

OHIO

SENATE

JOURNAL

TUESDAY, DECEMBER 13, 2005

ONE HUNDRED TWENTY-FIFTH DAY
 Senate Chamber, Columbus, Ohio
Tuesday, December 13, 2005, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Abeoseh Flemister, Trinity Episcopal Church, 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 bill, standing in order for second consideration, be referred to committee as recommended:

S. B. No. 238-Senators Niehaus, Schuring, Clancy, Padgett, Carey, Spada, Armbruster.

To amend sections 109.57, 109.572, 109.60, 1347.08, 1717.14, 2151.011, 2151.281, 2151.353, 2151.416, 2151.421, 3107.014, 3107.015, 3107.016, 3107.031, 3107.032, 3109.16, 3109.17, 5101.141, 5101.29, 5101.35, 5101.72, 5101.99, 5103.031, 5103.033, 5103.034, 5103.035, 5103.036, 5103.038, 5103.039, 5103.0311, 5103.0312, 5103.0313, 5103.0315, 5103.07, 5103.12, 5104.01, 5104.11, 5104.31, 5153.01, 5153.111, 5153.122, 5153.16, 5153.17, 5153.60, 5153.61, 5153.62, 5153.63, 5153.64, 5153.65, 5153.66, 5153.67, 5153.70, 5153.71, 5153.72, 5153.73, 5153.74, 5153.75, 5153.76, 5153.77, and 5153.78; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 5153.60 (5103.30), 5153.61 (5103.35), 5153.62 (5103.36), 5153.63 (5103.362), 5153.64 (5103.363), 5153.65 (5103.37), 5153.66 (5103.39), 5153.67 (5103.391), 5153.70 (5103.38), 5153.71 (5103.41), 5153.72 (5103.42), 5153.73 (5103.421), 5153.74 (5103.422), 5153.75 (5153.125), 5153.76 (5153.126), 5153.77 (5153.127), and 5153.78 (5103.32); to enact sections 2151.423, 5101.13, 5101.131, 5101.132, 5101.133, 5101.134, 5103.301, 5103.302, 5103.303, 5103.31, 5103.33, 5103.34, 5103.361, 5103.40, 5153.123, 5153.124, and 5153.166; and to repeal sections 5103.037, 5103.13, 5103.131, 5153.68, and 5153.69 of the Revised Code to revise the law governing child welfare and other laws regarding the Department of Job and Family Services.

To the Committee on Health, Human Services and Aging.

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

NO - 0.

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

The report of the committee was accepted.

Said bill was considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Goodman submitted the following report:

The standing committee on Judiciary - Civil Justice, to which was referred **Sub. H. B. No. 136**-Representative Gilb, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Dann.

YES - 8: STEVE STIVERS, JAY HOTTINGER, LYNN R. WACHTMANN, RON AMSTUTZ, MARC DANN, STEPHEN C. AUSTRIA, ERIC H. KEARNEY, ERIC D. FINGERHUT.

NO - 0.

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

The report of the committee was accepted.

Senator Goodman submitted the following report:

The standing committee on Judiciary - Civil Justice, to which was referred **Sub. H. B. No. 139**-Representative Harwood, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Dann.

YES - 9: STEVE STIVERS, JAY HOTTINGER, RON AMSTUTZ, LYNN R. WACHTMANN, DAVID GOODMAN, STEPHEN C. AUSTRIA, ERIC H. KEARNEY, MARC DANN, ERIC D. FINGERHUT.

NO - 0.

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

The report of the committee was accepted.

REPORTS OF CONFERENCE COMMITTEES

Senator Padgett submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on Sub. H.B. 107, Representative Setzer - 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:

Delete lines 89 through 333

In line 1 of the title, delete the comma and insert "and"

In line 3 of the title, delete everything after "Assembly"

Delete line 4 of the title

In line 11 of the title, delete the semicolon and insert "and"

In line 13 of the title, delete "; and"

Delete line 14 of the title

In line 15 of the title, delete everything before the period

Managers on the Part of the House of Representatives	Managers on the Part of the Senate
/s/ <u>ARLENE J. SETZER</u> ARLENE J. SETZER	/s/ <u>JOY PADGETT</u> JOY PADGETT
<u>JOHN M. SCHLICHTER</u>	/s/ <u>RANDY GARDNER</u> RANDY GARDNER
/s/ <u>KENNETH A. CARANO</u> KENNETH A. CARANO	<u>TERESA FEDOR</u>

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

The yeas and nays were taken and resulted - yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

- | | | | |
|----------|------------|----------|------------|
| Amstutz | Armbruster | Austria | Carey |
| Cates | Clancy | Coughlin | Dann |
| Fedor | Fingerhut | Gardner | Goodman |
| Hagan | Hottinger | Jacobson | Jordan |
| Kearney | Miller | Mumper | Niehaus |
| Padgett | Prentiss | Roberts | Schuler |
| Schuring | Spada | Stivers | Wachtmann |
| Wilson | Zurz | | Harris-31. |

Senator Grendell voted in the negative-1.

So the report of Committee of Conference was agreed to.

On the motion of Senator Jacobson the Senate recessed.

The Senate met pursuant to the recess.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 3-Representatives DeWine, Trakas, White, Brown, Law, Uecker, Aslanides, Carmichael, Collier, C. Evans, D. Evans, Faber, Flowers, Gibbs, Hagan, Kearns, McGregor, Peterson, Reidelbach, Schaffer, Schlichter, Seaver, Setzer, G. Smith, Widowfield, Willamowski, Wolpert Senators Jacobson, Harris, Spada, Hottinger.

To amend sections 131.23, 145.38, 303.12, 306.70, 307.791, 322.021, 324.021, 503.162, 504.02, 504.03, 511.28, 511.34, 513.14, 519.12, 745.07, 747.11, 1901.07, 1901.10, 1901.31, 2961.01, 2967.17, 3311.21, 3311.50, 3311.73, 3349.29, 3354.12, 3355.09, 3375.03, 3501.01, 3501.05, 3501.10, 3501.11, 3501.13, 3501.26, 3501.30, 3501.33, 3501.35, 3501.38, 3501.39, 3503.06, 3503.11, 3503.13, 3503.14, 3503.16, 3503.19, 3503.21, 3503.23, 3503.24, 3505.062, 3505.063, 3505.16, 3505.18, 3505.19, 3505.20, 3505.21, 3505.22, 3505.25, 3505.26, 3505.27, 3505.32, 3506.01, 3506.05, 3506.12, 3506.13, 3506.18, 3509.02, 3509.06, 3509.08, 3509.09, 3511.13, 3513.04, 3513.041, 3513.05, 3513.052, 3513.07, 3513.09, 3513.19, 3513.20, 3513.22, 3513.257, 3513.259, 3513.261, 3513.30, 3515.03, 3515.04, 3515.07, 3515.08, 3515.13, 3517.01, 3517.081, 3517.092, 3517.10, 3517.106, 3517.1011, 3517.12, 3517.13, 3517.153, 3517.992, 3519.01, 3519.03, 3519.04, 3519.05, 3523.05, 3599.11, 3599.111, 3599.13, 3599.14, 3599.21, 3599.24, 3599.38, 4301.33, 4301.331, 4301.332, 4301.333, 4301.334, 4305.14, 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, to enact sections 109.95, 3501.052, 3501.19, 3501.24, 3501.382, 3501.90, 3503.15, 3503.28, 3503.29, 3505.181, 3505.182, 3505.183, 3506.20, 3506.21, 3506.22, 3506.23, 3515.041, 3515.072, 3519.051, and 3519.07, and to repeal section 3503.27 of the Revised Code to revise the Election Law, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 3**, pass?"

