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S.B. 293*
136th General Assembly

Bill Analysis

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Version: As Reported by House General Government

Primary Sponsors: Sens. Gavarone and Brenner

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SUMMARY

Absentee ballot deadline

- Requires in general that all absent voter's ballots be delivered to the appropriate board of elections, in person or by mail, by the close of the polls (7:30 p.m.) on Election Day in order to be counted.
- Retains provisions of current law that allow uniformed services and overseas absent voter's ballots that arrive by mail after the close of the polls to be counted if they arrive by the fourth day after Election Day.

Electors' U.S. citizenship

- Modifies the current process the Secretary of State (SOS) must use to review the Statewide Voter Registration Database (SWVRD) to identify non-U.S. citizens.
- Requires the SOS to conduct those reviews on at least a monthly basis instead of an annual basis.
- Requires the SOS to consult the Bureau of Motor Vehicles (BMV) database and the federal Systematic Alien Verification for Entitlements (SAVE) database operated by the U.S. Department of Homeland Security.
- Requires the boards of elections promptly to cancel the registration of each person identified as a noncitizen and requires the SOS's Election Integrity Unit to conduct a further investigation regarding the person.

* This analysis was prepared before the report of the House General Government Committee appeared in the House Journal. Note that the legislative history may be incomplete.

- Changes the statutory procedure for the precinct election officials to challenge a person as a noncitizen when the person appears to vote in person.
- Requires the election officials to challenge a person who presents photo ID at the polls in the form of an Ohio driver's license or state ID card (Ohio DL/ID) with a "noncitizen" notation.
- Requires any person who is challenged on the basis of citizenship to either (1) provide proof of citizenship, declare the person's citizenship under oath, and cast a regular ballot, or (2) cast a provisional ballot and provide proof of citizenship to the board by the fourth day after Election Day.

Voter roll maintenance, other than for citizenship purposes

- Requires the SOS to provide information to the boards of elections that identifies each voter registration record in which the date of birth, the Ohio DL/ID number, or the last four digits of the elector's Social Security number (SSN-4) does not match the information in the BMV database or the database of the U.S. Social Security Administration (SSA).
- Requires the board of elections to send the elector a confirmation notice and require the elector to cast a provisional ballot the next time the elector votes, unless the elector provides corrected information to the board before the elector next votes.
- Requires the SOS to generate monthly reports of electors who have died based on information from the SSA database, SAVE, and the State and Territorial Exchange of Vital Events (STEVE), in addition to the Ohio Department of Health as under current law.
- Requires a board of elections to cancel a voter registration if the board determines that the elector is a fictitious person or that the registration is a duplicate.
- Requires a board of elections that cancels a voter registration for any reason to send a notice to the elector's residence address.

Ohio Election Integrity Commission

- Makes changes to the qualifications to serve as a member of the Ohio Election Integrity Commission, which is to replace the Ohio Elections Commission as of January 1, 2026.

DETAILED ANALYSIS

Absentee ballot deadline

The bill requires all absent voter's ballots, other than uniformed services and overseas absent voter's (UOCAVA) ballots, to be delivered to the appropriate board of elections, in person or by mail, by the close of the polls (7:30 p.m.) on Election Day in order to be counted. Under continuing law, UOCAVA ballots that arrive by mail at the board after the close of the polls are eligible to be counted if they arrive by the fourth day after Election Day and the ID envelope is signed by the close of the polls.

Under existing law, all ballots delivered to the board in person must arrive by the close of the polls. However, ballots that are returned by mail and arrive at the board after the close of the polls can still be counted if they arrive by the fourth day after Election Day. In general, a ballot

that arrives late by mail must be postmarked by the day before Election Day to show that the voter mailed the ballot before the close of the polls. (A postmark applied on Election Day would not prove that the ballot was mailed before 7:30 p.m.) A postmark applied by a postage meter is not valid for this purpose. UOCAVA ballots are not required to be postmarked and may contain a late or illegible postmark.¹

Legal background – absentee ballot deadlines

The validity of state laws that allow the counting of late-arriving absentee ballots is currently being litigated in several states, although not in Ohio.² In October 2024, the U.S. Court of Appeals for the Fifth Circuit ruled that Mississippi cannot accept late-arriving ballots for federal elections. The Court reasoned that because federal law requires all states to hold federal elections “on a single day,” a state may not continue accepting ballots after that day. (By contrast, the Court found that the states *could* permit absent voters to submit their ballots in the days before Election Day because “the election results would not be ‘decided or consummated before federal election day.’”) The U.S. Supreme Court has agreed to hear an appeal of the decision. Until it rules on the appeal, the decision applies only in the 5th Circuit’s jurisdiction of Mississippi, Louisiana, and Texas.³

