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Conference Committee Synopsis

Legislative Service Commission

Am. Sub. H.B. 3
126th General Assembly

The Conference Committee recommends the bill as passed by the Senate with the following changes:

Topic	House Version	Senate Version	Conference Committee Recommendation
<p>Voter identification</p>	<p>Requires first time voters who register to vote by mail without providing specified information to provide identification at a polling place before casting a ballot (R.C. 3505.18).</p>	<p>Requires all voters to provide a specified form of identification at a polling place before casting a ballot (R.C. 3505.18).</p>	<p>Postpones until June 1, 2006, the requirement from the Senate-passed version that all voters provide specified forms of identification at a polling place before casting a ballot (Section 6).</p> <p>Adds to the list of acceptable forms of identification a military identification that shows the voter's name and address (R.C. 3501.19, 3503.14, 3503.16, 3503.19, 3503.28, 3505.18, 3505.181, 3505.182, 3505.183, 3509.03, 3509.031, 3509.04, 3509.05, 3511.02, and 3511.09).</p> <p>Requires the same forms of identification required for</p>

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			voting at a polling place to be used for identification for requesting and voting absent voter's ballots (<i>R.C. 3509.03, 3509.031, 3509.04, 3509.05, 3511.02, and 3511.09</i>).
Provisional ballots	Establishes provisional ballots for the purposes of all elections conducted in this state; specifies the voters eligible to cast those ballots; and establishes the processes for casting, determining the validity of, and counting those ballots (<i>R.C. 3505.18, 3505.181, 3505.182, and 3505.183</i>).	Modifies the House-passed version regarding (1) the voters eligible to cast provisional ballots, (2) the processes for casting, determining the validity of, and storing those ballots, and (3) the affirmation form that provisional voters are required to execute (<i>R.C. 3505.18, 3505.181, 3505.182, and 3505.183</i>).	Retains the Senate-passed provisions, but postpones until June 1, 2006, the date on which those provisions will take effect (<i>Section 9(A)</i>). Specifies that, for the May 2, 2006, primary election, and for any special election conducted on that day, provisional ballots that meet the requirements of federal law must be made available to all voters for state and local elections as if the ballots for those elections were ballots for an election for federal office (<i>Section 9(B)</i>). Specifies that, notwithstanding any contrary provisions of existing law, for the May 2, 2006, primary election, provisional ballots that meet the requirements of federal law must be made available to all



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			voters for an election for federal office (<i>Section 9(C)</i>).
Statewide voter registration database	Requires the Secretary of State to establish a statewide voter registration database that meets the requirements of federal law and specifies certain additional requirements with which that database must comply (<i>R.C. 3503.15</i>).	Same as House provision.	Additionally requires the Secretary of State to (1) adopt rules establishing a process for annually auditing the information in the database, and (2) effective June 1, 2006, make certain information in the database be available on a web site of the office (<i>R.C. 3503.15 and Section 8</i>).
Precinct identification web site	Permits each county board of elections to operate and maintain a web site at which any person in that county may enter the person's address and promptly receive notification of the person's correct precinct and polling place (<i>R.C. 3501.24</i>).	Permits each county board of elections to include this information on its own web site, or, if the board does not operate and maintain a web site, on the free web space provided by the office of the Secretary of State (<i>R.C. 3501.24</i>).	Requires, as part of the statewide voter registration database, the Secretary of State to make available online during the 30 days prior to an election, a web site interface that allows a voter to search for the polling location at which the voter may cast a ballot, and requires boards of elections to provide to the Secretary, during that time and for that purpose, updated locations of precinct polling places within one business day (<i>R.C. 3503.15(G)</i>).