Senator Coughlin moved to amend as follows:

Delete lines 74 through 81

In line 609, after "Address" insert "of circulator's permanent residence in

this state"

In line 657, reinsert "once a"; delete "twice during the"; reinsert "for"; after "~~four~~" insert "two"

In line 658, reinsert "consecutive weeks"

In line 699, reinsert "once a"; delete "twice during the"; reinsert "for"; after "four" insert "two"; reinsert "consecutive"

In line 700, reinsert "weeks"

In line 731, reinsert "once a"; delete "twice during the"; reinsert "for"; after "~~four~~" insert "two"; reinsert "consecutive weeks"

In line 763, reinsert "once a"; delete "twice during the"; reinsert "for"; after "~~four~~" insert "two"; reinsert "consecutive weeks"

In line 792, delete "twice"

In line 793, after "township" insert "once a week"; reinsert "for"; after "~~three~~" insert "two"

In line 794, reinsert "consecutive weeks"

In line 828, delete "twice"

In line 829, after "township" insert "once a week"; reinsert "for"; after "~~three~~" insert "two"; reinsert "consecutive weeks"

In line 867, delete "twice"; after "township" insert "once a week"; reinsert "for"

In line 868, after "~~three~~" insert "two"; reinsert "consecutive weeks"

In line 935, reinsert "once a"; delete "twice during the"; reinsert "for"; after "~~four~~" insert "two"; reinsert "consecutive weeks"

In line 1018, reinsert "once a"; delete "twice"

In line 1019, delete "during the"; reinsert "for"; after "~~four~~" insert "two"; reinsert "consecutive weeks"

In line 1066, reinsert "once a"

In line 1067, delete "twice during the"; reinsert "for"; after "three" insert "two consecutive"; reinsert "weeks"

In line 1290, after "Address" insert "of circulator's permanent residence in this state"

In line 1339, reinsert "once a week for"; after "~~four~~" insert "two"; reinsert "consecutive weeks"; delete "twice"

In line 1364, delete "twice"

In line 1365, strike through the comma; reinsert "once a week for"; after "~~four~~" insert "two"; reinsert "consecutive"

In line 1366, reinsert "weeks prior to"; after "~~such~~" insert "the"; reinsert "election,"

In line 2204, reinsert "once"; delete "twice"

In line 2205, delete "during the" and insert "a"; reinsert "for"; after "~~three~~" insert "two"; reinsert "consecutive weeks"

In line 2338, reinsert "once a"; delete "twice during the"; reinsert "for"; after "~~four~~" insert "two"; reinsert "consecutive"

In line 2339, reinsert "weeks"

In line 2411, reinsert "once a"; delete "twice during the"

In line 2412, reinsert "for"; after "~~three~~" insert "two"; reinsert "consecutive weeks"

In line 2465, reinsert "once a"; delete "twice during the"; reinsert "for"; after "~~four~~" insert "two"

In line 2466, reinsert "consecutive weeks"

In line 2541, reinsert "once"; delete "twice during the"; and insert "a"; reinsert "for"; after "~~three~~" insert "two consecutive"; reinsert "weeks"

In line 2609, reinsert "once"; delete "twice during the" and insert "a"; reinsert "for"; after "~~three~~" insert "two consecutive"; reinsert "weeks"

In line 2695, after "Address" insert "of circulator's permanent residence in this state"

In line 2934, delete "within twenty-four hours" and insert "as soon as is practicable"; after "issued" insert ", but not later than the close of business on the same day as a directive or advisory is issued"

In line 3052, after "conference" insert "or teleconference"

In line 3058, after "conference" insert "or teleconference"

In line 3059, after "conference" insert "or teleconference"

In line 3577, delete the first "and" and insert ", the"; after "address" insert "of the circulator's permanent residence."

In line 3833, reinsert everything after "election"

In line 3834, reinsert "any nominating"; reinsert "or recall petition,"

In line 3839, delete the first underlined comma and insert "or"; delete ", declaration of candidacy, nominating, or"

In line 3840, delete "recall"

In line 3874, delete the underline comma and insert "or"

In line 3875, delete everything after "referendum"

In line 4821, delete ". If" and insert ", who then shall file with the secretary of state in accordance with division (A) of section 3519.01 of the Revised Code a verified copy of the proposed law or constitutional amendment together with its summary and the attorney general's certification of it.

If"

In line 4826, after the underlined period insert "If the board so divides an initiative petition and so certifies its approval to the attorney general, the petitioners shall resubmit to the attorney general appropriate summaries for each of the individual petitions arising from the board's division of the initiative petition, and the attorney general then shall review the resubmissions as provided in division (A) of section 3519.01 of the Revised Code."

In line 4835, strike through "eighty" and insert "seventy-five"

In line 6383, after "with" insert "the formula set forth in"

In line 7539, delete "of circulator" and insert "of circulator's permanent residence in this state"

In line 8040, after "Address" insert "of circulator's permanent residence in this state"

In line 8618, after "dollars" insert "or less"

In line 9616, reinsert "The"; delete the balance of the line

In line 9617, delete "section, the"

In line 9621, delete everything after "(2)" and insert "In reporting the contribution, the recipient of the contribution shall be entitled to conclusively rely upon the information provided by the partnership or other unincorporated business, provided that the information includes one of the following:

(a) The name of each partner, owner, or member as of the date of the contribution or contributions, and a statement that the total contributions are to be allocated equally among all of the partners, owners, or members; or

(b) The name of each partner, owner, or member as of the date of the contribution or contributions who is participating in the contribution or contributions, and a statement that the contribution or contributions are to be allocated to those individuals in accordance with the information provided by the partnership or other unincorporated business to the recipient of the contribution."

Delete lines 9622 through 9637

In line 9640, delete "or (2)"

In line 9646, delete "or (2)"; delete ", as applicable" and insert "together with the information provided under division (I)(2) of this section"

In line 9648, reinsert "solely in the name of the"

In line 9649, reinsert "partnership or other unincorporated business"; delete the

balance of the line

Delete line 9650

In line 9651, delete everything before the period

In line 11116, reinsert the stricken language

In line 11117, delete "violates"

In line 11122, reinsert "accepts a"

In line 11123, reinsert "contribution in violation of"; delete "violates"

In line 11239, delete everything after the period

Delete lines 11240 through 11243

In line 11244, delete everything before "If" and insert "Within ten days after the receipt of the written petition and the summary of it, the attorney general shall conduct an examination of the summary."

In line 11247, after "certify" insert "and then forward the submitted petition to the Ohio ballot board for its approval under division (A) of section 3505.062 of the Revised Code"; strike through "A" and insert "If the Ohio ballot board returns the submitted petition to the attorney general with its certification as described in that division, the attorney general shall then file with the secretary of state a"

In line 11248, strike through the comma; strike through the first "the" and insert "its"

In line 11249, strike through ", shall then be filed with the"

In line 11250, strike through "secretary of state"

Between lines 11250 and 11251, insert:

"Whenever the Ohio ballot board divides an initiative petition into individual petitions containing only proposed law or constitutional amendment under division (A) of section 3505.062 of the Revised Code resulting in the need for the petitioners to resubmit to the attorney general appropriate summaries for each of the individual petitions arising from the board's division of the initiative petition, the attorney general shall review the resubmitted summaries, within ten days after their receipt, to determine if they are a fair and truthful statement of the respective proposed laws or constitutional amendments and, if so, certify them. These resubmissions shall contain no new explanations or arguments. Then, the attorney general shall file with the secretary of state a verified copy of each of the proposed laws or constitutional amendments together with their respective summaries and the attorney general's certification of each."

In line 11572, delete everything after "or"

Delete line 11573

In line 11574, delete "before the election."

In line 11577, after "earlier" insert ", unless the registration form is received by the person within twenty-four hours of the thirtieth day before the election, in which case the person shall return the registration form to the board of elections or the office of the secretary of state within ten days of its receipt"

In line 11593, delete ", unless"

Delete line 11594

In line 11595, delete everything before "on"

In line 11596, after "earlier" insert ", unless the registration form is received by the person within twenty-four hours of the thirtieth day before the election, in which case the person shall return the registration form to the board of elections or the office of the secretary of state within ten days of its receipt"

In line 12446, reinsert "once a"; delete "twice during the"; reinsert "for"; after "~~four~~" insert "two"; reinsert "consecutive weeks"

In line 12509, reinsert "once a"; delete "twice during the"; reinsert "for"; after "~~four~~" insert "two"; reinsert "consecutive weeks"

In line 12622, reinsert "once a"; delete "twice during the"; reinsert "for"; after "~~three~~" insert "two"; reinsert "consecutive"

In line 12623, reinsert "weeks"

In line 12656, reinsert "once a"; delete "twice during the"; reinsert "for"; after "~~three~~" insert "two"

In line 12657, reinsert "consecutive weeks"

In line 12736, reinsert "once a"; delete "twice during the"; reinsert "for"; after "~~four~~" insert "two"

In line 12737, reinsert "consecutive weeks"

In line 12863, reinsert "once a"; delete "twice during the"

In line 12864, reinsert "for"; after "~~four~~" insert "two"; reinsert "consecutive weeks"

In line 13021, reinsert "once a"; delete "twice during the"; reinsert "for"; after "~~four~~" insert "two"; reinsert "consecutive weeks"

In line 13101, reinsert "once a"; delete "twice during the"; reinsert "for"; after "~~four~~" insert "two"

In line 13102, reinsert "consecutive weeks"

