

OHIO

House

of

Representatives

JOURNAL

CORRECTED VERSION
WEDNESDAY, FEBRUARY 2, 2011

TENTH DAY

Hall of the House of Representatives, Columbus, Ohio
Wednesday, February 2, 2011, 1:30 p.m.

The House met pursuant to adjournment.

Prayer was offered by Representative Tom Letson-64th district, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS

The following joint resolution was introduced:

H. J. R. No. 2-Representatives Maag, Sears.

Cosponsors: Representatives Huffman, Boose, Adams, J., Martin, Grossman, Stautberg, Blair, Mecklenborg, Burke, Adams, R., Hayes, Derickson, Ruhl, Snitchler, Bubb, Wachtmann, Stebelton, Combs, Hall, Beck, Baker, Carey, Thompson, Blessing, McClain, Amstutz, Brenner, Gardner, Balderson, Roegner, Goodwin, Kozlowski, Henne, Rosenberger, Buchy.

Proposing to enact Section 21 of Article I of the Constitution of the State of Ohio to preserve the freedom of Ohioans to choose their health care and health care coverage.

Said joint resolution was considered the first time.

The following bills were introduced:

H. B. No. 81-Representatives Snitchler, Rosenberger.

Cosponsors: Representatives Wachtmann, Maag, McClain, Blair, Boose, Murray, Derickson, Stautberg, Sears, Huffman, Hayes, Grossman, Martin, Stebelton, Combs, Blessing, Hall, Adams, J., Dovilla, Amstutz.

To amend sections 126.02 and 126.022 and to enact section 126.18 of the Revised Code to require performance budgeting by most state agencies.

H. B. No. 82-Representatives Grossman, Boose.

Cosponsors: Representatives Adams, J., Murray, Wachtmann, Burke, Gardner, Blessing, Carey, Hayes, Huffman, Beck, Amstutz, Stinziano, Slaby, Ruhl, Kozlowski, Henne, Uecker, Rosenberger, Stebelton, Hackett, Buchy, Young, Balderson, Martin, Brenner, Gonzales.

To enact sections 4923.50, 4923.51, and 4923.52 of the Revised Code to prescribe the applicability of federal regulations adopted by the Public Utilities Commission of Ohio to certain motor vehicles.

H. B. No. 83-Representative Rosenberger.

Cosponsors: Representatives Carey, Maag, Boose, Thompson, Grossman, Bupp, Fende, Pillich, Yuko, Goodwin, O'Brien, Dovilla.

To enact section 5533.102 of the Revised Code to designate a portion of United States Route 50 within Highland County the "Pfc. Zachary Gullett Memorial Highway."

H. B. No. 84-Representative Rosenberger.

Cosponsors: Representatives Bupp, Maag, Carey, Slaby, Boose, Grossman, O'Brien, Beck, Blair, Fende, Pillich, Derickson, Combs, Yuko, Goodwin.

To enact sections 5533.252 and 5533.253 of the Revised Code to designate State Route 73 within Clinton County only as the "Sgt. Steven Conover - Veterans Memorial Highway" and to designate State Route 729 within Clinton County only as the "Lance Cpl. Brett Wightman - Veterans Memorial Highway."

H. B. No. 85-Representatives Hackett, Sears.

Cosponsors: Representatives Amstutz, Brenner, Adams, J., Carey, Combs, Grossman, Stebelton, Blair, Schuring, Thompson, Uecker, Huffman, Wachtmann, Martin, Young, Rosenberger, Beck, Stautberg.

To enact section 3901.711 of the Revised Code to prohibit requiring an individual to obtain or maintain health insurance.

Said bills were considered the first time.

**REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS
FOR SECOND CONSIDERATION**

Representative Murray submitted the following report:

The standing committee on Judiciary and Ethics to which was referred **H. B. No. 5**-Representative Huffman, having had the same under consideration, reports it back and recommends its passage.

RE: COURT COSTS

Representative Bupp moved to amend the title as follows:

Add the names: "Okey, Murray, Letson, McKenney, Coley."

