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SUMMARY

Identification required to vote on Election Day

- Requires an elector, when voting on Election Day, to provide proof of identity in the form of photo identification (ID) or a U.S. passport that is not expired.
- Changes the definition of photo ID for purposes of voting to an Ohio driver's license, commercial driver's license, or state ID card that is not expired, or, if expired, in conjunction with a U.S. military ID that is not expired.
- Allows for an elector who has a religious objection to being photographed to execute an affirmation stating the objection and cast a provisional ballot.

In-person absent voting

- Requires an elector, when casting an absent voter's ballot in person, to provide proof of identity in the same manner as an elector voting on Election Day.
- Allows for an elector to cast an absent voter's ballot in person during the following time period:
 - For elections that occur before January 1, 2023, beginning the 14th day before the day of an election and ending on the Sunday before the election.
 - For elections that occur after January 1, 2023, beginning the seventh day before the day of an election and ending on the Sunday before the election.

Absent voting by mail

- Requires an elector to meet one of the reasons specified by law in order to be eligible to cast an absent voter's ballot by mail.
- Requires the Secretary of State to prescribe the application for absent voter's ballots by mail.
- Specifies that the Secretary or a board of elections can accept only the application prescribed by the Secretary, a federal post card application, or an application by an individual if it meets certain criteria.
- Prohibits a board of elections from preprinting an applicant's name, address, or any other personal information specific to the applicant before mailing the absent voter's ballot application.
- Requires an elector, when casting an absent voter's ballot by mail, to provide the elector's Ohio driver's license or state ID card number and the corresponding expiration date, the last four digits of the elector's Social Security number, and a copy of the front and back of the elector's photo ID.
- Specifies that an absent voter's ballot returned in person must be returned directly to officials or employees of the Secretary or a board of elections and the person returning the ballot must present photo ID.
- Prohibits a person from returning more than three absent voter's ballots for an election.
- Requires the Secretary of State and board of elections to maintain a database of the names of a person who returns a ballot, the date the ballots were returned, the number of ballots that person returned, and any other necessary information.
- Prohibits a board of elections from processing and counting any absent voter's ballots that are returned to a drop box.

Unsolicited absent voter's ballot applications and ballots

- Prohibits the Secretary of State, boards of elections, any public office, or any public official who is acting in an official or unofficial capacity from mailing unsolicited absent voter's ballot applications.
- Prohibits the Secretary, boards of elections, any public office, or any public official who is acting in an official or unofficial capacity, a political party, nongovernmental person or entity, corporate entity, individual, or private organization from mailing unsolicited absent voter's ballots.
- Abolishes the Absent Voter's Ballot Application Mailing Fund.
- Requires the Secretary to certify to the Director of Budget and Management (OBM) the cash balance of, and current existing encumbrances against, the Fund.

- Requires the Director of OBM to cancel any existing encumbrances and return any remaining cash balance in the Fund to the original revenue source.

Registration to vote

- Requires a person to provide, in order to register to vote, the person's Ohio driver's license or state ID card number and corresponding expiration date, the last four digits of the person's Social Security number, and a copy of the front and back of the person's photo ID.
- Specifies that a voter registration, change of residence, or change of name form returned in person must be returned directly to the officials or employees of the Secretary of State or a board of elections and the person returning the registration or form must present photo ID.

Free printing of photo ID

- Requires a board of elections, designated agency, and bureau of motor vehicles (BMV) to provide, at no cost to a person, an electronic or paper copy of the person's photo ID to be transmitted along with the person's voter registration, change of name form, or change of residence form.
- The Secretary of State must reimburse a designated agency or BMV for costs associated with printing copies of photo IDs.

Voting machines

Voting machine testing

- Codifies the existing practice that local boards of elections conduct logic and accuracy testing of voting machines, marking devices, and pieces of automatic tabulating equipment for each kind of ballot to be used in the election.
- Requires boards of elections to conduct logic and accuracy testing before, during, and after each election.