In line 13262, reinsert "once a"; delete "twice during the"; reinsert "for"; after "~~four~~" insert "two"

In line 13263, reinsert "consecutive weeks"

In line 13309, reinsert "once a"; delete "twice during the"

In line 13310, reinsert "for"; after "~~four~~" insert "two"; reinsert "consecutive weeks"

In line 13360, reinsert "once a"; delete "twice during the"; reinsert "for"; after "~~four~~" insert "two"

In line 13361, reinsert "consecutive weeks"

In line 13519, reinsert "once a"; delete "twice during the"

In line 13520, reinsert "for"; after "~~four~~" insert "two"; reinsert "consecutive weeks"

In line 13553, reinsert "once a"; delete "twice during the"

In line 13554, reinsert "for"; after "~~four~~" insert "two"; reinsert "consecutive weeks"

In line 13724, reinsert "once a"

In line 13725, delete "twice during the"; reinsert "for"; after "~~four~~" insert "two"; reinsert "consecutive weeks"

In line 13826, reinsert "once a"; delete "twice during the"; reinsert "for"; after "~~four~~" insert "two"; reinsert "consecutive weeks"

In line 13903, delete "division (B)(8) of section"

In line 13904, delete "3517.01 and"

In line 13910, after "**6.**" insert "The amendments made to section 3503.06 of the Revised Code are intended to clarify that Ohio law requires the circulators of initiative and referendum petitions to be residents of this state. Those amendments shall not be construed to mean that Ohio law did not prior to the effective date of this act require circulators to be residents of this state.

Section 7."

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

The amendment was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 3**, pass?"

Senator Coughlin moved to amend as follows:

In line 2920, after "pollbook" insert ", except for a driver's license or a state identification card issued under section 4507.50 of the Revised Code, which may show either the current or former address of the individual to whom it was issued, regardless of whether that address conforms to the address in the poll list or signature pollbook"

In line 3353, delete "that"

Delete lines 3354 through 3362 and insert "stating as follows:

"Voters must bring identification to the polls in order to verify identity. Identification may include a current and valid photo identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than this reminder, 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."

In line 4015, after "document" insert ", 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,"

In line 4148, after "(1)" insert "(a)"; strike through "or"

Strike through line 4149

In line 4150, strike through "precinct"

In line 4151, strike through "or"

In line 4152, strike through everything before "with"

In line 4155, strike through everything after "residence"

In line 4156, strike through "appropriate"; after the comma insert "showing identification in the form of a current and valid photo identification 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 current address of the elector,"; delete "provisional"; delete "under section"

In line 4157, delete "3505.181 of the Revised Code"; after the period insert "If the elector provides either a driver's license or a state identification card issued under section 4507.50 of the Revised Code that does not contain the elector's current residence address, the elector shall provide the last four digits of the elector's driver's license number or state identification card number, and the precinct election official shall mark the poll list or signature pollbook to indicate that the elector has provided a driver's license or state identification card number with a former address and record the last four digits of the elector's driver's license number or state identification card number.

(b) Any registered elector who changes the name of that registered

elector and remains within a precinct on or prior to the day of a general, primary, or special election and has not filed a notice of change of name with the board of elections may vote in that election by going to that registered elector's assigned polling place, completing and signing a notice of a change of name, and casting a provisional ballot under section 3505.181 of the Revised Code."

In line 4420, delete "(C)(2)" and insert "(B)(2)(c)"; after the first "of" insert "this"; delete "3599.11 of the"

In line 4421, delete "Revised Code"

In line 4422, delete "the" and insert "any"

Delete line 4423

In line 4424, delete everything before the underlined period and insert "or the office of the secretary of state"

Between lines 4424 and 4425, insert:

"(c) A person who receives compensation for registering a voter shall return any registration form entrusted to that person by an applicant to any board of elections or to the office of the secretary of state.

(d) If a board of elections or the office of the secretary of state receives a registration form under division (B)(2)(b) or (c) of this section before the thirtieth day before an election, the board or the office of the secretary of state, as applicable, shall forward the registration to the board of elections of the county in which the applicant is seeking to register to vote within ten days after receiving the application. If a board of elections or the office of the secretary of state receives a registration form under division (B)(2)(b) or (c) of this section on or after the thirtieth day before an election, the board or the office of the secretary of state, as applicable, shall forward the registration to the board of elections of the county in which the applicant is seeking to register to vote within thirty days after that election."

In line 4434, after "vote" insert "~~The~~"

In line 4435, delete everything after "type"

Delete lines 4436 through 4444 and insert "as follows:

"Voters must bring identification to the polls in order to verify identity. Identification may include a current and valid photo identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than this notification or a notification of an election mailed by a board of elections, 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."

In line 4704, delete everything after "(6)"

Delete lines 4705 through 4713 and insert "A notice, which shall be written 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, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election or a voter registration notification sent by a board of elections, 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."

In line 4910, after "document" insert ", 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."; after the underlined period insert "If the elector provides either a driver's license or a state identification card issued under section 4507.50 of the Revised Code that does not contain the elector's current residence address, the elector shall provide the last four digits of the elector's driver's license number or state identification card number, and the precinct election official shall mark the poll list or signature pollbook to indicate that the elector has provided a driver's license or state identification card number with a former address and record the last four digits of the elector's driver's license number or state identification card number."

In line 4911, after "elector" insert "has but"

In line 4913, after the underlined comma insert "but has a social security number."

In line 4919, after "elector" insert "has but"

In line 4921, delete "or" and insert "and if the elector has a social security number but is unable"

In line 4951, delete everything after "elector"

In line 4952, delete everything before the underlined comma and insert "has but declines to provide to the precinct election officials any of the forms of identification required under division (A)(1) of this section or the elector has a social security number but declines to provide to the precinct election officials the last four digits of the elector's social security number"

In line 5010, after "who" insert "has a social security number and"

In line 5014, after "who" insert "has but"

In line 5016, delete "or" and insert "and who has a social security number but is unable"

In line 5018, delete the underlined period and insert an underlined semicolon

In line 5048, delete "moves within a precinct."

In line 5073, delete everything after "who"

Delete lines 5074 and 5075

In line 5076, delete "address" and insert "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"

In line 5097, delete everything after the underlined period

Delete lines 5098 through 5104

In line 5136, delete ", in the form of a current"

Delete line 5137

In line 5138, delete "address instead of current address."

In line 5140, after "document" insert ", 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."

In line 5158, delete "or"; after "(13)" insert ", or (14)"

In line 5169, delete "or"; after "(13)" insert ", or (14)"

In line 5174, delete "or" and insert an underlined comma; after "(13)" insert ", or (14)"

In line 5176, delete "either" and insert "any"

In line 5181, after "document" insert ", 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."

In line 5183, after "number" insert ";

(iii) In the case of a provisional ballot executed pursuant to division (A)(13) of this section, execute an affirmation as permitted under division (A)(4) of section 3505.18 of the Revised Code"

In line 5283f, after "document" insert ", 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."

In line 5292c, after "document" insert ", 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."

In line 5314, delete "but" and insert ", other than a driver's license or a state identification card."

In line 5319, after "document" insert ", 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."

In line 5322, delete "did" and insert "is"; after "not" insert "able to"

In line 5325, after "document" insert ", 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."

In line 5332, after "document" insert ", 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."; after "address" insert "but does have one of these forms of identification"

Between lines 5343 and 5344, insert:

".... The provisional voter does not have a current and valid photo identification, 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."

In line 5344, delete "did not" and insert "declined to"

In line 5348, delete "and did not"

In line 5349, delete "execute an affirmation" and insert "but does have one of these forms of identification or a social security number"

In line 5457, after "document" insert ", 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."

In line 11570, strike through "the" and insert "any"

In line 11571, delete everything after "elections"

Delete lines 11572 and 11573

In line 11574, delete "before the election, to a designated agency in that county" and insert "or the office of the secretary of state"

In line 11577, after "earlier" insert ", unless the registration form is received by the person within twenty-four hours of the thirtieth day before the election, in which case the person shall return the registration form to any board of elections or the office of the secretary of state within ten days of its receipt"

In line 11584, delete "the" and insert "any"; delete "of"

Delete line 11585

In line 11586, delete everything before the underlined period and insert "or the office of the secretary of state"

In line 11591, delete the first "the" and insert "any"; delete "of the county"

In line 11592, delete everything before "within" and insert "or the office of the secretary of state"

In line 11593, delete ", unless"

Delete line 11594

In line 11595, delete everything before "on"

In line 11596, after "earlier" insert ", unless the registration form is received by the person within twenty-four hours of the thirtieth day before the election, in which case the person shall return the registration form to any board of elections or the office of the secretary of state within ten days of its receipt"

In line 11601, delete "the" and insert "any"; delete the second "of"

In line 11602, delete everything before the underlined period and insert "or the office of the secretary of state"

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

The yeas and nays were taken and resulted - yeas 30, nays 2, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Dann
Fedor	Fingerhut	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Kearney	Mumper	Niehaus
Padgett	Roberts	Schuler	Schuring
Spada	Stivers	Wachtmann	Wilson
Zurz			Harris-30.

