

OHIO

SENATE

JOURNAL

THURSDAY, OCTOBER 20, 2011

ONE HUNDRED FOURTH DAY
Senate Chamber, Columbus, Ohio
Thursday, October 20, 2011, 11:00 o'clock a.m.

The Senate met pursuant to adjournment.

Prayer was offered by Father Michael Lumpe, St. Catharine's Church, Bexley, 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 Niehaus reports for the Standing Committee on Rules and Reference, recommending that the following bills, standing in order for second consideration, be referred to committee as recommended:

H. B. No. 267-Representative McKenney, et al.

To amend sections 9.231, 169.01, 1702.01, 1702.05, 1702.41, 1702.42, 1702.43, 1702.44, 1702.46, 2901.23, 3955.06, 3956.06, 4121.70, 4303.201, 4303.204, 4303.207, 5111.151, and 5701.13; to enact sections 1702.411, 1745.05 to 1745.46, 1745.461, and 1745.47 to 1745.57; and to repeal sections 1702.45, 1745.01, 1745.02, and 1745.04 of the Revised Code to adopt the Revised Uniform Unincorporated Nonprofit Association Act and to revise the merger and consolidation provisions of the Nonprofit Corporation Law.

To the Committee on Insurance, Commerce and Labor.

Am. H. B. No. 302-Representative Adams, R., et al.

To amend section 1901.31 of the Revised Code to make the clerk of courts of Miami County the clerk of the Miami County Municipal Court and to declare an emergency.

To the Committee on Government Oversight and Reform.

S. B. No. 231-Senators Skindell, Tavares, et al.

To amend sections 9.03, 124.93, 125.111, 340.12, 511.03, 717.01, 1501.012, 1751.18, 2927.03, 3113.36, 3301.53, 3304.14, 3304.50, 3313.481, 3314.06, 3332.09, 3721.13, 3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.04, 4112.05, 4112.08, 4117.19, 4735.16, 4735.55, 4757.07, 4758.16, 4765.18, 5104.09, 5107.26, 5111.31, 5119.623, 5123.351, 5126.07, 5515.08,

and 5709.832 of the Revised Code to prohibit discrimination on the basis of sexual orientation or gender identity.

To the Committee on Judiciary.

S. B. No. 232-Senator Skindell, et al.

To amend sections 3313.60, 3313.6011, 3314.03, and 3326.11 of the Revised Code to establish statutory standards for comprehensive sexual health education and HIV/AIDS prevention education in public schools and to designate section 3313.6011 of the Revised Code as the "Act for Our Children's Future."

To the Committee on Education.

S. B. No. 233-Senator Oelslager, et al.

To amend sections 1739.05, 1751.12, 1751.13, 3963.01, and 3963.04 and to enact sections 3923.84 and 3963.031 of the Revised Code to limit copayments health insurers impose for physical therapy services and to make changes to the law governing health insurers and intermediary organizations.

To the Committee on Insurance, Commerce and Labor.

S. B. No. 234-Senator Coley, et al.

To amend section 2329.26 of the Revised Code to authorize county sheriffs to advertise foreclosure sales via a web site.

To the Committee on Judiciary.

S. B. No. 235-Senator Burke, et al.

To amend section 4506.09 of the Revised Code to establish a waiver for the commercial driver's license skills test for drivers with military commercial motor vehicle experience.

To the Committee on Highways and Transportation.

S. B. No. 236-Senator Schaffer, et al.

To amend sections 323.151, 323.152, 323.153, 4503.065, and 4503.066 of the Revised Code to exempt from property taxation the primary residences of military veterans who are 100% disabled from a service-connected disability.

To the Committee on Ways and Means and Economic Development.

S. B. No. 237-Senator Burke, et al.

To enact sections 113.081, 113.082, 113.083, and 113.084 of the Revised Code to create the Taxpayer Voluntary Contribution Fund for the purpose of receiving contributions to be used for transportation purposes or other general purposes of the state.

