

SB153 Sub-Bill Shortfalls and Proposed Improvements

OHIO CONSTITUTION – ARTICLE V, SECTION 1 SHORTFALLS

Fails to ensure persons who do not meet the qualifications to vote are **prohibited** from voting in Ohio elections.

CITIZENSHIP VERIFICATION SHORTFALLS

- **Fails to verify citizenship** for 7.8 million existing voters unless they update their name or address.
- **Insufficient safeguards** allow Boards of Election employees including temporary poll workers to verify citizenship using only photocopies without database confirmation.
- **Delays implementation** of all citizenship verification for 18 months, allowing noncitizens to vote in at least 3 more Ohio elections.
- Over 305,000 noncitizens were registered when obtaining a driver's license or ID unless they opted out; their citizenship will not be verified unless they update their information.
- 39,000 registrations in 2024 without a valid SSN4, and hundreds of thousands since 2011 will not be verified for citizenship unless they update their information.
- No tracking the type or method of citizenship verification.

IDENTITY VERIFICATION SHORTFALLS

- **Lacks statutory requirement** for provisional voting of new registrants with unverified identity.
- **Does not require provisional voting** for tens of thousands of existing registrants lacking a verifiable driver's license, state ID (DL/ID) or last four digits of social security number.
- Insufficient safeguards allow temporary poll workers to verify voter identity using only photocopies without database confirmation.
- Fails to enforce the federal Help America Vote Act requirement for applicants to provide a valid DL/ID and if one has not been issued, a valid SSN4.
- Allows petition signatures from provisional voters, which clears voting deficiencies without verification resolution.
- Invalid birthdates, including 1/1/1800 and incorrect birth year are accepted on absentee/provisional ballots and religious exemption ID envelopes; BOEs may waive birth date verification altogether by majority vote.

SB153 GENERAL SHORTFALLS

- No requirement to use all relevant federal and state databases for eligibility checks.
- Boards of Elections lack access to eligibility verification databases.
- Flags removed for one provisional voting reason may incorrectly clear all provisional flags.
- No process for verifying individuals who claim eligibility but fail standard checks.
- Absentee ballots may be processed for voters who are required to vote provisionally.
- ID requirements may burden confined or disabled voters.
- Registration forms lack an attestation to cancel prior registrations.
- Inconsistent and opaque public reporting lacks citizenship reporting, statewide and county database comparisons, and the voter lookup tool is limited.
- Statewide registration database audit misses key issues.
- Funding not included for election integrity improvements.

OHIO CONSTITUTION – ARTICLE V, SECTION 1 COMPLIANCE

All proposed measures help ensure that only individuals who meet the qualifications to vote are **permitted** to vote in Ohio elections.

PROPOSED CITIZENSHIP VERIFICATION IMPROVEMENTS

- Implement a two-step citizenship verification process for all registrants requiring proof of citizenship through: (1) BOE Citizenship Check, and (2) SOS-led Citizen Review.
- BOE Citizenship Check: Require BOEs to review all proof of citizenship documents. Accept photocopies only if information matches voter registration records. This check alone is insufficient and must be followed by a SOS-led Citizen Review.
- SOS Citizen Review: Require the SOS to at least weekly verify citizenship of all registrants not previously determined a citizen through a previous review or through a hearing, using all relevant federal and state databases.
- Pollworkers may not override citizenship provisional status.
- Record the type and method of citizenship verification.
- Clarify BOE and SOS responsibilities according to state law.

PROPOSED IDENTIFY VERIFICATION IMPROVEMENTS

- Restore original SB153 language requiring provisional voting of new registrants with unverified identity.
- Require SOS to conduct an initial identity check of all registrants using BMV and SSA records. BOEs must mail notices/assign provisional voting status to non-matches.
- Pollworkers may not override ID provisional status.
- Enforce HAVA ID verification compliance: Place registrations in pending while processing – before adding to voter rolls.
- Prohibit petition signatures from provisional voters.
- Require valid birth dates on absentee/provisional ballots and religious exemption ID envelopes. BOEs cannot override or waive this requirement.

PROPOSED GENERAL SB153 IMPROVEMENTS

- Grant SOS and BOEs access to all relevant federal and state databases for eligibility purposes.
- Allow removal of provisional status only when all flags are resolved.
- Establish a BOE hearing process for individuals unable to be verified as eligible voters by standard methods.
- Prohibit absentee ballots to be mailed to provisional voters.
- Codify the BMV program to provide in-home services to obtain an ID. Expand the BOE in-home program to conduct in-home identity verification.
- Add a Voter Registration form attestation authorizing cancellation of all prior registrations at previous addresses.
- Provide transparency in public reporting. Make available citizenship reports, statewide and county database comparisons and expand the voter lookup tool.
- Instead of the SOS auditing the its own database, require the Auditor of State to conduct an independent annual audit and investigate issues.
- BOEs should not be responsible for funding improvements to critical infrastructure elections.