Senators Miller and Prentiss voted in the negative-2.

The amendment was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 3**, pass?"

Senator Fedor moved to amend as follows:

In line 41, delete "3505.18,"

In line 53, after "109.95," insert "3501.031,"

In line 55, after "3506.23," insert "3506.24,"

Between lines 2925 and 2926, insert:

"Sec. 3501.031. (A) As used in this section, "minority group" includes any group listed in division (E)(1) of section 122.71 of the Revised Code.

(B) Whenever a board of elections is required to publish a notice relating to an upcoming election on a question or issue in a newspaper of general circulation in a particular geographic area under section 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, or 6119.18 of the Revised Code and to post that notice under any of those sections for thirty days on its web site or, if the board does not operate and maintain its own web site, on the web site it operates and maintains on free internet space under section 3501.24 of the Revised Code, the board also shall cause the notice to be published, for the same time period as the general circulation newspaper publication, in a newspaper circulating in that same geographic area whose primary readership consists of members of a minority group, if such a newspaper circulates in that geographic area."

In line 3075, after "(AA)" insert "Include on the web site of the office of the secretary of state a method by which a voter may determine whether the voter is registered to vote and the voter's polling place;

(BB)"

In line 4464, delete "and to vote by"

In line 4465, delete everything before the underlined period

In line 4466, delete "provisional"; delete everything after "counted"

In line 4467, delete "section 3505.183 of the Revised Code"

In line 4471, delete "provisional"

Delete line 4472

In line 4473, delete everything before the underlined comma

In line 4481, delete "by"

Delete line 4482

Delete lines 4903 through 5516 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 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;

(3) 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;

(4) 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;

(5) An individual whose notice of election has been returned undelivered to the board of elections and whose name in the official registration list and poll list or signature pollbook has been marked under division (B) of section 3501.19 of the Revised Code;

(6) An individual who moves within a precinct, 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;

(7) 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;

(8) 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.

(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 or the voter information contained in the written affirmation executed by the individual under division (B)(2) of this section 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 information is transmitted under division (B)(3) of this section determines that the individual is eligible to vote in that jurisdiction, the individual's provisional ballot shall be counted as a vote in that election for any office, question, or issue that appears on the ballot for the precinct within which the individual's voting residence is located.

(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 an individual casts a provisional ballot pursuant to division (A)(3) or (4) 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.

(7) During the ten days after the day of an election, an individual who casts a provisional ballot pursuant to division (A)(3) of this section may 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.

For a provisional ballot cast pursuant to division (A)(3) 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 jurisdiction, 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 any of the precincts that have their precinct

polling places located at that particular polling location.

(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 a precinct for which the precinct polling place is located at this polling location, 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)

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:

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.

.....
(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.

Sec. 3505.183. (A) When the ballot boxes are delivered to the board of elections from the precincts, the board shall separate the provisional ballot envelopes from the rest of the ballots. Teams of employees of the board consisting of one member of each major political party shall place the sealed provisional ballot envelopes in a sealed container. The sealed provisional ballot envelopes shall remain in that sealed container until the validity of those ballots is determined under division (B) of this section.

(B)(1) To determine whether a provisional ballot is valid and entitled to be counted, the board shall examine its records and determine whether the individual who cast the provisional ballot is registered and eligible to vote in the applicable election. The board shall examine the information contained in the written affirmation executed by the individual who cast the provisional ballot under division (B)(2) of section 3505.181 of the Revised Code. The following information shall be included in the written affirmation in order for the provisional ballot to be eligible to be counted:

(a) The individual's name and signature;

(b) A statement that the individual is a registered voter in the jurisdiction in which the provisional ballot is being voted;

(c) A statement that the individual is eligible to vote in the election in which the provisional ballot is being voted.

(2) In addition to the information required to be included in the written affirmation under division (B)(1) of this section, in determining whether a provisional ballot is valid and entitled to be counted, the board also shall examine any additional information for determining ballot validity provided by the provisional voter on the written affirmation, provided by the provisional voter to an election official under section 3505.182 of the Revised Code, or provided to the board of elections during the ten days after the day of the election under division (B)(7) of section 3505.181 of the Revised Code, to assist the board in determining the individual's eligibility to vote.

(3) If, in examining a provisional ballot affirmation and additional information under divisions (B)(1) and (2) of this section, the board determines that all of the following apply, the provisional ballot envelope shall be opened, and the ballot shall be placed in a ballot box to be counted:

(a) The individual named on the written affirmation is properly registered to vote.

(b) The individual named on the written affirmation is eligible to cast a ballot in a precinct for which the precinct polling place was located at the particular polling location and for the election in which the individual cast the provisional ballot.

(c) The individual provided all of the information required under division (B)(1) of this section in the written affirmation that the individual executed at the time the individual cast the provisional ballot.

(d) If applicable, the individual provided any additional information required under division (B)(7) of section 3505.181 of the Revised Code within ten days after the day of the election.

(e) If applicable, the hearing conducted under division (B) of section 3503.24 of the Revised Code after the day of the election resulted in the individual's inclusion in the official registration list.

(4)(a) If, in examining a provisional ballot affirmation and additional information under divisions (B)(1) and (2) of this section, the board determines that any of the following applies, the provisional ballot envelope shall not be opened, and the ballot shall not be counted:

(i) The individual named on the written affirmation is not qualified or is not properly registered to vote.

(ii) The individual named on the written affirmation is not eligible to cast a ballot in a precinct for which the precinct polling place was located at the particular polling location or for the election in which the individual cast the provisional ballot.

(iii) The individual did not provide all of the information required under division (B)(1) of this section in the written affirmation that the individual executed at the time the individual cast the provisional ballot.

(iv) The individual has already cast a ballot for the election in which the individual cast the provisional ballot.

(v) If applicable, the individual did not provide any additional information required under division (B)(7) of section 3505.181 of the Revised Code within ten days after the day of the election.

(vi) If applicable, the hearing conducted under division (B) of section 3503.24 of the Revised Code after the day of the election did not result in the individual's inclusion in the official registration list.

(b) If, in examining a provisional ballot affirmation and additional information under divisions (B)(1) and (2) of this section, the board is unable to determine either of the following, the provisional ballot envelope shall not be opened, and the ballot shall not be counted:

(i) Whether the individual named on the written affirmation is qualified or properly registered to vote;

(ii) Whether the individual named on the written affirmation is eligible to cast a ballot in a precinct for which the precinct polling place was located at the particular polling location or for the election in which the individual cast the provisional ballot.

(C)(1) For each provisional ballot rejected under division (B)(4) of this section, the board shall record the name of the provisional voter who cast the ballot, the identification number of the provisional ballot envelope, the names of the election officials who determined the validity of that ballot, the date and time that the determination was made, and the reason that the ballot was not counted.

(2) Provisional ballots that are rejected under division (B)(4) of this section shall not be counted but shall be preserved in their provisional ballot envelopes unopened 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.

(D) Provisional ballots that the board determines are eligible to be counted under division (B)(3) of this section shall be counted in the same manner as provided for other ballots under section 3505.27 of the Revised Code. No provisional ballots shall be counted in a particular county until the board determines the eligibility to be counted of all provisional ballots cast in that county under division (B) of this section for that election. Observers, as provided in section 3505.21 of the Revised Code, may be present at all times that the board is determining the eligibility of provisional ballots to be counted and counting those provisional ballots determined to be eligible. No person shall recklessly disclose the count or any portion of the count of provisional ballots in such a manner as to jeopardize the secrecy of any individual ballot.

(E)(1) Except as otherwise provided in division (E)(2) of this section, nothing in this section shall prevent a board of elections from examining provisional ballot affirmations and additional information under divisions (B)(1) and (2) of this section to determine the eligibility of provisional ballots to be counted during the ten days after the day of an election.

(2) A board of elections shall not examine the provisional ballot affirmation and additional information under divisions (B)(1) and (2) of this section of any provisional ballot for which an election official has indicated under division (B)(6) of section 3505.181 of the Revised Code that additional information is required for the board of elections to determine the eligibility of the individual who cast that provisional ballot until the individual provides any information required under division (B)(7) of section 3505.181 of the Revised Code, until any hearing required to be conducted under section 3503.24 of the Revised Code with regard to the provisional voter is held, or until the eleventh day after the day of the election, whichever is earlier."