To the Committee on Finance.

YES - 9: THOMAS E. NIEHAUS, SHANNON JONES, CHRIS WIDENER, TOM PATTON, SCOTT OELSLAGER, EDNA BROWN, JASON H. WILSON, SHIRLEY A. SMITH, CAPRI S. CAFARO.

NO - 0.

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

The report of the committee was accepted.

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

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Coley submitted the following report:

The standing committee on Government Oversight and Reform, to which was referred **Am. H. B. No. 318**-Representatives Blessing, O'Brien, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 7: CLIFF HITE, CHRIS WIDENER, MICHAEL J. SKINDELL, LARRY OBHOF, KEITH L. FABER, BILL COLEY, GAYLE MANNING.

NO - 2: CHARLETA B. TAVARES, SHIRLEY A. SMITH.

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

The report of the committee was accepted.

Senator Niehaus submitted the following report:

The Standing Committee on Rules & Reference to which were referred the appointments by the Governor of:

Thomas M. Bobst, OD, FAAO, from Rocky River, Cuyahoga County, Ohio, as a Member of the State Board of Optometry for a term beginning June 1, 2011 and ending at the close of business September 24, 2015, replacing Rhonda B. Riles, whose term expired.

Mike Brooks, Republican, from Nelsonville, Athens County, Ohio, as a Member of the Hocking Technical College Board of Trustees for a term beginning February 24, 2011 and ending at the close of business August 26, 2011, replacing Steven L. Swart, whose term expired.

Mike Brooks, from Nelsonville, Athens County, Ohio, as a Member of the Hocking Technical College Board of Trustees for a new term beginning August 29, 2011 and ending at the close of business August 26, 2014.

Michael Budzik, from Logan, Hocking County, Ohio, as a Member of the Hocking Technical College Board of Trustees for a term beginning August 29, 2011 and ending at the close of business August 26, 2014, replacing Joseph M. Murtha, whose term expired.

Chauncey A. Cochran, from New Albany, Franklin County, Ohio, as a Member of the Bureau of Workers' Compensation Board of Directors for a term beginning June 12, 2011 and ending at the close of business June 11, 2014, replacing Larry Price, whose term expired.

David C. Deibel, from North Lima, Mahoning County, Ohio, as a Member of the Youngstown State University Board of Trustees for a term beginning June 7, 2011 and ending at the close of business April 30, 2020, replacing Larry DeJane, whose term expired.

Harvey L. Glick, from Worthington, Franklin County, Ohio, as a Member of the Banking Commission for a term beginning August 1, 2011 and ending at the close of business January 31, 2014.

Peggy Griffith, from Deerfield, Portage County, Ohio, as a Member of the Bureau of Workers' Compensation Board of Directors for a term beginning June 12, 2011 and ending at the close of business June 11, 2014, replacing Thomas R. Pitts, whose term expired.

Evann Katherine Heidersbach, from Grafton, Lorain County, Ohio, as a Student Member of The Ohio State University Board of Trustees for a term beginning June 1, 2011 and ending at the close of business May 13, 2013, replacing Alexis Swain, whose term expired.

Richard H. Hoffman, Republican, from Findlay, Hancock County, Ohio, as a Member of the Real Estate Appraiser Board for a term beginning June 7, 2011 and ending at the close of business June 30, 2012, replacing Raymond Houk, who resigned.

Jerry N. Hruby, from Brecksville, Cuyahoga County, Ohio, as a Member of the Ohio Turnpike Commission for a term beginning June 29, 2011 and ending at the close of business June 30, 2013, replacing David Regula, who resigned.

Mike Jacoby, from Zanesville, Muskingum County, Ohio, as a Member of the Development Financing Advisory Council for a term beginning February 25, 2011 and ending at the close of business December 31, 2011, replacing Kristi S. Tanner, who resigned.

David W. Johnson, from Summitville, Columbiana County, Ohio, as a Member of the Bureau of Workers' Compensation Board of Directors for a term beginning June 12, 2011 and ending at the close of business June 11, 2014, replacing James A. Hummel, whose term expired.

