may be made by the spouse of the militia member or the father, mother, father-in-law, mother-in-law, grandfather, grandmother, brother or sister of the whole blood or half blood, son, daughter, adopting parent, adopted child, stepparent, stepchild, uncle, aunt, nephew, or niece of the militia member. The application shall be in writing upon a blank form furnished only by the director. The form of the application shall be prescribed by the secretary of state. The director shall furnish that blank form to any of the relatives specified in this division desiring to make the application, only upon the request of such a relative in person at the office of the board or upon the written request of such a relative mailed to the office of the board. The application, subscribed and sworn to by the applicant, shall contain all of the following:

- (1) The full name of the elector for whom ballots are requested;
- (2) A statement that such person is a qualified elector in the county;
- (3) The address at which the elector is registered to vote;
- (4) The elector's date of birth;

(5) One of the following:

(a) The elector's driver's license number;

(b) The last four digits of the elector's social security number;

(c) A copy of the elector's current and valid photo identification, a copy of a military identification that shows the elector's name and current address, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector.

(6) A statement identifying the election for which absent voter's ballots are requested;

(7) A statement that the elector is a member of the organized militia serving on active duty within the state;

(8) If the request is for primary election ballots, the elector's party affiliation;

(9) A statement that the applicant bears a relationship to the elector as specified in division (B) of this section;

(10) The address to which ballots shall be mailed or telephone number to which ballots shall be sent by facsimile machine;

(11) The signature and address of the person making the application.

(C) Applications to have absent voter's ballots mailed or sent by facsimile machine shall not be valid if dated, postmarked, or received by the director prior to the ninetieth day before the day of the election for which ballots are requested or if delivered to the director later than twelve noon of the third day preceding the day of such election. If, after the ninetieth day and before four p.m. of the day before the day of an election, a valid application for absent voter's ballots is delivered to the director of elections at the office of the board by a militia member making application in the militia member's own behalf, the director shall forthwith deliver to the militia member all absent voter's ballots then ready for use, together with an identification envelope. The militia member shall then vote the absent voter's ballots in the manner provided in section 3509.05 of the Revised Code.

Sec. 3509.04. (A) If a director of a board of elections receives an application for absent voter's ballots that does not contain all of the required information, the director promptly shall notify the applicant of the additional information required to be provided by the applicant to complete that application.

(B) Upon receipt by the director of elections of an application for absent voter's ballots that contain all of the required information, as provided by

sections 3509.03 and 3509.031 and division (G) of section 3503.16 of the Revised Code, the director, if the director finds that the applicant is a qualified elector, shall deliver to the applicant in person or mail directly to the applicant by special delivery mail, air mail, or regular mail, postage prepaid, proper absent voter's ballots. The director shall deliver or mail with the ballots an unsealed identification envelope upon the face of which shall be printed a form substantially as follows:

"Identification Envelope Statement of Voter

I,(Name of voter), declare under penalty of election falsification that the within ballot or ballots contained no voting marks of any kind when I received them, and I caused the ballot or ballots to be marked, enclosed in the identification envelope, and sealed in that envelope.

My voting residence in Ohio is

.....

(Street and Number, if any, or Rural Route and Number)

of (City, Village, or Township) Ohio, which is in Ward Precinct in that city, village, or township.

The primary election ballots, if any, within this envelope are primary election ballots of the Party.

Ballots contained within this envelope are to be voted at the (general, special, or primary) election to be held on the day of,

My date of birth is (Month and Day), (Year).

(Voter must provide one of the following:)

My driver's license number is (Driver's license number).

The last four digits of my Social Security Number are (Last four digits of Social Security Number).

..... In lieu of providing a driver's license number or the last four digits of my Social Security Number, I am enclosing a copy of one of the following in the return envelope in which this identification envelope will be mailed: a current and valid photo identification, a military identification that shows my name and current address, or a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections, that shows my name and address.

I hereby declare, under penalty of election falsification, that the statements above are true, as I verily believe.

.....
(Signature of Voter)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE."

The director shall mail with the ballots and the unsealed identification envelope an unsealed return envelope upon the face of which shall be printed the official title and post-office address of the director. In the upper left corner on the face of the return envelope, several blank lines shall be printed upon which the voter may write the voter's name and return address, and beneath these lines there shall be printed a box beside the words "check if out-of-country." The voter shall check this box if the voter will be outside the United States on the day of the election. The return envelope shall be of such size that the identification envelope can be conveniently placed within it for returning the identification envelope to the director.

Sec. 3509.05. (A) When an elector receives an absent voter's ballot pursuant to the elector's application or request, the elector shall, before placing any marks on the ballot, note whether there are any voting marks on it. If there are any voting marks, the ballot shall be returned immediately to the board of elections; otherwise, the elector shall cause the ballot to be marked, folded in a manner that the stub on it and the indorsements and facsimile signatures of the members of the board of elections on the back of it are visible, and placed and sealed within the identification envelope received from the director of elections for that purpose. Then, the elector shall cause the statement of voter on the outside of the identification envelope to be completed and signed, under penalty of election falsification.

If the elector does not provide the elector's driver's license number or the last four digits of the elector's social security number on the statement of voter on the identification envelope, the elector also shall include in the return envelope with the identification envelope a copy of the elector's current valid photo identification, a copy of a military identification that shows the elector's name and current address, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector.

The elector shall mail the identification envelope to the director from whom it was received in the return envelope, postage prepaid, or the elector may personally deliver it to the director, or the spouse of the elector, the father, mother, father-in-law, mother-in-law, grandfather, grandmother, brother, or sister of the whole or half blood, or the son, daughter, adopting parent, adopted child, stepparent, stepchild, uncle, aunt, nephew, or niece of the elector may deliver it to the director. The return envelope shall be transmitted to the director in no other manner, except as provided in section 3509.08 of the Revised Code.

Each elector who will be outside the United States on the day of the election shall check the box on the return envelope indicating this fact.

When absent voter's ballots are delivered to an elector at the office of the board, the elector may retire to a voting compartment provided by the board and there mark the ballots. Thereupon, the elector shall fold them, place them in the identification envelope provided, seal the envelope, fill in and sign the statement on the envelope under penalty of election falsification, and deliver the envelope to the director of the board.

Except as otherwise provided in divisions (B) and (C) of this section, all other envelopes containing marked absent voter's ballots shall be delivered to the director not later than the close of the polls on the day of an election. Absent voter's ballots delivered to the director later than the times specified shall not be counted, but shall be kept by the board in the sealed identification envelopes in which they are delivered to the director, until the time provided by section 3505.31 of the Revised Code for the destruction of all other ballots used at the election for which ballots were provided, at which time they shall be destroyed.