In March 2025, President Trump issued Executive Order 14248, *Preserving and Protecting the Integrity of American Elections*. Section 7 of the order (a) instructs the U.S. Attorney General to take enforcement actions against states that count late-arriving absentee ballots for federal elections and (b) instructs the U.S. Election Assistance Commission to withhold any available funding from those states.⁴

The executive order is being challenged in multiple pending cases. In July, the U.S. District Court for the District of Massachusetts issued a preliminary injunction that, among other things, prohibits the federal government from enforcing Section 7 against seven states that are involved in the case – California, Illinois, Maryland, Massachusetts, Nevada, New Jersey, and New York. In other words, pending a further court ruling, those states must be allowed to continue to accept late-arriving ballots. Two more states – Washington and Oregon – are currently seeking an order of that kind from the U.S. District Court for the District of Washington, but the court has not yet ruled.⁵

¹ R.C. 3509.05. See also, R.C. 3501.32, 3511.09, and 3511.11, not in the bill.

² National Conference of State Legislatures, [Table 11: Receipt and Postmark Deadlines for Absentee/Mail Ballots](#) (August 1, 2025), available at ncsl.org via a keyword search for “table 11.”

³ *Republican National Committee v. Wetzel*, 120 F.4th 200, 204 and 208 (5th Cir. 2024), quoting *Voting Integrity Project, Inc. v. Bommer*, 199 F.3d 773, 776 (5th Cir. 2000); cert. granted in *Watson v. Republican National Committee*, 2025 U.S. LEXIS 4160, Case No. 24-1260 (November 10, 2025).

⁴ Federal Register, [Executive Order 14248](#), Sec. 7 (March 25, 2025), available at [federalregister.gov](https://www.federalregister.gov) via a document search for “14248.”

⁵ *California v. Trump*, Case No. 25-CV-10810 (D. Mass. July 18, 2025) and *Washington v. Trump*, Case No. 2:25-CV-00602 (W.D. Wash. May 29, 2025).

Electors' U.S. citizenship

Periodic review of voter rolls for noncitizens

Timing

The bill modifies the current process the Secretary of State (SOS) must use to review the Statewide Voter Registration Database (SWVRD) to identify apparent non-U.S. citizens. Currently, the SOS must conduct those reviews on an annual basis, and not during the 90 days before a federal election. The bill requires the SOS instead to conduct reviews on at least a monthly basis. (See “**Federal voter roll maintenance requirements**,” below.)

Methodology

Under the bill, to identify persons who are not U.S. citizens, the SOS must consult the Bureau of Motor Vehicles (BMV) database and the federal Systematic Alien Verification for Entitlements (SAVE) database operated by the U.S. Department of Homeland Security. The bill does not provide a particular procedure to be used to match information.

Current law requires the SOS to compare the SWVRD with the BMV database to identify any person who (1) submits noncitizen documentation to the BMV, (2) registers to vote, updates a voter registration, or votes in Ohio, and (3) again submits noncitizen documentation to the BMV. This requirement filters out a naturalized U.S. citizen who had an Ohio driver's license or state ID card (Ohio DL/ID) before becoming a citizen, then became a citizen and registered to vote and has not yet renewed the person's Ohio DL/ID. The statute currently does not require the SOS to use SAVE for this purpose, but the SOS does so by directive.

Canceling registrations

The bill requires the SOS, following each review, to send each board of elections a report of each person in the county who, according to those databases, is not a U.S. citizen. The board promptly must cancel the person's registration. The SOS's Election Integrity Unit also must conduct a further investigation regarding the person.

Under existing law, the SOS must send each apparent noncitizen a notice that instructs the person to “confirm that the person is a U.S. citizen” or to submit a cancellation form to the SOS. If the person fails to respond to the first notice within 30 days, the SOS must send the person a second notice. If the person fails to respond within 30 days after the second notice is sent, the SOS must refer the matter to the Attorney General for further investigation and possible prosecution. If the person responds to a notice after the matter is referred to the Attorney General, the SOS must notify the Attorney General of that fact. The existing statute does not authorize the SOS or the board of elections to cancel the person's registration unless the person submits a cancellation form.⁶

⁶ R.C. 3503.152 and 3503.21 and Ohio Secretary of State, [Directive 2025-23 \(PDF\)](#) (March 17, 2025), available at [ohiosos.gov](#) under “Elections & Voting,” “Elections Officials,” “Directives, Advisories, and Memos.”