Lawrence J. Kidd, from Jackson, Jackson County, Ohio, as a Member of the Rio Grande Community College Board of Trustees for a term beginning February 15, 2011 and ending at the close of business October 10, 2015, replacing Thomas Karr, whose term expired.

Daniel R. Keller, from Huron, Erie County, Ohio, as a Member of the Bowling Green State University Board of Trustees for a term beginning June 7, 2011 and ending at the close of business May 17, 2020, replacing John Robert Sebo, whose term expired.

Chris Kershner, from Springboro, Warren County, Ohio, as a Member of the Transportation Review Advisory Council for a term beginning August 8, 2011 and ending at the close of business June 29, 2016, replacing Mayor Patrick J. Ungaro, whose term expired.

Robert F. Klaffky, Republican, from Bexley, Franklin County, Ohio, as a Member of the Capitol Square Review and Advisory Board for a term beginning April 25, 2011 and ending at the close of business April 22, 2014, replacing Robert E. Fletcher, whose term expired.

Robert T. Lameier, from Cincinnati, Hamilton County, Ohio, as a Member of the Savings and Loan Association and Savings Bank Board for a term beginning July 26, 2011 and ending at the close of business January 31, 2012.

Richard H. Marsh, from Akron, Summit County, Ohio, as a Member of the Kent State University Board of Trustees for a term beginning July 27, 2011 and ending at the close of business May 16, 2020, replacing Andrew Banks, whose term expired.

Darryl Mehaffie, from Greenville, Darke County, Ohio, as a Member of the Edison State Community College Board of Trustees for a new term beginning February 11, 2011 and ending at the close of business January 17, 2017.

Thomas P. Milligan, Independent, from Sidney, Shelby County, Ohio, as a Member of the Edison State Community College board of Trustees for a new term beginning February 25, 2011 and ending at the close of business January 17, 2017.

Dan T. Moore, from Cleveland Hts., Cuyahoga County, Ohio, as a Member of the Cleveland State University Board of Trustees for a new term beginning May 27, 2011 and ending at the close of business May 1, 2020.

Bernardo Francisco Moreno, from Westlake, Cuyahoga County, Ohio, as a Member of the Cleveland State University Board of Trustees for a term beginning June 1, 2011 and ending at the close of business May 1, 2018, replacing Stephanie McHenry, who resigned.

Scott M. Pettinichi, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Respiratory Care Board for a term beginning July 22, 2011 and ending at the close of business March 14, 2014, replacing Lucy E. Kester, whose term expired.

Davis Kristopher Powers, from Marietta, Washington County, Ohio, as a Member of the Washington State Community College Board of Trustees for a term beginning June 3, 2011 and ending at the close of business February 17, 2014, replacing Lorrie L. Bowman, who resigned.

Klara B. Reynolds, from Portsmouth, Scioto County, Ohio, as a Member of the Shawnee State University Board of Trustees for a term beginning July 14, 2011 and ending at the close of business June 30, 2016, replacing Carl Wick, whose term expired.

Jeffrey R. Rohlf, from Harrod, Allen County, Ohio, as a Member of the Ohio Optical Dispensers board for a term beginning June 3, 2011 and ending at the close of business March 21, 2016, replacing Michael Hall, whose term expired.

Paul S. Siebenmorgen, from Archbold, Fulton County, Ohio, as a Member of the Northwest State Community College Board of Trustees for a term beginning July 20, 2011 and ending at the close of business June 9, 2017, replacing Vond Hall, whose term expired.

Beau Slater, from Beaver Creek, Greene County, Ohio, as a Student Member of the Bowling Green State University Board of Trustees for a term beginning July 13, 2011 and ending at the close of business May 17, 2013, replacing Skyler A. Rogers, whose term expired.