Between lines 6386 and 6387, insert:

"Sec. 3506.24. Any county that uses direct recording electronic voting machines with a voter verified paper audit trail as the primary voting system for the county and not only for accessibility for individuals with disabilities under section 3506.19 of the Revised Code, within two months after the day of each general election in which a county office or a county question or issue is on the ballot, shall conduct a complete recount of any one county office or any one county question or issue voted on at that election using the voter verified paper audit trail produced by those machines. The county office or county question or issue to be recounted shall be selected at random from all of the county offices, questions, and issues voted upon at that election. A recount conducted under this section shall be for the purpose of verifying the accuracy of those machines and shall not change the result of the election as determined by the official canvass of the election returns for that election."

In line 13868, delete "3505.18,"

In line 13910, after "6." insert "(A) There is hereby created the Provisional Ballot Study Committee consisting of the following eight members:

- (1) One member of the Senate who is a member of the majority party, appointed by the President of the Senate;
- (2) One member of the Senate who is a member of the minority party, appointed by the Senate Minority Leader;
- (3) One member of the House of Representatives who is a member of the majority party, appointed by the Speaker of the House of Representatives;
- (4) One member of the House of Representatives who is a member of the minority party, appointed by the Minority Leader of the House of Representatives;
- (5) One representative of the League of Women Voters of Ohio, appointed by that organization;
- (6) One representative of the Ohio Association of Election Officials, appointed by that organization;
- (7) One representative of the office of the Secretary of State, appointed by the Secretary of State;
- (8) One representative of a county board of elections who is a chairperson of a county board of elections and is a member of a party other than the party of the Secretary of State, appointed by the Governor.

(B) The functions of the Committee shall be as follows:

- (1) To study for the four calendar year period of 2006 through 2009 how the provisional ballot provisions of this act have been implemented and the effects, positive or negative, of the casting of provisional ballots on elections in this state;
- (2) To submit a report to the President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Governor, and the Secretary of State by July 1, 2010, containing the findings of the study referred to in division (B)(1) of this section and recommendations for necessary changes in state law, or in administrative elections practices of the office of the Secretary of State and county boards of elections, to minimize any negative effects the Committee perceives from the casting of provisional ballots on elections in this state.

(C)(1) Within thirty days after the effective date of this act, appointments of the initial members of the Committee shall be made. Within sixty days after the effective date of this act, the Committee shall conduct its initial meeting at a time and place designated by the Secretary of State. At that meeting, the Committee shall organize itself by selecting a chairperson and any other desired officers from among its members. Thereafter, the Committee shall meet periodically at the call of the chairperson or any five members of the Committee.

Five members of the Committee constitute a quorum for the conduct of its official business and for the taking of any official action. The Committee

shall be subject to the requirements of section 121.22 of the Revised Code.

(2) The members of the Committee shall serve at the pleasure of their appointing authority. Any vacancy on the Committee shall be filled in the same manner as the original appointment.

(3) Members of the Committee shall serve without compensation or reimbursement for their expenses incurred in connection with the performance of their official Committee duties.

(D) The Committee is not subject to sections 101.82 to 101.87 of the Revised Code.

Section 7."

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

Senator Coughlin moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 22, nays 10, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Gardner
Goodman	Grendell	Hottinger	Jacobson
Jordan	Mumper	Niehaus	Padgett
Schuler	Schuring	Spada	Stivers
Wachtmann			Harris-22.

Those who voted in the negative were: Senators

Dann	Fedor	Fingerhut	Hagan
Kearney	Miller	Prentiss	Roberts
Wilson			Zurz-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 3**, pass?"

Senator Zurz moved to amend as follows:

Delete lines 34 through 13918 and insert:

"**Section 1.** That sections 3501.05, 3501.11, 3503.13, and 3503.21 be amended and sections 3503.15 and 3505.181 of the Revised Code be enacted to read as follows:

Sec. 3501.05. The secretary of state shall do all of the following:

- (A) Appoint all members of boards of elections;
- (B) Issue instructions by directives and advisories to members of the boards as to the proper methods of conducting elections;
- (C) Prepare rules and instructions for the conduct of elections;
- (D) Publish and furnish to the boards from time to time a sufficient number of indexed copies of all election laws then in force;
- (E) Edit and issue all pamphlets concerning proposed laws or amendments required by law to be submitted to the voters;
- (F) Prescribe the form of registration cards, blanks, and records;
- (G) Determine and prescribe the forms of ballots and the forms of all blanks, cards of instructions, pollbooks, tally sheets, certificates of election, and forms and blanks required by law for use by candidates, committees, and boards;
- (H) Prepare the ballot title or statement to be placed on the ballot for any proposed law or amendment to the constitution to be submitted to the voters of the state;
- (I) Certify to the several boards the forms of ballots and names of candidates for state offices, and the form and wording of state referendum questions and issues, as they shall appear on the ballot;
- (J) Give final approval to ballot language for any local question or issue approved and transmitted by boards of elections under section 3501.11 of the Revised Code;
- (K) Receive all initiative and referendum petitions on state questions and issues and determine and certify to the sufficiency of those petitions;
- (L) Require such reports from the several boards as are provided by law, or as the secretary of state considers necessary;
- (M) Compel the observance by election officers in the several counties of the requirements of the election laws;
- (N)(1) Except as otherwise provided in division (N)(2) of this section, investigate the administration of election laws, frauds, and irregularities in elections in any county, and report violations of election laws to the attorney general or prosecuting attorney, or both, for prosecution;
- (2) On and after August 24, 1995, report a failure to comply with or a violation of a provision in sections 3517.08 to 3517.13, 3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised Code, whenever the secretary of state has or should have knowledge of a failure to comply with or a violation of a provision in one of those sections, by filing a complaint with the Ohio elections commission under section 3517.153 of the Revised Code;
- (O) Make an annual report to the governor containing the results of elections, the cost of elections in the various counties, a tabulation of the votes in

the several political subdivisions, and other information and recommendations relative to elections the secretary of state considers desirable;

(P) Prescribe and distribute to boards of elections a list of instructions indicating all legal steps necessary to petition successfully for local option elections under sections 4301.32 to 4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code;

~~(Q) Prescribe a general program~~ Adopt rules pursuant to Chapter 119. of the Revised Code to require each board of elections to remove ineligible voters from official registration lists by reason of change of the statewide voter registration database and, if already prepared for a particular election, from the poll list or signature pollbook used in each precinct, which rules shall provide for all of the following:

(1) A process for the removal of voters who have changed residence, which shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 and the National Voter Registration Act of 1993, including a program that uses the national change of address service provided by the United States postal system through its licensees;

(2) A process for the removal of ineligible voters under section 3503.21 of the Revised Code;

(3) A uniform system for marking or removing the name of an ineligible voter from the statewide voter registration database and, if already prepared for a particular election, from the poll list or signature pollbook used in each precinct and noting the reason for that mark or removal.

(R) Prescribe a general program for registering voters or updating voter registration information, such as name and residence changes, at designated agencies, the offices of deputy registrars of motor vehicles, public high schools and vocational schools, public libraries, and the offices of county treasurers, and prescribe a program of distribution of voter registration forms through those agencies, the offices of the registrar and deputy registrars of motor vehicles, public high schools and vocational schools, public libraries, and the offices of county treasurers;

(S) To the extent feasible, provide copies, at no cost and upon request, of the voter registration form in post offices in this state;

(T) Adopt rules pursuant to section 111.15 of the Revised Code for the purpose of implementing the program for registering voters at designated agencies and the offices of the registrar and deputy registrars of motor vehicles consistent with this chapter;

(U) Specify, by a directive issued not later than thirty-five days prior to the date of an election, the date by which the boards shall complete the canvass of election returns under section 3505.32 or 3513.22 of the Revised Code;

(V) Establish the full-time position of Americans with Disabilities Act

coordinator within the office of the secretary of state to do all of the following:

(1) Assist the secretary of state with ensuring that there is equal access to polling places for persons with disabilities;

(2) Assist the secretary of state with ensuring that each voter may cast the voter's ballot in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters;

(3) Advise the secretary of state in the development of standards for the certification of voting machines, marking devices, and automatic tabulating equipment.

(W) Establish a computerized statewide database of all legally registered voters under section 3503.15 of the Revised Code that complies with the requirements of the "Help America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666, and provide training in the operation of that system;

(X) Establish a process by which an individual who casts a provisional ballot may appeal the decision not to count that ballot;

(Y) Establish a uniform standard for the counting of provisional ballots cast under section 3505.181 of the Revised Code;

(Z) Perform other duties required by law.