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<p>Publication of election notices</p>	<p>Reduces to two the number of times notices of certain elections are required to be published in newspapers of general circulation in the area in which the election will be conducted (<i>R.C. 131.23, 306.70, 307.791, 322.021, 324.021, 503.162, 504.02, 504.03, 511.28, 511.34, 513.14, 745.07, 747.11, 3311.21, 3311.50, 3311.73, 3349.29, 3354.12, 3355.09, 4504.021, 5705.191, 5705.194, 5705.196, 5705.21, 5705.218, 5705.25, 5705.251, 5705.261, 5705.71, 5739.022, 5748.02, 5748.04, 5748.08, and 6119.18</i>).</p>	<p>Adds to the changes in the House-passed version a requirement that boards of elections publish notice of those elections for 30 days on their web sites, or, if the boards do not operate and maintain their own web sites, on free web space provided by the office of the Secretary of State (<i>R.C. 131.23, 306.70, 307.791, 322.021, 324.021, 503.162, 504.02, 504.03, 511.28, 511.34, 513.14, 745.07, 747.11, 3311.21, 3311.50, 3311.73, 3349.29, 3354.12, 3355.09, 3501.05, 3501.24, 4504.021, 5705.191, 5705.194, 5705.196, 5705.21, 5705.218, 5705.25, 5705.251, 5705.261, 5705.71, 5739.022, 5748.02, 5748.04, 5748.08, and 6119.18</i>).</p>	<p>Eliminates, from the Senate-passed version, a requirement that the Secretary of State maintain free web space for boards of elections that do not operate and maintain their own web sites, and instead requires each board of elections to publish notice of those elections for 30 days on the board's web site, if the board operates and maintains a web site (<i>R.C. 131.23, 306.70, 307.791, 322.021, 324.021, 503.162, 504.02, 504.03, 511.28, 511.34, 513.14, 745.07, 747.11, 3311.21, 3311.50, 3311.73, 3349.29, 3354.12, 3355.09, 4504.021, 5705.191, 5705.194, 5705.196, 5705.21, 5705.218, 5705.25, 5705.251, 5705.261, 5705.71, 5739.022, 5748.02, 5748.04, 5748.08, and 6119.18</i>).</p> <p>Postpones until June 1, 2006, the date after which a board of elections must post notice of certain elections on its web site, if it operates and maintains a web site (<i>Section 3</i>).</p>



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<p>Voter notification of elections</p>	<p>Requires a board of elections to send a notice to registered electors on the 45th day before the general election in an even-numbered year, and requires any elector whose notice is returned undeliverable to the board to vote by provisional ballot (<i>R.C. 3501.19</i>).</p>	<p>Revises the House-passed version by increasing from 45 to 60 the number of days before the day of the general election in an even-numbered year that the notice must be sent to registered voters, and requires the notice to include specified information regarding voter identification and the location of the appropriate polling place (<i>R.C. 3501.19</i>).</p>	<p>Revises the Senate-passed version by limiting to 60 days before each of the following elections the times at which a board of elections must send a notice to registered electors: the 2006 August special election, the 2006 general election, the 2008 primary election, and the 2008 general election (<i>R.C. 3501.19(A)</i>).</p> <p>Permits a voter whose notice is returned undeliverable to vote a regular ballot if the voter provides specified forms of identification at the polling place, and requires such a voter who fails to provide identification or who provides other types of identification to vote a provisional ballot (<i>R.C. 3501.19(C)</i>).</p> <p>Repeals the requirement that a board of elections send a notice of elections to registered electors on January 1, 2009 (<i>Section 10</i>).</p>



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<p>Attorney in fact for disabled voters</p>	<p>No provision.</p>	<p>Establishes a process for an elector who is unable to sign election documents due to a disability to appoint an attorney in fact to sign on the elector's behalf, and requires the signature of the attorney in fact to be recognized by a board of elections as the elector's signature (<i>R.C. 303.12, 519.12, 3375.03, 3501.38, 3501.382, 3503.14, 3505.18, 3513.07, 3513.09, 3513.261, 3519.05, 3599.13, and 3599.14</i>).</p>	<p>Eliminates the requirement from the Senate-passed provision that a notarized attorney in fact appointment include a physician's attestation (<i>R.C. 3501.382(A)(1)(a)</i>).</p> <p>Establishes an additional process for a disabled elector to appoint an attorney in fact without that appointment being notarized, if it includes a physician's attestation and is made before an elections official (<i>R.C. 3501.382(A)(1)(b)</i>).</p> <p>Specifies that a voter is not unable to sign election documents if the voter is able to sign through reasonable accommodation, including the use of assistive technology or augmentative devices (<i>R.C. 3501.382(F)</i>).</p> <p>Postpones until June 1, 2006, the provisions that permit a disabled voter to appoint an attorney in fact (<i>Section 4</i>).</p>



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Registration of person registering voters	Requires a person who is compensated for registering voters to register with the board of elections of each county in which the person will register voters (<i>R.C. 3503.29</i>).	Same as House provision.	Changes, from the House-passed provision, the entity with whom persons who are compensated for registering voters must register from each board of elections to the office of the Secretary of State, and requires those persons to specify, at the time of registration, the name of each county in which the person expects to register voters (<i>R.C. 3503.29</i>).
Solicitation of contributions to elected officials	No provision.	Prohibits county, municipal, and township elected officers, and candidates for county, municipal, and township elected offices from knowingly soliciting or accepting contributions of more than \$200 in each election cycle from certain employees of the office for which the person is an officer or candidate and establishes a penalty for violating that prohibition (<i>R.C. 3517.092 and 3517.992</i>).	Prohibits certain employees of state elected officers and candidates for state elected office from soliciting contributions to the officer or candidate or the officer's or candidate's campaign committee (<i>R.C. 3517.092(B)</i>). Expands the existing prohibition against soliciting contributions on behalf of county elected officers and candidates for county elected office (or their campaign committee) by: (1) prohibiting the solicitation of contributions