Timothy P. Smucker, from Orrville, Wayne County, Ohio, as a Member of The Ohio State University Board of Trustees for a term beginning June 29, 2011 and ending at the close of business May 13, 2020, replacing Douglas G. Borrer, whose term expired.

Thomas N. Taneff, from Columbus, Franklin County, Ohio, as a Member of the State Board of Cosmetology for a new term beginning July 28, 2011 and ending at the close of business October 31, 2013.

Mark A. Totman, from Hilliard, Franklin County, Ohio, as a Member of the Ohio Housing Finance Agency for a term beginning August 5, 2011 and ending at the close of business January 31, 2017, replacing Darrell Gammell, whose term expired.

Tony Wendeln, from Piqua, Miami County, Ohio, as a Member of the Edison State Community College Board of Trustees for a term beginning April 21, 2011 and ending at the close of business January 17, 2017, replacing Douglas Murray, whose term expired.

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

YES - 9: CAPRI S. CAFARO, THOMAS E. NIEHAUS, TOM PATTON, CHRIS WIDENER, SHANNON JONES, JASON H. WILSON, SHIRLEY A. SMITH, SCOTT OELSLAGER, EDNA BROWN.

NO - 0.

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

The yeas and nays were taken and resulted - yeas 29, nays 0, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|---------|-----------|-----------|-------------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Daniels |
| Faber | Hite | Hughes | Jones |
| Jordan | Kearney | LaRose | Lehner |
| Manning | Obhof | Oelslager | Patton |
| Sawyer | Schaffer | Schiavoni | Skindell |
| Smith | Tavares | Turner | Widener |
| | | | Niehaus-29. |

So the Senate advised and consented to said appointments.

Senator Niehaus submitted the following report:

The Standing Committee on Rules and Reference to which were referred the appointments by the Attorney General of:

Sally Hughes, Republican, Upper Arlington, Franklin County, Ohio, representing residential consumers on the Ohio Consumers' Counsel Governing Board, term beginning September 1, 2011 and ending September 1, 2014. (new appointment)

Michael A. Watkins, Republican, Elida, Allen County, Ohio, representing

organized labor on the Ohio Consumers' Counsel Governing Board, term beginning September 1, 2011 and ending September 1, 2014. (reappointment)

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

YES - 9: THOMAS E. NIEHAUS, SHANNON JONES, CHRIS WIDENER, TOM PATTON, SCOTT OELSLAGER, EDNA BROWN, JASON H. WILSON, SHIRLEY A. SMITH, CAPRI S. CAFARO.

NO - 0.

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

The yeas and nays were taken and resulted - yeas 29, nays 0, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|---------|-----------|-----------|-------------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Daniels |
| Faber | Hite | Hughes | Jones |
| Jordan | Kearney | LaRose | Lehner |
| Manning | Obhof | Oelslager | Patton |
| Sawyer | Schaffer | Schiavoni | Skindell |
| Smith | Tavares | Turner | Widener |
| | | | Niehaus-29. |

So the Senate advised and consented to said appointments.

On the motion of Senator Faber, the Senate recessed until 12:15 p.m.

The Senate met pursuant to the recess.

Senator Faber, having voted on the prevailing side, moved that the vote, whereby the Senate advised and consented to the Governor's appointments be reconsidered.

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

The yeas and nays were taken and resulted - yeas 29, nays 1, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|--------|-----------|--------|---------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Daniels |
| Faber | Hite | Hughes | Jones |
| Jordan | LaRose | Lehner | Manning |
| Obhof | Oelslager | Patton | Sawyer |

Schaffer
Tavares

Schiavoni
Turner

Skindell
Widener

Smith
Wilson
Niehaus-29.

Senator Kearney voted in the negative-1.

The motion was agreed to.

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

Senator LaRose moved that he be excused from voting under Senate Rule No. 57.

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

The motion was agreed to.