Citizenship challenges at the polls

Under the bill

The bill also changes the statutory procedure for the precinct election officials to challenge a person as a noncitizen when the person appears to vote in person. Under the bill, if a person provides photo ID in the form of an Ohio DL/ID that includes a “noncitizen” notation, the election officials must challenge the person’s right to vote. (Ohio DL/IDs issued to noncitizens on or after April 7, 2023, have that notation on the back of the card. Because an Ohio DL/ID can be valid for up to eight years, some noncitizens still have Ohio DL/IDs without the notation.) The election officials also may challenge a person as a noncitizen for another reason.

If an election official challenges an in-person voter on the ground that the person is not a U.S. citizen, the bill requires the official to ask the person, “Are you a citizen of the United States?” and to ask the person to provide proof of citizenship. If the person produces proof of citizenship and declares under oath that the person is a U.S. citizen, the person must be permitted to cast a regular ballot. “Proof of citizenship” means evidence that a person is a U.S. citizen, in the form of one of the following:

- The number of the person’s current Ohio DL/ID, if the SOS can verify using BMV records that the person has submitted documentation to the BMV that indicates that the person is a U.S. citizen. In the case of an in-person challenge at the polls, an Ohio DL/ID number alone is not sufficient proof of citizenship to allow the person to cast a regular ballot because the election officials are not able to consult BMV records on the spot. But, the person may use the number to cast a provisional ballot and have it counted.
- The person’s current Ohio DL/ID issued on or after April 7, 2023, or a copy of the front and back, if the Ohio DL/ID does not include a notation designating that the person is a noncitizen of the U.S.;
- The person’s current U.S. passport or passport card, a copy of the ID page of the passport, or a copy of the front and back of the card;
- The person’s birth certificate, certification of report of birth, or consular report of birth abroad, or a copy;
- The person’s certificate of naturalization or certificate of citizenship, or a copy;
- If the person has applied to U.S. Citizenship and Immigration Services (USCIS) for a replacement certificate of naturalization or certificate of citizenship, the person’s I-797 Notice of Action from USCIS indicating that the application has been approved, or a copy.

If the person’s current legal name is different from the name on the person’s proof of citizenship, the person also must provide proof of the change of name, such as a copy of a marriage license or court order.

If the person is unable to produce proof of citizenship at the polls, the person must cast a provisional ballot. If the person has already provided proof of citizenship to the BMV, the person may provide the person’s Ohio DL/ID number on the provisional ballot envelope, and the election officials must ask the SOS to confirm the elector’s citizenship in the BMV’s records. If not, the person must appear at the board of elections and provide proof of citizenship by the fourth day

after Election Day. The election officials must provide the person with a copy of the list of acceptable forms of proof of citizenship. The bill specifies that an elector's proof of citizenship in the possession of the SOS or a board of elections is not subject to disclosure as a public record.⁷

Current citizenship challenge procedure

The current statute, which is not being enforced exactly as written, requires that when an election official challenges a voter based on citizenship, the official must ask the person the following questions:

1. Are you a citizen of the United States?
2. Are you a native or naturalized citizen?
3. Where were you born?
4. What official documentation do you possess to prove your citizenship? Please provide that documentation.

If the person claims to be a naturalized U.S. citizen, in order to cast a regular ballot instead of a provisional ballot, the person must either (1) produce a certificate of naturalization or (2) state under oath that the person is a citizen by reason of the naturalization of one or both of the person's parents and state when or where the person's parents were naturalized. If the person claims to be a native-born citizen, the statute seems to allow the person to cast a regular ballot solely based on a statement under oath that the person is a U.S. citizen.

In 2006, a federal court permanently enjoined the state from enforcing the statute on the ground that it violates naturalized citizens' 14th Amendment right to equal protection and constitutes a poll tax under the 24th Amendment. The injunction prohibits the election officials from requiring a challenged voter to produce a certificate of naturalization.

Between 2006 and 2023, the SOS instructed election officials, in the case of a citizenship challenge, to ask the person only whether the person was a U.S. citizen. If the person said yes, the person could cast a regular ballot. In October 2024, the SOS changed that procedure to be more similar to the statute, but added a requirement that the officials examine the voter's documentation and photo ID, regardless of whether the voter claims to be a native-born or naturalized citizen. The parties returned to court, and although the injunction remains in place, it appears that this matter may be subject to further litigation.⁸

Voter roll maintenance, other than for citizenship purposes

BMV and SSA data mismatches

In addition to reviewing the SWVRD for apparent noncitizens, as described above, the bill requires the SOS to provide information to the boards of elections that identifies each voter

⁷ R.C. 3501.01(EE), 3503.13, 3505.18, 3505.181, 3505.182, 3505.183, and 3505.20.