(B) Except as otherwise provided in division (C) of this section, any return envelope that indicates that the voter will be outside the United States on the day of the election shall be delivered to the director prior to the eleventh day after the election. Ballots delivered in such envelopes that are received after the close of the polls on election day through the tenth day thereafter shall be counted on the eleventh day at the board of elections in the manner provided in divisions (C) and (D) of section 3509.06 of the Revised Code. Any such ballots that are signed or postmarked after the close of the polls on the day of the election or that are received by the director later than the tenth day following the election shall not be counted, but shall be kept by the board in the sealed identification envelopes as provided in division (A) of this section.

(C) In any year in which a presidential primary election is held, any return envelope that indicates that the voter will be outside the United States on the day of the presidential primary election shall be delivered to the director prior to the twenty-first day after that election. Ballots delivered in such envelopes that are received after the close of the polls on election day through the twentieth day thereafter shall be counted on the twenty-first day at the board of elections in the manner provided in divisions (C) and (D) of section 3509.06 of the Revised Code. Any such ballots that are signed or postmarked after the close of the polls on the day of that election or that are received by the director later than the twentieth day following that election shall not be counted, but shall be kept by the board in the sealed identification envelopes as provided in division (A) of this section."

Delete lines 6694 through 6804 and insert:

"**Sec. 3509.09.** (A) The poll list or signature pollbook for each precinct shall identify each registered elector in that precinct who has requested an absent voter's ballot for that election.

(B)(1) If a registered elector appears to vote in that precinct and that elector has requested an absent voter's ballot for that election but the director has

not received a sealed identification envelope purporting to contain that elector's voted absent voter's ballots for that election, the elector shall be permitted to cast a provisional ballot, generally in the manner prescribed in division (B) of under section 3503.163505.181 of the Revised Code; in that precinct on the day of that election.

(2) If a registered elector appears to vote in that precinct and that elector has requested an absent voter's ballot for that election and the director has received a sealed identification envelope purporting to contain that elector's voted absent voter's ballots for that election, the elector shall be permitted to cast a provisional ballot, generally in the manner prescribed in division (B) of under section 3503.163505.181 of the Revised Code; in that precinct on the day of that election.

(C)(1) In counting absent voter's ballots under section 3509.06 of the Revised Code, the board of elections ~~or the precinct election officials~~ shall compare ~~the poll list or the signature pollbook for each precinct with the name of each elector in that precinct from whom the director has received a sealed identification envelope purporting to contain that elector's voted absent voter's ballots for that election to the signature on that elector's registration form.~~ Except as otherwise provided in ~~division (C)(2)(3)~~ of this section, if the board of elections determines that ~~an elector who cast a ballot, generally in the manner prescribed in division (B) of section 3503.16 of the Revised Code, in the precinct on the day of the election also returned a sealed identification envelope for that election,~~ the absent voter's ballot in the sealed identification envelope is valid, it shall be counted, and the ballot cast in the precinct on the day of the election shall not be counted. If the board of elections determines that the signature on the sealed identification envelope purporting to contain the elector's voted absent voter's ballot does not match the signature on the elector's registration form, the ballot shall be set aside and the board shall examine, during the time prior to the beginning of the official canvass, the poll list or signature pollbook from the precinct in which the elector is registered to vote to determine if the elector also cast a provisional ballot under section 3505.181 of the Revised Code in that precinct on the day of the election.

(2) The board of elections shall count the provisional ballot cast in the precinct on the day of the election, instead of the absent voter's ballot ~~in the returned sealed identification envelope of an elector,~~ if both of the following apply:

(a) The board of elections determines that the signature of the elector on the outside of the identification envelope in which the absent voter's ballots are enclosed does not match the signature of the elector on the elector's registration form;

(b) The elector cast a provisional ballot, generally in the manner prescribed in division (B) of section 3503.16 of the Revised Code, in the precinct on the day of the election.

(3) If the board of elections does not receive the sealed identification envelope purporting to contain the elector's voted absent voter's ballot by the applicable deadline established under section 3509.05 of the Revised Code, the provisional ballot cast under section 3505.181 of the Revised Code in that precinct on the day of the election shall be counted as valid, if that provisional ballot is otherwise determined to be valid pursuant to section 3505.183 of the Revised Code.

(D) If the board of elections counts ~~the a provisional ballot cast in the precinct on the day of the election~~ under ~~this division (C)(2) or (3) of this section,~~ the returned identification envelope of that elector shall not be opened, and the ballot within that envelope shall not be counted. The identification envelope shall be endorsed "Not Counted" with the reason the ballot was not counted.

Sec. 3511.02. Notwithstanding any section of the Revised Code to the contrary, whenever any person applies for registration as a voter on a form adopted in accordance with federal regulations relating to the "Uniformed and Overseas Citizens Absentee Voting Act," 100 Stat. 924, 42 U.S.C.A. 1973ff (1986), this application shall be sufficient for voter registration and as a request for an absent voter's ballot. Armed service absent voter's ballots may be obtained by any person meeting the requirements of section 3511.01 of the Revised Code by applying to the director of the board of elections of the county in which the person's voting residence is located, in one of the following ways:

(A) That person may make written application for those ballots. The person may personally deliver the application to the director or may mail it, send it by facsimile machine, or otherwise send it to the director. The application need not be in any particular form but shall contain all of the following information:

- (1) The elector's name;
- (2) The elector's signature;
- (3) The address at which the elector is registered to vote;
- (4) The elector's date of birth;
- (5) One of the following:
 - (a) The elector's driver's license number;
 - (b) The last four digits of the elector's social security number;

(c) A copy of the elector's current and valid photo identification, a copy of a military identification that shows the elector's name and current address, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector.

- (6) A statement identifying the election for which absent voter's ballots

are requested;

(7) A statement that the person requesting the ballots is a qualified elector;

(8) A statement that the elector is an absent uniformed services voter as defined in 42 U.S.C. 1973ff-6;

(9) A statement of the elector's length of residence in the state immediately preceding the commencement of service or immediately preceding the date of leaving to be with or near the service member, whichever is applicable;

(10) If the request is for primary election ballots, the elector's party affiliation;

(11) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed;

(12) If the elector desires ballots to be sent to the elector by facsimile machine, the telephone number to which they shall be so sent.

(B) A voter or any relative of a voter listed in division (C) of this section may use a single federal post card application to apply for armed service absent voter's ballots for use at the primary and general elections in a given year and any special election to be held on the day in that year specified by division (E) of section 3501.01 of the Revised Code for the holding of a primary election, designated by the general assembly for the purpose of submitting constitutional amendments proposed by the general assembly to the voters of the state. A single federal postcard application shall be processed by the board of elections pursuant to section 3511.04 of the Revised Code the same as if the voter had applied separately for armed service absent voter's ballots for each election.