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

The yeas and nays were taken and resulted - yeas 29, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon
Burke
Faber
Jordan
Obhof
Schaffer
Tavares

Balderson
Cafaro
Hite
Kearney
Oelslager
Schiavoni
Turner

Beagle
Coley
Hughes
Lehner
Patton
Skindell
Widener

Brown
Daniels
Jones
Manning
Sawyer
Smith
Wilson
Niehaus-29.

So the Senate advised and consented to said appointments.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 318-Representatives Blessing, O'Brien.

Cosponsors: Representatives Amstutz, Anielski, Baker, Beck, Blair, Boose, Bubb, Buchy, Combs, Conditt, Grossman, Hackett, Hayes, Henne, Hill, Hollington, Huffman, Maag, McClain, Newbold, Pelanda, Roegner, Ruhl, Sears, Slaby, Sprague, Stautberg, Stebelton, Terhar, Thompson, Uecker, Wachtmann, Young, Speaker Batchelder.

To amend section 3513.121 of the Revised Code to revise the process for becoming a candidate for nomination for the office of President of the United States, to establish a separate primary election on June 12, 2012, for nominating candidates for the offices of President and Vice-President of the United States, candidates for the office of member of the United States House of Representatives, candidates for at-large delegate and alternate to the national convention of a major political party, and candidates for district

delegate and alternate to the national convention of a major political party, to eliminate the August special election in 2012, to permit political subdivisions and taxing authorities to conduct a special election on the day of the June 12, 2012, primary election, and to make an appropriation, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 318**, pass?"

Senator Cafaro moved to amend as follows:

In line 103, after "(A)" delete the balance of the line

Delete lines 104 through 161 and insert "Notwithstanding any provision of the Revised Code to the contrary, in the year 2012 the primary election shall be conducted on June 12, 2012, for the purpose of nominating candidates for all offices that are scheduled for election in 2012 pursuant to section 3501.02 of the Revised Code.

(B)(1) Any person who, prior to the effective date of this act, filed a declaration of candidacy and petition, a declaration of intent to be a write-in candidate, or a nominating petition seeking nomination at the March 6, 2012, primary election shall be deemed to have filed those papers for nomination to the same office for the primary election scheduled to be held, pursuant to this act, on June 12, 2012.

(2) A person who wishes to seek nomination at the primary election scheduled to be held, under this act, on June 12, 2012, may file the appropriate declaration of candidacy and petition, declaration of intent to be a write-in candidate, or nominating petition for that election not later than ninety days prior to the day of that election, in the manner specified under Title XXXV of the Revised Code.

(3) If a person filed a declaration of candidacy and petition, declaration of intent to be a write-in candidate, or a nominating petition to become a candidate at the March 6, 2012, primary election prior to the filing deadline for that election as it existed before the effective date of this act and files again to become a candidate for nomination at the June 12, 2012, primary election for the same office, the person is not disqualified as a candidate under section 3513.052 of the Revised Code and, if the person otherwise qualifies as a candidate, shall be placed on the ballot for nomination for that office at that election."

In line 4 of the title, delete "separate"

In line 5 of the title, delete "for nominating"

Delete lines 6 through 12 of the title

In line 13 of the title, delete "convention of a major political party,"

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

Senator Faber 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 20, nays 10, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|--------|-----------|---------|-------------|
| Bacon | Balderson | Beagle | Burke |
| Coley | Daniels | Faber | Hite |
| Hughes | Jones | Jordan | LaRose |
| Lehner | Manning | Obhof | Oelslager |
| Patton | Schaffer | Widener | Niehaus-20. |

Those who voted in the negative were: Senators

| | | | |
|-----------|----------|---------|------------|
| Brown | Cafaro | Kearney | Sawyer |
| Schiavoni | Skindell | Smith | Tavares |
| Turner | | | Wilson-10. |

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 318**, pass?"

Senator Smith moved to amend as follows:

After line 209, insert:

"Section 6. Notwithstanding any provision of the Revised Code to the contrary, in calendar year 2012, not less than thirty-five days before the day of the presidential primary election and not less than thirty-five days before the day of the general election, the Secretary of State shall mail to each person registered to vote in this state an application to vote by absent voter's ballots at that election. The secretary of state shall include on that application prepaid postage for the return of the application."

