



SB153 Sub-Bill Credibility Assessment

SB153 Shortfalls and Possible Proponent Positions	SB153 Sub-Bill Credibility Assessment
<p>No Citizenship Verification for Existing Registrants:</p> <ul style="list-style-type: none"> ▪ Retroactive checks on all 7.8 million registered voters could cause confusion or accidental removals. ▪ The bill focuses prospectively on new applicants to “fix the system going forward. ▪ Existing voters should be <i>grandfathered</i>, as they were not required to verify citizenship at the time of registration. ▪ Requiring new documentation from previously registered voters could be viewed as unfair or unnecessary. ▪ Only 167 noncitizens identified as having voted and 1,084 noncitizens registered unlawfully have been referred for consideration of federal prosecution. ▪ The bill moves in the right direction. 	<p> Weak. Ohio’s registration process allows noncitizens to be added to the voter rolls through both Bureau of Motor Vehicles (BMV) and non-BMV registrations because citizenship is not verified before records are created.</p> <ul style="list-style-type: none"> ▪ In 2025, over 305,000 noncitizens held Ohio driver’s licenses or state IDs. In 2024, 39,000 registrants had unverifiable SSN4s – meaning no citizenship validation occurred. The risk of unverified noncitizens on the voter rolls is therefore significant. ▪ Checking a citizenship box on a voter registration form <i>asserts</i> citizenship but does not prove it. It does not meet the standard of Article V, Section 1 of the Ohio Constitution, which limits the vote to U.S. citizens, <i>not just those who claim to be citizens</i>. ▪ Allowing existing registrants to remain unverified effectively grandfathers in potentially ineligible voters, undermining the bill’s purpose. Administrative convenience does not override the constitutional requirement of verified eligibility. ▪ The Secretary of State has not publicly reported whether the number of noncitizens identified resulted from a review of all 7.8 million registered voters or from the limited annual noncitizen review required by law, which only identifies voters with a driver’s license or state ID who have twice presented noncitizen documents to the BMV. ▪ Every illegal vote dilutes the vote of a lawful voter and can alter an election outcome. Both Secretary of State LaRose and sponsor Senator Gavarone have stated that even one illegal vote is too many.
<p>No Identity Verification for Existing Registrants:</p> <ul style="list-style-type: none"> ▪ Verifying millions of existing registrants would be burdensome for the Secretary of State (SOS) and county Boards of Elections (BOEs). ▪ Verifying IDs after registration through a “notice-and-cure” process is sufficient to maintain election integrity. ▪ Post-registration verification satisfies the federal “reasonable effort” standards under NVRA. ▪ Existing voters should be <i>grandfathered</i> because they were not required to provide identity verification when they registered. 	<p> Weak. The bill’s purpose is to require citizenship verification before an elector may vote, yet it does not require identity verification before registration—an essential step to confirming citizenship in the first place.</p> <ul style="list-style-type: none"> ▪ Both HAVA (52 U.S.C. § 21083(a)(1)) and NVRA (52 U.S.C. § 20507(a)(4)) require states to maintain accurate and current voter registration lists. ▪ Ohio’s process of registering first and verifying later has created tens of thousands of records with invalid or unverifiable ID data (including more than 20,000 in Cuyahoga County alone). ▪ If BOEs had access to BMV and SAVE data, they could verify registrations before adding them to the voter rolls, identify data entry errors (e.g., mistaking a “1” for a “7”), and avoid the need to resolve unverifiable IDs after registration. ▪ Addressing unverifiable IDs on the backend requires BOEs to confirm that registration information matches official records, send notices to voters, mark records as provisional, process updates, and manage provisional ballots – an unnecessarily burdensome and inefficient process. ▪ The administrative burden of verifying ID before adding an applicant to the voter roll is far less than the effort required to correct deficiencies on the backend. This approach also ensures compliance with the HAVA ID verification mandate under 52 U.S.C. § 21083(a)(5). ▪ Maintaining unverifiable ID records perpetuates inaccuracies and unequal treatment between new and existing voters. ▪ SB153 preserves inaccurate voter rolls and conflicts with HAVA, NVRA, and Article V, Section 1 of the Ohio Constitution.

Acceptance of Copies of Proof of Citizenship Without Database

Verification:

- Allowing copies of citizenship documents offers a low-burden way to confirm eligibility.
- This approach avoids the cost and complexity of expanding database access.
- Requiring database access for every county board could raise security and privacy concerns.



Weak. Relying on unverified document copies invites human error and susceptibility to document falsification.

- Without database checks, verification depends on a self-asserted “honor system” rather than independent confirmation, undermining the bill’s stated goal of requiring citizenship verification before an elector may vote.
- If copies are allowed, BOEs must have secure database access to verify them directly. Such access has been authorized by President Trump’s Executive Order 14248. Ohio already provides similar access to county Job and Family Services employees, offering a practical model for implementation.
- Without such access, it will be unrealistic for the SOS to verify large volumes of paper copies and provisional ballots during elections, making the process impractical and inconsistent.

18-Month Citizenship Implementation Delay (Includes Multiple Election Cycles Before Verification Begins):

- Implementing statewide voter verification requires coordination across all 88 county Boards of Elections.
- The delay ensures sufficient time for system updates, software testing, and staff training.
- Immediate enforcement could risk administrative errors or confusion in upcoming elections.



Weak. Citizenship Verification Assessment

- The SOS already has authority under the NVRA (52 U.S.C. §§ 20507 and 20509) to verify citizenship using DHS SAVE and BMV data.
- No new legislation or 18-month delay is needed to begin verification.
- The delay allows unverified individuals to remain on the rolls and vote in multiple elections before checks begin.



Partially Reasonable. System Updates Assessment

- Some time for training and limited system modifications is justified, but 18 months is disproportionate to the scope of the updates.
- Adding a few data fields should not require such a lengthy delay.
- “Election-stability” arguments are administratively cautious but ultimately weak because they allow known unverified voting and reduce public confidence.