(C) Application to have armed service absent voter's ballots mailed or sent by facsimile machine to such a person may be made by the spouse when the person is a service member, or by the father, mother, father-in-law, mother-in-law, grandfather, grandmother, brother or sister of the whole blood or half blood, son, daughter, adopting parent, adopted child, stepparent, stepchild, uncle, aunt, nephew, or niece of such a person. The application shall be in writing upon a blank form furnished only by the director or on a single federal post card as provided in division (B) of this section. The form of the application shall be prescribed by the secretary of state. The director shall furnish that blank form to any of the relatives specified in this division desiring to make the application, only upon the request of such a relative made in person at the office of the board or upon the written request of such a relative mailed to the office of the board. The application, subscribed and sworn to by the applicant, shall contain all of the following:

(1) The full name of the elector for whom ballots are requested;

(2) A statement that the elector is an absent uniformed services voter as

defined in 42 U.S.C. 1973ff-6;

(3) The address at which the elector is registered to vote;

(4) A statement identifying the elector's length of residence in the state immediately preceding the commencement of service, or immediately preceding the date of leaving to be with or near a service member, as the case may be;

(5) The elector's date of birth;

(6) One of the following:

(a) The elector's driver's license number;

(b) The last four digits of the elector's social security number;

(c) A copy of the elector's current and valid photo identification, a copy of a military identification that shows the elector's name and current address, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector.

(7) A statement identifying the election for which absent voter's ballots are requested;

(8) A statement that the person requesting the ballots is a qualified elector;

(9) If the request is for primary election ballots, the elector's party affiliation;

(10) A statement that the applicant bears a relationship to the elector as specified in division (C) of this section;

(11) The address to which ballots shall be mailed or the telephone number to which ballots shall be sent by facsimile machine;

(12) The signature and address of the person making the application.

Each application for armed service absent voter's ballots shall be delivered to the director not earlier than the first day of January of the year of the elections for which the armed service absent voter's ballots are requested or not earlier than ninety days before the day of the election at which the ballots are to be voted, whichever is earlier, and not later than twelve noon of the third day preceding the day of the election, or not later than the close of regular business hours on the day before the day of the election at which those ballots are to be voted if the application is delivered in person to the office of the board.

(D) If the voter for whom the application is made is entitled to vote for presidential and vice-presidential electors only, the applicant shall submit to the director in addition to the requirements of divisions (A), (B), and (C) of this section, a statement to the effect that the voter is qualified to vote for presidential

and vice-presidential electors and for no other offices.

Sec. 3511.09. Upon receiving armed service absent voter's ballots, the elector shall cause the questions on the face of the identification envelope to be answered, and, by writing the elector's usual signature in the proper place on the identification envelope, the elector shall declare under penalty of election falsification that the answers to those questions are true and correct to the best of the elector's knowledge and belief. Then, the elector shall note whether there are any voting marks on the ballot. If there are any voting marks, the ballot shall be returned immediately to the board of elections; otherwise, the elector shall cause the ballot to be marked, folded separately so as to conceal the markings on it, deposited in the identification envelope, and securely sealed in the identification envelope. The elector then shall cause the identification envelope to be placed within the return envelope, sealed in the return envelope, and mailed to the director of the board of elections to whom it is addressed. If the elector does not provide the elector's driver's license number or the last four digits of the elector's social security number on the statement of voter on the identification envelope, the elector also shall include in the return envelope with the identification envelope a copy of the elector's current valid photo identification, a copy of a military identification that shows the elector's name and current address, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector. Each elector who will be outside the United States on the day of the election shall check the box on the return envelope indicating this fact and shall mail the return envelope to the director prior to the close of the polls on election day.

Every armed services absent voter's ballot identification envelope shall be accompanied by the following statement in boldface capital letters:
WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

Sec. 3511.13. (A) The poll list or signature pollbook for each precinct shall identify each registered elector in that precinct who has requested an armed ~~service~~service absent voter's ballot for that election.

(B)(1) If a registered elector appears to vote in that precinct and that elector has requested an armed service absent voter's ballot for that election but the director has not received a sealed identification envelope purporting to contain that elector's voted armed service absent voter's ballots for that election, the elector shall be permitted to cast a provisional ballot, ~~generally in the manner prescribed in division (B) of~~ under section ~~3503.16~~3505.181 of the Revised Code, in that precinct on the day of that election.

(2) If a registered elector appears to vote in that precinct and that elector has requested an armed service absent voter's ballot for that election and the director has received a sealed identification envelope purporting to contain that

elector's voted armed service absent voter's ballots for that election, the elector shall be permitted to cast a provisional ballot, ~~generally in the manner prescribed in division (B) of~~ under section 3503.163505.181 of the Revised Code, in that precinct on the day of that election.

(C)(1) In counting armed service absent voter's ballots under section 3511.11 of the Revised Code, the board of elections ~~or the precinct election officials~~ shall compare ~~the poll list or the signature pollbook for each precinct with the name~~ of each elector ~~in that precinct~~ from whom the director has received a sealed identification envelope purporting to contain that elector's voted armed service absent voter's ballots for that election to the signature on the elector's registration form. Except as otherwise provided in division (C)(2)(3) of this section, if the board of elections determines that ~~an elector who cast a ballot, generally in the manner prescribed in division (B) of section 3503.16 of the Revised Code, in the precinct on the day of the election also returned a sealed identification envelope for that election,~~ the armed service absent voter's ballot in the sealed identification envelope is valid, it shall be counted, ~~and the ballot cast in the precinct on the day of the election shall not be counted.~~ If the board of elections determines that the signature on the sealed identification envelope purporting to contain the elector's voted armed service absent voter's ballot does not match the signature on the elector's registration form, the ballot shall be set aside and the board shall examine, during the time prior to the beginning of the official canvass, the poll list or signature pollbook from the precinct in which the elector is registered to vote to determine if the elector also cast a provisional ballot under section 3505.181 of the Revised Code in that precinct on the day of the election.

(2) The board of elections shall count the provisional ballot cast in the precinct on the day of the election, instead of the armed service absent voter's ballot, of an elector from whom the director has received an identification envelope purporting to contain that elector's voted armed service absent voter's ballots, if both of the following apply:

(a) The board of elections determines that the signature of the elector on the outside of the identification envelope in which the armed service absent voter's ballots are enclosed does not match the signature of the elector on the elector's registration form;

(b) The elector cast a provisional ballot, ~~generally in the manner prescribed in division (B) of section 3503.16 of the Revised Code~~, in the precinct on the day of the election.