Whenever a primary election is held under section 3513.32 of the Revised Code or a special election is held under section 3521.03 of the Revised Code to fill a vacancy in the office of representative to congress, the secretary of state shall establish a deadline, notwithstanding any other deadline required under the Revised Code, by which any or all of the following shall occur: the filing of a declaration of candidacy and petitions or a statement of candidacy and nominating petition together with the applicable filing fee; the filing of protests against the candidacy of any person filing a declaration of candidacy or nominating petition; the filing of a declaration of intent to be a write-in candidate; the filing of campaign finance reports; the preparation of, and the making of corrections or challenges to, precinct voter registration lists; the receipt of applications for absent voter's ballots or armed service absent voter's ballots; the supplying of election materials to precincts by boards of elections; the holding of hearings by boards of elections to consider challenges to the right of a person to appear on a voter registration list; and the scheduling of programs to instruct or reinstruct election officers.

In the performance of the secretary of state's duties as the chief election officer, the secretary of state may administer oaths, issue subpoenas, summon witnesses, compel the production of books, papers, records, and other evidence, and fix the time and place for hearing any matters relating to the administration and enforcement of the election laws.

In any controversy involving or arising out of the adoption of registration or the appropriation of funds for registration, the secretary of state may, through

the attorney general, bring an action in the name of the state in the court of common pleas of the county where the cause of action arose or in an adjoining county, to adjudicate the question.

In any action involving the laws in Title XXXV of the Revised Code wherein the interpretation of those laws is in issue in such a manner that the result of the action will affect the lawful duties of the secretary of state or of any board of elections, the secretary of state may, on the secretary of state's motion, be made a party.

The secretary of state may apply to any court that is hearing a case in which the secretary of state is a party, for a change of venue as a substantive right, and the change of venue shall be allowed, and the case removed to the court of common pleas of an adjoining county named in the application or, if there are cases pending in more than one jurisdiction that involve the same or similar issues, the court of common pleas of Franklin county.

Public high schools and vocational schools, public libraries, and the office of a county treasurer shall implement voter registration programs as directed by the secretary of state pursuant to this section.

Sec. 3501.11. Each board of elections shall exercise by a majority vote all powers granted to the board by Title XXXV of the Revised Code, shall perform all the duties imposed by law, and shall do all of the following:

- (A) Establish, define, provide, rearrange, and combine election precincts;
- (B) Fix and provide the places for registration and for holding primaries and elections;
- (C) Provide for the purchase, preservation, and maintenance of booths, ballot boxes, books, maps, flags, blanks, cards of instructions, and other forms, papers, and equipment used in registration, nominations, and elections;
- (D) Appoint and remove its director, deputy director, and employees and all registrars, judges, and other officers of elections, fill vacancies, and designate the ward or district and precinct in which each shall serve;
- (E) Make and issue rules and instructions, not inconsistent with law or the rules, directives, or advisories issued by the secretary of state, as it considers necessary for the guidance of election officers and voters;
- (F) Advertise and contract for the printing of all ballots and other supplies used in registrations and elections;
- (G) Provide for the issuance of all notices, advertisements, and publications concerning elections, except as otherwise provided in division (G) of section 3501.17 of the Revised Code;
- (H) Provide for the delivery of ballots, pollbooks, and other required papers and material to the polling places;
- (I) Cause the polling places to be suitably provided with stalls and other

required supplies;

(J) Investigate irregularities, nonperformance of duties, or violations of Title XXXV of the Revised Code by election officers and other persons; administer oaths, issue subpoenas, summon witnesses, and compel the production of books, papers, records, and other evidence in connection with any such investigation; and report the facts to the prosecuting attorney;

(K) Review, examine, and certify the sufficiency and validity of petitions and nomination papers, and, after certification, return to the secretary of state all petitions and nomination papers that the secretary of state forwarded to the board;

(L) Receive the returns of elections, canvass the returns, make abstracts of them, and transmit those abstracts to the proper authorities;

(M) Issue certificates of election on forms to be prescribed by the secretary of state;

(N) Make an annual report to the secretary of state, on the form prescribed by the secretary of state, containing a statement of the number of voters registered, elections held, votes cast, appropriations received, expenditures made, and other data required by the secretary of state;

(O) Prepare and submit to the proper appropriating officer a budget estimating the cost of elections for the ensuing fiscal year;

(P) Perform other duties as prescribed by law or the rules, directives, or advisories of the secretary of state;

(Q) Investigate and determine the residence qualifications of electors;

(R) Administer oaths in matters pertaining to the administration of the election laws;

(S) Prepare and submit to the secretary of state, whenever the secretary of state requires, a report containing the names and residence addresses of all incumbent county, municipal, township, and board of education officials serving in their respective counties;

(T) Establish and maintain a voter registration of all qualified electors in the county who offer to register;

(U) Maintain voter registration records, make reports concerning voter registration as required by the secretary of state, and remove ineligible electors from voter registration lists in accordance with law and directives of the secretary of state;

~~(V) At least annually, on a schedule and in a format prescribed by the secretary of state, submit to the secretary of state an accurate and current list of all registered voters in the county for the purpose of assisting the secretary of state to maintain a master list of registered voters pursuant to section 3503.27 of the Revised Code;~~

~~(W)~~ Give approval to ballot language for any local question or issue and transmit the language to the secretary of state for the secretary of state's final approval;

~~(X)~~~~(W)~~ Prepare and cause the following notice to be displayed in a prominent location in every polling place:

"NOTICE

Ohio law prohibits any person from voting or attempting to vote more than once at the same election.

Violators are guilty of a felony of the fourth degree and shall be imprisoned and additionally may be fined in accordance with law."

~~(X)~~ In all cases of a tie vote or a disagreement in the board, if no decision can be arrived at, the director or chairperson shall submit the matter in controversy, not later than fourteen days after the tie vote or the disagreement, to the secretary of state, who shall summarily decide the question, and the secretary of state's decision shall be final.

(Y) Assist each designated agency, deputy registrar of motor vehicles, public high school and vocational school, public library, and office of a county treasurer in the implementation of a program for registering voters at all voter registration locations as prescribed by the secretary of state. Under this program, each board of elections shall direct to the appropriate board of elections any voter registration applications for persons residing outside the county where the board is located within five days after receiving the applications.

~~(Z)~~ On any day on which an elector may vote in person at the office of the board or at another site designated by the board, consider the board or other designated site ~~shall be considered~~ a polling place for that day, ~~and all~~. All requirements or prohibitions of law that apply to a polling place shall apply to the office of the board or other designated site on that day.

Sec. 3503.13. ~~(A) Except as provided in division (C) of this section, registration forms shall consist of original and duplicate cards or loose-leaf pages as prescribed by the secretary of state. When such registration forms have been filled out and filed in the office of the board of elections, the original forms shall be filed together in one file and the duplicate forms shall be filed together in another file. Except as otherwise provided in division (D) of this section, the original forms shall be filed by precincts and shall constitute the precinct register for use in polling places on election day. The duplicate forms shall be filed alphabetically and shall constitute the permanent office record of the board. It shall not be removed from the office of the board except upon the order of a court.~~

~~(B)~~ Except as otherwise provided by state or federal law, ~~the~~ registration records forms submitted by applicants and the statewide voter registration database established under section 3503.15 of the Revised Code shall be open to public inspection at all times when the office of the board of elections is open for

business, under such regulations as the board adopts, provided that no person shall be permitted to inspect ~~such records~~ voter registration forms except in the presence of an employee of the board.

~~(C) The board of elections of a county that adopts or has adopted electronic data processing for the registration of qualified electors of the county may use a single registration form complying with the requirements of division (A) of this section. The information contained on the form may be duplicated on punch cards, magnetic tape, discs, diskettes, or such other media as are compatible with the data processing system adopted by the board and may constitute the permanent office record in lieu of the duplicate registration card.~~

~~(D) Instead of using the original registration forms as the precinct register in the polling places on election day as provided in division (A) of this section, a~~

~~(B) A board of elections that has adopted electronic data processing may use a legible digitized signature list of voter signatures, copied from the signatures on the registration forms in a form and manner prescribed by the secretary of state, provided that the board continues to record and maintain at the board office the information obtained from the form prescribed under section 3503.14 includes the required voter registration information in the statewide voter registration database established under section 3503.15 of the Revised Code, and provided that the precinct election officials have computer printouts at the polls containing any necessary information specified by the secretary of state that would otherwise be available to them on the registration forms prepared in the manner required under section 3503.23 of the Revised Code.~~

Sec. 3503.15. (A) The secretary of state shall establish and maintain a statewide voter registration database that shall be continuously available to each board of elections and to other agencies as authorized by law.