Voting machine hardware and software

- Requires all voting machines to use blockchain technology by January 1, 2023.
- Requires vendors of voting machines, marking devices, tabulating equipment, and electronic pollbooks to place in escrow a copy of all object code used for the device or software in order to have the machine certified (in addition to the existing law requirement that source code be placed in escrow).
- Prohibits the use of any voting machine unless it was manufactured in the U.S., its hardware and software was developed in the U.S., and it was not produced, developed by, or associated with foreign-owned corporations.

- Expands and clarifies the prohibition on voting machines being connected to the internet, and requires vendors to show proof in their equipment manual and application that the machine is incapable of being connected to the internet.

Ballots

- Removes the requirement that facsimile signatures of the members of the board of elections appear at the end of every ballot.
- Requires the Secretary of State to make rules clearly identifying which types of marks on an optical scan ballot not readable by machines are counted as a valid vote.
- Requires automatic tabulating equipment to print a date and time stamp on every ballot.

Distinguishing number on voter ID

- Requires the Registrar of Motor Vehicles to ensure that the unique identifying number (“distinguishing number”) on every Ohio commercial driver’s license, driver’s license, temporary instruction permit, and state ID card is arranged as follows:
 - The letters appear before the numbers for U.S. citizens; and
 - The numbers appear before the letters for non-U.S. citizens.
- Applies the same distinguishing number requirement to nonrenewable licenses, which are issued to non-U.S. citizens with legal presence in the U.S. who are in the country temporarily.
- Requires the Registrar to issue new distinguishing numbers, if applicable, when a current license holder renews his or her license.

Free state ID cards

- Allows a person over 17 to apply for and receive a state ID card for free.
- Allows any cardholder over 17 to apply for and receive a duplicate, reprint, or replacement state ID card for free.
- Requires a deputy registrar to submit a monthly verification form to the Secretary of State detailing the number of free state ID cards (original, renewal, duplicate, reprint, and replacement) issued during the past month for free.
- Requires the Secretary of State to reimburse each deputy registrar the amount the deputy registrar would have otherwise been paid for each free state ID card.

Clarifying changes

- Clarifies that in every context in which an elector currently may provide the elector’s driver’s license number as identification, the elector instead may provide the elector’s state ID card number.

- Changes numerous references in the law governing absent voting to refer to a board of elections receiving, sending, and processing applications and ballots, rather than the *director* of the board performing those functions.

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DETAILED ANALYSIS

Election Day voting

Identification required

The bill requires an elector, when voting on Election Day, to provide proof of identity in the form of photo identification (ID) (see “**Photo ID for purposes of voting**,” below) or a U.S. passport that is not expired, unless the elector has a religious objection to being photographed (see “**Religious objection to being photographed**,” below). Under current law, an elector who votes in person on Election Day is required to provide proof of identity by showing a current and valid photo ID, as defined under current law, a military ID, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that includes the name and current address of the elector.¹

Photo ID for purposes of voting

The bill changes the definition of photo ID, for purposes of voting, to be a document that meets the following requirements:

- It contains the name of the elector, which must conform to the name in the individual’s voter registration record;
- It contains a photograph of the individual to whom it was issued;
- It is one of the following documents:
 - An Ohio driver’s license or Ohio commercial driver’s license issued by the Registrar or deputy registrar of motor vehicles that shows the current or former address of the elector, regardless of whether that address conforms to the address in the individual’s voter registration record, and that is not expired;
 - A state ID card issued by the Registrar or deputy registrar of motor vehicles that shows the current or former address of the elector, regardless of whether that address conforms to the address in the individual’s voter registration record, and that is not expired;

¹ R.C. 3505.18; conforming changes in R.C. 3503.19, 3503.28, 3505.181, 3505.182, and 3505.183.

- An Ohio driver's license, Ohio commercial driver's license, or state ID card that is expired and a U.S. military ID card that is not expired.