In line 17 of the title, after the third comma insert "to require the Secretary of State to send an application for absent voter's ballots to each person registered to vote in this state for the primary election and for the general election in 2012, to require those applications to include prepaid postage for their return,"

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

Senator Faber 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 20, nays 10, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|--------|-----------|---------|-------------|
| Bacon | Balderson | Beagle | Burke |
| Coley | Daniels | Faber | Hite |
| Hughes | Jones | Jordan | LaRose |
| Lehner | Manning | Obhof | Oelslager |
| Patton | Schaffer | Widener | Niehaus-20. |

Those who voted in the negative were: Senators

| | | | |
|-----------|----------|---------|------------|
| Brown | Cafaro | Kearney | Sawyer |
| Schiavoni | Skindell | Smith | Tavares |
| Turner | | | Wilson-10. |

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 318**, pass?"

Senator Tavares moved to amend as follows:

In line 19, delete "section" and insert "sections 3509.03, 3511.02, and"

Between lines 20 and 21, insert:

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

- (A) The elector's name;
- (B) The elector's signature;
- (C) The address at which the elector is registered to vote;
- (D) The elector's date of birth;
- (E) One of the following:
 - (1) The elector's driver's license number or state identification card number;
 - (2) The last four digits of the elector's social security number;
 - (3) A copy of the elector's current and valid photo identification, a copy of a military identification, a copy of a United States passport, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector.

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

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

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

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

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

A board of elections shall not mail any unsolicited applications for absent voter's ballots. A board shall only mail an absent voter's ballot application to an elector who has requested such an application from the board. A board of elections that mails an absent voter's ballot application to an elector under this section shall not prepay the return postage for that application.

Sec. 3511.02. Notwithstanding any section of the Revised Code to the contrary, whenever any person applies for registration as a voter on a form adopted in accordance with federal regulations relating to the "Uniformed and Overseas Citizens Absentee Voting Act," 100 Stat. 924, 42 U.S.C.A. 1973ff (1986), this application shall be sufficient for voter registration and as a request for an absent voter's ballot. Uniformed services or overseas absent voter's ballots may be obtained by any person meeting the requirements of section 3511.011 of the Revised Code by applying electronically to the secretary of state or to the board of elections of the county in which the person's voting residence is located in accordance with section 3511.021 of the Revised Code or by applying to the board of elections of the county in which the person's voting residence is located, in one of the following ways:

(A) That person may make written application for those ballots. The person may personally deliver the application to the board or may mail it, send it by facsimile machine, send it by electronic mail, send it through internet delivery if such delivery is offered by the board of elections or the secretary of state, or otherwise send it to the board. The application need not be in any particular form but shall contain all of the following information:

(1) The elector's name;

(2) The elector's signature;

- (3) The address at which the elector is registered to vote;
 - (4) The elector's date of birth;
 - (5) One of the following:
 - (a) The elector's driver's license number or state identification card number;
 - (b) The last four digits of the elector's social security number;
 - (c) A copy of the elector's current and valid photo identification, a copy of a military identification, a copy of a United States passport, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector.
 - (6) A statement identifying the election for which absent voter's ballots are requested;
 - (7) A statement that the person requesting the ballots is a qualified elector;
 - (8) A statement that the elector is an absent uniformed services voter or overseas voter as defined in 42 U.S.C. 1973ff-6;
 - (9) A statement of the elector's length of residence in the state immediately preceding the commencement of service, immediately preceding the date of leaving to be with or near the service member, or immediately preceding leaving the United States, or a statement that the elector's parent or legal guardian resided in this state long enough to establish residency for voting purposes immediately preceding leaving the United States, whichever is applicable;
 - (10) If the request is for primary election ballots, the elector's party affiliation;
 - (11) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed;
 - (12) If the elector desires ballots to be sent to the elector by facsimile machine, the telephone number to which they shall be so sent;
 - (13) If the elector desires ballots to be sent to the elector by electronic mail or, if offered by the board of elections or the secretary of state, through internet delivery, the elector's electronic mail address or other internet contact information.
- (B) A voter or any relative of a voter listed in division (C) of this section may use a single federal post card application to apply for uniformed services or overseas absent voter's ballots for use at the primary and general elections in a given year and any special election to be held on the day in that year specified by