(B) The statewide voter registration database established under this section shall be the official list of registered voters for all elections conducted in this state.

(C) The statewide voter registration database established under this section shall, at a minimum, include all of the following:

(1) An electronic network that connects all board of elections offices with the office of the secretary of state and with the offices of all other boards of elections;

(2) A computer program that harmonizes the records contained in the database with records maintained by each board of elections;

(3) An interactive computer program that allows access to the records contained in the database by each board of elections and by any persons authorized by the secretary of state to add, delete, modify, or print database records, and to conduct updates of the database;

(4) A search program capable of verifying registered voters and their registration information by name, driver's license number, birth date, social

security number, or current address;

(5) Safeguards and components to ensure that the integrity, security, and confidentiality of the voter registration information is maintained.

(D) The secretary of state shall adopt rules pursuant to Chapter 119. of the Revised Code doing all of the following:

(1) Specifying the manner in which existing voter registration records maintained by boards of elections shall be converted to electronic files for inclusion in the statewide voter registration database;

(2) Establishing a uniform method for entering voter registration records into the statewide voter registration database on an expedited basis, but not less than once per day, if new registration information is received;

(3) Establishing a uniform method for purging canceled voter registration records from the statewide voter registration database in accordance with section 3503.21 of the Revised Code;

(4) Specifying the persons authorized to add, delete, modify, or print records contained in the statewide voter registration database and to make updates of that database.

(E) A board of elections promptly shall purge a voter's name and voter registration information from the statewide voter registration database in accordance with the rules adopted by the secretary of state under division (D)(3) of this section after the cancellation of a voter's registration under section 3503.21 of the Revised Code.

(F) The secretary of state shall provide training in the operation of the statewide voter registration database to each board of elections and to any persons authorized by the secretary of state to add, delete, modify, or print database records, and to conduct updates of the database.

Sec. 3503.21. (A) The registration of a registered elector shall be canceled upon the occurrence of any of the following:

(1) The filing by a registered elector of a written request with a board of elections, on a form prescribed by the secretary of state and signed by the elector, that ~~his~~the registration be canceled. The filing of such a request does not prohibit an otherwise qualified elector from reregistering to vote at any time.

(2) The filing of a notice of the death of the registered elector as provided in section 3503.18 of the Revised Code;

(3) The conviction of the registered elector of a felony under the laws of this state, any other state, or the United States as provided in section 2961.01 of the Revised Code;

(4) The adjudication of incompetency of the registered elector for the purpose of voting as provided in section 5122.301 of the Revised Code;

(5) The change of residence of the registered elector to a location outside the county of registration in accordance with division (B) of this section;

(6) The failure of the registered elector, after ~~he has~~having been mailed a confirmation notice, to do either of the following:

(a) Respond to such a notice and vote at least once during a period of four consecutive years, which period shall include two general federal elections;

(b) Update ~~his~~the elector's registration and vote at least once during a period of four consecutive years, which period shall include two general federal elections.

(B)(1) The secretary of state shall prescribe procedures to identify and cancel the registration in a prior county of residence of any registrant who changes ~~his~~the registrant's voting residence to a location outside ~~his~~the registrant's current county of registration. Any procedures prescribed in this division shall be uniform and nondiscriminatory, and shall comply with the Voting Rights Act of 1965. The secretary of state may prescribe procedures under this division that include the use of the national change of address service provided by the United States postal system through its licensees. Any program so prescribed shall be completed not later than ninety days prior to the date of any primary or general election for federal office.

(2) The registration of any elector identified as having changed ~~his~~the elector's voting residence to a location outside ~~his~~the elector's current county of registration shall not be canceled unless the registrant is sent a confirmation notice on a form prescribed by the secretary of state and the registrant fails to respond to the confirmation notice or otherwise update ~~his~~the registration and fails to vote in any election during the period of two federal elections subsequent to the mailing of the confirmation notice.

(C) The registration of a registered elector shall not be canceled except as provided in this section, division (Q) of section 3501.05 of the Revised Code, or section 3503.24 of the Revised Code.

(D) Boards of elections shall send their voter registration ~~lists~~information to the secretary of state ~~semiannually~~as required under section 3503.15 of the Revised Code. In the first quarter of each odd-numbered year, the secretary of state shall send the information ~~contained in these lists~~ to the national change of address service described in division (B) of this section and request that service to provide the secretary of state with a list of any voters ~~on the lists~~ sent by the secretary of state who have moved within the last thirty-six months. The secretary of state shall transmit to each appropriate board of elections whatever lists ~~he~~the secretary of state receives from that service. The board shall send a notice to each person on the list transmitted by the secretary of state requesting confirmation of the person's change of address, together with a postage prepaid, preaddressed return envelope containing a form on which the voter may verify or correct the change of address information.

(E) The registration of a registered elector described in division (A)(6) or (B)(2) of this section shall be canceled not later than one hundred twenty days after the date of the second general federal election in which the elector fails to vote or not later than one hundred twenty days after the expiration of the four-year period in which the elector fails to vote or respond to a confirmation notice, whichever is later.

Sec. 3505.181. (A) If an individual 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 for federal office, 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, the individual 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 or the voter information contained in the written affirmation executed by the individual under division (A)(2) of this section to an appropriate state or local election official for prompt verification under division (A)(4) of this section.

(4) If the appropriate state or local election official to whom the ballot or voter information is transmitted under division (A)(3) of this section determines, by accessing the computerized statewide voter registration list required to be maintained and administered in accordance with the Help America Vote Act of 2002, that the individual is eligible to vote in that jurisdiction, 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 state or 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 (A)(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, such as a toll-free telephone number or an internet web site, 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 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.

(B) If an individual 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 for statewide office, for county elective office, for an office in this state other than a statewide office or county elective office, or for state or local questions and issues, 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, the individual 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 or the voter information contained in the written affirmation executed by the individual under division (B)(2) of this section to an appropriate state or local election official for prompt verification under division (B)(4) of this section.

(4) If the appropriate state or local election official to whom the ballot or voter information is transmitted under division (B)(3) of this section determines, by accessing the computerized statewide voter registration list required to be maintained and administered in accordance with the Help America Vote Act of 2002, that the individual is eligible to vote in that jurisdiction, the individual's provisional ballot shall be counted as follows:

(a) With regard to a vote in an election for statewide office, for county elective office, or for a state or county question or issue, the individual's provisional ballot shall be counted as a vote in that election.

(b) With regard to a vote in an election for an office in this state other than a statewide office or a county elective office or an election for a local question or issue other than a county question or issue, the individual's provisional ballot shall be counted as a vote in that election if the individual is

eligible to vote in that election for the office in this state other than a statewide office or a county elective office or for the local question or issue.

(5)(a) At the time that an individual casts a provisional ballot, the appropriate state or local election official shall give the individual written information that states both of the following:

(i) 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;

(ii) That the individual may appeal a decision not to count the vote pursuant to the process established by the secretary of state under division (W) of section 3501.05 of the Revised Code.

(b) The appropriate state or local election official shall establish a free access system, such as a toll-free telephone number or an internet web site, 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 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.

(C) If the vote of an individual who casts a provisional ballot under division (B) of this section is not counted, the individual may appeal that decision pursuant to the process established by the secretary of state under division (X) of section 3501.05 of the Revised Code.

(D) As used in this section:

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

(2) "Help America Vote Act of 2002" has the same meaning as in section 3506.01 of the Revised Code.

(3) "Jurisdiction" means a county.

(4) "Statewide office" means any of the offices of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, and chief justice and justice of the supreme court.

Section 2. That existing sections 3501.05, 3501.11, 3503.13, and 3503.21 and section 3503.27 of the Revised Code are hereby repealed."

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

Senator Coughlin moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 21, nays 11, 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

Dann	Fedor	Fingerhut	Grendell
Hagan	Kearney	Miller	Prentiss
Roberts	Wilson		Zurz-11.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 3**, pass?"

The yeas and nays were taken and resulted - yeas 21, nays 11, 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

Dann	Fedor	Fingerhut	Grendell
Hagan	Kearney	Miller	Prentiss
Roberts	Wilson		Zurz-11.

So the bill passed.