Under current law, photo ID for purposes of voting is a document that shows the name of the individual to whom it was issued, shows the current address of the individual to whom it was issued, unless it is an Ohio driver's license or state ID card, shows a photograph of the individual to whom it was issued, includes an expiration date that has not passed, and was issued by the U.S. or Ohio government.²

Religious objection to being photographed

The bill allows an elector who does not have or is unable to provide photo ID or a U.S. passport on to the precinct official on Election Day or when casting an absent voter's ballot in-person due to a religious objection to being photographed, to execute an affirmation under penalty of election falsification to that effect and cast a provisional ballot. The Secretary of State must prescribe the form of the affirmation, which must include spaces for all of the following:³

- The elector's name;
- The elector's address;
- The current date;
- The elector's date of birth;
- The elector's signature;
- A statement that the elector has a religious objection to being photographed.

In-person absent voting

ID required

The bill requires an elector, when casting an absent voter's ballot in person, to provide proof of identity in the same manner as an elector voting on Election Day. Under current law, an elector who casts an absent voter's ballot in person is required to provide the elector's driver's license or state ID card number, the last four digits of the elector's Social Security number, or a copy of a current and valid photo ID, as defined under current law, a military ID, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that includes the name and current address of the elector.⁴

² R.C. 3501.01(AA).

³ R.C. 3505.18(A)(2); conforming changes in R.C. 3503.19, 3503.28, 3505.181, 3505.182, 3505.183, 3509.05, and 3511.09.

⁴ R.C. 3509.04, 3509.05, 3509.07, 3511.02, 3511.05, and 3511.09; conforming change in R.C. 3503.16.

Days available

Under the bill, for elections that occur before January 1, 2023, in-person absent voting must be permitted for all voters beginning on the 14th day before the day of an election and ending on the Sunday before the election. For elections that occur after January 1, 2023, in-person absent voting must be permitted for all voters beginning on the seventh day before the day of an election and ending on the Sunday before the election. Under the current schedule instituted by Secretary of State directive, in-person absent voting begins on the first day after the close of voter registration for an election and ends at 2:00 p.m. on the Monday before an election.⁵

The current statute provides that in-person absent voting ends at 6:00 p.m. on the Friday before Election Day, except that uniformed services and overseas absent voters may cast absent voter's ballots at the office of the board through the close of the polls on Election Day. However, a federal court has ruled that this disparity violates the Equal Protection Clause of the 14th Amendment. In 2014, the court issued a permanent injunction requiring Ohio to allow in-person absent voting for all voters on the Saturday, Sunday, and Monday before Election Day. Because the bill establishes the same in-person absent voting deadline for all voters, it appears that the bill eliminates the disparity that was the basis of the court's decision, meaning that the court's order would no longer apply.⁶

Additionally, the bill clarifies that an in-person absent voter is not required to complete a written application for absent voter's ballots. Under continuing law, such a voter also is not required to fill out an identification envelope statement of voter (the form on the ballot envelope). Instead, the voter must provide photo ID and sign a pollbook, similar to the procedures on Election Day.⁷

Absent voting by mail

Reasons to qualify to cast an absentee ballot

The bill prohibits an elector from being eligible to cast an absent voter's ballot by mail unless any of the following apply to the elector:

- The elector has a physical disability, illness, or infirmity that prevents the elector from casting an absent voter's ballot in person or voting on Election Day;
- The elector will be absent from the county in which the elector's voting residence is located during the time the elector may cast an absent voter's ballot in person or on Election Day;

⁵ R.C. 3503.16, 3509.02(C), 3509.051, 3509.09, 3511.02, 3511.10, and 3511.13; conforming changes in R.C. 3509.01 and 3509.03; see also Ohio Secretary of State, *Election Official Manual*, ch. 5, p. 9.

⁶ R.C. 3509.03, 3511.02, and 3511.10 and *Obama for America v. Husted*, 2014 U.S. Dist. LEXIS 79409, Case No. 2:12-CV-00636 (S.D. Ohio June 11, 2014).

⁷ R.C. 3509.051; conforming change in R.C. 3509.05.