DANNY R. BUBP
DENNIS MURRAY
BILL COLEY
TOM LETSON
MARK D. OKEY
GERALD L. STEBELTON

TODD MCKENNEY
JAMES BUTLER
MATT HUFFMAN
ROBERT MECKLENBORG
LYNN SLABY
MICHAEL STINZIANO

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Murray submitted the following report:

The standing committee on Judiciary and Ethics to which was referred **H. B. No. 9**-Representative Coley, having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: REVISE UNIFORM COMMERCIAL CODE

Representative Bubp moved to amend the title as follows:

Add the names: "Letson, Murray."

Representative Coley moved to amend as follows:

In line 2376, reinsert "therefor"; delete " therefore"

In line 2704, strike through "(1)"; after " ~~the~~" insert " (A)"

In line 2708, strike through "(2)"; after " ~~the~~" insert " (B)"

In line 2710, strike through "(3)"; after " ~~the~~" insert " (C)"

In line 2712, strike through "(4)"; after " ~~the~~" insert " (D)"

In line 3049, delete " ____ . B. ____ " and insert " H.B. 9"

The motion was agreed to and the bill so amended.

DANNY R. BUBP
DENNIS MURRAY
BILL COLEY
TOM LETSON
MARK D. OKEY
GERALD L. STEBELTON

TODD MCKENNEY
JAMES BUTLER
MATT HUFFMAN
ROBERT MECKLENBORG
LYNN SLABY
MICHAEL STINZIANO

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

MOTIONS AND RESOLUTIONS

Representative Adams, J. moved that majority party members asking leave to be absent or absent the week of Tuesday, February 1, 2011, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Heard moved that minority party members asking leave to be absent or absent the week of Tuesday, February 1, 2011, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

Representative Blessing moved that the following resolution be brought up for immediate adoption, read by title only, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

H. R. No. 28-Speaker Batchelder.

Relative to the election of Robert Cole Sprague to fill the vacancy in the membership of the House of Representatives created by the resignation of Cliff Hite of the 76th House District.

WHEREAS, Section 11 of Article II, Ohio Constitution provides for the filling of a vacancy in the membership of the House of Representatives by election by the members of the House of Representatives who are affiliated with the same political party as the person last elected to the seat which has become vacant; and

WHEREAS, Cliff Hite of the 76th House District has resigned as a member of the House of Representatives of the 129th General Assembly effective February 1, 2011, thus creating a vacancy in the House of Representatives; therefore be it

RESOLVED, By the members of the House of Representatives who are affiliated with the Republican party that Robert Cole Sprague, Republican, having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the House of Representatives from the 76th House District, is hereby elected, effective February 2, 2011, pursuant to Section 11 of Article II, Ohio Constitution, as a member of the House of Representatives from the 76th House District, to fill the vacancy created by the unexpired portion of the term of said Cliff Hite, ending on December 31, 2012; and be it further

RESOLVED, That a copy of this resolution be spread upon the pages of the Journal of the House of Representatives together with the yeas and nays of the members of the House of Representatives affiliated with the Republican party voting on the resolution, and that the Clerk of the House of Representatives shall certify the resolution and vote on its adoption to the Secretary of State.

The yeas and nays were taken and resulted - yeas 58, nays 0, as follows:

Those who voted in the affirmative were: Representatives

- | | | | |
|----------|-----------|-------------|-----------|
| Adams J. | Adams R. | Amstutz | Anielski |
| Baker | Balderson | Beck | Blair |
| Blessing | Boose | Brenner | Bubp |
| Buchy | Burke | Butler | Carey |
| Coley | Combs | Damschroder | Derickson |
| Dovilla | Duffey | Gardner | Gonzales |
| Goodwin | Grossman | Hackett | Hall |
| Hayes | Henne | Hollington | Hottinger |
| Huffman | Johnson | Kozlowski | Landis |

Maag	Martin	McClain	McGregor
McKenney	Mecklenborg	Newbold	Peterson
Roegner	Rosenberger	Ruhl	Schuring
Sears	Slaby	Snitchler	Stautberg
Stebelton	Thompson	Uecker	Wachtmann
Young			Batchelder-58.

The resolution was adopted.

Mr. Sprague was escorted to the bar of the House by Representatives Huffman, Wachtmann, Goodwin, Sears, McClain, J. Adams, Goyal, Stinziano, and Clyde, took the oath of office administered by The Honorable William G. Batchelder, Speaker of the Ohio House of Representatives, and entered upon the discharge of his duties.