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

Senator Coughlin moved to amend the title as follows:

Add the name: "Coughlin."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 139-Representatives Harwood, Carano, Patton, S., Law,

Williams, Domenick, Chandler, Wolpert, Mitchell, Beatty, Boccieri, Book, Cassell, Distel, Evans, C., Fende, Flowers, Hughes, Miller, Oelslager, Otterman, Patton, T., Skindell, Stewart, J., Wagoner, Yuko Senator Dann.

To enact section 3356.10 and to repeal section 3356.10 of the Revised Code five years after the effective date of this act to authorize conveyances during a five-year period of certain parcels of real estate held for the use and benefit of Youngstown State University, to authorize the conveyance to Liberty Township of all of the state's right, title, and interest in certain real estate located in Trumbull County, to authorize the conveyance of state-owned real estate in Wayne County to a purchaser to be determined, to authorize the conveyance of state-owned real estate in Wayne County to the Wayne County Fire Rescue Association, to amend Section 6 of Am. Sub. S.B. 147 of the 126th General Assembly to authorize the conveyance of state-owned real estate in Franklin County to the Columbus Board of Education, and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 9, setting forth the emergency features of the bill, stand as a part of the bill?"

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	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-32.

So the section, Section 9, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

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	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-32.

So the bill having received the required constitutional majority passed as an emergency measure.

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

Senator Dann moved to amend the title as follows:

Add the names: "Hagan, Carey, Harris, Prentiss, Roberts, Schuring, Zurz, Fedor, Stivers, Goodman, Wilson, Gardner, Armbruster, Spada."

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

The motion was agreed to and the title so amended.

OFFERING OF RESOLUTIONS

Senator Goodman offered the following resolution:

S. R. No. 146-Senator Goodman.

Honoring the Bexley High School boys soccer team on winning the 2005 Division II State Championship.

The question being, "Shall the resolution, **S. R. No. 146**, be adopted?"

So the resolution was adopted.

Senator Clancy offered the following resolution:

S. R. No. 147-Senator Clancy.

Honoring the LaSalle High School boys cross country team for winning the 2005 Division I State Championship.

The question being, "Shall the resolution, **S. R. No. 147**, be adopted?"

So the resolution was adopted.

COMMUNICATIONS FROM THE GOVERNOR

The President handed down the following message from the Governor which was read by the Clerk:

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Ernest L. Wilkerson, Jr., Republican, from Shaker Heights, Cuyahoga County, Ohio, as a Member of the Cleveland State University Board of Trustees for a term beginning December 6, 2005, and ending at the close of business May 1, 2010,

replacing David G. Hill, who passed away.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 7th day of December in the year of our Lord, two thousand and five.

[Seal]

Bob Taft,
Governor.

Said appointment was referred to the Committee on Rules.

Message from the House of Representatives

Mr. President:

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

Am. Sub. H. B. No. 397 - Representatives Hagan, Collier, Law, Harwood, Schaffer, Cassell, DeBose, Domenick, Book, Brown, Carano, Chandler, Evans, C., Evans, D., Flowers, McGregor, J., Miller, Oelslager, Patton, S., Peterson, Seitz, Setzer, Smith, G., Stewart, J., Uecker, Webster, Williams, Yates

To amend sections 3714.01, 3714.02, 3714.03, 3714.04, 3714.05, 3714.06, 3714.07, 3714.071, 3714.073, 3714.09, 3714.11, 3714.12, 3714.13, 3734.281, 3734.57, 3745.04, 3745.05, and 3745.06 and to enact sections 3714.051, 3714.052, 3714.053, 3714.061, 3714.062, 3714.081, 3714.082, 3714.083, 3714.101, and 3714.20 of the Revised Code to revise the statutes governing construction and demolition debris facilities and to declare an emergency.

Am. Sub. H. B. No. 145 - Representatives Seaver, Evans, D., Reinhard, Evans, C., Setzer, Raga, Wolpert, Flowers, Reidelbach, Chandler, Fende, Allen, Aslanides, Blessing, DeBose, Domenick, Hughes, Latta, McGregor, J., Patton, T., Stewart, D., Uecker, Wagoner, Walcher, Widowfield

To amend sections 2935.01, 2935.03, and 3737.33 and to enact sections 109.791 and 505.382 of the Revised Code to give townships and joint fire districts authority to confer certain investigative and arrest powers upon some officers in their fire departments and to require the Ohio Fire Academy, in conjunction with the Ohio Peace Officer Training Academy, to conduct a fire investigative law enforcement course.

Am. H. B. No. 231 - Representatives Mason, McGregor, Otterman, Allen, Brown, Chandler, Williams, Carano, S. Smith, Boccieri, Fende, Driehaus, Ujvagi, Harwood, Oelslager, C. Evans, Key, S. Patton, DeBose, Collier, Reidelbach, Yuko, Beatty, Barrett, Blessing, Book, Buehrer, Cassell, Coley, DeGeeter, Domenick, Flowers, Garrison, Gibbs, Gilb, Hartnett, Hoops,

Hughes, Latta, Law, Mitchell, Patton, T., Perry, Peterson, Raussen, Sayre, Schaffer, Schneider, Seaver, Skindell, Smith, G., Stewart, D., Stewart, J., Sykes, Walcher, Willamowski, Woodard, Yates

To amend section 2909.21 and to enact section 2909.081 of the Revised Code to prohibit a person from knowingly discharging a laser into the cockpit of an aircraft.

Sub. H. B. No. 259 - Representatives Wagner, McGregor, J., Martin, Evans, C., Fende, Bubp, Wagoner, Seaver, Evans, D., Setzer, Hagan, Harwood, Gilb, Wolpert, Distel, Willamowski, Collier, Latta, Faber, Brown, Aslanides, Uecker, Allen, Perry, Mason, Hughes, Blessing, Daniels, DeBose, DeGeeter, Domenick, Fessler, Flowers, Gibbs, Law, Oelslager, Otterman, Patton, T., Reidelbach, Schaffer, Schlichter, Schneider, Smith, G., Stewart, J., Taylor, Williams

To amend section 2921.38 of the Revised Code to prohibit a person, with intent to harass, annoy, threaten, or alarm a law enforcement officer, from causing or attempting to cause the law enforcement officer to come into contact with a bodily substance and to prohibit any person from engaging in the same action with respect to any person when the person is a knowing carrier of certain viruses or bacteria.

H. B. No. 296 - Representatives Buehrer, Latta, Hagan, Aslanides, Setzer, Seaver, Hood, Kearns, Garrison, Blessing, Boccieri, Book, Bubp, Carano, Cassell, Coley, Core, Dolan, Domenick, Evans, C., Evans, D., Faber, Fende, Fessler, Gibbs, Gilb, Harwood, Hoops, Key, Law, Martin, McGregor, J., McGregor, R., Oelslager, Otterman, Perry, Peterson, Raga, Reinhard, Sayre, Schaffer, Schlichter, Schneider, Seitz, Stewart, D., Taylor, Uecker, Wagoner, Webster, White, Willamowski, Yuko, Patton, T.

To amend sections 1531.01, 1533.10, and 1533.111 and to enact section 1533.102 of the Revised Code to provide for the issuance of apprentice hunting licenses and apprentice fur taker permits and to enable persons who are sixteen or seventeen years of age to obtain youth hunting licenses and youth fur taker permits.

H. B. No. 421 - Representatives Beatty, Reidelbach, Allen, Redfern, Ujvagi, Cassell, Harwood, Brown, Healy, Oelslager, Latta, McGregor, J., Miller, Gilb, Boccieri, Perry, Skindell, Evans, C., Carano, Chandler, Barrett, Hughes, Combs, Driehaus, Aslanides, Flowers, DeGeeter, Hoops, Hood, Strahorn, Peterson, Mitchell, Bubp, Smith, S., McGregor, R., Otterman, Stewart, D., Raussen, Book, Yuko, Patton, S., Fende, Hartnett, Mason, Wolpert, Woodard, Wagoner, Schaffer, Fessler, Calvert, Carmichael, Core, Raga, Schlichter, Smith, G., Koziura, Setzer, Blasdel, Husted

To enact section 5.2231 of the Revised Code to designate December 1 as

"Rosa Parks Day."

Attest: Laura P. Clemens,
Clerk.

Said bills were considered the first time.

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. 107 - Representative Setzer - et al.

Attest: Laura P. Clemens,
Clerk.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 101.34 of the Ohio Revised Code, the President of the Senate makes the following appointment changes to the Joint Legislative Ethics Committee:

Senator Dann to replace Senator Brady
Senator Zurz to replace Senator Mallory

On the motion of Senator Jacobson, the Senate adjourned until Wednesday, December 14, 2005 at 1:30 p.m.

Attest: DAVID A. BATTOCLETTI,
Clerk.