- The elector is confined in a jail or workhouse under sentence for a misdemeanor or is awaiting trial on a felony or misdemeanor charge during the time an elector may cast an absent voter's ballot in person or on Election Day;
- The elector has a confidential voter registration record.

Under current law, a qualified elector can cast an absent voter's ballot by mail for any election and does not need to meet any additional requirements other than being a qualified elector.⁸

Absent voter's ballot application

The bill requires the Secretary of State to prescribe the application for absent voter's ballots to be submitted by an elector wishing to cast an absent voter's ballot by mail. The Secretary and a board of elections can only accept the application prescribed by the Secretary, a federal post card application submitted by a Uniformed Services or Overseas Voter, or an application by an individual if it meets certain criteria.

An application by an individual is permitted if it contains all of the following:

- The elector's name;
- The elector's signature;
- The address at which the elector is registered to vote;
- The elector's date of birth;
- The elector's photo ID or U.S. passport that is not expired, if the elector will be marking the ballot in person;
- The elector's Ohio driver's license or state ID card number and its expiration date, the last four digits of the elector's Social Security number, and a copy of the front and back of the elector's photo ID, if the elector will not be marking the ballots in person;
- A statement identifying the election for which the absent voter's ballot is requested;
- A statement that the person requesting the ballot is a qualified elector;
- The elector's party affiliation if the request is for a primary ballot;
- The address to which the ballot should be mailed if the elector wants the ballot mailed;
- The reason that the elector qualifies to cast an absent voter's ballot.

Additionally, the bill specifies that a board of elections must not preprint an applicant's name, address, or any other personal information specific to the applicant before mailing the application to the applicant.⁹

⁸ R.C. 3509.02(A) and 3509.03(B)(10).

⁹ R.C. 3509.03, 3509.10, and 3511.02.

ID required to cast an absentee ballot by mail

The bill requires an elector who is casting an absent voter's ballot by mail to provide all of the following with the elector's completed ballot:

- The elector's Ohio driver's license or state ID card number and the expiration of the license or ID card;
- The last four digits of the elector's Social Security number;
- A copy of the front and back of the elector's photo ID in the return envelope with the identification envelope.

Under current law, an elector must provide only one of the following forms of ID:

- The elector's driver's license or state ID card number;
- The last four digits of the elector's Social Security number;
- A copy of a current and valid photo ID, as defined under current law, a military ID, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that includes the name and current address of the elector.¹⁰

Return procedures

Directly to Secretary of State or a board of elections

The bill specifies that an absent voter's ballot returned in person must be returned directly to officials or employees of the Secretary of State or a board of elections. When an absent voter's ballot is returned, the person returning the completed ballot must show the person's photo ID to the officials or employees accepting the ballot. If a person is returning a completed absent voter's ballot on behalf of another person, that person must show that person's photo ID and copies of the front and back of the photo ID for the person for whom the ballot is being returned.

A person is prohibited from returning more than three absent voter's ballots for an election. The Secretary and board elections must maintain a database of the names of any person that returns a completed absent voter's ballot, and the date that the person returns any ballots, the number of ballots returned, and any other necessary information.

Under continuing law, absent voter's ballots that are personally returned to the board must be delivered by the elector or a listed relative, and not by any other person. Under continuing law, those relatives are:

- The elector's spouse;
- The elector's parent, including an adopting parent or stepparent;
- The elector's parent-in-law;

¹⁰ R.C. 3509.04, 3509.05, 3509.06, 3509.08(D), 3511.05, and 3511.09.

- The elector’s grandparent;
- The elector’s sibling, including a half sibling;
- The elector’s child, including an adopted child or stepchild;
- The elector’s aunt or uncle;
- The elector’s niece or nephew.