(3) If the board of elections does not receive the sealed identification envelope purporting to contain the elector's voted armed service absent voter's ballot by the applicable deadline established under section 3511.11 of the Revised Code, the provisional ballot cast under section 3505.181 of the Revised Code in that precinct on the day of the election shall be counted as valid, if that provisional ballot is otherwise determined to be valid pursuant to section 3505.183 of the Revised Code.

~~(D)~~ If the board of elections counts ~~the a provisional~~ ballot ~~cast in the~~ precinct on the day of the election under ~~this~~ division (C)(2) or (3) of this section, the returned identification envelope of that elector shall not be opened, and the ballot within that envelope shall not be counted. The identification envelope shall be endorsed "Not Counted" with the reason the ballot was not counted."

Delete lines 8951 through 9135 and insert:

"Sec. 3517.092. (A) As used in this section:

(1) "Appointing authority" has the same meaning as in section 124.01 of the Revised Code.

(2) "State elected officer" means any person appointed or elected to a state elective office.

(3) "State elective office" means any of the offices of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, member of the state board of education, member of the general assembly, and justice and chief justice of the supreme court.

~~(4)~~ "County elected officer" means any person appointed or elected to a county elective office.

~~(5)~~ "County elective office" means any of the offices of county auditor, county treasurer, clerk of the court of common pleas, sheriff, county recorder, county engineer, county commissioner, prosecuting attorney, and coroner.

~~(6)~~(4) "Contribution" includes a contribution to any political party, campaign committee, political action committee, political contributing entity, or legislative campaign fund.

(B)(1) No state elected officer, no campaign committee of such an officer, no employee of the state elected officer's office, and no other person or entity shall knowingly solicit ~~or accept~~ a contribution ~~on behalf of that~~ to a state elected officer or ~~that~~ to such an officer's campaign committee, and no state elected officer and no campaign committee of such an officer shall accept a contribution, from any of the following:

~~(1)~~(a) A state employee whose appointing authority is the state elected officer;

~~(2)~~(b) A state employee whose appointing authority is authorized or required by law to be appointed by the state elected officer;

~~(3)~~(c) A state employee who functions in or is employed in or by the same public agency, department, division, or office as the state elected officer.

~~(C)~~(2) No candidate for a state elective office, no campaign committee of such a candidate, no employee of the candidate's office if the candidate is a state elected officer or an elected officer of a political subdivision of the state, and no other person or entity shall knowingly solicit ~~or accept~~ a contribution ~~on behalf of that~~ to a candidate for a state elective office or that to such a candidate's

campaign committee, and no candidate for a state elective office and no campaign committee of such a candidate shall accept a contribution, from any of the following:

~~(1)~~(a) A state employee at the time of the solicitation, whose appointing authority will be the candidate, if elected;

~~(2)~~(b) A state employee at the time of the solicitation, whose appointing authority will be appointed by the candidate, if elected, as authorized or required by law;

~~(3)~~(c) A state employee at the time of the solicitation, who will function in or be employed in or by the same public agency, department, division, or office as the candidate, if elected.

~~(D)~~(C)(1) No ~~county~~ elected officer of a political subdivision of the state, no campaign committee of such an officer, no employee of such an officer's office, and no other person or entity shall knowingly solicit a contribution ~~on behalf of that~~ to an elected officer of a political subdivision of the state or that to such an officer's campaign committee from any of the following:

~~(1)~~ A ~~county~~(a) An employee of that political subdivision whose appointing authority is ~~the county~~ that elected officer;

~~(2)~~ A ~~county~~(b) An employee of that political subdivision whose appointing authority is authorized or required by law to be appointed by ~~the county~~ that elected officer;

~~(3)~~ A ~~county~~(c) An employee of that political subdivision who functions in or is employed in or by the same public agency, department, division, or office as ~~the county~~ that elected officer.

~~(E)~~(2) No candidate for a ~~county~~ an elective office of a political subdivision of the state, no campaign committee of such a candidate, no employee of the candidate's office if the candidate is a state elected officer or elected officer of a political subdivision of the state, and no other person or entity shall knowingly solicit a contribution ~~on behalf of that~~ to a candidate for an elective office of a political subdivision of the state or that to such a candidate's campaign committee from any of the following:

~~(1)~~ A ~~county~~(a) An employee of that political subdivision at the time of the solicitation, whose appointing authority will be the candidate, if elected;

~~(2)~~ A ~~county~~(b) An employee of that political subdivision at the time of the solicitation, whose appointing authority will be appointed by the candidate, if elected, as authorized or required by law;

~~(3)~~ A ~~county~~(c) An employee of that political subdivision at the time of the solicitation, who will function in or be employed in or by the same public agency, department, division, or office as the candidate, if elected.

~~(F)~~(D)(1) No public employee shall solicit a contribution from any person while the public employee is performing the public employee's official

duties or in those areas of a public building where official business is transacted or conducted.

(2) No person shall solicit a contribution from any public employee while the public employee is performing the public employee's official duties or is in those areas of a public building where official business is transacted or conducted.

(3) As used in division ~~(F)~~(D) of this section, "public employee" does not include any person holding an elective office.

~~(G)~~(E) The prohibitions in divisions (B), (C), and (D), ~~(E)~~, and ~~(F)~~ of this section are in addition to the prohibitions in sections 124.57, 3304.22, and 4503.032 of the Revised Code."

Delete lines 11107 through 11350

In lines 11722, 11729, 11741, and 11747, after "degree" insert ", unless the person has not previously been convicted of a violation of division (B)(2)(a), (B)(2)(b), (C)(1), or (C)(2) of this section, the violation of this division does not cause any person to miss any voter registration deadline with regard to any election, and the number of voter registration forms that the violator has failed to properly return does not exceed forty-nine, in which case the violator is guilty of a misdemeanor of the first degree"

Between lines 11925 and 11926, insert:

"**Sec. 4113.52.** (A)(1)(a) If an employee becomes aware in the course of the employee's employment of a violation of any state or federal statute or any ordinance or regulation of a political subdivision that the employee's employer has authority to correct, and the employee reasonably believes that the violation ~~either~~ is a criminal offense that is likely to cause an imminent risk of physical harm to persons or a hazard to public health or safety ~~or is~~, or an improper solicitation for a contribution, the employee shall notify the employee's supervisor or other responsible officer of the employee's employer of the violation and subsequently shall file with that supervisor or officer a written report that provides sufficient detail to identify and describe the violation. If the employer does not correct the violation or make a reasonable and good faith effort to correct the violation within twenty-four hours after the oral notification or the receipt of the report, whichever is earlier, the employee may file a written report that provides sufficient detail to identify and describe the violation with the prosecuting authority of the county or municipal corporation where the violation occurred, with a peace officer, with the inspector general if the violation is within the inspector general's jurisdiction, or with any other appropriate public official or agency that has regulatory authority over the employer and the industry, trade, or business in which the employer is engaged.

