SB153 Falls Short in Enhancing Ohio's Critical Infrastructure Elections

1. **Lack of Verification Tools:** Boards of Elections (Boards) lack access to databases needed to verify voter identity or eligibility - including US citizenship - contrary to President Trump Executive Order (EO) 14248

2. **No Verification BEFORE Registration:** All registrations are added to the voter rolls without identity, citizenship or eligibility verification, contrary to SOS LaRose Press Release 8/29/2024 and President Trump Executive Order 14248

3. **Lack of equal treatment under the law:** Voters who register using a driver's license or state id number (DL/ID) are verified for citizenship through Bureau of Motor Vehicle (BMV) records without having to provide documentary proof of citizenship (DPOC); however, voters who register using the last four digits of social security number (SSN4) must provide DPOC even though citizenship could be verified through Social Security Administration (SSA) records

4. **Noncompliance with Federal Law:** Fails to meet HAVA verification standards to process a voter registration, which requires a valid DL/ID; SSN4 may only be provided if no valid ID has been issued [52 U.S. Code § 21083]

5. **Limited Citizenship Verification:** Existing voters are verified for citizenship only if they change their name or address.

6. **Limited Review for BMV and SSA Record Mismatches:** Existing voters with unverifiable DL/ID, SSN4 or registration information may not be required to vote provisionally. Then, once they vote, the ID verification is permanently cleared without ever being resolved according to a SOS directive.

7. **Petition Signature Loophole:** Voters not verified as eligible to vote may sign petitions, and under a SOS directive, the registration is reactivated without ever resolving the underlying eligibility issues, such as an invalid ID

8. **Inconsistent Documentary Proof of Citizenship (DPOC) Verification:** SOS uses undisclosed sources to verify DPOC, while poll workers and Boards must rely on a visual inspection without access to authoritative databases

9. **Limited Use of Available Citizenship Data:** Only BMV records are screened with DHS Systematic Alien Verification for Entitlements (SAVE) used for confirmation; new and existing voters who registered using SSN digits are excluded from this process and must provide DPOC. President Trump's EO 14248 directed the Commissioner of Social Security to make available all relevant federal databases to all state and local election officials.

10. **Lack of Training on DPOC Review:** Election officials and poll workers are not required to be trained to identify or authenticate proof of citizenship documents

11. **No Provisional Ballot for Unverified Citizens:** Voters without verified citizenship may cast regular ballots if they bring DPOC to the polls – placing an unreasonable burden on temporary poll workers to correctly authenticate

12. **Expired Documents Accepted as Verified Proof of Citizenship:** Expired driver's licenses and passports are accepted as verified DPOC, which is inconsistent with private-sector standards and President Trump EO 14248

13. **Out-of-State Licenses Accepted as Verified Proof of Citizenship:** Non-Ohio driver's licenses are accepted as verified DPOC, despite inconsistent citizenship standards across states

14. **No Verification for DPOC Copies Against Official Records:** Copies of proof of citizenship are not verified with source databases, increasing the risk of accepting invalid documents as verified proof of citizenship

15. **No Hearing Process:** No remedy for individuals claiming US citizenship but lacking acceptable DPOC

16. **No Backup Citizenship Database Check:** Lacks a safeguard to correct BOE errors in verifying citizenship

17. **No BOE Authority to Cancel Noncitizens:** Boards are statutorily responsible for managing local voter rolls, but cannot cancel registrations for unverifiable citizens; the SOS centralizes this operation, with no requirement to update local records accordingly

18. **No Tracking of Citizenship Sources:** Fails to record which data source was used to verify citizenship, reducing transparency and accountability

19. **No Prior Registration Cancellation Authorization:** Updated registration forms do not clearly authorize the cancellation of a voter's previous Ohio registrations

20. **No Signature Mismatch Notification:** Boards are not required to notify voters if cancellation requests are denied due to a signature mismatch with a previous registration

21. **Inconsistent Provisional Ballot Standards:** Does not ensure all issues causing a voter to be flagged as provisional be resolved before the provisional ballot indicator is removed from a voter registration record

22. **Military Id Valid as Photo-ID, but Not Documentary Proof of Citizenship (DPOC):** This will cause confusion and potential lack of compliance among all 88 counties when requiring DPOC from a voter with a military id

Proposed SB153 Amendments to Enhance Ohio's Critical Infrastructure Elections

1. **Require Use of Relevant Databases:** All new voter registration applicants must be verified as eligible to vote using the Ohio BMV database, Social Security Administration (SSA) database, and other applicable federal and state databases. This aligns with President Trump EO 14248 directing the SSA Commissioner to make available the SSA database and other relevant federal databases to all state <u>and local</u> election officials.