division (E) of section 3501.01 of the Revised Code for the holding of a primary election, designated by the general assembly for the purpose of submitting constitutional amendments proposed by the general assembly to the voters of the state. A single federal postcard application shall be processed by the board of elections pursuant to section 3511.04 of the Revised Code the same as if the voter had applied separately for uniformed services or overseas absent voter's ballots for each election.

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

- (1) The full name of the elector for whom ballots are requested;
- (2) A statement that the elector is an absent uniformed services voter or overseas voter as defined in 42 U.S.C. 1973ff-6;
- (3) The address at which the elector is registered to vote;
- (4) A statement identifying the elector's length of residence in the state immediately preceding the commencement of service, immediately preceding the date of leaving to be with or near a service member, or immediately preceding leaving the United States, or a statement that the elector's parent or legal guardian resided in this state long enough to establish residency for voting purposes immediately preceding leaving the United States, as the case may be;
- (5) The elector's date of birth;
- (6) One of the following:
 - (a) The elector's driver's license number or state identification card number;
 - (b) The last four digits of the elector's social security number;
 - (c) A copy of the elector's current and valid photo identification, a copy of a military identification, a copy of a United States passport, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and

address of the elector.

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

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

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

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

(11) The address to which ballots shall be mailed, the telephone number to which ballots shall be sent by facsimile machine, the electronic mail address to which ballots shall be sent by electronic mail, or, if internet delivery is offered by the board of elections or the secretary of state, the internet contact information to which ballots shall be sent through internet delivery;

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

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

(D) If the voter for whom the application is made is entitled to vote for presidential and vice-presidential electors only, the applicant shall submit to the board in addition to the requirements of divisions (A), (B), and (C) of this section, a statement to the effect that the voter is qualified to vote for presidential and vice-presidential electors and for no other offices."

In line 101, delete "section" and insert "sections 3509.03, 3511.02, and"

In line 102, delete "is" and insert "are"

In line 1 of the title, delete "section" and insert "sections 3509.03, 3511.02, and"

In line 17 of the title, after the comma insert "to specify that in-person absent voting ends at the close of business on the day before the election, as the law existed prior to Am. Sub. H.B. 194 and Am. Sub. H.B. 224, both of the 129th General Assembly,"

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

Senator Faber 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 20, nays 10, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|--------|-----------|---------|-------------|
| Bacon | Balderson | Beagle | Burke |
| Coley | Daniels | Faber | Hite |
| Hughes | Jones | Jordan | LaRose |
| Lehner | Manning | Obhof | Oelslager |
| Patton | Schaffer | Widener | Niehaus-20. |

Those who voted in the negative were: Senators

| | | | |
|-----------|----------|---------|------------|
| Brown | Cafaro | Kearney | Sawyer |
| Schiavoni | Skindell | Smith | Tavares |
| Turner | | | Wilson-10. |

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 318**, pass?"

The yeas and nays were taken and resulted - yeas 20, nays 10, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|--------|-----------|---------|-------------|
| Bacon | Balderson | Beagle | Burke |
| Coley | Daniels | Faber | Hite |
| Hughes | Jones | Jordan | LaRose |
| Lehner | Manning | Obhof | Oelslager |
| Patton | Schaffer | Widener | Niehaus-20. |

Those who voted in the negative were: Senators

| | | | |
|-----------|----------|---------|------------|
| Brown | Cafaro | Kearney | Sawyer |
| Schiavoni | Skindell | Smith | Tavares |
| Turner | | | Wilson-10. |

So the bill passed.