(b) If an employee makes a report under division (A)(1)(a) of this section, the employer, within twenty-four hours after the oral notification was made or the report was received or by the close of business on the next regular business day following the day on which the oral notification was made or the

report was received, whichever is later, shall notify the employee, in writing, of any effort of the employer to correct the alleged violation or hazard or of the absence of the alleged violation or hazard.

(2) If an employee becomes aware in the course of the employee's employment of a violation of chapter 3704., 3734., 6109., ~~or~~ 6111. ~~Of~~ of the ~~revised code~~ Revised Code that is a criminal offense, the employee directly may notify, either orally or in writing, any appropriate public official or agency that has regulatory authority over the employer and the industry, trade, or business in which the employer is engaged.

(3) If an employee becomes aware in the course of the employee's employment of a violation by a fellow employee of any state or federal statute, any ordinance or regulation of a political subdivision, or any work rule or company policy of the employee's employer and the employee reasonably believes that the violation ~~either~~ is a criminal offense that is likely to cause an imminent risk of physical harm to persons or a hazard to public health or safety ~~or is~~, a felony, or an improper solicitation for a contribution, the employee orally shall notify the employee's supervisor or other responsible officer of the employee's employer of the violation and subsequently shall file with that supervisor or officer a written report that provides sufficient detail to identify and describe the violation.

(B) Except as otherwise provided in division (C) of this section, no employer shall take any disciplinary or retaliatory action against an employee for making any report authorized by division (A)(1) or (2) of this section, or as a result of the employee's having made any inquiry or taken any other action to ensure the accuracy of any information reported under either such division. No employer shall take any disciplinary or retaliatory action against an employee for making any report authorized by division (A)(3) of this section if the employee made a reasonable and good faith effort to determine the accuracy of any information so reported, or as a result of the employee's having made any inquiry or taken any other action to ensure the accuracy of any information reported under that division. For purposes of this division, disciplinary or retaliatory action by the employer includes, without limitation, doing any of the following:

- (1) Removing or suspending the employee from employment;
- (2) Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled;
- (3) Transferring or reassigning the employee;
- (4) Denying the employee a promotion that otherwise would have been received;
- (5) Reducing the employee in pay or position.

(C) An employee shall make a reasonable and good faith effort to determine the accuracy of any information reported under division (A)(1) or (2) of this section. If the employee who makes a report under either division fails to

make such an effort, the employee may be subject to disciplinary action by the employee's employer, including suspension or removal, for reporting information without a reasonable basis to do so under division (A)(1) or (2) of this section.

(D) If an employer takes any disciplinary or retaliatory action against an employee as a result of the employee's having filed a report under division (A) of this section, the employee may bring a civil action for appropriate injunctive relief or for the remedies set forth in division (E) of this section, or both, within one hundred eighty days after the date the disciplinary or retaliatory action was taken, in a court of common pleas in accordance with the Rules of Civil Procedure. A civil action under this division is not available to an employee as a remedy for any disciplinary or retaliatory action taken by an appointing authority against the employee as a result of the employee's having filed a report under division (A) of section 124.341 of the Revised Code.

(E) The court, in rendering a judgment for the employee in an action brought pursuant to division (D) of this section, may order, as it determines appropriate, reinstatement of the employee to the same position that the employee held at the time of the disciplinary or retaliatory action and at the same site of employment or to a comparable position at that site, the payment of back wages, full reinstatement of fringe benefits and seniority rights, or any combination of these remedies. The court also may award the prevailing party all or a portion of the costs of litigation and, if the employee who brought the action prevails in the action, may award the prevailing employee reasonable attorney's fees, witness fees, and fees for experts who testify at trial, in an amount the court determines appropriate. If the court determines that an employer deliberately has violated division (B) of this section, the court, in making an award of back pay, may include interest at the rate specified in section 1343.03 of the Revised Code.

(F) Any report filed with the inspector general under this section shall be filed as a complaint in accordance with section 121.46 of the Revised Code.

(G) As used in this section:

(1) "Contribution" has the same meaning as in section 3517.01 of the Revised Code.

(2) "Improper solicitation for a contribution" means a solicitation for a contribution that satisfies all of the following:

(a) The solicitation violates division (B), (C), or (D) of section 3517.092 of the Revised Code;

(b) The solicitation is made in person by a public official or by an employee who has a supervisory role within the public office;

(c) The public official or employee knowingly made the solicitation, and the solicitation violates division (B), (C), or (D) of section 3517.092 of the Revised Code;

(d) The employee reporting the solicitation is an employee of the same public office as the public official or the employee with the supervisory role who is making the solicitation."

In line 12590, after "and" insert ", if the board of elections operates and maintains a web site, notice of the election also"; delete "the board of elections" and insert "that"

In line 12591, delete ", or, if the board does not operate and maintain its own"

Delete line 12592

In line 12593, delete "internet space under section 3501.24 of the Revised Code."

In line 12653, after "and" insert ", if the board of elections operates and maintains a web site."

In line 12654, delete ", or, if the board does not operate and maintain its"

Delete line 12655

In line 12656, delete "internet space under section 3501.24 of the Revised Code."

In line 12766, after "and" insert ", if the board of elections operates and maintains a web site."

In line 12767, delete ", or, if the board does not operate and"

Delete lines 12768 and 12769

In line 12770, delete "Revised Code."

In line 12800, after "and" insert ", if the board of elections operates and maintains a web site."

In line 12801, delete ", or, if the board does not"

Delete lines 12802 and 12803

In line 12804, delete "Revised Code."

In line 12879, after "and" insert ", if the board of elections operates and maintains a web site."

In line 12880, delete ", or, if the board does not"

Delete lines 12881 and 12882

In line 12883, delete "Revised Code."

In line 13006, after "election" insert an underlined comma; after "and" insert ", if a board of elections operates and maintains a web site, that board also"

In line 13007, delete ". or, if the board does not operate"

Delete lines 13008 and 13009

In line 13010, delete "Revised Code."

In line 13164, after "and" insert ". if the board of elections operates and maintains a web site."

In line 13165, delete ". or, if the board does not operate and"

Delete lines 13166 and 13167

In line 13168, delete "Revised Code."

In line 13244, after "and" insert ". if the board of elections operates and maintains a web site."

In line 13245, delete "or, if the board does not"

Delete lines 13246 and 13247

In line 13248, delete "Revised Code"

In line 13404, after "and" insert ". if the board of elections operates and maintains a web site."

In line 13405, delete ". or, if the"

Delete lines 13406 and 13407

In line 13408, delete "section 3501.24 of the Revised Code."

In line 13451, after "and" insert ". if the board of elections operates and maintains a web site."

In line 13452, delete ". or."