State of Ohio
County of Franklin

I, Robert Cole Sprague, do solemnly swear to support the Constitution of the United States and the Constitution of the State of Ohio, and faithfully to discharge and perform all duties incumbent upon me as a member of the Ohio House of Representatives, according to the best of my ability and understanding; and this I do as I shall answer unto God.

/s/ ROBERT COLE SPRAGUE
Robert Cole Sprague

Sworn to and subscribed before me this 2nd day of February, 2011.

/s/ WILLIAM G. BATCHELDER
William G. Batchelder
Speaker
Ohio House of Representatives

BILLS FOR THIRD CONSIDERATION

H. B. No. 29-Representative Mecklenborg.

Cosponsors: Representatives Combs, Blessing, Gardner, Huffman, Dovilla, Grossman, Young, Buchy, Hite, Adams, J., Stinziano, Gerberry, Patmon.

To amend section 1901.07 of the Revised Code to increase the number of signatures required on, and to revise the process for filing, a nominating petition for election as a judge of the Hamilton County Municipal Court and to declare an emergency, was taken up for consideration the third time.

The question being, "Shall the emergency clause stand as part of the bill?"

Representative Reece moved to amend as follows:

In line 7, delete "section" and insert "sections"; after "1901.07" insert ", 3503.19, 3505.181, 3505.182, and 3505.183"

Between lines 146 and 147, insert:

"Sec. 3503.19. (A) Persons qualified to register or to change their registration because of a change of address or change of name may register or change their registration in person at any state or local office of a designated agency, at the office of the registrar or any deputy registrar of motor vehicles, at a public high school or vocational school, at a public library, at the office of a county treasurer, or at a branch office established by the board of elections, or in person, through another person, or by mail at the office of the secretary of state or at the office of a board of elections. A registered elector may also change the elector's registration on election day at any polling place where the elector is eligible to vote, in the manner provided under section 3503.16 of the Revised Code.

Any state or local office of a designated agency, the office of the registrar or any deputy registrar of motor vehicles, a public high school or vocational school, a public library, or the office of a county treasurer shall transmit any voter registration application or change of registration form that it receives to the board of elections of the county in which the state or local office is located, within five days after receiving the voter registration application or change of registration form.

An otherwise valid voter registration application that is returned to the appropriate office other than by mail must be received by a state or local office of a designated agency, the office of the registrar or any deputy registrar of motor vehicles, a public high school or vocational school, a public library, the office of a county treasurer, the office of the secretary of state, or the office of a board of elections no later than the thirtieth day preceding a primary, special, or general election for the person to qualify as an elector eligible to vote at that election. An otherwise valid registration application received after that day entitles the elector to vote at all subsequent elections.

Any state or local office of a designated agency, the office of the registrar or any deputy registrar of motor vehicles, a public high school or vocational school, a public library, or the office of a county treasurer shall date stamp a registration application or change of name or change of address form it receives using a date stamp that does not disclose the identity of the state or local office that receives the registration.

Voter registration applications, if otherwise valid, that are returned by mail to the office of the secretary of state or to the office of a board of elections must be postmarked no later than the thirtieth day preceding a primary, special, or general election in order for the person to qualify as an elector eligible to vote at that election. If an otherwise valid voter registration application that is returned by mail does not bear a postmark or a legible postmark, the registration

shall be valid for that election if received by the office of the secretary of state or the office of a board of elections no later than twenty-five days preceding any special, primary, or general election.

(B)(1) Any person may apply in person, by telephone, by mail, or through another person for voter registration forms to the office of the secretary of state or the office of a board of elections. An individual who is eligible to vote as a uniformed services voter or an overseas voter in accordance with 42 U.S.C. 1973ff-6 also may apply for voter registration forms by electronic means to the office of the secretary of state or to the board of elections of the county in which the person's voting residence is located pursuant to section 3503.191 of the Revised Code.

(2)(a) An applicant may return the applicant's completed registration form in person or by mail to any state or local office of a designated agency, to a public high school or vocational school, to a public library, to the office of a county treasurer, to the office of the secretary of state, or to the office of a board of elections. An applicant who is eligible to vote as a uniformed services voter or an overseas voter in accordance with 42 U.S.C. 1973ff-6 also may return the applicant's completed voter registration form electronically to the office of the secretary of state or to the board of elections of the county in which the person's voting residence is located pursuant to section 3503.191 of the Revised Code.