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			<p>to any elected officer of a political subdivision of the state and any candidate for an elective office of a political subdivision of the state (and the campaign committee of such an officer or candidate) from certain public employees, and (2) prohibits certain employees of such an officer or candidate from soliciting contributions to the officer or candidate or the officer or candidate's campaign committee from certain public employees (<i>R.C. 3517.092(C) and (D)</i>).</p> <p>Applies the provisions of the whistleblower statute to improper solicitations of contributions from employees of the state or of any political subdivision (<i>R.C. 4113.52</i>).</p>
Counting of absent voter's ballots	No provision.	No provision.	Requires a board of elections, if it determines that the signature on an absent voter's ballot envelope does not match the signature on the voter's registration form, to set that ballot aside and determine, prior



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			<p>to the official canvass, whether the elector also cast a provisional ballot in the precinct on the day of the election (<i>R.C. 3509.09(C)(1) and 3511.13(C)(1)</i>).</p> <p>Requires a board of elections to count as valid an otherwise valid provisional ballot for a voter if the board of elections does not receive that voter's absent voter's ballots prior to the applicable deadline (<i>R.C. 3509.09(C)(3) and 3511.13(C)(3)</i>).</p>
<p>Penalty for failure to properly return voter registration forms</p>	<p>Prohibits a person who helps another to register outside an official registration place or a person who registers voters for compensation from knowingly failing to properly return voter registration forms entrusted to that person, specifies that the penalty for such a violation is a felony of the fifth degree, and increases the penalty on an existing similar prohibition from a misdemeanor of the first degree to a felony of the fifth degree (<i>R.C. 3599.11(B) and (C)</i>).</p>	<p>Modifies the deadline established in the House-passed version by which voter registration forms must be returned (<i>R.C. 3599.11(B) and (C)</i>).</p>	<p>Generally retains the Senate-passed version, but specifies that, if all of the following apply, the violation will be a misdemeanor of the first degree instead of a felony of the fifth degree: the person has not previously violated any of the applicable provisions, the violation does not cause any person to miss any voter registration deadlines with regard to any election, and the number of voter registration forms that the person has failed to properly return does not</p>



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			exceed 49 (<i>R.C. 3599.11(B) and (C)</i>).
Registration of voters without a fixed habitation	No provision.	No provision.	Specifies that, if a person does not have a fixed place of habitation, but has a shelter or other location at which the person has been a consistent or regular inhabitant and to which the person has the intention of returning, that shelter or other location is deemed the person's residence for the purpose of registering to vote (<i>R.C. 3503.02(I)</i>).
Updating voter signatures	No provision.	No provision.	Requires the Secretary of State to establish a procedure by which a registered elector may update the elector's signature used in the poll list or signature pollbook (<i>R.C. 3501.05(Z)</i>).
Board of elections expenses	No provision.	No provision.	Eliminates, in the law governing expenses incurred by a board of elections, a cross reference to the Tax Law provision that requires certification by the appropriate fiscal officer before a contract may be made or money may be expended, but retains the prohibition against a



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			board of elections incurring an obligation involving an expenditure of money unless there are moneys in the fund to meet the obligation (<i>R.C. 3501.17(A)</i>).
Electronic communication of voter registration information from the Bureau of Motor Vehicles to a board of elections	No provision.	Requires the Bureau of Motor Vehicles, in consultation with a committee consisting of the directors of certain boards of elections, to develop and review a system to make information from completed voter registration applications received by the Registrar of Motor Vehicles or a deputy registrar available to boards of elections via electronic means (<i>R.C. 3503.11</i>).	Same as House provision.
Board of election branch offices	No provision.	Provides that, if a board of elections acquires, designates, or maintains any site other than the office of the board or a precinct polling place, including any temporary or permanent branch office, at which the board permits electors to vote, then the electors will not be permitted to vote at any other	Retains the Senate-passed provision, but postpones until June 1, 2006, the date after which it takes effect (<i>Section 7</i>).



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		branch office or any other office of the board (<i>R.C. 3501.10</i>).	
Appointment of election observers	Replaces election challengers and witnesses with election observers who may observe the election and counting of ballots, but who may not challenge voters at the polls (<i>R.C. 3501.26, 3501.30, 3501.33, 3501.35, 3501.90, 3505.16, 3505.183, 3505.21, 3505.25, 3505.26, 3505.27, 3505.32, 3506.12, 3506.13, 3509.06, 3513.22, 3515.04, 3515.13, 3523.05, and 3599.38</i>).	Changes, from the House-passed provision, the deadline by which certain groups must file a petition to be recognized to appoint election observers (<i>R.C. 3505.21</i>).	Retains the Senate-passed provision, but postpones until June 1, 2006, the date after which election observers may be appointed and after which election challengers and witnesses are eliminated (<i>Section 5</i>).

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