Delete lines 13453 and 13454

In line 13455, delete "under section 3501.24 of the Revised Code."

In line 13502, after "and" insert ". if the board of elections operates and maintains a web site."

In line 13503, delete ". or, if the"

Delete lines 13504 and 13505

In line 13506, delete "section 3501.24 of the Revised Code."

In line 13661, after "and" insert ". if the board of elections operates and maintains a web site."

In line 13662, delete ". or."

Delete lines 13663 and 13664

In line 13665, delete "under section 3501.24 of the Revised Code."

In line 13695, after "and" insert ", if the board of elections operates and maintains a web site."

In line 13696, delete ", or,"

Delete lines 13697 and 13698

In line 13699, delete "under section 3501.24 of the Revised Code."

In line 13866, after "and" insert ", if the board of elections operates and maintains a web site. also"

In line 13867, delete ", or, if the"

Delete lines 13868 and 13869

In line 13870, delete "section 3501.24 of the Revised Code."

In line 13967, after "and" insert ", if the board of elections operates and maintains a web site."

In line 13968, delete ", or, if the board does not operate and"

Delete lines 13969 and 13970

In line 13971, delete "Revised Code."

In line 14006, after "3501.13," insert "3501.17,"

In line 14006, after "3501.39," insert "3503.02,"

In line 14010, after "3509.02," insert "3509.03, 3509.031, 3509.04, 3509.05,"

In line 14011, after "3509.09," insert "3511.02, 3511.09,"

In line 14015, delete "3517.992,"

In line 14017, after "3599.38," insert "4113.52,"

In line 14022, after "**3.**" Insert "Notwithstanding any provision of this act to the contrary, the amendments made to sections 131.23, 306.70, 307.791, 322.021, 324.021, 503.162, 504.02, 504.03, 511.28, 511.34, 513.14, 745.07, 747.11, 3311.21, 3311.50, 3311.73, 3349.29, 3354.12, 3355.09, 4504.021, 5705.191, 5705.194, 5705.196, 5705.21, 5705.218, 5705.25, 5705.251, 5705.261, 5705.71, 5739.022, 5748.02, 5748.04, 5748.08, and 6119.18 of the Revised Code by this act that require a board of elections that operates and maintains a web site to post, on that web site, notices of certain elections for thirty days prior to the day of an election shall take effect on June 1, 2006.

Section 4. Notwithstanding any provision of this act to the contrary, the amendments made to sections 303.12, 519.12, 3375.03, 3501.38, 3505.18, 3513.07, 3513.09, and 3513.261 and the enactment of section 3501.382 of the Revised Code by this act that permit a disabled voter to appoint an attorney in fact and authorize an attorney in fact to sign election documents on behalf of that voter shall take effect on June 1, 2006.

Section 5. Notwithstanding any provision of this act to the contrary, the amendments made to sections 3501.26, 3501.30, 3501.33, 3501.35, 3505.16, 3505.25, 3505.26, 3505.27, 3505.32, 3506.12, 3506.13, 3509.06, 3515.04, 3515.13, 3523.05, and 3599.38 and the provisions enacted in sections 3501.90, 3505.183, and 3505.21 of the Revised Code by this act that permit the appointment of election observers and eliminate the appointment of election challengers and witnesses shall take effect on June 1, 2006.

Section 6. Notwithstanding any provision of this act to the contrary, the amendments made to sections 3501.01, 3503.14, 3503.16, 3503.19, 3503.28, 3505.18, 3509.03, 3509.031, 3509.04, 3509.05, 3511.02, and 3511.09 and the provisions enacted in 3501.19, sections 3505.181, 3505.182, and 3505.183 of Revised Code by this act that require a voter to provide identification and that specify the acceptable forms of identification shall take effect on June 1, 2006.

Section 7. Notwithstanding any provision of this act to the contrary, the amendments made to section 3501.10 of the Revised Code establishing restrictions on the number of branch offices at which boards of elections may permit a voter to cast a ballot shall take effect on June 1, 2006.

Section 8. Notwithstanding any provision of this act to the contrary, the provisions enacted in section 3503.15 of the Revised Code that require the statewide voter registration database to be made available on a web site of the office of the Secretary of State shall take effect on June 1, 2006.

Section 9. (A) Notwithstanding any provision of this act to the contrary, the amendments made to sections 3501.05, 3503.16, 3503.19, 3503.24, 3505.18, 3505.20, 3505.22, 3509.09, 3511.13, and 3513.20 and the provisions enacted in sections 3501.19, 3503.28, 3505.181, 3505.182, and 3505.183 of the Revised Code that permit individuals to cast provisional ballots in an election or that otherwise specify election processes regarding provisional ballots shall take effect June 1, 2006.

(B) For the primary election conducted on May 2, 2006, and for any special election conducted on the day of that primary election, provisional ballots that meet the requirements of the Help America Vote Act of 2002, Pub. L. No. 107-252, 116 Stat. 1666, shall be made available to voters for all elections for statewide office, county office, township office, and for all elections on questions and issues, as if the ballots for those offices, questions, or issues were ballots for an election for federal office.

(C) Notwithstanding any provision of section 3505.20, 3505.22, or 3513.20 of the Revised Code to the contrary, for the primary election conducted on May 2, 2006, provisional ballots that meet the requirements of the Help America Vote Act of 2002, Pub. L. No. 107-252, 116 Stat. 1666, shall be made available to all voters for an election for federal office in the manner provided in that act.

Section 10. That section 3501.19 of the Revised Code, as enacted by this act, is hereby repealed effective January 1, 2009.

Section 11. "

In line 14032, delete "4" and insert "12"

In line 14043, delete "5" and insert "13"

In line 14049, delete "6" and insert "14"

In line 14055, delete "7" and insert "15"

In line 14 of the title, after "3509.02," insert "3509.03, 3509.031, 3509.04, 3509.05,"; after "3509.09," insert "3511.02, 3511.09,"

In line 7 of the title, after "3501.13," insert "3501.17,"

In line 8 of the title, after "3501.39," insert "3503.02,"

In line 20 of the title, delete "3517.992,"

In line 22 of the title, after "3599.38," insert "4113.52,"

In line 28 of the title, delete "3501.24,"

In line 33 of the title, after "Law" insert "and to terminate certain provisions of this act on January 1, 2009, by repealing section 3501.19 of the Revised Code on that date"

Managers on the Part of the
House of Representatives

Managers on the Part of the
Senate

/S/ KEVIN DEWINE
KEVIN DEWINE

/S/ KEVIN J. COUGHLIN
KEVIN J. COUGHLIN

/S/ JIM HUGHES
JIM HUGHES

/S/ JEFF JACOBSON
JEFF JACOBSON

STEVE DRIEHAUS

C.J. PRENTISS

The question being, "Shall the report of the Committee of Conference be agreed to?"