(b) Subject to division (B)(2)(c) of this section, an applicant may return the applicant's completed registration form through another person to any board of elections or the office of the secretary of state.

(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.

(C)(1) A board of elections that receives a voter registration application and is satisfied as to the truth of the statements made in the registration form shall register the applicant not later than twenty business days after receiving the application, unless that application is received during the thirty days immediately preceding the day of an election. The board shall promptly notify the applicant in writing of each of the following:

- (a) The applicant's registration;
- (b) The precinct in which the applicant is to vote;
- (c) In bold type as follows:

"Voters must bring identification to the polls in order to verify identity. Identification may include a current and valid photo identification, a military identification, 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."

The notification shall be by nonforwardable mail. If the mail is returned to the board, it shall investigate and cause the notification to be delivered to the correct address.

(2) If, after investigating as required under division (C)(1) of this section, the board is unable to verify the voter's correct address, it shall cause the voter's name in the official registration list and in the poll list or signature pollbook to be marked to indicate that the voter's notification was returned to the board.

At the first election at which a voter whose name has been so marked appears to vote, the voter shall be required to provide identification to the election officials and to vote by provisional ballot under section 3505.181 of the Revised Code. If the provisional ballot is counted ~~pursuant to division (B)(3) of~~ under section 3505.183 of the Revised Code, the board shall correct that voter's registration, if needed, and shall remove the indication that the voter's notification was returned from that voter's name on the official registration list and on the poll list or signature pollbook. If the provisional ballot is not counted ~~pursuant to division (B)(4)(a)(i), (v), or (vi) of section 3505.183 of the Revised Code~~, the voter's registration shall be canceled. The board shall notify the voter by United States mail of the cancellation.

(3) If a notice of the disposition of an otherwise valid registration application is sent by nonforwardable mail and is returned undelivered, the person shall be registered as provided in division (C)(2) of this section and sent a confirmation notice by forwardable mail. If the person fails to respond to the confirmation notice, update the person's registration, or vote by provisional ballot as provided in division (C)(2) of this section in any election during the period of two federal elections subsequent to the mailing of the confirmation notice, the person's registration shall be canceled.

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

(1) An individual who declares that the individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote;

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

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

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

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

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

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

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

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

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

(11) An individual who is challenged under section 3513.20 of the Revised Code who refuses to make the statement required under that section, who a majority of the precinct officials find lacks any of the qualifications to make the individual a qualified elector, or who a majority of the precinct officials find is not affiliated with or a member of the political party whose ballot the individual desires to vote;

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

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

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

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

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

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

(b) Eligible to vote in that election.

(3) The election official shall accurately complete the poll worker checklist portion of the affirmation in the individual's presence, including identifying the individual's correct precinct if the individual is not voting in the correct precinct.

(4) An election official at the polling place shall transmit the ballot cast by the individual, the voter information contained in the written affirmation executed by the individual under division (B)(2) of this section, or the individual's name if the individual declines to execute such an affirmation to an appropriate local election official for verification under division (B) ~~(4)~~ (5) of this section.

~~(4)~~ (5) If the appropriate local election official to whom the ballot or voter or address information is transmitted under division (B) ~~(3)~~ (4) of this

section determines that the individual is eligible to vote, the individual's provisional ballot shall be counted as a vote in that election.

~~(5)~~ (6)(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)~~ (6)(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)~~ (7) If, at the time that an individual casts a provisional ballot, the individual provides identification in the form of a current and valid photo identification, a military identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the individual's name and current address, or provides the last four digits of the individual's social security number, or executes an affirmation that the elector does not have any of those forms of identification or the last four digits of the individual's social security number because the individual does not have a social security number, or declines to execute such an affirmation, the appropriate local election official shall record the type of whether identification was provided, ~~the social security number information, the fact that the affirmation was executed, or the fact that the individual declined to execute such an affirmation~~ and include that information with the transmission of the ballot or voter or address information under division (B) ~~(3)~~ (4) of this section. If the individual does not provide identification and declines to execute such an affirmation, the appropriate local election official shall record the individual's name and include that information with the transmission of the ballot under division (B) ~~(3)~~ (4) of this section.