2. **Verify Eligibility of All Existing Registrations:** Upon implementation, all existing voter registrations must be reviewed – not just those with a BMV record or changes in name or address as in the current bill. Verification must include identity and eligibility (including citizenship), using BMV, SSA and other relevant federal databases.

3. **Verify Eligibility Before Registration:** All new voter registration applicants must be verified for identity and eligibility, including US citizenship, before being added to the voter rolls.
   - Fulfills SOS LaRose public requests in August 2024 to verify US citizenship before adding voters to the voter rolls
   - Aligns with President Trump Executive Order (EO) 14248
   - Complies with federal HAVA law by validating a driver's license if the applicant has been issued one [52 U.S. Code§ 21083]

4. **Implement Monthly Voter Roll Reviews to Confirm Citizenship:** For transparency and accountability, require the SOS to conduct at least monthly reviews of all registered voters, independent of citizenship verification when registering to vote. Cross-reference relevant **federal** databases and hearing determinations ensures accurate citizenship verification. If citizenship has been previously verified in an earlier monthly review, the registrant is exempt from further reverification.

5. **Maintain Accurate Provisional Voting Status:** A voter's provisional status must not be lifted unless all underlying issues have been resolved.

6. **Close the Petition Signature Loophole:** Prohibit counting petition signatures from individuals who are not verified as eligible voters. Voters in provisional status must provide valid information for their ballot to count, yet petition signatures to potentially change Ohio's Constitution are currently counted, even if the individual is not verified as eligible to vote.

7. **Grant Boards Access to Verification Databases:** Require BOE access to BMV, SSA and DHS SAVE databases to verify identity and eligibility - including citizenship - of applicants and those already registered . Under federal HAVA law, Boards are required to "verify" information provided by provisional ballot voters. This includes verifying a <u>copy</u> of documentary proof of citizenship (DPOC). Boards must be provided with the appropriate tools to <u>legally</u> fulfill their responsibilities.

8. **Verify Copies of Citizenship Documents Against Databases:** Copies may be easily falsified with modern technology. Before acceptance, copies of DPOC must be cross-verified with relevant federal or state databases to confirm authenticity.

9. **Disallow Expired or Out-of-State IDs as Proof of Citizenship:** Expired driver's licenses, state IDs and passports should not be accepted as valid proof of citizenship, along with other states' driver's licenses, as they cannot be reliably verified. This aligns with President Trump EO 14248.

10. **Codify Training of Boards on Recognizing Valid Citizenship Documents:** BOE officials must be trained to identify the authenticity of the various documents that prove citizenship.

11. **Prohibit Visual Verification of Proof of Citizenship by Poll Workers:** Temporary poll workers should not be responsible for verifying documents presented as proof of citizenship. Verification should be conducted by properly trained BOE officials.

12. **Establish a Hearing Process for Individuals Lacking Acceptable DPOC:** Individuals claiming US citizenship but lacking acceptable documentation should be able to provide alternative evidence of citizenship.

13. **Authorize Boards to Cancel Unverified Registrations:** Responsibility for canceling registrations of voters whose citizenship cannot be verified should rest with the Boards, not the SOS. The SOS should provide oversight to ensure compliance.

14. **Update Registration Forms to Include Cancellation of Prior Registrations:** Ensure all registration and update forms clearly authorize cancellation of any prior Ohio voter registrations.

15. **Notify Voters if Cancellation Requests are Denied:** Require Boards to notify voters if registration cancellation requests are denied due to a signature mismatch with a previous registration.

16. **No Unfunded Mandate:** BOEs should not be responsible for funding necessary improvements to Ohio's critical infrastructure elections.