The yeas and nays were taken and resulted - yeas 21, nays 12, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Gardner
Goodman	Hottinger	Jacobson	Jordan
Mumper	Niehaus	Padgett	Schuler
Schuring	Spada	Stivers	Wachtmann
			Harris-21.

Those who voted in the negative were: Senators

Brady	Dann	Fedor	Fingerhut
Grendell	Hagan	Kearney	Miller
Prentiss	Roberts	Wilson	Zurz-12.

So the report of Committee of Conference was agreed to.

BILLS FOR THIRD CONSIDERATION

S. B. No. 235-Senators Padgett, Wilson, Amstutz, Armbruster, Carey, Cates, Clancy, Fingerhut, Mumper, Niehaus, Schuring, Zurz, Hottinger, Fedor, Brady, Hagan.

To amend section 3706.01 of the Revised Code to revise the definition of "air quality facility" under the Air Quality Development Authority Law, was considered the third time.

The question being, "Shall the bill, **S. B. No. 235**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Grendell	Hagan	Hottinger
Jacobson	Jordan	Kearney	Miller
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Stivers	Wachtmann	Wilson	Zurz
			Harris-33.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Padgett moved to amend the title as follows:

Add the names: "Austria, Dann, Gardner, Grendell, Harris, Kearney, Miller, Prentiss, Roberts, Schuler, Spada, Stivers, Wachtmann, Jordan, Jacobson."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 262-Senators Goodman, Stivers, Clancy, Jacobson, Gardner, Padgett, Schuler, Fedor, Fingerhut, Miller.

To amend sections 2953.72, 2953.73, and 2953.82 of the Revised Code to eliminate the former two-year window for applications for post-conviction DNA testing and instead allow an eligible inmate to request post-conviction DNA testing at any time if specified criteria are met.

S. B. No. 263-Senators Wilson, Hagan, Austria, Fingerhut.

To amend sections 1561.48, 1565.12, 1567.54, 1567.57, 1567.99, and 4931.41 and to enact section 1567.83 of the Revised Code to create the Mine and Industrial Accident Emergency Operations Center, to require mining accidents to be reported to the Center, and to require miners to wear wireless emergency communication and tracking devices.

S. B. No. 264-Senators Grendell, Carey, Clancy.

To enact section 3745.50 of the Revised Code to require that state environmental laws be construed to be no more stringent than the laws' federal counterparts.

S. B. No. 265-Senators Spada, Carey, Mumper, Niehaus, Amstutz, Fedor, Armbruster, Clancy, Stivers.

To amend sections 3704.02, 3704.03, and 3704.09 of the Revised Code to make changes in the Air Pollution Control Law regarding statutory construction, the costs of compliance with rules, permits to install, air quality monitoring, best available technology, and affirmative defenses in private civil actions.

S. B. No. 266-Senators Kearney, Miller, Wachtmann, Stivers, Jacobson, Austria, Brady, Fedor, Gardner, Hagan, Jordan, Fingerhut, Zurz, Clancy, Prentiss, Roberts, Schuler, Dann, Wilson, Armbruster, Harris, Goodman, Schuring, Mumper.

To enact section 5.2232 of the Revised Code to designate February as "Black History Month."

S. B. No. 267-Senators Gardner, Jacobson, Padgett, Spada, Schuler, Fingerhut, Clancy, Mumper, Fedor, Hagan.

To amend sections 2152.02, 2152.10, 2152.12, 2919.25, 2919.251, 2919.26, 3113.31, and 3113.33 of the Revised Code to include children under the age of eighteen with whom an offender has had or has a dating relationship as victims under the domestic violence laws and to require mandatory transfer for criminal prosecution of a case involving a juvenile offender who is fourteen years of age or older, commits a homicide offense against such a child, and previously committed domestic violence against that child.

S. B. No. 268-Senators Stivers, Schuler, Mumper.

To amend section 3901.48 and to enact section 3915.16 of the Revised Code to adopt the Interstate Insurance Product Regulation Compact.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has adopted the following concurrent resolution in which the concurrence of the Senate is requested:

H. C. R. No. 19 - Representatives White, Gilb, Perry, Ujvagi, C. Evans, Boccieri, Latta, Taylor, Kearns, Hood, Wolpert, Strahorn, Willamowski, McGregor, Sykes, Reidelbach, Combs, Allen, Aslanides, Book, Brown, Cassell, Chandler, DeGeeter, Distel, Dolan, Domenick, Driehaus, Faber, Fende, Flowers, Hartnett, Hughes, Kilbane, Koziura, Martin, Mason, Miller, Mitchell, Oelslager, Otterman, Patton, T., Redfern, Sayre, Schaffer, Setzer, Smith, G., Stewart, J., Trakas, Uecker, Wagoner, Walcher, Williams, Yates, Beatty, Stewart, D.

To focus on the Darfur genocide, which the United States Department of State has concluded is genocide, occurring in the Darfur region of Sudan, to encourage the United States to continue its support of humanitarian efforts in and contributions of humanitarian aid to the region, to encourage the United States to lead multilateral efforts to bring those responsible for the egregious human rights violations to justice, and to encourage Ohio companies and institutions, multinational corporations operating in Ohio, and agencies and political subdivisions of the state to divest themselves of interests in any companies that conduct business in Sudan.

Attest:

Laura P. Clemens,
Clerk.

On the motion of Senator Jacobson, **H. C. R. No. 19**, was brought up for consideration.

The question being, "Shall the concurrent resolution, **H. C. R. No. 19**, be adopted?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Grendell	Hagan	Hottinger
Jacobson	Jordan	Kearney	Miller
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Stivers	Wachtmann	Wilson	Zurz

Harris-33.

So the concurrent resolution was adopted.

The question being, "Shall the title be agreed to?"

Senator Jacobson moved to amend the title as follows:

Add the names: "Jacobson, Coughlin, Dann, Fingerhut, Goodman, Jordan, Miller, Mumper, Prentiss, Schuler, Padgett, Carey, Clancy, Armbruster, Spada, Niehaus, Fedor, Gardner, Brady, Zurz, Wilson, Harris, Amstutz, Grendell, Hagan, Kearney, Cates, Austria."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

OFFERING OF RESOLUTIONS

Senator Grendell offered the following concurrent resolution:

S. C. R. No. 24-Senators Grendell, Wachtmann, Jacobson, Jordan, Mumper, Fingerhut, Armbruster, Schuler, Clancy, Hottinger, Amstutz, Gardner.

To recognize February 6, 2006, as "Ronald Reagan Day."