~~(7)~~ (8) If an individual casts a provisional ballot pursuant to division (A)(3), (7), (8), (12), or (13) of this section, the election official shall indicate, on the provisional ballot verification statement required under section 3505.182 of

the Revised Code, that the individual is required to provide additional information to the board of elections or that an application or challenge hearing has been postponed with respect to the individual, such that additional information is required for the board of elections to determine the eligibility of the individual who cast the provisional ballot.

~~(8)~~ (9) During the ten days after the day of an election, an individual who casts a provisional ballot pursuant to division (A)(3), (7), (12), or (13) of this section shall appear at the office of the board of elections and provide to the board any additional information necessary to determine the eligibility of the individual who cast the provisional ballot.

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

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

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

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

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

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

individual to the correct precinct and the location of the individual's correct precinct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

these rights are alleged to have been violated;

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

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

"Provisional Ballot Affirmation

STATE OF OHIO

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

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

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

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

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

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

Voter's current address:

Voter's former address if photo identification does not contain voter's current address
Voter's driver's license number or, if not provided above, the last four digits of voter's social security number
(Please circle number type)

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

Reason for voting provisional ballot (Check one):

- Requested, but did not receive, absent voter's ballot
- Other

Verification Statement
(To be completed by election official)

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

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

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

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

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

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

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

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

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

~~..... The provisional voter is not able to provide a current and valid photo identification, a military identification, or a copy of a current utility bill, bank~~

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

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

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

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

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

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

Poll Worker Checklist

The Provisional Ballot Affirmation of (Print voter's name) was subscribed and affirmed before me on(Month) /(Day) /(Year).

1. Reason for voting provisionally – Why is this voter casting a provisional ballot?

..... Voter's name does not appear on the official precinct list

..... Voter requested an absent voter's ballot but did not receive one

..... Voter is otherwise not eligible to cast a regular ballot

2. ID – Did the voter present identification?

..... Yes

..... No

3. Additional information required? – Is the provisional voter required to provide additional information to the Board of Elections?

..... Yes

..... No

4. Voter information – Did you have the voter complete the voter's portion of this envelope?

..... Yes

..... No

5. Correct precinct – Is the voter voting in his or her correct precinct?

..... Yes

..... No

5a. If no, what is the voter's correct precinct?

.....

5b. Notice of correct precinct – Have you directed the voter to go to the voter's correct precinct?

..... Yes

..... No

6. Name of this precinct (where voter has appeared to vote)

.....

X.....

Signature of Election Official "

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

If the individual declines to execute the affirmation, an appropriate local election official shall comply with division (B) ~~(6)~~ (7) of section 3505.181 of the

Revised Code.

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 secure location within the office of the board. The sealed provisional ballot envelopes shall remain in that secure location until the validity of those ballots is determined under division (B) of this section. While the provisional ballot is stored in that secure location, and prior to the counting of the provisional ballots, if the board receives information regarding the validity of a specific provisional ballot under division (B) of this section, the board may note, on the sealed provisional ballot envelope for that ballot, whether the ballot is valid and entitled to be counted.

(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. If the individual declines to execute such an affirmation, the individual's name, written by either the individual or the election official at the direction of the individual, shall be included in a written affirmation in order for the provisional ballot to be eligible to be counted; otherwise, 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 an 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 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) ~~(8)~~ (9) 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 affirmation is properly registered to

vote.

(b) The individual named on the affirmation is eligible to cast a ballot in the precinct 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 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) ~~(8)~~ (9) 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 Except as otherwise provided in division (C) of this section, 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 affirmation is not qualified or is not properly registered to vote.

(ii) The individual named on the affirmation is not eligible to cast a ballot in the precinct 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 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) ~~(8)~~ (9) 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.

(vii) The individual failed to provide a current and valid photo identification, a military identification, a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, with the voter's name and

current address, or the last four digits of the individual's social security number or to execute an affirmation under division (A) of section 3505.18 or division (B) of section 3505.181 of the Revised Code.

(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 affirmation is qualified or properly registered to vote;

(ii) Whether the individual named on the affirmation is eligible to cast a ballot in the precinct or for the election in which the individual cast the provisional ballot.

(C)(1) If a provisional voter cast a ballot in a precinct in which the provisional voter is not registered and eligible to vote and the election officials failed to direct the provisional voter to the correct precinct, the election officials shall remake that provisional voter's ballot. The election official who signed the poll worker checklist for that provisional voter shall be deemed to have failed to direct the provisional voter to the correct precinct if the election official did not complete that checklist or did not correctly complete that checklist.