⁸ R.C. 3505.20; *Boustani v. Blackwell*, 460 F.Supp.2d 822, 826 (N.D. Ohio 2006); *Boustani v. Larose*, 2024 U.S. Dist. LEXIS 196824, Case No. 1:06-CV-2065 (N.D. Ohio October 30, 2024); and Ohio Secretary of State, [Form 10-U \(PDF\)](#), available at ohiosos.gov under "Elections & Voting," "Elections Officials," "Forms & Petitions."

registration record in which the date of birth, the Ohio DL/ID number, or the last four digits of the elector's Social Security number (SSN-4) does not match the information in the BMV database or the database of the U.S. Social Security Administration (SSA).

Upon receiving that information, the bill requires the board of elections to send the elector a confirmation notice and mark the elector's record to indicate that the elector must vote by provisional ballot. These provisions of the bill codify current SOS directives, except that the directives do not require the elector to vote provisionally. (See "**Federal voter roll maintenance requirements**," below.)

Under existing law, the same confirmation notice and provisional ballot procedure applies to newly registered or updated electors whose acknowledgment notices are returned to the board as undeliverable. That is the only current category of electors who must vote provisionally after being sent a confirmation notice. Electors who are sent confirmation notices for other reasons may cast a regular ballot – typically, this category includes electors who appear to have moved based on the National Change of Address Service operated by the U.S. Postal Service or who have not voted, updated their registrations, or signed an election petition in at least two years.

Under the bill, an elector who otherwise would be required to vote provisionally because of a BMV or SSA record mismatch or an address issue may cast a regular ballot if the elector provides corrected information to the board before the elector next votes.

Otherwise, the elector must vote provisionally and provide the needed information on the provisional ballot affirmation or within four days after the election at the board of elections. If the elector's ballot is counted, the board must correct the elector's registration and remove the provisional ballot indication. If the provisional ballot is not counted because the elector fails to provide the needed information or is determined to be ineligible to vote, the board must cancel the elector's registration.⁹

Electors who have died

The bill supplements the current requirements in law that the SOS provide the boards of elections with monthly reports of electors who have died, based on Ohio Department of Health Records, so that the boards can cancel the electors' registrations. Under the bill, the SOS also must generate those reports based on information from the SSA database, SAVE, and the State and Territorial Exchange of Vital Events (STEVE) administered by the National Association for Public Health Statistics and Information Systems. The SOS currently requires the boards to use STEVE reports for this purpose by directive.¹⁰

⁹ R.C. 3503.151, 3503.19, 3503.201, 3503.21, 3505.181, 3505.182, and 3505.183. See also Ohio Secretary of State, [Election Official Manual \(PDF\)](#), ch. 4, available at ohiosos.gov under "Elections & Voting," "Elections Officials," "Directives, Advisories, and Memos."

¹⁰ R.C. 3503.18 and 3503.21 and Ohio Secretary of State, [Election Official Manual \(PDF\)](#), ch. 4.14, available at ohiosos.gov under "Elections & Voting," "Elections Officials," "Directives, Advisories, and Memos."

Fictitious or duplicate records

The bill requires a board of elections to cancel a voter registration if the board determines that the elector is a fictitious person or that the registration is a duplicate. Existing law would allow a board to do so under the voter registration challenge process, but the cancellation statute does not explicitly say so.¹¹

Notice of cancellation

Under the bill, a board of elections that cancels a voter registration for any reason must send a notice to the elector's residence address that includes the reason for the cancellation and instructs the elector to contact the board if the cancellation was made in error. If the registration was canceled in error, the board must restore it and treat it as though it were never canceled. Those requirements currently apply when a board cancels an elector's registration because of death, but not for other reasons.¹²

Federal voter roll maintenance requirements

The National Voter Registration Act of 1993 (NVRA) prohibits a state, during the 90 days before a federal election, from conducting any program to systematically remove the names of ineligible voters from the rolls. During that 90-day period, a state may cancel an elector's registration only because of death, a criminal conviction, an adjudication of incompetence, a change made at the elector's own request, or to correct errors in registration records. If the bill were challenged, a reviewing court might examine whether, during the 90 days before a federal election, the NVRA prohibits the election officials from reviewing the rolls for noncitizens and canceling their registrations or from sending confirmation notices based on BMV or SSA mismatches and requiring electors to cast provisional ballots.