WHEREAS, President Ronald Wilson Reagan, born on February 6, 1911, was a man of humble background who worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, Governor of California, and President of the United States; and

WHEREAS, Reagan served with honor and distinction for two terms as the 40th President of the United States. In the election that guaranteed his second term, he earned the confidence of three-fifths of the electorate and was victorious in 49 of the 50 states a?? a record unsurpassed in the history of American presidential elections; and

WHEREAS, In 1981, when Reagan first was inaugurated President, he inherited a disillusioned nation that was shackled by rampant inflation and high unemployment. During his presidency, he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government. The enactment of this bold agenda led to an unprecedented economic expansion and opportunity for millions of Americans; and

WHEREAS, Reagan actively pursued a social policy agenda for the nation's children that helped lower crime and drug use in neighborhoods throughout the country; and

WHEREAS, Reagan's commitment to the armed forces contributed to the restoration of pride in America, reiterated the nation's values and those cherished by the free world, and prepared the armed forces to meet the challenges of the 21st century. Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; now therefore be it

RESOLVED, That we, the members of the 126th General Assembly of the State of Ohio, in adopting this resolution, proclaim February 6, 2006, as "Ronald Reagan Day"; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the family of Ronald Reagan and to the news media of Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 24**, be adopted?"

The yeas and nays were taken and resulted - yeas 26, nays 7, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Fingerhut	Gardner	Goodman	Grendell
Hottinger	Jacobson	Jordan	Kearney
Mumper	Niehaus	Padgett	Schuler
Schuring	Spada	Stivers	Wachtmann
Wilson			Harris-26.

Senators Dann, Fedor, Hagan, Miller, Prentiss, Roberts, and Zurz voted in the negative-7.

So the concurrent resolution was adopted.

The question being, "Shall the title be agreed to?"

Senator Grendell moved to amend the title as follows:

Add the names: "Austria, Carey, Coughlin, Harris, Padgett, Schuring, Spada, Stivers, Cates, Goodman, Niehaus."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

Senator Harris offered the following resolution:

S. R. No. 158-Senator Harris.

Honoring Ohio's six regional children's hospitals on twenty years of working together for children's health.

The question being, "Shall the resolution, **S. R. No. 158**, be adopted?"

So the resolution was adopted.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following bills:

Am. Sub. S. B. No. 53 - Senator Carey- et al.

Am. Sub. H. B. No. 143 - Representative Willamowski - et al.

H. B. No. 296 - Representative Buehrer - et al.

Attest:

Laura P. Clemens,
Clerk.

The President signed said bills.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has agreed to the report of the Committee of Conference on matters of difference between the two houses on:

Am. Sub. H. B. No. 3 - Representative DeWine - et al.

Attest:

Laura P. Clemens,
Clerk.

CLERK'S NOTATION

Pursuant to section 10, Article II of the Constitution of the State of Ohio, the following protest was filed by Senator C. J. Prentiss on January 31, 2006:

We protest the Senate's decision today to approve the Conference Committee Report on House Bill 3. We oppose HB 3 because it will lead to voter suppression, violates the Constitution and the federal Voting Rights Act, and seeks to improperly interfere with pending litigation concerning petition circulators.

Voters will be suppressed by HB 3's burdensome and confusing requirement that voters must produce certain identification before voting. Among the forms of identification that fail to satisfy HB 3's demands are: a

student identification issued by a college or university, a United States Passport, or a Social Security Card. The decision to selectively include certain forms of identification is likely to discriminate against college-age voters, senior citizens, the homeless, and minority voters.

HB 3 violates the Voting Rights Act and the Fourteenth Amendment of the United States Constitution by diverting voters who are unable to produce acceptable identification into a separate and unequal provisional balloting system. Funneling young, minority, senior, and homeless voters into this separate system is unlawful itself.

In addition to diverting certain voters into the provisional balloting system, HB 3 ensure that these voters will have their votes thrown out at a higher rate than those who cast regular ballots, again in violation of the Fourteenth Amendment and the Voting Rights Act.

In 2004, 35,000 provisional ballots over 22 percent of all provisional ballots cast were thrown out in Ohio. In contrast, only 1.6 percent of regular ballots were discarded. The higher failure rate of provisional ballots is due in part to the lack of uniform statewide standards for counting provisional ballots. This lack of uniform standards is yet another violation of the Voting Rights Act and the Constitution.

The fact is that HB 3 will increase reliance on the provisional voting system. Increased reliance on provisional voting will lead to more uncounted ballots. Because of HB 3, more Ohioans will be disenfranchised. Neither the U.S. Constitution nor the Voting Rights Act tolerate such a result.

The timing of this ill-conceived proposal makes the intent behind HB 3 highly suspect. The new obstacles to voting in HB 3 are scheduled to be implemented for the first time in the November 2006 general election. HB 3 appears designed to tip the scales in favor of preserving Republican control by suppressing traditionally Democratic voters.

We also protest the inclusion of Section 6 in HB 3. Section 6 purports to "clarify" a provision of Ohio law pertaining to requirements for circulators of initiative and referendum petitions. The language offered is not a clarification by any rational meaning of the word.

Whether existing Ohio law requires petition circulators to be residents of the State of Ohio is an issue currently being considered by Ohio courts. It is inappropriate for the Senate to choose sides in this litigation. Instead, the Senate should remain silent on this subject and allow Ohio's independent judiciary to resolve the issue. As HB 3 stands, we hope that Ohio courts will give the uncodified, non-binding statement of intent included in Section 6 all the weight that it is due: none.

The unfortunate truth is that Section 6 is simply a blatant attempt to influence pending litigation. The right of initiative and the conduct of elections strike at the heart of our democracy and deserve a thoughtful and deliberative debate worthy of the constituents we are here to represent. Section

6 is an unwarranted interference with the role of the judiciary.

For the foregoing reasons, we protest the Senate's approval of the Conference Committee Report on House Bill 3.

/s/ C. J. PRENTISS
Senator C.J. Prentiss
Minority Leader

/s/ KIMBERLY ZURZ
Senator Kimberly Zurz
Assistant Minority Leader

/s/ TERESA FEDOR
Senator Teresa Fedor
Minority Whip

/s/ ROBERT HAGAN
Senator Robert Hagan
Assistant Minority Whip

/s/ DAN BRADY
Senator Dan Brady

/s/ MARC DANN
Senator Marc Dann

/s/ ERIC FINGERHUT
Senator Eric Fingerhut

/s/ ERIC KEARNEY
Senator Eric Kearney

/s/ RAY MILLER
Senator Ray Miller

/s/ THOMAS ROBERTS
Senator Thomas Roberts

/s/ CHARLES WILSON
Senator Charles Wilson

On the motion of Senator Jacobson, the Senate adjourned until Wednesday, February 1, 2006 at 1:30 p.m.

Attest:

DAVID A. BATTOCLETTI,
Clerk.