(2) A board of elections that remakes a provisional ballot under division (C)(1) of this section shall remake the provisional ballot on a ballot for the appropriate precinct to reflect the offices, questions, and issues for which the provisional voter was eligible to cast a ballot and for which the provisional voter attempted to cast a provisional ballot. The remade ballot shall be counted for each office, question, and issue for which the provisional voter was eligible to vote.

(D)(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)~~ (E) Provisional ballots that the board determines are eligible to be counted under division (B)(3) or (C) 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)~~ (F)(1) Except as otherwise provided in division ~~(E)~~ (F)(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) ~~(7)~~ (8) 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) ~~(8)~~ (9) 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."

In line 147, delete "section" and insert "sections"; after "1901.07" insert ", 3503.19, 3505.181, 3505.182, and 3505.183"

In line 148, delete "is" and insert "are"

In line 154, after the first period insert "Another reason for the emergency is preventing voters who attempt to vote at an incorrect precinct, and who are not directed to the correct precinct by the election officials, from being disfranchised."

In line 1 of the title, delete "section" and insert "sections"; after "1901.07" insert ", 3503.19, 3505.181, 3505.182, and 3505.183"

In line 5 of the title, after "Court" insert ", to require a provisional ballot to be remade and counted for the offices, questions, and issues for which the provisional voter was eligible to vote, if the election official assisting that provisional voter failed to direct the provisional voter to the correct precinct, and to revise the portion of the provisional ballot affirmation required to be completed by the election official,"

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

The yeas and nays were taken and resulted - yeas 37, nays 59, as follows:

Those who voted in the affirmative were: Representatives

- | | | | |
|----------|----------|--------|----------|
| Antonio | Ashford | Barnes | Budish |
| Carney | Celeste | Clyde | DeGeeter |
| Driehaus | Fende | Foley | Garland |
| Gentile | Gerberry | Goyal | Hagan |
| Heard | Letson | Luckie | Lundy |

Mallory	Milkovich	Murray	O'Brien
Okey	Patmon	Phillips	Pillich
Ramos	Reece	Slesnick	Stinziano
Sykes	Weddington	Williams	Winburn
			Yuko-37.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Balderson	Beck	Blair
Blessing	Boose	Brenner	Bubp
Buchy	Burke	Butler	Carey
Coley	Combs	Damschroder	Derickson
Dovilla	Duffey	Gardner	Gonzales
Goodwin	Grossman	Hackett	Hall
Hayes	Henne	Hollington	Hottinger
Huffman	Johnson	Kozlowski	Landis
Maag	Martin	McClain	McGregor
McKenney	Mecklenborg	Newbold	Peterson
Roegner	Rosenberger	Ruhl	Schuring
Sears	Slaby	Snitchler	Sprague
Stautberg	Stebelton	Thompson	Uecker
Wachtmann	Young		Batchelder-59.

The motion to amend was not agreed to.

The question recurring, "Shall the emergency clause stand as part of the bill?"

The yeas and nays were taken and resulted - yeas 84, nays 12, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Anielski	Antonio
Ashford	Baker	Balderson	Barnes
Beck	Blair	Blessing	Boose
Brenner	Bubp	Buchy	Budish
Burke	Butler	Carey	Carney
Celeste	Clyde	Coley	Combs
Damschroder	DeGeeter	Derickson	Dovilla
Driehaus	Duffey	Fende	Foley
Gardner	Garland	Gentile	Gerberry
Gonzales	Goodwin	Grossman	Hackett
Hagan	Hall	Hayes	Henne
Hollington	Hottinger	Huffman	Johnson
Kozlowski	Landis	Letson	Lundy
Maag	Mallory	Martin	McClain
McGregor	McKenney	Mecklenborg	Milkovich
Murray	Newbold	O'Brien	Okey
Patmon	Peterson	Pillich	Roegner
Rosenberger	Ruhl	Schuring	Sears
Slaby	Slesnick	Snitchler	Sprague
Stautberg	Stebelton	Stinziano	Thompson
Uecker	Wachtmann	Young	Batchelder-84.

Those who voted in the negative were: Representatives

Adams J.	Goyal	Heard	Luckie
Phillips	Ramos	Reece	Sykes
Weddington	Williams	Winburn	Yuko-12.