In recent years, federal appeals courts for the 9th and 11th circuits have ruled that under the NVRA, Arizona and Florida could not use SAVE to identify apparent noncitizens and initiate a notice and cancellation process against them during the 90 days before a federal election. In 2024, a federal district court made a similar ruling regarding a Virginia law, but the U.S. Supreme Court granted a stay of the order pending an appeal to the 4th Circuit, which has not yet ruled.¹³

Ohio Election Integrity Commission

Finally, as shown in the table below, the bill makes changes to the qualifications to serve as a member of the Ohio Election Integrity Commission (OEIC), which is to replace the Ohio Elections Commission as of January 1, 2026. The OEIC is made up of five members, with a

¹¹ R.C. 3503.21. See also R.C. 3503.24, not in the bill.

¹² R.C. 3503.21(E).

¹³ 52 U.S.C. 20507(c)(2) and (d)(1); *Arcia v. Florida Secretary of State*, 722 F.3d 1335, 1344 (11th Cir. 2014); *Mi Familia Vota v. Fontes*, 2025 U.S. App. LEXIS 4320 at 45, 129 F.4th 691 (9th Cir. 2025); *Virginia Coalition for Immigrant Rights v. Beals*, 2024 U.S. Dist. LEXIS 195908, Case No. 1:24-CV-1778 (E.D. Va. October 25, 2024), stay granted by *Beals v. Virginia Coalition for Immigrant Rights*, 2024 U.S. LEXIS 4420, Case No. 24A407 (October 30, 2024). See also *Majority Forward v. Ben Hill City Board of Elections*, 512 F.Supp.3d 354, 1368 (M.D. Ga. 2021) and *N.C. State Conference of the NAACP v. Bipartisan State Board of Elections and Ethics Enforcement*, 2018 U.S. Dist. LEXIS 134228, Case No. 1:16-CV-1274 (M.D.N.C. August 8, 2018).

chairperson appointed by the SOS and the remaining four members appointed by the Speaker of the House, the House Minority Leader, the Senate President, and the Senate Minority Leader.¹⁴

Current qualifications of OEIC member	Qualifications under the bill
Must be a registered elector.	Same as current law.
Must be one of the following, provided that at least three of five members must be attorneys: - An attorney in good standing before the Ohio Supreme Court; - A person with at least four years of work experience in election administration.	Same as current law.
Must not hold, or be a candidate for, elected public office.	Same as current law.
Must not be a public official or employee who is exempt from collective bargaining under the Public Employees' Collective Bargaining Law (generally, supervisory and management level positions along with certain other positions). <i>(See R.C. 4117.01(C), not in the bill)</i>	Same as current law.
Must not hold an appointed public office.	May hold an appointed public office, as long as the person is not exempt from collective bargaining. Might include, for example, a person who is appointed to an advisory board or commission that does not oversee any staff.
Must not be in the unclassified service of the state or local government, meaning a public official or employee whose position is exempt from civil service requirements. Most public employees with political or policy-making roles are in the unclassified service. <i>(See R.C. 124.11, not in the bill)</i>	May be in the unclassified service, as long as the person is not exempt from collective bargaining. Might include, for example: - A person who acts as special counsel appointed by the Attorney General; - Certain state agency employees; - A full-time employee of a school, college, or university.
Must not be a legislative or executive agency lobbyist.	Same as current law.

¹⁴ R.C. 3517.14.

Current qualifications of OEIC member	Qualifications under the bill
Must not do any of the following: ▪ Serve on a committee supporting or opposing a candidate or ballot issue; ▪ Be an officer of a political party's central committee, executive committee, or other committee; ▪ Solicit or be involved in soliciting contributions on behalf of a candidate, campaign committee, political party, political action committee, or political contributing entity.	Same as current law, but: ▪ Adds a prohibition against soliciting or being involved in soliciting contributions on behalf of a legislative campaign fund. ▪ Adds a prohibition against being compensated for providing goods or services to a candidate, campaign committee, political party, legislative campaign fund, political action committee, or political contributing entity.

For more information about the new OEIC, see the Election Law chapter of [LSC's final analysis of H.B. 96 of the 136th General Assembly](#) (PDF).¹⁵

HISTORY

Action	Date
Introduced	10-14-25
Reported, S. General Government	11-05-25
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¹⁵ Available at lsc.ohio.gov under "Budget Central," "136th General Assembly," "Main Operating Budget."