Additionally, continuing law prohibits any person from possessing the absent voter’s ballot of another, except as authorized under the Election Law. Whoever violates that prohibition is guilty of a fourth degree felony.¹¹

Prohibition on drop boxes

The bill also specifies that a board of elections is prohibited from processing and counting any absent voter’s ballots that were not returned directly to the Secretary of State or a board of elections either in person or by mail. An absent voter’s ballot returned to a drop box of any kind cannot be processed and counted.¹²

Current law allows a voter to return an absentee ballot by mailing it “to the director” of the board of elections, personally delivering it “to the director,” or having a listed relative deliver it “to the director.” The law does not mention the idea of ballot drop boxes at the office of the board or anywhere else.¹³

In 2020, an Ohio appeals court ruled that the statute allows, but does not require, a board of elections to place one or more ballot drop boxes at the office of the board or in other locations. The court also ruled that the Secretary has the authority under existing law to regulate the boards’ use and placement of drop boxes, including requiring them to have a drop box at the board’s office and prohibiting them from placing drop boxes in locations other than the board’s office.¹⁴

Unsolicited absent voter’s ballots

The bill prohibits the Secretary of State, board of elections, any public office, or any public official or employee who is acting in an official or unofficial capacity from mailing unsolicited absent voter’s ballot applications to any individual or group for any election.

Additionally, the bill prohibits the Secretary, board of elections, any public office, or any public official or employee who is acting in an official or unofficial capacity, a political party, nongovernmental person or entity, corporate entity, individual, or private organization from

¹¹ R.C. 3509.05. See also R.C. 3599.21, not in the bill.

¹² R.C. 3509.06(l) and 3511.11.

¹³ R.C. 3509.05.

¹⁴ *Ohio Democratic Party v. LaRose*, 2020-Ohio-4778 (10th Dist. Ct. App. 2020).

mailing or otherwise providing unsolicited absent voter's ballots to any individual or group for any election.¹⁵

The bill abolishes the Absent Voter's Ballot Application Mailing Fund, which is used by the Secretary to pay the cost of printing and mailing unsolicited applications for absent voter's ballots. The Secretary, on the bill's effective date or as soon as possible thereafter, must certify to the Director of Budget and Management (OBM) the cash balance of, and current existing encumbrances against, the Fund. The Secretary must specify the sources of revenue that make up the remaining cash balance in the Fund.

The Director of OBM must cancel any existing encumbrances against the Fund and return any remaining cash balance in the Fund to the original revenue source as certified by the Secretary. The Fund is abolished once the encumbrances are canceled and the remaining cash balance is returned.¹⁶

Registration to vote

Identification required

The bill requires a person to provide, in addition to the person's name, address, date, date of birth, and signature, under continuing law, all of the following when applying to register to vote:

- The person's Ohio driver's license or state ID card number and the expiration of the license or ID card;
- The last four digits of the person's Social Security number;
- A copy of the front and back of the person's photo ID in the return envelope with the identification envelope (see "**COMMENT**" below).

Under current law, a person must provide only one of the following forms of ID when registering to vote:

- The person's driver's license or state ID card number;
- The last four digits of the person's Social Security number;
- A copy of a current and valid photo ID, as defined under current law, a military ID, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that includes the name and current address of the elector.¹⁷

¹⁵ R.C. 3501.05 and 3509.031.

¹⁶ R.C. 111.31, repealed; Section 4 of the bill.

¹⁷ R.C. 3503.11, 3503.14, and 3503.20.

Return procedure

The bill specifies that a voter registration, change of residence form, or change of name form returned in person must be returned directly to the officials or employees of the Secretary of State or a board of elections. When a registration or form is returned, the person returning the registration or form must show the person's photo ID to the officials or employees. If a person is returning a registration or form on behalf of another person, that person must show that person's photo ID and copies of the front and back of the photo ID for the person for whom the registration or form is being returned.¹⁸

Free printing of photo ID

The bill requires a board of elections, designated agency, and bureau of motor vehicles (BMV) to provide, at no cost to a person, an electronic or paper copy of the person's photo ID to be transmitted along with the person's voter registration application, change of name form, or change of residence form. Under continuing law, any public library is required to provide, at no cost to a person, a photocopy of the person's driver's license, temporary driver's permit, or state ID card.¹⁹