Having received a constitutional majority, the emergency clause stood as part of the bill.

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

The yeas and nays were taken and resulted - yeas 94, nays 2, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Balderson
Barnes	Beck	Blair	Blessing
Boose	Brenner	Bubp	Buchy
Budish	Burke	Butler	Carey
Carney	Celeste	Clyde	Coley
Combs	Damschroder	DeGeeter	Derickson
Dovilla	Driehaus	Duffey	Fende
Foley	Gardner	Garland	Gentile
Gerberry	Gonzales	Goodwin	Goyal
Grossman	Hackett	Hagan	Hall
Hayes	Henne	Hollington	Hottinger
Huffman	Johnson	Kozlowski	Landis
Letson	Luckie	Lundy	Maag
Mallory	Martin	McClain	McGregor
McKenney	Mecklenborg	Milkovich	Murray
Newbold	O'Brien	Okey	Patmon
Peterson	Phillips	Pillich	Ramos
Roegner	Rosenberger	Ruhl	Schuring
Sears	Slaby	Slesnick	Snitchler
Sprague	Stautberg	Stebelton	Stinziano
Sykes	Thompson	Uecker	Wachtmann
Weddington	Williams	Winburn	Young
Yuko			Batchelder-94.

Representatives Heard and Reece voted in the negative-2.

Having received the required constitutional majority, the bill passed as an emergency measure.

Representative Mecklenborg moved to amend the title as follows:

Add the names: "Amstutz, Beck, Bubp, Carey, Derickson, Driehaus, Maag, Mallory, Milkovich, Slaby, Stautberg, Thompson, Uecker."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Message from the Speaker

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes the following changes to committees:

Criminal Justice: remove Representative Hite; appoint Representative Sprague;

Education: remove Representative Hite; appoint Representative Maag;

State Government and Elections: remove Representative Hite; appoint Representative Sprague;

Veterans Affairs: remove Representative Hite; appoint Representative Sprague.

Message from the Speaker

Pursuant to Section 5537.02 of the Ohio Revised Code, the Speaker hereby appoints Representative Goodwin to the Ohio Turnpike Commission.

Message from the Speaker

Pursuant to Section 375.60.80 of Am. Sub. H. B. 119, 127th General Assembly, and Section 371.50.60 of Am. Sub. H. B. 1, 128th General Assembly, the Speaker hereby appoints Representative Winburn to the Speed to Scale Task Force.

Message from the Speaker

Pursuant to Section 173.03(A) of the Ohio Revised Code, the Speaker hereby appoints the following members to the Ohio Advisory Council for the Aging:

Representatives McKenney and Ramos.

Message from the Speaker

Pursuant to Section 5149.22 of the Ohio Revised Code, the Speaker hereby appoints Representative Slaby to the Ohio Council for Interstate Adult Offender Supervision.

Message from the Speaker

Pursuant to Section 122.98 of the Ohio Revised Code, the Speaker hereby appoints the following members to the Ohio Aerospace and Defense Advisory Council:

Representatives Martin and O'Brien.

Message from the Speaker

Pursuant to Section 1551.35 of the Ohio Revised Code, the Speaker hereby appoints the following members to the Technical Advisory Committee to Assist the Director of the Ohio Coal Development Office:

Representatives Landis and Gentile.

Message from the Speaker

Pursuant to Section 1501.25 of the Ohio Revised Code, the Speaker hereby appoints the following members to the Muskingum River Advisory Council:

Representatives Balderson and Gentile.

Message from the Speaker

Pursuant to Section 3333.373 of the Ohio Revised Code, the Speaker hereby appoints Representative Gardner to the Rules Advisory Committee.

Message from the Speaker

Pursuant to Section 101.391 of the Ohio Revised Code, the Speaker hereby appoints the following members to the Joint Legislative Committee on Medicaid Technology and Reform:

Representatives Burke, Sears, R. Adams, Garland, and Carney.

Message from the Speaker

Pursuant to Section 5101.34 of the Ohio Revised Code, the Speaker hereby appoints the following members to the Ohio Commission on Fatherhood:

Representatives Derickson, McClain, Ashford, and Weddington.

On motion of Representative Blessing, the House adjourned until Thursday, February 3, 2011 at 9:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.