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

Senator Coley moved to amend the title as follows:

Add the name: "Coley."

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

The motion was agreed to and the title so amended.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 238-Senator Lehner.

Cosponsors: Senators Jones, Wagoner, Schaffer, Brown, Tavares, Skindell.

To amend section 102.02 of the Revised Code to require persons who are elected or appointed to, or who are candidates for, an office of a township with a population of five thousand or more to file statements under the Ethics Law.

S. B. No. 239-Senator Sawyer.

To amend section 3301.01 of the Revised Code to establish state board of education districts based on the 2011 plan of apportionment.

OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolution was offered:

S. R. No. 137-Senator Hughes.

Cosponsor: Senator Patton.

In memory of Monsignor Kenneth Grimes.

The question being, "Shall the resolution listed under the President's prerogative be adopted?"

So the resolution was adopted.

COMMUNICATIONS FROM THE GOVERNOR

The President handed down the following messages from the Governor which were read by the Clerk:

STATE OF OHIO EXECUTIVE DEPARTMENT OFFICE OF THE GOVERNOR COLUMBUS

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Tony Anteau, from Toledo, Wood County, Ohio, as a Member of the Ohio Medical Transportation Board for a new term beginning August 30, 2011 and ending at the close of business July 5, 2013.

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 30th day of August in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,
Governor.

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

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, David H. Budig, from Cincinnati, Hamilton County, Ohio, as a Member of the Miami University Board of Trustees for a term beginning September 13, 2011 and ending at the close of business February 28, 2013, replacing S. Kay Geiger, who resigned.

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 13th day of September in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,
Governor.

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

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Stan W. Jonas, from Canton, Stark County, Ohio, as a Member of the Stark State College of Technology Board of Trustees for a term beginning September 20, 2011 and ending at the close of business August 1, 2014, replacing Kelly Zachary, whose term expired.

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 20th day of September in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,
Governor.

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

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Phillip K King, from Sagamore Hills, Summit County, Ohio, as a Student Member of the Northeast Ohio Medical University Board of Trustees for a term beginning September 16, 2011 and ending at the close of business June 29, 2013, replacing John J. Graham, whose term expired.

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 16th day of September in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,
Governor.

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

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Monica A. Kridler, from Columbus, Franklin County, Ohio, as a Member of the Ohio Arts Council for a term beginning September 19, 2011 and ending at the close of business July 1, 2016, replacing Charlotte Kessler, whose term expired.

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 19th day of September in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,
Governor.

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

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Virginia M. Lindseth, Ph.D, from Hunting Valley, Cuyahoga County, Ohio, as a Member of the Ohio Board of Regents for a term beginning September 12, 2011 and ending at the close of business September 20, 2016, replacing Donna Alvarado, whose term expired.

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 12th day of September in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,
Governor.

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

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Gerard J. Reis, from Concord, Lake County, Ohio, as a Member of the Lakeland Community College Board of Trustees for a term beginning September 30, 2011 and ending at the close of business October 12, 2012, replacing Ryan Callender, who resigned.

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 30th day of September in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,
Governor.

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

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Jeffrey A. Rich, from Dublin, Franklin County, Ohio, as a Member of the Ohio Arts Council for a new term beginning September 19, 2011 and ending at the close of business July 1, 2016.

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 19th day of September in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,
Governor.

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

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, William P. Schweizer, from Canton, Stark County, Ohio, as a Member of the Stark State College of Technology Board of Trustees for a term beginning September 20, 2011 and ending at the close of business August 1, 2013,

replacing Tony Townsend, whose term expired.

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 20th day of September in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,
Governor.

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

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Geraldine B. Warner, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Arts Council for a term beginning September 19, 2011 and ending at the close of business July 1, 2016, replacing Martha A. Burton, whose term expired.

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 19th day of September in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,
Governor.

Said appointments were referred to the Committee on Rules and Reference.

On the motion of Senator Faber, the Senate adjourned until Friday, October 21, 2011 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.