Under the bill, the Secretary of State must reimburse a designated agency or BMV for costs associated with printing copies of photo IDs.²⁰

Voting machines

Voting machine testing

The bill also codifies the existing practice, as found in the Secretary of State's Election Officials Manual,²¹ that the Secretary require local boards of elections to conduct logic and accuracy testing of every component of every voting machine, marking device, or piece of automatic tabulating equipment for each kind of ballot to be used in the election, according to guidelines developed by the Secretary. "Logic and accuracy testing" is defined as "systematic testing . . . of every component of a voting system for each kind of ballot to demonstrate that the ballots are accurate and that votes cast will be tabulated properly." The guidelines must be undeviating and uniform for each kind of ballot, and all testing results must be reported to the Secretary of State.

The board must conduct logic and accuracy testing before, during, and after each election.²²

¹⁸ R.C. 3503.14(F) and 3503.28.

¹⁹ R.C. 3501.11, 3503.10, 3503.11, and 3375.011, not in the bill.

²⁰ R.C. 3501.05(EE).

²¹ Chapter 4, Section 1.08.

²² R.C. 3506.05 and 3506.14.

Voting machine software and hardware

Blockchain technology

The bill requires all voting machines in Ohio, by January 1, 2023, to utilize blockchain technology, in addition to paper ballots and independent of any internet connection, to create an unalterable electronic record of votes cast. The equipment must not be capable of connecting to the internet. Its software's object codes and source codes must be available for public inspection, but not for copying or reuse.²³

Blockchain is a technology, employed by cryptocurrencies like Bitcoin, for example, that creates an unalterable digital ledger across several computers that are linked in a peer-to-peer network.

Object code and source code

The bill requires vendors and software developers of voting machines, marking devices, tabulating equipment, and electronic pollbooks to place in escrow a copy of all object code used for the device or software. This requirement is in addition to the existing law requirement that those vendors and software developers place source code in escrow. Source code is a programming statement produced with a text editor. Object code is the output when the source code is compiled, creating code in a machine-readable format.

Any programs, including software object code and source code, and any program implementing blockchain technology, must be available for public inspection immediately upon installation of the machine or equipment implementing the software or program. Both codes must be available for public inspection and testing, but not for copying or reuse.

No nondisclosure agreement entered into after the bill's effective date may prohibit the program statements for the code from being made available for public inspection.²⁴

The bill also requires all formatting or coding of voting machines, marking devices, automatic tabulating equipment, software, electronic pollbooks, or ballots to be done by a bipartisan team of election officials in the county.²⁵

Manufactured and developed in the U.S.

In addition, the Secretary of State and boards of elections may not approve for use a voting machine unless it was manufactured in the U.S., and its hardware or software was developed in the U.S. Neither may be produced or developed by, or associated with, foreign-owned corporations.²⁶

²³ R.C. 3506.10(S).

²⁴ R.C. 3506.05, 3506.10(R), and 3506.14.

²⁵ R.C. 3506.17.

²⁶ R.C. 3506.10(Q).

Prohibition on connecting to the internet

The bill expands and clarifies the existing requirement that voting machines are not connected to the internet. The prohibition applies to:

All electronic equipment consisting of: electronic registration systems, electronic poll books, electronic automated tabulating equipment, electronic high-speed scanners, electronic voting machines, electronic software, electronic marking devices, and any other electronic equipment used in any phase of voting.

The bill also requires vendors, in order for any of their above equipment to receive certification from the Secretary of State, to show proof, in their equipment manual and application, that their systems cannot be connected to the internet.²⁷

Additionally, the bill prohibits any person, election official, employee of a board of elections, public official, public employee, service employee, vendor, or vendor employee from connecting or attempting to connect any of the devices listed above to the internet. Doing so is a fourth degree felony, punishable by a fine of \$5,000, imprisonment for 18 months, or both.²⁸

Ballots

Valid markings on optical scan ballots

The bill requires the Secretary of State, when specifying which markings count as a valid vote on optical scan ballots, to make rules that clearly identify the different types of markings commonly found on errant in-person ballots and provide clear, acceptable means of interpretation. Existing law allows the Secretary to authorize additional types of optical scan ballots (i.e., bubble sheets), for the purposes of voting. For all optical scan ballots, existing law specifies different markings that must be counted even if the marking cannot be read by the machine. These markings include ovals, exes, checkmarks, and markings made by a writing instrument not readable by the machine, among others. The bill clarifies that any additional rules adopted by the Secretary for the purposes of determining which markings count as a valid vote must be clear.²⁹

Board of elections signatures on ballots

Additionally, the bill removes the requirement that facsimile signatures of the members of the board of elections appear at the end of every ballot used in that board's county.³⁰

²⁷ R.C. 3506.23.

²⁸ R.C. 3599.27.

²⁹ R.C. 3506.21.

³⁰ R.C. 3505.08.

Date and time stamps

The bill requires that all automatic tabulating equipment print a date and time stamp on every ballot upon scanning in order to prevent repeat scanning of the same ballot.³¹

Precinct election officials

The bill allows a qualified elector or 17-year-old senior in high school to be eligible to serve as a precinct election official in a county different from the county where the elector or senior resides so long as the home county of the elector or senior shares a border with the county in which the elector or senior will serve as a precinct election official. The elector or senior must show proof of voter registration in the elector's or senior's home county and provide photo ID.

Additionally, the bill prohibits a precinct election official from working more than seven hours in a single day.³²

Ohio driver's licenses and state ID cards

Distinguishing number on voter ID

On every Ohio commercial driver's license, driver's license, temporary instruction permit, and state ID card there is an identifying number that is unique to the holder of the license, permit, or card ("distinguishing number").³³ Under current law, the distinguishing number is arranged as two letters and then a series of numbers. The bill requires the distinguishing number, however, to reflect a person's citizenship based on whether the letters appear at the beginning or the end of the number.

In short, the Registrar of Motor Vehicles must ensure that the distinguishing number is arranged as follows:

1. The letters appear before the numbers for any holder who is a U.S. citizen; and
2. The numbers appear before the letters for any holder who is not a U.S. citizen.³⁴

The new arrangement of the distinguishing number applies to every Ohio commercial driver's license, driver's license, temporary instruction permit, and state ID card that is:

1. Initially issued after the bill's effective date; and
2. Renewed after the bill's effective date (even if that requires issuing a new distinguishing number to the holder).³⁵

³¹ R.C. 3506.07.

³² R.C. 3501.22.

³³ R.C. 4507.41(A).

³⁴ R.C. 4507.41(B).

³⁵ R.C. 4507.41(D).

Current statutory law already requires applicants for the licenses and permits to include their country of citizenship on their applications. The bill expressly requires applicants for the state ID card to include their country of citizenship on their applications as well.³⁶ The arrangement for the distinguishing number also applies to nonrenewable licenses. The nonrenewable license is a driver's license issued to a non-U.S. citizen with legal presence in the U.S. who is in the country temporarily.³⁷

The Registrar may adopt rules in order to implement and administer the new distinguishing number requirements.³⁸

Free state ID cards

The bill authorizes any person over 17 who applies for and receives a state ID card to receive it for free. As such, the bill waives (for those over 17) the typical fees associated with the initial issuance or renewal of the state ID card (\$10 for a 4-year state ID card; \$19 for an 8-year state ID card) and the fees associated with receiving a duplicate, reprint, or replacement state ID card (\$7.50).³⁹ A state ID card is a primary form of photo ID for a person who does not hold any type of driver's license or whose driver's license is currently suspended.

In order to continue to compensate deputy registrars for their services in issuing state ID cards, the bill establishes a process for the deputy registrars to seek reimbursement through the Secretary of State. To be reimbursed, deputy registrars must submit a monthly verification form to the Secretary that specifies the number of state ID cards issued and renewed, and the number of duplicate, reprint, and replacement state ID cards issued during the course of the past month for free.⁴⁰ The Secretary then must reimburse each deputy registrar the amount that the deputy registrar would have received for each free state ID card without the fee waiver. Those amounts are:

1. \$6.50 for each 4-year state ID card issued or renewed (\$5 deputy registrar fee and \$1.50 document authentication fee);
2. \$13 for each 8-year state ID card issued or renewed (\$10 deputy registrar fee and \$3 document authentication fee); and
3. \$5 for each duplicate, reprint, or replacement state ID card (deputy registrar fee).⁴¹

³⁶ R.C. 4507.51. (Practically, the documentation required by the Registrar through O.A.C. 4501:1-1-21, reveals a person's country of citizenship when the person applies for a state ID card. However, it is not expressly required by statute.)

³⁷ R.C. 4507.41(C); R.C. 4507.09, not in the bill.

³⁸ R.C. 4507.41(E).

³⁹ R.C. 4507.50, 4507.501, and 4507.52.

⁴⁰ R.C. 4507.502(A).

⁴¹ R.C. 4507.502(B).

The Secretary of State must establish the verification form and the method of submission and may adopt any rules that are necessary to implement and administer the reimbursements to deputy registrars.⁴²

Clarifying changes

State ID card numbers

The bill clarifies that in every context where an elector currently may provide the elector's driver's license number as identification, the elector instead may provide the elector's state ID card number.

Current law explicitly allows an elector to provide a state ID card number when registering to vote online or casting a provisional ballot, but not when submitting a paper registration form or applying for or casting absent voter's ballots. And, the law currently does not require the Statewide Voter Registration Database to record electors' state ID card numbers.⁴³

Change from "director" to "board"

The bill changes numerous references in the law governing absent voting to refer to a board of elections receiving, sending, and processing applications and ballots, rather than the *director* of the board performing those functions. These changes do not affect the substance of the law, but they clarify that the director is not required to personally carry out all of those duties. Under continuing law and practice, the board delegates its many duties under the Election Law to the director and deputy director and to other employees.⁴⁴

COMMENT

The bill requires a person to submit a copy of the person's photo identification with the registration materials. Because this provision would also apply to registering to vote in federal elections, a reviewing court might examine whether requiring additional documentation is unconstitutional. The National Voter Registration Act of 1993 (NVRA) specifies that states must "accept and use the mail voter registration application form prescribed by the Federal Election Commission . . . for the registration of voters in elections for Federal office." When a person registers to vote by mail using the form prescribed by the Federal Election Commission, the person must provide the person's current and valid driver's license number or the last four digits of the person's Social Security number as identification. If a person who applies to register to vote by mail is unable to provide either of those numbers, the person must be assigned a number, which will serve to identify the person for voter registration purposes.

⁴² R.C. 4507.502(A)(2) and (C).

⁴³ R.C. 3503.14, 3509.03, 3509.04, 3509.06, 3511.02, and 3511.05. See also R.C. 3503.20, 3505.181, and 3505.182.

⁴⁴ R.C. 3509.03, 3509.04, 3509.06, 3509.08, 3509.09, 3511.02, 3511.04, 3511.05, 3511.06, 3511.07, 3511.08, 3511.10, 3511.11, and 3511.13.

The U.S. Supreme Court has held that states cannot require an applicant to submit information beyond what is required by the federal form itself in order for an applicant to register to vote for federal elections. Additionally, the Tenth Circuit Court of Appeals held that a Kansas law requiring documentary proof of citizenship in order to register to vote unconstitutionally burdened the right to vote and was preempted by the NVRA, though this decision is not binding on Ohio courts.⁴⁵

HISTORY

Action	Date
Introduced	08-12-21

H0387-I-134/ec

⁴⁵ U.S. Const., art. I, sec. 4, cl. 1 and 52 U.S.C. 20504 and 20505; See also *Fish v. Schwab*, 957 F.3d 1105 (10th Cir. 2020), *cert. denied*, and *Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1 (2013).